

## JOINT STATEMENT

23 JUNE 2026

### **Civil society demands that the government commit to an effective, progressive, and rights-focused FOI framework**

As Parliament begins its Second Meeting of the year, Malaysia edges ever closer to legislating a Freedom of Information (FOI) Act. This legislation is crucial in facilitating the right to information, a right that is not only pivotal in bringing to light acts of corruption and accountability within government but, more generally, is a fundamental human right in any functioning democracy.

Article 10(1)(a) of the Federal Constitution guarantees freedom of speech and expression. A progressive and purposive constitutional interpretation would justify that meaningful expression requires access to information held by public bodies and authorities. Without the right to seek, receive, and engage with information which is essential to public discourse, individuals would be unable to hold opinions, express themselves effectively, and participate in democratic governance.

Therefore, the undersigned organisations and individuals unequivocally state that the following elements are non-negotiable for an effective, progressive, and rights-focused FOI Act and framework. In drafting this new FOI regime, the Federal Government must fully commit to implementing these elements if it truly intends to forge a new path of transparency, public accountability and democratic governance.

#### **1. Fundamental principles underlying the Malaysian FOI regime**

The following non-negotiable fundamental principles must be incorporated into the FOI Act. These principles are based on international human rights standards and are essential for a viable and progressive FOI regime.

- a. **All information held by the government belongs to the public and must be openly available by default.** The government is merely a custodian of this information and should restrict access to, or withhold, such information only where there are legitimate and clearly defined grounds for exemption from disclosure.
- b. **Access to information must not be conditional.** Terms or conditions cannot be imposed on a prospective applicant before they are entitled to receive information. In particular, applicants should not be required to declare or justify their reasons for making an application and seeking said information.
- c. **Statutory grounds for non-disclosure must be exhaustive, specific, clear, and unambiguous.** All exemption grounds must be balanced against the public interest and harm tests when determining whether disclosure should be granted. Any restrictions on disclosure and access to public information must be grounded in international human rights standards of legality, necessity, and proportionality.

- d. Legal harmonisation is a prerequisite for a progressive FOI regime.** A comprehensive harmonisation of all laws and regulations that may impact the creation and implementation of a robust FOI framework must be undertaken in tandem with the drafting of the FOI Act, e.g. the Official Secrets Act 1972, Section 203A of the Penal Code, and the Personal Data Protection Act 2010.

## **2. Scope of the Act**

The Federal FOI Act must apply without restriction to all Federal Government ministries, departments, and agencies, as well as federal statutory bodies. There cannot be any exemptions for entire ministries or departments. Exemptions should only be based on the nature, sensitivity and demonstrable harm, rather than by the identity of the public authority holding it.

## **3. Regulation and oversight of the FOI regime**

An independent regulatory and oversight body must be established to monitor the implementation of the FOI Act, issue binding determinations on appeals or disputes pertaining to FOI requests, and develop guidelines to operationalise and elaborate on the Act's basic principles. Structural and institutional safeguards must be implemented to preserve the independence and autonomy of this body, and it must have full access to all relevant documents or information, notwithstanding other secrecy laws.

Regarding its function as an arbiter of disputes, the independent body must be empowered to conduct *de novo* merit reviews of an executive department/agency's decision on a FOI application and not be limited to reviewing procedural compliance alone.

This function may be assigned to the proposed Ombudsman office, as long as sufficient resources (financial and staffing) are allocated to account for and effectively fulfil these dual functions.

## **4. Proactive disclosure schemes**

In order to encourage a cultural shift towards transparency and accountability, legislating the FOI Act alone is insufficient. The government must also commit to creating broader policies to ensure information is published and routinely updated in an easily accessible manner. The goal should be to create an efficient proactive publication system so that an FOI request is a last resort for members of the public.

## **Conclusion**

Beyond this, we emphasise that there must be an absolute cultural shift within the government towards greater openness, transparency, and accountability.

As Malaysia's democracy matures, the culture of secrecy by default and paternalistic view that 'the government knows best' is no longer tenable. This Parliamentary meeting presents an opportunity for the MADANI government to move beyond rhetoric and demonstrate its commitment to reform by establishing an information regime that truly empowers the people

and fosters trust in the government. To achieve this, the government must work towards a framework that recognises access to information as a right rather than a privilege.

It is vital that the government does not waste this chance.

## **END OF STATEMENT**

### **Issued by (Organisations):**

- 1) The Center to Combat Corruption and Cronyism (C4 Center)
- 2) Centre for Independent Journalism (CIJ)
- 3) ARTICLE 19

### **Endorsed by (Organisations):**

- 1) Advocates for Non-Discrimination and Access to Knowledge (ANAK)
- 2) Aliran
- 3) All Women's Action Society (AWAM)
- 4) Angkatan Belia Islam Malaysia (ABIM)
- 5) Architects of Diversity
- 6) Association of Women Lawyers (AWL)
- 7) Badan Bertindak Penduduk Flat Kos Rendah Kuchai Entrepreneurs Park, Jalan Kuchai Lama, Kuala Lumpur
- 8) BERSIH
- 9) Childline Foundation
- 10) Child Rights Coalition Malaysia
- 11) Community Action Nexus Berhad
- 12) Consumers' Association of Penang
- 13) Damansara Utama Residents Association B1
- 14) ECPAT Malaysia
- 15) Five Arts Centre
- 16) Freedom Film Network
- 17) Gabungan Darurat Iklim Malaysia Berhad
- 18) Gerakan Media Merdeka (Geramm)
- 19) HAI MANDAK!
- 20) I Care Community Center
- 21) Ikatan Anak Muda Tawau
- 22) Impactlution
- 23) Justice for Sisters
- 24) Klima Action Malaysia – KAMY

- 25) KLSCAH Civil Rights Committee
- 26) Kolektif Seni dan Budaya Malaysia
- 27) Kuala Lumpur Residents Action for Sustainable Development Association (KLRA+SD)
- 28) Lawyer Kamek
- 29) MANDIRI
- 30) Migrant care
- 31) National Union of Journalists Malaysia
- 32) North South Initiative
- 33) OHMSI Sdn Bhd
- 34) OKU Rights Matter Project
- 35) People Like Us Hang Out (PLUHO)
- 36) Persatuan Martabat Untuk Semua
- 37) Persatuan Pemangkin Daya Masyarakat
- 38) Pertubuhan IKRAM Malaysia
- 39) Pertubuhan Pelindung Khazanah Alam
- 40) Project Stability and Accountability for Malaysia (Projek SAMA)
- 41) Protect Karpal Singh Drive
- 42) Pusat KOMAS
- 43) RA Section 14 Petaling Jaya
- 44) RA Section 20 P.Jaya
- 45) Reproductive Rights Advocacy Alliance Malaysia (RRAAM)
- 46) Sabah Journalists Association
- 47) Sabah Youth Movement
- 48) Sahabat Alam Malaysia
- 49) Save Malaysia Stop Lynas
- 50) SAVE Rivers
- 51) SAWO
- 52) Saya Anak Bangsa Malaysia [SABM]
- 53) Sinar Project
- 54) SIS Forum (Malaysia)
- 55) SIUMAN Collective
- 56) Suara Rakyat Malaysia (SUARAM)
- 57) Teoh Beng Hock Association for Democratic Advancement
- 58) Third World Network
- 59) Women's Aid Organisation

**Endorsed by (Individuals):**

- 1) Alice Chan Ai Lee
- 2) Andrew Aeria

- 3) Andrew Khoo
- 4) Ann Lee
- 5) Anne James
- 6) Anwar Fazal
- 7) Azira Aziz
- 8) Beatrice Aren
- 9) Chamil Wariya
- 10) Chang Teck Peng
- 11) Cindy May Justin
- 12) Dania Amani
- 13) Dato' Dr Amar-Singh HSS
- 14) Dr. G. Manimaran
- 15) Dr Linda Lumayag
- 16) Dr Tricia Yeoh
- 17) Farrah Nur Fareena Binti Farid Azran
- 18) Gayathry Venkiteswaran
- 19) Glen Pengiran
- 20) Goh You Ping
- 21) Gowri Subramaniam
- 22) Heng See Lin
- 23) Ho Yi Jian
- 24) Ho Yock Lin
- 25) Ivy Josiah
- 26) Juvita Tatan Wan
- 27) K. Sudhakaran Stanley
- 28) Lee Ren Xin
- 29) Lee Shook Fong
- 30) Lim Yean Nyok
- 31) Lisa Wong
- 32) Loo Wuen Yuen
- 33) Mahyuddin Ahmad Abdul Rahman
- 34) Mariammah a/p Subramaniam
- 35) Mohd Ishak Abdillah Ngah
- 36) Muhammad Ariff Mohamad Nizam
- 37) Muhammad Nasrun Bin Abd Wahab @ Ismail
- 38) Naziaty Mohd Yaacob
- 39) Ng Tien Eng
- 40) Ngo Sheau Shi
- 41) PARIMALA A/P NESAMANY
- 42) Prakash Gopalakrishnan
- 43) Pushpa Dorsisamy
- 44) Pushpan Murugiah

- 45) Roger See Ewe Chee
- 46) S. S. Yoga
- 47) Sakuntala Devi d/o Dev Raj
- 48) Shanti Somasundram
- 49) Sharmila Sekaran
- 50) Sheila Gopal Krishnan
- 51) Shyamala Ponniah Maha Balasandren
- 52) Sonia Randhawa
- 53) Sonya Liew Yee Aun
- 54) Sukumaran
- 55) Syahila binti Zainal
- 56) Terence Ooi
- 57) Thulasi Munisamy
- 58) U K Menon
- 59) Vasanthi Nagappan
- 60) Yuenwah SAN

*For further inquiries, please contact:*

1. *Lim Jih-Ming, Communication Officer, CIJ at [comms@cijmalaysia.net](mailto:comms@cijmalaysia.net)*
2. *Nalini Elumalai, Senior Malaysia Program Officer, ARTICLE 19 at [nalini.elumalai@article19.org](mailto:nalini.elumalai@article19.org)*
3. *Prishanth Linggaraj, Policy and Legal Research Officer, C4 Center at [prishanth@c4center.org](mailto:prishanth@c4center.org)*