



May 13, 2024

Special Order No. **309**
Series of 2024

SUBJECT: DESIGNATION OF PFDA FREEDOM OF INFORMATION (FOI) RECEIVING OFFICERS

In keeping with the thrust of the Agency to ensure the efficient implementation of the PFDA Freedom of Information as underscored in PFDA Office Order No. 3, s. 2023, the following personnel are hereby designated as the official PFDA FOI Receiving Officers (FRO):

Names	Position/Designation	FOI Assignment
Miguel M. Pilarta	Officer-in-Charge, Public Information Division	Primary FRO
Mark Angelo N. Perez	Information Officer III	Alternate FRO
Ali-Jim P. Subang	Audio Visual Aids Technician III	Alternate FRO

This Order reiterates the responsibilities of the FROs, to wit:

1. Receive on behalf of the PFDA Central Office or Regional Fish Ports, all requests for information and forwarding the same to the appropriate office who has custody of the records;
2. Monitor all FOI requests and appeals;
3. Provide assistance to the FOI Decision Maker (FDM);
4. Provide assistance and support to the public and staff with regard to FOI;
5. Compile statistical information as required; and
6. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FDM for further evaluation, refer the request to other agencies, or deny the request if:
 - a. The FOI form is incomplete; or
 - b. The information is already disclosed in the PFDA Official Website (pfda.gov.ph) or at data.gov.ph.

This Order takes effect immediately and shall remain in force until expressly revoked in writing. All other issuances inconsistent herewith are amended or revoked accordingly, in accordance with the pertinent civil service rules and regulations.

ATTY. GLEN A. PANGAPALAN
Acting General Manager



Management
System
ISO 9001:2015
www.tuv.com
ID 9108658343



PCA Annex Building
Elliptical Road Diliman, Q.C.
Telefax. No. 8925-61- 41
<https://pfda.gov.ph>

Form Code: PFDA-ISO-FRM-015 Rev. 0



Republic of the Philippines
Department of Agriculture

PHILIPPINE FISHERIES DEVELOPMENT AUTHORITY

TRACEABILITY CODE: PFDA-PID-OO-0001-23

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March 29, 2023

OFFICE ORDER NO. 03
Series of 2023

**SUBJECT: AMENDMENT TO THE FREEDOM OF INFORMATION (FOI) MANUAL
OF THE PHILIPPINE FISHERIES DEVELOPMENT AUTHORITY**

In the exigency of the service and in the interest of reaffirming our commitment in rendering quality service and full transparency of our operations, the Office Order No. 2, s. 2016 on the Implementation of the Freedom of Information (FOI) Manual of the Philippine Fisheries Development Authority per Executive Order No. 2, s. 2016 is hereby amended.

The FOI Manual of the PFDA is amended to incorporate the provisions of FOI-Memorandum Circular No. 21-05 or the "No Wrong Door Policy". The details of the amended portions are indicated in the revision history of the Manual.

All units and personnel concerned shall strictly adhere to the provisions of the Manual. This contains the procedures and regulations in the application of the law, so that the balance between the people's right to information and the government's need to protect its data will be properly applied.

This Office Order shall take effect fifteen (15) days from filing a copy thereof at the UP Law Center and shall remain in force unless revoked in writing, subject to pertinent civil service rules and regulations. All issuances inconsistent herewith are deemed revoked or modified accordingly.

IRIS R. DE VERA

Officer-in-Charge – General Manager



Management
System
ISO 9001:2015

www.tuv.com
ID 910858343



PCA Annex Building
Elliptical Road Diliman, Q.C.
Telefax. No. 8925-61- 41
www.pfda.gov.ph



**FREEDOM OF INFORMATION (FOI) MANUAL OF THE
PHILIPPINE FISHERIES DEVELOPMENT AUTHORITY (PFDA)**

March 2023



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I. RATIONALE

In order to enhance the public's right of access to information, Executive Order No. 2 was issued on July 23, 2016. In order to fulfill the mandate of the executive order and reaffirm its commitment in rendering quality service and full transparency of its operations, the Philippine Fisheries Development Authority hereby sets its rules for Freedom of Information (FOI) request for data; for strict adherence of all offices and the public requesting the information.

II. OBJECTIVES

The purpose of this FOI Manual is to guide and assist the Philippine Fisheries Development Authority (PFDA), including its Regional Fish Port/Complexes in dealing with requests for information received under Executive Order No. 2 on Freedom of Information.

III. LEGAL BASES


- Under Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure if all its transactions involving public interest, subject to reasonable conditions prescribed by law;
- Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;
- Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules & Regulations, strengthens the fundamental right to privacy, and to communication while ensuring the free flow of information to promote innovation and growth.

IV. DEFINITION OF TERMS

For the purpose of this FOI Manual, the following terms shall mean:

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.

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

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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.

pfda.gov.ph. The official website of the PFDA that provides information on the news, programs, projects and activities undertaken by PFDA.

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.

INFORMATION FOR DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public. Privileged information refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication.


OFFICIAL RECORD/S. 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.

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

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

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

PERSONAL INFORMATION. Shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be

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reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

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


- (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (2) 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;
- (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) Specifically established by an executive order or an act of Congress to be kept classified.

FOI Receiving Officer. There shall be an FOI Receiving Officer (FRO) designated at the PFDA-Central Office and its Regional Fish Ports. The FRO shall be designated by the General Manager of the PFDA and shall hold office at PCA Annex Building, Elliptical Road, Diliman, Quezon City.

The functions of the FRO shall include the following: 1) receiving on behalf of the PFDA Central Office or the Regional Fish Ports, all requests for information and forwarding of the same to the appropriate office who has custody of the records; 2) monitor all FOI requests and appeals; 3) provide assistance to the FOI Decision Maker; 4) provide assistance and support to the public and staff with regard to FOI; 5) compile statistical information as required; and 6) conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- a) That the form is incomplete; or
- b) That the information is already disclosed in the PFDA's Official Website (pfda.gov.ph).

FOI Decision Maker. The General Manager shall be the FOI Decision Maker. In case the Decision Maker is on official leave/travel, he may delegate such authority to the Assistant General Manager. Responsibility Centers shall provide assistance to the FOI Decision Maker in cases where the information contained in the documents is

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obscure and requires the expertise of persons with special capability. In no case shall such assistance extend to the arrogation of the FOI Decision Maker's responsibility to rule on the confidentiality of the information.

In making such determination, the FOI Decision Maker shall exercise reasonable diligence to ensure that no exception shall be used not availed of to deny any request for information or official or public record, if the denial is intended primarily and purposely to cover up a crime, wrongdoing, and graft and corruption.


EXCEPTIONS. Access to information shall be denied when the information, official or public records, fall within the following exceptions:

- a) Information covered by the executive privilege;
- b) Privileged information relating to national security, defense, or international relations;
- c) Information concerning law enforcement and protection of public and personal safety;
- d) Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes or the accused;
- e) Information, documents, or records known by reason of official capacity and are deemed confidential, including those submitted or disclosed by entities to government agencies, tribunals, board, or officers, in 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;
- f) Prejudicial premature disclosure;
- g) Records of proceedings or information from proceedings, which pursuant to law, or relevant rules and regulations, are treated as confidential or privileged;
- h) Matters considered confidential under banking and finance laws and their amendatory laws; and
- i) Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

V. STANDARD PROCEDURE

The following procedure shall be followed in **all requests** for information, and official or public records made to the Central Office, and the Regional Fish Port Offices (Appendix "B" – PFDA FOI Flow Chart):

V.1. Receipt of Request for Information. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and shall ascertain the

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completeness of the request. Requests for information shall be made in writing using the FOI Request Form (Appendix "A") which may be downloaded from www.pfda.gov.ph and submitted either personally, through registered mail, or electronically by sending a scanned copy of the duly accomplished request form to pid@pfda.gov.ph.

The request shall include the following:

- Date of the request
- Name of the requesting party
- Mailing address
- Contact information (landline number, mobile number, or valid e-mail address)
- Detailed description of the information requested
- Purpose of request
- Signature of the requesting Party
- Certification under oath of purpose and of non-disclosure

The Requesting Party shall present at least one (1) government-issued proof of identity with picture and signature of bearer, such as, but not limited to:


- GSIS/SSS Identification Card
- Voter's Identification Card
- Passport
- Driver's License
- PRC Identification Card
- Senior Citizen's Identification Card
- Postal Identification Card
- Philhealth Identification Card

Provided, that no request shall be denied or refused unless the reason for the request is contrary to law, existing rules and regulations, or is one of the recognized **exceptions** contained in the inventory under section hereof.

V.1.a. For requests for information not in the prescribed FOR Request Form, the requesting party must provide the following details:

- Name
- Mailing address
- Landline or mobile number or valid e-mail address

In case of failure to provide any of the above information, the request shall be deemed incomplete and/or not filed.

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The FOI Receiving Officer shall immediately advise the requesting party either by phone or by e-mail to submit a duly accomplished FOI Request Form. Only upon receipt of the complete request form of the requesting party as prescribed in this manual shall the fifteen (15) working day period commence.

V.1.b. In case the requesting party is unable to make a written request because of illiteracy, disability, or similar reasons, they can make an oral request, which the FOI Receiving Officer shall reduce into writing. In case the request is made on behalf of a juridical entity, the request shall be accompanied by the secretary's certificate of board resolution authorizing the requesting party to make the FOI request on the juridical entity's behalf and the purpose therefor. If the request is being made for academic purposes by a student, the requesting party shall attach the endorsement of the head of the school or his/her representative stating the purpose for the request, and certifying that the requesting party is a student of the school for the current semester.


V.1.c. The request shall be officially received by the FOI Receiving Officer (FRO), indicating the date and time of the receipt of the request, and the name, signature, and position/rank of the FOI Receiving Officer, and a copy shall be given to the requesting party. In case of e-mail requests, the e-mail shall include an attachment of the FOI form properly filled out, including the signature of the requesting party. The FOI Receiving Officer shall input the details of every request in the Document Tracking System (DTS) and assign a reference number.

V.1.d. The PFDA must respond within fifteen (15) working days following the date of receipt of the request. The date of the request shall be (a) the day of actual physical receipt in the PFDA office with the corresponding stamp "received" on the request form or (b) the day of acknowledgment of receipt of the request stated in the electronic time and date stamp of the e-mail from the FOI Receiving Officer. If the request is incomplete, or further details are needed to identify and locate the requested information, the date of receipt shall be the date when the clarification or completion of details was received and/or acknowledged by the FOI Receiving Officer.

V.2. Initial Evaluation. After receipt of the request, the FOI Receiving Officer shall evaluate the contents of the request.

V.2.a. **The FOI Receiving Officer** shall forward the request to the concerned Repository Officer/Official Custodian within one (1) working day from receipt with instructions to provide only the information relating to their respective custodies.

In cases where there is no need to refer the request to a Repository Officer/Official Custodian, the FOI Receiving Officer shall transmit the request

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and, where necessary, the requested information to the FOI Decision Maker within five (5) working days for approval.

V.2.b. Requests for information submitted through Regional Fish Port Offices shall be immediately transmitted to their respective FOI Receiving Officers (PID Correspondents). The running of the mandated fifteen (15) working day period to respond shall start on the date and time of receipt by the FOI Receiving Officer pursuant to Section V.1.c of this manual.

V.2.c. For requests of information that are not in the custody of the PFDA following verification with the concerned responsibility centers, the **FOI Receiving Officer** shall immediately inform the requesting party either in writing or e-mail within fifteen (15) working days reglementary period that the PFDA is not the custodian of the information requested, thereafter, the FOI Receiving Officer shall notify the requesting party of the referral within the reglementary period.


V.2.d. For requests for information already proactively disclosed by PFDA as either on data.gov.ph, eFOI.gov.ph, or other platforms by which government agencies perform proactive disclosure of their transactions, the **FOI Receiving Officer** shall, within five (5) working days from receipt of the request, inform the requesting party of the said fact/occurrence and provide them with a link where the information is posted or may be readily accessed.

V.3. Transmittal of the request to the FOI Decision Maker. Within four (4) working days from receipt of the request for information from the FOI Receiving Officer, the Repository Officer/Official Custodian shall transmit the request and the requested information to the FOI Decision Maker.

V.4. Role of the FOI Decision Maker in processing the FOI request. Within eight (8) working days from the receipt of the FOI request and the requested information from the Repository Officer/Official Custodian, the FOI Decision Maker shall decide whether to grant, partially grant, or deny the request for information based on the grounds set forth.

He may partially grant the request, ensuring that the confidential documents are excluded from the information to be disclosed.

If the FOI Decision Maker needs further details to identify or locate the information requested, he/she shall, through the FOI Receiving Officer, seek clarification from the requesting party. The period for clarification shall not be included in the fifteen (15) working day period and the counting of the same shall resume on the day after the responsive clarification is received from the requesting party.

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If there is doubt as to the applicability of the exceptions, the FOI Decision Maker may request the opinion of the Legal Division (LD). The request shall contain a description of the parts of the document, the nature of which is under question in order to facilitate the assessment to be made by the Legal Division. The assessment/opinion shall be made within three (3) working days.

The FOI Decision Maker shall transmit to the FOI Receiving Officer his/her decision on the request, and the information requested, if the decision is approved. The FOI Receiving Officer shall note the date and time of the receipt of the decision from the FOI Decision Maker, which shall not be later than two (2) working days before the lapse of the fifteen (15) working day period to respond, and shall note the same on the Document Tracking System if it is already beyond the mandated fifteen (15) working day period.


V.5. Role of the FOI Receiving Officer to transmit the information to the requesting party. Upon receipt of the requested information from the FOI Decision Maker, the FOI Receiving Officer shall collate and ensure the completeness of the information. Thereafter, he/she shall attach a cover letter/transmittal letter signed by the FOI Decision Maker and transmit the same to the requesting party or his/her representative otherwise, it should be transmitted thru e-mail.

V.6. Referral of requested information to the appropriate government agency. Consistent with Section 5 of FOI Memorandum Circular No. 21-05 (No Wrong Door Policy for FOI) dated August 27, 2021, the following procedures shall be observed (Appendix "C" – No Wrong Door Policy Flow Chart):

V.6.a When the requested information is not in the custody/possession of PFDA but is available in other government agency, the PFDA, which will be referred to this Manual as government agency no. 1 (GA1), shall immediately refer the request to another government agency (GA2) under the Executive Branch within three (3) working days from the receipt of the request.

V.6.b. The requesting party shall be notified of the referral and will be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

V.6.c. If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2012. No fresh period shall apply.

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V.6.d. If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.


V.7. Extension of Period to Respond. The period to respond may be extended whenever the information requested requires an extensive search of the PFDA's records facilities and examination of voluminous records, in the event of the occurrence of fortuitous events, where there is a need on the part of the Regional Fish Port Offices to refer to or to confer with the Central Office, and other analogous cases. Through the FOI Receiving Officer, the FOI Decision Maker shall notify the requesting party of such extension, setting forth the reasons therefor. In no case shall the extension go beyond twenty (20) working days counted from the expiration of the original period, unless exceptional circumstances warrant a longer period.

V.8. Notice to the Requesting Party of the Approval or Denial of the FOI request. Once the FOI Decision Maker has acted upon the request by approving, partially approving, or denying the same, he/shall immediately notify the FOI Receiving Officer to prepare the response to the requesting party in writing.

V.8.a. In case of approval, the FOI Receiving Officer shall inform the requesting party within the prescribed period that the request was granted, and direct the requesting party to pay the corresponding fees prior to release. Where the FOI Receiving Officer gives the corresponding assessment to the requesting party, the mandated fifteen (15) working day period is suspended and will commence once the FOI Receiving Officer receives the requesting party's payment in accordance with the preceding section. In any event and where the remaining period is five (5) working days or less, the FOI Decision Maker shall have another ten (10) days to approve from receipt of such payment.

V.8.b. In case of partial approval where some parts of the document are covered by privileged information/communication or exemption, the **FOI Receiving Officer** shall notify the requesting party of such partial approval within the prescribed period. The notice shall contain an enumeration of the parts which are deemed classified and cannot be released to the public, and shall state the reasons therefor. All partially-approved requests shall be subject to the approval by the **FOI Decision Maker**.

V.8.c. In case of denial, the FOI Receiving Officer shall likewise notify the requesting party of the fact of denial and the reasons therefor within the prescribed period. All denials shall likewise be signed by the FOI Decision Maker and shall be appealable.

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REMEDIES IN CASES OF DENIAL OF REQUEST FOR ACCESS TO INFORMATION


A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section V of this Manual; Provided that the written appeal must be filed by the same person making the request within (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- b) The appeal shall be decided by the person or office next higher in authority within thirty (30) working days from the filing of the said written appeal. Failure of such person or office to decide within the aforesated period shall be deemed a denial of the appeal.
- c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

V.9. Payment of Fees. Once the request is granted and the requesting party has been duly notified, the latter shall proceed to the FOI Receiving Officer and present the notice granting or partially granting his/her request. The document shall be released to the requesting party only after the payment of feels and presentation of the receipt to the FOI Receiving Officer.

FEES

1. **No Request Fee.** The PFDA shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the PFDA in providing the information to the requesting party. The schedule of fees shall be posted by the PFDA in the bulletin board.
3. **Exemption from Fees:** The PFDA may exempt any requesting party from payment of fees, upon request stating the valid reason for exemption.

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APPENDIX A

PFDA FOI Request Form



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PORMULARYO NG KAHILANGAN | FOI Request Form

TITULO NG DOKUMENTO / (Title of the Document): _____

MGA TAON/PANAHONG SAKLAW / (Year): _____

LAYUNIN / (Purpose): _____

(Detailed description of the information/document requested. Note: Please use additional page, if needed)

PANGALAN / (Printed Name) _____ **CONTACT Nos./EMAIL** _____

KATIBAYAN NG PAGKAKAKILANLAN / (Proof of Identity):

PARAAN NG PAGTANGGAP NG IMPORMASYON /
(How would you like to receive the information?)

- ☐ Email _____
☐ Fax _____
☐ Postal Address _____
☐ Pick-up (Office hours) _____

Passport No. _____
 Driver's License _____
 Other _____

CERTIFICATE UNDER OATH

I hereby certify under oath that the undersigned is the person whose name and signature appears here and that the requested information shall be utilized for non-other than the aforesaid purposes. None of the information shall be disclosed to a third party. In case of school related requests, the identity of the assisting public officer shall not be disclosed but shall be referred in general terms (e.g. Mayor of QC).

LAGDA / (Signature): _____ **PETSA / (Date):** _____

Gawaing itinalaga kay: _____
(Submitted to) (Lumagda sa ibaba ng pangalang nakalimbag)

Petsa/Oras ng Pagkatalaga: _____
(Date / Time of Submission)

Taong nagpapatunay ng Gawaing Natapos: _____
(Certified by)

(Lumagda sa ibaba ng pangalang nakalimbag)

Uri ng isinagawang aksiyon: _____
(Type of action conducted)

Iniskedyul ni / (Received by):

FOI Receiving Officer


Remarks:



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System
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ID 91000333

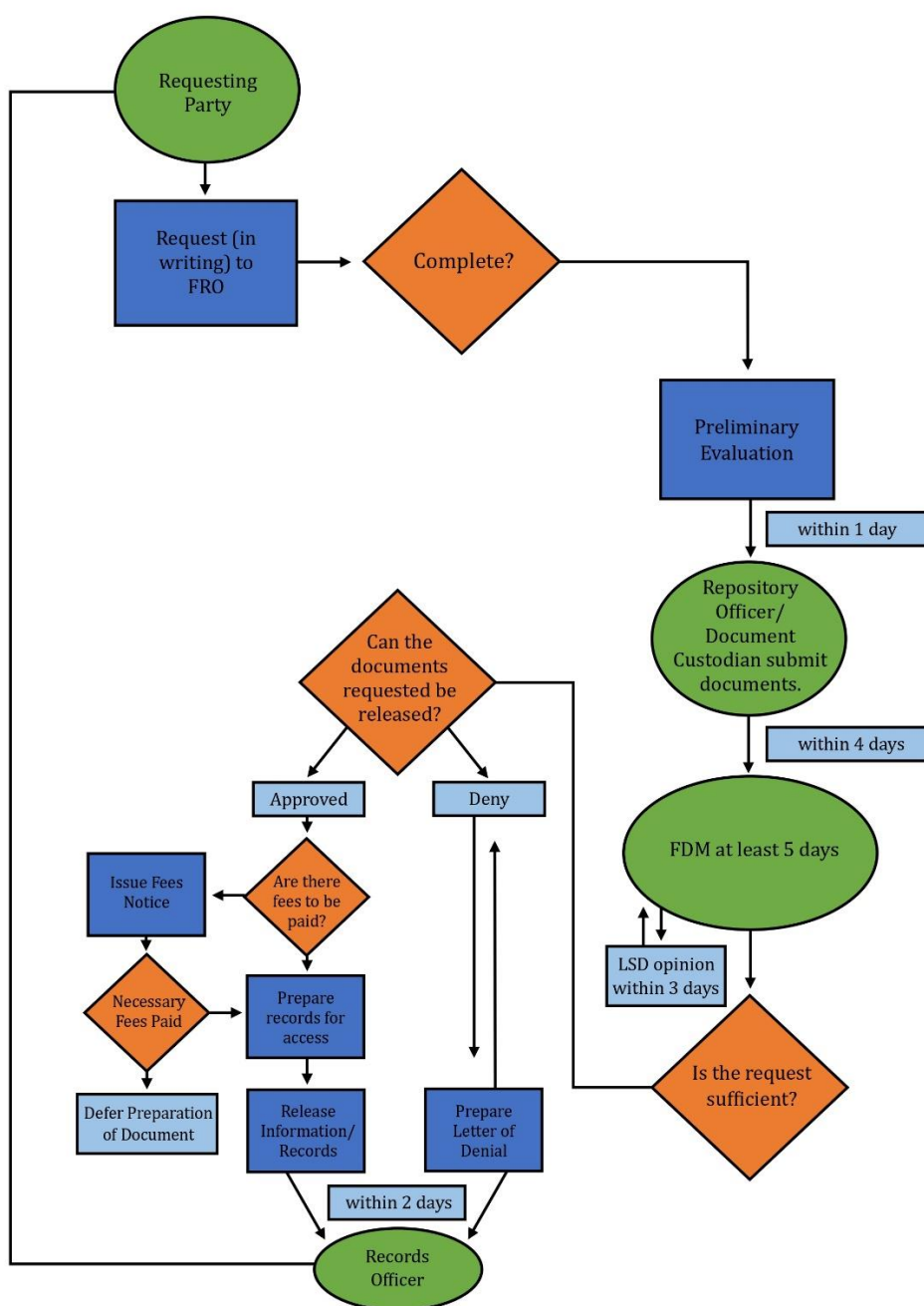



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APPENDIX B

PFDA FOI Flow Chart



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APPENDIX C

No Wrong Door Policy Flow Chart

