

NATIONAL KIDNEY AND TRANSPLANT INSTITUTE

Management Services Office

East Avenue, Quezon City 1100 Tel. No. 981.0300



— *Freedom* —
of Information

Executive Order No. 2
Series of 2016

I. PURPOSE

This Manual provides guide to the National Kidney and Transplant Institute (NKTl) in processing requests for information pursuant to Executive Order No. 2 on Freedom of Information.

II. DEFINITION OF TERMS

A. FOI Receiving Officer (FRO). NKTl's FRO shall be preferably come from the Management Information Systems Division, specifically designated to undertake the following tasks:

- a. Receives all requests for information in behalf of NKTl
- b. Monitors all FOI requests and appeals
- c. Provides assistance to the FOI Decision Maker
- d. Compiles statistical information required
- e. Conducts initial evaluation of the request

B. FOI Decision Maker (FDM). There shall be an FOI Decision Maker (FMD), designated by the NKTl Executive Director. The FDM shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. NKTl does not have the information requested;
- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to FOI; or
- d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by NKTl.

C. Appeals Committee (AC). NKTl's AC is comprised by NKTl's Executive Committee with the Executive Director as its Chairperson. The body shall review and decide all appeals for the release of information previously denied by the FDM.

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

1. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
2. 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;
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.

E. Approval and Denial of Request to Information. The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the NKTl Executive may delegate such authority to any Officer under the Decision Maker's office.

III. PROTECTION OF PRIVACY

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

- a. NKTl 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. NKTl 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 NKTl, shall not disclose that information except as authorized by existing laws.

IV. STANDARD PROCEDURE

1. Receipt of Request for Information and Initial Evaluation

- 1a. The FRO receives and logs all requests for information and checks compliance of the following requirements:
 - 1.a.i. All requests for information shall be in writing, state the name and contact information of the requesting party as well as provide valid proof of identification of the requestor, including the authorization and proof of identity by the authorized representative.
 - 1.a.ii. Requests must also reasonably describe the information requested and the reason for or purpose of the request for information.
 - 1.a.iii. Requests shall be addressed to:

THE FOI RECEIVING OFFICER
Management Information Systems Division
National Kidney and Transplant Institute
East Avenue, Quezon City 1100

1b. The FRO shall also check and inform the FDM of the following:

- 1.b.i. Nature of the information requested,
- 1.b.ii. Whether NKTl has custody of the information requested
- 1.b.iii. Whether the information is already posted and available on-line or in NKTl's website
- 1.b.iv. Whether the requested information is substantially similar or identical to previous requests by the same requestor.

2. *Transmittal of Request by the FRO to the Requesting Unit or to the FDM.*

- 2a. The FRO shall transmit within one (1) working day from date of receipt the request for information to the unit/department in custody of the records/information upon determination that the record is within the custody of NKTl. He, through the MISD Secretary, shall log the exact date and time of his transmittal to the unit concerned.
- 2b. He shall ensure that the responsible work group shall provide the required data or give a feed back as to the status of the request within seven (7) working days from its date of receipt of the request.

3. *Role of FDM in processing the Request.*

A. GIVEN DUE COURSE

3.a.i. *Information which are in NKTl's custody.*

- 3.a.i.i. Upon receipt of the data from the concerned work group, the FRO upon clearance from the FDM shall then transmit the requested information to the requesting party within fifteen (15) working days from the date of NKTl's receipt of the request.
- 3.a.i.ii. In the event that the responsible work group(s) requests for a period of extension to fully locate and provide the data required, the FRO shall inform the requesting party regarding the needed extension. Extensions shall only be a maximum of twenty (20) working days.

3.a.ii. *Information already available on-line or posted in NKTl's website*

Should the information being requested is already posted and publicly available in NKTl's website or in other agencies' websites, the FRO shall immediately inform the requesting party of the said fact and provide them the website link where the information is posted.

3.a.iii. *Information not in NKTl's custody and/or available in other agencies.*

If the requested information is not in NKTl's custody, the FRO shall immediately refer the same to the appropriate agency and accordingly inform

the requesting party about the unavailability of the information in NKTl and the referral of his request to the concerned agency.

B. REQUESTS WHICH SHALL BE DENIED

- a. Requests for information which fall among the information provided for by the Constitution, law and jurisprudence which may not be released by NKTl such as :
 - a.i. Sensitive personal Information as provided for under the Data Privacy Act, expect when upon compliance with the conditions set by the law allowing its disclosure;
 - a.ii. Privileged information as provided for under the Rules of Court;
 - a.iii. Information relating to the deliberation process of the NKTl Board, Management Committee, and other committees/units of NKTl;
 - a.iv. Information covered by confidentiality agreements with NKTl stakeholders;
 - a.v. Proposals for new projects/ventures of NKTl, foreknowledge of which would seriously affect the success of the project or would undermine the operations of NKTl itself;
 - a.vi. Restricted matters such as technical documents intended for internal use only and not for release to the public
 - a.vii. Information relating to directives dealing with important negotiations with other countries;
 - a.viii. Information relating to personal safety
 - a.ix. Information relating to law enforcement
 - a.x. Information relating to national security
 - a.xi. Information relating to foreign affairs
 - a.xii. Such other information provide by law such as MC 78, s. of 1964 which may not be released to public unless conditions set forth by law for release of the information are met.
- b. Requests which are not made in writing, do not disclose the name and contact information of the requestor including such requests which do not provide any valid proof of identity of the requestor or the authorization and valid proof of identity of the requestor's representative, if the request is made through a representative.
- c. NKTl may not also act upon unreasonable subsequent identical or substantially similar requests from the same requesting party and which request has already been previously granted or denied by NKTl.
- d. Notice of denials shall be signed by the FDM and shall be transmitted within fifteen (15) working days to the requesting party. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure by NKTl to act on any request within fifteen (15) working days shall be deemed a denial on the request for access to information.
- e. However, in case of item (b), the FDM through the FRO shall immediately or within two (2) working days notify the requesting party to provide and complete

the necessary data required so NKTl may give due course to the request. The requesting party's reply to the same shall be treated as a new request in which the 15-working days response period for NKTl starts anew.

4. Remedy in Case of Denial of Requests

- a. A person whose request has been denied by the FDM may file a written appeal to:

DR. ROSEMARIE ROSETE-LIQUETE
Chairperson
FOI Appeals Committee
Office of the Executive Director
National Kidney and Transplant Institute
East Avenue, Quezon City 1100

- b. The written appeal must be filed by the same person making the request for information within fifteen (15) working days from notice of denial or from the lapse of the relevant period to respond to the request.
- c. The appeal shall be decided by the Appeals Committee and shall inform the appellant within thirty (30) days from the date of filing of the appeal. Failure to act on the appeal within said period shall be deemed as a denial of the appeal.
- d. The requesting party may file an appropriate case in the proper courts upon exhaustion of administrative remedies.

IV. TRACKING SYSTEM

The Office of the FRO shall properly log and monitor the status of all requests for information related to FOI.

V. FEES

NKTl shall charge Two Pesos (P2.00) per page representing the actual reproduction costs in providing the information to the requesting party excluding the actual costs of courier services in case the request for data may be requested by the party to be mailed to them.

VI. ADMINISTRATIVE LIABILITY

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

- 1.a. 1st Offense - Reprimand
- 1.b. 2nd Offense - Suspension of one (1) to thirty (30) days

1.c. 3rd Offense - Dismissal from service.

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

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FOI REQUEST FORM

TITLE OF DOCUMENT REQUESTED _____
DATE OF DOCUMENT _____
PURPOSE: _____

Name of Requestor _____ Contact No. _____
Signature _____ Date _____
How would you like to receive the Info?: _____ Proof of Identity _____
_____ 1. Email _____
_____ 2. Pick-Up _____
_____ 3. Registered Mail. Postal Address _____
_____ 4. Courier. _____

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ACKNOWLEDGMENT RECEIPT

Date Submitted the Request _____
Date of Release of the Document/Response _____

FOI Receiving Officer (Name and Signature)

NATIONAL KIDNEY AND TRANSPLANT INSTITUTE
Management Services Office
East Avenue, Quezon City 1100 Tel. No. 981.0300

FOI RESPONSE TEMPLATE

Date : _____

Dear _____:

Greetings!

Thank you for your request dated (*insert date*) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (*quote requests exactly*)

Response to your Request:

Your FOI request is approved. Enclosed is a copy of the information you requested.

Thank you.

Respectfully,

Conforme:

FOI Receiving / Releasing Officer

FOI Decision Maker

NATIONAL KIDNEY AND TRANSPLANT INSTITUTE
Management Services Office
East Avenue, Quezon City 1100 Tel. No. 981.0300

FOI RESPONSE TEMPLATE - DOCUMENT AVAILABLE ONLINE

Date : _____

Dear _____:

Greetings!

Thank you for your request dated (*insert date*) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (*quote requests exactly*)

Response to your Request:

Some/Most/All of the information you have requested is already available online from (*add details of where the information can be obtained, e.g. data.gov.ph, foi.gov.ph, or www.nkti.gov.ph*)

Your Right to Request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: *Appeals Committee c/o Office of the Executive Director, National Kidney and Transplant Institute, G/F Executive Office, Main Building, East Avenue, Quezon City 1100*. Your review request should explain why you are dissatisfied with this response, and should be made within fifteen (15) calendar days from your date of receipt of this letter. NKTi shall complete the review and respond to you within thirty (30) days from our receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to appeal to the Office of the President under Administrative Order. No. 22, s. 2011.

Thank you.

Respectfully,

Conforme:

FOI Receiving / Releasing Officer

FOI Decision Maker

NATIONAL KIDNEY AND TRANSPLANT INSTITUTE
Management Services Office
East Avenue, Quezon City 1100 Tel. No. 981.0300

FOI RESPONSE TEMPLATE - DOCUMENT NOT AVAILABLE

Date : _____

Dear _____:

Greetings!

Thank you for your request dated (*insert date*) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (*quote requests exactly*)

Response to your Request:

While our aim is to provide information whenever possible, in this instance NKTl does not have the information you requested. However, you may wish to contact (*insert appropriate agency*). We have accordingly forwarded them your request.

Your Right to Request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: *Appeals Committee c/o Office of the Executive Director, National Kidney and Transplant Institute, G/F Executive Office, Main Building, East Avenue, Quezon City 1100*. Your review request should explain why you are dissatisfied with this response, and should be made within fifteen (15) calendar days from your date of receipt of this letter. NKTl shall complete the review and respond to you within thirty (30) days from our receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to the appeal to the Office of the President under Administrative Order. No. 22, s. 2011.

Thank you.

Respectfully,

Respectfully,

FOI Receiving / Releasing Officer

Conforme:

FOI Decision Maker

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East Avenue, Quezon City 1100 Tel. No. 981.0300

FOI RESPONSE TEMPLATE - UNDER EXCEPTIONS

Date : _____

Dear _____:

Greetings!

Thank you for your request dated (*insert date*) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (*quote requests exactly*)

Response to your Request:

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because an exception under sections (*insert specific numbers*) of the List of exceptions applies to that information.

Your Right to Request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: *Appeals Committee c/o Office of the Executive Director, National Kidney and Transplant Institute, G/F Executive Office, Main Building, East Avenue, Quezon City 1100*. Your review request should explain why you are dissatisfied with this response, and should be made within fifteen (15) calendar days from your date of receipt of this letter. NKTi shall complete the review and respond to you within thirty (30) days from our receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to the appeal to the Office of the President under Administrative Order. No. 22, s. 2011.

Thank you.

Respectfully,

Conforme:

FOI Receiving / Releasing Officer

FOI Decision Maker