

I. PREAMBLE

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 Present 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 (RA 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;

WHEREAS on July 23 2016, President Rodrigo Roa Duterte signed Executive Order No. 2, "Operationalizing in the

Executive Branch the People’s Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor”

WHEREAS, Section 8 of Executive Order No. 2 states that “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.”

II. MANIFESTATION

Pursuant to Executive Order No. 2 Series of 2016 entitled “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”, the Dagupan City Water District is one with this mechanism to provide the Filipino people any information on matters of public concern, provided that it shall not put into jeopardy privacy and matter of National Security.

This manual is a written manifestation that the Dagupan City Water District ensures the public that their right to information, access to official 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 is hereby recognized.

III. DEFINITION OF TERMS

- a. **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.
- b. **FOI.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, FOI.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. FOI.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.
- c. **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.
- d. **FOI REQUEST.** A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.
- e. **FOI RECEIVING OFFICER.** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.
- f. **FREQUENTLY REQUESTED INFORMATION.** Info 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.

- g. **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.
- h. **OFFICIAL RECORD/S.** 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.
- i. **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.
- j. **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.

IV. PROTECTION OF PRIVACY

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

- a. The Dagupan City Water District 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 Dagupan City Water District 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 Dagupan City Water District, shall not disclose that information except as authorized by existing laws.

V. PROCEDURE

1. How a request is made

- a. Duly filled out DCWD FOI Request Form (2 copies)
- b. The request shall contain/state the following needed information:
 - Date of the request
 - Name of the Requesting Person (RP)
 - Mailing Address
 - Contact Number (Landline and Mobile No.)
 - Email address
 - Company/Affiliation/Organization/School of the RP and position, if any
 - Detailed description of the information being requested, and the purpose for requesting such information
 - Signature of the Requesting Person

- c. The requesting person shall present at least one (1) Valid Government ID with picture, as proof of identity
- d. The requesting person must state the desired mode of receiving the requested information
- e. If the requesting person is asking for public information in behalf of someone else, he/she must submit an authorization letter or Special Power of Attorney
- f. The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo. FOI Requests through email must be sent to dcwd.foi@gmail.com
- g. 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.

2. Receipt of Requests

- a. The FOI Receiving Officer shall indicate the Tracking No. on the FOI Request Form
- b. All requests shall be stamped "Received" indicating the date and time of receipt, name and signature of the FOI Receiving Officer. A stamped copy thereof shall be furnished to the requesting person.
- c. The FOI Receiving Officer shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs such as Persons With Disability (PWDs) and Senior Citizens to comply with the needed requirements
- d. No request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or one of the exceptions herein issued by the Office of the President.

3. Processing of Requests

- a.** The processing of a request shall not exceed Ten (10) working days for simple transactions and Twenty (20) working days for complex transactions. Processing shall commence from the receipt of a request until the decision of the concerned officer to grant or deny the request.
- b.** The processing period may be extended beyond Twenty (20) days if:
 - There is a need for extensive search in the DCWD's records facilities or examination of voluminous records;
 - There are fortuitous events (e.g. typhoon, suspension of government work, etc) or other similar circumstances
 - There is/are insufficient detail/s indicated in the request to enable the office to promptly identify the desired record/s.
 - The information requested is related to records that are part of a court proceeding.

In these cases, the FOI Receiving Officer shall notify the requesting person of the reason/s for extension. In case the information being sought/requested can be viewed or accessed in the DCWD Website, the FOI Receiving Officer shall immediately inform the requesting person regarding its availability online.

Once a decision is made to grant the request, the person making the request shall be notified immediately in writing of such decision.

- c.** If the document/record being requested is not available, for reason of disposal or no such record is being maintained, a Certification on the non-availability of the record shall be provided to the requesting person.

4. Granting of the Request

- a. The FOI Decision Maker shall be responsible for granting the request for access to information/documents. He/she is not allowed to charge any fee for such information.
- b. The FOI Decision Maker is permitted to extend the time period for acting on the requested information beyond ten (10) days for simple transactions and twenty (20) days for complex transactions provided that he/she notifies the requesting person regarding the reason/s for extension and the additional information/clarification needed.
- c. Reproduction of the documents/records/information is free of charge. However, if the number of pages exceeds fifty (50) pages, the requesting person shall be charged P3.00 per page and P2.00 for authentication.

5. DENIAL OF THE REQUEST

The FOI Decision Maker who rendered the decision shall send a notification letter informing the requesting person that his/her request is denied/disapproved within five (5) working days from the receipt of the request. The letter shall clearly indicate the ground/s for denial which shall also be reflected in the submitted request form of the requesting person.

a. Grounds for Denial

- The information/public record/official record being requested is among the exclusions stated in this Manual
- The requesting party failed to comply with the requirements
- The information/public record/official record being requested is not in the possession or control of the office

b. Duty of the FOI Receiving Officer

If the FOI Receiving Officer upon review of the request finds any ground for denial, he/she shall immediately

recommend to the FOI Decision Maker the denial of the request and prepare the Notice of Denial.

c. Duty of the FOI Decision Maker

If the FOI Decision Maker concurs with the decision of the FOI Receiving Officer, he/she shall cause the immediate issuance of the notice of denial. However, in the event that he/she finds no ground for denial of the request, he/she can instruct the FOI Receiving Officer to continue processing the same.

d. Period of Issuance of Notice of Denial

All notices of denial in relation to FOI shall be issued to the requesting party within five (5) working days from the receipt of the request.

6. APPEALS IN CASES OF DENIAL OF THE REQUEST

a. Where to appeal?

Denial of all request for access to information shall be appealed to the DCWD Central Appeals & Review Committee

b. When to appeal?

An appeal may be filed with fifteen (15) days from receipt of the notice of denial or from the lapse of relevant period to respond to the request.

c. How to appeal?

1. The person whose request was denied can send a letter of appeal to the DCWD Central Appeals & Review Committee
2. The letter of appeal shall state material facts such as the document/public record/information requested; when the request was made; the material dates to show timelines of the appeal. The notice of denial shall also be attached to the letter.

d. Action of the Central Appeal & Review Committee

- The Central Appeal & Review Committee shall decide the appeal within thirty (30) working days from the filing of the same. Failure to decide within the period shall be deemed a denial of the appeal
- Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

VI. FOI DIRECTORY

DESIGNATION	FOCAL PERSON	DIVISION
FOI Chairperson	Engr. Rizaldy T. Mandap	OGM
FOI Decision Maker	Christy C. Agustin	AHRD
FOI Receiving Officers	Gretchen G. Buena	OGM
	Jennifer P. Calimlim	CSD
	Liberty S. Quirong	AHRD
Central Appeals and Review Committee	Carol Lynne C. Gadon	CSD
	Jonathan H. Loresca	CAD
	Raul T. CastañO	Finance

ROLES OF FOI FOCAL PERSONS

- 1. FOI Chairperson** – the head of the agency who gives the final approval or denial of all FOI requests lodged to the Dagupan City Water District
- 2. FOI Decision Maker** – designated by the General Manager, with a rank not lower than a Department Manager or its equivalent. The FDM evaluates and approves or denies all request of information based on the following:
 - a.** The Dagupan City Water District 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 from the same requesting party whose request has already been previously granted or denied by the Dagupan City Water District
3. **FOI Receiving Officer** – is also designated by the General Manager and carries out the following functions:
 - a. Receiving all requests for information and forward the same to the appropriate office who has custody of the records
 - b. Monitors all FOI requests and appeals
 - c. Provides assistance to the FOI Decision Maker
 - d. Provides assistance and support to the public and staff with regard to FOI
 - e. Compile statistical information as required;
 - f. 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:
 - That the form is incomplete, or
 - That the information is already disclosed at foi.gov.ph or at data.gov.ph
4. **Central Appeals and Review Committee** – composed of three (3) officials with rank not lower than a Division Manager or its equivalent, designated by the Board of Directors to review and analyze the grant of request of information. The committee shall also provide expert advise to the General Manager on the denial of such request.

VII. FEES

1. **No Request Fee.** The Dagupan City Water District shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information:** The FRO shall immediately

notify the requesting party in case there shall be a reproduction, copying and/or delivery fee in order to provide the information. Such fee shall be the actual amount spent by the Dagupan City Water District in providing the information to the requesting party. The schedule of fees shall be posted by the Dagupan City Water District.

3. **Exemption from Fees:** The Dagupan City Water District may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

VIII. 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 any body or agency, which provides for more stringent penalties.

APPENDIX A – FOI REQUEST FORM



DAGUPAN CITY WATER DISTRICT FREEDOM OF INFORMATION REQUEST FORM

DCWD FOI Tracking No: _____

I. REQUESTING PARTY	
Complete Name	
Surname	Given Name
Middle Name	
Complete Address	
House/Block/Lot No.	Street
Barangay	
Municipality/Town/City	Postal Code
Contact Information	
Landline No. _____	Preferred Mode of Communication <i>For clarification and other matters</i>
Mobile No. _____	<input type="checkbox"/> Landline <input type="checkbox"/> Email
Email Address: _____	<input type="checkbox"/> Mobile Phone <input type="checkbox"/> Postal Address
Company/Affiliation/Organization/School and Position	
Preferred Mode of Response	
<input type="checkbox"/> Pick-up <input type="checkbox"/> Email	
<input type="checkbox"/> Fax <input type="checkbox"/> Postal Address	
Proof of Identity <i>(Please Attach Photocopy of Valid ID)</i>	
<input type="checkbox"/> Passport <input type="checkbox"/> Voter's ID	
<input type="checkbox"/> Postal ID <input type="checkbox"/> Others, _____	
<input type="checkbox"/> Driver's License ID No: _____	
<input type="checkbox"/> Photocopy <input type="checkbox"/> Certified True Copy	
II. REQUESTED INFORMATION	
Title of Document/Record Requested	
<i>Detailed description of the information including the date or period of the document needed</i>	
Any Other Relevant Information	
Purpose of Request <i>(Please be specific as possible)</i>	

III. CERTIFICATION AND DECLARATION

I declare and certify that the information provided in this form is complete and correct. I am aware that giving false or misleading information or using forged documents is a criminal offense. I bind myself and my principal to use the requested information only for the specific purpose stated and subject to such conditions as may be prescribed by the Dagupan City Water District. I understand that the DCWD may collect, use and dispose personal information contained in this request.

Signature Over Printed Name

Date (mm/dd/yy)

IV. ACKNOWLEDGMENT RECEIPT (FOR OFFICIAL USE ONLY)

Name of DCWD-FOI Receiving Officer : _____

Date and Time Received : _____

Signature: _____

ANNEX B – LIST OF EXCEPTIONS TO FOI

The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:¹

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of public and personal safety;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records or proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

¹These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

ANNEX C – FOI PROCESS CHART

