

ACCESS TO FACILITY-SPECIFIC ENVIRONMENTAL INFORMATION



INDONESIA

Indonesia has a general law on access to government information. The [Public Information Openness Law](#), Act 14 of 2008, contains the provisions relevant to obtaining environmental compliance and permitting information.

Article 2 contains the basic principles, which are expansive:

“(1) Public Information shall be in nature open and accessible to Public Information User. (2) Exempted Public Information shall be strict and limited. (3) Public Information shall be obtained by Public Information Requester in a quick and timely, inexpensive, and uncomplicated manner. (4) Exempted Public Information shall be in nature confidential pursuant to legislations, appropriateness, and public interest based on the test of consequences that will emerge if an information is disclosed to public and after meticulously measured that confining the Public Information may protect a greater interest compared to disclosing it, or vice versa.”

The general exemptions are in Article 6(2):

Public Information that shall not be disclosed by Public Body, as referred to in paragraph (1) are as follows: a. information that may impose harm to the state; b. information related to protection of business from unfair competition; c. information related to privacy rights; d. information related to professional secrecy; and/or e. the requested Public Information is not yet under control or documented.

More detailed exemptions are described in Article 17(a):

Public Information that if disclosed and provided to Public Information Requester could obstruct due process of law, namely information that could: 1. obstruct the observation and investigation process of a criminal act; 2. reveal the identity of informants, reporters, witnesses and/or victims having knowledge of a criminal act; 3. reveal criminal intelligence data and plans related to prevention and

treatment of any forms of transnational crime; 4. endanger the safety and lives of law enforcement personnel and/or their families; and/or 5. endanger the security of equipment, facilities and/or infrastructures of law enforcement and/or their families; and/or 5. endanger the security of equipment, facilities and/or infrastructures of law enforcement and/or their families; and/or 5. endanger the security of equipment, facilities and/or infrastructures of law enforcement and/or their families; and/or 5. endanger the security of equipment, facilities and/or infrastructures of law enforcement>

This is similar to the dominant international test of disclosure of information that would interfere with enforcement of the law. However, the Indonesian test seems to be a slightly higher bar: obstruction of due process. Accordingly, it would be inapplicable to information already in the hands of the targeted facility and in possession of the government. It also would not be applicable to past violations already settled.

The Ministry of Environment has a “Right to Information” section but does not provide a link for requests. The contact information on their website indicates that in 2020 the POC is Mr. Ravi Agrawal (+9111-24695137) ravi.agrawal@nic.in.

Indonesia has also developed a public information disclosure program, the [Program for Pollution Control, Evaluation and Rating](#) (PROPER). PROPER rates company performance related to environmental management. This has generally been [well-received](#).

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