

# **BICOL MEDICAL CENTER**

## **FREEDOM OF INFORMATION MANUAL**

Executive Order No. 2

Series of 2016

## Table of Contents

- I. Introduction
- II. Purpose and Objectives
- III. Scope
- IV. Responsible Office
- V. Protection of Privacy
- VI. Standard Procedure
  - A. Receipt of Request for Information
  - B. Evaluation of Request
  - C. Period to Respond
- VII. Remedy in Case of Denial
- VIII. Fees
- IX. Administrative Liability
- X. Effectivity

### ANNEXES:

- A - Names and Contact Nos. of FOI Receiving Officer and FOI Decision Maker
- B - FOI Request Form
- C - List of Exceptions
- D - Flowchart for Standard Procedures

# BMC FREEDOM OF INFORMATION MANUAL

## I. INTRODUCTION

Article II, Section 28 of the 1987 Constitution provides that the State shall adopt and implement a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Article III, Section 7 of the 1987 Constitution further provides that **“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 citizens, subject to such limitations as may be provided by law.”

In this light, and in deference to Executive Order No. 2, s. 2016, Operationalizing in the Executive Branch the People’s Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines therefore, the Bicol Medical Center (BMC), a National Government Agency and DOH Retained Level 3 Hospital, has crafted its FREEDOM OF INFORMATION (FOI) MANUAL in recognition of the fundamental right of every Filipino citizen to access public information to promote transparency in government operations.

## II. PURPOSE AND OBJECTIVES

The purpose of the BMC FOI Manual is to ensure transparency in the fulfilment of the institution’s vision, mission and goals, and to provide specific procedures to help the public in making requests for information under EO No. 2, s. 2016.

Specifically, the Manual aims:

1. To standardize procedures in requesting public information;
2. To ensure transparent flow of information, at the same time, guarantee the confidentiality and privacy of sensitive data; and
3. Assign individuals accountable for every step of the procedures
4. Provide specific instructions to interested parties on how to request for and access information from the agency within the scope of the Data Privacy Act.

### III.SCOPE

The Manual shall cover all requests for information directed to all Hospital Divisions – Medical, Nursing, Finance and Hospital Operations and Patient Support, including duly established Hospital Committees. Information for disclosure are those promoting the awareness and understanding of policies, programs, activities, rules and regulations affecting government services, including information encouraging familiarity with the general operations, thrusts and programs of the government.

In line with the proactive disclosure and open data, these types of information can already be posted in government Websites, i.e. data.gov.ph and foi.gov.ph, without need for written requests from the public.

Exceptions are information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws or jurisprudence.

The following Officers (Annex A) shall be responsible in the implementation of the procedure in requesting information under Executive Order No. 2 on Freedom of Information

1. Receiving Officer
2. Data Custodian
3. Decision Maker
4. Appeals and Review Committee

#### *Functions and Responsibilities*

##### **FOI Receiving Officer (FRO)**

The functions of the Receiving Officer shall include:

1. Receiving, on behalf of the hospital, all requests for information and forward the same to the FOI Decision-Maker;
2. Monitor all FOI requests and appeals;
3. Provide assistance to the FOI Decision Maker;
4. Provide assistance and support to the public;
5. Conduct initial evaluation of requests and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on the following grounds:
  - a. That the FOI Request Form (Annex B) is incomplete; or
  - b. That the information requested is already disclosed in the BMC Official Website, foi.gov.ph, or at data.gov.ph.

##### **Data Custodian**

The office who has custody of the records requested is the Data Custodian. The Data Custodian shall process the FOI request and forward the requested records to the FOI Decision Maker, with appropriate recommendation for approval, partial approval or denial of request. The Data Custodian shall act as the recommendatory body to the FOI Decision Maker.

### **FOI Decision Maker (FDM)**

The FOI Decision Maker shall conduct evaluation of the request for information and has the authority to grant the request, or deny it, based on the following reasons:

- a. BMC does not have the information requested;
- b. The information requested contains sensitive information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to FOI (Annex C);
- d. The information being requested is identical or substantially similar to the request made by the same requesting party whose request has already been previously granted or denied by BMC;
- e. The purpose of the request for information is contrary to existing laws and/or policies.

### **Appeals and Review Committee**

The Appeals and Review Committee shall review and analyze the grant or denial of request for information, and shall provide expert advice to the Medical Center Chief on denial of request/s.

While providing access to information, the Bicol Medical Center shall afford protection to a person's right to privacy in accordance with Section 7, Protection of Privacy, EO No. 2, s, 2016, as follows:

1. BMC shall ensure that personal information, particularly sensitive information, under its custody or under its control, is disclosed only as permitted by existing laws;
2. BMC shall protect personal information in its custody or under its control by establishing reasonable security arrangements against unauthorized access, leaks or premature disclosure;
3. The FRO, FDM or any BMC official or employee who has access to personal information in the custody of BMC, shall not disclose that information except as authorized by existing laws.

## **VI. STANDARD PROCEDURE (See Annex D for Flowchart)**

### **A. RECEIPT OF REQUEST FOR INFORMATION**

1. The requesting party shall accomplish the Request for Information Form available at the FRO Desk, or downloaded at the BMC official email address at BMC.gov.com. (verify accuracy)
2. The FRO shall receive the request for information from the requesting party and shall check compliance with the following requirements:
  - a. The request contains the full name, contact information of the requesting party, and valid proof of identification (two (valid IDs));
  - b. The request reasonably describes the information requested, and the reason for, or purpose of, the request for information.

The request can be made through email, provided that the requesting party shall attach in said email, a scanned copy of the FOI Request Form and copies of two (2) valid IDs, such as, but not limited to, Voter's ID, Senior Citizen's ID, PRC ID, SSS ID, and the like.

In cases where the requesting party is unable to make a written request because of illiteracy or because the requesting party is a person with disability, he/she may make an oral request, and the FRO shall reduce his request in writing. The requesting party shall affix his/her thumbmark on the Request Form.

The request shall be stamped received by the FRO, indicating the date and time of receipt. In case of email requests, the FRO shall acknowledge by electronic mail and shall have the request printed out.

The FRO shall input the details of request to the Request Tracking System and allocate a Reference Number.

### **B. EVALUATION OF REQUEST**

1. Upon receipt of the request, the FRO shall evaluate the request, and notify the FDM of such request. The FRO shall forward the request to the FDM within one (1) day from receipt of the request, and shall record the date and time in the logbook designed for the purpose, with the corresponding acknowledgment of receipt by the FDM.
2. The FDM shall reevaluate and/or assess the request, if necessary. In assessing, the FDM must first consider the following:
  - a. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
  - b. The information requested falls under the list of exceptions;
  - c. The purpose of the request is contrary to existing laws and/or policies.

If any of the above three (3) instances is present, the FDS will immediately deny the request, and notify the requesting party, through the FRO, of the grounds for such denial.

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15-working day period and will commence only on the day the requested clarification has been received from the requesting party.

If the FDM believes that the requested information contains information of interest to another agency, he shall consult with the agency concerned on the privacy of the information before making any final decision.

If the request is valid in form and in substance, the FDM forwards the request to the appropriate Data Custodian.

3. The Data Custodian makes all the necessary steps to locate and retrieve the information being requested.

4. The Data Custodian shall ensure that the complete information is submitted to the FDM within five (5) working days from receipt of such request.

5. The FDM shall then ensure that the information requested is submitted to the FRO for release within five (5) working days.

6. The FRO shall note the date and time of receipt of the information from the FDM, attaches the pertinent transmittal letter duly signed by the FDM, and releases the requested information to the requesting party within fifteen (15) working days from receipt of the request for information.

### **C. PERIOD TO RESPOND**

1. Requests for information must be acted upon within fifteen (15) working days upon receipt. 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, Article 13 of the New Civil Code shall be observed.

2. The period to respond may be extended should the request require extensive search of records, or in case of fortuitous events. The requesting party must be informed by the FRO in writing/ SMS/ e-mail of the extended period with the reason for extension.

3. Extension shall not exceed twenty (20) working days.

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

a. File an FOI Appeal to the BMC Appeals and Review Committee within fifteen (15) calendar days from receipt of the notice of denial or from the lapse of the period to respond to the request. The Appeal shall be a verified appeal with non-forum shopping certificate to prevent false testimony and to avoid multiple appeals of the same facts, issues and parties.

The Appeal shall be decided by the Medical Center Chief upon the recommendation of the 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.

b. Upon exhaustion of administrative FOI appeal remedy, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

1. BMC shall not charge any fee for accepting requests for access to information. However, the institution may charge reasonable cost of reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the hospital in providing the information to the requesting party. An official receipt (OR) shall be issued for the purpose and the said OR shall be presented prior to release of the documents.

The costing of fees shall be posted in the BMC Website and provided to the requesting party.

*Non-compliance with FOI*

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual. Failure to comply with the provisions of this Manual shall be subject to the following administrative penalties:

1 <sup>st</sup> Offense	-	Reprimand
2 <sup>nd</sup> Offense	-	Suspension of one (1) day to thirty (30) days
3 <sup>rd</sup> Offense	-	Dismissal

**X. EFFECTIVITY**

This Manual shall take effect upon its approval.

**MARIA ESTRELLA B. LITAM, MD, MBA-H, FPPS, FPIDSP**

Medical Center Chief II

Submits to FDM for final assessment

Releases requested information to

---

Requestor