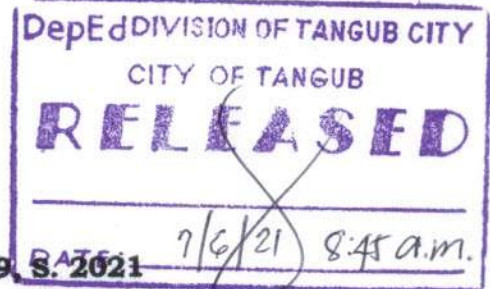




July 5, 2021

DIVISION MEMORANDUM


No. 140, s. 2021



DISSEMINATION OF DEPED ORDER NO. 019, S. 2021
(Revised Department of Education People's Freedom of Information Manual and Implementing Details)

To: Chief, Curriculum Implementation Division
Chief, School Governance and Operations Division
District In-Charge
Public and Private Elementary and Secondary School Heads
All Others Concerned
This Division

1. This Office disseminates DepEd Order No. 019, s. 2021 titled "Revised Department of Education People's Freedom of Information Manual and Implementing Details" for information and reference of all concerned.
2. See attached DepEd Order 019, s. 2021 for details.
3. Immediate dissemination and strict compliance of this Memorandum is directed.


AGUSTINES E. CEPE, CESO V
Schools Division Superintendent

AEC/ SGOD/ abm/ 07-05-21





Republic of the Philippines
Department of Education

25 MAY 2021

DepEd ORDER
No. 019, s. 2021

**REVISED DEPARTMENT OF EDUCATION PEOPLE'S FREEDOM
OF INFORMATION MANUAL AND IMPLEMENTING DETAILS**

To: Undersecretaries
Assistant Secretaries
Minister, Basic, Higher, and Technical Education, BARMM
Bureau and Service Directors
Regional Directors
School Division Superintendents
Public and Private Elementary and Secondary School Heads
All Others Concerned

1. The Department of Education (DepEd) issues the enclosed **Revised Department of Education (DepEd) People's Freedom of Information (FOI) Manual and Implementing Details**, which shall be known as DepEd People's FOI Manual of 2020. This is pursuant to Executive Order No. 2 dated July 23, 2016 titled **Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines**.
2. The enclosed DepEd Order (DO) revokes DO 072, s. 2016 titled **DepEd People's Freedom of Information Manual and Implementing Details**.
3. The People's FOI Manual is designed to establish standard procedures and provide guidance to the central, regional, schools division offices and schools in attending to and fulfilling the requests for information of any Filipino citizen. The uniformity in monitoring and evaluation mechanisms. This enables easier identification of areas of improvement and guarantees that any future intervention to further improve the workflows of the implementation of FOI can be systematically integrated.
4. The revisions in the 2020 version of the Manual are based on the outcomes of the FOI workshops held in Batangas in 2018, and in SEAMEO-Innotech in 2019, which sought to standardize the FOI workflows in the various levels in governance of the DepEd, as well as harmonize the provisions of the Manual with Republic Act (RA) 11032 titled **Ease of Doing Business Act** and RA 10173 titled **Data Privacy Act**, and other various improvements.
5. All DepEd issuances, rules and regulations, and provisions, which are inconsistent with these guidelines are repealed, rescinded, or modified accordingly.

6. For more information, please contact the **Office of the Secretary**, Rizal Building, Department of Education Central Office, DepEd Complex, Meralco Avenue, Pasig City, through email at osec@deped.gov.ph or telephone number no. 8687-4177.

7. Immediate dissemination of and strict compliance with this Order is directed.


LEONOR MAGTOLIS BRIONES
Secretary

Encl.:

As stated

Reference:

DepEd Order: No. (072, s. 2016)

To be indicated in the Perpetual Index
under the following subjects:

BUREAUS AND OFFICES
CHANGE
LEGISLATION
MANUALS
MONITORING AND EVALUATION
POLICY
PROCEDURE
SCHOOLS



To authenticate this document,
please scan the QR code



DEPED-OSEC-431900

MCDJ, DO Revised DepEd People's FOI Manual and Implementing Details
0163 – March 10, 2020

(Enclosure to DepEd Order No.019, s. 2021)

**DEPARTMENT OF EDUCATION PEOPLE'S FREEDOM OF INFORMATION MANUAL
AND IMPLEMENTATION PROTOCOLS**

I. Rationale

Under Section 7, Article III of the 1987 Constitution, the State recognizes the right of the people to information on matters of public concern. Under Section 28, Article II of the Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest. Pursuant thereto, every Filipino shall have access to information, official records, public records, and documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as a basis for policy development, that are in the custody or under the control of the State.

Executive Order (EO) No. 2, Series of 2016 or the Freedom of Information (FOI) EO is the government's response to the call for transparency on public concerns (Section 7, Article III) and full public disclosure of information involving public interests (Section 28, Article II). Section 8 of EO No. 2, s. 2016 required all government agencies under the Executive branch to prepare a People's FOI Manual.

The Department of Education acknowledges that the right to information is constitutionally guaranteed as enshrined in the bill of rights. However, ensuring that the free exchange of information is unhindered and made accessible to every Filipino citizen, through the implementation of FOI, is an indispensable component of a true democracy. Citizens become empowered and can actively participate in democratic action and decision-making on matters of public concern.

In view of this, this Department hereby repeals DepEd Order (DO) No. 72, s. of 2016 and publishes this revised DO. This People's FOI Manual is designed to establish standard procedures and provide guidance to the divisions, offices, bureaus, and schools of the Department of Education in attending to and fulfilling the requests for information of any Filipino citizen under EO No. 2, s. of 2016. The establishment of standard procedures per respective governance level enables uniformity in monitoring and evaluation mechanisms. This enables easier identification of areas of improvement and guarantees that any future intervention to further improve the workflows of the implementation of FOI can be systematically integrated.

II. Scope of the Policy

This Manual shall cover all operating units of the Department of Education handling data and information including its attached agencies. The attached agencies of the Department may choose to promulgate their own Manual, or to adopt this Manual: provided, that they shall issue their own guidelines on the application of the provisions

of this Manual to their agencies, and provided further, that their decisions on FOI requests are not appealable to the Department of Education.

III. Definition of Terms

For purposes of this Order, the following terms are defined/understood as follows:

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.

APPROVAL. When the Department is able to disclose all records in full in response to an FOI request.

COMPLEX REQUEST. An FOI request that will require resolution of complicated issues which shall be processed within seven working days counted from the receipt of the request.

EXCEPTIONS. Information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws or jurisprudence.

FOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, foi.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 request information that is not yet publicly available. [Foi.gov.ph](http://foi.gov.ph) also promotes Agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports.

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, s. 2016. 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 REQUEST. A written request submitted personally or by email asking for records on any topic. Any Filipino can make an FOI request to any government office.

FOI DECISION MAKER (FOI DM). The designated officer who is ultimately responsible for managing FOI requests submitted and ensuring that requests are handled in accordance with EO 2, s. 2016.

FOI RECEIVING OFFICER (FOI RO). The primary contact at the Department where the requesting party can call and ask questions about the FOI process or the pending FOI request.

DENIAL. When the Department cannot release any records in response to an 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.

HIGHLY TECHNICAL REQUEST. An FOI request which will require highly technical or specialized knowledge and shall be processed within 20 working days counted from the receipt of the request.

INFORMATION. This 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 the need for written requests from the public.

OFFICIAL RECORD/S. This 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.

PERSONAL INFORMATION. This 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 RECORDS. These shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

SIMPLE REQUEST. An FOI request that will involve a small volume of material or which shall be processed within three working days.

IV. Policy Statement

This Department of Education People's FOI Manual aims to:

- a. establish standard procedures and provide guidance to the divisions, offices, bureaus, and schools of the Department of Education in attending to and fulfilling the requests for information of any Filipino citizen, including the procedure for the disposition of appeals;

- b. identify the implementing agents of FOI within the various governance levels of the Department, vesting in those appointed the responsibilities, duties, and actions to be undertaken to ensure the successful implementation of FOI;
- c. protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information; and
- d. define what constitutes violations to this, including the penalties and liabilities for such.

As a policy, the Department of Education adheres to openness in governance. It will ensure that all information for public disclosure, which should be readily available to the public, are uploaded on the website of the Department (deped.gov.ph) and to the government's open data website (data.gov.ph).

Consistent with the Constitutional provision upholding the right to freedom of information, and with EO No. 2, s. 2016 operationalizing the policy of full disclosure and transparency, the Department is committed to disclosing to the public any information involving public interest under its custody, subject to the limitations as provided for under the Constitution and applicable Philippine laws, rules, regulations and procedures, the inventory of exceptions issued by the Office of the President and the list of exceptions identified by the Department.

While providing access to information, the Department of Education shall observe the provisions of the Data Privacy Act of 2012.

V. Exceptions

The Department shall deny access to information only when the information requested falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence and specified in the inventory of exceptions as embodied in the Circular issued by the Office of the President pursuant to Section 4 of EO No. 2, s. 2016. The Department shall publish on its website the list of exceptions applicable to the Department of Education to access to information within thirty (30) calendar days from the date of effectivity of this Order. The said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence.

VI. Freedom of Information Implementing Agents (FOI Committee, Decision Maker/s, and Receiving Officer/s)

A. FOI Committee

The Department of Education FOI Committee shall be composed of seven members designated by the Secretary, as follows: A chairperson, who shall be an Undersecretary or Assistant Secretary; a co-chairperson, who shall be the Undersecretary or Assistant Secretary of the Legal Affairs Office; and five (5) regular members at least one of whom shall come from the field offices.

The Committee shall have the following actions:

- a. Coordinate with the FOI ROs, FOI DMs, and central and field offices to be kept updated of their FOI practices, problems and issues encountered, and lessons and experiences;
- b. Formulate and implement programs, projects, and activities to increase awareness and understanding of this Manual, upgrade capacity among concerned officers and personnel, build important resources and reference materials on FOI, and introduce innovations for the effective operationalization of this Manual;
- c. Hold consultations with stakeholders to get feedback on the Department's implementation of this Manual, identify good practices and areas for improvement, and generate ideas on how to be more responsive to the needs of the public;
- d. Coordinate the regular update of the Department's mapping of information and inventory of exceptions as embodied in subsequent Circulars of the Office of the President;
- e. Supervise the pre-classification of documents;
- f. Provide technical advice when requested by FOI ROs, FOI DMs, and appeals officers on issues and matters relating to FOI;
- g. Issue the applicable schedule of fees;
- h. Issue the prescribed FOI request form; and
- i. Recommend to the Secretary amendments to this Manual as needed.

The committee shall regularly update the Secretary on its work.

B. FOI Decision Maker

The Secretary, with respect to the Central Office, shall designate an FOI Decision Maker (FOI DM) as well as an alternate FOI DM who shall act as FOI DM Officer-in-Charge in the event that the designated FOI DM is unable to fulfill the role, both with ranks of not lower than a Director. The Regional Directors and Schools Division Superintendents, with respect to their Regional Offices and Division Offices, shall recommend an FOI DM as well as an alternate FOI DM who shall act as FOI DM Officer-in-Charge in the event that the designated FOI DM is unable to fulfill the role, both with ranks of not lower than a Division Chief, whose designations shall be approved by the Secretary. The School Heads shall recommend an FOI DM as well as an alternate FOI DM who shall act as FOI DM Officer-in-Charge in the event that the designated FOI DM is unable to fulfill the role for their respective schools, both with ranks of not lower than Head Teacher, whose designations shall be approved by the Secretary.

The FOI DM shall undertake the following actions leading to the determination of the response on the request:

- a. Coordinate with the relevant office or personnel to determine the existence of the requested information, and to direct the retrieval and submission of the same if available;
- b. Determine whether the period to respond needs to be extended should any of the grounds for extension be present;
- c. Determine whether the information falls under any of the inventory of exceptions;
- d. In case the request is a subsequent identical or substantially similar request by the same requesting party, determine whether it constitutes an unreasonable request;
- e. In case the information requested constitutes or contains personal information, determine the appropriate measures to balance the requesting party's interest in disclosure and the duty to protect the privacy of the individual concerned; and
- f. Determine whether to grant or deny the request based on the law, facts, and circumstances.

C. FOI Receiving Officer

The Secretary, Regional Directors, School Division Superintendents, and School Heads shall designate the FOI Receiving Officer/s (FOI RO) at the following:

- a. Public Assistance Action Center at the Central Office;
- b. Records Section or Public Assistance Unit at the Regional Offices;
- c. Records Unit at the Schools Division Office; and
- d. Guidance Counselor's Office or Registrar's Office at Schools.

Upon receiving an FOI request, the FOI RO shall:

- a. Provide reasonable assistance, free of charge, to enable requesting parties especially those with special needs to comply with the request requirements;
- b. Stamp the FOI request as "received", indicating the date and time of the receipt, the request reference number, the name of the FOI RO, and their signature. A copy thereof shall be furnished to the requesting party;
- c. In case the FOI Request is sent by electronic mail, the FOI RO shall print the request and follow the procedure for stamping the request as "received". The request shall be acknowledged by electronic mail, with

a scanned copy of the printed request bearing the "received" stamp attached thereto;

- d. In case the FOI Request is sent by regular mail, the FOI RO shall follow the procedure for stamping the request as "received", and furnish a copy thereof to the requesting party through the contact details they provided, together with the notice of the disposition of the request when such has already been made;
- e. The FOI RO shall enter the request in the FOI Tracking System; and
- f. If the information requested is readily accessible to the FOI RO and known to them to be routinely made available to the public, the FOI RO shall release the same to the requesting party; otherwise, the FOI RO shall forward the receipt of the request, for appropriate action.

No request shall be refused acceptance unless the reason for the request is contrary to law or existing rules or regulations.

VII. Procedures

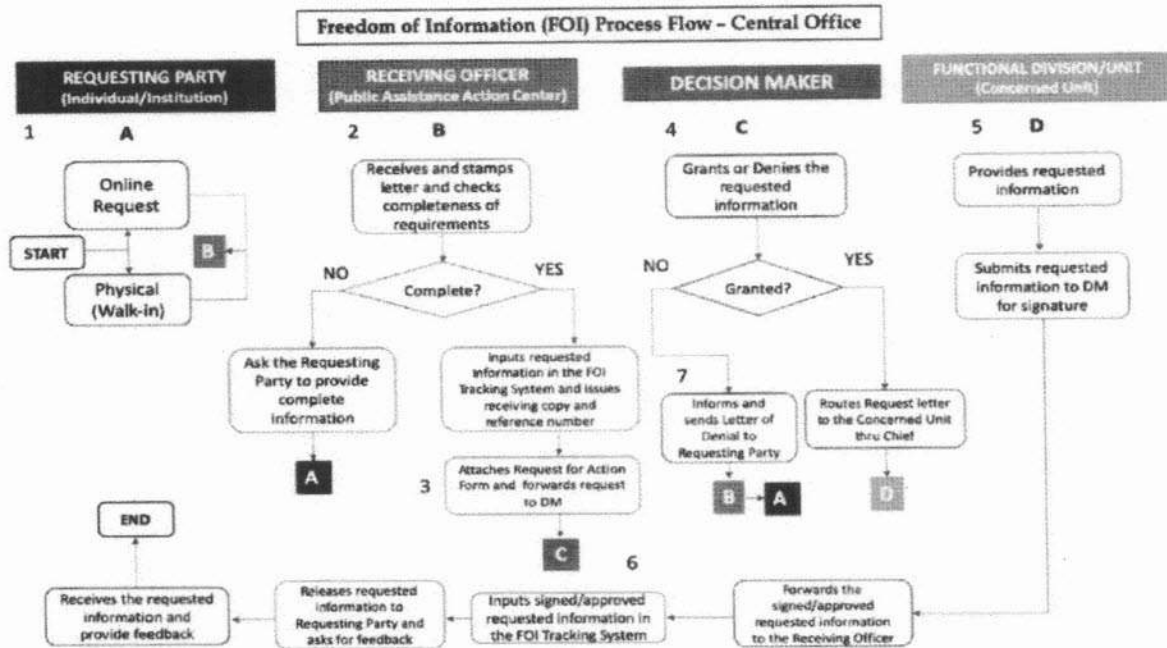
An FOI request may be submitted at the following central and field offices of the Department:

- a. Public Assistance Action Center at the Central Office;
- b. Records Section or Public Assistance Unit at the Regional Offices;
- c. Records Unit at the Schools Division Office; and
- d. Guidance Counselor's Office or Registrar's Office at Schools.

No fees shall be charged for accepting FOI requests. However, the Department may charge a reasonable fee to reimburse actual costs of printing or reproduction of the information. The Department shall publish the applicable schedule of fees along with the procedures for the issuance of receipts.

The Department shall publish in its website updated information on the location and contact details of the above offices and the names of all FOI Receiving Officers as defined in this Manual. In addition, all central and field offices of the Department shall make such information readily available to any FOI requester.

A. Central Office



1. Request for Information

The requesting party shall make a request for information by stating their name and contact information, providing proof of their identification or authorization, and reasonably describing the information requested and the reason for or purpose of the request through any of the allowable means:

- a. In writing, using the request form prescribed by the Department (See Annex "A" for request form);
- b. Through electronic mail, provided that the prescribed request form is submitted, and proof of identification is attached; and
- c. Through the eFOI portal, foi.gov.ph.

Written and electronic mails should be submitted at the Public Assistance Action Center at the Central Office.

In case the requesting party is unable to submit a request through the above-mentioned means, due to illiteracy or being a person with disability, the request may be done orally in person on the condition that the same requirements are provided.

2. Receipt of Request for Information and Initial Evaluation

The FOI RO shall receive the request for information from the requesting party and check the compliance of the requirements stated in Section VII(A)(1) of this Manual.

If complete, the FOI RO shall stamp the request as received, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who received it, with a corresponding signature and a copy, furnished to the requesting party. The FOI RO shall input the details of the request in the Tracking System and allocate a reference number.

In case of online requests, the request form shall be printed out and shall follow the procedure mentioned above and be acknowledged by electronic mail. The FOI RO shall also input the details of the request in the Tracking System and allocate a reference number.

In case of incomplete requirements, the FOI RO shall ask the requesting party to provide complete information.

- a. **Requested information is not in the custody of the DepEd or any of its offices:** The FOI RO shall refer to an office not within the coverage of EO 2 s. 2016, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- b. **Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the DepEd website, data.gov.ph or foi.gov.ph, the FOI RO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- c. **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 FOI RO shall inform the applicant of the reason for such denial.

The Department shall respond to an FOI request as soon as practicable but not exceeding three working days from the receipt of the request for simple requests. For complex requests or whenever the request requires extensive search, or examination of voluminous records, or affected by the occurrence of any fortuitous events preventing access, or other analogous cases, the response shall not go beyond seven working days counted from the receipt of the request. In exceptional circumstances that warrant a longer period, such as in highly technical requests, the further extension shall not exceed 20 days counted from the date of the receipt of the request. The response

refers to the decision of the Department to grant or deny access to the information requested.

3. Transmittal of Request by Receiving Officer to Decision Maker

After receipt of the request for information, the FOI RO shall notify the FOI DM of such request. The FOI RO shall attach a Request for Action Form, and the request shall be forwarded to such FOI DM within one working day from receipt of the request. The FOI RO shall record the date, time, and name of the FOI DM who received the request in a record book with the corresponding signature of acknowledgment of receipt of the request.

4. Role of Decision Maker in Processing the Request

Upon receipt of the request for information from the FOI RO, the FOI DM shall assess and clarify the request if necessary to grant or deny. He or she shall make all necessary steps to locate and retrieve the information requested.

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

The FOI DM shall ensure that the complete information requested be submitted to the FOI RO within three working days for simple requests, seven working days for complex requests, and 20 working days for highly technical requests, upon receipt of such request.

The FOI RO shall note the date and time of receipt of the information from the FOI DM and inform the requesting party if their request constitutes a complex or highly technical request.

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

Upon approval of the requested information from the FOI DM, the request shall be forwarded to the functional division or unit concerned. The Officer-in-Charge shall attach a cover/transmittal letter and ensure the transmittal of such to the concerned unit.

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

5. Approval of Request

Once the request is forwarded to the functional division/unit concerned, the information requested shall be produced. The Officer-in-Charge shall submit the information requested to the FOI DM for the signature of approval of the request.

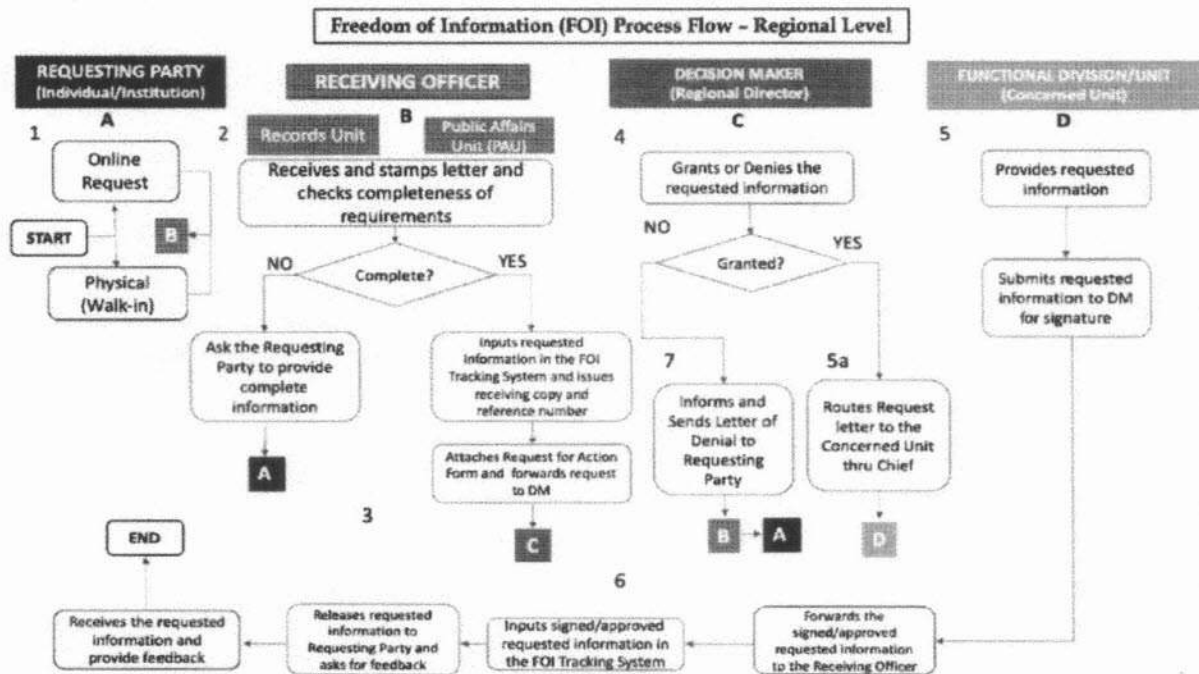
6. Fulfillment of Request

The FOI RO shall ensure that all the records that have been retrieved and considered be checked for possible exemptions, prior to the actual release. The FOI RO shall also input the sign/approved request in the FOI Tracking System. After checking and logging the request in the tracking system, the FOI RO 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, release the requested information, and ask for feedback.

7. Denial of Request

In case of denial of the request wholly or partially, the FOI RO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall 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.

B. Regional Office



1. Request for Information

The requesting party shall make a request for information by stating their name and contact information, providing proof of their identification or authorization, and reasonably describing the information requested and the reason for or purpose of the request through any of the allowable means:

- a. In writing, using the request form prescribed by the Department (See Annex "A" for request form);
- b. Through electronic mail, provided that the prescribed request form is submitted, and proof of identification is attached; and
- c. Through the eFOI portal, foi.gov.ph.

Written and electronic mails should be submitted at the Records Section or Public Assistance Unit at the Regional Offices.

In case the requesting party is unable to submit a request through the above-mentioned means, due to illiteracy or being a person with disability, the request may be done orally in person on the condition that the same requirements are provided.

2. Receipt of Request for Information and Initial Evaluation

The FOI RO shall receive the request for information from the requesting party and check the compliance of the requirements stated in Section VII(B)(1) of this Manual.

If complete, the FOI RO shall stamp the request as received, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who received it, with a corresponding signature and a copy, furnished to the requesting party. The FOI RO shall input the details of the request in the Tracking System and allocate a reference number.

In case of online requests, the request form shall be printed out and shall follow the procedure mentioned above and be acknowledged by electronic mail. The FOI RO shall also input the details of the request in the Tracking System and allocate a reference number.

In case of incomplete requirements, the FOI RO shall ask the requesting party to provide complete information.

- a. **Requested information is not in the custody of the DepEd or any of its offices:** The FOI RO shall refer to an office not within the coverage of EO 2 s. 2016, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- b. **Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the DepEd website, data.gov.ph or foi.gov.ph, the FOI RO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- c. **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 FOI RO shall inform the applicant of the reason for such denial.

The Department shall respond to an FOI request as soon as practicable but not exceeding three working days from the receipt of the request for simple requests. For complex requests or whenever the request requires extensive search, or examination of voluminous records, or affected by the occurrence of any fortuitous events preventing access, or other analogous cases, the response shall not go beyond seven working days counted from the receipt of the request. In exceptional circumstances that warrant a longer period, such as in highly technical requests, the further extension shall not exceed 20 days counted from the date of the receipt of the request. The response

refers to the decision of the Department to grant or deny access to the information requested.

3. Transmittal of Request by Receiving Officer to Decision Maker

After receipt of the request for information, the FOI RO shall notify the FOI DM of such request. The FOI RO shall attach a Request for Action Form, and the request shall be forwarded to such FOI DM within one working day from receipt of the request. The FOI RO shall record the date, time, and name of the FOI DM who received the request in a record book with the corresponding signature of acknowledgment of receipt of the request.

4. Role of Decision Maker in Processing the Request

Upon receipt of the request for information from the FOI RO, the FOI DM shall assess and clarify the request if necessary to grant or deny. He or she shall make all necessary steps to locate and retrieve the information requested.

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

The FOI DM shall ensure that the complete information requested be submitted to the FOI RO within three working days for simple requests, seven working days for complex requests, and 20 working days for highly technical requests, upon receipt of such request.

The FOI RO shall note the date and time of receipt of the information from the FOI DM and inform the requesting party if their request constitutes a complex or highly technical request.

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

Upon approval of the requested information from the FOI DM, the request shall be forwarded to the functional division or unit concerned. The Officer-in-Charge shall attach a cover/transmittal letter and ensure the transmittal of such to the concerned unit.

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

5. Approval of Request

Once the request is forwarded to the functional division/unit concerned, the information requested shall be produced. The Officer-in-Charge shall submit the information requested to the FOI DM for the signature of approval of the request.

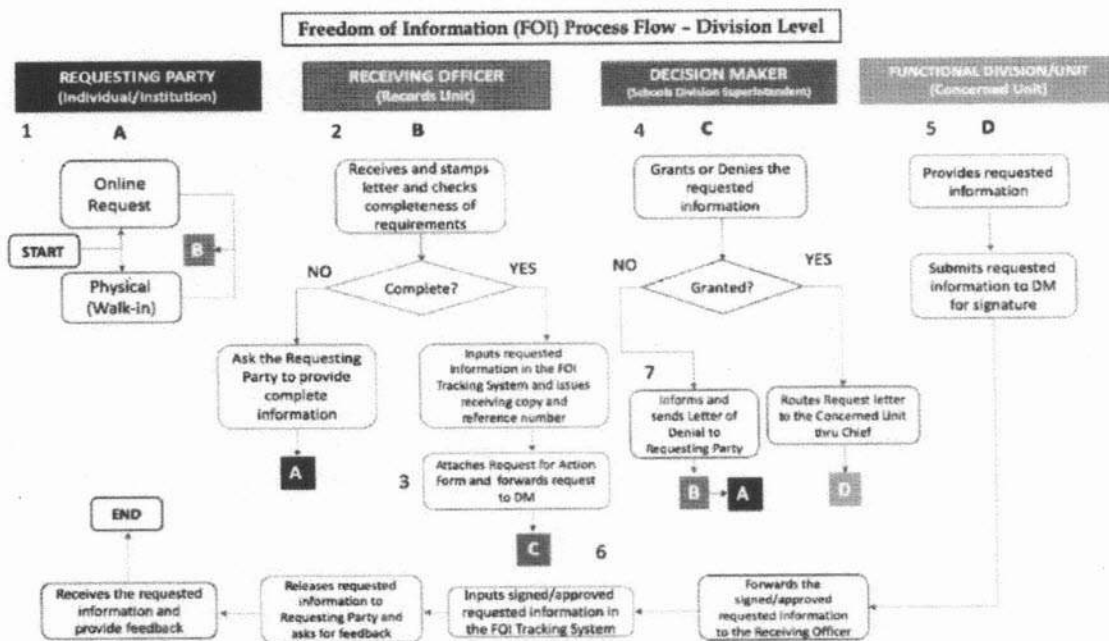
6. Fulfillment of Request

The FOI RO shall ensure that all the records that have been retrieved and considered be checked for possible exemptions, prior to the actual release. The FOI RO shall also input the sign/approved request in the FOI Tracking System. After checking and logging the request in the tracking system, the FOI RO 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, release the requested information, and ask for feedback.

7. Denial of Request

In case of denial of the request wholly or partially, the FOI RO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall 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.

C. Division Office



1. Request for Information

The requesting party shall make a request for information by stating their name and contact information, providing proof of their identification or authorization, and reasonably describing the information requested and the reason for or purpose of the request through any of the allowable means:

- a. In writing, using the request form prescribed by the Department (See Annex "A" for request form);
- b. Through electronic mail, provided that the prescribed request form is submitted, and proof of identification is attached; and
- c. Through the eFOI portal, foi.gov.ph.

Written and electronic mails should be submitted at the Records Unit at the Schools Division Office.

In case the requesting party is unable to submit a request through the above-mentioned means, due to illiteracy or being a person with disability, the request may be done orally in person on the condition that the same requirements are provided.

2. Receipt of Request for Information and Initial Evaluation

The FOI RO shall receive the request for information from the requesting party and check the compliance of the requirements stated in Section VII(C)(1) of this Manual.

If complete, the FOI RO shall stamp the request as received, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who received it, with a corresponding signature and a copy, furnished to the requesting party. The FOI RO shall input the details of the request in the Tracking System and allocate a reference number.

In case of online requests, the request form shall be printed out by the Division Information Officer and shall follow the procedure mentioned above and be acknowledged by electronic mail. The FOI RO shall also input the details of the request in the Tracking System and allocate a reference number.

In case of incomplete requirements, the FOI RO shall ask the requesting party to provide complete information.

- a. **Requested information is not in the custody of the DepEd or any of its offices:** The FOI RO shall refer to an office not within the coverage of EO 2 s. 2016, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- b. **Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the DepEd website, data.gov.ph or foi.gov.ph, the FOI RO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- c. **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 FOI RO shall inform the applicant of the reason for such denial.

The Department shall respond to an FOI request as soon as practicable but not exceeding three working days from the receipt of the request for simple requests. For complex requests or whenever the request requires extensive search, or examination of voluminous records, or affected by the occurrence of any fortuitous events preventing access, or other analogous cases, the response shall not go beyond seven working days counted from the receipt of the request. In exceptional circumstances that warrant a longer period, such as in highly technical requests, the further extension shall not exceed 20

days counted from the date of the receipt of the request. The response refers to the decision of the Department to grant or deny access to the information requested.

3. Transmittal of Request by Receiving Officer to Decision Maker

After receipt of the request for information, the FOI RO shall notify the FOI DM of such request. The FOI RO shall attach a Request for Action Form, and the request shall be forwarded to such FOI DM within one working day from receipt of the request. The FOI RO shall record the date, time, and name of the FOI DM who received the request in a record book with the corresponding signature of acknowledgment of receipt of the request.

4. Role of Decision Maker in Processing the Request

Upon receipt of the request for information from the FOI RO, the FOI DM shall assess and clarify the request if necessary to grant or deny. He or she shall make all necessary steps to locate and retrieve the information requested.

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

The FOI DM shall ensure that the complete information requested be submitted to the FOI RO within three working days for simple requests, seven working days for complex requests, and 20 working days for highly technical requests, upon receipt of such request.

The FOI RO shall note the date and time of receipt of the information from the FOI DM and inform the requesting party if their request constitutes a complex or highly technical request.

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

Upon approval of the requested information from the FOI DM, the request shall be forwarded to the functional division or unit concerned. The Officer-in-Charge shall attach a cover/transmittal letter and ensure the transmittal of such to the concerned unit.

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

5. Approval of Request

Once the request is forwarded to the functional division/unit concerned, the information requested shall be produced. The Officer-in-Charge shall submit the information requested to the FOI DM for the signature of approval of the request.

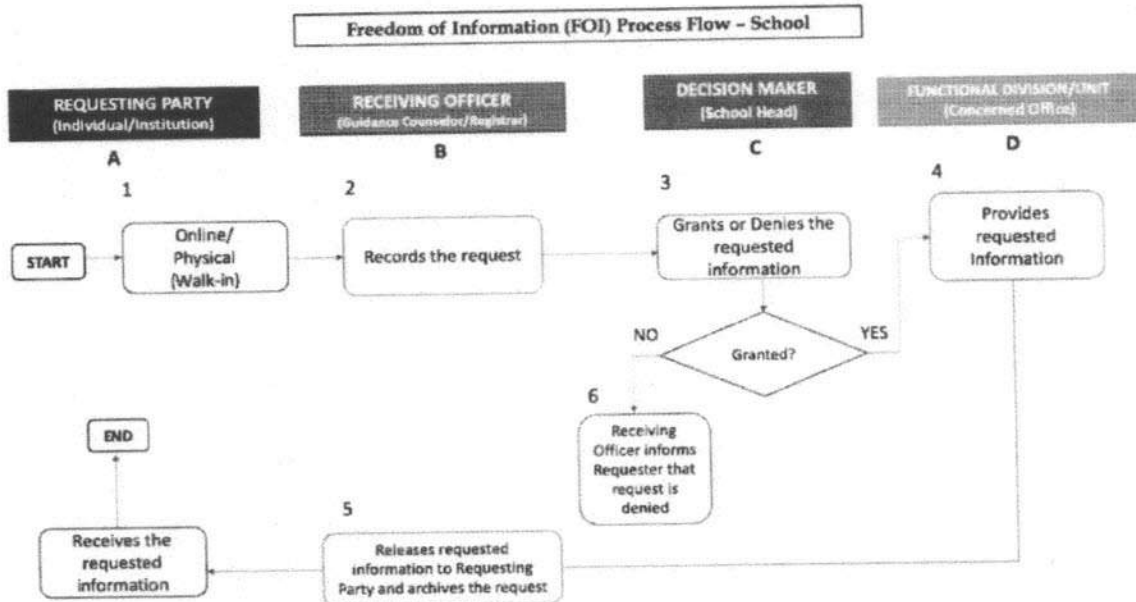
6. Fulfillment of Request

The FOI RO shall ensure that all the records that have been retrieved and considered be checked for possible exemptions, prior to the actual release. The FOI RO shall also input the sign/approved request in the FOI Tracking System. After checking and logging the request in the tracking system, the FOI RO 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, release the requested information, and ask for feedback.

7. Denial of Request

In case of denial of the request wholly or partially, the FOI RO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall 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.

D. Schools



1. Request for Information

The requesting party shall make a request for information by stating their name and contact information, providing proof of their identification or authorization, and reasonably describing the information requested and the reason for or purpose of the request through any of the allowable means:

- a. In writing, using the request form prescribed by the Department (See Annex "A" for request form);
- b. Through electronic mail, provided that the prescribed request form is submitted, and proof of identification is attached; and
- c. Through the eFOI portal, foi.gov.ph.

Written and electronic mails should be submitted at the Guidance Counselor's Office or Registrar's Office at Schools.

In case the requesting party is unable to submit a request through the above-mentioned means, due to illiteracy or being a person with disability, the request may be done orally in person on the condition that the same requirements are provided.

2. Receipt of Request for Information and Initial Evaluation

The FOI RO shall receive the request for information from the requesting party and check the compliance of the requirements stated in Section VII(D)(1) of this Manual.

If complete, the FOI RO shall stamp the request as received, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who received it, with a corresponding signature and a copy, furnished to the requesting party. The FOI RO shall input the details of the request in the Tracking System and allocate a reference number.

In case of online requests, the request form shall be printed out and shall follow the procedure mentioned above and be acknowledged by electronic mail. The FOI RO shall also input the details of the request in the Tracking System and allocate a reference number.

In case of incomplete requirements, the FOI RO shall ask the requesting party to provide complete information.

- a. **Requested information is not in the custody of the DepEd or any of its offices:** The FOI RO shall refer to an office not within the coverage of EO 2 s. 2016, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- b. **Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the DepEd website, data.gov.ph or foi.gov.ph, the FOI RO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- c. **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 FOI RO shall inform the applicant of the reason for such denial.

The Department shall respond to an FOI request as soon as practicable but not exceeding three working days from the receipt of the request for simple requests. For complex requests or whenever the request requires extensive search, or examination of voluminous records, or affected by the occurrence of any fortuitous events preventing access, or other analogous cases, the response shall not go beyond seven working days counted from the receipt of the request. In exceptional circumstances that warrant a longer period, such as in highly technical requests, the further extension shall not exceed 20 days counted from the date of the receipt of the request. The response

refers to the decision of the Department to grant or deny access to the information requested.

After receipt of the request for information, the FOI RO shall notify the FOI DM of such request. The FOI RO shall attach a Request for Action Form, and the request shall be forwarded to such FOI DM within one working day from receipt of the request. The FOI RO shall record the date, time, and name of the FOI DM who received the request in a record book with the corresponding signature of acknowledgment of receipt of the request.

3. Role of Decision Maker in Processing the Request

Upon receipt of the request for information from the FOI RO, the FOI DM shall assess and clarify the request if necessary to grant or deny. He or she shall make all necessary steps to locate and retrieve the information requested.

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

The FOI DM shall ensure that the complete information requested be submitted to the FOI RO within three working days for simple requests, seven working days for complex requests, and 20 working days for highly technical requests, upon receipt of such request.

The FOI RO shall note the date and time of receipt of the information from the FOI DM and inform the requesting party if their request constitutes a complex or highly technical request.

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

If the information requested requires an extensive search of the government's office records facilities, an examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FOI DM should inform the FOI RO.

4. Fulfillment of Request

Upon approval of the request from the FOI DM, the functional division/unit concerned shall produce the information requested together with the signature of the FOI DM, indicating the approval of the said request.

The FOI RO shall ensure that all the records that have been retrieved and considered be checked for possible exemptions, prior to the actual release. The FOI RO 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, release the requested information, and archive the request.

5. Denial of Request

In case of denial of the request wholly or partially, the FOI RO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall 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.

VIII. Appeal from a Denial of an FOI Request

When an FOI request is denied, the requesting party may file a written appeal to the officer or office next higher in authority within 20 calendar days from the notice of the denial or from the lapse of the relevant period to respond to the request, as follows:

- a. From the school FOI DM, to the school principal;
- b. From the Division Office FOI DM, to the Division Superintendent;
- c. From the Regional Office FOI DM, to the Regional Director; and
- d. From the Central Office FOI DM, to the Undersecretary

The appeal shall be decided within 20 working days from the filing thereof.

If the denial is sustained at the first level appeal lower than the Secretary, the requesting party may elevate the matter on final appeal to the Secretary, who shall resolve the matter within 20 working days from receipt thereof.

Failure to decide within the periods provided for the first level and final appeal shall be deemed a denial of the appeal.

The Secretary may refer the appeal to the Department's Legal Affairs Office or the FOI Committee en banc created under Section VI(A) of this Manual.

The decision of the Secretary, by himself/herself or through referral to the Department's Legal Affairs Office or Department of Education FOI Committee, shall be final and executory unless the requesting party files an appropriate judicial action in accordance with the Rules of Court.

All decisions on appeals shall be forwarded to the relevant FOI RO for transmittal to the requesting party, or transmitted directly to the requesting party with a copy furnished to the FOI RO.

IX. Violations

The following shall constitute violations of this Manual:

- a. Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;
- b. Imposition of additional requirements other than those listed in this Manual;
- c. Imposition of additional costs not reflected in the Department's schedule of fees;
- d. Failure to give the requesting party a written notice on the disapproval of a request;
- e. Failure to render the request within the prescribed processing time on any request without due cause;
- f. Failure to attend to requesting parties who are within the premises of the office concerned prior to the end of official working hours and during lunch break;
- g. Failure or refusal to issue official receipts; and
- h. Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.

X. Penalties and Liabilities

Failure to comply with the provisions of this Manual shall be a ground for the following administrative/criminal penalties pursuant to the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 (R.A. 11032):

- a. First Offense - Administrative liability with six (6) months suspension: Provided, however, that in the case of fixing and/or collusion with fixers under Section IX(h), the penalty and liability under Section IX(b) of this Manual shall apply.;
- b. Second Offense - Administrative liability and criminal liability of dismissal from the service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than Two Million Pesos (P2,000,000.00).

Dismissal from service shall include accessory penalties such as, but not limited to, perpetual disqualification from holding public office and forfeiture of retirement benefits, except terminal leave benefits and personal contributions to retirement benefits systems such as the Government Service Insurance System (GSIS), Retirement and Benefits Administration Service (RBAS), or other equivalent retirement benefits system.

Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in

cash or kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply.

The administrative jurisdiction on any violation of the provisions of this Manual shall be vested in either the Civil Service Commission or the Office of the Ombudsman as determined by appropriate laws and issuances.

XI. Mobilization Towards Enhanced Implementation

For purposes of such enhanced implementation, mobilization, consultation and evaluation activities involving the central and field offices of the Department shall be conducted. The activities shall include, but not be limited to, the issuance of related implementing circulars or guidelines, orientation and training seminars, review of information and records mapping, consultations with stakeholders, review of classification of documents, assessment of forms, drafting of information brochures or pamphlets, revision of the website of the Department to include an improved FOI section, and integration of the FOI Tracking System.

A. Keeping of Records

Subject to existing laws, rules, and regulations, the Department shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval, and communication of information to the public.

B. Information Mapping

The Department shall map the information it generates and/or holds, including the type or class of information, and which office keeps them. The information map will facilitate ease of request and access, and highlight the importance of information in the efficient delivery of services. The Department shall regularly review and update the information map when necessary.

C. Proactive Disclosure of Important Information

The Department shall identify important information that it will regularly publish and update on its website and in data.gov.ph.

D. Pre-classification of Information

The FOI Committee shall regularly update and supervise the pre-classification of documents. In the development of the guidelines as well as the pre-classification exercise, the Committee shall adhere to the legal presumption in favor of access to information. It shall also undertake consultations with the Department of Education units and offices, as well as stakeholders, to arrive at a reasonable and broadly accepted balancing of the relevant rights and interests.

E. Capacity-Building

The Department shall ensure the provision of adequate training for its officials and employees to improve awareness and understanding of the people's right to information and the provisions of this Manual and to be kept updated on best practices in information disclosure, records maintenance, archiving, and the use of information and communication technology in FOI.

F. Active Participation in Government FOI Programs

The Department shall actively participate in government programs and initiatives on FOI, such as but not limited to foi.gov.ph and data.gov.ph

XII. Monitoring and Evaluation

The Department, through the FOI Committee, shall oversee the monitoring and evaluation of the implementation of this FOI Policy. The central office and all regional offices, in coordination with the FOI Committee and their respective FOI ROs and FOI DMs, shall produce quarterly and annual reports on the implementation of this Manual. The reports shall include details on the number of requests for information received, processed, granted, and denied; of appeals made from denials of such requests; and of key insights in FOI practice and implementation (See Annex "B" for the report template) which will be used for the improvement of this policy. Any further developed monitoring and evaluation system to be created and distributed throughout the implementation of this Manual shall remain consistent with the provisions outlined herewith.

The FOI Committee shall consolidate these reports, which may be integrated into the main annual report of the Department.

XIII. References

Executive Order No. 2, s. 2016, 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.

DepEd Order No. 72, s. 2016, Department of Education People's Freedom of Information Manual and Implementing Details.

Joint Memorandum Circular No. 2019-001, The Implementing Rules and Regulations of Republic Act No. 11032 Otherwise Known as the "Ease of Doing Business and Efficient Government Service Delivery Act Of 2018".

PCOO Department Order No. 21, s. 2018, Operationalization of Freedom of Information (FOI) Program in the Presidential Communications Operations Office (PCOO).

Republic Act No. 11032, Ease of Doing Business and Efficient Government Service Delivery Act of 2018.

XIV. Effectivity

This policy shall be registered with the Office of the National Administrative Register, University of the Philippines (UP) Law Center, UP Diliman, Quezon City.

This Order shall take effect immediately.

Pasig City, [insert date]

This document may be reproduced
and is NOT FOR SALE

Reference Number

Date of Request:



DEPED FREEDOM OF INFORMATION REQUEST FORM

Pursuant to Executive Order No. 2, s. 2016
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note (*) denotes a MANDATORY field.

A. Requesting Party

1. Title (e.g. Mr, Mrs, Ms, Miss)	2. Given Name/s (Including M.I.) *	3. Surname *
4. Residential Address (Apt/House Number, Street, City/Municipality, Province) *	5. Organization/Company/School *	
6. Landline/Fax	7. Mobile *	8. Email *
9. Type of ID Given * (Please ensure your IDs contain your photo and signature)	<input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID <input type="checkbox"/> School ID <input type="checkbox"/> Others: _____	

B. Requested Information

10. Title of Document/Record Requested *
(Please be as detailed as possible) _____

11. Purpose * _____

C. Declaration

Privacy Notice: Once deemed valid, the information entered in this form will be used to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department gives you access to a document, and if it contains no personal information about you, the document will be published online, along with your name and the date you applied, and, if another person or company will use or benefit from the documents sought, the name of that person or entity.

The DepEd shall respond to your request as soon as practicable but not exceeding fifteen (15) working days from receipt hereof, unless extended depending on the nature of request, and when it requires extensive search, or affected by any fortuitous event.

By accomplishing this form, I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy Notice;
- I have presented the requirements needed.

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature over Printed Name * _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name _____

Decision Maker Assigned to Application (print name)

The request is recommended to be: Approved Denied

If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Date Request Finished (DD/MM/YYYY) _____

RO Signature _____

Date of Signature (DD/MM/YYYY) _____

ACKNOWLEDGMENT RECEIPT

This serves as an acknowledgment that your Freedom of Information (FOI) request was received by this office as set out in the Executive Order No. 2, s. 2016. Rest assured that the collected personal information is utilized solely for documentation purposes and shall be forwarded to the concerned office/s of the Department for appropriate action and/or response in compliance with the Data Privacy Act of 2012. Please be reminded that your FOI request will be acted upon by the assigned officer or employee within the prescribed timelines of

Name of Requesting Party	Reference Number
Signature over Printed Name of Receiving Officer	Date

**Department of Education
Freedom Of Information (FOI) Reporting Template**

Governance Level: _____
Instructions: Kindly input the total number of requests per quarter (column) and per category (rows).

Number of FOI Requests	PART I. TOTAL NUMBER OF FOI REQUESTS RECEIVED												Q1 TOTAL	Q2 TOTAL	Q3 TOTAL	Q4 TOTAL	TOTAL	
	Q1			Q2			Q3			Q4								
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC						
RECEIVED														0	0	0	0	0
Online (eFOI Portal or Email)															0	0	0	0
Physical (Walk-in)															0	0	0	0
PROCESSED															0	0	0	0
Granted															0	0	0	0
Denied															0	0	0	0
APPEALS															0	0	0	0

Governance Level: _____

PART II. KEY INSIGHTS IN FOI PRACTICE AND IMPLEMENTATION

Kindly input key insights in FOI Practice and Implementation.
Example: Enter agency must be created in FOI Implementation and Procedures regardless if they are part of the FOI implementing team and local persons

Prepared by: _____
Name and Signature
Designation

Noted by: _____
Name and Signature
Designation
FOI Reviewing Officer

Name and Signature
Designation
FOI Decision Maker