Centre for Law and Democracy

Yayasan Dua Puluh Delapan
Media Law and Policy

Implementation of the Right to Information:

An Assessment of Three Indonesian Public Authorities

March 2012

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Acknowledgements

Table of Abbreviations

Balitbang (*Badan Penelitian dan Pengembangan)* — Research and development agency

BOS (*Bantuan Operasional Sekolah)* — School operational support

CPNS (*Calon Pegawai Negeri Sipil)* — Civilian government employee candidates

Diklat (*Pendidikan dan Pelatihan)* — Education and training

Dirjen Binkesmas (*Direktorat Jenderal Bina Kesehatan Masyarakat)* — Director-General of civilian society health development

Dirjen Yanmedik (*Direktorat Jenderal Pelayanan Medik)* — Director-General of medical services

DIPA (*Daftar Isian Pelaksana Anggaran)* — List of budget administrator

DPO (*Daftar Pencarian Orang)* — List of wanted persons

Humas (*Hubungan Masyarakat)* — Public Relations

Hukor (*Hukum dan Organisasi)* — Law and organizations

Irjen (*Inspektorat Jenderal)* — General Inspector

Kabag (*Kepala Bagian)* — Head of Department

Kabidhumas (*Kepala Bidang Hubungan Masyarakat)* — Head of Public Relations Department

Kasubaghumas (*Kepala Sub Bagian Hubungan Masyarakat)* — Head of Sub-department for Public Relation

Kapolri (*Kepala Kepolisian Republik Indonesia)* — Chief of Republic of Indonesia Police

Kadiv Humas (*Kepala Divisi Hubungan Masyarakat)* — Division Chief of Public Relations

Kasie (*Kepala Seksi)* — Section Chief

Kapolsek (*Kepala Kepolisian Sektor)* — Chief of Police-Sector

Kabag Penum (*Kepala Bagian Penerangan Umum)* — Head of Public Relations of the Indonesian Armed Forces/General Information

Kapolda (*Kepala Kepolisian Daerah)*	Chief of Police-Region
Karo Penmas (*Kepala Biro Penerangan Masyarakat)*	Chief of Civilian Information Bureau
Kapolres (*Kepala Kepolisian Resort)*	Chief of Police-Resort
Kemenkes (*Kementerian Kesehatan)*	Ministry of Health
Kemdiknas (*Kementerian Pendidikan Nasional)*	Ministry of National Education
LAKIP (*Laporan Akuntabilitas Kinerja Instansi Pemerintah)*	Government Agency Accountability Performance Report
Mabes Polri (*Markas Besar Kepolisian Republik Indonesia)*	Republic of Indonesia Police Headquarters
Menkes (*Menteri Kesehatan)*	Minister of Health
Perkap (*Peraturan Kepala Kepolisian Republik Indonesia)*	Chief of Republic of Indonesia Police Regulations
PerKI (*Peraturan Komisi Informasi)*	Information Commission Regulations
PIH (*Pusat Informasi dan Humas)*	Information and Public Relations Center
PNS (*Pegawai Negeri Sipil)*	Civilian Government Employee
Polri (*Kepolisian Republik Indonesia)*	Republic of Indonesia Police
Polda (*Kepolisian Daerah)*	Police-Region
Polres (*Kepolisian Resort)*	Police-Resort
Polsek (*Kepolisian Sektor)*	Police-Sector
PP (*Peraturan Pemerintah)*	Government Regulations
PPID (*Pejabat Pengelola Informasi dan Dokumentasi)*	Official management of information and documentation
Pusdatin (*Pusat Data dan Informasi)*	Data and Information Center
Puskom (*Pusat Komunikasi)*	Communication Center
PTRC (*Pusat Tanggap Reaksi Cepat)*	Immediate Response-Reaction Center
Renstra (*Rencana Strategis)*	Strategic Planning
RKAKL (*Rencana Kerja Anggaran Kementerian/Lembaga)*	Ministry/Institution Work and Budget Plan
SP2HP (*Surat Pemberitahuan Perkembangan Hasil Penyidikan)*	Progress Report on the Result of Investigation
SIM (*Surat Izin Mengemudi)*	Driving License

SKCK (*Surat Keterangan Catatan Kepolisian)*	Certificate from the Police Criminal Records
SPJ (*Surat Pertanggungjawaban*)	Letter of Accountability
SOP (*Standar Operasional Prosedur)*	Standard Operational Procedure
SK (*Surat Keputusan)*	Ministerial decree
SLIP (*Standar Layanan Informasi Publik)*	Standard Public Information Services
UU KIP (*Undang-Undang Keterbukaan Informasi Publik)*	Public Information Disclosure Law
UPT (*Unit Pelaksana Teknis)*	Technical executive unit
Wakapolri (*Wakil Kepala Kepolisian Republik Indonesia)*	Deputy Chief of Republic of Indonesia Police
Wakapolda (*Wakil Kepala Kepolisian Daerah*)	Deputy Chief of Police-region
Y28 (*Yayasan Dua Puluh Delapan)*	The Twenty-Eight Foundation

Introduction

1. Preface

30 April 2008 was a milestone in Indonesia's democratic development. On that day, with the passage of Law No. 14/2008 on Transparency of Public Information (*UU KIP*), Indonesia became the 76th country in the world to codify the right to information, guaranteeing its citizens a right of access to information held by public authorities. In some sense, this could be seen as part of the process of giving full effect to Indonesia's democratic reforms of 1998, which were meant to end the era of secretive and unaccountable government and usher in a greater degree of openness and increased disclosure. The right to information is recognised under international law as a human right, and is also arguably protected by Article 28F of the Indonesian Constitution.

Conceptually, the right to information can be understood as a manifestation of the State's ultimate accountability to the people. Public authorities, funded by public money and overseen by elected public officials, have a responsibility to conduct their affairs openly. Openness is one of the central differences between democratic governments and authoritarian regimes. Accountability is a cornerstone of democracy, and the right to information provides a mechanism for that accountability.

Practically, information is a vital tool in order to allow for oversight by the public of officials. The right to information is also a basic part of social and personal development. In a democratic society, the right to information is fundamental to upholding sovereignty, because it gives every citizen the right to monitor their officials and encourages popular participation in governance, advancing the goal of achieving a transparent, effective, efficient and accountable government.

It is clear that bureaucrats and elected officials will behave more responsibly if their actions are subject to close public scrutiny. Thus, the right to information is an effective tool for combating not only corruption and human rights abuses, but also inefficiency, mismanagement and incompetence. At the same time, and to some extent for the very same reasons, many public authorities will resist implementing their obligations under the new law.

Functionally, the institution of effective right to information legislation should fundamentally change the way public authorities operate. In Indonesia, these authorities have traditionally treated all information in their hands as being confidential, with the exception of a narrow class of documents meant for public consumption (see Figure 1). With the right to information, all information held by a public authority is now by default subject to disclosure, unless confidentiality can be justified on the grounds that release of the information would damage a legitimate protected interest, and this harm would outweigh the overall public interest in transparency (see Figure 2).
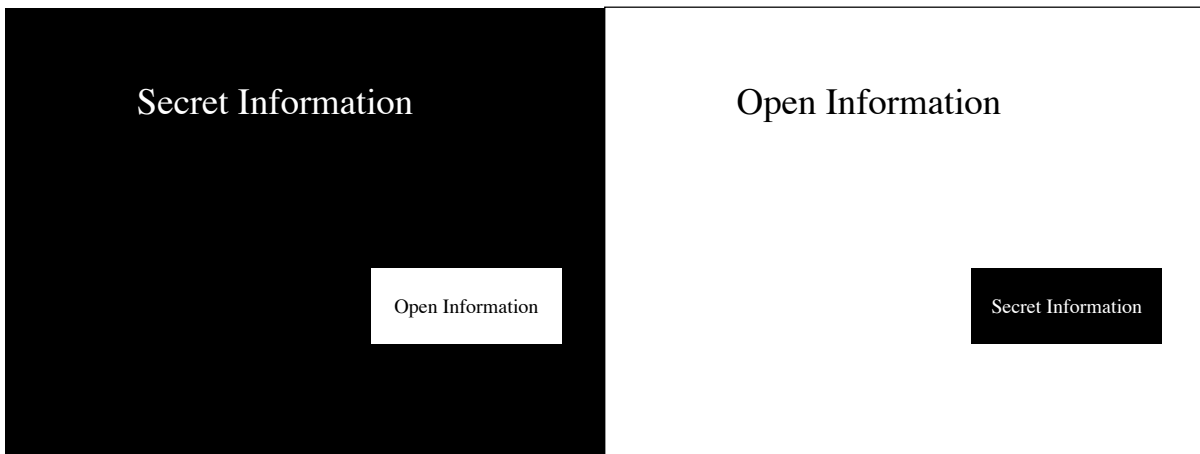
Figure 1:   Figure 2:

As a legal tool, *UU KIP* regulates every citizen's right to access information. In addition to responding to access requests, *UU KIP* requires every public authority to provide information on a proactive basis. It also sets out public authorities' obligation to provide and deliver requested information quickly and at a reasonable price; categories of information which are exempted from disclosure; and public authorities obligation to manage and retain information. Part of the process of implementation of *UU KIP* is the need to adopt further regulations in order to achieve the objectives, which are set out in Article 3 of the law.

In order to ensure that the right to information is respected, *UU KIP* establishes an Information Commission with duties that include drafting regulations, enacting technical guidelines for standard public information services and resolving public information disputes through mediation and/or non-litigious adjudication. In carrying out its duties under *UU KIP*, the Information Commission has enacted Information Commission Regulation No. 1/2010 on Standard Public Information Services, and established mechanisms for resolving public information disputes. These regulations are a reference for public authorities on how to fulfil their public information responsibilities, how to guarantee citizens' right to access information and how to disclose public information properly.

While the passage of *UU KIP* was an important step, the real test will be whether the standards of transparency are properly implemented by Indonesia's public authorities. In order to create genuine government accountability, the law should enfranchise the people with a practical and enforceable right, and a right whose violation can be effectively remedied. Furthermore, the longer-term goal should be to build a culture of openness and responsibility that its recognition fosters within public authorities.

According to Alamsyah Saragih,[1] Chief Information Commissioner, there are three basic criteria for measuring the progress of public authorities in implementing their right to information obligations. Based on Article 7 of *UU KIP*, and Article 4 of the Information Commission's Regulation No. 1/2010, every public authority has a minimum obligation to enact regulations on standard operating procedures for discharging its public information obligations, to appoint the Information Documentation and Management Office or Officer

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[1] Head of the Information Commission, quoted from "Public Information Disclosure Law; Unprepared, But Has to keep going", www.antikorupsi.org.

(PPID), and to produce, on an annual basis, the list of all public information managed by that public authority.

In practice, the rules on public information disclosure in Indonesia have not been followed rigorously since the establishment of *UU KIP*. Implementation of *UU KIP* by public authorities has been weak and uneven, despite the Information Commission having enacted regulations on standard public information services. This is partly due to the low level of popular awareness about the importance of access to public information. Based on research carried out by the Information Commission, the majority of public authorities have not fulfilled their responsibilities, including by undertaking internal monitoring of compliance with their *UU KIP* obligations, by appointing an official who is responsible for information management, and by creating a list of all disclosed and exempt information.

There remains a certain unwillingness on the part of public authorities to make information available. One example of this is the case of "Polri's Fat Account". Mabes Polri refused to disclose information regarding a 'fat' account by claiming the information was exempt, despite the fact that the Central Information Commission had issued a decision ordering Polri to release the names of the account owners and the amount held in 17 major accounts belonging to senior officials. A second example involves corruption in managing school operational support funds for some junior high schools in Jakarta. Indonesia Corruption Watch (ICW) started to investigate the management of five schools and, to determine whether or not there had been corruption, ICW requested information regarding the use of funds in both schools. When its original request was refused, ICW lodged a complaint with the Central Information Commission, which then issued a decision ordering the Head of the Education Agency in DKI Jakarta and the five junior high school principals to give ICW a copy of the SPJ and receipts for the BOS fund. Despite this, the documents were never provided to ICW.

As agents of reform, it is the role of civil society to monitor the implementation process and document its successes and failures, in part in order to pressure public authorities to fulfil their new responsibilities properly. Civil society should also work in a cooperative fashion with government, wherever possible, to promote positive implementation.

This Report, coming nearly two years after the entry into force of *UU KIP*, represents an effort by civil society to do both of the above: monitor progress in implementation of the law, with a view to working with public authorities to improve implementation in future. It focuses on the actions taken by selected public authorities – specifically the Republic of Indonesia National Police, the Ministry of National Education and the Ministry of Health – to implement *UU KIP* and on identifying remaining obstacles to this. The Report is based on the obligations incumbent on public authorities, pursuant to *UU KIP*, and the standards that have been fixed regarding the provision of public information services.

The next chapter provides an overview of implementation obligations both as contained in *UU KIP* and within the context of international standards of transparency. The Report then provides a detailed assessment of how each of the three target public authorities has or has not met their obligations under the transparency law. Each section offers a number of conclusions and recommendations for reform.

Unfortunately, as the Report demonstrates, despite strong and progressive rules on the right to information in *UU KIP*, there are still many challenges to achieving openness in practice. A key issue is the lack of understanding among public officials and public authorities over

whether or not information should be categorised as exempt, and confidentiality is still frequently claimed by public authorities as a justification for refusing requested information despite the lack of any justification for this.

Our conclusion is that significant work is needed on the part of public authorities in order to improve information management and disclosure services, particularly by the Ministry of Education. The authors hope that this Report, by examining and contrasting international better practices and Indonesian legal requirements with the reality of implementation, will serve both as a wake up call to public authorities to recognise their new responsibilities, and as a roadmap for how these responsibilities can best be fulfilled.

2. The Methodology Used

This Report measured the ability of three public authorities – specifically the Republic of Indonesia National Police, the Ministry of National Education and the Ministry of Health – to fulfil their obligations in the area of disclosure of public information disclosure. The methodology employed consisted of an analysis of written answers given in response to key research questions, secondary data analysis, observing websites to monitor proactive publication and interviews with those public officials who are responsible for managing information and documentation in each of the public authorities. The research was conducted mainly between 4 July and 23 September 2011.

Step One: A questionnaire with fifteen key questions was sent to each of the three public authorities to assess their compliance with the policies, procedures and mechanisms in *UU KIP*, and to check whether the authorities were prepared implementing their public information disclosure obligations.

Step Two: Interviews were then performed as a follow-up to the written answers that were received from the public authorities as described in Step One. Through these interviews we tried to gain insight into the public officials' point of view, their opinion on public information disclosure issues and their experience in carrying out information disclosure within each public authority. The contacts that we interviewed were:
- AKBP F. BarungMangera, Head of the Complaint Service Sub-department, Public Relations Division, Polri. Interviewed on 19 July 2011, Jakarta.
- Purwanto, Head of the Public Imaging Division, Ministry of National Education. Interviewed on 8 August 2011, Jakarta.
- DyahYuniar S, SKM, Mps, Head of the Public Information Services Division, Ministry of Health, Republic of Indonesia. Interviewed on 22August 2011, Jakarta.

Step Three: The websites that are maintained by each of the three public authorities were examined to find out how they were using these facilities to publish information proactively. The three public authorities' websites that were observed were:
- http://www.polri.go.id;
- http://www.kemdiknas.go.id; and
- http://www.depkes.go.id/

Step Four: The policies, regulations, internal mechanisms, and standard operating procedures that have been enacted by the public authorities in relation to public information management and services were then analysed. The supporting documents for this research that we obtained included:

- Chief of Republic of Indonesia National Police Regulations No. 16 Year 2010 on Guidelines to the Public Information Services within the Republic of Indonesia National Police Environment.
- Chief of the Public Relations Division of the Indonesian Police Draft Regulation on Data and Information Service.
- Chief of the Public Relations Division of the Indonesian Police Draft Regulation on Establishing Exempted Data and Information within the Polri Environment.
- Chief of the Public Relations Division of the Indonesian Police Draft Regulation on Online System Usage as Media to Distribute Data and Information.
- Chief of the Public Relations Division of the Indonesian Police Draft Regulation on Resolution of Information Disputes.
- Chief of the Public Relations Division of the Indonesian Police Draft Regulation on Gathering and Processing Data and Information.
- Chief of the Public Relations Division of the Indonesian Police Draft Regulation on Public Information Services.
- Decree of Minister of National Education No. 094/P/2010 on Official Management for Information and Documentation within the Ministry of National Education.
- Decree of Minister of National Education No. 4 Year 2006 on Information and Media Outlet Establishment.
- Power Point, "The Role of Information and Public Relations (PIH) of Kemdiknas in implementing *UU KIP* No. 14 Year 2008", M. Muhadjir, Palembang, November 19th, 2010.
- Decree No. 708/Menkes/SK/VI/2010 on Official Management for Information and Documentation of Ministry of Health.
- Draft Decree of the Minister of Health on Standard Public Information Services.

Chapter One: Standards for Implementation

The coming into force of a right to information (RTI) law often heralds the beginning of the real battle, rather than an endpoint in the struggle for open government, as public authorities confront and, in many cases, resist the new legal reality. Although the exact nature and scope of the obligations that an RTI law imposes on public authorities varies, there are international standards for this that can serve as a universal yardstick. This chapter discusses the obligations contained in *UU KIP* in the context of these international standards, to provide a guide to public authorities on how they should approach their new responsibilities. *UU KIP* gave public authorities two years from the when it first came into force in April 2008 to put in place the necessary systems and mechanisms to implement its provisions. This Report is being published nearly two years after that.

1.I Determining Applicability

Public authorities need to determine whether or not they are subject to the new law. *UU KIP* applies to all authorities that make up the executive, legislative and judicial branches of government, as well as to all State-owned enterprises, and constitutional, statutory and oversight bodies. In addition, the law covers any private company or NGO that receives money from the government, from overseas sources or from public donations.

The second key definition that should be understood is the proper scope of what constitutes "public information". According to Article 1 of *UU KIP*, public information is to be understood broadly as applying to any information stored in any form that is held or controlled by a public authority.

In sum, these provisions mean that the law is applicable to a very wide range of authorities, and within those authorities to any recorded information in any form.

1.II Key Guiding Documents

Public authorities should produce two key documents to guide their efforts of implementation of *UU KIP*. First, they should produce standard operating procedures (SOPs), which are effectively internal rules on how the law will be applied. These should, among other things, outline how they will receive and process requests for information, how they will make information available on a proactive basis and so on. Second, they should develop a realistic action plan for implementing, setting clear and achievable timelines for each proposed activity, along with a monitoring and evaluation plan to assess how they are doing in terms of putting the plan into effect.

1.III Information Officers

Public authorities to which *UU KIP* applies need to come to terms with the nature of their obligations regarding handling and disclosure of information. An early step is to appoint an Information Documentation and Management Officer (PPID), as required by Article 13(1)(a). It is not enough simply to appoint someone who is to be the Information Documentation and Management Officer, the public authority should develop detailed terms of reference (TORs) for this officer, so that their responsibilities and powers are clear.

This position should be filled by an individual who is properly trained in information management, and who understands the obligations of openness as spelled out by *UU KIP*. They should also have an understanding of the right to information as a human right, so that they will be capable of interpreting their mandate appropriately. In order to properly fulfil their role the Information Documentation and Management Officer should also have appropriate security clearance to allow them to access any information that is within their department, in order to properly assess whether information held is suitable for proactive disclosure, or should be released upon request, or whether it can be legitimately withheld.

The Information Documentation and Management Officer should also be appropriately funded, resourced and remunerated, in order to ensure that positions within this office are filled by talented and qualified applicants. Individuals who are appointed to this position should have a sufficient level of seniority to be able to make their decisions effective. Furthermore, working as the Information Documentation and Management Officer, or working within their department, should be treated as an appropriate avenue for advancement within the organisation as a whole, and not a "dead-end" placement. All of this is necessary for the public authority to fulfil its obligation under Article 13(1)(b) to develop a "quick, uncomplicated, and fair information service system".

1.IV Training

Public authorities need to put in place systems to ensure that their staff receive training on the right to information and their obligations under *UU KIP*. A priority should be to provide training to the Information Documentation and Management Officer, given the key role they play in terms of implementing the law. These officers should receive dedicated training (i.e. specific courses) on RTI. For other officers, training on RTI can be built into other more general training that they receive, or for initial training for civil servants, if this is provided.

1.V Record Management

Public authorities have to establish proper systems of information or record management. *UU KIP* establishes specific responsibilities in this regard. Article 7(3) requires all public authorities to develop a management system such that information is easily accessible. Article 7(4) and 7(5) further require public authorities to make their decisions and policies regarding information management public. Article 8 requires public authorities to follow proper procedures regarding archiving in line with appropriate legislation.

1.VI Proactive Disclosure

A key mechanism for making information public is proactive disclosure. *UU KIP* establishes several categories of information that should be published on a proactive basis. Articles 9 and 12 list certain types of information that should be published periodically, including financial and performance reports that are to be released every six months and summaries of the authority's responses to access to information requests that are to be released yearly. Article 10 requires immediate publication of information that threatens life or public order. Article 11 requires that authorities make certain information permanently available, including a list of all information under their control, policy statements, working project arrangements and annual budgets, and agreements signed between the authority and a third party.

In addition to these general publication requirements, the law contains several specialised categories for certain types of organisations. Article 14 subjects government-owned corporations or enterprises to extensive financial disclosure obligations, including audited annual reports, financial statements and information regarding remuneration systems.

Articles 15 and 16, which apply to political parties and NGOs respectively, require disclosure of basic organisational information as well as decision-making procedures and information about the management of any State revenues.

Many of these information categories are somewhat vague but, in line with international standards and with the objectives of the law as expressed in Article 3, all of these terms should be interpreted broadly and inclusively, and should be seen as baseline requirements rather than maximal obligations. Public authorities should proactively disclose as much information as possible not only because this is in line with the principle of maximum openness, but also because extensive proactive disclosure will ultimately save the authority time and resources in responding to access requests.

Acceptable forms of publication vary according to the resources and capabilities of the different authorities, but *UU KIP* states that published information should be "easily accessible and easily understandable". At a minimum, the information should be posted and available for distribution at the authority's offices. Information about development projects should be disseminated in a manner that is accessible in practice by those affected by the project. Authorities with an online presence should use their websites as an access point, since this allows information to be shared far more widely and easily. However, electronic distribution should be seen as complementing rather than replacing paper distribution, in order to ensure that the information remains available to people who do not have access to the Internet. Authorities that publish or distribute a newsletter should include in that newsletter information about what has been published on a proactive basis. International standards mandate that public authorities should, as far as possible, play a promotional role in attracting public attention to their disclosure activities.

Whether in paper or electronic form, it is important that information be kept up to date. While Articles 9 and 12 provide specific benchmarks for updates of some categories of information, information that is permanently available under Article 11 should be updated whenever the data changes. This is particularly true of electronic information, where the cost of these updates is low. This will ensure that public authorities present an accurate picture of their operations in line with their obligations under Article 7(2) of the law.

1.VII   Receiving and Responding to Requests

Although public authorities should endeavour to publish as much information as possible proactively, they will invariably receive requests for information that has not yet been released. An important aspect of proper implementation is the establishment of a system for receiving, processing, and responding to access requests.

Chapter VI of *UU KIP* offers some guidance on how the procedure should work. According to Article 21, the process should be quick, timely and inexpensive. As mentioned earlier, this requires that the Information Documentation and Management Officer be adequately resourced. Although Indonesia's law does not provide specific rules regarding costs, according to international standards it should be free to file requests and any charges should

be limited to the actual cost of reproducing and delivering the information, with waivers for requests that involve small amounts of information, are in the public interest, or come from impecunious applicants. As a result, authorities should provide adequate funding for the requesting process, and should not expect to recoup their expenses related to information disclosure through access fees.

The Information Documentation and Management Officer should also have adequate resources to respond to requests within ten working days, as mandated by Article 22(7). Although Article 22(8) allows for extensions, but restricts these to exceptional situations.

According to Article 22, requests can be made in writing or by any other means (such as orally) and do not require the use of any official form. However, in order to streamline the requesting process and to help requesters, public authorities should provide forms for filing requests that applicants may choose to use. Although Article 4(3) allows public authorities to require applicants to cite their reason for requesting information, this is in violation of international standards. Public authorities should not demand that requesters provide a reason or include this question on their official forms.

The Information Documentation and Management Officer should be equipped to provide requesters with receipts for their requests, as required by Article 22(4). Although this is not mentioned in the law, one of the duties of the Officer should be to provide reasonable assistance to requesters. This should apply both to illiterate or disabled requester, and to requesters who need help formulating their requests.

Another duty which the Information Documentation and Management Officer should undertake, although this is also not mentioned in the law, is to contact persons when a request is made for information which includes their personal data. Article 17(g) and 17(h) exempt information whose disclosure would violate the personal privacy of third parties, while Article 18(2) states that this exception does not apply if the third party consents to the disclosure. To make Article 18(2) effective, it is necessary for public authorities to contact third parties to see if they are prepared to offer their consent. Third parties should also be given a chance to express their views against the disclosure of the information, if they wish. As a result, international better practice dictates that the Information Documentation and Management Officer should contact any third parties whose privacy interest may be triggered so as to assess their views on the disclosure of the information. It is important to note that third parties do not hold a veto over the release of information, and that while any arguments they may present against disclosure should be taken into account, but not be treated as determinative of the matter (for example, the Information Documentation and Management Officer may decide that the information is not in fact private).

1.VIII Objections and Disputes

Where a requester does not believe that his or her request has been treated in accordance with the standards of the law, he or she may file an objection against this. Such an objection may be based on a claim that the request has been unjustifiably refused or some other reason, such as that it has taken too long to process or that excessive fees have been charged.

According to Article 35, objections should be addressed to a director or superior of the Information Documentation and Management Officer. Public authorities are thus required to nominate higher officials to receive such objections and to publish clear information about

how and where such objections are to be filed. According to Article 36(2), these higher officials are obliged to provide a written response to any objection within 30 working days, including a justification if their decision upholds that of the Information Documentation and Management Officer. The official responsible for receiving objections should be adequately resourced to fulfil their new obligations, and trained on national and international standards of information management and disclosure.

Where a requester remains unsatisfied following an objection, he or she may then file a dispute with the relevant Information Commission. This will require the participation of either the head of the public authority or another designated official or representative. Information Commissions are mandated to resolve such disputes either through mediation or through a non-litigious adjudication procedure.

Article 40 states that mediation will be undertaken on a voluntary basis. However, public authorities should approach the process receptively and with an open mind to their responsibilities. Negotiations should be undertaken in good faith, and public authorities should remain mindful that international standards, as well as Article 45 of the *UU KIP*, place the burden on them to justify any refusal to disclose information as part of the dispute settlement process. Public authorities should be prepared to accept the decisions of the Information Commission, and are legally obliged to follow any orders contained in these decisions. Compliance should be prompt and unequivocal and, although Article 47 allows requesters to file a lawsuit against noncompliant public authorities through state administrative court, public authorities should respect the law and the authority of the Information Commission such that this step is not necessary.

1.IX   Other Activities

All public authorities are required, pursuant to Article 12 of *UU KIP*, to report annually on the measures they have taken to implement the law and, in particular, in their processing of requests. These annual reports should provide a detailed breakdown of the manner in which requests have been processed, along with their outcomes. This should, for example, include statistical breakdowns of such information as the number of requests which were refused, along with the exceptions relied upon for this, the average time taken to process requests and so on.

The reports should also include information on other key implementation activities, such as proactive publication, record management and training. All of this information is very important to understand how the process of implementation is going.

Efforts should be made to mainstream RTI into the systems of each public authority. Any earlier rules about secrecy – which may be found, for example, in staff manuals or even staff contracts – should be amended to bring them into line with the RTI law. Performance in terms of openness should be built into staff appraisal systems, so that openness, rather than secrecy, is rewarded. Such measures are essential steps to changing the culture of secrecy that normally remains very strong inside of government.

Chapter Two: The Republic of Indonesia National Police (Polri)

2.I   Internal Regulations, Policies, Procedures and Directions

Polri has enacted an internal regulation as part of their implementation of *UU KIP*, called Chief of Republic of Indonesia Police Regulation No. 16/2010 on Direction of Public Information Services in the Republic of Indonesia National Police Environment (Perkap 16/2010).

In general, the objective of this regulation[2] is to integrate the roles of the Chief of the Public Relations Division and the Information Documentation and Management Office in the National Police Headquarters (PPID Mabes Polri) in relation to the delivery and receipt of information, so as to harmonise communications with outside (civilian) parties. Article 3 of this regulation sets out four principles:

a) Work should be simple, quick, intelligent and accurate, which means that activities regarding public information disclosure must be done in time, presented completely, corrected when needed and accessible.
b) Transparency, which means that public information services must be provided clearly and with appropriate disclosure.
c) Accountability, which means concerns over public information services should be addressed.
d) Proportionality, which means every public information service activity should ensure a balance between rights and obligations.

In order to support these objectives and principles, Perkap 16/2010 regulates various issues connected with public information disclosure, including:

a) Categories of Public Information
b) The Position, Duty and Responsibility of the PPID
c) Work Ethic Issues
d) Directions for the PPID in Providing Public Information
e) Facilities and Personnel Standardisation

The main regulation was enacted by the Chief of the Republic of Indonesia National Police. Polri's Chief of the Public Relations Division (Kadiv Humas) is drafting other regulations that will supplement the main regulation. These are:

1. Draft Regulations on Data and Information Services.
2. Draft Regulations on Excluded Data and Information within Polri.
3. Draft Regulations on Directions for Online Distribution of Data and Information.
4. Draft Regulations on Resolution of Information Disputes.
5. Draft Regulations on Collecting and Processing Data and Information.
6. Draft Regulations on Public Information Services.

As at the time our research was conducted, the language of all six regulations from the Chief of the Public Relations Division were being harmonised by Mabes Polri's Legal Division. The plan is to complete this process and enact the regulations by January 2012.

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[2] Article 2, Perkap 16/2010.

2.II   Proactive Publication of Information

At the time our research was conducted, Mabes Polri (the Republic of Indonesia National Police Headquarters) still relied on http://www.polri.go.id for their proactive disclosure. However, based on research conducted for this study,[3] the information contained on their website did not meet the requirements of *UU KIP*, as described below.

Article 12 of Perkap 16/2010 states that information which is not exempt, and which can therefore be published, includes:
   a. List of Wanted Persons (DPO);
   b. Expenditure and budgetary plans for investigating criminal acts;
   c. Progress reports on the results of investigations (SP2HP);
   d. Financial accountability for investigations of criminal acts;
   e. Results of investigations of criminal activities related to money and confiscated goods; and
   f. Other information as determined by the Chief of Polri.

However, their website does not contain all of the information listed in Article 12. The categories of information listed in Articles 12(b)-(e) are found on the portal's menu. However, the information itself is not all found there. This is the case, for example, for the menu categories "public sevices/list of wanted persons" (http://www.polri.go.id/doh/) and Polri's data for the year 2010 (http://www.polri.go.id/data-all/dp/2010).

The same problem applies to information listed in Article 13 (which must be immediately released),[4] Article 14 (information which must be released and constantly updated)[5] and Article 15 (which must be released and updated annually),[6] none of which are published in their entirety on the central website. Instead, much of the information is released on separate websites managed by lower divisions, such as the Regional Police (Polda), District Police (Polres) and Sub-district Police (Polsek). As an example, information on progress reports for investigations, listed under Article 12, is included in Polda Metro Jaya's website (Greater Jakarta Metropolitan Area Police: http://www.metro.polri.go.id), whereas information regarding SIM (driving licences) service procedures, SKCK (certificates from police criminal records), and noise permits, listed in Article 14, are found on the website managed by Polres in South Jakarta (http://www.jaksel.metro.polri.go.id/). Polres in South Jakarta also discloses information regarding statistics on public security and order (*kamtibmas*) disturbances that occurred within their area for 2009-2010, listed under Article 15.

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[3] The last observation – of the Republic of Indonesia Police portal and a few other area unit portals for the Republic of Indonesia Police, the DKI Jakarta Regional Police and a unit of the *Polda Metro Jaya* (Greater Jakarta Metropolitan Area Police) - was conducted on 8 September 2011.

[4] Article 13, Perkap 16/2010, states that this information includes potential threats to people's welfare and public order, such as information on (a) potential anarchist demonstrations, (b) mass riots, (c) natural disasters with potential for widespread harm, (d) disturbing events, (e) transportation accidents, and (f) bomb threats.

[5] Article 14, Perkap 16/2010, states that this information includes information on (a) police regulations, (b) joint agreements, (c) service procedures for SIM (driving licenses), STNK (police car registration certificates), STNKB (Police Motor Vehicle registration certificates) and BPKB (Motor Vehicle owner's books), (d) service procedure for SKCK (certificates from the police criminal records), (e) public statement procedure, (f) service procedure for gun and explosives ownership registration, (g) service procedures for publishing foreign documents, (h) service procedures for police aid including escorts, security and *kamtibmas* disturbance reports and (i) material and service acquisition for the police.

[6] Article 15, Perkap 16/2010, states that this includes information on (a) Polri's annual work plan, (b) LAKIP (the report on government agency accountability performance), (c) trimester, semester and annual statistics on *kamtibmas* disturbances, (d) selection of new candidates for Polri including the Police Academy, Graduate Police Officers and Police Brigadiers, and (e) civilian government employee candidates for Polri.

These separate websites are consistent with Articles 17 and 18 of Perkap 16/2010, which requires every area unit under the jurisdiction of the Republic of Indonesia National Police (namely Polda, Polres and Polsek) to have its own PPID (Information Documentation and Management Office), with its own independent responsibility to keep, document, provide and/or deliver the required information.

The effectiveness of this system. Although the websites have received a high number of viewers (some 3,212,810 as of 31 August 2011),[7] the information is not as accessible as it could be. To access the information listed under Articles 12-15 in Perkap 16/2010, users must access several different websites, including those of Polda, Polres and Polsek Polri. This means that users' ability to find the information will depend on their online skills and understanding of the different sites.

These limitations are not consistent with the law. Even though every area unit is required to have its own PPID and its own website, it is the obligation of Mabes Polri, as the ranking unit in the Republic of Indonesia National Police structure, to publish the information from each area unit on its own consolidated website. This obligation is found in the Polri Chief of the Public Relations Division Draft Regulations on Directions for Online Distribution of Data and Information.[8] Although at present this is only a draft regulation, Polri still has an obligation to design a system that is user friendly and that will be in compliance with these obligations once formalised. We note that it would be a relatively simple matter to design a central web interface that linked to all of this information in a user-friendly fashion.

In order to deal with the fact that many users, particularly those in rural areas, are unable to access the Internet, Mabes Polri should also have a system for distributing data and information in physical form.[9]

2.III   Information Documentation and Management Office (PPID)

The presence of PPID within Polri's organisational structure is obligatory according to Articles 16-18 of Perkap 16/2010. According to these articles, a PPID position must be maintained in every area unit under Polri's jurisdiction, which includes Mabes Polri, Polda, Polres and Polsek.

Structurally, PPID's position in Mabes Polri is under the Polri Public Relations Division. The PPID's position in Mabes Polri is currently occupied by Brigadier General H. Dzainal Syarief Alamsyah, SH., MH.[10] In the area units within Mabes Polri, there are also PPIDs, which are *ex officio* positions occupied by the information/data official, based on each area unit decree.

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[7] Based on the website http://www.polri.go.id, accessed on 8 September 2011.
[8] Articles 7(b) and (c) of the Polri Division Chief of Public Relations Draft Regulations on Directions for Online Distribution of Data and Information state:
b) data operators and information officials in each area unit within Mabes Polri jurisdiction, along with their duty to store data in computer databases, are obliged to upload the data to a website for each area unit within Polri jurisdiction.
c) data operator and information officials in the public relations division of Polri have the obligation to upload data and information document provided in each web portal of area units within the Mabes Polri environment and jurisdiction to the Polri web portal, http://www.polri.go.id.
[9] Article 5 of Polri Division Chief of Public Relations Draft Regulations on Data and Information Service states that data and information disclosure is conducted through both (a) direct data and information disclosure, and (b) online data and information disclosure.
[10] From a statement from Polri in letter No. B/316/VII/2011/Humas, 14 July 2011.

The PPID at the Polres and Polsek levels are in the Public Relations Sections, which are occupied *ex officio* by the Kasie Humas (Chief of the Public Relations Section). In certain cases, Polsek do not have a Kasie Humas, in which case the PPID position is filled by the Kapolsek (Chief of Sub-district police).

The Polri PPIDs still face several obstacles in fulfilling their functions. According to the Public Relations Division of Mabes Polri these include: (1) the lack of availability of electricity in some areas which interferes with the ability of Polda PPIDs to send information to the Central PPIDs; and (2) poor organisation and management in the Mabes Polri, which leads to poor information management.

An additional problem is that PPIDs' authority is restricted to what has been listed in the internal regulations, which means that any decision outside of that has to be referred to a superior.[11]

Polri has also stated that there are opportunities for the PNS (civilian government employees) who work within Polri to act as PPIDs, with the possibility of being promoted to a higher rank.[12] However, there has been no further explanation of regarding the criteria and eligibility for these positions.

2.IV   Systems for Receiving and Processing Information Requests

Although it is not yet in force, the Polri Chief of the Public Relations Division Draft Regulation on Data and Information Services is already being treated by Polri as standard operating procedure for providing data and information to the public. In general, data and information disclosure is conducted is two ways, directly and indirectly via the website.[13] Despite the weaknesses of this system, especially as a result of the limited content available on Polri's website, this approach is intended to create a system for requesting information which is accessible, interactive and courteous.

Based on the draft regulation, Polri has established the following mechanisms for receiving and responding to access requests:

1. Polri has prepared and distributed requesting forms, which require the applicant to state:
    *   their name;
    *   the address of the office to which the request is being made;
    *   their affiliation;
    *   their phone number/e-mail address;
    *   details about the information requested;
    *   the purpose of the request;
    *   their preference regarding the form of access (whether they want a copy of the information, to inspect it and so on); and
    *   their preference regarding delivery (email, fax, courier, pick-up, etc).

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[11] *Ibid.*
[12] Quoting Polri in letter No. B/316/VII/2011/Humas, 14 July 2011.
[13] Article 5, Polri Chief of the Public Relations Division Draft Regulation on Data and Information Service.

2. Upon receiving an access request, the officer on duty must record the applicant's identification number, in order to ensure proper information is maintained on the requester, as well as to provide a receipt.[14]
3. Once the application has been submitted, the officer and the PPID official for the Mabes Polri unit process it.[15]
4. The officer on duty and the PPID official for the Mabes Polri unit are responsible for ensuring that the information provided to the applicant is accurate.[16]

When the requested information is not within Polri's possession, Polri does not have the authority to transfer requests to other public authorities which might hold the requested information. The only system of transfers is an internal one that applies between Polri agencies. Furthermore, regarding information for which Polri does not have the authority to release, the draft regulations made by the Chief of the Public Relations Division currently do not provide for any system for consulting with third parties to solve this problem.

The provision of assistance by Polri to applicants is generally limited to what is contained within the draft regulations drafted by the Chief of the Public Relations Division on Data and Information Services. At the moment, this system does not include any special assistance for disabled applicants. However, Polri does not charge requesters, except for the cost of copying information.

In addition to the systems described above, Polri has also published a guideline book aimed at increasing the competency of public relations officers. The officers whom the book targets are Kabid Humas Polda (Head of the Public Relations Department for the regional Police), Kasubag Humas Polres (Head of the Public Relations Sub-department for the District Police), Kasie Humas Polsek (Section Chief of Public Relations for the Sub-district Police), and other PPID officers and information unit authorities within Polri.

2.V   Organising and Managing Information

A new regulation has recently been drafted, the Polri Chief of the Public Relations Division Regulation on Gathering and Processing Information, which attempts to improve the way information is collected and managed. The draft regulation includes mechanisms and procedures for gathering and processing information, as well as guides on archiving and record-keeping.

These include the following:
a. Initial steps for processing information:[17]
- prepare the data and information for processing;
- list all information and documents in the entry/registration book and/or computer database;
- identity all the data and information; and
- compile all of the data and information into a computer database or manual (archive).
b. Steps for gathering and processing information:[18]

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[14] *Ibid.*, Article 9(a) and (b).
[15] *Ibid.*, Article 9(e).
[16] *Ibid.*, Article 9(c).
[17] Article 10.
[18] Article 8.

- identify and inventory all information and record it in the registration book and/or computer database;
- categorise the data and information within the registration book and/or computer database based on its area unit;
- input information about the area units for the data and information within the registration book and/or computer database;
- ensure that the data in the registration book and/or computer database is up-to-date; and
- verify the data and information before including it in the registration book and/or computer database.

c. Steps to document or archive information:[19]
- the official in charge should ensure that information is stored and archived based on its classification; and
- information should also be filed based on its form, date, and unit of origin.

After these stages are complete, the officer in charge of collecting and processing the information is meant to report back to the PPID. There are to be annual evaluations to ensure that the steps above are done correctly.

2.VI   Efforts to Raise Awareness Among the Public

There are no special programs or activities by Polri to increase popular awareness of the right to information. Instead, the regulations drafted by Polri's internal office focus on improving information management and disclosure procedures.

However, Polri does employ the media as a mechanism for providing the public with information. This is also aimed at bolstering Polri's image. Usually this is done through issuing press releases.[20] Polri has detailed regulations governing which officials have the authority to issue press releases and what kind of information can be sent out.

The officials that are authorised to issue press releases are:
1. At the Mabes level, press releases can only be authorised by Kapolri/Wakapolri, Kadiv Humas/Karopenmas/Kabag Penum, which means releases must come from the highest official in the unit and a competent public relations official.
2. At the Polda level, press releases can only be authorised by Kapolda/Wakapolda, Kabid Humas, which also means releases must come from the highest official in the unit and a competent public relations official.
3. At the Polres level, press releases can only be authorised by Kapolres/Wakapolres, Kasubag Humas, which again means releases must come from the highest official in the unit and a competent public relations official.
4. At the Polsek level, press releases can only be authorised by Kapolsek and the Chief of the Public Relations section.[21]

The types of information which can be included in a press release are as follows:
1. Information regarding public policy, or a case or dispute that could impact public stability or which deals with issues involving the public interest can only be authorised by the Kapolri/Wakapolri and the Kapolda/Wakapolda.

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[19] Article 9.
[20] Polri Chief of the Public Relations Division Draft Regulation on Information Service, Article 6(c).
[21] *Ibid.*, Articles 6(e)(1) to (4).

2. A press release containing detailed information regarding a case or dispute at the Mabes level that does not contain any technical or substantive information may be authorised by the Kadiv Humas/KaroPenmas, Kabag Penum, and the highest ranking official in the relevant area unit, whereas at the Polda and Polres level, such a press release may only be authorised by Kabid Humas Polda and Kapolres.

3. A press release containing technical and non-substantive information (not included information covered by an exception) may be authorised by a competent official in each area unit at the regional level.[22]

2.VII   Addressing the Concerns of Officials

Internally, Polri has not done any research to measure the concerns of its officials regarding their ability to provide information. However, Polri is doing its best to ensure that all PPID staff and officials in Mabes Polri understand their obligation to provide information, among other things through training.

2.VIII   Knowledge, Capacity and Resources Acquired

In addition to training specifically given to PPID staff, Polri is conducting public information training sessions for police officials from the Regional Police. Polri also provided training to officials within Mabes Polri's unit, the Greater Jakarta Metropolitan Area Police (Polda Metro Jaya) and 13 Polres that work with the Polda Metro Jaya from 21-25 November 2011. During the training, PPIDs were trained on how to use the Enterprise Content Management System, and how to use this system to file and manage information using its information classification system, which should enable quicker responses to access requests. Broader training for Polri officials has generally been more focused on public relations than on access to information.

For Polda, neither the PPID nor the police officer trainings are provided via online systems. However, Polri is trying to make these trainings sustainable in consultation with DIPA (the list of budget administrators) and supported by the budget. We have not received any further information regarding the instructors of the training or the content of the modules used in the training.[23]

2.IX   Rejecting Requests for Information

According to Polri, every information request is processed in accordance with Articles 2(1) and 2(2) of *UU KIP*. Refusals are regulated by Article 21(7)(c) of *UU KIP*,[24] through the application of the consequential harm test.[25]

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[22] *Ibid.*, Article 6(e)(6).

[23] As revealed in an interview with the Head of the sub-department of complaint service for the public relations division of Polri, AKBP F. BarungMangera, Sik, 19 July 2011.

[24] Article 5 of the Polri Chief of the Public Relations Division Draft Regulations on Excluded Information contains a list of excluded information as follows:

    a. Information that obstructs criminal investigations, that could reveal the identity of a witness or informant, or a victim who has the knowledge of a crime.

    b. Information on criminal and security intelligence that relates to transnational crime prevention and handling.

    c. Information that could endanger an investigator or his or her family.

    d. Information on security equipment or investigation facilities.

2.X Appeals Against Rejections of Requests

According to Article 5 of the Polri Chief of the Public Relations Division Draft Regulation on Resolution of Information Disputes, any refusal of an information request based on a claim that the information is covered by an exception is subject to an internal appeal.[26] However, the draft regulations currently contain no mechanism for applicants to file such an internal appeal. Article 6(a) of the Draft Regulation states only that disputes based on the refusal of a request for information can be solved through non-litigious adjudication, which is under the purview of the Information Commission.

Based on the above, it can be assumed that Polri has not taken any steps to provide applicants with an internal appeal mechanism. In other words, appeals against information refusals by Polri can only be appealed to the Information Commission. Nevertheless, applicants still have the right to launch internal appeals to Polri against refusals of their requests, based on Articles 35 and 36 of *UU KIP*.

In the event of an appeal to the Information Commission, the public relations division will coordinate with the legal division. The legal division will represent Polri, and specifically the area unit which is in control of the disputed information.[27]

2.XI The Volume of Information Requests Made

Since the establishment of *UU KIP*, 120 information requests have been made to the PPID Bureau Polri Public Relations Division. These have included requests for Polri's financial reports, DIPA (the list of budget administrators), RKAKL (the ministry/institution work and budget plan) and about terrorism case developments.[28]

2.XII Reporting on Requests for Information

Based on Article 19(f) of Perkap 16/2010, Polri (PPID officials) are obliged to prepare an annual report on information requests received and how they were responded to. Article 20 of Perkap 16/2010 requires this report to include:

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e. Polri and PNS Polri personnel's personal data, such as their family status, history, and physical and psychological medical treatment; financial status, bank accounts and assets; evaluation result regarding their capability, intelligence, and aptitude; and records on their education or training within the unit.
f. A person's personal authentic certificate and a person's will.

[25] Polri Chief of the Public Relations Division Draft Regulations on Excluded Data and Information Document Formulation within Polri environment, Article 10.

[26] Article 5 of the Polri Chief of the Public Relations Division Draft Regulations on Resolution of Information Disputes lists the following grounds for appeal:
a. refusals based on exceptions contained in Article 17 of UU KIP;
b. refusals based on claimed unavailability of information;
c. lack of response to a request;
d. a response to an information request which does not conform to the applicant's stipulations;
e. failure to deliver requested information;
f. fees that are not in accordance with the law or regulation; and
g. slow responses.

[27] Polri Chief of the Public Relations Division Draft Regulations on Resolution of Information Disputes, Article 11.

[28] Quoting a written answer from Polri in Letter No.B/316/VII/2011/Humas, 14 July 2011.

- the number of requests received;
- the time in which these requests were responded to; and
- the number of requests refused and reasons given.

In order to improve the organisation and management of its public information system, Polri keeps a record of the number of information requests as part of its evaluation material. Polri is trying to improve the online networking system for information storage and processing (PPID network development from Polda and 13 Polres PMJ).[29] Based on a statement from Mabes Polri's Public Relations Division, a network linking 34 units of Mabes Polri, Polda Metro Jaya and 13 Polres working with Polda Metro Jaya was established on 13 December 2011.

For Data on Requests for Information to Polri, refer to the Annex.

2.XIII   Revisions to the Information Classification System

Polri recently created a plan to review their classification system in order to bring it into line with the law. Polri is planning to revise Perkap 16/2010 insofar as this is deemed necessary based on the public's response to *UU KIP*. According to the plan, Polri will change some parts of the system, where this is considered to be sufficiently important. One example is the consequential test for exempting information, the directions on how to apply this test, and who will be responsible for applying the test. This will be covered in the new Perkap.[30] Based on an additional statement from Polri's Public Relations Division, the revision of Perkap 16/2010 is being reviewed by the Ministry of Law and Human Rights (Kemenkumham). This process is obligatory because every legal document adopted by government institutions must be registered and legalised by Kemenkumham. The reforms are scheduled to be completed in early 2012.

2.XIV   Sanctions for Officials

Based on statements given by Polri, at the time the research was conducted, no official at Polri had been sanctioned for violating *UU KIP*.[31]

2.XV   Lists or Registries of Documents

Based on their responses to questions posed in this research,[32] Polri has a list of data, or a data registry, listing public information documents. Polri is also preparing a system for gathering and processing data about public information documents, which is part of the Polri Chief of the Public Relations Division draft Regulation on Gathering and Processing Data and Information.

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[29] Quoting an interview with the Head of the Sub-department of the Complaint Service for the Public Relations Division in Polri, AKBP F. BarungMangera, Sik, 19 July 2011.
[30] Quoting a written answer from Polri in Letter No.B/316/VII/2011/Humas, 14 July 2011.
[31] *Ibid.*
[32] *Ibid.*

2.XVI Conclusions and Recommendations

When *UU KIP* entered into force in May 2010, it created obligations for every public authority to proactively publish certain information and to respond to requests for information. As one of the authorities subject to *UU KIP*, Polri has taken positive steps to implement the law. Based on our research, in accordance with Information Commission Regulation No. 1/2010 on Public Information Service Standards Article 4, their efforts can be summarised as follows:

1. **Enact regulations to create a standard operational procedure for the public information service**

Polri has enacted the Chief of the Republic of Indonesia Police Regulation No. 16/2010 on Public Information Service Procedure. Polri is also drafting other regulations that will be published by the Chief of the Public Relations Division.

2. **Build and develop information and documentation systems to organise public information**

The Polri Chief of the Public Relations Division is in the process of drafting a decree on Gathering and Processing Information.

3. **Set up PPID offices and establish their authority**

The PPID in Mabes Polri is situated within the Public Relations Division and has been given the authority listed in Polri's internal regulations. However, there have been some obstacles experienced by the PPID Polri in carrying out their duties. These have included a lack of electricity in some areas that undermines Polda PPIDs' ability to send information to the Public Relations Division in Polri. Also, the Central PPID and the PPIDs in the Mabes Polri's unit are not yet well organised.

4. **Provide facilities for information disclosure**

Generally information services are delivered to the public either through direct delivery or through online networks or websites.

5. **Create a list of public information**

Based on a statement from the Polri Sub-department Chief of Complaint Services of the Public Relations Division, the agency has a list or registry of public information. Moreover, Polri is in the process of drafting a regulation on gathering and processing information which will include rules on the data and information gathering and processing stage, the document stage, and archiving information.

6. **Distributing information to the general public**

Polri relies mainly on its website, http://www.polri.go.id, to distribute information.

7. **Draft a report on public information services**

Based on Article 19(f) of Perkap 16/2010, the Polri PPID official will draft an annual report on information that has been requested and how Polri has responded to such requests.

8. **Evaluate and monitor implementation**

Based on a statement from the Sub-department Chief of Complaint Services of the Public Relations Division of Polri, Polri retains records of information related to their implementation of the law and regulations in order to conduct their annual evaluation.

At the same time, our research has revealed several weaknesses that need to be addressed in order to ensure that public information is easily accessible. This Report makes the following recommendations:

1. The list of information made available on a proactive basis should be improved and updated. Polri's official website, as the main medium for proactive publication, does not contain all of the information required by *UU KIP* and Perkap 16/2010. Public information that is currently listed on other websites (such as the websites of the Polda, Polres, and Polsek) should be consolidated in, or linked to, the main website.

2. The Information Documentation and Management Office (PPID) should be a separate, comprehensive and structured unit within Polri, so that its duties and functions are not neglected.

3. A system for transferring information between public authorities should be established. This system should be employed when Polri does not have the information requested but another public authority does, or when there is a need to consult with third parties before releasing information.

4. A programme to increase popular awareness of the right to access information should be created. Part of this should be to guarantee that the right to information will be respected, including by responding to information requests.

5. A mechanism for internal appeals should be established.

6. An annual training program and a training module on public information disclosure should be provided to civilian government employees in the Information Centre, to the Polri Public Relations officials and to Information Documentation and Management Officers (PPIDs).

Chapter Three: The Ministry of National Education (Kemdiknas)

3.I   Internal Regulations, Policies, Procedures and Directions

For Kemdiknas, the adoption of Minister of National Education Decree No. 094/P/2010 on PPID (Information Documentation and Management Officer), which appoints the Head of the Information and Public Relations Center as the PPID, is part of the fulfilment of its obligations under *UU KIP*.[33] The Decree specifically appoints the Head of the Center of Information and Public Relations as the responsible PPID in the areas of information storage and documentation, and providing public information services for Kemdiknas. The preamble of Decree No.094/P/2010 states that there is a need to enact the Decree to ensure that information and documentation management is done well within the Ministry of National Education.

From the background, we know that Decree No.094/P/2010 aims to synergise the duties that were already being exercised by the Head of the Information and Public Relations Center with its new duties as PPID. Before the adoption of *UU KIP*, the Information and Public

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[33] Minister of National Education Decree No. 094/P/2010 on PPID (Information Documentation and Management Office) in the Ministry of National Education.

Relations Center was responsible for public information and communication, in accordance with the Quality Policy, vision and mission of the Ministry.[34]

Now, in addition to carrying on the duties provided for in the Quality Policy, vision and mission, the Head of Center of Information and Public Relations also has duties and responsibilities related to managing and documenting public information. This raises a question as to whether the double position of the Head of the Center of Information and Public Relations within Kemdiknas' organisational structure will affect his or her work performance. This may be contrasted with Polri, which appointed a new official as the PPID, thus keeping the focus exclusively on tasks as public information manager. In accordance with Article 13 of Government Regulation No. 61/2010 on implementing Act No. 14/2008 on Public Information Disclosure, the PPID should be someone who has competency in information and documentation.

According to information we received by letter, in addition to Decree No. 094/P/2010, Kemdiknas has certain policies and procedures for the provision of information. However, based on our research, a regulation establishing the Media and Information Outlet was adopted on 19 January 2006,[35] in the form of Minister of National Education Regulations No. 4/2006 and it is, therefore, not a part of the implementation of the Public Information Disclosure Act, since it was adopted before 2008. The Chief of the Public Imaging Division of Kemdiknas stated[36] that following the adoption of *UU KIP*, changes are intended to be made to the format, services and regulations provided by the Information and Media Outlet, and a draft regulation to do this has already been prepared. However, we were not able to access this draft regulation.

From the above, it would appear that Kemdiknas is trying to use/maximise existing policies, procedures and/or internal mechanisms to fulfil its obligations as a public authority relating to public information disclosure. Even though it cannot be said to have achieved maximum impact, Kemdiknas has shown some effort to improve its information management system and public information services so as to fulfil its obligations under *UU KIP*. These include appointing the Chief of the Center of Information and Media as the Information Documentation and Management Officer and plans to amend the Information and Media Outlet system.

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[34] The Quality Policy Information and Public Relations Centre of the Ministry of National Education has the following aims:
1. To increase public information and communication effectiveness.
2. To increase the work and resource capacity, organisation, systems and mechanisms in this area.
3. To increase main unit coordination through empowerment programmes, and institution and internal communication.
4. To develop a systematic, effective, efficient, transparent and scheduled activity and work.

The Information and Public Relations Center's Vision is to create the image of the Ministry of National Education as a trustworthy agency in the area of education. The Information and Public Relations Center's Mission is:
1. To build society's trust in national education development.
2. To create the PIH (Information and Public Relations Center) as a professional institution in the area of information and public relations.
3. To provide educational information and public relations service as needed and easily accessed by society and education stakeholders.

[35] The establishment of relations and understanding based on the principle of mutual benefit between Kemdiknas and the mass media.

[36] Interview with Mr. Purwanto, Chief of Public Imaging Division of Kemdiknas, 8 August 2011.

3.II   Proactive Publication of Information

UU KIP requires all public authorities to publish and disseminate key information relating to matters of public concern on a proactive basis.[37] The information that public authorities are obliged to publish includes:

1. Information required to be published annually:
    a. information relating to public authorities;
    b. information on the activity and work performance of public authorities;
    c. information on their finances; and
    d. other information as required by law.
2. Information required to be announced immediately:
    a. information that poses a potential threat to public welfare and order.
3. Information required to be provided at all times:
    a. a list of the public information held;
    b. information on the regulations, decrees and/or policies of the body;
    c. existing policies, along with their supporting documents;
    d. the authority's work plan and yearly budget;
    e. the authority's agreements with third parties;
    f. any information and policies presented by the public officials in a meeting that is open to the public;
    g. working procedures of personnel relating to public services; and
    h. reports on access to public information services as regulated by *UU KIP*.

To publish the information proactively as required, Kemdiknas relies primarily on its official website, http://www.kemdiknas.go.id. However, based on our research, not all of the information required to be published was uploaded on the website. Furthermore, some portals are inaccessible from the main website, such as the portal of the General Inspector and the portal of the Secretary General. Moreover, the list of information in Balitbang (Research and Development Agency) of Kemdiknas is not fully filled in. Our observations on Kemdiknas' website are as follows:[38]

1. The information required to be announced annually relates to the public authority itself. The Ministry of National Education official website contains its history, vision and mission, organisational structure and location map. However, it does not contain the official profile and the financial report of Kemdiknas officials, who are under and obligation to provide this after the report has been evaluated, verified and sent by the KPK (Corruption Eradication Commission) to the public authorities to be announced.[39]
2. Kemdiknas' website contains some information on the programmes and activities that are being run by Kemdiknas, which can be accessed through main portal of Balitbang Kemdiknas (http://litbang.kemdiknas.go.id). However, this information is incomplete since it does not list the official responsible for the activity, the official who runs the programme/activity and the programme/activity budget plan and amount. Moreover, the website does not contain the required information on work performance, in the form of a narrative on the activities that have been completed or are ongoing, along with their results.[40]

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[37] Article 7(1) of *UU KIP* states that public organisation are obliged to provide, serve and/or publish public information under its authority, except for exempt information.
[38] The last observations were conducted on 18 September 2011, on Kemdiknas official website, http://www.kemdiknas.go.id and a few main portal sites.
[39] Article 11(1)(a), PerKI No.1/2010.
[40] Article 11(1)(b) and (c), PerKI No.1/2010.

3. The website also does not include information on finances, which should at least include the plan and realisation report on the budget, balance, cash flow report and notes on the financial report, compiled according to accounting standards, and a list of assets and investments.[41] The website does contain a menu with "Strategic Plan" and "Research and Development Bureau" and there is a link taking one to the plan, programme and report; however both of these links are inoperative.

4. As part of the information obliged to be available at any time, the Kemdiknas website contains educational statistics, news on media and the public, news on educational units, scholarship information and information on material and service supplies. However, there are a few types of information which is required by the *UU KIP* and Information Commission Regulation that is not uploaded or not up to date in the website, such as:

    i)   the list of public information;

    ii)   information on Kemdiknas' regulations, decrees and/or policies, along with supporting documentation, such as transcripts, studies and considerations relied on as the basic reasons for the establishment of the regulation, decree or policy, recommendations given from third parties on the regulation/policy, draft regulation, and minutes from meetings on the preparation of the regulation, drafting the regulation and formulation stages;

    iii)   information on personnel and finance;

    iv)   agreement letters with third parties along with supporting documentation;

    v)   Kemdiknas' executive and official correspondence in executing its main duties and functions;

    vi)   inventory and asset data;

    vii)   the strategic plan and work plan;

    viii)   the area unit executive working agenda;

    ix)   information on the service activity budget;

    x)   the amount, type and general description of violations found through internal monitoring, along with their enforcement reports;

    xi)   the amount, type and general description of violations reported by society along with their enforcement reports;

    xii)   a list and the results of research conducted; and

    xiii)   information and policies referred to by public officials in open and general meetings.

5. Information which is obliged to be announced immediately because it poses a potential threat to life and/or public order has not been uploaded onto Kemdiknas' official website.

Thus, although the official website contains a lot of information which is very helpful to the public, there are still limitations on the information provided that undermine the public's right to access public information, despite the fact that *UU KIP* requires this information to be made available. This is unfortunate because every citizen has the right to know how public policies are made, about public programmes, the process to decide on public decrees, and the reasons for taking public decisions.

Kemdiknas did not provide an answer as to whether or not it has a system to ensure that the published information is updated. Kemdiknas only explained that they are preparing public information services systems, as required by *UU KIP*.

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[41] Article 11(1)(d), PerKI No.1/2010.

3.III Information Documentation and Management Office (PPID)

Within Kemdiknas' organisational structure, the Chief of the Information and Public Relations Center, who acts as the PPID works directly under the Minister of National Education's chain of command, and is also required to coordinate with the Secretary General. Therefore, the Chief of the Information and Public Relations Center responds directly to the Minister, as stated in Decree No. 094/P/2010.

Based on the Decree No. 094/P/2010, the PPID (Information Documentation and Management Officer) has the following duties:
1. Coordinate the storage, documentation, availability and service of public information which is produced, stored, managed, sent and/or accepted by the Ministry of National Education, in accordance with *UU KIP*.
2. Prepare the systems, procedures and resources required to discharge these duties.
3. Report on progress to the Minister of National Education.

In discharging these duties, the PPID is directly responsible to Minister of National Education.

Based on Government Regulation No. 61 Year 2010 and Information Commission Regulation No. 1 Year 2010, the PPID's duties and responsibilities are not limited to coordinating information, preparing the system and reporting on activities undertaken, but also includes applying the consequential test to assess whether or not information is exempt, rejecting requests for exempt information, while providing reasons for this, and appointing officers under its direction to make, keep and improve the list of information subject to proactive disclosure. We found an apparent contradiction with this when we interviewed the Chief of the Public Imaging Division in Kemdiknas. He said that the PPID is the main authority in Kemdiknas for information, since it is directly responsible to the Minister, and so it has the authority to make decisions about exempting information based on existing procedures.

The Chief of Public Imaging Division also said that for the time being, Kemdiknas is focusing on discussing/drafting the Regulation on standard information service. The regulation will make it clear that the PPID has ultimate authority in managing public information, and he or she will be assisted in this by the data information managers in the main units and in the UPT (Technical Executive Unit). As a result, the PPID's authority is extended to creating the policy of managing information.

The Chief of Public Imaging Division was not able to inform us which civil servants could be appointed as PPIDs, and the possibility of these officials receiving promotions. However he noted that there are special requirements to be appointed as an Information Documentation and Management Officer. Every civil servant who acts as a PPID must have skills in managing information. The current PPID has official status type echelon II and has a doctorate degree.

3.IV Systems for Receiving and Processing Information Requests

To arrange for the receipt and processing of requests for public information, Kemdiknas has established some systems for the public, one of which is the Information and Media Outlet.[42]

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[42] Quoted from the written answer Ministry of National Education No. 2903/P2.4/HM/2011, 28 July 2011.

The Information and Media Outlet is established by Minister of National Education Regulation No. 4 Year 2006 on The Establishment of Information and Media Outlet, and is supposed to enhance democracy, transparency and accountability. The Information Outlet has as its aim to help members of the public receive information services and to respond to their complaints in the area of education. Although it was established before *UU KIP* was enacted, the Information and Media Outlet has duties/functions related to public information disclosure. As noted above, changes to this system are already being developed.

Based on Regulation No. 4 Year 2006, the Information and Media Outlet is required to help the Information and Public Relations Center in providing information services to society. In executing its duties, the Outlet coordinator coordinates with area working units within or outside the National Education Department through the Head of the Information and Public Relations Center.

In terms of the actual system, requesters are not charged for making requests. However, if the information needs to be copied, they may be charged for this. Kemdiknas has not yet developed a system for consulting with third parties before information relating to them is provided to requesters. According to the response provided by Kemdiknas, so far they have not received any such requests. The same applies to cases where Kemdiknas does not hold the information requested, and Kemdiknas has not yet transferred any information request to another public authority. Based on the interview with the Chief of the Public Imaging Department, Kemdiknas will provide an answer if the information requested is not in its possession.

Kemdiknas also does not yet have a specific set of rules or means for providing assistance to disabled or illiterate requesters. However, from the written answer provided, Kemdiknas is committed to helping requesters that require special treatment.

3.V   Organising and Managing Information

In accordance with *UU KIP* and Information Commission Regulation No. 1 Year 2010, every public authority is responsible for putting in place rules regarding the management of public information. Kemdiknas is still at the stage of preparing the systems, policies and standard operating procedures for this. The Chief of the Public Imaging Division said that, for now, the PPID still refers to *UU KIP* and Information Commission Regulation No. 1 Year 2010 when it comes to information management. This approach by Kemdiknas regarding the information management and documentation system is not good enough.

3.VI   Efforts to Raise Awareness Among the Public

To help ensure that members of society are aware of their right to access public information, Kemdiknas has conducted several programmes, activities and official meetings, such as workshops, seminars, direct meetings and work visits to different regions, with the aim of having a dialogue with society.[43] However, we did not receive any information on when these activities were held, how many times they were held or whether or not they were conducted annually.

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[43] Based on a written answer from the Chief of Information and Public Relations in Kemdiknas, No. 2903/P2.4/HM/2011, 28 July 2011.

3.VII   Addressing the Concerns of Officials

Internally, Kemdiknas has not done any research to assess the concerns of its officials regarding their obligations to provide information. However, according to the Chief of the Public Imaging Division, Kemdiknas has taken measures to announce and socialise its public officials regarding the obligations that need to be fulfilled relating to public information disclosure. From the efforts that have been done, public officials in Kemdiknas are expected to be aware of their obligations to provide information to the public.

3.VIII   Knowledge, Capacity and Resources Acquired

To increase the awareness of public officials/civilian government employees regarding public information disclosure and their obligations in providing access to information to the public, Kemdiknas has held some training courses, although it does not carry out sustained training.[44] From the research data that we received, we found that at least one training programme was done by the Public Relations Center in Kemdiknas, on 7-9 November 2010 in Bandung.[45] However, we have no further information regarding who gave the training, the speakers, the participants, the detailed training material and the training modules.

In an interview, the Chief of the Public Imaging Division said that Kemdiknas does not yet have training programmes and training modules on public information disclosure for government employees in its Information and Public Relations Center or for the Information Documentation and Management Officers. This is because of the lack of any budget for this and a growing assumption in Kemdiknas that each officer should engage in self-learning in relation to *UU KIP* and other regulations relating to public information disclosure. Even if a short educational and training module is required, the Chief of the Public Imaging Division admitted to confusion in deciding who will give the training, since Kemdiknas is not an education and training institution.

3.IX   Rejecting Requests for Information

For the most part, when refusing to provide information, the Ministry of National Education gives a written answer with a reason, for example that it does not hold the requested information or it has not yet been approved for publication.[46] Through its written answers, Kemdiknas explained that they do have a system or policy to process appeals based on requests for information which have been rejected on the grounds that the information is not held or has not yet been approved for publication, however no detailed explanation of the system and the policy were provided to us.

Based on our research, it would seem that Kemdiknas has not adopted any internal mechanism for processing appeals based on the rejection of information requests, for example in the form of regulations or a policy. It would seem from our research and its written answers on this, that Kemdiknas is referring to the mechanism set out in Articles 35-39 of *UU KIP* when it states that it has an appeals system.

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[44] *Ibid.*
[45] Power Point, "The Role of Information and Public Relations Center (PIH) in Kemdiknas in implementing *UU KIP*, M. Muhadjir, p. 35, Palembang, 19 November 2010.
[46] Based on a written answer from the Chief of Information and Public Relations in Kemdiknas, No. 2903/P2.4/HM/2011, 28 July 2011.

3.X   Appeals Against Rejections of Requests

In his interview, the Chief of the Public Imaging Division explained that about 90% of all requests for information from Kemdiknas result in provision of the information. There are a few cases when the applicant felt disappointed with the information received, and reported this to the Information Commission, resulting in an adjudication process. In fact, a case from Kemdiknas is currently being processed by the State Administrative Court. In general, the information requested from Kemdiknas relates to the budget and School Operational Support fund.

Chart of information requests to Kemdiknas, 28 July – 6 October 2010[47]
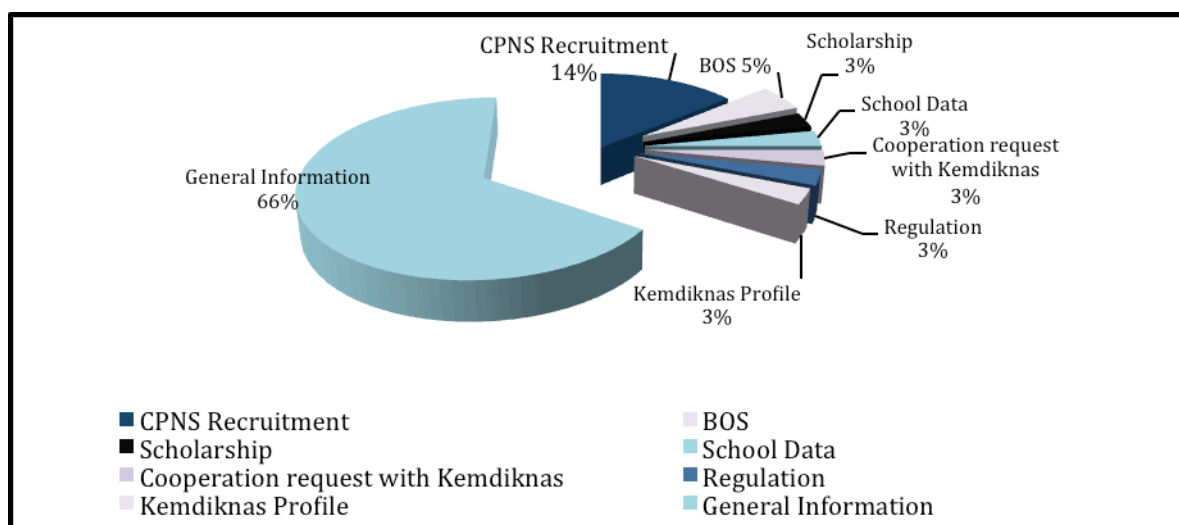
Percentage of Answered and Unanswered Requests
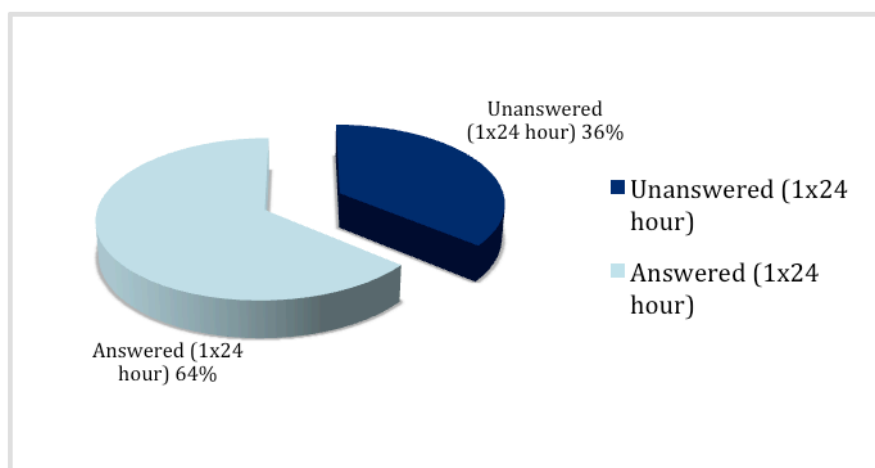
3.XI   Reporting on Requests for Information

Based on Decree No. 094/P/2010, the PPID is responsible for reporting on activities regarding public information management to the Minister of Education. According to the statement of the Chief of the Public Imaging Division, every year the Information and Public Relations Center reports on the number of information requests made to Kemdiknas, the number of these requests that were successful and unsuccessful, the number of information disputes that result, and any follow-up from the Information and Public Relations Center, acting as PPID. The report can be accessed by the public through the Information and Media Outlet.

In early 2011, Kemdiknas made a report on the number of public information requests in 2010. Based on the statement from the Chief of the Public Service Division, Kemdiknas has

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[47] Power Point, "The Role of Information and Public Relations Center (PIH) in Kemdiknas in implementing *UU KIP*, M. Muhadjir, p. 25, Palembang, 19 November 2010.

received about 213 information requests so far, and the trend is towards an increase in the number of these requests.

3.XII   Revisions to the Information Classification System

According to the written statement provided by Kemdiknas, it considers that there is no need to review the existing classification system, as long as it is not violating *UU KIP*.

In relation to the classification of exempt information, Kemdiknas is yet to acquire/develop guidelines for the PPID on what is exempt information and how to apply the consequential harm test. The Chief of the Public Imaging Division stated that the PPID has not developed a policy on these matters, which are still at the assessment stage. This means that in practice the PPID asks information sources in Kemdiknas to identify which information is exempt. The problem with this is that many information sources do not understand the *UU KIP*, so mistakes happen.

The Chief of the Public Imaging Division noted that further regulation/mechanisms are needed to apply the rules relating to public information. This is, for example, needed to ensure that requesters provide reasons for their requests. According to him, this can be justified on the basis that it will serve as a monitoring tool for Kemdiknas on the public information given to the applicant.

3.XIII   Sanctions for Officials

From the written statement we obtained from Kemdiknas, no official has so far been warned, sanctioned or punished for hindering public access to information or for failing to apply *UU KIP*.

3.XIV   Lists or Registries of Documents

From the information we received, Kemdiknas is still in the process of drafting a list of the public information it holds. We were not provided with information about when the list will be finished.

3.XV   Conclusions and Recommendations

Based on our observations on the preparedness of the Ministry of National Education in implementing *UU KIP*, we can conclude that Kemdiknas is trying to use/maximise existing internal policies, procedures and mechanisms to fulfil its duties as a public authority, rather than adopting new ones. Decree No. 094/P/2010 on the Information Documentation and Management Officer within Kemdiknas, which appoints the Head of the Information and Public Relations Center as the Information Documentation and Management Officer (PPID), is one way in which the Ministry has discharged its duties under *UU KIP*. The Decree aims to synergise the duties that were previously exercised by the Head of the Information and Public Relations Center with his or her new duties as Information Documentation and Management Officer. Other than that, to develop its mechanisms for providing access to public information, Kemdiknas is planning to make changes to the regulation on Information and Media Outlet (adopted in 2006), so that the format, service and regulations for the Outlet are in accordance with *UU KIP*.

It terms of publishing public information proactively, the official website managed by Kemdiknas does not yet contain all of the information required by *UU KIP* and Information Commission Regulation No. 1 Year 2010. Only incomplete information is available and some main portals are inaccessible, such as those of the Inspectorate General and Secretary General. To ensure that this information is updated, Kemdiknas is preparing a standard for public information disclosure based on *UU KIP*.

In terms of managing data and information, Kemdiknas refers to *UU KIP* and Information Commission Regulation No. 1 Year 2010 instead of having adopted its own rules. The same is also true in terms of processing requests for information and managing appeals, as in both cases Kemdiknas still refers to the mechanisms provided for in Articles 35-39 of *UU KIP*.

In addition to not having rules or a standard operational procedure for implementing its information obligations and internal systems to manage public information, our observations are that Kemdiknas is experiencing other obstacles in implementing *UU KIP*. In classifying information, it relies on sources that have not yet understood *UU KIP*, and so mistakes are still made. This is exacerbated by the absence of guidelines regarding exempt information and applying the consequential harm test, as well as guidelines for the PPID in Kemdiknas in providing assistance to the applicant.

Based on our observations, there are a number of things that need to be prepared/done by Kemdiknas to fulfil its duties as a public authority to ensure that every citizen has access to public information. We make the following recommendations to enhance the management and provision of information by Kemdiknas:

1. A regulation establishing standard operational procedures for public information services should be adopted.
2. The system for managing public information should be developed so that it functions efficiently and effectively.
3. The systems for proactive disclosure of information, and ensuring that this information is updated at least annually, should be further developed to ensure compliance with the rules.
4. A different executive should be appointed as the PPID to avoid dual functions and to enable the official to focus exclusively on his or her functions and obligations as manager of the public information.
5. A dedicated training programme on public information disclosure should be created and delivered to employees within the Information and Public Relations Center in Kemdiknas, as well as the Information Documentation and Management Office.
6. Guidelines should be developed for PPIDs in providing assistance to requesters and directions should be provided to regulate decisions to exempt information and to apply the consequential harm test.

Chapter Four: Ministry of Health

4.I   Internal Regulations, Policies, Procedures and Directions

To implement *UU KIP*, the Minister of Health has issued Decree number 708/Menkes/SK/VI/2010 concerning the Information Documentation and Management Officer of the Ministry of Health (SK 708/2010).

In addition to SK 708/2010, according to an interview with the Section Head of the Public Information Service, the principal unit of the Information Documentation and Management Office (PPID) in the Ministry of Health (*Kemenkes*) is currently preparing a Public Information Classification/Category and Standard of Public Information Service (SLIP),[48] which is currently in the form of a Draft of Decree of the Ministry of Health. This is part of the implementation duties of the Ministry of Health, as mandated by Article 7 of *UU KIP*, to establishment and develop a documentation and information system in order to manage public information efficiently so as to facilitate public access.

4.II   Proactive Publication of Information

The draft of SLIP which is currently being prepared is supposed to provide operational procedures and technical guidelines for the principal PPID unit in the Ministry of Health in undertaking the proactive publication of information.[49] The Ministry of Health is committed to providing the public with access to information through good information management and services, among other things in order to encourage public participation.

The aforesaid draft of SLIP regulates the following points:
1. Public Information Categories of the Ministry of Health, consisting of:
    a. information which shall be provided periodically;
    b. information which shall be provided completely;
    c. information which shall be available anytime;
    d. information which shall be exempt; and
    e. information which shall be provided periodically through every principal unit and operational unit (UPT).
2. Administrator and Committee of Public Information Management and Service.
3. Mechanism of Coordination of Information Service between the Principal Unit and Performance Units.
4. Mechanism of Information Service.
5. Procedure of Information Service and the Delivery of Copies of Information.
6. Mechanism of Public Information Service.
7. Procedure of Public Information Exceptions.
8. Mechanism of Consequential Harm Test.
9. Mechanism of Confirmation of Complaint.
10. Mechanism of Report and Evaluation.
11. Structure of Public Information Management, Service and Method.

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[48] Interview with DyahYuniar S, SKM, MPS, Head of Public Information Service, Ministry of Health of the Republic of Indonesia, Jakarta, 22 August 2011.
[49] Quoted from Introduction to Draft Minister of Health of Republic of Indonesia on Standard Public Information Service.

We compared the abovementioned draft of SLIP with the existing situation regarding the proactive publication of information, through observing the website of Ministry of Health at http://www.depkes.go.id//.[50] It may be noted that the content of the website is very interactive and that it contains up-to-date information concerning the activities of the Ministry of Health and information related to health in general.

Information regarding the function, vision and mission, health programmes and also the complete address of the Ministry of Health, categorised as information to be provided to the public periodically,[51] as mentioned in the draft of SLIP, is found in the profile menu at http://www.depkes.go.id//. In the menu *domain unit utama* on the website of the Ministry of

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[50] The last observation was on 13 September 2011.
[51] Chapter III, draft of SLIP, states that information which is required to be available and announced annually is:
  a. Information on the Ministry of Health profile, which includes:
      1) information on the position, function, vision and mission, health program and the address of the Ministry of Health;
      2) organisational structure, general description of each working unit, with the name of the executive structural within the scope of Ministry of Health;
      3) scope of activity performed by the Ministry of Health; and
      4) other information on Ministry of Health profile.
  b. Summary information on the programmes and/or activities performed within the scope of the Ministry of Health, which includes:
      1) the name of the program/activity;
      2) the person responsible for the programme/activity;
      3) the target and/or aim of the programme and activity;
      4) schedule of the programme/activity;
      5) source and amount of funding;
      6) other information describing the programme's accountability;
      7) information on staff candidate's selection and/or participants; and
      8) information on the medical advisor placement.
  c. Summary information on the performance of the Ministry of Health in a form of a narration for the realisation of activities that have been done or are in progress along with their achievements, i.e. LAKIP.
  d. Summary financial report of the Ministry of Health, which has been audited, at at least includes:
      1) budget plan and realisation;
      2) balance;
      3) cash flow report and written financial report based on standard accounting; and
      4) list of assets and investments.
  e. Specific summary information on programme reports or activities that directly relate to matters of public concern, including:
      1) type of contagious disease between animal/human and efforts to provide the relevant medicine;
      2) list of new infectious diseases (and incidents);
      3) death rates of the mother, baby and toddler;
      4) rate of citizens with habitual risks such as, smoking, obesity, pollution, polluted water usage and the usage of unhealthy sanitation;
      5) list of hospital/medical facilities and doctors that violate the regulation;
      6) list of hospital/medical facilities that are not qualified;
      7) list of hospital/medical facilities and doctors whose license permit was drawn for violations;
      8) list of food/ingredients/other materials for which the license permit was drawn for consisting of dangerous material or having potential health risks; and
      9) information on mechanisms for complaint for those who are not satisfied with medical service received.
  f. Other information instructed by the regulation to be provided to the public annually.
  g. Information on rights and guidelines to access public information, as well as the guideline to file a complaint and the process to resolve public information disputes.
  h. Information on the announcement of material and service inventory with the related regulation.
  i. Information on early warning procedures and procedures on emergency evacuation in Ministry of Health offices.

Health, only the link to the General Secretariat cannot be accessed. Links to other general units – such as the General Inspectorate, http://www.itjen.depkes.go.id//, General Directorate of Nutrition and Mother and Child Health (KIA), http://www.gizikia.depkes.go.id//, General Directorate of Health Improvement, http://www.buk.depkes.or.id//, General Directorate of Communicable Disease Control and Public Health, http://www.pppl.depkes.or.id//, General Directorate of Pharmacy and Medical Instruments, http://www.binfar.depkes.or.id//, Health Research and Development Board http://www.litbang.depkes.or.id//, and Health Human Resource Development and Empowerment – can be accessed and they load information focusing on activities of the aforesaid units. As for the information regarding public complaints about the health service, it can be accessed under 'service' on the public complaint and assistance menu.

Beside providing information on the website, information categorised as necessary information for the public, pursuant to the draft of SLIP, is required to be notified through the national mass media, such as newspapers, radio, television and online media, by placing advertisements, or by holding press conferences, seminars or editors meeting and/or press briefings, as well as being notified through posters and leaflets distributed in hospitals and any other health service units, and also any other health office throughout Indonesia. Information on health programmes that has been published includes: immunisation, Jampersal, Jamkesmas, Health Operational Aid (BOK), generic medicine, nutrition, herbal medicine, infectious diseases (TBC, HIV/Aids, Malari), non-infectious diseases, sanitation, health services in hospital, herbal medication science, mental health, haji health service, rabies countermeasures, disaster countermeasures in Merapai and Mentawai, intelligence health, hepatitis and so on. Some of the mass media that are used to publish the information are:
(1) TV: TVRI, MNC, TV One, Metro TV, ANTV and Trans TV.
(2) Radio: RRI Pro 3, Radio Elshinta, Radio KBR 68H, Radio Tri Jaya and I Radio.
(3) Print media: *Kompas*, *Sindo*, *Media Indonesia*, *Republika*, *Tempo*, *Jawa Post*, *Rakyat Merdeka*, *Indo Post*, *Jurnas*, *Pelita*, *Suara Karya*, *Tempo Magazine*, *Gatra*, *Femina*, *Tabloid Nova* and *Gaya Hidup Sehat*.
The Ministry of Health undertakes these activities in order to provide access for the public to information concerning health (health service, disease, mother and child health, medicines and pharmacy and so on).

Information required to be provided anytime, as mentioned under the draft of SLIP[52] – such as information regarding regulations, decrees, and/or policies or circular letters which have

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[52] Chapter III, draft of SLIP, states that information which must be available at anytime includes:
  a. a list of all public information under the Ministry of Health authority, not including exempt information;
  b. strategic plan and work plan;
  c. requirements for obtaining a permit, issuing a permit and supporting documentation;
  d. information on the regulations, decrees and/or policies with the published notification letter;
  e. financial or inventory data;
  f. information on agreements between the Ministry of Health with third parties with supporting documentation;
  g. Minister or any representative's consignment, in a written or in audio recording that has been published;
  h. amount, type and general description of any violation found by internal monitoring along with the report;
  i. amount, type and general description of any violation reported by citizens along with the report;
  j. list and results of research undertaken;
  k. information and policies disclosed by public officials in an open and general meeting;

been issued by the Ministry of Health – can be accessed under the *web unit* menu by clicking the law and organisation menu http://www/hukor.depkes.go.id//.

To add information, such as tips for preserving health for people who want to travel to their hometown for Idul Fitri Holiday, the website of Ministry of Health provided a special future menu, namely *posko informasi kesehatan mudik*, at: http://www.depkes.or.id/info-posko-mudik//.

Even though our observations show that the website of the Ministry of Health, http://www.depkes.or.id//, is more varied and interactive than those of Polri, http://www.polri.go.id//, and the Ministry of Education, http://www.kemdiknas.or.id//, the Section Head of the Public Information Service of the Ministry of Health admits that their website does not include all the information required by *UU KIP* or the regulation of the Information Commission, and there is still some information which is not accessible to the public through the website. The reason is that the process of collecting all this information from all of the units in the Ministry of Health, being performed by the public information service, is not yet complete. Such problems have been anticipated, and information regarding the contacts and addresses of UPTs in the Ministry of Health are provided on the website, so that people may submit questions directly (either coming to the office in person or through mail) to UPTs in order to obtain the required information.

The Ministry of Health, as stipulated in its written statement (through mail No. KM 02.02/3/1417/2011 of 15 July 2011), is currently implementing a system to renew the information provided on a proactive basis. Every six months, the data shall be updated and this shall be distributed through information media via a compact unit for information and services which can be accessed on the website.

4.III   Information Documentation and Management Office (PPID)

In accordance with Decree 708/2010, the structure of PPID in the Ministry of Health consists of the Principal Administrator of PPID and the executor of PPID. Such a structure is also implemented in each Operational Unit (UPT) in the Ministry of Health.

The highest structure of PPID in the Ministry of Health is the Principal PPID, which position is functionally held by the General Secretary of the Ministry of Health, while the Performer of PPID is functionally held by the Secretary of the General Inspectorate, Secretary of General Directorate, and Secretary of Political Communication Center and Board. The Minister of Health acts as the Principal Administrator of PPID.

The structure of PPIDs in Ministry of Health UPTs is as follows: the Principal PPID is held by the Head of the Operational Unit/Managing Director, while the Performer of PPID is held by the Vice Head of UPT/Director of UPT. The General Secretary/General Director and Head of Board, as the main leaders in the organisational structure of UPTs, hold the position of Administrator of Public Information. In the performance of its task, the Performer of PPID is

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l.   information on the organisation, administration, officials and finances of the Ministry of Health, which are:
(1) organisation and work ethic of the Ministry of Health;
(2) Ministry of Health budget allocation in general and in each programme;
(3) statistics made and managed by the organisation; and
m.   public information that has been stated openly to the society based on the objection mechanism and/or dispute resolution as stated in Articles 48, 49 and 50 of *UU KIP*.

assisted by the Official of Information, which is held by the Section Head of Public Relations of each UPT.

Pursuant to Decree 708/2010, the Principal PPID has the following tasks and authorities:
  (1) coordinating, recording, documentation, provision and service of the public information which is produced, recorded, managed, delivered and/or received by the Ministry of Health; and
  (2) coordinating with the Executor of PPID in performing public information services and public service.

Based on Decree 78/2010, the main task and authority of the Principal of PPID is to coordinate public information services in the Ministry of Health. The authority to resolve and evaluate the policy of public access in the Ministry of Health, including to settle problems in connection with public information services, is under the authority of the Administrator of PPID.

In order to accelerate the performance of its tasks and authorities, the Principal of PPID shall be assisted by three operational units. These are the Unit of Information and Documentation in the Data and Information Centre (PUSDATIN), the Unit of Information Service in the Public Communication Centre (Puskom Publik), and the Unit of Consequence Testing which consists of Law and Organization Agency (Biro Hukor), General Inspectorate (Irjen), Data and Information Centre, and Public Communication Centre.

In the written response and in the interview, the Minister did not indicate whether there are specific requirements regarding which civil servants (PNS) in the Ministry of Health may be appointed or become PPIDs, or if there is a promotion for any civil servant who becomes a PPID. Despite this, referring to SK 708/2010, it can be concluded that not all civil servants may acquire the position of Principal PPID and the Executor of PPID. These two positions are held by those civil servants who, within the organisational structure of the Ministry of Health, have assumed the position of General Secretary, for the Principal PPID, and Secretary of General Inspectorate, Secretary of General Secretariat or Secretary of Board, for the Executor of PPID.

4.IV   Systems for Receiving and Processing Information Requests

If information is available on the website, there is, of course, no need to submit a request to the Ministry of Health to obtain that information, and anyone who is interested may simply download the information directly. In the event that information which is sought is not provided on the website, a request for such information may be submitted to the Ministry of Health.

This process starts with a requester filling in the Public Information Application Form, which is provided in electronic or printed form. The Ministry of Health also receives requests for information via telephone, with the information officer following up by filling in the form, as well as by email or coming in person to the Ministry of Health.[53] Requests are received by the Information Corner Unit and One-Stop Service Unit, telephone number: (021) 500567 (Immediate Response-Reaction Center) and e-mail address: kontak@depkes.or.id.

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[53] Chapter V, draft of SLIP.

The Ministry of Health has stipulated the following procedure for processing requests for information:[54]

    a. The request for information shall only be accepted on the official form, which is available from the Information Service or by downloading it from the website of Ministry of Health. This form contains slots for information about (i) the name of the applicant; (ii) the address of the applicant; (iii) the telephone number of the applicant; (iv) a description of the requested information; (v) the desired format or medium for provision of the information; (vi) a copy of the ID card of the applicant; and (vi) deed of incorporation (specifically for non-profit organisations).

    b. Once accepted, the request for information shall be given a registration number either automatically or manually by the officer in the information service, and this is recorded by computer.

    c. In the event that the applicant comes in person to the Ministry of Health, the officer in the Information Service shall provide information and guidance to fill in the application form.

    d. The applicant can monitor the follow-up of the information request through announcements from the Information Service uploaded to the website of the Ministry of Health or by calling the officer in the Information Service.

    e. Each accepted request for information shall be followed up by the Office of the Public Information Service examining the request.

The Ministry of Health has established a coordination mechanism for information services between the main unit and Integrated Service Units. In the event that a request for information is intended for a different information provider (or wrong addressee), the request will be transferred directly to the appropriate Main Unit or Integrated Service Unit in the Ministry of Health.[55]

If there is an internal argument or dispute, it shall be settled as soon as possible through the mechanism of coordination for information services between the main unit and integrated service units, so that it shall not disadvantage the public who wish to access public information immediately. Should any dispute arise between Executors of PPID in the Ministry of Health, the Principal PPID shall have the authority to facilitate dispute settlement and also to act as the decision maker. Another system for coordination of information services is the obligation of the Executor of PPID in the Main Unit to report problems incurred regarding public information services to the Principal PPID in the Main Unit, as the responsible party for Public Information. These shall be reported with immediate effect so as to allow for remedial action to be taken. The PPID acting as the administrator for the Executor of PPID in each UPT shall report periodically to the Principal PPID, and the Principal PPID regularly reports any problems relating to public information services to the Minister of Health.

The Ministry of Health has established a mechanism for transfer of requests between units in the Ministry internally or between the Main Unit and UPTs, for example via the General Directorate Gizikia with the PPSDM Agency. In the event that the Ministry of Health does not have the information requested and as long as the information is related to health, it shall transfer the request. For example, an application for information regarding dangerous drugs shall be transferred to Food and Drugs Monitoring Agency.

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[54] Chapter VII(B), draft of SLIP.
[55] Chapter IV, draft of SLIP.

The Ministry of Health has not put in place a specific regulation or means to facilitate disabled and/or illiterate requesters. Until recently, according to the written statement from the Ministry of Health, they have not yet received any such requests. However, to anticipate that, the Ministry of Health intends to put in place a system, although we have not been provided with any information about this.

The Ministry of Health does not charge any fee for making a request for information. However, a fee may be charged to the applicant to reimburse the costs of duplication of the information, with the approval of the requester.[56]

4.V   Organising and Managing Information

As noted in section 4.II above, every six months, existing data and information provided on a proactive basis shall be updated and transmission of this information shall be distributed to the mass media by the Information Corner and Integrated Service Unit. The information can be accessed through the website of Ministry of Health, as part of the management of data and information performed by the Ministry of Health.

In addition, information to be published shall be examined in advance by the Public Information Service Official in each Main Unit to ensure its completeness. The information shall be published once it is deemed to be complete, clear and in accordance with the categorisation of information.

For purposes of publishing to the public, the Ministry of Health appoints the Information Documentation and Management Officer (PPID Pelaksana). The term and medium of service intended for the type of information obliged to be announced and provided periodically is set in accordance with the following table:[57]

No	Type of Information	Term	Medium
1	An overview of the Ministry of Health, including: • information concerning jurisdiction, position, function, vision and mission, intention and purpose, full address of the Ministry of Health; • organisational structure, overview of each unit, names of the officials in the Ministry of Health; • scope of activity performed by the Ministry of Health; and • other information as mandated by legislation.	adjustable	official website, announcement board, leaflet, brochure, poster and internal media
2	Detailed information regarding the programmes and activities currently being performed, consisting of:	adjustable	official website, announcement board, leaflet,

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[56] Chapter VI(A2)(a), draft of SLIP, states that when a fee is imposed to copy information in either printed or electronic form as requested by the applicant, the applicant is responsible for that fee.
[57] Chapter VI(A), draft of SLIP.

	- the name of the programme/activity; - Programme Director; - achievement/target of the programme/activity; - duration; - the source and the amount of the fund; and - other information on accountability of the programme/activity.		brochure, poster and internal media
3	Information concerning performance within the Ministry of Health, including: - result and accomplishment of programmes and activities which have been completed or are ongoing; - work capacity of the Ministry of Health represented by human resources and budget in order to reach certain targets within a specific timeframe; and - reports of all programmes and activities which have been completed.	adjustable	official website, announcement board, leaflet, brochure, poster and internal media
4	Information concerning the finances of the Ministry of Health.	adjustable	official website, leaflet, brochure, announcement in the mass media
5	Information concerning programmes and activities which correlate with the public interest, including: - contagious diseases between humans and animals, together with relevant countermeasures and medicine; - list of new infectious diseases (incident); - toddler, infant and maternal mortality; - rates of risky behaviour, such as smoking, obesity, pollution, the use of unhygienic water, and unhygienic toilet; - list of hospitals/health facilities and doctors that have violated regulations; - list of hospitals/health facilities which do not comply with standard rules; - list of hospitals/health facilities and doctors whose permit has been revoked due to violation of regulations; - list of medicine/food ingredients/other substances whose permit has been	adjustable	official website, announcement board, leaflet, brochure, and announcement in the mass media

	revoked because they contain dangerous substances/risks to health; and • information on how to make complaints regarding unsatisfactory health service.		
6	Any other information regulated by legislation.	adjustable	official website, announcement board, leaflet, brochure, poster and internal media, or announcement in the mass media

Other tasks imposed on the Information Documentation and Management Officer in maintaining and managing data and information document are as follows: (1) public information management (the completeness of public information and the speed of public information provision); (2) public information services (the accuracy of the announcement and the efficiency of the medium used to disseminate it).

4.VI   Efforts to Raise Awareness Among the Public

We did not receive a clear response regarding efforts by the Ministry of Health to promote public awareness about the right to information. The written statement refers only to their efforts to establish the PTRC (Immediate Response-Reaction Center), the Information Corner, the Integrated Service Unit, and socialisation via internal and external media.

4.VII   Addressing the Concerns of Officials

The Ministry of Health uses the strategic plan (Renstra) and the action plan from main units as the benchmark for measuring the performance of information organisation and officials in implementing *UU KIP*. There are three main indicators, namely the extent of information disseminated, positive feedback, and the percentage of cases which have been completed. According to information from the Section Head of the Public Information Service, the performance of the Ministry of Health regarding *UU KIP* mostly rates over 70%.

4.VIII   Knowledge, Capacity and Resources Acquired

From the above, it would seem that the Ministry of Health has adequate capability and capacity to provide a good public information service. Even if they are still in draft form, the Ministry of Health has good internal procedures and mechanisms for public information services, which will become the guidelines for the Information Documentation and Management Office in providing information services to the public. As for the readiness of personnel in terms of information and data management, the Ministry of Health has established a hierarchical internal structure of management and public information services

which extends to the level of UPT. This hierarchical structure also sets out the authority possessed by each unit and its responsibility.

The Ministry of Health has conducted various trainings, in order to enhance the knowledge of civil servants regarding *UU KIP*. According to the statement of the Section Head of the Public Service, the trainings which have been conducted have mostly dealt with handling customers and knowledge management. Such training is conducted at least once per year, depending on the available budget for training in the State Revenue and Expenditure Budget (APBN). Based on the statement from Prawito, SKM, MM, one of the civil servants (PNS) that participated in the training, handling customers and knowledge management provide many benefits for PNS working in the Centre for Communication to the Public at the Ministry of Health (Puskom Publik Kemenkes). By participating in the training, participants improve their technical abilities in handling information requests, and gain information and knowledge to improve their ability to serve members of society as information users. The ability to serve society in a hospitable, friendly and rapid manner will be rewarded by customer satisfaction, which in turn will motivate officials to serve society well.

The Ministry of Health has not, however, prepared any special training, even online training, on public information services for personnel in the Information Documentation and Management Office. Despite this, and the less than maximal training specifically conducted for civil servants/personnel in information management, from the draft of SLIP, it can be concluded that there are specific qualifications/requirements for information personnel,[58] namely:
1. understanding the spirit, purpose and substance of *UU KIP*;
2. having understanding in the area of health;
3. possessing techniques/skills in relation to archives and documentation; and
4. understanding information technology.

These specific requirements must be possessed by each information official at the Ministry of Health, since they relate to their responsibilities,[59] namely:
1. collecting public information in each unit;
2. ensuring its completeness and classification;
3. completing insufficient public information; and
4. participating in any capacity building programs.

4.IX   Rejecting Requests for Information

The Ministry of Health essentially refers to Articles 2(1) and (2) of *UU KIP* for all requests for information and to Article 21(7)(c) regarding the rejection of such requests and the need for the Ministry of Health to provide justification where such requests are rejected on the basis that the information is exempt.

Regarding exempt information, the Ministry of Health has established a mechanism and procedure for this, as follows:[60]
1. Not all types of information can be categorised as exempt. Exemption shall be based on strict rules, applied in accordance with the consequential harm test, based on what might incur if the information is made public and after careful consideration of

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[58] Chapter III(c)(7), draft of SLIP.
[59] Chapter III(c)(6), draft of SLIP.
[60] Chapter VIII, draft of SLIP.

whether disclosure of the information may protect a greater interest or whether non-disclosure would do this instead.

2. The consequential harm test performed by the Information Documentation and Management Officer shall be based on grounds stipulated in Article 17 of *UU KIP* before information may be considered exempt. It is prohibited to take into account reasons for exemption other than those regulated by Article 17. Specially, the consequential harm test should be applied to the ground set out in Article 17(j), referring to other laws, and in this case the specific law which requires the information to be withheld must be specifically referred to. The reasons for withholding information shall be set out in writing and attached to the written notification provided to the requester.

3. The Information Documentation and Management Office shall obscure any exempt information in a document which is otherwise to be made public (Article 17 Information Commission Regulation No.1 Year 2010).

4. The Information Documentation and Management Office shall not use the fact that some information in a document is exempt as a reason to exempt public access to the whole document (Article 17 Information Commission Regulation No.1 Year 2010).

5. In the event of certain information being obscured, the Information Documentation and Management Office shall provide reasons based on Article 17 of *UU KIP* for each section which is obscured (Article 17 Information Commission Regulation No.1 Year 2010).

The Ministry of Health has set out the mechanism to be followed in applying the consequential harm test, as follows:[61]

1. The consequential harm test shall be applied at a meeting between the Law and Organization Agency, General Inspector, Public Communication Centre, and related Main Unit. Members of the public and civil society may also be invited to participate.

2. In applying the consequential harm test, the Ministry of Health shall identify the information proposed to be exempted, and the main considerations underlying this.

3. In performing the consequential harm test, officials may consul with the Central Information Committee.

4. The Ministry of Health and Central Information Committee may consider and discuss the advantages and disadvantages arising from the disclosure or non-disclosure of the information in question, prioritising the greater benefit to the public interest.

5. The result of the consequential harm test shall be a clear and comprehensive resolution regarding classification or non-classification of the information.

6. This resolution shall be announced openly to the public.

7. The member of Central Information Committee involved in assessing the consequential harm test shall maintain the confidentiality of any information which has been deemed to be exempt.

4.X   Appeals Against Rejections of Requests

In the draft of SLIP, the Ministry of Health has established a process for appealing or filing an objection by a requester regarding information services provided by the Ministry of Health. The filing of an objection may be based on the following reasons:

1. refusal of the request;
2. failure to provide information on a regular basis;
3. no response to a request;

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[61] Chapter IX, draft of SLIP.

4. a request is not responded to as stipulated by the requester;
5. non-compliance with a request;
6. the charging of fees are not reasonable; and/or
7. dealing with the request outside of the time limits stipulated in the law.

The filing of an objection can be done by the requester or a proxy who is competent before the law, and it should be addressed to the Principal Information Documentation and Management Officer. The objection must be accompanied by a statement of reasons for the objection to the provision of public information services by the Ministry of Health, and made on the "Objection Form Public Information Service"[62] which is available electronically on the website of the Ministry of Health or in printed form from the Public Information Desk. The Information Service officer will note the filing of the objection in the register.

Within 30 (thirty) working days from filing the objection, the Principal Information Documentation and Management Officer must provide a written response addressed to the requester. This is the official decision on the objection and will be delivered by mail or email. If the requester is not satisfied with this decision, he or she is entitled to apply, within 14 (fourteen) working days, for dispute resolution before the Information Commission. At this stage the dispute is between the requester and the Ministry of Health.[63]

In case of information disputes, the Legal Bureau will act on behalf of the Ministry of Health. In the performance of duties as legal counsel, the Legal Bureau may delegate tasks to other parties which are considered to be able and trustworthy.

4.XI   Reporting on Requests for Information

Our research found no data about requests for information from the Ministry of Health. However, the Ministry of Health has set standards regarding reporting and the accountability mechanism by the Information Documentation and Management Office.

The Executor of PPID in each main unit is obliged to make annual reports to the Principal Information Documentation and Management Officer regarding the performance of the unit regarding public information service, which at least contains:[64]
1. an overview of public information services;
2. a general description of the implementation of public information services (infrastructure, human resources, etc.);
3. details of public information services, which includes among other things: the number of requests received during the year, the number times information was made public in response to a request, the number of statements of objection received and the

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[62] Objection Form for the Public Information Service contains information on:
    a.   registration number;
    b.   registration number of the public information request;
    c.   reason for the request;
    d.   the ID of the person that filed the complaint;
    e.   the ID of the authority that filed the complaint (if available);
    f.   the reason for the objection;
    g.   case position;
    h.   time limit for the officer to respond to the complaint;
    i.   name and signature of the applicants filing the objection; and
    j.   name and signature of the officer who received the objection.
[63] Chapter X, draft of SLIP.
[64] Chapter XI, draft of SLIP.

follow up conducted, any dispute resolutions and mediations, the number of lawsuit filed and the results of any that were completed, and new types of information available on the Ministry of Health website;

4. external and internal constraints in the implementation of public information services; and

5. recommendations and an action plan to improve public information services.

Similar reports should also be made by the Principal Information Documentation and Management Officer to the Minister of Health.

4.XII   Revisions to the Information Classification System

The task of evaluating the public information system falls under the authority of the Minister of Health, as the trustee of public information. SK 78/2010 provides that evaluations are conducted by trustees of public information and should include evaluations of the public information access policy of the Ministry of Health and evaluation of the performance and structure of the systems governing public information services.

In line with the requirements of *UU KIP*, the Ministry of Health is preparing a standard operating procedure regarding standards of public information services, which is currently in the form the draft of SLIP. A number of other activities are also being undertaken by the Ministry of Health to implement the *UU KIP* including, among other things:

1. Revision of No. SK PPID No. 708/2010 to adapt it to the new organisational structure in the Ministry of Health.

2. Setting standards for public information services.

3. Developing public information on the categorisation of each work unit.

4. Perfecting the standard operating procedure for public information services.

According to information from the Section Head of Service of Public Information, SK 708/2010 is being revised due to changes in organisational structure at the Ministry of Health. There is a need to adjust nomenclature names so they correspond with the name changes that have occurred. For example, the Directorate General of Binkesmas (Welfare Society Committee) is now the Director of Nutrition and Maternal and Child Health, while the Directorate General of Medical Service becomes the Directorate General of Health Efforts.

4.XIII   Sanctions for Officials

According to the information we have received from the Ministry of Health, no civil servant or Information Documentation and Management Officer at the Ministry of Health has been sanctioned due to violating the *UU KIP* by hindering access to information.[65]

4.XIV   Lists or Registries of Documents

Based on the information we have received,[66] the Ministry of Health has a list of documents that are public, but it does not yet have a list of exempt information. They have also not

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[65] Interview with DyahYuniar S, SKM, MPS, Head of Public Information Services Division, Ministry of Health, of Republic of Indonesia, 22 August 2011.
[66] *Ibid.*

performed a comprehensive consequential harm test on all information, in part because there are disagreements between units regarding what information should be exempt.

4.XV   Conclusions and Recommendations

The readiness of the Ministry of Health to implement *UU KIP* is reflected in several policies that have been implemented or are still being drafted, namely SK No. 708/Menkes/SK/VI/2010 concerning the Information Documentation and Management Office of the Ministry of Health (SK 708/2010) and the Draft of Decree of the Minister of Health concerning the Standards of Public Information Services (draft of SLIP). In addition, the Ministry of Health is preparing a draft on the classification/categorisation of public information, in part to meet its obligations under Article 7 of *UU KIP*.

In terms of proactive publication of information, according to our observations, the website of the Ministry of Health, at http://www.depkes.go.id/, is more varied and interactive than those of Polri or the Ministry of National Education. At the same time, it does not contain all the information required by *UU KIP* and the Information Disclosure regulation adopted by the Information Commission. To reach out to society at large, in addition to the website, the Ministry of Health also publishes information. The Ministry has also attempted to disseminate information through the national mass media, including print, radio, television and online media, the placement of advertisements, press conferences, seminars, meeting editors and/or press briefings. Other systems of dissemination include posters and leaflets distributed through hospitals, other health care units and the health Department offices throughout Indonesia.

The Ministry of Health already has a system/mechanism in place for processing requests for information, as well as a system/mechanism for managing the data and information it holds. In the draft Public Information Services Standards being developed, the Ministry of Health has already set several related standards for public information services, namely the mechanism and procedure for exempting public information; the mechanism for applying the consequential harm test for exempt information; and the mechanisms for filing an appeal or objection against information services provided by the Ministry of Health.

Despite these positive efforts made by the Ministry of Health in discharging its obligations as a public authority regarding access to information, we found some deficiencies that should be corrected in order to realise fully the objectives of the *UU KIP*. To address these shortcomings, we make the following recommendations:
1. A list of all information subject to proactive disclosure should be established and updated periodically, so that the requirements of the *UU KIP* and Information Commission regulation can be met in full with accurate, correct and not misleading information provided through the website of the Ministry of Health.
2. A system for transferring information between public authorities should be established for cases where the Ministry of Health does not have the information requested or the information is not within the scope of work of the Ministry of Health.
3. Programmes and activities should be undertaken in order to increase public awareness about the right to information, so as to guarantee the fulfilment of the right of citizens to access to public information and to ensure the realisation of the objectives of public information disclosure.
4. Training courses and training modules on the openness of public information (and not just on customer handling and knowledge management) should be created and

delivered at regular intervals to civil servants working in the Information Centre and Public Relations section, as well as to Information and Documentation Management Officers.

5. A report on public information services should be published on a regular basis, with copies of the report submitted to the Information Commission.

6. Implementation of public information service obligations should be monitored and evaluated on a regular basis.

About Yayasan 28

The twenty eight foundation (Y28) was established by its founder based on consciousness about the importance of public guarantees and protection to gain access to information as stated in Article 28F of the Indonesian Constitution. In the implementation, the guarantee and protection is stated in a legal regulation established by the State. Realizing the law, especially for a law which is a political product, thus the material contains political material. To prevent any deviation from the material contained in the law, public participation in drafting the regulations must be widely opened.

The existence of Y28 as a non-profit organization that conduct research on law and media policy in Indonesia aimed to fulfil public participation. Based on the vision and mission, Y28 perform many activities such as assessment and research on law regulations or draft law regulations, drafting law regulations, public advocacy regarding the law regulations to assisting the government and/or legislative member in the process of drafting law regulations. If necessary, Y28 conduct legal effort to ensure the law regulations guaranteed and protect public interest.

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About the Centre for Law and Democracy

Vision:

The Centre for Law and Democracy believes in a world in which robust respect for all human rights underpins strong participatory democracy at all levels of governance – local, national, regional and international – leading to social justice and equality.

Mission:

The Centre for Law and Democracy works to promote, protect and develop those human rights which serve as the foundation for or underpin democracy, including the rights to freedom of expression, to vote and participate in governance, to access information and to freedom of assembly and association.

Goals and Strategies:

We will seek to achieve our mission through:
- Undertaking research and educational outreach to advance the understanding of civil society and the wider public globally about those human rights which serve as a foundation for or underpin democracy.
- Using research and technical assistance to help governments and officials around the world to uphold international and constitutional standards regarding human rights which underpin democracy.
- Building the understanding of inter-governmental organisations and non-governmental organisations regarding human rights which underpin democracy, so that they can better realise their goals.
- Conducting research and policy work to contribute to ensuring the continuous relevance and development of human rights which underpin democracy.