



## **PANGASINAN STATE UNIVERSITY'S Implementing Rules and Regulations (IRR) of Executive Order No. 02 s. 2016 otherwise known as FREEDOM OF INFORMATION ORDER**

### **Section 1. Legal Bases**

The following are the legal bases of the Pangasinan State University in formulating the Implementing Rules and Regulations (IRR) on Freedom of Information (FOI):

Section 28, Article II of the 1987 Constitution, provides that the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

Republic Act 10173 otherwise known as Data Privacy Act of 2012, including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth; and

Executive Order No. 02 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".

### **Section 2. Affirmation of Policy**

The University affirms its commitment to provide information relevant to its vision, mission, core values and guiding principles.

### **Section 3. Objectives of the IRR**

This IRR sets the rules and procedures to be followed by the university, whenever a request for access to information is received. The University President shall be responsible for all actions carried out under this IRR and may delegate this responsibility to other department/unit heads, and Campus Executive Directors (CEDs) of the University.

### **Section 4. Scope and Coverage of the IRR**

This IRR shall cover all requests for all information pertaining to University's official and public records, research data, including official acts, transactions or decisions directed through its campuses and offices, as follows:

- Main Office
- Alaminos City Campus
- Asingan Campus
- Bayambang Campus
- Binmaley Campus
- Infanta Campus
- Lingayen Campus
- San Carlos City Campus
- Sta. Maria Campus
- Urdaneta City Campus
- Open University System
- School of Advanced Studies

## Section 5. Definition

As used in this Implementing Rules and Regulations and considering the mandate of this institution, the following terms are hereby defined:

- (a) **“University”** shall refer to Pangasinan State University;
- (b) **“Information”** shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- (c) **“Official record/records”** shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (d) **“Public record/records”** shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.
- (e) **“Requesting Party”** shall refer to any person, private or public organization/agency who wants to access information or secure a copy of official document of the University.
- (f) **“Access to Information”** shall refer to information, official records, public records and documents pertaining to official acts, transactions or decisions, as well as to university’s research data used as basis for policy development.
- (g) **“data.gov.ph”** The Open Data website that serves as the government’s comprehensive portal for all public government data is searchable, understandable, and accessible.
- (h) **“eFOI.gov.ph”** The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among any other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and overtime.
- (i) **“Information for Disclosure”** shall refer to Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.
- (j) **“Open Data”** shall refer to the publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- (k) **“Public Service Contractor”** shall define as a private entity that has dealing, contract, or a transaction or whatever form or kind with the government or a government agency or office that utilizes public funds.
- (l) **“Personal Information”** shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly or certainly identify an individual.

(m) **“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.

(n) **“FOI Request”** A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

(o) **“FOI Receiving Office”** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

## **Section 6. Promotion of Transparency**

The University shall regularly publish, print and disseminate, subject to laws and existing rules and regulations, at no cost to the public and in an accessible form and through its website, timely, true, accurate and updated key information including, but not limited to:

- (a) A description of its mandate, structure, powers, functions, and duties;
- (b) A description of frontline services it delivers and the procedure and length of time by which they may be availed of;
- (c) The names of its key officials, their powers, functions and responsibilities,
- (d) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- (e) Important rules and regulations, orders or decisions;
- (f) Current and important database and statistics that it generates;
- (g) Bidding processes and requirements; and
- (h) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

## **Section 7. Classification of Documents**

The University documents shall be classified as Confidential, Restricted, or Open and Available Document, as the case maybe.

**7.1 Confidential.** These are information, documents or materials within the terms of reference of the University in which their unauthorized disclosure would be prejudicial to the interest or prestige of the nation or governmental activity or would cause administrative embarrassment to an individual or entity.

The following kind of documents, among others, are CONFIDENTIAL in nature:

- (a) All memoranda, reports, proposals, highlights, summary of agreements, minutes of the Board Meetings, finance, investment, human resources, development plans, other government operations, policies and measures for consideration or comments of any of the University Staffs or Offices.
- (b) All memoranda, reports, proposals, or other documents, including electronic communication exchanges, submitted to the University relating to its programs, activities and projects (PAPs) for consideration of the University Board of Regents or its Committees.

- (c) All memoranda, reports, proposals, or other documents, including electronic communication exchanges, relating to finance, investment, and human resources, for consideration of the University President, and/or the Board of Regents.
- (d) Approved and confirmed minutes, highlights, summary of agreements, resolutions, as well as all transcripts and/or audio recordings of meetings, of the Board of Regents or any of its duly approved Committees.
- (e) Project Evaluation Reports (PERs), its appurtenant documents and other documents of similar nature that have not been approved or those that are still being reviewed/deliberated by the University Councils, the Board of Regents or its Committees.
- (f) All electronic communications exchanges (i.e. internal between University Staff/Offices, or external between University Staff/Offices and outside recipients) related to the mandated operations of the respective University Offices, Staff, and/or the Board of Regents.
- (g) Certain personnel records and staff matters, such as documents relating to the administrative investigations.
- (h) Administrative documents, such as budget proposals, proposed promotions, performance evaluations and Personal Data Sheet (PDS).
- (i) Other documents classified as "Confidential" by the University President and the Board of Regents.

**7.2 Restricted.** These are information, documents or materials that require special protection other than confidential. It may also refer to which access have been restricted because there exists a legal impediment and/or standard issued by the head of the agency that requires such public records to be withheld from public access. These include Project Evaluation Reports (PERs) of approved projects as well as all documents and matters other than those considered public records, which do not fall under the category of Confidential, as hereinabove defined and illustrated.

**7.3 Open and Available Records.** These are information, documents or materials to which public access may not be prohibited. This shall include documents covered by the University's commitments with other institutions on open data sharing policies, or with other similar instruments with provisions for mandatory public sharing of specific information.

## **Section 8. Authority to Classify, Reclassify, and Declassify Documents**

The authority to classify, reclassify, and declassify documents shall be exercised only by the Board of Regents with the endorsement of the respective authorized officials of the University and/or office concerned.

## **Section 9. Coverage of Classification**

The classification of documents shall be applied to all non-exempted documents issued by the Board of Regents, including those existing in the University Records Office.

## **Section 10. Document Identification and Markings**

At the time of the original classification, the following shall appear on the cover sheet of each classified document:

- (a) One of the three (3) classification levels defined in Section 7 of this IRR;
- (b) Identity (name and position) of the official in-charge where the document originated.
- (c) Agency and office of origin;
- (d) Reference number of the document;
- (e) Instructions related to the classified document as to its storage, reproduction, disposition and responsibility of the Staff/Official handling the document; and
- (f) Additional markings that supplement the classification level markings.

## **Section 11. Document Transmission**

11.1 Classified documents shall not be removed from its official storage without proper authorization from the University President.

11.2 Each Office/staff shall establish controls to ensure that classified documents are transmitted under conditions that provide adequate protection and prevent access by unauthorized persons.

11.3 Transmission of CONFIDENTIAL documents may be covered by a receipt system when required by the sender. The receipt system shall make use of a receipt form where identity of the addressor, addressee, and document are visible and readable. It shall be signed by the recipient and returned to sender. The name of the sender shall be printed, stamped, or typed on the form.

11.4 Classified documents shall be covered with Cover Sheets, white paper sized 8" x 13" with the following border specifications:

For RESTRICTED: red boarder;  
For CONFIDENTIAL: blue border; and  
For OPEN and AVAILABLE RECORDS: green border; and

Security classification and instructions are printed on the front page of the cover sheet. The back page is designed to show a record of transmission of the document.

- (a) All classified documents (CONFIDENTIAL and RESTRICTED), from the moment they are initiated, shall be covered by appropriate cover sheets which shall stay with such documents until both are authorized for destruction.
- (b) Coversheets prescribed in this IRR shall be used only for classified documents transmitted among the various offices of the University.

11.5 Preparation of classified matter for transmission outside the University.

- a. Classified documents for transmission by Philippine registered mail shall be prepared as follows:
  - i. The documents shall be enclosed in two opaque envelopes or covers.
  - ii. A receipt shall be enclosed with the document as appropriate.
  - iii. The inner envelope or cover shall be addressed and sealed. The return address should likewise be written in the inner envelope.
  - iv. The classification on the front and back of the inner envelope shall be marked in such a way that the markings will be easily seen when the outer cover is removed. Special markings required shall be placed at the front of the inner envelope.
  - v. The inner envelope shall be enclosed in the outer envelope or cover. The classification marking of the inner envelope must not be detectable through the outer envelope.
  - vi. The outer envelope with the inner envelope will then be forwarded. Classification or other special markings shall not appear on the outer envelope.
- b. Transmission within the University – Preparation of classified matter for transmission within the University shall be governed by policies issued by the University President.

## **Section 12. Special Provision for Non-Restricted Access**

Members of any University Board of Regents are allowed a non-restricted access to all memoranda, reports, minutes, proposals or other documents under the purview of each respective Committee.

## **Section 13. Document Storage**

13.1 Before storage, documents shall be classified, labeled, and color/number-coded properly.

13.2 Each Office/Staff shall identify/provide their storage facilities within its premises that are suitable for storage of classified documents. The storage location shall be inspected annually and approved by the head of Office/Staff to ensure that this is adequate and safe.

13.3 Given the available budget resources, current storage facilities/rooms that do not provide adequate protection and security for the classified documents shall be improved/renovated, and provided a space.

13.4 Documents/records format are classified into:

(a) Printed Documents

CONFIDENTIAL and RESTRICTED documents shall be stored in a metal file cabinets equipped with a steel lock bar and combination pad lock. The file cabinets must have the size and weight that would minimize the chance of unauthorized physical removal.

(b) Electronic Documents

- a. Any device (e.g. PC, laptop, flash disk, etc.) that stores electronic copies of CONFIDENTIAL AND RESTRICTED documents shall be kept in a safe place similar to printed documents and shall apply applicable security measures as mentioned in this IRR.
- b. All documents in printed format shall be converted into electronic format. Each Office/staff shall identify, file and organize all classified documents in their processing to facilitate easy storage and retrieval of documents.
- c. Each office/staff shall maintain a database in its own storage or file server that contains a database their documents and shall serve as backup of their documents and shall apply appropriate security measures as mentioned in this IRR.

## **Section 14. Document Reproduction**

The reproduction of Confidential and Restricted documents shall be cleared by University President.

## **Section 15. Disposal of Classified Documents**

15.1 All classified documents shall be disposed of legally in accordance with the pertinent laws and other government issuances. The concerned official shall ensure that the disposal of such documents shall be systematic, authorized, and managed accordingly.

15.2 Spoiled/excess reproduced classified documents shall be disposed of by shredding and/or pulping.

15.3 Printed documents, electronic records and ICT equipment that contain classified documents shall be disposed of in accordance with the policy of the University and/or other pertinent laws and issuances.

15.4 Classified documents that shall be required for use in litigation or in any government inquiry shall be retained in accordance with the disposition scheduled prescribed by pertinent laws and issuances.

15.5 All classified documents may be digitized, as necessary, and stored until de-classified, re-classified and approved by the University President.

## **Section 16. Administrative Liability**

Without prejudice to any criminal and civil case arising therefrom, any unauthorized disclosure or misuse, sharing, publication or use of classified documents or materials shall be

considered as grave offense, under Section 46 (B) (11), Rule 10 of Civil Service Commission (CSC) Revised Rules on Administrative Cases in the Civil Service (RRACCS), to wit:

*“Disclosing or misusing confidential or classified document officially known to him by reason of his office and not available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the public interest.”*

Moreover, failure to comply with the provisions of this IRR may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

## **Section 17. Conduct of Trainings**

The University shall coordinate with National Intelligence Coordinating Agency (NICA), National Economic and Development Authority (NEDA) and National Archive of the Philippines for the conduct of trainings.

## **Section 18. Procedures**

18.1 The following procedures shall govern the filing and processing of FOI request for access to information for OPEN and AVAILABLE records:

18.1.1 If the requesting party is a student/graduate, or any authorized representative of the student/graduate who wants to obtain Official Transcript of Record (OTR) and its authentication and Certificates of Grades, Diploma, and Good Moral Character, the following procedures shall be observed:

- (a) The requesting party shall accomplish the required form and shall submit it to the office concerned.
- (b) The concerned office shall evaluate the request and shall immediately process within fifteen (15) days upon receipt of the FOI request.
- (c) If the requesting party is the authorized representative of the student/graduate concerned, an authorization letter duly notarized with clear photocopy of at least one (1) valid ID of the latter must be presented.

18.1.2 If the requesting party is the University through the concerned office or other government agency who wants to obtain Official Transcript of Record (OTR) and its authentication and Certificates of Grades, Diploma, and Good Moral Character, the following procedures shall be observed:

- (a) The requesting party shall submit a written request specifying the reasons/purposes to justify the FOI request.
- (b) The requesting party shall accomplish the required form and shall submit it together with the written request to the concerned office.
- (c) The concerned office shall evaluate the request and shall make necessary action whether to grant or deny the FOI request.
- (d) If the FOI request is granted, the concerned office shall process the same within fifteen (15) days upon receipt of the request, however if the FOI request is denied, a notification shall be sent to the requesting party within the same period.

18.1.3 If the requesting party is a private individual, organization, company, or other interested party who wants to obtain other information not specified in 5.1 and 5.2, the following procedures shall be observed:

- (a) The requesting party shall submit a written request to the FOI Receiving Office, Public Relations, Publication and Information Office (PRPIO), specifying the reasons/purposes to justify the FOI request.
- (b) The requesting party shall accomplish and submit the required form together with the written request to FOI Receiving Office.

- (c) All written requests received by the FOI Receiving Office shall be immediately forwarded to the office concerned for appropriate recommendations.
- (d) The concerned office shall evaluate the written requests and shall eventually submit/forward the FOI request/s together with the recommendations/comments to the Office of the University President which shall serve as basis to grant or deny the release/issuance of the information requested.
- (e) If the FOI request is granted, the concerned office shall process the same within fifteen (15) days upon receipt of the request and shall forward it back to FOI Receiving Office for releasing; otherwise, a notification of denial shall be sent to the requesting party within the same period.

18.2 For classified CONFIDENTIAL AND RESTRICTED documents, all requests appertaining thereto must be accompanied by an Order from the Court or any other government agencies with quasi-judicial authority.

### **Section 19. Protection of Privacy**

While providing access to information, public records, and official records, the University shall afford full protection to the right to privacy of its employees, students and other clientele from harassment or any other wrongful acts.

### **Section 20. Fees**

The University shall not charge any fee in accepting any FOI request for access to information. It may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations.

### **Section 21. Identical or Substantially Similar Requests**

The University shall not be required to act upon an unreasonably and subsequently identical or substantially similar request from the same requesting party whose request has already been previously granted or denied.

### **Section 22. Notice of Denial**

If the University or the office concerned decides to deny the FOI request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) days from the receipt of the request, notify the requesting party 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.

### **Section 23. Appeal in Case of Denial of Request for Access to Information**

The following shall be observed in case of denial of FOI request for access to information:

- (a) Denial of any request for access to information under Sections 18.1.1 and 18.1.2 may be appealed to the University President.
- (b) Denial of any request for access to information under Section 18.1.3 may be appealed to the Board of Regents.
- (c) The requesting party may file a written appeal within fifteen (15) days from the notice of denial to the University President for paragraph (a) and Board of Regents for paragraph (b) of this Section.
- (d) The appeal shall be decided from the receipt by the University President and Board of Regents within fifteen (15) days and during the Regular Board Meeting, respectively.

### **Section 24. Keeping of Records**

Subject to existing laws, rules, and regulations, the University shall create and/or maintain accurate and reasonably complete records of important information in appropriate

formats, and shall implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

### **Section 25. Separability Clause**

Any sections or parts of this IRR which shall be found unconstitutional or contrary to any provisions of existing laws, rules and regulations of the Philippines, the remaining sections or provisions shall be in full force or effect.

### **Section 26. Repealing Clause**

All university issuances, memoranda, orders, rules and regulations inconsistent with the provisions of this IRR are hereby repealed, amended and/or modified accordingly.

### **Section 27. Effectivity**

This IRR shall take effect immediately upon the approval of the University Board of Regents and after posting it to all campuses of the University.

**DONE**, at the Pangasinan State University, Lingayen, Pangasinan, this 23rd day of June in the year of our Lord two thousand and seventeen.

#### **Members of the Technical Working Committee**

DR. VIRGILIO C. BARONGAN	-	Chairperson
MR. IAN D. EVANGELISTA	-	Member
ATTY. DARIUS B. DE GUZMAN	-	Member
DR. LIZA L. QUIMSON	-	Member
MR. FERDINAND M. BASILIO	-	Member
MRS. MINERVA JOY B. PEDRALVEZ	-	Member
MS. CHELSEA ANN C. AGUILA	-	Member
MR. JOHN F. QUINTO	-	Secretariat Head