

## Joint Media Statement

**28 September 2025 — International Day on Universal Access to Information (IDUAI)**

### **Malaysia's Freedom of Information Act Must Guarantee Independence, Accountability and Public Trust**

As Malaysians join the global community in commemorating the **International Day on Universal Access to Information (IDUAI)**, we, the undersigned civil society organisations and individuals, reiterate that the forthcoming Freedom of Information (FOI) or Right to Information (RTI) law must be firmly grounded in human rights standards, promote transparency, and be accompanied by meaningful institutional reforms.

The right to information is internationally recognised under Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), and is intrinsic to Article 10 of the Federal Constitution of Malaysia. A genuine and robust RTI framework is essential to reverse Malaysia's entrenched culture of secrecy, strengthen democratic participation, and build public trust in governance and in public bodies.

### **Why Universal Access to Information Matters**

The right to access information is a fundamental enabling right. It underpins freedom of expression, helps check corruption, strengthens accountability, and empowers people to participate meaningfully in public life. Without enforceable and justiciable rights to obtain information, these democratic values remain fragile.

In this regard, FOI/RTI laws are essential tools for achieving the UN's Sustainable Development Goals (especially SDG 16: peace, justice, and strong institutions). These laws help ensure public bodies are accountable, that budgetary and regulatory processes are transparent, and that the public can monitor progress.

The enactment of the FOI Act will enable Malaysia to join the [Open Government Partnership](#), a global initiative comprising 75 countries in which government leaders and civil society combine to promote transparent, participatory, inclusive and accountable governance. As the current ASEAN chair, Malaysia is poised to join fellow members Indonesia and the Philippines, and take a leading role in Southeast Asia to strengthen democracies and deliver better societal outcomes.

### **Independent Oversight Body – The Cornerstone of RTI**

The establishment of an **independent Information Commission**, reporting directly to Parliament, would form the backbone of a strong RTI framework. It must act as a watchdog to ensure that the public's right to know is upheld and that public bodies cannot arbitrarily deny access to information.

The Commission's functions and powers are vital to make the right to information enforceable. As recommended in the [CSO Model RTI Bill](#), the Commission must be well-resourced and empowered to resolve appeals, order disclosure, and enforce standards for proactive publication. It should also play a crucial role in raising public awareness, promoting the right to access information and ensuring that government agencies uphold their obligations.

The effectiveness of the Commission's powers, functions and responsibilities relies heavily on the appointment of its members, or Commissioners. These individuals must possess integrity and have expertise in law, human rights, or the right to information. The Commissioners must be appointed through an open and transparent parliamentary process, with equal gender representation and inclusive of various stakeholders. Those within the civil service and political party office bearers or party members must be excluded to protect the Commission's independence and impartiality.

The Malaysian government's commitment in 2025 to establishing new institutions such as the the [Gig Workers Tribunal and a Consultative Council](#) under the Gig Workers Bill, the [Anti-Bullying Tribunal](#), and a [halal commission](#) for governance and development, amongst others, shows that the government has the political will and adequate resources to establish new entities and bear the related staffing and logistical costs to adjudicate and address issues to enhance the wellbeing of the people. In the same vein, the government should also commit to establishing an independent Information Commission to continue its efforts to make human rights reforms and to serve the people.

Furthermore, in 2023, Ramkarpal Singh, the former Deputy Minister in the Prime Minister's Department (Law and Institutional Reforms) under the current administration, stated that the government was studying a proposal to [establish an independent Information Commission](#) as the oversight body to regulate the proposed Freedom of Information Act, hear appeals, and ensure compliance.

Without an independent oversight mechanism with binding and enforceable powers, the government would remain both the gatekeeper and arbiter over access to information. This would be a direct conflict of interest that undermines the proposed law's credibility and effectiveness.

### **Open by Default**

The FOI Act would lead to a government that is open by default. This unlocks open data across all government agencies and creates an enabling environment for innovation in the digital economy and government.

The FOI legislation must enshrine the principle of maximum disclosure, requiring all information held by public bodies to be accessible, unless narrowly exempted. Proactive publication of information and providing meaningful and affordable access are fundamental to enabling public participation, curbing corruption and eliminating the culture of secrecy in Malaysia.

The legislation must guarantee that any restrictions or **exemptions** to accessing information are strictly limited, necessary, proportionate, and subject to **a harm and public interest test**. This

ensures that exemptions are granted solely when disclosure would cause significant harm to the public interest (national defence, privacy or commercial confidentiality).

### **The FOI Bill Must Be Harmonised With Broader Legal Reforms**

Implementing the FOI legislation effectively requires cohesive reforms to ensure that no existing legislation hinders its impact. This includes repealing the **Official Secrets Act 1972**, as its broad secrecy provisions contradict the principles of transparency and open disclosure. It also requires repealing **Section 203A of the Penal Code**, and aligning the **Whistleblower Protection Act 2010** and **Personal Data Protection Act 2010** to safeguard disclosures in the public interest, protect privacy, and foster accountability. In the longer term, the government must also commit to reviewing and removing the broadly worded “obligation of secrecy” provisions under many other Malaysian laws, which unjustifiably impose a blanket ban on disclosure of certain classes of information or all information held by entire agencies/bodies.

Public bodies must establish clear guidelines for managing and disclosing information, provide training on transparency obligations, and create accessible channels for the public to request information. As FOI does not operate in isolation, it requires a broader perspective to ensure that all aspects of the public interest are fully considered. Complemented by an independent oversight mechanism, these measures ensure that the law truly serves its purpose at every stage, strengthening accountability, good governance, and public trust.

The universal right to access information is not just a policy objective. It is a promise of dignity, equality, and justice. Malaysia stands at a critical juncture – the FOI Act has the potential to become a model across the region – if it is anchored firmly in human rights, transparency, inclusion, and enforceability. This is a defining moment for Malaysia: an opportunity not only to join the top [RTI-rated](#) countries, but to set a regional benchmark for openness and good governance.

### **Call to Action**

On this day dedicated to universal access to information, and as we move forward with the proposed FOI legislation, we urge:

- **Parliament and the Executive** to adopt a law that meets the standards above, avoiding weak provisions that could undermine its intent and merely serve as lip service to reform.
- **All public bodies** to commit to a culture of openness and to manage information in ways that facilitate disclosure of information.
- **Civil society, media, and the public** to engage actively in the drafting process, monitor implementation, and hold institutions accountable.

More information on how you can make your voice count [here](#).

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## **Signatories:**

### **Organisations:**

- 1) Centre for Independent Journalism (CIJ)
- 2) ARTICLE 19
- 3) The Center to Combat Corruption and Cronyism (C4 Center)
- 4) Sinar Project
- 5) Freedom Film Network (FFN)
- 6) SIS Forum (Malaysia)
- 7) Justice for Sisters (JFS)
- 8) North South Initiative
- 9) Gindol Initiative for Civil Society Borneo
- 10) Greater Equitable Measures (GEM)
- 11) Architects of Diversity
- 12) Gerakan Media Merdeka (GERAMM)
- 13) Aliran Kesedaran Negara (ALIRAN)
- 14) Sustainable Development Network Malaysia
- 15) Pusat Pembangunan Rakyat (MANDIRI)
- 16) SIUMAN Collective
- 17) Liga Mahasiswa Malaysia
- 18) Liga Mahasiswa Universiti Malaya
- 19) Gerakan Perempuan Melawan
- 20) Saya Anak Bangsa Malaysia (SABM)
- 21) Beyond Borders Malaysia
- 22) Workers Unmuted
- 23) MyMP
- 24) Greenpeace Malaysia
- 25) National Union of Journalists Peninsular Malaysia (NUJM)
- 26) Astro Awani
- 27) AIDA (Autism Inclusiveness Direct Action Group)
- 28) Family Frontiers
- 29) Reproductive Rights Advocacy Alliance Malaysia (RRAAM)
- 30) Sahabat Alam Malaysia (SAM)
- 31) Consumers' Association of Penang (CAP)
- 32) Malaysian Action for Justice and Unity (MAJU)
- 33) Women's Aid Organisation
- 34) PEN Malaysia
- 35) Martabat Untuk Semua Petaling Jaya (Martabat PJ)
- 36) Persatuan Kesedaran Komuniti Selangor (EMPOWER)
- 37) Tenaganita
- 38) SAVE Rivers
- 39) Agora Society Malaysia
- 40) Pergerakan Tenaga Akademik Malaysia (GERAK)
- 41) Parti Sosialis Malaysia (PSM)

- 42) Sustainable Petaling Jaya Association (Sustainable PJ)
- 43) PJ Sejahtera
- 44) Pusat Komunikasi Masyarakat (KOMAS)
- 45) Environmental Protection Society Malaysia (EPSM)
- 46) Treat Every Environment Special (TrEES)
- 47) B.E.A.CC.H. (Biodiversity.Environment.Agroecology.Climate Change.Habitat)
- 48) Kolektif Seni dan Budaya Malaysia
- 49) Himpunan Advokasi Rakyat Malaysia (HARAM)
- 50) Lawyer Kamek
- 51) Gabungan Darurat Iklim Malaysia
- 52) Equal Wings

**Individuals:**

- 1) Adrian Pereira
- 2) Andrew Khoo
- 3) Chang Teck Peng
- 4) Khoo Ying Hooi
- 5) Yeap Thiam Hoong
- 6) Chu Min Wei
- 7) Mahi Ramakrishnan
- 8) Muhammad Ariff Mohamad Nizam
- 9) Subatra Jayaraj
- 10) Beverly Joeman
- 11) Dato' Dr Amar-Singh HSS (Consultant Paediatrician, Child-Disability Activist)
- 12) Kuek Ser Kuang Keng
- 13) Derek John Fernandez
- 14) Srividhya Ganapathy
- 15) Dato' Dr. Chamil Wariya
- 16) Yante Ismail
- 17) Chong Wu Ling
- 18) Dr. G Manimaran
- 19) Sarajun Hoda Abdul Hassan
- 20) Parimala Nesamany
- 21) Dr. Mahyuddin Ahmad Abdul Rahman