



MANUAL

FREEDOM OF INFORMATION

FOI-2019

TABLE OF CONTENT

No	PARTICULARS		PAGE
1.	Introduction		1
2.	LWD Directory		2
3.	Content of Manual		
	Sec. 1	Definition	3
	Sec. 2	Access to Information	
	Sec. 3	Exception	
	Sec. 4	Protection of Privacy	
	Sec. 5	Procedure	4
	Sec. 6	Fees	5
	Sec. 7	Notice of Denial	
	Sec. 8	Remedies in Case of Denial of Request	6
	Sec. 9	Administrative Liability	
	Sect. 10	Effectivity	
4	Annexes		
	Annex A	FOI Request Form	7
	Annex B	FOI Appeal Template	8
	Annex C	FOI Exceptions	9

INTRODUCTION

Linamon Water District has adopted its Freedom of Information (FOI) Manual in order to effectively attend to all requests that covered under Executive Order N0. 2 series of 2016 entitled “Operationalizing in the Executive Branch of 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” .

The purpose of this Freedom of Information (FOI) Manual (Manual) is to provide the process by which the Linamon Water District (LWD) shall deal with requests of information received under Executive Order No. 2, s. 2016 on FOI.

This Manual covers all requests for information directed to the LWD the access to information on matters of public concern. Further, this give importance to the exception as to information shall be denied when the information falls under any if the exceptions enshrined in the Constitution, existing laws or jurisprudence. And the protection of privacy while providing access to information, public records, and official records, responsible officials shall full protection to an individual’s right to privacy.

LWD FOI DIRECTORY

PARTICULARS	DEPARTMENT	LOCATION
FOI CHAMPION	<i>Office of the General Manager</i>	<i>LWD Office</i>
<i>LWD General Manager</i>		
FOI DECISION MAKER	<i>Office of the GM/ Accounting</i>	<i>LWD Office</i>
<i>GM, Admin GSO</i>		
FOI RECEIVING OFFICER	<i>Officer of the day</i>	<i>LWD Office</i>
<i>GM, Public Information</i>		
CONTACTS:	<i>(063 227-0107</i>	<i>Telephone</i>
	<i>linamonwaterdistrict@yahoo.com</i>	<i>Email</i>
	<i>www.linamonwaterdistrict.com</i>	<i>Website</i>
CENTRAL APPEALS AND REVIEW COMMITTEE		
<i>ALL FOI decision appeals should be put into writing and coursed through the office of the General Manager as the FOI Champion</i>		

Section 1: Definition

1.1 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.

1.2 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.

1.3 Public Records; shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by LWD.

Section 2: Access to Information:

LWD recognizes the right of every people shall access to information, official records, public records and documents and papers pertaining to official acts, transactions or decisions, as well to government research data used as basis for policy development.

Section 3: Exception

Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence.

Section 4: Protection of Privacy

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

- a. LWD shall ensure that personal information, particularly sensitive 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 existing laws, rules or regulations.

- b. LWD shall protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested to verification, harassment, or any other wrongful acts; and
- c. Any employee or office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office must not disclose that information except when authorized pursuant to existing laws, rules or regulations.

Section 5. Procedure

The following procedure shall govern the filing and processing of request for access to information;

- a. Any person who requests access to information shall submit a written request to LWD. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations, or it is one of the exceptions contained in the inventory of exceptions as herein above provided.
- b. The FOI receiving officer shall provide reasonable assistance, free of charge, to enable all requesting parties, particularly those with special needs, to comply with the request requirements under this Section.
- c. The request shall be stamped by the FOI receiving officer, including the date and time of receipt and the name, rank, title or position of the receiving public officer of employees with the corresponding signature, and a copy thereof furnished to the requesting party. LWD will establish a system to trace the status of all requests for information received by it.

- d. LWD shall respond to a request fully compliant with the requirements of subsection (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision for the office concerned to grant or deny access to the information requested.
- e. The period to respond may be extended whenever the information requested requires extensive search of this office (LWD) records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases. LWD shall notify the person making the request of such extension, setting forth the reasons for the extension in no case shall the extension go beyond twenty (20) working days counted from the end of the original period.
- f. Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees .

Section 6. Fees

LWD shall not charge any fee for accepting requests for access to information, LWD may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information requested, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this manual.

Section 7. Notice of Denial

If LWD decides to deny the request wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the requesting party of the denial in writing. The notice shall clearly set forth the 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 for access to information.

Section 8. Remedies in Case of Denial of Request for Access to Information.

A person whose request for access to information has been denied may avail himself of the remedies set forth below.

- a. Denial of any request for access to information may be appealed to the LWD in authority, following the procedure mentioned in Section 5 (f) of this Manual. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- b. The appeal shall be decided by the FOI Decision Maker (FDM) within thirty (30) working days from the filing of said written appeal. Failure of such FDM to decide within the afore-stated period shall be deemed a denial of the appeal.
- c. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

Section 9. Administrative Liability

LWD adheres to the provision in this FOI Manual, failure to comply with the provisions of this manual may be a ground for administrative and disciplinary sanctions against any FOI officer responsible.

Section 10. Effectivity

This Manual shall take effect immediately upon posting in LWD website.

Prepared by:


CARMENCITA DIAO CORONEL, MPA
Administrative General Services Officer A

APPROVAL

This Freedom of Information Manual, is approved and signed on February 7, 2019;


ENGR. ROMEO Q. PATERES
General Manager

ANNEX A

FOI manual

LINAMON WATER DISTRICT

Linamon, Lanao del Norte

CCC# 517

FOI REQUEST FORM

Ano po ang hinahanap ninyong dokumento o impormasyon? (What documents or information are you looking for?)		
Anong panahon ang saklaw ng dokumento/impormasyong inyong hinahanap? (What is the covered period of the documents/information?)		
Paki larawan ng maigi ang inyong layunin sa paghanap ng dokumento /impormasyon. (Please sufficiently describe your purpose for securing this documents/information.)		
PANGALAN (Name):	CONTACT (Mobile No., Email, etc.):	
LAGDA (Signature):	PETSA (Date):	
TIRAHAN (Address):	GOVERNMENT-ISSUED ID (Proof of Identity; please attach photocopy):	
OPISINA/ PAARALAN (Office/ School):	EDAD (Age):	KASARIAN (Gender):
PAGKILALA NG PAGTANGGAP NG DOKUMENTO (Acknowledgment receipt of document):		
Ang dokumentong nakasaad sa itaas ay tinanggap ni:		
Pangalan (Name): _____		
Lagda (Signature): _____		
Petsa (Date): _____		
TERMS OF USE: This document and any information herein: (1) shall not be used for any purpose other than what is indicated in the FOI request as approved; (2) shall not be used for purposes contrary to law, morals, good customs, or public policy; and (3) shall not be reproduced for any commercial use. Any violation will be addressed accordingly		

ANNEX B

FOI manual

FOI APPEAL TEMPLATE

[Date]

THE MANAGER

Linamon Water District
Linamon, Lanao del Norte

Dear GM _____;

I have submitted a letter request for an information/record about _____ dated _____ and duly received by the receiving officer _____ of the same date or on _____.

Attached is a copy of the said letter request in your office.

On _____, I received a notice denying the request for the following reason: _____.

Attached is a copy of the said denial letter.

I would like to make an appeal on this denial of the following grounds: _____; _____; _____.

This appeal is submitted this day of _____ month _____ of which is in the prescribed period in the manual.

Thank you.

Respectfully,

Requesting Party

ANNEX “C”

FOI manual

Exceptions to Right of Access to Information

For the guidance of all government offices and instrumentalities covered by EO NO. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information; as recognized by the Constitution, existing laws, or jurisprudence.

- 1.** Information covered by Executive privilege;
- 2.** Privileged information relating to national security, defense or international relations;
- 3.** Information concerning law enforcement and protection of public and personal safety;
- 4.** Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
- 5.** Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory, or quasi-judicial powers;
- 6.** Prejudicial premature disclosure;
- 7.** Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confident or privileged;
- 8.** Matters considered confidential under banking and finance laws, and their amendatory laws; and
- 9.** Other exceptions to the right to information under laws, jurisprudence, and IRR.