



The ICIC Johannesburg Charter

Introduction

The Johannesburg Charter (hereafter, the 'Charter') was adopted on March 13, 2019 by resolution of the information commissioners present at the closed meeting of the International Conference of Information Commissioners (ICIC) in Johannesburg, South Africa.

The Charter establishes the governance framework of the ICIC. It sets out the guiding principles, the vision and the mission, the values, the goals, the role of the Conference, its membership, its governance structure and the rules governing the participation of its members.

Definitions

The Charter makes reference to the following terms which are defined below.

Information Commissioners: refers to Information Commissioners, Ombudspersons and any other regulatory authorities, including transparency councils or boards that are responsible for protecting, promoting and ensuring the respect of access to public information legislation within their respective jurisdictions and that have demonstrably autonomous decision-making authority to carry out their mandate.

Independent/Independence: refers to institutional, operational and decision-making freedom from influence, guidance or control from any bodies that carry out public functions that Information Commissioners oversee, including the executive.

For greater certainty, institutional, operational and decision-making independence includes the ability to allocate and manage their resources as they see fit to fulfil their respective mandates.

The International Conference of Information Commissioners

The International Conference of Information Commissioners (ICIC) is a permanent network which connects member Information Commissioners in order to foster the protection and the promotion of access to public information as a fundamental pillar to social, economic and democratic governance.

The ICIC is governed by its members who elect the Executive Committee. The elected Chair and Vice Chair of the Executive Committee administer the ICIC with the support of a Secretariat.

Guiding Principles

Recalling that, in accordance with the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Noting the 2030 Agenda for Sustainable Development adopted by all United Nations Member States in 2015, which provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries – developed and developing - in a global partnership.

Further Noting Sustainable Development Goal 16 which promotes peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

Further Noting Sustainable Development Target 16.10 which aims to ensure public access to information and the protection of fundamental freedoms, in accordance with national legislation and international agreements.

Further Noting Sustainable Development Indicator 16.10.2 which measures the number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

Recognizing the importance of different regional human rights traditions, and taking into consideration the provisions of regional instruments on human rights which have contributed greatly to the foundations and guarantees of Access to Information.

Recognizing the importance of guaranteeing access to public information and the protection of fundamental freedoms, such as freedom of expression, in accordance with national legislation, policies, and international instruments, as fundamental pillars to social, economic and democratic governance.

Recognizing the importance of dedicated, specialized, impartial, adequately funded and independent Information Commissioners for the effective implementation of access to information regimes.

Recognizing that Information Commissioners strive for efficiency, and effectiveness in the delivery of their mandate and recognize the importance of collaboration to achieve this goal, including the value in learning from each other and in sharing best practices.

Vision

The ICIC's vision is to be the global forum which connects member Information Commissioners in order to improve transparency and accountability to the benefit of everyone.

Mission

The ICIC's mission is to share knowledge and best practices, to build capacity, to help identify what is needed for global progress and to act as a collective voice in international fora with a view to improving people's right to public information and their ability to hold to account bodies that provide public functions.

Values

The ICIC adheres to the following values:

1. Respect and integrity
2. Collaboration
3. Inclusiveness
4. Transparency
5. Accountability

Goals

The goals of the ICIC are to:

- a. Protect and promote access to public information;
- b. Promote and support dialogue and mutual cooperation;
- c. Encourage the development and sharing of information and best practices, including peer-learning;
- d. Undertake and support research on issues integral to access to public information;
- e. Develop the capacity of the ICIC;
- f. Help to develop the capacity of its registered members and increase membership;
- g. Facilitate reflection and learning from case work on systemic issues;

- h. Act as a collective voice in the international community to raise awareness of issues that impact upon access to public information; and
- i. Promote the development and adoption of international standards in access to public information in all regions across the world, including the establishment of independent oversight bodies.

Membership

Eligibility

1. Information Commissioners, as defined in this Charter, are eligible for membership.
2. For greater certainty, Information Commissioners of subnational, supra-national and institutional jurisdictions are eligible for membership.

Registration

3. Information Commissioners may apply for membership with the Secretariat in compliance with the membership registration process (to be developed).

Roles and Responsibilities of members

4. Members should, if possible, attend the annual meeting of the ICIC.
5. Members should, if possible, participate in the work of the ICIC.
6. Members should, if possible, promote the work of the ICIC in relevant international, regional and national fora.
7. Members present at the annual meeting elect the members of the Executive Committee, including the Chair and the Vice Chair. For clarity, 'present' means both attendance in person or via electronic means.

8. Subject to the provisions of paragraphs 14 and 15, members present at the annual meeting have the right to vote on any matter requiring a decision from members.

9. Members may apply to the Secretariat to host the annual meeting in accordance with the application process to host the annual meeting (to be developed).

10. Members present at the annual meeting elect the hosts of the annual meeting.

11. Members present at the annual meeting decide on the strategic priorities for the ICIC.

12. Members present at the annual meeting decide on the creation of Working Groups, as necessary, to carry out the strategic priorities of the ICIC.

13. Members may participate in Working Groups on a volunteer basis.

Voting decision procedure for members

14. With exception of situations described in section 15 below, all members have one vote.

15. For the election of the members of the Executive Committee, including the election of the Chair and the Vice Chair, the amendment of the charter and the selection of the host country for the ICIC, each country will have two votes.

a. For countries with several members, the two votes will be allocated as one vote for the Information Commissioner representing the Federal Jurisdiction and one vote for the collective of the sub-national jurisdictions from the same country.

b. The one vote for the collective sub-national jurisdictions will be decided by a simple majority of the collective votes of sub-national members present at the annual meeting.

c. In the event that the collective votes of the sub-national members representing one country result in a tie, the collective vote of these members will result in an abstention for the sub-national vote.

(The voting process, including electronic voting for remote participants, is to be developed)

Observers

16. The ICIC encourages the participation of observers.
17. Applicants who do not meet the membership criteria may apply for observer status in accordance with the application process for observer status (to be developed).
18. Observers may attend parts of the annual meeting of members at the invitation of the Executive Committee or upon request to the Secretariat and approval of the Executive Committee.

Regional networks

19. ICIC recognizes the work of regional networks aimed at promoting access to information; and whose values and objectives are consistent with the values, objectives and strategic priorities of the ICIC.
20. Collaboration between ICIC and regional networks shall include support, participation and promotion of their activities, as well as the exchange of experiences, research and best practices.
21. Regional networks will be able to report on their activities and best practices during the ICIC Annual Conference.

The Executive Committee

Eligibility

22. Any member may present their candidacy to be a member of the Executive Committee in accordance with the application and election process for members of the Executive Committee (to be developed).

Election

23. The Executive Committee of the ICIC, including the Chair and the Vice Chair, is elected by the members present at the annual meeting.

Duration of mandate

24. Members of the Executive Committee, including the Chair and the Vice Chair serve for a maximum term of three years.

Composition

25. The Executive Committee is comprised of up to ten members.

26. The Executive Committee is comprised of seven elected members and of the current conference host, the previous conference host, and the incoming conference host. The current conference host, the previous conference host and the incoming conference host each serve one year.

27. The ICIC should strive to elect members to the Executive Committee that are representative of nations by including at least one member from Africa/Middle East, one member from Asia/Oceania, one member from the Americas and one member from Europe.

28. The ICIC should strive to elect no more than three members to the Executive Committee that are from one region.

29. The ICIC should strive to elect one member of the Executive that is a member Information Commissioner of a subnational jurisdiction.

30. The ICIC should strive to achieve gender balance in electing members to the Executive Committee.

Roles and Responsibilities of the Chair

31. The roles and responsibilities of the Chair are to:

- a. Host the Secretariat of the ICIC.
- b. Convene the meetings of the Executive Committee at least three times a year, either in person or by other means of communication.
- c. Set the agenda for and chair the Executive Committee meetings.
- d. Act as spokesperson on behalf of the ICIC.

32. In the event where a Chair is absent, is unavailable, retires or the position becomes vacant, the Vice Chair will assume the roles and responsibilities of the Chair.

Roles and Responsibilities of the Executive Committee

33. The roles and responsibilities of the Executive Committee are to:

- a. Lead the implementation of the strategic priorities decided upon by members at the annual meeting.
- b. Lead the implementation of the resolutions decided upon by members at the annual meeting.
- c. Monitor the progress of implementation of resolutions and any other matter mandated by the members at the annual meeting.
- d. Support the development of the agenda of the annual meeting.
- e. Encourage members to promote and participate in relevant international events and initiatives (for example, the International Day for the Universal Access to Information).
- f. Review host applications.
- g. Review requests for amendments to the Charter.
- h. Review and approve ICIC processes and amendments to ICIC processes as required.
- i. Analyse and present requests for amendments to the Charter at the annual meeting.
- j. Review and mediate any dispute brought forward by members.

34. Decisions by the Executive Committee are done by consensus. In cases where a consensus is not possible, a decision requires a simple majority of the members of the Executive Committee.

35. In cases where there is a tie vote, the Chair will hold the deciding vote.

The Secretariat

36. The roles and responsibilities of the Secretariat are to:
- a. Assist the Chair of the Executive Committee.
 - b. Support the Executive Committee in meetings.
 - c. Maintain and update the database of oversight authorities, members, observers, and stakeholders.
 - d. Establish, fund, and maintain the ICIC website during its term.
 - e. Receive and review membership registration applications.
 - f. Publish a list of members on the ICIC website.
 - g. Receive and review applications for host countries.
 - h. Assist the host country with the organisation of the annual meeting.
 - i. Establish and manage a resolution process.
 - j. Monitor and publish progress of implemented resolutions.
 - k. Receive and publish updates from Working Groups.
 - l. Provide updates to the Executive Committee.
 - m. Communicate with Members, Observers, and stakeholders.
 - n. Develop the processes governing the workings of the ICIC, in consultation with the members.
 - o. Submit the processes to the Executive Committee for review and approval.
 - p. Publish the processes governing the workings of the ICIC.
 - q. Communicate the withdrawal decision to the excluded member
 - r. Prepare an annual report to be adopted at the closed session comprising of activities of the Secretariat and Executive Committee, progress against resolutions adopted at the previous conference, updates on any Working Groups established, a breakdown of time and effort spent on the Secretariat, and website maintenance costs.
 - s. Providing a handover to the incoming Secretariat.

Hosting of the Annual Meeting

Eligibility

37. Members who wish to host the annual meeting must submit an application in writing to the Secretariat in accordance with the process for application and selection of a host (to be developed).

Roles and Responsibilities

38. The roles and responsibilities of the Host of the annual meeting are to:

- a. Chair the annual meeting.
- b. Develop the programme for the annual meeting in collaboration with the Secretariat and the Executive Committee, and, to the extent possible, after consultation with the members.
- c. Ensure the adoption of the agenda of the meeting and adoption of the minutes of previous meetings.
- d. Table any reports from the Executive Committee, the Secretariat, or Working Groups.
- e. Table any resolutions for consideration by members.
- f. Table any requests from members for amendments to the Charter.
- g. Chair and manage the voting process of members. (to be developed)
- h. Chair and manage the election process of the Executive Committee, as required.
- i. Participate in the Executive Committee.
- j. Secure funding of the annual meeting.
- k. Manage the logistics of the annual meeting
- l. Collaborate fully with, and assist, the subsequent host of the ICIC.

Working Groups

39. Working Groups are composed of members and may be formed from time to time to advance the work of the ICIC on its strategic priorities.

40. Members of the Working Groups are volunteers.

41. Working Groups are expected to report on their progress to the members at the annual meeting and to provide updates to the Executive Committee as required.

Withdrawal of Membership

42. The members present at the closed meeting may, upon receipt of a motion from a member, vote to exclude a member permanently or temporarily, after having heard all interested parties, if they determine that the member has demonstrated a pattern of behaviour which is inconsistent with the values of the ICIC.

43. The vote to withdraw membership requires two third majority of members present at the annual meeting.

44. The decision of the members present at the annual meeting is final.

Conflict Resolution

45. In the event a conflict arises in the interpretation of the Charter, or of its processes, matters will be referred by the member or members to the Executive Committee for their consideration, mediation and resolution.

46. Any member involved in the conflict may make representations to the Executive Committee.

47. In the event that the conflict cannot be resolved by the Executive Committee, the matter will be referred to the members present at the annual meeting for a resolution by way of a vote.

48. Any member involved in the conflict may make representations to the members present at the annual meeting.

49. The vote to resolve the conflict requires a simple majority of members present at the annual meeting.

50. The decision of the members present at the annual meeting is final.

Amendments

Amendments to the Charter

51. Any member, including a member of the Executive Committee, may present a request for amendment(s) to the Charter, including the introduction of a fee structure.

52. A proposed amendment to the Charter must be submitted in writing to the Executive committee 90 days prior to the annual meeting.

53. The Executive committee will review the proposed amendment and present a recommendation to the ICIC at the annual meeting.

54. Any proposed amendment to this Charter will be voted on by members present at the annual meeting.

55. The vote to amend the Charter requires a two third majority of members present at the annual meeting.

Amendments to the ICIC processes

56. Any member, including a member of the Executive Committee, may present a request for amendments to the ICIC processes to the Secretariat.

57. The Secretariat will review the request for amendment to the ICIC processes.

58. The Secretariat will consult members on any substantive proposal for amendment to the ICIC processes and make recommendations to the Executive Committee based on the outcome of the consultation with members.

59. The Executive committee will review the proposed amendment and amend the processes as required.

60. The Secretariat will publish the amended processes.

Transitional Provisions

61. The Office of the Information Commissioner for the United Kingdom will provide the coordination of the ICIC by hosting the Secretariat until March 2021. Consequently, and in accordance with the Charter, the Information Commissioner of the United Kingdom will act as the Chair of the Executive Committee until March 2021. In the event that the Chair becomes unavailable during the transition period, members of the Governance Working Group will decide on the election of a new Chair.

62. The Governance Working Group comprised of the Province of Alberta (Canada), Argentina, Bermuda, Brazil, Chile, Hungary, India, Kenya, Mexico, Nepal, Scotland, Serbia, Sierra Leone, South Africa, Tunisia and the United Kingdom will act as the Executive Committee until the annual meeting of the ICIC in 2020.

63. To ensure a staggering of terms for the Executive Committee at this initial stage of the ICIC, three members of the Governance Working Group in compliance with the diversity requirements of the Charter, and as approved by members at the ICIC 2020, will continue as members of the Executive Committee for another year until ICIC 2021.

64. Remaining available positions to the Executive Committee, in accordance with the Charter, will be elected at the ICIC 2020.

Language

65. Linguistic diversity is encouraged and the assistance of members in providing information in a variety of languages is encouraged.

First Amendment by electronic voting process of the Information Commissioners members of the ICIC and adopted on June 21, 2023 at the ICIC Closed Session of the ICIC in Manila, Philippines.