

METRO COTABATO WATER DISTRICT

FREEDOM OF INFORMATION MANUAL

SECTION 1: Purpose of the Manual

In line with the issuance of Executive Order (EO) No. 02 s. 2016 commonly known as the Freedom of Information Act, Metro Cotabato Water District (MCWD) Freedom of Information Manual is set to provide guidelines and processes to facilitate request of information.

1.1 Structure of the Manual

The Manual contains the following specific information:

- a) Requirements and procedures to be observed by a Requesting Party (RP) in filing a complete and official Request for Information (RFI);
- b) Standard form for filing an RFI;
- c) Types of disposition/action on an RFI;
- d) Processing time for acting on RFIs; and
- e) Appeals mechanism in case of denial.

1.2 Coverage of the Manual

This Manual covers all requests for information/documents/records addressed to the MCWD and its Departments, Divisions and Unit.

The information/documents/records referred to are those available in the MCWD website (www.metrocotabatowd.gov.ph), and under the custody of the District.

1.3 Definition of Terms used in this Manual

Freedom of Information (FOI). This refers to the right of the people to access information, as recognized by the Executive Branch, on matters of public concern. It involves the full public disclosure of all government transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2, s. 2016.

Exceptions. Information that should not be released and disclosed in response to an RFI because it is protected by the Constitution, laws or jurisprudence. The information referred to includes documents and records which are included in the inventory of exceptions from the Office of President, dated November 24, 2016 (Annex B) and the inventory of exceptions defined by the MCWD and made part of this Manual (Annex B-1).

Department/Divisions/Units (D/Div./U). The organizational units within the MCWD which are authorized to receive RFIs transmitted by the FOI Receiving Officer (FRO) and to act on those requests. They also provide the budgetary information assets for uploading in the MCWD website.

FOI Receiving Officer (FRO). The designated person who is authorized to receive and evaluate the validity of an RFI, route the request to the D/Div./U concerned, and receive the response from the relevant unit which processed the RFI, for release to the Requesting Party (RP).

Records Section/Unit of the Management Services Division. The unit in the Office of the General Manager (OGM) of the MCWD to receive the RFI in standard form, record the details of the

RFI in the www.metrocotabatowd.gov.ph and in the Document Management System (DMS) of the MCWD, and transmit the request to the D/Div./U concerned.

FOI Action Officer. A designated officer in the D/Div./U, with a rank not lower than a division chief, who shall coordinate the preparation of the pertinent documents pursuant to an RFI received by the D/Div./U.

FOI Decision Maker (FDM). The General Manager who is ultimately responsible for managing FOI requests submitted to the MCWD and ensuring that requests are handled in accordance with E.O. No. 2, s. 2016. The FDM is also responsible for making the final decision on any dispute or appeal in relation to a valid RFI.

Administrative FOI Appeal. An independent review of the initial determination made in response to an RFI received by the MCWD. Requesting parties who are not satisfied with the response made on their initial request have the right to appeal said initial determination to the FOI Decision Maker (FDM), who will then conduct an independent review thereon.

MCWD. Refers to the Metro Cotabato Water District.

www.metrocotabatowd.gov.ph. The website that serves as the government's comprehensive FOI website that provides a central resource for the public to understand the FOI, locate records that are already available online, and learn how to make a request for information that is not yet publicly available, among others. The www.metrocotabatowd.gov.ph also promotes the District's 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 the District and over time.

Full Denial. When the MCWD, or any of its D/Div./U, is not able to release all the information/documents/records in response to an RFI because it is covered by the exceptions for disclosure, the information is already available online, or if there is a previous similar request from the same requesting party.

Full Grant. When the MCWD or any of its D/Div./U, is able to disclose the information/documents/records in full response to an RFI.

Information. Any record, document, paper, report, letter, contract, minutes and transcripts of official meetings, map, book, photograph, data, research material, film, 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 the MCWD pursuant to law, executive order, and rules and regulations, or in connection with the performance or transaction of official business by the MCWD.

Information for disclosure. Information promoting the awareness and understanding of policies, programs, activities, rules and revisions affecting the public, government agencies, specifically the MCWD, its D/Div./U, the community and the economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government.

Official record/s. Information/documents/records produced or received by a public officer or employee of the MCWD in an official capacity or pursuant to a public function or duty.

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

Partial Grant. When the MCWD or any of its D/Div./U, is able to disclose only portions of the information/documents/records in response to an RFI, but must deny other portions of the request.

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

Public record/s. This shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

Request for Information. A written request submitted to the MCWD through www.metrocotabatowd.gov.ph or the Central Receiving and Releasing Section for information or records which are under and custody of the MCWD.

Requesting Party (RP). Includes any individual, whether or not a Filipino citizen, or any entity, whether a corporation, civil society organization, academic institution, media organization, or any other private organization. The requesting party may also refer to another government agency, a foreign government, or a multilateral organization, though the protocols in this Manual are not applicable to their requests for information.

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

- a. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical and/or political affiliations;
- b. About an individual's health, education, genetic or sexual life, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or their denial, suspension or revocation, and tax returns; and
- d. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 2: POLICY

As a policy, the Metro Cotabato Water District is committed to uphold the right to freedom of information and implementation of full public disclosure of all its transactions involving public interest subject to limitations as provided by the Constitution, applicable laws, rules, regulations and procedures, the master list of exceptions issued by the Office of the President and the list of exceptions identified by the Metro Cotabato Water District.

While providing access to information, the Metro Cotabato Water District shall observe the provisions of the Data Privacy Act of 2012.

SECTION 3: PROTECTION OF PRIVACY

While providing access to information, public records, and official records, MCWD shall afford full protection to the right to privacy of its employees, as follows:

3.1 MCWD shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under the existing law, rules or regulations;

3.2 MCWD must protect personal information in its custody or control by making reasonable scrutiny arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.

3.3 Any employee, officer or manager of MCWD who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose any information except when authorized under EO 02, s. 2016, or pursuant to existing laws, rules and regulations.

SECTION 4: STANDARD PROCEDURES FOR FILING A REQUEST FOR INFORMATION

4.1 The Requesting Party (RP) shall submit a formal request letter addressed to the Metro Cotabato Water District General Manager through the FOI Receiving Officer (FRO).

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4.2 The Requesting Party (RP) should be required to completely fill out the Freedom of Information Request Form (FOI-01) then return the same to the Records Officer. No RFI made over social media or via telephone or submitted directly to the D/Div./U, or MCWD employees will be entertained.

4.3 Upon receipt, the FRO shall stamp "RECEIVED" indicating date and time, complete name and official designation of FRO. One copy shall be furnished the Requesting Party (RP) and the second copy for the MCWD file. The same shall be recorded in the FOI Logbook.

4.4 The FRO then endorses the FOI Request Form to the Office of the General Manager for evaluation and comment and issues Office Order relative to the request.

- a. If the request is legally available, the General Manager shall issue an Office Order directing concerned Department where data is available.
 1. If the information requested is an inactive file-Records Officer
 2. If the information requested is an active file – concerned Department
- b. If the request needs extension, the FRO prepares a NOTICE OF EXTENSION (FOI-06). Extension should not be more than 20 days from the date notice is prepared.
- c. If the request is denied, the FRO prepares a NOTICE OF FULL DENIAL (FOI-05), signed by the Head of the Agency. This should be done within 15 days from the date request was received.

4.5 The FRO shall forward the RFI to the unit concerned within the same day, except when the RFI is received after 3 p.m., in which case the FRO may forward it the following working day.

4.6 Upon receipt, the D/Div./U, shall process the request and prepare the necessary action document.

4.7 A Requesting Party who is unable to comply with the requirement of a written request because of illiteracy or due to being a Senior Citizen (SC) or a Person With Disability (PWD), may request assistance from the FRO to reduce an oral request in writing. The requesting party will also have to provide proper identification and authorization.

SECTION 5: TYPES OF DISPOSITION OF RFI

In the disposition of the RFI, the MCWD may issue any of the following five (5) types of Notices:

5.1 **Notice of Full Grant.** This means that the RFI is approved and the complete information as requested is attached to the Notice.

5.2 **Notice of Partial Grant.** This means that parts of the requested information cannot be granted. Hence, a Notice of Partial Grant will be issued.

5.3 **Notice of Non-Availability.** This means that the requested information is not available in the MCWD.

5.4 **Notice of Full Denial.** This means that the requested information cannot be released due to any of the following:

5.4.1 **Requested information is already posted and available online.** If the information being requested is already posted and publicly available at the MCWD website (www.metrocotabatowd.gov.ph), the RP will receive a notification informing him/her of the website link where the information is posted.

5.4.2 **Requested information is among the exceptions to the FOI.** If the information/document/record requested cannot be disclosed/provided because its non-disclosure is protected by the Constitution, Philippine laws or jurisprudence, or it is

among the inventory of exceptions circularized by the Office of the President and identified by the MCWD, the RP shall receive a notice of *full denial* of the RFI.

5.4.3 **Requested information is identical or substantially similar to a previous request by the same requesting party.** Any RFI that is identical or substantially similar to an earlier one from the same requesting party, and whose request has already been acted upon by MCWD, shall no longer be entertained nor granted. In such a case, the RP shall be notified accordingly.

5.5 **Release of Information to the Requesting Party.** Generally, all responses to RFIs will be completed and released to the RP not more than fifteen (15) working days from receipt of the RFI. The RP shall be provided a notice on the action taken.

SECTION 6: REQUEST FOR EXTENSION

6.1 A processing period of more than (15) working days from the date of receipt of the RFI may be required in certain instances. The Notice shall be issued by the D/Div./U (copy furnished the FDM) and shall indicated the reasons for the extension, which can be:

6.1.1 Information requested requires extension search in the MCWD records and/or

6.1.2 Occurrence of fortuitous events or other similar cases.

6.2 The Notice shall state that the extension shall only be valid for twenty (20) working days beginning on the day after the expiration of the original fifteen (15)-day period, unless the requesting party agrees on a period longer than 20 days.

6.3 The FDM may also issue a General Notice of Extension when the RFI coincides with the peak work season of the MCWD, such as the budget preparation period. In such an event, the Requesting Party shall be advised that the processing for an RFI shall be thirty-five (35) working days (inclusive of the original 15-day period).

SECTION 7: REMEDIES IN CASE OF DENIAL

7.1 In case of a denial, the RP may file an appeal to a decision of denial on an RFI through a written Administrative FOI Appeal to the FDM within fifteen (15) working days from the notice of denial. The FDM shall act on the appeal 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.

7.2 The denial of the appeal by the FDM or the lapse of the period to respond to the request may be appealed further to the Office of the President, by virtue of Administrative Order No. 22, s. 2011.

7.3 Upon exhaustion of the administrative FOI appeal remedies, the RP may file an appeal before the regular courts in accordance with the Rules of Court.

SECTION 8: PROCESSING TIME FOR ACTION ON RFIs

Activity/Action	Time Limit
Acknowledgment of Receipt of the RFI by the FRO	On the same day the RFI is received, except when received after 5 p.m.
Completion of Information Requested and Disposition of the RFI. Issuance of Appropriate Notice to the Requesting Party	Within fifteen (15) working days from receipt of the request
Extension Period	Not to exceed twenty (20) working days, in addition to the mandated 15 working days, unless exceptional circumstances warrant a longer period as agreed upon with the requesting party
Filing of Appeal on Denial of RFI	Within fifteen (15) working days from the notice of denial
Decision on Appeal of Denial of RFI	Within thirty (30) working days from filing of the appeal

SECTION 9: FEES

9.1 **No Request Fee.** The MCWD shall not charge any fee for accepting requests for access to information/documents/records. However, it may require the Requesting Party to provide/replace the paper used, in excess of 10 pages. The information may also be released in electronic file, in which case the Requesting Party will have to provide the flash drive for copying the file/s.

SECTION 10: ANNEXES

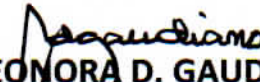
- FOI-01 - MCWD FOI Procedures Manual
- FOI-02 – FOI Request Form
- FOI-03 – Notice of Full Grant
- FOI-04 – Notice of Partial Grant
- FOI-05 – Notice of Non-Availability
- FOI-06 – Notice of Full Denial
- FOI-07 – Notice of Extension

SECTION 11: EFFECTIVITY

The METRO COTABATO WATER DISTRICT FREEDOM OF INFORMATION MANUAL shall take effect immediately upon approval and posting to the MCWD Website.

SECTION 12: COMMITMENT

The METRO COTABATO WATER DISTRICT hereby commits to implement and abide by the implementation of this Freedom of Information Manual.


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General Manager