



Freedom of Information People's Manual

01 October 2018

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INTRODUCTION

On 23 July 2016, President Rodrigo Roa Duterte signed Executive Order 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**. Pursuant to Section 8 thereof, the Anti-Money Laundering Council issues this People’s Freedom of Information Manual which shall serve as a guide to the public for requests for information under EO No. 2.

This Manual shall set out the guidelines and procedures to be followed when a request for information is received by the Anti-Money Laundering Council (AMLC) or its Secretariat. The AMLC is responsible for all actions carried out under this Manual and delegates this responsibility to the Executive Director or the duly designated Officer-in-Charge (OIC) of the AMLC Secretariat.

I. FOI Officers of the AMLC Secretariat

Sec. 1. FOI Receiving Officer. There shall be an AMLC FOI Receiving Officer (FRO), who shall receive on behalf of the AMLC or its Secretariat, all requests for information. The FOI Receiving Officer shall hold office at:

AMLC Secretariat

Room 507, EDPC Building, BSP Complex, Mabini St. Malate, Manila

Tel Nos. (02) 7087066, (02) 7087701 local 2833

Fax No. (02) 7087909

secretariat@amlc.gov.ph

Sec. 2 FOI Decision Maker. There shall be an AMLC FOI Decision Maker (FDM) who shall have overall 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 Secretariat. 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 on the denial of such request.

II. PROCEDURE FOR REQUESTS FOR INFORMATION

Sec. 4. AMLC FOI Request for Information. (a) Any Filipino may request access to information on matters of public concern in the custody of the AMLC or its Secretariat, subject to certain conditions, by accomplishing the AMLC FOI Request Form (*See Annex “A”*). The

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

(b) The AMLC FOI Request for Information must comply with the following requirements:

- i. It must be in writing;
- ii. It shall state the true name and complete contact information of the requesting party, as well as provide a valid proof of identification or authorization; and
- iii. It shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

(c) The request can be made in person, through mail or through email, provided that the requesting party shall attach in the mail or email a copy of the AMLC FOI Request Form and a copy of a valid government issued identification document with photo.

(d) In case the requesting party is unable to make a written request, because of illiteracy or because he/she is a person with disability, he/she may make an oral request, and the FRO shall reduce it in writing.

(e) In case of proxy requests, the duly accomplished AMLC FOI Request Form 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.

(f) Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, Republic Act No. 9160, otherwise known as the Anti-Money Laundering Act of 2001 (AMLA), and amendments thereto; resolutions and issuances of the Anti-Money Laundering Council (AMLC) pursuant to its investigative, data-gathering, intelligence and prosecutorial functions; and other existing laws or jurisprudence.

Sec. 5. Receipt of Request for Information. (a) The FOI Receiving Officer (FRO) shall receive the AMLC FOI Request Form and check that the requirements provided under Section 4 hereof are complied with. The FRO may request for additional information for validation of the request and proof of identification of the requesting party and his/her representative.

(b) The request shall be stamped received indicating the date and time of the receipt of the written request, and the name, rank, title, position and signature of the public officer who actually received it. The requesting party shall be furnished the received copy. In case of email requests, the same shall be acknowledged by electronic mail, mentioning therein the details of the receiving officer as required above. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

Sec. 6. 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 and its Secretariat 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 fifteen (15) calendar days, the request shall be closed.

Sec. 7. Fees. The AMLC or its Secretariat shall not charge any fee for accepting requests for access to information. The AMLC and its Secretariat, however, may charge reasonable costs for the reproduction and copying of the information. 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. The schedule of fees shall be posted.

The AMLC or its Secretariat 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 process his/her entitlement to such waiver or reduction of fees.

Sec. 8. Period to Act. The AMLC or its Secretariat shall respond within fifteen (15) working days from the date of receipt of the request.

Sec. 9. Date of Receipt. The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- b. If the AMLC or its Secretariat has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
- c. Where the request has been emailed to an absent member of staff, and said staff has an 'out of office' reply with instructions to re-direct the message to another contact, the date of receipt will be the day the request is received by the other contact.

Sec. 10. 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. 11. Notice to the Requesting Party of the Approval/Denial of the Request. The FRO shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests shall pass through the Executive Director or his/her designated officer for final approval.

Sec. 12. Approval of Request. Within fifteen (15) days from receipt of the request, the FRO shall notify in writing the requesting party of the approval of the request together with a statement of costs, if any.

Sec. 13. 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. 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 Executive Director or to the designated officer.

Sec. 14. Grounds for Denial. The Request for Information shall be denied 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 or its Secretariat does not have the information requested;
- c. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- d. The information requested falls under the exceptions enshrined in the Constitution, existing laws, jurisprudence and in the list identified by the Office of the President;
- e. The information requested is part of intelligence-gathering functions of the AMLC and partner government agencies;
- f. The information requested pertains to the names and personal details of the investigators and lawyers of the AMLC Secretariat; or
- g. 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.

Sec. 15. Requested information is not in the custody of the AMLC or its Secretariat. If the requested information is not in the custody of the AMLC or its Secretariat, the FRO shall undertake the following steps:

- a. If the information/records requested are in the custody of another Agency, the request will be immediately referred to the appropriate Agency. The FRO shall,

within the 15-day period, inform the requesting party that the AMLC or its Secretariat does not have custody of the information requested, and that the request has been 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. 16. 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. 17. 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. 18. 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. 19. Filing of the Appeal. The appeal must be filed by personal delivery or through registered mail, addressed to the Executive Director of the AMLC Secretariat, at Room 507, EDCP Building, BSP Complex, Mabini St. Malate, Manila. The Executive Director shall immediately refer the appeal to the Central Appeals and Review Committee.

Sec. 20. 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. 21. *Decision on the Appeal.* The appeal shall be decided by the Executive Director 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. 22. *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. 23. *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. 24. *Procedure.* The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

Sec. 25. *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.

01 October 2018, Manila, Philippines.

MEL GEORGIE B. RACELA
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:
