

Access to Government Information: Case Study in Malaysia

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Abstract: Providing access to government information will increase transparency, accountability and public confidence in the government. The right to acquire information will foster a better understanding of the decisions made by the government, increase citizen participation in the political process, and increase government efficiency. This study aims to determine the level of citizen's access to government information that is available through the official government open data portal and to propose a framework of access to gov-information. The objectives of this study are to identify factors that influenced the information access and follow by a development of the framework. A survey method by means of questionnaires was used to collect data. The questionnaires were distributed to twenty-one respondents in twenty-one ministries in Putrajaya. The study found that three factors are highly influenced (based on statistical score) which are the top management commitment; knowledge and information classification. The other three are averagely influenced which are the network; portal development and information access. The study develops a framework for access to government information by categorising all the identified factors into three basic components which are Information Society, Transparent Government, Access to Government Information. The findings could help the government to prepare plans and improve access to government information thus upholding government transparency and accountability.

1 INTRODUCTION

A transparent government is an important element to ensure the delivery of public services at all levels of society is trustworthy. According to Mazlan (2017) the Chief Operating Officer from Malaysian Communications and Multimedia Commission's (MCMC), today's society tends to share information without filtering whether or not the information is authentic. The scenario leads to the culture where every information easily goes viral before confirming from the sources. Individuals, organisations and governments may receive bad reputations if the shared information is false or fake. In particular to government information, the awareness of information freedom should be taken seriously to ensure the validity of news spread through social media, blogs and websites.

This study is conducted to identify the level of knowledge of information freedom and what are factors that influencing the information access. These two objectives are to carried out to find out how the current mechanism of gov-information access in

Malaysia. The motivation of these objectives came from the current scenario of unrestricted sharing of information which can lead to the spread of false information.

Among the reasons that may lead to such occurrences is that there is no awareness in the rights of gov-information sharing, not understanding the value of any information and the ignorance attitude of the importance of information obtained. One of the ways to curb spreading false information is through law's enforcement. Since it contradicts with the rights of society to get information freedom, many countries have introduced rules and regulations; guidelines and Freedom of information Acts, to guide the society in the sense of sharing and accessing information.

In addition, the absence of clear guidelines in government information sharing also tends to leak the gov-information that should not be transmitted to the public. The necessary guidelines and Acts are essential to tackle the problem of false information sharing that can damage the nation's reputation and image.

The gov-information needs to be kept and protected because of high evidence value. It involves

the national and individual interests and any manipulation will provide security risks. It also has the potential to privacy infringement of an organisation or individual if it falls into the hands of irresponsible parties. The importance of managing records and information has got the attention when the Securities Commission Malaysia (2010) alerts all the directors and officers of public listed companies about the responsibility of keeping records and the serious consequences if the records is lost or destroyed during investigation especially involving the high-profile cases. Although the gov-information contains high evidence value, it is considered as non-confidential (refer to government records category) and can be accessed openly through four mediums such as proactive dissemination (release voluntarily); reactive dissemination (release upon request); leaks for whistleblowers, i.e WikiLeaks; open public meeting that discuss and distribute the information to society (Piotrowski, 2007).

This paper discusses on the access to gov-information, definition of concepts such as records, information and documents, method employed, and the discussion of access to gov-information. This aim of this study is to propose a framework of access to gov-information by identifying the influenced factors that contribute to the access.

2 ACCESS TO GOVERNMENT INFORMATION

Over the past decade, many countries have increased the transparency in government-related affairs. There are more than 40 countries that have passed the laws that facilitate access to gov-information while more than 30 countries are in the process of approving the law. Since 1980s, the decline of authoritarian power and the emergence of new democracies has created a new constitution that provides specific guarantees on the rights to information. This guarantees a new law on access to information. It is supported by democratic practitioners such as the United Kingdom, the Commonwealth, the European Council, and the American state organization that created a legal model to promote freedom of information (Banisar, 2006).

The freedom of access to gov-information in the world is protected by the Freedom of Information of Act. The laws to access record has begun in Sweden in 1766 which provided for the general public the rights of record access and specific rights to media practitioners (Kingdom of Sweden, Fundamental

Rights and Freedoms 1766). Two decades later, the United States drafted and approved the US Freedom of Information Act by its legislature. Later on, it follows by Australia (1982), Canada (1982), Japan (1999) and the United Kingdom (2000).

However, the existence of the law of access to this information does not always guarantee the accessibility of information. This is caused by the enforcement mechanism is still at a weak level. In order to protect sensitive information, the government restrains, passes the application process or imposes a high fee on the selected information. This phenomenon is increasingly prominent after the September 11, 2001 terrorist attacks witnessed many developed countries, especially the United States and Canada, which restricted the freedom of information. The delay in the implementation of the freedom of information act also occurred in the United Kingdom since 2005 (Banisar 2006).

In Malaysia, the implementation of gov-information rights is still low (Yusmazy, Umi & Zawiyah, 2017). In addition, freedom of information is not guaranteed by the constitution and there is no legal act that guarantees this human right except the Selangor Freedom of Information Enactment 2010 in Selangor and the Penang Freedom of Information Enactment 2010 in Penang. Clear guidelines on the access, sharing and dissemination of gov-information are not contained in the legislative acts and there is still no formal framework that can be used as a major reference to freedom of information access in Malaysia (Muhammad Izwan 2014). Recent studies have found that developed countries have Acts and guidelines for accessing gov-information such as the Freedom of Information Act (US), Access to Information Act (Canada) and Access to Information Act 1985 (UK). The Table 1 lists the Acts in countries including Australia, the United States, the United Kingdom, and Japan. Except for the republic such as China, Russia, and South Korea, a total of seventy-three countries around the world have prepared an Act to impose their people's right to access gov-information.

The needs of access to government information is crucial for government activities to be monitored effectively and transparently. The information controlled by the government can connect people to people and people to the government. Moreover, providing access to government information should be able to increase the participation of citizens in a democracy, increase their understanding of the decisions made by the government, protect the rights of others, and create a better government machinery through check-and-balance by the people. The

Table 1: List of Acts to Access Government Information.

| Country | Acts and Guidelines |
|--------------------------|---|
| United Kingdom | Local Government (Access to Information) Act 1985 Freedom to Information Act 2000 |
| United States of America | Freedom of Information Act 1966 Amendment (2007) A Citizen's Guide on Using the Freedom of Information Act Privacy Act of 1974 to request Government Records (2012) |
| Canada | Access to Information Act (1985) |
| Japan | Law Concerning Access to Information Held by Administrative Organs (2001) |
| Malaysia | Freedom of Information Enactment (Selangor) 2011 |
| New Zealand | Official Information Act 2002 |
| Nigeria | Freedom of Information 2011 |
| Norway | Article 100: Freedom of Expression |
| Pakistan | Freedom of Information ordinance 2002 |
| Paraguay | Article 28: Right to Obtain Information |
| South Africa | Promotion of Access to Information Act 2000 |
| South Korea | Act on Disclosure Information by Public Agencies 1996 |
| Australia | Freedom of Information Act 1989 |

technology has enabled access to government information to be implemented more effectively and efficiently. On the economic front, the use of information, communication, and technology (ICT) in accessing government information can reduce communication costs because all the information is available on the government's website at all time (Komba, 2013)

Definition of Concepts

Access to Information. Access to information and freedom of expression are international human rights norms. Article 19 on both the United Nation Declaration on Human Rights and the International Covenant on Civil and Political Rights (ICCPR) states that the right to freedom of information includes "not only freedom to impart information and ideas of all kinds, but also freedom to seek and receive them regardless of frontiers and in whatever medium" (UNDP, 2003)

Records. According to Zawiyah (2015), records are information internally generated by the organization

as a result of operating and transaction activities. Gagnon (1987) defines the record as all recorded information irrespective of the media or features, produced or received and maintained by the organization in maintaining legal or business transactions. According to Malaysia Standard 2223-1: 2009, records are information created, received, and maintained as evidence by an organization or individual to meet the requirements of the law and while executing official transactions.

Gov-Information. Official records that are formally accepted or issued by any public offices for the official events (National Archives Act, 2003). The examples of gov-information are heritage or historical Country's Records; information that can contribute to nationalism; single source information for references either by government or citizen; and information that can protect government's or individual's rights.

Documents. According to ISO 15489 (International Standards for Record Management), document as information or object that is considered as a unit. It is a file or an object of various versions. During the period its life, the document can be referred repeatedly. The life of the document is determined by business or legal requirements. A version of the document can be a record. Therefore, each new or old version of the document should be maintained to ensure its availability whenever needed.

The Differentiation of Records and Information.

Records and information are two different things. Records are not similar as information. Although records contain information but records contain of evidence of actions and transaction. The records able to indicate what happens; when and how the transaction involved; who is involved; and the results obtained. Records should not be changed. The records are more than just information on the page, screen or tape but is generated as a result of a combination of content, context and structure. For example, telephone conversations are an exchange of information but the notes written to record the conversation are a record (Sussex Downs & Weald, 2004). The information is as entity that can change as appropriate and manipulated for the benefit of certain parties, acquired and owned easily because it is commonly collected for general access purposes (Zawiyah, 2015). Information is data that is processed and gives a certain meaning to its users. The results of analysis, manipulation and presentation processes in the form of scheduled statistics and graphs that can help to increase the quality of decision making.

3 METHOD

This study employs a quantitative approach by means of questionnaire technique to collect data on the factors that influenced to information access. The focus will be on the implementation of the official portal of open data portal through www.data.gov.my. This method was chosen because it was easy to carry out when involved with a large sample population research and the acquisition of information from the questionnaire was then subclassified to represent a phenomenon in a large group. This method also allows the data to be obtained in a fast, high response rate from the primary source and with minimal cost.

3.1 Data Sampling

The survey method was adopted to explore whether the selected sample understand the right to freedom of information, implement the classification of information, and use the access to government information that is available. The study population included the custodian of the data and information in the ministries around Putrajaya. There are twenty-one ministries in the federal government administrative centre in Putrajaya. For every ministry, there is a section responsible for providing information about the ministries and departments to be uploaded to the official portal of open government data.

The questionnaires were given to the head of the custodian of the information to be uploaded to the open data portal of the Malaysian government.

3.2 Data Collection Instrument

The research instrument to collect data is a closed-ended questionnaire. The advantage of questionnaire enables the researches to collect all data in a short time. There are seven sections allocated in the questionnaires:

- Demographic questions
- The knowledge of information freedom Acts
- The implementation of gov-information classification
- The access to gov-information through open data portal (www.data.gov.my)
- The development of open data portal as an integrated portal
- The level of network security for securing the portal
- The top management commitment towards developing the portal

The questionnaires use a Likert scale from 1 to 5 as recommended by previous researches to seek for individual subjective responses and decrease the variance to measure.

3.3 Data Analysis

The analysis of data is divided into two sections, the descriptive and inferential by using the SPSS (Statistical Package for Social Science) 22.0 software. The analysis was done to determine the level of gov-information access among the respondents.

Each question is constructed to measure the level of variables through Likert scale. The researcher divides all the items into 5 levels to measure the level of variables based on Min value, as shown in Table 2.

Table 2: Level of Min Value for Variables.

| Level | Min Value |
|-----------|-------------|
| Very Low | 1.00 – 1.50 |
| Low | 1.51 – 2.50 |
| Moderate | 2.51 – 3.49 |
| High | 3.50 – 4.49 |
| Very High | 4.50 – 5.00 |

4 FRAMEWORK OF ACCESS TO GOV- INFORMATION IN MALAYSIA

According to Muhammad Izwan (2014), the right to information freedom has a limited coverage within the legal framework. However, the scenario has rapidly changed due to advancement of social media network where the information can be easily disseminated. Past researches also have proven that the ICT can help to enhance transparency and improve the effectiveness of internal control which can avoid the corruption activities (Shim & Eom, 2008). For example, in India, records related to rural poverty have been stored online that can expedite the update and access process. As a result, it can prohibit civil servants from corruptions (Bhatnagar, 2003). In Philippine, an acquisition system has also been set up to allow public bids the government contracts without involving pricing activities by unrelated parties (Anderson, 2009). In the United States of America, a website that allows public to access government expenditure data (www.recovery.gov), general funds (www.usaspending.gov), and information technology funds (www.IT.usaspending.gov) has been set up to

encourage the public to monitor government spending for better management.

4.1 Identifying the Influencing Factors of Access to Government Information

A study on existing models is carried out in identifying factors that influence access to government information. Models developed by researchers such as DeLone and McLean (1992), Petter et al. (2008), Wilson (1996), United Nation Development Program (2003), EDO (2016), and Komba (2013) can provide an important dimension in identifying factors that influence the effectiveness of government information access as depicted in the Table 3.

Table 3: Factors Influence to Information Access.

| Name | Reference | Factor |
|---|--|---|
| Information System Success Model | Delone and McLean (1992); Petter et al. (2008) | System quality, information quality, service quality, user satisfaction, benefits gained |
| Information Behaviour Model | Wilson (1996) | Psychology, demography, social, environment |
| Access to Information Conceptual Framework | UNDP (2003) | Legislations, network, awareness, communication, politic, socio-economy, technical, and external factors |
| Australia Guidelines on Access to Information | EDO (2016) | Release types: mandatory/proactive, informal or formal; charges; public interests; decision and review rights. |
| Framework of Factors that Influence E-Government Adoption | Komba (2013) | Enhancing factors; necessary knowledge, necessary resources, awareness, confidence to use the website, availability and reliability of internet connections, positive incentives, getting information on demand, guidance for internet use, possession of ICTs, availability of up-to-date information in the website, education, income and social influence Barrier factors: security and privacy of information, lack of support from the government, unreliable power supply, inaccessibility of internet services due to geographical locations, system quality, cultural barriers, age, and language |

In Malaysia, there is no comprehensive reference to access gov-information as compared to most countries in the world. Many researches focus on utilising ICT for accessing gov-information, but less disclosure on a study of reference and guidelines to access the information. ICT is seen as an instrument that can leverage the government activity from public knowledge for the purpose of national security. This can be seen through the rapid implementation of electronic government around the world including in Malaysia. However, it appears that the function provides to the people through the electronic government only focuses on facilitating the government's delivery system. The information published on the website is just a report. Sensitive information that is closely related to public interest is still locked-up up in ministries and government departments.

This study identifies six influenced factors to access gov-information from Malaysia context, which are Knowledge, Classification, Access, Portal, Network, and Top Management Commitment. All of the selected factors were chosen based on statistical results (mean value) by range levels are high (3.50 – 4.49) and average (2.52 – 3.49) as shown in Table 2.

i. Knowledge of Freedom of Information Acts

The results of each item infer that the respondents have a high level of knowledge of information control and freedom of information Act, but they moderately/average understand the information control and the Act because Malaysia does not have the Act. The level for this factor is high.

ii. Gov-information Classification

The respondents agree that the factor of classifying the government information is important which include to understand the type of information classification; the needs to classify information once received from ministries; understand the process of classifying the information; should refer to the responsible department if needed; and understand the implications of non-compliance. The level for this factor is high.

iii. Gov-information Access

17 items were analysed and categorised into two levels: the average and the high. There are five items (portal easily manipulated; relevant information; quick service; meeting the needs of design; and improve quality of life), which received an average mean score between 3.29 and 3.48. Whereas, 12 items namely ease of use; easy to learn; satisfactory portal; accurate information; reliable portal; easy to understand; suitable format; as expected; availability; help decision making;

improve management service; improve awareness; and increase market opportunity have received a high score level between 3.52 and 3.81. Hence, in general, the respondents agree that an open government data portal can facilitate access to government information. The level for this factor is average.

iv. Integrated Portal Development

The respondents agree that the development of this portal involves engagement with stakeholders. Nevertheless, the criteria and aspects of user requirements still need to be improved. The level for this factor is average.

v. Network

The respondents also agree that the item “network security monitor” provides a high influence on the overall network security (mean = 4.00, standard deviation = 0.775). The item “guaranteed network security” recorded the lowest mean score relative to the standard deviation (mean = 3.76, standard deviation = 0.768), implying that the respondents still feel that the network security infrastructure can be improved in order to avoid the portal from being invaded by hackers or irresponsible stakeholders. The level for this factor is average.

vi. Top Management Commitment

The analysis found that overall, the scores of the items for the factor “top management commitment” are also high (mean value between 3.62 and 3.67). The respondents agreed that each item was important (mean between 3.62 and 2.67, standard deviation between 0.740 and 1.161). A strong commitment from the management will ensure that the cooperation of all parties can be well coordinated to achieve the objectives of the system. The level for this factor is high.

4.2 Developing the Framework of Access to Gov-Information

The proposed framework of access to gov-information is based on the previous studies by Komba (2013) through its research on the Technology Acceptance Model (Davis 1989), Siau and Long Model (2005), Model Wilson (1999), Theory of Dissemination of Innovation (Rogers 1995) and DeLone and McLean models (1992). Based on results from data analysis, this framework includes six factors that affect the official portal of the Malaysian government’s open data in conformity with the scope and limitations of this study. The six factors are contained in three identified components which

are: Information society; Transparent Government and Access to Gov-information. The framework is shown in Figure 1.

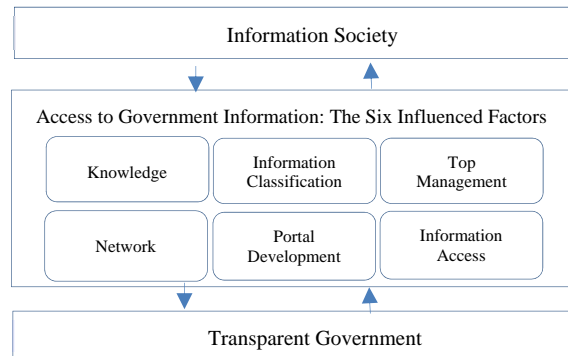


Figure 1: The Framework of Access to Government Information.

Information Society: The first component represents the target group who benefits from the access availability. However, the role of the community is not just as the recipient of information, the community also needs to provide input and feedback on the type of information and the quality of access provided as a continuous improvement process. The community also needs to be aware of the particular level of access to information on national security factors.

Transparent Government: The second component is a primary source of all the information that becomes the essence of gov-information access. Responsibilities include ensuring that records and access information are of high quality and meet the needs of target groups. The principle of confidentiality of gov-information should be balanced with the freedom of public information. In addition to providing information, the government is also a trigger in facilitating access to information through this government’s open government official portal initiative. The open-portal initiative is to facilitate and control for information freedom.

Access to Gov-information: The third component is Access to Government Information through an online portal. There are six factors (identified in this study) influenced to the access such as knowledge, information classification, access, portal development, network, top management commitment.

4.3 Discussions

The study found that in Malaysia, despite the absence of Freedom of Information Act, the public still can

access the gov-information via a portal. The ICT infrastructure was built to facilitate the people accessing information across time and space. The existing facility has provided an access that meets the needs of respondents but there is still room to be improved. Among the improvements that can be made to this portal are from user-friendly aspects, providing accurate information, reliable information, easy-to-understand information, easy information format, reliable and reliable service, able to help make decisions effectively to increase management services, increasing awareness and opening up market opportunities.

Also, the study found that respondents' knowledge on information freedom and gov-information are crucial for developing information society. The exposure for information freedom is important to ensure the people has the Right to access gov-information and its risks. High risk information must always be protected and secured in the interests of the nation beyond the particular individual's interests. Transparent government has always come with a risk whether or not the information can be shared. From this point of view, people should realise not all gov-information can be shared and accessed due to its value to protect the nation.

5 CONCLUSIONS

The study is expected to help the government through the Malaysian Administrative Modernization and Management Planning Unit (MAMPU) for improving the development of the open data portal in terms of user interface; content; and security. The MAMPU also can collaborate with the National National Archives, to monitor all the processes to acquire/collect/gather gov-information and store in the portal for public access.

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