

REPUBLIC OF THE PHILIPPINES
WEST VISAYAS STATE UNIVERSITY
La Paz, Iloilo City

FREEDOM OF INFORMATION MANUAL

PURSUANT TO EXECUTIVE ORDER NO. 02, SERIES OF 2016
OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S
CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE
POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN
THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFORE

BOR Resolution No. 86-2017

Section 1. Overview

1. **Title** - This shall be known as the West Visayas State University (WVSU) Freedom of Information Manual, hereinafter referred to as the 2017 WVSU FOI Manual.
2. **Legal Bases of Promulgation** - Article 11, Section 28 of the 1987 Constitution provides that the State shall adopt and implement a policy of full and public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Article 111, Section 7 of the Constitution, guarantees the right of the people to information on matters of public concern.

In order to implement the constitutional provisions, the President Rodrigo Roa Duterte issued Executive Order (EO) No. 2 (s.2016) which direct every government office to prepare its own Freedom of Information Manual (FOI).

In recognition of the human right of privacy and the role of free and open exchange of information in democracy in enhancing transparency and accountability in official government acts, the West Visayas State University created the 2017 WVSU FOI Manual.

3. **Objectives** - In line of the provisions set forth in EO No. 2, the West Visayas State University FOI Manual aims to achieve the following objectives:
 - 3.1. Facilitate access to information through the most efficient and expeditious manner in line with the procedures in this Manual;
 - 3.2. Promote transparency in the exercise of the University's mandate and functions; and
 - 3.3. Uphold the fundamental right of the public to free flow of information.
4. **Structure** - This manual shall prescribe rules and procedures to be followed by the West Visayas State University – Main and External Campuses, when a request for access of information is received. The University President is responsible for all actions carried out under the Manual. The University President shall designate the Vice President for Academic Affairs for academic matters, the Vice President for Administration and Finance for administration and finance matters, the

Vice President for Research and Extension for research and extension matters, the Vice President for Medical and Allied Sciences for medical and allied sciences matters as FOI Decision Maker (FDM) who shall have the 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).

At the External Campuses, the FOI Decision Maker is lodged with the Campus Administrator.

5. **Scope** - The manual shall cover the requests for information directed to all offices of West Visayas State University – Main and External campuses.
6. **FOI Receiving Officer** - There will be an FOI Receiving Officer (FRO) designated at the Main and External campuses. The FRO shall be the Records Officer.

The functions of the FRO shall include receiving on behalf of the University and all its offices in the entire system, all requests for information and forwarding same to the appropriate office which has the custody of the records; monitoring all FOI requests and appeals; providing assistance and support to the public and staff with regard to FOI; compiling statistical information as required; and conducting initial evaluation of the request and advising concerned person requesting the information.

Section 2 - Definition of Terms

1. Heads of Offices – This refers to heads of various units/divisions/colleges and campuses in the main and external campuses.
2. www.wvsu.edu.ph – This is the official website of the West Visayas State University that can be accessed by the general public.
3. data.gov.ph. – The Open Data website that serves as the government’s comprehensive portal for all public government data that is searchable, understandable, and accessible.
4. eFOI.gov.ph. – The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among

many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

5. Information – Shall mean 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 recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
6. 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 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 and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.
7. Official Records – Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
8. Open Data – Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
9. Public Records – Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
10. Public Service Contractor – Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

11. Personal Information – Shall 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 other information would directly and certainly identify an individual.
12. Sensitive Personal Information – As defined in the Data Privacy Act of 2012, shall refer to personal information:
 - 1.1. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - 1.2. About an individual 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;
 - 1.3. 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 returns; and
 - 1.4. Specifically established by an executive order or an act of Congress to be kept classified.

Section 3 – Glossary of Terms

1. Administrative FOI Appeal – An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.
2. Annual FOI Report – A report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

3. Consultation – When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”
4. Exceptions – Information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws or jurisprudence.
5. Freedom of Information (FOI) – The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.
6. FOI Contact – The name, address and phone number at each government office where you can make a FOI request
7. FOI Request – A written request submitted to a government office personally or by email asking for records on any topic. An FOI request can generally be made by any Filipino to any government office.
8. FOI Receiving Office – The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.
9. Frequently Requested Information – Information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.
10. Full Denial – When WVSU or any of its office, cannot release any records in response to an FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.
11. Full Grant – When a government office is able to disclose all records in full in response to an FOI request.

12. Multi-Track Processing – A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
13. Partial Grant/Partial Denial – When a government office is able to disclose portions of the records in response to an FOI request, but must deny other portions of the request.
14. Pending Request or Pending Appeal – An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.
15. Perfected Request – An FOI request, which reasonably describes the records, sought and is made in accordance with the government office’s regulations.
16. Proactive Disclosure – Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.
17. Processed Request or Processed Appeal – The number of requests or appeals where the agency has completed its work and sent a final response to the requester.
18. Received Request or Request Appeal – An FOI request or administrative appeal that an agency has received within a fiscal year.
19. Referral – When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral.”
20. Simple Request – A FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

Section 4- Promotion of Openness in Government

1. **Duty to Publish Information.** The West Visayas State University shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:
 - 1.1. A description of its mandate, structure, powers, functions, duties and decision-making processes;
 - 1.2. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - 1.3. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
 - 1.4. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
 - 1.5. Important rules and regulations, orders or decisions;
 - 1.6. Current and important database and statistics that it generates;
 - 1.7. Bidding processes and requirements; and
 - 1.8. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
2. **Accessibility of Language and Form.** The West Visayas State University shall endeavour to translate key information into major Filipino languages and present them in popular form and means. The various units may translate the Manual into local dialect if they deem it necessary. Translation should however be within the scope of the manual.
3. **Keeping of Records.** The West Visayas State University shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

Section 5 – Protection of Privacy

While providing for access to information, the West Visayas State University shall afford full protection to a person's right to privacy, as follows:

1. The West Visayas State University shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
2. The West Visayas State University shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
3. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the West Visayas State University, shall not disclose that information except as authorized by existing laws.

Section 6 – Standard Procedure

A. RECEIPT OF REQUEST FOR INFORMATION.

A.1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

A.1.1 Requests made through the telephone are accepted provided the requester shall thereafter confirm the request in writing prior to the release of the information requested.

A.1.2 The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and

A.1.3 The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information (See Annex "A").

The request can also be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI

application request, and a copy of a duly recognized government ID with photo.

- A.2. In case of illiteracy or disability of the requesting party and that he or she is unable to make a written request, he or she may make an oral request attested by a relative and noted by the FRO.
- A.3. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic email. The FRO input the details of the request on the Request Tracking System and allocate a reference number.
- A.4. The WVSU Main Campus and Satellite Campuses must respond to any FOI request promptly, within the fifteenth (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of the receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member or staff; and
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.

B. INITIAL EVALUATION

After receipt of the request for information, the FRO shall evaluate the contents of the request.

1. Request relating to more than one office under the WVSU System

If a request for information is received from different WVSU office, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such offices that they will be only provided the specific information that relates to their offices.

2. If the requested information is not in the custody of the West Visayas State University, or any of its offices in the entire system, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- 2.1 If the records requested refer to another agency, the request will be immediately transferred to such appropriate unit through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the fifteen (15) working day limit. The fifteen (15) working day requirement for the receiving office commences the day after it received the request.

- 2.2 If the records refer to an office is not within the coverage of EO No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

3. If the information being requested is already posted and publicly available in the WVSU website, and or at data.gov.ph, the FRO

shall inform the requesting party of the said fact and provide them the website link where the information is posted.

4. If the requested information is substantially similar or identical to a previous request by the same requester, the request shall be verified from the requesting party as to the repetition of the act. Thereafter, the FRO shall inform the applicant the cause of the denial or consequences or any action taken of the request.

C. TRANSMITTAL REQUEST BY THE FRO TO THE FDM

After receipt of the request for information, the FRO shall evaluate the information being requested and notify the FDM of such request. The copy of the request shall be forwarded to the FDM within one (1) day from the receipt of the written request. The FRO shall record the date, time, and name of the FDM who received the request with the corresponding signature of the acknowledgement of the receipt of the request.

D. ROLE OF THE FDM IN THE PROCESSING THE REQUEST

Upon receipt of the request for information, from the FRO, the FDM shall assess and clarify the necessity or validity of the request. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within ten (10) days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the University President in case submission is beyond the 10-day period. If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another agency, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

E. ROLE OF THE FRO TO TRANSMIT THE INFORMATION OF THE REQUESTING PARTY

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He/she shall attach a cover/transmittal letter signed by the University President or the designated Vice President and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

Section 7 - Remedies in Case of Denial

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

- A. Administrative FOI Appeal to the Office of the University President provided that the written appeal must be filed by the same requesting party or requestor within fifteen (15) calendar days from the Notice of Denial or from the lapse of the period to respond to the request.
 1. Denial of the Appeal by the FDM may be appealed by filing a written appeal to the University Appeals and Review Committee to be created by the University President within fifteen (15) calendar days from the Notice of Denial or from the lapse of the period to respond to the request.
 2. The appeal shall be decided by the University President upon the recommendation of the University Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within 30-day period shall be deemed a denial of appeal.
 3. The denial of the Appeal by the University President or the lapse of the period to respond to the request may be appealed further to the WVSU Board of Regents which shall be processed and disposed in accordance with the prescribed period provided under this Manual and applicable laws, rules, and regulations.

- B. Upon exhaustion of administrative FOI appeal remedies, the requesting party or requestor may file the appropriate judicial action in accordance with Rules of Court.

Section 8 - Request Tracking System

The West Visayas State University through the Office of the University President, the FRO in coordination with the Management Information Office (MIS) shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both. Provided, that the University shall endeavour the procurement and use of the state-of-art facilities for its tracking system subject to applicable laws, rules, and regulations.

Section 9 – Fees

- A. **No Request Fee.** The University shall not charge any fee for accepting requests for access to information.
- B. **Reasonable Cost of Reproduction and Copying of the Information.** The Freedom of Information Receiving Officer (FRO) shall immediately notify the requesting party in case there shall be reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the University in providing the information to the requesting party/requestor. The schedule of fees shall be posted in the University Campuses.
- C. **Exemptions from Fees.** The University may exempt any requesting party/requestor from payment of fees due to indigency, lack of funds, or similar circumstances, upon request stating the valid reason why such requesting party or requestor shall not pay the fee.

Section 10 - Exemptions from Freedom of Information

- A. The University shall come up with the list of exemptions (Annex "C") that will be categorized as Exemption from FOI as provided by the Office of the Executive Secretary.

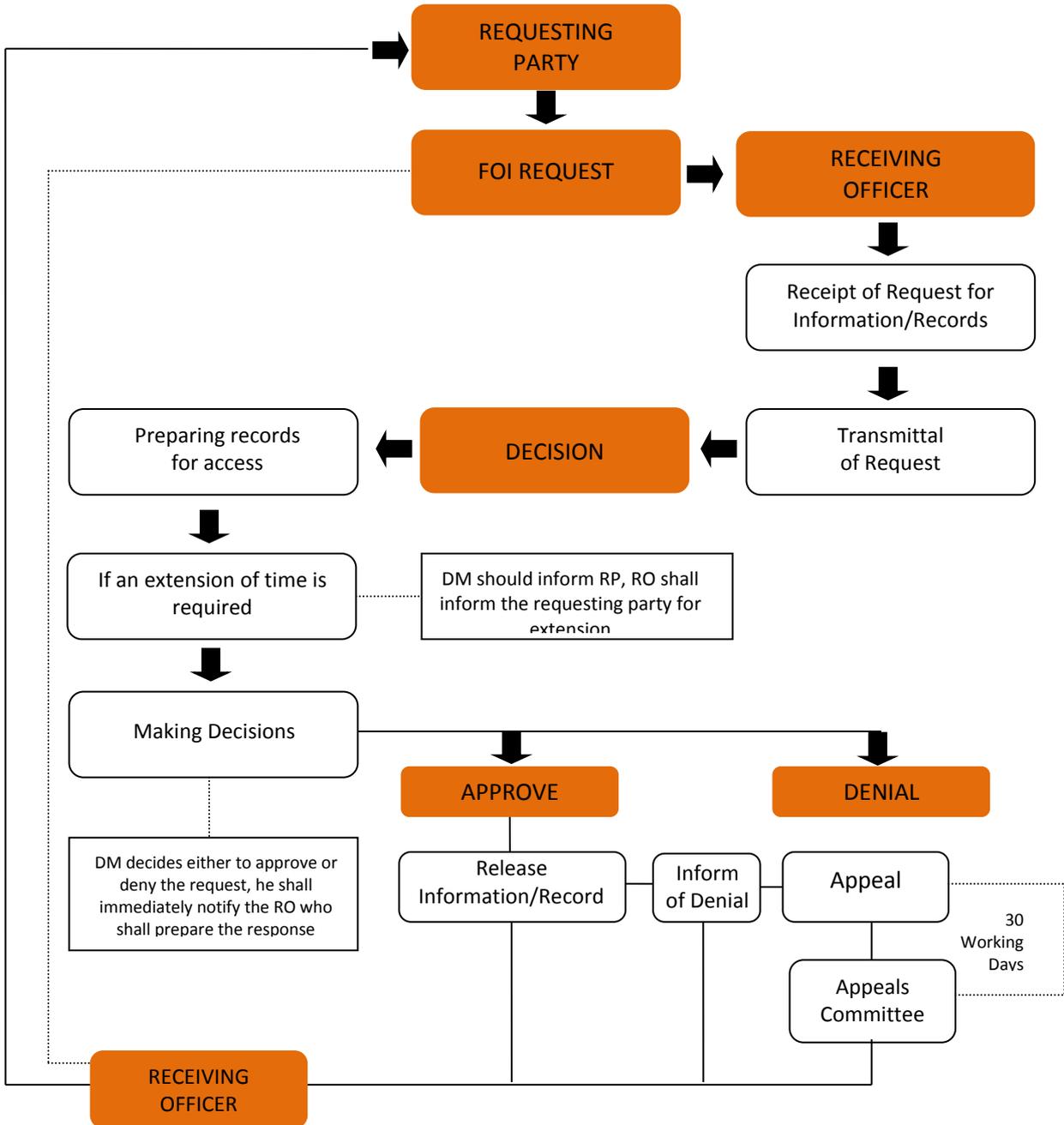
B. **List of Exemptions.** In addition to sensitive information as defined under this Manual, the documents shall not be released to any requesting party/ies, whose purpose other than internal use and reportorial compliance of the University; unless a proper court order is obtained with the specific instructions therein of producing the same, shall be those listed in Annex C hereof.

Section 11 - Administrative Liability

- A. Non-compliance with FOI or failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
- 1) First Offense – reprimand
 - 2) Second Offense – suspension of one (1) day to thirty (30) days; and
 - 3) Third Offense – dismissal from the service
- B. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service (RACCS) and its subsequent issuances shall be applicable in the disposition of cases under this Manual.
- C. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides more stringent penalties.

Approved this _____ day of _____ 2017 pursuant to Board Resolution No. ____s. 2017.

ANNEX A FOI REQUEST FLOW CHART



- ❖ RP – Responsible Person
- ❖ RO – Responsible Office
- ❖ DM – Decision Maker

**ANNEX B
FOI REQUEST FORM**



West Visayas State University
La Paz, Iloilo City

Request for Information

Date: _____ Type of ID Presented: _____

ID No.: _____

Name of Requestor: _____

Address: _____

Telephone /Mobile No.: _____ E-Mail Address: _____

Requested Information: _____

Reason for Request: _____

No. of Copies: _____

Signature of Requestor/Representative

(To be accomplished by FRO)



(Signature)

[Name]

[Designation]

Request: Approved Denied

Time: _____

Unit Head

OR No.: _____

----- *Claim Slip* -----

CLAIM SLIP

OR No.: _____

Requestor: _____

Date of Release: _____

No. of Copies/Pages: _____

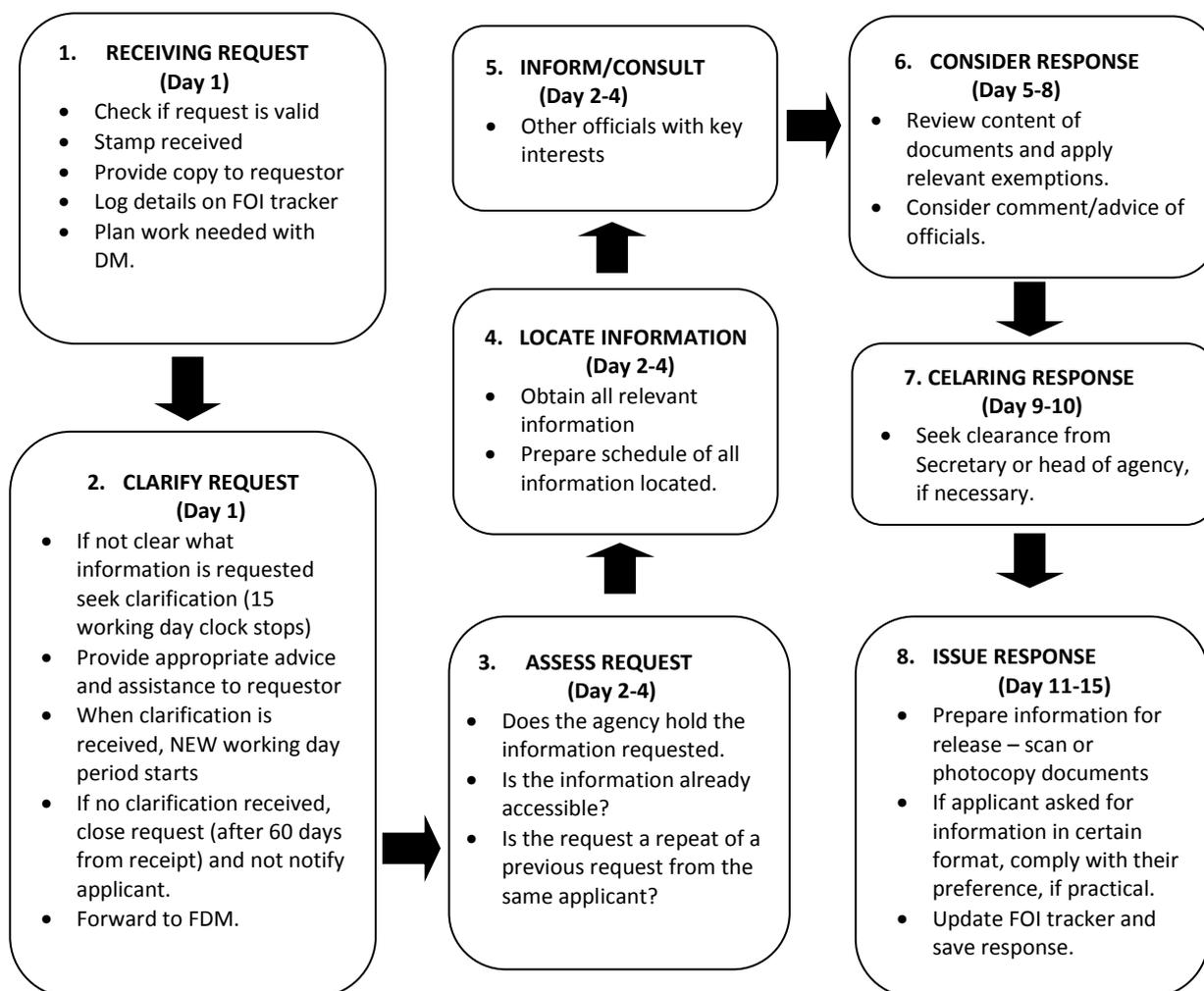
Total Amount: _____

Signature of Records Officer & Date

REMINDER:

For authorized representatives, please bring authorization letter, valid ID and photocopy of valid ID of requestor.

DETAILED FOI REQUEST PROCESS



Annex C
LIST OF EXEMPTIONS

A. MANAGEMENT, ADMINISTRATIVE, ACADEMIC, AND PERSONNEL RECORDS:

1. Results of the Search for Presidency of the University
2. Results of the Search for Private Sector Representatives
3. Proceedings, Minutes, and Resolutions of the Personnel Selection for both the Faculty and Non-Teaching Personnel
4. Judicial affidavit (Ombudsman, Sandiganbayan)
5. Filed cases (Court, Ombudsman and Sandiganbayan)
6. Financial Report not yet audited by COA
7. All reports not in the final form
8. Inter-office and inter-agency memorandum and correspondence
9. Office recommendation as member of inter-agency task force/ committee/body
10. Accomplished eligibility and evaluation forms for project proposals
11. Evaluation results for SUC levelling, AACUP Accreditation, ISO Certification, IQAME, and similar quality assurance evaluations processes
12. Board Committee Report/s
13. Proceedings of anti-sexual harassment cases
14. Proceedings of any issue under the grievance machinery
15. Investigation Reports by committees or bodies duly constituted by the University President and/or WVSU-Board of Regents or duly constituted authority/ies
16. Individual Performance Commitment Report(IPCR)
17. 201 Files
18. Academic Rank Evaluation Documents under the National Budget Circular (NBC) No. 461 and its subsequent issuances
19. SALN
20. Live Birth Certificate
21. Document specifically indicated the birthdate and age of the person concerned
22. Medical examination results of the employees
23. Proceedings or notes during students' consultations with their respective advisers and counselling sessions
24. General Payroll of the University

25. Pay slip
26. Medical examination results of the employees

B. PROCUREMENT RECORDS:

1. Proceedings and Minutes of the University Bids and Awards Committee
2. Abstract of Bids
3. Technical Working Group (TWG) recommendation/s
4. Minutes of TWG Meetings

C. STUDENTS' RECORDS:

1. Duly accomplished and processed students' enrolment forms
2. School credentials submitted by the student-applicants during enrolment period
3. Grade sheets, class cards and class records
4. Transcript of Records (TORs), Diploma, Certificate of Good Moral and Graduation
5. Live Birth Certificate
6. Document specifically indicated the birthdate and age of the person concerned
7. Medical examination results of students

D. Such document/s analogous of the foregoing as may be determined by the WVSU-Board of Regents upon the recommendation by the University President. In case that the documents requested are not found in the above list, EO No. 2 shall prevail.

Note: Revision shall be done regularly to update with the existing laws.