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BEYOND FREEDOM OF INFORMATION: BUILDING AN OPEN DATA GOVERNANCE FRAMEWORK FOR MALAYSIA

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Executive Summary

Malaysia is entering a new phase of information governance. The Data Sharing Act 2025 provides a legal framework for federal agencies to exchange data, while the Statistics Bill 2026, passed by the Dewan Rakyat in July 2026, seeks to modernise the production and coordination of official statistics. The Freedom of Information Bill 2026 has now been introduced in Parliament and referred to a parliamentary Special Select Committee for further scrutiny. Together, these developments reflect a welcome effort to improve how public institutions produce, share, publish and use information.

The reforms nevertheless address different dimensions of the information-governance system. The Data Sharing Act principally facilitates the movement of information within the Federal Government. The Statistics Bill strengthens the quality, coordination and governance of official statistics. The FOI Bill would add the missing public-access dimension by providing an enforceable right to obtain information held by public authorities. The reform task should not end with the passage of the FOI Bill. Malaysia should align these three laws with its open data policies through an integrated framework in which non-sensitive information is proactively published in accessible and reusable formats, government systems are interoperable, secrecy is confined by clear harm-based tests, and refusals are subject to independent review.

Such a framework would strengthen transparency and accountability while also improving the capacity of government. Better access to reliable data can reduce duplicated collection, fragmented digital applications and delays in public service delivery; support more targeted labour-market and social policies; and allow researchers, businesses, civil society and citizens to participate more meaningfully in policymaking and nation-building. The Special Select Committee process provides a timely opportunity to ensure that the FOI Bill complements the Data Sharing Act 2025, the Statistics Bill 2026 and the broader development of an open information-governance architecture for Malaysia.

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Context

The much-awaited Freedom of Information (FOI) Bill 2026 was recently referred to a parliamentary special select committee for further scrutiny. The referral followed concerns raised by several civil society organisations (CSOs) over what they described as restrictive administrative procedures. The FOI Bill forms part of a series of institutional reforms undertaken by the MADANI Government led by Prime Minister Anwar Ibrahim, particularly in the areas of data governance and the right to information. These reforms include the Data Sharing Act 2025 which came into force in February 2025 and the Statistics Bill 2026 which was passed in July 2026. Its referral to the special select committee presents an opportune moment to consider how the FOI Bill can be refined to operate coherently alongside the Data Sharing Act 2025 and the Statistics Bill 2026 while also contributing to a broader and more open data governance model in Malaysia.

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From Freedom of Information to Open Data Governance

FOI laws are traditionally justified as tools of transparency, accountability and anti-corruption. They allow citizens, journalists and civil society to request information held by public authorities, subject to legitimate exemptions. Open data goes further: it involves the proactive publication of usable, machine-readable data and the routine reuse of information across government.

The distinction matters because Malaysia's challenge is not confined to public secrecy. Ministries and agencies may collect overlapping data using different definitions, formats and systems, while administrative or legal barriers impede sharing. The result can be duplicated work, inconsistent evidence and slower decisions. In healthcare, education, food security, climate policy and public transport, information held by one institution is often necessary for another institution to plan services effectively.

These challenges cannot be addressed by a single instrument alone. A freedom of information law, a data-sharing framework, a modernised statistics regime and an open data policy each serve distinct purposes within a broader information governance system. Together, they help to clarify who may access information, how data may be shared across government, how official statistics are produced, and what information should be proactively published for wider public and administrative use. The table below summarises the different but complementary functions of these instruments.

Instrument	Primary Role	Limitation if Operating in Isolation
FOI Bill 2026 / FOI Law	Gives the public a legally enforceable right to request information held by public authorities, subject to defined exemptions, review and appeal mechanisms.	Does not by itself ensure that government data is standardised, interoperable, proactively published or readily shareable across agencies.
Data Sharing Act 2025	Provides a legal framework for sharing data between federal public-sector agencies for authorised governmental purposes.	Does not create a general public right of access to government information or require the routine publication of data.
Statistics Bill 2026	Modernises the national statistical system and strengthens the collection, coordination, quality and production of official statistics.	Is principally concerned with official statistics and does not provide access to the wider range of administrative records held by the government.
Open data policy	Promotes the proactive publication of reusable, machine-readable and non-sensitive government data.	Usually operates as an administrative policy rather than an enforceable legal right and may not provide appeal or review mechanisms where data is withheld.

Table 1: The Complementary Roles of Malaysia's Information-Governance Instruments

The table illustrates that the instruments are complementary rather than interchangeable. Malaysia's present framework contains important elements for inter-agency sharing and the production of official statistics, but it remains incomplete in the absence of an enforceable public right of access and a coherent system for proactive publication. The following section examines the legal and institutional gaps that must be addressed to complete this architecture.

Malaysia's Emerging Information-Governance Architecture

Malaysia is moving towards a more open information regime, but its legal and institutional framework remains incomplete. The country still lacks an enforceable general federal right to obtain information held by public authorities. Although Article 10(1)(a) of the Federal Constitution protects freedom of speech and expression, the courts have not consistently interpreted it as conferring a corresponding constitutional right of access to government records.

In **Harris Salleh v Chief Secretary, Government of Malaysia [2023] MLJU 424**, the High Court ordered the release of the investigation report into the 1976 Double Six air crash and accepted that access to information may arise as a corollary of freedom of expression. The decision nevertheless remains a limited and fact-specific precedent. It did not establish a binding general right to information or displace the statutory framework governing official secrecy.

The Official Secrets Act 1972 remains the principal legal constraint. Its broad classification framework permits authorised officials to classify documents as Top Secret, Secret, Confidential or Restricted. A federal FOI law will therefore be meaningful only if its relationship with the OSA is clearly defined and restrictions on disclosure are tied to identifiable harms involving national security, defence, privacy and other legitimate interests. The state freedom of information enactments in Penang and Selangor provide useful precedents but they apply only to state authorities and cannot override federal classifications.

At the same time, Malaysia's information challenge extends beyond public access. Government data is frequently collected and maintained within separate institutional systems, sometimes using different definitions, formats and standards. Legal restrictions, administrative procedures and bureaucratic caution may impede its movement across ministries and agencies. Officials may be reluctant to provide data where its subsequent use or disclosure could invite criticism, expose inconsistencies or reflect unfavourably on the institution that supplied it. This may encourage defensive decision-making, reinforce institutional silos and, in more serious cases, deter officials from making decisions altogether, thereby fostering an overly cautious and docile bureaucracy.

The consequences are both democratic and administrative. Restricted access limits public scrutiny, while fragmented information systems can lead to duplicated collection, inconsistent evidence and slower decision-making. In areas such as healthcare, education, food security, climate policy and public transport, information held by one institution may be essential to another institution's ability to design and deliver effective services.

Recent federal reforms begin to address different parts of this problem. The Data Sharing Act 2025 establishes a framework for data sharing between federal public-sector agencies and creates a National Data Sharing Committee. It facilitates internal governmental use of data for purposes such as policy formulation, service delivery, public health, emergencies and the public interest. It is, however, primarily an inter-agency coordination statute. It does not confer a general public right of access and continues to preserve the operation of the OSA and official-security directives.

The Statistics Bill 2026 approaches the issue from another direction. Passed by the Dewan Rakyat in July 2026, it is intended to modernise the national statistical system and improve the collection, coordination, quality and production of official statistics. Its focus is the integrity and governance of official statistics rather than access to the broader range of administrative records held by public authorities.

The Freedom of Information Bill 2026 would add the missing public-access dimension. The much-awaited Bill was introduced for first reading in the Dewan Rakyat on 13 July 2026 and subsequently referred to a parliamentary Special Select Committee for detailed scrutiny. The referral is a welcome indication that the Government is prepared to subject the proposed framework to further legislative and stakeholder review before its second reading. Nevertheless, until the Bill is enacted and its final provisions are known, Malaysia will continue to lack an enforceable federal right of access to government-held information. The committee process therefore provides an important opportunity to examine the scope of exemptions, application procedures, independent oversight, the Bill's relationship with the Official Secrets Act 1972, and its place within Malaysia's wider information-governance architecture.

The reform task should not, however, end with the passage of the FOI Bill. The more important objective is to integrate the FOI framework with the Data Sharing Act 2025, the Statistics Bill 2026 and the Government's open data policies, so that these instruments operate as complementary parts of a coherent system. Together, they should govern how information is produced, standardised, shared across government, proactively published and made accessible to the public. If they could be properly aligned, these reforms could enable the emergence of a broader, more open and integrated information-governance architecture for Malaysia.

Why Open Data Matters

Open data turns government information from a guarded administrative asset into shared public infrastructure. By making non-sensitive information available in accessible, reusable and machine-readable formats, it can improve transparency, reduce repeated requests, support research and innovation, and allow public institutions to work from a more consistent evidence base. Its value is not confined to disclosure. Properly designed open data systems can improve the Government's understanding of markets, strengthen the design of public services and enable external actors to contribute their knowledge and expertise to national policy challenges.

In the labour market, for example, sufficiently granular data may reveal the extent to which women, particularly mothers, remain outside the workforce, as well as the barriers preventing their participation. This would allow the Government to design more targeted interventions, such as childcare support, flexible working arrangements, return-to-work programmes or incentives for employers to recruit and retain women. Activating this underutilised segment of the domestic workforce could, in turn, reduce reliance on foreign labour while expanding household incomes and the national talent pool.

The same principle applies to public services. Better data on patient volumes, waiting times and service bottlenecks across hospitals could guide the allocation of staff, facilities and appointments to where demand is greatest. Similarly, information on visitor traffic and processing times at government offices could help agencies redesign workflows, adjust operating hours, expand digital services and deploy personnel more efficiently.

A more open and interoperable data environment may also help break the recurring cycle in which each ministry, agency or local authority develops its own application for narrowly defined institutional use and control. This fragmented approach is costly, duplicative and inefficient, particularly where separate applications perform similar functions but cannot exchange data or operate across agencies. Common standards, shared infrastructure and reusable datasets would allow public institutions to build on existing systems rather than repeatedly creating isolated platforms from the ground up.

Open data therefore does more than describe existing conditions. It enables the Government to identify structural gaps, anticipate demand and design more responsive policies and services. By making such information accessible to researchers, businesses, civil society and citizens, it also enables wider public participation in policymaking and nation-building.

Completing the Reform

Malaysia should build on the Unity Government's whole-of-government approach through four linked reforms:

(1) Enact a federal FOI law with a clear presumption of disclosure, reasonable response timelines, proactive-publication duties and accessible appeals. The law should apply across federal public bodies and define its relationship with state enactments.

(2) Align the FOI law with the OSA through a harm-and-public-interest test. Classification should be time-limited and reviewable, and information should be withheld only where disclosure would create a real, identifiable and proportionate risk.

(3) Connect public access with the Data Sharing Act and the Statistics Bill. Common data standards, interoperable systems, metadata requirements and clear agency responsibilities should allow information to move safely across government and, where appropriate, into the public domain.

(4) Create an independent review mechanism with enforceable powers. Whether this function is assigned to a dedicated Information Commission or an appropriately empowered Ombudsman, it must be institutionally independent, able to review refusals and classifications, and capable of issuing binding or quasi-binding decisions.

An open-by-default approach does not mean that every record must be released. National security, defence, personal privacy, law-enforcement operations and genuinely confidential commercial information require protection. The safeguards, however, should be specific and reviewable rather than broad labels that permit indefinite non-disclosure.

Conclusion

Malaysia has made meaningful progress in placing information governance on the national reform agenda. The Data Sharing Act 2025, the expansion of MyGDX and OpenDOSM, and the modernisation of the national statistical system have strengthened the foundations for inter-agency data sharing, more reliable official statistics and evidence-based policymaking. These reforms mark an important shift towards treating information as a strategic public resource rather than solely as an asset controlled by individual institutions. The architecture nevertheless remains incomplete. Stronger internal data sharing and improved statistical systems must be connected to an enforceable public right to information, proactive publication obligations, common data standards and interoperable government systems. Without such alignment, Malaysia risks retaining a fragmented framework in which information can move within selected parts of government but remains difficult to access, reuse or scrutinise more broadly.

The reform task should therefore not end with the passage of the Freedom of Information Bill 2026. The Bill should be designed to operate coherently alongside the Data Sharing Act 2025, the Statistics Bill 2026 and the Government's open data policies. Together, these instruments should govern how public information is produced, standardised, shared, protected, proactively published and made accessible for legitimate reuse. If properly integrated, this framework could reduce institutional silos and duplicative digital systems, improve the design and delivery of public services, strengthen accountability and enable citizens, researchers, businesses and civil society to participate more meaningfully in policymaking and nation-building. The ongoing scrutiny of the FOI Bill by the parliamentary Special Select Committee provides a timely opportunity to lay the foundations for a broader, more open and integrated information-governance architecture for Malaysia.

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