

# DBP DATA CENTER, INC.

## FREEDOM OF INFORMATION MANUAL

### A. INTRODUCTION

Pursuant to the constitutional mandate of the State to adopt and implement a policy on full disclosure of its transactions involving public interest, subject to reasonable conditions prescribed by law and consistent with the people's right to information, the Office of the President of the Philippines issued Executive Order No. 02 (EO 2), Series of 2016. EO 2 aims to operationalize in the Executive Branch the constitutional right to information and the state policies to full public disclosure and transparency in the public service.

In support of the foregoing, the DBP Data Center, Inc. (DCI), a wholly-owned subsidiary of the Development Bank of the Philippines (DBP) hereby adopts this Freedom of Information (FOI) Manual, subject to limitations as provided in the Amended Articles of Incorporation and Amended By-Laws of DCI; RA No. 10173, otherwise known as the Data Privacy Act; and other relevant laws.

### B. PURPOSE AND COVERAGE

The purpose of this manual is to provide the process and procedures for FOI requests of the public pursuant to EO 2 and shall cover all requests for information directed to the Company.

### C. DEFINITION OF TERMS

**Company.** Refers to the DBP Data Center, Inc. (DCI)

**Document.** Pertains to both paper and electronic format documents

**FOI Receiving Officer.** For purposes of this manual, the Document Controller Custodian of the Admin & Finance Department shall act as the FOI Receiving Officer (FRO) of the Company. The FRO shall be responsible for the overall implementation and monitoring of the provisions of this manual.

**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 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 thereof 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 on government websites, such as data.gov.ph, without need for written requests from the public.

**Official Record.** 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.

**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.

**Public Service Contractor.** Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

**Personal Information.** 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.

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

- About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- About an individual 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;
- 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

- Specifically established by an executive order or an act of Congress to be kept classified.

#### **D. PROTECTION OF PRIVACY**

While providing for access to information, the Company shall afford full protection to a person and its employees and officers' right to privacy, as follows:

1. The Company shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws, subject to the Company's policies and procedures;
2. The Company shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
3. All Company officers or employees who will have access to information as provided in this manual, including other officers or employees, whether authorized or unauthorized and to personal information in the custody of the Company, shall not disclose that information except as authorized by existing laws, subject to the Company's policies and procedures.

#### **E. STANDARD PROCEDURE**

1. All requests for information under this manual shall comply with the following requirements:
  - a. The request must be in writing;
  - b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
  - c. The request shall reasonably describe the information requested;
  - d. The reason for, and purpose of, the request for information.

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

2. The FRO or his/her authorized representative shall receive the requests and shall assess their compliance with the above requirements. The FRO shall hold office at the present

office address of the Company currently at the 15<sup>th</sup> Floor Pacific Star Building, Sen. Gil Puyat Avenue corner Makati Avenue, Makati City, with contact number (02) 848- 0277.

The request shall be stamped 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 actually received it, with a corresponding signature and a copy to be furnished to the requesting party. The FRO or his/her authorized representative shall input the details of the request on the Request Tracking System and allocate a reference number.

3. After receipt of the request for information, the FRO shall evaluate the contents thereof. If the information requested is under the custody of the Company, the FRO shall observe the procedures prescribed in the Company's policies on release of information.
4. Should the requested information be already posted and publicly available on the Company's website, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
5. If the requested information is substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason for such denial in writing.
6. Upon receipt of the requested information, the FRO shall transmit the requested documents with the necessary cover letter to the requesting party.
7. The FRO shall ensure that requests for information are resolved and/or acted upon within 15 working days upon receipt of such request.

Should the requested information need further details to identify or locate, the 15 working days will commence on the day after receipt of the required clarification from the requesting party.

If the information requested requires extensive search of the Company's office records, facilities, examination of voluminous records, or other analogous cases, the FRO shall inform the requesting party of the extension and setting forth the reasons for such extension.

8. In case of denial of the request after due evaluation, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.

## F. REMEDIES IN CASE OF DENIAL

1. A person whose request for access to information has been denied may avail himself of the remedies prescribed herein.

The requesting party may file an appeal to the FRO: Provided, that the same requesting party must file the written appeal within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

2. The appeal shall be decided by the appropriate authorities upon the recommendation of the FOI Committee 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.

## G. FEES

1. Requests for information under this manual shall be at no cost to the requesting party. However, reasonable cost of reproduction shall be charged which should be the actual amount spent by the Company in providing the information to the requesting party.
2. The prescribed fees are as follows:

### **Copies**

P 3.00/single sided page, P 4.50/double sided page

### **Material Cost**

Actual cost of items such as CD ROMs, flash drives, etc., will be charged for request for information in electronic format.

3. The fees shall be paid once the requesting party has been notified of the approval of his/her request. Non-payment of costs shall be a ground for non-release of the requested information. However, the Company may exempt the requesting party from payment of fees upon request and stating valid reasons therefor.