



Republic of the Philippines

TARLAC STATE UNIVERSITY

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TARLAC STATE UNIVERSITY FREEDOM OF INFORMATION (FOI) MANUAL

ARTICLE I. LEGAL BASIS ON THE TARLAC STATE UNIVERSITY FREEDOM OF INFORMATION (FOI) MANUAL

In compliance to Executive Order No. 02, s.2016 entitled "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", the Tarlac State University created this Freedom of Information (FOI) Manual adhering to the directive that every government office should prepare its own People's Freedom of Information Manual.

ARTICLE II. OVERVIEW

Section 1. Declaration of Policy. The University promotes and sponsor 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 public. Tarlac States University recognizes the right of people to information and is committed to the implementation of Executive Order 02, s., 2016 by providing information involving public interest subject to stipulated conditions and limitations in the 1987 Philippine Constitution, other applicable laws, rules and regulations.

Section 2. Objectives. The FOI Manual aims to provide guidelines and detailed procedures to the public in requesting for information, official records, and documents in the university as well as to guide and assist the Tarlac State University community in dealing with requests for information received under Executive Order No. 2 also known as Freedom to Information Order or the "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".

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

Section 4. Definition of Terms.

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

Consultation. It refers to the process of asking the assessment, opinion of other government agency as to the disclosability of records which are found to contain information of interest to such other government agency when such records are in possession of the University.

Exceptions. It refers to information that should not be released and disclosed in response to an FOI request because they are protected by the constitution, laws or jurisprudence.

Freedom of Information. The Philippine Government specifically the Executive Branch recognizes and guarantees the right of the people to access information. The right of people to access information which is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI Request Form. Tarlac State University official request form to be accomplished and submitted by the requestor or requesting party personally or by electronic mail asking for information, documents records.

FOI Appeal. It refers to an independent review of the initial determination made in response to an FOI request in accordance with the procedures established herein.

Information. It means 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, 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 pursuant to law, executive order, and rules and regulations or in connection with the performance or transactions of official business by any government office.

Information for Disclosure. It refers to the information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts and programs of the University. In accordance with the concept of proactive disclosure and open data, this type of information is posted at the Tarlac State University Website and other government websites, such as data.gov.ph without the need for written requests.

Official records. 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 be fully discoverable and usable by the end user.

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

Private/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 and 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.

Personal Information. It refers 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 information, or when put together with other information would directly or certainly identify an individual.

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

Section 5. Sensitive Personal Information. As defined in the Data Privacy Act of 2012, this shall refer to personal information:

- 5.1 About an individual race, ethnic origin, marital status, age, color and religious philosophical or political affiliations.
- 5.2 About an individual health, education, genetic or sexual life 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.
- 5.3 Issued by the government agencies peculiar to an individual which includes, but not limited to social security numbers, previous or current health record, licenses or its denials, suspension or revocation and tax returns; and
- 5.4 Specifically established by an executive order or an act of Congress to be kept classified.

ARTICLE III. THE UNIVERSITY'S FREEDOM OF INFORMATION COMMITTEE (DECISION MAKERS) AND FOI RECEIVING OFFICER

Section 6. The Freedom of Information Committee; Their Duties and Responsibilities. The university's freedom of information committee shall be assigned/designated by the University President.

The committee shall perform the following functions:

- 6.1 Advise the assigned FOI receiving officer in each campus of their responsibilities with respect to freedom of information;
- 6.2 Provide guidance and training to the University employees regarding Executive Order No. 2, s. 2016;
- 6.3 Advise the University in all matters pertaining to freedom of information;
- 6.4 Supervise the creation and development of the University's FOI Guidelines/Manual;
- 6.5 Ensure that the processes are followed for dealing with requests for access;
- 6.6 Create a standard fee of charging for access requests in accordance with the Fees Regulations as set out by the government;
- 6.7 Manage procedures for the processing of appeals and complaints in relation to freedom of information;
- 6.8 Make sure that difficulties in matters related to freedom of information are promptly resolved;

Section 7. The Freedom of Information Receiving Officers; Their Duties and Responsibilities. The University President together with the Freedom of Information Committee shall designate Receiving Officer for each campus of the University upon prior recommendation of the Deans and Directors, Unit Heads or by the Vice-Presidents.

The FOI receiving officer shall have the following duties and responsibilities:

- 7.1 Serve as the official receiving officer on behalf of Tarlac State University
- 7.2 Receive and facilitates all requests for information under the offices assigned to him/her;
- 7.3 Provide assistance and support to the public with regards to FOI request in the university;
- 7.4 Release and File the FOI request form in his/her respective offices assignment;
- 7.5 Ensure that the FOI Request Form is correctly and completely accomplished;

- 7.6 Process all requests and forward to the concerned office (s) which has custody of the requested record (s) or document (s) (if necessary after consultation and approval of the FOI Committee)
- 7.7 Ensuring all the received requests are responded to within the prescribed period;
- 7.8 Maintain an FOI log sheet of all the requests chronologically received for accountability purposes;
- 7.9 Monitor all FOI requests and appeals, provide pertinent information to the FOI Committee of the University;
- 7.10 Record and compile statistical information needed pertinent to FOI;
- 7.11 After completion of the process on the requested information, inform the requesting person/party regarding the status of the request and decision within Five (5) working days.
- 7.12 Prepare all other necessary FOI reports.

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

Section 8. *Duty to Publish Information.* The 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 such services may be availed of;
- 8.3 The names of its key officials, their powers, functions and responsibilities as well as their profiles and curriculum vitae;
- 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 its power.

Section 9. *Accessibility of Language and Form.* The University shall endeavor to translate its key information into Filipino language, Pampango and Ilocano dialect 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 files with them and the date generated or collected.

Section 11. *Protection of Privacy.* While providing for 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 under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure.

- 11.3 The FRO, FDM or any employee or any 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.* In relation to Tarlac State University Integrated Management System (IMS) Certification, standard processes in the access of information and forms of transactions pertinent to Freedom of Information for all TSU stakeholders and outside party shall be implemented.

- 12.1 For utmost adherence to the Freedom of Information, any requesting party shall accomplish or fill out the Request FOI form available in the Records Office of the University and can be downloaded in the TSU Official Website.
- 12.2 The assigned FOI Receiving Officer in the campus where the information was requested shall receive and process the requested information or documents. The FOI Receiving Personnel shall promptly check the accomplished form before processing the request and must ensure that it includes the necessary details in the request to avoid confusion or delay of the request. The request form shall be stamped received, indicating date and time of receipt and signed by the FOI Receiving Officer.
- 12.3 After checking the request form, the FOI receiving officer shall assess or evaluate the requested information whether it is allowed to be given or subject to exceptions enshrined in the constitution, existing law and other special laws pertinent to Freedom of information.
- 12.4 In the case of any request submitted or sent through the official email of the University the receiver of the email shall acknowledge the email of the requesting party, print out the request form and forward to the FOI receiving personnel of the concerned office within two working (2) days.
- 12.5 The request then shall be forwarded to the concerned personnel or official which has custody of the requested information, document or record.
- 12.6 The FOI receiving personnel shall notify the requesting party within five (5) working days regarding the status, approval or disapproval of the request. If the request was approved, the FOI receiving personnel shall ensure that all information, records and documents that have been retrieved are checked for possible exemptions, prior to the release date. The FOI receiving officer shall prepare the assessment of the applicable fees to be paid by the requester.
- 12.7 If consultation to the FOI committee is necessary regarding the requested information, the decision of the committee and the processing of the requested information must be done within seven (7) working days. The FOI receiving personnel shall notify the requesting party regarding the status, approval or disapproval of the request.
- 12.8 Should the requested information needs further consultation in other government agencies, the FOI Committee or FOI receiving officer must ensure that it is well coordinated and the notification and processing of the request must be done within fifteen (15) working days after the request was received by the concerned government agency. The requesting party shall also be informed regarding the other processes conducted by the University.
- 12.9 If the information requested requires extension of time due to extensive search of the University's records facilities, examination of records, or there is unexpected or unavoidable incidence or other analogous cases, the FOI receiving officer must inform the FOI Committee for further actions and decision making. The FRO shall also inform the requestor about the needed time extension, setting forth the reasons for such extension. In no cases shall the extension exceed twenty (20) working days on top of the mandated

15 working days to act on the request, unless exceptional circumstance warrant a longer period.

Section 13. Disapproval of Request. If the requested information or documents is exempted from the coverage of this manual, the FOI receiving officer 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 or other forms of communication by the responsible FOI officer 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 as denial to access information and subject to administrative liabilities and penalties.

Section. 14. Requested information is already posted and available online. If the requested information is already posted and publicly available in 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 is not covered of Freedom of Information. If the requested documents is not within the coverage of Executive Order No. 02, the requesting party shall be notified and advised accordingly.

Section 16. List of Documents which may be requested in the University.

- 16.1 TSU Administrative Order
- 16.2 TSU Memorandum Order
- 16.3 Office Memo
- 16.4 Minutes of the meetings of the University Administrative Council
- 16.5 Minutes of meetings of University Academic Council
- 16.6 Accomplishment Report
- 16.7 Forms uploaded website
- 16.8 Notice of meeting
- 16.9 Establishment of Committee
- 16.10 Board Resolution

Section 17. List of Exceptions to Freedom of Information which are not allowed to be released or disclosed.

- 17.1 Minutes of the meetings of the TSU Board of Regents, its Finance Committee and other committees which it may create
- 17.2 Judicial affidavits filed in all cases involving the University
- 17.3 All pending cases involving the University and its employees
- 17.4 201 files of all employees
- 17.5 Documents of the University Selection Board
- 17.6 Statement of Assets and Liabilities and Networth
- 17.7 BAC Minutes of Meetings
- 17.8 Abstract of Bids
- 17.9 Minutes of TWG meetings and recommendations of Technical Working Group
- 17.10 OPCR and DPCR
- 17.11 Financial Reports and financial documents not yet audited by the Commission on Audit
- 17.12 All reports not in the final form
- 17.13 Student records
- 17.14 Pay slips

Section 18. The freedom of Information 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 which 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 (2) working days after the 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 FOI receiving officer who denied the request for information, a narration of the relevant and material 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 appeal shall be decided by the University President within thirty (30) working days from the receipt of the said appeal. Failure to decide the appeal within the 30-day period shall be considered as a denial of the appeal.

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

ARTICLE VII. ADMINISTRATIVE LIABILITIES AND PENALTIES

Section. 20. Non-compliance with the FOI. Failure to comply with any of the provisions of Tarlac State University FOI manual shall be a ground for administrative and disciplinary action. If found guilty, the following penalties shall be imposed:

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

Section. 21. 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. 22. Fees. The FOI receiving officer shall determine the actual amount spent for the reproduction/authentication and copying fee and notify the requestor or requesting party.

Section. 23. Payment of Requested Information. All fees pertaining to the request of information shall be paid at the Cashiering Office. 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 FOI receiving officer may exempt any requesting party from payment of fees due to indigency, lack of fund or similar circumstances, upon request and subject to the showing of proof of any of such circumstances.

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


DR. MYRNA Q. MALLARI
President 