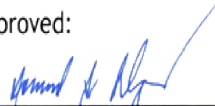


FREEDOM OF INFORMATION MANUAL

Approved:



LOURDES S. ALZONA

Date: 10.18.2017



POWER SECTOR
ASSETS & LIABILITIES
MANAGEMENT CORPORATION



Management
System
ISO 9001:2015

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I. BACKGROUND

The Power Sector Assets and Liabilities Management (PSALM) Corporation created its People's Freedom of Information (FOI) Manual in response to Executive Order No. 2 (s.2016) issued by the Office of the President. This aims to establish a legal framework for individuals to gain access of government documents and to provide proper guidance in dealing with requests of information.

EO No. 2 is consistent with Article II, Section 28 of the 1987 Constitution that guarantees the right of the people to information on matters of public concern. Guided by this principle, PSALM is committed to the full disclosure of its transactions subject to reasonable conditions prescribed by law.

II. OBJECTIVES

1. Come up with procedures and processes for the efficient and expeditious provision of requested documents and information received under Annex A of this manual;
2. Promote transparency in the exercise of PSALM's mandates and functions;
3. Uphold the fundamental right of the public to free flow of information within the reasonable conditions prescribed by law.

III. SCOPE OF THE MANUAL

The scope of the manual covers all requests for information directed to PSALM. It contains the following information:

- a. The location and contact information of PSALM where the public can obtain information or submit requests;
- b. The person or office responsible for receiving requests for information;
- c. The procedure for the filing and processing of the request;
- d. The standard forms for the submission of requests and for the proper acknowledgment of requests;
- e. The process for the disposition of requests;
- f. The procedure for the administrative appeal of any denial for access to information; and
- g. The schedule of applicable fees.

IV. POLICY STATEMENT

Recognizing the importance of the free and open exchange of information in national development, PSALM is committed to disclose information involving public interest within the bounds of applicable laws, rules and regulations such as the Republic Act (RA) No. 10173, the “Data Privacy Act” and the List of Exceptions approved by the Office of the President.

V. DIRECTORY

Corporate Communications Division

FOI Receiving Office

Power Sector Assets and Liabilities Management Corporation

3rd Floor TransCo Bldg., Power Center, Quezon Ave. cor. BIR Rd., Diliman, Quezon City
902-9067

Corporate Planning Department Manager

FOI Decision Maker

Power Sector Assets and Liabilities Management Corporation

3rd Floor TransCo Bldg., Power Center, Quezon Ave. cor. BIR Rd., Diliman, Quezon City

Compliance Officer

Lead, PSALM Central Appeals and Review Committee

3rd Floor TransCo Bldg., Power Center, Quezon Ave. cor. BIR Rd., Diliman, Quezon City

VI. GUIDELINES

1. Receipt of Request for Information.

1.1 The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of 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, and the reason for, or purpose of, the request for information.

The request can be made through email, provided the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo.

- 1.2 In case the requesting party is unable to make a written request because of illiteracy or due to being a person with disability, he or she may make an oral request which the FRO will reduce in writing.
- 1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- 1.4 PSALM's Office of the President and Chief Executive Officer (CEO) or any of the concerned functional units must respond to the requests promptly, within the fifteenth (15) working day following the date of receipt of the request. 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 New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to PSALM, or directly into the email inbox of a member of staff; or
- b. If PSALM FRO has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

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

2. Initial Evaluation. After receipt of the request for information, the FRO shall evaluate the contents of the request.

2.1. Request relating to more than one office under the Department of Energy: If a request for information requires to be complied with by different attached agencies, bureaus and offices, the FRO shall forward such request to the said attached agency,

bureau and office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such agencies, bureaus and offices that they will only provide the specific information that relates to their agencies, bureaus and offices.

2.2. Requested information is not in the custody of PSALM or any of the attached agencies under the Department of Energy: If the requested information is not in the custody of PSALM or any of the attached energy department agencies, bureaus and offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- a. If the records requested refer to another department, the request will be immediately transferred to such appropriate department through the most expeditious manner. The FRO must inform the requesting party that the information is not held within the 15-working day limit. The 15-working day requirement for the receiving office commences the day after it receives the request.
- b. If the records refer to an office 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.

2.3. Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available on PSALM's website, the FRO shall inform the requesting party of the said fact and provide them PSALM's website address.

2.4. Requested information is substantially similar or identical to the previous request: Should the requested information be 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 of such denial.

3. Transmittal of Request by the FRO to the FOI Decision Maker (FDM): After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to the FDM within one (1) day from receipt of the written request. The FRO shall record the date and time the FDM received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

4. Role of FDM in processing the request: Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. The FDM shall direct all necessary

steps to locate and retrieve the information requested and ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the PSALM Office of President and CEO, in case the submission is beyond the 10-day period.

If the FDM needs further details to identify or locate the information, clarification must be sought from the requesting party. The clarification shall stop the running of the 15-working day period and will commence the day after it receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. Role of FRO to transmit the information to the requesting party: Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. Upon transmittal, a cover/transmittal letter should be attached signed by the PSALM President and CEO or the designated Vice-President. The FRO must ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

6. Request for an Extension of Time: If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. Notice to the Requesting Party of the Approval/Denial of the Request: Once the FDM approved or denied the request, the FRO shall now prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the Office of the President and CEO or any of the designated Function Group Vice-Presidents for final approval.

8. Approval of Request: In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

9. Denial of Request: In case of denial of the request wholly or partially, 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. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the PSALM President and CEO or to the designated Vice-Presidents.

VII. REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

1. Administrative FOI Appeal to PSALM Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the Appeal by the PSALM President and CEO may be appealed by filing a written appeal to PSALM Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request;
 - b. The appeal shall be decided by the PSALM President and CEO upon the recommendation of the Central Appeals and Review 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;
 - c. The denial of the Appeal by the PSALM President and CEO or the lapse of the period to respond to the request may be Appealed further to the Office of the President (of the Philippines) under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

VIII. FEES

1. **No Request Fee.** PSALM shall not charge any fee for accepting requests for access to information;

2. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee to provide the information. Such fee shall be the actual amount spent by PSALM in providing the information to the requesting party. The schedule of fees shall be posted.
3. **Exemption from Fees:** PSALM may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

IX. PROCEDURE. The following procedure shall govern the filing and processing of request for access to information:

1. Any person who requests access to information shall submit a written request to PSALM. The request shall state the name and contact information of the requesting party, provide valid proof of identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information. No request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as provided by the Office of the Executive Secretary.
2. The FRO, receiving the request, shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements.
3. The request shall be stamped and signed by the FRO, indicating the date and time of receipt. A copy of the request must be furnished to the requesting party. The FRO shall establish a system to trace the status of all requests for information received.
4. PSALM shall respond to a request fully compliant with requirements as soon as practicable but not exceeding fifteen (15) working days from the receipt of the request.
5. The period to respond may be extended whenever the information requested requires extensive search of PSALM's records. The FRO shall notify the person making the request of the extension, setting forth the reasons for such extension. But shall not go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
6. Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.