

PROVISIONAL

FREEDOM ON INFORMATION MANUAL

Film Development Council of the Philippines



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SECTION I. OVERVIEW

1. Purpose of the Manual: The objective of this Freedom of Information (FOI) Manual is to provide the processes by which Film Development Council of the Philippines (FDCP) shall deal with requests of information received under Executive Order No. 2, s. 2016 (Annex A) on FOI through the standard FOI or eFOI (www.foi.gov.ph).
2. Structure of the Manual: This Manual explains the definition of terms, standard operating procedures, remedies, fees, and administrative liability. It also provides the relevant forms through the standard FOI and the eFOI.
3. Coverage of the Manual: The Manual shall cover all requests for information directed to FDCP.
4. Responsible Officers: For purposes of the Manual, there shall be the FOI Receiving Officer (FRO), the FOI Decision Maker (FDM), and the FOI Appeals Officer (FAO). The contact details are as follows:

FRO & FDM: Emelita A. Alquiza | Chief Administrative & Finance Officer
Telephone: (+632) 256 8331 | (+632) 256 9948 | (+632) 256 9908
Email: info@fdcp.ph

FAO: Mary Liza B. Diño | Chairperson & CEO
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SECTION 2. DEFINITION OF TERMS

1. 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.
2. OFFICIAL RECORDS 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.
3. 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.
4. 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.
5. SENSITIVE PERSONAL INFORMATION shall be as defined in the Data Privacy Act of 2012 (Republic Act No. 10173):
 - a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - b. About an individual's 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;
 - 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 its denials, suspension or revocation, and tax returns; and
 - d. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

Access to Information: FDCP recognizes the right of the people to information on matters of public concern and accordingly adopts a policy of full disclosure, subject to the exceptions (Annex B), procedures, and limitations provided in E.O. No. 2, s. 2016 and Section 7 of this Manual. This right is indispensable to the exercise of the right of the people to effective and reasonable participation at all levels of social, political and economic decision-making.

SECTION 4. PROTECTION OF PRIVACY

1. While providing for access to information, FDCP shall afford full protection to a person's right to privacy, as follows:
 - a. FDCP shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws.
 - b. FDCP shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure.
 - c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of FDCP, shall not disclose that information except as authorized by existing laws.
2. Limitations: The right of access to information is without prejudice to the right of FDCP to determine whether there are grounds to believe that:
 - a. the identity of the requesting party is fictitious or otherwise not legitimate based on the credentials provided by him/her;
 - b. the request is prompted by sheer idle curiosity;
 - c. the request is being made with a plainly discernible improper motive such as harassment or vexation;
 - d. the purpose of the request is contrary to law, morals, ethics, good customs or public policy, or
 - e. the request is for any commercial purpose.

SECTION 5. STANDARD OPERATING PROCEDURES

1. Request for Information: All requests for information shall:
 - a. Be in writing and be accomplished using the prescribed request form (Annex C) or through www.foi.gov.ph;
 - b. Provide the full name and contact information of the requesting party including a valid government-issued identification card with photograph and signature; and
 - c. Reasonably describe the information requested, and the reason for, or purpose of, the request for information.

The request form shall be made available in the offices of FDCP, on FDCP website, and through www.foi.gov.ph.

2. Manner of Making Request: A request for information shall be made by the requesting party by delivering it personally to FDCP, by sending it by mail, by sending it by electronic email (info@fdcp.ph), or through www.foi.gov.ph.

In case the requesting party is unable to make a written request because of illiteracy or disability, he/she may make an oral request and the FRO shall reduce it into writing. The requesting party shall sign the form.

3. Receipt of Request: A complete request for information shall be signed and stamped received by the FRO after it has been delivered to him/her by the personnel who actually received the request. The FRO shall indicate the date and time of receipt and the name, rank, title and position of the said personnel at the receiving station. In case the request is made through www.foi.gov.ph, a notification will be sent to the FRO.

The date of receipt shall be:

- a. The date when the request is personally delivered to FDCP;
 - b. The date when the request is received by mail by FDCP; or
 - c. The date when the request is electronically received by FDCP through email or through www.foi.gov.ph.
4. Period to Respond:
 1. FDCP shall respond to the requesting party within fifteen (15) working days from the date of receipt of the request.

2. 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.
3. The period may be extended whenever the request requires extensive search of the records facilities of FDCP or examination of voluminous records, or in case of the occurrence of fortuitous events, or other analogous cases. The FRO shall inform the requesting party of the extension, setting forth the reason for such extension.

In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.

5. Action by FDM / FRO: The FRO shall forward the request for information to the FDM and record the date and time it was forwarded.

Upon receipt of the request for information from the FRO, the FDM shall assess the request. The FDM's action shall be relayed by the FRO to the requesting party.

- a. Approval of Request: In case of approval of the request by the FDM, the FRO shall collate the information and document, notify the requesting party, and direct the requesting party to get the information and document at the FDCP office on the designated day and time and pay any applicable fees. In the case of the Requesting Party using the eFOI portal, the FRO will respond through the website.
- b. Denial of Request: On the following grounds, the FDM may deny a request:
 - i. the request is not complete or not valid, in which case the requesting party shall be notified accordingly;
 - ii. the requested information is substantially similar or identical to a previous request by the requesting party, whether the same has been granted or not, in which case the requesting party shall be notified accordingly;
 - iii. the requested information is already available on FDCP website, in which case the requesting party shall be notified accordingly and provided with the website link where the information is posted, if known;
 - iv. the requested information refers to another government agency, in which case the requesting party shall be notified accordingly and provided with the contact details of that office, if known;

- v. the reason for the request is contrary to laws, rules, or regulations, in which case the requesting party shall be notified accordingly; or
- vi. the request falls under the exceptions under the Inventory of Exceptions (Annex B) issued by the Office of the President, and Section 7 of this Manual, in which case the requesting party shall be notified accordingly.

SECTION 6. REMEDY IN CASE OF DENIAL

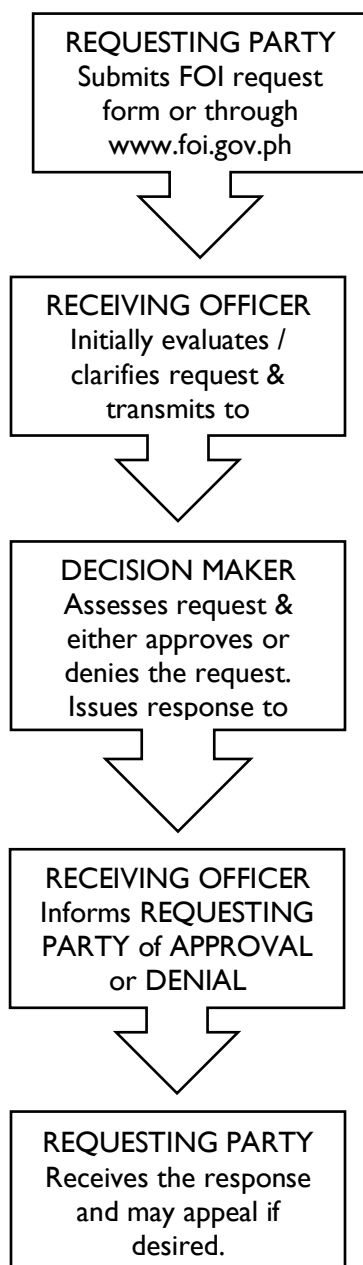
1. In case of denial of a request for information, the requesting party may appeal to the FAO. The appeal shall be in writing, signed by the requesting party, citing the ground for the appeal, with copies of the request for information and the notice of denial attached, and shall be filed within fifteen (15) working days from the notice of denial. (Annex D)
2. The appeal shall be decided by the FAO within thirty (30) working days from receipt of the appeal, unless circumstances warrant a longer period.
3. The decision of the FAO shall be approved by the FDCP Chairperson before being released to the requesting party. In certain instances, the Chairperson shall seek the consent of the Board of Trustees before rendering approval.

SECTION 7. LIST OF EXCEPTIONS

The following are the exceptions to the right of access to information:

1. Personal information of FDCP employees that may put them at risk including but not limited to place of residence, birthdate, personal contact numbers, government-issued numbers, bank records, vehicle plate numbers, school records, medical records, genetic or sexual life, and other similar items to the above list.
2. Communication within the Board of Trustees and Cinema Evaluation Board of FDCP.
3. Administrative decisions by the Executive Division of FDCP.
4. Documents disclosing trade secrets or commercially valuable information.
5. Any information that may interfere with a third-party or affect its business.
6. List of exceptions listed in the Inventory of Exceptions to Executive Order No. 2, s. 2016 (Annex B).

FOI REQUEST & REPLY PROCESS



SECTION 8. FEES AND UNDERTAKING

1. No Request Fee: FDCP shall not charge any fee for accepting requests for information.
2. Reasonable Cost of Reproduction, Scanning, and Mailing: FDCP may charge a reasonable fee to reimburse necessary costs, including costs of reproduction, scanning, and mailing of the information or documents required. Before the party receives the requested information and document, proof of payment must first be provided to FDCP.
3. Undertaking: By receiving the requested information and document, the requesting party acknowledges that the same shall not be used for any purpose other than what is indicated in the request form as approved, shall not be used for any purpose that is contrary to law, morals, good customs, or public policy, and shall not be reproduced for any commercial use.

SECTION 9. 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 day to thirty days
 - c. 3rd Offense - Suspension of one month to six months
 - d. 4th 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.

SECTION 10. EFFECTIVITY

This Manual shall take effect immediately upon filing with the Presidential Communications Operations Office.

APPROVAL

This Freedom of Information Manual, as amended, was signed and approved in the City of Manila on September 20, 2017 by

MARY LIZA B. DIÑO

Chairperson & CEO

Film Development Council of the Philippines

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