

REPUBLIC OF INDONESIA

ACT NUMBER 14 YEAR 2008

PUBLIC INFORMATION DISCLOSURE ACT

Ratified in Jakarta on 30th of April 2008
Ministry Law and Human Rights

Considering :

- a) that information is a basic need of every person to develop their personality as well as their social environment, and is a significant part of the national security;
- b) that the right to obtain information is a human right and transparency of public information is a significant characteristic of a democratic state that holds the sovereignty of the people in high esteem, to materialize good state management;
- c) that transparency of public information is a facility to optimize public supervision on the organizing of the state and other public agencies and everything that affects the interest of the public;
- d) that public information management is an effort to develop an informative society;
- e) that based on the consideration as referred to in letter a, letter b, letter c, and letter d, it is necessary to issue a Law regarding public information transparency.

In view of : Article 20, Article 32, Article 28 F, and Article 28 J of the *1945*
Constitution of the Republic of Indonesia.

By Mutual Consent
THE PARLIAMENT OF THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAVE DECIDED :

**To stipulate : THE LAW REGARDING TRANSPARENCY OF PUBLIC
INFORMATION**

CHAPTER I
GENERAL PROVISION
Interpretation

Article 1

In this Law:

1. Information means the information, statement, ideas and signs having a value, meaning and message, both the data, fact and clarification that can be seen, heard and read, and are presented in various packages and formats, in accordance with the development of the information and communication technology, both electronically and non-electronically.
2. Public Information means information that is produced, stored, managed, sent and/or received by a Public Agency relating to the organizer and the organizing of the state and/or the organizer and the organizing of other Public Agencies pursuant to this law and other information pertaining to the interest of the public.
3. Public Agency means an executive, legislative, judicative and other agencies whose function and main duties are related to the organizing of the state, where part or all of its funds originate from the state budget and/or the regional budget, or a non-governmental organizations that part or all of its fund originate from the state budget and/or the regional budget, the contribution from the people and/or from overseas sources.
4. Information Committee means an independent institute that functions to implement this Law and its implementing regulation(s), to provide the standard technical directives for Public Information service and to settle Public Information Disputes through mediation and/or non-litigation adjudication.
5. Public Information Dispute means a dispute between a Public Agency and the User of Public Information pertaining to the right to obtain and to use information based on the Law.
6. Mediation means the settlement of Public Information Disputes between the parties hereto with the assistance of a mediator of the Information Committee.
7. Adjudication means the settlement process of a Public Information Dispute between the parties, and is decided by the Information Committee.
8. Public Officer means a person who is appointed and assigned with the duty to hold a specific position or title at a Public Agency.
9. Information and Documentation Manager means an officer who is responsible for the storage, documentation, supply and/or information service at a Public Agency.
10. Person means an individual, a group of people, a corporate body or a Public Agency as referred to in this law.
11. Public Information User means a person who is the user of the Public Information as regulated in this law.
12. Public Information Applicant means an Indonesian citizen and/or an Indonesian corporation that applies for Public Information as regulated in this law.

CHAPTER II PRINCIPLE AND OBJECTIVES

Chapter One Principle

Article 2

- (1) Every Public Information is open and accessible by every User of Public Information.
- (2) An exception to the Public Information is information that is restrictive and limited.
- (3) Every Public Information Applicant shall be able to obtain Public Information fast and promptly at low cost and in a simple manner.
- (4) Public Information that is classified is confidential information pursuant to the Law, ethics, and the interest of the public, based on an examination in terms of the consequences that occur if the information is provided to the public and after careful consideration that covering up Public Information can protect a larger interest rather than opening it or vice versa.

Chapter Two Objectives

Article 3

This law is aimed at the following:

- a. To secure the right of the citizens to know the plan to make public policies, public policy programs, and the process to make public decisions, as well as the reason of making a public decision.
- b. To encourage the participation of the society in the process of making a public policy;
- c. To increase the active role of the people in making public policies and to manage the Public Agencies properly;
- d. To materialize good governance, ie. transparent, effective and efficient, accountable and responsible.
- e. To know the rationale of a public policy that affects the life of the people;
- f. To develop sciences and to sharpen the mind of the nation; and/or
- g. To enhance the information management and service at Public Agency circles, so as to produce good quality information service.

CHAPTER III

RIGHTS AND OBLIGATIONS OF A PUBLIC INFORMATION APPLICANT AND USER AND THE RIGHTS AND OBLIGATIONS OF A PUBLIC AGENCY

Part One The Rights of a Public Information Applicant

Article 4

- (1) Every individual has the right to obtain Public Information pursuant to the provisions of this Law.
- (2) Every individual has the right:
 - a. to see and to know about Public Information;
 - b. to attend public meetings that are open to the public in order to obtain Public Information;
 - c. to get a copy of the Public Information by applying for it pursuant to this Law; and/or
 - d. to disseminate Public Information pursuant to the regulations of the laws.
- (3) Every Public Information Applicant has the right to request for Public Information, and has to state the reason for such request.
- (4) Every Public Information Applicant has the right to file a suit in court if he/she is obstructed from obtaining, or fails to obtain Public Information pursuant to the provision of this Law.

Part Two Obligations of the Public Information User

Article 5

- (1) The Public Information User is obliged to use Public Information in accordance with the provisions and regulations of the laws.
- (2) The Public Information User is obliged to state the source of his Public Information that is used in his/her own interest as well as for publication purposes, pursuant to the provision and regulations of the laws.

Part Three Rights of a Public Agency

Article 6

- (1) A Public Agency has the right to refuse to provide classified information pursuant to the provisions and regulations of the laws.
- (2) A Public Agency has the right to refuse to provide Public Information if it is not in accordance with the provision and regulations of the laws.
- (3) The Public Information that may not be supplied by a Public Agency as referred to in paragraph (1) are:
 - a. information that may jeopardize the state;
 - b. information relating to protection of the business from unhealthy business competition;
 - c. information relating to personal rights;
 - d. information relating to office secrets; and
 - e. the required Public Information is not within its authority or not yet documented.

Part Four
Obligations of a Public Agency

Article 7

- (1) A Public Agency is obliged to supply, provide and/or publish the Public Information under its authority to the Public Information Applicant, except information that is classified in accordance with the provision.
- (2) A Public Agency is obliged to provide the Public Information accurately, correctly and not deceptive.
- (3) To implement the obligation as referred to in paragraph (2), the Public Agency shall establish and develop an information and documentation system to manage the Public Information properly and efficiently, so that it is easily accessible.
- (4) A Public Agency is obliged to write down its reasoning for every policy that it takes to comply with the right of every person to get Public Information.
- (5) The reasoning as referred to in paragraph (4) contains among other things political, economic, social, cultural considerations and/or state defense and security.
- (6) In the framework of complying with the obligations in paragraphs (1) up to (4), a Public Agency may utilize the electronic and non-electronic media and/or facilities.

Article 8

The obligation of a Public Agency pertaining to the filing and documentation of Public Information is conducted under the regulations of the laws.

CHAPTER V
INFORMATION TO BE SUPPLIED AND PUBLISHED

Part One
Information to be Supplied and Published periodically

Article 9

- (1) Every Public Agency is obliged to announce Public Information periodically.
- (2) Public Information as referred to in paragraph (1) covers:
 - a. information pertaining to a Public Agency;
 - b. information on the activities and performance of the related Public Agency;
 - c. information on the financial report; and/or
 - d. other information regulated in the regulations of the laws.
- (3) The obligation to provide and to submit Public Information as referred to in paragraph (2) is conducted at least every 6 (six) months (semi-annually).
- (4) The obligation to disseminate Public Information as referred to in paragraph (1) is submitted in such a manner that it can be obtained easily by the people and in a simple language.

- (5) The methods as referred to in paragraph (4) are further determined by the Information Management and Documentation Officer at the relevant Public Agency.
- (6) The provision on the obligation of a Public Agency to provide and to submit Public Information periodically as referred to in paragraph (1), paragraph (2) and paragraph (3) is further regulated by the Technical Directives of the Information Committee.

Part Two
Information to be Published Immediately

Article 10

- (1) A Public Agency is obliged to announce immediately any information that might threaten the life of the people and public order.
- (2) The obligation to disseminate Public Information as referred to in paragraph (1) is submitted in a manner that can be obtained easily by the people and in a simple language.

Part Three
Information to be Available at Any Time

Article 11

- (1) A Public Agency is obliged to supply Public Information at any time, covering:
 - a. a list of all of the Public Information to which it is authorized, excluding information that is classified;
 - b. the result of the decisions of the Public Agency and its considerations;
 - c. all of the existing policies, along with their supporting documents;
 - d. the project working plan, including the estimated annual expense of the Public Agency;
 - e. agreements between the Public Agency and a third party;
 - f. information and policies presented by the Public Officer in a meeting that is open to the public;
 - g. working procedures of the Public Agency personnel relating to public services; and/or
 - h. reports on access to Public Information services as regulated in this law.
- (2) Public Information that has been stated as open to the public based on the mechanism of objections and/or the settlement of a dispute as referred to in Article 48, Article 49, and Article 50, are Public Information that are accessible by the Public Information User.
- (3) The provision on the method to implement the obligation of the Public Agency to supply Public Information that is accessible by the Public Information User as referred to in paragraph (1) and paragraph (2) is further regulated with_ the technical directives of the Information Committee.

Article 12

The Public Agency is obliged to publish/announce its information service annually (every year), covering:

- a. the number of requests for information that it receives;
- b. the time that the Public Agency needs to fulfill every request for information;
- c. the number of information supplied and rejected/denied and/or
- d. the reason to reject a request for information.

Article 13

- (1) To materialize fast, prompt and simple service, every Public Agency:
 - a. appoints an Information Management and Documentation Officer; and
 - b. makes and develops an information service supply system that is fast, easy and reasonable, in accordance with the standard technical directives of public information prevailing nation-wide.
- (2) The Information Management and Documentation Officer as referred to in paragraph (1) letter a is assisted by a functional officer

Article 14

The Public Information to be supplied under this Law by a State Corporation, a Regional Corporation and/or other state-owned corporations are:

- a. the name and domicile, purposes and objectives as well as the type of business activities, period of establishment, and the capital, as stated in the Articles of Association;
- b. the full name of the shareholders, members of the board of directors, and members of the board of commissioners of the corporation;
- c. the annual report, financial report, balance of profit and loss account, and the audited report on the social responsibilities of the corporation;
- d. the result of the evaluation by an external auditor, a credit rating institute, and other rating institutes;
- e. the system and allocation of the remuneration fund of the members of the board of commissioners/board of supervisors and board of directors;
- f. the mechanism of appointment of the board of directors and the board of commissioners/the board of supervisors;
- g. legal cases that under the Law are open as Public Information;
- h. the implementation directives for the proper management method of a company, based on the principles of transparency, accountability, independency and fairness;
- i. the announcement on the issue of stocks on credit;
- J. the substitution of an accountant who is the company's auditor;
- k. the change of the company's fiscal year;
- l. government assignment activities and/or public service or subsidized service obligations;
- m. the mechanism of the procurement of goods and services; and/or
- n. other information determined by the Law pertaining to a State Corporation/a Regional Corporation.

Article 15

The Public Information to be supplied under this Law by a political party are:

- a. the principle and the objectives;
- b. the general program and activities of the political party;
- c. the name, address and composition of the management and the alterations thereto;
- d. the management and use of fund that originates from the state budget and/or the regional budget;
- e. the decision taking mechanism of the party;
- f. the decision of the party; the result of the conference/congress/national meeting and other decisions that according to the articles of association and the party's by-laws are open to the public; and/or
- g. other information provided by the Law pertaining to a political party;

Article 16

Public Information to be supplied by a non-governmental organization under this Law are

- a. the principle and the objectives;
- b. the program and activities of the organization;
- c. the name, address, composition of the management, and the alterations thereto;
- d. the management and use of fund originating from the state budget and/or the regional budget, contributions from the people and/or from overseas sources;
- e. the decision making mechanism of the organization;
- f. the decisions of the organization; and/or
- g. other information provided by the regulations of the law.

CHAPTER V CLASSIFIED INFORMATION

Article 17

Every Public Agency is obliged to open the access to obtain Public Information for every Public Information Applicant, except:

- a. Public Information that if opened up and supplied to the Public Information Applicant could obstruct the process of law enforcement, such as information that could:
 1. obstruct the investigation and inquiry process of a criminal act;
 2. disclose the identity of the informant, reporter, witness and/or the victim who knows of the criminal act;
 3. disclose the intelligent data of the criminal and the plans to prevent and to handle any form of transnational crime;
 4. jeopardize the life and the safety of the law enforcement officer and/or his/her family; and/or
 5. jeopardize the safety of the equipment, facilities and/or the infrastructure of the law enforcement officer.

- b. Public Information that, if opened and supplied to the Public Information Applicant, may disturb the protection of the right to intellectual property and protection from unhealthy business competition;
- c. Information that, if disclosed and supplied to the Public Information Applicant, may be hazardous to the defense and security of the state, ie.
 1. information about the strategy, intelligence, operation, tactics and technical information of the state defense and security system, covering the planning, implementation and closing or the evaluation phase pertaining to internal and external threats;
 2. documents containing the strategy, intelligence, operation, technique and tactics pertaining to the state defense and security system, covering the planning, implementation and closing or evaluation phase;
 3. the number, composition, disposition or dislocation of the strength and capacity to organize the state defense and security as well as their development plan;
 4. the drawing and data of the situation and condition of the military base and/or military installation;
 5. data on the estimated military capacity and defense of other countries, limited to the actions and/or indication of such country that might jeopardize the sovereignty of the unity of the Republic of Indonesia and/or data relating to military cooperation with other countries as agreed to in such agreement as confidential or highly confidential data.
 6. the state's encryption system; and/or
 7. the intelligence system of the state.
- d. Public Information that if disclosed and supplied to the Public Information Applicant could reveal the natural wealth of Indonesia;
- e. Public Information that, if disclosed and supplied to the Public Information Applicant, may be harmful to the national economic security;
 1. the initial purchase and sales plan of the national or foreign currencies, shares and vital assets of the state;
 2. the initial plan to alter the exchange rate, interest rate, operating capital of the financial institution;
 3. the initial plan to alter the interest of the bank, government loan, alterations to the taxes, tariff, or revenue of the state/other regions;
 4. the initial sales or purchase plan of land or property;
 5. the initial foreign investment plan;
 6. the process and result of the supervision on banks, insurance or other financial institutions; and/or
 7. matters pertaining to the money printing process.
- f. Public Information that, if disclosed and supplied to the Public Information Applicant, may be harmful to diplomatic relations;
 1. the position, bargaining power and strategy to be taken and that have been taken by the state in relation to international negotiations;
 2. inter-state diplomatic correspondence;
 3. the communication and encryption system used to operate international communication;

- 4. the protection and safeguarding of Indonesia's strategic infrastructure overseas.
- g. Information that, if disclosed, may reveal the contents of an authentic personal deed and the last will or testament of an individual;
- h. information that, if disclosed and supplied to the Public Information Applicant, may reveal a personal secret, ie.
 - 1. the history and condition of a member of the family;
 - 2. the history, condition and care, physical medical treatment, and physic of an individual;
 - 3. the financial condition, assets, income and bank account of an individual;
 - 4. evaluation results of the capability, intellectuality and recommendations on the capability of an individual; and/or
 - 5. personal notes of an individual pertaining to his/her formal education and non-formal education activities.
- i. the memorandum or letters between the public agencies or among the public agencies that, based on their nature are confidential, except the decision of the Information Committee or the court;
- j. Information that may not be disclosed under the law.

Article 18

- (1) Excluded from the category of classified information are the following information:
 - a. court decisions;
 - b. a binding as well as non-binding prevailing provision, decision, regulation, circular or any other form of policy internally or externally as well as the consideration of a law enforcement institute;
 - c. an order to stop an investigation or prosecution;
 - d. the annual expenditures plan of a law enforcement institute;
 - e. the annual financial report of a law enforcement institute;
 - f. the report on the money repayment scheme from corruptive acts; and/or
 - g. other information as referred to in Article 11 paragraph (2).
- (2) Excluded from the information that is classified as referred to in Article 17 letter g and letter h among other things are if:
 - a. the party whose secret is disclosed gives his/her approval in writing; and/or
 - b. the disclosure pertains to the position of an individual in his/her public positions.
- (3) In the event of an examination into a criminal case at the court, the Chief of the Republic of Indonesia Police, the Attorney General, the Head of the Supreme Court, the Chairperson of the Corruption Eradication Committee, and/or the Head of other state law enforcement institutes that are authorized by the Law, may disclose information that are classified as referred to in Article 17 letter a, letter b, letter c, letter d, letter e, letter f, letter i, and letter j.
- (4) The classified information as referred to in paragraph (3) is disclosed by asking the President for permission.
- (5) The permission as referred to in paragraph (3) and paragraph (4) to examine at the court a civil suit in relevance to the state finance or assets, is requested to the President by the Attorney General in his capacity as the state attorney.

- (6) The written permission as referred to in paragraph (3), paragraph (4), and paragraph (5) is granted by the President to the Chief of the Republic of Indonesia Police, the Attorney General, the chairperson of the Corruption Eradication Committee, the Head of other State Law Enforcement Institutes, or the Chairperson of the Supreme Court.
- (7) Taking into consideration the interest of the state defense and security and the interest of the public, the President may refuse/deny a request for a classified information as referred to in paragraph (3), paragraph (4) and paragraph (5).

Article 19

The Information Management and Documentation Officer at every Public Agency is obliged to examine the consequences as referred to in Article 17 accurately and conscientiously prior to stating that a specific Public Information is classified for access by every individual.

Article 20

- (1) The exceptions as referred to in Article 17 letter a, letter b, letter c, letter d, letter e, and letter fare not permanent.
- (2) Further regulations on the period/duration of the exception are provided in a Government Regulation.

CHAPTER VI MECHANISM TO OBTAIN INFORMATION

Article 21

The mechanism to obtain Public Information is based on the principle of supplying the information fast, prompt, and at low-cost.

Article 22

- (1) Every Public Information Applicant may submit a request to obtain Public Information to the relevant Public Agency in writing or otherwise.
- (2) The Public Agency is obliged to write the name and address of the Public Information Applicant, the subject and format of the information as well as the method to submit the information that is required by the Public Information Applicant.
- (3) The Public Agency concerned is obliged to write the request for Public Information that is submitted other than in writing.
- (4) The relevant Public Agency is obliged to present a receipt for the request for Public Information as referred to in paragraph (1) and paragraph (3) in the form of a registration number upon receipt of the request.
- (5) In the event that the request is submitted personally or by electronic letter, the registration number is given upon receipt of the request.
- (6) In the event that the request is submitted by letter, the registration number may be sent along with the information.

- (7) No later than 10 (ten) working days from the receipt of the request, the Public Agency concerned is obliged to submit a written notice that contains:
 - a. the required information for which he/she is authorized or otherwise;
 - b. the Public Agency is obliged to notify the Public Agency that has authority over the required information that the required information is not under his/her authority and the Public Agency that receives the request knows where the required information can be obtained;
 - c. the acceptance or rejection of a request for the reason as stated and referred to in Article 17;
 - d. in the event that the request is accepted entirely or partly, it is stated in the material of the information to be supplied;
 - e. in the event that a document contains classified material as referred to in Article 17, such classified information may be blackened with the reason therefore and the material thereof;
 - f. the instrument to submit and the format of the information to be supplied; and/or
 - g. the cost and the payment method to obtain the required information.
- (8) The Public Agency concerned may extend the period to dispatch the information as referred to in paragraph (7) to no later than 7 (seven) working days thereafter, with the reason therefore in writing.
- (9) Subsequent provisions on the method and procedure to request information to the Public Agency are regulated by the Information Committee.

CHAPTER VII INFORMATION COMMITTEE

Part One Function

Article 23

The Information Committee is an independent institute that functions to implement this Law and its implementing regulations, to provide the standard technical directives of public information services and to settle Public Information Disputes by Mediation and/or non-litigation Adjudication

Part Two

Position

Article 24

- (1) The Information Committee consists of the central Information Committee, the Provincial Information Committee, and if required, the District/Municipal Information Committee.
The Central Information Committee is domiciled in the Capital City of the country.
The provincial Information Committee is domiciled in the capital of the province and the district/municipal Information Committee is domiciled in the capital of the district/municipality.

Part Three Composition

Article 25

- (1) The Central Information Committee has 7 (seven) members who reflect elements of the government and elements of the society.
- (2) The members of the provincial Information Committee and/or the district/municipal Information Committee has 5 (five) members who reflect elements of the government and elements of the society.
- (3) The Information Committee is directed by a chairperson cum member and is assisted by a vice chairperson cum member.
- (4) The chairperson and the vice chairperson are elected from and by the members of the Information Committee.
- (5) The election as referred to in paragraph (6) is conducted by deliberation of all members of the Information Committee and if no consensus is reached, voting is conducted.

Part Four Duties

Article 26

The Information Committee has the following duties:

- (1)
 - a. to receive, check and decide on a request for the settlement of a Public Information Dispute through Mediation and/or non-litigation Adjudication that is submitted by every Public Information Applicant based on the reason as referred to in this Law;
 - b. to determine the general policy of the Public Information service; and
 - c. to determine the implementing directives and the technical directives.
- (2) The Central Information Committee has the following duties:
 - a. to determine the implementing procedures of the settlement of a dispute by Mediation and/or non-litigation Adjudication;
 - b. to receive, check, and decide on a Public Information dispute in the region, as long as the provincial Information committee and/or the district/municipal information Committee have/has not been formed; and
 - c. to give a report on the implementation of its duties under this Law to the President and to the Parliament of the Republic of Indonesia on an annual basis or any time, if required.
- (3) The provincial Information Committee and/or the district/municipal Information Committee has the duties to receive, examine, and to rule over a Public Information Dispute in the region by Mediation and/or non-litigation Adjudication.

**Part Five
Authority
Article 27**

- (1) To carry out its duties the Information Committee has the following authorities:
 - a. to summon and/or to arrange a meeting for the disputing parties;
 - b. to ask for the records or relevant materials that are in the possession of the relevant Public Agency to take a decision in the attempt to settle a Public Information Dispute.
 - c. to ask for information or to ask the attendance of a Public Agency officer or a relevant party as witness in the settlement of a Public Information dispute.
 - d. To take the oath of the witnesses whose information is heard in the nonlitigation Adjudication of the settlement of a Public Information Dispute; and
 - e. To make a code of ethics that is announced to the public so that the public can evaluate the performance of the Information Committee.
- (2) The authority of the Central Information Committee covers the authority to settle a Public Information Dispute pertaining to the central Public Agency and the provincial Public Agency and/or the district/municipal Public Agency as long as the Information Committee in the province or such district/ municipal Information Committee has not yet been formed.
- (3) The authority of the provincial Information Committee covers the authority to settle a dispute pertaining to the Public Agency of the province concerned.
- (4) The authority of the district/municipal Information Committee covers the authority to settle a dispute pertaining to the Public Agency of the district/ municipality concerned.

**Part Six
Responsibilities
Article 28**

- (1) The Central Information Committee is responsible to the President and submits a report on the implementation of its function, duties and authorities to the Parliament of the Republic of Indonesia.
- (2) The provincial Information Committee is responsible to the governor and reports the implementation of its function, duties and authorities to the Parliament of the district/municipal area concerned.
- (3) The district/municipal Information Committee is responsible to the district/mayor and reports the implementation of its function, duties and authorities to the Parliament of the district/municipal area concerned.
- (4) The complete report of the Information Committee as referred to in paragraph (1), paragraph (2) and paragraph (3) is open to the public.

Part Seven
The Secretariat and Management of the Information Committee

Article 29

- (1) The administrative support, finance and management of the Information Committee are conducted by the secretariat of the committee.
- (2) The Secretariat of the Information Committee is operated by the government.
- (3) The Secretariat of the Central Information Committee is directed by a secretary who is appointed by the Minister whose duties and authorities are in the field of communication and informatics, based on the proposal of the Information Committee.
- (4) The Secretariat of the provincial Information Committee is operated by an officer whose duties and authorities are in the field of communication and informatics at the provincial level concerned.
- (5) The Secretariat of the district/municipality Information Committee is operated by an officer whose duties -and authorities are in the field of communication and informatics at the district/municipality level concerned.
- (6) The budget of the Central Information Committee is charged to the state budget, the budget of the provincial Information Committee and/or the district/municipality Information Committee is charged to the regional budget of the province and/or to the regional budget of the district/municipality concerned.

Part Eight
Appointment and Dismissal

Article 30

The requirements for the appointment of a member of the Information Committee are as follows:

- (1)
 - a. an Indonesian citizen;
 - b. has integrity and no tranish;
 - c. never been sentenced for a crime that is threatened with sentence in prison for 5 (five) years or longer;
 - d. has knowledge and understanding in the field of transparency of Public Information as part of the human right and public policy;
 - e. has experience in the activities of a Public Agency;
 - f. willing to resign from his position as a member of a Public Agency if appointed as a member of the Information Committee;
 - g. willing to work full time;
 - h. at least 35 (thirty five) years old; and
 - i. is in good health, spiritually and physically.
- (2) The recruitment of a potential member of the Information Committee is conducted transparently, conscientiously and objectively by the Government.
- (3) The list of potential members of the Information Committee shall be published to the public.
- (4) Every individual has the right to express his/her views/opinion and evaluation of a potential member of the Information Committee as referred to in paragraph (3), along with the reasons.

Article 31

- (1) 21 (twenty one) potential members of the Central Information Committee as a result of the recruitment as referred to in Article 30 paragraph (2) are nominated by the Parliament of the Republic of Indonesia to the President. The Parliament of the Republic of Indonesia elects the members of the Central Information Committee by a due diligence test.
The members of the Central Information Committee who have been elected by the Parliament of the Republic of Indonesia are subsequently appointed by the President.

Article 32

- (1) The potential members of the provincial Information Committee and/or the district/municipal Information Committee whose recruitment is as referred to in Article 30 paragraph (2) are proposed to the provincial Parliament and/or the district/municipal Parliament by the governor and/or the regent/mayor with a minimum of 10 (ten) potential members and maximum 15 (fifteen) potential members.
- (2) The provincial and/or district/municipal Parliament elects the members of the provincial Information Committee and/or the district/municipal Information Committee by a due diligence test.
- (3) The members of the provincial Information Committee and/or the district/municipal Information Committee who have been elected by the provincial parliament and/or the district/municipal parliament are subsequently appointed by the governor and/or by the regent/mayor.

Article 33

A member of the Information Committee is appointed for the term of office of 4 (four) years and is eligible to be reappointed for the next period.

Article 34

- (1) A member of the Information Committee is dismissed by the decision of the Information Committee in accordance with his/her position, and is proposed to the President for the Central Information Committee, to the governor for the provincial Information Committee, and to the regent/mayor for the district/municipal Information Committee in order to be appointed.
- (2) A member of the Information Committee resigns or is dismissed for the reasons of:
 - a. death;
 - b. expiry of the term of office;
 - c. resignation;
 - d. sentenced by a court ruling that has permanent legal force, with a crime threat of minimal 5 (five) years in prison;
 - e. mentally and physically ill and/or other reasons that have led to the person concerned to be unable to carry out his/her duties for 1 (one) year successively; or

- f. committing a disgraceful act and/or violating the code of ethics, the award thereof being provided by the Information Committee.
- (3) The dismissal as referred to in paragraph (1) is provided by the decision of the President for the Central Information Committee and the decision of the governor for the provincial and/or district/municipal Information Committee.
- (4) A member of the Information Committee is recalled by the President, after consulting it with the chairperson of the Parliament of the Republic of Indonesia for the Central Information Committee, by the governor after consulting it with the chairperson of the provincial Assembly for the provincial Information Committee, and by the regent/mayor after consulting it with the chairperson of the district/municipal Assembly for the district/municipal Information Committee.
- (5) The substitute of the recalled member of the Information Committee is adopted from the next in line based on the result of the due diligence test that has been conducted as the basis of the appointment of the Information Committee member in the relevant period.

CHAPTER VIII OBJECTIONS AND SETTLEMENT OF A DISPUTE THROUGH THE INFORMATION COMMITTEE

Part One Objections

Article 35

- (1) Every Public Information Applicant may file his/her objection(s) in writing to the supervisor of the Information Management and Documentation Officer, based on the following reasons:
 - a. a request for information is rejected for the reason of the exception as referred to in Article 17;
 - b. the periodic information is not supplied as referred to in Article 9;
 - c. the request for information gets no response.
 - d. the response to the request for information is not as requested;
 - e. the request for information is not fulfilled;
 - f. an unreasonably high fee is charged; and/or
 - g. the information is supplied after the lapse of time that is regulated in this Law.
- (2) The reason as referred to in paragraph (1) letter b up to letter g can be settled amicably by the parties hereto.

Article 36

- (1) An objection is filed by a Public Information Applicant within no later than 30 (thirty) working days after finding out the reason as referred to in Article 35 paragraph (1).
- (2) The supervisor of the officer as referred to in Article 35 paragraph (1) responds to the objection that is filed by the Public Information Applicant within no later than 30 (thirty) working days from the receipt of the written objection.

- (3) The written reason is sent along with the response if the supervisor of the officer as referred to in Article 35 paragraph (1) confirms the award that is provided by his subordinate.

Part Two
Settlement of a Dispute via the Information Committee

Article 37

- (1) An attempt to settle a Public Information Dispute is made to the Central Information Committee and/or the provincial Information Committee and/or the district/municipal Information Committee in accordance with their authority if the response of the supervisor of the Information Management and Documentation Officer in the process of the objection is not satisfactory to the Public Information Applicant.
- (2) An attempt to settle a Public Information Dispute is made within no later than 14 (fourteen) working days- from the receipt of the written response from the supervisor of the officer as referred to in Article 36 paragraph (2).

Article 38

- (1) The Central Information Committee and the provincial Information Committee and/or the district/municipal Information Committee shall begin to attempt the settlement of the Public Information Dispute by Mediation and/or non-litigation Adjudication, no later than 14 (fourteen) working days from the receipt of the request to settle the Public Information Dispute.
- (2) The process of the settlement of a dispute as referred to in paragraph (1) may be completed no later than within 100 (a hundred) working days.

Article 39

The decision of the Information Committee that originates from a consensus by Mediation is final and binding.

CHAPTER IX
THE COMMITTEE'S LAW OF PROCEDURE

Part One Mediation

Article 40

- (1) The parties hereto choose the settlement by Mediation is voluntary.
- (2) The settlement of a dispute by Mediation may only be conducted for the subject matter contained in Article 35 paragraph (1) letter b, letter c, letter d, letter e, letter f, and letter g.
- (3) The agreement between the parties in the Mediation process is drawn up in the form of an award of the Information Committee's Mediation.

Article 41

In the Mediation process, the members of the Information Committee act as the mediator.

Part Two Adjudication

Article 42

The settlement of a Public Information Dispute by non-litigation Adjudication by the Information Committee may only be conducted if the Mediation attempt is declared unsuccessful (failed) in writing by either or both of the disputing parties, or either or both of the disputing parties withdraw from the meeting.

Article 43

The Information Committee session that examines and make decision on a suit consists of a minimum of 3 (three) committee members or more, and the number shall be an odd number.

The Information Committee session is open to the public.

(In the event of the examination of the documents that are categorized under the exception as referred to in Article 17, then the session on the examination of the suit is a closed session.

(2)

Part Three Examination

(3)

Article 44

- (1) In the event that the Information Committee accepts a request to settle a Public Information Dispute, then the Information Committee submits a copy of the request to the respondent.
- (2) The respondent as referred to in paragraph (1) is the Public Agency director or relevant officer who is appointed, and whose statement/information is heard in the examination process.
- (3) In the event that the respondent is as referred to in paragraph (2), then the Information Committee may decide to hear such information verbally or in writing.
- (4) The Public Information Applicant and the respondent may authorize his deputy who is specifically authorized for the purpose.

Part Four Prove

Article 45

- (1) A Public Agency shall prove matters that support its view if it states that it cannot provide information for the reason as referred to in Article 17 and Article 5 paragraph (1) letter a.

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- (2) A Public Agency shall give the reason that supports its attitude if the Public Information Applicant submits a request to settle the Public Information Dispute as regulated in Article 35 paragraph (1) letter b up to letter g.

Part Five
Information Committee's Decision

Article 46

- (1) The decision of the Information Committee on granting or denying access to all or part of the required information contains any of the following instructions:
- a. to rescind the decision of the Public Agency supervisor and to decide to grant part or all of the information that is required by the Public Information Applicant in accordance with the decision of the Information Committee; or
 - b. to affirm the decision of the supervisor of the Information and Documentation Management Officer not to provide the required information either partly or wholly as referred to in Article 17.
- (2) The decision of the Information Committee on the main objections as referred to in Article 35 paragraph (1) letter b up to letter g, contains any of the following instructions:
- a. to instruct the Information Management and Documentation Officer to carry out his/her obligations as provided in this Law.
 - b. to instruct the Public Agency to fulfill its obligation within the specified period to provide the information as regulated in this Law; or
 - c. to affirm the consideration of the supervisor of the Public Agency or to determine the cost for tracking down and/or duplicating the information. The decision of the Information Committee is pronounced in a session that is open to the public, except a decision relating to the classified information.
- The Information Committee is obliged to give a copy of its decision to the disputing parties.
- If a member of the committee has a dissenting opinion, then the opinion of such committee member is attached to the decision and becomes an inseparable part of such decision.

CHAPTER X
SUIT IN COURT AND CESSATION

Part One
Suit in Court

Article 47

A suit is filed to the state administration court if the accused party is a state Public Agency.

A suit is filed through the district court if the accused party is a Public Agency other than the state Public Agency as referred to in paragraph (1).

Article 48

- (1) The filing of a suit as referred to in Article 47 paragraph (1) and paragraph (2) may only be conducted if either of or both of the disputing parties state in writing that it/they did not receive the Adjudication decision of the Information Committee maximum 14 (fourteen) working days from the receipt of such award.
- (2) As long as it concerns the classified information, the sessions at the Information Committee and at the court are closed sessions.

Article 49

- (1) The decision of the state administration court or the district court in the settlement of a Public Information Dispute on granting or denying access to either all or part of a required information contains any of the following instructions:
 - a. to rescind the decision of the Information Committee and/or to instruct the Public Agency:
 1. to grant part or all of the information that is required by the Public Information Applicant; or
 2. to refuse to give part or all of the information that is required by the Public Information Applicant.
 - b. to affirm the decision of the Information Committee and/or to instruct the Public Agency:
 1. to give part or all of the information that is required by the Public Information Applicant; or
 2. to refuse to give part or all of the information that is required by the Public Information Agency.
- (2) The decision of the state administration court or the district court in the settlement of a Public Information Dispute regarding the main objection as referred to in Article 35 paragraph (1) letter b up to letter g contains any the following instructions:
 - a. to instruct the Information Management and Documentation Officer to carry out his/her obligations as provided in this Law and/or to instruct to fulfill the period to supply information as regulated in this Law.
 - b. to reject the request of the Public Information Applicant; or
 - c. to determine the cost of duplicating the information.
- (3) The state administration court or the district court gives a copy of its decision to the disputing parties.

Part Two Cessation

Article 50

The party who did not receive the decision of the state administration court or the district court may file for cessation to the Supreme Court no later than 14 (fourteen) days from the receipt of the decision of the state administration court or the district court.

CHAPTER XI CRIME REGULATIONS

Article 51

Every individual who deliberately uses Public Information against the law is sentenced to prison for a maximum of 1 (one) year and/or is fined for a maximum of Rp. 5,000,000.00 (five million rupiah).

Article 52

A Public Agency that deliberately ignores to supply, give and/or publish Public Information in the form of periodic Public Information, Public Information to be published immediately, Public Information to be available at any time, and/or Public Information to be supplied on the basis of a request pursuant to this Law that results in a loss to others is sentenced to prison for a maximum of 1 (one) year and/or is fined for a maximum of Rp. 5,000,000.00 (five million rupiah).

Article 53

Every individual who deliberately and against the law demolishes, destroys and/or loses Public Information documents of any form of media that is protected by the state and/or is related to the interest of the public is sentenced with imprisonment of a maximum of 2 (two) years and/or is fined with a maximum of Rp. 10,000,000.00 (ten million rupiah).

Article 54

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(1) Every individual who deliberately and with no right accesses and/or acquires and/or supplies information that is classified as regulated in Article 17 letter a, letter b, letter d, letter f, letter g, letter h, letter i, and letter j, is sentenced to prison with a maximum of 2 (two) years and is fined with a maximum of Rp. 10,000,000.00 (ten million rupiah).
- (2) Every individual who deliberately and unrightfully accesses and/or acquires and/or supplies information that is classified as regulated in Article 17 letter c and letter e, is sentenced to a prison with a maximum of 3 (three) years and is fined with a maximum of Rp. 20,000,000.00 (twenty million rupiah).

Article 55

Every individual who deliberately makes a Public Information that is incorrect or misleading and results in a loss to others is sentenced to prison with a maximum of 1 (one) year and/or is fined with a maximum of Rp. 5,000,000.00 (five million rupiah).

Article 56

For every violation that is sanctioned with criminal sanction in this Law and is also threatened with criminal sanction in other specific laws, the sanction that prevails is the criminal sanction of the more specific law.

The criminal suit under this Law constitutes a legal proceeding and is filed through the crime jurisdiction.

Article 57

**CHAPTER XII
TRANSITIONAL REGULATIONS**

Article 58

The Central Information Committee shall have been formed no later than 1 (one) year from the enactment of this Law.

Article 59

The provincial Information Committee shall have been formed no later than 2 (two) years from the enactment of this law.

Article 60

At the time of the enforcement of this law, the Public Agency shall carry out its obligations under the law.

Article 61

Subsequent regulations on the method and procedures of the compensation payment by a state Public Agency are regulated by a Government Regulation.

Article 62

The Government Regulation shall have been provided effective from the enforcement of this law.

**CHAPTER XIII
CLOSING REGULATIONS**

Article 63

At the time of the enforcement of this law, all regulations of the law pertaining to obtaining any existing information continue to prevail to the extent that they are not contrary and have not been replaced under this law.

Article 64

This law becomes effective 2 (two) years from the date of its enactment.
The composition and provision of the Government Regulation, technical directives, socializing, facilities and infrastructure, as well as other matters

relating to the preparation of the implementation of this law, shall have been completed no later than 2 (two) years from the enactment of this law.

In order that everyone is informed, to instruct the enactment of this law by its placement in the State Gazette of the Republic of Indonesia.

Ratified in: Jakarta

On:

By

THE PRESIDENT OF THE REPUBLIC OF
INDONESIA,

SUSILO BAMBANG YUDHOYONO

Enacted in: Jakarta

On:

By

THE MINISTER OF LAW AND HUMAN
RIGHTS

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER

