

Charter of the Five Eyes Intelligence Oversight and Review Council

1. Parties to the Agreement

Within the framework and in the spirit of the existing Five Eyes partnership, the following agreement is made establishing the Five Eyes Intelligence Oversight and Review Council (the Council) between the Office of the Inspector General of Intelligence and Security of Australia, the Office of the Communications Security Establishment Commissioner and the Security and Intelligence Review Committee of Canada, the Commissioner of Intelligence Warrants and the Office of the Inspector-General of Intelligence and Security of New Zealand, the Investigatory Powers Commissioner's Office of the United Kingdom, and the Office of the Intelligence Community Inspector General of the United States, as the non-political intelligence oversight, review, and security entities of the member countries. Each entity listed above shall be an equal Council Member and represented on the Council by senior officials with the appropriate security clearances.

2. Scope and Purpose of the Agreement

This agreement covers the relations of the above mentioned Council Members in intelligence oversight, review, and security matters. The Council is established with the purpose of creating a forum where Council Members may:

- exchange views on subjects of mutual interest and concern;
- compare best practices in review and oversight methodology;
- explore areas where cooperation on reviews and the sharing of results is permitted where appropriate;
- encourage transparency to the largest extent possible to enhance public trust; and
- maintain contact with political offices, oversight and review committees, and non-Five Eyes countries as appropriate.

3. Meetings of the Council

(a) The Council shall annually hold at least one meeting in person at which each Council Member may be represented by no more than eight (8) designees, each holding the appropriate security clearances.

(b) The Council shall, on a quarterly basis, hold meetings by means of secure communication other than in person at which each Council Member may be represented by no more than five (5) designees, each holding the appropriate security clearances.

4. Operational Guideline

Whereas it is recognized that the intelligence agencies of the Five Eyes countries cooperate operationally under formal or informal agreements and whereas each country has a variation of law on security of information or official secrets binding officials to secrecy, the Council Members commit to facilitating information sharing and collaboration between themselves to advance the stated purposes where appropriate and within the respective limits imposed by law, executive or ministerial direction, or other binding authority. It is recognized and agreed by the Council Members that the extent of information that may be shared between Council Members may be defined by or dependent upon the extent of agreements between Five Eyes intelligence agencies.

5. Executive Secretariat

There is established an Executive Secretariat of the Council to support and coordinate the functions and business of the Council. The Executive Secretariat shall reside in the Office of the Inspector General of the Intelligence Community of the United States.

6. Amendment and Termination of Charter

This charter may be amended or terminated completely or in part at any time by mutual agreement of all Council Members. Participation or membership by any one Council Member may be terminated at any time upon notice to all other Council Members should any one Council Member consider its interests best served by such action. If any Council Member is renamed or replaced, that Council Member may continue or discontinue membership by written notice to all other Council Members.

7. Activation and Implementation of the Agreement

This charter becomes effective by signature of the duly authorized representatives of each Council Member and thereafter its implementation will be arranged by the Executive Secretariat with the agreement and advice of the Council Members. This charter is not legally binding.



