



REPUBLIC OF THE PHILIPPINES

NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY

OFFICE CIRCULAR NO. 06-2016
November 25, 2016

TO : ALL CONCERNED

SUBJECT : **NEDA FREEDOM OF INFORMATION GUIDELINES**

In line with Executive Order No. 2, s. of 2016, “Operationalizing in the Executive Branch 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”, Office Circular No. 02-2015 dated February 17, 2015 is hereby amended to define the balance between the need to grant the public maximum access to documents of public interest in the possession of NEDA and the agency’s obligation to ensure the accuracy and integrity of the documents, safeguard the deliberative process and promptly respond to request without hampering normal operations. In this regard, this guidelines is being issued for guidance of all NEDA Staffs and Offices.

TITLE I—GENERAL PROVISIONS

1. **LEGAL BASES.** This Guidelines is based on the following laws, rules and regulations:

1.1. THE 1987 PHILIPPINE CONSTITUTION

- 1.1.1. Article III, Section 7. The State guarantees the right of the people to information on matters of public concern.
- 1.1.2. Article II, Section 28. The State adopts the policy of full public disclosure of all its transactions involving public interest.

- 1.2. REPUBLIC ACT NO. 6713** or the Code of Conduct and Ethical Standards for Public Officials and Employees.

- 1.3. MEMORANDUM CIRCULAR NO. 78, SERIES OF 1964**, as amended by Memorandum Circular No. 196, series of 1968, providing for rules governing security of classified matters in government offices.

- 1.4. EXECUTIVE ORDER NO. 608, SERIES OF 2007** and its implementing rules and regulations, establishing a national security clearance system for government personnel with access to classified matters and for other purposes.

- 1.5. **EXECUTIVE ORDER NO. 2, SERIES OF 2016**, “Operationalizing in the Executive Branch 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.”
2. **RATIONALE.** NEDA provides the strategic directions to guide the government, the private sector and the civil society in crafting development policies to attain sustainable economic growth with equitable distribution of wealth. In the performance of this mandate, it is imperative that complete, timely, transparent, consistent and credible documents are provided and shared to the public.
3. **GUIDING PRINCIPLES.** This Guidelines adheres to the following principles:
 - 3.1. **MAXIMUM DISCLOSURE.** Documents issued by and under the custody of NEDA shall be disclosed to the public, as applicable or upon request, subject to exceptions and/or limitations recognized by existing laws and jurisprudence to override risk of harm to a legitimate interest.
 - 3.2. **CATEGORICAL SCOPE/LIST OF EXCEPTIONS.** The exceptions to access shall be clearly and categorically stated, particularly for documents regularly requested by the public.
 - 3.3. **SAFEGUARD THE DELIBERATIVE PROCESS.** The disclosure of documents that affect, frustrate or hinder the decision-making process, as may be determined by the agency, shall be prevented.
 - 3.4. **COMPLETE CLASSIFICATION OF DOCUMENTS.** Documents in the agency’s possession shall be classified in accordance with existing laws, rules and regulations.
 - 3.5. **CLEAR PROCEDURE TO FACILITATE ACCESS.** A system shall be established to ensure access without sacrificing the agency’s obligation to prevent damage to public records and disruption of normal operation and to protect the deliberative process and privacy.
 - 3.6. **AVAILABILITY OF AN APPEAL.** A relief from the decision of the agency shall be afforded to the public through an appeal to the next higher authority.
 - 3.7. **PROTECTION OF PRIVACY.** Pursuant to Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012, responsible officials of the NEDA shall afford full protection to the right to privacy of individuals.
4. **COVERAGE.** This Guidelines shall cover all request for documents to the NEDA Central Office and NEDA Regional Offices.
5. **EXCEPTIONS.** The availability of access to a particular public record is determined on the basis of the nature of the document sought, that is: (a) being

of public concern or one that involves public interest, and (b) not being exempted by law from the operation of the constitutional guarantee.

As such, it is not sufficient that the document sought is of public concern or involves public interest; it is also required that the document must not be among those exempted by law from the operation of the constitutional guarantee, such as:

5.1 NATIONAL SECURITY MATTERS AND INTELLIGENCE DOCUMENTS. There is a governmental privilege against public disclosure with respect to state secrets regarding military, diplomatic and other national security matters. Likewise, documents on inter-governmental exchanges prior to conclusion of treaties and executive agreements may be subject to reasonable safeguards for the sake of national interests.

5.2 TRADE OR INDUSTRIAL SECRETS, pursuant to the Intellectual Property Code (RA No. 8293) and other related laws and banking transactions pursuant to the Secrecy of Bank Deposits Act (RA No. 1405, as amended).

5.3 CRIMINAL MATTERS, such as those relating to the apprehension, prosecution and detention of criminals, which courts may not inquire into prior to such arrest, detention and prosecution. Efforts at effective law enforcement would be seriously jeopardized by free public access to, for example, police information regarding rescue operations, the whereabouts of fugitives, or leads on covert criminal activities.

5.4 OTHER CONFIDENTIAL DOCUMENTS. The Code of Conduct and Ethical Standards for Public Officials and Employees (RA No. 6713) prohibits public officials and employees from using or divulging “confidential or classified information officially known to them by reason of their office and not made available to the public” to further their private interests, to give undue advantage to anyone, or to prejudice the public interest.

5.5 OTHER ACKNOWLEDGED LIMITATIONS to document access include diplomatic correspondence, closed-door Cabinet meetings and executive sessions of either House of Congress, as well as internal deliberations of the Supreme Court. (*Chavez vs. Presidential Commission on Good Government*, 299 SCRA 744).

5.6 OTHER EXCEPTIONS AS MAY BE ISSUED/RELEASED PURSUANT TO EO. NO. 2, s. of 2016.

6. DEFINITION OF TERMS

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

6.2 eFOI.gov.ph. 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.

- 6.3 Information.** 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.
- 6.4 Information for disclosure.** Information promoting the awareness and understanding of policies, programs, activities, rules and 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 without need for written requests from the public.
- 6.5 Official Record/s.** 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.
- 6.6 Open Data.** Publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- 6.7 Private Sector.** Refers to an Organizations created or formed by private persons for the purpose of socio-economic development, rendering service or providing assistance to the public. These include, among others, business organizations, non-government organizations, people's organizations, industry associations, religious organizations, cultural associations, professional associations, civic clubs and cooperatives.
- 6.8 Public Records.** Information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
- 6.9 Personal Information.** 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.
- 6.10 Sensitive Personal Information.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. 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.
- c. Issued by government agencies peculiar to an individual which includes, but is not limited to, social security number, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and

6.11 Specifically established by an executive order or an act of Congress to be kept classified.

7. **PROTECTION OF PRIVACY.** While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) The NEDA shall ensure that personal information *including sensitive 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 law, rules or regulations;
- (b) The NEDA shall protect personal information *including sensitive 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.
- (c) NEDA officials and employees who has access, authorized or unauthorized, to personal information *including sensitive 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 regulation.

TITLE II—CLASSIFICATION OF DOCUMENTS

1. **CLASSIFICATION OF NEDA DOCUMENTS.** NEDA documents shall be classified as Top Secret, Secret, Confidential, Restricted, or Open and Available Document, as the case maybe.

1.1. **TOP SECRET.** These are information, documents or materials within the terms of reference of NEDA in which their unauthorized disclosure would cause exceptionally grave political or economic damage to the nation. Such are important information, documents or materials with political and/or economic implications dealing with major negotiations with foreign countries, other bilateral or multilateral institutions, or with

major government projects, such as drastic proposals to adjust the nation's economy.

The following kinds of documents, among others, are TOP SECRET:

- 1.1.1 All documents submitted to the NEDA Board, its Committees, and the NEDA Secretariat relating to negotiations within the framework of international treaties or agreements with other foreign nations and/or international organizations, for action of the President, the NEDA Board or any of its Committees, or the Secretary of Socioeconomic Planning and NEDA Director-General (hereafter referred as "the Secretary") prior to its conclusion, ratification, and/or publication, as applicable;
- 1.1.2 All memoranda, reports, minutes, proposals or other documents on international trade and/or economic negotiations of the President, the NEDA Board or any of its Committees, or the Secretary;
- 1.1.3 Other documents which the President, the NEDA Board, or the Secretary shall classify as top secret.
- 1.1.4 All TOP SECRET documents must contain a substantial notation as follows:
 - a. *"Reproduction of this document in whole or in part is prohibited, except with the permission of the issuing office or higher authority." Or,*
 - b. *"Reproduction of paragraphs of this document is prohibited, except with the permission of the issuing office or higher authority."*
- 1.2 **SECRET.** These are information, documents or materials within the terms of reference of NEDA in which their unauthorized disclosure would cause serious injury to the interest and prestige of the nation or any governmental authority, political policies or schemes of government foreknowledge, or would seriously prejudice their operation. These may include documents or materials from the Committee on Trade Related Matters (CTRM), the Economic Development Cluster (EDC) and other documents or materials classified as "Secret" by the President, the NEDA Board or the Secretary, upon recommendation of the Deputy Directors-General (DDGs), Assistant Directors-General (ADGs), and Directors concerned.
- 1.3 **CONFIDENTIAL.** These are information, documents or materials within the terms of reference of NEDA in which their unauthorized disclosure would be prejudicial to the interest or prestige of the nation or governmental activity or would cause administrative embarrassment to an individual.

The following kinds of documents, among others, are CONFIDENTIAL:

- 1.3.1 All memoranda, reports, proposals, highlights, summary of agreements, minutes or other documents on international trade and economic negotiations, finance, investment, human resources, development plans, other government operations, policies and measures for consideration or comments of any of the NEDA Staffs or Offices.
- 1.3.2 All memoranda, reports, proposals, or other documents, including electronic communication exchanges, submitted to the NEDA Secretariat relating to government programs, activities and projects (PAPs) for consideration of the President, NEDA Board or its Committees, any Cabinet-level Committee, or the Secretary.
- 1.3.3 All memoranda, reports, proposals, or other documents, including electronic communication exchanges, relating to policies on finance, investment, human resources, or other essential government services for consideration of the President, the NEDA Board or its Committees, any Cabinet-level Committee, or the Secretary.
- 1.3.4 Approved and confirmed minutes, highlights, summary of agreements, and resolutions, as well as all transcripts and/or audio recordings of meetings, of the NEDA Board, any of its Committees or Cabinet-level Committees, Regional Development Councils (RDCs) and its Committees, unless otherwise specifically given a lower classification.
- 1.3.5 Project Evaluation Reports (PERs), its appurtenant documents and other documents of similar nature that have not been approved or those that are still being reviewed/deliberated by the NEDA Board, or its Committees, or the RDCs.
- 1.3.6 All electronic communications exchanges (i.e., internal between NEDA Staffs/Regional Offices [NROs], or external between NEDA Staffs/NROs and outside recipients) related to the mandated operations of the respective NEDA Office, Staff, and/or NEDA Board Committee.
- 1.3.7 Certain personnel records and staff matters, such as documents relating to administrative investigations.
- 1.3.8 Administrative documents, such as budget proposals, proposed promotions, performance evaluations and Personal Data Sheet (PDS).
- 1.3.9 Other documents classified as “Confidential” by the President, the NEDA Board or the Secretary, upon recommendation by the DDGs, ADGs and the Director.

1.4 RESTRICTED. These are information, documents or materials that require special protection other than top secret or confidential. It may also refer to records to which access have been restricted because there exists a legal impediment and/or standard issued by the head of the agency that requires such public records to be withheld from public access. These include PERs of approved projects as well as all documents and matters other than those considered public records, which do not fall under the categories of Top Secret, Secret or Confidential, as hereinabove defined and illustrated.

1.5 OPEN AND AVAILABLE RECORDS. These are information, documents or materials to which public access may not be prohibited. This shall include documents covered by NEDA commitments to agreements with other institutions on open data sharing, data sharing policies, or with other similar instruments with provisions for mandatory public sharing of specific information.

The NEDA-DIS shall upload a copy of all open and available records in the website of the NEDA CO, data.gov.ph and efoi.gov.ph. The DRD shall upload for the NRO websites and shall submit to NEDA-DIS records for uploading to the NEDA CO, data.gov.ph and efoi.gov.ph websites, as may be necessary.

The NEDA Classification of Documents is attached as **Annex “A”**.

1.6 AUTHORITY TO CLASSIFY, RECLASSIFY, AND DECLASSIFY DOCUMENTS

1.6.1 Except for documents classified by Offices/Staffs/NROs as Open and Available documents, the authority to classify, reclassify, and declassify documents shall be exercised only by the Secretary, or his/her duly authorized representative or the respective NRO Director, upon recommendation of the NEDA/NRO Clearance Officer, with the endorsement of the respective authorized officials of the source Office/Staff/NROs of the documents.

1.6.2 The Secretary, in the delegation of his/her original classification authority, shall ensure that the designated subordinate officials have security clearance to exercise this authority or task.

1.6.3 Delegation of original classification authority shall be in writing and the authority shall not be re-delegated.

1.7 COVERAGE OF CLASSIFICATION. The classification of documents shall be applied to all non-exempted documents issued by NEDA, including those existing in the NEDA archives.

1.8 DURATION OF CLASSIFICATION

1.8.1 The original classification authority shall establish a specific date for declassification based upon the duration of the security

sensitivity of the document. Upon reaching the mentioned date, the document shall be automatically declassified.

1.8.2 If the original classification authority cannot determine an earlier specific date for declassification, the document shall be marked for declassification from ten (10) years up to twenty-five (25) years from the date of original decision, if the authority determines the utmost sensitivity the document requires.

1.8.3 The original classification authority may extend the duration of classification, change the level of classification, or reclassify a specific document in accordance with the standards and procedures for classifying document/ information.

1.9 DOCUMENT IDENTIFICATION AND MARKINGS. At the time of original classification, the following shall appear on the cover sheet of each classified document:

1.9.1. One of the four (4) classification levels defined in Title II, Section 1 of this Policy;

1.9.2. Identity (name and position) of the original classification authority;

1.9.3. Agency and office of origin;

1.9.4. Reference number of the document;

1.9.5. Instructions related to the classified document as to its storage, reproduction, disposition and responsibility of the Staff/Official handling the document; and

1.9.6. Additional markings that supplement the classification level markings.

2. DOCUMENT ACCESS AND TRANSMISSION¹

2.1 DESIGNATION OF A RECEIVING OFFICE OF ALL REQUESTS FOR DOCUMENTS FROM THE PUBLIC. Except for inter-office requests, request from other government offices, Court/Quasi-Judicial Bodies, and Legislative Bodies, the Development Information Staff (DIS) shall receive all requests for information from the public. In the performance of this duty, the DIS shall comply with the identified duties and responsibilities under item 6.1 to 6.2, Annex B of the Policy. However, at his discretion, the Secretary of Socioeconomic Planning may require all requests from national government offices to be processed by DIS prior to transmittal thereof to the Clearance Officer. In such a case, the procedure under Item 6, Annex B shall be applied.

2.2 The NROs may designate a receiving officer, otherwise, the ORD may receive all request for documents.

2.3 DESIGNATION OF NEDA CLEARANCE OFFICERS. The Secretary shall designate a Clearance Officer (CO) for the NEDA

¹ A detailed procedure for the Internal and External Access of NEDA documents is attached as **Annex “B”**, Document access and transmission is discussed in **Annex “C”** and the Security Clearance Procedure is discussed in **Annex “D”**.

Central Office and for each NRO. S/he shall be issued a security clearance for access to the highest classified matter and shall undergo the required trainings from the National Intelligence Coordinating Agency (NICA). The COs must have a permanent status of appointment, with a plantilla position not lower than Salary Grade 25.

2.3.1 The duties and responsibilities of the NEDA Central Office CO shall include, but are not limited to, the following:

- a. Implement the security clearance procedure;
- b. Act as Security Adviser to the Secretary;
- c. Check records and conducts background investigation of personnel with the assistance of the Administrative Staff (AdS), prior to the issuance of an Interim Security Clearance for personnel with access to classified documents at appropriate levels;
- d. Recommend to the Secretary the issuance of an Interim Security Clearance, as well as the appropriate punishment/penalties for violations of this Policy;
- e. Maintain records of investigation, copies of security clearances, and other documents relevant to the issuance of such clearances;
- f. Ensure that personnel granted security clearances have appropriate training on security awareness in coordination with concerned agencies involved in the conduct of such training;
- g. Act as contact person of the agency to National Security Adviser/Office of the National Security Director-General (ONSA/ONSDG) and NICA on matters of security;
- h. Confirm the appropriateness of the classification of NEDA documents, as well as reclassification and/or declassification of documents, in accordance with this Policy, upon recommendation of the authorized official of the respective source Staff; and
- i. Assist the Office of the Secretary of Socioeconomic Planning in all matters arising under this Policy and to recommend the release of documents to external stakeholders.

2.3.2 The NRO-CO shall have the same duties and responsibilities as stipulated in Section 2.1.1, on all actions undertaken by their respective Regional Directors.

2.4 DOCUMENT TRANSMISSION

2.4.1 Classified documents shall not be removed from its official storage without proper authorization from the CO.

2.4.2 Each Office/Staff/NRO shall establish controls to ensure that classified documents are transmitted under conditions that provide adequate protection and prevent access by unauthorized persons.

2.4.3 Transmission of TOP SECRET and SECRET documents shall be covered by a receipt system. Transmission of CONFIDENTIAL documents may be covered by a receipt system when required by the sender. The receipt system shall make use of a receipt form which identify the addressor, addressee and document, but shall not contain classified document. It shall be signed by the recipient and returned to sender. The name of the sender shall be printed, stamped or typed on the form.

2.4.4 Classified documents shall be covered with Cover Sheets, white paper sized 8" x 13" with the following border specifications:

For TOP SECRET: ½" green border;

For SECRET: ½" red border; and

For CONFIDENTIAL: ½" blue border.

Security classification and instructions are printed on the front page of the cover sheet. The back page is designed to show a record of transmission of the document. A sample copy of the Cover Sheet is attached as **Annex "E"**.

- a. All classified documents (CONFIDENTIAL and up), from the moment they are initiated, shall be covered by appropriate cover sheets, which shall stay with such documents until both are authorized for destruction.
- b. When a TOP SECRET or SECRET document is reproduced, the reproduced copies shall be provided with new cover sheets and the "Record of Transmission" on the back page shall record only those personnel who handled each copy from the moment of its reproduction.
- c. Cover sheets prescribed in this Office Circular shall be used only for classified documents transmitted among the various Departments of the National Government.

2.4.5 Preparation of classified matter for transmission outside NEDA.

- a. Classified documents for transmission by Philippine registered mail or diplomatic pouch shall be prepared as follows:
 - i. The documents shall be enclosed in two opaque envelopes or covers.
 - ii. A receipt shall be enclosed with the document as appropriate.

- iii. The inner envelope or cover shall be addressed and sealed. The return address should likewise be written in the inner envelope.
 - iv. The classification on the front and back of the inner envelope shall be marked in such a way that the markings will be easily seen when the outer cover is removed. Special markings required shall be placed on the front of the inner envelope.
 - v. The inner envelope shall be enclosed in the outer envelope or cover. The classification marking of the inner envelope must not be detectable through the outer envelope.
 - vi. The outer envelope with the inner envelope will then be forwarded. Classification or other special markings shall not appear on the outer envelope.
- b. Classified documents for transmission through specifically authorized couriers shall be prepared as follows:
- i. The documents shall be enclosed in a sealed envelope.
 - ii. The document shall be covered by a receipt as appropriate.
 - iii. The envelope shall be addressed and provided with a return address. No classification or other markings shall appear on the envelope.
- c. Transmission within the receiving Department—Preparation of classified matter for transmission within the receiving Department shall be governed by regulations issued by the Head of the Department.

Based on NEDA Office Circular No. 03-2003 dated 14 June 2004, sensitive, confidential, restricted, non-public or proprietary documents as classified by the Secretary shall not be transmitted or disclosed over the NEDA online systems.

2.5 SPECIAL PROVISION FOR NON-RESTRICTED ACCESS.
Members of any NEDA Board Committees are allowed a non-restricted access to all memoranda, reports, minutes, proposals or other documents under the purview of each respective Committee.

3. DOCUMENT STORAGE

- 3.1 Before storage, documents shall be classified, labeled and color/number-coded properly.

- 3.2 Each Office/Staff/NRO shall identify/provide their storage facilities within its premises that are suitable for storage of classified documents. The storage location shall be inspected annually and approved by the head of Office/Staff/NRO to ensure that this is adequate and safe.
- 3.3 Given the available budget resources, current storage facilities/rooms that do not provide adequate protection and security for the classified documents shall be improved/renovated, and provided a space.
- 3.4 Documents/records format are classified into: 1) printed documents; and 2) electronic documents.

3.4.1 Printed Documents

- a. TOP SECRET and SECRET documents shall be stored in a safe, vault or steel file cabinet equipped with dial-type combination lock, with weight, size and construction that would minimize the possibility of physical theft or damage by water and fire or tampering.

A storage facility not similar with the above mentioned can still be considered as long as it provides the same level of security and protection required. The CO shall approve the use of this facility.

- b. CONFIDENTIAL and RESTRICTED documents shall be stored in metal file cabinets equipped with a steel lock bar and combination pad lock. The file cabinets must have the size and weight that would minimize the chance of unauthorized physical removal.

3.4.2 Electronic Documents

- a. Any device (e.g. PC, laptop, flash disk, etc.) that stores electronic copies of TOP SECRET and SECRET documents shall be kept in a safe place similar to printed documents and shall apply applicable security measures as mentioned in the NEDA Information and Communications Technology (ICT) Security Policy and/or other pertinent laws and issuances on ICT.
- b. All documents in printed format, except those classified as TOP SECRET and SECRET, shall be converted into electronic format. Each Office/Staff shall identify, file and organize all classified documents in their processing to facilitate easy storage and retrieval of documents.
- c. There shall be a centralized database, to be maintained by the NEDA ICT Staff Director, that shall contain/store voluminous documents in different electronic formats and that can be accessed, searched, and retrieved over the local network or even remotely over the Internet with proper

security measures in place. A reliable full database backup shall be regularly maintained to guard against data loss and for easy recovery of documents.

- d. Each Office/Staff shall also maintain a database in its own storage or file server that contains their documents and shall serve as backup of their documents and shall apply appropriate security measures as mentioned in the NEDA ICT Security Policy and other pertinent laws and issuances on ICT.

8. DOCUMENT REPRODUCTION. The following policies and guidelines shall govern the reproduction of classified documents:

8.1 TOP SECRET AND SECRET. Such documents may be copied, extracted, or reproduced by the CO. The CO shall observe the following guidelines in the reproduction of TOP SECRET and SECRET documents:

8.1.1 The authorized personnel will ensure that all documents under these classifications must be sealed and placed in the envelope with routinary slip indicating the following, for internal purposes:

- a. Classification of the documents;
- b. The number of documents to be reproduced;
- c. To whom it will be forwarded; and
- d. The action to be done by the recipient.

8.1.2 The CO shall only certify documents that are reproductions of the original documents originating from NEDA.

8.1.3 The reproduction of TOP SECRET and SECRET documents shall be cleared by the Secretary, subject to the recommendation of the concerned DDGs.

8.2 CONFIDENTIAL AND RESTRICTED. The reproduction of Confidential and Restricted documents shall be cleared by the CO.

9. DISPOSAL OF CLASSIFIED DOCUMENTS

5.1 All classified documents shall be disposed of legally in accordance with pertinent laws and other government issuances. The concerned official shall ensure that the disposal of such documents shall be systematic, authorized, and managed accordingly.

5.2 Spoiled/excess reproduced classified documents shall be disposed of by shredding and/or pulping.

5.3 Printed documents, electronic records and ICT equipment that contain classified documents shall be disposed of in accordance with the policy of the National Archive of the Philippines, the NEDA ICT Equipment Disposal Policy, and/or other pertinent laws and issuances.

- 5.4 TOP SECRET and SECRET documents, which become eligible for destruction in accordance with approved disposition schedules, shall be destroyed in accordance with pertinent laws and issuances.
- 5.5 Classified documents that shall be required for use in litigation or in any government inquiry shall be retained in accordance with disposition schedules prescribed by pertinent laws and issuances.
- 5.6 All classified documents may be digitized, as necessary, and stored until de-classified, re-classified and approved by the CO.

10. ADMINISTRATIVE LIABILITY. Without prejudice to any criminal case and civil case arising therefrom, the following are the administrative liability arising from any violation as follows:

10.2 Non-compliance with the existing rules and regulation and any unauthorized disclosure or misuse, sharing, publication or use of classified documents or materials shall be considered a grave offense, under Item No. 23, Sub-section A, Section 46.11, Rule X of Civil Service Commission (CSC) Revised Rules on Administrative Cases in the Civil Service, to wit:

“Disclosing or misusing confidential or classified document officially known to him by reason of his office and not available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the public interest.”

1st offense – Suspension (6 months to 1 year)
2nd offense – Dismissal

11. MONITORING. To ensure compliance with the Circular, the following shall be implemented:

11.1 The DIS and the NRO receiving unit shall establish a request tracking system to trace the status of all requests for information. The tracking system shall include the actual number of hours utilized in processing the FOI requests.

11.2 The Clearance Officer/s shall submit a quarterly report to the Socioeconomic Planning Secretary on all requests of classified documents from the Office of the President, national agencies, regional line agencies, legislative bodies, courts, quasi-judicial bodies, GOCCs, SUCs, special development bodies, local government units, funding institutions, and the private sector and other stakeholders.

11.3 The DIS in coordination with the Clearance Officer/s shall submit an annual FOI report to the Office of the President through its Communications Office, containing the number of FOI requests received, granted and denied, including the number of days and hours in the processing of the request.

12. DOCUMENT INVENTORY. Within the first quarter of the year, all NEDA Offices/Staffs/NRO shall conduct annual inventory of documents in their

custody during the preceding year. The inventory shall be submitted to the AdS. The files shall be made available to the public and to the Clearance Officer, upon request.

13. **CONDUCT OF TRAININGS.** The LS and AdS, in coordination with the COs and with the assistance of NICA, shall conduct executive briefings for all NEDA officials. Regular trainings for all NEDA employees shall be conducted by the AdS for the NEDA-Central Office, and by FAD, in coordination with the regional NICA, for the NROs.

14. **PERIODIC REVIEW.** The FOI Guidelines and its accompanying documents shall be subject for review in July 2017, and every six (6) years thereafter.

15. **FINAL PROVISIONS.**

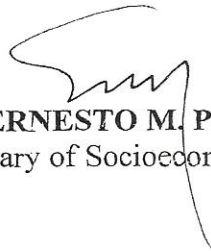
10.1 Funding of activities under this Office Circular shall be charged to the Agency's regular budget.

10.2 This Office Circular amends NEDA Office Circular 02-2015 dated February 17, 2015.

10.3 This Office Circular may be amended, revised or modified as necessary.

If any of the provisions of this Office Circular is declared invalid or unconstitutional, the validity of the remaining provisions hereof shall remain in force and in effect.

10.4 This Office Circular shall take effect immediately.


ERNESTO M. PERNIA
Secretary of Socioeconomic Planning