

**FREEDOM OF INFORMATION UNDER OFFICIAL SECRETS ACT: A
COMPARATIVE STUDY BETWEEN MALAYSIA AND UNITED KINGDOM**

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ABSTRACT

FREEDOM OF INFORMATION UNDER OFFICIAL SECRETS ACT: A COMPARATIVE STUDY BETWEEN MALAYSIA AND UNITED KINGDOM

In 1st October 1972, Official Secret Act has officially enacted which purposely to preserve certain document which is officially secret to the government. After the codification, the first amendment to the act has been made during 1984 followed by 1986. The legislation of the Official Secret Act in Malaysia is said to deprived the people's right to excess certain information has been restrained and consequently raised the dissatisfaction among the people. Prior to this issue, researchers decided to conduct the study on the application of the freedom of information in the context of Official Secret Act. Research revolved on the comparison between the Official Secret Act legislation in Malaysia and United Kingdom since the legislation in Malaysia is derived from and being in *pari materia* with the legislation of the United Kingdom.

Different sources have been obtained in achieving the purpose of this study. The research was done by reference to the legislations that are the Malaysia's Official Secret Act 1972, as well as the Official Secret Act in United Kingdom. Besides, despite of the digital sources from the internet, the reference to the case study, books and journals is also used in order to gain more information regarding the decided topic. Towards the end of the study, researchers come up with the suggestion on how to overcome the weakness and to enhance the effectiveness of the Malaysian legislation.

CONTENTS

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Statutes	viii
List of Cases	ix

CHAPTER ONE: INTRODUCTION

1.1 Introduction	1
1.2 Background	1
1.3 Research Question	4
1.4 Research Objectives	5
1.5 Research Methodology	5
1.6 Research Scope	
1.6.1 Territorial Limitation	6
1.6.2 Sectorial Limitation	7
1.7 Limitations	
1.7.1 Limitation of time	7
1.7.2 Research Constraint	7
1.8 Significances of Research	8
1.9 Literature Review	9

CHAPTER TWO: FREEDOM OF INFORMATION IN MALAYSIA POSITION UNDER OFFICIAL SECRET ACT 1972

2.1 Introduction	13
2.2 The Need for Freedom of Information	13
2.3 The Establishment of Freedom of Information in Malaysia	15
2.4 The Malaysian Official Secrets Act 1972	
2.4.1 Historical Development	16
2.4.2 Objective and function	17
2.4.3 Restrictions	18
2.4.4 Concluding Remark	23
2.5. The Freedom of Information (State of Selangor) Enactment 2011	
2.5.1. Historical Development	24
2.5.2 Objectives and Function	25
2.5.3 Jurisdiction	25
2.5.4 Access to Information	26
2.5.5 Effectiveness	28
2.6. The Penang Freedom of Information Enactment 2010	
2.6.1 Historical Development	30
2.6.2 Objectives and Function	30
2.6.3 Jurisdiction	31
2.6.4 Access to Information	31
2.6.5 Effectiveness	33
2.7 Conclusion	34

CHAPTER THREE: FREEDOM OF INFORMATION UNDER OFFICIAL SECRETS ACT IN UNITED KINGDOM

3.1 Introduction	36
3.2 The Need for Freedom of Information in United Kingdom	36
3.3 The Establishment of Freedom of Information in the United Kingdom	40
3.4 The United Kingdom's Official Secret Act 1989	
3.4.1 Historical Development	41
3.4.2 Objectives and Functions	43
3.4.3 Categories of Official Secrets Documents	43
3.4.4 Concluding Remark	46
3.5 The Freedom of Information Act in United Kingdom	
3.5.1 Historical Development	47
3.5.2 Objectives and Functions	47
3.5.3 Jurisdiction	48
3.5.4 Access to Information	48
3.5.5 Effectiveness	50
3.6 Conclusion	50

CHAPTER FOUR: COMPARATIVE ANALYSIS ON FREEDOM OF INFORMATION IN MALAYSIA AND UNITED KINGDOM.

4.1 Introduction	52
4.2 Classification of documents under the Official Secrets Act: Comparison between Malaysia and the United Kingdom	53
4.253.1 Concluding Remarks	56
4.3 Freedom of Information: Position in Malaysia and the United Kingdom	57
4.3.1 Concluding Remarks	59
4.4 Conclusion	59

CHAPTER FIVE: CONCLUSION AND RECOMMENDATION

5.1 Summing up	61
5.2 Findings and Recommendation	62
5.3 Conclusion	65
Bibliography	66
Appendix	72

CHAPTER ONE: INTRODUCTION

1.1 Introduction

The core and vital part of democratic process is freedom. Freedom is defined as the exemption of a person from external control from other person.¹ In Malaysia, Official Secret Act was formerly being introduced mainly to protect government's secret information. However the legislation is alleged to have restricted the right of freedom of information in Malaysia.

Right of information allows a person to have an access to public data held by government or any other bodies. Besides, a person has the right to investigate or make further research on certain issues and can freely deliver the information without any restriction. However, with the employment of the Official Secrets Act 1972, the right of access of information to government's data which is categorised as official, hidden and secret is limited.

Conversely, in the United Kingdom, the right to freedom of information is also limited by a legislature. Although the Official Secrets Act 1989 is implemented in the United Kingdom, the categorisation of documents to be governed by the Act itself is limited. Hence, only documents that is categorised as Official Secret will be barred from production. Thus, more right is given to a person or public to get access to document. Besides, the enforcement of freedom of information has further extended the freedom of information in the United Kingdom.

The strength shown under the United Kingdom system provides reference fro the Malaysian system to make improvement. This is elaborated more in the research.

1.2 Background

The prevailing view concerning the limitation imposed on Malaysian freedom of information could be best described in the words of Judge Raja Azlan Shah J:

¹ Press, O. U. (n.d.). Oxford Dictionaries . Retrieved 18 December 2013, from <http://www.oxforddictionaries.com/definition/english/freedom>.