

Response Policy Procedure and Protocols

This document was agreed by the Criteria and Standards subcommittee on April 6th, 2015. The procedures and protocols are how the Criteria and Standards subcommittee is approaching implementation of the new OGP Response Policy.

1. The mechanism to process the incoming concerns should be transparent, fair, and credible to the subject of the concern, the filer, the Steering Committee and the public. The process should be carried out according to the OGP Disclosure Policy.
2. A registry of incoming concerns (date, subject, filer, status, reason for progression/decline and links to any public supporting documents) should be made available on the OGP website.
3. Within 5 working days of a submission the Support Unit must send an acknowledgement to the filer and inform the Criteria and Standards subcommittee that a concern has been received.
4. Within 10 working days of the Criteria and Standards subcommittee being notified a small review team will be set up to work with the Support Unit on establishing the relevance and credibility of the concern. The review team should ideally be balanced between civil society and government members of the subcommittee. The Governance and Leadership subcommittee will then be informed by the Support Unit that the process is underway.
5. Within 5 working days of the review team being formed the Support Unit will notify the government or other organization that is the subject of the concern. The registry of incoming concerns on the OGP website will then be updated with the details of the concern.
6. The Criteria and Standards subcommittee review team and OGP Support Unit will take steps to establish the relevance of the concern according to the agreed upon response policy, including making necessary staff available or hiring support for the process:
 1. Establish the relevance of the concern to the Open Government Declaration and OGP's Articles of Governance – i.e., is the matter being reported directly undermining fulfillment of the nation's commitment to OGP principles, thereby calling into question the process of its OGP participation.
 2. Check with previous OGP data points, such as cross-referencing with the findings of the most recent IRM report on the country, including the national context section.
 3. Establish the credibility of the information by cross-referencing concerns with government, civil society, IRM researchers and third parties, including UN bodies, according to the nature of the issue.
 4. Assess whether an OGP intervention could have the desired impact in a country or is necessary to protect the credibility of OGP.
7. The OGP Support Unit will write to the subject of the concern, asking for a formal response. If the response from the country satisfies the Criteria and Standards subcommittee and indicates that the issue is being addressed domestically, then no further action may be needed. If the

subject of the concern does not respond in a timely manner then the review team may proceed with their report, noting that no response was received.

8. The letter and the response from the country are to be included in a short report that the Support Unit is to circulate amongst all the Criteria and Standards subcommittee for further comment and deliberation. A list of all sources of information used in the process is to be included in the report.
9. If a consensus cannot be reached, a vote may be taken in the Criteria and Standards subcommittee on whether to adopt the report. A two-third majority is required when a vote is taken. This process of evaluation and deliberation in the Criteria and Standards subcommittee should take no longer than 20 working days. Under justifiable and exceptional circumstances the Criteria and Standards subcommittee may decide to extend this period of 20 working days for another of equal duration.
10. If a concern is found to have merit by the Criteria and Standards subcommittee, a short notice is to be circulated to the OGP Steering Committee informing the group of the decision. This notice will be made public on the website registry for the response policy. The Support Unit will write to the subject of the concern informing them that the Criteria and Standards subcommittee adopted the report. The Support Unit will also write to the filer informing them of the decision.
11. The following stage 1 actions can then be carried out by members of the Criteria and Standards subcommittee, the co-Chairs, the OGP Support Unit, and other interested Steering Committee members, once a concern has been accepted as valid, without the approval of the full Steering Committee:
 1. Engage in or broker diplomatic outreach with the subject of the concern at the official and/or political level, including from the co-chairs. The Support Unit will coordinate this outreach.
 2. Offer to broker technical assistance to work on the issues raised in the concern. This includes contacting multilateral partners active in the country to help address the issues raised in the concern.
 3. Invite the subject of the concern to work with the Criteria and Standards subcommittee in establishing a work plan with regular check-ins and a timeline for the country to address the situation, where applicable.
12. If the stage 1 actions fail to have the desired impact, or the situation does not improve within three months according to the agreed upon work plan and timeline where applicable, the Criteria and Standards subcommittee is to recommend to the full OGP Steering Committee that one or both of the following stage 2 actions take place:
 - a. Recommend that the OGP co-chairs invite the government principal to attend a special session of the Steering Committee to discuss the situation and consequences for the country's participation in OGP.
 - b. Recommend the OGP co-chairs author a letter to the country informing them they are to be temporarily listed as inactive in OGP until the concern is resolved.