

# Freedom of Information Manual

Bureau of Fire Protection

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## SECTION 1: OVERVIEW

1. **Purpose of the Manual:** The purpose of this Freedom of Information Manual (Manual) is to provide the process by which the Bureau of Fire Protection (BFP) shall deal with requests of information received under Executive Order No. 2, s. 2016 on Freedom of Information (FOI). (Annex A)
2. **Structure of the Manual:** This Manual sets out the definition of terms, standard operating procedures, remedies, fees, and administrative liability. It also provides for the relevant forms and other annexes.
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the BFP.
4. **Responsible Officers:** For purposes of the Manual, there shall be the FOI Receiving Officer (FRO), the FOI Decision Maker (FDM), and the FOI Appellate Authority.

## 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), i.e., personal information:



(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;

(2) 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;

(3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and

(4) Specifically established by an executive order or an act of Congress to be kept classified.

### **SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT**

1. **Duty to Publish Information.** The BFP shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:

- a. A description of its mandate, structure, powers, functions, duties and decision making process;
- b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements; and
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

2. **Accessibility of Language and Form.** The BFP shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

3. **Keeping of Records.** The BFP shall create and/or maintain in

appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

#### **SECTION 4. STANDARD PROCEDURE (see Annex L for Flowchart)**

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

The request for information shall be made available in the offices of the BFP and on the BFP website.

If the FRO determines that the request is not complete, the FRO shall immediately return it and inform the requesting party to submit the complete form. (Annex D)

2. Manner of Making Request: A request for information shall be made by the requesting party by delivering it personally to the BFP or any of its offices, by sending it by mail, or by sending it by electronic email.

In case the requesting party is unable to make a written request because of illiteracy or disability, he or 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.

For email requests sent on a non-working day, and during non-working hours, receipt shall be at the start of the working hours of the next working day. A confirmation email shall then be sent to the requesting party. For email requests to be considered received:

- (1) they must be sent to [ofcbfp@gmail.com](mailto:ofcbfp@gmail.com); and
- (2) an acknowledgement email must be sent to the requesting party within 1 (one) working day



#### 4. Period to Respond:

4.1 The BFP shall respond to the requesting party within fifteen (15) working days from the date of receipt of the complete request for information.

4.2 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 Civil Code shall be observed.

The date of receipt shall be:

- (1) The date when the request is physically delivered to the BFP;
- (2) The date when the request is received by mail by the BFP;  
or
- (3) The date when the request is electronically received by the BFP, provided that, when the request has been emailed to a BFP employee who is absent and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact, then it shall be the date when the request is electronically delivered to that contact.

4.3 The period may be extended whenever the request requires extensive search of the records facilities of the BFP, examination of voluminous records, or in case of the occurrence of fortuitous events or other analogous cases. The FDM shall inform the FRO, and the FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. (Annex E)

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

5. Transmittal of Request by the FRO to the FDM: The FRO shall forward the request for information to the FDM within one day from receipt. The FRO shall record the date and time and the name of the FDM who received the request in a record book with the corresponding signature.

6. Response on the Request: Upon receipt of the request for information from the FRO, the FDM shall assess the request. Response shall be relayed by the FRO to the requesting party, by mail or by email.

6.1 Request Relates to More Than One Division/Unit: If the FDM needs details from different BFP divisions/units, clarification from said divisions/units shall be made.

6.2 Request Needs Clarification: If the FDM needs further details to identify or locate the information, clarification from the requesting party shall be made. (Annex F)

This shall stop the running of the 15-day period, which will continue to run the day after the required details are received from the requesting party.

6.3 Approval of Request: Upon receipt of the requested information from the FDM, the FRO shall collate the information, notify the requesting party in writing, and direct the party to pay any applicable fees. (Annex G)

6.4 Denial of Request: No request shall be denied by the FDM unless (i) the reason for the request is contrary to law or rules and regulations (Annex H-1), or (ii) the request falls under the exceptions under the Inventory of Exceptions issued by the Office of the President (Annex H-2). The FRO shall notify the requesting party in writing, clearly setting forth the ground for denial and the circumstances on which the denial is based.

6.5 Requested Information is Substantially Similar or Identical to a Previous Request: The BFP shall not be required to act if, upon determination by the FDM, the requested information is substantially similar or identical to a previous request by the requesting party, whether the same has been granted or denied. The requesting party shall be advised accordingly. (Annex I)

6.6 Requested Information is Available On-Line: If the FDM determines that the requested information is already available on the BFP website or any other government website covered by this E.O., the requesting party shall be advised accordingly and provided with the website link where the information is posted. (Annex J)

6.7 Requested Information is Not in the Custody of the BFP: If the FDM determines that the requested information refers to another government agency, the request shall be transferred to such appropriate government agency, copy furnished the requesting party. (Annex K-1)

If the government agency is not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known. (Annex K-2)

## **SECTION 5. REMEDIES IN CASE OF DENIAL**



1. In case of denial of a request for information, the requesting party may appeal to the FOI Appellate Authority. The appeal shall be in writing, and shall be filed within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be decided within thirty (30) working days from receipt of the appeal.

2. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

### **SECTION 6. REQUEST TRACKING SYSTEM**

The BFP shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

### **SECTION 7. FEES**

1. *No Request Fee:* The BFP shall not charge any fee for accepting requests for access to information.

2. *Reasonable Cost of Reproduction and Copying of the Information:* The BFP may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required. The FRO shall immediately notify the requesting party in case there be any such costs.

3. Schedule of fees to be imposed shall be approved by the DILG pursuant to Section 54, Chapter 12, Book IV of Executive Order 292 (Administrative Code of 1987).

4. *Exemption from Fees:* The FDM may exempt any requesting party from payment of fees, upon submission of a written request stating the valid reason why such party shall not pay the fee.

### **SECTION 8. ADMINISTRATIVE LIABILITY**

1. *Non-compliance with FOI:* Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- a. 1st Offense - Reprimand
- b. 2nd Offense - Suspension of one 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.



3. Provision for More Stringent Laws, Rules and Regulations: Nothing in this Manual shall be construed to derogate from any law or rules or regulations prescribed by the Civil Service Commission which provide for more stringent penalties.

## **SECTION 9. FOI OFFICERS**

The respective Records Keeper or Chief and/or personnel of the Records Section of the stations and higher offices, respectively, shall be the FOI Receiving Officer (FRO) of the respective stations and offices.

The City/Municipal Fire Marshals, Provincial/District Fire Marshals, Regional Fire Marshals and Chief BFP shall be the FOI Decision Maker (FDM) with respect to requests brought before their respective stations/offices.

The Provincial/District Fire Marshals shall be the FOI Appellate Authority (FAA) with respect to requests originally brought before the FDM-City/Municipal Fire Marshals.

The Regional Directors shall be the FAA with respect to requests originally brought before the FDM-Provincial/District Fire Marshals.

The Chief BFP shall be the FAA with respect to requests originally brought before the FDM-Regional Directors. The Chief BFP may, however, take cognizance of appeals brought before it on appeal even if it may have originated from the Municipal/City/Provincial/District level depending on his discretion.

The Secretary of Interior and Local Government shall be the FAA with respect to requests originally brought before the FDM-Fire Chief.

## **SECTION 10. POSTING AND EFFECTIVITY**

This Manual shall be posted on the BFP website upon its approval by the Chief, BFP and shall take effect fifteen (15) days from the date of filing with the Office of the National Administrative Registrar.