



| SAMPSEL KOTA KUPANG | | |
|------------------------|--------------------|---|
| JUMLAH SAMPSEL | TANGGAL SELESAT | KET |
| 60 | SEL | |
| 2 | DAM | |
| | | <ul style="list-style-type: none"> I : Pembinaan II : Ombudsman III : Samsat IV : Burek V : Anshid |

FULFILLING THE RIGHT TO INFORMATION BASELINE ASSESSMENT ON ACCESS TO INFORMATION IN EAST NUSA TENGGARA, INDONESIA

ARTICLE 19 - Yayasan Tifa



Australia Indonesia Partnership
Kemitraan Australia Indonesia



Bappeda NTT



Fulfilling the Right to Information

Baseline Assessment on Access to Information in East Nusa Tenggara, Indonesia



Australia Indonesia Partnership
Kemitraan Australia Indonesia



Bappeda NTT

XIX
ARTICLE 19
GLOBAL CAMPAIGN FOR FREE EXPRESSION



Fulfilling the Right to Information

Baseline Assessment on Access to Information in East Nusa Tenggara, Indonesia

Writers:

Ahmad Faisol (Lead Researcher)

Tanti Budi Suryani (Yayasan Tifa)

Sim Kok Eng Amy (ARTICLE 19)

Wisnu Tri Hanggoro (Research Coordinator)

Editor:

Jenny Schuch

David A. Banisar (ARTICLE 19)

Paul Adams

Translator:

Leni Betinni Achnas

Research Team:

Wisnu Tri Hanggoro (Research Coordinator)

Ahmad Faisol (Lead Researcher)

Tanti Budi Suryani (Yayasan Tifa)

Sim Kok Eng Amy (ARTICLE 19)

Latu Ferdinandus (Bappeda Propinsi NTT)

Bonavantura Taco (Bappeda Propinsi NTT)

Patje Wan Saubaki (PIAR NTT)

Yusak Bilaut (PIAR NTT)

Yanes Mboik (PIAR NTT)

Cover, Design and Lay Out:

Paragraphworld.deviantart.com

First Publication, November 2010

Publisher: ARTICLE 19 (London) and Tifa Foundation (Indonesia), with full support from the Government of Australia through the Australia Nusa Tenggara Assistance for Regional Autonomy (ANTARA) programme.

ISBN: 978-1-906586-23-2

Foreword

The Freedom of Information Act No. 14/2008 guarantees the right of members of the public to access information from all public bodies in Indonesia, and provides officials with the opportunity to demonstrate their performance by exercising transparency and providing public information services.

Since the Freedom of Information Act came into effect on 1 May 2010, public bodies are obligated to provide information to the public in line with the provisions of the Law.

The aim of this research is to investigate and map challenges for the implementation of the Freedom of Information Act by looking at the experiences of public bodies in NTT Provincial Government, Kupang Municipal Government and South Timor Tengah District Government.

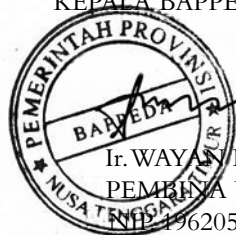
Currently, challenges to the implementation of the Freedom of Information Act include the low level of awareness of officials about the Act and their role in implementing it, and the lack of public awareness about their right to information.

This assessment on implementation of the Freedom of Information Act was conducted by TIFA Foundation and ARTICLE 19 in collaboration with researchers from BAPPEDA NTT and PIAR Foundation. The results outline challenges that local governments face in implementing the Act and offer a number of recommendations for how these can be addressed.

We hope that the results of this research will support the efforts of local governments and other stakeholders in East Nusa Tenggara Province to demonstrate their transparency and accountability.

Kupang, 8 November 2010

KEPALA BAPPEDA PROVINSI NTT



Ir. WAYAN DARMAWA, MT
PEMERINTAH UTAMA MUDA
NIP. 19620505 198603 1 041

Foreword

Information is a fundamental need both for individuals and for society at large. The right to information is a basic human right, and freedom of information is essential to good governance and a properly functioning democracy.

Freedom of Information (FOI) plays a key role in supporting public oversight of government. and proper management of information is an essential part of efforts to create an informed society. All public bodies, including the legislature, executive, and judiciary, have responsibility for ensuring freedom of information, and this responsibility also extends to non-governmental organisations involved in the delivery of public services.

Two years on from the adoption of Freedom of Information Act No. 14/2008, there is a need to ensure that all public bodies are aware of their responsibilities for managing information in line with the principles of good governance, transparency and accountability.

The research presented in this report represents part of efforts by the Government of Australia through its Australia Nusa Tenggara Assistance for Regional Autonomy (ANTARA) programme to support implementation of the Freedom of Information Act in East Nusa Tenggara (NTT).

In particular, the research charts progress and challenges in implementation of Law 14/2008 based on the experiences of selected public agencies within the NTT Provincial Government, Kupang Municipal Government and South Timor Tengah District Government. It contains a number of recommendations that will help to support implementation of the Freedom of Information Act in NTT.

This research was a joint initiative of the NTT Provincial BAPPEDA (through its NTT Resource Center), with

assistance from local government agencies, and financial support from AusAID ANTARA. We would also like to extend our appreciation to ARTICLE 19, Tifa Foundation, and PIAR NTT for helping to spearhead the research.

Overall, it is hoped that this research will help to raise the awareness of public bodies and policy makers on the importance of freedom of information for community development in NTT.

Kupang, November 2010

Australia Nusa Tenggara Assistance for Regional Autonomy
(ANTARA)

A handwritten signature in black ink, appearing to read 'Richard Manning', with a small dot at the end.

Richard Manning
Program Director

Acknowledgement

This report was written by Ahmad Faisol (Lead Researcher) and Wishnu Tri Hanggoro (Research Coordinator), together with Tanti from Tifa Foundation, who assisted in the collation of materials and editing of the manuscript. Sim Kok Eng Amy and David Banisar of ARTICLE 19 designed the research and provided input on the report. Sim Kok Eng Amy also provided editing support and assistance in facilitating communication among all parties to the research. We also wish to extend our gratitude to Rita Nasution (Finance Consultant for Tifa) for assisting in the financial and administrative reporting. The NTT research team consisted of Bonavantura Taco, Latu Ferdinandus, Patje Wan Saubaki, and Yusak Bilaut, and the research was supported at every stage by the staff at the Resource Center and the Head and Secretary of NTT Provincial BAPPEDA. Thank you also to the research support team from PIAR NTT: Dian and Frits Lake for providing the interview transcripts, and Yanes for assisting the field research. We owe our deepest gratitude to all participants of the research who were ever so willing to share the required information.

This research is fully funded by the Australian Government through the Australia Nusa Tenggara Assistance for Regional Autonomy (ANTARA), and for this we are grateful to Syalomi Natalia, Roberto Koli, Dede Indra Kurniawan, Daniel Hunt, John Schottler and Richard Manning.

The opinions and views in this report are of the researchers and writers, and do not reflect the views of the Australian Government.

Table of Contents

| | |
|--|----|
| Foreword by Head of NTT Provincial BAPPEDA | 3 |
| Foreword by Program Director of ANTARA | 5 |
| Acknowledgement..... | 7 |
| Executive Summary | 11 |
| 1. Introduction | 15 |
| 1.1. International Right to Information Standards..... | 15 |
| 1.2. Indonesia Right to Information Legal Framework | 17 |
| 1.3. Objectives of the Assessment..... | 18 |
| 1.4. Existing Studies | 20 |
| 2. Research Design and Implementation | 21 |
| 2.1. Research Questions | 22 |
| 2.2. Methodologies | 22 |
| 3. Duties of Local Government in Implementing the Freedom of Information Act..... | 25 |
| 4. Findings and Analysis | 27 |
| 4.1. Local Regulations Do Not Sufficiently Guarantee Access to Information | 27 |
| 4.2. Absence of a Provincial Information Commission | 31 |
| 4.3. Absence of Public Information Service Standards Including the Appointment of IDOs | 32 |
| 4.4. Subjectivity in Denying Requests and Identifying Exempted Information | 35 |
| 4.5. Lack of Proactive Disclosure of Information | 37 |
| 4.6. Preference for Obtaining Information through Face-to-Face Encounters | 39 |
| 4.7. Lack of Awareness Among Officials and the Public on the Right to Information | 41 |
| 5. Building on Existing Mechanisms for Public Information Access in NTT | 44 |
| 5.1. Electronic Data Management Office (EDM Office) | 44 |
| 5.2. Public Relations Coordination Agency Forum. | 47 |
| 5.3. Annual Development Exhibition | 47 |
| 6. Conclusions and Recommendations | 47 |
| Appendix 1 Requirements of Local Governments According to FOIA, PerKI No. 1/2010, PP No. 61/2010 and Permendagri No. 35/2010 | 55 |
| Appendix 2 Review of Published Information..... | 59 |
| Appendix 3 Workshop on Baseline Assessment on Access to Information in NTT, held at NTT Provincial Bappeda, Kupang, 12 October 2010..... | 67 |
| On ARTICLE 19 and TIFA Foundation..... | 72 |

Tables and Boxes

Tables

| | | |
|---------|--|----|
| Table 1 | Data Collection..... | 24 |
| Table 2 | Duties of Local Government in Implementing FOIA | 26 |
| Table 3 | Local Regulations Guaranteeing Access to Information | 33 |
| Tabel 4 | Proactive Disclosure of Information by Local Governments | 39 |

Boxes

| | | |
|-------|---|----|
| Box 1 | Case of Forum Warga PKL | 30 |
| Box 2 | Observation Notes at the Kupang Municipal Civil Administration and Registry Office..... | 40 |
| Box 3 | Experience of Local Community Group in Requesting for Information..... | 43 |

List of Acronyms

| | |
|---------------|--|
| APBD | : Municipal budget |
| ANTARA | : Australia Nusa Tenggara Assistance for Regional Autonomy |
| BAPPEDA | : Local Development and Planning Agency |
| CSO | : Civil Society Organization |
| Dharma Wanita | : Government Employees' Wives Association |
| DIPA | : List of budgetary document |
| DPRD | : Provincial House of Representatives/Parliament |
| Dinas Kominfo | : local Communication and Informatics Offices |
| EDM | : Electronic Data Management (in Indonesian = Kantor Pengelola Data Elektronik) |
| FOIA | : Freedom of Information Act (in Indonesian = Undang-Undang No.14 Tahun 2008 tentang Keterbukaan Informasi Publik) |
| FGD | : Focus Group Discussion |
| GTZ | : Deutsche Gesellschaft für Technische Zusammenarbeit GmbH |
| IDO | : Information and Documentation Officer (in Indonesian= Pejabat Pengelola Informasi dan Dokumentasi) |
| ICCPR | : International Covenant on Civil and Political Rights |
| ISAI | : Institute Studi Arus dan Informasi or Institute for the Studies on Free Flow of Information |

| | |
|------------------------|--|
| KPPTSP | : Office for Integrated One-Stop Service for Licensing |
| MDGs | : Millennium Development Goals |
| NCU | : Nusa Cendana University |
| NTT | : East Nusa Tenggara |
| PP No.61/2010 | : Government Regulation No. 61/2010 on the Implementation of Freedom of Information Act No.14/2008. |
| PerKI No.1/2010 | : Central Information Commission Regulation No.1/2010 on Public Information Service Standards |
| Permendagri No.35/2010 | : Ministry of Home Affairs Regulation No. 35/2010 on Guidelines for the Management of Information and Documentation Service at the Ministry of Home Affairs and Local Governments |
| PKK | : Family Welfare Movement |
| P2TP2A | : Centre of Integrated Service for Women and Children |
| RTI | : Right to Information |
| RRI | : Republic of Indonesia Radio Station |
| SIUP and SITU | : business permits |
| SOP | : Standard Operational Procedure |
| TTS | : South Timor Tengah |
| TVRI | : Republic of Indonesia Television |
| WBI | : World Bank Institute |

Fulfilling the Right to Information

Baseline Assessment on Access to Information in East Nusa Tenggara, Indonesia

Executive Summary

The right to information (RTI) is recognized worldwide as a fundamental human right essential for meaningful democracy and the advancement of other rights. The transparency, availability and accessibility of information enable people to hold policy-makers to account and participate in the decision making process, promoting better governance, and reducing inefficiency and corruption.

Indonesia adopted the Freedom of Information Act (*Undang Undang No. 14 Tahun 2008 tentang Keterbukaan Informasi Publik*, hereafter FOIA) in 2008, and it came into force two years later on 1 May 2010. The Act provides a legal guarantee for access to information held by public bodies, and requires public bodies to proactively publish information as well as to release information upon request.

Launched as a pilot project, this assessment seeks to study the existing conditions relating to public information access in East Nusa Tenggara (NTT) province and to assess if local government agencies are ready and able to fulfill their responsibilities under the FOIA. The subjects of the research are administration bodies under the NTT Provincial Government, Kupang Municipal Government and South Timor Tengah (TTS) District Government. NTT is one of the poorest provinces in Indonesia, and it is hoped that effective implementation of the FOIA will enable the local population to obtain the information they need to access public services, and to monitor the use of public funds, thereby contributing to the fight against poverty.

The key findings of the research are:

- **There are no local regulations governing implementation of the Freedom of Information Act**

There are no local regulations in the NTT Provincial Government, Kupang Municipal Government and TTS District Government that specifically govern implementation of the FOIA. However, the research did identify a number of local regulations that require local public bodies to disclose information to the public. So far, however, enforcement of these local regulations has been weak. Although the FOIA does not mandate the establishment of specific local regulations, these would help to accelerate local implementation of the FOIA.

- **Continuing delay in the establishment of the Provincial Information Commission and appointment of Information and Documentation Officers (IDO)**

The FOIA requires every province to have a Provincial Information Commission. The NTT provincial budget for 2010 includes an allocation for the setting up of the Information Commission. Although a selection committee was established in May 2010, as of October 2010 it has not received the official approval from the Governor of NTT that it requires to proceed with the selection of information commissioners. In addition, public bodies have not put in place the mechanisms required to implement the FOIA. None of the three local governments has appointed Information and Documentation Officers (*Pejabat Pengelola Informasi dan Dokumentasi*, hereafter IDO), as required by the FOIA.

- **Existing proactive disclosure falls short of fulfilling the requirements of the FOIA**

In terms of proactive information disclosure, most of the local public bodies surveyed have not yet fully met the requirements stipulated in the Central Information Commission Regulation No. 1/2010 (PerKI No. 1/2010) on Public Information Service Standards. In particular, information relating to finances and regulations of public interest are rarely published on government websites and publications. Means of contact and names of contact persons at each public body and for ongoing programmes are also seldom provided for those who would like to make further enquiry.

- **No procedures to process information requests**

No internal procedures have been put in place to handle and respond to information requests. At present, the decision on whether an information request is to be granted or denied depends largely on the judgment of the head of each respective public body, making such decisions highly subjective. This also means that requesters often have to wait for a long time before getting a response, if they receive one at all. Only the NTT Legal Bureau and the NTT Development Planning Agency (BAPPEDA) Resource Center have developed relevant Standard Operational Procedures (SOPs), though these were not specifically developed for the implementation of the FOIA and do not fully comply with its requirements. Public bodies in all three local government levels do not keep proper records of requests for information made by the public. The enactment of the FOIA has not changed this practice.

- **Limited information gathering across different public bodies**

It is the responsibility of the Electronic Data Management (EDM) Office (*Kantor Pengelola Data Elektronik*) to coordinate the gathering of data from each of the local administrative bodies for the local government's information database and for making the data available online. In practice however, the EDM Office only gathers information as and when requested by the Governor, Mayor or District Head for publication. When a public body receives a request for information that it does not have, it is also up to the discretion of its leader whether or not to refer the request to the relevant public body that has the information.

- **Local public officials have little knowledge of the Freedom of Information Act**

A large number of public official at all three government levels are unaware that the public has the right to access information held by public bodies under the Freedom of Information Act. Only officials from the local Communication and Informatics Offices (*Dinas Kominfo*) have a reasonable understanding of the FOIA. Other public officials have not been trained or provided with guidelines on implementing the FOIA.

- **Low public awareness of the right to information**

Members of the public in NTT have little or no knowledge of the existence of the FOIA and of their right to information. No outreach activities have been carried out to educate the public on the FOIA. Members of local NGOs and the academics who participated in the research are aware of the FOIA, but have not exercised their right to request information. They are not familiar with the concept of using the right to information as a tool for community empowerment or for achieving their other objectives. Local journalists also have not made plans to use information requests to obtain information for their work.

This research reveals that at present, the people of NTT have limited access to information held by public bodies in NTT. Implementation of the Freedom of Information Act is still in its infancy, even though governments and public bodies have had more than two years to prepare for implementation of the FOIA since the law was passed in 2008. In spite of that, this research has identified existing mechanisms for provision of information that provide a basis for efforts to improve public information access. Firstly, all three local governments have their own websites for the publishing of information, which are coordinated by the Electronic Data Management (EDM) Office. With improvement in data gathering and coordination across the public bodies, these websites can be the main platform for proactive disclosure of information on local regulations, policies, programmes, budgets, expenditures and other information, as required by the FOIA. Secondly, the NTT Legal Bureau and BAPPEDA Resource Center have already developed information service-related SOPs. Although not created specifically for the implementation of the Freedom of Information Act, they can be further developed to cover all the requirements under the FOIA. Such revised SOPs could also serve as a model to be adopted by other public bodies.

Improving access to information, enhancing transparency and fulfilling the public right to information requires political will, adequate resources and support from the civil society. The following are the key recommendations from this study.

1) On strengthening the implementation of the FOIA in public bodies

- Local governments should prioritize the adoption of local regulations on the right to information, and ensure that they are harmonized with relevant national legislation.
- Information campaigns and outreach on the FOIA should be carried out to ensure that public bodies at the provincial, municipal and district levels are aware of the FOIA and understand their obligations under the law.
- Every public body should establish SOPs on providing access to information based on a maximal disclosure principle, both by proactively publishing information and by providing

information in response to requests according to the requirements of the FOIA and PerKI No. 1/2010.

- Public officials should receive training on access to information and relevant support materials such as guidebooks. Public bodies should also allocate sufficient financial, operational and human resources to ensure the effective implementation of the FOIA.
- In addition to publishing information online, public bodies should employ other non-electronic mediums that are accessible to everyone.

2) On the establishment of a Provincial Information Commission

- An Information Commission should be established in NTT province as soon as possible.
- The Governor of NTT should sign the decree to officially the selection committee for the Provincial Information Commission, and ensure transparency in the selection process.
- Civil society organizations should advocate for and support the establishment of the NTT Provincial Information Commission, and monitor the selection process to ensure fairness and accountability.
- Adequate budget must be allocated for the establishment and running of the NTT Provincial Information Commission. Once assigned, the Information Commissioners should be trained and equipped with the skills and knowledge necessary for the job.

3) On raising public awareness on the FOIA and their right to information

- Local governments and civil society organizations should conduct public education on the FOIA, through printed materials, mass media, religious organizations and community forums.
- Civil society organizations and journalists should be encouraged to use the right to information as a tool to further their objectives and to advance other basic rights for the communities they represent.

I. Introduction

I.1. International Right to Information Standards

Information is the “oxygen of democracy” – without which, there can be no meaningful democracy. Access to information promotes better governance, reduces corruption and facilitates public participation. Only when informed, can citizens participate actively in the making of policies and decisions that will impact on their lives. It is widely demonstrated that better policies and development plans are made with greater public participation, as the needs and concerns of communities are more likely to be addressed.

Openness is also fundamental to government accountability. If government operates in secrecy, citizens will have no knowledge of how their public resources are used and will not be able to monitor impacts to the environment and potential misuse of public funds. The fight against poverty is largely dependent on the growth of an informed citizenry demanding public services and holding their leaders to account.

The right to information (RTI) held by public authorities, sometimes referred to as “freedom of information”, has been acknowledged as a crucial element of the right to freedom of expression. In its first session, the UN General Assembly described the right to information as ‘a fundamental human right and ... the touchstone of all the freedoms to which the UN is consecrated’.¹ Subsequently, freedom of expression and information were guaranteed globally through Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).² The latter, which is a legally binding treaty ratified by 165 States as of 27 April 2010, states:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any media of his choice.

The UN Special Rapporteur on freedom of opinion and expression has stated that, “the right to seek, receive and impart information imposes a positive obligation on States to ensure access to information, particularly with regard to information held by Government in all types of storage and retrieval systems.”³ The Special Rapporteur developed his commentary on RTI in his 2000 annual report to the Commission on Human Rights, noting the fundamental importance of this right not only to democracy and freedom, but also to the right to public participation and the realisation of the right to development.⁴ The UN Human Rights Committee, the body established to supervise implementation of the ICCPR, has also frequently urged States to enact RTI legislation.⁵

1 UN General Assembly Resolution 59(1), 14 December 1946.

2 UN General Assembly Resolution 2200A(XXI), adopted 16 December 1966, in force 23 March 1976.

3 Report of the Special Rapporteur, Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc. E/CN.4/1998/40, 28 January 1998, para. 14.

4 Report of the Special Rapporteur, Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc. E/CN.4/2000/63, 18 January 2000, para. 42.

5 See, for example, its Concluding Observations on Ireland (UN Doc. CCPR/C/79/Add.21, 28 July 1993); and on Azerbaijan (UN Doc. A/49/40, 27 July 1994).

KECAMATAN ALAK
Daftar KTP SIMDUK Kota Kupang
Yang Belum Diambil Penduduk

| No. | Nama Penduduk | Kelurahan | Keterangan |
|-----|------------------------------|---------------|------------------------|
| 1 | Bustanul Pahrim Siregar | Namosain | |
| 2 | Erlin Rosmiati Rau | Namosain | |
| 3 | Filpin Nafi | Namosain | |
| 4 | Halima Umar | Namosain | |
| 5 | Isyebeth Saudale - Dethan | Namosain | |
| 6 | Nita Obe | Namosain | |
| 7 | Ribka Yacoba Saudale | Namosain | |
| 8 | Sahidin Doni | Namosain | |
| 9 | Saidah Pehang, S.Ag. | Namosain | |
| 10 | Sosiati Loak Ello | Namosain | |
| 11 | Surya Kader | Namosain | |
| 12 | Jufri Kase | Namosain | |
| 13 | Meliana Hadi Talo | Nunbaun Sabu | |
| 14 | Nurhayati Leti | Nunbaun Sabu | |
| 15 | Agustina Veronika Modok | Nunbaun Sabu | |
| 16 | Darius Nggauk | Nunbaun Delha | |
| 17 | Getreda Hina Rohi | Nunbaun Delha | |
| 18 | Jublina Nggauk | Nunbaun Delha | |
| 19 | Rahel Rihi | Nunbaun Delha | |
| 20 | Yeni Sofiana Wele | Nunbaun Delha | |
| 21 | Yohana Hadjoh Haga | Nunbaun Delha | |
| 22 | Yonathan Dedyanus Blorton | Nunbaun Delha | |
| 23 | Yuliana Palbeno | Nunbaun Delha | |
| 24 | Andres Henrycus Lopez Dacrus | Nunbaun Delha | |
| 25 | Ayub Laukama | Fatufeto | Yusthina Adoe (8/6/10) |
| 26 | Dwi Irawati | Fatufeto | |
| 27 | Hayati Kasman | Fatufeto | |
| 28 | Kutep Sadill | Fatufeto | |
| 29 | Saripa Maniber Laa Kana | Fatufeto | |
| 30 | Sarlotha Djawa | Fatufeto | |
| 31 | Dominggus Lafu | Fatufeto | |
| 32 | Hofnimus Bana | Manutapen | |
| 33 | Paulus Demerus Sanang | Manutapen | |
| 34 | Ramadhani Taopan | Manutapen | |
| 35 | Sarlotha Haupa | Manutapen | |
| 36 | Siske S. Lenga | Mantasi | |
| 37 | Lily MS. Sanusi | Mantasi | |
| 38 | Margarita Adu | Alak | |
| 39 | Oktofina Yacoba Tefa Lain | Alak | |
| 40 | Rosdlana Purnama Sari | Alak | |
| 41 | Rutri Lain Fiah | Alak | |
| 42 | Supiana | Alak | |
| 43 | Deby Enjelina Mone | Alak | |
| 44 | Deky Kristanto Tolaik | Batuplat | |
| 45 | Frengky Mansula | Batuplat | |
| 46 | Mario Yohanis Ndun | Batuplat | |
| 47 | Aprianus Theodorus Bere | Batuplat | |
| 48 | Baker Lunggu | Manulai II | |
| 49 | Martha Bani | Manulai II | |
| 50 | Nicolas Baitanu | Manulai II | |
| 51 | Rosalia Iba | Manulai II | |
| 52 | Angris Sili | Manulai II | |
| 53 | Damaris Lona - Nenosaban | Naioni | |
| | | Naioni | |

Example of proactive information disclosure:
information board at the Kupang Municipal
Civil Administration and Registry

ambil KTP dalam daftar ini, silahkan
KTP & Kartu Keluarga.

At present, over 90 countries representing nearly five billion people have now adopted laws or national regulations on the right to information (See Pic. 1), indicating the increasing recognition of RTI as a universal human right and an essential component of a democratic system for ensuring accountability and fighting corruption. It has also been widely accepted as a determining factor in the fight against poverty worldwide.⁶



Figure 1 Map of Countries with National Laws, Regulations and Bills on Right to Information (2010)

1.2. Indonesia Right to Information Legal Framework

In April 2008, Indonesia joined those countries that recognize the public right to information by enacting the Freedom of Information Act No. 14/2008 (FOIA). This law provides a legal guarantee for its citizens to access and request information from public bodies, and renders it compulsory for all public bodies to publish information proactively and upon request.

To support the implementation of the FOIA, ARTICLE 19 and Tifa Foundation, together with the East Nusa Tenggara (NTT) Local Planning Agency (BAPPEDA) and local NGO PIAR, conducted a baseline assessment on access to information in NTT province. The assessment is fully funded by the Australian government through the Australia Nusa Tenggara Assistance for Regional Autonomy (ANTARA) programme.

⁶ Transparency and accountability, together with participation and empowerment, play a key role in a human rights-based approach set forth by the United Nations in the Millennium Development Goals.



Figure 2 Provinces of Indonesia

NTT is one of the poorest provinces in Indonesia, with a high incidence of poverty and food insecurity.⁷ It lags behind other provinces in meeting national and international development targets due to a combination of geographical isolation and limited natural resources amongst other factors. The effective implementation of the FOIA in NTT will have a significant impact on the fight against poverty in the province. The empowering nature of the right to information will enable the local population to obtain the information they need in order to demand and access public services, participate in decision-making processes, and hold public bodies to account.

Based on the definition of “public body” in Article 1 clause 3 of the FOIA,⁸ the three local governments targeted in this research – the East Nusa Tenggara (NTT) Provincial Government, Kupang Municipal Government and the South Timor Tengah (TTS) district government are required by the FOIA and its implementation regulations to provide access to information.

1.3. Objectives of the Assessment

Launched as a pilot project, this research sought to study the existing conditions relating to public information access in NTT and to assess if local government agencies are ready and able to fulfil their responsibilities under the Freedom of Information Act.

The specific objectives of this assessment are:

⁷ Central Statistics Board, Monthly Report on Social-Economic Data Edistion 5, October 2010. http://dds.bps.go.id/download_file/IP_Oktober_2010.pdf.

⁸ Public body as defined in the Public Information Openness Act refers to all executive, legislative and judicial branches of the state government, and other bodies whereby their primary function and duty is related to the administration of the state, of which partial or entire funds are drawn from the state budget and/or regional budget, or a non-governmental organization provided that partial or entire funds are sourced from the state budget and/or regional budget, public donation, and/or foreign contribution.

1.4. Existing Studies

There are few research studies in Indonesia on public information provision. The research team did not find any with a focus on the NTT Provincial Government, Kupang Municipal Government or TTS District Government. Existing research studies on governance and development in NTT tend to focus on public service delivery in general. For example, the research on public health and education services in NTT Province conducted by the Decentralization Support Facilities (DSF),⁹ looked at the quality of public health and education services from a number of aspects, including the costs, public experience of using health and educational facilities, public perception of improvements in health and education services; and public satisfaction level of health and education services relating to the mechanisms for lodging complaints and providing comments. Information provision, although an important part of public service, was not included as an indicator for this study. Other research studies on public services also concentrated more on the accessibility of the services and the experiences of the public, but not on whether the public has received sufficient information and if respective government agencies publish information of public interest.

In Indonesia, the Institute for the Studies on Free Flow of Information (*Institut Studi Arus Informasi* or ISAI) has conducted two research studies relating to public information access. Conducted in 2005, the first research examined the implementation of local regulations on transparency and participation in three districts – Lebak District of Banten Province, Kebumen District in Central Java and Gowa District in South Sulawesi. The right to access information held by public authorities was implied in these local regulations.¹⁰

The second study focused on the implementation of local regulations governing transparency and participation in Gorontalo Municipality, Solok District and West Kalimantan Province based on the lessons learned from the implementation of the national law.¹¹ The research was conducted in 2008, just before the adoption of the Freedom of Information Act. The research, which was done in collaboration with the World Bank Institute (WBI), noted that successful implementation of local regulations on transparency and participation was largely due to the establishment of local Transparency and Participation Commissions.

Both ISAI studies were conducted prior to the passing of the Freedom of Information Act and focused on the implementation of local regulations on transparency and participation. With the establishment of the FOIA, there is a need to assess the state of implementation, and to examine if local regulations on transparency and participation are consistent with the FOIA and other relevant laws of higher legal standing.

Considering the absence of comparable studies on this subject, this research can provide baseline data for future studies on access to information in NTT, and support the development

9 For the full research report, see *Laporan Penelitian Pelayanan Kesehatan dan Pendidikan di Provinsi NTT* Temuan GDS Tahun 2006, written by Daan Pattinasarany and Chandra Kusuma, DSF, January 2008.

10 For the full research report, see *Laporan Penelitian Implementasi Perda Transparansi dan Partisipasi di Lebak, Kebumen dan Gowa*. ISAI-LGSP-USAID. 2005.

11 For the full research report, see *Laporan Penelitian Implementasi Perda Transparansi dan Partisipasi di Kota Gorontalo, Kabupaten Solok, dan Provinsi Kalimantan Barat: Pembelajaran untuk Implementasi UU di tingkat Nasional*. ISAI-WBI. 2008.

of a research model that can be used for conducting similar assessments in the other regions of Indonesia, and for comparisons among different local governments.

This report is structured as follows. The following section describes the research methodology and design. Section Three explains the requirements of public bodies under the FOIA and its implementation regulations, and Section Four presents the research findings and analysis. The last chapter provides recommendations and suggests follow-up activities to support implementation of the FOIA in NTT.

2. Research Design and Implementation

This assessment has used primarily qualitative research methods, to collect data that will inform the research questions and verify information collected from different sources. The research covered three administrative levels, namely the NTT Province, Kupang municipality, and TTS district, targeting the following bodies and community groups:

- NTT Provincial Government and Provincial Secretariat
- NTT Provincial House of Representatives (DPRD)
- NTT Provincial Education, Youth and Sports Office
- NTT Provincial Health Office
- NTT Provincial Local Planning Agency (BAPPEDA)
- NTT Provincial Communication and Informatics Office (Dinas Kominfo)
- NTT Provincial Family Planning Coordinating Agency
- Kupang Mayor's Office and Municipal Secretariat
- Kupang Municipal DPRD
- Kupang Municipal Health Office
- Kupang Municipal Education, Youth and Sports Office
- TTS District Head's Office and District Secretariat
- TTS District DPRD
- TTS District Health office
- TTS District Education, Youth and Sports Office
- Representatives of the public
- Representatives of local NGOs
- Journalists
- Academics

2.1. Research Questions

To assess the existing situation of access to information and the preparedness of the NTT Provincial Government, Kupang Municipal Government and TTS District Government in implementing the FOIA, the research sought answers for the following key research questions:

- Are the local regulations in line with the national Freedom of Information Act?
- What policies, guidelines and procedures been put in place for the implementation of the FOIA?
- Do public bodies proactively publish the types of information required by the FOIA and the Information Commission Regulation No. 1/2010 (PerKI No.1/2010) on Public Information Service Standards? If so, is the information accurate, accessible and updated? Where and how is the information published? Do they effectively provide information upon requests: Are the requests responded to within the time period stipulated in the Law? When rejecting the requests, are reasons provided? What are the reasons given and do they comply with the FOIA?
- How do public bodies interact and coordinate vertically and horizontally for proactive information disclosure and when responding to information requests?
- Are key civil servants at the respective public bodies aware of the FOIA and their obligations to provide access to information?
- What are their attitudes towards right to information and their obligations under the FOIA?
- Do they have the knowledge, capacity and resources to provide access to information?
- What support do they need (for instance training) in order to implement the FOIA effectively?
- Is the public aware of the FOIA and the right to information? Do people use their right to information to access public service, participate in decision-making and monitor public bodies? What difficulties do they face when accessing information held by public bodies?
- How many and what kinds of information requests have the public bodies received since the FOIA came into force? Are there any apparent trends and patterns that can be derived from the information requests?

2.2. Methodologies

This assessment has used five research methods – a review of published information, secondary data analysis, focus-group-discussions (FGDs), in-depth interviews and participant observations – to collect data (See Table 1).

Prior to the field survey, a pre-test was carried out from July 22 to 27, 2010 to determine if the research questions and design were compatible with local conditions, to identify participants for the FGDs and in-depth interviews, to select the target public bodies for carrying out

participant observation, and to identify potential obstacles to this research and possible ways to overcome them.

- **Review of Published Information**

Based on the proactive information disclosure requirements in Article 9 of the FOIA and Article 11 of PerKI No.1/2010, five basic types of information were selected – organizational profiles, ongoing programs, corresponding budgets, access to public information, and regulations and policies of public interest – that public bodies must publish. A scoring system was then developed to assess whether the public bodies have published these types of information. The materials reviewed were the contents of the local governments’ websites and brochures. Details of the review and the tabulation of the results can be found in Appendix 2.

- **Secondary Data Analysis**

Researchers collected and reviewed local regulations and other government documents to seek answers to the research questions.

- **Focus-Group-Discussions**

For this assessment, five FGDs with different target groups were organized on August 18 and 19, 2010. Through the FGDs, researchers gathered information relating to the policies and measures initiated to implement the FOIA, current practices in public information service delivery, and the level of awareness of public officials and community members on the FOIA and the right to information. The purpose of FGDs was to draw upon respondents’ attitudes, feelings, beliefs, experiences and reactions on the subject, which may be partially independent of a group or its social setting, but more likely to be revealed via the social gathering and the interaction that being in a focus group entails.

- **In-depth Interviews**

This research conducted in-depth interviews with the heads of public bodies, members of local NGOs, and community and religious leaders. In-depth interviews allowed researchers to learn about the perspectives of key informants, their feelings, opinions, and experiences, and for discussing sensitive topics that individuals might be reluctant to discuss in a group setting; as well as to clarify information from participants of FGDs.

- **Participant Observation**

Researchers joined the public officials for a day and observed how they collected information and responded to information requests, to assess if the current practices conformed to the requirements set forth in the FOIA and PerKI No.1/2010. Participant observation allowed researchers to examine first-hand the practices of public bodies with regards to information service delivery.

Table I
Data Collection

| No. | Data Collection Method | Details |
|-----|---------------------------------|--|
| 1 | Review of Published information | Websites reviewed: NTT provincial government, Kupang municipal government, TTS district government, NTT Provincial BAPPEDA, NTT Provincial Education, Youth and Sports Office Brochures reviewed: NTT Provincial P2TPA, NTT Provincial One-Stop Integrated Permit Service Office (KPPTSP), free health service programme of the Kupang Municipal Health Office, mother and child health programme (Revolusi Kesehatan Ibu dan Anak KIA) of the NTT Provincial Health Office |
| 2 | Secondary Data Analysis | Local regulations (bylaws, governor's decrees, municipal regulations and district regulations) and SOPs relating to public information service delivery |
| 3 | Focus Group Discussions | FGD conducted with: <ul style="list-style-type: none"> • local CSOs, journalists and academics • members of the public • DPRD representatives • public health related bodies¹² • public information related bodies and agencies under the regional Secretariat |
| 4 | In-depth Interviews | Interviews were conducted with: <ul style="list-style-type: none"> • Head and Secretary of NTT Provincial BAPPEDA • Head of NTT Provincial Communication and Informatics Office (Dinas Kominfo) • Head of NTT Provincial Electronic Data Management Office (Kantor Pengelola Data Elektronik) • Head of Kupang Municipal Health Office • Head of Kupang Municipal Education, Youth and Sports Office • Members of local NGO Pikul • Local religious leader (Pastor Emil) • Head of People's Forum Forum Warga Serabutan Kupang |
| 5 | Participant Observation | Carried out in the Kupang Municipal Health Office, Kupang Municipal Civil Administration and Registry Office, Resource Center of NTT Provincial BAPPEDA and Bakunase Township (Kelurahan) of Kupang Municipality |

The data collected were then analyzed using the standards and requirements outlined in the FOIA and its implementation regulations - PerKI No.10/2010, Government Regulation No. 61/2010 on the Implementation of Freedom of Information Act No. 14/2008 (PP No.61/2010), and the Ministry of Home Affairs Regulation No. 35/2010 on Guidelines for

¹² The local Education, Youth and Sports Office of NTT province, Kupang municipality and TTS district were also invited to participate in this FGD. All three agencies eventually did not send representatives to the FGD, without reasons given.

the Management of Information and Documentation Service at the Ministry of Home Affairs and Local Governments (Permendagri No.35/2010).

The findings and analysis of the assessment were presented at a workshop on Oct 12, 2010 at the BAPPEDA building in Kupang, attended by local public officials, NGO representatives, community and religious leaders, academics, and journalists – some of whom had participated in the FGD and interviews. The aim of the workshop was to verify the research findings and to discuss follow-up activities and recommendations to support the implementation of the FOIA in NTT. For details of the workshop, see Appendix 3.

3. Duties of Local Government in Implementing the Freedom of Information Act

The duties of local government in providing access to information are stipulated in the FOIA and three implementation regulations – PerKI No.1/2010,¹³ PP No.61/2010¹⁴ and Permendagri No. 35/2010.¹⁵ They include:

- **Establishment of Provincial Information Commission**

The FOIA prescribes a Provincial Information Commission in every province, which should be set up no more than two years after the adoption of the FOIA (2008). Pursuant to the Act, the Provincial Information Commission should comprise of five members, and be financed through the provincial budget. The Act does not mandate information commissions to be set up at the district or municipal level.

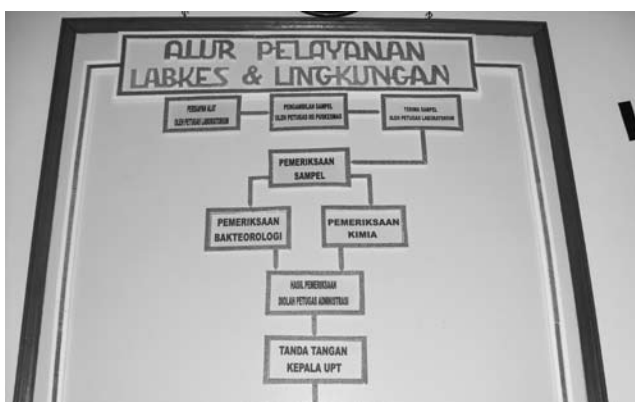


Diagram showing administrative procedure for health and environmental laboratory services at Kupang Municipal Health Office

- **Establishment of standards for public information service**

The FOIA states that all public bodies must establish a set of standards for public information service. Through PerKI No.1/2010, the Central Information Commission elaborated on these standards by underlining the system, procedures, and resources to be put in place for the gathering, documentation and provision of information.

- **Appointment of IDO and Assistant IDO through provincial, municipal or district regulations.**

Both PP No. 61/2010 and Permendagri No. 35/2010 contain provisions on the appointment of IDO. The former states that IDO must be appointed one year after the enactment of this Government Regulation (i.e. by 23 August 2011); and the latter stipulates that IDO must

¹³ For full details, see: www.komisiinformasi.go.id

¹⁴ For full details, see: www.djpp.depkmham.go.id

¹⁵ For full details, see: www.depdagri.go.id

be appointed by the Governor at the provincial level and by the District Head or Mayor at the district or municipal level (Article 6 clause 2 and Article 7 clauses 4 and 5). IDO is to be supported by an Assistant IDO or a technical officer (Article 8 clauses 5 and 6). IDO responsibilities at the provincial, district and municipal levels are to be governed through local regulations.

Table 2
Duties of Local Government in Implementing FOIA

| No | Regulation | Duties of Local Government |
|----|--|--|
| 1 | Freedom of Information Act No.14/2008 (FOIA) | <ul style="list-style-type: none"> a. A public body must establish and develop an information and documentation system to effectively and efficiently manage public information in order to ensure easy information access (Article 7 clause 3) b. Appoint IDOs and establish and develop an efficient, easy and appropriate information service delivery system in accordance with the national technical guideline for public information service delivery (Article 13 clauses 1 and 2) c. Establish a Provincial Information Commission and if required, a District/Municipal Information Commission (Article 24 clause 1) d. Allocate funds for the Provincial and/or District/Municipal Information Commission from the Provincial and/or District/Municipal Budget (Article 29 clause 6) |
| 2 | Information Commission Regulation No. 1/2010 on Public Information Service Standards (PerKI No.1/2010) | <ul style="list-style-type: none"> a. Establish rules on standard operating procedure for public information service; b. Establish and develop an information and documentation system for the effective and efficient management of public information; c. Nominate and appoint IDOs d. Allocate adequate funds for public information service delivery according to existing laws and regulations; e. Provide the necessary facilities and infrastructure for public information services, including information boards and information desks within each public body, as well as official websites for state public bodies; f. Determine the fee structure for obtaining copies of public information; g. Establish and periodically update the list of public information managed by each respective body; h. Provide and deliver public information as governed by this regulation; i. Respond to any objection filed by applicants of information request; j. Produce and publish a report on public information services in accordance with this Regulation and submit a copy of the report to the Information Commission; and k. Evaluate and monitor the implementation of public information service in the respective body |

| | | |
|---|--|--|
| 3 | Government Regulation No. 61/2010 on the Implementation of Freedom of Information Act No. 14/2008 (PP No.61/2010) | <ul style="list-style-type: none"> a. Head of public body appoints a IDO no more than one year after the enactment of this government regulation (August 2011).The position of IDO shall be held by an officer in charge of public information services and with competence in information and documentation management (Articles 12, 13 and 21 clause 1) b. In the event that IDOs have not been appointed, the IDO’s duties and responsibilities shall be carried out by a unit or local agency responsible for matters related to information, communication and/or public relations |
| 4 | Ministry of Home Affairs Regulation No. 35/2010 on Guidelines for the Management of Information and Documentation Service at the Ministry of Home Affairs and Local Governments (Permendagri No.35/2010) | <ul style="list-style-type: none"> a. At the provincial level, IDOs shall be appointed by the governor, and at the district/municipal level, the IDOs shall be appointed by the district head/mayor (Article 7 clauses 4 and 5) b. IDO is a managerial position with duties and responsibilities related to information services (Article 7 clause 2) and is assisted by an Assistant IDO in each state administrative body (Article 8 clauses 5 and 6) c. IDOs at the provincial and district/municipal levels are responsible to the Governor or District Head/Mayor through the Regional Secretary (Article 8 clauses 2 and 3) d. Terms of reference of IDOs should be established through a provincial regulation for the provincial IDO and district/mayoral regulation for the district/municipal IDO (Article 12 clauses 2 and 3) |

4. Findings and Analysis

4.1. Local Regulations Do Not Sufficiently Guarantee Access to Information

The research did not identify any local regulations that specifically regulate implementation of the FOIA by the NTT Provincial Government, Kupang Municipal Government or TTS District Government. However a number of local regulations (bylaws, Governor Decrees, and Governor or Mayoral/District Head Regulations) do include provisions that require local governments to provide information to the public. But it is important to note that these regulations do not directly address the mechanisms and procedures for information access as stipulated in the FOIA.

4.1.1. NTT Local Regulations with Provisions Relating to Information Access

The NTT Provincial Government has at least two regulations that include provisions relating to public information access:

1) **NTT Governor’s Decree No. 27/2001 on the Legal Documentation and Information Network in NTT**

This decree states that the Legal Documentation and Information Network is a means to provide legal information in a simple, fast and accurate way (Article 1 clause c). It defines the mandate of the Network to include improving the dissemination of legal information, and facilitating search and retrieval of laws, regulations and other legal documents (Article 2 points b and c). The decree also states that the Network is responsible for collating laws and regulations ratified by the Governor, District Head, Mayor and other heads of agencies, and the dissemination of information on laws and regulations to the public (Article 7).

2) Governor Regulation No. 12/2010 on the Implementation Guidelines for the NTT Provincial Legal Documentation and Information Network¹⁶

Governor Regulation 12/2010 provides technical guidelines for the implementation of the Governor's Decree. It elaborates on the management structure of the Legal Documentation and Information Network to include the mechanism for gathering legal resources and documents with legal information sources, and the procedure for accessing legal documents and information. The regulation also includes the archiving and classification of information and the provision of legal information services.

4.1.2. Kupang Mayoral Regulations with Provisions Relating to Information Access

Researchers only found one regulation relevant to public information access – Kupang Mayoral Regulation No. 18/2008 on the Guidelines for Public Hearing on Policy Making and Public Services Delivery in Kupang Municipality.

This regulation defines an information system as a medium for the administrator to convey information on service delivery to the public (or vice versa), whether orally, in writing, or using electronic means (Article 1 clause 26). To improve public accountability, it also mandates the government to provide data and information (Article 12 clause 2 point b), and to publish them on electronic media, print media, information boards and /or other direct channels (Article 19 clause 2).

4.1.3. TTS District Head Regulations with Provisions Relating to Information Access

This research identified four bylaws relating to information access at TTS District.

1) South Timor Tengah District Head Regulation No. 22/2008 on the Main Tasks and Functions of South Timor Tengah District Transportation, Communication and Information Office

This regulation includes provisions that apply to information services in the fields of religion, politics, economy, culture, defense and security. It states that it is the responsibility of government information and communication workers to disseminate information on development programmes spearheaded by the government (Article 13 point c and d). It also states that the Promotion, Electronic Information and Telecommunications Section should facilitate information dissemination alongside multimedia and communication development (Article 24 clause 3).

2) South Timor Tengah District Regulation No. 2/2009 on Teenage Reproductive Health in South Timor Tengah

Access to public information is implied in the provisions relating to the district government's responsibilities to develop measures for teenage reproductive health, which can include teenage

¹⁶ Governor Regulation No. 12/2010 refers to the NTT Governor's Decree No. 198/Kep/HK/2001 on the Implementation Guidelines for the Governor's Decree No. 27/2001 on the Legal Documentation and Information Network of NTT Province.

reproductive health information campaigns (Article 4 clause 2 point b) and the dissemination of information through mass media and other channels (Article 6 clauses 2 and 3).

3) South Timor Tengah District Regulation No. 3/2009 on HIV/AIDS Prevention and Response

Provisions relating to public information access include those that mandate the TTS district government to carry out HIV/AIDS prevention through regular assistance, counseling and/or information campaigns, and by disseminating HIV/AIDS response information to public officials and the public through different information channels (Article 2 clause 2 points a and b).

4) South Timor Tengah District Head Regulation No. 19/2008 on the Main Tasks and Functions of the South Timor Tengah District Education, Youth and Sports Office

This regulation states that the task of the Programme Control and Reporting Sub-Section of the TTS District Education, Youth and Sports Office is to develop activities for the collection of data and information (Article 8 clause 3 point a).

Among local regulations that relate to access to information, only the NTT Governor's Decree No. 27/2001 on the Legal Documentation and Information Network in East Nusa Tenggara and its guidelines provide details on the mechanisms for information disclosure.¹⁷

According to the implementation guidelines for the Legal Documentation and Information Network, the public can obtain legal documents and other legal information through leaflets, information boards, print and electronic mass media, legal aid and counseling at public forums, state-owned radio station RRI and television station TVRI and websites; or through requests for borrowing, photocopying and purchase. The regulation also provides guidelines for the documentation of legal instruments, including classification according to type and subject, the writing of abstracts, and creation of an index and catalogue list.

The guidelines also prescribe a file colour coding system for legal documents, for example an orange dossier for national legal products, dark blue for NTT provincial regulations, light blue for governor's decrees, dark green for decrees, leaf green for governor instructions, light green for district/municipal regulations in NTT, pink for legal products issued by the Ministry of Home Affairs, and yellow for legal products from the DPRD, provincial and district/municipal governments and others.

Since an information system has already been established through the Legal Documentation and Information Network, a staff member of the NTT Provincial Legal Bureau said that prior to the FOIA, the Bureau already provided access to information. According to the officer, the Network has established communication links with the Ministry of Law and Human Rights and the district/municipal legal bureaus to facilitate sharing of legal information services between the national and local governments.

¹⁷ This refers to the Appendix to NTT Governor's Decree No. 198/Kep/HK/2001 on the Implementation Guidelines to Governor's Decree No. 27/2001, which was later renewed in the Governor Regulation No. 12/2010 on the Implementation Guidelines for the Legal Documentation and Information Network in NTT Province

The establishment of the Legal Documentation and Information Network in NTT is the product of the Presidential Decree No. 91/1999 on the National Legal Documentation and Information Network, the Ministry of Home Affairs Decree No. 21/1999 on the Legal Documentation and Information Network within the organs of the Ministry of Home Affairs, as well as Home Affairs Ministerial Decree No. 168/2004 on the Guidelines for the Establishment and Development of a Legal Information System within the Ministry of Home Affairs and Local Governments.

Based on the structure of the Legal Documentation and Information Network, it seems likely that the Kupang Municipal Government and the TTS District Government have previously adopted similar regulations. However the research was unable to identify these regulations.

Implementation of existing regulations relating to provision of information was found to be far from ideal. In delivering its legal information services, the NTT Provincial Legal Bureau requires that external parties requesting information on local regulations or other legal products must first be registered or recorded. The requestor is then allowed to photocopy the requested local regulation. An average of 5 to 6 people each day submit information requests. However, in general these requests seem to originate from members of other local government departments who wish to borrow documents on local regulations. As such, they are always granted. When a member of the research team (from BAPPEDA) requested information on a regulation pertaining to the documentation and information network system, he was allowed to go through the documents to find the required information. This might not be the case had the requestor been not from the government.

The public's lack of enthusiasm for accessing legal information also reflects problems with the provision of information. The example in Box 1 illustrates the difficulties experienced by members of Forum Warga PKL (Street Hawkers' Forum) when seeking information on local regulations.

As the aforementioned shows, existing local regulations in all three local governments have yet to provide sufficient guarantees on the right to information as regulated in the FOIA.

Box 1

Case of Forum Warga PKL

In 2006, when confronted with the issue of having to pay taxes that impose a significant burden on street hawkers in Kupang, Forum Warga PKL found it necessary to arrange an audience with the Kupang Municipal Parliament (DPRD). The local parliamentarian who received their complaint said that such taxes were required by the local regulation. When they requested the legal document from the DPRD secretariat, they were denied the right to see it, on the basis that the local regulation was a confidential document. Forum Warga PKL eventually obtained a copy of the regulation from a DPRD member who personally handed over the document. Based on the implementation guidelines for the Legal Documentation and Information Network system, such local regulations can be requested from the district/municipal legal bureau.

4.2. Absence of a Provincial Information Commission

The establishment of a Provincial Information Commission in NTT is still in the planning stage. The Commission is to be formed by a selection team responsible for electing members to the Provincial Information Commission. The initiative to establish the selection team was announced during a series of events aimed at promoting the FOIA supported by GTZ at Kristal Hotel in June 2010, and it was agreed that a working group needed to be established to form the selection team. With facilitation from the NTT Provincial Communication and Informatics Office, the list of candidates for the selection team now awaits the approval of the NTT Governor.

The NTT Provincial Communication and Informatics Office also earmarked Rp 100 million (approximately USD 11,210) from the Revised Local Budget (APBD) of 2010 for the formation of the Provincial Information Commission, which was approved by the local parliament (DPRD). It was intended that the allocated funds would be utilized to finance the selection process for the Provincial Information Commission and the initial operations of the Commission. However, due to delays in the selection process it is not yet clear whether the 2010 budget allocation will be used. Budget for the establishment and operation of the Provincial Information Commission in the following years has not yet been agreed.

The initiation of a process to establish the Provincial Information Commission is a

positive indication of NTT provincial government's commitment to implement the FOIA. To date, across the country, only three provinces (Central Java, East Java and Riau) have established their own Information Commission. In addition, only two other provinces (South Sulawesi and Yogyakarta) have also entered the initial stage of setting up an Information Commission. While it is still at an early stage in the process, NTT is nevertheless at the forefront of efforts to implement the FOIA at the provincial level.

However, this commitment needs to be re-examined in view of the fact that the formation of the selection team for electing members of the Information Commission has yet to be realized. In July 2010, the NTT Provincial Communication and Informatics Office proposed nine candidates for the selection team, from which five names will be selected by the NTT Governor. By mid-October 2010, the NTT Governor had still to make this decision. A government official interviewed for this research said:

"It was promised earlier that it would be before August 17th, as an Independence Day gift. It was later postponed to October. Now, it is promised to be by December 20th."



There is concern among civil society members who initiated this process that failure to establish the selection team for the Provincial Information Commission will impact on the budget proposed for the Commission in 2011. If the funds allocated through the revised APBD for 2010 are not utilized, the local treasury will recall the funds. This could create an impression among DPRD members that there is a lack of seriousness in establishing the Commission, which might lead them to reject attempts to reinstate the lapsed budget.

These concerns seem realistic. This research came across two different viewpoints on the budget for the Provincial Information Commission among members of the NTT provincial government. The first opinion states that in accordance with the mandate of the FOIA, which stipulates that the budget for the Commission should be drawn from the provincial APBD, budget should be made available from the 2011 APBD. The second opinion takes into consideration NTT's modest provincial budget, and the burden that funding the Provincial Information Commission will place upon it. The decision on this matter should refer to the FOIA, which leaves no room for any reason to not allocate funds from the provincial budget.

In an interview session, a state official noted that:

“There is still resistance among budget formulators on the establishment of the Provincial Information Commission through funding from the APBD, as it will impose a burden on NTT's APBD. They urge that the budget for the Provincial Information Commission be borne by the central government through the national budget. When in fact there is a legal mandate to set aside funds from NTT's APBD for the Provincial Information Commission.”

Another government official stated:

“Concerning the proposal to include the budget for the Provincial Information Commission into NTT's 2011 APBD, there is cause for concern that NTT will face technical difficulties in supporting the operations of the Provincial Information Commission in 2011. NTT's development budget for 2011 only amounts to Rp 550 billion for the development of 21 districts/municipalities, hence it would not be easy to allocate funds for the operations of the Information Commission.”

4.3 Absence of Public Information Service Standards Including the Appointment of IDOs

In accordance with provisions in the FOIA and PerKI No. 1/2010 Article 4, public bodies with the obligation to provide access to public information must meet eleven key requirements. These requirements are listed below in Table 4.

No public body in any of the three local governments covered by this study met all of the eleven key requirements for implementation of the FOIA. Indeed, the research found that only two of these requirements have been partially met by any public body in NTT.

First, with regard to the obligation to establish SOPs for information service delivery, two provincial public bodies, the NTT Provincial Legal Bureau and the BAPPEDA Resource Center, have already established the necessary SOPs. Even in these cases, however, the SOPs are not specifically intended for the implementation of the FOIA. Rather, the SOP for information service delivery of the NTT Provincial Legal Bureau was adopted as part of the local government's implementation of Home Affairs Ministerial Decrees Nos. 21/1999 and 168/2004 on the development of a Legal Documentation and Information Network.

Meanwhile, the SOP for the Resource Center of the NTT Provincial BAPPEDA particularly client response refers to a regulation on service delivery procedures for members of the public who wish to utilize services offered by the Resource Center. One example of the ways in which the SOP from NTT Provincial Legal Bureau do not meet the requirements of the FOIA is that they fail to regulate in detail how incoming information requests should be processed, including the standard cost of requesting documents.

Second, all of the three local governments have official websites, thereby partly meeting the requirement of the FOIA to establish public information service facilities and infrastructure such as announcement boards, official websites or information desks. However, the content of these websites does not yet meet the requirements of the FOIA. None of the three websites provides the entire range of required information, including organization profiles, ongoing programs, financial information, data on access to information, and regulations/policies affecting the public. Details on this matter are discussed below in the section on proactive disclosure of information.

In other public bodies that do not yet have SOPs on information service delivery, information requests can be submitted either through personal visits or through the submission of written requests, which are directed to the administrative section/secretariat of the public body. This section then hands over information requests to the head of the public body, who determines whether to grant, refuse or refer the request. In such cases, there is no policy on the length of time for handling an information request. This is the standard approach to the handling of information requests by government agencies in NTT. Some participants of the research argued it had advantages, on the basis that a “one-stop” information delivery policy, in which only the head of a public body has the authority to grant access to information, ensures consistency. However, the research indicates that this approach is highly subjective and time-consuming.

Table 3
Implementing FOIA at the Local Levels

| No | Aspects that need to be fulfilled | Current conditions |
|----|--|--|
| 1 | Availability of an SOP on public information service delivery | Only two agencies have an SOP on information service delivery in place, namely the NTT Provincial Legal Bureau and the Resource Center of the NTT Provincial BAPPEDA. The SOPs of both agencies however, are not specifically meant for the implementation of the FOIA. Based on the experience of community groups and NGOs, information from public bodies is typically obtained through personal ties with officers or staff of the concerned public agency. |
| 2 | Presence of IDOs and IDOs supervisor as officers in charge of information storage, documentation, provision and/or delivery in a public body | None of the three local governments have appointed IDOs or IDOs supervisor |

| | | |
|----|--|---|
| 3 | Provision and delivery of public information in accordance with the FOIA and PerKI | None of the three local governments provide or deliver public information according to the FOIA and PerKI. |
| 4 | Establishment of an information and documentation system for the effective and efficient management of public information | None of the three local governments have an information and documentation system in place. |
| 5 | Availability of public information service facilities and infrastructure such as announcement boards, official websites or information desks | All three local governments have official websites, managed by a specified public body. The NTT Provincial Government and Kupang Municipal Government websites are managed by Electronic Data Management Offices, while the TTS District Government website is managed by its Transportation, Communication and Information Office. However, none of the websites fully meets the information requirements stipulated in the FOIA. None of the three local governments has an information desk in place to serve as a specific point for the delivery of public information. |
| 6 | Adequate funding for public information service delivery | No special budget has been set aside for public information services in all three local governments. |
| 7 | Periodic preparation and updating of the list of information accessible to the public | There is no list of information accessible to the public. In general, the accessibility of information is at the discretion of the head of the public body that receives a request, who decides whether to grant, refuse or refer it, within a timeframe of his/her choosing. |
| 8 | Mechanism for determining exempt information | No procedure for determining exempt information is currently in place. Decisions are normally made by the heads of public bodies. For example, the Head of the Kupang Municipal Health Office previously determined that information on the test results of e-coli bacteria found in Kupang's wells to be sensitive information. |
| 9 | Standard cost for a copy of public information | There is no standard cost for a copy of the requested information. |
| 10 | Mechanism for managing complaints about unsatisfactory public information service delivery | No mechanism is in place to manage complaints about unsatisfactory delivery of public information services. Resolution of complaints depends on people's resolve in filing protests and pressing for followup. |
| 11 | Evaluation and oversight of a public body's public information service delivery | No evaluation and oversight has been carried out on public information services provided by any of the three local governments |

All members of public bodies participating in the research mentioned the absence of local regulations as the major obstacle to implementation of the FOIA, including in the appointment of Information and Documentation Officers. Although the FOIA does not require the development of such local regulations, this is an indication that their development would provide officials with a stronger basis for implementation of the FOIA. The need for such local regulations is recognized in Permendagri No. 35/2010. This regulation stipulates that

the appointment of IDOs within the Provincial Government must be determined through a governor regulation, while at the district/municipal level the appointment of IDOs shall be determined by district head/mayoral regulations.

This research found that in all three local governments, the IDOs have yet to be officially appointed. Public officials in NTT interviewed for the research have three viewpoints on the position of the IDO. The first is that IDOs should be part of the NTT Provincial Communication and Informatics Office, on the grounds that this is currently the main provincial public body responsible for information provision. The second is that each public body should have an IDO, since some believe that this will ensure that information controlled by different public bodies is more readily accessible. The third viewpoint is that IDOs should be attached to the NTT Provincial Public Relations Bureau, a body that was previously merged into the Local Communication and Informatics Office, but which some believe should be reinstated on the grounds that the merger has led to insufficient coverage of the Governor's activities and policies.

All three viewpoints are consistent with Permendagri No.35, which states that Information and Documentation Officer is a managerial position appointed by a governor, mayor or district head, with duties related to information services (Article 7 clauses 2 and 4).

In the meantime, prior to the appointment of IDOs, all three local governments are still obligated to provide public information services as stipulated in the FOIA. PP No. 61/2010 states that if an IDO has not been appointed, the relevant duties can be performed by a local agency involved in information, communication and/or public relations. For the NTT Provincial Government, Kupang Municipal Government and TTS District Government, the Local Communications and Information Office is the responsible agency.

4.4. Subjectivity in Denying Requests and Identifying Exempted Information

The absence of SOPs on information services in the majority of public bodies within the three local governments means that decisions on what information can be accessed by the public are based on the subjective judgements of officials and often not in compliance with the FOIA. Such decisions are usually at the sole discretion of the heads of public bodies from which information is requested. There is currently no mechanism to help identify exempt information through the use of a consequence test ('harm test') as stipulated in the FOIA.

As a result, people with ties to public officials who are able to make a personal approach are much more likely to obtain information than those who are not. This is demonstrated in the experience of NGOs and community groups in seeking information from public bodies within the NTT Provincial Government, Kupang Municipal Government and TTS District Government. All NGOs and community groups participating in interviews and FGDs noted that the ability to obtain information from public bodies in NTT depended on whether one is acquainted with an official.

This also applies to members of the PKK (Family Welfare Movement) and Dharma Wanita (Government Employees' Wives Association), organizations known for their close ties with government bodies. PKK members for instance, are typically unaware of the visiting schedule of mobile health clinics (*puskesmas keliling*) to village *posyandu* (integrated health posts). They must approach a friend working at the *puskesmas* to ensure that the mobile health unit visits

their village. A public official however, said that the timetable for the mobile health unit to visit each village/*kelurahan* entitled to such assistance is in fact available at the local clinic (*puskesmas*). Nevertheless, members of the research team were unsuccessful in their attempts to obtain this data.

Members of Commission A of Kupang's DPRD also noted that their elevation to the local parliament made a significant difference to their ability to access information and services from public bodies. Parliamentarians who participated in the research said that, dealing with the Land Authority on land issues went smoothly, and obtaining or renewing identity cards took much less time after their appointment.

A member of the public told the researchers:

“To obtain information, one must be friend with an officer of the concerned agency. Otherwise, it would be extremely hard to get the needed information. If you are in official uniform when requesting for information, it will be easy to obtain it. But if you are in plain clothes, don't expect to get it.”

Journalists interviewed did not appear to think that the FOIA would have a significant impact on their work, on the grounds that they currently find it relatively easy to access the information that they require through their contacts. This is also true for the public. Many have spoken on the difficulties in obtaining information from public bodies. However, the preferred 'mechanism' for overcoming such problems is by making use of acquaintances. There is little sense that information should be equally accessible to all, as mandated in the FOIA.

Currently, the heads of public bodies appear to have discretion in the identification of what information is exempt from disclosure, but they do not appear to exercise it in a systematic manner. Although an official from the health sector admitted that he has never had to classify information as confidential, he has instead issued a policy that requires that certain information be treated as sensitive. The disclosure of such information must gain the approval of the head of the local agency. This local agency however, has not drawn up the criteria for information categorized as sensitive. The official only cited water quality test results to be an example of sensitive information. The following is a statement made by the official:

“During my tenure as head of the local agency, I have never come across data or information categorized as confidential. There is, however, the custom of ensuring that the head of the agency authorizes the release of any information. This is particularly true for sensitive information.”

Rejection of information requests is also at the discretion of the head of a public body from which information is requested, but there seems to be no clear mechanism for issuing rejections. Most officials interviewed for this research said that they had never had to officially deny an information request. Only one agency head had officially refused to fulfill an information request from a member of the public. This occurred when the NTT Provincial Social Affairs Office rejected a university student's request for a copy of a budgetary document (DIPA) for research purposes, for fear that it would be misused. The Local Social Affairs Office stipulated that copies of such documents should not be borrowed or photocopied. However, based on the FOIA, the requested document (DIPA) is not included in the list of exempt information, and should be made available to the public.

Although there are no SOPs or mechanisms governing referral of information requests, all officials interviewed in the course of the research claimed that they would refer requests for information that fell outside their jurisdiction to the appropriate public body. Referrals of

information requests are facilitated by the cross-sectoral program coordination mechanism under BAPPEDA and the Regional Secretariat, which can help to locate the agency where the information is available. Coordination of information provision across different public bodies is also facilitated by monthly coordination meetings between public relations units at every administrative level across the NTT province.

4.5 Lack of Proactive Disclosure of Information

The FOIA governs the delivery of information to the public through two key approaches, namely proactive disclosure and release of information upon requests. For proactive disclosure, the FOIA stipulates that information should be delivered to the public through easily accessible and comprehensible media.

The research developed a scoring system to assess the extent to which the three local governments have proactively published information in line with the standards set by the FOIA and PerKI No.1/2010 (see Appendix 2).

Based on the FOIA, the proactive publication of information can be done through various media, such as published reports, brochures, and websites. At the minimum, they should contain at least the following types of information:

- 1) Organizational profile consisting of the full address of public bodies, telephone and facsimile number as well as the organizational structure
- 2) Ongoing programs including: name of program, activities, goals, targeted beneficiaries, budget, as well as key contact persons including their address and telephone number for the program
- 3) Budget including: total budget allocation for the current year, budget plan for the current year, financial report of the previous year and list of assets and inventory
- 4) Access to public information, covering: number of public information requests received, number of public information requests responded to and denied, number of public information requests rejected, reason for the rejection and the procedure for submitting an information request along with the details on the contact person
- 5) Regulations and policies that affect the public: list of laws, regulations and/or policies enforced or in the process of enactment



Website of NTT provincial government, www.nttprov.go.id, 10 November 2010

The proactive disclosure of information of nine public bodies in the three governments was assessed against the criteria for public disclosure set out in the FOIA. These included the NTT Provincial BAPPEDA; Kupang Municipal Secretariat; NTT Provincial Education, Youth and Sports Office; NTT Provincial Health Office; One-Stop Integrated Permit Service Office (KP2TSP) of NTT Province; NTT Provincial P2TPA; NTT Provincial Secretariat; TTS District Government; and Kupang Municipal Health Office.

Assessments generated scores ranging between 1 (low) and 12 (high). The highest score was earned by the NTT Provincial P2TPA, which published brochures that met half of requirements for proactive disclosure stipulated by the FOIA. The TTS district government scored lowest, as its official website only fulfills a few of the conditions stipulated in the FOIA.

Based on the tabulation of scores provided in Appendix 2 and Table 5 below, it is clear that public bodies in all three local governments have not fulfilled the requirements in the FOIA with regards to the proactive publication of information. Even the addresses of agencies and contact persons were not included in all publications. For example, official websites of the three local governments fail to include addresses and contact details for enquiries. Also for ongoing programs, not all key contact persons are published.

The brochure released by P2TPA which aims to introduce the agency and its handling of complaints on women and children's issues fails to mention details on contact persons should further information or follow-up communication with the agency be desired. This is also true for the brochure on free healthcare distributed by the Kupang Municipal Health Office. In terms of substance, the brochure is fairly thorough and includes the name of the program, its beneficiaries, services offered, and the procedure for handling services. However, the brochure did not provide the address of the Kupang Municipal Health Office or contact details for further information.

From the five information categories set out by the FOIA on proactive disclosure, financial information and access to public information were least likely to be covered by local government agencies. Concerning financial information, the Kupang Municipal Government's website is the only one that publishes data on the municipal budget (APBD), albeit not on the current one. The website includes data on the APBD 2007, 2008 and 2009, although only overall figures are provided, and not detailed information on budget allocations. The other two local governments did not include budgetary information on their official website, or in any other documents.

Table 4
Proactive Disclosure of Information by Local Governments¹⁸

| No. | Types of information required by the FOIA | Availability of information |
|-----|--|--|
| 1 | Organizational Profile | Incomplete. Most of them have not included names of contact persons, addresses, or telephone and fax numbers. The organizational structure is also not available. |
| 2 | Ongoing Programs and Activities | Incomplete. Most of them have not included direct program beneficiaries, program budget and program supervisor. |
| 3 | Financial Information | Almost non-existent. Only the Kupang Municipal Government included data on its annual budget on its official website. This only included overall figures on its annual budgets (APBD) from 2007-2009, and did not include the current year. |
| 4 | Regulations and Policies Related to the Public | Incomplete. The NTT provincial government, TTS district government and Kupang Municipal Health Office did not include regulations on their official website. |
| 5 | Data on Access to Public Information | Almost non-existent. No records on the number of public information requests received or responded to. Only the P2TP2A explained its procedures for requesting information through personal visits and phone calls. Services are provided 7 days a week for 24 hours or by phone. |

4.6. Preference for Obtaining Information through Face-to-Face Encounters

The research identified that many people see face-to-face encounters as a key medium for communication of public information. These include information dissemination events, which many people appear to see as the natural medium for communication of information. Members of community groups participating in FGDs and interviews tended to see other mechanisms for communication of public information to be primarily for the use of civil servants or village officials. They also noted that information is frequently delivered to them through information dissemination activities organized by churches. Members of the Kupang Municipal Civil Administration and Registry Office also felt that members of the public prefer to seek information through face-to-face encounters, and commented that people are reluctant to read information displayed on public announcement boards (see Box 1).

While official websites are an important medium for the delivery of public information, they should not be seen as the only channel for public information. Internet access is a luxury outside of the provincial capital Kupang. Even in Kupang, researchers faced significant difficulty in

¹⁸ Details of the score results on proactive publication of information are available in Appendix 2

Box 2

Observation Notes at the Kupang Municipal Civil Administration and Registry Office

As an agency that delivers public services related to civil administration (identity card, family identity card, birth certificate, marriage license, etc.), the Kupang Municipal Civil Administration and Registry Office is frequented by citizens applying for personal documents. Observation found that this agency has clear signs on various counters for different types of civil administration services, which helps visitors to locate the appropriate counter to approach:

- Counter 1. Purchase of official application forms for identity cards and family identity cards
- Counter 2. Submission of application forms for identity cards and family identity cards
- Counter 3. Submission of application forms for the renewal of identity cards
- Counter 4. Cashier
- Counter 5. Claiming of new identity cards and family identity cards
- Counter 6. Purchase of application forms and claiming of civil registry certificates
- Counter 7. Submission of application forms for birth and death certificates
- Counter 8. Submission of application forms for marriage licenses and divorce papers
- Counter 9. Legalization of papers

An announcement board in the Office displays the latest applications policies, alongside a brochure explaining the need for a citizens to obtain a national identity card. A decree is also displayed describing the application procedure, requirements, and cost for obtaining civil administration papers. But in the course of observation, it became evident that few people read information on the announcement board. It was not surprising therefore, that several citizens expressed their dissatisfaction, and claimed that they were not informed of all administrative requirements.

Other local citizens were seen entering the door leading to the interior of service counters. It turned out that they knew certain officers at the agency, and hence had direct access to services. Members of the public who have ties with officials can also seek information via telephone.

accessing the Internet despite the availability of a Wifi connection in several locations including hotels and office buildings.

This view is not only exclusive to this research. Speaking on the implementation of e-learning programs developed in NTT, former parliamentary Commission X member, Cyprianus Aoer considers such activities as ineffectual. The cause lies in NTT's unstable Internet connection, including in Kupang Municipality. However, during field research, the head of the EDM Office of NTT Province stated that the EDM Office aspires to build a first-rate Internet connection in the area.

However, in light of difficulties with Internet access and the apparent public preference for face-to-face encounters, implementation of the FOIA in NTT must consider the most effective channels for delivering public information. This could include the elaboration of direct information delivery models, based on existing information dissemination practices such as information dissemination events.

4.7. Lack of Awareness Among Officials and the Public on the Right to Information

This research found that efforts to promote the FOIA in NTT remain confined to officials within the local Communication and Informatics Office, with the result that other officials and members of the public do not have adequate knowledge of the law. FGDs and interviews with research subjects revealed that resource persons with familiarity and knowledge of the FOIA include officials from the NTT Provincial Communication and Informatics Office, TTS District Transportation, Communication and Information Office, and the Resource Center of the NTT Provincial BAPPEDA. Informants from all three agencies have previously conducted information dissemination activities or participated in events to promote the FOIA.



Collection of publications at the library of the Resource Center of BAPPEDA.

The NTT Provincial Communication and Informatics Office has on several occasions organized activities to promote the FOIA in NTT Province. Activities have included:

- 1) Information dissemination on the FOIA during a public relations forum held at Kupang's Ina Boi Hotel on May 2010. This was attended by all public relations officials from districts and municipalities in NTT.
- 2) A public relations coordination meeting attended by public relations officials from districts/ municipalities in NTT.
- 3) Information dissemination on the FOIA in North Timor Tengah district, which was attended by officials from Local Communication and Informatics Offices throughout NTT. Prof Alo Liliweri from Nusa Cendana University (NCU) acted as a resource person in this event, which was held in cooperation with NCU, BPPI Makassar and Forum Parlemen NTT, a grouping of parliamentarians from NTT's provincial DPRD.
- 4) Information dissemination of the FOIA with support from GTZ held at Kristal Hotel. One of the agreements reached during this gathering is the establishment of a selection team for the Provincial Information Commission.

The Resource Center of NTT Provincial BAPPEDA has also held a discussion on the FOIA. This was attended by representatives of the National Information Commission, the Head of the NTT Provincial Communication and Informatics Office, and the Editor-in-Chief of *Pos Kupang* daily.

However despite these FOIA activities, this research revealed that public officials – except those of the NTT Provincial Communication and Informatics Office, TTS District Transportation, Communication and Information Office, and the Resource Center of the NTT Provincial BAPPEDA – are generally still not aware of the law and its content. Officials from outside of the three agencies admit to not knowing about the FOIA, as they have never taken part in any event for promoting the law. Officials from the Electronic Data Management (EDM) Office within the NTT Provincial Government and Kupang Municipal Government had obtained information on the FOIA from the Internet. This is also true for officials from the Provincial Health Office, Kupang Municipal Health Office, TTS District Health Office, Provincial BKKBN and NTT Provincial Social Affairs Office.

Among legislators, only members of the NTT Provincial Parliament (DPRD) have knowledge of the content of the FOIA. Commission A of NTT's Provincial DPRD convened a meeting to discuss the establishment of an Information Commission selection team, and granted approval for a 2010 budget revision that included an allocation of Rp 100 million for the formation and initial operations of the Information Commission. Meanwhile, members of Kupang Municipal DPRD are relatively unfamiliar with the FOIA. Two members of Kupang DPRD's Commission A, which deals with information related issues, only heard about the law when they received an invitation to participate in an FGD for this research. The Kupang Municipal DPRD has never been invited to hold discussions with executives on the implementation of the FOIA, such as the formulation of local regulations.

NGOs and academics are comparatively knowledgeable about the FOIA. Nevertheless, none of them have exercised the right to request information under the FOIA. They also do not yet regard information access as an instrument for fulfilling other fundamental rights. Nonetheless, this does not mean they have never had any experience in requesting information from state

bodies. All NGOs, academics, and community groups considered it difficult to gain information from state agencies in NTT. In dealing with this situation, they have all relied on the strategy of obtaining such information through ties with public officials.

This situation has arisen due to the lack of an information service delivery standard. Officials have not drawn up standard criteria for providing information, and tend to cater more to people who they are acquainted with. In FGDs, it was common for members of community groups to voice the sentiment that, “information is easy to obtain for those in official uniform.”

The lack of an information service standard and the reliance on insider links also affects the filing of objections. Members of the public who are empowered to challenge officials, or who

Box 3

Experience of Local Community Group in Requesting for Information

The following is an account, in his own words, of the experience of a local community group (Forum Warga Serabutan) member, in challenging a decision to revoke his licence to operate on a public transport route. It illustrates how community members who are empowered to challenge the basis of official’s actions are able to influence decisions that affect their daily lives.

“Our public transport route permit was revoked by the head of the local transportation office. As the permit had expired and our vehicle could no longer be in operation, the authority then revoked our route permit.

We met with the officer handling the matter, but discussions escalated into an argument at the government office. The official explained that as the permit had expired, it should automatically be revoked. I argued that despite the expiration of the permit, it was not appropriate for him to revoke the license. And if it is a legitimate action, is there any regulation on this matter?

The public official claimed that there is such a regulation. I enquired about the nature of this regulation, as I had no knowledge of it. The officer explained that warning letters should be issued before a licence is revoked.

So why, I asked, did you revoke my license when my public transport was running its normal route? You have never issued a warning letter to me. The deputy mayor, head of the local agency and a division head were present in the office. In front of them, I told the public official that he was misleading the public. I directly explained to the deputy mayor that I had met with the head of the local agency on four separate occasions. It was the deputy mayor who requested that I meet him personally. I asked him which administrative requirements I had not fulfilled. During the entire process of completing the necessary requirements, I was given different instructions from one day to the next and was even told that the computer system was broken down just when the process was near completion. I had to request again for a referral from the mayor.

The local agency eventually reinstated my route permit.”

have established political networks that enable them to exert pressure on a public body, are able to negotiate or lodge an objection. In such cases, an information request or a citizen's objection is normally granted. This is illustrated in the case of a member from Forum Warga Serabutan (see Box 2). Based on an FGD and interview session, it was revealed that this particular member has developed political ties with one of the high-ranking officials in the local government being researched, and with an NGO in Kupang. Having such a network allows for a better bargaining position with the concerned public body.

Other members of the public had experienced comparable situations. Informants shared numerous difficult experiences in obtaining information from public bodies. In overcoming such situations, many tended to resort to insider links. While this helps to serve individual interests, there is clearly a need to push for equal opportunity for all in obtaining the required public information. Every person should have equal opportunity to gain information from a public body, and the FOIA is intended to provide such a guarantee for equal access to public information.

5. Building on Existing Mechanisms for Public Information access in NTT

The research found that implementation of the FOIA by the NTT Provincial Government, Kupang Municipal Government and TTS District Government was still in its infancy. However, it was able to identify a number of existing information service delivery practices that have the potential to support compliance with the FOIA, particularly at the level of the NTT provincial government.

5.1 Electronic Data Management Office (EDM Office)

All three local governments have official websites,¹⁹ which cover all the public bodies under their authority. A limited number of local government bodies have separate websites, including the NTT Provincial Education, Youth and Sports Office (www.pponntt.go.id) and the NTT Provincial BAPPEDA (www.BAPPEDA.nttprov.go.id).

All three local governments have assigned responsibility for management of their official websites to a specific public body. The websites for the NTT Provincial Government and Kupang Municipal Government are managed by Electronic Data Management (EDM) Offices, while the TTS District Government's website is managed by the Telematics Division of the Local Transportation, Communication and Information Office. The presence of a specific agency to manage these websites offers the potential for all three local governments to constantly update their information.

In practice however, only the Kupang Municipal Government website has relatively up-to-date information. When accessing the official website at www.kotakupang.go.id on 21 August 2010, information was already available on the organizational structure of the body responsible for its administration, together with information relating to development in Kupang municipality, including health, education, population/planned parenthood, household

¹⁹ The NTT Provincial Government: www.nttprov.go.id, Kupang Municipal Government: www.kotakupang.go.id, TTS District Government: www.ttskab.go.id.

Formulir Biodata Penduduk
Untuk Perubahan Data/Tambahan Anggota Keluarga
Warga Negara Indonesia (WNI)

F-1.03

I. DATA WILAYAH

- Kode-Nama Propinsi
- Kode-Nama Kabupaten/Kota
- Kode-Nama Kecamatan
- Kode-Nama Kelurahan/Desa

| | | | | |
|--|--|--|--|--|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

II. DATA KELUARGA

- Nama Kepala Keluarga
- No. Kartu Keluarga
- Alamat Keluarga

MECKY REDO
21. SUVITER NO 2 RT 0114 RW 0017
Nama Dusun/Dukuh/Kampung/Lingkungan/Banjar/Nagari

III. DATA INDIVIDU

- Nama Lengkap
- No. KTP/Nopen/
- Alamat sebelumnya

87211 081739106218
EUDANG RABO RACUN DUNIA
21. SUKUN OBPORA RT 0115 RW 0011
Nama Dusun/Dukuh/Kampung/Lingkungan/Banjar/Nagari

- Nomor Paspor
- Tanggal Berakhir Paspor
- Jenis Kelamin
- Tempat Lahir
- Tanggal Lahir
- Umur
- Akta Kelahiran/Surat Kenal Lahir
- Nomor Akte Kelahiran/Surat Kenal Lahir
- Golongan Darah
- Agama
- Status Perkawinan
- Akta Perkawinan/Buku Nikah
- Nomor Akta Perkawinan/Buku Nikah
- Tanggal Perkawinan
- Akta Perceraian/ Surat Cerai
- Nomor Akta Perceraian/Surat Cerai
- Tanggal Perceraian
- Status Hubungan dgn Keluarga
- Kelainan Fisik dan Mental
- Penyandang Cacat
- Pendidikan Terakhir

857111

1 Laki-laki Perempuan

SABU, 12 APRIL 1979

12 04 1979 Tahun

Tidak Ada Ada

1 A 2 B 3 AB 4 O 5 A+ 6 A- 7 B+ 8 B- 9 AB+ AB-

11 O+ 12 O- 13 Tidak Tahu

1 Islam 2 Kristen 3 Katholik 4 Hindu 5 Budha

Lainnya, sebutkan KONG HU CU

2 Kawin 3 Cerai Hidup 4 Cerai Mati

Tidak Ada Ada

Tidak Ada Ada

Tidak Ada Ada

1 Kepala Keluarga (Jika Pemohon Kepala Keluarga, tidak perlu mengisi yang lain)

2 Suami Istri 4 Anak 5 Menantu

6 Cucu 7 Orang Tua 8 Mertua 9 Famili Lain

10 Pembantu 11 Lainnya 12 Ada

Tidak Ada

2 Cacat Netra/Buta 3 Cacat Rungtu/Wicara

4 Cacat Fisik 5 Cacat Fisik dan Mental 6 Cacat lainnya

7 Tidak/Belum Sekolah 8 Tidak Tamat SD/Sederajat 9 Tamat SD/Sederajat

4 SLTP/Sederajat 5 SLTA/Sederajat 6 Diploma I/II

7 Akademi/Diploma III/S. Muda 8 Diploma IV/Strata I 9 Strata II 10 Strata III

25. Jenis Pekerjaan :

- No. Jenis Pekerjaan
1. **Umum**
- Belum/Tidak Bekerja
 - Mengurus Rumah Tangga
 - Pelajar/Mahasiswa
 - Pensiunan
 - Pegawai Negeri Sipil
 - Tentara Nasional Indonesia
 - Kepolisian RI
 - Perdagangan
 - Kekebun

- No. Jenis Pekerjaan
- Penata Busana
 - Mekanik
 - Tukang Gigi
 - Seniman
 - Liberal

- No. Jenis Pekerjaan
8. **Profesi Selain Pegawai Negeri dan Mandiri**
- Dosen
 - Guru
 - Pilot
 - Pengacara
 - Notaris
 -

Example of proactive disclosure of information at the information board of the Office of Kupang

economic empowerment and human resources. This website also features information on public services such as access to free health care, services related to civil administration (identity card, family identity card, and birth certificate), and on business permits (SIUP and SITU). The APBD (budget) of Kupang Municipality from 2007 to 2009 and local regulations issued by the municipal government are also available on the website. However, information on the APBD was limited to the total amount of the municipal budget, and did not include any detail on specific budget allocations. Meanwhile, the official website of the TTS District Government has not been updated for some time. This is also true for the NTT Provincial Government website, where content is restricted to regional and district profiles, development outcomes and the Millennium Development Goals (MDGs).

A number of informants concurred that a major drawback for the management of websites is the fact that they must constantly solicit data from other local government agencies. For example, in theory, the EDM Offices of NTT Province and Kupang Municipality have authority to collect all necessary data for the websites, and every public body is required to submit information under its jurisdiction to the EDM Office. In practice however, the EDM Offices need to make strenuous efforts to gather information. Currently they do not do this as a matter of routine, but only when the need arises to prepare materials for presentations or decision making by the governor or deputy governor.

It emerged that the main challenge for compilation and publishing of information on official websites is that the EDM Office is at a lower rank than other government agencies from which they are requesting information. In the NTT provincial government, for example, the head of the EDM Office is a third-echelon public official, while other local government bodies that they deal with are typically under the leadership of second-echelon officials. This difference in rank at times results in reluctance to initiate sending data to the EDM Office. As a result, the EDM Office has to dispatch data request letters to each agency.

During an interview, a staff of EDM Office said:

“The problem that confronts the EDM Office is that of authority ... the difference in government rank ... Since the Office is headed by an official with lower rank, other agencies are sometimes reluctant to initiate the sending of data to the EDM Office.”

Even though website management by local government bodies like the EDM Offices has generally been far from optimal, the existence of agencies with the specific responsibility for managing local government websites will support the implementation of the FOIA, which mandates the establishment of facilities and infrastructure for information delivery, including official websites. To maximise this potential, however, these bodies require support in order to meet the requirements of the FOIA, and their function will also need to be harmonized with the duties of the Information and Documentation Officers who are to be appointed as part of the FOIA.

Where local governments formulate regulations to strengthen implementation of the FOIA, the role and authority of EDM Offices in compiling and publishing information on official websites should be taken into account in order to ensure proper coordination of local information delivery efforts. Guidance on this issue can be found in PerKI No.1/2010 Article 4 point E. This particular function of the EDM Office could probably become part of information services offered by the IDOs.

5.2 Public Relations Coordination Agency Forum

This monthly forum provides a medium for coordination between public relations units from the NTT provincial and district/municipal governments. At the forum, members of local government public relations units discuss issues that they encounter in their work, and invite the heads of other local government bodies to present and inform public relations officials on specific topics. The purpose of these meetings is to coordinate the work of public relations officials and enable them to disseminate information on issues discussed to their respective regions. In relation to implementation of the FOIA, this forum is beneficial for coordinating the development and delivery of information services across local governments in NTT, providing a medium for dealing with issues such as information referrals between different local governments.

5.3. Annual Development Exhibition

NTT organizes annual development exhibitions, which this year is being held in conjunction with the 65th Indonesian Independence Day celebration. All public bodies within the NTT provincial government, district/municipal governments, and other public bodies in NTT participate in this exhibition. In terms of information access, the exhibition serves as a way for public bodies to proactively publish information. During the exhibition, they are given the opportunity to present any information and documents they have to members of the public. Based on field observation, the exhibition drew crowds of local residents from throughout NTT every night. This kind of exhibition can serve as an effective tool for public bodies to proactively deliver information as part of their efforts to implement the FOIA.

6. Conclusions and Recommendations

The focus of this research is to understand the current situation relating to public information access in NTT, and to assess whether local public bodies are prepared and have capacity to fulfill their obligation to provide access to public information as mandated by the FOIA. The research focussed on seven key areas, on which it came up with the following findings:

1) Local Regulation on Information Access

The research identified several local regulations (bylaws, governor regulations and decrees, and mayoral and district head regulations) that govern the obligations of public bodies under the NTT Provincial Government, Kupang Municipal Government and TTS District Government to provide information to the public. However, these local regulations do not specify mechanisms for obtaining information or identify exempt information, as required by the FOIA. In addition, these local regulations are not being effectively implemented on the ground.

Although there is no obligation on local governments to issue specific local regulations for implementation of the FOIA, there is a need to produce local regulations that will ensure compliance with the Act. All informants expressed the need for local regulations to underpin the implementation of the FOIA. Permendagri No.35/2010 on the Guidelines for Information and Documentation Service Management within the Ministry of Home Affairs and Local Governments through governor and district head/mayoral regulations provide guidance on the development of such regulations.

2) Preparation for and Implementation of the FOIA in NTT

So far, implementation of the FOIA by the NTT Provincial Government, Kupang Municipal Government and TTS District Government is limited to preparation for the establishment of the Provincial Information Commission. A process has been put in place for the establishment of a selection team, and this is awaiting approval from the NTT's Governor. Meanwhile, preparations for the enforcement of the FOIA in public bodies and the raising of public awareness on the right to information remain negligible. None of the local governments has appointed an IDO or established an information service standard as mandated by the FOIA. With the exception of local Communication and Informatic Offices, public bodies under the three local governments have very limited knowledge of the FOIA, and only members of the local Communication and Informatic Offices have been involved in efforts to promote implementation of the FOIA.

3) Establishing Public Information Service Standards

None of the three local governments have established adequate information service SOPs as mandated by the FOIA. The only two agencies that have developed information service SOPs are the NTT Local Legal Bureau and BAPPEDA's Resource Center. However, these SOPs are not specifically intended for the implementation of the FOIA. The research found that proactive publication of information through media like websites or brochures generally does not include basic information required by Information Commission Regulation No. 1/2010 (PerKI No.1/2010/2010), including in particular financial information, information on regulations related to the public, and data on public information access. Basic information such as organizational profiles, ongoing programs, and contact persons is often not available. Standards have not been established for receiving or responding to information requests apart from through local government administrative divisions. Currently these administrative divisions channel requests to the head of the relevant public service and responses are subject to his/her authorisation.

4) Inter-Agency Coordination

There is no standard process for coordination among public bodies when handling information requests. Electronic Data Management Offices are tasked with coordinating data collection and collating information from other public bodies. In practice, however, EDM Offices only gather information when required to do so by key members of the executive such as the governor/ deputy governor. There is also no standard process for inter-agency referrals of information requests, and whether or not a request is referred currently depends on the discretion of the head of the public body that initially received it.

5) Awareness of Officials on the Right to Information

A large number of officials in all three local governments remain unaware that the FOIA provides the public with a right to information held by public bodies. Officials have yet to receive training and guidance on all aspects of the FOIA, as mandated in PerKI No.1/2010/2010. There is a particular need to raise the awareness of IDOs and their assistants on the substance of the FOIA, and to support their capacity to develop systems for documentation and classification of information, and to formulate information collection systems.

6) Public Awareness on the Right to Information

Almost without exception, members of community groups who participated in FGDs and interviews did not know about the FOIA and were unaware of their right to information. Efforts to make the FOIA known to the public remain negligible. Meanwhile, although NGOs and academics are largely familiar with the existence of the FOIA, none of those participating in the research had exercised their right to request information from a public body. They do not yet see the right to information as an instrument to empower citizens, nor do they plan to make use of the FOIA for professional purposes in the near future.

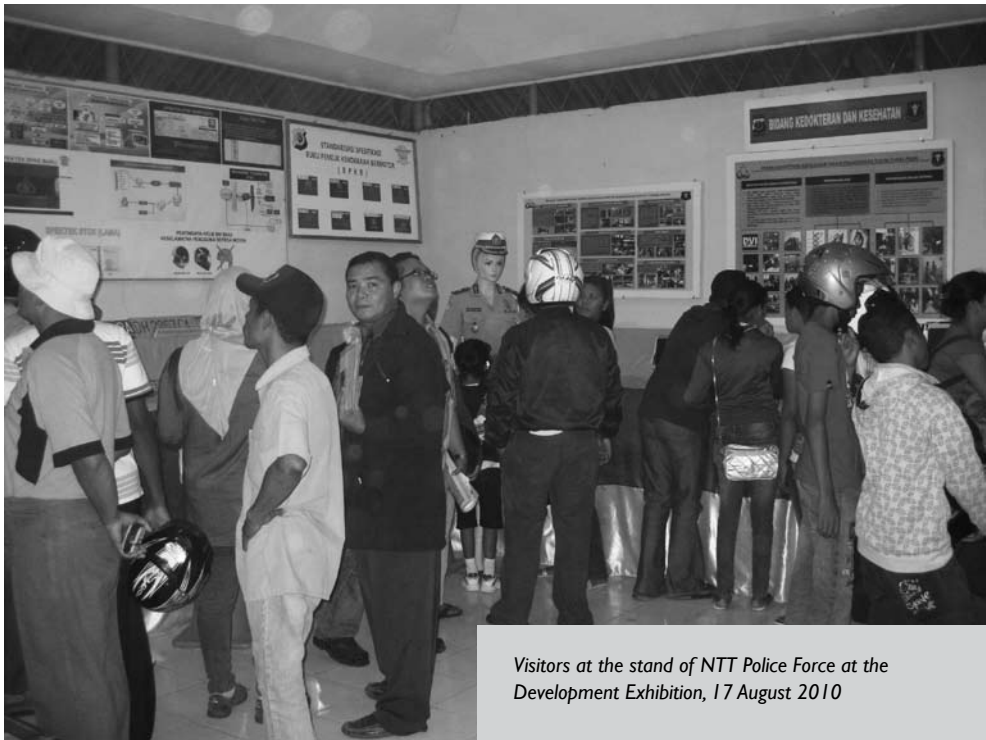
7) Information Requests

Due to the absence of systems for documenting information requests, data on information requests received by public bodies prior to and after the implementation of the FOIA is unreliable. Decisions on whether or not there is an obligation to disclose requested information is also subject to the discretion of the head of the public body that receives an information request, and compliance with the requirements of the FOIA to disclose information is therefore highly subjective.

The above findings provide the basis for a number of recommendations:

1) Strengthening the Implementation of the FOIA in Public Bodies

- **Regulations:** To accelerate the implementation of the FOIA, local governments should prioritize the adoption of local regulations on the right to information, and ensure that they are harmonized with relevant national legislation. These regulations should cover the selection and responsibilities of IDO and Assistant IDO; procedures for gathering and disseminating information; and mechanisms for coordinating information requests, responses and proactive disclosure across different public bodies, including the role of the Electronic Data Management Office in collecting data for online dissemination.
- **Promotion:** Information campaigns and outreach on the FOIA should be carried out to ensure that public bodies at the provincial, municipal and district levels are aware of the FOIA and understand their obligations under the law.
- **Establish SOP:** Every public body should establish SOPs on providing access to information based on a maximal disclosure principle, both by proactively publishing information and providing information upon requests according to the requirements of the FOIA and PerKI No. 1/2010. To facilitate this process, the NTT Provincial Information Commission or the NTT Provincial Communication and Informatics Office/BAPPEDA could develop model SOPs that could be replicated by other public bodies.
- **Training and Resources:** Public officials should receive training on access to information, and support materials such as a guidebook on right to information. Public bodies should also allocate sufficient financial, operational and human resources to ensure the effective implementation of the FOIA.
- **Mediums:** In addition to publishing information online, public bodies should employ other non- electronic mediums that are accessible to everyone. Considering the preference for face-to-face communication in NTT, public bodies should develop communication channels that permit direct verbal communication of information directly to the public.



Visitors at the stand of NTT Police Force at the Development Exhibition, 17 August 2010

2) On the establishment of a Provincial Information Commission

- **Set up Commission:** An Information Commission should be established in NTT province as soon as possible. According to the FOIA, provincial Information Commissions should be established within two years from the passing of the FOIA in April 2008.
- **Governor's decree:** The Governor of NTT should sign the decree to official the selection committee for the Provincial Information Commission, and ensure transparency in the selection process.
- **CSO support:** Civil society organizations should advocate for and support the establishment of the NTT Provincial Information Commission, and monitor the selection process to ensure fairness and accountability.
- **Budget:** Adequate budget must be allocated for the establishment and running of the NTT Provincial Information Commission. Once assigned, the Information Commissioners should be trained and equipped with the skills and knowledge necessary for the job.

3) On Raising Public Awareness on the FOIA and Their Right to Information

- **Public Education:** Local governments and civil society organizations should conduct public education on the Freedom of Information Act, such as producing a citizen handbook on right to information. In addition to conducting public education using printed materials and the media, they should also explore other channels for direct communication, such as through religious organizations and community forums.
- **Use RTI:** Civil society organizations and journalists should be encouraged to use the right to information as a tool to further their objectives and to advance other basic rights for the communities they represent. They should also actively make requests for information that can be used to hold their governments to account.

BAB VIII
TATA CARA PUNGUTAN DAN PENYETORAN
Pasal 27

- 1) Pungutan biaya yang dikenakan pada Pengurusan Kartu Tanda Penduduk, Akte Catatan Sipil dan Surat Keterangan Lulus Pendidikan Sementara dilaksanakan oleh Dinas Kependudukan dan Catatan Sipil Kabupaten Kupang.
- 2) Semua pungutan retribusi pengurusan Kartu Tanda Penduduk dan Akte Catatan Sipil diserahkan kepada Dinas Pendapatan Daerah.
- 3) Pungutan sebagaimana dimaksud ayat (1) disetor secara Bruto kepada Bendahara Pengelola Keuangan Daerah pada Dinas Pendapatan Daerah Kota Kupang oleh Pembantu Penyelenggara Administrasi dan Keuangan Daerah pada Dinas Kependudukan dan Catatan Sipil.

BAB IX
KETENTUAN PIDANA
Pasal 28

- 1) Barang siapa yang dengan sengaja maupun tidak sengaja melalaikan atau tidak mematuhi ketentuan sebagaimana dimaksud dalam pasal - pasal tersebut dalam Peraturan Daerah ini, diancam Pidana kurungan paling lama 6 (enam) bulan dan / atau denda sebesar 4 (empat) kali Retribusi Terutang.
- 2) Tindakan Pidana sebagaimana dimaksud pada ayat (1) adalah pelanggaran.

BAB X
KETENTUAN PENYIDIKAN

Pasal 29

- 1) Pejabat Pegawai Negeri Sipil tertentu dilindungi Pemerintah daerah diberi wewenang khusus sebagai Penyidik melakukan Penyidikan tindak pidana dibidang Retribusi Daerah.
- 2) Wewenang Penyidik sebagaimana dimaksud ayat (1) adalah
 - a. Menerima, mencari, mengumpulkan dan meneliti keterangan atau laporan berkenaan dengan tindak pidana dibidang Retribusi agar keterangan atau laporan tersebut menjadi lebih lengkap dan jelas
 - b. Meneliti, mencari dan mengumpulkan keterangan mengenai orang pribadi atau badan tertentu
 - c. Kebenaran perbuatan yang dilakukan sehubungan dengan tindak pidana dibidang Retribusi
 - d. Minta keterangan dan bahan bukti dari orang pribadi atau badan sehubungan dengan tindak pidana dibidang Retribusi
 - e. Memeriksa buku - buku , catatan - catatan dan dokumen - dokumen lain serta bahan bukti pembukuan, pencatatan dan dokumen lain yang berkaitan dengan tuntutan terhadap bahan bukti tersebut

Appendices

Appendix I

Requirements of Local Governments According to FOIA, PerKI No. 1/2010, PP No. 61/2010 and Permendagri No. 35/2010

| No | Laws and Regulations | Content of legislation relevant to Local Government |
|----|---|---|
| 1 | Freedom of Information Act No. 14/2008 (FOIA) | <p>Article 1 clause 3 Public Body is an executive, legislative and judicial branch of the state government, and other bodies whereby their primary function and duty is related to the administration of the state, of which partial or entire funds are drawn from the state budget and/or regional budget.</p> <p>Article 7 clauses 2 and 3 (2) It is incumbent upon a public body to provide accurate, truthful, and non-misleading information (3) In order to fulfill the obligation as stipulated in clause (2), a Public Body must build and develop an information and documentation system to effectively and efficiently manage public information so as to allow easy access</p> <p>Article 13 clauses 1 and 2 (1) In order to ensure speedy, accurate, and straightforward services, every Public Body must: a. appoint an Information and Documentation Administrator, and b. establish and develop a speedy, easy, and appropriate information service delivery system in accordance with existing technical guidelines on public information services applicable nation-wide (2) The Information and Documentation Officer (IDO) as stipulated in clause (1) point (a) shall be assisted by a technical officer.</p> |
| | | <p>Article 24 clause 1 (1) The Information Commission shall consists of the National Information Commission, Provincial Information Commission, and the District/Municipal Information Commission, if deemed necessary</p> |
| | | <p>Article 25 clause 2 (2) Members of the Provincial Information Commission and/or the District/Municipal Information Commission shall consist of five persons representing the government and the public.</p> |
| | | <p>Article 29 clause 6 (6) The National Information Commission's budget shall be provided by the National Budget, while budget for the Provincial Information Commission and/or District/Municipal Information Commission shall be provided by the Provincial Budget and/or District/Municipal Budget respectively.</p> |

| | | |
|---|---|---|
| | | <p>Article 60</p> <p>The Provincial Information Commission must be established no later than 2 (two) years after the passing of this Law.</p> |
| 2 | <p>Information Commission Regulation No.1/2010 on Public Information Service Standards (PerKI No. 1/2010)</p> | <p>Article 3 clauses 1 and 2</p> <p>(1) The scope of Public Bodies as defined in this Law encompasses:</p> <ol style="list-style-type: none"> a. executive bodies; b. legislative bodies; c. judicial bodies; d. other bodies whereby their primary function and duty is related to the administration of the state, of which partial or entire funds are drawn from the state budget and/or regional budget; e. non-governmental organizations provided that partial or entire funds are sourced from the state budget and/or regional budget, public donation, and/or foreign contribution; f. political parties; and g. state-owned enterprises or regional-owned enterprises. <p>(2) Public Body as stipulated in clause (1) among others, is included in Appendix 1 on Public Bodies, as an inseparable part of this Law.</p> |
| | | <p>Article 4</p> <p>A Public Body has the obligation to:</p> <ol style="list-style-type: none"> a. Enact a regulation on the standard operating procedure for public information service delivery pursuant to this Law; b. Establish and develop an information and documentation system for the effective and efficient delivery of public information; c. Elect and appoint a IDO to discharge corresponding duties and responsibilities, and authority; d. Allocate adequate funding for the delivery of public information services pursuant to existing laws and regulations; |
| | | <ol style="list-style-type: none"> e. Provide facilities and infrastructure for public information service delivery, including announcement boards and information desks in every Public Body, as well as official websites for State Public Bodies; f. Set a standard fee for the provision of public information; g. Establish and periodically update a public information list on all public information being managed; h. Provide and deliver public information as governed in this Law; i. Respond to objections filed by a Public Information Requestor; j. Produce and publish a report on public information service delivery in accordance with this Law and submit a copy of the report to the Information Commission; and k. Evaluate and monitor the implementation of public information service delivery in its institution. |

| | | |
|---|--|---|
| | | <p>Article 5</p> <p>A Public Body may appoint a technical officer and/or information officer to assist the IDO in the discharging of duties, responsibilities, and authority in accordance with identified needs and budget availability.</p> |
| | | <p>Appendix I List of Public Bodies</p> <p>Local Government Public Bodies (Law No. 32/2004)</p> <ol style="list-style-type: none"> a. Provincial Government b. Provincial DPRD c. District/Municipal Government d. District/Municipal DPRD |
| 3 | <p>Government Regulation No. 61/2010 on the Implementation of Freedom of Information Act No. 14/2008 (PP No.61/2010)</p> | <p>Article 12</p> <ol style="list-style-type: none"> (1) An official who may be appointed as IDO within a State Public Body at the central and regional levels is an official in charge of public information. (2) IDO as stipulated in clause (1) shall be appointed by the executive of each concerned State Public Body. (3) IDO within the Public Body other than a State Public Body shall be appointed by the executive of the concerned Public Body <p>Article 13</p> <ol style="list-style-type: none"> (1) The position of IDO shall be held by a person with the required competence in information and documentation management. (2) Competence as stipulated in clause (1) shall be determined by the executive of the concerned Public Body. <p>Article 21</p> <ol style="list-style-type: none"> (1) IDO must be appointed no later than 1 (one) year from the date of the ratification of this Government Regulation. (2) If the IDO has not been appointed, his/her duties and obligations may be carried out by a unit or local office in the field of information, communication, and/or public relations. |

| | | |
|---|--|---|
| 4 | Ministry of Home Affairs Regulation No. 35/2010 on Guidelines for the Management of Information and Documentation Service at the Ministry of Home Affairs and Local Governments (Permendagri No.35/2010) | <p>Article 6</p> <p>(1) The Ministry of Home Affairs and the Local Governments have the obligation to prepare, provide, and/or publish Public Information under their authority to the Public Information Requestor, apart from exempt information as governed in existing laws and regulations.</p> <p>(2) To fulfill obligations as stipulated in clause (1), the Ministry of Home Affairs and the Local Governments shall build and develop an information and documentation system for managing easily accessible information.</p> <hr/> <p>Article 7</p> <p>(1) To manage information and documentation services within the Ministry of Home Affairs and the Local Governments, the IDO shall be appointed for this purpose.</p> <p>(2) IDO as stipulated in clause (1) is a managerial position with the duty and function to delivery information services.</p> <p>(3) IDO at the Ministry of Home Affairs shall be determined by the Minister of Home Affairs.</p> <p>(4) IDO at the Provincial Government shall be determined by the Governor.</p> <p>(5) IDO at the District/Municipal Government shall be determined by the District Head/Mayor.</p> <hr/> <p>Article 8</p> <p>(1) IDO within the Ministry of Home Affairs shall be responsible to the Minister of Home Affairs through the Secretary General.</p> <p>(2) IDO within the Provincial Government shall be responsible to the Governor through the Regional Secretary.</p> <p>(3) IDO within the District/Municipal Government shall be responsible to the District Head/Mayor through the Regional Secretary.</p> <p>(4) IDO within the Ministry of Home Affairs is assisted by an Assistant IDO from a State Component and/or a Technical Officer.</p> <p>(5) IDO within the Provincial Government is assisted by an Assistant IDO from a Local Administrative Unit and/or a Technical Officer.</p> <p>(6) IDO within the District/Municipal Government is assisted by an Assistant IDO from a Local Administrative Unit and/or a Technical Officer.</p> <hr/> <p>Article 12</p> <p>(1) The job description of IDO within the Ministry of Home Affairs is governed in the Ministry of Home Affairs Regulation.</p> <p>(2) The job description of IDO within the Provincial Government is governed in the Governor Regulation.</p> <p>(3) The job description of IDO within the District/Municipal Government is governed in the District Head/Mayor's Regulation.</p> |
|---|--|---|

Appendix 2

Review of Published Information

The aim of this review is to assess compliance with the Freedom of Information Act on the proactive disclosure of information. This review has identified the following five main types of basic information that should be proactively published according to the Act and Information Commission Regulation No.1/2010 (PerKI No.1), these are:

- A. Organization Profile:
 - Address, fax and telephone no.
 - Organizational structure: staffing structure and units under its management
- B. Ongoing Programs and Activities:
 - Names of programs and activities in 2010
 - Goals and target beneficiaries
 - Budget
 - Name of key contact person, address and telephone number for the programs and activities
- C. Financial Information:
 - Total budget allocation for 2010
 - Financial plan for 2010
 - Financial report 2009
 - List of asset and inventory (most recent)
- D. Data on Access to Public Information:
 - Number of public information requests received since 1 May 2010
 - Number of public information requests responded since 1 May 2010
 - Number of public information requests rejected since 1 May 2010
 - Reasons for rejection of requests
 - Procedure for request for information, contact person and contact details
- E. Regulations and Policies that Affect the Public
 - List of laws, regulations, and/or policies that have been adopted or in the process of being passed

By studying published information on the websites of local governments and in the brochures produced by local public bodies (published between January 2009 – July 2010), researchers then determine the extent to which each public body has fulfilled the requirements using a scoring system:

| | |
|---------------------------------|------------|
| Information fully disclosed | : 2 points |
| Information partially disclosed | : 1 point |
| Information not disclosed | : 0 point |

The results are summarized in the table below:

Tabulation of Score

| No | Name of Public Body and Documents Reviewed | Total score | Information published | Information not published |
|----|---|-------------|---|--|
| 1 | <p>The Regional Planning Agency (Bappeda) of NTT Province (Documents reviewed: website www.bappeda.nttprov.go.id and brochures of the Resource Centre)</p> | 8 | <p>A. Organization Profile:</p> <ul style="list-style-type: none"> • Address, facsimile and phone number are complete <p>B. Ongoing Programs and Activities:</p> <ul style="list-style-type: none"> • Coordinative meeting for the acceleration of the achievement of MDGs targets, The Government of NTT Province holds Coordinative Meetings on MDGs, Village Economic Empowerment towards Integrated Independent Villages, the 2009–2029 NTT Province Spatial Planning, the of administration and infrastructure map for the 21 Districts of NTT. The target and beneficiaries targeted are the general public • Targeted Beneficiaries: government and non government organizations (NGO/INGO), academia, schools, press, private sector and donors. • Contact person: There is no name of contact person, only the address and contact numbers of the resource center. The address is complete with location map. <p>E. Regulations and Policies that Affect the Public</p> <p>Only the strategic planning of the Bappeda (Regional Planning Agency) for 2009 – 2013 related to the Resource Centre, Coordinative meeting for the acceleration of the achievement of MDGs targets,</p> | <p>A. Organization profile</p> <ul style="list-style-type: none"> • There is no organization structure displayed <p>B. Ongoing Programs and Activities</p> <ul style="list-style-type: none"> • Budget and name of contact person <p>C. Financial Information</p> <ul style="list-style-type: none"> • Not provided <p>D. Data on Access to Public Information</p> <ul style="list-style-type: none"> • Not provided |
| | | | <p>The Government of NTT Province holds Coordinative Meetings on MDGs, Village Economic Empowerment towards Integrated Independent Villages, the 2009–2029 NTT Province Spatial Planning, the album of administration and infrastructure map for the 21 Districts of NTT.</p> | |

| | | | | |
|----|---|---|---|--|
| 2. | Kupang Municipality Government (Information reviewed: website www.kotakupang.go.id) | 7 | <p>A. Organizational Profile:</p> <ul style="list-style-type: none"> Organization structure: a coordination flow chart is available. However there is no site management structure and contact person. <p>B. Ongoing programs and activities</p> <ul style="list-style-type: none"> Human Resources Development Program Health Aspect of Development Program Education Aspect of Development Program Family Planning and Population Aspect of Development Program Household economy empowerment program | <p>A. Organization Profile</p> <ul style="list-style-type: none"> There are no contact details, address or telephone number displayed in the website. On the page with the title “website team” there are only photos of the website managers without any information on their names, positions and contact details. <p>B. Ongoing Programs and Activities</p> <ul style="list-style-type: none"> Budgets and name of contact persons are not made available |
| | | | <ul style="list-style-type: none"> Public Services: <ul style="list-style-type: none"> SIUP Services SITU Services Population administration services Free-of-charge Health Services <p>C. Financial Information:</p> <p>Only budget information for three years:</p> <ul style="list-style-type: none"> Year 2009 to the amount of Rp. 204.179.508.775.00 Year 2008 to the amount of Rp. 411.240.558.670.00 Year 2007 to the amount of Rp. 330.806.928.085.00 <p>E. Regulations and Policies that Affect the Public</p> <p>There is a list of Regional Regulations passed from 1997 up to 2009 by the Kupang City Government</p> | <p>C. Financial Information</p> <ul style="list-style-type: none"> Financial planning for 2010 and the Accountability Report for 2009 are not made available <p>D. Data on Access to Public Information</p> <ul style="list-style-type: none"> Not available |

| | | | | |
|---|---|---|---|--|
| 3 | Education, Youth and Sport Department [PPO Department], NTT Province (information reviewed : website www.pponntt.com) | 3 | <p>A. Organization Profile: Address, facsimile and telephone numbers are complete. The address of the PPO Department is Jalan Soeharto no. 57 Kelurahan Naikoten 1 Kecamatan Oebobo kupang. Facsimile: 0380-821954. Phone. 0380-833064,833674</p> <p>B. Ongoing Programs and Activities The website only contains news</p> | <p>A. Organization Profile No organizational structure</p> <p>B. Ongoing Programs and Activities • No information on beneficiaries, budget and name of contact person</p> <p>C. Financial Information Not available</p> <p>D. Access to Public Information Not Available</p> |
| 4 | Health Department of NTT Province (the information reviewed is health program brochures) | 7 | <p>A. Organization Profile: Address, facsimile and telephone numbers are complete. The address of the NTT Province's Health Department: Jl. Palapa No.22 Oebobo 85555 Kupang, Nusa Tenggara Timur. Phone: +62 380 820 809. Facsimile +62 380 821 899</p> <p>B. Ongoing Programs and Activities The program's name is mentioned. It is also explained that the program is supported by Australia through Australia – Indonesia Partnership for Maternal and Neo-Natal Health/AIMPNH. The partnership involves the Province and Districts Regional Governments, specifically the departments that are in charge of health sector. The technical institutions that manage health issues are: Health Department, Bappedam BKKBN (or institutions that manage the issues related to family planning), BPMD (or institutions that manage community empowerment) and Women's Empowerment Bureau (or institutions who manage the functions related to women's empowerment)</p> <ul style="list-style-type: none"> • Beneficiaries: it is stated that the program is owned by the NTT's Government and People <p>E. Regulations and Policies that Affect the Public NTT Governor Regulation No. 42 year 2009 on Mother and Child Health Program</p> | <p>A. Organization Profile • There is no organizational structure of the Province's Health Department or the program management</p> <p>B. Ongoing Programs and Activities There is no information on budget and contact person's name</p> <p>C. Financial Information Not available</p> <p>D. Data on Access to Public Information Not available</p> |

| | | | | |
|---|--|----|--|---|
| 5 | One –Dorr Integrated Permit Services Office (KP2TSP). (Information reviewed: permit brochures) | 10 | <p>A. Organization Profile: Address, facsimile and phone numbers are available. The address of KP2TSP, Jl. Basuki Rachmat No.1 Kupang – NTT, Phone: (0380) 833080, Facsimile: (0380) 833213. However the e-mail address is peculiar and does not receive e-mails, namely: someone@example.com</p> <p>B. Ongoing Programs and Activities</p> <ul style="list-style-type: none"> • The name of the program is stated as “the information brochure on Fishery Business Permit” (SIUP) • Beneficiaries: specifically stated as business actors • Contact person: There is no name of contact person, only the address, phone and facsimile numbers. The email address is inactive. • • E. Regulations and Policies that Affect the Public Law No. 49 year 2009 • Government Regulation No. 54 year 2002 • The Minister of Maritime and Fishery Affairs Decree: kep.02/Men/2002 • The Minister of Maritime and Fishery Affairs Regulation: Per.03/Men/2007 • The Minister of Maritime and Fishery Affairs Regulation: Per.05/Men/2007 • The Minister of Maritime and Fishery Affairs Regulation: Per.12/Men/2009 • The Circular Letter of The Minister of Maritime and Fishery Affairs No. B.636/MEN-KP/XI/2009 • NTT Governor Regulation No.51 year 2009 | <p>A. Organization Profile There is no information on KP2TSP’s organizational structure or the management of the program</p> <p>B. Ongoing Programs and Activities There is no budget and name of contact person</p> <p>C. Financial Information Not available</p> <p>D. Access to Public Information Not available</p> |
|---|--|----|--|---|

| | | | | |
|---|--|----|--|---|
| 6 | P2TP2A of NTT Province (information reviewed: brochure) | 12 | <p>A. Organization Profile: Address, facsimile and phone numbers are available. The office address of P2TP2A, Jalan Beringin No.1 Fontein – Kupang (0380) 8018682.</p> <p>Organization structure of P2TP2A is available, The positions in the P2TP2A management are:</p> <ul style="list-style-type: none"> • Director • Coordinator • Vice Coordinator • Secretary • The Division of Law and Mediation • The Division of Recovery and Empowerment • The Division of Research, Education and Training • The Division of Network and Advocacy Development <p>B. Ongoing Programs and Activities</p> <ul style="list-style-type: none"> • The name of program is mentioned: information on complaint mechanism if there is incidence of violence against women and children • Beneficiaries: It is specifically mentioned that the beneficiaries are women in the Regional Apparatus Work Units (SKPD) and the non government partners. • Contact person: There is no name of contact person, only the address, telephone number and fax. • • C. Data on Access to Public Information • Information Inquiry Procedure: it is only mentioned that the P2TP2A services are available 7 days a week, 24 hours a day and services can be made available on call/ by telephone. | <p>B. Ongoing Programs and Activities There is no budget and name of contact person</p> <p>C. Financial Information Not available</p> <p>D. Data on Access to Public Information</p> <ul style="list-style-type: none"> • Not available, except for the procedure to request information |
|---|--|----|--|---|

| | | | | |
|---|---|---|---|--|
| | | | <ul style="list-style-type: none"> • E. Regulations and Policies that Affect the Public • Law No.23 year 2002 • Law No.23 year 2004 • Law No.21 year 2001 • Government Regulation No. 9 year 2008 • NTT Province Regional Regulation No.14 year 2008 • RPJMD, Strategic Planning, 8 (eight) Red Grape Priority Agenda • NTT Governor Regulation No.10 year 2010 on the Organization and Work Procedures for the Women and Children Empowerment Integrated Services Center (P2TP2A) of the NTT Province • Governor Decree No.71/KEP/HK/2010 on the Management of P2TP2A NTT Province | |
| 7 | NTT Province Government (information reviewed: website www.nttprov.go.id) | 4 | <p>A. Organization Profile:</p> <ul style="list-style-type: none"> • Address, facsimile and phone numbers are available. There is no address, facsimile or telephone number for the website's management. There is only the address and telephone number of the <i>Muspida</i> (the heads of governmental institutions in the province) of NTT Province as well as the heads of districts and mayors in NTT. • Organizational structure: There is a chart showing the website's management structure and the names of the people within the management <p>B. Ongoing Programs and Activities</p> <ul style="list-style-type: none"> • The name of the program is mentioned as follows: The website contains the general investment potential in the field of tourism, plantation, agriculture, and mining, the address of the NTT province government's SKPDs and the profiles of Districts and Cities within NTT Province. The special program that can be found is the online complaint system for the field of education, health and information and technology. • Beneficiaries: It is specifically mentioned that the beneficiaries are women in the Regional Apparatus Work Units (SKPD) and the non government partners. | <p>B. Ongoing programs and activities</p> <p>There is no mention of beneficiaries, budget and name of contact person</p> <p>C. Financial Information</p> <p>Not available</p> <p>D. Data on Access to Public Information</p> <p>Not available</p> <p>E. Regulations/Policies that Affect the Public</p> <p>Not available</p> |

| | | | | |
|---|--|---|--|--|
| 8 | TTS District Government (information reviewed: website www.ttskab.go.id) | 1 | <p>B. Ongoing Programs and Activities</p> <ul style="list-style-type: none"> The name of the program is mentioned as follows: This website contains the list of heads of TTS district, names of DPRD (Regional Parliamentary) members for the period of 2009-2014, information on education (number of teachers, students, and schools in TTS starting from elementary school until senior high school), health (health and medical facilities) as well as available infrastructures. | <p>A. Organization Profile</p> <ul style="list-style-type: none"> There is no address, facsimile or telephone numbers There is no management's organizational structure <p>B. Ongoing Programs and Activities</p> <p>There is no mention of beneficiary, budget, or name of contact person</p> <p>C. Financial Information</p> <p>Not available,</p> <p>D. Access to Public Information</p> <p>Not available</p> <p>E. Regulations/Policies that Affect the public</p> <p>Not available</p> |
| 9 | Health Department of Kupang Municipality (information reviewed: Brochure on Free Health Services for the Poor in Kupang) | 4 | <p>B. Ongoing Programs and Activities</p> <ul style="list-style-type: none"> Name of the program: the name of the program, how to access services, types of services, and procedures to access the services are mentioned Beneficiaries :the residents of Kupang who are poor | <p>A. Organization Profile</p> <ul style="list-style-type: none"> There is no address, facsimile or telephone number There is no managing organization's structure <p>B. Ongoing Programs and Activities</p> <p>There is no budget or name of contact person mentioned</p> <ul style="list-style-type: none"> <p>C. Financial Information</p> <p>Not available,</p> <p>D. Access to Public Information</p> <p>Not available</p> <p>E. Regulations/Policies that impact the public</p> <p>Not available</p> |

Appendix 3

Workshop on Baseline Assessment on Access to Information in NTT, held at NTT Provincial BAPPEDA, Kupang, 12 October 2010

The workshop was organized as part of the process to verify the findings of the assessment and to gather inputs from the key stakeholders of this research. The aim of the workshop is to increase the understanding of public officials and civil society groups on opportunities, challenges and issues relating to the implementation of the FOI Law in NTT. It is also intended to encourage the NTT provincial government's commitment in acting upon this research and workshop's recommendations.

The workshop was attended by 37 participants, consisting of officials from NTT Provincial Bappeda, NTT Provincial Secretariat, Kupang Municipal Secretariat, NTT Provincial Health Office, Kupang Municipal Health Office, Kupang Municipal Education Office, NTT Provincial Communication and Information Office, NTT Provincial EDM Office, NTT Provincial KPI, DPRD's Commission A members, as well as representatives from Australia Nusa Tenggara Assistance for Regional Autonomy (ANTARA) and community groups involved in the research process. The Governor and heads of local offices were unable to participate in the event due to a prior engagement to attend NTT's District Head meeting held in Ende. Representatives from the local health and education offices, and the TTS District Secretariat were also unable to attend the workshop. Outcomes of this research, however, will be delivered to them.

The workshop was divided into two sessions. Before the start of discussions, the head of Division I of NTT Provincial Bappeda delivered an opening address which expressed his appreciation for the research outcomes and admitted that several constraints are still hampering the implementation process, such as the debate over budget allocations for the Information Commission's future operations. As NTT already has about 40 Commissions as required by law, this will impose a significant burden on the local budget. A member of DPRD's Commission A asserted his support for the research results and mentioned that the outcome of such research is often made known to public through the mass media and even disseminated to the international community before it is discussed at the local level. He noted progress made in establishing the Information Commission whereby the necessary budget has been approved for both its formation and initial operations, for a total of Rp 100 million. He also mentioned the need for district heads to pledge their commitment to immediately beginning the selection process of Information Commission members. The Deputy Director of Australia Nusa Tenggara Assistance for Regional Autonomy (ANTARA), Daniel Hunt, briefly explained the purpose of this research in his address and expressed hope that its outcome will encourage the effective implementation of the FOI Law in NTT, Kupang and TTS.

After the opening ceremony, panel discussions commenced to focus on the research process, its findings and recommendations. Daniel Banisar, Senior Legal Counsel from ARTICLE 19 had earlier provided a brief summary on the right to information and its development at the international level. Banisar emphasized that the right to information is a fundamental human right as it is connected to an individual's right to life. He mentioned various country examples, including South Africa where the right to information helps poor communities fulfill their right to water. In Uganda on the other hand, the people have struggled for this right in order

to exercise their right to health care. India's poor have gained the right to receive proper public service and social aid by using information that they could acquire through the Law on the Right to Information. This law was also used by Sweden 250 years ago and since the 1960s, some 90 countries worldwide have enacted similar laws to ensure access to information. For each country, the passing of this law is a time consuming process and many years are required to ensure its enactment. The role of civil society groups is thus crucial in pushing for the enactment of this law. Similarly, Indonesia has currently passed its own FOI Law and it is now time for civil society and the government to forge a partnership. A partnership based on friendship. Friends may have shared perceptions but they may also hold different viewpoints. This partnership can be established through trainings, the publication of guidelines, establishment of effective information and documentation systems, and public education on the right to information and its benefits which allows the public to request information by utilizing information access for fulfilling their basic right.

The introduction from David Banisar was then followed by a panel discussion with Amy Sim, Senior Programme Officer from ARTICLE 19, to explain their work's focus on freedom of expression, including freedom of information. She also spoke on the research's background and ARTICLE 19's involvement through the Coalition for the Freedom of Information since the FOI Law was still just a draft. In August 2010, ARTICLE 19 together with Pattiro initiated efforts to heighten the information awareness of officials from nine public bodies at the national level. This initiative was organized through cooperation with the National Information Commission. Amy Sim also stressed that this research not only intends to provide an overall picture on the implementation of the FOI Law in NTT, but also hopes to map out possibilities, challenges and problems faced, as well as what support is needed to address present weaknesses.

The workshop continued with the presentation of research outcomes and recommendations delivered by Ahmad Faisol who represented the local research team. The research was able to map out three aspects related to the implementation of the FOI Law, namely on the Information Commission, PPID and information services offered by public bodies, and the awareness level of public officials and civil society concerning the FOI Law. A prominent element of preparations for the law's implementation in NTT concerns the process of setting up the NTT Provincial Information Commission. NTT is regarded to be one of the early adopters since only three local Information Commissions have been established. Its proposed selection team, however, has not been approved by the Governor, despite the fact that budget allocations for the Commission's establishment and initial operations has been approved and will be drawn from the 2010 revised local budget. The two other elements unfortunately, have not shown any significant progress. Information and Documentation Officer (IDO) has not been appointed in all SKPDs and an SOP for information service delivery has also not been established, except for NTT Provincial's Legal Bureau and Bappeda's Resource Center. Civil society in NTT is also well-informed about the FOI Law but continues to rely on old methods for attaining information, such as using personal ties with local public officials, since NTT has not implemented the law. Recommendations drawn from this research also take into account existing potentials. An example is the need to enhance the role of the EDM Office and existing official government websites in NTT, urge the Governor to immediately approve the proposed selection team, and continue with the selection process.

The workshop's next session featured the Deputy Head of NTT Provincial Communication and Information Office who explained their accomplishment in submitting the names of

candidates for the selection team to the NTT Governor. The necessary budget has also been approved by DPRD. Efforts to disseminate relevant information to SKPDs other than the local communication and information office have been carried out. In principle, the deputy head approved of the research outcomes and will take note of recommendations generated from the workshop.

Pius Rengka, an academic from Nusa Cendana University commented that the research outcome has included the normal practice of obtaining information through close ties with public officials, but did not incorporate his recommendation on the role of political parties. He believes that political parties should carry the obligation to provide political education to the public with regard to the right to information. This is essential as the right to information is also a fundamental right; public participation will only be meaningful if the people are equipped with adequate information. According to him, this research is important for changing NTT's prevailing culture. Apart from funding, the necessary assistance and support include training and the capacity building of NTT local government concerning the delivery of public information.

With regard to funding, Daniel Hunt reminded everyone that the Australia Nusa Tenggara Assistance for Regional Autonomy (ANTARA) program shall end soon. The Government of Australia however, will still be working together with NTT's local government through the AIPD program. This project also involves activities that will push for the implementation of the FOI Law. Before the disbursement of funds, AIPD will first initiate the strategic planning process with the government. Recommendations drawn from this research can be used as consideration in preparing future programs. The next step will be for AIPD to begin the tender process. Although this research has been satisfactorily implemented, there is no certainty that ARTICLE 19 and Tifa will be conducting subsequent programs on the implementation of the FOI Law in NTT.

A Q&A session was then held among participants. Among others, GTZ provided an update on developments of the NTT Provincial Information Commission. One of the disabling factors that hampers the approval of the selection team by the Governor concerns that fact that the legal bureau and a large number of public officials remain uninformed about the right to information, the FOI Law and the significance of the Provincial Information Commission. The selection team's approval can therefore, get forgotten in the Governor's agenda, rather than becoming a priority. GTZ spoke on the need to immediately act on the recommendation to optimize efforts to disseminate information to public bodies. GTZ also inquired on developments in other regions concerning the establishment of local Information Commissions and their success indicators. The research team explained that based on the experience of four Information Commissions established in Central Java, East Java, Riau Islands and Banten, the key enabling factor is the commitment of district heads to implement the selection process. Equally important is intense oversight from civil society groups or coalitions. The National Information Commission has even issued guidelines for the establishment of Information Commissions. An essential lesson drawn from the formative process of Commissions in Yogyakarta and West Java for example, is that in terms of procedure it is important for the selection team to be determined by the district head to avoid the possibility of legal action from the party who may not be elected, thus closing any loophole that may create polemic which would instead impede the selection process. It has been acknowledged that the process of establishing a local information commission is indeed a political process, thus DPRD's firm commitment is strongly needed. Another fact to be taken into consideration is that although

civil society groups are familiar with the FOI Law and have made use of information available to access, their role in the oversight of the law's implementation remains negligible.

Sanlima Foundation on the other hand, commented on the lack of information access within the government and DPRD. Financial reports do not conform with the accounting standard set by the national government. A journalist from *Cursor* daily highlighted the importance of similar studies to gain information from NTT's police force and armed forces. Based on his personal experience, accessing information from these two institutions is extremely difficult. He also suggested the need to deliver the research outcome directly to the Governor and the NTT Provincial Legal Bureau in order to allow public officials to have a better understanding on what needs to be done to accelerate the process of implementing the FOI Law in NTT. The research team agreed to the second recommendation and will send out its full version. The recommendation will probably be delivered later by the representative from the Legal Bureau present at the workshop as well as a representative from NTT Provincial Communication and Information Office. This research on the other hand, will simply concentrate on the provincial government, Kupang Municipality and TTS District. The local police force and armed forces are therefore not included as elements of the local government. The research team also explained that the Indonesia National Police Force is one of the nine public bodies with an SOP and IDO already in place. Information on its actual implementation however, is not available. The NTT provincial police force currently has its own PPID. You may try to access information from the institution and test the mechanism for handling information disputes should your request be denied. Developments in the Indonesian Armed Forces by contrast, have been less than encouraging. From its latest development, claims have been made that the SOP for giving out press statements is in conformity with the SOP established by the Information Commission Regulation. As the Indonesian Armed Forces is a national defense and security entity, exempt information stipulated in the FOI Law shall serve as reference in the handling of information requests. Journalists from Jakarta still face difficulty in obtaining information from the Armed Forces' Information Center. Information available at its official website is restricted to merely announcements on competitions and activities of no significance to the public.

The session following a lunch break was conducted by dividing attendees into three groups to discuss follow-up recommendations on the formation of the NTT Provincial Information Commission, appointment of a IDO, and establishment of an SOP in all SKPDs, as well as on efforts to heighten public awareness on the right to information. The results of these group discussions were presented to the group and discussed in the plenary session.

In the plenary session, workshop participants agreed on the following recommendations for the NTT local government:

1. The Governor needs to make a decision on the selection team for the Provincial Information Commission no later than 17 October 2010. The civil society coalition shall therefore, schedule for an audience with the Governor.
2. Every public body needs to immediately implement the FOI Law by appointing the PPID.
3. Before a IDO is appointed, every public body continues to bear the obligation to ensure information access to the public as stipulated in the FOI Law. It is therefore necessary to

establish an SOP for public information service delivery, including in the appointment of a specific officer for the handling of public information services.

4. The need to conduct capacity building programs for information officers in public bodies.
5. The need to strengthen efforts to disseminate information on the FOI Law to the public and public bodies by using various media accessible to all layers of society among others through the print and electronic media, online and strategic communication tools such as billboards and booklets, as well as activities to heighten public awareness through religious organizations, community groups, public institutions, etc.
6. The need to encourage the establishment of civil society coalitions or networks to support and monitor the implementation of the FOI Law.

On ARTICLE 19 and TIFA Foundation

ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. We champion freedom of expression, including freedom of information, as a fundamental human right that is also central to the protection of other rights. At present, we work with more than 80 implementing partners across the globe that are active in areas such as human rights, freedom of information, democratisation, the media, women, health and environment. ARTICLE 19 is a registered UK charity (No.32741) with headquarters in London, and field offices in Senegal, Kenya, Bangladesh, Mexico, and Brazil.

TIFA Foundation is established in 2000, with the mission to promote an open society in Indonesia which respects diversity and upholds the rule of law, justice and equality. TIFA has been actively involved in the promotion of FOI. In November 2008, it organized the *Workshop on Implementing the Freedom of Information Law in Indonesia*, in collaboration with the Ministry of Communications and Information Technology of Indonesia (DEPKOMINFO), the World Bank, USAID Democratic Reform Support Program, Visi Anak Bangsa, SET Foundation and Indonesian RDI. It is currently providing support to the Central Information Commission on dispute settlement and assisting the civil society to monitor the National Police Force and Regional Police Force in 7 regions for the implementation of FOI.

SAMPUL

**TANGGAL
DITERIMA**

**JENIS
Pemeriksaan**

PANSIMAS
OSAPA

23/8 - 10
30/8

PAPAN DATA

SURVEILANS

The data board features several components: a line graph at the top left showing fluctuating data points; a bar chart below it with multiple colored bars; a large document with text and a logo on the left side; and a grid of smaller charts and documents on the right side, including a prominent green chart with a grid.