FREEDOM OF INFORMATION (FOI) MANUAL

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</tbody>
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## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. RATIONALE</td>
<td>3</td>
</tr>
<tr>
<td>2. OBJECTIVES</td>
<td>3</td>
</tr>
<tr>
<td>3. OVERVIEW</td>
<td>3</td>
</tr>
<tr>
<td>4. STANDARD OPERATING PROCEDURES FOR FOI REQUEST</td>
<td>5</td>
</tr>
<tr>
<td>5. STANDARD SYSTEM FOR FOI REQUEST PROCESS AND TRACKING</td>
<td>9</td>
</tr>
<tr>
<td>6. PROTECTION OF PRIVACY</td>
<td>9</td>
</tr>
<tr>
<td>7. REMEDIAL PROCEDURES FOR DENIED REQUEST</td>
<td>9</td>
</tr>
<tr>
<td>8. FEES AND EXPENSES FOR PRODUCING REQUEST</td>
<td>10</td>
</tr>
<tr>
<td>9. ADMINISTRATIVE LIABILITIES</td>
<td>10</td>
</tr>
<tr>
<td>10. ACRONYMS AND DEFINITION OF TERMS</td>
<td>11</td>
</tr>
<tr>
<td>11. BASIC LIST OF DAIRY INFORMATION AND REMINDERS</td>
<td>14</td>
</tr>
<tr>
<td>12. ANNEXES</td>
<td>15</td>
</tr>
</tbody>
</table>

### SECTION 3. OVERVIEW
- Coverage
- FOI Receiving Officer (FRO)
- FOI Decision Maker (FDM)
- Appeals and Review Committee

### SECTION 4. STANDARD OPERATING PROCEDURES FOR FOI REQUEST
- FOI Requests Submission
- Preliminary Assessment and Initial Actions
- Transmittal from FRO to Decision Maker
- Role of Decision Maker
- Role of FOI Receiving Officer
- Response Time Extension
- Notifying the Requesting Party of the Decision
- Approval or Denial of FOI Request

### SECTION 12. ANNEXES
- Copy of Executive Order No. 2
- Decision Makers/FOI Receiving Officers CO and Regional Departments
- FOI Procedure Flow Chart
- List of Exceptions
- FOI Request Form
- Acknowledgment/Response Form
- Denial of Request Template

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1. **RATIONALE**

The NDA FOI Manual aims to present a clear process to guide and assist the officers and staff of the National Dairy Authority (NDA) including its Regional Offices, in handling requests for information received as described in Executive Order (E.O.) No. 2 on Freedom of Information (FOI) (Annex A). The NDA FOI Manual was done also in consonance with the Department of Agriculture’s FOI Manual.

2. **OBJECTIVES**

2.1. To present and set out the rules and procedures to be followed by officers and staff of the National Dairy Authority (NDA) including its Regional Offices, when a request for access to information is received.

2.2. To provide clear and easy to follow guidelines on how any requesting party will be able to request for information and better understanding on the step by step process on their request.

2.3. To properly inform the officers and staff of the National Dairy Authority (NDA) including its Regional Offices on the responsibilities of NDA Administrator, the Deputy Administrator and those that will be delegated as the Decision Maker (DM) and official FOI Receiving Officers and the defined members of the NDA Central FOI Appeals Committee.

3. **OVERVIEW**

3.1. **Coverage**

3.1.1. The manual shall cover the FOI request addressed to the National Dairy Authority and all its offices as follows:
   a. Central Office
   b. North Luzon Department
   c. South Luzon Department
   d. Central Visayas Department
   e. Western Visayas Department
   f. Northern Mindanao Department
   g. Southern Mindanao Department
   h. And other satellite or NDA related project offices.

3.1.2. The manual shall cover the Requesting Party's (RP) guidelines and courses of actions on how to proceed with their request for information.
3.1.3. Rules and procedures on how the officers and staff delegated to implement the procedures as stated in this FOI Manual.

3.2. **FOI Receiving Officer (FRO) (see Annex B)**

3.2.1. There shall be an FOI Receiving Officer (FRO) designated at the NDA Central Office. This shall be the Records Officer who holds office at the Record Section of NDA Central Office and/or Designated Information Officer.

3.2.2. There shall also be an FOI Receiving Officer (FRO) for all NDA Regional Departments.

3.2.3. The FROs shall be designated by a Special Order signed by the Administrator.

3.2.4. Preferably the FROs are the one who records, tracks and documents incoming and outgoing documents of the office or an Information Officer for the office.

3.2.5. The functions of the FRO shall include receiving on behalf of NDA or any of its Regional Offices all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile and document statistical information as required; and, conduct initial evaluation of the request and advise the requesting party on how to proceed. Inform requesting party if it will be forwarded to the Decision Maker for further evaluation. And deny request if the request form is not complete or if the requested information is already available in NDA's Official Website ([http://nda.da.gov.ph](http://nda.da.gov.ph)) or in other government websites such as the Department of Agriculture ([www.da.gov.ph](http://nda.da.gov.ph)) or from data.gov.ph and eFOI.gov.ph.

3.3. **FOI Decision Maker (FDM) (see Annex B)**

3.3.1. The FOI Decision Maker (FDM) shall be Administrator however, if he or she cannot perform this duty, the Deputy Administrator or designated Officer in Charge shall take over as FOI Decision Maker.

3.3.2. The Administrator can designate an Official FOI Decision Maker thru a Special Order, any officer of NDA with a rank of not lower than a Department Manager or its equivalent who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- NDA does not have the information requested;
- The requested information was not originally processed by NDA and was supplied by other external sources which NDA has no permission to redistribute.
- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- The information requested falls under the list of exceptions to FOI; or
- 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 by NDA.
3.3.3. **Appeals and Review Committee**

3.3.3.1. The Appeals and Review Committee shall be composed of the members of the Management Committee (ManCom). Any resolution for the grant or denial of the request for information should have been reviewed, analyzed and was agreed upon by at least a majority of the members of the ManCom. The Appeals and Review Committee shall give adept and professional counsel to the Administrator and/or DA Secretary for any approval or denial of the FOI Request or Administrative Appeal.

4. **THE STANDARD OPERATING PROCEDURES FOR FOI REQUESTS** (see Annex C. FOI Request Process Flow Chart)

4.1. **FOI Request Submission**

4.1.1. The FOI request for information can either be submitted physically or personally using specified forms or through email via email address: dairynda@pldtdsl.net or electronically through the NDA website. All FOI request should be in the prescribed form (Annex E).

4.1.2. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request shall state the name and contact information of the Requesting Party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (Annex E)
- If through email, the requesting party shall attach in the email a scanned copy of the FOI application request, and attached copy of a duly recognized government ID with photo and their scanned signature.

4.1.3. **Request Personally or Physically Submitted**, the request shall be stamped received by the NDA FRO, where in the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party are fully and properly indicated.

4.1.4. **Request thru email or via website**, the email request shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Record Book and allocate a reference number and indicate in the submitted form.
4.2. Preliminary Assessment and Initial Actions

4.2.1. The FRO after receipt of the request for information, shall determine and make some preliminary assessment the completeness of contents of the request form. Should the request have the following characteristics and conditions the FRO shall take note of it undertake the above mentioned recommended initial steps:

- If a request for information received requires to be fulfilled with and coordinated with the other Units, Regional Departments or Offices, the FRO shall forward such request to the said concerned unit’s FRO. The receiving FRO must inform the concerned FRO the information on the specific information that they need to provide.

- If the requested information is not originally processed by nor collected by NDA or any of its Departments or Units but was sourced from other government agencies, NDA have no permission to redistribute and;

- If the records requested refer to another agency the request will be immediately transferred to such appropriate agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the fifteen (15) working day limit. The fifteen (15) working day requirement for the other agency starts the day after it receives the request.

- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

- If the information being requested is already posted and publicly available in the website (nda.da.gov.ph), data.gov.ph or foi.gov.ph, the FRO must inform the requesting party of the said fact and provide them the website link where the information is posted.

- If the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. FRO shall inform the applicant of the reason of such denial.

4.2.2. The above mentioned conditions shall be coordinated and notified the FDM.
4.3. **Transmittal from FRO to Decision Maker**

4.3.1. After receipt of the request for information, the FRO shall make preliminary assessment of the information being requested, and notify the FDM of such request and initial findings. The copy of the request shall be forwarded to the FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM or staff who received the request in Record Book with the corresponding signature of acknowledgement of receipt of the request *(See Annex F)*. Within two (2) days NDA FRO shall coordinate with the RP if additional information and clarifications were requested by FDM.

4.4. **Role of NDA Decision Maker**

4.4.1. Upon receipt of the request for information from the FRO, the FDM shall assess and make clarifications on the request if necessary and this must be immediately conveyed to the FRO within the day it was received. If the FDM needs further details/clarifications to identify information or time extension to locate the information, he shall immediately notify the NDA FRO to coordinate with RP within two (2) days before FRO sends acknowledgement and initial response.

4.4.2. The FDM shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested must be submitted to the FRO within ten (10) days upon receipt of such request.

4.4.3. The NDA clarification letter shall stop the running of the fifteen (15) working day period upon transmittal to the RP and will begin again the day after NDA receives the required clarification from the requesting party.

4.4.4. If the FDM found out that a record contains information of interest to another office, the FDM shall consult with the agency concerned if NDA can disclose the records before making any final determination or release of any information.

4.4.5. If the FDM found that information falls under the list of exemptions *(See Annex D)* he shall make a written copy of his or her decision within ten (10) days to the FRO.
4.5. **Role of FOI Receiving Officer**

4.5.1. The FRO shall note the date and time of receipt of the information from the FDM or whenever additional details were required or extension of time to comply is requested by the NDA FDM. He or She shall compile, document, record, track all FOI Request or Appeals. NDA FRO shall also prepare reports of all FOI Request received, processed, appeals received and appeals processed when requested by the DM for periodic submission to the Administrator.

4.5.2. The FRO shall inform the requesting party of any notifications of findings, extension, setting forth the reasons for such notifications, extension as given by the NDA FDM within two (2) days upon receipt and also inform the requesting party when the fifteen (15) day count shall commence again when additional information were required by the NDA FDM using the response form *(see Annex F)*.

4.5.3. The FRO shall report to the Administrator or Deputy Administrator in case the submission of decision by the designated FDM is beyond the ten (10) day period.

4.5.4. Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the Administrator/designated head of NDA or offices concerned and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.

4.5.5. In case of receiving a decision of denial from the FDM for the FOI request the FRO shall inform the RP within fifteen (15) days using the NDA denial of request template *(see Annex G)*.

4.6. **Response Time Extension**

4.6.1. If the information requested requires extensive search of the NDA’s office records facilities, examination of voluminous records, the occurrence of such fortuitous events or other analogous cases, the FDM should inform the FRO shall make a request for an extension of time to comply with the request for information.

4.6.2. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

4.7. **Notifying the Requesting Party of the Decision**

4.7.1. Upon approval or denial of the FOI Request, the DM shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the Administrator or designated Officer in Charge for final approval.
4.8. **Approval or Denial of FOI Request**

4.8.1. **In case of approval**, the NDA FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

4.8.2. **In case of denial**, of the request wholly or partially, the NDA FRO shall, within the prescribed period, 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 Office of the Administrator or designated Officer in Charge.

5. **STANDARD SYSTEM FOR FOI REQUEST PROCESS AND TRACKING**

5.1. The NDA shall establishes a standard system of procedures for the documentation *(NDA-QP-02 Documents and Records Control Procedures)*, implementation and in handling requests for information received as described in Executive Order (E.O.) No. 2 on Freedom of Information. The NDA shall also create a system to trace the status of all requests for information received by it, the aforementioned systems may either be paper-based, electronic/on-line or both.

6. **PROTECTION OF PRIVACY**

6.1. The NDA may provide access to information however it shall afford full protection to a person's right to privacy, as follows:

- Ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- Protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of NDA, shall not disclose that information except as authorized by existing laws.
7. REMEDIAL MEASURES FOR DENIED REQUEST

7.1. Persons who have been denied of access to information may avail of the following remedial procedures:

- He or she can file an administrative FOI Appeal to the **NDA Central Appeals and Review Committee** however, the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be decided by the NDA Administrator or designated Officer in Charge upon the recommendation of the NDA Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the thirty (30)-day period shall be deemed a denial of the appeal;

- He or she can file an administrative FOI Appeal to the **Department of Agriculture’s (DA) Central Appeals and Review Committee** however, the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request by NDA. The appeal shall be decided by the Department Secretary 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;

- The denial of the Appeal by the **Department of Agriculture’s (DA) Secretary** or the lapse of the period to respond to the request may be appealed further to the Office of the President 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.

8. FEES AND EXPENSES FOR PRODUCING REQUEST

8.1. **No Request Fee** – The NDA shall not charge any fee for accepting requests for access to information.

8.2. The NDA can charge a reasonable fee to defray the cost of reproduction, transport, courier charges and copying of the information. NDA FRO shall immediately notify the requesting party in case there shall be a reproduction, courier charges and copying fee in order to provide the information. Such fee shall be the actual amount spent by NDA in providing the information to the requesting party. The schedule of fees shall be posted by the NDA.

8.3. **Fees Exemption** – The NDA may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.
9. **ADMINISTRATIVE LIABILITIES**

9.1. Failure to comply with the provisions of this FOI Manual shall be a ground for the following administrative penalties:
- 1st Offense - Reprimand;
- 2nd Offense - Suspension of one (1) to thirty (30) days; and
- 3rd Offense - Dismissal from the service.

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

9.3. Nothing in this FOI Manual shall be interpreted to deviate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

10. **ACRONYMS AND DEFINITION OF TERMS**

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

10.2. **eFOI.gov.ph** refers to the website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

10.3. **INFORMATION** shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts 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 like or 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.

10.4. **INFORMATION FOR DISCLOSURE** refers to information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, 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 to government websites, such as data.gov.ph, without need for written requests from the public.
10.5. **OFFICIAL RECORD/S** refers 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.

10.6. **OPEN DATA** refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

10.7. **PUBLIC RECORDS** refers to information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

10.8. **PUBLIC SERVICE CONTRACTOR** refers to a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

10.9. **PERSONAL INFORMATION** refers 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.

10.10. **SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

   - About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
   - 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;
   - 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
   - Specifically established by an executive order or an act of Congress to be kept classified.

10.11. **ADMINISTRATIVE FOI APPEAL** refers to an independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.

10.12. **ANNUAL FOI REPORT** refers to a report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

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10.13. **CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”

10.14. **EXCEPTIONS** refers to an information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence.

10.15. **FREEDOM OF INFORMATION (FOI)** refers to the Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

10.16. **FOI CONTACT** refers to the name, address and phone number at each government office where you can make a FOI request.

10.17. **FOI REQUEST** refers to a written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

10.18. **FOI RECEIVING OFFICE** refers to the primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

10.19. **FREQUENTLY REQUESTED INFORMATION** refers to an information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

10.20. **FULL DENIAL.** When NDA or any of its office cannot release any records in response to a FOI request, because the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located and other lawful reasons for non-disclosure.

10.21. **FULL GRANT.** When a government office is able to disclose all records in full in response to a FOI request.

10.22. **MULTI-TRACK PROCESSING** refers to a system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests
granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

10.23. **PARTIAL GRANT/PARTIAL DENIAL.** When a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

10.24. **PENDING REQUEST OR PENDING APPEAL** refers to a FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

10.25. **PERFECTED REQUEST** refers to a FOI request which reasonably describes the records, sought and is made in accordance with the government office’s regulations.

10.26. **PROACTIVE Disclosure** refers to an information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

10.27. **PROCESSED REQUEST OR PROCESSED APPEAL** refers to the number of requests or appeals where the agency has completed its work and sent a final response to the requester.

10.28. **RECEIVED REQUEST OR RECEIVED APPEAL** refers to a FOI request or administrative appeal that an agency has received within a fiscal year.

10.29. **REFERRAL.** When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral.”

10.30. **SIMPLE REQUEST** refers to a FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.
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11. BASIC LIST OF DAIRY INFORMATION AND REMINDERS

11.1. Basic Dairy Data and Information

11.1.1. The basic data and information about the local dairy and dairy related data including the dairy situationers can be found in our website by clicking on the INDUSTRY DATA on the top navigational menu.

11.1.2. The section contains the following:
- Philupdates
- Comparative Data
- Imports
- Tariffs
- Imports Sources
- Exports
- Export Destination
- Milk Production Distribution
- List of Importers
- List of Exporters
- Farmers Directory
- Dairy Performance
- Dairy Updates

11.2. Reminders for FOI Requesting Party/Researchers

- All basic information about NDA are disclosed at the NDA Website http://nda.da.gov.ph with search facility conveniently placed on the top right corner of each page.
- You may use Google search engine as it captures most of the keywords within our website.
- Information not available in the website can be formally requested following this NDA-FOI Manual Procedures.
- You can utilize the online FOI Request Submission Module available in our website’s front page.

12. ANNEXES

12.1. Executive Order No. 2
12.2. Decision Makers/FOI Receiving Officers CO and Regional Departments
12.3. FOI Procedure Flow Chart
12.4. List of Exceptions
ANNEX A. EXECUTIVE ORDER NO. 2

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its Implementing Rules and Regulations, strengthens the fundamental human right of privacy and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

THE PRESIDENT OF THE PHILIPPINES
SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

(a) “Information” shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer-stored data, or any other like or 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.

(b) “Official record/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.

(c) “Public record/records” shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined to observe and be guided by this Order.

SECTION 3. Access to Information. Every Filipino shall have access to information, official records, public records, and documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter immediately circulate the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as
the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to an individual’s right to privacy as follows:

(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control 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 laws, rules or regulations;

(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested to vilification, harassment, or any other wrongful acts; and

(c) Any employee or official of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office must not disclose that information except when authorized under this Order or pursuant to existing laws, rules or regulations.

SECTION 8. People’s Freedom of Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its
own People's FOI Manual, which shall include, among others, the following information:

(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
(b) The person or officer responsible for receiving requests for information;
(c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
(d) The standard forms for the submission of requests and for the proper acknowledgment of such requests;
(e) The process for the disposition of requests;
(f) The procedure for administrative appeal of any denial of request for access to information; and
(g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests for access to information:

(a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations, or it is one of the exceptions contained in the inventory of exceptions as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, particularly those with special needs, to comply with the request requirements under this Section.

(c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title or position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with the requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office’s records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases. The government office shall
notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, unless exceptional circumstances warrant a longer period.

(f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information requested, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, 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 for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

(a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

(b) The appeal shall be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

(c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a
records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly. Provided, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.

By the President:

SALVADOR C. MEDIALDEA
Executive Secretary

CERTIFIED COPY:

MARIANITO M. DIMANDEL
DIRECTOR IV

REPUBLIC OF THE PHILIPPINES

PHD 2016 - 000156
## Decision Makers (DM)

<table>
<thead>
<tr>
<th>Name of Office</th>
<th>Location of Office</th>
<th>FDM Contact Details</th>
<th>FDM or Designated FDM</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Dairy Authority (NDA) Central Office</td>
<td>NDA Building, BAI Compound, Visayas Avenue, Diliman, Q.C</td>
<td>Phone: (632) 926-0733 <a href="mailto:mbm_dairy@yahoo.com.ph">mbm_dairy@yahoo.com.ph</a></td>
<td>Marilyn B. Mabale Administrator</td>
</tr>
<tr>
<td>NDA North Luzon Department</td>
<td>33 Le Pook Hulo, Loma de Gato, Marilao, Bulacan</td>
<td><a href="mailto:crgimeno@nda.da.gov.ph">crgimeno@nda.da.gov.ph</a></td>
<td>Dr. Charito R. Gimeno OIC Manager</td>
</tr>
<tr>
<td>NDA South Luzon Department</td>
<td>Brgy. San Carlos, Lipa City, Batangas</td>
<td><a href="mailto:gllagamayo@nda.da.gov.ph">gllagamayo@nda.da.gov.ph</a></td>
<td>Dr. Gabriel L. Lagamayo OIC Manager</td>
</tr>
<tr>
<td>NDA Central/Western Visayas Department</td>
<td>Dept of Agriculture Mandaue Experimental Station Compound, Manguikay, Mandaue City</td>
<td>Phone: (032) 520-7125 / (032) 345-3612 <a href="mailto:ndavisayas@yahoo.com">ndavisayas@yahoo.com</a></td>
<td>Monina G. Mangubat OIC Manager</td>
</tr>
<tr>
<td>NDA Northern Mindanao Department</td>
<td>2nd Floor Door 206, Waterside Living Complex Bldg. Julio Pacana St., Licoan, Cagayan de Oro City</td>
<td>Phone: 088 – 855-1166 <a href="mailto:nda_mio@yahoo.com">nda_mio@yahoo.com</a></td>
<td>Roy Antonio P. Hojas OIC Manager</td>
</tr>
<tr>
<td>NDA Southern Mindanao Department</td>
<td>Mindanao Science and Technology Centrum Bldg. Bago Oshiro, Tugbok, Davao City</td>
<td>Phone: 082-295-0147 <a href="mailto:ndasmddepartment@yahoo.com.ph">ndasmddepartment@yahoo.com.ph</a></td>
<td>Marlon C. Flores OIC Manager</td>
</tr>
</tbody>
</table>

## FOI Receiving Officers (FRO)

<table>
<thead>
<tr>
<th>Name of Office</th>
<th>Location of Office</th>
<th>FOI Contact Details</th>
<th>Designated FOI Receiving Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Dairy Authority (NDA) Central Office</td>
<td>NDA Building, BAI Compound, Visayas Avenue, Diliman, Q.C</td>
<td>Phone: (632) 926-0733 <a href="mailto:karenjoymanalo@yahoo.com">karenjoymanalo@yahoo.com</a> <a href="mailto:dairynda@pldt.net">dairynda@pldt.net</a></td>
<td>Karen Joy U. Manalo Information Officer Florelin R. Arao Records Officer</td>
</tr>
<tr>
<td>NDA North Luzon Department</td>
<td>33 Le Pook Hulo, Loma de Gato, Marilao, Bulacan</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>NDA South Luzon Department</td>
<td>Brgy. San Carlos, Lipa City, Batangas</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>NDA Central/Western Visayas Department</td>
<td>Dept of Agriculture Mandaue Experimental Station Compound, Manguikay, Mandaue City, Cebu</td>
<td>Phone: (032) 520-7125 / (032) 345-3612 Email: <a href="mailto:ndavisayas@yahoo.com">ndavisayas@yahoo.com</a></td>
<td>*</td>
</tr>
<tr>
<td>NDA Northern Mindanao Department</td>
<td>2nd Floor Door 206, Waterside Living Complex Bldg. Julio Pacana St., Licoan, Cagayan de Oro City</td>
<td>Phone: 088 – 855-1166 Email: <a href="mailto:nda_mio@yahoo.com">nda_mio@yahoo.com</a></td>
<td>*</td>
</tr>
<tr>
<td>NDA Southern Mindanao Department</td>
<td>Mindanao Science and Technology Centrum Bldg. Bago Oshiro, Tugbok, Davao City</td>
<td>Phone: 082-295-0147 <a href="mailto:ndasmddepartment@yahoo.com.ph">ndasmddepartment@yahoo.com.ph</a></td>
<td>*</td>
</tr>
</tbody>
</table>
C. NDA FOI REQUEST PROCESS FLOW CHART

1. SUBMITS REQUEST WRITTEN EMAIL / VIA WEBSITE USING OFFICIAL FORM
2. For Initial Assessment of Information / Records Documentation / Tracking
3. TRANSMITTAL OF REQUESTS / APPEALS
4. DM immediately informs FRO if more time is needed or needs clarifications. FRO prepares response to RP
5. 15 working days
6. Acknowledgement Receipt / Coordinate clarifications w/in 2 days after receiving of FOI REQUEST
7. SUBMITS APPEAL W/IN 15 DAYS UPON RECEIPT OF DECISION
8. Decision
9. Informs RP within 15 working days
10. W/IN 30 DAYS
11. For Assessment of Request / Preparation of Info / Records / Reproduction
12. NDA CENTRAL APPEALS COMMITTEE (MANCOM)
13. DECISION ON RP APPEAL

*For Confirmation and designation with a Special Order.
ANNEX D. LISTS OF EXCEPTIONS

The following are the exceptions to the right of access to information, as recognized by the constitution, existing laws, or jurisprudence:

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.
# ANNEX E. NDA FOI REQUEST FORM

**NDA FOI REQUEST FORM**

**Reference No.:**  
(To be numbered by RECEIVING OFFICER)

**Date of Request:**  

**Requested Information:**

(Attached list and other details if necessary)

**Purpose of Request:**

<table>
<thead>
<tr>
<th>Name of Requesting Party:</th>
<th>Signature:</th>
<th>Home Address:</th>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Contact Number/s:</th>
<th>Email Address:</th>
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</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Office / Organization Name:</th>
<th>Office / Organization Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Proof of Identity:**  
(Attach Xerox Copy)

- [ ] Passport
- [ ] Government ID  
  (SSS, GSIS, PhilHealth, Pag-Ibig)
- [ ] Driver's License
- [ ] Others

**How would you like to receive the information?**

- [ ] Email
- [ ] Fax
- [ ] Courier Service (Indicate Preferred Provider)

**To be filled up by RECEIVING OFFICER**

- FOI Request Submitted to:  
  Printed Name/Signature of Receiving Officer

- Initial Assessment:  
  [ ] Deny  
  [ ] Incomplete  
  [ ] Available at Website  
  [ ] For Action by DM  
  Others:

**To be filled up by the office the DECISION MAKER**

- Submitted for Action to:  
  Printed Name/Signature of Decision Maker (or His Authorized Personnel)

- Actions Taken:  
  [ ] Returned to PRO for Clarifications  
  [ ] For Info Collation  
  [ ] For Determination of Decision

- Remarks/Clarifications:

**Right Thumb Mark**

(If can't sign or illiterate)

**Home Address**  
(If not charged for Courier Service)

**Pick Up (Office Hours)**

---

*Any external disclosure is prohibited without written approval of the Management Representative. Document Control Procedures apply.*
Dear [Name],

A Pleasant Day To You!

Date: ________________

We are happy to acknowledge receipt of your request for information
dated __________ Date Received: __________ and with Reference No.: __________.

Under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

YOUR REQUEST

You requested for __________________________.( □ as per attached details )

NDA’S INITIAL RESPONSE TO YOUR REQUEST

The information requested will undergo further assessment and response will be sent by (_____Date____) via

☐ Email  ☐ Fax  ☐ Home Address  ☐ Pick Up  ☐ Courier as you have indicated.

☐ NDA’S REQUEST BEFORE OUR DECISION ON YOUR REQUEST

☐ We need further ☐ extension/clarifications on the following:
  <Indicated below are detailed information needed for clarification or reasons for extension and additional days to be able to respond.>

The 15-day count to respond to your request will commence the day after the date we receive the additional details and your answers to our clarifications.

☐ NDA’S FINDINGS

☐ Some  ☐ Most  ☐ All : of the information you have requested is already available online:
  <Add details of where that specific information can be obtained e.g. data.gov.ph, foi.gov.ph or other government websites>

Note:

If you are unhappy with this response to your FOI request, you may appeal to carry out an internal review of the response, by writing to the NDA Central Appeals Committee or members of the NDA Management Committee.

Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 calendar days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Office of the Secretary of Agriculture or further more to the President under Administrative Order No. 22 (s. 2011).

Respectfully,

PRINT NAME & SIGN

REMARKS:

NDA RECEIVING OFFICER (NDA FRO)
ANNEX G. NDA DENIAL OF REQUEST TEMPLATE

Dear __________, Date: __________

Greeting!

This is NDA’s response per acknowledgement receipt of your request for information Dated: _________ Date Received: __________ and with Reference No.: __________

Under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

-----------------------------------------------------------------------------------------------------------------------------

YOUR REQUEST

You requested for ______________________.(☐ as per attached details )

NDA’s RESPONSE AND DECISION ON YOUR REQUEST

We regret to inform you that your request as per assessment of our office was denied due to:

☐ NDA have no custody of information requested.
☐ NDA has no permission to redistribute the information. (Referral to original owner of information)
☐ Data restriction under Data Privacy Act of 2012.
☐ Information requested falls under the list of exceptions to FOI.
☐ Request has already been previously granted.
☐ Request has already been previously denied.

Explanations:
__________________________________________________________________________________________________________________________________________

(Add additional page for explanations if needed)

If you are unhappy with this response to your FOI request, you may appeal to carry out an internal review of the response, by writing to the NDA Central Appeals Committee or members of the NDA Management Committee.

Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the Secretary of Agriculture or further more to the President under Administrative Order No. 22 (s. 2011).

Thank you,

Respectfully,

NDA FOI RECEIVING OFFICER (NDA FRO)