

XX May 2023

To the Honourable Mexican President and Members of the Mexican Senate:

We, the undersigned organisations and individuals, are writing to you to move forward immediately to appoint the three Commissioners who are presently missing from the Plenary of the Mexican National Institute for Transparency, Access to Information and Personal Data Protection (INAI).

INAI is a constitutionally mandated body which is responsible for oversight of Mexico's access to information law, the General Act of Transparency and Access to Public Information. At present, INAI only has four of its seven commissioners but it needs five Commissioners for the quorum needed to conduct its core business, including such things as deciding on access to information and data protection appeals, appointing senior staff and making budget decisions.

According to Article 6 of the Mexican Constitution, the Senate appoints Commissioners by a two-thirds majority vote. The President may then "oppose the appointment". In this case, new appointments are made with a three-fifths majority vote and the President can oppose once again, following which the Senate makes final appointments.

INAI approached the Senate to replace two retired Commissioners in early 2022. The latter finally appointed two Commissioners on 1 March 2023 but, for the first time ever, the President exercised his right to oppose and vetoed the appointments. With the retirement of another Commissioner on 1 April 2023, INAI now lacks quorum to conduct its business. The President has highlighted his opposition to INAI in public, calling for it to be abolished and to be replaced for purposes of information oversight by the Federal Auditor's Office. The ruling National Regeneration Movement (MORENA) party, founded by the President and holding 60 of the Senate 128 seats, has made it clear that it is not interested in fast-tracking the appointment of new INAI Commissioners.

INAI performs a key role in ensuring the proper implementation of the Mexican access to information law and its leadership on the right to information is recognised globally. It is imperative for transparency in Mexico that the Senate move quickly to appoint new members of INAI.