



ASSESSING INFORMATION DISCLOSURE PRACTICES FOR FOI COMPLIANCE



(AID-FOI TOOL)



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The AID-FOI Tool was developed by Michael P. Canares of Step Up Consulting Services in partnership with the Philippine Government's FOI Project Management Office. Hivos supported the development and implementation of this tool.

The AID-FOI Tool is part of the outputs of the *Increasing People's Access to Public Contracting Information Through the FOI Program*. For more details about this project, please visit <https://foi-research.com/>.

MESSAGE

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Regular conduct of self-assessments can help agencies refine their implementation of the Freedom of Information (FOI) Program. The PCOO, through its FOI-Project Management Office (FOI-PMO), as the lead agency in the implementation of Executive Order No. 2, s. 2016 or the FOI Program, launched the Assessing Information Disclosure Practices for FOI (AID-FOI) Compliance Tool.

This Tool was developed by Step Up Consulting in December 2018 with funding support from HIVOS. The AID-FOI Tool is a survey to be accomplished by FOI Receiving Officers (FROs) to determine the capacity and performance of agencies and assess how conditions within an agency contribute to the level of effectiveness of FOI mechanisms. It also assesses whether the agency possesses the critical elements that will enable it to perform proactive disclosure of open agency data.

For purposes of the assessment, AID-FOI Tool heavily draws from the work of the Carter Center's Rule of Law Program that specifies a set of indicators to assess FOI implementation. These indicators revolve around the following key essential components: Leadership, Rules, Systems, Resources, and Monitoring.

During several FROs Hangouts and Consultations conducted by the FOI-PMO, agencies have done self-assessment using this Tool. They reviewed their

workflows, FOI report data, structure, and monitoring systems. By examining their procedures, practices and results, agencies can improve their FOI administration, for instance, streamlining request processing, identifying new ways to use technology, and increasing proactive disclosures.

Agencies may also self-assess to identify any areas for improvement or to evaluate the effectiveness of recent organizational or procedural changes. The Tool uses an evidence-based approach to help agencies objectively and meaningfully evaluate their performance. Assessing based on available evidence helps agencies more easily identify gaps and track progress when implementing improvements.

We encourage all agencies under the Executive Branch to conduct self-assessment using the AID-FOI Tool, to review and further enrich their FOI Program implementation. We welcome feedback on how to make it more useful. The FOI-PMO, together with Step Up Consulting, plans to add or modify key indicators/elements over time as agencies use the Tool and provide feedback. By continuing to self-assess and implement improvements, agencies can further refine their administration of the FOI Program.

ATTY. KRISTIAN R. ABLAN

Assistant Secretary and FOI Program Director

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INTRODUCTION

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In July 2016, the President of the Philippines signed Executive Order (EO) Number 2, providing increased access to government information. The order allows individuals to submit Freedom of Information (FOI) requests to the executive branch. Statistics from December 17, 2018 show that 4,157 had used the FOI portal which is managed through a program team housed under the Presidential Communications Operations Office (PCOO).

The Freedom of Information (FOI) mandate was cascaded to local government units in 2018 when the Department of Interior and Local Government (DILG) and the PCOO issued a Joint Memorandum Circular encouraging local government units to enact local FOI ordinances.

While significant efforts have been made by the FOI Project Management Office (FOI-PMO) to promote the FOI EO and the responsibility of agencies to comply, very few people have used the measure to seek for information, as indicated in the low number of portal users. At the same time, few agencies have been actively responding to information requests despite FOI compliance being a requirement

for agencies' eligibility for performance-based bonuses. As of December 2018, only 34% of 939 agencies covered had submitted data inventories, 49% had submitted FOI manuals showing operationalization of the EO at the agency level, while 33% had submitted FOI summary reports with the number of requests received and responded to. It should be noted, however, that much of the non-compliance is from local water districts which constitute 55% of the agencies covered by the EO.

Among national government agencies, 100% were able to comply with the preparation of FOI manuals, 75% were able to submit data inventories, and 72% submitted FOI summary reports. The Philippine Statistics Authority was the agency with the greatest number of requests, followed by key service delivery agencies like the Department of Health (2nd place), the Department of Public Works and Highways (5th place), and the Department of Education (7th place). Others with large numbers of requests include the Department of Transportation (3rd place), the Department of Budget and Management (4th place), and the DILG (6th place). Interestingly, legal documents, including contracts, topped the list of the most frequently requested information in 2018. Statistics data/research data ranked second.

The Philippine government recognizes that the key to improving the responsiveness of agencies to information requests through the FOI mechanism is the proper functioning of their data management systems, which depend on the skills of agency workers, the quality of data leadership, and the processes and systems that ensure data availability. To support this improvement, this Assessing Information Disclosure practices for FOI (AID-FOI) Tool is designed to determine the how well agencies are able to comply with the FOI regulation and their ability to respond to information requests. The results of this tool can be used by the FOI-PMO and by relevant national agencies of the Philippine Government to formulate a strategy to improve capacity and performance of the government agencies in information disclosure.

This document contains the first version of the AID-FOI Tool. This was developed by Step Up Consulting as part of the “Increasing people’s access to procurement information through the FOI program”, a research project by Step Up Consulting and funded by HIVOS.

THE AID-FOI TOOL

THE AID-FOI TOOL



Fundamental Basis

The AID-FOI Tool assesses whether the conditions within an agency are appropriate for FOI mechanisms to be effective. It assesses whether the agency possesses the critical elements that will enable it to perform proactive disclosure of agency data. For purposes of the assessment, the AID-FOI Tool draws heavily from the work of the Carter Center's Rule of Law Program that specifies a set of indicators to assess FOI implementation. These indicators revolve around the following essential components¹:

i) Leadership

The success of FOI programs is influenced by the commitment of agency leaders in ensuring that necessary systems, processes, and resources are in place for the FOI mechanism to work. Without the support of high-level leadership, an FOI mechanism will have limited success in providing citizens with their information needs.

¹ The discussion of the key components is based on Carter Center's methodological note in implementing the FOI Implementation Tool. For more discussion, please see <https://www.cartercenter.org/peace/ati/IAT/index.html>

ii) Rules

Rules and regulations ensure that standard ways of working are followed in the process of handling and responding to information requests. Rules provide clear guidance on what is needed to be done while at the same time preventing inefficiencies and failures from taking place. Without clear rules and regulations, along with specific accountabilities, the FOI program will likely fail.

iii) Systems

Systems are the set of formal and informal processes that enable the agency to function. Access to information requires different systems and processes – from how requests are entertained to how they are responded to. Systems are the operationalization of rules and regulations.

iv) Resources

Resources make possible the functioning of FOI systems. Trained personnel makes the processing of requests efficient and effective. Equipment and technology make possible the timely and relevant response to information requests. Without resources, FOI processes will not work.

v) Monitoring

Monitoring the implementation of rules and regulations, the functioning of systems, and the application of appropriate resources is critical to ensure that the FOI mechanism is achieving its desired objectives. Monitoring also provides the necessary information for systems improvement and decision-making.

THE AID-FOI QUESTIONNAIRE

THE AID-FOI QUESTIONNAIRE

Element 1: Leadership

Indicator 1: Level of commitment of agency leaders to institutionalize FOI within the agency.

	Always	Sometimes	Rarely	Never	Not Applicable
Agency leaders (top or middle managers) provide guidance to the team implementing the FOI (e.g. attending meetings of the FOI team, responding to their questions, issuing directives to support FOI implementation within the agency).					

	Always	Sometimes	Rarely	Never	Not Applicable
Agency leaders (top or middle managers) provide resources for successful FOI implementation (e.g. annual financial budget, people to implement FOI, necessary equipment).					
Agency leaders (top or middle managers) provide timely decisions on FOI matters (e.g. approval of requests, directives to personnel for compliance).					
Agency leaders (top or middle managers) provide motivation to the FOI implementation team in the agency to encourage successful FOI implementation (e.g. giving encouragement or recognizing the FOI team's work).					
Agency leaders (with authority regarding agency policy) actively participate in the crafting of the agency's FOI guidelines.					
Agency leaders (with authority regarding agency policy) reviews compliance to FOI guidelines.					

	Always	Sometimes	Rarely	Never	Not Applicable
Agency leaders (with authority regarding agency policy) initiates a review of agency policy when certain inefficiencies are observed.					
Comments					
Means of Verification (e.g. minutes of meetings, agency budget, interoffice communication, policy pronouncements)					

Element 2: Strategic and Policy Framework, Guidelines and Procedures

Indicator 2: Presence of whole-of-agency policy, strategy, guidelines and procedures regarding FOI implementation.

	Yes	No	NA	Comments
The agency's strategic plan includes provisions related to FOI implementation (e.g. transparency, access to information).				
The agency has issued specific guidelines for FOI (e.g. FOI manual).				
The agency FOI guidelines are accessible to all in digital format and downloadable from the agency's website.				
The agency FOI guidelines are accessible to all in hardcopy and available to citizens.				
The agency FOI guidelines have very specific provisions on:				
a. How FOI will be implemented				
b. Who is responsible for its implementation				
c. How citizens can request information				
d. How long requests can be processed				
e. How citizens can complain if their request is not responded to				
The agency policy has been disseminated to all officials within the agency.				
Agency employees handling data and information are all oriented with how the agency policy works.				

	Yes	No	NA	Comments
The agency has disseminated the FOI policy to all its customers/constituents.				
The agency has proactively informed all its customers/constituents about the policy.				
The agency has written guidelines for receiving FOI requests, including				
a. Determining what constitutes a request				
b. Providing acknowledgment of receipt				
c. Assisting the requester				
The agency has written guidelines for processing requests, including:				
a. Coordination within the agency in responding to the request				
b. Timeframes				
c. Cost determination				
d. Fee collection (when applicable)				
e. Transfer of request from one office in the agency to another (when applicable)				
f. Transfer of request to another agency (when applicable)				
The agency has written guidelines for responding to requests (e.g. granting or denying), including:				
a. Process for determining release of information				
b. Means for providing the requested information				

	Yes	No	NA	Comments
c. Means for providing notice of denial				
d. Reason for denial of information requested				
The agency has written procedures for logging in and tracking requests and responses, including:				
a. Updating the log/tracker to keep it current				
b. Tracking a request in one central recording system				
c. Detailing the request from submission to processing to resolution, including transfers and internal reviews				
The agency has written guidelines for the internal review of FOI requests, including:				
a. Receiving requests for review				
b. Reviewing agency's rationale for initial decisions				
c. Issuing findings and decisions				
The agency has written procedures on processing requests, including:				
a. Identifying who in the agency holds the information				
b. Searching and finding information				
c. Determining release				
d. Deciding on redactions				
e. Deciding on denials				

	Yes	No	NA	Comments
The agency has written procedures in transferring requests to other agencies, including:				
a. Identifying the correct agency				
b. Transferring the requests				
c. Providing notice of transfer to the requester				
The agency has written procedures for issuing and servicing responses, including:				
a. Provision of requested documents				
b. Notice and collection of fees where applicable				
c. Sending notices of denial				
d. Sending notices of the requester's right to appeal				
The agency has written procedures in capturing the following information				
a. Number of requests				
b. Number of transfers				
c. Number of denials				
d. Reasons for denial				
e. Number of days to respond to requests				
The agency has written procedures on proactive disclosure (i.e. not just responding to FOI requests but providing information to citizens on a regular basis), including:				
a. Identifying and listing documents that will be proactively disclosed				

	Yes	No	NA	Comments
b. How the documents will be disclosed (e.g. website, notice boards)				
c. Regularity in the disclosure of the data				
d. Format of the document when disclosed (e.g. PDF, MS Word, spreadsheet)				
e. People responsible for the disclosure process				
f. Publishing information that is frequently requested through the FOI channel				
The agency has record management policy in dealing with paper-based information.				
The agency has record management policy in dealing with digital information.				
The agency has written guidelines in record management (regardless of format), including:				
a. Creating records				
b. Organizing records				
c. Storing records/preserving records				
d. Retaining records				
e. Securing records				
f. Retrieving records				
g. Accessing records				
The agency has written guidelines in records security, including:				
a. Determining classification				

	Yes	No	NA	Comments
b. Internal access to classified documents				
c. Transmission of classified documents				
d. Creation of index or other forms of identifying classified documents				
The agency has written guidelines and procedures in managing paper records, including:				
a. Creation				
b. Records organization				
c. Inventory				
d. Indexing and logging				
e. Access permission				
f. Retention and disposal				
The agency has written guidelines and procedures in managing digital records, including:				
a. Creation				
b. Records organization				
c. Inventory				
d. Indexing and logging				
e. Access permission				
f. Retention and disposal				
The agency's data management system is decentralized.				
Access to the agency's data is available for everyone working in the organization.				

Means of Verification

Note: (In the comments column, indicate how this policy, procedure or guideline, has been implemented, the reasons for your answer, or a further explanation).

Element 3: Structure, Systems, and Resources

Indicator 3: Presence and functioning of structures and systems to ensure effectiveness and efficiency of FOI implementation.

	Yes	No	NA	Comments
One or more agency official has been appointed to handle FOI implementation.				
One or more agency official has been informally tasked to handle FOI implementation.				
The agency officials handling FOI implementation are also doing other functions besides ensuring the effectiveness and efficiency of FOI implementation.				
The agency officials handling FOI implementation have the authority and mandate to perform their functions.				
The names of agency officials tasked to handle FOI implementation are made known to the public.				

	Yes	No	NA	Comments
The agency official/s tasked to handle FOI implementation has/have				
a. The time required to fulfill his/her function				
b. The staff needed to fulfill his/her function				
c. The financial resources needed to fulfill his/her function				
The official/s tasked to handle FOI implementation received specialized training on FOI and access to information to effectively do his/her job.				
All agency employees are oriented about the FOI policy and their roles in its implementation.				
All agency employees receive regular information about the progress of FOI implementation within the agency.				
The agency has training materials related to the agency's FOI guidelines, procedures and processes and these are made available to all employees.				
Agency official/s tasked to handle FOI implementation has/have regular access to:				
a. Computers				
b. Stable internet connection				
c. Scanners				
d. Photocopiers				
The agency has created a physical space where citizens can make written FOI requests.				

	Yes	No	NA	Comments
The agency has created an online space where citizens can make online FOI requests.				
One or more agency official has been appointed to handle proactive disclosure of information.				
One or more agency official has been informally tasked to handle proactive disclosure of information.				
The agency officials handling proactive disclosure functions are also doing other functions besides ensuring the effectiveness and efficiency of proactive disclosure mechanisms.				
The agency officials handling proactive disclosure functions have the authority and mandate to perform their functions.				
The agency official/s tasked to handle proactive disclosure functions has/ have:				
a. The time required to fulfill his/her function				
b. The staff needed to fulfill his/her function				
c. The financial resources needed to fulfill his/her function				
The official/s tasked to handle proactive disclosure functions received specialized training on open data and proactive disclosure principles to do his/her job.				

	Yes	No	NA	Comments
Agency official/s tasked to handle proactive disclosure functions has/have regular access to:				
a. Computers				
b. Stable internet connection				
c. Scanners				
d. Photocopiers				
One or more agency official has been appointed to handle records management.				
The agency official/s tasked to handle records management has/have:				
a. The time required to fulfill his/her function				
b. The staff needed to fulfill his/her function				
c. The financial resources needed to fulfill his/her function				
Agency official/s tasked to handle records management has/have regular access to:				
a. Computers				
b. Stable internet connection				
c. Scanners				
d. Photocopiers				
The official/s tasked to handle records management received specialized training on records management to do his/her job effectively.				
The agency has created/maintained a physical space and facilities for storing paper records.				

The agency has created/maintained space and facilities for storing digital records.				
Means of Verification				
Note: (In the comments column, indicate how this policy, procedure or guideline, has been implemented, the reasons for your answer, or a further explanation).				

Element 4: Monitoring

Indicator 4: Presence and functioning of monitoring systems for FOI implementation.

	Always	Sometimes	Rarely	Never	Not Applicable
The agency monitors its FOI functions and duties.					
The agency issues FOI implementation reports on a regular basis.					
The agency's internal audit department includes FOI functioning as part of its auditable areas.					
The agency reviews the performance of the personnel assigned to handle FOI implementation to determine how they perform their tasks and functions.					

	Always	Sometimes	Rarely	Never	Not Applicable		
The agency captures statistics on FOI implementation and discloses this to the public.							
The agency captures statistics on proactive disclosure implementation and makes this available to the public.							
The agency monitors its proactive disclosure practices.							
The agency monitors its records management functions and practices.							
	Yes	No	Not Applicable	Comments			
One or more agency official has been appointed to oversee and monitor FOI implementation.							
Comments							
Means of Verification (e.g. minutes of meetings, agency budget, interoffice communication, policy pronouncements)							
Note: (In the comments column, indicate how this policy, procedure or guideline, has been implemented, the reasons for your answer, or a further explanation).							

