

# State of FOI In Malaysia: Performance in Penang and Selangor

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Developed by Sinar Project

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## Acknowledgements

The development of this report has been made possible due to support from the Technology and Democracy Team, International Republican Institute.

Sinar Project would like to express our gratitude to the Centre for Independent Journalism and their partners for their shared resources of FOI submissions to be included in this report.

These include:

For Penang:

- Sub-Agreement Signed by Penang Government on 15th January 2021 with Consortium Zenith Construction (C2C) on Project Package 2, Ayer Itam - Tun Dr Lim Chong Eu Expressway Bypass
- Progress/Updates and Efforts on Bus Public Transport for Connectivity of Seberang Perai to Penang Island 2021-2022
- Rules, Guidelines and Complaints to Protect Penang FOIE's Applicant Data Privacy

For Selangor:

- Data on Number of Prosecution under Section 233 Communications and Multimedia Act 1998 (Act 588)
- Rules, Guidelines and Complaints to Protect Selangor FOIE's Applicant Data Privacy
- Degazettement of Bukit Cherakah Forest Reserve (1st Applicant)
- Degazettement of Bukit Cherakah Forest Reserve (2nd Applicant)
- Degazettement of Bukit Cherakah Forest Reserve (3rd Applicant)

## **About Tumpang Tanya**

Centre for Independent Journalism (CIJ) and Sinar Project had initiated our Right to Information tracking initiative called Tumpang Tanya. Tumpang Tanya is a platform for tracking data and statuses of information requests by civil societies and partners through traditional inquiry channels (information request) or formal FOI channels. We believe that this initiative is critical in monitoring the landscape of information accessibility in Malaysia, and could serve as a living documentation of our access to data.

More information available at: [tumpangtanya.my](http://tumpangtanya.my). Any enquiries and suggestions about this report can be directed to [team@sinarproject.org](mailto:team@sinarproject.org).

## **About Sinar Project**

Sinar Project is a civic tech initiative using open technology, open data and policy analysis to systematically make important information public and more accessible to the Malaysian people. It aims to improve governance and encourage greater citizen involvement in the public affairs of the nation by making Parliament and the Malaysian Government more open, transparent and accountable. More information available at: <https://sinarproject.org>.

## Abbreviations

CIJ	Centre for Independent Journalism
CM	Chief Minister
EXCO	State Executive Council
FOE	Freedom of opinion and expression
FOI	Freedom of Information
FOIE	Freedom of Information Enactment
IC	Identification card
IO	Information Officer
JAIS	Jabatan Agama Islam Selangor (Selangor Islamic Religious Department)
JPS	Jabatan Pengairan dan Saliran (Department of Irrigation and Drainage)
KOMTAR	Kompleks Tun Abdul Razak
LUAS	Lembaga Urus Air Selangor
MB	Menteri Besar
MCMC	Malaysian Communications and Multimedia Commission
MCO	Movement Control Order
MP	Member of Parliament
MPK	Majlis Perbandaran Klang
OSA	Official Secrets Act 1972
PFOIAB	Penang Freedom of Information Appeal Board [Lembaga Rayuan Enakmen Kebebasan Maklumat Pulau Pinang]
PNMB	Percetakan Nasional Malaysia Berhad [Malaysia National Printing Press Berhad]
RTI	Right to Information
SOP	Standard operating procedures
SSIB	Selangor State Information Board (Freedom of Information Appeal Board for the State of Selangor) [ <i>Badan Maklumat Negeri Selangor</i> ]
SUK	Setiausaha Kerajaan (Negeri)

## **Background**

### **Key points:**

- For FOI, there is no federal law, but there are two state laws (Penang and Selangor)
- Access to public information / documents is limited
- Transparency of this access (regardless of success) is limited
- Even if successful, limited knowledge on such requests and their impact to beneficiaries

There is currently no federal law in Malaysia that provides a legal framework to enable the general public to submit requests seeking information from the government. In 2019 under the Pakatan Harapan administration, there were discussions of enacting a freedom of information federal legislation in the Parliament<sup>1</sup>. There has not been any updates on such progress under the Perikatan Nasional administration.

In Malaysia, Penang and Selangor are the only two states with freedom of information enactments which came into force in 2015 and 2013 that allow members of the public to submit requests for information from the respective state governments. However, these enactments cannot override the federal-level Official Secrets Act 1972. Along with other similar laws, such as the Evidence Act 1950, Sedition Act 1948 and specific Penal Code provisions, all have been arbitrarily used in the past to silence dissent and advocates of transparency and accountability.

Despite the availability of an existing framework to request information in Penang and Selangor, there is generally a lack of data on the detailed breakdown of information submitted to Penang and Selangor state governments, including the nature of information sought, duration of the application process from submission of request to receipt of response

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<https://pardocs.sinarproject.org/documents/2019-oct-dec-parliamentary-session/oral-questions-soalan-lisan/2019-11-07-parliamentary-replies/par14p2m3-soalan-lisan-2.pdf/view>



from the state governments. Beyond Penang and Selangor, it is not known whether there is any existing framework that supports the right of the public to access information from the other state governments.

Furthermore, the process and answers of FOI both in Penang and Selangor are hard copy submissions (with the exception of Seberang Perai City Council) through forms. The answers are also not published online especially on a designated portal, even if specific parties were to publish. Hence, there may be duplication of the same requests by different beneficiaries for the same questions. Answers if not published online also meant that the knowledge and information of such answers are only limited to the party asking. And it is dependent on the party to share the answers.

Sinar Project and Centre for Independent Journalism had initiated a platform, [Tumpang Tanya](https://tumpangtanya.my) (tumpangtanya.my) containing a database of information request data from FOI and traditional inquiry channels. The availability of data on the website will help provide transparency and resources for understanding the data ecosystem in Malaysia, such as justification for rejection of FOI requests (e.g. threat to national security, classified or confidential under Official Secrets Act etc.).

## Introduction

- How proper is the process of FOI according to its laws?
- What does FOI in its true implementation look like?

Sinar Project through this project aims to measure the performance of Freedom of Information Enactments in Penang and Selangor. In constrained environments, information and data is hard to get and often gets lost. Those in power are not going to make it easy for you. By enabling communities and partners to share and publish difficult-to-find material obtained through FOI requests, this project seeks to increase openness and demonstrate demand for right to information in Malaysia

Oftentimes outputs on FOI compare legislations of both these states with other laws around the world. However, there have not been any evaluations of the FOI procedure and implementation in its actual use in Malaysia.

This report seeks to find the performance of FOI in its implementation and procedures on the ground related to its response duration, costs, interactions with the office/ officers, and any experience in the process.

The report is hoped to highlight the possible difference in FOI between the enactments and its current state and process for further improvement.

## **Methodology of Performance of FOI**

FOI applications were made to the offices under Penang and Selangor State Government related to the information requested.

Applications were tracked and data and information captured for response time, costs, interactions with agencies, and notes on the experience of the process.

Applications were made by in-person submissions of forms and payments over the counter.

Submissions that did not receive satisfactory answers were filed an appeal to the State Information Board or FOI Appeal Board.

## Key Findings of the Performance

- Information Officers, and Registrars have not been provided with training and resources to facilitate FOI requests
- FOI performance data are not published online by the state governments
- Information about FOI related procedures, guides are outdated
- FOI request process is a manual process with hard copy replies, there are currently no plans to provide a digital service
- Appointments of key positions to facilitate FOI such as Information Officers are not timely, and positions may be vacant for extended periods of time
- Rejections of FOI requests are not based on any applicable laws or regulations
- The clause in FOI laws pertaining to liberty and freedom in both Selangor and Penang are not addressed by government officials and its process.

## Primary Differences of FOI Enactments in Selangor and Penang

Selangor FOIE	Penang FOIE
Response in 30 days	Response in 14 working days
Response in 7 days for application related to the life or liberty of an individual	Response within 48 hours or extended up to 7 days for application related to the life or liberty of an individual
Application fee of RM 12	Application fee of RM 50 for current year and for non-current year, RM 100 for each year

## Summary of Performance

Findings from the FOI submitted to Penang and Selangor Government offices shows a certain level of compliance of officers, staff, and Information Officers to their respective Enactments. For those with awareness of the law, there was understanding of the basic process and workflow, however for those without knowledge of the process, requests were either rejected outright, or additional documentation such as a cover letter or letter of authority were required. The consequences can also lead to refusal for FOI requests that are not based on law or proper process.

How FOI is supposed to be implemented by a government department is unclear. Some departments have not received any briefing of the process at any level. Where Information Officers have not been appointed, there are no reference avenues available to an applicant.

When an FOI request involves an aspect of life and liberty, both states have a checkbox on the application form (Form A), which will reduce response duration. From FOI requests made to date, checking the boxes have no meaning and do not have any significance despite the emphasis under the Enactment. The applicant did not receive a reply in a shorter time period. In fact, the notice of acceptance response time follows the normal duration period.

Where applicants may not know the name or source of the document that provides information requested, only the extracted information may be given within a narrow scope.

At the next step of the FOI process, is the appeal process for rejection on unsatisfactory requests. For the requests cited in this report the applicant has not managed to convene a proceeding with the Selangor State Information Board, due to no Chairman and members having been appointed. Further requests to understand statistics of FOI Appeal seems to suggest that no proceedings have ever been held since the enforcement of the enactment<sup>2</sup>.

In Penang, the Deputy Registrar of the Appeal Board wrongly recommended that appeal applications be made to the IO. The proper procedure as in the state FOI enactment is for appeals to be made to the Registrar. Incorrect information can lead to additional obstacles for applicants, problematic implementation and possible legal issues for the government.

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<sup>2</sup> <https://tumpangtanya.my/rti-requests/selangor-foi-appeal-statistics>

## FOI Requests made in Penang

### Summary for FOI requests in Penang

Request	Application Costs (RM)	Response related to freedom or liberty	Response
Allowance and Asset Declaration of Chief Minister, EXCO Members, and all Members of Penang State Legislative Assembly for the year 2018 to 2021	400	Yes  Freedom to know the transparency of elected representatives and state executives	No reply of answer (Response given is answer still pending approval)
JPS Penang River Pollution Report 2017-2022	0	No	Answers on the same day
Penang Supply Enactment 2022 and 2002	150  Processing costs: 10	Yes  Freedom to know the spending of the state government and freedom to access public domain documents/gazettes.	Answers received for 2022 Enactment are wrong. Answers for 2002 Enactment cited as not withheld in department.  Both answers were later provided in the record of appeals after appeal submission.  Applicants were given reparations of costs for the wrong answers given through the FOI Appeal proceeding.
Penang ADUN Allocation 2022	50  Processing costs: 1	Yes  Freedom to know the allocation of ADUN expenses for the state government.	Answers received were accumulated from the government and opposition side and not specific to each ADUN as requested.  Applicant received the requested answers through the record of appeals after appeal submission

Budgets and Real Spending for Penang for the year 2020 and 1990	200 Processing costs: 1	Yes Freedom to know the spending of the state government and freedom to access public domain documents/gazettes.	Answers received were accumulated of 2020 and 1990 with no granular details. A table with details in two rows and two columns  Applicant received the requested answers through the record of appeals after appeal submission
Real Expenditures for Seberang Perai City Council for the year 2020	100 Processing costs: 71	Yes Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)	Received answers
Budgets for Seberang Perai City Council for the year 2020	100 Processing costs: 22	Yes Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)	Received answers
Lists of Information Officers and Members of Penang FOI Appeal Board	50	Yes Freedom to request information under FOIE and submit an appeal	Received answers
Kukup Bypass Project Information and Environmental Impact Assessment	0	No	No response



Registered Penang PWD Statistics according to districts 2018 to 2021	500	No	Received answers
Budgets and real spending for Pulau Pinang City Council for 2017 to 2021	0	No	No response
Rules, Guidelines and Complaints to Protect Penang FOIE's Applicant Data Privacy	50	No	Received answers
Progress/Updates and Efforts on Bus Public Transport for Connectivity of Seberang Perai to Penang Island 2021-2022	150 Processing costs: 6	No	Received answers
Sub-Agreement Signed by Penang Government on 15th January 2021 with Consortium Zenith Construction (C2C) on Project Package 2, Ayer Itam - Tun Dr Lim Chong Eu Expressway Bypass	100	No	Rejected

**Allowance and Asset Declaration of Chief Minister, EXCO Members, and all Members of Penang State Legislative Assembly for the year 2018 to 2021****Response Details:**

Application to	Penang SUK Office/ Chief Minister Office
Application cost	RM 400
Date of request	1 April 2022
Date of payment	15 April 2022
Date of response	6 May 2022 of pending approval
Application related to the life or liberty of an individual	Yes  Details: Freedom to know the transparency of elected representatives and state executives

**Links/ Resources:**

<https://tumpangtanya.my/rti-requests/penang-asset-declaration>

**Additional details about this request:**

No reply of an answer (still pending approval).

Answers were not received until the date of this report. The response to the request was seen to simply comply with the law requiring response within 14 working days of application.

**JPS Penang River Pollution Report 2017-2022****Response Details:**

Application to	Penang Department of Irrigation and Drainage (JPS Penang)
Application cost	–
Date of request	1 April 2022
Date of receiving answer	1 April 2022

**Links/ Resources:**

<https://tumpangtanya.my/rfi-requests/jps-penang-river-pollution-report-2017-2022/>

**Additional details about this request:**

This request is not followed through using FOI, as the department wanted to immediately give the answers. The answers were handed over to the applicant by copying the related documents from their computer to the applicant's external drive. The documents provided however were only from 2019 onwards.

## Penang Supply Enactment 2022 and 2002

### Response Details:

Application to	Penang Finance Department
Application cost	RM 150
Date of request	15 April 2022
Date of payment	15 April 2022
Date of response	10 May 2022
Processing cost	RM 10
Date of answer collection	13 May 2022
Application related to the life or liberty of an individual	Yes  Details: Freedom to know the spending of the state government and freedom to access public domain documents/gazettes.

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/penang-supply-enactment-2022-2002>

### Additional details about this request:

The answer received from this request is unsatisfactory as the information officer provided a wrong answer. The answer was provided in the form of an FOI Enactment itself and was charged RM 10 for the processing fee for the answer pages.

Supply Enactment 2002 was cited as not being stored within the department.

An appeal was made on the same day of answer collection. Satisfactory answers were then provided in the record of appeal.

In the proceeding of the appeal. Reimbursement of RM 100 of the total costs of the appeal was given by the Appeal Board.

## Penang ADUN Allocation 2022

### Response Details:

Application to	Penang Finance Department
Application cost	RM 50
Date of request	15 April 2022
Date of payment	15 April 2022
Date of response	10 May 2022
Processing cost	RM 1
Date of answer collection	13 May 2022
Application related to the life or liberty of an individual	Yes  Details: Freedom to know the spending of the state government and freedom to access public domain documents/gazettes.

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/penang-adun-allocation-2022>

### Additional details about this request:

The answer received from this request was unsatisfactory as the information officer provided the answer not as per each ADUN allocation but compiled the total sum for government and opposition ADUNs.

An appeal was made on the same day of answer collection. Satisfactory answers were then provided in the record of the appeal of each ADUN allocation.

## Budgets and Real Spending for Penang for the year 2020 and 1990

### Response Details:

Application to	Penang Finance Department
Application cost	RM 200
Date of request	15 April 2022
Date of payment	15 April 2022
Date of response	10 May 2022
Processing cost	RM 1
Date of answer collection	13 May 2022
Application related to the life or liberty of an individual	Yes  Details: Freedom to know the spending of the state government and freedom to access public domain documents/gazettes.

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/penang-budgets-and-real-spending-1990-2020>

### Additional details about this request:

The answer received from this request was unsatisfactory as the information officer provided the answer not as per granular details of the budget and expenditure but was compiled with two columns of the total sum for estimated operating budget and expenses for 2020 and 1990.

An appeal was made on the same day of answer collection. Satisfactory answers were then provided in the record of the appeal of each ADUN allocation.

## Real Expenditures for Seberang Perai City Council for the year 2020

### Response Details:

Application to	Majlis Bandaraya Seberang Perai
Application cost	RM 100
Date of request	7 April 2022
Date of payment	28 April 2022
Date of response	15 June 2022
Processing cost	RM 71
Date of answer collection	5 July 2022
Application related to the life or liberty of an individual	Yes  Details: Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/2020-expenditures-for-seberang-perai-city-council>

### Additional details about this request:

MBSP does not accept FOI requests through in-person submission in their office. All FOI requests is submitted through email at [foi@mbsp.gov.my](mailto:foi@mbsp.gov.my)

Initially for request of budgets and real spending MBSP, submission was made for budgets and expenditures 2017 to 2021 for MBSP. However, the IO requested for the form A to be split into 10 forms each for budgets, expenditures for each year.

A clarification was requested to the Deputy Registrar on whether this is allowed for the IO to do so under the FOIE. Applicant is still not clear if such split of request is possible by the IO under the provisions of the law.

Consequently, the applicant proceeded with payment for two requests, budgets and real spending MBSP for 2020.

This request has a processing cost of RM 20 from the total amount for data checking. It is unsure if such costs are justified or applicable based on the rules. The answer provided to the applicant is physical documents through in-person collection in the MBSP office.

Such a request is made to know the real spending for Seberang Perai City Council. The answer received is the Government Gazette of Auditor Report on the Account Statements of MBSP ending December 2020<sup>3</sup>.

Options are available for postage of the answers, however it is not understood why such answers were not sent in digital copies through email, given the fact that applications are only accepted through emails.

### Budgets for Seberang Perai City Council for the year 2020

#### Response Details:

Application to	Majlis Bandaraya Seberang Perai
Application cost	RM 100
Date of request	7 April 2022
Date of payment	28 April 2022
Date of response	15 May 2022
Processing cost	RM 22
Date of answer collection	5 July 2022
Application related to the life or liberty of an individual	Yes  Details: Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)

#### Links/ Resources:

<https://tumpangtanya.my/rti-requests/2020-budgets-for-seberang-perai-city-council>

#### Additional details about this request:

MBSP does not accept FOI requests through in-person submission in their office. All FOI requests is submitted through email at [foi@mbsp.gov.my](mailto:foi@mbsp.gov.my)

Initially for request of budgets and real spending MBSP, submission was made for budgets and expenditures 2017 to 2021 for MBSP. However the IO requested for the form A to be split into 10 forms each for budgets, expenditures for each year.

3

[https://tumpangtanya.my/rti-requests/2020-expenditures-for-seberang-perai-city-council/answer\\_mbsp\\_accountstatementsgazette.pdf/view](https://tumpangtanya.my/rti-requests/2020-expenditures-for-seberang-perai-city-council/answer_mbsp_accountstatementsgazette.pdf/view)



A clarification was requested to the Deputy Registrar on whether this is allowed for the IO to do so under the FOIE. Applicant is still not clear if such split of request is possible by the IO under the provisions of the law.

Consequently, the applicant proceeded with payment for two requests, budgets and real spending MBSP for 2020.

This request has a processing cost of RM 20 from the total amount for data checking. It is unsure if such costs are justified or applicable based on the rules. The answer provided to the applicant is physical documents through in-person collection in the MBSP office.

Options are available for postage of the answers, however it is understood why such answers were not sent in digital copies through email, given the fact that applications are only accepted through emails.

## Lists of Information Officers and Members of Penang FOI Appeal Board

### Response Details:

Application to	Penang SUK Office
Application cost	RM 50
Date of request	1 April 2022
Date of payment	15 April 2022
Date of response and answer received	19 May 2022
Application related to the life or liberty of an individual	Yes  Details: Freedom to request information under FOIE and submit an appeal

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/list-of-penang-information-officers-and-members-of-penang-foi-appeal-board-for-2022>

### Additional details about this request:

Request was made due to information on the Penang FOI website being outdated and to help with the process of FOI submissions. Despite the answer providing the latest list of Information Officers, the list was not uploaded and updated to the Penang FOI website.

When applicant is requesting the list of FOI Appeal Board, the appointment of the board is not yet appointed for the new term. The answer received states that the new appointment will start on the 1st of June 2022 until 31st of May 2024.

## Kukup Bypass Project Information and Environmental Impact Assessment

### Response Details:

Submission to	Pulau Pinang City Council (MBPP)
Date of application	1 April 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/kukup-bypass-project-information-and-environmental-impact-assessment/>

### Additional details about this request:

This application did not receive much response from MBPP. There was a call made to the applicant, but the applicant was unable to pick up the call. However, there was no follow up from that call despite the applicant calling back only to be picked up by the operator.

No payment has been made for such request and applicant is interested in making payments directly to MBPP, instead of Penang SUK Office to understand MBPP's payment mechanisms for FOI specifically

## Registered Penang PWD Statistics according to districts 2018 to 2021

### Response Details:

Submission to	Penang Welfare Department
Application cost	RM 500
Date of request	1 April 2022
Date of payment	13 May 2022
Date of receiving answer	13 May 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/registered-oku-statistics-in-penang-2017-2021>

### Additional details about this request:

Request for this data is made to supplement, compare and understand more detail from the Penang Registered PWD statistics published on Malaysian Government Open Data Portal<sup>4</sup>. The dataset published on Open Data Portal does not have granular details on ethnics, age, and gender distribution.

Answers received were granular and complete. This is the first ever FOI received by the Department. The initial request form, Form A was sent to the front office and was flying around the office until picked up by the information officer.

Calls were made by the information officer to confirm requests and aim or purpose of requests made. Information officer discusses with the Director on the processing of the application and further information was provided as answers to ensure the applicant is satisfied such as categories of disabilities, ethnicities, age groups. Payment was made on the day of receiving answers as agreed with the information officer.

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[https://www.data.gov.my/data/ms\\_MY/dataset/statistik-kategori-orang-kurang-upaya-oku-berdaftar-mengikut-daerah-pulau-pinang](https://www.data.gov.my/data/ms_MY/dataset/statistik-kategori-orang-kurang-upaya-oku-berdaftar-mengikut-daerah-pulau-pinang)

## Budgets and Real Spending for Pulau Pinang City Council for 2017 to 2021

### Response Details:

Submission to	Pulau Pinang City Council (MBPP)
Date of application	15 April 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/budgets-and-real-spending-for-pulau-pinang-city-council-for-2017-to-2021/>

### Additional details about this request:

This application did not receive much response from MBPP. There was a call made to the applicant but the applicant was unable to pick up the call. However, there was no follow up from that call despite the applicant calling back only to be picked up by the operator.

No payment has been made for such a request and the applicant is interested in making payments directly to MBPP, instead of Penang SUK Office to understand MBPP's payment mechanisms for FOI specifically.

## Rules, Guidelines and Complaints to Protect Penang FOIE's Applicant Data Privacy

### Response Details:

Submission to	SUK Selangor Office
Application cost	RM 50
Date of request	29 August 2022
Date of payment	29 August 2022
Date of answer reply	8 September 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/rules-guidelines-and-complaints-to-protect-penang-foies-applicant-data-privacy>

### Additional details about this request:

Request is on the following questions:

1. Are there any rules or guides that protect the privacy of data for applicants of Penang FOIE since its implementation in 2013?
2. Has the SUK received any complaints about the leak of the applicant's private data since the implementation of this law?

Answer:

No specific regulation or guidelines in the FOI Penang that protects data privacy of applicants. Civil servants that perform their duty are subject to regulations that include the PDPA. According to Sistem ePintas (Gerbang Aduan Bersepadu Kerajaan Negeri), so far, no complaints have been received regarding privacy and personal data violation of applicants to any other parties.

## Progress/Updates and Efforts on Bus Public Transport for Connectivity of Seberang Perai to Penang Island 2021-2022

### Response Details:

Application cost	RM 150
Date of request	29 August 2022
Date of payment	29 August 2022
Date of response	19 September
Processing cost	RM 6
Date of receiving answer	21 September 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/progress-updates-and-efforts-on-bus-public-transport-for-connectivity-of-seberang-perai-to-penang-island>

### Additional details about this request:

Requesting information on:

1. Efforts done to ensure connectivity between Seberang Perai and Pulau Pinang as highlighted in the Penang Transport Master Plan 2021-2022.
2. Progress/ updates on the implementation of a bus transport system in Seberang Perai that ease connectivity to the island.
3. Frequency of time and waiting duration (efforts to improve faster/ easier/ less transit locations etc).

Answer received:

Answers are mainly attached articles, links, and documents from Penang transport website and newspapers. The info that the applicant received is a summary that cites various websites, with limited data. The applicant's expectations were not met such as plans, data, and numbers in details (itemised if possible).

## Sub-Agreement Signed by Penang Government on 15th January 2021 with Consortium Zenith Construction (C2C) on Project Package 2, Ayer Itam - Tun Dr Lim Chong Eu Expressway Bypass

### Response Details:

Application to	Penang SUK Office
Application cost	RM 100
Date of request	29 August 2022
Date of payment	29 August 2022
Date of response	19 September 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/sub-agreement-signed-by-penang-government-on-15th-january-2021-with-consortium-zenith-construction-c2c-on-project-package-2-ayer-itam-tun-dr-lim-chong-eu-expressway-bypass>

### Additional details about this request:

Rejected citing NDA clause prohibiting disclosure to 3rd party without prior approval from signatories of the agreement, and disclosure without approval may be subject to legal action.



## FOI Requests in Selangor

### Summary for FOI requests in Selangor

Request	Application Costs (RM)	Response related to freedom or liberty	Response
Lists and Coordinates of Wifi Smart Selangor	12	No	No reply of answer  FOI Appeal submitted
Lists of Selangor Information Officers and Members of State Information Board	12	No	Answer received
Supply Bill/Enactment Selangor 2010-2022	12	Yes  Freedom to know the spending of the state government and freedom to access public domain documents.	The Selangor government do not have the requested documents
Exco Azmin and Khalid remuneration 2014, 2015 (2022 Request)	12	No	Answer received
Budgets and Actual Expenses for Subang Jaya City Council (MBSJ) for 2017-2021	12	No	Answer received is not satisfactory.  FOI Appeal submitted
Report on Landslide in Seri Kembangan, Selangor	12	No	Answer received is not satisfactory.  FOI Appeal submitted
Site Assessment and Repair Status for Landslide in Taman Bukit Permai, Ampang	0	Yes  The landslide caused damage to a few houses and vehicles and resulted in casualties.	Answers received is not satisfactory

Budgets and Actual Expenses Shah Alam City Council (MBSA) for 2017-2021	0	Yes  Freedom to know and budgets and actual spending between local governments. Freedom and Openness of expenditure document (Public Finance)	Answers received.
List of Notices and Compounds by Lembaga Urus Air Selangor (LUAS) for 2019-2021	12	No	Answer received
Selangor Rivers Pollution Report 2019-2021	12	No	Answer received
Selangor Government ADUN Allocation for each ADUN for 2020, 2021, 2022	12	Yes  Freedom to know the allocation of ADUN by the state government	Answer received
Budgets and Actual Expenses Ampang Jaya Municipal Council (MPAJ) for 2017-2021	0	No	Answer received
Budgets and Actual Spending MBPJ for 2017-2021	12	Yes  Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)	Answer received

JAIS internet censorship block order documents to MCMC	12	Yes Freedom of access of internet for everyone	No reply and response from JAIS.  FOI Appeal submitted
Degazettement Recommendation Report of Kuala Langat Northern Forest Reserve (KLNFR)	12	Yes  The freedom of the Temuan Orang Asli communities to use the Kuala Langat Northern Forest Reserve	Application rejected  FOI Appeal submitted
Asset Declarations for MB, Excos, and ADUNs in Selangor	12	No	Application rejected  FOI Appeal submitted
Selangor FOI Statistics on Appeal of FOI	12	No	Answer received
State Information Board Chairman and Members	12	Yes  Freedom to request information under FOIE, in fact freedom to submit appeal and appeal to be heard by State Information Board	Answer received
Klang Municipal Council (MPK) Budgets and Expenses 2017 to 2021	0	Yes  Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)	No response or reply
Selangor Registered PWD Statistics	12	No	Government staff rejected (did not accept) the application (without reaching information officer)

Rules, Guidelines and Complaints to Protect Selangor FOIE's Applicant Data Privacy	12	No	Answer received
Degazettement of Bukit Cherakah Forest Reserve (1st Applicant)	12	Yes  Unplanned and improper developments results in interruption in health and mind both personally and to my family	Answer received
Degazettement of Bukit Cherakah Forest Reserve (2nd Applicant)	12	Yes  Disease, distraction to the mind and health for me, my family, and habitants of the environment	Answer received
Degazettement of Bukit Cherakah Forest Reserve (3rd Applicant)	12	No	Answer received

## Lists and Coordinates of Wifi Smart Selangor

### Response Details:

Application to	Selangor SUK Office
Application later transferred to	Smart Selangor
Application cost	RM 12
Date of request	11 January 2022
Date of payment	11 January 2022
Date of transfer	3 February 2022
Date of appeal	7 March 2022

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/list-and-coordinates-of-wifi-smart-selangor>

### Additional details about this request:

Answers were not received from Smart Selangor. Calls were made to their office with the reply of further call-back, but no such calls were received. The request was made as Smart Selangor did not publish the locations of the state-government wifi initiatives. There were upgrade plans to the wifi reducing its total numbers, but increasing the speed of internet and installing it in more strategic public locations.

Initially to know the location of the Wifi, one would need to login to Selangor Government's Initiative website (ssipr-daftar.selangor.gov.my) and check manually based on the wifi logo inserted on the map.

Subsequently, throughout 2022, Selangor Government has published more details of the wifi locations, address and coordinates on its webpage: <https://www.selangor.gov.my/index.php/pages/view/1488> as well Smart Selangor's <https://www.smartsel.co/wifi-smart-selangor>. No lists of such information were found as of yet.

## Lists of Selangor Information Officers and Members of State Information Board

### Response Details:

Application to	Selangor SUK Office
Application cost	RM 12
Date of request	24 January 2022
Date of payment	24 January 2022
Date of notice to collect answer	24 February 2022
Date of answer collection	25 February 2022

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/list-of-selangor-information-officer-2022>

### Additional details about this request:

This request is made because the current list of information officers were not updated and is outdated by almost five years. The Selangor State Government has not updated the Selangor FOI website (<https://www.selangor.gov.my/index.php/pages/view/97>) with the latest lists that were given to the applicant as answers.

Not only does the website have an outdated list of information officers, the Registrar's information is also outdated. The officers' contact on the page from the Human Resource Department is actually the Registrar for this FOIE, but was not mentioned explicitly on the website.

## Supply Bill/Enactment Selangor 2010-2022

### Response Details:

Application to	Selangor Finance Department
Application later transferred to	Selangor SUK Office
Application cost	RM 12
Date of request	22 March 2022
Date of payment	22 March 2022
Date of transfer	23 March 2022
Date of answer received	11 April 2022
Application related to the life or liberty of an individual	Yes  Freedom to know the spending of the state government and freedom to access public domain documents.
Date of appeal	29 April 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/supply-enactment-selangor-2010-2022>

### Additional details about this request:

Initial request was for supply bills (*Rang Undang-Undang Perbekalan*). Upon a phone call from the Deputy Secretary of Dewan Selangor, Supply Enactment was also requested.

Requests were initially made to the Selangor Finance Department but were later directed and transferred to the SUK Office. The SUK Office has asked for such documents from Selangor government departments such as the Selangor State Assembly, and the Chambers of the Selangor Legal Advisor (*Kamar Penasihat Undang-Undang*).

The mentioned Selangor government department does not have the requested documents. Such details were also explained through a phone call from the Deputy Secretary of the Selangor State Assembly.

The answer received from this request suggests getting the documents from (PNMB) Malaysia National Printing Press Berhad.

A document request from PNMB is priced at RM 5 per page of documents.

<https://www.pnmb2u.com/pages/e-gazette-pre-order-warta-kerajaan>

The immediate question here is why the Dewan Selangor or related government agencies are not having a copy of their own published work. It was even explained to the applicant that the Legal Advisor will buy the documents from PNMB when the need to use or refer to them arise.

### Exco Azmin and Khalid Remuneration 2014, 2015 (2022 Request)

#### Response Details:

Application to	Selangor Finance Department
Application later transferred to	Selangor SUK Office
Application cost	RM 12
Date of request	28 February 2022
Date of payment	28 February 2022
Date of transfer	2 March 2022
Date of answer received	8 June 2022

#### Links/ Resources:

<https://tumpangtanya.my/rti-requests/azmin-and-khalid-remuneration-2014-2015>

#### Additional details about this request:

Exco remuneration for the years 2014, and 2015 under Menteri Besar Azmin and Khalid. New 2022 submission based on the old request that was rejected in 2015<sup>5</sup>.

The request was initially to the Selangor Finance Department but was later referred to the SUK Office.

The answer received is short and simple. The answer provided that both former MB had never claimed travel claims both in 2014 and 2015 and Entertainment Allowances of RM 5,500 was paid in monthly salary.

This brings the question of why the same request in 2015 met with rejection and lack of transparency.

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<https://tumpangtanya.my/rti-requests/exco-azmin-and-khalid-remuneration-2014-and-2015-2015-request>



## Budgets and Actual Expenses for Subang Jaya City Council (MBSJ) for 2017-2021

### Response Details:

Application to	Subang Jaya City Council (MBSJ)
Application cost	RM 12
Date of request	1 March 2022
Date of payment	8 April 2022
Date of answer received	6 May 2022
Date of appeal	20 May 2022

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/budgets-and-actual-expenses-mbsj-for-2017-2021>

### Additional details about this request:

Submissions were made to Information Officer Nik Zalina, who is now heading the License Department. She was previously in the *Bahagian Khidmat Pengurusan*.

The position of IO is not transferred to someone from the *Bahagian Khidmat Pengurusan*, and she continues being the IO.

Applicant has on numerous occasions wanted to pay the fee application fee to MBSJ in March, only received such instructions a few days before payment date. The payment was done on the payment machine in MBSJ, which requires a specific invoice to be issued in the first place which has details on account number of the application fee.

Answer received is not satisfactory as the answer was condensed into tables for each year of two columns, income and expenses.

An appeal was made on this dissatisfaction on 20 May 2022. No proceeding has taken place.

## Report on Landslide in Seri Kembangan, Selangor

### Response Details:

Application to	Subang Jaya City Council (MBSJ)
Application cost	RM 12
Date of request	9 March 2022
Date of payment	8 April 2022
Date of answer received	6 May 2022
Date of appeal	20 May 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/report-on-landslide-in-seri-kembangan-selangor>

### Additional details about this request:

Requesting report on site evaluation and repair status done as well as long term plan for landslide at Jalan LP1A/2 Lestari Perdana, Seri Kembangan, Selangor.

Payment was only able to be made at MBSJ office after officers there provided the reference number for payment

## Site Assessment and Repair Status for Landslide in Taman Bukit Permai, Ampang

### Response Details:

Application to	Ampang Jaya Municipal Council (MPAJ)
Application cost	–
Date of request	21 March 2022
Date of answer received	19 July 2022
Application related to the life or liberty of an individual	Yes  The landslide caused damage a few houses and vehicles and had resulted in casualties.

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/site-assessment-and-repair-status-for-landslide-in-taman-bukit-permai-ampang>

### Additional details about this request:

Requesting report on site evaluation and repair status done as well as long term plan (if any) for landslide at Taman Bukit Permai Ampang.

Applicant has requested to the Information Officer for avenues of making payment, however, no response received regarding this issue. The Information Officer still answers to the request after updates upon further request for update on the progress of application.

**Budgets and Actual Expenses Shah Alam City Council (MBSA) for 2017-2021****Response Details:**

Application to	Shah Alam City Council (MBSA)
Application cost	–
Date of request	7 April 2022
Date of reply for answer collection	7 June 2022
Date of coming to MBSA for collection	9 June 2022
Date of answer collection	17 June 2022
Application related to the life or liberty of an individual	Yes  Freedom to know and budgets and actual spending between local governments. Freedom and Openness of expenditure document (Public Finance)

**Links/ Resources:**

<https://tumpangtanya.my/rfi-requests/budgets-and-actual-expenses-mbsa-for-2017-2021>

**Additional details about this request:**

Applicant was denied to receive the answers as MBSA officials said they wanted to check with the Chief Government Security Office (CGSO) for clearance of budget details. MBSA then called again for collection on 14 June 2022, and the applicant went to get answer documents on 17 June 2022.

## List of Notices and Compounds by Lembaga Urus Air Selangor (LUAS) for 2019-2021

### Response Details:

Application to	<i>Lembaga Urus Air Selangor (LUAS)</i>
Application cost	RM 12
Date of request	7 April 2022
Date of payment	7 April 2022
Date of answer received	15 April 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/list-of-notices-and-compounds-by-lembaga-urus-air-selangor-luas-for-2019-2021>

### Additional details about this request:

Upon submission of this request, LUAS subsequently asked for detailed reasons/ purpose on the request through email and directed the applicant to the LUAS Annual Report 2019 and 2020 available on its website for such information on notices and compounds.

The applicant iterated that while the reply by LUAS is true, there are no information such as lists of prosecution charge completed for 2020 that is not in the annual report 2020 compared to being available in 2019 annual report (this may be affected by the constraints of court during the Covid-19 pandemic).

Additionally, the annual report 2021 has not yet been published with the associated information in it. Purpose of the request is also to get information that may not be available in the annual report as well as for the year 2021.

## Selangor Rivers Pollution Report 2019-2021

### Response Details:

Application to	Selangor Irrigation and Drainage Department (JPS Selangor)
Application later transferred to	<i>Lembaga Urus Air Selangor (LUAS)</i>
Application cost	RM 12
Date of request	7 April 2022
Date of payment	7 April 2022
Date of transfer	15 April 2022
Date of answer received	22 April 2022

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/selangor-rivers-pollution-report-2019-2021>

### Additional details about this request:

Request was transferred to LUAS as LUAS has the information and not JPS.

According to LUAS, lists of actions taken are only recorded and captured starting from the year 2021.

**Selangor Government ADUN Allocation for each ADUN for 2020, 2021, 2022****Response Details:**

Application to	Selangor SUK Office
Application cost	RM 12
Date of request	24 May 2022
Date of payment	24 May 2022
Date of reply for answer collection	4 July 2022
Date of answer collection	6 July 2022
Application related to the life or liberty of an individual	Yes Freedom to know the allocation of ADUN by the state government

**Links/ Resources:**

<https://tumpangtanya.my/rti-requests/selangor-government-adun-allocation-for-each-adun-for-2020-2022>

**Additional details about this request:**

Allocations for ADUN 2021, 2020 are provided in detail. The original document source of such information and allocation is also provided. Allocation for 2022 is still in preparation by the Selangor Finance Department.

**Budgets and Actual Spending Ampang Jaya Municipal Council (MPAJ) for 2017-2021****Response Details:**

Application to	Ampang Jaya Municipal Council (MPAJ)
Application cost	–
Date of request	21 April 2022
Date of answer received	18 May 2022

**Links/ Resources:**

<https://tumpangtanya.my/rti-requests/budgets-and-actual-spending-mpaj-for-2017-2021>

**Additional details about this request:**

Applicant has requested to the Information Officer for avenues of making payment, however, no response received regarding this issue. Nevertheless, the Information Officer still answered the request.



## Budgets and Actual Spending MBPJ for 2017-2021

### Response Details:

Application to	Petaling Jaya City Council (MBPJ)
Application cost	RM 12
Date of request	8 April 2022
Date of payment	8 April 2022
Date of reply for answer collection	27 April 2022
Date of answer collection	29 April 2022
Application related to the life or liberty of an individual	Yes  Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/budgets-and-actual-spending-mbpj-for-2017-2021>

### Additional details about this request:

This request was made as audited financial statements were made available on MBPJ's website only until 2018<sup>6</sup>. Such publication is still impressive given the fact that other local councils do not publish theirs. Answers received were Financial Statements of MBPJ for 2017 to 2020 and the Financial Performance Statement for 2021.

<sup>6</sup> <http://www.mbpj.gov.my/en/mbpj/resources/budget>

**JAIS internet censorship block order documents to MCMC****Response Details:**

Application to	Selangor Islamic Religious Department (JAIS)
Application cost	RM 12
Date of request	8 March 2022
Date of payment	8 March 2022
Application related to the life or liberty of an individual	Yes Freedom of access of internet for everyone

**Links/ Resources:**

<https://tumpangtanya.my/rfi-requests/jais-internet-censorship-block-order-documents-to-mcmc>

**Additional details about this request:**

The FOI request is to request all documents or letters from Selangor Islamic Religious Department (JAIS) to Malaysian Communications and Multimedia Commission (MCMC) and the Ministry of Communication and Multimedia to block access of internet to specific web pages citing Selangor shariah laws.

Example of censorship under Selangor shariah laws in the years 2018 and before:  
Khilafah.net under Section 16 Enactment of Syariah Offences Selangor 1995.

The aim of such a request is to obtain and understand primary documents to block internet access (block-order documents) that can supplement internet censorship reporting or research.

Further explanation on use of Islamic law on internet censorship:

<https://sinarproject.org/digital-rights/updates/laws-cited-for-internet-censorship-in-malaysia>

No reply or response was provided by JAIS.

## Degazettement Recommendation Report of Kuala Langat Northern Forest Reserve (KLNFR)

### Response Details:

Application to	Selangor Forestry Department
Application cost	RM 12
Date of request	22 March 2022
Date of payment	22 March 2022
Date of answer received	21 April 2022
Application related to the life or liberty of an individual	Yes  The freedom of the Temuan Orang Asli communities to use the Kuala Langat Northern Forest Reserve

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/degazettement-recommendation-report-of-kuala-langat-northern-forest-reserve-klfr>

### Additional details about this request:

Requesting report/ document from Selangor Forest Department on degazettement recommendation of KLNFR. Similar requests were made by Pertubuhan Pelindung Khazanah Alam (Peka) around Mac 2021 but were rejected on grounds that the documents are classified secret and the recommendation paper has been cancelled.

Coverage on PEKA's FOI on KLNFR:

<http://web.archive.org/web/20210901140430/https://focusmalaysia.my/reverse-the-degazettement-of-klfr-immediately-selangor-state-govt-told/>

## Asset Declarations for MB, ExcOs, and ADUNs in Selangor

### Response Details:

Application to	Selangor SUK Office
Application cost	RM 12
Date of request	24 May 2022
Date of payment	24 May 2022
Date of answer received	10 August 2022
Date of appeal	2 September 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/asset-declarations-for-mb-excOs-and-aduns-in-selangor>

### Additional details about this request:

The request was rejected on reasons that information requested is considered to be exempted based on Part 4, Section 14 with the rejection letter citing 14 (a) information which has been classified as strictly confidential under the Official Secrets Act 1972.

However, this is weird as the information officer and related parties must also satisfy that the info requested is part of OSA that "would seriously prejudice national security or national defence by materially undermining the country's ability to protect or defend its existence or territorial boundaries or its capacity to respond to the use or threat of force".

The question regarding the answer is, can asset declaration seriously prejudice national security or defence.

## Selangor FOI Statistics on Appeal of FOI

### Response Details:

Application to	Selangor SUK Office
Application cost	RM 12
Date of request	17 August 2022
Date of payment	17 August 2022
Date of answer received	29 August 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/selangor-foi-appeal-statistics>

### Additional details about this request:

This request was made due to the question of how many proceedings on FOI appeal have been held by the State Information Board. The answer from this request feels weird, as it seems to hint (as unable to be certain) that an FOI Appeal Proceeding has never been held since the enactment came into force.

## State Information Board Chairman and Members

### Response Details:

Application to	Selangor SUK Office
Application cost	RM 12
Date of request	26 September 2022
Date of payment	26 September 2022
Date of answer received	12 October 2022
Application related to the life or liberty of an individual	Yes  Freedom to request information under FOIE, in fact freedom to submit appeal and appeal to be heard by State Information Board

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/appointment-of-chairman-and-members-of-state-information-body>

### Additional details about this request:

This request was made due to the lack of clarity and information surrounding the initial request on the list of Selangor IOs and State Information Board.

Particularly whether or not the members had been appointed, or if not, who are currently in consideration to be appointed. Also, if there is a date set for such appointments.

Many of the appeals of FOI cannot proceed with the proceeding if no one is appointed on the State Information Board.

The answer received was only informing that the decision on appointment of Chairman and members of State Information Board has been considered by the State Authority.

**Klang Municipal Council (MPK) Budgets and Expenses 2017 to 2021****Response Details:**

Application to	Klang Municipal Council (MPK)
Application cost	–
Date of request	10 May 2022
Application related to the life or liberty of an individual	Yes Freedom to know the budgets and spending of local council and freedom of access to expenditure document (Public Finance)

**Links/ Resources:**

<https://tumpangtanya.my/rti-requests/klang-municipal-council-budgets-and-expenses-2017-2021>

**Additional details about this request:**

Request was submitted in person to the legal department of MPK after asking on email to whom and how FOI is going to be submitted to MPK. The IO is not available (on leave) during the submission of request, however the staff there mentioned that the IO will get back to the applicant in a few days. The IO and the department never did so.

## Selangor Registered PWD Statistics

### Response Details:

Application to	Welfare Department Selangor
Application cost	RM 12
Date of request	24 May 2022
Date of payment	24 May 2022

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/selangor-oku-statistics>

### Additional details about this request:

Government staff rejected (did not accept) the application (without reaching information officer) citing they are not familiar with the form and will not accept the form. The staff however provided a way to request the information to their application system (MyResearch system) and provided the email address of the relevant person in charge.

Applicant has not gone through with the submission to the email provided by JKM staff or the process through the application system.



## Data on Number of Prosecution under Section 233 Communications and Multimedia Act 1998 (Act 588)

### Response Details:

Application to	Selangor SUK Office
Application cost	RM 12
Date of request	24 March 2022
Date of payment	24 March 2022
Date of answer received	6 April 2022

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/data-of-prosecution-for-section-233-cma-1998>

### Additional details about this request:

Requesting data on number of individuals prosecuted with details on:

Background information: Age and Gender

Location: Court individual is prosecuted

Status of case: number of cases before proceeding, number of ongoing proceeding, number for concluded proceeding.

Status of concluded case: total individuals convicted, acquitted, discharge, discharge not amounting to an acquittal

The request was rejected as the information is not held by the department.

## Rules, Guidelines and Complaints to Protect Selangor FOIE's Applicant Data Privacy

### Response Details:

Application to	Selangor SUK Office
Application cost	RM 12
Date of request	24 March 2022
Date of payment	24 March 2022
Date of answer received	8 June 2022

### Links/ Resources:

<https://tumpangtanya.my/rti-requests/rules-guidelines-and-complaints-to-protect-selangor-foies-applicant-data-privacy>

### Additional details about this request:

Request is on the following questions:

1. Are there any rules or guides that protect the privacy of data for applicants of Selangor FOIE since its implementation in 2013?

Answer: No rules or guides that protect the privacy of data for applicant of FOIE

2. Has the SUK received any complaints about the leak of the applicant's private data since the implementation of this law?

Answer: No complaints have been received.

**Degazettement of Bukit Cherakah Forest Reserve (1st Applicant)****Response Details:**

Application to	Selangor Forestry Department
Application cost	RM 12
Date of request	29 June 2022
Date of payment	29 June 2022
Date of answer received	2 August 2022
Application related to the life or liberty of an individual	Yes  Unplanned and improper developments results in interruption in health and mind both personally and to my family
Application from	Resident of Bukit Cherakah

**Links/ Resources:**

<https://tumpangtanya.my/rfi-requests/degazettement-of-bukit-cherakah-resident-of-bukit-cherakah>

**Additional details about this request:**

Request is on the following questions:

Requesting information on

1. List of degazettement of Bukit Cherakah Forest Reserve
2. List of additional or extension of Bukit Cherakah Forest Reserve since 1909 for
  - Gazette number
  - Date of gazette
  - Size of forest
  - Location

Answer received in hardcopy of only the latest degazettement

**Degazettement of Bukit Cherakah Forest Reserve (2nd Applicant)****Response Details:**

Application to	Selangor Forestry Department
Application cost	RM 12
Date of request	29 June 2022
Date of payment	29 June 2022
Date of answer received	2 August 2022
Application related to the life or liberty of an individual	Yes  Disease, distraction to the mind and health for me, my family, and habitants of the environment
Application from	Resident of Bukit Cherakah

**Links/ Resources:**

<https://tumpangtanya.my/rfi-requests/degazettement-of-bukit-cherakah-resident-of-bukit-cherakah-2nd-request>

**Additional details about this request:**

Requesting information on

1. List of degazettement of Bukit Cherakah Forest Reserve
2. List of additional or extension of Bukit Cherakah Forest Reserve since 1909 for
  - Gazette number
  - Date of gazette
  - Size of forest
  - Location

Answer received in hardcopy of only the latest degazettement

## Degazettement of Bukit Cherakah Forest Reserve (3rd Applicant)

### Response Details:

Application to	Selangor Forestry Department
Application cost	RM 12
Date of request	29 June 2022
Date of payment	29 June 2022
Application from	Treat Every Environment Special (TrEES)

### Links/ Resources:

<https://tumpangtanya.my/rfi-requests/degazettement-of-bukit-cherakah-forest-reserve-3rd-applicant>

### Additional details about this request:

Requesting information on

1. List of degazettement of Bukit Cherakah Forest Reserve
2. List of additional or extension of Bukit Cherakah Forest Reserve since 1909 for
  - Gazette number
  - Date of gazette
  - Size of forest
  - Location

Answer received in hardcopy of only the latest degazettement.

## **Problems and limitations**

### **Lack of Training and Capacity for Public Officers for FOI requests**

It was found that Government officers may not understand the FOIE at worse its existence and application within the state. Lack of training and knowledge about the law results in government officials providing misleading or inaccurate information to the public.

Example: Rejection of FOI Application at Counter

Application to the Welfare Department Selangor was rejected outright by the officer at the counter without reaching the IO<sup>7</sup>.

Example: Wrong Advice for FOI Application Process

Advice of the Deputy Registrar on the application of FOI Appeal to be made directly to the IO. This is not in accordance with subrule 5 (2) in the Penang FOI Appeal Board Rules.

Government officers when approached for FOI submissions in a government building may request additional unnecessary documentation from applicants. This includes submission of a letter instead for FOI form or cover letter attached to a FOI request form. This creates additional arbitrary barriers for FOI requests.

### **Outdated Websites and Information about FOIE and Related Procedures**

State Government websites on FOI are not updated with key information such as the list of current information officers, and the names of Registrars or persons to contact for any problems. The lack of information here requires applicants to submit an FOI about FOI itself such as list of Information Officers. Even after such requests received answers, the answers the applicant received were not updated to the government's FOI website.

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<sup>7</sup> <https://tumpangtanya.my/rfi-requests/selangor-oku-statistics>

Outdated information on the website causes confusion during applications, as the listed officer may no longer be attached to the department.. On the Penang FOI website, it was mentioned about the existence of an FOI counter on the third floor of KOMTAR tower<sup>8</sup>. Such a counter did not exist during the applicant's visit to file applications. After informing the Deputy Registrar from the SUK, the website was updated to reflect this oversight.

FOI websites by governments also do not include basic information for the public on methods of submitting FOI and making payments. For example, how to make such a request, location of departments and officers, where and how to make payments.

### **Rejection of Application is not According to the FOIE**

Rejection of FOI Application is not in accordance with the proper citations or use of the Enactment. Such Examples include the use of OSA to reject applications. The rejection does not cite according to Subsection 14(a) Selangor FOIE on how such application and disclosure of information would seriously prejudice national security or national defence by materially undermining the country's ability to protect or defend its existence or territorial boundaries or its capacity to respond to the use or threat of force<sup>9</sup>.

### **Unfilled Positions of Information Officers**

Information Officers in certain departments are not yet appointed and it is unclear when the appointment will be made. Officers no longer in the department handling FOI, such as *Bahagian Khidmat Pengurusan* are not removed from their listed IO positions, and neither are replacement appointments made.. The IO positions are also not appointed on time, leaving the positions empty and sometimes without appointment for a very long period<sup>10</sup>.

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<sup>8</sup> <http://web.archive.org/web/20220301192001/https://www.penang.gov.my/index.php/en/foi-psukpp>

<sup>9</sup>

<https://tumpangtanya.my/rti-requests/asset-declarations-for-mb-excoco-and-aduns-in-selangor/answer/assetdeclarationsselangormbexco-adun.pdf/view>

<sup>10</sup>

[https://tumpangtanya.my/rti-requests/list-of-selangor-information-officer-2022/jawapan-senarai-pegawai-maklumat\\_2022.pdf/view](https://tumpangtanya.my/rti-requests/list-of-selangor-information-officer-2022/jawapan-senarai-pegawai-maklumat_2022.pdf/view)

### **Unable to Proceed for FOI Appeal and Hearing to State Information Board**

The appeal process for FOI in Selangor has not seen any progress after application to the Registrar of State Information Board. The Chairman and members of the State Information Board in fact have not been appointed<sup>11</sup>. Any proceeding will therefore not be able to take place.

In an FOI request for FOI appeals statistics, the answer seems to indicate that an FOI Appeal Proceeding has never been held since the enactment came into force. The columns of successful, and unsuccessful appeals, indicate that such appeals are still “in process”<sup>12</sup>.

### **FOI Process is Manual and Non-Digital in Practice**

The FOI in its entire process is done manually and physically such as in-person applications and payments at the counter. The exception is the Seberang Perai City Council, Penang that accepts submissions and payments through email. FOI responses however are still physical hard copies. Payments in certain counters are also limited to cash payments only. There are no indications on whether state governments and local councils have any plans for digital transformation for FOI requests, in line with other government services and applications done online.

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[https://tumpangtanya.my/rti-requests/list-of-selangor-information-officer-2022/jawapan-senarai-pegawai-maklumat\\_2022.pdf/view](https://tumpangtanya.my/rti-requests/list-of-selangor-information-officer-2022/jawapan-senarai-pegawai-maklumat_2022.pdf/view)

12

[https://tumpangtanya.my/rti-requests/selangor-foi-appeal-statistics/answer\\_selangorappealstats.pdf/view](https://tumpangtanya.my/rti-requests/selangor-foi-appeal-statistics/answer_selangorappealstats.pdf/view)



### **Liberty and Freedom Associated with FOI**

The clause in FOIE pertaining to liberty and freedom in both states are not addressed by government officials and its processes. The checkbox and its details do not seem to take this into account when receiving a response or acknowledgement of request. The duration of application is not reduced and responses are not expedited. It is not clear if there are no specific mechanisms in practice to alleviate the request for faster response, the IO and related officers do not know or are unaware of such provisions in law, or such provisions in law is itself impossible in practice to be fulfilled by the bureaucracy of government.

### **FOI Performance Statistics are not Published Online**

Data on FOI performance statistics are not available online. This includes data on the appeal process of FOI. This barrier requires applicants to submit FOI requests to obtain the information on FOI and FOI Appeal Statistics every year. For Penang, this can be expensive due to the pricing application for non-current year of RM100 per each non-current year.

How well the FOIE performs in application is not known to the public, including the requests submitted and answers received by others.

## Recommendations

### Digital Transformation of FOI

FOI in Malaysia for ease of process both for applicants and governments, needs to be digitally transformed to enable the entire process to be digitised from application, payments and response from officers. This would also enable the automatic publication of such responses online and make FOI more transparent. Such modern implementation can be seen for example in the UK for WhatDoTheyKnow website (<https://www.whatdotheyknow.com>) using the open-sourced Alaveteli platform (<http://alaveteli.org/>). Use of an online, modern and streamlined platform would reduce the costs as well as make FOI requests much more accessible.

This manual and physical process for FOI requests stands in stark contrast to other public services provided by the same government agencies that already have digital and online services.

### Reduce FOI Application Fees

FOI requests for the state of Penang are prohibitively expensive in comparison to Selangor. RM 50 per request, and RM 100 for each non-current year can be seen as barriers to access for information. Excessive FOI fees should not be used to deter individuals from requesting information. Such an amount is also by no means a guarantee that applicants will be approved and responses will be satisfactory.

### Following and Complying with FOIE

State governments should follow and comply with the FOIE in their states. These include timely appointments of key positions to facilitate FOI such as Information Officers, faster response for FOI requests related to life and liberty. State Governments would also need to update information relating to FOI. Importantly, FOI Appeal shall be processed to allow for proceeding.

## **Removal of Official Secrets Act**

The Official Secrets Act 1972 is seen as in conflict with FOI Enactments. In some of our answers, OSA was used as a reason for rejection, despite clear provisions on the FOIE, that it is applicable only in circumstances of prejudice to national security and defence.

The Official Secrets Act is often referred to even in verbal communication with the officers on requests such as budget documents. In fact, the Selangor Government in 2009 through replies in the State Assembly stated their position that FOIE is a way to overcome the restrictions of OSA and the state government believed access to information is crucial in producing a democratic and progressive society.<sup>13</sup>

## **Enacting a Federal RTI Law**

FOIE are limited to two states, and only for state agencies which cover mostly state and local government services. In Malaysia, administration of other key public services such as health, education and security are under the purview of the Federal Government. A Federal RTI law would create an enabling environment nationwide for the right to information. It will enable Malaysia's participation as a member of the Open Government Partnership and an open data by default policy.

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<sup>13</sup> <http://dewan.selangor.gov.my/question/akta-rahsia-rasmi-official-secrets-act-osa/>