



**PHILIPPINE PORTS AUTHORITY
FREEDOM OF INFORMATION
AGENCY MANUAL
(4th Edition)**

INTRODUCTION

In order to enhance the public's right of access to information, Executive Order No. 2 was issued on July 23, 2016. In order to fulfill the

4.11. "Sensitive Personal Information" shall refer to personal information:

- (a) About an individual race, ethnicity, civil status, age, color, and religious or political affiliation;
- (b) About an individual's sexual life, or to any proceedings 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 is not limited to, social security numbers, licenses or its denials, suspensions or its denials, or any other information that is not generally available to the public.

h)

SECTION 9. AVAILABILITY OF STATEMENT OF ASSETS AND LIABILITIES AND NET WORTH (SALN).

Subject to the provisions of Sections 5 and 6, all PPA officers and employees shall file and make available for scrutiny their SALNs in accordance with the procedures provided below.

SECTION 10. PROTECTION OF PRIVACY.

While providing access to information, official records or public records, the FOI Decision Maker and the FOI Receiving Officer shall ensure that the right to privacy of individuals are protected as follows:

- 10.1. PPA shall ensure that all 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 executive order, this manual, or existing laws, rules, and regulations. Particular care should be given to avoid the disclosure of sensitive personal information;
- 10.2. PPA shall protect the 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 vilification, harassment or any other wrongful acts; and,

personally, through registered mail, or electronically by sending a scanned copy of the duly accomplished request form to foi1@ppa.com.ph.

The request shall contain/state the following:

- Date of the Request
- Name of the Requesting Party
- Mailing Address
- Contact Information (landline number, mobile number, or valid e-mail address)
- Detailed description of the information requested
- Purpose of Request
- Signature of the Requesting Party
- Certification under oath of purpose and of non-disclosure

The Requesting Party shall present at least one (1) government-issued proof of identity with picture and signature of bearer, such as, but not limited to:

- GSIS/SSS Identification Card
- Voter's Identification Card
- Passport
- Driver's License
- PRC Identification Card
- Senior Citizen's Identification Card
- Postal Identification Card
- Philhealth Identification Card

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 is one of the recognized exceptions contained in the inventory under Section 6 hereof.

11.1.a. For requests for information not in the prescribed Access to Information Request Form, the requesting party must provide his/her complete contact details to include the following:

- Name
- Mailing address
- Landline or mobile number or valid e-mail address

certifying that the requesting party is a student of the school for the current semester.

- 11.1.f. The request shall be stamped received by the FOI Receiving Officer or his/her duly authorized representative/s, indicating the date and time of the receipt of the request, and the name, signature, and position/rank of the FOI Receiving Officer and a copy thereof shall be given to the requesting party. In case of e-mail requests, the e-mail shall include an attachment of the FOI form properly filled out, including the signature of the requesting party. The FOI Receiving Officer shall input the details of every request in the Request Tracking System and assign a reference number.

Failure to provide any of the above-mentioned information and documentary requirements, as provided in Sections 11.1.a to 11.1.e, the request shall be deemed incomplete and/or as not filed.

- 11.1.g. The PPA must respond within fifteen (15) working days from the receipt of the request. The date of receipt of the request is (a) the day of actual physical receipt in the PPA office with the corresponding stamp "received" on the request form or (b) the day of acknowledgment of receipt of the request as stated in the electronic time and date stamp of the e-mail from the FOI Receiving Officer. If the request is incomplete, or further details are needed to identify and locate the requested information, the date of receipt shall be the date when the clarification or completion of details was received and/or acknowledged by the FOI Receiving Officer.

The Repository Officer/Document Custodian will be allowed to further clarify or define the topics being requested through the FOI Receiving Officer, such as, but not limited to:

- a) For detailed port statistics which are not published in the PPA website, considering the volume of these data, the Repository Officer/Document Custodian shall only entertain one Port Management Office (PMO) on a year basis.

Any additional PMO or year shall then be considered as a succeeding request; and

b) Topics on engineering matters which are general in scope, a list of topics may be provided to the requesting party to specify his/her request.

11.2. Initial Evaluation. – After receipt of the request, the FOI Receiving Officer and/or his/her duly authorized representative/s shall evaluate the contents of the request.

11.2.a. The FOI Receiving Officer shall forward the request to the concerned Repository Officer/Official Custodian within one (1) working day from receipt with the

Referrals shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgment of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government agency where the request was referred.

11.2.d. For requests for information already proactively disclosed by PPA as either on data.gov.ph, eFOI.gov.ph, or other platforms by which government agencies perform proactive disclosure of their transactions, the FOI Receiving Officer shall, within five (5) working days from receipt of the request, inform the requesting party of the said fact and provide them with a link where the information is posted or may be readily accessed.

11.3. Transmittal of the request to the FOI Decision Maker and/or FOI Receiving Officer. – Within four (4) working days from receipt of the request for information from the FOI Receiving Officer, the Repository Officer/Official Custodian shall transmit the request and the requested information to the FOI Decision Maker and/or FOI Receiving Officer.

11.4. Role of the FOI Decision Maker in processing the FOI request. – Within eight (8) working days from receipt of the FOI request and the requested information, the FOI Decision Maker shall decide whether to grant, partially grant, or deny the request for information based on the grounds set forth in Section 7. He may partially grant the request, taking care to ensure that confidential documents are excluded from the information to be disclosed.

If the FOI Decision Maker needs further details to identify or locate the information requested, he/she shall, through the FOI Receiving Officer, seek clarification from the requesting party. The clarification shall toll the running of the fifteen (15) working day period and will only begin to once again run on the day after responsive clarification is received from the requesting party.

If there is doubt as to the applicability of the exceptions, the FOI Decision Maker may request the opinion of the Legal Services Department. The request shall contain a description of

the parts of the document the nature of which is under question in order to facilitate the assessment to be made by the Legal Services Department. The assessment/opinion shall be made within three (3) working days.

The FOI Decision Maker shall transmit to the FOI Receiving Officer his/her decision on the request, and the information requested, if the decision is approval. The FOI Receiving Officer shall note the date and time of the receipt of the decision from the FOI Decision Maker, which shall not be later than at least two (2) working days before the lapse of the fifteen (15) working day period to respond, and shall note the same on the Request Tracking System if the same is beyond the mandated fifteen (15) working day period.

- 11.5. Role of FOI Receiving Officer to transmit the information to the requesting party. – Upon receipt of the requested information from the FOI Decision Maker, the FOI Receiving Officer shall collate and ensure that the information is complete.

He/she shall attach a cover letter/transmittal letter signed by the FOI Decision Maker and ensure the transmittal of such to the requesting party.

- 11.6. Extension of Period to Respond. – The period to respond may be extended whenever the information requested requires extensive search of the PPA's records facilities and examination of voluminous records, in the event of the occurrence of fortuitous events, where there is a need on the part of port or terminal management offices to refer to or to confer with the head office, and other analogous cases. The FOI Decision Maker shall, through the FOI Receiving Officer, notify the requesting party of such extension, setting forth the reasons therefor. In no case shall the extension go beyond twenty (20) working days counted from the expiration of the original period, unless exceptional circumstances warrant a longer period.

- 11.7. Notice to the Requesting Party of the Approval or Denial of the FOI request. –

party to pay the corresponding fees prior to release. Where the FOI Receiving Officer gives the corresponding assessment to the requesting party, the mandated fifteen (15) working day period is tolled and will begin to run anew once the FOI Receiving Officer receives the applicant's full payment in accordance with the preceding section. In any event and where the remaining period is five (5) working days or less, the FOI Decision Maker shall have a fresh ten (10) working days from receipt of full payment.

11.7.b. In case of partial approval where some parts of the document are covered by privilege or exemption, the FOI Receiving Officer shall notify the requesting party of such partial approval within the prescribed period. The notice shall contain an enumeration of the parts which are deemed classified and cannot be released to the public, and shall state the reasons therefor. All partially-approved requests shall be approved by the FOI Decision Maker.

11.7.c. In case of denial, the FOI Receiving Officer shall likewise notify the requesting party of the fact of denial and the reasons therefor within the prescribed period. Failure to notify the requesting party within the period is deemed a denial and may be appealed in accordance with Section 14, without prejudice to the initiation of the corresponding administrative complaint. All denials shall likewise be signed by the FOI Decision Maker.

11.8. Payment of Fees. – Once the request is granted and the requesting party has been duly notified, the requesting party shall proceed to the FOI Receiving Officer and present the notice granting or partially granting his/her request. The document shall be released to the requesting party only after the payment of fees and presentation of the receipt to the FOI Receiving Officer.

SECTION 12. FEES.

PPA shall not charge any fee for accepting requests for access to information. It shall, however, charge a reasonable fee to defray certain costs, including actual costs of reproduction and copying of the information requested, subject to existing laws and rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of the Executive Order.

The PPA, on very reasonable grounds, may exempt any requesting party from payment of fees upon request and the reasons therefor shall be so stated.

SECTION 13. IDENTICAL OR SUBSTANTIALLY SIMILAR REQUESTS.

The PPA shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied.

SECTION 14. REMEDIES IN CASE OF DENIAL OF ACCESS TO INFORMATION.

A requesting party whose right of access to information was denied may appeal the decision in the following manner:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, *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; and
- (b) A final appeal may be filed with the PPA Board of Directors through the Office of the Corporate Board Secretary within fifteen (15) calendar days from receipt by the requesting party of the notice of denial. The Board of Directors shall not entertain any appeals which have not undergone appeal under sub-section (a) hereof. The decision of the board of directors shall be final and the requesting party shall thus be deemed to have exhausted administrative remedies.

SECTION 15. KEEPING OF RECORDS.

PPA shall create and maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval, and communication of information to the public.

SECTION 16. MULTI-TRACK PROCESSING

PPA shall implement a system that divides incoming FOI requests according to their complexity such that simple requests requiring relatively minimal review are placed in one processing track and complex requests are placed in another track. The FOI Receiving Officer shall be in charge of

A. NON-COMPLIANCE WITH FOI

Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- 1st Offense – Reprimand
- 2nd Offense – Suspension
- 3rd Offense – Dismissal from service

B. PROCEDURE

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

C. PROVISIONS FOR MORE STRINGENT LAWS, RULES AND REGULATIONS

Nothing in this Manual shall be construed to derogate from law, or rules and regulations prescribed by anybody or agency which provides for more stringent penalties.

SECTION 18. SEPARABILITY CLAUSE.

If any section or part of this Manual is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

SECTION 19. REPEALING CLAUSE.

PPA Memorandum Order No. 21-2007 and PPA Board Administrative Order No. 02-2015 are hereby repealed. All other orders, rules and regulations, issuances, or any part thereof inconsistent with the provisions of the Executive Order and this manual are hereby repealed, amended, or modified accordingly.

JAY DANIEL SANTIAGO
General Manager

PHILIPPINE PORTS AUTHORITY (PPA) FREEDOM OF INFORMATION FLOW CHART

Receiving Officer: ATTY. HANES LOUISE M. ALIVIO