



LEASINGCORP.

A Subsidiary of the Development Bank of the Philippines

FREEDOM OF INFORMATION MANUAL OF DBP – LEASING CORPORATION¹

Article 1. Name and Title. – This shall be known as the People’s Freedom of Information Manual of (FOIM) DBP Leasing Corporation, or commonly known as the FOI Manual of 2017.

Article 2. Purpose. - The Purpose of the Manual is to provide and streamline the processes, to guide and assist the component groups and offices of the Corporation, in dealing with requests for information received under Executive Order No. 2, S. 2016 on Freedom of Information.

Article 3. Definition of Terms. – For the purpose of effective implementation of the manual, the following words shall adopt the corresponding definitions:

- A. Corporation. – This shall refer to DBP-Leasing Corporation;
- B. *Decision Maker (DM)*. – This shall refer to the Officer of the Corporation duly designated by the President & CEO to make initial determination and/or evaluation the propriety of the requests for information. He is also tasked and responsible for the overall implementation of the provisions of the manual;
- C. *Document*. – Pertains to both paper and electronic format documents;
- D. *FOI Receiving Personnel*. – The personnel or employee of the Corporation designated to receive the requests. For all intents and purposes, this shall refer to the administrative personnel in the Support Services Unit assigned and/or detailed in the Centralized Receiving and Dispatching Section (CRDS);
- E. *Information*. – This shall mean any records, documents, papers, reports, letters, contracts, minutes and transcript 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 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;
- F. *Information for Disclosure*. – Information promoting the awareness and understanding of policies, programs, activities, rules or revisions thereof affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operation, 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 on government websites without need for written requests from the public;
- G. *ManCom*. – Shall refer to the Management Committee of the Corporation. For all intents and purposes under this manual, the ManCom shall also be constituted as the FOI Appeals Committee of the Corporation;
- H. *Official 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;
- I. *Public Records*. – Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office;

¹ Board Resolution No. 2017-09-03, approved last September 27, 2017.



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- J. *Public Service Contractor.* – Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government agency or office that utilizes public funds;
- K. *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 and certainly identify the individual;
- L. *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 or 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;

Article 4. Construction and Interpretation. – The words and phrases in this manual shall be interpreted in their ordinary and/or contextual meanings, using the common man approach.

The provisions of this manual shall be interpreted liberally in order to broaden the application of the manual and to encourage openness and transparency.

Article 5. Structure of the Manual. – The manual shall set out the rules, procedures and processes to be followed by the officers and employees of the Corporation when a request for information is received.

The President & CEO shall be responsible for all actions carried under this manual and may delegate this responsibility to the group heads, officer or employees of the Corporation.

The President & CEO may also delegate an officer of the Corporation through an office order, to act as the Decision Maker (DM) who shall have over-all responsibility for the initial decision on FOI requests.

Article 6. Coverage of the Manual. – The manual shall cover all requests for information directed or requested from the Corporation.

Article 7. Duty to Publish Information. – The Corporation shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485, or the Anti-Red Tape Act of 2007, 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, duties and decision-making process;
- b. A description of the services and product the Corporation offers to its clients and the length of time to complete the processes in order to deliver the services or products;
- c. Name of the key officials of the Corporation, their powers, functions and responsibilities;



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- d. Work programs, development plans, projects, performance targets and accomplishments, budgets and expenditures;
- e. Important rules, regulations, orders, notices, and/or decisions;
- f. Business and/or employment opportunities;
- g. Feedback mechanism by which the public may participate in or otherwise influence the formulation of a policy, program, or the exercise of its powers;

Article 8. FOI Receiving Personnel. – There shall be an FOI Receiving Personnel in the Corporation who shall be responsible to perform the following functions:

- A. Receive all requests on behalf of the Corporation and forward the same to the appropriate office who has the custody of the records;
- B. Monitor all FOI requests and appeals;
- C. Provide assistance to the FOI DM and/or to the President & CEO of the Corporation in case of request for information;
- D. Provide assistance and support to the public and staff with regard to FOI;
- E. Compile Statistical information as required, for future reference in making assessment or study on the effectiveness of the Manual, if any;
- F. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI DM for further evaluation or deny the request based on:
 1. That the information or request is incomplete;
 2. The information is already available and disclosed in the website of the Corporation;
 3. That the information requested pertains to confidential information of the clients of the Corporation, duly protected by law, the fact of which is clearly seen at its face value;

The administrative personnel of the Support Services Unit who is detailed in the Centralized Receiving and Dispatching Section (CRDS) is designated as the FOI Receiving Personnel.

Article 9. FOI Decision Maker (DM). – There shall be an FOI DM designated by the President & CEO who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- A. The Corporation does not have the information requested;
- B. The information requested contains sensitive personal information protected by the Data Security Act of 2012;
- C. The information requested falls under the list of exceptions to FOI;
- D. The request is unreasonable, identical or substantially similar and comes from the same requesting party whose request has already been previously granted or denied;

Article 10. Approval and/or Denial of Request for Information. – The DM shall approve or deny all request of information. In case where the DM is on leave, on official business, or indisposed, the President & CEO acts on the request or may delegate the authority to another officer as an alternate DM.



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Article 11. Protection of Privacy & Confidentiality. – While providing for access to information, the Corporation shall afford full protection to a person and its clients, employees, and/or officers' right to privacy, as follows:

- A. The Corporation shall ensure that personal information, particularly sensitive information, in its custody or under its control is disclosed only as permitted by existing laws, subject to the Corporation's policies and procedures;
- B. The Corporation shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- C. All officers or employees of the Corporation who will have access to information as provided in this Manual, including other officers or employees, whether authorized or unauthorized and to personal information in the custody of the Corporation, shall not disclose that information except as authorized by existing laws, subject to the policies and procedures;

Article 12. Standard Operating Procedure in making the request for Information. – All request for information shall be made under this manual and shall be guided by the standard operating procedures herein stated.

(A) The requesting party shall submit the request to the Corporation through the FOI Receiving Personnel and the request must contain and comply with the following:

1. The request must be in writing;
2. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification (preferably an identification issued by any government agency) or authorization;
3. The request shall reasonably describe the information; and
4. The reason for, and purpose of, the request for information;

(B) In case the requesting party is unable to make a written request because of illiteracy or due to disability, he or she may make an oral request personally and in front of the FOI Receiving Personnel and the latter shall reduce it in writing.

(C) The FOI Receiving Personnel shall receive the requests and shall assess the compliance with the above requirements. The Request shall be stamped "Received" indicating the date and time of the receipt of the written request, and the name, rank, title and position of the personnel who received it, in case where the request was received by another personnel of the Corporation other than the FOI Receiving Personnel, with a signature and a copy to be furnished to the requesting party.

(D) The FOI Receiving Personnel shall then input the details of the request on the appropriate monitoring system of the Corporation and allocate a reference number.

(E) After receipt of the request for information, the FOI Receiving Personnel shall then route it to the DM for initial assessment and evaluation. If the information requested is under the custody of the Corporation and the same does not fall into the exceptions under the List of Exceptions of Executive Order No. 2 Series of 2016 and to the exceptions provided for under the law, the DM shall allow the release of the documents or information requested under this manual and/or under any other existing rules and regulations of the Corporation.

(F) Should the requested information be already posted and publicly available in the website of the Corporation, the DM shall inform the requesting party of the said fact and provide them the website link where the information is posted.



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(G) If the requested information is substantially similar or identical a previous request by the same requester, the request shall be denied, with the DM informing the applicant or requesting party of the reason for such denial.

(H) Should the request for information be approved, the DM shall transmit or dispatch the requested documents with the necessary cover letter to the requesting party.

(I) The processing timeframe for every request shall be fifteen (15) working days from receipt hereof, unless where action on the request for information requires a longer period of time. The DM shall ensure that the request for information shall be resolved within the above-stated period.

- (a) Should the requested information need further details to identify or locate, the 15 working days shall commence on the day after receipt of the required clarification from the requesting party.
- (b) If the information requested requires extensive search of the Corporation's records, or other analogous cases, the DM shall inform the requesting party of the extension and state the reasons for such extension.
- (c) Occurrence of a fortuitous event or any other circumstances analogous to it or the circumstances similar to (a) and (b) hereof. The 15 working days shall commence at the time when business operations resumes; in which case, the DM shall inform the requesting party of the extension thereof.

(J) The DM may either approve in full the requested information, partially approve, or deny the request. In case of partial approval of the request, only the parts approved shall be processed for release while the disapproved parts of the request shall no longer be processed; in which case, the DM shall inform the requesting party of the status of the request and shall inform the requesting party of the reasons and basis of the action taken.

(K) In case of denial of the request after due evaluation, the DM shall within the prescribed period, notify the requesting party in writing. The notice shall clearly set forth the ground or grounds for the denial and the circumstances on which the denial is based.

Article 13. Appeal, Review and other Remedies. – Any person whose request for information has been denied by the DM, may avail of the remedies prescribed herein.

Any person whose request for information is denied may file their Appeal to the DM within fifteen (15) calendar days from the date of such denial or from the lapse of period to respond to the request.

The appeal shall be forwarded to the ManCom who shall sit as the FOI Appeals Committee for discussion and/or disposition. After which, the ManCom shall render a Decision on the appeal within thirty (30) days from the date the Appeal is filed. Failure to decide within the prescribed period, shall be deemed denial of the appeal.

The denial of the appeal or the lapse of the period to respond to the request may be appealed further to the Office of the President of the Republic of The Philippines (OP) under Administrative Order No. 22, s. 2011.

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

Article. 14. Fees. – After the DM approved the request for information, the following rules on fees relating to reproduction of documents or information shall govern:

- A. Requests for information under this manual shall be at no cost to the requesting party. However, reasonable cost of reproduction shall be charged which should be the actual amount of costs spent by the Corporation in providing the information to the requesting party.



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- B. The prescribed fees are as follows:
- a. Copies – P 1.00/single sided page, P 1.50/double sided page;
 - b. Material Cost – Actual cost of items such as CD-ROMs, flash drives, etc., will be charged for request for information in electronic format;
- C. The fees shall be paid once the requesting party has been notified of the approval of his/her request. Non-payment of costs shall be a ground for non-release of the requested information. However, the Corporation may exempt the requesting person from payment of fees upon request and stating valid reasons therefor.

Article 15. Administrative Liability. – Failure to comply with the provisions of this manual shall be considered as a light offense and subject to disciplinary action and corresponding administrative penalties under the Human Resources of Manual shall apply.

The rules and procedures in administrative proceedings of the Corporation shall apply.

Article 16. Reservation on the Right of the Corporation to Formulate Supplemental Guidelines. – The Corporation reserves the right to publish Supplemental Guidelines to support, explain or expound the coverage, scope, limitation, and/or streamline the processes or procedures contained herein, so as to enhance transparency and openness, while protecting the rights and privacy of its clients and the integrity of the business processes.

Article 17. Effectivity. – This manual shall take effect immediately upon approval.

Approved. _____, Makati City, Philippines.ⁱ


DANILO T. REYES
President & CEO

ⁱ DBP-LC Board of Directors approved the People's Freedom of Information Manual during their Regular Board Meeting last September 27, 2017.