5 December 2023

Today we commemorated the International Day for Universal Access to Information (IDUAI) with the IDUAI Roundtable 2023. This event was hosted by the Legal Affairs Division of the Prime Minister's Department (BHEUU), Centre for Independent Journalism (CIJ) and ARTICLE 19 and tackled the global theme for IDUAI this year, "The Importance of the Online Space for Access to Information.

Kicking off with the opening session, we had speeches from Wathshlah Naidu, Executive Director of CIJ; Nalini Elumalai, Senior Program Officer of ARTICLE 19; and with YBhg. Dato' Sri Khairul Dzaimee bin Daud, Director-General, Legal Affairs Division, Prime Minister's Department of Malaysia delivering the Keynote Address. The speeches comprised of these leaders talking about the importance of right to information in Malaysia in the current information ecosystem in Malaysia. Dato' Sri Khairul Dzaimee also reiterated the government's commitment to enacting a Right to Information Act and to amend all related laws including the OSA accordingly.

The opening session was followed by the first session, "Where We Are At?". Moderated by Nalini Elumalai, this session included Dr Punitha Silivarajoo of BHEUU, Dr Noor Hasliza binti Mohd Hassan of MAMPU, Adzrol Hisham bin Mohamad of CGSO and Lee Shook Fong of CIJ, to discuss the current state of Malaysia's information ecosystem and the developments to improve going on in the government.

One of the more salient things that was discussed was the challenge of data sharing in government and public agencies with both the representatives of MAMPU and BHEUU noting the culture of apprehension to share data to protect that information among the agencies. MAMPU specifically is starting initiatives to adopt an Omnibus legislation to have government agencies participate in their Open Data Portal and start sharing data with the public. Another important development that was discussed was the amendment of the Official Secrets Act (OSA) and the implementation of the Right to Information Act. Dr Punitha mentioned that the RTI bill was expected to be tabled in October 2024. The amendment to the OSA was emphasized by Adzrol Hisham in ensuring that it is line with the Freedom of Information Act while still retaining the ability to protect sensitive government documents. Adzrol Hisham also emphasised that the proposed amendments could include declassification requirements. Lastly, Lee Shook Fong of CIJ also mapped out the information ecosystem in Malaysia and how it has been at risk of data security breaches, reiterating the fundamental principles of a RTI legislation, including the need for proactive disclosures and an independent oversight body to ensure its effective implementation.

The next session, "Strengthening Digital Rights in Malaysia" discussed how corporate companies and other organizations could improve on strengthening digital rights amongst their respective groups as well as how they are doing so currently. Moderated by Khairil Yusof, Co-Founder of Sinar Projek, this session included Hashimah Hashim from MCMC, Assistant Professor Gayathry Venkiteswaran of the University of Nottingham Malaysia, Muhd Dawud Saifullah from MAXIS and Dr Muhammad Sufyan Basri from the Personal Data Protection (PDP) Department.

Assistant Professor Gayathry kicked off the discussion by mapping out the state of digital rights in Malaysia specifically amongst digital platform owners and corporate companies. In the Ranking Digital Rights in Malaysia research, co-initiated with CIJ and KRYSS Network, she found that most companies consistently failed to inform users of policy changes as well as how international companies tend to fare better when upholding digital rights relative to local companies. However, she still noted a need for all companies to "up their game to be a lot more transparent." The representatives of MCMC and PDP Department also shared their own mandate and scope for dealing with digital rights. While MCMC noted how they use the Communications and Multimedia Act (CMA) to protect children, the PDP Department listed the 7 principles that guide their organisation's actions on data privacy as well as their proposed amendments to the PDPA. Muhd Dawud from MAXIS showcased an industry player's perspective on data security. He states that although they have access to customer data, they cannot see its contents due to limited technical capabilities. He also adds that MAXIS is constantly strengthening data protections and improving access to information in areas where there is a lack of infrastructure.

The final session, "Reimagining the Information Eco-system That Facilitates Better Access to Information Online" was moderated by Wathshlah Naidu. The discussion was on how to improve the information ecosystem overall and included experts of various industries namely Thevesh Thevanathan, Chief Data Scientist of data.gov.my; Karen Cheah, President of the Bar Council; and Tan Lee Chin, Group Chief Operating Officer (Group Strategy and Content) of Media Chinese International Limited Malaysia.

Thevesh Thevanathan iterated how a Freedom of Information Act was inadequate in sharing data with the public due to the requirement to make requests to the government. Instead, he states that along with the Freedom of Information Act, the government needs to be ensure proactive disclosure of data as well. Karen Cheah also explained the need for the government to be transparent and accountable, urging the government to repeal and amend laws like the OSA and PDPA. She further elaborates that there needs to be an all-encompassing Privacy Act as seen in other countries. Tan Lee Chin brought a journalist's point of view in emphasising the need to allow the media access to certain information for investigative journalism. One of the ways she says this should be done is by looking at the CMA 1998 & Whistleblower Act which creates barriers to access information for investigative journalism.

Wathshlah Naidu wrapped the event up with her closing keynote calling on champions of transparency and accountability to fight for a more informed and empowered society. She highlighted that the Right to Information was just the starting point and that there was more to be done in building an ecosystem that supports this work and ensuring the government remains accountable.

The event ended with an array of fascinating and insightful discussions from a variety of stakeholders and experts. Ultimately, the IDUAI Roundtable showcased both the efforts of various groups as well as the many challenges still ahead in bringing a conducive information ecosystem to Malaysia. It demonstrated the need to align all efforts as well as the commitments by the Madani government in creating a robust information ecosystem.