



Republic of the Philippines
ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY

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**COLLEGE FREEDOM OF INFORMATION (FOI)
MANUAL OF THE ZAMBOANGA STATE COLLEGE
OF MARINE SCIENCES AND TECHNOLOGY—
ADOPTED**

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SECTION 1: OVERVIEW

- 1. Purpose:** The purpose of this College FOI Manual (Manual) is to provide the guidelines, process and procedures in dealing with requests for information received under Executive Order (E.O.) No. 02 on Freedom of Information (FOI). Annex (“**B**”)
- 2. Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the ZSCMST management when a request for access to information is received. The College President is responsible for all actions carried out under this Manual and may delegate other Officers for this responsibility. The College President may delegate a specific officer to act as the Decision Maker (DM), 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 ZSCMST.
- 4. FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the ZSCMST. The FRO shall preferably come from the Public Assistance or Information Office, or its equivalent, of the College. The FRO shall hold office at ZSCMST Main Campus, Fort Pilar, Zamboanga City, Philippines.

The functions of the FRO shall include receiving on behalf of the College all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required; and, conduct initial evaluation of the request and advise the requesting party whether the request will

be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- a. That the form is incomplete; or
- b. That the information is already disclosed in the ZSCMST's Official Website, foi.gov.ph, or at data.gov.ph.

The ZSCMST shall assign their respective FROs. (Annex "C")

5. FOI Decision Maker: There shall be an FOI Decision Maker (FDM), designated by the College President, upon the recommendation of the Human Resource Management Office or one who is a 3rd Level ranked officer of the College, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. the ZSCMST does not have the information requested;
- b. the information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. the information requested falls under the list of exceptions to FOI; or
- d. the request is an unreasonable subsequent identical or substantially similar request (*i.e. PDS, Employment Certificate, Service Records, Class Program schedule, DTR, OPCR, OPER, ICPR, IPER, NBC documents, and among others, from the VPAA, VPAF, or College Dean and same request from the HRMO and among other offices*) from the same requesting party whose request has already been previously granted or denied by the ZSCMST and the applicant shall be informed of the reason for such denial.
- e. **Central Appeals and Review Committee:** There shall be a College appeals and review committee composed of at least three (3) officials with a salary grade of not lower than 24 (SG 24) or its equivalent,

designated by the College President to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the College President on the denial of such request.

6. Approval and Denial of Request for Information:

The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the College President may delegate such authority to any Officer not below the SG 24 or any of its equivalent.

SECTION 2: DEFINITION OF TERMS

The following terms shall be construed in this Manual:

- a) 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*.”
- b) 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.
- c) 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 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.

- d) **EXCEPTIONS.** Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence (Annex “**K**”).
- e) **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.
- f) **FOI CONTACT.** The name, address and phone number at each College’s office where you can make a FOI request
- g) **FOI REQUEST.** A written request submitted to the different College unit/department/college personally or by email asking for records on any topic. A FOI request can generally be made by any clientele or stakeholders of the ZSCMST.
- h) **FOI RECEIVING OFFICE.** The primary contact at each unit/department/college where the requesting party can call and ask questions about the FOI process or the pending FOI request.
- i) **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.
- j) **FULL DENIAL.** When the College or any of its unit/department/college cannot release any records in response to a 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.

- k) FULL GRANT. When the College or any of its unit/department/college office is able to disclose all records in full in response to a FOI request.
- l) 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.
- m) 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.
- n) 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.

- o) OFFICIAL RECORD/S. Shall refer to information produced or received by a ZSCMST official or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- p) OPEN DATA. Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- q) PARTIAL GRANT/PARTIAL DENIAL. When the College or any of its unit/department/college office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.
- r) 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.
- s) PERFECTED REQUEST. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.
- t) PERSONAL INFORMATION. Shall refer to any information, whether recorded in a material form or not, from which the identify 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.
- u) PROACTIVE DISCLOSURE. Information made publicly available by the College without waiting for a specific FOI request. Government agencies now

post on their websites a vast amount of material concerning their functions and mission.

- v) PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the College has completed its work and sent a final response to the requester.
- w) PUBLIC RECORDS. Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by the College unit/department/college office.
- x) RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that an agency has received within a fiscal year.
- y) 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.”
- z) SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, shall refer to personal information:
 - (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - (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;
 - (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
- (4) Specifically established by an executive order or an act of Congress to be kept classified.

- aa) 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 3. PROTECTION OF PRIVACY

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

- a. The College 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 College shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the College, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE

The College shall adopt the Request for Records procedures embodied in the College Procedures Manual (See Annex "D" for the Flow Chart). It also adheres to the Confidentiality Protocol Policy (Annex "E") of the College that was approved through Administrative Council Resolution No. 17, s. 2012 (Annex "F") and Board of Trustees Resolution No. 15, s. 2012 (Annex "G") respectively.

1. Receipt of Request for Information.

- 1.1. The FOI Receiving Officer (FRO) upon receipt of the request for information from the requesting party shall check compliance of the following requirements:
 - a. The request must be in writing using the prescribed form (See Annex “**H**”);
 - b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
 - c. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

The request can 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.

- 1.2 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- 1.3 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 mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

- 1.4 The College must respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request by the FRO or any designated College Official concerned. 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 receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered or received by the FRO or any designated College Official to the government office, or directly into the email inbox of the FRO or any designated College Official; or
- b. If the College 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. 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. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

In addition to the above provision, Please see Annex “D” for the process.

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

- 2.1. Requested information is not in the custody of the College: If the requested information is not in the custody of the College or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

If the records requested refer to another Unit/Department/College, the request will be immediately transferred to such appropriate Unit/Department/College through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.

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

- 2.2. Requested information is already posted and available on-line: Should the information being requested be already posted and publicly available in the College website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- 2.3. Requested information is substantially similar or identical to the previous request: Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

3. Transmittal of Request by the FRO to the College Unit/Department/College Concerned: After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the Unit/Department/College concerned of such request. The copy of the request shall be forwarded to the Unit/Department/College within one (1) day from receipt of the written request through letter of endorsement/referral. The FRO shall record the date, time and name of the Unit/Department/College Director/Head and/or official and/or staff who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

4. Role of FDM in processing the request: Upon receipt of the request for information from the FRO, the Unit/Department/College shall assess and clarify the request if necessary. The officer/personnel processing the request shall make all necessary steps to locate and retrieve the information requested. Once completed, the information shall be forwarded to the assigned FDM for review and approval of release. The Unit/Department/College shall ensure that the complete information requested be submitted to the FRO within 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 College President or the designated officer, in case the 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 office, the FDM shall consult with the Unit/Department/College concerned

on the disclosability of the records before making any final determination.

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

6. Request for an Extension of Time: If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. Notice to the Requesting Party of the Approval/Denial of the Request: Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by electronic mail. All actions on FOI requests, whether approval or denial, shall pass through the College President or his designated officer for final approval.

8. Approval of Request: In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be

directed to pay the applicable fees, if any. All unclaimed requests after fifteen (15) working days from the agreed date of pick-up shall be disposed accordingly.

9. Denial of Request: In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the College President or to his designated officer.

SECTION 5. 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:

1. Administrative FOI Appeal to the College Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of a request may be appealed by filing a written appeal to the College's Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the College President upon the recommendation of the College Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

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

SECTION 6. REQUEST TRACKING SYSTEM

The College 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.

SECTION 7. FEES

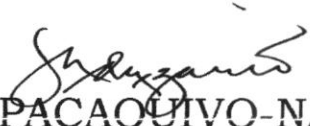
3. **No Request Fee.** The College shall not charge any fee for accepting requests for access to information.
4. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the College in providing the information to the requesting party. The schedule of fees shall be posted by the College (please see Annex “J”).
5. **Exemption from Fees:** The College may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 8. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service.

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

3. **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 for more stringent penalties.


MILAVEL DEPACACIVO-NAZARIO, Ed.D.
College President

FOI FREQUENTLY ASKED QUESTIONS (FAQ)

➤ INTRODUCTION TO FOI

✓ What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

✓ What is Executive Order No. 2 S. 2016?

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

✓ Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

➤ MAKING A REQUEST

✓ Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

✓ What can I ask for under EO on FOI?

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

What agencies can we ask information from?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

✓ How do I make an FOI request?

- a. The requestor is to fill up a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- d. The request shall be forwarded to the officials involved to locate the requested information.

- e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- f. If necessary, the head of the agency shall provide clearance to the response.
- g. The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

✓ How much does it cost to make an FOI request?

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

✓ What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request.

If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain in writing why the request was denied.

✓ How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

What if I never get a response?

If the agency fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the College Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be

decided within thirty (30) working days by the College Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

✓ What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the College Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the College Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

MALACAÑANG PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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 THEREFOR

WHEREAS, pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean: (a) "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. (b) "Official record/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. (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

SECTION 3. Access to information. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter, immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to

public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties

- and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
 - (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
 - (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
 - (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

(a) **SECTION 13. Remedies in Cases of Denial of Request for Access to Information.**

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within

fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: Provided, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

FOI Receiving Officer

Name of Office/ Department/ Unit	Location of FOI/ Receiving Office	Contact Details	Assigned FOI Receiving Officer
Zamboanga State College of Marine Sciences and Technology	ZSCMST Main Campus, Fort Pilar, Zamboanga City, Philippines, 7000	<u>Tel. No.:</u> (062) 991-0777 <hr/> <u>Mobile No.:</u> <hr/>	<u>Mr./Ms.:</u> DANILO P. CORTEZA, DPA <hr/> OIC, HRMO

MEMORANDUM, FOI

FOR: All Heads of Executive Departments, Bureaus, Offices, Commissions, Authorities or Agencies of the National Government, Government-Owned and/or Controlled Corporations, State Universities and Colleges, and Local Government Units

SUBJECT: Freedom of Information (FOI) Manual

DATE: 13 September 2016

This is to respectfully remind you that Executive Order (EO) No. 2, issued on 23 July 2016, specifically directed all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned and/or controlled corporations, and state universities and colleges to prepare its own People's FOI Manual and formulate implementing details within one hundred twenty (120) calendar days upon effectivity of the EO. Local Government Units are encouraged to observe and be guided by the EO.

Further, the one hundred twenty (120) calendar days shall be counted from 27 July 2016, when the EO was published in the Manila Bulletin newspaper. These requirements should be complied with, on or before **25 November 2016**.

The Presidential Communications Operations Office will release a model FOI Manual by 7 October 2016, which you can either adopt or use as template. PCOO also plans to hold FOI Workshops on 13, 14, 20 and 21 October 2016.

For your information.

(Sgd.) **JOSE RUPERTO MARTIN M. ANDANAR**
Presidential Communications Secretary

EXCEPTIONS FOI Manual

1. Information that directly relates to the national security or defense and its revelation may cause grave damage to national security or internal or external defense of the state.
2. National Security Matters. At the very least, this jurisdiction recognizes the common law holding that there is a military, diplomatic and other national security matters.
3. Executive Privilege involving information relating to the President's commander-in chief, appointing, pardoning and diplomatic powers.
4. Information pertaining to the foreign affairs of the Republic of the Philippines when its revelation shall/may unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states.
5. Information on inter-government exchange s prior to the conclusions of treaties and executive agreements may be subject to reasonable safeguards for the sake of national interest.
6. Deliberate Process Privilege
7. Presidential Communication's Privilege.
8. The information requested pertains to internal and/or external defense, law enforcement and border control, when the disclosure thereof may:
 - a. Lead to the disclosure of the identify of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or

information compiled by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, or

- b. Disclosure legitimate techniques and procedure for law enforcement investigations or prosecutions, or would disclose legitimate guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
- c. Endanger the life or physical safety of any individual, or
- d. Deprive a person of a right to a fair trial and impartial adjudication.

9. Criminal Matters. Also excluded are classified law enforcement matters, such as those relating to the apprehension, the prosecution and the detention of criminals, which courts may not inquire into prior to such arrest, detention and prosecution. Efforts at effective law enforcement would be seriously jeopardized by free public access to, for example, police information regarding rescue operations, the whereabouts of fugitives, or lead on covert criminal activities.

10. Investigation or proceeding conducted by public authorities.

11. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries.

12. Prohibition on the Disclosure of investigatory records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

- a. Interfere with enforcement proceedings;
- b. Deprive a person of a right to a fair trial or an impartial adjudication;

- c. Disclose the identity of a confidential source and in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source unjustifiably disclose investigate techniques and procedures.
13. Proceeding before the Committee on Decorum and Investigation during preliminary investigation.
14. Informer's privilege of the Government not to disclose the identity of a person or persons whom furnish information of violations law to officers charged with the enforcement of the law and the identity of a confidential informant.
15. Prohibition on disclosure the identity of persons who furnish information of violations of law to officers I charge with the enforcement of the law.
16. Prohibition on the disclosure of information that would put the life and safety of an individual in imminent danger.
17. The information requested consist of drafts of orders, resolutions, decisions, memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their regulatory audit and adjudicatory function.
18. Proceeding before, or information in the possession of, any government agency, tribunal, board, or officer, which under its respective rules or regulations are treated as confidential and privileged.
19. Confidential information generally refers to information not yet made a matter of public records relating to pending cases, such as notes drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers. Even after the decision, resolution, or order is made

public, such information that a justice or judge uses in preparing a decision, resolution, or order shall remain confidential.

20. Courts records, including pleadings and other documents filed by litigants are confidential

21. Requested information pertains to an act which tends to exact testimony from government officials by a citizen are confidential.

22. Such information, record or document compromises drafts of decision orders, rulings, policy decisions, memoranda, etc.

23. The information required pertains to the personal information of a natural person other than the requesting party, and its disclosure would constitute an unwarranted invasion of his or her privacy, unless it forms part of the public record, or the person is or was an official of the government agency and the information relates to his or her public function or the person has consented, in writing to the disclosure of the information.

24. Information concerning the application, together with all the records, documents and communications relating thereto and its processes shall be confidential.

25. Information requested pertains to trade secrets and commercial or financial information obtained from a natural or juridical person other than the requesting party, obtained in confidence or covered by privileged communication, and/or filed with a government agency, whenever the release thereof would prejudice the interest of such natural or juridical person in trade, industrial, financial or commercial competition.

26. Trade Secrets and Banking Transactions.

27. Confidential, commercial and financial information are excluded from disclosure.

28. Confidential business information gathered by certain government agencies or officials on the operations, books, records or private corporations and business not required to be made public.
29. Anti-Money laundering concerns, covered or suspicious transaction reports, or any other information in relation thereto.
30. Prohibition of disclosing information under the National Internal Revenue Code.
31. Prohibition on the disclosure of confidential information under the National Revenue Code.
32. Trade secrets acquired by government agencies or officials in the discharge of their duties.
33. Information relating to potential intellectual property right.
34. Documents submitted through the Government Electronic Procurement System (G-EPS).
35. Confidential matters under the Arbitration Law and Alternative Dispute Resolution Law involving arbitration proceeding and when the parties in an arbitration clause so provided that the proceeding and its incidents shall be confidential and information acquired in mediation or arbitration proceedings.
36. An oral or written statement made or which occurs during mediation or for purposes of considering, conducting, participating, initiating, continuing or reconvening mediation or retaining a mediator.
37. Pleading, motions, manifestations, witness statement, reports filed or submitted in arbitration or for expert evaluation.
38. Information on on-going evaluation or review of bids or proposals being undertaken by the bidding or review

committee which are not yet considered as "official acts, transaction, or decisions" on the bids or proposals or "definite propositions" on the part of the government.

39. Information considered as privilege communications I legal proceeding by law or by the Rulers of Court.

40. Privileged communication under the Rules of Court (in respect of government lawyers, government doctors, and other public officers and employees). a. A public officer cannot be examined during his term of office or afterwards as to communications made to him in official confidence, when the court finds that the public interest would suffer by the disclosure.

41. Attorney-client privilege existing between a government lawyer and their client.

42. Client identity is privileged where a strong probability exists that revealing the clients name would implicate that client in the activity for which he sought the lawyers advice or would expose the client to evil liability.

43. Confidentiality of information relating to pending cases even after the decision, resolution or order is made public.

44. Requesting information pertains to comments and disclosure on pending cases in judicial proceedings.

45. Records of cases that are still pending for decision are privileged materials that cannot be disclosure, except oniy for pieading, orders and resolutions that have been made available by the court to the general public.

46. Identify of News, Informants under R.A. 1477 (The Shield Law).

47. Requested information pertains to unauthorized recording from all the parties of any private communication spoken word to secretly overhear, intercept or record of such communication by using any recording device

48. Secrets of private individual know by public officer by reason of his or her office.

49. Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized person, or releasing such information in advance of its authorized released date.

50. Confidential or classified information officially known to public officer and employees by reason of their office and not made available to the public

51. Non-disclosure of Statement of Assets, Liabilities and Net Worth if the purpose/s is /or any of the following purposes (a) any purpose contrary to morals or public policy; or (b) any commercial purpose other than by news and communications media for dissemination to the general public

52. The information is of a nature that its premature disclosure would:

- (1) in the case of an agency that regulates or deals with currencies, interest rates, securities, commodities, or financial institutions, be likely to lead speculations in currencies, interest rates, securities, commodities market; or
- (2) in the case of other agencies, be likely to frustrate the effective implementation of a proposed official action: Provided, that the information shall be disclosed once the above-mentioned dangers have ceased.

53. Information involving a subsequent identical or substantially similar request from the same requesting party where it has previously complied with a request

for information unless a reasonable interval has lapsed between compliance between with the previous request and the making of the current request.

54. The right information may be subject to reasonable regulations as to manner and hours of examination, efforts to avoid loss or damage, undue interference with the duties of the custodian of the records, and ensuring the right of the persons entitled to also inspect the records. Requesting citizens, further, cannot compel custodians of records to prepare list of abstracts of the data.

55. Government officials cannot be compelled to prepare lists and detailed reports on how congressional funds were disbursed.

OTHER EXCEPTIONS

- Confidentiality of information known to a public official or employee by reason of his office.
- Information and statements made at reconciliation proceedings.
- Expenditure relating to classified information, such as the purchaser of information and payments of rewards.

RULE 4 OF RA 6713 (CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES)

- Information, record or documents kept secret in the interest of national defence or security
- Conduct of foreign affairs
- Disclosure would put the life and safety of an individual in imminent danger

- Information, record or document sought falls within the concepts of established privilege or recognized exceptions
- Information, record or document compromises drafts of decisions, orders, rulings, policy, decisions, memoranda
- Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy
- It would disclose investigatory records compiled for law enforcement purposes
- Interfere with enforcement proceedings
- Deprive a person of a right to a fair trial or an impartial adjudication
- Disclose the identity of a confidential source
- Unjustifiably disclose investigate techniques and procedures
- Premature disclosure of which would lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution
- Likely or significantly to frustrate implementation of a proposed official action.



Republic of the Philippines ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY Fort Pilar, Zamboanga City PROCEDURES MANUAL	
SECTION	MANAGEMENT AND ADMINISTRATIVE PROCESSES
SUBJECT	RECORDS

Document Code:	PM-ZSCMST-05-06
Revisor Number:	1
Effectivity Date:	February 2011
Recommended by:	QMR
Approved by:	College President

1. REQUESTS FOR RECORDS

OBJECTIVE

Make certain that requests for official records from the College Central Records Unit (CCRU) or any of the offices or units of the College are promptly facilitated and released to the requesting party. However, only legally valid, duly processed and approved requests shall be entertained.

SCOPE

This procedure defines the actions and responsibilities of the Head of the CCRU, Heads of the different Offices and Units of the College, and the College President in the process of handling requests for official records.

DEFINITION OF TERMS

- ◆ Active Records - are records that are still actively being used by an office. They are usually referenced on a daily or monthly basis. Often-times, if in paper, these records will be located in a handy place within the office since they are used frequently.
- ◆ Inactive Records - are records which are no longer referenced on a regular basis and tend to be stored in a less accessible place (CCRU) since they are not used frequently. Many times records become inactive when they reach their *cut-off* as defined in the Records Retention Schedule.

REFERENCES

- ◆ Request for Retrieval of Record/s

RECORDS

- ◆ Logbook of Requests Received (Approved and Disapproved)

OFFICE OF THE
 CHIEF OF STAFF
 OF THE
 COLLEGE PRESIDENT
 CENTRAL RECORDS UNIT
 10/30/15
 CONSORCIA P. FABELA
 Head of Personnel Records

10/30/15
 GEORGINA A. MARCOS



Republic of the Philippines
ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY
 Fort Pilar, Zamboanga City

PROCEDURES MANUAL

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SECTION: **MANAGEMENT AND ADMINISTRATIVE PROCESSES**

SUBJECT: **RECORDS**

Page 2 of 2

PROCEDURES

FLOW CHART	PERSON RESPONSIBLE	DETAILS
<p>START</p>		
<p>Fills the <i>Request for Retrieval of Record/s</i> form and forwards the same to his/her immediate supervisor for endorsement and to the office handling the record/s being requested for processing.</p>	<p>◆ Requesting Party</p>	
<p>Checks if the record/s being requested is in their custody - process the same if it is, otherwise, refer the requesting party to the proper Office/s or Unit/s handling the same.</p> <p>Forwards the request form to the Office of the President for approval/remarks.</p>	<p>◆ College Central Record Unit (CCRU) OR the Office or Unit handling the records being requested</p>	<p>◆ For <i>inactive records</i>, request shall be submitted to the College Central Records Unit (CCRU)</p> <p>◆ For records that are still <i>active</i>, the same shall be requested from the office or unit concerned.</p>
<p>Approves or disapproves the request.</p> <p>If disapproved, the process stops here.</p>	<p>◆ College President</p>	<p>◆ The original copy of the <i>Request for Retrieval of Record/s</i> form, either approved or disapproved, shall be kept by the processing Office or Unit for reference.</p>
<p>Releases a <i>photocopy</i> of the record/s being requested.</p>	<p>◆ College Central Record Unit (CCRU) OR the Office or Unit handling the records being requested</p>	<p>◆ Original copies shall not be released to the requestor unless with the explicit approval of the College President for the release of the same.</p>
<p>Acknowledges receipt of the record/s released</p>	<p>◆ Requesting Party</p>	
<p>END</p>		

APPROVED: _____
 COLLEGE PRESIDENT

10/30/15 _____



ANNEX E



Republic of the Philippines
ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY
Fort Pilar, Zamboanga City

POLICY ON CONFIDENTIALITY OF DATA

Like any other institutions, the Zamboanga State College of Marine Sciences and Technology regards security and confidentiality of data and information to be of utmost importance. Further, it is the intent of this policy to ensure that confidential information, in any format, is not divulged outside of Zamboanga State College of Marine Sciences and Technology without explicit approval to do so by the President of the College. As such, the College requires all users of data and information to follow the procedures outlined below:

Each individual granted access to data and hard copy information holds a position of trust and must preserve the security and confidentiality of the information he/she uses. All users of College data and information must read and understand how the policy applies to their respective job functions.

Specifically, with respect to College records or information, individuals **MUST**:

1. Access data solely in order to inform his/her job responsibilities.
2. Not seek personal benefit or permit others to benefit personally from any data that has come to them throughout their work assignments.
3. Not make or permit unauthorized use of any information in the College's information system or records.
4. Not enter, change, delete or add data to any information system or files outside of the scope of their job responsibilities.
5. Not include or cause to be included in any record or report, a false, inaccurate or misleading entry known to the user as such.
6. Not alter or delete or cause to be altered or deleted from any records, report or information system, a true and correct entry.
7. Not release College data other than what is required in completion of job responsibilities.
8. Not exhibit or divulge the contents of any record, file or information system to any person unless it is necessary for the completion of their job responsibilities.

It is the individual's responsibility to report immediately to his/ her supervisor any violation of this policy or any other action, which violates confidentiality of data.

Security Measures and Procedures

Users of the College records or information are required to follow the procedures outlined below:

Access to any employee information (in any format) is to be determined based on specific job requirements. The appropriate Department Chair, Department Head, Dean and / or Vice President is responsible for ensuring that access is granted only to authorized individuals, based on their job responsibilities. Written authorization must be received prior to granting records access.

You are prohibited from viewing or accessing additional information unless you have been authorized to do so. Any access obtained without authorization is considered unauthorized access.

Breach of confidentiality, including aiding, abetting, or acting in conspiracy with any other person to violate any part of this policy, may result in sanctions, civil or criminal prosecution and penalties, employment and/ or College disciplinary action, and could lead to dismissal, suspension or revocation of all access privileges. Misuse of College data and information and any violation of this policy or policies are grounds for disciplinary action, up to and including dismissal.

Z-S-C-M-S-T CONFIDENTIALITY PROTOCOL

I. Statement of Policy

1.1 The College . . .

- 1.1.1 Recognizes its responsibility to collect, manage, use and disclose personal and organizational information and to comply with statutory and regulatory requirements.
- 1.1.2 Respects the employees' and students' rights to privacy and endeavors to keep and maintain personal and sensitive information (subject only to the requirements of law) in confidence.
- 1.1.3 Upholds the principle of maximum disclosure which establishes the presumption that all information held by public bodies should be subject to disclosure which may be overcome only by limited scope of exceptions and those stipulated by law.
- 1.1.4 Recognizes and accepts that exceptions should be clearly and narrowly drawn and subject to strict "harm" and "public interest" test, (i.e. (i) that the information must relate to a legitimate aim listed in the law, (ii) disclosure must threaten to cause substantial harm to that aim, (iii) the harm to the aim must be greater than the public interest in having that information.
- 1.1.5 Takes refuge in the inherent right to deny request for access to College-generated information that in its informed judgment is frivolous, vexatious and fall short on the harm- and public interest test and the requirements of law.
- 1.1.6 Recognizes and upholds the right of users to appeal for reconsideration, requests that have been denied on the basis of some specified grounds and stipulations.
- 1.1.7 Takes cognizance of the need to enforce sanctions to employees that willfully disclose information that causes harm and injury to the College and prejudices its best interest.

II. General Principle

- 2.1 Employees of the College irrespective of position, designation and employment status are duty-bound to safeguard the confidentiality of information acquired in the course of their work. They are proscribed from disclosing personal or sensitive information to a third party without specific authority except in those cases when the disclosure forms part of the normal performance of a job or when there is a legal or professional duty to disclose such information.

III. Categories of Information

- 3.1 **Personal Information** - information or an opinion (including information or opinion which form part of the institutional database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or reasonably be ascertained, from the information or opinion.
- 3.2 **Sensitive Information** - personal information about an individual relating to racial or ethnic origin, political opinion, membership of a political organization, religious beliefs or affiliations, health status (physical or emotional), disability, philosophical beliefs, membership in professional or secret organization, membership in trade union, sexual preferences or practices or criminal records, employment and personnel records, management strategies.
- 3.3 **Institutional Information** - includes all information generated in the course of normal and routine performance of official functions. Access to such information may be outright depending on the judgment of the keeper or information source. In case of doubt, the concerned keeper or source may refer the matter to an authorized superior official for appropriate action.

IV. Information Access Guidelines

4.1 Categories of Access

- 4.1.1 Limited Access - information generated and maintained in the following offices may be accessed only by duly authorized legitimate users.

- Human Resource Management Office

- Office of the Board Secretary
- Office of the College Registrar
- College Budget Office
- Planning Unit
- Research Coordination Office
- Extension Office
- Accounting Unit
- Office of the President
- Office of the Cashier

4.1.2 Restricted Access - minutes of meetings, deliberations and proceedings of grievance, fact-finding, investigative and hearing committees are of restricted access. The information may be made available only to the litigants and their counsels. Access to information generated during "closed door" meetings and conferences of strategic, coordinative and operative level managers, meetings of the Executive Committee are also placed under restricted access. Information may be accessed only upon written request and approval by a duly authorized official.

4.1.3 Open Access - information that are of general public interest which are neither personal and sensitive in nature should be made readily available to legitimate users. Access to the information only requires the expressed permission of the employee or official holding the information.

4.2 Designated Processing and Approving Officials

4.2.1 Information keeper/holder may grant access to information possessed falling under the 'Open Access' category based on his/her informed judgment on the merit of the request.

4.2.2 Holders/keepers of information classified as for "Limited Access" and "Restricted Access" may grant access based on their appraisal of the merits of the request subject to affirmation by the College Document Custodian, i.e. College Board Secretary and/or College Secretary.

4.2.3 Request for access to personnel files (other than the owner), minutes and records of deliberations of the grievance, fact-finding and investigative committees, Academic and Administrative Councils, Executive Committees, and meetings and caucuses held

in utmost secrecy may be granted only by the College President or a duly authorized alternate.

V. Procedures in the Access of Information

1. Users of information classified under the "limited" and "restricted" access category are required to file a written request stating the specifications, and intended use of the information requested addressed to the officials designated to process and/or approve the request.
2. Information essential in the performance of official functions shall be requested by duly authorized officials using the prescribed form - "Request for Official Records". The grant of access is contingent on the informed judgment of the keeper of the information. Further authorization need not be secured.
3. As a policy, personnel file (Form 201) may be accessed only by the file-holder, HRMO staff In-charge, Human Resource Management Officer, and College President. Other users need to comply with Procedure #1 to gain access of the document.
4. 'Open access' information may be released upon request subject only to the discretion of the keeper/holder.
5. Request for access that has been denied may be appealed in writing to the College Document Custodian who shall act on it with dispatch. The reconsideration of a previously denied request needs the concurrence of the College President.

VI. Penal Provision

1. An infraction of the herein stipulated rules and guidelines qualified as an offense administratively actionable pursuant to the CSC Resolution No. 991936 (Uniform Rules on Administrative Cases in the Civil Service) and Item c, Section 7 (Prohibited Acts and Transactions) of the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713) shall be administratively processed and meted the corresponding penalty.



"ANNEX F"

**Administrative Council
 Resolution No. 17, s, 2012**

WHEREAS, the AACUP accreditors during its survey visit / audit in the College suggested that there should be a Policy on the Confidentiality of Records/ official documents:

WHEREAS, a ZSCMST Confidentiality Guidelines was crafted and the draft was presented to the Administrative Council members during its meeting on February 7, 2012;

WHEREAS, the members of the Council went over item by item and suggestions were incorporated;

WHEREAS, discussions ensued especially on the Procedures in the Access of Information;

WHEREAS, after thorough deliberation, on motion duly seconded, the Council, RESOLVE as it is hereby RESOLVED to recommend favorably to the Board of Trustees for approval, the ZSCMST Confidentiality Protocol.

Done this 7th day of February 2012, at the Zamboanga State College of Marine Sciences and Technology, Zamboanga City

CERTIFIED CORRECT:

Felicitas C. Urian
FELICITAS C. URIAN
 Board Secretary

Attested:

Milavel Depacquivon Nazario
MILAVEL DEPACQUIVO-NAZARIO, Ed.D.
 College President
 Chair, Academic Council

Georgina A. Marcos
 10/20/12
GEORGINA A. MARCOS



ANNEX G

Excerpts from the minutes of the 97th Regular Meeting of the Board of Trustees, Zamboanga State College of Marine Sciences and Technology held at the Holiday Plaza Hotel, Cebu City, February 22, 2012, 9:00AM

Upon motion duly made, seconded, and unanimously carried, this resolution was adopted by the Zamboanga State College of Marine Sciences and Technology Board of Trustees, thus:

BOARD RESOLUTION NO. 15, s. 2012

RESOLVE AS IT IS HEREBY RESOLVED to direct management to create a fact-finding committee to check on the report re unauthorized release of official documents.

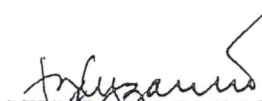
RESOLVED FURTHER that the Fact-Finding Committee shall be composed of the following:

- Dr. Evelyn H. Yosores
Vice President for Administration and Finance - Chairman
- Mr. Eric S. Villanueva
Accountant III - Member
- Mr. Edgard S. Atilano
Assistant Professor IV - Member
- CHED Regional IX representative - Member

RESOLVED FURTHERMORE, to approve the implementation of the ZSCMST Confidentiality Protocol Policy effective upon the approval of the Board.

APPROVED

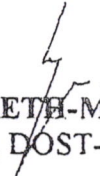
NONA S. RICAFORT, Ph.D.
 CHED Commissioner
 Chairperson, ZSCMST BOT
 Presiding Officer

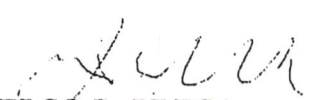

MILAVEL D. NAZARIO, Ed.D.
 College President
 Vice-Chair

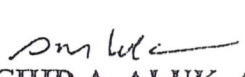
EDGARDO J. ANGARA
 Chairman, Senate Committee on
 Education, Arts and Culture
 Member

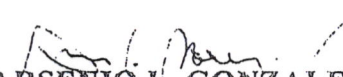
JUAN EDGARDO M. ANGARA
 Chairman, Congressional Committee on Higher
 and Technical Education
 Member

ARTURO G. VALERO
 Regional Director, NEDA-IX
 Member

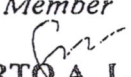

BRENDA L. NAZARETH-MANZANO
 Regional Director, DOST-IX
 Member

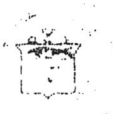

CELSO E. PRESA
 Private Sector Representative
 Member


AMIR RASCHID A. ALUK, AI-Haj.
 President, ZSCMST Faculty Club
 Member


ATTY ARSENIO L. GONZALES, JR
 Private Sector Representative
 Member


MARTIN A. WEE
 President ZSCMST Alumni Association


GUALBERTO A. LANTAYA
 President Supreme Student Council



Republic of the Philippines
ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY

Fort Pilar, Zamboanga City
Tel. No. (062) 992-3092; Telefax: (062) 991-0777
Email: mnazario@zscmst.edu.ph



REQUEST FOR RETRIEVAL OF RECORD/S

Requesting Party: _____
Office: _____
Request Date: _____
Purpose: _____

Request Received on | by: _____
Request Released on | by: _____
Returned on: _____

RECORD/S REQUESTED (Description)

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____

REQUEST STATUS | APPROVAL

Approved
 Disapproved

Reason/s for disapproval:

MILAVEL DEPACAQUIVO-NAZARIO, Ed. D.
College President

Record/s requested received on: _____

Record/s requested received by: _____
Printed name | Signature

2/18/14 *CP Nazario*
CONSORCIA P. TABILA

10/30/15

ANNEX K



Republic of the Philippines
ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY

Fort Pilar, Zamboanga City
Tel. No. (062) 991-0644 Telefax: (062) 991-0777
website: <http://www.zscmst.edu.ph>



HUMAN RESOURCE MANAGEMENT OFFICE

Schedule of Fees

Name: _____
Office/Department/College: _____
Purpose: _____
Date: _____

PLEASE CHECK NATURE OF REQUEST:

<input type="checkbox"/> Authentication of Documents No. of documents: _____	
<input type="checkbox"/> Issuance of Service Record	Php 50.00/page
<input type="checkbox"/> Certificate of Employment *common	Php 50.00/page
<input type="checkbox"/> Certificate of Employment *No Pending Case	Php 50.00/page
<input type="checkbox"/> Other Document: *pls specify _____	

OR No. _____

*Any adjustment in the amount of fees will be subject for approval of the ZSCMST Board of Trustees.

Received by: (HRMO Staff) _____
Certified correct: (HRMO Head) _____



Republic of the Philippines
ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY

Fort Pilar, Zamboanga City

Tel. No. (062) 992-6450 Telefax: (062) 991-0777 website: <http://www.zscmst.edu.ph>



Excerpt from the Minutes of the Meeting of the Administrative Council of the Zamboanga State College of Marine Sciences and Technology held on September 18, 2017 at the Conference Room of the Administration Building, ZSCMST, Zamboanga City.

**ZSCMST ADMINISTRATIVE COUNCIL
 RESOLUTION NO. 51, s. 2017**

A RESOLUTION APPROVING THE COLLEGE FREEDOM OF INFORMATION MANUAL OF THE ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY MARKED AS ANNEX "1" OF THIS RESOLUTION.

WHEREAS, the Freedom of Information (FOI) Manual of the Zamboanga State College of Marine Sciences and Technology (ZSCMST) was developed for the purpose of providing guidelines, process, procedures in dealing with requests for information as prescribed by Executive Order No. 2 dated July 23, 2016;

WHEREAS, the FOI of the ZSCMST was submitted to State Solicitor Roel Vincent G. Castro for review and legal opinion on the provisions indicated therein;

WHEREAS, a certification dated September 7, 2017 was issued by State Solicitor Castro stating that: "There is nothing objectionable in the ZSCMST College Freedom of Information (FOI) Manual, apart from some words and provisions which have to be rephrased and reworded, in order to fully comply with relevant laws, rules, and regulations;

WHEREAS, the ZSCMST FOI Manual was presented to the Administrative Council, for approval, at its meeting held on September 18, 2017. The ZSCMST Administrative Council was given assurance that the corrections and suggestions made by State Solicitor Castro were introduced in the Manual;

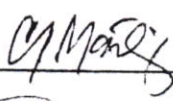
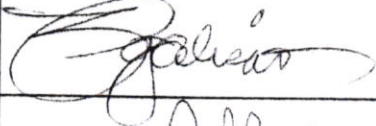
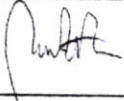
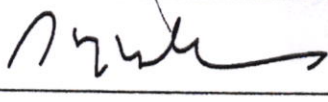
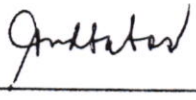
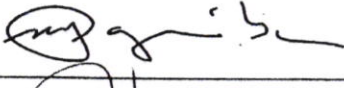
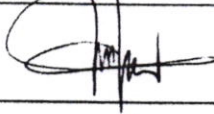
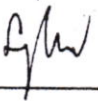
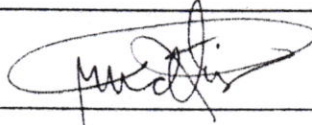
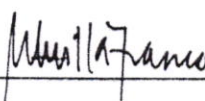
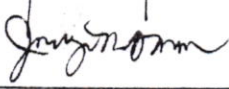
RESOLVED, that the ZSCMST Administrative Council, **approves** the College Freedom of Information Manual of the Zamboanga State College of Marine Sciences and Technology marked as Annex "1" of this Resolution.

RESOLVED this 18th day of September, 2017 at the Zamboanga State College of Marine Sciences and Technology, Fort Pilar, Zamboanga City, Philippines.

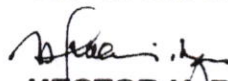
APPROVED

NAME	SIGNATURE	REMARKS
MILAVEL DEPACAQUIVO-NAZARIO, Ed. D. President, ZSCMST Chairperson, ZSCMST Administrative Council		
BENJAMIN S. A. MIGUEL, Ph. D. Vice President, Administration and Finance Vice Chairperson, ZSCMST Administrative Council		
JAIME G. JALON, Ph. D. Vice President, Academic Affairs Member, ZSCMST Administrative Council		On Leave
DANILO P. CORTEZA, DPA OIC Chief Administrative Officer Member, ZSCMST Administrative Council		
EVELYN B. CAMPOS, Ed. D. Director, College Accreditation Coordinating Office Member, ZSCMST Administrative Council		

ZAMBOANGA STATE COLLEGE OF MARINE SCIENCES AND TECHNOLOGY
 Fort Pilar, Zamboanga City
CERTIFIED TRUE COPY
 REYNOLDO M. AMILANO, JR.
 BOARD SECRETARY

CATALINA P. MARTINEZ, Ph. D. Dean, Graduate School Member, ZSCMST Administrative Council		
PENELOPE G. COLISAO, Ph. D. Acting Dean, College of Education and Natural Sciences Member, ZSCMST Administrative Council		
OLIVER D. TITO Dean, College of Fisheries and Food Sciences Member, ZSCMST Administrative Council		
AMIR RASCHID A. ALUK Dean, College of Maritime Education Member, ZSCMST Administrative Council		
ALMA FREDA D. LABOS Acting Dean, College of Business Administration Member, ZSCMST Administrative Council		
SERVANDO D. HALILI, JR., Ph. D. Director, Research and Development Office OIC, Office of the Vice President for Academic Affairs Member, ZSCMST Administrative Council		On official business
ARTHUR L. PANGANIBAN, JR. Director, Research and Development Office Member, ZSCMST Administrative Council		
MARLON R. OMATANG Director, Extension Office Member, ZSCMST Administrative Council		
LETECIA P. FLORES Director, Academic Services Member, ZSCMST Administrative Council		
JONI CZARINA P. AMORA Director, College Admission Office Member, ZSCMST Administrative Council		Absent
RODERICK D. TRIO Director, External Affairs Member, ZSCMST Administrative Council		
ESTER T. LIM OIC-Director, Alumni Affairs Member, ZSCMST Administrative Council		Absent
MARIFE R. VILAFRANCA Director, Office of Media Affairs Member, ZSCMST Administrative Council		
JACLYN M. OMAR OIC-Director, Corporate Affairs Member, ZSCMST Administrative Council		

CERTIFIED CORRECT:



HECTOR H. RAMILLANO, JR.
Board Secretary V
Secretary, ZSCMST Administrative Council

