



LBP LEASING AND FINANCE CORPORATION
(A LANDBANK SUBSIDIARY)

LBP LEASING & FINANCE CORP
31 Oct 2018
CERTIFIED TRUE COPY

For : THE PRESIDENT/CEO
From : THE CORPORATE SECRETARY
Subject : **BOARD RESOLUTION NO. 17-097A**
Date : 25 AUGUST 2017

=====

Please be informed that during the Meeting of the Board of Directors last 24 July 2017, the following resolution was unanimously adopted/approved for your information/appropriate action/implementation.

BOARD RESOLUTION NO. 17-097A

"RESOLVED, as it is hereby resolved, that the proposed Interim Freedom of Information (FOI) Manual, copies of which were furnished each member of the Board, under such representations and considerations contained in the memo to the Board dated 14 July 2017 be, as it is hereby, **approved.**"

for: 
ATTY. MARLA A. BARCENILLA
Acting Corporate Secretary

LBP LEASING AND FINANCE CORPORATION INTERIM FREEDOM OF INFORMATION MANUAL

(Patterned after GCG FOI Manual: July 2017)

A. OVERVIEW

1. **STATEMENT OF POLICY** – It is the policy of the Corporation to ensure compliance with State policies by adopting and implementing a policy of full public disclosure of all transactions involving public interest, subject to reasonable conditions prescribed by law and as guaranteed by the 1987 Constitution to grant the right of the people to information on matters of public concern.

The LBP Leasing and Finance Corporation (LLFC) adheres to the above policies and has taken measures to operationalize the same through this Freedom of Information Manual (FOI Manual) designed to accommodate requests of information from the public as regards matter falling within the mandate of the Corporation.

2. **PURPOSE** – The purpose of this FOI Manual is to guide and assist the LLFC Directors, Officers and Employees, as well as the public in dealing with requests of information received under Executive Order No. 2 on Freedom of Information issued on 23 July 2016.
3. **COVERAGE** – This FOI Manual shall cover all requests for information directed to the LLFC and all its organizational units.

B. DEFINITION OF TERMS

Administrative FOI Appeal. – An independent review of the initial determination made in response to an FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to a unit within the Corporation, which will then conduct an independent review.

data.gov.ph. – The Open Data website that serves as the government’s comprehensive portal for all public government data that is searchable, understandable, and accessible.

eFOI.gov.ph – The website that serves as the government’s comprehensive FOI website for all information on the FOI.

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

Freedom of Information (FOI) - The right of the people to information on matters of public concern, necessitating the adoption and implementation of a policy of full public disclosure of

the Executive Branch's transactions involving public interest, subject to the procedures and limitations provided in the 1987 Constitution, Executive Order No. 2, Republic Act No. 10173 or the Data Privacy Act of 2012, and other existing laws, rules and regulation.

FOI Request – A written request submitted by any Filipino to the LLFC personally or by email asking for records on any topic falling under the LLFC's mandate.

Full Denial - The non-release by the LLFC of information in response to an FOI request.

Full Grant - Disclosure by the LLFC of information in response to an FOI request.

Information - Shall mean any record, document, paper, report, letter, contract, minutes, transcript of official meetings, maps, books, photographs, research datum, research material, film, sound and video recording, magnetic or other tape, electronic datum, computer-stored datum, or any other like or similar datum or material recorded stored or archived in whatever format, whether offline or online, which is made received, or kept in or under the control and custody of LLFC pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by the LLFC.

Information for Disclosure - Information promoting the awareness and understanding of policies, program, activities, rules or revisions 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, such as lbpleasing.gov.ph or data.gov.ph, without need for written requests from the public.

Official Record – 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.

Open Data - Refers to publicity available data structured in a way that enables the data to be fully discoverable and usable by end users.

Partial Grant/Partial Denial – Disclosure by the LLFC of portions of record in response to an FOI request, and denial of the remaining portions of such records.

Proactive Disclosure - Information made publicly available by the LLFC without waiting for a specific FOI request.

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.

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 an individual.

Received Request or Received Appeal - An FOI request or administrative appeal that the LLFC has received within a fiscal year.

Sensitive Personal Information – Shall refer to personal information:

- (1) About an individual's race, ethnic origin, marital status, age, and religious, philosophical affiliations;
- (2) About an individual's health, education, genetics, or sexual life, or any proceedings for any offense committed or alleged to have been committed by such individual, or the disposition of such proceedings by any court;
- (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.

C. PROMOTION OF OPENNESS IN GOVERNMENT

1. **DUTY TO PUBLISH INFORMATION.** The LLFC 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, as well as its Corporate Governance policies, 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 operational processes;
 - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - c. The names of its Directors and key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
 - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, financial statements;
 - e. Current and important database and the statistics generated, if any;
 - f. Bidding processes and requirements; and
2. **ACCESSIBILITY OF LANGUAGE AND FORM.** The LLFC shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

3. **KEEPING OF RECORDS.** The LLFC shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transaction, decisions, resolutions, enactments, actions, procedures, operations, activities, communication and documents received or filed with them and the data generated or collected.

D. PROTECTION OF PRIVACY

1. While providing for access to information, the LLFC shall afford full protection to a person's right to privacy, as follows:
 - a. The LLFC shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
 - b. The LLFC shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
 - c. Any LLFC personnel or official who has access to personal information in the custody of the LLFC shall not disclose such information except as authorized by existing laws.

E. STANDARD PROCEDURE

1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance with the following requirements:
 - The request must be in writing;
 - The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification and authorization; and
 - The request shall reasonably describe the information request, and the reason for, or purpose of, the request for information.

The request can be made through email sent to info@lbpleasing.com, provided that 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.

The FRO shall be any LLFC officer or employees who shall be designated by the LLFC President and CEO.

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, and the FRO shall reduce it in writing.
3. The request, if received by postal/courier service or personal delivery, shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and

the name of the person who actually received it, with a copy furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the same procedure for delivered or mailed requests, and shall be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

4. The LLFC must respond to request promptly within fifteen (15) working days following the date of the receipt of the request.

The date receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the LLFC, or directly into info@lbpleasing.com; or
 - b. If the LLFC has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
5. The FRO shall then forward the request to the duly designated **FOI Document Owner (FDO)** of the LLFC Group or Unit which has ownership over the documents containing the information within one (1) day from receipt of the written request. The FRO shall maintain a record of all transmitted requests to the concerned FDOs. The FDO shall be designated by the LLFC President and CEO upon the recommendation of the Head of the Group or Unit.

If the requested Information is in the custody of a government agency or office other than the LLFC, the FRO, upon verification with the concerned FDO, shall transmit the request to such government agency or office through the most expeditious manner, informing the requesting party of such transmission and the reasons therefor.

If the information requested is already posted and publicly available in the LLFC website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of said fact and provide them the website link where the information is posted.

6. Upon receipt of the request, the FDO shall assess and clarify the request, if necessary, and transmit the request and the recommended action to the **FOI Decision Maker (FDM)**, who is the **President and CEO or his duly authorized representative**, for final grant or denial.

Upon full grant of the request by the FDM, the FDO shall make all the necessary steps to locate and retrieve the information requested. Thereupon, shall transmit the requested information to the FRO.

If the FDO needs further details to identity 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 which will resume the day after the required clarification from the requesting party is received.

If the FDO determines that a record contains information of interest to another LLFC Group/Unit or a government agency or office other than LLFC, the FDO shall consult with the LLFC Group/Unit concerned or the office/agency concerned regarding the legality of disclosing the information before making any determination.

7. If the information requested requires extensive search and examination of LLFC's official records or facilities, or if fortuitous events occur making timely release of the information impossible, the FDO shall, in writing, inform the FRO of such circumstances and state that an extension of the 15-working day period is necessary. The FRO shall inform the requesting party of the extension, which in no case shall exceed twenty (20) working days in addition to the original 15-working day period, unless exceptional circumstances warrant a longer period.
8. Upon receipt of the requested information from the FDO, the FRO shall collate the same and ensure its completeness. He/She shall attach a cover/transmittal letter signed by the FDM or his duly authorized representative, and ensure transmittal of said letter and the requested information to the requesting party within the prescribed 15 working day period from the date of receipt of the request.
9. In case of full denial by the LLFC President and CEO of the request, the FRO shall, within the prescribed period, notify in writing the requesting party of such denial, specifying the grounds for the denial and the circumstances on which the denial is made. Denials can only be because of exceptions determined by the Department of Justice (DOJ), Office of the Solicitor General (OSG), or the Office of the President (OP). In case of partial denial by the LLFC President and CEO, the release of information not covered by the denial shall be governed by item Nos. 6 and 8, Section E hereof.
10. Upon receipt of the notice of denial, the requesting party may file a written appeal to the LLFC Central Appeals and Review Committee for FOI Matters (LLFC FOI Committee) within fifteen (15) calendar days from the notice of denial. The Committee shall evaluate the appeal and forward its recommendations to the LLFC Corporate Governance Committee, which shall decide on the appeal within thirty (30) working days from the date of filing of the written appeal. The FRO shall notify in writing the requesting party of the decision on the appeal, setting forth the grounds therefor and the circumstances on which the decision is made.

The LLFC FOI Committee shall be composed of all FDOs of the LLFC.

11. Upon exhaustion of all administrative FOI remedies, the requesting party may file the appropriate judicial action under the Rules of Court.
12. The LLFC shall establish a system to trace the status of all requests for information received by it.

F. FEES

1. **FEES FOR ACTUAL EXPENSES INCURRED.** LLFC shall not charge any fee for accepting requests for information. However, the LLFC may charge reasonable fees for actual expenses incurred for reproduction and copying of information. The FRO shall immediately inform the requesting party if such expenses have been incurred. The schedule of fees shall be posted by the LLFC.
2. **EXEMPTION FROM PAYMENT OF FEES.** LLFC, thru its President and CEO, may exempt any requesting party from payment of fees, stating the valid reasons for such exemption.

G. ADMINISTRATIVE LIABILITY

1. **GROUND FOR DISCIPLINARY ACTION.** Failure to comply with the provisions of this Manual shall be ground for disciplinary action under pertinent Administrative laws and LLFC issuances. However, nothing in this Manual shall be construed to derogate from any law, rule or regulation which provides for more stringent penalties, as prescribed by competent authority.

H. REPEALING CLAUSE

1. All other LLFC issuances or parts of the foregoing which are inconsistent with this Manual, if any, are hereby repealed or modified accordingly.

I. EFFECTIVITY CLAUSE

1. This Manual shall take effect upon the approval of the LLFC Board of Directors.