

PHILIPPINE PORTS AUTHORITY



FREEDOM OF INFORMATION AGENCY MANUAL

INTRODUCTION

In order to enhance the public's right of access to information, Executive Order No. 2 was issued on July 23, 2016. In order to fulfill the mandate of the executive order and reaffirming its commitment to rendering quality service and full transparency of its operations, the Philippine Ports Authority hereby sets its rules for Freedom of Information (FOI) requests for strict adherence by all offices, and by the public requesting information.

SECTION 1. AUTHORITY.

- 1.1. Article III, Section 7 of the 1987 Constitution of the Philippines.
- 1.2. Section 6.a (iii), Presidential Decree No. 857, or "Revised Charter of the Philippine Ports Authority", as amended.
- 1.3. Republic Act No. 10173, or "Data Privacy Act of 2012".
- 1.4. Executive Order No. 2, or "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".
- 1.5. GCG Memorandum Order No. 2014-10, or "The Rationalization of the Philippine Ports Authority".

SECTION 2. PURPOSE.

The purpose of this FOI Manual is to provide the process to guide and assist the Philippine Ports Authority (PPA), including its various Port Management Offices (PMOs), in dealing with requests for information received under Executive Order No. 2 on Freedom of Information.

Section 3. DECLARATION OF POLICY.

It is the policy of the PPA to make full public disclosure of all its transactions, and shall observe the right of the public to access to information which is of general public interest. The PPA shall likewise observe the right to privacy and protect personal information which are of sensitive nature.

Section 4. DEFINITION.

For the purpose of this Manual, the following terms shall mean:

- 4.1. "Baselining" shall mean the process of computing the average cost of complying with FOI requests based on the communication and reproduction costs and staff time;
- 4.2. "data.gov.ph" shall refer to the Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible;
- 4.3. "eFOI.gov.ph" shall refer to the government's website for comprehensive information on the FOI. eFOI.gov.ph provides

a central resource for the public to understand FOI, locate records already made available online due to a previous FOI request, and instructions on how to make a request for information that is not yet publicly available;

- 4.4. "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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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 the PPA pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by this office;
- 4.5. "Official record/records" shall refer to information produced or received by any of the persons mention under Section 3 in their official capacities, or by the PPA pursuant to its functions or in the performance thereof;
- 4.6. "Personal Information" shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual;
- 4.7. "Public record/records" shall include information required by law, executive orders, rules or regulations to be entered, kept and made publicly available by the PPA;
- 4.8. "Proactive Disclosure" shall mean information made publicly available by government agencies without waiting for a specific FOI request;
- 4.9. "Requesting Party" shall refer to persons exercising the right of access to information by requesting any information, official record or public record from the PPA;
- 4.10. "Repository Officer/Official Custodian" shall refer to the appropriate Department, Head Office Responsibility Center or Unit, Port Management Office (PMO) concerned to be determined based on the nature and content of the document; and,
- 4.11. "Sensitive Personal Information" shall refer to personal information:
 - (a) About an individual race, ethnicity, civil status, age, color, and religious or political affiliation;
 - (b) About an individual's health, education, genetics or the sexual life of a person, or to any proceedings for any

- offense committed or alleged to have been committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- (c) Issued by government agencies peculiar to an individual which includes, but is not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and,
 - (d) Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 5. RIGHT TO ACCESS TO INFORMATION. – As a rule, all persons shall have access to information, official records, and public records pertaining to the PPA's official acts, transactions and decisions, as well as access to government research data used as basis for policy development.

There shall be a legal presumption in favor of access to information, official records, and public records. No request for information duly filed shall be denied unless it clearly falls within the exceptions.

SECTION 6. EXCEPTIONS. – Access to information shall be denied when the information, official records or public records fall within the following exceptions:

- a) information covered by executive privilege;
- b) privileged information relating to national security;
- c) information concerning law enforcement and protection of public and personal safety;
- d) information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
- e) information, documents, or records known by reason of official capacity and are deemed 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 them in the exercise of their administrative, regulatory, or quasi-judicial powers;
- f) prejudicial premature disclosure;
- g) records of proceedings or information from proceedings, which pursuant to law or relevant rules and regulations are treated as confidential or privileged;
- h) matters considered confidential under banking and finance laws and their amendatory laws; and,
- i) other exceptions to the right to information under laws, jurisprudence, rules and regulations.

Section 7. FOI RECEIVING OFFICER.

There shall be an FOI Receiving Officer designated at the PPA who shall come from the Head Office and shall hold office therein.

The functions of the FOI Receiving Officer shall include (a) receiving on behalf of the PPA all requests for information and forward the same to the repository officer/official custodian concerned for information under the custody of Head Office, or the FOI Decision Maker for information under the custody of the PMO, (b) monitoring all FOI requests and appeals; (c)

providing assistance to the FOI Decision Maker; (d) providing support to the public with regard to FOI; (e) compiling statistical information on baselining the costs of answering FOI requests and other related data as required; and, (f) conducting initial evaluation of all requests and advising the requesting party/ies on the proper procedure to be taken as may be warranted.

SECTION 8. FOI DECISION MAKER.

The determination of the applicability of any of the exceptions shall be the duty of the FOI Decision Maker, which in every case shall be the General Manager of the PPA. Responsibility Centers shall provide assistance to the FOI Decision Maker in cases where the information contained in a document is esoteric and requires the expertise of persons with special training. In no case shall such assistance extend to the arrogation of the FOI Decision Maker's responsibility to rule on the confidentiality of the information.

In making such determination, the FOI Decision Maker shall exercise reasonable diligence to ensure that no exception shall be used nor availed of to deny any request for information or official record or public record if the denial is intended primarily and purposely to cover up a crime, wrongdoing, and graft and corruption.

SECTION 9. AVAILABILITY OF STATEMENT OF ASSETS AND LIABILITIES AND NET WORTH (SALN).

Subject to the provisions of Sections 5 and 6, all PPA officers and employees shall file and make available for scrutiny their SALNs in accordance with the procedures provided below.

SECTION 10. PROTECTION OF PRIVACY.

While providing access to information, official records or public records, the FOI Decision Maker and the FOI Receiving Officer shall ensure that the right to privacy of individuals are protected as follows:

- 10.1. PPA shall ensure that all 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 the executive order, this manual, or existing laws, rules, and regulations. Particular care should be given to avoid the disclosure of sensitive personal information;
- 10.2. PPA shall protect the 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; and,
- 10.3. The FOI Receiving Officer, the FOI Decision Maker, and any employee or official who has access, authorized or unauthorized, to personal information in the custody of PPA must not disclose that information except when authorized under the executive order or this manual or pursuant to existing laws, rules, and regulations.

SECTION 11. STANDARD PROCEDURE.

The following procedure shall be followed in **all requests** for information, official records, or public records made to the Head Office, Port Management Offices, and Terminal Management Offices:

- 11.1. Receipt of Request for Information. The FOI Receiving Officer shall receive the request for information from the requesting party and shall ascertain the completeness of the request. Requests for information shall be made in writing using the Access to Information Request Form (Appendix "A") which may be downloaded from www.ppa.com.ph and submitted either personally, through registered mail, or electronically by sending a scanned copy of the duly accomplished request form to foi1@ppa.com.ph or foi2@ppa.com.ph.

The request shall contain/state the following:

- Date of the Request
- Name of the Requesting Party
- Mailing Address
- Contact Information (landline number, mobile number, or valid e-mail address)
- Detailed description of the information requested
- Purpose of Request
- Signature of the Requesting Party
- Certification under oath of purpose and of non-disclosure

The Requesting Party shall present at least one (1) government-issued proof of identity with picture and signature of bearer, such as, but not limited to:

- GSIS/SSS Identification Card
- Voter's Identification Card
- Passport
- Driver's License
- PRC Identification Card
- Senior Citizen's Identification Card
- Postal Identification Card
- Philhealth Identification Card

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 is one of the recognized exceptions contained in the inventory under Section 6 hereof.

- 11.1.a. For requests for information not in the prescribed Access to Information Request Form, the requesting party must provide his/her complete contact details to include the following:

- Name
- Mailing address
- Landline or mobile number or valid e-mail address

In case of failure to provide any of the above information, the request shall be deemed incomplete and/or as not filed.

The FOI Receiving Officer shall then endeavour to contact the requesting party through the contact details provided in order to direct the requesting party to submit a duly accomplished Access to Information Request Form. Only upon receipt of the the complete request from the requesting party as prescribed in Section 11.1.c of this manual shall the running of the fifteen (15) working day period start.

- 11.1.b. In case the requesting party is unable to make a written request because of illiteracy, disability, or similar reasons, the requesting party may make an oral request, which the FOI Receiving Officer shall reduce into writing. In case the request is made on behalf of a juridical entity, the request shall be accompanied by a secretary's certificate or board resolution authorizing the requesting party to make the FOI request on the juridical entity's behalf and the purpose therefor. If the request is being made for academic purposes by students, the student shall attach the indorsement of the school stating the purpose for the request and certifying that the requesting party is a student of the school for the current semester.
- 11.1.c. The request shall be stamped received by the FOI Receiving Officer, indicating the date and time of the receipt of the request, and the name, signature, and position/rank of the FOI Receiving Officer and a copy thereof shall be given to the requesting party. In case of e-mail requests, the e-mail shall include an attachment of the FOI form properly filled out, including the signature of the requesting party. The FOI Receiving Officer shall input the details of every request in the Request Tracking System and assign a reference number.
- 11.1.d. The PPA must respond within fifteen (15) working days from the receipt of the request. The date of receipt of the request is (a) the day of actual physical receipt in the PPA office with the corresponding stamp "received" on the request form or (b) the day of acknowledgment of receipt of the request as stated in the electronic time and date stamp of the e-mail from the FOI Receiving Officer. If the request is incomplete, or further details are needed to identify and locate the requested

information, the date of receipt shall be the date when the clarification or completion of details was received and/or acknowledged by the FOI Receiving Officer.

11.2. Initial Evaluation. – After receipt of the request, the FOI Receiving Officer shall evaluate the contents of the request.

11.2.a. The FOI Receiving Officer shall forward the request to the concerned Repository Officer/Official Custodian within one (1) working day from receipt with the instructions to provide only the information that relates to their respective custodies.

In cases where there is no need to refer the request to a Repository Officer/Official Custodian, the FOI Receiving Officer shall transmit the request and, where necessary, the requested information to the FOI Decision Maker within five (5) working days.

11.2.b. Requests for information submitted through Port Management Offices and/or Terminal Management Offices shall be immediately transmitted to the FOI Receiving Officer. The running of the mandated fifteen (15) working day period to respond shall start on the date and time of receipt by the FOI Receiving Officer pursuant to Section 11.1.c of this manual.

11.2.c. For requests for information which is not in the custody of the PPA following verification with the concerned responsibility centers, the FOI Receiving Officer shall immediately inform the requesting party in writing within the mandated fifteen (15) working day period that PPA is not the custodian of the information requested. The FOI Receiving Officer shall then direct the requesting party to the appropriate agency for filing of the FOI request. There shall be a fresh period of fifteen (15) working days for FOI requests received from and/or directed to other government agencies.

11.2.d. For requests for information already proactively disclosed by PPA as either on data.gov.ph, eFOI.gov.ph, or other platforms by which government agencies perform proactive disclosure of their transactions, the FOI Receiving Officer shall, within five (5) working days from receipt of the request, inform the requesting party of the said fact and provide them with a link where the information is posted or may be readily accessed.

11.3. Transmittal of the request to the FOI Decision Maker. – Within four (4) working days from receipt of the request for information from the FOI Receiving Officer, the Repository Officer/Official Custodian shall transmit the request and the requested information to the FOI Decision Maker.

- 11.4. Role of the FOI Decision Maker in processing the FOI request. – Within eight (8) working days from receipt of the FOI request and the requested information from Repository Officer/Official Custodian, the FOI Decision Maker shall decide whether to grant, partially grant, or deny the request for information based on the grounds set forth in Section 7. He may partially grant the request, taking care to ensure that confidential documents are excluded from the information to be disclosed.

If the FOI Decision Maker needs further details to identify or locate the information requested, he/she shall, through the FOI Receiving Officer, seek clarification from the requesting party. The clarification shall toll the running of the fifteen (15) working day period and will only begin to once again run on the day after responsive clarification is received from the requesting party.

If there is doubt as to the applicability of the exceptions, the FOI Decision Maker may request the opinion of the Legal Services Department. The request shall contain a description of the parts of the document the nature of which is under question in order to facilitate the assessment to be made by the Legal Services Department. The assessment/opinion shall be made within three (3) working days.

The FOI Decision Maker shall transmit to the FOI Receiving Officer his/her decision on the request, and the information requested, if the decision is approval. The FOI Receiving Officer shall note the date and time of the receipt of the decision from the FOI Decision Maker, which shall not be later than at least two (2) working days before the lapse of the fifteen (15) working day period to respond, and shall note the same on the Request Tracking System if the same is beyond the mandated fifteen (15) working day period.

- 11.5. Role of FOI Receiving Officer to transmit the information to the requesting party. – Upon receipt of the requested information from the FOI Decision Maker, the FOI Receiving Officer shall collate and ensure that the information is complete.

He/she shall attach a cover letter/transmittal letter signed by the FOI Decision Maker and ensure the transmittal of such to the requesting party.

- 11.6. Extension of Period to Respond. – The period to respond may be extended whenever the information requested requires extensive search of the PPA's records facilities and examination of voluminous records, in the event of the occurrence of fortuitous events, where there is a need on the part of port or terminal management offices to refer to or to confer with the head office, and other analogous cases. The FOI Decision Maker shall, through the FOI Receiving Officer, notify the requesting party of such extension, setting forth the reasons therefor. In no case shall the extension go beyond twenty (20) working days counted

from the expiration of the original period, unless exceptional circumstances warrant a longer period.

11.7. Notice to the Requesting Party of the Approval or Denial of the FOI request. – Once the FOI Decision Maker has acted upon the request by approving, partially approving, or denying the same, he/she shall immediately notify the FOI Receiving Officer who shall prepare the response to the requesting party in writing.

11.7.a. In case of approval, the FOI Receiving Officer shall inform the requesting party within the prescribed period that the request was granted, and direct the requesting party to pay the corresponding fees prior to release. Where the FOI Receiving Officer gives the corresponding assessment to the requesting party, the mandated fifteen (15) working day period is tolled and will begin to run anew once the FOI Receiving Officer receives the applicant's full payment in accordance with the preceding section. In any event and where the remaining period is five (5) working days or less, the FOI Decision Maker shall have a fresh ten (10) working days from receipt of full payment.

11.7.b. In case of partial approval where some parts of the document are covered by privilege or exemption, the FOI Receiving Officer shall notify the requesting party of such partial approval within the prescribed period. The notice shall contain an enumeration of the parts which are deemed classified and cannot be released to the public, and shall state the reasons therefor. All partially-approved requests shall be approved by the FOI Decision Maker.

11.7.c. In case of denial, the FOI Receiving Officer shall likewise notify the requesting party of the fact of denial and the reasons therefor within the prescribed period. Failure to notify the requesting party within the period is deemed a denial and may be appealed in accordance with Section 14, without prejudice to the initiation of the corresponding administrative complaint. All denials shall likewise be signed by the FOI Decision Maker.

11.8. Payment of Fees. – Once the request is granted and the requesting party has been duly notified, the requesting party shall proceed to the FOI Receiving Officer and present the notice granting or partially granting his/her request. The document shall be released to the requesting party only after the payment of fees and presentation of the receipt to the FOI Receiving Officer.

SECTION 12. FEES.

PPA shall not charge any fee for accepting requests for access to information. It shall, however, charge a reasonable fee to defray certain costs, including actual costs of reproduction and copying of the information requested, subject to existing laws and rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of the executive order.

The PPA, on very reasonable grounds, may exempt any requesting party from payment of fees upon request and the reasons therefor shall be so stated.

SECTION 13. IDENTICAL OR SUBSTANTIALLY SIMILAR REQUESTS.

The PPA shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied.

SECTION 14. REMEDIES IN CASE OF DENIAL OF ACCESS TO INFORMATION.

A requesting party whose right of access to information was denied may appeal the decision in the following manner:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, *provided*, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request; and,
- (b) A final appeal may be filed with the PPA Board of Directors through the Office of the Corporate Board Secretary within fifteen (15) calendar days from receipt by the requesting party of the notice of denial. The board of directors shall not entertain any appeals which have not undergone appeal under sub-section (a) hereof. The decision of the board of directors shall be final and the requesting party shall thus be deemed to have exhausted administrative remedies.

SECTION 15. KEEPING OF RECORDS.

PPA shall create and 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 16. MULTI-TRACK PROCESSING

PPA shall implement a system that divides incoming FOI requests according to their complexity such that simple requests requiring relatively minimal review are placed in one processing track and complex requests are placed in another track. The FOI Receiving Officer shall be in charge of classifying requests according to complexity and shall conduct the baselining of costs for both tracks based on the data which may be gleaned from monitoring the progress of requests for both types of requests.

SECTION 17. ADMINISTRATIVE LIABILITY.

Failure to comply with the provisions of the executive order and this manual may be a ground for administrative and/or disciplinary sanctions against any erring public officer or employee as provided under existing laws and regulations.

SECTION 18. SEPARABILITY CLAUSE.

If any section or part of this Manual is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

SECTION 19. REPEALING CLAUSE.


PPA Memorandum Order No. 21-2007 and PPA Board Administrative Order No. 02-2015 are hereby repealed. All other orders, rules and regulations, issuances, or any part thereof inconsistent with the provisions of the executive order and this manual are hereby repealed, amended, or modified accordingly.



JAY DANIEL SANTIAGO
General Manager

APPENDIX "A"

PPA FOI Request Form

 PHILIPPINE PORTS AUTHORITY PPA Head Office Building, A.Bonifacio Drive., South Harbor, Port Area, Manila	CONTACT US		
	Tel Nos.: (+632) 527-8356 Fax No.: (+632) 527-4745 Email: foi1@ppa.com.ph foi2@ppa.com.ph Website: www.ppa.com.ph		
ACCESS TO INFORMATION REQUEST FORM			
To be accomplished by the Applicant			
1. Name :			
2. Residence/Business Address	House No./Blk. No.		
	Street		Barangay
	City/Municipality		
3. Proof of Identity:			
4. Contact Information	Landline:	Mobile No.:	Valid Email:
5. Detailed description of the information/document requested:			
6. Purpose of the request:			
7. Name and signature of authorized representative if any:		Proof of identity and/or evidence of authority:	
<div data-bbox="561 1301 1005 1330" data-label="Section-Header"><p><u>CERTIFICATION UNDER OATH</u></p></div> <div data-bbox="279 1375 1287 1615" data-label="Text"><p>I hereby certify under oath that the undersigned is the person whose name and signature appears here and that the above-requested information will be used for the stated purpose/s and for no other. None of the contents of such document/information will be disclosed to a third party, except the applicant here. I have not misused any information previously obtained from this Office. In case where a study is conducted in line with a school-sanctioned project, the identity of the concerned public officer/s or employee/s shall not be unduly disclosed but shall be referred in general terms (e.g. mayors of Metro Manila) to prevent unnecessary disclosure of information about the public official/s or employee/s. Should I violate the terms of this undertaking, I understand that I will be proceeded against under the Revised Penal Code for perjury.</p></div> <div data-bbox="937 1666 1232 1695" data-label="Text"><p>_____ Signature over printed name</p></div>			

APPENDIX "B"

PPA FOI FLOW CHART

