

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY MALAYSIA**

ARTICLE 10 UNCAC

PUBLIC REPORTING

MALAYSIA (SEVENTH MEETING)

In relation to public reporting (article 10), States parties and signatories may wish to provide information on measures that:

- Make available online, including in open data formats, government information relating to the implementation of the Convention, in order to foster greater transparency, accountability and efficiency;
- Promote the use of online platforms or portals to enhance transparency in public administration, including information on the organization, functioning and decision-making processes of the public administration and on decisions and legal acts.

Information sought may, in particular, include the following:

- Use of websites, online libraries, online archives or other means by which information on the organization, functioning and decision-making processes of the public administration is made available to the general public;
- Outline of the laws, procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of the public administration through information and communications technologies;
- Description of the type of information to be proactively made available and automatically published by the Government through online platforms and websites, including details of:
 - The types of bodies required to publish information;
 - The scope of the information that is published;
 - The means by which the information is published;
 - How often the information is updated;
- Description of the types of information to be made available upon request by a member of the public (i.e. legislation on freedom of information or access to information);
- Standards to protect privacy and personal data in the disclosure of such information;

- Description of online initiatives to raise public awareness with regard to the information available and how it can be accessed online;
- Examples of proactive publication of information online without a special request.

Public access to information with regards organization, functioning, decision-making processes of public administration are made available through:-

ELECTRONIC GOVERNMENT ACTIVITIES ACT 2007 (Act680)

With the implementation of electronic government in the public administration. The vision of Electronic Government is a vision for government, businesses and citizenry working together for the benefit of Malaysia and all of its citizens. The vision focuses on effectively and efficiently delivering services from the government to the people of Malaysia, enabling the government to become more responsive to the needs of its citizens.

Types of information which could be obtain electronically on Government portals and websites include:

- (a) Organisational function, structure
- (b) Legislation, rules and regulations
- (c) Names, designation and their contact details (telephone number/email addresses)
- (d) Contact Nos.
- (e) Tender announcements (procurement)
- (f) FAQs
- (g) Publications (Annual Reports)
- (h) Statistic

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MALAYSIA (SIXTH MEETING)

PUBLIC REPORTING

1. Malaysia does not have a Federal freedom of Information legislation except for two of its 13 States, namely, the State Government of Selangor and that of Pulau Pinang which have recently (in 2010 and 2011) passed their respective "freedom of information" enactments.

2. The Malaysian legislation governing government information is the **Official Secrets Act 1972 (Act 88)**.

Under Act 88 the term "official secrets" means any document in the Schedule and any information and material relating thereto and includes any other official document, information and material as may be classified as "Top Secret", "Secret", "Confidential" or "Restricted" as the case may be, by a Minister, the Menteri Besar or Chief Minister of a State or such public officer under **Section 2B**.

Official Secrets according to the Schedule of the OSA 1972 include as follows:

- 1) Cabinet documents, records of decisions and deliberations including those of Cabinet committees;
- 2) State Executive Council documents, records of decisions and deliberations including those of State Executive Council committees;
- 3) Documents concerning national security, defence and international relations.

Pursuant to section 2 of the OSA 1972, "document" includes, in addition to a document in writing and part of a document -

- (a) any map, plan, model, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sound or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and
- (d) any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom;

Top Secret- refers to official documents; official information and official materials which, if disclosed without approval, will cause grave damage to Malaysia.

Secret- refers to official documents; official information and official materials which, if disclosed without approval, will jeopardize national security, greatly detrimental to the interest and sovereignty of Malaysia or accord considerable benefit to a foreign power.

Confidential- refers to official documents; official information and official materials which, if disclosed without approval, though not detrimental to the national security but will be damaging to the interest and sovereignty of Malaysia or Government activities or an individual ; or will cause disrepute and trouble to the administration; or will benefit a foreign power

Restricted - refers to official documents; official information and official materials other than those classified as Top Secret, Secret and Confidential, but which should **be accorded a level of protective security**

Access to Official Documents, Information and material (Part 1):-

Subject to the regulations 18 and 19 under the Public Officers (Conduct and Discipline) Regulations 1993 mentioned below, classified Government information under Section 2B of Act 88 can **be made available to members of the public after it has been declassified under Section 2C:-**

2C. Declassification of official secret by a Minister or a public officer

A Minister or public officer charged with any responsibility in respect of any Ministry, department or any public service or the Menteri Besar or the Chief Minister of a State or the principal officer in charge of the administrative affairs of a State may, at any time, declassify any document specified in the Schedule or any official document, information or material as may have been classified and upon such declassification, the said document, information or material shall cease to be official secret.

Regulations 18 and 19 of the Public Officers (Conduct and Discipline) Regulations 1993

· *Regulation No.18- Publication of books, etc*

An officer shall not publish or write any books, article or other work which is based on classified official information.

· *Regulation No.19- Making public statement*

(1) An officer shall not, orally or in writing or in any other manner-

(a) make any public statement that is detrimental to any policy, programme or decision of the Government on any issue;

(b) make any public statement which may embarrass or bring disrepute to the Government;

(c) *make any comments on any weaknesses of any policy, programme or decision of the Government; or*
(d) *circulate such statement or comments, whether made by him or any other person.*

(2) *An officer shall not, either orally or in writing or in any other manner-*
(a) *make any comments on the advantages of any policy programme or decision of the Government;*
(b) *give any factual information relating to the exercise of the functions of the Government;*
(c) *give any explanation in respect of any incident or report which involves the Government; or*
(d) *disseminate any such comment, information or explanation whether made by him or any other person,*
UNLESS the prior written permission ,either generally or specifically, has been obtained from the Minister.

(3) *Subregulation (2) shall not apply to any comment, information or explanation made, given or disseminate where the contents of the comment, information or explanation had been approved by the Minister.*

(4) *For the purpose of this regulation, "public statement" includes any statement or comment made to the press or to the public or in the course of any public lecture or speech or in any broadcast or publication, regardless of the means.*

Access to Official Documents, Information and Materials (Part II)

ELECTRONIC GOVERNMENT ACTIVITIES ACT 2007 (Act680)

Information with regards organization and functioning of public administration are made available with the implementation of electronic government in the public administration. The vision of Electronic Government is a vision for government, businesses and citizenry working together for the benefit of Malaysia and all of its citizens. The vision focuses on effectively and efficiently delivering services from the government to the people of Malaysia, enabling the government to become more responsive to the needs of its citizens.

Information on organization and function of the Malaysian public administration can be access through:

- Government portals and websites
- Direct interaction with government departments (information counters, help desks etc)
- Public communication utilities (toll -free lines, telephone)
- sms/mobile services (traffic offence summons)
- print media (brochures, annual reports,)
- libraries
- Community education/relation programmes (dialogs, roadshows etc)

The Malaysian Government Portals and Websites Assessment 2010/2011

The Malaysia Government Portals and Websites Assessment (MGPWA) were first conducted in 2005 by E-Government. Among the objectives were to analyze the performance of more than 900 Government portals and websites.

It was during the 19th Implementation Council Meeting (ICM) Decision on 7 December 2006 that MDeC was mandated to undertake an audit on all of the Government Agencies websites and advise YAB Chairman exactly where they are in their websites and propose ways to enhance and upgrade the websites. Hence, MGPWA has become an annual project that has contributed to tremendous improvement of our Government portals and websites. The number of portals and websites assessed has been growing from 903 to 1,145 in 2010.

The total portals and websites assessed in MGPWA 2011 have increased to 1,155.

New Developments of E-Government

• Malaysia Information Data Centre (MysIDC)

The Malaysia Informative Data Centre (MysIDC) at mysidc.statistics.gov.my is a one stop information gateway of social and economic data for Malaysia. MysIDC contains data from the Department of Statistics Malaysia as well as other government agencies. The data presented in MysIDC include National Accounts, Balance of Payments and Investment, External Trade, Indexes, Industrial Production by Sector, Monetary and Banking, Labour Market, Population, Income and Expenditures Household, Agriculture, Environment, Education and Others Social Indicators.

• Malaysian Government Open Data Official Portal

The Malaysian Government Open Data Official Portal (data.gov.my) which was developed in 2013/14 by MAMPU (Malaysian Administrative Modernization and Management Planning Unit) within the Prime Minister's Department in collaboration with the Ministry of Communication and Multi Media and MDeC (Multimedia Development Corporation Sdn.Bhd).

The Malaysian open data initiative currently provides over 100 datasets from 11 different ministries.

Simplifying Procedures

Measures taken by the Malaysian Public Administration in respect of simplifying administrative procedures to facilitate access to its competent decision-making authorities are as follows:

1. Institutionalizing the quality services in all 27 ministries, over 720 Government agencies and 144 local authorities in the 14 states including the Federal Territory under its current ONE SERVICE, ONE DELIVERY, NO WRONG DOOR concept.

One Service, One Delivery, No Wrong Door slogan reflects the Government's aspiration to present the "One Government, Many Agencies" identity to enable customers to easily access public services. One Service, One Delivery, No Wrong Door aims to ensure:

- Government agencies are viewed as an integrated entity, well-coordinated, well-informed and customer-friendly.
- Customer can deal with Government agencies in a fast, simple and transparent manner using various service channels.
- Customer satisfaction through speedy action by Government personnel and agencies.

2. The setting up of PEMUDAH

On 7th February 2007, the Special Taskforce to Facilitate Business or PEMUDAH (taken from the taskforce's Malay name 'Pasukan Petugas Khas Pemudahcara Perniagaan') was established. Reporting directly to the Prime Minister, the team comprises 23 highly respected individuals from both the private and public sectors. It is co-chaired by the Chief Secretary to the Government of Malaysia and the Immediate Past President of the Federation of Malaysian Manufacturers. Terms of Reference:

- To review the status of the public services delivery system in terms of processes, procedures, legislation and human resource and to propose new policies for improvements;
- To benchmark best practices to improve the ease of doing business;
- To enhance collaboration among public and private sector agencies to improve Malaysia's competitiveness;
- To monitor the implementation of policies, strategies and procedure that would improve the efficiency and effectiveness of the public and private sector delivery system; and
- To take appropriate action to address issues in line with the National philosophy of "**1Malaysia, People First, Performance Now**".

3. Clients' Day Programme

Chief Secretaries of Ministries, Heads of Federal Departments, CEOs of Statutory Bodies, State Secretaries and Senior Management of Local Authorities is implemented through the Public Administration Development Circular No 1 of 2008(PEKELILING KEMAJUAN PENTADBIRAN AWAM BILANGAN 1 TAHUN 2008, in the National Language). The said guideline requires all departments/agencies of Ministries, Federal and State Governments, Statutory Bodies and Local Authorities to implement and adapt "Meeting with Customer Day Programme "from one day a month to be a everyday practice.

4. Malaysian E-Government Services (MyEG)

MyEG Services Berhad is a concessionaire for the Malaysian E-Government MSC Flagship Application. Its role as a Service Provider for the E-Services component essentially provides the electronic link between the Government and citizens/businesses.

Through its portal, it offers the **Malaysian public a single point of contact between the Government and the people it serves**. The MyEg portal enables Malaysians to dynamically interact with numerous agencies within the Federal, State and the Local Government machinery providing services ranging from information searches to licence applications including driver licensing tests, bankruptcy searches, renewal of driving licenses, summons and utility bill payments and other services.

These transactions are done through its website www.myeg.com.my, or via its network of 56 e-service centers nationwide. The service centers, operated and manned by MyEG, are primarily aimed at administering the on-line driving license theory tests.

MyEG provides G2C services on behalf of government agencies such as Jabatan Pengangkutan Jalan (JPJ – the Road Transport Department), Jabatan Insolvency Malaysia (JIM – Insolvency Department), Dewan Bandaraya Kuala Lumpur (DBKL - Kuala Lumpur City Hall), Polis DiRaja Malaysia (PDRM – Police) and utilities such as Tenaga Nasional and Telekom Malaysia.