

REPUBLIC OF INDONESIA ACT,

NUMBER.....OF

PUBLIC INFORMATION TRANSPARENCY

WITH THE BLESSING OF THE ONE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering :

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

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

By Mutual Consent

THE PARLIAMENT OF THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

decides:

To stipulate: THE LAW REGARDING TRANSPARENCY OF PUBLIC INFORMATION

CHAPTER I
GENERAL PROVISION
Definition

Article 1

In this Law:

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

**CHAPTER II
PRINCIPLES AND OBJECTIVES**

**Part One
Principles**

Article 2

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

**Part Two
Objectives**

Article 3

This law is aimed at the following:

- a. To secure the right of the citizens to know public policy planning, public policy programs, and the process of public decision-making, as well as the reason of the concerning public decision-making.
- b. To encourage public participation in the process of a public policy-making;
- c. To increase the active role of the people in public policy-making and in good Public Agency management ;
- d. To materialize good governance, that is transparent, effective and efficient, accountable and responsible.
- e. To know the rationale of a public policy that affects the life of the people;
- f. To develop sciences and to increase the knowledge of the nation; and/or
- g. To enhance the information management and service at Public Agency, so as to produce good quality information service.

CHAPTER III

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

**Part One
The Rights of Public Information Applicant**

Article 4

- (1) Every person has the right to obtain Public Information pursuant to the provisions of this Law.

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

Part Two
Obligations of the Public Information User

Article 5

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

Part Three
Rights of a Public Agency

Article 6

- (1) A Public Agency has the right to refuse to provide exempted information pursuant to the law.
- (2) A Public Agency has the right to refuse to provide Public Information if it is not in accordance with the law.
- (3) The Public Information that exempted as referred to in paragraph (1) are:
 - a. information that may jeopardize the state;
 - b. information relating to the protection of the business from unhealthy business competition;
 - c. information relating to individual privacy;
 - d. information relating to official function; and or
 - e. the required Public Information is not within its authority or not yet documented.

**Part Four
Obligations of Public Agency**

Article 7

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

Article 8

The obligation of a Public Agency pertaining to the filing and documentation of Public Information shall be conducted in accordance with the law.

**CHAPTER V
INFORMATION ,MUST BE MADE AVAILABLE AND PUBLISHED**

**Part One
Information must be Made Available and Published periodically**

Article 9

- (1) Every Public Agency shall publish Public Information periodically.
- (2) Public Information as referred to in paragraph (1) covers:
 - a. information pertaining to concerning Public Agency;
 - b. information on the activities and performance of the concerning Public Agency;
 - c. information on the financial report; and/or
 - d. other information regulated in the laws.
- (3) The obligation to publish and to provide Public Information as referred to in paragraph (2) is conducted at least every 6 (six) months (semi-annually).
- (4) The obligation to disseminate Public Information as referred to in paragraph (1) is delivered in such a manner that is easily obtained by the people and in a simple language.
- (5) The methods as referred to in paragraph (4) are further determined by the Information Management and Documentation Officer at the relevant Public Agency.

- (6) The provision on the obligation of Public Agency to provide and to submit Public Information periodically as referred to in paragraph (1), paragraph (2) and paragraph (3) is further regulated by Directive of the Information Commission.

Part Two
Information must be Published Immediately

Article 10

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

Part Three
Information must be Made Available at Any Time

Article 11

- (1) A Public Agency shall provide Public Information at any time, covering:
 - a. list of all of Public Information under its authority, excluding information that is exempted;
 - b. the decision made by the Public Agency and its reasoning;
 - c. all of the existing policies, along with their supporting documents;
 - d. the project working plan, including the estimated annual expense of the Public Agency
 - e. agreement made by the Public Agency and a third party;
 - f. information and policies presented by the Public Officer in a meeting that is open to the public;
 - g. operating procedures of the Public Agency personnel relating to public services; and/or
 - h. reports on access to Public Information services as regulated in this law.
- (2) Public Information that has been stated as open to the public based on the mechanism of objections and/or dispute settlement as referred to in Article 48, Article 49, and Article 50, are Public Information that are accessible for the Public Information User.
- (3) The provision on the method to implement the obligation of the Public Agency to provide Public Information that is accessible for the Public Information User as referred to in paragraph (1) and paragraph (2) is further regulated with the directives of the Information Commission.

Article 12

The Public Agency shall publish its information service annually, covering:

- a. the number of requests for information that it receives;
- b. the period that the Public Agency needs to fulfill every request for information;

- c. the number of information supplied and refused, and/or
- d. the reason to refuse a request for information.

Article 13

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

Article 14

The Public Information that must be made available by State-owned Enterprises, Regional Government-owned Enterprises, and/or other state-owned corporations under this law are:

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

Article 15

The Public Information that must be made available by a political party under this law are:

- a. the principles and the objectives;
- b. the general program and activities of the political party;

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

Article 16

Public Information that must be made by a non-governmental organization under this law are:

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

CHAPTER V EXEMPT INFORMATION

Article 17

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

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

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

international communication;

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

Article 18

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

- the court a civil suit in relevance to the state finance or assets, is requested to the President by the Attorney General in his capacity as the state lawyer.
- (6) The written permission as referred to in paragraph (3), paragraph (4), and paragraph (5) is granted by the President to the Chief of the Republic of Indonesia Police, the Attorney General, the Head of the Corruption Eradication Commission, the Head of other State Law Enforcement Agencies, or the Chairperson of the Supreme Court.
 - (7) Taking into consideration the interest of the state defense and security and the interest of the public, the President may refuse/deny a request for an exempted information as referred to in paragraph (3), paragraph (4) and paragraph (5).

Article 19

The Information Management and Documentation Officer at every Public Agency shall examine the consequences as referred to in Article 17 accurately and conscientiously prior to stating that a specific Public Information is exempted and cannot be accessed by the public.

Article 20

- (1) The exceptions as referred to in Article 17 letter a, letter b, letter c, letter d, letter e, and letter f shall not be permanent.
- (2) Regulation on the period/duration of the exemption is further regulated by a Government Regulation.

CHAPTER VI MECHANISM TO OBTAIN INFORMATION

Article 21

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

Article 22

- (1) Every Public Information Applicant may submit a request to obtain Public Information to the relevant Public Agency in writing or otherwise.
- (2) The Public Agency shall record the name and address of the Public Information Applicant, the subject and format of the information as well as the method to deliver the information that is required by the Public Information Applicant.
- (3) The Public Agency concerned shall record in written the request for Public Information that is submitted other than in writing.
- (4) The relevant Public Agency shall provide a receipt in the form of registration number for the request for Public Information as referred to in paragraph (1) and paragraph (3) upon the receipt of the request.
- (5) In the event that the request is submitted personally or by electronic letter, the registration number is given upon receipt of the request.
- (6) In the event that the request is submitted by letter, the registration number may be sent along with the information.
- (7) No later than 10 (ten) working days from the receipt of the request, the Public

- Agency concerned shall provide a written notification to the applicant that contains:
- a. as to whether the required information are under its authority or not;
 - b. the entitled Public Agency where the required information can be obtained, in the case that the required information are not under its authority and the Public Agency knows which Public Agency held such information
 - c. the acceptance or refusal of a request for the reason as stated and referred to in Article 17;
 - d. in the event that the request is accepted entirely or partly, the Public Agency shall state the subject of the information can be obtained;
 - e. in the event that a document contains exempt information as referred to in Article 17, such exempt information may be blackened with the reason and the subject thereof;
 - f. means to submit and the format of the information to be supplied; and/or
 - g. the cost and the payment method to obtain the required information.
- (8) The Public Agency concerned may extend the period to dispatch the notification as referred to in paragraph (7) to no later than 7 (seven) working days thereafter, with the reason therefore in writing.
- (9) Subsequent provisions on the method and procedure to request information to the Public Agency are regulated by the Information Commission.

CHAPTER VII INFORMATION COMMISSION

Part One Function

Article 23

The Information Commission is an independent body that functions to implement this Law and its implementing regulations, to provide the standard technical directives of public information services and to settle public information disputes by mediation and/or non-litigation adjudication

Part Two Location

Article 24

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

Part Three Composition

Article 25

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

Part Four Duties

Article 26

The Information Commission has the following duties:

- a. to receive, check and decide upon a request for the settlement of a public information dispute, be it through mediation and/or non-litigation adjudication that is filed by every Public Information Applicant based on the reason as referred to in this Law;
 - b. to determine general policy of the Public Information service; and
 - c. to determine the implementing directives and the technical directives.
- (2) The Central Information Commission has the following duties:
- a. to determine the implementing procedures of the settlement of a dispute by mediation and/or non-litigation adjudication;
 - b. to receive, check, and decide on a Public Information dispute in the region, as long as the provincial Information Commission and/or the district/municipal Information Commission have/has not been formed; and
 - c. to provide a report on the implementation of its duties under this Law to the President and to the Parliament of the Republic of Indonesia on an annual basis or at any time, if required.
- (3) The Provincial Information Commission and/or the District/Municipal Information Commission has the duties to receive, examine, and to rule over a public information dispute in the region under its jurisdiction by mediation and/or non-litigation adjudication.

Part Five Authority

Article 27

- (1) To carry out its duties the Information Commission has the following authorities:

- a. to summon and/or to arrange a meeting for the disputing parties;
 - b. to ask for the records or relevant materials that are in the possession of the relevant Public Agency to take a decision in the attempt to settle a public information dispute.
 - c. to ask for information or to ask the attendance of a Public Agency officer or a relevant party as witness in the settlement of a public information dispute.
 - d. To take the oath of the witnesses whose information is heard in the non-litigation adjudication of the settlement of a public information dispute; and
 - e. To develop a code of ethics that is announced to the public so that the public can evaluate the performance of the Information Commission
- (2) The authority of the Central Information Commission covers the authority to settle a public information dispute pertaining to the Central Public Agency and the Provincial Public Agency and/or the District/Municipal Public Agency as long as the Information Commission in the province or such district/ municipal Information Commission has not yet been formed.
 - (3) The authority of the Provincial Information Commission covers the authority to settle a dispute pertaining to the Public Agency of the province concerned.
 - (4) The authority of the District/Municipal Information Commission covers the authority to settle a dispute pertaining to the Public Agency of the district/ municipality concerned.

Part Six Responsibilities

Article 28

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

Part Seven The Secretariat and Management of the Information Commission

Article 29

- (1) The administrative support, finance and management of the Information Commission are conducted by the secretariat of the Commission.
- (2) The Secretariat of the Information Commission is operated by the government.

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

Part Eight Appointment and Dismissal

Article 30

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

Article 31

- (1) The President of the Republic of Indonesia nominate 21 (twenty one) potential candidate Commissioners of the Central Information Commission to the Parliament of the Republic of Indonesia as a result of the recruitment as referred to in Article 30 paragraph (2)

- (2) Parliament of the Republic of Indonesia elects the Commissioners of the Central Information Commission by a due diligence test.
- (3) The Commissioners of the Central Information Commission who have been elected by the Parliament of the Republic of Indonesia are subsequently appointed by the President.

Article 32

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

Article 33

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

Article 34

- (1) A member of the Information Commission is dismissed by the decision of the Information Commission in accordance with his/her official position, and is proposed to the President for the Central Information Commission, to the Governor for the Provincial Information Commission, and to the Regent/Mayor for the district/municipal Information Commission to decide.
- (2) A member of the Information Commission resigns or is dismissed for the reasons of:
- a. death;
 - b. expiry of the term of office;
 - c. resignation;
 - d. sentenced by a court ruling that is final and binding, with a threat of criminal sanction for 5 (five) years in prison at the minimum;
 - e. mentally and physically ill and/or other reasons that have led to the person concerned to be unable to carry out his/her duties for 1 (one) year consecutively; or
 - f. committing a disgraceful act and/or violating the code of ethics, the decision thereof being provided by the Information Commission.
- (3) The dismissal as referred to in paragraph (1) is provided by the decision of the President for the Central Information Commission and the decision of the governor for the provincial and/or district/municipal Information Commission.

- (4) A member of the Information Commission is recalled by the President, after consulting it with the chairperson of the Parliament of the Republic of Indonesia for the Central Information Commission, by the governor after consulting it with the chairperson of the provincial Assembly for the provincial Information Commission, and by the regent/mayor after consulting it with the chairperson of the district/municipal Assembly for the district/municipal Information Commission.
- (5) The substitute of the recalled member of the Information Commission is adopted from the next in line based on the result of the due diligence test that has been conducted as the basis of the appointment of the Information Commission member in the relevant period.

**CHAPTER VIII
OBJECTIONS AND SETTLEMENT OF DISPUTE
BY THE INFORMATION COMMISSION**

**Part One
Objections**

Article 35

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

Article 36

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

Part Two
Dispute Settlement by the Information Commission

Article 37

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

Article 38

- (1) The Central Information Commission and the Provincial Information Commission and/or the District/Municipal Information Commission shall begin to proceed the settlement of the public information dispute by Mediation and/or non-litigation Adjudication, no later than 14 (fourteen) working days from the receipt of the request to settle the public information dispute.
- (2) The process of the settlement of a dispute as referred to in paragraph (1) may be completed no later than within 100 (a hundred) working days.

Article 39

The decision of the Information Commission that originates from a consensus by a mediation process is final and binding.

CHAPTER IX
THE COMMISSION'S LAW OF PROCEDURE

Part One
Mediation

Article 40

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

Article 41

In the Mediation process, the Commissioner of the Information Commission act as the mediator.

Part Two Adjudication

Article 42

The settlement of a Public Information Dispute by non-litigation adjudication by the Information Commission may only be conducted if the mediation attempt is declared unsuccessful (failed) in written by either or both of the disputing parties, or either or both of the disputing parties withdraw his/herself from the process

Article 43

- (1) The Information Commission session that examines and makes decision on a suit consists of a minimum of 3 (three) Commissioners or more, and the number shall be an odd number.
- (2) The Information Commission session is open to the public.
- (3) In the event of the examination of the documents that are categorized under the exemption as referred to in Article 17, the session on the examination is a closed session.
- (4) The Commissioners shall keep the documents as referred to in paragraph (3) confidential

Part Three Examination

Article 44

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

Article 45

- (1) A Public Agency shall prove matters that support its view if it states that it cannot provide information for the reason as referred to in Article 17 and Article 5 paragraph (1) letter a.
- (2) A Public Agency shall give the reason that supports its attitude if the Public Information Applicant submits a request to settle the Public Information Dispute as regulated in Article 35 paragraph (1) letter b up to letter g.

Part Five
Information Commission's Decision

Article 46

- (1) The decision of the Information Commission on granting or denying access to all or part of the required information contains any of the following instructions:
 - a. to rescind the decision of the Public Agency supervisor and to decide to grant part or all of the information that is required by the Public Information Applicant in accordance with the decision of the Information Commission; or
 - b. to affirm the decision of the supervisor of the Information and Documentation Management Officer not to provide the required information either partly or wholly as referred to in Article 17.

- (2) The decision of the Information Commission on the main objections as referred to in Article 35 paragraph (1) letter b up to letter g, contains any of the following instructions:
 - a. to instruct the Information Management and Documentation Officer to carry out his/her obligations as provided in this Law.
 - b. to instruct the Public Agency to fulfill its obligation within the specified period to provide the information as regulated in this Law; or
 - c. to affirm the consideration of the supervisor of the Public Agency or to determine the cost for tracking down and/or duplicating the information.

- (3) The decision of the Information Commission is pronounced in a session that is open to the public, except a decision relating to the exempt information.
- (4) The Information Commission shall give a copy of its decision to the disputing parties.
- (5) If a member of the Commission has a dissenting opinion, the opinion of such Commissioner/s is attached to the decision and becomes an inseparable part of such decision.

CHAPTER X
SUIT TO COURT AND CESSATION

Part One
Suit to Court

Article 47

- (1) A suit is filed to the Administrative Court if the accused party is a state Public Agency.
- (2) A suit is filed through the District Court if the accused party is a Public Agency other than the state Public Agency as referred to in paragraph (1).

Article 48

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

Article 49

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

Part Two Cessation

Article 50

The party who does not satisfy with the decision of the Administrative Court or the District Court may file for cessation to the Supreme Court no later than 14 (fourteen) days from the receipt of the decision of the Administrative Court or the District Court.

CHAPTER XI CRIMINAL SANCTION

Article 51

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

Article 52

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

Article 53

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

Article 54

(1) Every person who deliberately and unrightfully accesses and/or acquires and/or supplies information that is exempted as regulated in Article 17 letter a, letter b, letter d, letter f, letter g, letter h, letter I, and letter j, is sentenced to a prison with a maximum of 2 (two) years and is fined with a maximum of Rp. 10,000,000.00 (ten million rupiah)

(2) Every person who deliberately and unrightfully accesses and/or acquires and/or supplies information that is classified as regulated in Article 17 letter c and letter e, is sentenced to a prison with a maximum of 3 (three) years and is fined with a maximum of Rp. 20,000,000.00 (twenty million rupiah)

Article 55

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

Article 56

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

Article 57

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

**CHAPTER XII
TRANSITIONAL REGULATIONS**

Article 58

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

Article 59

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

Article 60

At the time this law takes into effect the Public Agency shall carry out its obligations under the law.

Article 61

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

Article 62

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

**CHAPTER XIII
CLOSING REGULATIONS**

Article 63

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

Article 64

- (1) This law shall take into effect 2 (two) years from the date of its enactment.
- (2) The composition and provision of the Government Regulation, technical directives, socializing, facilities and infrastructure, as well as other matters relating to the preparation of the implementation of this law, shall have been completed no later than 2 (two) years from the enactment of this law.

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

Ratified in:
Jakarta On:

By

THE PRESIDENT OF THE REPUBLIC
OF INDONESIA,

SUSILO BAMBANG YUDHOYONO