

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



23 JUL 18 A11 :04

SENATE  
S. No. 2321

RECEIVED BY:

---

Introduced by Senator Loren B. Legarda

---

**AN ACT  
IMPLEMENTING THE RIGHT OF THE PEOPLE TO INFORMATION ON  
MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN,  
ARTICLE THREE OF THE 1987 CONSTITUTION AND THE STATE POLICY OF  
FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING  
PUBLIC INTEREST UNDER SECTION TWENTY EIGHT, ARTICLE TWO OF  
THE 1987 CONSTITUTION, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Good governance is anchored on the transparency and accountability of the government and its officials, together with the participation of an informed and active citizenry.

To strengthen transparency and accountability in public service, a law on the Freedom of Information must be instituted, implementing state policies under the 1987 Constitution, recognizing that communication and information have a vital role in nation-building,<sup>1</sup> and requiring full public disclosure of all transactions involving public interest.<sup>2</sup>

More importantly, the enactment of the Freedom of Information Act will enable the public to exercise its constitutionally protected right to information, as stated under Article III, Section 7 of the Constitution, which provides:

---

<sup>1</sup> Section 24, Article II, 1987 Constitution

<sup>2</sup> Section 28, Article II, 1987 Constitution

*"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to limitations as may be provided by law."*

While Executive Order No. 02 was signed by former President Rodrigo Roa Duterte on July 23, 2016, operationalizing in the people's constitutional right to information, its coverage is limited to all government offices under the executive branch.

To enhance public trust and ensure transparency within all branches of government, new legislation must be enacted, encompassing the entire Philippine government.

Access to complete, accurate, and reliable information is indispensable for the public to effectively and responsibly exercise their fundamental freedoms of speech, expression, and the press. It will enable them to actively participate at all levels of social, political, and economic decision-making and exact accountability from the government and its officials.

Transparency in the public sector enables our people to engage in meaningful participation, promotes accountability, and mitigates corruption, which has long been a major obstacle to our country's development.

In view the foregoing, the immediate passage of this bill is earnestly requested.



**LOREN LEGARDA**

23 JUL 18 A11 :04

SENATE  
S. No. 2321

RECEIVED BY: 

---

Introduced by Senator Loren B. Legarda

---

**AN ACT**  
**IMPLEMENTING THE RIGHT OF THE PEOPLE TO INFORMATION ON**  
**MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN,**  
**ARTICLE THREE OF THE 1987 CONSTITUTION AND THE STATE POLICY OF**  
**FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING**  
**PUBLIC INTEREST UNDER SECTION TWENTY EIGHT, ARTICLE TWO OF**  
**THE 1987 CONSTITUTION, AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 Section 1. *Title.* – This Act shall be known as the “Freedom of Information Act.”

2 Sec. 2. *Declaration of Policy.* – The State recognizes the right of the people to  
3 information on matters of public concern and adopts and implements a policy of full  
4 public disclosure of all its transactions involving public interest, subject to the  
5 procedures and limitations provided by this Act. The right is indispensable to the  
6 exercise of the right of the people and their organizations to effective and reasonable  
7 participation at all levels of social, political, and economic decision-making,  
8 particularly in checking abuse in government.

9 Sec. 3. *Coverage.* – This Act shall cover all government agencies as defined under  
10 Section 4 of this Act.

11 Sec. 4. *Definition of Terms.* – As used in this Act:

12 a. “Information” shall mean any knowledge, record, document, paper, report,  
13 letters, contract, minutes, and transcripts of official meetings, maps, books,  
14 photographs, data, research material, film, sound and video recordings,  
15 magnetic or other tapes, electronic data, computer-stored data, or any other

1 like or similar data or material recorded, stored or archived in whatever  
2 form or format, which are made, received or kept in or under the control  
3 and custody of any government agency pursuant to law, executive order,  
4 rules and regulations, ordinance or in connection with the performance or  
5 transaction of official business by any government agency.

6 b. "Government agency" shall include the executive, legislative and judicial  
7 branches as well as the constitutional bodies of the Republic of the  
8 Philippines including, but not limited to, the national government and all  
9 its agencies, departments, bureaus, offices and instrumentalities,  
10 constitutional commissions and constitutionally mandated bodies, local  
11 governments and all their agencies, regulatory agencies, chartered  
12 institutions, government-owned or controlled corporations, including  
13 wholly-owned or controlled subsidiaries, government financial institutions,  
14 state universities and colleges, the Armed Forces of the Philippines, the  
15 Philippine National Police, all offices in the Congress or the Philippines  
16 including the offices of Senators and Representatives, the Supreme Court  
17 and all lower courts established by law.

18 c. "Official records" shall refer to information produced or received by a  
19 public officer or employee, or by a government agency in an official capacity  
20 or pursuant to a public function or duty and is not meant to be a stage or  
21 status of the information.

22 d. "Public records" shall include information required by law, executive  
23 orders, rules, or regulations to be entered, kept, and made publicly available  
24 by a government agency.

25 Sec. 5. *Presumption.* – There shall be a legal presumption in favor of access to  
26 information. Accordingly, government agencies shall have the burden of proof of  
27 showing clear and convincing evidence that the information requested is exempted  
28 from disclosure by this Act.

29 Sec. 6. *Access to Information.* – Government agencies shall make available to the  
30 public for scrutiny, copying, and reproduction in the manner provided by this Act all  
31 information pertaining to official acts, transactions, or decisions, as well as

1 government research data used as basis for policy development, regardless of their  
2 physical form or format in which they are contained and by whom they were made.

3       *Sec. 7. Exceptions.* – Subject to the qualifications set forth in Section 8 of this Act,  
4 access to information may be denied when:

- 5       a. The revelation of the information requested will create a clear and present  
6           danger of war, invasion, or any external threat to the State as determined  
7           by the Office of the President and/or the Secretary of the Department of  
8           National Defense;
- 9       b. The information requested pertains to the foreign affairs of the Republic of  
10           the Philippines, when its revelation would unduly weaken the negotiating  
11           position of the government in an ongoing bilateral or multilateral  
12           negotiation or seriously jeopardize the diplomatic relations of the  
13           Philippines with one or more states with which it intends to keep friendly  
14           relations;
- 15       c. The information requested pertains to internal and external defense and law  
16           enforcement when the revelation thereof would render a legitimate military  
17           operation ineffective, unduly compromise the prevention, detection, or  
18           suppression of a criminal activity, or endanger the life or physical safety of  
19           confidential or protected sources of witnesses, law enforcement and  
20           military personnel or their immediate families. Information relating to the  
21           details of the administration, budget and expenditure, and management of  
22           the defense and law enforcement agencies shall always be accessible to the  
23           public;
- 24       d. The information requested pertains to the personal information of a natural  
25           person other than the requesting party, and its disclosure would constitute  
26           a clearly unwarranted invasion of his or her personal privacy, unless it  
27           forms a part of a public record, or the person is or was an official of a  
28           government agency and the information requested relates to his or her  
29           public function, or the person has consented to the disclosure of the  
30           requested information;
- 31       e. The information requested parties to trade, industrial, financial or  
32           commercial secrets of a natural or juridical person other than the requesting

1 party, obtained in confidence by, and/or filed with a government agency,  
2 whenever the revelation thereof would seriously prejudice the interests of  
3 such natural or juridical person in trade, industrial, financial or commercial  
4 competition, unless such natural or juridical person has consented to the  
5 disclosure of the requested information;

6 f. The information requested is privileged from production in legal  
7 proceedings by law or by the Rules of Court, unless the person entitled to  
8 the privilege has waived it;

9 g. The information deemed confidential for the protection of the privacy of  
10 persons and certain individuals, such as minors, victims of crimes, or the  
11 accused. These include:

12 a. Information of a personal nature where disclosure would constitute  
13 a clearly unwarranted invasion of personal privacy, personal  
14 information or records, including sensitive personal information,  
15 birth records, school records, or medical or health records;

16 Sensitive personal information as defined under the *Data Privacy Act*  
17 *of 2012* refers to personal information:

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

20 (2) About an individual's health, education, genetic or sexual  
21 life of a person, or to any proceeding for any offense  
22 committed or alleged to have been committed by such  
23 person, the disposal of such proceedings, or the sentence of  
24 any court in such proceedings;

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

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

31 However, personal information may be disclosed to the extent that  
32 the requested information is shown to be a matter of public concern

1 or interest, shall not meddle with or disturb the private life or family  
2 relations of the individual and is not prohibited by any law or  
3 regulation. Any disclosure of personal information shall be in  
4 accordance with the principles of transparency, legitimate purpose  
5 and proportionality.

6 b. Records of proceedings and processes deemed confidential by law  
7 for the privacy and/or protection of certain individuals, such as  
8 children, victims of crime, witnesses to a crime or rehabilitated drug  
9 offenders, including those pertaining to the following:

- 10 (1) Records of child and family cases;
- 11 (2) Children in conflict with the law from initial contact until  
12 final disposition of the case;
- 13 (3) A child who is a victim of any offense under the *Anti-Online*  
14 *Sexual Abuse or Exploitation (OSAEC) and Anti-Child Sexual*  
15 *Abuse or Exploitation Materials (CSAEM) Act.* (Note to Atty.  
16 Trina, the Memo refers to RA 9775, which has already been  
17 repealed by RA 11930)
- 18 (4) a child witness, who is a victim of a crime, accused of a  
19 crime, or a witness to a crime, including the name, address,  
20 telephone number, school, or other identifying information  
21 of a child or an immediate family of a child;
- 22 (5) cases involving violence against women and their children,  
23 including the name, address, telephone number, school,  
24 business, address, employer, or other identifying  
25 information of a victim or an immediate family member;
- 26 (6) trafficked persons, including their names and personal  
27 circumstances, or any other information tending to establish  
28 the identity of the trafficked person;
- 29 (7) names of victims of child abuse, exploitation or  
30 discrimination;

- 1 (8) cases of gender-based streets and public spaces sexual
- 2 harassment, including information on the victim and the
- 3 accused who is a minor;
- 4 (9) disclosure which would result in undue and sensationalized
- 5 publicity of any case involving a child in conflict with the
- 6 law, child abuse, or violation of anti-trafficking of persons;
- 7 (10) records, documents, and communications of proceedings
- 8 involving domestic, inter-country, and administrative
- 9 adoptions, including the identity of the child, natural
- 10 parents and adoptive parents;
- 11 (11) names of students who committed acts of bullying or
- 12 retaliation;
- 13 (12) children in situations of armed conflict;
- 14 (13) first time minor (drug) offenders under suspended
- 15 sentence who comply with applicable rules and regulations
- 16 of the Dangerous Drugs Board and who are subsequently
- 17 discharged; judicial and medical records of drug
- 18 dependents under the voluntary submission program; and
- 19 records of drug dependents under the voluntary submission
- 20 program; and records of a drug dependent who was
- 21 rehabilitated and discharged from treatment and
- 22 rehabilitation centers under the compulsory submission
- 23 program, or who was charged for violation of Section 15 of
- 24 the Comprehensive Dangerous Drugs Act of 2002, as
- 25 amended; and
- 26 (14) identity, status, and medical records of individuals with
- 27 Human Immunodeficiency Virus (HIV), as well as results of
- 28 HIB/Acquired Immune Deficiency Syndrome (AIDS)
- 29 testing;

30 h. The information requested is exempted by law, in addition to those  
31 provided in this Section;



- 1 i. The information requested is obtained by any committee of either House of  
2 Congress in executive session, whenever such information falls under any  
3 of the foregoing exceptions; and  
4 j. The information requested consists of drafts of decisions by any executive,  
5 administrative, judicial or quasi-judicial body in the exercise of their  
6 adjudicatory functions whenever the revelation thereof would reasonably  
7 tend to impair the impartiality of verdicts or otherwise obstruct the  
8 administration of justice.

9 Sec. 8. *Qualifications.* – Even if the information requested falls under the  
10 exceptions set forth in the preceding section, access to information shall not be denied  
11 if:

- 12 a. The information requested may be reasonably severed from the body of the  
13 information, which would be subject to the exceptions;  
14 b. The public interest in the disclosure outweighs the harm to the interest  
15 sought to be protected by the exceptions; or  
16 c. The requesting party is either House of Congress or any of its Committees,  
17 unless the disclosure will constitute a violation of the Constitution.

18 Sec. 9. *Procedure of Access.* –

- 19 (a) Any person who wishes to obtain information shall submit a request to the  
20 government agency concerned personally, by mail, or through electronic  
21 means. The request shall state the name and preferred contact information  
22 of the requesting party, and reasonably describe the information required,  
23 the reason for the request of the information and the preferred means by  
24 which the government agency shall communicate such requested  
25 information to the requesting party: *Provided*, that the reason, or the failure  
26 to state the reason for the request of the information, shall not be used as a  
27 ground to deny the request or to refuse the acceptance of the request, unless  
28 such reason is contrary to law. If the request is submitted personally, the  
29 requesting party shall show his current identification card issued by any  
30 government agency, or government or private employer or school, or a  
31 community tax certificate. If the request is submitted by mail or through  
32 electronic means, the requesting party may submit a photostatic or

1 electronically scanned copy of the identification, or other convenient means  
2 as determined by the agency.

3 (b) The request shall be stamped by the government agency, indicating the date  
4 and time of receipt and the name, rank, title and position of the receiving  
5 public officer or employee with the corresponding signature, and a copy  
6 thereof furnished to the requesting party. In case the request is submitted  
7 by electronic means, the government agency shall provide for an equivalent  
8 means by which the requirements of this paragraph shall be met.

9 (c) The request may indicate the following preferred means of communication:

- 10 1. A true copy of the information requested in permanent or other form;
- 11 2. An opportunity to inspect the requested information, using  
12 equipment normally available to the government agency when  
13 necessary;
- 14 3. An opportunity to copy the requested information using personal  
15 equipment;
- 16 4. A written transcript of the information requested contained in an  
17 audio or visual form;
- 18 5. A transcript of the content of the information requested, in print,  
19 sound or visual form, where such transcript is capable of being  
20 produced using equipment normally available to the government  
21 agency;
- 22 6. A transcript of the requested information from shorthand or codified  
23 form; or
- 24 7. Other reasonable means or format.

25 (d) A government agency may communicate the information requested in a  
26 form other than the preferred means whenever such preferred means  
27 would unreasonably interfere with the effective operation of the agency, or  
28 be detrimental to the preservation of the record.

29 (e) The government agency shall comply with such request within seven (7)  
30 calendar days from the receipt thereof.

1 (f) The time limits prescribed in this Section for the production of the requested  
2 information may be extended whenever there is a need for any of the  
3 following:

- 4 1. To search for and collect the requested information from field  
5 facilities or other establishments that are separate from the office  
6 processing the request;
- 7 2. To search for, collect and appropriately examine a voluminous  
8 amount of separate and distinct Information, which are demanded  
9 in a single request;
- 10 3. Consultation, which shall be conducted in all practicable speed, with  
11 another government agency or among two (2) or more components  
12 of the government agency having substantial interest in the  
13 determination of the request; and
- 14 4. To consider fortuitous events or other events due to force majeure or  
15 other analogous cases.

16 (g) The government agency shall, in writing or through electronic means,  
17 notify the person making the request of the extension, setting forth the  
18 reasons for such extension and the date when the information requested  
19 shall be made available: Provided, that no such notice shall specify a date  
20 that would result in an extension of more than fifteen (15) calendar days  
21 from the original deadline.

22 Sec. 10. *Access Fees.* - Government agencies may charge a reasonable fee to  
23 reimburse the actual cost of reproduction, copying or transcription and the  
24 communication of the information requested.

25 Sec. 11. *Notice of Denial.* - If the government agency decides to deny the request,  
26 in whole or in part, it shall, within seven (7) calendar days from the receipt of the  
27 request, notify the person making the request of such denial in writing or through  
28 electronic means. The notice shall clearly indicate the name, rank, title or position of  
29 the person making the denial, and the grounds for the denial. In case the denial is  
30 by reason of a claimed exception, the denial shall also state clearly the legitimate aim

1 or interest sought to be protected in the confidentiality, and the facts and  
2 circumstances invoked showing the substantial harm to, or frustration of, the  
3 legitimate aim or interest that will result in the disclosure of the information  
4 requested. Failure to notify the person making the request of the denial, or of the  
5 extension, shall be deemed a denial of the request for access to information.

6 *Sec. 12. Implementation Requirements. -*

7 (a) For the effective implementation of this Act, every government agency shall  
8 prepare a Freedom of Information Manual, which shall include the  
9 following information:

- 10 1. The location and contact information of the head, regional,  
11 provincial and field offices, and other established places where the  
12 public can obtain information or submit requests;
- 13 2. The types of information it generates, produces, holds and/or  
14 publishes;
- 15 3. A description of its record-keeping system;
- 16 4. The person or office responsible for receiving requests for  
17 information;
- 18 5. The procedure for the filing of requests personally, by mail, or  
19 through the identified electronic means;
- 20 6. The standard forms for the submission of request and for the proper  
21 acknowledgment of the request;
- 22 7. The process for the disposition of the request, including the routing  
23 of the request, the decision-making, and the grant or denial of access  
24 and its implementation;
- 25 8. The procedure for the administrative appeal of any denial for access  
26 to information;
- 27 9. The schedule of fees;
- 28 10. The process and procedure for the mandatory disclosure of  
29 information under Section 14 of this Act;
- 30 11. Should the agency lack the capacity to comply with Section 14 (a) of

1 this Act, a brief description of its plan to facilitate compliance within  
2 three (3) years from the approval of this Act; and

3 12. Such other information, taking into consideration the unique  
4 characteristics of an agency, that will help facilitate the effective  
5 implementation of this Act.

6 (b) The foregoing information shall also be posted in its website and bulletin  
7 boards, and shall be regularly updated;

8 (c) In no case shall the absence of the aforementioned guidelines be a reason  
9 for the denial of any request for information made in accordance with this  
10 Act.

11 Sec. 13. *Remedies in case of Denial.* -

12 (a) In all government agencies other than the judicial branch -

13 1. Every denial of any request for access to information may be  
14 appealed to the person or office next higher in authority, following  
15 the procedure mentioned in Section 12 (8) of this Act; *Provided*, that  
16 the appeal must be filed within fifteen (15) calendar days from the  
17 notice of denial and must be, decided within fifteen (15) calendar  
18 days from filing. Failure of the government agency to decide within  
19 the aforesated period shall constitute a denial of the appeal; and

20 2. Instead of appealing or after the denial of the appeal, the person  
21 denied access to information may file a verified complaint with the  
22 Office of the Ombudsman, praying that the government agency  
23 concerned by directed to immediately afford access to the  
24 information being requested. Such complaint shall be resolved by  
25 the Office of the Ombudsman within sixty (60) calendar days from  
26 filing, or earlier when time is of the essence taking into account such  
27 factors as the nature of the information requested, context of the  
28 request, public interest and danger that the information requested  
29 will become moot. The Office of the Ombudsman shall promulgate  
30 its special rules of procedure for the immediate disposition of

1 complaints filed pursuant to this Section. Unless restrained or  
2 enjoined, the decisions of the Office of the Ombudsman shall be  
3 immediately executory, without prejudice to review in accordance  
4 with the Rules of Court.

5 3. Instead of filing a complaint with the Office of the Ombudsman,  
6 whenever a request for information is denied originally or on  
7 administrative appeal, the requesting party may file a verified  
8 petition for mandamus in the proper court, alleging the facts with  
9 certainty and praying that judgment be rendered, ordering the  
10 respondent, immediately or some other time to be specified by the  
11 court, to disclose the information requested and to pay the damages  
12 sustained by the requesting party by reason of the denial. The  
13 procedure for such petition shall be summary in nature.

14 (b) In the Judicial Branch – The Supreme Court shall promulgate the remedies that  
15 would govern offices under its jurisdiction.

16 (c) The remedies under this section are without prejudice to any other  
17 administrative, civil or criminal action that may arise from the same act.

18 (d) The remedies available under this Act shall be exempt from the rules on non-  
19 exhaustion of administrative remedies and the application of the provisions of  
20 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution  
21 Act of 2004.

22 (e) In case the requesting party has limited or no financial capacity, the Public  
23 Attorney's Office shall be mandated to provide legal assistance to the  
24 requesting party in availing of the remedies provided under this Act.

25 *Sec. 14. Mandatory Disclosure of Transactions Involving Public Interest. –*

26 (a) Subject to Sections 7 and 8 of this Act, all government agencies shall upload on  
27 their websites, which shall be regularly updated every fifteen (15) days, on all  
28 the steps, negotiations, and key government positions pertaining to definite  
29 propositions of the government, as well as the contents of the contract,  
30 agreement or treaty in the following transactions involving public interest:

- 1 1. Compromise agreements entered into by a government agency with  
2 any person or entity involving any waiver or its rights or claims;
- 3 2. Private sector participation agreements or contracts in infrastructure  
4 and development projects under Republic Act No. 6957, as amended  
5 by Republic Act No. 7718, authorizing the financing, construction,  
6 operation and maintenance of infrastructure projects;
- 7 3. Procurement contracts entered into by a government agency;
- 8 4. Construction or concession agreements or contracts entered into by  
9 a government agency with any domestic or foreign person or entity;
- 10 5. Loans, grants, development assistance, technical assistance and  
11 programs entered into by a government agency with official bilateral  
12 or multilateral agencies, as well as with private aid agencies or  
13 institutions;
- 14 6. Loans from domestic and foreign financial institutions;
- 15 7. Guarantees given by any government agency to government-owned  
16 or controlled corporations and to private corporations, persons or  
17 entities;
- 18 8. Public funding extended to any private entity;
- 19 9. Bilateral or multilateral agreements and treaties in defense, trade,  
20 economic partnership, investments, cooperation and similar binding  
21 commitments; or
- 22 10. Licenses, permits or agreements given by any government agency to  
23 any person or entity for the extraction and/or utilization of natural  
24 resources.

25 A summary list of the foregoing information uploaded in the website shall be  
26 posted in the bulletin boards of the concerned government agency.

- 27 (b) The information uploaded in the website under letter (a) of this Section may be  
28 withdrawn after a period of three years from the time of uploading: *Provided:*  
29 that an abstract of the information withdrawn shall remain uploaded in the  
30 website, containing a brief description of the transaction and an enumeration

1 of the information withdrawn, and indicating the dates of posting and  
2 withdrawal.

- 3 (c) Should an agency lack the capacity to comply with letter (a) of this Section, the  
4 agency shall initiate a capacity-building program, or coordinate with another  
5 appropriate agency, to facilitate substantive compliance not later than three (3)  
6 years upon approval of this Act.

7 Sec. 15. *Promotion of Openness and Transparency in Government.* -

- 8 (a) Duty to Publish Information - Government agencies shall regularly publish,  
9 print and disseminate at no cost to the public and in an accessible form, in  
10 conjunction with R.A. No. 9485, or the Anti-Red Tape Act of 2007, and through  
11 their website, timely, true, accurate and updated key information including,  
12 but not limited to:

- 13 1. A description of its mandate, structure, powers, functions, duties  
14 and decision-making processes;
- 15 2. A description of the frontline services it delivers and the procedure  
16 and length of time by which they may be availed of;
- 17 3. The names of its key officials, their powers, functions and  
18 responsibilities, and their profiles and curriculum vitae;
- 19 4. Work programs, development plans, investment plans, projects,  
20 performance targets and accomplishments, and budgets, revenue  
21 allotments and expenditures;
- 22 5. Important rules and regulations, orders or decisions: *Provided*, that  
23 they be published within fifteen (15) calendar days from  
24 promulgation;
- 25 6. Current and important database and statistics that it generates;
- 26 7. Bidding processes and requirements; and
- 27 8. Mechanisms or procedures by which the public may participate in or  
28 otherwise influence the formulation of policy or the exercise of its  
29 powers.

- 30 (b) Keeping of Records - Government agencies shall maintain and preserve their



1 records in a manner that facilitates easy identification, retrieval and  
2 communication to the public. They shall establish Management Information  
3 Systems (MIS) to strengthen their capability to store, manage and retrieve  
4 records, and to facilitate access to public records. The following shall not be  
5 destroyed:

- 6 1. Records pertaining to loans obtained or guaranteed by the  
7 government;
- 8 2. Records of government contracts;
- 9 3. The declaration under oath of the assets, liabilities and net worth of  
10 public officers and employees, as required by law;
- 11 4. Records of official investigations on graft and corrupt practices of  
12 public officers; and
- 13 5. Other records where there is a significant public interest in their  
14 preservation or where there is likely to be such interest in the future.

15 (c) Accessibility of Language and Form - Every government agency shall  
16 endeavor to translate key information into major Filipino languages and  
17 present them in popular form and means.

18 (d) Improving Capability - Every government agency shall ensure the provision  
19 of adequate training for its officials to improve awareness of the right to  
20 information and the provisions of this Act, and to keep updated the best  
21 practices in relation to information disclosure, records maintenance and  
22 archiving.

23 *Sec. 16. Capacity-Building, Promotion of Best Practices, and Continuous Updating of*  
24 *Appropriate Information Technology in Support of Freedom of Information.* - All  
25 government agencies must ensure that they have a compliant website within one (1)  
26 year from the date of effectivity of this Act.

27 The Department of Information and Communications Technology (DICT) shall  
28 monitor all government agency websites and render appropriate support, including  
29 capacity-building program and coordination with other appropriate agencies. The  
30 DICT shall endeavor to continuously develop, improve and update its information

1 technology system, taking into consideration usability and practical accessibility of  
2 government documents by the public. It will be responsible for setting the standards  
3 for file formats and user-friendly interfaces, to be used by all government agencies.

4       Sec. 17. *Protection of Privacy.* – While providing for access to information in  
5 public records, this Act also affords full protection of the right to privacy of  
6 individuals, as follows:

- 7       (a) Disclosure of public records involving personal data shall be guided by the  
8           principle of transparency, legitimate purpose, and proportionality;
- 9       (b) A government agency must ensure that personal data in its custody or  
10           under its control is disclosed only as permitted under this Act;
- 11       (c) A government agency must protect personal data in its custody or under its  
12           control in accordance with the provisions of the Data Privacy Act of 2012,  
13           its implementing rules and regulations, and issuances by the National  
14           Privacy Commission.
- 15       (d) An employee, officer or official of a government agency who has access,  
16           whether authorized or unauthorized, to personal data in the custody of the  
17           agency, has the duty to keep the personal data confidential except as  
18           authorized under this Act.

19       Sec. 18. *Criminal Liability and Administrative Liability.* – The penalty of  
20 imprisonment of not less than one (1) month but not more than six (6) months shall be  
21 imposed upon:

- 22       (a) Any public officer or employee receiving the request under Section 9 of this  
23           Act who shall fail to promptly forward the request to the public officer  
24           within the same office or agency responsible for officially acting on the  
25           request when such is the direct cause of the failure to disclose the  
26           information requested within the periods required by this Act;
- 27       (b) Any public or employee responsible for officially acting on the request, who  
28           shall:
  - 29           1. Fail, to act on the request within the periods required by this Act;
  - 30           2. Knowingly deny the existence of existing requested information;

1           3. Claim an exception under Section 8 of this Act, or under the  
2           Constitution, when the claim is manifestly devoid of actual basis; or

3           4. Refuse to comply with the decision of his immediate supervisor, the  
4           Ombudsman or the court ordering the release of the information  
5           requested that it is not restrained or enjoined by a court;

6           (c) The head of office of the government agency directly and principally  
7           responsible for the negotiation and perfection of any of the transactions  
8           enumerated in Section 14 (a) of this Act, who shall knowingly refuse, to  
9           direct the mandatory posting or uploading of such transaction despite the  
10          agency capacity to implement such directive. The same penalty shall be  
11          imposed upon the public officer or employee who, despite a directive from  
12          the head of office, shall fail, to post or upload any of the transactions  
13          enumerated in Section 14 of this Act;

14          (d) Any public officer who formulates policies, rules and regulations  
15          manifestly contrary to the provisions of this Act, and which policies, rules  
16          and regulations are the direct cause of the denial of a request for  
17          information; or

18          (e) Any public or private individual who knowingly induced or caused the  
19          commission of the foregoing acts under this section.

20          The foregoing shall be without prejudice to any administrative liability of the  
21          offender under existing laws and regulations.

22          Any public official or employee who willfully destroys, or causes to be  
23          destroyed, or sells, information and/or documents being requested under this Act, for  
24          the purpose of frustrating the requesting party's access thereto shall suffer a fine of  
25          not less than five hundred thousand pesos (Php 500,000.00) but not more than one  
26          million pesos (Php 1,000,000.00), or a penalty of five (5) years, but not more than fifteen  
27          (15) years, or both, as provided in Republic Act No. 9470 or the National Archives Act.

28          Sec. 19. *Act Not a Bar to Claim of Right to Information under the Constitution.* – No  
29          provision of this Act shall be interpreted as a bar to any claim of denial of the right to  
30          information under Article III, Section 7 of the 1987 Constitution.

1           Sec. 20. *Separability Clause.* - If any section or provision of this Act is held  
2 unconstitutional or invalid, the remainder of this Act shall remain in force and effect.

3           Sec. 21. *Repealing Clause.* - All laws, decrees, executive orders, rules and  
4 regulations, issuances, or any part thereof inconsistent with the provisions of this Act,  
5 including Memorandum Circular No. 78 dated August 14, 1964 (Promulgating Rules  
6 Governing Security of Classified Matter in Government Offices), as amended, and  
7 Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of Conduct  
8 and Ethical Standards for Public Officials and Employees), are hereby repealed,  
9 amended, or modified accordingly.

10          Sec. 22. *Effectivity.* - This Act shall take effect fifteen (15) days after its  
11 publication in the Official Gazette or in at least two (2) national newspapers of general  
12 circulation.

*Approved,*