Tumpang Tanya Guidebook

Developed by Sinar Project



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Revision History

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First version of guidebook	2022-09-23	First version of Tumpang Tanya Guidebook	Isad Chung <chungisad@sinarproject.org></chungisad@sinarproject.org>
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The guidebook is a living, open content document. Development of this guidebook is ongoing, along with supporting materials, pictures and resources.

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Resources on Investigative Journalism by Khairil Yusof < khairil.yusof@sinarproject.org from Sinar Project. Unless otherwise stated.

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Introduction

The TumpangTanya guidebook is to complement our TumpangTanya initiatives of using Freedom of Information or information requests to get information they need and to uphold transparency in the government.

Tumpang Tanya is an online web service that captures requests for information and answers from government agencies submitted by civil society organizations who share a common interest in promoting, protecting, and defending the right to know.

The online service tracks and records performance data of requests, such as types of requests, from which agencies, the time to respond and whether requests are eventually successful or not. Where safe or made safe through redaction, with regards to privacy and harm conditions, successful documents are also made searchable and accessible to the public.

Finding the right agency and right people to ask for information from the government can be daunting, this site also provides a guide for the public on how to make requests for information from the government. The project provides information resources, news and activities for civil society organizations and the general public.

TumpangTanya platform is on <u>tumpangtanya.my</u>, publishing requests and answers from the government and other related sources.

This guide is aimed at easing the process for partners and people interested in submitting their own FOI or information request.

This aims to be as detailed as possible with practical aspects when submitting requests.

Freedom of Information laws are used in Malaysia only for Selangor and Penang.

For other states, an information request (not binded by law) is used such as a normal letter asking for information.

Background

Key points:

- For FOI, there is no federal law, but there are two state laws (Penang and Selangor)
- Access to public information / documents is limited
- Transparency of this access (regardless of success) is limited
- Even if successful, limited knowledge on such requests and their impact to beneficiaries

Addressing the Problem

There is currently no federal law in Malaysia that provides a legal framework to enable the general public to submit requests seeking information from the government. In 2019 under the Pakatan Harapan administration, there were <u>discussions</u> of enacting a freedom of information federal legislation in the Parliament. There has not been any updates on such progress under the Perikatan Nasional administration.

In Malaysia, Penang and Selangor are the only two states with freedom of information enactments which came into force in 2015 and 2013 that allow members of the public to submit requests for information from the respective state government. However, these enactments cannot override the federal-level Official Secrets Act 1972. Along with other similar laws, such as the Evidence Act 1950, Sedition Act 1948 and specific Penal Code provisions have been arbitrarily used in the past to silence dissent and advocates of transparency and accountability. In September 2021, it was reported that an official request was made to the Selangor State Forestry Department through Freedom of Information (State of Selangor) Enactment 2010 by environmental group Pertubuhan Pelindung Khazanah Alam (PEKA) to access the Forestry Department's report on Kuala Langat North Forest Reserve (KLNFR), but such request was rejected, citing secrecy of information and it could affect national policy or development. Subsequent request by Sinar Project a year later also received the same answer despite the planned project now canceled.

Despite the availability of an existing framework to request information in Penang and Selangor, there is generally lack of data on the detailed breakdown of information submitted to Penang and Selangor state governments, including the nature of information sought, duration of the application process from submission of request to receipt of response from the state governments. Beyond Penang and Selangor, it is not known whether there is any existing framework that supports the right of the public to access information from the other State Governments.

Furthermore, the process and answers of FOI both in Penang and Selangor are hard copy submissions (with the exception of Seberang Perai City Council) through forms and the answers are also not published online especially on a designated portal, even if specific parties were to publish. Hence, there may be duplication of the same requests by different beneficiaries for the same questions. Answers if not published online also meant that the knowledge and information of such answers are only limited to the party asking. And is dependent on the party to share the answers.

To Whom Do I Submit FOI Request

FOI in Selangor and Penang is submitted to Information Officers. Applicants may not be able to meet Information Officers directly or face to face during office hours.

This is because information officers are sometimes someone of a higher level officer/ bureaucrat such as an SUB (Setiausaha Bahagian). The officer may also not be available due to going for field work, taking a leave, or having a meeting.

Such a request may also be facilitated to an assistant, or front desk of the unit the officer is in.

(This is dependant on the office)

Some assistants may not understand FOI law, thus making facilitation harder, and may not even want to take in the submission.

Some Penang FOI Officers are likely in higher ranking positions in government, such as Director of Government Departments, hence the likely chance of submitting directly to them is low. Penang FOI Officers sometimes also consist of two Information Officers.

Example:

FOI submissions for SUK Office can be submitted to the front desk of the Ground Floor Corporate Office.



(left of the signboard, there's a bell to inform officers inside to unlock the door)

Template on asking updates

The Email template below can be used when asking for updates or decisions on requests submitted. Feel free to use and edit accordingly.

Selamat Petang,

Tuan,

Saya ingin mengetahui status permohonan FOI saya berkenaan isi tajuk sesuai yang dihantar menggunakan Borang A pada 28 Februari 2022.

Jika permohonan tidak diluluskan saya ingin juga dapatkan surat permohonan maklumat tidak diluluskan. Juga untuk saya membuat rayuan kepada Badan Maklumat Negeri Selangor.

Mohon pencerahan dari pihak Tuan.

Sekian. Terima Kasih Nama

FOI in Selangor

Location

FOI in Selangor involving state departments are usually through documents in the Setiausaha Kerajaan Negeri (SUK) building.

The address of the Selangor SUK building is:

Bangunan Sultan Salahuddin Abdul Aziz Shah, 40503 Shah Alam, Selangor

Bangunan Sultan Salahuddin Abdul Aziz Shah

Front entrance of Selangor SUK Building:





Back/side entrance of Selangor SUK building:



Tip: One may also search bangunan ssaas in Google Maps or Waze

Important: Searching Pejabat Setiausaha Kerajaan Negeri Selangor will lead to this wrong location

Access to SUK Offices on Public Transport:

• We currently do not have the resources or have tried the available means.

SUK Building consists of multiple floors until level 25.

Access to lifts, and floors in the SUK Building requires one to register to the security at the lobby and getting a visitor's pass by handing over driver's license





Example of a visitors pass which also acts as the pass for lift access.

Lifts can only be accessed by using the visitor pass as a tag. Tap your pass at the bottom of the levels button.



Another location nearby is the Bangunan Darul Ehsan:

Bangunan Darul Ehsan, No.3, Jalan Indah, Seksyen 14, 40000 Shah Alam, Selangor

This building houses other agencies such as Lembaga Urus Air Selangor (LUAS) on Level 11.

Other government agencies may have their own location around Shah Alam such as

Jabatan Agama Islam Selangor on their own complex (near to Selangor SUK building)



Local Councils

Majlis Bandaraya Petaling Jaya

FOI requests can be submitted to their MBPJ office in level 1, Bahagian Khidmat Pengurusan (Pentadbiran Am dan Urusetia)



Payments can also be made on the same day after an invoice is issued, at the machine in the ground floor lobby. [to be moved to payment section]



Visitors would need to gain a pass from the front counter in the lobby to get to level 1. [Usually a driver's license is needed for the pass]

Majlis Bandaraya Subang Jaya

FOI requests can be made at the Bahagian Perlesenan (usually in the Bahagian Khidmat Pengurusan, but the information officer position is still with the officer that is now heading the license department.





Majlis Perbandaran Kajang

FOI Requests can be made at the Bahagian Undang-Undang level 1. (note:this is a different building and location than the Headquarters of the MPK.



(glass door on the left side of vending machine)





(glass door in the middle, to second floor)



Majlis Bandaraya Shah Alam

FOI Requests can be made at the Bahagian Khidmat Pengurusan at level 1 from lobby A of MBSA building.



Payment of FOI Requests

Usually FOI in Selangor requires applicants to pay for the application of RM12.00 first.

Payments can be made over the counter on level 17, Bahagian Kewangan Negeri. (Cash only)



Payment can be made at the finance unit, level 17.

Payment counter is open as follows:

Monday to Thursday:

8.30 am to 12.45 pm 2.00 pm to 3.30 pm

Friday:

8.30am to 11.43 am 2.45 pm to 3.30 pm

Please note that counter operation ends when the office closes account for the day, this may happen a few minutes before official closing time such as 3.25 pm.

Ramadhan operation periods may vary and counters may close earlier.

There is an ATM machine at the lobby of Selangor SUK if you don't have enough cash, however keep in mind that the payment counter may not have small change if you bring a large denomination of notes.



Payment Counter Operation for Level 17



Directory SUK Offices:

Important offices in the SUK Building:

SUK Corporate Office Ground Floor (Information Officer for SUK)

Payment Counter Level 17

Jabatan Pengairan dan Saliran Level 5

Jabatan Perhutanan Selangor Level 3

Jabatan Perbendaharaan Negeri Selangor (Level 12)

FOI in Penang

In principle and concept, FOI in Penang works the same way as in Selangor. Differences in practice are mostly on the technicalities of application form (such as having a date field, needing a supporting document of an identity card, and confirmation of acceptance field), price of requests, and duration of requests under the law.



Location

The Penang SUK office is located in Komtar tower.

The Komtar consists of multiple levels with dedicated coloured lifts for each range of levels.



Entrance to SUK Office in Komtar, level 3

Lifts in KOMTAR are divided into 3 categories by colour, each coloured category of lifts has access to only a specific range of floors.









Before going to any lift, please get a pass from the main counter.

The counter is also dependent on which floors you are going to. The pass counter is available on level 3, next to the payment counter.

Access pass



Access pass can be gained from the counters on level 3. Unlike SUK Selangor, the lifts do not require the access pass to operate, but make sure to wear to pass on your clothes.



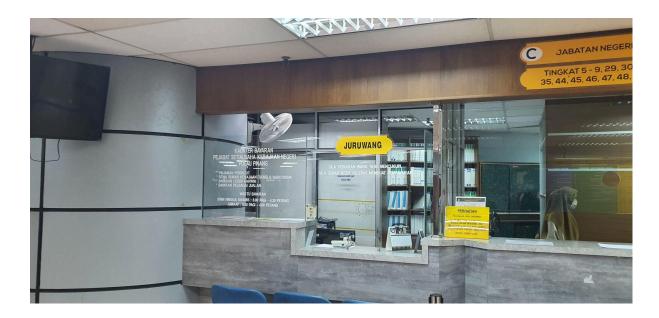
Some offices and their dedicated offices are listed here: SUK Office level (IvI 23, 24, 25, 26)



Payment of FOI Requests

For FOI applications, the fee is RM50 for each application for the current year, and RM 100 for each year that is not the current year.

Payment can be made on level 3 of Komtar.



This counter accepts debit/ credit cards aside from cash. The counter is open from 8 am until 5 pm.

FOI in Seberang Perai (Penang)

FOI in Seberang Perai is digital in its submission and payment.

This is highlighted on their website under FOI: https://www.mbsp.gov.my/cyber-counter/

Email your form A to foi@mbsp.gov.my

Resources on process of submitting FOI to Seberang Perai: <a href="https://www.mbsp.gov.my/cyber-counter/tatacara/undang_

You may also pay and be linked directly to bank or credit/debit card information on the payment request email they submit.

Receiving the answers however, requires one to physically collect documents/ answers at the MBSP office in Penang, you can however request for the documents to be sent to your address. (With possible additional postage charge)

We have however not tried and experienced receiving the answers in soft copy over email/cloud storage.

Recommendations in FOI Requests

Read the FOI law and have an understanding on the role of information officer, a registrar and appeal.

- 1. Ensure you have a physical copy of Borang A. Borang A is not required to be returned to you by law. Having a physical copy enables you to requests for stamp of acceptance (coppenerimaan at the counter)
- 2. You may also request for a copy of Borang A for yourself with the government servant. Be aware that not all government agencies are friendly and okay with this approach as some may not have resources to do so.

Eg of acceptance stamp:



- 2. Ensure you have enough cash (also in small denominations if the payment scale is small). Some counters like in the Selangor SUK building only accept cash. And sometimes would not have enough balance.
- 3. Take note of the payment counter closing times:

Cash payment counters may close slightly early due to lack of people coming nearing end hours and needing to process the calculation for the day.

Counters may also operate at different times during Ramadan.

Have a digital wallet / debit or credit card ready. Some counters or machines have transitioned over to cashless payment.

4. Always have an extra copy of form A document/ form A schedule 2 (appeal form) ready in case there needs to be adjustment.

Appeals of FOI

Appeals for FOI in Selangor and Penang are conducted by the appeal body known as State Information Body in Selangor and FOI Appeal Body in Penang.

The registrar are listed in the government website as the officers to refer to if you have difficulties with the Enactment or process.

For Selangor: https://www.selangor.gov.my/index.php/pages/view/97

For Penang: https://www.penang.gov.my/index.php/en/foi-psukpp

Appeals for FOI in Selangor need to be addressed to the registrar of the State Information Board (pendaftar Badan Maklumat Negeri).

Registrars in Selangor are usually officers from the Human Resources Department at level 3.





Human Resources Department level 3 (on the left)



You may speak to the counter to meet the officer/ registrar in charge.

Note: It's better if you know the name of officers as front desk staff is unlikely to know a person's position despite being colleagues.

Appeals for FOI in Penang need to be addressed to the registrar of the Appeal Body (pendaftar Badan Rayuan Enakmen Kebebasan Maklumat).

For Penang, you may contact the registrar on the phone number on the website to get in contact with them.

Note: Registrar do not have a physical office, you will need to see the registrar and their office will be of the unit they are assigned, such as Human Resource or Management Services (Khidmat Pengurusan)

FOI Appeals Proceeding/ Hearing

Selangor

We do not have the resources for this part yet.

- ..
- ...

Penang

Penang FOI Appeals Proceeding will take place on the Proceeding Room for the Appeals Board, level 57, Komtar Tower, Penang.

Photos of appeal proceeding room:

https://drive.google.com/drive/folders/1Qqn0v-ZIWvffphpXK3fDK5mmnexnz2V-?usp=sharing

Recommendations For FOI Appeals

FOI Appeals Application

- 1. Have Form A Schedule 2 printed and ready. If you do not have one, request one from the Registrar if possible.
- 2. You may write your appeal handwritten on a paper, and provide such an attachment to the Form A.
- 3. Prepare the needed amount for payment of fees.
- 4. Make sure to pay again on time for processing of the appeal application.
- 5. List all the parties you have a dispute (dissatisfied, aggrieved) with. If there's two information officers, list two, if there's a Director for the Department, you may also list them.

FOI Proceedings

- 1. Have an understanding of what you would like to request from the Chairman.
- 2. Keep and bring all original documents such as Answers, Receipts to the proceeding.
- 3. We also suggest bringing a physical copy of the Rules and Enactment for easier reference.
- 4. Establish points of conflict and explain clearly what has happened.
- 5. On requirement to submit FOI Appeals records to parties in conflict, you may scan those documents and send by email. You may also ask the kind courtesy of the Registrar to submit on your behalf. We however suggest that you send one yourself such as softcopy over email to complete the requirement and responsibility by law.

Documentation of FOI

We advise partners and everyone who submits an application to document your trip or experience so it's simpler to share and recall the specifics.

We highly recommend making a copy of form A (such as a photostat copy) and during submission and also request an acceptance stamp (cop terima). This is especially for Selangor, while Penang has this section on the Form A's last page, you may also make a copy to be stamped on the front page.

If you do not have a copy, what's most important is to take a picture or scan of your submission documents. This is so we can easily share and figure out the details written in those forms.

For Digitising Documents, please refer to the bookmark: RTI TumpangTanya Guidebook

Datasets from FOI Requests

Datasets that were received from FOI Requests will be published on Sinar Project's Open Data Portal, <u>data.sinarproject.org</u>

Examples of Datasets that Sinar Project has collected:

All datasets 2014-2021:

https://data.sinarproject.org/group/sinar-project-foi-datasets-2014-2021

Short report on datasets: Report: Datasets from old FOI request answer

All datasets from 2022:

https://data.sinarproject.org/group/sinar-project-foi-datasets-2022

Short report on new datasets: Report: Datasets from new successful FOI request answer

Becoming a Contributor

Sinar Project and Centre for Independent Journalism (CIJ) has developed a platform to publish Freedom of Information requests from the government.

Digitising Documents:

To digitise documents, one may scan using a scanner, or take photos (eg: using a smartphone) .

From photos, we can process those images, and add optical character recognition in the documents.

Resource:

Cleaning up Scanned Documents using Open Source Tools https://kaeru.my/quides/cleaning-up-scanned-documents-with-open-source-tools

Initially published on medium:

https://kaerumy.medium.com/cleaning-up-scanned-documents-with-open-source-tools-9d87 e15305b

Redaction of Personal Information

Redaction of specific information has to be done manually using many options such as Adobe or an open source option, LibreDraw.

Redaction is also possible using online tools on your web browser, such as:

https://avepdf.com/redact-pdf

https://tools.pdf24.org/ (this can also be downloaded for offline use on Windows computer)
Both of these tools have ease of use and friendly interface.

Both tools also allow you to make the pdf searchable by adding OCR (optical character recognition). This would allow easy search functionality in the pdfs.

Alternatively you may also send your documents/pictures to be redacted to us.

Contact Person:

Isad Chung, chungisad@sinarproject.org

For encrypted communications,

PGP Key ID: 3FFEBFCA

Key fingerprint: 1678 39CB DB84 D1A7 D525 387E 8235 BB0C 3FFE BFCA

or fill in the Google Form:

https://forms.ale/3iBAcmwvRBKxEcrGA

Using TumpangTanya

Sinar Project and Centre for Independent Journalism (CIJ) has developed a platform to publish Freedom of Information requests from the government.

Previous collections of works and resources on FOI by Sinar Project are also published on right2know.my and will be uploaded over time to Tumpang Tanya website.

Github:

https://github.com/Sinar/tumpangtanya/

https://github.com/Sinar/tumpangtanya.inforequest

For suggestions, Issues and Bugs, feel free to file a ticket on:

https://github.com/Sinar/tumpangtanya/issues

or email

chungisad@sinarproject.org or team@sinarproject.org

Website Navigation

TumpangTanya Website/Content Manager Guide

□ Tumpang Tanya Guide

Link:

https://docs.google.com/presentation/d/1sUmtjnK2rLN43tJhnyG6nX0HLoT48OOxiFthUUYylkU/edit?usp=sharing

Vision Document:

■ Vision Document

Link:

https://docs.google.com/document/d/1xYqObNk1S8BNNpr3IX2hDNeebmQhQuOnTgFmQI25Mbw/edit?usp=sharing

Tumpang Tanya Project Resources

Use Case Requirements Workshop

Workshop report:

https://docs.google.com/document/d/1i226cEf11ICxyYbIdmUdh3XB-Hq2OpM0AS-GwjltfMo/edit?usp=sharing

Presentation slides on Tumpang Tanya

https://docs.google.com/presentation/d/1TldKRz4TCd7yZ322-dg42Xl8Pk10PPXVXjeAlSu9jws/edit?usp=sharing

Current list of use cases.

https://drive.google.com/drive/u/1/folders/1NTpQXPWdkPvI4MFbpfQavSej47C3-8 S

Tumpang Tanya Strategising Initiatives Workshop

Workshop report:

https://docs.google.com/document/d/1Q-nOKsz-SLXshXqzxla3nKsZATa5p79F6Rk5PeRzI_s /edit?usp=sharing

Presentation slides:

https://docs.google.com/presentation/d/1ffqQfPjT-YsvlukVAdPH-oFSmWh6yVWgj 6sEDCE

S4w/edit#slide=id.g89d9d5ffe4_0_77

Slides for Output questions and strategy:

https://drive.google.com/file/d/1cmggPuSFusMa5dSQ KmojIUNfgiFizPG/view?usp=sharing

List of use cases:

https://drive.google.com/drive/folders/1WRB4O4bipEhCBjp8K5-rJ4K-KCml59O9?usp=sharin

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Freedom of Information Performance Report

Upcoming

Workshop with elected government and elected officials Upcoming..

Sinar Project Investigative Journalism Resources

These resources would help people requiring more detailed guidance on conducting investigative research or journalism in their work or objective.

Presentation Slides in Phnom Penh, Cambodia (6-9 June 2022, UNODC Investigative Journalism Workshop): Collaborating for Anti-Corruption Data in Constrained Environ...

Investigative Journalism Curriculum and Modules:

■ Investigative Journalism Curriculum and Modules

Malaysian Tipsheet:

■ Tipsheet - Investigating and Searching Malaysian information

Data Journalism Assessment - Malaysia

https://internews.org/resource/data-journalism-assessment-malaysia/

Article on Constraining Environment for Data Journalism

https://penangmonthly.com/article/20670/rising-above-the-constraining-environment-for-data-iournalism

Collaboration with Journalism portal in Malaysia

Story by Macaranga

Part 1: Rise Of Coal In Malaysia

http://www.macaranga.org/coal-statistics-malaysia/

Part 2: https://www.macaranga.org/coal-impact-fishermen-indigenous-malaysia/

Publication of data driven stories by participants of investigative and data journalism workshop with the help of grants in the project

Story by SUARAM on Malaysiakini

Malaysian in debt bondage at Bahau plantation

https://www.malaysiakini.com/read4free/620039/QlwohKD0i#msians-still-falling-prey-to-de bt-bondage-in-remote-plantations-suaram

Archive https://archive.ph/6PGE6

Minister's response to the publication:

https://www.malaysiakini.com/read4free/621770/CSzeyw8U7#saravanan-will-investigate-msians-in-debt-bondage-at-bahau-plantation

Archive: https://archive.ph/ADE7e

Publication of investigative stories by participants of investigative journalism workshops with the help of grants in the Suara Masyarakat project.