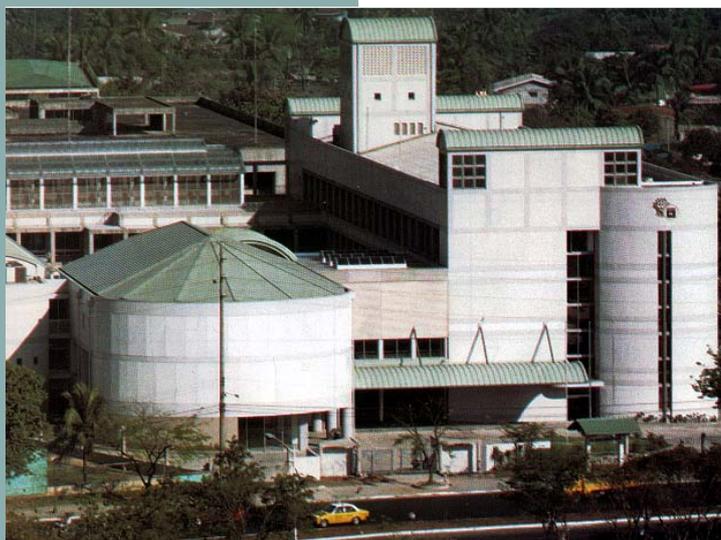
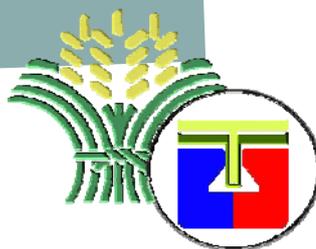


BUREAU OF SOILS AND WATER MANAGEMENT



**OPEN DATA &
PEOPLE'S FREEDOM
TO INFORMATION MANUAL**



OPEN DATA & PEOPLES' FREEDOM TO INFORMATION MANUAL

This is the manual developed to facilitate and comply with the requirements of the Open Data Philippines Task Force as a result of the evaluation using the Benchmark on Readiness for Open Agency Data (BROAD) tool done on 23 government agencies. The results of the evaluation was released by Open Data Task Force Chair Edwin Lacierda, also the Presidential Spokesperson, April 28, 2015.

This manual is further edited to comply with Executive Order No. 2 series of 2016 issued by President Rodrigo Roa Duterte. July 23, 2016 requiring every government office to prepare within 90 calendar days upon its publication, its own People's Freedom to Information Manual. The Fourth Edition incorporates the comments and recommendations of Asst. Secretary and FOI Program Director Kristian R. Ablan of the Presidential Communications Operations Office July 7, 2017.



**FOURTH EDITION
AUGUST 15, 2017
BUREAU OF SOILS AND WATER MANAGEMENT**

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Foreword

The Open Data Philippines (ODP) as a program is a key commitment or part of the Social Contract Platform of the assigned program managers to the Cabinet Cluster on Good Governance and Anti-Corruption (GGAC). This program is likewise a commitment to the Open Government Partnership (OGP), a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.

In releasing government data, the Open Data Philippines is cognizant of the country's Data Privacy Act. As stated in its Declaration of Policy, "It is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information and communication systems in the government and in the private sector are secured and protected." (Page 5, Open Data Philippines Action Plan 2014-2016). Open Data Philippines also support relevant policies like Anti-Red Tape Act, National Archives Act, and disclosure provisions of the yearly General Appropriations Act.

Originally, this manual is the results of the evaluation conducted by the Open Data Philippines on BSWM, April 28, 2015 and the First Edition was issued, June 2015. When President Rodrigo Duterte issued Executive Order No. 2 Series of 2016 requiring Peoples' Freedom of Information Manual on all government agencies, the Manual was edited to incorporate the requirements of the Executive Order and presented to the Management Committee consisting of all division chiefs for approval. The Fourth Edition incorporates the comments and recommendations of Asst. Secretary and FOI Program Director Kristian R. Ablan of the Presidential Communications Operations Office July 7, 2017.

BSWM will continue to adhere and support the Open Data Philippines and the Freedom of Information by continuous enhancement of its data sets shared with the general public. We will continue to promote access to public sector information, data-driven governance with quality datasets, public engagement, and practical innovation.



ANGEL C. ENRIQUEZ, CESO III

Chapter 1	Open Data and Freedom to Information
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1.1 What is Open Data

As one of the eight founding states of the Open Government Partnership, the Philippine government is committed to open governance through initiatives such as the agency’s website. Open data is that data that can be freely used, reused and redistributed by anyone, subject only, at most to the requirement to attribute the data to its source.

The website of the Open Data Philippines, the data.gov.ph aims to make national government data searchable, accessible, and useful, with the help of the different agencies of government, and with the participation of the public. This website consolidates the datasets of different government agencies, allowing users to find specific information from a rich and continuously growing collection of public datasets. Data.gov.ph provides information on how to access these datasets and tools, such as infographics and other applications, to make the information easy to understand. Users may not only view the datasets, but also share and download them as spreadsheets and other formats, for their own use.

BSWM as one of the staff bureau under the Department of Agriculture is the national sole resource agency and as such, a rich source of relevant and important data and information related to soil resources. As these information and data sets were obtained through taxpayers’ fund, it is important to collate and make them available to the general public. Since BSWM is under the Department of Agriculture, its soil and water data and information are traditionally used for agricultural, environmental and rural development planning, policy formulation, and research. These soil and water data and information, however, have limited applications for civil works, architecture and extremely limited for water assessment for potability, household, recreational and industrial use.

The primary goal of data.gov.ph is to foster a citizenry empowered to make informed decisions, and to promote efficiency and transparency in government.

1.2 The Executive Order on Peoples’ Freedom to Information

Executive Order No. 2 Series of 2016 was issued by President Rodrigo Roa Duterte, entitled, “Operationalizing in the Executive Branch the Peoples’ Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor”.

Under this Executive Order, “information” is defined as 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 control and

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custody of any government pursuant to law, executive order, and rules and regulations or in connection with the performance of official business by any government office. “Official records” refer to information produced by a public officer or employee, or by a government office in an official capacity pursuant to a public function or duty .

Section 3 of the Executive Order states that every Filipino shall have access to information, official records, public records, and to 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 however, states that access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence and directs the Department of Justice and the Office of the Solicitor General to prepare an inventory of such exceptions for circulation to all government offices. Section 7 also provides for protection of privacy of personal information in its custody which can unduly expose the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.

1.3 The BSWM Homepage as medium for open data and freedom to information

The BSWM Homepage shall provide the medium to:

- A. make its data available and accessible to the general public, 24/7;
- B. allow users to reuse and redistribute the data provided BSWM is acknowledged as its source; and provided further that the limitations on the use of secondary data for variety of uses is recognized;
- C. allow universal participation for the data use, reuse and redistribution through mechanics of interoperability or ability to interoperate or intermix different datasets.

1.4 BSWM as member of NAMRIA’s “One Nation One Map” Web Portal

Although its maps are for sale to recover cost of paper and printing, the same maps are available in digital format—shape file, TIFF, and PDF—in the BSWM Map Portal (<http://www.bswm.maps.da.gov.ph/>) and can be accessed freely from the internet. It should be noted that the BSWM Map Portal does not reside in the BSWM server but in the server of the Department of Agriculture’s Information and Communications Technology Service (DA-ICTS). Problems with access should be directed to DA-ICTS, Telephone 920-0911 to 920-0919.

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2.1 Policy Statements

The open data statement only applies to datasets approved by the respective divisions for publication in the BSWM website, and considered to be free from legal encumbrances, and generally refer to soil and water data and information relating to BSWM mandate as the national soil resource agency. Privately commissioned, privately funded and project-level soil and water resources inventory and researches involving funds sourced outside of the General Appropriations Act are considered proprietary and are covered by Memorandum of Agreement that limits data release to and use by the general public. Where no such encumbrances are present, such as those collaborative projects with the Food and Agriculture Organization (FAO), such project data are generally made available to the public.

The data sets accessed through the BSWM website are offered free but proper citation as to the data source must be credited.

Once downloaded, the BSWM could not vouch for its reuse including derivative works and analyses arising from the use and reuse of the datasets. While BSWM guarantees the data quality and timeliness of its datasets at the time of its collection and analyses, it is most important to recognize that soil and water analytical data for instance, are very dynamic within the soil and water resource system and that the sampling was done for the specific use (generally for soil survey and classification purpose) from which the data were possibly downloaded by the users but intended for another use. Soil sampling methods generally differ depending on the nature of the study.

2.2 Limitations of Data Use

Specific project proponents are generally advised to collaborate with BSWM for more project specific, site specific and most up-to-date data requirements. For project proponents, a fund should be allocated for primary data collection rather than relying on secondary soil and water resource data for critical projects involving human lives and national food security issues.

Guarantee on mapping unit purity and accuracy is limited by the map scale for which the data is gathered and obtained. There are certain ground data elements visible in 1:50,000 map that is no longer visible in the 1:250,000 map scale. BSWM uses the base maps produced by NAMRIA as the authority.

Since the same digital data freely available in the internet would require financial resource if printed and made available in the BSWM through its Client Center, the BSWM Catalogue of prices of goods and services is published to recover printing cost when obtained at BSWM and should not be construed as cost of data per se. The fees collected are turned over to the National Treasury and do not accrue to a revolving fund.

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2.3 Requesting for Information—Contact Information

2.3.1 Data Available in BSWM Catalog of Products and Services

BSWM Reports and Maps as well as other products and services specified in the BSWM Catalog of Products and Services can be availed of at the BSWM Client Center located on the ground floor of the training and dormitory wing of the BSWM central office, Elliptical Road, Diliman, Quezon City. A Frontline Information Desk Officer (FIDO) is assigned daily to handle such information requests. The item price is specified in the catalog.

2.3.2 Request for other data covered by FOI

Requests for data not included in the Catalog of Products and Services, and those relating to the Freedom of Information (FOI) should be addressed to:

The Director
Bureau of Soils and Water Management
Elliptical Road, Diliman, Quezon City

Attention: Elizabeth Hernando
FOI Receiving Office/ Records Unit
Bureau of Soils and Water Management

BUREAU OF SOILS AND WATER MANAGEMENT
Elliptical Road, Diliman, Quezon City

No. _____

<i>Date Received:</i>	<i>Received by:</i>	<i>Date Released:</i>
<i>NAME:</i>		<i>Control No.</i>
<i>ADDRESS:</i>		<i>Contact No. or Email Address</i>
<i>INFORMATION REQUESTED</i>		
<i>PURPOSE:</i>		
<i>APPROVED BY:</i>	<i>INFORMATION MADE AVAILABLE BY:</i>	<i>RELEASED BY:</i>
<i>Director</i>	<i>Action Officer</i>	<i>FOI OFFICER</i>

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Elliptical Road, Diliman, Quezon City

2.3.3 FOI Request Form (To be accomplished in duplicate)

2.3.4 Procedural Steps on Requests for Soil and Water Data

Drop-in visitors are generally received at the BSWM Client Center where the letter is delivered first to the Office of the Director for instruction and then to the concerned division or unit for action. The requisitioner can wait for immediate response to the request.

Letter requests delivered by couriers are received at the Records Section, forwarded to the Office of the Director for instruction and forwarded to the concerned technical division or admin unit for appropriate action. Generally, requested data are obtained by personal appearance and where there are no telephone numbers or emails provided, it is difficult to respond whether the data requested is available or not available.

Emails received are similarly treated as letter requests and responses as to data availability are made through the return address but generally, a personal appearance is also required for data to be made available.

Data /information cost follows the closest catalog product item or code.

2.3.5 Denial of request for data/information

Generally, data from commissioned projects are directed to commissioning entity. Unprocessed (raw) data , drafts and working maps are not available; these are not considered to be covered by National Archival Law and disposed of when final reports are submitted.

2.3.6 Exceptions to Right to Access to Information

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, and 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

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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, relation to the performance of their functions, or to inquiries or investigations 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.

The complete list of the inventory of the Exceptions to Executive Order (EO) No. 2 (s. 2016) issued by the Office of the Executive Secretary is available at bit.ly/foipco.

Chapter 3	Organizational Structure
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3.1 The Open Data Steering Committee (ODSCom)

The Open Data Steering Committee (ODSCom) shall consist of the Director as the Agency Champion and the Assistant Director as the Deputy. The members shall be all division chiefs as they need to approve the data that will be placed in the Open Data Management System. The admin units are de-facto members as there are contents of the homepage required of all agencies to be included under the Transparency Seal, which includes the Citizen's Charter and the various financial reports.

Responsibilities: Initially receive and review the ODBT Reports, provide policy directions, and approve the materials for inclusion in the Open Data Management System.

3.2 Open Data Benchmarking Team (ODBT)

The Geomatics and Soil Information Technology Division, specifically the Data Processing and Operations Section is tasked to be the lead unit in the BSWM Open Data Benchmarking Team (ODBT). ODBT is a special task force not only to handle the contents of the BSWM Homepage but also to include in its responsibilities the verification of BSWM's Benchmark on Readiness for Open Agency Data (BROAD), and to craft the action plan to address perceived weaknesses. The Team is Chaired by the Head of the Data Processing and Operations Section, the members are the divisional web liaison officers, the head of Secretariat is the BSWM Web Master.

Responsibilities: Gather evidences to verify Benchmark on Readiness for Open Agency Data (BROAD); craft action plan to address perceived weakness; report findings and action plan to the ODSCom; implement open data action plan by making available divisional data and information holdings thru the BSWM Homepage.

3.3 Information Relating to Technical Outputs

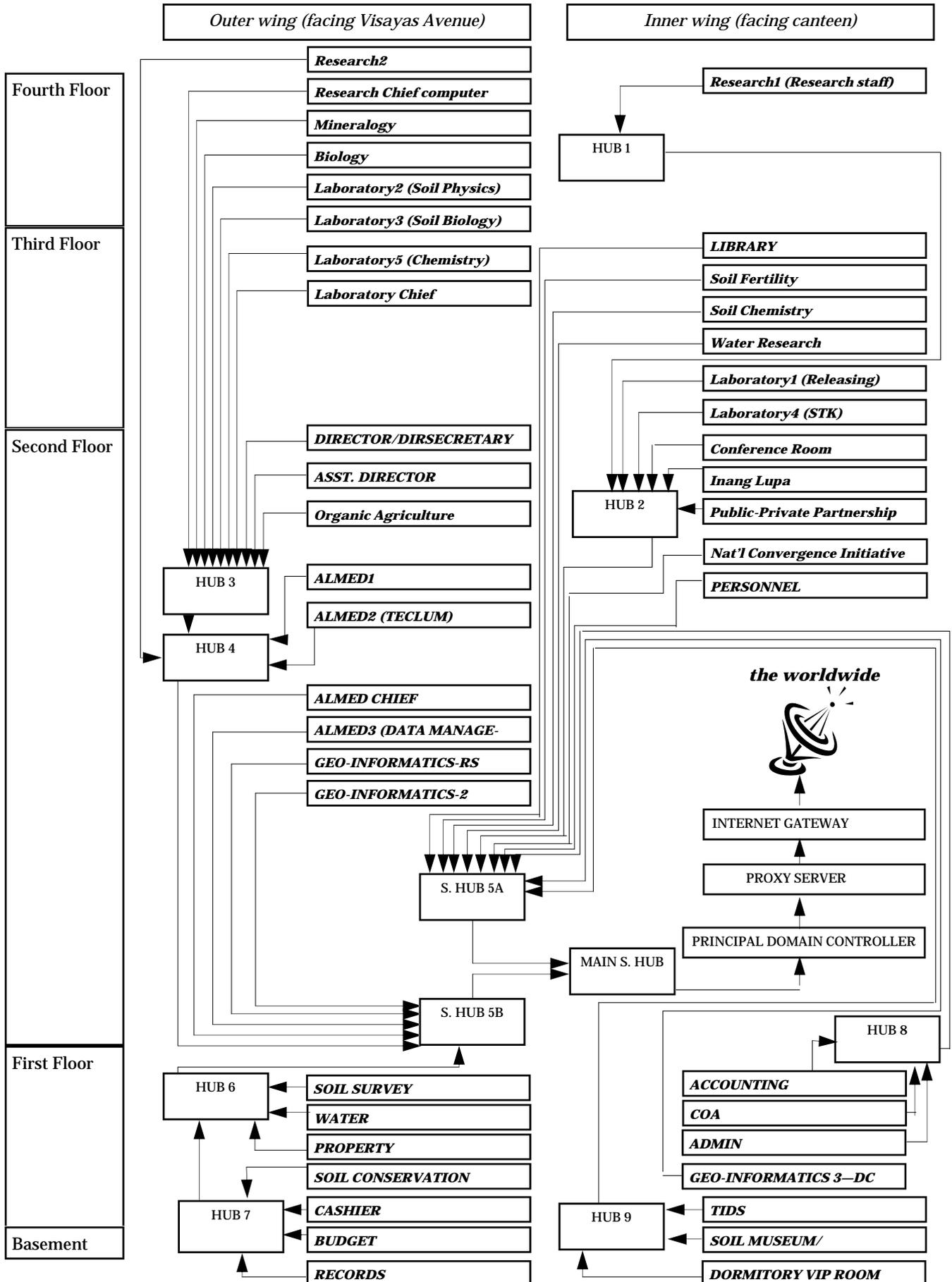
The Head of the BSWM Client Center is in-charge for data and information relating to technical outputs as specified in the BSWM Catalog of Products and Services. He is assisted by Frontline Information Desk Officers (FIDO's) assigned by various technical divisions on daily basis. The FIDO's direct clients to the appropriate technical information source and assist them with the payments of fees and record the transactions. As required by law, the step-by-step procedures for every type of information or service as published in the Citizen's Charter are exhibited as posters in the Client Center as reference.

3.3 Information Relating to Administrative Matters and Freedom of Information

The Client Center also receives drop-in clients and visitors with previous appointments requesting non-technical data, or what are considered to be administrative information in nature and provides the necessary assistance to obtain them from appropriate administrative unit. Most of these are former or retired employees requesting for various type of records relating to their employment years with BSWM. As standard practice, they are also directed first to Client Center before a Personnel staff is requested to attend to their needs.

For matters relating to Freedom of Information, the Request Form is submitted to the Re-

4.1 Existing Soil and Water Information Technology Infrastructure



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5.1 The BSWM Open Data Portal

The BSWM Homepage is to establish an Open Data Portal as vehicle for cloud-based Open Data platform and enable its data holdings to drive new application opportunities, collaboration, and transparency.

The BSWM Open Data Portal shall consist of links to the following:

Nature of data	Sub-Portal Link	Data Contents	Status	Remarks
Spatial (maps)	BSWM Map Portal	Soil Survey and ALMED map outputs	On-line	Some maps scheduled for re-issue
Agromet data	BSWM Agromet Stations	Daily temperature, rainfall, atmospheric pressure	On-line	Processed data available
Products and services	BSWM Catalog	List of available and prices of maps, reports, lab analyses, other products and services	On-line	For regular updating
Transparency seal	(Homepage)	Mandates, officials, annual reports, budget and disbursements, etc	On-line	For regular updating
Various project updates	Links to homepage	Sub-page relating to specific local and foreign funded projects	On-line	Includes completed projects
Officers and directory, mission, vision, history	(Homepage)	All about BSWM	On-line	-
Brochures	(Homepage)	Various IEC materials relating to soil and water	On-line	

5.2 Data/Information Available Upon Requests

1. Maps and Reports listed in the BSWM Catalog of Products and Services

Maps and reports not listed in the catalog need to be accompanied by a letter request addressed to the BSWM Director for appropriate disposition, stating the purpose for which the data is needed. Also covered by letter requests are the following:

2. Research Terminal Reports
3. Project Terminal Reports
4. Video-documentaries relating to sustainable land management as well as soil and water conservation.

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5.3 Technical and non-technical data not available to the general public

As a matter of policy, there are restricted data and information that could not be made available to the public such as:

1. Results of special soil investigations conducted in private and corporate farms and are privately funded. These are considered proprietary and would require court order to be accessed by those outside of the funding entity in the event the data would be used in court proceedings such as defaults in bank loans or environmental suits;
2. Project outputs commissioned by other government and non-government agencies. Users are directed to the commissioning entities for copies of the project reports;
3. Raw (unprocessed) data such as results of individual pit diggings and auger borings and laboratory analyses used as inputs in the preparation of the final reports. Usually, only the Typical Pedons and the resulting Soil Taxonomic Concepts to accompany the mapping units are released. Raw (unprocessed) data are not considered to be covered by Republic Act 9470 or the Philippine Archival Law, and are accordingly disposed when final reports are submitted.
4. Results of laboratory analyses conducted for various private and paying clients. These samples do not have coordinate points and cannot be reused even for in-house research. Secondly, owing to typical top soil sampling methods and inherent dynamics of soil chemistry, the results of analyses are guaranteed for six to eight months only, provided no fertility interventions were conducted by the farm owner within this period; which is unlikely, because soil analyses were conducted generally for fertilizer rate recommendation purpose. Under Republic Act 9470 or the Philippine Archival Law, these are kept for five (5) years and accordingly disposed under the supervision of the National Archives of the Philippines.
5. Working map sheets for various soil survey and agricultural land evaluation studies. The working map sheets are not considered to be covered by Republic Act 9470 or the Philippine Archival Law. These are disposed as soon as the final maps are produced and approved by the project leader.
6. Data and information which are non-technical in nature and considered administrative and personal such as 101 file of personnel, statements of assets and liabilities, and the like. These are covered by the Executive Order 2 Series of 2016, Section 7 affording full protection to the right to privacy of the individual; the release of which is governed by existing laws so as not to unduly expose the individual to vilification, harassment, or other wrongful acts.
7. Operational database systems such as those relating to financial management, research database, personnel database, client center database, laboratory results data-

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base, land reclassification application database, monthly and quarterly accomplishment database, etc. for which only relevant oversight agencies are allowed to view.

5.4 Requests Pertaining to Freedom of Information

1. The Records Unit acts as the BSWM FOI Receiving Office and the Head of the Records Unit acts as the FOI Receiving Office.
2. The FOI Request Form (specified in 2.3.3 of this Manual) is filled up for proper acknowledgement of the request. There is no cost for the application of information under the FOI. However, appropriate fees can be collected to reimburse the necessary expenses like reproduction costs. Unlike technical data and reports the cost of which are specified in the BSWM Catalog of Products and Services, data requested under the FOI are not listed in the Catalog. The request is stamped indicating date and time of the receipt, name and position of receiving officer, and appropriately numbered and logged for tracing as to the action taken upon the request.
3. The request is then forwarded to the Office of the Director for action and the disposition of the request by the appropriate Action Officer who has the information requested. The Director is not required to act upon unreasonable request or identical previous request from the same requesting party which was already granted.
4. The appropriate Action Officer shall respond to the request 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 Director to grant or deny access to the information requested. The disapproval should indicate the reason for the denial of the request.
5. The period to respond may be extended when the information requested requires extensive search of the records, examination of voluminous books, the occurrence of fortuitous or analogous cases. The extension cannot go beyond 20 working days unless there is exceptional reason to warrant longer period.
6. The Action Officer should notify the FOI Receiving Officer to notify the requesting party of the availability of the information or of the requested extension or of the denial of the request by the Director and the reason thereof for the denial. Failure to notify the requesting party of the action taken on the request within the stipulated 15 day period is considered a denial of the request to access the information.
7. For granted requests, the FOI Receiving Officer shall direct the requesting party for any fees, if there be any, relating to the reimbursement of the cost of reproduction, and release the information.

5.5 Administrative Appeal for Denial of Request to Access Information Under FOI/Open Data

1. Appeal for denials of any request for access to information including those covered by the Open Data Policy can be done in person with a written request, within 15 calendar days from the notice of denial or from the lapse of relevant period to respond to the request. The appeal can be

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6.1 Open Data and Freedom to Information Agenda at Meetings of Division Chiefs

The Open Data Steering Committee convenes when the Director calls for the regular management meeting, usually scheduled on the first Monday of the month. At least 30 minutes shall be allocated for discussions of Open Data matters and appropriate representation with the Personnel (the staff meeting secretariat) shall be made for inclusion of the Open Data matters in the agenda.

The Open Data Benchmark Team shall serve as the Secretariat of the Open Data Steering Committee and shall appropriately brief the committee on what the Open Data is all about and the management decisions expected of the Steering Committee to approve the important provisions/updates of the Open Data and Peoples' Freedom to Information Manual and implement the Open Data system within BSWM in terms of putting online at the BSWM Homepage, the agreed data to be open to the general public.

6.2 Open Data and Freedom to Information Orientation for Bureau Staff

An Open Data Orientation Kit of no more than 5 minutes shall be produced for presentation to the general assembly at least once a year to remind the staff of the Bureau's commitment to Open Data and Freedom to Information Policy. It should also be available at the Client Center together with the other technical videos.

In addition, Open Data and Freedom to Information shall be included as additional module in the training of Frontline Information Desk Officers (FIDOs) assigned to the BSWM Client Center. The FIDO's shall be equipped with appropriate skills relevant to the pursuance of Open Data Policy and Freedom to Information. This includes being able to direct clients on web portals where the required data can be obtained as well as being knowledgeable of policies pertaining to open data.

6.3 Open Data Training Module 1—The Open Data Advocacy

- Content:
- What is open data?
 - How to advocate for open data
 - What advocacy with open data can look like
 - Represent data in new ways
 - Put data into context
 - New ways of delivering data
 - Personalize advocacy
 - Data support

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6.3 Open Data Training Module 2: BSWM Policy on Open Data and Freedom to Information

This Module will present and discuss the content of this manual

6.4 Open Data Training Module 3: Open Data Benchmark

This module is for the members of the Open Data benchmark team and will discuss benchmark elements and the corresponding indicators.

6.5 Open Data Training Module 4: Open Data Management

This module is for non-technical staff who are responsible for managing Open Data program in their respective division.

Topics:

- The Open Data publication process
- The Open Data technology landscape
- Open Data supply and demand side
- Designing the Open Data portal
- The Open Data Community

6.6 Open Data Training Module 5: Open Data in Practice

This module is for technical staff who want to learn how to publish, consume, and exploit open data to improve efficiency, create new services and to act on opportunities.

Topics:

- Trends in publishing data (characteristics of data, data publication platforms, best practices for publishing open data)
- Enriching and visualizing data, infographics, managing open data projects

Chapter 7	User Engagement
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7.1 Lead time Response to Data Requests

As a matter of policy, BSWM adheres and complies to the provisions and requirements of Republic Act 9485 also known as the Anti Red Tape Act of 2007. The Act was established to eliminate bureaucratic red tape, avert graft and corrupt practices and improve efficiency of delivering frontline services. In addition to the coming up with a Citizen's Charter, BSWM established the Client Center to serve as one-stop-shop to the various needs of its clients.

Among the important provisions are -

1. Signatories are limited to a maximum of 5 signatures per transaction.
2. In the absence of the regular signatory, the next in rank in appropriate office order signs.
3. Publish in the Citizen's Charter the step-by-step procedure to obtain a service (in this case, to obtain a data) and procedures for filing complaints.
4. Requests should be acted upon within 5 working days for simple transactions and within 10 working days for complex transactions.
5. For disapproved requests, a formal notice shall be sent indicating the reason for disapproval and the list of requirements which the client failed to submit.
5. The Client Center has no coffee breaks and noon-breaks.

7.2 Relevant Provisions of Executive Order No. 2, Freedom to Information

1. Persons requesting information shall submit a written letter addressed to the Director, to be handled, processed, and assisted by the Client Center where log-in data provide date, data requested, and other information for purpose of establishing trace system.
2. Responses should be acted upon within 15 working days from receipt thereof, for which any extension should not be longer than 20 working days.
3. Failure to notify the requesting party of the action taken on the request within the stipulated period is deemed a denial of the request for access to information. Any appeal should be made within 15 calendar days from the notice of denial or from the lapse of relevant period to respond to the request and decided by BSWM Director within 30 working days from the filing of written appeal. When administrative remedies are exhausted, the requesting party can file appropriate case in the proper court.
3. Payments of applicable fees shall be made to cover costs of reproduction and copying of information. The BSWM Catalog of Products and Services lists down the fees.
4. BSWM shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has been previously granted or denied.



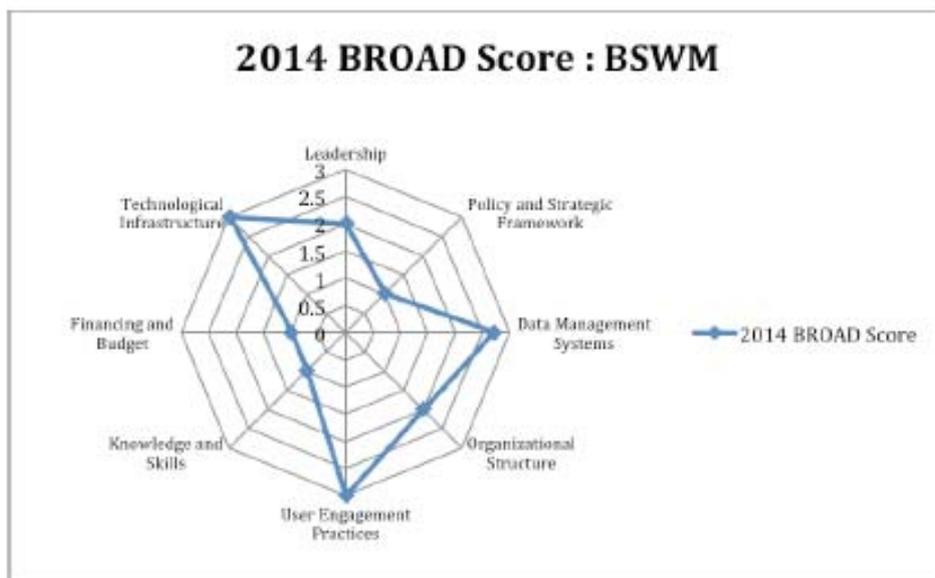
April 28, 2015

Mr. Silvino Tejada
Bureau Director
Bureau of Soils and Water Management, Department of Agriculture

Dear Mr. Tejada,

Last March 10-11, 2015, the Open Data Task Force and Step Up Consulting Services organized the Open Data Stocktake Workshop, which introduced government agency representatives to a matrix designed to evaluate agency readiness for open data. Using the Benchmark on Readiness for Open Agency Data (BROAD) tool, a total of 63 participants—representing 23 government agencies—rated their agencies' readiness to implement open data and integrate it in their activities. I am grateful that Mr. Rodelio Carating, Mr. Andrew Flores, and Mr. Marc Gil Mangrobang were able to participate in these sessions as your agency's designated representatives.

Moving forward, the Task Force aims to utilize the results of this workshop to provide specific and relevant support to your agency. Toward this end, we have created the following chart based on the ratings your representatives provided during the workshop. It provides a snapshot of your agency's possible points for improvement in terms of open data readiness.



Using the same information, we have also created a short profile outlining your agency's strengths and points for improvement. The profile is attached for your reference.

Building on this initial assessment, we would like to move forward with a Benchmarking Process which would allow us to work closely with your agency in order to validate the workshop results and formulate a corresponding action plan. To facilitate this process, we are respectfully requesting that Mr. Rodelio B. Carating, Mr. Andrew B. Flores, and Mr. Marc Gil A. Mangrobang be assigned to form an Open Data Benchmarking Team (ODBT) for your agency.

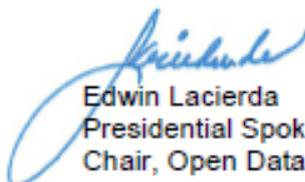
The following matrix outlines the steps involved in the Benchmarking Process:

Creation of ODBT	The agency head will lead the creation of the ODBT and appoint its members. The team's responsibilities include gathering evidence to verify the agency's initial BROAD ratings as well as collaborating with the Task Force to craft an action plan to address perceived weaknesses.
Evidence gathering to verify initial BROAD assessment (2 weeks)	Once the ODBT has been constituted, the team will begin gathering the supporting documents needed to authenticate the agency's initial BROAD ratings. Suggested types of documents are listed under the Means of Verification section of the BROAD tool.
ODBT presentation to key senior officials (1 week)	The ODBT will prepare a validation presentation to show the results of their evidence gathering to key senior officials within the agency. Comments and suggested action points will be welcomed.
Results Validation meetings (1 week)	An Open Data Task Force SWAT Team will conduct Results Validation meetings with the ODBT. During these meetings, the BROAD ratings will be finalized and an action plan will be agreed upon by the SWAT Team and ODBT. The ODBT will then present the validated results to agency senior officials.

Should you or your assigned representatives have any questions or concerns about this process, Mr. Edgar Magturo—the Account Manager for your agency—will be happy to address them. You may contact him at 735-4947 or by email at ed.magturo@data.gov.ph. He will also be in touch with your appointed ODBT members to guide them through the Benchmarking Process.

Again, I would like to extend my appreciation for your support and commitment to Open Data Philippines. The Task Force recognizes that it is our valuable partnerships with agencies that will continue to enable us to make significant strides toward transparency and open governance.

Sincerely,



Edwin Lacierda
Presidential Spokesperson
Chair, Open Data Task Force

Rating	Elements	Remarks	Means of Verification
Excellent	Indicator 4 Data Management System	Agency has a defined set of key technical standards, including codes and identifiers, for the publication of open data	Copy of technical standards Actual testing
	Indicator 8 User Engagement Practices	Agency responds to 80-100% of user requests within 2 weeks	Documentation, communications with time stamps
Good	Indicator 12 Technical Infrastructure	Agency has adequate hardware and software but with network problems and weak connectivity	Hardware and software inventory Documentation of network infrastructure Proof of net connectivity Actual testing
Average	Indicator 1 Leadership	Top and middle managers set up compliance mechanisms for open data to be implemented in the agency	Minutes of meetings, inter-office communication, pronouncements, policies Minutes of meeting between/ among relevant departments
	Indicator 3 Data Management Systems	Agency maintains a comprehensive inventory of data assets or holdings and a supporting documentation; but only at least 50% of data is held digitally	Data inventory, including metadata and documentation for each item in the inventory
	Indicator 5 Data Management System	Agency published less than 50% of data sets in open format but majority are released in closed formats	Data inventory Actual testing
	Indicator 6 Organizational Structure	Agency has persons with management experience assigned to manage open data	Document creating team or unit Project reports on OD initiatives PDS files of employees within the unit, team, or working group
	Indicator 7 User Engagement Practices	Agency engages with internal users of data but does not have any strategy to engage external users	Documentation of activities Evidence of user engagement processes
	Indicator 9 Knowledge and Skills	Less than 50% of employees knows and understands open data and how it guides agency mandate and functions	Attendance sheets in OD socialization activities Online survey

Rating	Elements	Remarks	Means of Verification
Fair	Indicator 2 Policy and Strategic Framework	No policy on Open Data but agency implements processes and tasks for Open Data	Copy of department order Copy of project planning documents that implement the policy
	Indicator 11 Financing and Budget	Agency allocated funds for less than 50% of open data activities	Agency annual budget Costing of planned OD initiatives
Poor	Indicator 10 Knowledge and Skills	Unit assigned to implement open data has no requisite skills on open data	PDS of regular employees and CVs for consultants Actual observation



Department of Agriculture
Bureau of Soils and
Water Management
SRDC Bldg., Elliptical Road Cor.
Visayas Ave., Diliman, Q.C.



28 July 2015

MEMORANDUM ORDER

No. _____

Series of 2015

**SUBJECT: NOMINATION OF DIVISIONAL WEB LIAISON OFFICERS AND
CREATION OF BSWM OPEN DATA BENCHMARK TEAM**

In the interest of the service and in accordance with Joint Memorandum Circular 2515-01 "Guidelines for the Implementation of the Open Data General Provision in the 2015 General Appropriations Act" and in compliance with Secretary Edwin Lacierda's instruction to organize the BSWM Open Data Benchmarking Team, each division shall nominate a Web Liaison Officer who will also be the Open Data team member.

The BSWM Open Data Benchmark Team (ODBT) is a special task force not only to update the contents of the BSWM Homepage and the appendaged auxillary pages but will include in its responsibilities the verification of BSWM's Benchmark on Readiness for Open Data (BROAD) and to craft the action plan to address the perceived weakness. It will be headed by the head of the Data Processing and Operations Section and the BSWM Web Master as the Head of the Secretariat.

Nominations should be sent to Maridone Hernandez, Geomatics and Soil Information Technology Division, or call 9204321 on or before August 3, 2015 to constitute the team for issuance of Special Order and for organizational and orientation meeting.

SILVINO Q. TEJADA, CESO III
Director





REPUBLIC OF THE PHILIPPINES

JOINT MEMORANDUM CIRCULAR NO. 2015-01

18 May 2015

- TO:** All Heads of Departments, Bureaus, Offices, and other Agencies of the National Government, including State Universities and Colleges, and Government-Owned and/or –Controlled Corporations and Government Financial Institutions, Congress of the Philippines, the Judiciary, Constitutional Commissions, the Office of the Ombudsman, and Local Government Units
- SUBJECT:** Guidelines for the Implementation of the Open Government Data General Provision in the 2015 General Appropriations Act

PURPOSE

- 1.0 This Joint Memorandum Circular serves as the guidelines issued by the Open Data Philippines Task Force in compliance with Section 24 of Republic Act No. 10651, otherwise known as the 2015 General Appropriations Act (GAA). This general provision reads as follows:

Sec. 24. Open Government Data. *Departments, bureaus, and offices of the National Government, including Constitutional Offices enjoying fiscal autonomy, SUCs, and GOCCs shall adopt a policy of openness for all datasets created, collected, processed, disseminated, or disposed through the use of public funds to the extent permitted by applicable laws and subject to individual privacy, confidentiality, national security, or other legally-mandated restrictions. Openness means that datasets published by agencies shall be machine-readable, in open formats, and released with open licenses.*

Implementation of this section shall be subject to guidelines to be issued by the Open Data Philippines Task Force comprised of the Office of the Presidential Spokesperson, DBM, and the Presidential Communications Development and Strategic Planning Office.

BACKGROUND

- 2.0 In January 2014, the Government of the Philippines launched Open Data Philippines (ODP), the program to make government data more accessible to the public by supplying data in open and machine-readable formats, and stimulating public demand. The program is anchored on data.gov.ph, a public domain website which serves as the central repository for all government datasets. The program is managed by the ODP Task Force comprised of the OPS, DBM, and PCDSPO.
- 3.0 For its policy instrument to support the program, the OPS-DBM-PCDSPO JMC 2014-01 was issued in 22 January 2014. This Joint Memorandum Circular 2015-01 is hereby issued to supplement said JMC and to provide guidelines in the implementation of Section 26 in the General Provisions of Republic Act No. 10651 or the FY 2015 General Appropriations Act (GAA).

Annex 4	Executive Order No. 2 S. 2016
Page 1 of 6 Pages	Date of Issue: N/A Supercedes:

Executive Order No. 02, s. 2016

OFFICIAL GAZETTE OF THE REPUBLIC OF THE PHILIPPINES, TUESDAY, JULY 26, 2016

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 TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

WHEREAS, pursuant to Article 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:

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

“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.

2. "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.
3. "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, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged 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 to 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 law 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 fifteen (15) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter, immediately circularize 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 provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or 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 the right to privacy of the individual as follows:

1. 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 law, rules or regulations;
2. 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.
3. Any employee, official or director 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 regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within ninety (90) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

1. The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
2. The person or office responsible for receiving requests for information;
3. The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
4. The standard forms for the submission of requests and for the proper acknowledgment of requests;
5. The process for the disposition of requests;
6. The procedure for the administrative appeal of any denial for access to information; and;
7. The schedule of applicable fees.

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

1. 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 or updated inventory of exception as hereinabove provided.
2. The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
3. The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and 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.
4. The government office shall respond to a request fully compliant with requirements of subsection (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 agency or office concerned to grant or deny access to the information requested.
5. 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 cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
6. 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 required, 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 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, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party 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 stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (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.

The appeal 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.

Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts 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 or 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.

(Sgd.) **RODRIGO ROA DUTERTE**

President

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**

Executive Secretary

<i>Annex 6</i>	Copy Holders
Page 1 of 1 Page	Date of Issue: June 15, 2015

- 1 Office of the Director
- 2 Office of the Assistant Director
- 3 Client Center
- 4 Resident COA Auditor
- 5 Accounting
- 6 Budget
- 7 Cashier
- 8 Personnel
- 9 Property Unit
- 10 Library
- 11 BAC Secretariat
- 12 Training and Information Dissemination Services
- 13 Soil Survey Division
- 14 Water Resources Management Division
- 15 Soil Conservation and Management Division
- 16 Agricultural Land Management Evaluation Division
- 17 Geomatics and Soil Information Technology Division
- 18 Laboratory Services Division
- 19 Soil and Water Resources Research Division
- 20 San Ildefonso, Bulacan Research Station
- 21 Tanay, Rizal Research Station
- 22 Dalwangan, Bukidnon Research Station