

TARLAC STATE UNIVERSITY

FOI

FREEDOM OF INFORMATION MANUAL



Republic of the Philippines
Tarlac State University
Romulo Boulevard, San Vicente, Tarlac City

PEOPLE'S FREEDOM OF INFORMATION (FOI) MANUAL

PREFACE

The Freedom of Information (FOI) Manual is in compliance with Executive Order No. 02, series of 2016 issued by the President for the Republic of the Philippines titled “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 Tarlac State University Freedom of Information (FOI) Manual is in response to the advocacy of the government to ensure transparency in its operations, particularly in disclosing non-controversial information needed by the public in making sound decisions. The university’s FOI manual serves as a guide to the public in making seamless requests that are outside the scope of frontline services. The FOI complements the government’s proactive disclosure of information (e.g.: Transparency Seal).

Moreover, as FOI promotes transparency, this manual is a means to reinforce the people’s trust in the government. FOI is also utilized to dismiss misinformation, provide additional references for academic research, promote innovation, and empowering the Filipinos.

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Article I. LEGAL BASIS

In compliance with Executive Order No. 02, s. 2016, also known as “Operationalizing in the Executive Branch the People’s Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines,” Tarlac State University created this Freedom of Information (FOI) Manual adhering to the directive that every government office covered by the E.O. should prepare its own People’s Freedom of Information Manual.

Article II. OVERVIEW

Section 1. Declaration of Policy. The University promotes and sponsors effective records management practices to ensure that information, specifically on matters of public concern, can be easily located, retrieved in a timely manner, and readily available to the public. Tarlac State University recognizes the right of people to information as inscribed in the 1987 Philippine Constitution and is committed to implementing Executive Order 02, s. 2016 by providing information involving public interest subject to stipulated conditions and limitations provided by applicable laws, rules, and regulations.

Section 2. Objectives. This FOI Manual aims to provide guidelines and detailed procedures to the public in requesting information, official records, and documents from the University as well as to guide and assist the Tarlac State University community in dealing with requests for information received under FOI.

Section 3. Scope. The manual shall cover all requests for information lodged under FOI and directed to the various offices in all Tarlac State University campuses.

Section 4. Definition of Terms

Approval/Disapproval of Requested Information. Granting or denying requested information or access to information, whether in whole or part.

Exceptions. It refers to information that should not be released and disclosed in response to an FOI request because it is protected by the constitution, laws, or jurisprudence or falls under the inventory of exceptions to E.O. 2, s. 2016.

eFOI Portal. This refers to the website where requests for information are lodged digitally (<https://www.foi.gov.ph>).

FOI Request Form. This refers to the official request form to be accomplished and submitted by the requestor or requesting party personally to access information, documents, and records that do not fall under the exceptions.

FOI Appeal. It refers to the independent review of the initial denial of a request.

Information. It pertains to any records, documents, papers, report letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data research materials, films, sound and video recording, magnetic or other tapes, recorded, stored, or archived in whatever format, whether offline or online, which are made, received or kept or under the control and custody of any government office under law, executive order, and rules and regulations or in connection with the performance or transactions of official business by any government office.

Official Record/s. It refers to any 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. It is defined as publicly available data structured in a way that enables the data to fully discoverable and usable by the end user.

Received Request/Appeal. It refers to the number of requests/appeals received within a certain period.

Personal Information. It is defined as 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 certainly identify an individual.

Public Records. It is defined as information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

Sensitive Personal Information. It refers to any personal information about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical, or political affiliations; an individual's health, education, genetic, or sexual life of a person or 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; 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.

Referral. It refers to the process conducted by the University whenever the requested information is not within its jurisdiction, and such request needs to be forwarded to another concerned government agency.

FROs – Freedom of Information Receiving Officers

FDMs – Freedom of Information Decision Makers

CARC – Central Appeal and Review Committee

ARTICLE III. THE UNIVERSITY'S FREEDOM OF INFORMATION COMMITTEE

Section 5. The Designated Freedom of Information Receiving Officers (FROs) and Their Duties and Responsibilities.

Name	OFFICE	DESIGNATIONS	CONTACT DETAILS	EMAIL ADDRESS
Jazzel Llanelli Manalo Manabat	Office of Public Affairs, Director FOI Unit Head	FOI Receiving Officer	(045) 606-8123	j1manabat@tsu.edu.ph
Victoria Seguirra	Records and Archives Unit, Head	Assistant FOI Receiving Officer	(045) 606-8156	vgseguira@tsu.edu.ph

5.1 Serve as the official receiving officers on behalf of Tarlac State University;

5.2 Receive and facilitate all requests for information as the first person to communicate with information requestors;

5.3 Provide assistance and support to the public with regard to FOI requests in the university;

5.4 Release and file the FOI request form;

5.5 Ensure that the FOI request forms are correctly and completely accomplished;

5.6 Review and process all manual and eFOI request/s and forward such to the concerned FOI Decision Maker/s who has the jurisdiction over the requested record/s or document/s in consultation with the other members of the FOI Committee, if necessary;

5.7 Monitor all the received requests are responded to within the prescribed period;

5.8 Maintain an FOI registry and summary of all the requests following the format provided by the FOI;

5.9 Provide pertinent information to the FOI Committee of the University for the improvement of services;

5.10 Prepare all other necessary FOI reports.

Section 6. The Designated Freedom of Information Decision Makers (FDMs) and Their Duties and Responsibilities.

OFFICE	DESIGNATIONS	CONTACT DETAILS	EMAIL ADDRESS
Office of Governance and Quality Management, Director	FOI Committee Chairperson, Decision Maker	(045) 606-8110 ext. 123	tmtimpac@tsu.edu.ph
Office of Planning, Director	FOI Committee Vice Chairperson, Decision Maker	(045) 606-8110 ext. 126	planning@tsu.edu.ph
Office of Student Affairs and Services, Director	Member, Decision Maker	(045) 606-8110 ext. 130/131	osa@tsu.edu.ph
Office of Administrative Services, Director	Member, Decision Maker	(045) 606-8110 ext. 154/202	tsu-admin@tsu.edu.ph
Office of Human Resource Development and Management, Director	Member, Decision Maker	(045) 606-8110 ext. 155	hrdmo@tsu.edu.ph
Office of University Extension Services, Director	Member, Decision Maker	(045) 606-8110 ext. 191	extension@tsu.edu.ph
Office of University Research Development, Director	Member, Decision Maker	(045) 606-8110 ext. 190	research@tsu.edu.ph
Office of Innovation and Business Development	Member, Decision Maker	(045) 606-8110 ext. 193	oibd@tsu.edu.ph
Center for Food Technology and Research, Director	Member, Decision Maker	(045) 606-8110 ext. 251	ftrc@tsu.edu.ph
Presidential Communications Secretary	Member, Decision Maker	(045) 606-8110 ext. 101	mcpbondoc@tsu.edu.ph
Executive Assistant to the VP Academic Affairs	Member, Decision Maker	(045) 606-8110 ext. 115	vpaa@tsu.edu.ph
Executive Assistant to the VP Administration	Member, Decision Maker	(045) 606-8110 ext. 112	vpaf@tsu.edu.ph

Executive Assistant to the VP Research, Innovation, and Extension	Member, Decision Maker	(045) 606-8110 ext. 111	vpres@tsu.edu.ph
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6.1 Advise the FOI Receiving Officer of the necessary responses for information requests;

6.2 Provide guidance and training to the University's employees regarding E.O. 2, s. 2016;

6.3 Advise the University in all matters of FOI;

6.4 Supervise the creation and development of the University's FOI Guidelines/Manual;

6.5 Ensure that the processes are followed when dealing with requests for information;

6.6 Create a standard fee of charging for information requests (i.e. photocopying) per the Fees Regulations set out by the government;

6.7 Manage procedures for the processing of appeals and complaints concerning FOI;

6.8 Make sure that difficulties related to freedom of information are promptly resolved.

Section 7. The Designated Freedom of Information Central Appeal & Review Committee (CARC) and Their Duties and Responsibilities.

NAME	OFFICE	DESIGNATIONS	CONTACT DETAILS	EMAIL ADDRESS
Atty. Gherold C. Benitez	Vice President for Administration	Chair, Central Appeal & Review Committee	(045) 606-8112	gcbenitez@tsu.edu.ph
Dr. Jasper Jay N. Mendoza	Vice President for Academic and Affairs	Member, Central Appeal & Review Committee	(045) 606-8115	jjn.mendoza@tsu.edu.ph
Atty. Wilmark J. Ramos, DBA	Vice President for Research, Innovation, and Extension	Member, Central Appeal & Review Committee	(045) 606-8111	wjramos@tsu.edu.ph

7.1 Receive all complaints in writing about matters pertaining to the FOI of the University;

7.2 Conduct investigations and hearings about the complaints and issue final decision on the matter;

7.3 Review and revise the policies, guidelines, and manual in the implementation of the FOI to the University stakeholders and the public; and

7.4 Perform other functions related to their major designations to be assigned by proper authorities.

Article IV. PROMOTION OF TRANSPARENCY IN GOVERNANCE OF TARLAC STATE UNIVERSITY

Section 8. Duty to Publish Information. Tarlac State University shall regularly publish, print, and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate, and updated key information including but not limited to:

8.1 A description of its mandate, structure, powers, functions, duties and decision-making processes;

8.2 A description of frontline services it delivers and the procedure and length of time by which services may be availed of;

8.3 The names of its key officials, their powers, functions, and responsibilities;

8.4 Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue allotments and expenditures;

8.5 Important rules and regulations, orders, or decisions;

8.6 Current and important database and statistics that it generates;

8.7 Bidding processes and requirements; and

8.8 Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of power.

Section 9. Accessibility of Language and Form. The University shall endeavor to translate its key information into Filipino, Pampango, and Ilocano languages and present them in popular forms and means.

Section 10. Keeping of Records. The University shall create and/or maintain in appropriate formats accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications, and documents received or filed with them, and the date generated or collected.

Section 11. Protection of Privacy. While providing access to information, the University and its colleges, units, and offices shall afford full protection to a person's right to privacy as follows:

11.1 The University, its colleges, units, and offices shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws.

11.2 The University, its colleges, units, and offices shall protect personal information in its custody or control by making reasonable security arrangements against unauthorized access, leaks, or premature disclosure.

11.3 The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the University, its colleges, units, and offices shall not disclose that information except as authorized by the University or under existing laws.

Article V. PROCEDURES AND ACTION IN THE PROCESSING OF REQUEST INFORMATION

Section 12. Procedures and Action for Requested Information. The University shall implement the standard and online modes of information requests through a manually accomplished printed request form or the eFOI portal, respectively (See Annexes A & B).

12.1 The requesting party shall choose whether he/she will request information through the standard or online means:

12.1.1 The requesting party shall accomplish or fill out the FOI request form available at the Office of Public Affairs, where the FRO could guide or assist the requestor; or

12.1.2 The requesting party shall visit the eFOI portal (<https://www.foi.gov.ph>) to make a request under Tarlac State University.

12.2 The assigned FRO shall receive and process the requested information or documents.

12.2.1 The FRO shall promptly check the accomplished form before processing the request and must ensure that it includes the necessary details of the request to avoid confusion or delay. The FOI request form shall be stamped received, indicating the date and time of receipt, and signed by the FRO.

12.2.2 The FRO shall review the request lodged through the eFOI portal and take the necessary actions (whether to deny or assign).

12.3 After checking the request, the FRO shall assess or evaluate the requested information, whether it can be given or subjected to exceptions enshrined in the constitution, existing law, and other special laws pertinent to FOI.

12.4 In case of any request submitted or sent through the University's official email, the receiver shall acknowledge the email of the requesting party, print out the request form, and take the necessary actions within fifteen (15) working days.

12.5 The FRO shall forward the request to the concerned FDM who has custody of the requested information, document, or record.

12.6 The FRO shall notify the requesting party upon receipt regarding the status, approval, or disapproval of the request.

12.6.1 If the manual request is approved, the FRO shall ensure that all information, records, and documents that have been retrieved are checked for possible exemptions before the release date. The FRO shall prepare the assessment of the applicable fees to be paid by the requestor, if applicable.

12.6.2 If the eFOI request is within the jurisdiction of the University, the FDM shall take the necessary actions in providing the requested information to the requesting party.

12.7 If consultation with the FOI committee is necessary regarding the requested information, the committee's decision and the processing of the requested information must be made within the prescribed fifteen (15) working days. The FRO shall notify the requesting party regarding the status, approval, or disapproval of the request.

12.8 If the requested information is extensive and requires additional days to complete, the FRO must inform the requesting party and request an extension of twenty (20)

working days. The FRO shall state the reason/s for the requested extension and inform the requesting party that complex requests entail a maximum of thirty-five (35) working days to be accomplished.

Section 13. Disapproval of Request. If the requested information or documents are exempted from the coverage of this manual or are considered vexatious (FOI MC No. 5, s. 2020), the FRO shall deny the request for information and inform the requestor regarding the disapproval. In case of denial of the request, wholly or partially, the requesting party shall be notified in writing, through the eFOI portal, or other forms of communication by the responsible FRO of such denial within the prescribed period. Failure to notify the requesting party of the action taken on the request within the period provided herein shall be considered denial to access information and subject to administrative liabilities and penalties.

Section 14. Requested Information Available Online. If the requested information is already posted and publicly available on the Tarlac State University website, data.gov.ph, or foi.gov.ph, the request shall be denied. However, the University shall inform the requesting party of the reasons for such denial.

Section 15. Requested Information Not Covered or Within the University's Custody. If the requested information is not within the coverage of E.O. 2, s. 2016 or is not maintained by the University or any of its colleges, offices, or units, the University shall undertake the following steps:

15.1 If the requested information is maintained by another agency, the request shall be immediately referred to the appropriate agency within three (3) working days through the eFOI Portal. The requesting party must subsequently be informed regarding the appropriate agency referral. The request can be referred to a maximum of three (3) agencies, including Tarlac State University (see Annex C), in compliance with FOI MC No. 21-05.

15.2 If the requested information is maintained by an office outside the University's jurisdiction, the requesting party shall be advised accordingly and provided with the contact information of the said office, if available.

Section 16. List of Documents Maintained by the University.

- 16.1 Mandates and Functions of TSU
- 16.2 TSU President's Issuances
- 16.3 Board Resolutions
- 16.4 Minutes of the Meetings of the University Administrative Council
- 16.5 Minutes of the Meetings of the University Academic Council
- 16.6 Accomplishment Reports/Annual Reports
- 16.7 Official University Forms
- 16.8 Notice of Meetings
- 16.9 Photo Gallery

Section 17. List of FOI Exceptions Ineligible for Disclosure.

- 17.1 Information covered by Executive Privilege
- 17.2 National Security, Defense, or International Relations
- 17.3 Law Enforcement & Protection of Public & Personal Safety

17.4 Confidential Information for the Protection of Privacy of Persons

17.5 Confidential Information by reason of official capacity

17.6 Statement of Assets and Liabilities and Net worth (SALN)

17.7 Prejudicial Premature Disclosure

17.8 Records of Proceedings

17.9 Confidential information under banking and finance laws

17.10 Other exceptions under laws, jurisprudence, and IRR (Implementing Rules and Regulations)

Section 18. Other Exceptions. The FOI Committee of the University, upon prior determination and approval of the University President and its Board of Regents, Academic Council, and Administrative Council, may provide other information or documents that may be exempted from the coverage of this manual in addition to the foregoing enumeration.

Article VI. PROCEDURE OF APPEAL IN CASE OF DENIAL OF REQUEST

Section 19. Procedure of Appeal. The requesting party, whose request for information has been disapproved or denied within the prescribed period, may apply for appeal within fifteen (15) calendar days from the date of receipt of disapproval or denial. No appeal shall be recognized by the university without the written request of appeal containing the following: full name and address of the appealing party, full name and office address of the FRO or FDM who denied the request for information, a narration of the relevant and materials facts leading to the filing of the appeal, and certified true copies of the documentary evidence and affidavit of witnesses (if any). Failure of the requesting party to comply with any of the mentioned requirements may cause the dismissal of the appeal. The University President shall decide the appeal within thirty (30) calendar days from the receipt of the said appeal. Failure to decide the appeal within the 30-day period shall be considered a denial of the appeal.

Section 20. Resort to Court Action. Upon exhaustion of all administrative procedures and/or FOI appeal remedies, the requesting party may file the case in the court.

Article VII. ADMINISTRATIVE LIABILITIES AND PENALTIES

Section 21. Non-compliance with the FOI. Failure to comply with any of the provisions of the Tarlac State University FOI Manual shall be grounds for administrative and disciplinary action. If found guilty, the following penalties shall be imposed:

1 st offense	-	Reprimand
2 nd offense	-	Suspension of seven (7) to thirty (30) days
3 rd offense	-	Dismissal from service


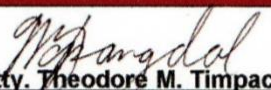
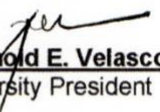
Section 22. Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this manual.

Article VIII. FEES

Section 23. Fees. The FDMs shall determine the actual amount collected for the reproduction/authentication and copying fee, subject by the approval of the Board of Regents.

Section 24. Payment of Requested Information. All fees on the request for information shall be paid at the TSU Main Campus Cashier or through online payment. The University or any of its colleges, units, or offices shall not collect any fee pertinent to the request for information or any appeal on denial of such request. The FOI Committee or FROs may exempt any requesting party from payment of fees due to indigence, lack of funds, or similar circumstances, upon request and subject to the showing of proof of any of such circumstances.

Section 25. Effectivity. The fees shall take effect upon approval of the Tarlac State University Board of Regents.

Prepared by:	Reviewed by:	Approved by:
 <u>Jazzel Llanelli M. Manabat</u> FOI Receiving Officer	 <u>Atty. Theodore M. Timpac</u> Chairperson/Decision Maker, FOI Committee	 <u>Dr. Arnold E. Velasco</u> University President

ANNEX A

Republic of the Philippines
TARLAC STATE UNIVERSITY
 Romulo Boulevard, San Vicente, Tarlac City
 Tel./Fax No.: (045) 982-5574; (045) 982-0110

FOI Tracking Number

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FREEDOM OF INFORMATION (FOI) REQUEST FORM

(Pursuant to Executive Order No. 2 s. 2016)

(For use of External Requests)

A. Requesting Party

1. SURNAME	2. GIVEN NAME	3. MIDDLE NAME
4. Complete Residence Address/Office Address: _____		
Mobile No./ Landline No.: _____ Email Address / FAX: _____		
5. Preferred Mode of Communication on the action of request: <input type="checkbox"/> Landline <input type="checkbox"/> Mobile <input type="checkbox"/> Email <input type="checkbox"/> FAX <input type="checkbox"/> Postal Address <input type="checkbox"/> Pick up Specify: _____		
6. Type of ID provided (with photo and duly signed):		
7. Preferred mode of Reply: <input type="checkbox"/> Pick up <input type="checkbox"/> Electronic (Email or Fax) <input type="checkbox"/> Others		

B. Requested Information

8. Title of Document / Records Requested:	9. Coverage/Time Period:
10. Purpose:	

C. Declaration

Privacy Notice: I was informed that the information from my application will be used by the Tarlac State University (TSU), to deal with my application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives me access to a document, and if the document contains no personal information about me, the document will be published online in the Agency's Website or disclosure log, along with my name and the date I applied, and if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body must be indicated.

I declare that:

- *The information provided by me in the form is complete and correct;*
- *I have read the Declaration*
- *I have presented at least one (1) government – issued ID to establish proof of my identity, which is specified in no. 6 of the Form.*

11. Signature over Printed Name (Requesting Party)

Date: _____

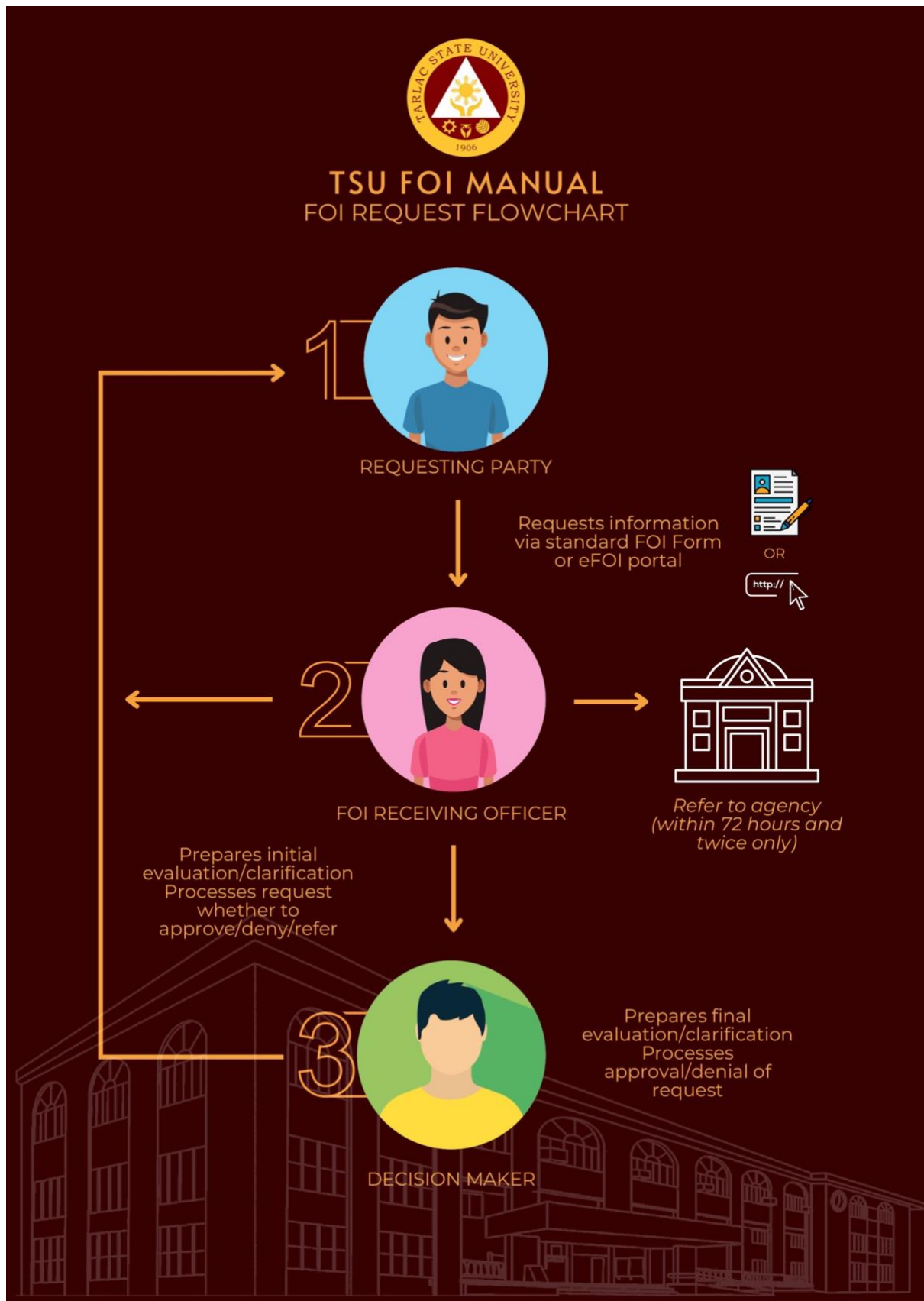
D. FOI Receiving Officers (RO)

12. First Receiving Officer: _____ (Signature Over Printed Name) Date: _____ 13. Second / Third Receiving Officer: _____ (Signature Over Printed Name) Date: _____	14. Decision Maker Assigned to Application _____ (Signature Over Printed Name) Date: _____ 15. Decision on Application: <input type="checkbox"/> Successful <input type="checkbox"/> Partially Successful <input type="checkbox"/> Denied <input type="checkbox"/> Cost <input type="checkbox"/> Invalid <input type="checkbox"/> Incomplete <input type="checkbox"/> Exemption <input type="checkbox"/> Data Already Available Online
16. Date Request Finished/Sent: _____	18. FOI Registry Accomplished : <input type="checkbox"/> YES <input type="checkbox"/> NO
17. Date Request Received: _____	19. Receiving Officer _____ (Signature Over Printed Name) Date: _____

Note: Processing of request – 7:00am to 12:00nn and 1:00pm to 6:00pm (Tuesday to Friday, except holidays)

Form No.: TSU-FOI-SF-01	Revision No. 00	Effectivity Date: November 28, 2019	Page 1 of 1
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ANNEX B





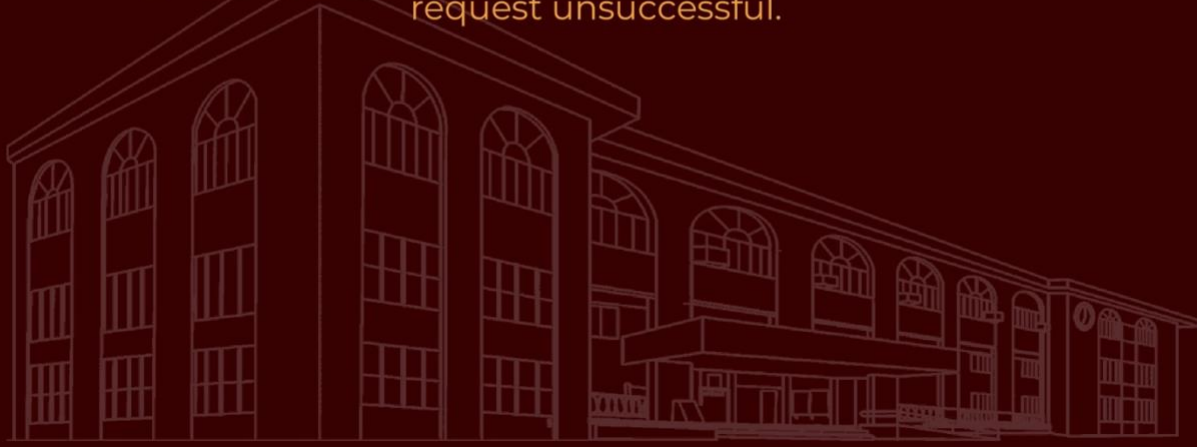
ADDENDUM TO THE TSU FOI MANUAL (FOI-MC NO. 21-05)

GUIDELINES ON THE REFERRAL OF REQUESTED INFORMATION, OFFICIAL RECORD/S, AND PUBLIC RECORD/S TO THE APPROPRIATE GOVERNMENT AGENCY (NO WRONG DOOR POLICY)

In compliance with FOI-MC 21-05 or the “No Wrong Door Policy for FOI,” when the requested information is not in the possession of TSU (Government Agency 1/GA1), but is available in a different government agency (GA2) under the Executive Branch, the request shall be referred to by GA1 to GA2 within 72 hours or three (3) working days.

If GA2 has the requested information, it shall proceed to providing the information. If it does not have possession of the requested information, it shall make a second referral to the third government agency (GA3).

If GA3 has the requested information, it shall proceed to providing the information. If not, GA3 shall mark the request unsuccessful.





TSU FOI MANUAL

NO WRONG DOOR POLICY FOR FOI

First Referral

- Must be referred within three (3) working days upon receipt of FOI request;
- GA1 must verify with GA2 whether the information is within the latter;
- GA1 must inform the requesting party regarding the referral;
- Fresh period will apply for GA2

Second Referral

- Must be referred within three (3) working days upon receipt of first referral
- GA2 must verify with GA3 whether the information is within the latter;
- GA2 must inform the requesting party regarding the referral;
- Fresh period will apply for GA3

NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

