

**Now everyone has the right to know...**  
**Malaysiakini.com**  
**July 14, 2010**

The Freedom of information (FOI) legislation however does not apply to federally-controlled departments in Selangor and documents classified under OSA.

What is freedom of information?

Freedom of information (FOI) legislation sets rules on access to information or records held by government bodies. In general, such laws define a legal process by which government information is required to be available to the public. FOI legislation is supported by many around the world as a means to promote transparency and curb corruption.

Over 70 countries around the world including China, India and Thailand have implemented some form of such legislation, and other countries are working towards introducing such laws. Malaysia remains one of the last that has not implemented a national FOI law.

What does the Freedom of Information (Selangor) Enactment 2010 provide for?

The enactment acts to "enhance disclosure of information for the public interest, to provide to every individual an opportunity to access to information made by every department of the state government." It serves to enhance, enable and facilitate access to information held by the state.

Note, that this enactment only applies to the state government of Selangor and its subsidiary departments. It does not apply to federally-controlled departments in Selangor or bearing the Selangor name. Documents classified under the Official Secrets Act (OSA) will remain as such.

How are applications for information made?

Every government department is to have an information officer who shall serve as an intermediary between the department and the public in order to assist access to information.

Applications for information are made to the respective information officers, who have to respond within 30 days, or within seven days for urgent cases. Applications have to state a reason and purpose. A reasonable fee may be necessary for duplication of the document.

Is personal information protected under the proposed bill?

Personal information of individual third parties is protected under the Bill. A department can refuse to release information, or refuse to reveal the existence of information, if it is the personal information of a third party.

For example, one's personal address, information involving an actionable breach of confidence and trade secrets cannot be disclosed. This does not apply should the third party consent to the release of said information.

Are there any special provisions for applications by the illiterate or disabled?

Yes. Anyone who is unable to provide a written application because of illiteracy or disability can make an oral application.

Are there any restrictions on the information available?

Yes. If the information sought is subject to any written law, then access to that information shall be subject to such law(s). The Official Secrets Act, for example, still applies. However, it should be noted that the OSA does not cover all government information.

The FOI Bill facilitates public access to other such information provided it does not jeopardise the reasonable and secure operation of the state or its departments. Applications may be refused if the person is not entitled to such information (legally or otherwise), or if the information does not exist or is not under the control of the department.

Vexatious, unreasonable or repetitive applications can also be refused.

Can appeals be made against refusals of applications?

Yes. A Board of Appeal shall be established comprising of ex-judges and/or advocates or solicitors with suitable qualifications and experience. Appeals are to be made within 21 days of decision.

When will the bill come into effect?

The process for the bill is as follows:

- 1) tabled for first and second readings at the July 2010 State Assembly;
- 2) public consultation, research and study via a select committee;
- 3) the select committee will table its findings, recommendations and/or revisions to the House for the third reading. This is expected to be no later than April 2011.

The final bill will therefore be a product of the executive, the legislative, and the people of Selangor.

Source: Selangor government

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.  
Source : <http://www.malaysiakini.com/news/137281>