Australian Government

Attorney-General's Department

Civil Law Division

12/7233

17 August 2012

Professor John McMillan AO
Australian Information Commissioner
GPO Box 2999
CANBERRA CITY ACT 2601

Dear Professor McMillan

Open Government Partnership

I am writing in regard to Australia's possible membership of the Open Government Partnership (OGP).

The Attorney-General has sought the views of the Prime Minister, the Minister for Foreign Affairs and Trade, and the Minister for Broadband, Communications and the Digital Economy as to whether Australia should join the OGP.

The Attorney-General's Department has also discussed the proposal at officer level with the Department of the Prime Minister and Cabinet. The document at **Attachment A** outlines the steps Australia would need to take to join the OGP and indicates the commitments involved in ongoing membership.

I note you have indicated that the Office of the Australian Information Commissioner could take a lead role in terms of Australia's engagement with the OGP. In that context it would be of assistance if you could indicate the steps you would take in relation to the requirements to join the OGP and the resource commitments that you would be able to make available.

The action officer for this matter is Carl Godfrey who can be contacted on 6141 2543.

Yours sincerely

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Joining the Open Government Partnership

This document is adapted from *Open Government Partnership: Articles of Governance* (**Attachment A**). It outlines the practical steps Australia will have to take if it decides to join the OGP. To join the OGP, Australia must:

1. ensure the OGP eligibility criteria are met

2. write a letter of intent

3. start work on the action plan

4. participate in the OGP peer-engagement meeting in December 2012, and

5. deliver an action plan and endorse the OGP Declaration in March 2013.

Each of these five steps is outlined in Part A below. Part B outlines the ongoing commitments for Australia that OGP membership would entail.

Part A

1. Eligibility criteria

Australia meets the eligibility criteria for joining the OGP (**Attachment B**).

2. Letter of intent

Australia must submit a letter of intent signaling its commitment to open government and its intention to join the OGP.

3. The Action Plan

Timing

Australia needs a draft action plan by December 2012 for the OGP peer-engagement meeting. To meet this deadline and the OGP public consultation requirements, public consultation needs to commence in October 2012 at the latest.

Content

In its action plan, Australia must select at least one of five 'grand challenges', namely:

1. improving public services

2. increasing public integrity

3. more effectively managing public resources

4. creating safer communities, or

5. increasing corporate accountability.

In relation to each grand challenge selected, Australia must then make concrete commitments over a two-year period. The commitments must stretch government practice beyond its current baseline with respect to the relevant grand challenge. They may build on existing efforts, identity new steps to complete on-going reforms, or initiate action in an entirely new area.

Each commitment must reflect four open government principles:

1. transparency

2. citizen participation

3. accountability, and

4. technology and innovation.

Australia should attach timeframes and benchmarks to each commitment.

Public Consultation

Australia must develop its action plan with the active engagement of citizens and civil society. Specifically, Australia must:

- give public notice of its public consultation process at least two weeks before this commences

- consult widely with the public, and make a summary of the public consultation as well as all written submissions available online

- undertake OGP awareness raising activities to enhance public participation in the consultation

- consult the public with sufficient forewarning and through a variety of mechanisms, including online and through in-person meetings, and

- identify a forum to enable regular multi-stakeholder consultation on OGP implementation.

Consultation with OGP

As it develops its action plan, Australia must engage in working level sessions with:

- other participating governments, and

- the OGP Steering Committee.

4. OGP Peer Engagement Meeting

To encourage the sharing of good practices and innovations and maintain high standards, OGP countries participate in peer engagement meetings with other participating countries and the OGP Steering Committee during the commitment development process. The next meeting will take place in December 2012.

Australia will have to be prepared to share its draft commitments, reflect on its experiences to date, and engage other countries on their draft plans.

The December meeting will be at a ministerial level.

5. OGP Declaration

Countries will formally join OGP on March 2013 in London, when new participating governments endorse the OGP Declaration (**Attachment C**) and deliver their action plans. The meeting will take place simultaneously with the 2nd Annual High-Level Conference of the Open Government Partnership. The meeting will be at a ministerial level.

Part B

1. Implement the action plan

Australia must implement its action plan and continually update its action plan in consultation with the public.

2. Report on the implementation of the action plan

Australia must report on the progress of its action plan implementation within three months of the plan's first anniversary.

Australia must commission an expert report on its action plan implementation.

Australia must make these reports public.

3. Participate in the steering committee

The OGP steering committee is the executive, decision-making body. See **Attachment A** at page 6 for a description of its functions.

Australia must vote to elect steering committee representatives at each annual conference.

There are three steering committee meetings annually: one at ministerial-level; two at working level.

Members of the steering committee are expected to make financial contributions to the OGP. Each donation is to be at least $50,000.

4. Attendance at the OGP Annual Conference

The conferences aim to attract high-level participation:

> 'In order to maintain maximum political will within governments, OGP annual conferences are to solicit head-of-state level participation from participating governments. Barring availability of the head-of-state, he or she should designate a senior member of the government to attend, expecting to be of at least full ministerial level.'

Accordingly, Australia will have to send a minister to each OGP Annual Conference.

Open Government Partnership

OPEN GOVERNMENT PARTNERSHIP:
ARTICLES OF GOVERNANCE
Adopted April 16, 2012

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I. BACKGROUND AND OBJECTIVES

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

OGP is not registered as its own independent legal entity.

The Articles of Governance detailed in this document relate to the mandate and operations of the Open Government Partnership, including:
- The OGP Steering Committee (see Section IV);
- The OGP Annual Conference (or Plenary) (See Section III);
- The OGP Support Unit (see Section V);
- The OGP Networking Mechanism (see Section VI); and
- The OGP Independent Reporting Mechanism (see Section VII);

II. PARTICIPATION IN OGP

Governments

Eligible governments can join OGP through the following series of steps:

  a. Submit a letter of intent that signals their government's commitment to open government and intent to participate in OGP;
  b. Develop a concrete action plan according OGP standards (see Addenda B and C); and
  c. Implement the action plan and report on progress in cooperation with the OGP Independent Reporting Mechanism.

All governments that have submitted a letter of intent, committed to abide by OGP principles and processes by endorsing the OGP Declaration[1], and initiated the process of developing concrete action plans are considered participants governments in OGP and listed on the OGP website.[2]

The OGP Support Unit, described in Section V, reviews eligibility criteria on an annual basis or as requested by stakeholders, including participating governments or civil society organizations. The Support Unit is expected to revise the list of eligible countries and

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[1] See Addendum D, OGP Declaration of Principles

[2] See Addendum B on Country Commitments for further information.

report any changes to the Criteria and Standards sub-committee as needed.

Civil Society

In addition to participating governments, civil society organizations contribute to OGP via participation on the Steering Committee, engagement in action plan development, implementation and monitoring at the country level, the networking mechanism, and the OGP annual meeting and other OGP outreach events. Civil Society participation in the Steering Committee is detailed in Section IV.

Private Sector

OGP strongly encourages the private sector to take part in developing, monitoring, and supporting the implementation of country action plans, both through participation in domestic public consultations and multi-stakeholder forums, as well as through the provision of technical expertise. One key outlet for private sector groups to make their expertise available to OGP participant countries is through the OGP Networking Mechanism, which is open to all, and is further described below in Section VI. Private sector organizations may also be invited to participate in the OGP annual meeting and other outreach events.

Expectations of OGP Stakeholders

All OGP participating governments commit to meeting five common expectations:

1. Endorse the high-level Declaration of Principles on Open Government;
2. Make concrete commitments as part of a country action plan that stretches the country beyond its current practice;
3. Develop country action plans through a multi-stakeholder process, with the active engagement of citizens and civil society;
4. Commit to a self-assessment and independent reporting on the country's progress; and
5. Contribute to the advancement of open government in other countries through sharing of best practices, expertise, technical assistance, technologies and resources, as appropriate.

OGP stakeholders are expected to uphold the values and principles articulated in the OGP Declaration, and to consistently and continually advance open governance for the well-being of their citizens.

Should an OGP participating government cease to act consistently with OGP principles, process benchmarks or no longer meets core OGP eligibility criteria, OGP Steering Committee representatives may engage at the first instance with said government to address concerns and support the government on its path to openness. In so doing, OGP emphasizes the vertical accountability between a government and its citizens that is its founding principle. Should such efforts fail, in order to safeguard the integrity and

legitimacy of the OGP, the Steering Committee may review the participation of said government in the following manner:

1. Should a participating government fall below the minimum eligibility criteria (Addenda A, updated each year by the OGP Support Unit) said government should take immediate and explicit steps to address issues so that it passes the threshold within one year. Failure to do so may trigger review of the participation of said government in the OGP by the Steering Committee upon recommendation of the Criteria and Standards (CS) sub-committee.
2. In the unlikely event that the Steering Committee deems it necessary to suspend a government's participation in OGP, the government in question may appeal the decision where it views the basis of the decision to be unfair. In this case the Steering Committee appoints an ad hoc committee of governments and civil society organizations who participate OGP. This ad hoc committee then undertakes a second review of the case, and makes a recommendation to the Steering Committee no later than 60 days after the initiation of the appeal. The Steering Committee is to consider the matter and issue its final decision no later than 30 days of receiving the ad hoc committee's recommendation.

The Steering Committee is to issue a public report about its deliberations and decision on the above, and may include this report in its Annual Report.

OGP Observers

Representatives from relevant international organizations and inter governmental bodies, such as the World Bank and the International Monetary Fund, may be invited by the OGP Steering Committee to attend the OGP annual conference and related steering committee events as observers, when this can be practically accommodated. They have no role in the voting process, but may be invited to share their views.

III.   The OGP Annual Conference (Plenary)

The OGP conference is to be held every year. It functions as the ad hoc plenary of OGP in order to provide a forum for OGP stakeholders to further the objectives of the initiative and to exchange their experiences in promoting open government. The lead OGP chair hosts the annual conference and the three OGP co-chairs serve as chairpersons for the annual conference. The Support Unit works with the Governance and Leadership sub-committee on all aspects of the annual conference.

Date and Location: The lead chair, in consultation with the Governance and Leadership sub-committee, decides the date and location of the annual conference at least six months in advance. In so doing, the lead chair is to take into account maximizing the likelihood of participation of the highest levels of government (heads of state) and civil society leadership.

Invitations: The lead chair issues invitations to participating governments. Invitations to

civil society organizations are managed through a selection process handled by the Support Unit and approved by the Governance and Leadership sub-committee [see below]. The size of government delegations is to be determined by the lead chair. Additional invitations are issued at the discretion of the co-chairs. The co-chairs are responsible for coordinating the invitation process to the annual conference.

For governments invited as observers, participation in the Annual Conference does not correspond with full participation in OGP[3].

Agenda: The lead chair develops the agenda in concert with the Governance and Leadership sub-committee. OGP stakeholders can offer additional items for consideration by the co-chairs in forming the agenda.

Civil Society Participation in the Annual Conference: The Support Unit is to fund the travel of a certain number of local civil society representatives from OGP participating governments, contingent on available resources. Working with the Governance and Leadership sub-committee of the Steering Committee, the Support Unit manages a transparent and credible process to identify civil society representatives from the existing OGP participating governments to participate.

Civil society participation in OGP annual meetings and all other outreach events is based on the principle of self-selection—governments do not determine which civil society organizations attend from their countries, and have no veto power. For funded civil society participants at the annual meeting, the OGP Support Unit works with civil society to determine the most appropriate representation for each country, in an open process. For all other events, civil society organizes itself to identify the appropriate representatives to participate. OGP welcomes the participation of a wide-array of civil society organizations, including community-based groups and NGOs working at the local, sub-national level.

In instances where there is difficulty reaching civil society consensus at the country level, the Support Unit and Governance and Leadership sub-committee are to proactively identify qualified representatives wherever possible through an open and competitive application process according to transparent, public criteria. In addition to the OGP-funded country level civil society representatives attending the annual conference, international civil society organizations are invited on a first-come, first serve basis, pending availability of space as determined by the lead chair. These organizations are to go through the same application process as local civil society organizations. Once selected after the application process, these organizations may participate in voting related to membership on the Steering Committee.

Level of Participation: In order to maintain maximum political will within governments, OGP annual conferences are to solicit head-of-state level participation from participating governments. Barring availability of the head-of-state, he or she should designate a

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[3] See Addendum A on "Country Eligibility Criteria"; OGP Observers section above; and Civil Society Participation below.

senior member of the government to attend, expecting to be of at least full ministerial level.

IV.   THE OGP STEERING COMMITTEE, CO-CHAIRS, AND SUB-COMMITTEES

STEERING COMMITTEE

Purpose: The OGP Steering Committee is the executive, decision-making body of the initiative. The main role of the OGP Steering Committee (SC) is to develop, promote and safeguard the values, principles and interests of the OGP. It also establishes the core ideas, policies, and rules of the partnership, and oversees the functioning of the partnership. It manages, in an open and transparent manner, the entry, rotation, and exit of OGP stakeholders. Under the leadership of its co-chairs, the SC plans and manages its major meetings and actions between meetings.

Functions: As an executive body and through its sub-committees, the OGP Steering Committee serves the following key functions:
*   Provides leadership by example for OGP in terms of domestic commitments, action plan progress, participation in the annual conference, and other international opportunities to promote open government;
*   Sets the agenda and direction of OGP, with principled commitment to the founding nature and goals of the initiative;
*   Manages stakeholder membership, including eligibility and participation;
*   Conducts ongoing outreach with both governments and civil society organizations;
*   Provide intellectual and financial support, including through in-kind and human resource support.
*   Issues an Annual Report of OGP progress.
*   Sets and secures the OGP budget.

Composition: Reflecting the joint government-civil society nature of the partnership, the Steering Committee is comprised of government and civil society representatives that together guide the ongoing development and direction of OGP, maintaining the highest standards for the initiative and ensuring its long-term sustainability. The SC can consist of up to 20 Steering Committee Members (ten representatives from OGP participating governments and ten civil society representatives), with parity maintained between the two constituencies.

Selection of Government Representatives: The head of each Government delegation or their designate present during the annual meeting is to vote to elect Government Steering Committee Representatives each year.

Selection of Civil Society Representatives: Civil society participants from OGP member countries and internationally that have applied and are invited to attend the OGP annual conference are eligible to vote for civil society Steering Committee members. If invited

civil society participants are unable to attend, they are able to vote "virtually" (See further detail on voting below).

New members begin their terms immediately, and there is to be a short business meeting of the newly constituted Steering Committee at the end of each annual conference.

Candidacy: Governments and civil society organizations interested in being on the Steering Committee are to apply through a prescribed form available on the OGP website and managed by the Support Unit. Closing date for receiving nominations is 90 days before the Annual Conference. Each nomination requires details of the candidate government/organization, its track record in open government related issues, a statement of intent on how it plans to contribute to OGP's leadership, what strengths it would bring to the SC, and the time availability it is able toe devote to the work of OGP. After review by the Steering Committee, a full list of candidate governments and organizations is to be presented to the plenary.

Terms and Rotation: SC membership terms are for 3 years, with the possibility of a one-term renewal. Candidates that would like to seek a renewal in term have to be re-elected by their peers in the plenary in order to stay on the Steering Committee. There are no permanent seats on the SC; every seat goes up for election. Founding SC members are asked to volunteer for 2, 3 or 4 year terms to stagger rotation in the first years of the initiative.

Meetings: The lead chair is responsible for organizing at least three Steering Committee meetings per year: one ministerial-level and two working level. The lead chair may call additional meetings as needed. The lead chair is to give at least four weeks notice before any working-level Steering Committee meeting and eight weeks notice for a Ministerial-level meeting. The Governance and Leadership subcommittee sets the agenda for every Steering Committee meeting and circulates a draft for review by the entire Committee at least two weeks in advance. Steering Committee members are to provide notice of the composition of their delegation one week before the meeting.

Meeting Attribution and Publication of Meeting Materials: All OGP meetings are to take place under the Chatham House Rule, with remarks being non-attributable to participants.

Social media, including Facebook and Twitter, is allowed at all OGP SC meetings unless an SC member requests a closed session. Use of social media should also follow Chatham House rule, or non-attribution.

Pre-decisional policy documents circulated for discussion at Steering Committee meetings may be published on the website (along with agenda and participant lists) prior to the meeting whenever possible, and are to be marked draft.

Steering Committee members can request a closed meeting prior to the start of the session. Following a closed session, SC members should decide on the details and method for public disclosure of meeting minutes.

Decision-making: All major policy and substantive decisions are to be made by the full Steering Committee, in its meetings or by circular where meetings are not practical. In making decisions, Steering Committee members are to seek to develop consensus; failing consensus, decisions are to be made by simple majority [except in the case of a decision on continued eligibility detailed under section II]. In the case of tied votes, the lead chair casts a second and determining vote. A quorum is established when fifty percent of each constituency (governments and civil society organizations) are present. The Governance and Leadership subcommittee is empowered to make logistical decisions between meetings, for example, specific details related to the Annual Conference.

Steering Committee members are not to vote by proxy if they are unable to attend voting sessions. Members may elect to bring a guest observer to Steering Committee meetings, with prior approval from the Governance and Leadership subcommittee. Such guest observers are not to participate in voting.

Conflict of Interest: The co-chairs are not to serve on the Budget and Audit sub-committee. An external auditor is to serve the role of ombudsman to handle complaints and concerns related to the Steering Committee and/or its members. The organization that houses the Support Unit is not to vote on issues related to the Support Unit.

Expectation of Steering Committee Members: Steering Committee members are expected to demonstrate their commitment to the principles of OGP through their participation in the international initiative and in their domestic environment. They carry a special onus for leadership by example for entire OGP community. Should a Steering Committee government no longer be eligible, the same process is to be followed as described in Section 3.

OGP Steering Committee Elections and Voting

Voting on new representatives to the OGP Steering Committee takes place during a standing business session of the annual conference. The OGP Steering Committee Chairs serve as chairpersons for the business session.

For the purposes of electing new Steering Committee representatives, OGP is divided into two separate constituencies: governments and civil society organizations. Each constituency elects its own members.

The Steering Committee is to hold an open nominations process for both government and civil society representatives that are interested in sitting on the OGP Steering Committee, with transparent and detailed criteria identifying how the Steering Committee is to vet all nominations. Taking into consideration the full suite of country and CSO nominations and after the vetting process, the Steering Committee is to be responsible for ensuring regional diversity in the composition of the final candidate list that is put forth for voting to OGP stakeholders.

In the case of government representation, SC positions are to be divided by region. If the number of candidates in a region does not cover all the positions allotted for that region, countries from any region can fill open positions. All OGP governments participate in the election of all government SC members. Each participating government has one vote.

Local civil society organizations get one vote per OGP implementing country, and international/regional civil society organizations get an equal number of votes, not to exceed the number of local civil society representative votes.

For local civil society representatives from OGP implementing countries, each organization that applies and is selected to attend the annual meeting as a financed participant is eligible to vote as their country's civil society representative that year (organizations may change year to year). For countries where there is no financed participant, the first local civil society participant from that country to meet the application criteria is eligible to vote as their country's civil society representative that year.

For international/regional civil society, a separate application process is to determine voting eligibility. The first 55 (or however many OGP member countries exist at that time) applicants that meet the application criteria are to be eligible to vote at the annual meeting as well.

Fifty percent of representatives in each constituency constitute a quorum for the purposes of voting. The chairs tally the votes. Those candidates that receive the most number of votes (by secret ballot) are to be elected. The chairs are to announce the new members at the conclusion of the annual meeting.

OGP STEERING COMMITTEE CHAIRS

Composition: OGP Steering Committee leadership is to have three chairs of equal standing, elected by the entire Steering Committee as follows: a lead government chair, a support (or incoming) government chair, and a civil society chair. The support chair assumes the role as lead chair during their second year, when a new support chair is to serve. The three chairs should not supplant the role and influence of the SC sub-committees, including the Governance and Leadership committee. The civil society chair may not serve as the lead chair.

Responsibilities: The OGP Steering Committee Chairs are responsible for providing strategic leadership to the initiative, coordinating the development of proposals on relevant policy/governance issues, conducting outreach on behalf of OGP with governments, civil society, the private sector, donors and the media; and representing OGP in media and other public forums.

> **Leadership:** Safeguard the values and spirit of OGP, including the strategic collaboration and balance between civil society and governments and the vertical accountability of OGP between a government and its citizens.

Outreach: Build CSO and government participation in OGP by leveraging respective global and local networks.

Representation: The lead chair speaks on behalf of OGP as a whole at key fora and with media. In concert with the Lead Chair, the support chair and the CSO chair may also represent OGP. The CSO Chair is not to speak on behalf of governments unless explicitly authorized, and the government Chairs are not to speak on behalf of civil society unless explicitly authorized.

Coordination: The three Steering Committee chairs are to hold regular conference calls with the Governance and Leadership subcommittee between OGP meetings to coordinate country outreach efforts and plan meetings.

Election and Rotation: The chairs are elected by the Steering Committee. Those candidates that receive the most number of votes are elected. Steering Committee chairs are to be designated 18 months in advance of their chairmanship. Steering Committee representatives may nominate themselves or each other to become the next OGP chair. The Governance and Leadership committee is to compile and present nominations to the full Committee. The Steering Committee is to then aim to achieve consensus on the chairs' rotation recommendation, or vote if necessary.

Starting in September 2012, Steering Committee government chairs are to rotate on an annual basis, with each chair serving a two-year term: one year as a supporting chair, followed by one year as the lead chair. The CSO chair serves for a period of one year with the possibility of re-election for a second and final consequent term.

STEERING COMMITTEE SUB-COMMITTEES:

The OGP Steering Committee has four standing sub-committees to support its work. Sub-committees are charged with carrying out preliminary work to inform decisions taken by the entire Steering Committee. Sub-committees do not make decisions but instead make recommendations to the full Steering Committee. The Steering Committee can choose, with the consensus of the full SC, to form additional sub-committees as needed. Each standing sub-committee is comprised of two governments and two civil society representatives drawn from the larger Steering Committee. They are:

Governance + Leadership (GL): Comprised of the three chairs and an additional civil society representative (for parity), the Governance and Leadership sub-committee serves as the executive committee of the SC, provides oversight of the OGP Support Unit, and manages day-to-day details related to the functioning of OGP. The lead chair is charged with hosting the annual OGP Conference and Steering Committee meetings, with assistance from the support chair. The support chair is responsible for managing communications and branding for the initiative. The civil society chair is responsible for outreach to global and local civil society actors. The GL subcommittee is to commit adequate time to the management of the Support Unit and OGP, ensuring that decisions

are made and processes kept moving in a timely manner.

Finance + Audit (FA): This sub-committee develops and recommends to the Steering Committee the budget of OGP; develops fundraising policies; ensures effective accountability and transparency of OGP use of finances; and liaises with donors as needed. The Chairs and the civil society organization that houses the OGP Support Unit are not to sit on this sub-committee.

Criteria + Standards (CS): This sub-committee recommends to the Steering Committee the eligibility criteria for OGP governments and the circumstances in which governments' actions or record call into question their full participation in OGP. . It also recommends guidelines related to best practices for OGP participating countries (e.g. the disclosure policy and terms of meaningful public consultation)[4]; recommends criteria for international and local Independent Reporting Mechanism (IRM) experts and; assesses with the IRM the need to change, update or complement the eligibility criteria for the OGP and makes recommendations to Steering Committee[5].

Learning + Peer Support: This sub-committee fosters active exchange and learning among OGP countries and other interested parties. It also liaises with the Networking Mechanism and other organizations to help countries achieve OGP aspirations more effectively.

No member of the SC may serve on a sub-committee for more than two years, so as to allow the rotation of members in the sub-committees.

Minutes of sub-committee meetings and decisions are to be carefully kept and circulated to all SC members within two weeks.

V.   OGP SUPPORT UNIT

OGP is supported by a small permanent support unit, housed within a fiscal sponsor designated by the Steering Committee. The Support Unit is designed to help maintain institutional memory, manage brand and communications, and ensure the continuity of organizational relationships with core OGP institutional bodies and donors. The Support Unit serves as a neutral, third-party between governments and civil society organizations, ensuring that OGP maintains the productive balance between the two constituencies.

The OGP Support Unit consists of a Director, an online communications manager, and a senior program officer. The members of the Support Unit are contracted directly by the fiscal sponsor. The Director of the Support Unit is responsible for carrying out a work plan developed in close coordination with the Governance and Leadership subcommittee, and reports to the OGP Steering Committee through said subcommittee. Support Unit staff report to the Support Unit Director.   The Director of the Support Unit, or their

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[4] See Addendum C for such guidelines.
[5] See Addendum A on "Country Eligibility Criteria"

appointee from the Support Unit, serves as secretary to all OGP Steering Committee Meetings, and the OGP Annual Conference.

The Support Unit keeps records of all OGP documents, including minutes of all OGP Steering Committee meetings, Annual Conference and other related events. All such minutes are to be published on the OGP website, per the Disclosure Policy adopted by the Steering Committee.

The Support Unit is responsible for managing the master list of OGP Stakeholders and their contact information.

The Support Unit is not to speak on behalf of OGP nor make strategic decisions without approval from the Governance and Leadership subcommittee. It is to also publish regular updates for the Steering Committee, funders and OGP stakeholders, as well as an annual report on the website.

VI.   THE OGP NETWORKING MECHANISM

The OGP networking mechanism (NM) is managed by Global Integrity, a private, tax-exempt organization registered in the United States. The NM helps participating governments identify and connect with the networks, expertise, resources and technology they need to develop and implement their OGP commitments. The NM engages a stable of private sector and non-profit entities that are ready and willing to share their ideas, technologies and platforms with OGP governments to help engage citizens and improve government efficiency and responsiveness.

The NM is empowered to proactively partner with the private sector, civil society, academics, governments and others to pursue research and the development of tools and frameworks to assist OGP member countries in developing and implementing innovative and effective open government commitments.

The NM is available to all OGP participating governments.

The NM coordinates its work with the OGP Support Unit and reports regularly to the OGP Steering Committee. The NM may receive funding from the OGP's fiscal sponsor on behalf of the OGP Support Unit.

VII.   OGP ACTION PLANS AND REPORTING

OGP countries are to set their own timeline for action plan implementation, according to a series of guidelines recommended by the Independent Reporting Mechanism—a group of international and local experts detailed below—and approved by the Steering Committee. As living documents, they can and should be continually updated based on ongoing consultations with civil society. Action plans should be for a minimum of at least two years, but can go beyond that if countries desired.

All participating OGP governments are to publish an annual progress report approximately three months after the end of the first 12 months of action plan implementation. This report should assess government performance in living up to its OGP commitments, according to the substance and timelines elaborated in its country action plan. This report should be made publicly available in the local language (s) and in English and deposited on the OGP portal.

Independent Reporting Mechanism (IRM): As a complement to the self-assessment, an independent assessment report is to be written by well-respected local governance experts from each OGP participating government. These experts are to fill out a common OGP independent report questionnaire, based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is to be shared with a small international expert committee (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied. The draft report is then shared with the relevant OGP government for comment. After receiving comments on the draft report from the government, the local expert then finalizes the independent report for publication on the OGP portal. OGP governments also have the chance to issue a formal public response to the independent report on the OGP portal once it is published. The independent report is to be made publicly available in the local language (s) and in English, and is to be published approximately 3 months after the end of the 12-month OGP implementation cycle.

Starting in 2013, the OGP Support Unit, under guidance of the GL sub-committee, is to publish an Annual Report of the OGP. The report is to be approved by the full Steering Committee and normally published to coincide with the OGP conference.

VIII.   FUNDING

OGP is a voluntary, multi-stakeholder initiative.   It is funded by voluntary monetary support from OGP participating governments and grants from bilateral and multilateral donors, and other agencies, organizations and entities.

OGP may also receive and use voluntary in-kind donations from OGP participating governments, bilateral and multilateral donors, and others.

In order to cover costs attributable to meeting its responsibilities set out in Section VI, OGP may accept voluntary payments from governments or civil society organizations in the amount of no less than USD $50,000. Governments and civil society organizations represented on the Steering Committee are strongly encouraged to contribute to OGP's mission and operations. Steering Committee governments or civil society organizations unable to make such voluntary payments should write to the co-chairs explaining the reasons for not making this payment.

The Steering Committee designates the fiscal sponsor for the OGP. The fiscal sponsor employs all staff and manages all financial payments from donors on behalf of OGP.

OGP's bank account is held and managed by the fiscal sponsor. The OGP Support Unit Director has signature authority, overseen by the Governance and Leadership Committee on a day-to-day basis. The OGP account may be used for any activity falling within the objectives of OGP and the budget and work plans approved by the OGP Steering Committee. The funds may be applied to administration and governance costs, country-specific activities and multi-country activities.

The OGP Steering Committee intends to appoint an external, independent auditor to annually audit the OGP account, overseen by the Finance and Audit Sub-Committee, and to present a written audit report to the OGP Steering Committee. This annual report is to be made public on OGP's website.

XI. DISCLOSURE POLICY:

OGP operates on a presumption of openness in all of its activities. This Policy applies to all information held by or on behalf of the OGP Support Unit, Steering Committee and sub-committees. OGP is to follow an approach to the interpretation of this Policy, which prefers any reasonable interpretation that gives effect to openness over an interpretation which favors secrecy.

Proactive Disclosure of Information: As part of its presumption of openness, OGP proactively makes available on-line an extensive set of information held by it, in significant detail and in original form. This information is made available, whenever possible, in open, user friendly, machine-readable formats. Everyone is free to use information generated by OGP, subject only to a Creative Commons 3.0 Unported License. This is universally known and accepted.

The information that is to be made available proactively includes:

Financial support:
* Donors: *All financial contributors to the Open Government Partnership, which includes both Governments and Private Foundations.*
* Amounts: *The full amount of funding received from donors on a disaggregated basis (donor by donor).*
* Timeframe: *The grant period associated with each donor's financial contribution.*
* Annual budget/expenses: *The annual OGP budget—as approved by the OGP Finance and Audit Sub-Committee and larger Steering Committee—disaggregated by category and type of expenditure.*

Governance:
* Governance Structure and Policies
* Names, titles and affiliations of Steering Committee and Sub-Committee Members
* Steering Committee meeting, Sub-Committee meeting and OGP Event dates: *This information is to be made available on the OGP website calendar as soon as it is known.*

- Steering Committee meeting, Sub-Committee meeting and OGP Event agendas: *This information is to be made public in draft form at least two weeks prior to every OGP SC meeting and/or event whenever possible. A final agenda is to be posted immediately following the meeting.*
- Steering Committee meeting, Sub-Committee meeting and OGP Event participants: *This information is to be made public in draft form at least two weeks prior to every OGP SC meeting and/or event whenever possible. A final participant list is posted immediately following the meeting.*
- Steering Committee meeting, Sub-Committee meeting and OGP Event minutes/summaries: *This information is to be published within two weeks of the relevant meeting/event whenever possible.*
- Policies and Documents approved by the Steering Committee: *This information is to be published within two weeks of the relevant meeting/event whenever possible.*
- Tax filing of OGP's fiscal sponsor: *This information is to be made public immediately following the preparation and submission of tax documentation to U.S. Government each year.*
- Annual audit report: *This information is to be made public immediately following the approval of the final audit report by the OGP Finance and Audit Sub-Committee and larger OGP Steering Committee each year.*

Implementation and Related Activities:
- Names of all OGP participating governments and associated letters of intent: *This information is to be posted within one week of receiving the letter of intent from a new country.*
- Names, roles and contacts of all OGP partners (for example, the Networking Mechanism and the Independent Reporting Mechanism)
- Government Self-Assessment Reports: *Reports are to be made public for each country no later than 3 months after a full year of OGP implementation, with a common deadline date to be determined.*
- Independent Reporting Mechanism: *Assessments are to be made public for each country no later than 3 months after a full year of OGP implementation, with a common deadline date to be determined.*

Operations:
- Names and titles of key staff
- Vendors and costs for OGP projects: *This information are to be made public on a rolling basis, as the fiscal sponsor signs contracts with vendors, no later than 30 days after the contract has been signed. The name and location of the vendor, a brief description of the project and the estimated/total cost is to be included.*

Information:
- A list of all of the records, including documents and datasets, held by OGP
- Information released to any requester pursuant to a request
- A log of all requests for information and responses

- All comments provided in response to a call for feedback on draft policies or other documents

Requests for Information: Everyone, including legal entities, may make a request for information from the OGP. Information requests may be made online, by mail, or via email **(inforequest@opengovpartnership.org)**. They are handled by the OGP Support Unit Director unless directed to another individual, in which case they are to be forwarded to him or her as appropriate. Requests need only describe the information sought with enough specificity that staff can reasonably identify that information, and provide a return address for provision of the information (which may be an email). The public is free to lodge information requests, and requesters are to be provided with a prompt receipt and unique reference number upon lodging a request.

Where a requester is having difficulty lodging a request for any reason (such as disability or illiteracy), or where a request fails to describe the information sought in sufficient detail, OGP is to provide reasonable assistance to that requester.

Requests may be for information and/or specific records. OGP does not commit to collecting information to respond to a request, but it plans to make all reasonable efforts to collate information from records it does hold, subject only to workload constraints (i.e. where this would unreasonably interfere with the ability of the organization to carry out its core functions).

Requests are to be responded to as soon as possible and in any case within ten working days. Where information is to be provided, requesters may specify any format in which they would like to receive the information and OGP intends to, so far as this is reasonable, provide the information in that format. No charges are made for information provided electronically, for the first 100 pages of photocopying, where the request is in the public interest or where the requester can demonstrate difficulty in paying for the information. For photocopies beyond the first 100 pages, a fee of 3¢/page is to be charged, provided that this fee is to be waived where the cost of collection exceeds the fee or where there are problems making payments (for example due to the banking situation).

Requesters are free to use information released to them by OGP which was created by OGP, subject only to the constraints set out in the Creative Commons 3.0 Unported License.

Feedback on Draft Policies: OGP intends to actively seek public feedback on draft policies that relate to the overall practices of the initiative (such as this OGP Information Disclosure Policy). These policies are to be published online and whenever possible (resources allowing) in relevant languages with due notice and a minimum of 30 days for the public to comment. All comments are to be made public, along with the final version of any document under public consultation.

For any draft documents that are submitted to the Steering Committee for discussion and approval but not subject to prior public consultation (for example internal governance protocols for the OGP Steering Committee), the final document is to be published promptly on the OGP website.

Exceptions to Full Disclosure: The OGP is committed to having a fully transparent and proactive disclosure system. However, certain information may be considered confidential and not available to the public, but only for such period of time as one of the following exceptions applies:

- Information received by OGP from a third party on a confidential basis, the disclosure of which would, or would be likely to, cause serious harm to a legitimate interest of that third party (such as a commercial or security interest);
- Information which if disclosed would do identifiable harm to the safety or security of an individual, or violate his or her right to privacy;
- Information which, if disclosed, would demonstrably inhibit free and frank policy dialogue internally or with governments, donors, communities or partners;
- Information which is privileged from production in legal proceedings (legally privileged information);
- Pre-decisional policy documents the disclosure of which would seriously frustrate the success of that policy.

These exceptions, apart from the second exception, are to no longer apply after five years. In exceptional cases, where specific and persuasive reasons for this are adduced, information may remain confidential beyond this five-year period. Where the overall public interest in disclosure is greater than the risk of harm to the interests protected by the exceptions, OGP intends to disclose the information.

Where only part of a record is covered by an exception, the rest of the record, to the extent that it may reasonably be severed from the remainder, is to be made available.

In the rare cases where OGP is unable to satisfy an information request, it should, within the time limits for responding to requests set out above, provide a clear justification as to why it is unable to provide information, referring to the specific exception relied upon, along with information about appealing against that refusal.

Appeals: Anyone who believes that the terms of this Policy have not been respected, including where access to information is refused in response to a request, may lodge an appeal with the full Steering Committee, within 30 days of the act giving rise to the appeal. The Steering Committee is to decide such appeals within 30 days, giving the complainant an opportunity to be heard.

The Steering Committee is to appoint a respected panel of three external experts to hear appeals against adverse decisions by the Steering Committee. Such appeals are to be lodged within 30 days and the panel is to decide them within 45 days following this.

Languages: While OGP recognizes the necessity of using multiple languages to support full participation in a multi-lateral initiative, due to the limitations of start-up, staffing and funding, the public OGP website uses English as its primary language in the near term. Key documents are to be published in this language and whenever possible the Support Unit intends to also translate key documents into Portuguese, French, and Spanish. OGP also encourages participating governments and like-minded organizations to undertake translations of OGP materials to be shared on the OGP website with appropriate credits and disclaimers.

Promotional Measures: The OGP intends to incorporate performance in terms of applying this Policy into all of its staff and management appraisal systems. It also commits to not imposing punishments or sanctions on staff that release information either in good faith pursuant to the Policy or in the reasonable belief that the information exposes wrongdoing.

The OGP Support Unit Director, or another dedicated officer, is to be responsible for ensuring proper implementation of this Policy, including that proactive publications commitments are met and that requests are processed in accordance with its terms.

OGP is to produce an annual report, which is to include an update on the implementation of this Policy. This update is to outline the efforts OGP has made in the areas of proactive disclosure and responding to requests (including any statistical information about requests, such as how many have been lodged, how they have been responded to and so on) and describe any challenges faced.

XII. MODIFICATIONS

This document is to be reviewed by the OGP Steering Committee and Support Unit on an annual basis and may be modified by consensus vote of the Steering Committee.

ADDENDUM A: COUNTRY ELIGIBILITY FOR THE OPEN GOVERNMENT PARTNERSHIP

In order to participate in OGP, governments are to exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions, with points awarded as described below.

The key dimensions and metrics are:

1. Fiscal Transparency

Timely publication of essential budget documents that form the basic building blocks of budget accountability and an open budget system.

Measurement: Two points awarded for publication of each of two essential documents (Executive's Budget Proposal and Audit Report) for open budgets, using the 2010 Open Budget Index, conducted by the International Budget Partnership, which covers 94 countries.

2. Access to Information

An access to information law that guarantees the public's right to information and access to government data is essential to the spirit and practice of open government.

Measurement: 4 points awarded to countries with access to information laws in place, 3 points if a country has a constitutional provision guaranteeing access to information, and 1 point if a country has a draft access to information law under consideration, taken from a 2010 survey by Right2Info.org (a collaboration of the Open Society Institute Justice Initiative and AccessInfo Europe) that covers 197 countries.

3. Disclosures Related to Elected Public Officials

Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government.

Measurement: 4 points awarded to countries with a law requiring disclosures for politicians and senior public officials to the public, 3 points awarded to countries with either a law requiring disclosures for politicians OR senior public officials to the public, and 2 points awarded for a law requiring non-public disclosures for elected or senior officials, based on a 2009 World Bank-commissioned survey on disclosure by elected officials entitled "Disclosure by Politicians," by Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, which covers 175 countries, a 2009 World Bank study on income and asset disclosure by senior officials entitled "Income and asset disclosure in World Bank client countries," by Ricard Messick, World Bank Senior Public Sector Specialist, which covers 149 countries and OECD Governance at a Glance 2009, covering 28 countries.

4. Citizen Engagement

Open Government requires openness to citizen participation and engagement in policymaking and governance.

Measurement: Using the 2010 EIU Democracy Index's Civil Liberties sub-indicator where 10 is the highest and 0 is the lowest score, 4 points for countries scoring above 7.5, 3 points for countries scoring above 5, 2 points for countries scoring above 2.5, and 0 points otherwise. The 2010 Economist Intelligence Unit Democracy Index covers 167 countries.

Countries can earn a total of 16 points for their performance against these minimum standards of open government. As the Open Budget Index covers only 94 countries, some countries are only measured on three criteria (and can earn up to 12 points). In order to participate in OGP, countries are to score at least 75% of the total possible points available to them (e.g. 12 out of 16, or 9 out of 12).

Because data is not available for all countries – and recognizing the fact that countries may improve their performance before data sources are updated – countries may submit a letter to the co-chairs at any time indicating their desire to join the OGP and providing documentation of their progress on the common commitments.

The OGP Steering Committee is to periodically assess if the metrics used for the eligibility criteria (all four key dimensions) need to be updated, changed or complemented by other indicators. The Steering Committee and the IRM are to also work to identify and/or develop better metrics for the eligibility criteria, as necessary.

ADDENDUM B: OGP COUNTRY COMMITMENTS

All OGP participating governments are to develop OGP country action plans that elaborate concrete commitments over an initial two-year period.

Governments should begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programs. Action Plans should then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five "grand challenges" that governments face. OGP recognizes that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard or specific commitments are to be forced on any country.

The five OGP grand challenges are:

1. Improving Public Services—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications and any other relevant service areas, by fostering public service improvement or private sector innovation

2. Increasing Public Integrity—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom

3. More Effectively Managing Public Resources—measures that address budgets, procurement, natural resources and foreign assistance

4. Creating Safer Communities—measures that address public safety, the security sector, disaster and crisis response, and environmental threats

5. Increasing Corporate Accountability—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

Transparency: information on government activities and decisions is open, comprehensive, timely, freely available to the public and meets basic open data standards (e.g. raw data, machine readability)

Citizen Participation: governments seek to mobilize citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.

Accountability: there are rules, regulations and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Technology and Innovation: governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.

Countries may focus their commitments at the national, local and/or sub-national level—wherever they believe their open government efforts are to have the greatest impact.

Recognizing that achieving open government commitments often involves a multi-year process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, wherever possible.

To encourage the sharing of best practice and innovation and maintain high standards, all OGP countries are to participate in working level sessions with other participating governments and the OGP Steering Committee during the action plan development phase.

Through these presentations and discussions, governments with initially less ambitious proposals are to be able to identify gaps and address them early on. These peer consultation sessions are to also enable participants to identify the need for additional feedback from relevant technical experts on specific commitment areas, which the OGP networking mechanism can help facilitate.

ADDENDUM C: GUIDELINES FOR PUBLIC CONSULTATION ON COUNTRY COMMITMENTS

OGP participating governments commit to developing their country action plans through a multi-stakeholder process, with the active engagement of citizens and civil society. Taking account of relevant national laws and policies, OGP participants agree to develop their country commitments according to the following principles:

- Countries are to make the details of their public consultation process and timeline available (online at minimum) prior to the consultation, providing public notice at least two weeks in advance of any given consultation, to maximize public participation.
- Countries are to consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online
- Countries are to undertake OGP awareness raising activities to enhance public participation in the consultation
- Countries are to consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage
- Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one

Countries is to report on their consultation efforts as part of the self-assessment, and the independent reporting mechanism is to also examine the application of these principles in practice.

ADDENDUM D

Open Government Declaration
September 2011

As members of the Open Government Partnership, committed to the principles enshrined in the Universal Declaration of Human Rights, the UN Convention against Corruption, and other applicable international instruments related to human rights and good governance:

We acknowledge that people all around the world are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable, and effective.

We recognize that countries are at different stages in their efforts to promote openness in government, and that each of us pursues an approach consistent with our national priorities and circumstances and the aspirations of our citizens.

We accept responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and harness the power of new technologies to make government more effective and accountable.

We uphold the value of openness in our engagement with citizens to improve services, manage public resources, promote innovation, and create safer communities. We embrace principles of transparency and open government with a view toward achieving greater prosperity, well-being, and human dignity in our own countries and in an increasingly interconnected world.

Together, we declare our commitment to:

Increase the availability of information about governmental activities. Governments collect and hold information on behalf of people, and citizens have a right to seek information about governmental activities. We commit to promoting increased access to information and disclosure about governmental activities at every level of government. We commit to increasing our efforts to systematically collect and publish data on government spending and performance for essential public services and activities. We commit to pro-actively provide high-value information, including raw data, in a timely manner, in formats that the public can easily locate, understand and use, and in formats that facilitate reuse.

We commit to providing access to effective remedies when information or the corresponding records are improperly withheld, including through effective oversight of the recourse process. We recognize the importance of open standards to promote civil society access to public data, as well as to facilitate the interoperability of government information systems. We commit to seeking feedback from the public to identify the

information of greatest value to them, and pledge to take such feedback into account to the maximum extent possible.

Support civic participation. We value public participation of all people, equally and without discrimination, in decision-making and policy formulation. Public engagement, including the full participation of women, increases the effectiveness of governments, which benefit from people's knowledge, ideas and ability to provide oversight. We commit to making policy formulation and decision making more transparent, creating and using channels to solicit public feedback, and deepening public participation in developing, monitoring and evaluating government activities. We commit to protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association, and opinion. We commit to creating mechanisms to enable greater collaboration between governments and civil society organizations and businesses.

Implement the highest standards of professional integrity throughout our administrations. Accountable government requires high ethical standards and codes of conduct for public officials. We commit to having robust anti-corruption policies, mechanisms and practices, ensuring transparency in the management of public finances and government purchasing, and strengthening the rule of law. We commit to maintaining or establishing a legal framework to make public information on the income and assets of national, high ranking public officials. We commit to enacting and implementing rules that protect whistleblowers. We commit to making information regarding the activities and effectiveness of our anticorruption prevention and enforcement bodies, as well as the procedures for recourse to such bodies, available to the public, respecting the confidentiality of specific law enforcement information. We commit to increasing deterrents against bribery and other forms of corruption in the public and private sectors, as well as to sharing information and expertise.

Increase access to new technologies for openness and accountability. New technologies offer opportunities for information sharing, public participation, and collaboration. We intend to harness these technologies to make more information public in ways that enable people to both understand what their governments do and to influence decisions. We commit to developing accessible and secure online spaces as platforms for delivering services, engaging the public, and sharing information and ideas. We recognize that equitable and affordable access to technology is a challenge, and commit to seeking increased online and mobile connectivity, while also identifying and promoting the use of alternative mechanisms for civic engagement. We commit to engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government. We also recognize that increasing access to technology entails supporting the ability of governments and citizens to use it. We commit to supporting and developing the use of technological innovations by government employees and citizens alike. We also understand that technology is a complement, not a substitute, for clear, useable, and useful information.

We acknowledge that open government is a process that requires ongoing and sustained commitment. We commit to reporting publicly on actions undertaken to realize these principles, to consulting with the public on their implementation, and to updating our commitments in light of new challenges and opportunities.

We pledge to lead by example and contribute to advancing open government in other countries by sharing best practices and expertise and by undertaking the commitments expressed in this declaration on a non-binding, voluntary basis. Our goal is to foster innovation and spur progress, and not to define standards to be used as a precondition for cooperation or assistance or to rank countries. We stress the importance to the promotion of openness of a comprehensive approach and the availability of technical assistance to support capacity- and institution-building.

We commit to espouse these principles in our international engagement, and work to foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.

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We commit to espouse these principles in our international engagement, and work to foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.

Requirements to participate in the OGP

Step 1 *Meet each of four OGP minimum eligibility criteria and agree to the five OGP common expectations.* *Minimum eligibility criteria.* These are: • *Fiscal transparency:* timely publication of the Executive Government's Budget Proposal and Audit Report (applying criteria published by the International Budget Partnership in a 2010 Open Budget Index) • *Access to information:* an access to information law that guarantees the public's right of access to information and data (applying 2010 criteria published by the Open Society Institute Justice Initiative and AccessInfo Europe) • *Disclosures related to elected or senior public officials:* rules that require public disclosure of income and assets for elected and senior public officials (applying criteria published in two World Bank supported surveys in 2009 and the OECD Governance at a Glance 2009) • *Citizen engagement:* opportunities for citizen participation and engagement in policymaking and governance, including basic protections for civil liberties (applying the 2010 EIU Democracy Index Civil Liberties sub-indicator and the 2010 Economist Intelligence Unit Democracy Index). *Common expectations:* The five common expectations are to endorse the Declaration of Principles on Open Government; adopt a	**Comment** Australia has already been accepted by the OGP as meeting the *minimum eligibility* requirements. Countries are given a rating of 0-4 on each of the minimum eligibility criteria. A total of 12/16 points is required. Not all countries (including Australia) were included in the 2010 Open Budget Index survey, which is applied to the 'fiscal transparency' criterion. As to those countries a total of 9/12 points is required. Australia was rated 12/12, that is, as fully meeting the three criteria on which it was assessed. The first four of the *common expectations* are picked up in other steps and are discussed below. The fifth expectation (assist other countries in advancing open government) is already being practised in numerous ways. For example, both the Office of the Australian Information Commissioner (OAIC) and the Australian Government Information Management Office (AGIMO) are in regular contact with counterparts in other countries and contribute to international forums and discussions. Australia also provides assistance to neighbouring countries through AusAID supported programs, on

country action plan; develop that plan through a multi-stakeholder process; commit to self-assessment and independent reporting on meeting the action plan; and, as appropriate, contribute to the advancement of open government in other countries through sharing best practice, expertise, technical assistance, technology and resources.	public administration, government accountability and service delivery.
Step 2 *Signal the Government's intent to participate in the OGP by sending a letter to the OGP Steering Committee for posting on the OGP website.* This requirement has been explained in other correspondence as a letter containing the following: • support from the highest level of government for the OGP initiative • the government's commitment to the principles of open government • the government's intent to join the OGP. The letter can be signed by any agency in government but must have received approval from the head of state to join the OGP. The letter should be addressed to the OGP co-chairs: Minister of State Office of the Comptroller General Jorge Hage Sobrinho (Brazil) and Under Secretary of State for Democracy and Global Affairs, Maria Otero (United States). All letters received by the OGP Steering Committee will be announced at the September launch and posted on the OGP website	
Step 3 *Undertake broad public consultation to inform the Government's OGP commitments, and identify a multi-*	

stakeholder forum for regular public consultation on OGP implementation.	
	Comment The Australian Government has already undertaken substantial public consultation prior to the enactment of FOI reforms in 2010, and in preparation of the Gov 2.0 taskforce report in 2009. Public consultation is also an ongoing feature of the work of the OAIC and the Gov 2.0 Steering Group led by AGIMO. The Information Advisory Committee appointed under the *Australian Information Commissioner Act 2010* meets the description of a 'multi-stakeholder forum'. It could be asked to provide advice to the Information Commissioner and Government on OGP implementation. Numerous other mechanisms are currently used by Australian Government agencies for public engagement and consultation. The Gov 2.0 Steering Group has published on the AGIMO website a list of government agencies that are using social media to engage the public. If Australia signals its intent to join the OGP these existing consultation mechanisms could pick up OGP issues. It is doubtful that there is any advantage to Australia in developing a separate and additional consultation mechanism for OGP purposes.
Step 4 *Develop an OGP country action plan with concrete commitments on open government that address at least one grand challenge, drawing on the expertise provided by the OGP networking mechanism.*	

The country action plan should describe existing open government strategies and programs, and also identify at least one new commitment to be addressed in the first year of participation in the OGP. A timeframe and benchmark for meeting the commitment(s) should be included.

The new commitment should be an open government strategy that is tied to one of five OGP 'grand challenges' (described below). The commitment may build on an existing commitment, complete an ongoing reform or be a fresh initiative. Four core open government principles should be reflected in the commitment:

- *transparency:* government information is made available to the public upon request and through proactive publication

- *citizen participation:* the public is encouraged to engage with and participate in government

- *accountability:* government is required to justify its actions and respond to problems in government administration

- *technology and innovation:* technology makes information available to the public and supports its use to drive innovation.

The OGP 'grand challenges' are:

- improving public services, eg, in health, education, essential services, telecommunications

- increasing public integrity, eg, by addressing corruption, public ethics, access to information and campaign finance reform

Comment

Many initiatives are currently underway in Australia that address the various OGP 'grand challenges', using one or other of the open government strategies. In particular, there is a strong emphasis in government on using web 2.0 technology to support public engagement, access to information and innovation.

A suitable OGP commitment for Australia in the first year would be ongoing development of data.gov.au. While it does not directly reflect each of the four 'core open government principles', the data.gov initiative aligns with the OGP objectives and has led to publication of many data sets that relate to the OGP 'grand challenges'. There is regular cooperation between Australia (through AGIMO) and other countries that similarly host a data.gov site, some of which are at a more developed stage than Australia.

• more effective management of public resources, eg, budgets, procurement, natural resources and foreign assistance • creating safer communities, eg, by addressing public safety, disaster and crisis response and environmental threats • increasing corporate accountability, eg, on environmental awareness, anti-corruption, consumer protection and community engagement.	
Step 5 *Participate in peer consultation on the OGP country plan with participants and the Steering Committee.* It is expected that countries, in developing their country action plan, will participate in working level sessions with other OGP participants and with the OGP Steering Committee.	
Step 6 *Publicly endorse the OGP Declaration of Principles and deposit the final country plan on the OGP website.*	**Comment** The OGP Declaration is similar in tone and substance to the Declaration of Open Government that was issued on behalf of the Australian Government by the Minister for Finance and Deregulation in July 2010. A new objects clause in the *Freedom of*

	Information Act 1982, s 3, contains principles about transparency, government accountability, public scrutiny and participation in government, and treating government information as a national resource to be used for public purposes. An Innovation Action Plan developed jointly by Australian Government agencies was launched in June 2011.
Step 7: *Publish a self-assessment report on progress after 12 months of OGP implementation, and cooperate with the independent reporting mechanism in generating its own report.* A country is to prepare a self-assessment progress report after 12 months, assessing progress in meeting OGP commitments in its country action plan. The OGP Secretariat will also administer an independent assessment process. Well-respected experts in the reporting country will complete an OGP questionnaire, based on a desk review, interviews within the country and discussion with an international expert committee. The country will have the opportunity to comment on the draft report and to publish a response to the report on the OGP website.	**Comment:** The impact of this step on Australia will depend in part on the nature of any country action plan and OGP commitments adopted by Australia. It may not be a troubling issue if the course suggested above is adopted (that is, a country action plan that explains existing Australian open government programs and commitments, and commits to further development of the data.gov.au site).