OPEN GOVERNMENT PARTNERSHIP: ARTICLES OF GOVERNANCE
June 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 ideas and experience 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 an independent legal entity.

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

II. PARTICIPATION IN OGP

Governments

Eligible governments can join OGP through the following steps:

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

All governments that 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 participating governments in OGP. They are 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 OGP Support Unit is expected to revise the list of eligible countries and to report any changes to the Criteria and Standards Subcommittee (CS) as needed.

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[1] See Addendum D on 'Open Government Declaration' for further information.
[2] See Addendum B on 'OGP Country Commitments' for further information.

Expectations of OGP Participating Governments

All OGP participating governments commit to meeting five common expectations. These are the following:

1. Endorse the high-level Open Government Declaration;
2. Make concrete commitments, as part of a country action plan, that are ambitious and go beyond a country's current practice;
3. Develop country action plans through a multistakeholder 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 participating governments are expected to uphold the values and principles articulated in the Open Government Declaration and to consistently and continually advance open governance for the well-being of their citizens. Should the IRM process find that a participating government repeatedly (in two consecutive action plan cycles) acts contrary to OGP process and to its action plan commitments (see Addenda B and C), fails to adequately address issues raised by the IRM, or is taking actions that undermine the values and principles of OGP, upon recommendation of the CS, the SC may review the participation of that government in OGP. Both the CS and SC processes will include direct conversations with governments under such review. Specifically, to safeguard the integrity and legitimacy of OGP, the SC may review the participation of governments in OGP if they fail to resolve the following issues:

1. Should a participating government fall below the minimum eligibility criteria (see Addendum A, updated each year by the OGP Support Unit), that government should take immediate and explicit steps to address issues so that it passes the threshold within one year.

2. Should the IRM process find that a participating government repeatedly (for two consecutive action plan cycles) acts contrary to OGP process or its Action Plan commitments (addenda B and C), and fails to adequately address issues raised by the IRM, the SC may upon recommendation of the Criteria and Standards (C/S) sub-committee review the participation of said government in OGP.

SC engagement with participating governments should emphasize the vertical accountability between a government and its citizens that is the founding principle of OGP.

The SC will issue a public report about its final decision on the participation of any government.

Civil Society

In addition to participating governments, civil society organizations can contribute to OGP by running for membership of the SC; engaging in the development, implementation, and monitoring of action plans at the country level; and, taking part in the OGP annual conference and other OGP outreach events. Civil society participation in the SC 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 through participation in both domestic public consultations and multistakeholder forums, as well as through the provision of technical expertise. Private sector organizations also may be invited to participate in the OGP annual conference and other outreach events.

OGP Observers

Representatives from relevant international organizations and intergovernmental bodies may be invited by the SC to attend the OGP annual conference and related SC events as observers, when this can be accommodated practically. In addition, a representative of each of OGP's multilateral partner organizations will be invited to participate in the relevant sessions of at least one SC meeting per year. Observers have no role in SC voting, but may be invited to share their views, particularly those related to country support and peer exchange.

III.   OGP ANNUAL CONFERENCE (PLENARY)

The OGP conference will be held every year, barring exceptional circumstances. It functions as the ad hoc plenary of OGP, providing 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 four OGP chairs serve as chairpersons for the annual conference. The Support Unit works with the Governance and Leadership Subcommittee on all aspects of the annual conference.

Date and Location: The lead chair decides the date and location of the annual conference at least six months in advance.

Invitations: Invitations are issued by the lead chair 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 Subcommittee (see below). The size of government delegations is to be determined by the lead chair. Additional invitations are issued at the discretion of the chairs. The 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 Subcommittee. OGP stakeholders can offer additional items for consideration by the 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. All steps of the process to select local civil society representatives from OGP participating governments will be made public on the OGP website.

Civil society participation in the OGP annual conference 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 they have no veto power. Regarding funded civil society participants at the annual conference, the OGP Support Unit works with the civil society chairs to establish a transparent process to identify the most appropriate representation for each country. In addition to the OGP-funded civil society representatives attending the annual conference, other civil society organizations are invited in the order that their attendance requests arrived, pending availability of space as determined by the lead chair in consultation with the other chairs.

Level of Participation: To maintain maximum political will within governments, OGP annual conferences are to solicit participation at the level of head of state from participating governments. Barring availability of the head of state, he or she should designate a senior member of the government to attend.

IV.   OGP STEERING COMMITTEE, CO-CHAIRS, AND SUBCOMMITTEES

STEERING COMMITTEE

Purpose: The OGP Steering Committee (SC) is the executive, decision making body of the initiative. The main role of the SC is to develop, promote and safeguard the values, principles and interests of 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 subcommittees, the SC does the following:
  • Provides leadership by example for OGP in terms of domestic commitments, action plan progress, participation in the annual conference, and other

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[3] See Addendum A on 'Country Eligibility for the Open Government Partnership'; see also the subsection 'OGP Observers' (above) and the 'Civil Society Participation in the Annual Conference' subsection (below).

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;
- Provides intellectual and financial support, including through in-kind and human resource support; and
- Sets and secures the OGP budget.

Composition: Reflecting the joint government-civil society nature of the partnership, the SC 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 long-term sustainability. The SC can consist of up to 20 Members (10 representatives from OGP participating governments and 10 civil society representatives), with parity maintained between the two constituencies.

Selection of Government Representatives: Each OGP participating government votes to elect new government SC representatives each year.

Selection of Civil Society Representatives: The civil society chairs will install a selection committee to organize the rotation of civil society representatives each year.

Candidacy: Governments and civil society organizations interested in being on the SC should apply through a prescribed form available on the OGP website and managed by the Support Unit. Each nomination must include 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 it is able to devote to the work of OGP. After review by the SC, a full list of candidate governments and civil society organizations is presented to each OGP constituency for election.

Terms and Rotation: SC membership terms are for three years, with a maximum of two consecutive terms. There are no permanent seats on the SC. SC members seeking a second term have to be reelected to stay on the SC. In 2014, the first time that government members will rotate, there will be a special election in which governments will join for staggered one, two, and three year terms to ensure regular annual rotation from 2015 onwards.

Meetings: The lead chair is responsible for organizing the annual summit and at least three SC meetings per year: one ministerial-level and two working-level. The lead chair may call additional meetings as needed. The meeting directly after SC elections will include both outgoing and incoming SC members to help ensure a smooth transition. The lead chair is to give at least four weeks' notice before any working-level SC meeting and eight weeks' notice for a ministerial-level meeting. The Governance and Leadership Subcommittee sets the agenda for every SC meeting and circulates a draft for review by

the entire SC at least two weeks in advance. SC members must provide notice of the composition of their delegation at least one week before the meeting.

Meeting Attribution and Publication of Meeting Materials: The minutes of SC meetings will be published, with remarks being non-attributable to participants. Meetings will take place under Chatham House Rule, but members may request exceptions to the rule in the minutes of the meetings.

Social media, including Facebook and Twitter, is allowed at all OGP SC meetings unless a closed session is requested by a SC member. Use of social media should follow the same rule of non-attribution to individual participants and photos of individuals should not be published unless authorized.

Pre-decision policy documents circulated for discussion at SC meetings may be published on the OGP website (along with agenda and participant lists) prior to the meeting, whenever possible, and are to be marked as drafts.

SC 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: Major policy decisions are to be made by the full SC, in its meetings or by circular, when meetings are not practical. In making decisions, SC members are to seek to develop consensus; failing consensus, decisions are to be made by simple majority (except in the case of a vote on continued eligibility, as detailed under Section II). In the case of tied votes, the lead chair casts a second and determining vote. A quorum is established when at least 50 percent of each constituency (governments and civil society organizations) are present. The Governance and Leadership Subcommittee is empowered to make logistical decisions between meetings such as, for example, specific details related to the annual conference.

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

Conflicts of Interest: In general, participants in the SC shall strive to avoid any actual or potential conflict of interest and to recuse themselves from making any decision where self-interest is involved. An external auditor is to serve the role of ombudsman to handle complaints and concerns related to the finances and budget execution of OGP by the SC and/or its members. Any complaint regarding a conflict of interest related to any subcommittee or participant of the SC will be addressed by the Governance and Leadership Subcommittee, except for complaints regarding the Governance and Leadership Subcommittee, which will be addressed by the entire SC.

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

OGP Steering Committee Elections and Voting: Voting for new members of the OGP SC takes place each year in September. The vote for government members will take place by secret ballot either in-person or online. A separate selection process for civil society members will be coordinated by the civil society chairs. The overall election process will be administered by the Support Unit and overseen by the chairs.

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

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

To be eligible to run for election countries must have the following:
1. Improved or maintained their eligibility score since submitting a letter of intent to join OGP;
2. Published all OGP required documents (action plans, self-assessment reports, etc.) within a month of the agreed deadlines; and
3. Acted in accordance with the Open Government Declaration.

In addition to the above requirements, current SC members running for reelection must have the following:
4. Provided financial support to OGP (except in cases of extreme financial hardship); and
5. Regularly attended and participated actively in SC meetings and subcommittee meetings.

In the case of government representation, the SC should be comprised of a minimum of one and a maximum of three governments from each of the four regions (Africa, Americas, Asia/Pacific, and Europe). All OGP participating governments participate in the election of all government SC members. Each participating government has one vote. If there are insufficient candidates from each region to meet the regional quotas then the government with the next highest number of votes will join the SC, regardless of region.

In the case of civil society representatives, the selection committee will consist of five

members, including two current civil society members of the SC and three other members of the civil society community. The selection committee will assess and rank the candidates that respond to a call for nominations according to publicly available criteria that have been shared with the civil society community at the start of the rotation process. The selection committee will make recommendations for the new civil society SC members, to be endorsed by the full group of existing civil society SC members. After the civil society SC members approve the final list of proposed new members, the selection committee will present in writing an account of their process, deliberation, and choice to the broader community. The civil society chairs inform the SC at the same time of their choice.

OGP STEERING COMMITTEE CHAIRS

Composition: SC leadership is to be comprised of a revolving four-member co-chairmanship team, elected by the entire SC, including a lead government chair, a support (or incoming) government chair, and two civil society chairs. The support government chair assumes the role as lead chair during their second year, when a new support chair is to serve. The four chairs, who comprise the Governance and Leadership Subcommittee, should not supplant the role and influence of the other sub-committees. A civil society chair may not serve as the lead chair. The year following their chairing, the immediate past lead government and civil society chairs are expected to play an advisory role to the co-chairs.

Responsibilities: The SC chairs are responsible for:

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. This includes overseeing and ensuring necessary resources for the Support Unit.

Outreach: Build CSO and government participation in OGP by leveraging respective global and local networks. This includes leading in the initial set-up of multilateral partnerships and being the entity that enters into contractual relationships on behalf of OGP.

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 chairs may also represent OGP. The CSO chairs are 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. The Support Unit Executive Director, or his/her appointee from the Support Unit, may also speak on behalf of OGP at events or with media.

Coordination: The Governance and Leadership Subcommittee, which is made up of the four chairs, is to hold regular consultations in between OGP meetings to

coordinate country outreach efforts, plan meetings, and otherwise further the interests of OGP.

Election and Rotation: The chairs are elected by their SC peers. Candidates that receive the most number of votes are elected. Participating governments may nominate themselves or each other to become the next OGP chair by making their nomination known to the current OGP chairs no later than May of the relevant year. The OGP chairs then are to consult, taking into consideration factors including regional diversity, government capacity, and electoral timelines. The chairs are to recommend new chairs for the next two-year cycle no later than July of the relevant year. The SC then is to aim to achieve consensus on the chairs' rotation recommendation or, if necessary, to vote.

Starting in September 2012, SC chairs are to rotate on an annual basis, with each chair serving a two-year term: the first year as a support chair, followed by one year as the lead chair. The CSO chairs serve for a period of two years (as support chair in the first year and lead chair in the second year). SC chairs are to be designated every two years for the subsequent two-year cycle.

STEERING COMMITTEE SUBCOMMITTEES

The SC has three standing subcommittees to support its work. Subcommittees are charged with carrying out preliminary work to inform decisions taken by the entire SC. Subcommittees make recommendations to the full SC for decision, unless provided for otherwise in these Articles or delegated to do so by the SC. The SC may choose to form additional subcommittees as needed. Each standing subcommittee is comprised of equal numbers of government and civil society representatives drawn from the larger SC.

The standing subcommittees are as follow:

Governance and Leadership

The Governance and Leadership Subcommittee (GL) serves as the executive committee, comprising of the four OGP chairs. It ensures continuous management of OGP, making decisions and keeping processes moving in a timely manner. It provides oversight of the OGP Support Unit and the effectiveness of OGP subcommittees. GL appoints the Executive Director of the Support Unit, provides strategic direction, and works closely with him/her to ensure that the Support Unit has sufficient resources and to present an annual budget to the SC for review and approval. GL reviews subcommittee membership and mandates on an annual basis to ensure the smooth functioning of the SC and an appropriate distribution of responsibilities.

Criteria and Standards

The Criteria and Standards Subcommittee (CS) recommends to the SC the eligibility criteria for OGP governments and indicates to SC when there may be a need to update the criteria. It makes recommendations to SC when a government's actions are deemed contrary to OGP principles and its full participation in OGP is in question. It develops

guidelines for government self-assessment reports and other best practices. It maintains a watching brief over the IRM to ensure that the International Expert Panel (IEP), project management team, and local researchers are able to deliver high quality and accurate reports. This includes providing input for the selection of members of the IEP and the hiring of the IRM Program Manager.

Peer Learning and Support

The Peer Learning and Support Subcommittee (PLS) oversees OGP's strategy for country support and peer learning, in particular on promoting peer exchanges across OGP countries. Key mechanisms for peer exchange include OGP regional events, webinars, and thematic working groups, as well as resource materials to be shared on the OGP website. Governments and civil society organizations are encouraged to participate in these activities, and both can suggest the creation of new thematic working groups to the SC. PLS members are encouraged to assume leadership roles in organizing some of these activities, particularly in terms of OGP outreach events in their own regions. In addition, PLS is tasked with overseeing efforts to study and to document OGP's results, for example through case studies and impact research. The PLS will oversee the aspects of the multilateral organization partnerships that promote peer exchange and learning.

V.   OGP Support Unit

OGP is supported by a small permanent secretariat. The Support Unit provides a secretariat function for all participating countries and has the following responsibilities: maintaining institutional contacts and memory, managing brand and communications, and ensuring the continuity of organizational relationships with core OGP institutional partners 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 Executive Director of the Support Unit is responsible for carrying out a work plan developed in close coordination with the GL and reports to the SC through the GL. Support Unit staff report to the Support Unit Executive Director. The Executive Director of the Support Unit, or his/her appointee from the Support Unit, serves as secretary to SC and Subcommittees meetings, as well as the OGP annual conference.

The Support Unit keeps records of all OGP documents, including minutes of every OGP SC meeting, annual conference, and other related events. All minutes are to be published on the OGP website, per the disclosure policy adopted by the SC. The Support Unit provides regular updates for the SC, funders, and OGP stakeholders, and it publishes an annual report on the website. It is also responsible for managing the master list of OGP stakeholders and their contact information.

The Support Unit manages all external communications for OGP, working closely with the GL when questions arise.

In addition, the Support Unit will assume responsibility for providing targeted support to OGP participating governments to help connect them with the expertise, resources, and technology they need to develop and implement their OGP commitments. This may include, *inter alia,* partnering with the private sector, civil society, academics, governments, and others to develop tools and frameworks to assist OGP participating countries in developing and implementing innovative and effective open government commitments.

VI.   OGP REPORTING PROCESSES

Action plans should be for a duration of two years, although individual commitments contained in these action plans may be for more or less than two years, depending on the nature of the commitment. However, each action plan should include one-year and two-year benchmarks, so that governments, civil society organizations, and the IRM (see below), have a common set of time-bound metrics to assess progress. As living documents, action plans may be updated as needed based on ongoing consultations with civil society. Any updates must be duly noted in the official version of the action plan on the OGP website.

All OGP participating governments are to publish an interim self-assessment report approximately three months after the end of the first year of action plan implementation. This report should follow OGP guidelines in assessing the government's performance in meeting its OGP commitments, according to the substance and timelines set out in its national action plan. This report should be made publicly available in the local language(s) and in English. It should be published on the OGP website. A comprehensive self-assessment report will be required after two years of action plan implementation. For countries that joined OGP in or before 2012, interim and comprehensive self-assessment reports will be required after the government's second OGP action plan. For countries that joined OGP in and since 2013, this will be required in the implementation of their first action plan.

Independent Reporting Mechanism (IRM): As a complement to the participating government's self-assessment report, an independent progress report is to be written by well-respected governance researchers, preferably from each OGP participating country. These researchers are to use a common OGP independent progress report instrument and guidelines, 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 Experts Panel (appointed by the SC) 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 each government, the researcher and the International Experts Panel finalize the independent progress report for publication on the OGP portal. OGP participating governments may also issue a formal public response to the independent report on the OGP portal once it is published. The executive summary of the independent progress report is to be made publicly available in the local language(s) and in English.

VII. FUNDING

OGP is a voluntary, multi-stakeholder initiative. It is funded through monetary support from OGP participating governments and grants from other public and private donors.

The participating governments that are part of the SC are expected to make annual financial contributions to fund the Support Unit. Subject to the allocation procedures of individual governments, each government member of the SC makes an annual payment based on the following sliding scale (using the categorization used by the World Bank): USD 200,000 per year for high-income countries, USD 100,000 per year for middle income countries, and USD 50,000 per year for low income countries. While payments may be made on an annual basis, multiyear commitments are also possible. The Steering Committee, based on budget proposals and expenditure reports drafted by the Support Unit, may decide to request annual financial contributions from all OGP participating governments to help cover the cost of maintaining and developing core OGP activities and functions.

To cover costs attributable to meeting its responsibilities set out in Section V, OGP also may accept voluntary financial or in-kind contributions from governments or civil society organizations.

The independent entity that legally houses the OGP Support Unit shall serve as the fiscal sponsor for OGP, employ all staff, and manage all financial contributions from donors on behalf of OGP.

OGP's bank account(s) is held and managed by the same independent entity. The OGP Support Unit Executive Director has signature authority, overseen by the GL. The OGP account(s) may be used for any activity falling within the objectives of OGP and the budget and work plans approved by the SC. The funds may be applied to administration and governance costs, country-specific activities and multi-country activities.

Beginning in 2014, the SC shall each year appoint an external, independent auditor to audit the financial statements of the OGP Support Unit. The auditor will present a written audit report to the SC. The audited financial statement and report is to be made public on OGP's website.

VIII. DISCLOSURE POLICY

OGP operates on a presumption of openness in all of its activities. The disclosure policy outlined in Addendum E applies to all information held by or on behalf of the OGP Support Unit, SC, and subcommittees, and it must favor openness over any approach which advocates secrecy.

IX. MODIFICATIONS

This document is to be reviewed by the SC, with the assistance of the Support Unit, on an annual basis and may be modified by consensus vote of the SC.

X.   ADDENDA

ADDENDUM A: COUNTRY ELIGIBILITY FOR THE OPEN GOVERNMENT PARTNERSHIP

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 as follow:

1. Fiscal Transparency

Timely publication of essential budget documents 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 most recently published version of the Open Budget Survey conducted by the International Budget Partnership (the 2012 version covers 100 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: Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration, taken from a survey by Right2Info.org (a collaboration of the Open Society Institute Justice Initiative and AccessInfo Europe) that covers 197 countries and is updated on a rolling basis.

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: Four points awarded to countries with a law requiring disclosures for politicians and senior public officials to the public, three points awarded to countries with a law requiring disclosures for either politicians or senior public officials to the public, and two points awarded for a law requiring non-public disclosures for elected or senior officials. Points are awarded based on a 2009 World Bank-commissioned survey on disclosure by elected officials for 175 countries entitled, "Disclosure by Politicians," by

Simeon Djankov, Rafael La Porta, Florencio Lopez de Silanes, and Andrei Shleifer; The information is supplemented by a World Bank database of asset disclosure laws which is updated regularly and available online. The database is known as the 'Financial Disclosure Law Library' and covers over 176 jurisdictions (as of July 29, 2013).

4. Citizen Engagement

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

Measurement: Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit's Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise. The most recent edition of the Democracy Index (2012 edition, published in March 2013) covers 167 countries.

Countries can earn a total of 16 points for their performance against these minimum standards of open government. As some of the metrics, in particular the Open Budget Survey, do not cover all countries, some countries are only measured on three criteria (and can earn up to 12 points). To participate in OGP, countries must 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 chairs at any time indicating their desire to join OGP and providing documentation of their progress on the common commitments.

The CS 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 SC and the IRM are to also work to identify and/or develop better metrics for the eligibility criteria as necessary.

All OGP participating governments are to develop OGP national action plans that elaborate concrete commitments over a two-year period.

Governments should begin their OGP national 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 ongoing reforms, or initiate action in an entirely new area. Commitments in country action plans should be ambitious in nature. An ambitious commitment is defined as one that, once completed, will show a demonstrable advancement from action plan to action plan in the grand challenge areas proposed by OGP through openness, transparency, civic participation, and accountability. In the context of pre-existing commitments, ambition is defined as expediting the time frame for completion of the stated goals of a commitment.

OGP commitments are to be structured around a set of five "grand challenges" that governments face. OGP recognizes that all countries start 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: Rules, regulations, and mechanisms in place 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 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 will have the greatest impact.

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever 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 SC 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. Peer consultation sessions also are to 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.

OGP participants commit to developing their country action plans through a multistakeholder 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:

  i. Consultation during development of action plan
  • Availability of timeline: Countries are to make the details of their public consultation process and timeline available (online at a minimum) prior to the consultation;
  • Adequate notice: Countries are to consult the population with sufficient forewarning;
  • Awareness-raising: Countries are to undertake OGP awareness-raising activities to enhance public participation in the consultation;
  • Multiple channels: Countries are to consult through a variety of mechanisms— including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage;
  • Breadth of consultation: Countries are to consult widely with the national community, including civil society and the private sector, and to seek out a diverse range of views; and
  • Documentation and feedback: Countries are to make available online a summary of the public consultation and all individual written comment submissions.

  ii. Consultation during implementation
  • Consultation during implementation: Countries are to identify an existing or new forum to enable regular multistakeholder consultation on OGP implementation.

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

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.

Proactive Disclosure of Information: As part of its presumption of openness, OGP proactively publishes online an extensive set of information it holds, 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.

The information that is to be made available proactively includes:

Financial support:
* Donors: *All financial contributors to OGP, including contributions from both governments and private foundations.*
* Amounts: *The full amount of funding received from donors on a disaggregated basis (donor by donor).*
* Time frame: *The grant period associated with each donor's financial contribution.*
* Annual budget/expenses: *The annual OGP budget—as approved by the OGP GL subcommittee and larger SC—disaggregated by category and type of expenditure.*

Governance:
* Governance structure and policies.
* Names, titles, and affiliations of SC and subcommittee members.
* SC meeting, subcommittee meeting, and OGP event dates: *This information is to be made available on the OGP website calendar as soon as it is known.*
* SC 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.*
* SC meeting, subcommittee 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.*
* SC 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 SC: *This information will 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 the 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 SC 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.*

- Government self-assessment reports: *Reports are to be made public for each country no later than three months after the first full year of OGP implementation, and every two years thereafter, based on guidelines communicated by the Support Unit.*
- Independent Reporting Mechanism: *Assessments are to be made public for each country no later than four months after the first full year of OGP implementation (with the exception of the founding eight countries, for which IRM reports are to be made public in September 2013). After the first round of IRM reports for each country, the IRM will move to a biannual calendar, and all reports will be made public on the OGP website.*

Operations:
- Names and titles of all staff members for the OGP Support Unit and Independent Reporting Mechanism.
- Vendors and costs for OGP contracts: *This information is to be made public on a rolling basis 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 anyone 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 via the online contact form, by mail, or via email **(info@opengovpartnership.org)**. They are handled by the OGP Support Unit Executive 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, the OGP Support Unit 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. When information is to be provided, requesters may specify any format in which they would like to receive the information and OGP will, 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, when the request is in the public interest, or when 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.

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 SC for discussion and approval but not subject to prior public consultation (for example, internal governance protocols for the OGP SC), 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-decision policy documents, whose disclosure 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 given, information may remain confidential beyond this five-year period. When 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.

When 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. OGP may refuse repetitive or vexatious requests.

Appeals: Anyone who believes that the terms of this policy have not been respected, including when access to information is refused in response to a request, may lodge an appeal with the full SC, within 30 days of the act giving rise to the appeal. The SC is to decide such appeals within 30 days, giving the complainant an opportunity to be heard, provided that appeals that are on the judgment of the SC are clearly groundless may be disposed of in a summary fashion.

The SC is to appoint a respected panel of three external experts to hear appeals against adverse decisions by the SC. 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 multilateral 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 Executive Director or another dedicated officer is to be responsible for ensuring proper implementation of this policy, ensuring that proactive publication 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.