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To the Honourable Senator Alejandro Armenta Mier, President of the Board of Directors and the Honourable Senators Ricardo Monreal Avila, Julen Rementeria del Puerto, Manuel Anorve Baños, Clemente Castañeda Hoeflich, Manuel Velasco Coello, Sasil de Leon Villard, Miguel Angel Mancera Espinosa and Gustavo Enrique Madero Munoz, Members of the Political Coordination Board:

Versión en español a continuación

We, the undersigned organisations and individuals, are writing to urge 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.

Las organizaciones e individuos firmantes nos dirigimos a ustedes para instarles a que procedan de inmediato a designar a los tres comisionados que actualmente faltan en el Pleno del Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI) de México.

El INAI es el órgano constitucional encargado de supervisar la Ley General de Transparencia y Acceso a la Información Pública o ley de acceso a la información. Actualmente, el INAI cuenta solo con cuatro de sus siete comisionados, pero necesita cinco para tener el quórum necesario para llevar a cabo sus actividades principales, que incluyen decisiones sobre apelaciones relacionadas con el acceso a la información y la protección de datos, la designación de personal de alto nivel y la toma de decisiones presupuestarias.

Según el artículo 6 de la Constitución mexicana, el Senado nombra a los comisionados y comisionadas por mayoría de dos tercios. El presidente puede "oponerse al nombramiento". En este caso, se hacen nuevos nombramientos con una mayoría de tres quintas partes y el presidente puede oponerse de nuevo, tras lo cual el Senado realiza los nombramientos definitivos.

El INAI comunicó al Senado la necesidad de reemplazar a dos comisionados cuyo mandato culminó a principios de 2022. Cuando finalmente se nombró a dos comisionados el 1 de marzo de 2023, el presidente ejerció su derecho a oponerse, por primera vez en la historia. Con el retiro de otro comisionado el 1 de abril de 2023, el INAI ahora carece de quórum para llevar a cabo su trabajo. El presidente ha dejado muy claro en público su oposición al INAI, pidiendo que sea abolido y reemplazado por la Secretaría de la Función Pública. El partido gobernante Movimiento Regeneración Nacional (MORENA), fundado por el presidente y con 60 de los 128 escaños del Senado, ha dejado claro que no está interesado en acelerar el nombramiento de nuevos comisionados del INAI.

El INAI desempeña un papel clave en garantizar la adecuada implementación de la ley mexicana de acceso a la información, y es imperativo para la transparencia en México que el Senado actúe con rapidez para nombrar a los nuevos miembros del INAI.

1. Access Info, Spain
2. Accountability Network, Mexico
3. Africa Centre for Open Governance (AfriCOG), Kenya

4. African Foundation for Environment and Development (AFED), Nigeria
5. Alex Neve, Senior Fellow, Graduate School of Public and International Affairs, University of Ottawa
6. Andrew Ecclestone, Senior Associate, Institute for Governance and Policy Studies, Victoria University of Wellington, New Zealand
7. Em. Prof. Dr. Antoon De Baets, History Department, University of Groningen, Network of Concerned Historians, Groningen, the Netherlands
8. Arkemetría Social, Mexico
9. Bill Orme, former head of public information for the United Nations Development Programme and Executive Director of the Committee to Protect Journalists
10. Campaign for Freedom of Information in Scotland (CFoIS)
11. Canadian Institute for Information and Privacy Studies, Canada
12. Centre for Free Expression, Canada
13. Centre for Law and Democracy, Canada
14. Centre for Media Freedom, Morocco
15. Centre for Peace and Development Initiatives (CPDI), Islamabad, Pakistan
16. Centro de Gobernanza Pública y Corporativa, Puerto Rico
17. Commonwealth Human Rights Initiative (CHRI), Africa Office, Ghana
18. Community Legal Education Center (CLEC), Cambodia
19. CSO Led Black Economic Empowerment Movement (MaBLEM), Malawi
20. Cultura Ecológica, Mexico City
21. Daniel Valdes, Director Colectivo +Integridad, Mexico
22. Dr. Derek Manson-Smith, Trustee & Treasurer, Campaign for Freedom of Information in Scotland
23. Digital Democracy Project, United States

24. Eduardo Bertoni, Former Director of the Access to Public Information Agency-Argentina, Former Special Rapporteur for Freedom of Expression, CIDH/OAS
25. EG Justice, US-based but focusing on Equatorial Guinea
26. Eugen Melinte, MEng
27. Eugenia Braguinsky, International consultant, International Open Justice Network, ex National Director of Access to Public Information, Argentina
28. Free Press Unlimited, the Netherlands
29. Freedom of Information Center of Armenia (FOICA)
30. Fundación Ciudadanía y Desarrollo, Ecuador
31. Fundación Mujeres en Igualdad, Argentina
32. Fundación Multitudes, Chile
33. Fundar, Centro de Análisis e Investigación A.C.
34. Fundeps, Argentina
35. Gabriela Edith Morales Martínez, Professor
36. Gregory Michener, Professor of Government, FGV-EBAPE, Brazil
37. HEDA Resource Centre, Nigeria
38. Human Rights Consultative Committee (HRCC), Malawi
39. Impunidad Cero, Mexico
40. Inés Selwood, Coordinación Ejecutiva, Red Internacional de Justicia Abierta
41. Instituto de Direito Coletivo (IDC), Brazil
42. Integrity Initiatives International
43. Integrity Platform (IP), Malawi
44. International Centre for Ethnic Studies, Sri Lanka
45. Iskali Capital Group, United States

46. Justice In Situ (JIS), Malawi
47. Ken Rubin, Investigative Researcher and FOI User, Canada
48. Luma Poletti Duta, Professor at the Faculty of Communication and Arts, Federal University of Mato Grosso, Brazil
49. Mauricio Merino Huerta, Chair of the Institute of Research on Accountability and Fight Against Corruption of the Universidad de Guadalajara, Mexico
50. México Evalúa, Mexico
51. Mexiro A.C., Mexico
52. Michael Johnston, Charles A. Dana Professor of Political Science, Emeritus, Colgate University, United States
53. Naomi Roht-Arriaza, Distinguished Professor of Law (Emerita), University of California Law, San Francisco
54. Network of Concerned Historians, Netherlands
55. New Zealand Council for Civil Liberties
56. Observatorio de Designaciones Públicas, México
57. Observatorio Nacional Ciudadano de Seguridad, Justicia y Legalidad (ONC), Mexico
58. Open Contracting Partnership
59. PEN Canada, Toronto
60. Petru Botnaru, Freelance Journalist, Co-founder NGO “Terra-1530”, Editor Newsletter ADEVĂRUL (The Truth), Moldova
61. Plataforma Vecinal y Observatorio de la Colonia Juárez, México
62. Public-Private Integrity, Gambia
63. Red Internacional de Justicia Abierta, Latin America
64. Red Latinoamericana por la Transparencia Legislativa
65. Rob Davidson, Open Government Advocate

66. Samir Bouzid. economic, social and cultural rights activist, Morocco
67. Sergio González Juaricua
68. Sergio López Menéndez, Consultant
69. SocialTIC, Mexico
70. Syrian Center for Media and Freedom of Expression
71. Terra-1530, Moldova
72. Tom Blanton, Director, National Security Archive, George Washington University, United States
73. Transparência Brasil
74. Transparencia Mexicana, National Chapter of Transparency International
75. Transparency, Anti-corruption and Digitalization Initiative, Tecnológico de Monterrey, Mexico
76. VOICE, Bangladesh