



Information Commissions: Selection and Appointment

Information Commissions (ICs) are independent oversight bodies set up under Access to Information (ATI), Right to Information (RTI) or Freedom of Information (FOI) laws to handle complaints and appeals that arise from using the law. Often described as champions of openness and transparency, Information Commissions have a range of powers and duties which include promoting the use of information laws, monitoring government compliance and dealing with complaints and appeals that arise from the non-disclosure of information. The structures of Information Commissions vary from country to country depending on the law. This policy brief provides a comparative analysis of Information Commissions in six countries - Canada, India, Ireland, Mexico, Slovenia and the United Kingdom - with a specific focus on the system of selection and appointment of Information Commissioners.

Table 1. Examples of countries with Information Commissions

Country	Information Law	Oversight Body
Canada	Access to Information Act 1983	Office of the Information Commissioner of Canada.
India	Right to Information Act 2005	Central Information Commission at the centre and independent State Information Commissions in each state.
Ireland	Freedom of Information Act 1997 and Freedom of Information (Amendment Act) 2003	Office of the Information Commissioner of Ireland.
Mexico	Federal Law on Transparency and Access to Information 2002	Federal Institute for Access to Public Information.
Slovenia	Access to Public Information Act 2003 and Information Commissioner Act 2005	Information Commissioner, Republic of Slovenia.
United Kingdom	Freedom of Information Act 2000	Information Commissioner's Office.

Table 2. Appointment process and criteria for eligibility

Country	Appointment Process	Eligibility
Canada	The Information Commissioner is appointed by the Governor in Council following an approval of the appointment by a resolution of the Senate and House of Commons. The Governor in Council may also appoint one or more Assistant Information Commissioners on the recommendation of the Information Commissioner.	The law does not specify any criteria for eligibility.
India	At the centre, the Chief Information Commissioner and Information Commissioners are appointed by the President on the recommendation of a committee consisting of the Prime Minister, Leader of the Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister. In the states, the State Chief Information Commissioner and State Information Commissioners are appointed by the Governor on the recommendation of a committee consisting of the Chief Minister, Leader of the Opposition in the Legislative Assembly and a Cabinet Minister nominated by the Chief Minister.	The law specifies that Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
Ireland	The Information Commissioner is appointed by the President on the advice of the Government, following a resolution passed by the House of Representatives and by the Senate recommending the appointment of the person.	The law does not specify any criteria for eligibility.
Mexico	Information Commissioners are nominated by the President. The Senate may reject the nominees through a majority vote, as can the Permanent Commission when the Senate is in recess. In either case, the legislative body will have thirty days to act. If this period lapses without action on the part of the legislators, it will be understood that there is no objection to the Federal Executive's nominee.	The law specifies that candidates must have performed outstandingly in professional activities - in public service or the academy - related to matters addressed in the law. They must not have been a cabinet secretary, head of an administrative department, Attorney General of the Republic, senator, federal or local deputy, director of a political party or political association, nor governor of any state or head of the government of the federal district during the year prior to the day of their nomination.
Slovenia	The Information Commissioner is appointed by the National Assembly of the Republic of Slovenia on the recommendation of the President of the Republic of Slovenia.	A person must be a citizen of the Republic of Slovenia, hold a university degree, have at least five years of work experience, must not have been convicted by a final decision of a criminal offence punishable by an unconditional punishment of deprivation of liberty.

Table 2. (Cont.)

Country	Appointment Process	Eligibility
United Kingdom	The Information Commissioner is appointed by the Queen on recommendation of the Prime Minister. The Commissioner reports directly to Parliament.	The law does not specify any criteria for eligibility. However, the Commission's code of practice on public appointments emphasises merit based selection.

Table 3. Number of Information Commissioners and term of office

Country	No. of Commissioners	Term of Office	Re-appointment
Canada	One Information Commissioner who may be assisted by one or more Assistant Information Commissioners.	The Information Commissioner has a term of seven years on appointment. An Assistant Information Commissioner has a term of five years.	Yes, the Information Commissioner is eligible for reappointment at the end of a first or any subsequent term for a further term not exceeding seven years. An Assistant Information Commissioner is eligible for reappointment at the end of a first or any subsequent term of office for a further term not exceeding five years.
India	One Chief Information Commissioner at the centre and in the states, assisted by not more than 10 Information Commissioners.	The Chief Information Commissioner and Information Commissioners (centre and state) have a term of five years or till they attain the age of sixty five years whichever is earlier.	No, however, every Information Commissioner on vacating office is eligible for appointment as Chief Information Commissioner. Provided that where an Information Commissioner is appointed as Chief Information Commissioner, his/her term in office shall in aggregate not exceed five years.
Ireland	One Information Commissioner.	An Information Commissioner has a term of six years.	Yes, an Information Commissioner may be re-appointed for a second or subsequent term.
Mexico	Five Commissioners.	Information Commissioners have a term of seven years. Notably, during that time they may not hold any other employment, assignment or commission, except in institutions of learning, science or charity.	No
Slovenia	One Information Commissioner.	The Information Commissioner has a term of five years.	Yes, however an Information Commissioner can only be reappointed once.
United Kingdom	One Commissioner who appoints two deputies and other staff. The UK Information Commission has 3 regional offices in Scotland, Northern Ireland and Wales which provide relevant services where legislation or the administrative structures are different.	The Information Commissioner has a maximum term of five years.	Yes, an Information Commissioner is eligible for reappointment to a second term but can be appointed for a third or subsequent term only under special circumstances.

Table 4. Profile of Information Commissioners

Country	Profile of Information Commissioners
Canada	The former Information Commissioner was a public servant and served the Canadian Parliament for 31 years. The current interim Information Commissioner is a public servant and trained lawyer.
India	The current Chief Information Commissioner at the centre is a retired civil servant as are most of the State Chief Information Commissioners with a few exceptions. A study of the RTI Act in 2008 showed that out of the 28 Chief Information Commissioners first appointed, 23 were retired Indian Administrative Service (IAS) officers.
Ireland	The current Information Commissioner is a journalist and author and has previously worked as a political correspondent with the print and broadcasting media. The first Information Commissioner was a former senior public servant.
Mexico	The President of the Commission is a professor and researcher. Other Information Commissioners past and present include lawyers, academics and individuals with experience in public administration.
Slovenia	The current Slovenian Information Commissioner has a background in journalism and communications.
United Kingdom	The current Information Commissioner has a background in radio, TV journalism and advertising. His predecessor was a qualified solicitor with work experience in the public, private and voluntary sectors.

References and Resources

Laws

Canada: Access to Information Act 1983

India: Right to Information Act 2005

Ireland: Freedom of Information Act 1997 and Freedom of Information (Amendment Act) 2003

Mexico: Federal Law on Transparency and Access to Information 2002

Slovenia: Access to Public Information Act 2003

UK: Freedom of Information Act 2000

Information Commissions

Canada: Office of the Information Commissioner of Canada

India: Central Information Commission

Ireland: Office of the Information Commissioner of Ireland

Mexico: The Federal Institute for Access to Public Information

Slovenia: Information Commissioner, Republic of Slovenia

UK: Information Commissioners Office

Websites

Right2Info: <http://right2info.org/>

Freedominfo.org: <http://www.freedominfo.org/>

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