



# THE NATIONAL MUSEUM

## FREEDOM OF INFORMATION MANUAL

The National Museum issues this Freedom of Information Manual pursuant to Executive Order No. 2, "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor" (23 July 2016). The Manual sets the rules and procedures for acting upon requests for NM documents.

### A. Definition of Terms

For the purpose of this manual, the following terms shall mean:

**Information:** records, documents, papers, images, plans, reports, inventory, articles, letters, contracts, transcripts and minutes of official meetings, guidelines, Board resolutions, NM Declarations, memoranda of agreement with outside entities, deeds of donation, loan agreements, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer stored data, any other similar data or materials recorded, stored or archived in whatever format, whether in print or online, that are made, received, or kept in or under the control and custody of the NM pursuant to law, presidential decrees and executive orders, and official rules and regulations, or in connection with the performance of the NM mandate or the transaction of official business.

**Official records/documents:** information produced by the NM or received by a public officer or employee of the NM in an official capacity or pursuant to a public function or duty.

**Public records/documents:** information required by laws, executive orders, office orders, official rules and regulations, minutes and board resolutions, guidelines issued by the NM pursuant to its mandate, and memoranda of agreement.

*Cultural and Historical records:* rare books, manuscripts, maps, photographs and visual documents, other books, journals, films, videotapes, and audio recordings catalogued in the library of the NM or any of its museums and galleries.

*Publications:* books, scientific journals, calendars, posters, brochures, handouts, annual reports and other reports and studies published by the NM in print and online.

*Research materials:* raw data; cultural, architectural, engineering and natural history scientific studies, including notes, plans, drawings, photographs and sketches gathered, produced, compiled and/or analyzed by the NM staff in the course of carrying out the Museum's mandate of cultural / historical and natural history research and heritage preservation.

## **B. Implementing Rules**

1. Official and public records shall be accessible to the public following the procedure outlined in this Manual, except documents marked 'confidential' or 'classified' that are received by the NM.
2. A fee shall be charged for the cost of reproducing the document(s) or images requested and, where applicable, the cost of mailing.
3. Access to information shall be denied when the information fall sunder any of the exceptions enshrined in the Constitution, existing law or jurisprudence, or in the inventory of exceptions provided by the Department of Justice and the Office of the Solicitor General pursuant to E.O. No. 2 and approved by the Office of the President.
4. If the information requested is not within the custody of the NM, the latter shall so notify the requesting party and identify the agency that holds the record, if known. The NM may also endorse the request to the appropriate agency.
5. The NM shall not act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request was previously granted or denied by the NM.
6. Cultural and historical records at the NM library may be read in the reading room but shall not be taken out in keeping with library regulations.

- a. Copies of cultural records, including digital copies, may be requested subject to library regulations, copyright and intellectual property law, and agreements entered into between the NM and the donors or the original sources of requested collection.
  - b. Special access and usage rules may apply to rare books and other valuable collections owing to their delicate nature.
7. Cultural, historical and natural history records displayed in NM museums and galleries may be viewed in the museum but may not be copied as these are protected by owners' rights and museum regulations.
8. NM publications in print and on the NM website that are for sale, except for posters, annual and special reports, and calendar of events that are available to view in the transparency seal.
9. Research materials are protected by intellectual property rights and shall not be accessible to the public.
10. Requests for access to information shall not include requests for:
  - a. Cultural, historical and / or natural history research—the NM has its own research agenda and publications program; and
  - b. Technical assistance—a different procedure applies to requests of this nature.
  - c. While providing access to public and official records, responsible NM officials shall afford full protection to the right to privacy of the individual and shall:
    - a. Ensure that personal information in the custody or under the control of the NM is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules or regulations.
    - b. Protect personal information in the custody or control of the NM by making reasonable security arrangements against leaks, premature disclosure of personal information that unduly exposes the individual whose personal information is requested, vilification, harassment, or any other wrongful acts.

- c. Not disclose that information except when authorized under E.O. No. 2 or pursuant to existing laws, rules or regulation.
- d. The NM shall exercise prudence in releasing documents on matters pending before the courts as these are *sub judice*.

### **C. Prescribed Period for Responding to Requests**

1. The NM shall respond to (grant, deny, or endorse) a fully compliant request (see item E2) as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof.
2. In cases where the NM receives a request endorsed by another agency, the period of compliance shall be reckoned from the date the NM receives the transferred request.
3. The period to respond may be extended whenever the information requested requires extensive search of the NM records, examination of voluminous records, the occurrence of fortuitous events, or other analogous cases.
  - a. The NM shall notify the requesting party of such extension, stating the reasons for it.
  - b. The extension shall not exceed twenty (20) working days counted from the end of the original period, unless exceptional circumstances warrant a longer period.
4. Failure to notify the requesting party of the action taken on the request within the period stated in this Manual shall be deemed a denial of the request for access to information.

### **D. Responsible Officers and their Functions**

1. Director IV. He/she shall be primarily responsible for overseeing the implementation of this Manual. As such, the Director IV shall:
  - a. Determines if the request is appropriate;

- b. Decides whether the requested information falls within the custody of the NM and if it is not, inform the requesting party of such and identify the agency that holds the information, if known;
  - c. If the request is appropriate and the information is within the NM custody, transmits the request to the appropriate Division Chief (Chief Administrative Officer / Curator II) for evaluation;
  - d. Acts on the request of the Division Chief for an extension of the deadline of the prescribed period;
  - e. Grants or denies requests for information after reviewing the recommendation of the Division Chief. This responsibility may be delegated to the Officer-in-Charge of the office of the Director IV or to any one of the two Assistant Directors;
  - f. Determines the applicable fee for reproducing the requested information;
  - g. Ensures that the NM maintains accurate and reasonably complete records of important information in appropriate formats, and implements a records management system that facilitates easy identification, retrieval, and communication of information to the public, subject to existing laws, rules, and regulations; and
  - h. Calls the attention of responsible officials who fail to comply with the provisions of this Manual and, where warranted, undertake the necessary administrative measures against erring officials.
2. Records Officer. He/she shall:
- a. Receives and logs all requests for information;
  - b. Determines whether the request complies fully with the requirements stated in this Manual;
  - c. Provides assistance to the public and staff with regard to the requirements and procedure for gaining access to information;

- d. Notifies the requesting party about the decision of the Director IV and, in the case of an approval of the request, inform the requesting party about the applicable fee, and release the document upon payment of the fee; and
    - e. Compiles and monitors the status of requests and submit the same to the Director IV.
  3. Division Chiefs (Chief Administrative Officer and Curator II). They shall:
    - a. Evaluate requests for information forwarded by the Director IV;
    - b. Retrieve the requested information, if warranted, within the allowed time;
    - c. Request an extension of time when the document being requested is voluminous, difficult to locate, or because of some other justifiable reason; and
    - d. Send the Director IV a written recommendation and explain the reasons for recommending a denial of the request should this be the case.
  4. Chairperson of the NM Board of Trustees. He/she shall:
    - a. Acts on appeals emanating from the decision of the Director IV, which action shall be final;
    - b. Calls the attention of the Director IV if he/she fails to comply with the provisions of this Manual and, where warranted, undertake the necessary administrative measures.
  5. Failure of concerned officials to comply with this Manual may be a basis for administrative and disciplinary sanctions as provided under existing laws and regulations.

## **E. Procedure**

1. The request for information shall be done in writing and shall be addressed to the Executive Director and submitted to the:

Records Office  
National Museum  
Padre Burgos Street  
Ermita, Manila 1000  
Telefax:  
Email:

2. The written request shall contain the following information:

Full name and signature of the person making the request;  
His/her return address and other contact information;  
Copy of his/her official identification;  
Authorization from the organization on whose behalf the request is made, where applicable;  
Description of the information requested; and  
Reason for or purpose the request.

3. The Records Officer shall:

- a. Receives the request for information and stamp it 'received' by the Records Office, indicating the following:  
Date and time of receipt; and  
Name, rank, title, or position of the public officer who receives the request with his/her corresponding signature.
- b. Provides reasonable assistance to enable the requesting party, especially one with special needs, to comply with the above requirements.
- c. Gives the requesting party a copy of the received document, duly stamped.
- d. Inputs the details of the request into the Request Tracking System and produce a reference number; and
- e. Forwards the request to the Director IV within one day upon receipt of the written request.

4. The Director IV shall transmit the request to the concerned Division Chief within one day upon receipt of the written request.

5. The Division Chief shall evaluate the request.
  - a. If the description of the requested information is vague, the Division Chief shall contact the requesting party within one day, by email if possible, and ask the latter to provide clearer information. The Division Chief shall send the Records Office a copy of his/her email to the requesting party.
  - b. Once the Division Chief receives a reply, he/she shall furnish the Records Office a copy of the reply.
  - c. The Division Chief shall have five (5) working days from receipt of the requesting party's response to retrieve the document and evaluate the request. Should he/she require more time to locate the document, the Division Chief shall request the Director IV, in writing, an extension of the prescribed period.
  - d. Within the period prescribed above, the Division Chief shall send the following to the Director IV:

Letter from the requesting party and other communications, if any;

Copy of the requested document;

Recommendation to the Executive Director; and

If he/she recommends a denial of the request, the reasons for it.

6. The office of the Director IV shall receive the Division Chief's recommendation and attached documents, and stamp the cover letter, indicating the date received and the signature of the receiving clerk.
  - a. The Director IV shall have six (6) working days from the receipt of the Division Chief's recommendation to act on it.
  - b. Should the Director IV decide to grant the request, he/she shall determine the applicable fee for reproducing and mailing the document, and send his/her written decision and the amount of the fee to the Records Officer.
7. The Records Officer shall notify the requesting party within two (2) days of the receipt of the Director IV's approval and inform the requesting party of the applicable fee. The requesting party shall pay the fee at the NM Cashier's Office

and present the official receipt to the Records Officer, who will then release the document.

8. If the Director IV finds that the information requested is not within the custody of the NM, he/she shall, within two (2) days upon receipt of the request:
  - a. Notifies the requesting party in writing and indicate where the information is likely contained; and/or
  - b. Endorses the request to the agency that possesses the requested information, with a copy furnished to the requesting party.
9. Should the Director IV deny the request, he/she shall:
  - a. As soon as practicable and within six (6) working days from the receipt of the Division Chief's recommendation, notify the requesting party of the denial in writing. The notice shall clearly set forth the grounds for denial.
  - b. Exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption;
  - c. Forward the letter to the Records Officer who, in turn, shall send it to the requesting party within two (2) days from the receipt of the Director IV's decision.
10. The requesting party may appeal the denial by the Director IV to the NM Chairperson, whose decision shall be final.
  - a. The written appeal shall be filed by the same person making the request within fifteen (15) days from the notice of denial or from the lapse of the relevant period to respond to the request.
  - b. The Chairperson shall have thirty (30) working days from the filing of the written appeal to make his/her decision, and shall send it in writing to the Records Officer, who shall then send the decision to the requesting party within two (2) days of receiving the Chairperson's decision.

- c. Failure of the Chairperson to decide within the prescribed period shall be deemed a denial of the appeal.
- d. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court. Approved by the Board of Trustees of the National Museum in its regular meeting.