

Freedom of Information Agency Manual



PHILIPPINE MERCHANT MARINE ACADEMY

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SECTION I: OVERVIEW

i. TITLE

Philippine Merchant Marine Academy Internal Freedom of Information Manual

ii. PURPOSE

The purpose of this Internal FOI Manual (Manual) is to guide the PHILIPPINE MERCHANT MARINE ACADEMY in dealing with requests for information from the public.

iii. STRUCTURE

This Manual shall set out the rules and procedures of the PMMA for requests received under Executive Order (E.O.) No. 2 (**Annex "A"**). The PMMA Superintendent is responsible for all actions carried out under this Manual and may delegate this responsibility to the Assistant Superintendent for Admin & Finance of the PMMA. The Assistant Superintendent for Admin & Finance, acting as FOI Champion, will delegate officer/s to act as the Decision Maker/s (DM) who shall have overall responsibility for the initial decision on FOI requests.

iv. COVERAGE

The Manual shall cover all requests for information directed to the PMMA subject to reasonable conditions prescribed by law.

SECTION II: DEFINITION OF TERMS

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.

pmma.edu.ph - The official website of the PMMA, where people can download the FOI Request Form and other information, materials, and data on transparency.

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

FOI Appeals and Review Committee - There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Unit Head or its equivalent, designated by the Superintendent of the PMMA, to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the Superintendent on the denial of such request.

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.

FOI Champion - The FOI Champion is in charge of promotion and overseeing the Academy's compliance with Executive Order No. 2.

FOI Request - a written request submitted to a government office personally or by email asking for records. An FOI request can generally be made by any Filipino to any government office.

FOI Decision Maker - There shall be an FOI Decision Maker (FDM), designated by the SUPERINTENDENT, with a rank not lower than a Unit Head or its equivalent. The FDM shall conduct evaluation of the request and has the authority to grant or deny the request.

FOI Receiving Officer - The PMMA shall designate an FOI Receiving Officer (FRO) preferably coming from the ITS. The FRO receives the request, evaluates the form, recommend action to the FDM, and notify the requesting party of any action to the request whenever available. The FRO also checks if information is already disclosed in the Academy's Official website, foi.gov.ph or at data.gov.ph. The FRO monitors and tracks all requests and complies statistical information as necessary.

Full Denial - when the Academy or any of its offices cannot release any records in response to an FOI request, because, for example, the requested information is exempted from disclosures in its entirety or no records responsive to the request could be located.

Full Grant - when a government office is able to disclose all records in full in response to a FOI request.

Information - 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.

Official Record/s – 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

Open Data - Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

Partial Grant/Partial Denial - when a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

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.

Public Record/s – includes information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office

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.”

Requesting Party – shall refer to the person/organization who makes an official request for access to information

SECTION III: SCOPE, LIMITATIONS, AND PROACTIVE DISCLOSURE

SCOPE OF APPLICATION

This manual shall govern all requests for information from the Philippine Merchant Marine Academy.

LIMITATIONS

i. Sensitive Personal Information

Requests for information that would constitute an unwarranted invasion to a person’s privacy will be denied. However, the requesting party can be provided access to such personal information if the official/personnel has consented, in writing, to the disclosure of information.

As defined in the Data Privacy Act of 2012, sensitive personal information shall

refer to personal information:

- (1) 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;
- (2) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (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.

ii. Restricted Documents

Information classified or marked as restricted documents in a legal proceeding (e.g. appealed cases, orders and resolutions pertaining to employees and officials of the Academy)

iii. Confidential Documents

The information is classified or marked as confidential documents (e.g. investigation reports against officials, employees and/or cadets/cadettes)

iv. List of Exceptions

Type of information requested is listed under the List of Exceptions (**Annex "B"**) as specified under Executive Order No. 2. The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:

- (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 the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
- (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 them in the exercise of their administrative, regulatory or quasi-judicial powers;

(6) Prejudicial premature disclosure;

(7) Records of 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.

v. Files of employees

Files that reveal personal information such as address and contact details

PROACTIVE DISCLOSURE

Information made publicly available by government agencies without waiting for a specific FOI request. The PMMA posts on its website and other online platforms a various information such as:

(1) Budgetary and Financial Records

- Approved Budget under General Appropriations
- Financial Statements
- Financial Reports

(2) Administrative Records

- PMMA Organizational Chart and Structure
- Mandate, Mission, and Vision
- Office Directory
- Citizen's Charter
- Job Vacancies
- Memorandum Circular
- Office and Department Orders

(3) Public Bidding Documents

(4) Programs and Projects

- List of Projects
- Accomplishment and Technical Reports
- Status of Projects

SECTION IV: STANDARD PROCEDURE

Upon the establishment of an FOI system, the PMMA must accomplish the request within fifteen working days (15) following the date of receipt of the request. If the information requested requires extensive search of the government’s office records facilities, examination of voluminous records, or the occurrence of fortuitous events, the FDM may extend the accomplishment of the request for another twenty (20) working days.

FDM

DAY 5 – 14: FDM to act on request

DAY 15: FRO to notify Requesting Party if request is accomplished, denied, or needs extension

i. Making a Request

A written request must be submitted by the Requesting Party by filling out a Request Form (**Annex “C”**), which may be downloaded from www.pmma.gov.ph. The form may be accomplished manually (walk-ins) or electronically (eFOI.gov.ph). In case of e-mail, the Requesting Party must send a scanned accomplished copy of the PMMA Request Form.

- A. The request shall contain/state the following information:
 - Date of Request
 - Name of the Requesting Party
 - Mailing Address
 - Contact Number (landline and cellphone)
 - Email address, if any
 - Type of information requested
 - Purpose of Request
 - Signature of the Requesting Party

- B. The Requesting Party shall present at least one (1) government-issued ID with picture and signature of bearer.
 - GSIS/SSS ID
 - Voter’s ID

- Passport
 - Driver's License
 - PRC ID
 - Senior Citizen's ID
 - Postal ID
 - Philhealth ID
- C. If the Requesting Party is asking for public information on behalf of someone else, he/she must submit an authorization letter or Special Power of Attorney.
- D. Students shall be required to present a Student ID or Registration Form for the current Academic Year with an endorsement letter from Dean, Professor, or Adviser.
- E. All requests must be in writing. If the Requesting Party is illiterate, has a disability, or a senior citizen who is unable to complete a written request, the FRO shall assist him or her in accomplishing the request form.

ii. Receipt of Request

A. Walk-in - The request shall be stamped "RECEIVED" by the FRO, indicating the date and time of the receipt of the request, and the name and position of the public officer who received it with corresponding signature. After which, a stamped copy shall be furnished to the Requesting Party. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

B. Electronic – An acknowledgement electronic mail shall be sent to the Requesting Party. Day 1 of processing shall commence upon acknowledgment of request.

iv. Processing of Request

The processing of a request shall not exceed fifteen (15) working days from receipt of a request. Processing shall commence upon acknowledgment of request by the FRO. If the request was emailed to an FRO or FDM on leave, an 'out of office' message with instructions on how to re-direct the message to another contact is required.

If the information is already available in the agency website, e-FOI portal, or Open Data portal, the FRO shall immediately inform the Requesting Party that the information requested may be accessed online.

- A. The processing period may be **extended** beyond 15 days if:
- There is a need for extensive search in the PMMA's records facilities or examination of voluminous records;
 - There are fortuitous events (e.g. typhoon, suspension of office) or other similar circumstances
 - 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.
 - The information requested is related to records that are part of a court proceeding

In such cases, the FRO shall notify the Requesting Party of a need for extension.

- B. In the event that the information requested is not under the custody of the PMMA, the FDM, upon the recommendation of the FRO, shall advise the Requesting Party or his authorized representative to file the request to the concerned agency or unit.
- C. If the information being requested is no longer available for reason of disposal or no such record is being maintained, a Certification on the non-availability of the document or record shall be provided to the Requesting Party
- D. In case of a full denial of request, the FDM should immediately instruct the FRO to notify the Requesting Party so that he/she shall have the option to file for an appeal.

v. Granting of the Request

- A. The FDM shall be responsible for granting the request to information, in close coordination with the Office of the Superintendent.
- B. The FDM shall instruct the FRO to notify the Requesting Party that the request has been accomplished. A cover/transmittal letter (**Annex "E"**) signed by the Assistant Superintendent for Admin & Finance shall be forwarded to the Requesting Party.

- C. A Partial Grant of Request is when a government office is able to disclose only certain portions of the records in response to a FOI request
- D. Reproduction of documents is free of charge. However, if the number of pages exceeds 50, the Requesting Party shall be charged P3.00 per page for reproduction and P2.00 for authentication. An Official Receipt shall be given to the Requesting Party.

SECTION V. DENIAL OF REQUEST

The FRO, upon the instruction of the FDM, shall notify the Requesting Party of the Denial through writing, e-mail, or phone call. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.

i. Grounds for Denial

The Request may be denied on these conditions:

- The PMMA does not have the information requested
- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012
- The information requested falls under the list of exceptions to FOI
- There is a similar request made by the same Requesting Party previously granted or denied by the PMMA

ii. Remedies for Denial

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

- A. Administrative FOI Appeal to the PMMA 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.

The appeal shall be decided by Assistant Superintendent for Admin & Finance the upon the recommendation of the Central 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.

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

iii. Issuance of Denial

All notices of denial (**Annex “D”**) shall be issued by the FRO, upon instructions of the FDM, within fifteen (15) working days from the acknowledgement of request. Notice may be issued personally or by e-mail.

SECTION VI. FEES

1. **No Request Fee.** The PMMA shall not charge any fee for accepting requests for access to information.
2. **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. Such fee shall be the actual amount spent by the PMMA in providing the information to the requesting party.
3. **Exemption from Fees:** The PMMA 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 VII. KEEPING OF RECORDS

The PMMA shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

i. Request Tracking System. The PMMA 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.

ii. Records Keeper. The PMMA shall delegate a personnel in-charge of filing and keeping records

iii. Records Format. The following are considered records for the purpose of this Manual:

- **Hard copy** – public records, reports, minutes of meetings, papers, periodicals, books or other items, articles or materials
- **Soft Copy** – information in electronic form, including but not limited to documents, signatures, seals, texts, images, sounds, speeches, or data compiled, created, received, recorded, or stored by means of any recording device, process, computer or other electric devise or process in the conduct of an office's affairs
- **Web-based** – information prepared, processed, or stored online and which can be shared to any type of computer device.

