

# **FREEDOM OF INFORMATION**

**Agency Manual**

**APARRI WATER DISTRICT**

# AGENCY MANUAL

## TABLE OF CONTENTS

**Section 1: OVERVIEW.....2**

    Purpose of the Manual.....2

    Structure of the Manual.....2

    Coverage of the Manual.....2

    Freedom of Information (FOI) Officer.....2

    Decision Maker.....2

    Approval and Denial of Request.....2

    Denial of Request.....2

**Section 2: DEFINITION OF TERMS.....3**

**Section 3: PROMOTION OF OPENNESS IN GOVERNMENT.....4**

**Section 4: STANDARD OPERATING PROCEDURES.....5**

**Request of Information.....5**

**Manner of Making Request.....5**

**Receipt of Request for Information/Records**

        Requested Information is not in AWD’s custody.....6

        Requested Information is already posted in the  
        AWD Website.....6

        Requested Information is similar/identical to  
        Previous Request.....6

**Period to Respond.....7**

**Role of the Decision Maker in processing the  
    Freedom of Information Request.....7**

        Approval of the Request.....7

        Denial of the Request.....7

**Section 5: REMEDIES IN CASE OF DENIAL OF REQUEST.....8**

**Section 6: FEES.....8**

**Section 7: ADMINISTRATIVE LIABILITY.....9**

**Annex A: FOI Request Form**

**Annex B: Exceptions**

**SECTION 1: OVERVIEW**

- 1. Purpose.** The purpose of this Freedom of Information Agency Manual is to provide the guidelines, process and procedures by which the Aparri Water District shall deal with requests of information received under Executive Order (E.O.) No. 02 on Freedom of Information (FOI).
- 2. Structure of Manual.** The Manual shall set out the rules and procedures to be followed by the AWD when a request for access to information is received. The AWD General Manager is responsible for all actions carried out under this Manual and may delegate this responsibility to anyone of the AWD's Section Team Leaders who shall have overall responsibility for the initial decision on FOI requests, (i.e to decide whether to release all the records, partially release the records or deny access).
- 3. Coverage of the Manual.** The Manual shall cover all requests for information directed to the AWD.
- 4.** The AWDs Admin Section shall be in charge of receiving all requests for information and forward the same to the FOI officer who shall conduct initial screening of the request for information to find out whether or not the requested information falls within the exception of EO No.02, copy attached as Annex ("B") which list of exceptions, and he/she shall thereafter forward the request to the Office of the General Manager. The FOI Officer shall monitor all FOI requests and appeals.
- 5. FOI Decision Maker.** The General Manager upon the recommendation of the concerned Section Team Leader shall be the Decision Maker, who shall decide on whether to grant or deny such request.
- 6. Approval or Denial of Request for Information.** The General Manager shall approve or deny all requests for information. In case where the General Manager is on official leave, he/she may delegate such authority to the Section Team Leader who may be designated as Officer-In-Charge during the period of official leave of the General Manager.

The denial of the request for information may be appealed to the AWD Board of Directors in accordance with the procedures outlined under Section 4 hereof.

## **SECTION 2: DEFINITION OF TERMS**

**INFORMATION.** Any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials made, received, or kept in or under the control and custody of any government office pursuant to law and executive order, and rules and regulations or in connection with the performance of official business by any government office.

**OFFICIAL RECORDS.** Refer to information produced by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

**PUBLIC RECORDS.** Include information required by laws, executive orders, rules or regulations to be entered, kept, and made publicly available by a government office.

**OPEN DATA.** Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users. It is consistent with the following principles of Public, Accessible, Described, Reusable, Complete, Timely, and Managed Post-Release.

**PERSONAL INFORMATION.** Refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with the other information would directly and certainly identify an individual.

**INFORMATION FOR DISCLOSURE.** Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and the economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure, this type of information can already be posted to government websites without need for written requests from the public.

**CONFIDENTIAL INFORMATION.** Information which could potentially undermine public interest and privacy and integrity of personal information and includes the following:

- a. Information affecting the reputation of individuals or organizations related to the AWD or the Agency to which the AWD is attached.
- b. Communications of the AWD or other government offices like directives and other information whereby policy formation is still in progress.
- c. Information for general disclosure but not yet completed or contingent upon the accomplishment of other actions or the existence of certain conditions.

All information that falls under the list of exceptions submitted by the Office of the Solicitor General and the Department of Justice shall be considered confidential information (Annex "B") although this list of exceptions is still under consideration by the Office of the President as of November 25, 2016.

**SENSITIVE PERSONAL INFORMATION.** Shall be defined in the Data Privacy Act of 2012 (Republic Act No. 10173), i.e. personal information:

- a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliation;
- b. About an individual's health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax return; and
- d. Specifically established by an executive order or an act of Congress to be kept classified.

### **SECTION 3: PROMOTION OF OPENNESS IN GOVERNMENT**

- 1. ACCESS TO INFORMATION.** The AWD recognizes the right of people to information on matters of public concern and accordingly adopts a policy of full disclosure, subject to the exceptions, procedures, and limitations provided in EO No. 02 and the Manual. This right is indispensable to the exercise of the right of the people to effective and reasonable participation at all levels of social, political and economic decision-making.

**2. PROTECTION OF PRIVACY.** While providing for access to information, the AWD shall afford full protection to a person's right to privacy, as follows:

- a. The AWD shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws.
- b. The AWD shall ensure that personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure.
- c. The FOI Officer, FOI Decision Maker, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the AWD, shall not disclose that information except as authorized by existing laws.
- d. **LIMITATIONS.** The right of access to information is without prejudice to the right of the AWD to determine whether there are ground to believe that: the identity of the requesting party is fictitious or otherwise not legitimate based on the credentials provided by him/her, the request is prompted by sheer idle curiosity, the request as harassment, the purpose of the request is contrary to law, morals, good customs or public policy, or the request is for any commercial purpose.

#### **SECTION 4: STANDARD OPERATING PROCEDURES**

1. **REQUEST OF INFORMATION.** All requests of information shall:
  - a. Be in writing and be accomplished using the prescribed request form;
  - b. Provide the full name and contact information of the requesting party including a valid government identification card with photograph and signature; and
  - c. Reasonably describe the information requested, and the reason for, or purpose of the request for information.

The request form shall be made available in the office of the Aparri Water District and on the AWD Website and Facebook Account.

2. **MANNER OF MAKING REQUEST.** A complete request for information shall be made by the requesting party by delivering it personally to AWD, or by sending it by mail, or by sending it through email.

In case the requesting party is unable to make written request because of illiteracy or disability, he/she may make an oral request and the FOI Officer shall reduce it into writing. The requesting party shall sign the form.

- 3. RECEIPT OF REQUEST.** A complete request for information shall be signed and stamped received by the FOI Officer after it has been delivered to him/her by the personnel who actually received the request. The FOI Officer shall indicate the date and time of receipt and the name, rank, title, and position of the said personnel at the receiving station.

The date of receipt shall be:

1. The date when the request is personally delivered to AWD;
  2. The date when the request is received by mail by the AWD; or
  3. The date when the request is received by AWD through email.
- I. Requested Information is not in AWD's custody.** If the requested information is not in the custody of AWD, the GM/FOI Decision Maker shall undertake the following steps:
- If the records requested refer to another government office, the request will be immediately transferred to such appropriate government office through the most expeditious manner and the requesting party shall be advised accordingly.
  - If the records refer to an office not within the coverage of EO No. 02, the requesting party shall be advised accordingly and shall be provided with the contact details of that office.
- II. Requested information is already posted in the AWD Website.** Should the information being requested is already uploaded in the AWD Website or posted in the AWD Facebook Account, the requesting party shall be informed of the said fact and shall be given the website link where the information is posted.
- III. Requested information is substantially similar or identical to the previous request.** The AWD through its GM upon the recommendation of the FOI Officer shall deny an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied and that the applicant shall be informed of the reason for such denial.

**4. PERIOD TO RESPOND:**

1. The AWD shall respond to the requesting party within fifteen (15) working days from the date of receipt of the request
2. A working day is any day other than a Saturday or Sunday, or a day which is declared a holiday. In computing for the period, Art. 13 of the Civil Code shall be observed.
3. The period may be extended whenever the request requires extensive search of the records facilities of the AWD or examination of voluminous records, or in case of the occurrence of fortuitous events or other analogous cases. The FOI Officer shall inform the requesting party of the extension, setting forth the reason for such extension.

In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.

**5. ROLE OF THE DECISION MAKER IN PROCESSING THE FREEDOM OF INFORMATION REQUEST.** The FOI Officer shall forward the request for information to the FOI Decision Maker and record the date and time it was forwarded.

Upon receipt of the request for information from the FOI Officer, the FOI Decision Maker shall assess the request. The FOI Decision Maker's action shall be relayed by the FOI Officer to the requesting party.

- a. **Approval of Request.** In case of approval of the request by the FOI Decision Maker, the FOI Officer shall collate the information and document, notify the requesting party, and direct the requesting party to get the information and document at the AWD office on the designated day and time and pay any applicable fees.
- b. **Denial of Request.** On the following grounds, the FOI Decision Maker may deny a request:
  - b.1.** The request is not complete or not valid, in which case the requesting party shall be notified accordingly.
  - b.2.** The requested information is substantially similar or identical to a previously requested by the requesting party, whether the same has been granted or not, in which case the requesting party shall be notified accordingly.
  - b.3.** The requested information is already available on the AWD website, in which case the requesting party shall be notified accordingly and provided with the website link where the information is posted, if known;

**b.4.** The requested information refers to another government agency, in which case the requesting party shall be notified accordingly and provided with the contact details of that office, if known;

**b.5.** The reason for the request is contrary to laws, rules, or regulations, in which case the requesting party shall be notified accordingly;

**b.6.** The request falls under the exceptions under the inventory of Exceptions issued by the Office of the President, in which case the requesting party shall be notified accordingly.

## **SECTION 5: REMEDIES IN CASE OF DENIAL OF REQUEST**

1. In case of denial of a request for information, the requesting party may appeal to the FOI Appellate Authority. The appeal shall be in writing, signed by the requesting party, citing the ground for the appeal, with copies of the request for information and the notice of denial attached, and shall be filed within fifteen (15) working days from the notice of denial.
2. The appeal shall be decided by the FOI Appellate Authority within thirty (30) working days from receipt of the appeal, unless circumstances warrant a longer period.

## **SECTION 6: FEES**

- 1. No request fee.** The AWD shall not charge any fee for accepting requests for information.
- 2. Reasonable cost for reproduction, scanning and mailing.** The AWD may charge a reasonable fee to reimburse necessary costs, including costs of reproduction, scanning, and mailing of information or documents required. Before the party receives the requested information and document, proof of payment must first be provided to AWD.
- 3. Undertaking.** By receiving the requested information and document, the requesting party acknowledges that the same shall not be used for any purpose that is contrary to law, morals, good customs, or public policy, and shall not be reproduced for any commercial use.

**SECTION 7: ADMINISTRATIVE LIABILITY**

**1. Non-compliance with FOI.** Failure to comply with the provision of this Manual shall be ground for the following administrative penalties:

- a. 1<sup>st</sup> Offense- Reprimand
- b. 2<sup>nd</sup> Offense- Suspension of one day to thirty days
- c. 3<sup>rd</sup> Offense- Suspension of one month to six months
- d. 4<sup>th</sup> Offense- Dismissal

**2. Procedures.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

  
RAMON F. GOROSPE  
General Manager