



DEPARTMENT OF ENERGY

PEOPLE'S FREEDOM OF INFORMATION MANUAL (PROVISIONAL)

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SECTION 1: OVERVIEW

1. **Purpose of the Manual:** The FOI Manual, herein referred to as 'Manual' provides a useful guide for the public and the DEPARTMENT OF ENERGY (DOE) including its Bureaus, Services and Offices, in dealing with requests for information covered under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). **(Annex "A")**
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the public and the DOE, and its Bureaus, Services and Offices, when a request for access to information is received. The DOE Secretary is responsible for all actions carried out under this Manual and may delegate this responsibility to the Undersecretary for Administration of the DOE and the respective Heads of the Bureaus, Services and Offices. The Secretary, or the respective Heads, may delegate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the DOE and all its Bureaus, Services and Offices, as follows:
 - a. Energy Resource Development Bureau (ERDB);
 - b. Renewable Energy Management Bureau (REMB);
 - c. Energy Utilization Management Bureau (EUMB);
 - d. Electric Power Industry Management Bureau (EPIMB);
 - e. Oil Industry Management Bureau (OIMB);
 - f. Energy Policy and Planning Bureau (EPPB);
 - g. Legal Service (LS);
 - h. Financial Service (FS);
 - i. Administrative Service (AS);
 - j. Information and Technology Management Service (ITMS);
 - k. Energy Research and Testing Laboratory Service (ERTLS); and
 - l. Executive Offices.
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the DOE. The FRO shall hold office at the Ground Floor of the DOE Main Building.

The functions of the FRO shall include:

- a. Receive on behalf of the DOE or any of its Bureaus, Services and Offices all requests for information and forward the same to the appropriate office who has custody of the records (**Annex D**);
- b. Monitor all FOI requests and appeals;
- c. Provide assistance to the FOI Decision Maker;
- d. Provide assistance and support to the public and staff with regard to FOI;
- e. Compile statistical information as required; and
- f. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:
 - f.1 That the request form is incomplete (**Annex E**); or
 - f.2 That the information is already posted in the DOE's Official Website or at data.gov.ph or published in an official publication of the DOE.

Bureaus, Services and Offices of the DOE shall assign their respective FROs. (**Annex "B"**)

- 5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the SECRETARY, who is a Director who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
 - a. The DOE does not have the information requested;
 - b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - c. The information requested falls under the list of exceptions to FOI (**Annex C**); or
 - d. The request is similar or identical from the previous request from the same requesting party which has been previously granted or denied by the DOE.

6. **Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee composed of three (3) Undersecretaries designated by the Secretary of the DOE to review and analyze the grant or denial of request for information.

The Committee shall also provide expert advice to the Secretary on the denial of such request.

7. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all requests for information. In case where the Decision Maker is on official leave, the Secretary of the DOE may delegate such authority to his/her Chief of Staff or any Officer not below the rank of a Director.

SECTION 2: DEFINITION OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.

ANNUAL FOI REPORT. A report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

ANTI-RED TAPE ACT OF 2007. Refers to Republic Act No. 9485 AN ACT TO IMPROVE EFFICIENCY IN THE DELIVERY OF GOVERNMENT SERVICE TO THE PUBLIC BY REDUCING BUREAUCRATIC RED TAPE, PREVENTING GRAFT AND CORRUPTION, AND PROVIDING PENALTIES THEREFOR

CITIZEN'S CHARTER. Refers to an official document, a service standard, or a pledge, that communicates, in simple terms, information on the services provided by the government to its citizens. It describes the step-by-step procedure for availing a particular service, and the guaranteed performance level that they may expect for that service.

CONSULTATION. When a government office locates a record that contains information of interest to another office, it will ask for the

views of that other agency on the disclosability of the records before any final determination is made. This process is called a "consultation."

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.

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.

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.

FREEDOM OF INFORMATION (FOI). The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right 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 CONTACT. The name, address and phone number at each government office where you can make a FOI request

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

FREQUENTLY REQUESTED INFORMATION. Information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

FRONTLINE SERVICE. Refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the office or agency concerned.

FULL DENIAL. When the DOE or any of its office, bureau or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure 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. Shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

INFORMATION FOR DISCLOSURE. 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 government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

INFORMATION REQUESTS UNDER FOI. Refers to any request other than those covered by the Frontline Service of the DOE which are contained in the DOE Citizen's Charter in compliance with the Anti-Red Tape Act of 2007 (ARTA).

MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

OFFICIAL RECORD/S. Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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.

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

PERFECTED REQUEST. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

PERSONAL INFORMATION. Shall refer to any information, whether recorded in a material form or not, from which the identify of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

PUBLIC RECORDS. Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

PUBLIC SERVICE CONTRACTOR. Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that an agency has received within a fiscal year.

REFERRAL. When a government office locates a record that originated from, 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."

SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, shall refer to personal information:

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

SIMPLE REQUEST. A FOI request that an agency anticipates will involve a small volume of material or which will be processed relatively quickly.

SECTION 3. PROTECTION OF PRIVACY

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

1. The DOE shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
2. The DOE shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
3. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the DOE, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE (See Annex "D" for flowchart)

1. Receipt of Request for Information.
 - a. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:
 - a.1 The request must be in writing;
 - a.2 The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification with photo (company ID or any government issued IDs) or authorization; and
 - a.3 The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See Annex "E")

The request can be made through email provided, that the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo.

The DOE FRO shall be copy furnished with all requests made through email.

- b. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he/she may make an oral request, and the FRO shall reduce it in writing.
- c. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- d. The DOE or any of its Bureaus, Services and Offices must respond to requests promptly, within the fifteen (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- d.1 The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a DOE official or employee; or
- d.2 If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent DOE official or employee, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the fifteen (15) working days will commence the day after it receives the required clarification from the requesting party.

2. **Transmittal of Request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
3. **Initial Evaluation.** After receipt of the request for information by the FRO, the FDM shall evaluate the contents of the request.
 - a. **Request relating to more than one office under the DOE:** If a request for information is received which requires to be acted upon by the different Bureaus, Services and Offices, the FDM shall forward such request to the said Bureau, Service and Office concerned and ensure that actions taken are well coordinated and compliance is monitored. The FDM shall also clear with the respective Bureaus, Services and Offices that they will only provide the specific information that relates to their Bureaus, Services and Offices.
 - b. **Requested information is not in the custody of the DOE or any of its Bureaus, Services and Offices:** If the requested information is not in the custody of the DOE or any of its Bureaus, Services and Offices, following referral and discussions with the Bureaus, Services and Offices, the FDM shall undertake the following steps:
 - b.1 If the records requested do not fall within the jurisdiction of the DOE, the FDM shall direct the FRO to promptly transmit/endorse such request to the appropriate agency or government office through the most expeditious manner and the DOE shall inform the requesting party that the information is not held within the fifteen (15) working day limit. The fifteen (15) working day requirement for the receiving office commences the day after it receives the request.
 - b.2 If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly by the FDM and provided with the contact details of that office, if known.
 - c. Requested information is already posted and available on-line: Should the information being requested is already posted and

publicly available in the DOE website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

d. Requested information is substantially similar or identical to the previous request: Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FDM shall inform the applicant of the reason of such denial.

4. **Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within ten (10) days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the DOE Secretary or the designated Undersecretary or Assistant Secretary, in case the submission is beyond the 10-day period.

If the FDM needs further details to identify or locate the information, he/she shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. **Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He/she shall attach a cover/transmittal letter signed by the DOE Secretary or the designated Undersecretary or Assistant Secretary, or Bureaus, Services and Offices concerned and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.

6. **Request for an Extension of Time:** If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. **Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FDM approved or denied the request, he/she shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. Approval of simple FOI requests shall pass through the Bureau or Service Directors. All actions on other FOI requests, whether approval or denial, shall pass through the DOE Secretary or any of his/her designated Undersecretaries or Assistant Secretaries for final approval.
8. **Approval of Request:** In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exceptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.
9. **Denial of Request:** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the DOE Secretary or to his/her designated Undersecretary or Assistant Secretary.

SECTION 5. REMEDIES IN CASE OF DENIAL

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

1. **Administrative FOI Appeal to the DOE Central 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 or from the lapse of the period to respond to the request.

- a. Denial of the Appeal by the Undersecretaries or Assistant Secretaries may be appealed by filing a written appeal to the DOE Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the DOE Secretary 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.
 - c. The denial of the Appeal by the DOE Secretary or the lapse of the period to respond to the request may be Appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 6. REQUEST TRACKING SYSTEM

The DOE 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.

SECTION 7. FEES

1. **No Request Fee.** The DOE 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 in order to provide the information. Such fee shall be the actual amount spent by the DOE in providing the information to the requesting party. The schedule of fees shall be posted by the DOE.
3. **Exemption from Fees:** The DOE 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 8. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service.
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.