



***REVISED
FREEDOM OF
INFORMATION
MANUAL***

As of September 2023

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INTRODUCTION

On 23 July 2016, Executive Order (EO) No. 2, entitled Operationalizing in the Executive Branch of the People's Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor was issued. Pursuant to Section 8 thereof, the Anti-Money Laundering Council (AMLC) issued this People's Freedom of Information (FOI) Manual, serving as a guide to the public for requests for Information under EO No. 2.

In accordance with FOI Memorandum Circular (MC) No. 21-02 and FOI Memorandum Circular No. 21-04, the AMLC further revises its FOI Manual. This version includes template responses in order to efficiently answer FOI requests. This revised manual also adopts the provisions on FOI MC 21-04 regarding the De-Identification of Requesters' Personal Information in the Electronic Freedom of Information Portal Otherwise Known as the "Policy on Anonymization" and FOI MC 21-05 regarding the Guidelines on the Referral of Requested Information, Official Record/s and Public Record/s to the Appropriate Government Agency Otherwise Known as the "No Wrong Door Policy for FOI". The AMLC is responsible for all actions carried out under this Manual.

I. FOI OFFICERS OF THE AMLC

Sec. 1. FOI Receiving Officer. The AMLC FOI Receiving Officers (FRO) shall constitute the FOI Secretariat. They shall receive all FOI requests, coordinate with the requestor, if necessary and release AMLC's responses. The FROs shall hold office at:

5th Floor, EDPC Building, BSP Complex, Mabini St. Malate, Manila
Tel Nos. (632) 87087066, (632) 87087701 local 2833
Fax No. (632) 87087909
Secretariat@amlc.gov.ph

Sec. 2 FOI Decision Maker. There shall be an AMLC FOI Decision Maker (FDM) who shall have over-all responsibility for the initial decision on FOI requests.

Sec. 3. Central Appeals and Review Committee. There shall be a Central Appeals and Review Committee composed of three officials of the AMLC. The Committee shall review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the Executive Director, or the duly designated Officer-in-Charge of the AMLC on the denial of such request.

Sec. 4. FOI Secretariat. The FROs shall be constitute the FOI Secretariat and composed of designated representatives from the various units of the AMLC.

II. PROCEDURE FOR REQUESTS FOR INFORMATION

Sec. 5. AMLC FOI Request for Information.

- a. Any natural person may request access to information on matters of public concern in the custody of the AMLC, subject to certain conditions. The request can either be made:
 - i. In person, through mail or through electronic mail (e-mail), by accomplishing the AMLC FOI Request Form¹ (See Annex "A"); or
 - ii. Via the Electronic Freedom of Information (eFOI) Portal, by submitting an eFOI Request.
- a. The AMLC FOI Request for Information must comply with the following requirements:
 - i. In writing, in physical or electronic form;
 - ii. State the true name and complete contact information of the requesting party, accompanied by a copy of a valid government-issued identification document with photo; and
 - iii. Reasonably describe the information requested, and the reason for, or purpose of, the request for information.
- b. In case the requesting party is unable to make a written request, because of literacy or because he/she is a person with disability, he/she may personally appear at the AMLC Office to make an oral request, and the FRO shall reduce it in writing.
- c. In case of proxy requests, the duly accomplished AMLC FOI Request Form or eFOI Request must be accompanied by a letter of authority indicating that the requesting party has authorized his/her representative to submit the request form in his/her behalf, together with copies of valid proof of identification for both the requesting party and his/her representative.
 - i. Required letters of authority for eFOI requests shall be sent to the FRO through the FOI Portal by using the Reply button.
- d. As a general rule, all fully compliant requests for information shall be accepted by the FRO.

Access to information shall be denied only when the information is contrary to the Constitution, pertinent laws, existing rules and regulations or falls under any of the exceptions to the right to access of information

¹ The AMLC FOI Request Form is available at Room 507, EDPC Building, BSP Complex, Mabini St. Malate, Manila or at www.amlc.gov.ph

enumerated in Office of the President (OP) Memorandum Circular (MC) No. 89 on Updating the Inventory of Exceptions to the Right to Access of Information Under Executive Order (EO) No. 02, series of 2016, including but not limited to matters considered confidential under Republic Act No. 9160, otherwise known as the Anti-Money laundering Act of 2001, as amended (AMLA) and resolutions and issuances of the AMLC pursuant to its investigative, data-gathering, intelligence and prosecutorial functions.

- e. In cases where further identification is needed or the requestor has not provided the needed identification, the FRO shall reply and request that the identification needed be forwarded to secretariat@amlc.gov.ph in compliance with the FOI-PMO Memorandum Circular 21-04 or the Policy on Anonymization.

Sec. 6. Receipt of Request for Information.

- a. The FRO shall receive the AMLC FOI Request Form or eFOI Request and check that the requirements provided under Section 4 hereof are complied with. The FRO may directly request for additional information for validation of the request and/or proof of identification of the requesting party or his/her representative.

- i. AMLC FOI Request Form. For in-person requests, the request shall be stamped received by the AMLC Records and Administrative Services Division (RASD) indicating the date and time of the receipt of the written request. The requesting party shall be furnished the received copy.

In case of e-mail requests, the same shall be acknowledged by electronic mail.

In both cases, the FRO shall input the details of the request on the monitoring database and allocate a reference number for this request.

- ii. eFOI Requests. The request shall be acknowledged by the FRO indicating the date and time of the receipt of the request. The system automatically generates a reference number for the request.

Sec. 7. Clarifications on the Request for Information. The FRO or FDM may require the requesting party additional information in order to identify and locate the information requested. The AMLC is not obliged to act on the request for information until the requesting party submits the requested clarificatory details. If no clarification is received from the requesting party after sixty (60) working days, the request shall be closed.

Sec. 8. Fees. The AMLC does not charge any fee for accepting requests for access to information. The AMLC, however, may charge reasonable costs for the reproduction and

copying of the information needed. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent in providing the information to the requesting party. Nevertheless, the AMLC shall always endeavor to send an electronic copy to the requestor, whenever applicable and as the case may be.

The AMLC may reduce or waive any of its reproduction and copying fees in case the applicant is an indigent, a student or a senior citizen, provided that, the requesting party satisfactorily proves his/her entitlement to such waiver or reduction of fees.

Sec. 9. Period to Act. All requests made through the AMLC FOI Request Form or the eFOI portal shall be acted upon within fifteen (15) working days from the date of receipt of the request.

Sec. 10. Date of Receipt. The date of receipt of the request will be either:

- a. The day on which the request is physically lodged with the AMLC;
- b. The day on which the request was submitted via the eFOI Portal; or
- c. If the FRO has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
- d. For in-person requests and e-mails and in cases where the FRO is on leave with instructions to re-direct the message to another FRO, the date of receipt will be the day the request is received by the other FRO.

Sec. 11. Request for an Extension of Time. If the information requested requires extensive search of the records facilities, examination of voluminous records, or if there is an occurrence of fortuitous events or other analogous cases, the FRO shall inform the requesting party of the necessity of an extension in time to comply with the request, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days unless exceptional circumstances warrant a longer period.

III. ACTION ON REQUESTS FOR INFORMATION

Sec. 12. Referral Process. If upon initial evaluation of the FRO that the requested information is not in the possession of the AMLC, but is available in another government agency under the Executive Branch, the request shall be immediately referred to that particular government agency through the most expeditious manner but not exceeding three (3) working days from receipt of the request. This shall be considered as the "First Referral" and a fresh period will apply.

If the AMLC fails to refer the request within 3 working days upon its receipt, the FRO shall act on the request within the remaining period to respond. No fresh period shall apply.

If the AMLC, in good faith, erroneously referred the request to another government agency, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

Sec. 13. Notice to the Requesting Party of the Approval/Denial of the Request. In cases where the request is not referred to another government agency, the FRO shall prepare the response to the requesting party. All official responses on FOI requests shall pass through the FDM.

- a. Responses to physical requests can either be in writing or by email.
- b. Responses to eFOI Requests shall be uploaded to the FOI Portal.

Sec. 14. Approval of Request. Within fifteen (15) days from receipt of the request, the FRO shall notify the requesting party in writing, or through the eFOI Portal, whichever is applicable, of the approval of the request together with a statement of costs, if any.

In cases where the request falls within the following: (a) schedule for AML/CTF Seminars Not Yet Announced in the Website, (b) request for AMLA Module, (c) scam reports, (d) requests for clearances/certifications/verifications for purpose of release of funds or goods; and (e) Report on ML/TF and unlawful activities that fall under the jurisdiction of the AMLC, the FRO, with the approval of the FDM, shall release a templated reply.

In cases where the request does not fall under the enumerated circumstances, the reply shall be released upon the approval of the Executive Director or his/her Officer-in-Charge.

Sec. 15. Denial of Request. In case of denial of the request, wholly or partially, the FRO shall notify the requesting party of the denial in writing, or through the eFOI Portal, whichever is applicable.

The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the FDM.

For requests falling under: (a) the External Services of the Citizen's Charter, (b) requests for confidential information, and (c) evidently invalid or vexatious requests, the request shall be denied. In cases where the request is made physically, the FOI Secretariat shall refer to the requestor to the Citizen's Charter or the appropriate handling unit of the AMLC. In cases where the request is made through the FOI Portal, the request shall be denied and a template explanation shall be put in the description box.

Sec. 16. Other Grounds for Denial. The Request for Information shall be denied based on OP MC No. 89 on Updating the Inventory of Exceptions to the Right to Access of Information Under Executive Order (EO) No. 02, series of 2016. The request may also be denied based on the following grounds:

- a. The request form is incomplete and the requesting party failed to provide clarificatory information despite the request of the FRO;
- b. The AMLC does not have the information requested;
- c. The information requested contains sensitive personal information protected by the Data Privacy Act of 2011;
- d. The information requested is part of intelligence-gathering functions of the AMLC and partner government agencies;
- e. The information requested pertains to the personal details of the officers and staff of the AMLC;
- f. The Request is an unreasonable, subsequent identical, or substantially similar request from the same requesting party whose request has already been previously granted or denied; or
- g. The Request is vexatious or is intended to harass the AMLC.

Sec. 17. Requested information is not in the custody of the AMLC. If the requested information is not in the custody of the AMLC and the 3-day period to initially refer to another government agency has lapsed, the FRO shall undertake the following steps:

- a. If the information/records requested are in the custody of another Agency, the request shall endeavor to refer the request to the appropriate Agency. The FRO shall, within the 15-day period, inform the requesting party that the AMLC does not have custody of the information requested, and that the request will be referred to the appropriate agency.
- b. If the information/records requested are in the custody of an Agency not covered by E.O. No. 2, the FRO shall advise the requesting party accordingly and provide him/her with the contact details of that Agency, if known.

Sec. 18. Requested information is already posted and available on-line. If the information requested is already posted and publicly available in the AMLC's website (www.amlc.gov.ph), data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide him/her of the website link where the information is posted.

IV. REMEDIES IN CASE OF DENIAL

Sec. 19. Administrative FOI Appeal to the Central Appeals and Review Committee. A written appeal must be filed by the requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

Sec. 20. Form. The appeal shall be in writing, duly notarized, signed by the requesting party, and shall state the following:

- a. Date of receipt of the denial or the lapse of the relevant period to respond to the request;
- b. Copy of the notice of denial; and
- c. Additional information and/or supporting documents justifying the request or information, addressing the ground or grounds for denial and the circumstances on which the denial is based.

Sec. 21. Filing of the Appeal. The appeal must be filed by personal delivery or through registered mail, addressed to the Executive Director of the AMLC, at Room 507, EDPC Building, BSP Complex, Mabini St. Malate, Manila. The Executive Director shall immediately refer the appeal to the Central Appeals and Review Committee.

Sec. 22. Outright Denial of the Appeal. The appeal may be dismissed outright on the following grounds, among others:

- a. Filing of an appeal beyond fifteen (15) working days from receipt of the notice of denial or lapse of the relevant period; or
- b. Failure to include the necessary document/information required for the filing of an appeal.

Sec. 23. Decision on the Appeal. The appeal shall be decided by the Executive Director or his/her Officer-in-Charge upon the recommendation of the Central 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.

Sec. 24. Exhaustion of Administrative Remedy. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

V. ADMINISTRATIVE LIABILITY

Sec. 25. Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- a. 1st Offense – Reprimand;
- b. 2nd Offense – Suspension of one (1) to thirty (30) days; and
- c. 3rd Offense – Dismissal from the service.

Sec. 26. Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

Sec. 27. Provisions for More Stringent Laws, Rules, and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any body or agency, which provides for more stringent penalties.

VI. MISCELLANEOUS

Sec. 28. Anonymization or De-Identification. For requests made in the AMLC FOI Request Form, the FROs and FDM shall exercise reasonable diligence in protecting the personal information disclosed in the application form.

For requests made through the eFOI portal, the FROs shall advise the requesting parties to refrain from uploading or posting any ID, personal information or sensitive personal information in the individual request page of the eFOI portal. In case such information is needed, the requestor shall be directed to submit the additional information to the AMLC's official e-mail: secretariat@amlc.gov.ph, subject to the AMLC's rules on confidentiality.

Sec. 29. Legal and Regulatory Compliance. All legal and regulatory compliance matters shall be referred to the Counseling, Adjudication and Mutual Legal Assistance Unit.

Sec. 30. Effectivity. This Manual shall take effect immediately.

06 September 2023, Manila, Philippines.

FOR THE AMLC:

(original signed)
MATTHEW M. DAVID
Executive Director



Republic of the Philippines
ANTI-MONEY LAUNDERING COUNCIL

PORMULARYO NG KAHILINGAN (FOI)
FOI Request Form

TITULO NG DOKUMENTO / (Title of the Document):

MGA TAON/PANAHONG SAKLAW / (Year):

LAYUNIN / (Purpose):

PANGALAN / (Name): _____

CONTACT Nos. _____

LAGDA / (Signature): _____

PETSA / (Date): _____

TIRAHAN / (Address): _____

KATIBAYAN NG PAGKAKAKILANLAN/(Proof of Identity):

Passport No. _____

Driver's License No. _____

Other _____

PARAAN NG PAGTANGGAP NG IMPORMASYON (How would you like to receive the information?)

_____ (i.e. letter, email, fax, pick-up)

Gawaing itinalaga kay (Submitted to): _____

(Lumagda sa ibaba ng pangalang nakalimbag)

Petsa/Oras ng Pagkatalaga: (Date / Time of Submission): _____

Taong nagpapatunay ng Gawaing Natapos (Certified by): _____

Uri ng isinagawang aksiyon (Type of action conducted): _____

Iniskedyul ni / (Received by):

FOI Receiving Officer

Remarks:
