

**TOWARD GREATER TRANSPARENCY:
RETHINKING THE WORLD BANK'S DISCLOSURE POLICY**

APPROACH PAPER

OPERATIONS POLICY AND COUNTRY SERVICES

January 29, 2009

ABBREVIATIONS AND ACRONYMS

CODE	Committee on Development Effectiveness
COGAM	Committee on Governance and Executive Directors' Administrative Matters
CPIA	Country Policy and Institutional Assessment
CPPR	Country Portfolio and Performance Review
DFID	United Kingdom Department for International Development
EXT	External Affairs
FSAP	Financial Sector Assessment Program
GAC	Governance and anticorruption
GTI	Global Transparency Initiative
IAD	Internal Audit Department
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IEG	Independent Evaluation Group
IFC	International Finance Corporation
IMF	International Monetary Fund
INT	Department of Institutional Integrity
ISG	Information Solutions Group
ISR	Implementation Status and Results
IT	Information technology
LEG	Legal Department
MIGA	Multilateral Investment Guarantee Agency
OPCS	Operations Policy and Country Services
PIC	Public Information Center
PRSP	Poverty Reduction Strategy Paper
QAG	Quality Assurance Group
SEC	Corporate Secretariat
USAID	United States Agency for International Development

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Consultation Draft

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I. INTRODUCTION

1. Over the past 15 years, the Bank's¹ information disclosure policy has evolved in response to changes in the Bank's business and the growing expectations of stakeholders, and in line with the Bank's continued commitment to enhancing transparency about its operations. The Executive Directors and Bank Management have periodically reviewed the policy and expanded its scope: for example, in 1993, 2001, and 2005 the Board approved proposals to allow public access to additional documents (see Annex A). The result has been a fairly wide-reaching disclosure policy. The Bank now discloses almost all operational documents, from project and policy documents to strategy and evaluation documents. The Bank is also more open today with respect to institutional information and the internal decisionmaking processes than it was in 1993 (when the first formal disclosure policy was adopted), and it has complemented the implementation of the policy through such measures as adopting a Translation Framework. The disclosure policy and its effective implementation rank high in the Bank's corporate agenda.

2. ***Why Rethink the Disclosure Policy?*** The Bank's disclosure policy states a "presumption in favor of disclosure." At the same time, it specifically defines the categories of information that the Bank can disclose—the so-called "positive list." The existence of such a positive list has limited the Bank's ability to implement the expressed presumption in favor of disclosure. The policy is also not clear about what cannot be disclosed, and there are many ambiguous and overlapping rules that are cumbersome and difficult for Bank staff to implement, and for the public to understand. At the same time, public interest in transparency has been growing. Many countries have adopted freedom of information legislation, and the transparency standards of international financial institutions are subject to increased public scrutiny. Both within and outside the Bank, many feel that the Bank's disclosure policy framework still does not go far enough. For instance, the Implementation Plan for the Bank's Governance and Anticorruption Strategy² recently called for more transparency and disclosure in the Bank's conduct of

¹ The term "World Bank" or "Bank" means the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA), and "Bank staff" means all employees of the World Bank, including—unless otherwise specified—Executive Directors and their staff. The International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) have their own disclosure policies; the disclosure teams at IFC and MIGA are observing the changes being proposed for IBRD/IDA. The disclosure of information pertaining to the Independent Evaluation Group for IBRD and IDA (IEG-WB) is managed under its separate disclosure policy statement, which the Board approved on January 8, 2004. IEG-WB is reviewing its future alignment with the proposed new disclosure policy for IBRD/IDA, and it expects to submit a note to the Committee on Development Effectiveness (CODE) shortly.

² The Implementation Plan articulated concrete steps to implement the World Bank Group's Governance and Anticorruption (GAC) strategy, approved by the Board in March 2007. See *Implementation Plan for Strengthening World Bank Engagement on Governance and Anticorruption* (SecM2007-0425), October 2, 2007.

its business, especially with respect to information about project implementation. Thus the time has come to take a fresh look at the Bank's disclosure policy framework.

3. ***Paradigm Shift.*** This paper proposes consideration of a paradigm shift in the Bank's approach to disclosure, from a policy that spells out what documents the Bank discloses (a "positive list") to one under which the Bank would disclose any information that is not on a list of exceptions—a policy that would be more consistent with the Bank's expressed presumption in favor of disclosure. This approach is consistent with the Bank's business model, which recognizes the importance of transparency as a critical tool for enhancing good governance, accountability, and development effectiveness. As the Bank has long recognized, a sound, open disclosure policy is fundamental to fulfilling its many roles.³

- As a development finance institution, it strives to be transparent about its projects and programs (particularly with groups affected by its operations), share its global knowledge and lessons of experience with the widest possible audience, and enhance the quality of its operations by engaging with the development community.
- As an intergovernmental organization owned by countries, the Bank is accountable for public money, and has an obligation to be responsive to the questions and concerns of its shareholders.
- As a borrower, the Bank has established that the disclosure of information helps attract purchasers to its securities.
- As an employer, it seeks to provide its employees with all the information they need to perform their duties.

At the same time, in each of these roles, the Bank has an obligation to protect the confidentiality of certain information. The proposed approach endeavors to strike an appropriate balance between the need to grant maximum public access to information in the Bank's possession, and its obligation to respect the confidentiality of its clients, shareholders, employees, and third parties.

4. ***Structure of this Note.*** This paper discusses the limitations of the existing policy (Chapter II), establishes guiding principles for revising the policy and proposes key elements of a revised policy (Chapter III), raises issues for further discussion and proposes a process—including global consultations with various stakeholders—for developing this proposal more fully (Chapter IV), and sets out questions that would be addressed during the consultation process (Chapter V).

³ See *The World Bank Policy on Disclosure of Information*, March 1994.

II. LIMITATIONS OF THE EXISTING POLICY

5. Although the Bank's policy on the disclosure of information states a "presumption in favor of disclosure," implying maximum disclosure, it has a number of limitations.

- (a) *The "positive list" approach to disclosure is restrictive.* The policy lists the categories of information that are normally available to the public, subject to certain "constraints."⁴ Even though the policy contains provisions for considering the disclosure of information that is not listed, the existence of such a "positive list" creates the perception that there is a presumption *against* the disclosure of information that is not on that list.
- (b) *Lack of clarity on what is not disclosed.* All information available under the disclosure policy is subject to a list of constraints, which establish broad principles and the rationale for restricting certain types of information but do not provide clear instructions to staff on what cannot be disclosed.
- (c) *The policy on the disclosure of historical information is restrictive, costly, and cumbersome to implement.* The Bank's policy on the disclosure of "historical information"—defined as "all documents maintained by the Archives unit of the Bank's Information Solutions Group (ISG)"—has four main provisions covering different classes of materials.⁵ Experience with implementing these provisions suggests that they are unnecessarily restrictive, and the disclosure review process has proven too cumbersome to implement.⁶
- (d) *Ambiguous and overlapping rules.* The policy contains a number of overlapping and ambiguous disclosure authorization procedures. Lack of clarity about the scope of these provisions results in delays and inefficiency in responding to requests for information. In some cases, these ambiguities have resulted in Management's seeking Board approval to disclose information that arguably is within Management's purview.⁷

⁴ All categories of information that are specifically approved for disclosure are listed in Part III of the disclosure policy, and the "constraints" are listed in Part IV; see *The World Bank Policy on Disclosure of Information*, 2002.

⁵ See paras. 77-81 of the 2002 disclosure policy.

⁶ A review of the experience of Bank Group Archives over the period 2004-2006 revealed that it has taken 2.5 months on average to respond to requests for reports more than 20 years old, and as much as 4.9 months on average to respond to requests for reports less than 20 years old.

⁷ For example, according to the accelerated release provision in para. 79 of the 2002 policy, "historical information not publicly available under para. 78 may nevertheless be made publicly available if such availability is in the interest of the Bank and the development community." In implementing the policy, the question came up as to what is meant by "historical information not publicly available under para. 78," and whether this provision can be used to disclose information that is not on the positive list.

- (e) *Complex implementation requirements.* A multitude of document-specific disclosure requirements have resulted in a complex and inconsistent policy regime that is hard to understand and implement.
- (f) *Disclosure of “country-owned” information held by the Bank.* The policy mandates the disclosure of certain country-owned documents as a condition of doing business with the Bank (for example, environmental and safeguards documents, the Poverty Reduction Strategy Paper (PRSP), certain procurement information), but the Bank also holds country-owned information and documents whose disclosure is not required under the Bank’s policy (for example, project financial statements and project audits). When the Bank receives a request for such country-owned operational information, it simply directs the requester to the relevant country authorities rather than proactively seeking the country’s consent to disclose the material. This practice has created the perception that the Bank is not serious about promoting transparency, governance, and accountability at the project level.
- (g) *Confidential or sensitive country information.* Paragraph 52 of the disclosure policy provides procedures for handling confidential or sensitive country information in certain operational documents, but does not make clear whether the Bank should follow these procedures for all such documents or only for those that, in the Bank’s judgment, contain confidential or sensitive information. Moreover, the policy is not clear about how to handle confidential or sensitive information in nonoperational documents created or held by the Bank, such as economic research papers and publications by Bank staff. Member country authorities have expressed concern that in some instances they were unaware of the Bank’s intention to publish country-related economic research.
- (h) *Sharing confidential information with donors, member governments, and other partners.* The Bank cooperates with various international organizations, bilateral aid agencies, commercial banks, and so on, and has shared with its partners selected information that is not available to the public on the understanding that the recipient would treat it as confidential. However, there is no policy guidance on what may or may not be shared with such partners on a confidential basis, nor on what consultation or consents are required before disclosing documents that are exchanged between the Bank and development partners, or jointly prepared by the Bank and other development partners.

- (i) *Lack of an appeals process.* The Bank does not have a clear mechanism to receive and respond to appeals about information to which access has been denied. The policy does not provide any guidance on whether there is a place/person within the Bank’s management hierarchy to which requesters can appeal the initial disclosure decision if they feel that access to information has been unreasonably denied.

III. RETHINKING THE POLICY

6. Since 1993, each review of the Bank’s disclosure policy has added more categories to the list of what is available to the public (the positive list). The pace and nature of these changes can best be described as incremental rather than fundamental: each update assumed the continued existence of a positive list and a list of constraints. This paper suggests that it is time to go beyond this incremental approach and make fundamental changes to the overall policy architecture. This section sets out four basic principles that would guide development of the new policy, along with the key elements by which the policy would put those principles into operation, and it elaborates on some of the key elements. It also briefly describes the disclosure frameworks of other organizations.

A. Principles and Key Elements of the Proposed Policy

7. The Bank’s disclosure policy framework would be organized around four basic principles.

Principle 1: Maximizing access to information

- The World Bank recognizes the fundamental importance of transparency and accountability in the development process. Accordingly, the Bank’s disclosure policy would give public access to all information⁸ in its possession, subject only to a limited set of exceptions.
- The policy would recognize that certain categories of information need not remain classified for an indefinite period of time, and would provide clear timelines for releasing certain kinds of historical information.

Principle 2: A clear list of “exceptions” that is easier to interpret and implement

- The Bank would deny access only to information for which there is a compelling reason for confidentiality—for example, personal information about staff; confidential or sensitive information given to the Bank by member countries and other third parties with the express understanding that such information would not be disclosed (including proprietary information);

⁸ The term “information” includes documents of any physical type (for example, paper, electronic, photograph, film, sound recordings, video tapes) prepared or received by the Bank during the course of its business.

security information; or information that is subject to attorney-client privilege. The list of information that would not be made available to the public—hereafter referred to as “exceptions”—would be clear and as narrow as possible.

- The Bank would reserve the right to disclose information that falls under the exceptions, if it determines that (a) such disclosure is in the interest of the Bank and the development community; (b) nondisclosure is likely to cause serious harm to the interest of the Bank, a member country, Bank staff, or other individuals; or (c) such disclosure is required under the Bank’s whistleblower policy, set out in Staff Rule 8.02. The Bank would develop procedures for such disclosure.
- The Bank would also reserve the right not to disclose information if it determines that (a) such disclosure is likely to cause serious harm to the interests of the Bank, a member country, Bank staff, or other individuals, and (b) this potential harm outweighs the benefits of disclosure.

Principle 3: A clear framework for processing requests for information

- In implementing the proposed policy framework, the Bank would routinely post as much information as possible on its external website.
- The Bank would adopt simple, clear, efficient, and cost-effective procedures for processing requests for information, including appropriate corporate arrangements and clear timelines for decisionmaking.
- The Bank would also provide clear guidelines about the categories of information and the circumstances under which the Bank would either consult with or obtain the explicit consent of a member country or other third parties before disclosing information (see Annex B).
- When access to information is denied, the Bank would notify the requester in writing, specifying the policy exception under which the information has been denied, and explaining the requester’s right to appeal the decision (see Principle 4).
- Any fees charged for collating or reproducing information would be fair and reasonable.

Principle 4: The right to appeal

- The Bank recognizes requesters’ right to an appeals process if they believe that the Bank has unreasonably denied access to information that should be publicly available under its disclosure policy, and Management recognizes the

need for a disclosure policy-specific administrative appeals mechanism for those who wish to appeal disclosure decisions.

- Such an administrative appeals mechanism would be headed by Senior Management officials with full authority and discretion to interpret the disclosure policy and to confirm or reverse the previous decision to deny access (except for disclosure decisions by the Board).
- The decisions of the administrative appeals body would be made within a defined time period and would be in writing, explaining the reason for any refusal to disclose.

B. Maximizing Access to Information (Principle 1)

8. Under the proposed approach, the Bank would strive to maximize access to information it holds (subject to a limited set of exceptions). Thus the Bank would disclose all country-specific operational documents prepared by the Bank while protecting confidential information (see Annex B) and would also seek to expand the list of documents and information it would require member countries to disclose as a part of doing business with the Bank (see Annex C, Section C). For example, to achieve greater transparency and accountability with respect to projects under implementation, this paper proposes requiring borrowers to disclose project audits and annual audited project financial statements;⁹ the Bank would also disclose such material on receiving it. During consultations, Management would seek to identify other categories of country-owned information that clients would be required to disclose.

C. The Proposed Exceptions (Principle 2)

9. While the Bank makes every effort to disclose as much information as possible, there are legitimate reasons to protect certain kinds of information.¹⁰ This section sets out the proposed categories of information that would not be made available to the public.¹¹

10. ***Confidential Information Provided by Member Countries or Third Parties.*** As a financial organization entrusted with all kinds of information owned by its clients and third parties, the Bank has a legal and moral obligation to protect information (including

⁹ While the Bank discloses a great deal of information about projects during their preparation, at Board approval, and after completion, it routinely discloses very little information while they are under implementation. The Bank's current policy is to encourage, not require, borrowers to disclose project audits.

¹⁰ As an international organization established by its member countries, the Bank is endowed with certain immunities under its Articles of Agreement. The Articles provide that "the archives of the Bank shall be inviolable." Although the Executive Directors may approve the public availability of many categories of Bank information, the Bank's archival immunity provides the basis upon which the institution may protect information from compulsory disclosure.

¹¹ Management would update this list of exceptions as appropriate to reflect new categories of information. The list of exceptions would be posted on the Bank's public website.

proprietary information) that it receives on a confidential basis. The Bank would therefore not disclose information provided to the Bank by a member country or a third party on the explicit understanding that it would not be disclosed, without the express permission of the owner of such information. Such information would be classified as “confidential,” “strictly confidential” or the equivalent. Annex B proposes a rationalized set of procedures for ensuring the protection of confidential information owned by member countries. These procedures are similar to those under the existing policy, providing a similar level of protection as the existing policy.¹²

11. ***Confidential Information Pertaining to Board Proceedings.*** For the purposes of this policy, the term “Board proceedings” refers to (a) records of Board or Board committee discussions such as verbatim transcripts, minutes, individual statements of Executive Directors, Chairman’s Concluding Remarks and Summings Up, and summaries of discussions (hereafter “Board records”); and (b) documents that are specifically prepared by staff for (i) the discussion or consideration (decision) by the Board, (ii) the discussion by a Board committee, or (iii) the information of the Board or a Board committee (hereafter “Board papers”).

- (a) ***Board Records.*** In parallel to Management’s work on this paper, the Board’s Committee on Governance and Executive Directors’ Administrative Matters (COGAM) has agreed to set up a task force to determine which categories of Board records should be kept confidential under the new approach.¹³ The recommendations of this task force would be incorporated in the proposal that would be submitted for Board consideration.
- (b) ***Board Papers.*** The new policy would presume that Board papers as defined above would be disclosed at the end of the deliberative process (see Box 1). However, Board papers classified as “confidential” or “strictly confidential” would not be disclosed unless the Board specifically authorizes disclosure.

12. ***E-mail Systems.*** The Bank would not disclose e-mail in the Bank’s Lotus Notes system (or its predecessor or successor systems) except those that are filed in the Bank’s internal records management system and classified as “public” (see para. 18).¹⁴

13. ***Personal Information.*** The Bank’s Principles of Staff Employment require the Bank Group to “establish and maintain appropriate safeguards to respect the personal

¹² See paras. 52, 84, and 81(b) of the 2002 disclosure policy.

¹³ The Board’s rules of procedure stipulate that “the proceedings of the Board are confidential and should not be published except where the Board decides to authorize the Chairman to arrange for suitable publicity in respect of particular decisions.” See *Rules of Procedure for Meetings of the Executive Directors of the Bank*, Section 7, “Publicity.”

¹⁴ Bank policy requires that all official records, including official e-mail, be classified as appropriate and filed in the Bank’s internal records management system.

privacy of staff members and protect the confidentiality of personal information about them.”¹⁵ The Bank would not disclose the following information:

- (a) Information relating to (i) proceedings of the Bank’s internal conflict resolution mechanisms, except to the extent permitted by the Staff Rules, and (ii) proceedings of the Ethics Committee for Board Officials.
- (b) Personal information, including staff records, other personnel information, and personal medical information of Executive Directors, their Alternates, and Senior Advisers, of the President of the Bank, and of Bank staff (and their families), except to the extent permitted by the Staff Rules.

Box 1. Disclosure of Board Papers Under the New Approach

When a Board paper is circulated to the Board or a standing committee, staff would initially classify the paper as “Official Use Only,” “Confidential,” or “Strictly Confidential.” Consistent with Principle 1 to provide maximum access to information, it is proposed that all Board papers classified as “Official Use Only” be declassified as “Public” at the end of the deliberative process:

- *Board papers distributed for discussion or consideration (decision) by the Board.* Papers classified as “Official Use Only” would be automatically declassified as “Public” at the end of the deliberative process.¹⁶
- *Board papers distributed for discussion by a Board Committee.* If a subsequent Board discussion is not anticipated, Board Committee papers classified as “Official Use Only” would be automatically declassified as “Public” at the end of the deliberative process.¹⁷
- *Board papers distributed to the Executive Directors for information.* Papers classified as “Official Use Only” would be automatically declassified as “Public” after they are distributed to the Executive Directors for information.

Board papers classified as “confidential” or “strictly confidential” would not be declassified or disclosed, unless the Board specifically authorizes disclosure.

14. ***Financial Information.*** As an organization involved in dealings on the world’s financial markets, the Bank is required to use sound financial management practices, including the maintenance of utmost prudence in the disclosure of financial information related to its activities. It would not disclose the following information:

- (a) Estimates of future borrowings by IBRD, information on contributions by individual donors to IDA, financial forecasts, data on individual

¹⁵ See Staff Rules 2.01 and 2.02.

¹⁶ If the paper needs to be revised to reflect the Board discussion, it would be declassified only after it has been finalized and recirculated to the Executive Directors for information.

¹⁷ If the paper needs to be revised to reflect the Board Committee discussion, it would be declassified only after it has been finalized and recirculated to the Executive Directors for information.

investment decisions for the Bank's treasury operations, and credit assessments.

- (b) Documents, analysis, correspondence, or other information used or produced to execute financial and budgetary transactions, or to support the preparation of internal and external financial reports.
- (c) Banking or billing information of World Bank Group entities, member countries, clients, donors, recipients, or vendors, including consultants. This would include details of individual loan and trust fund transactions, information regarding amounts overdue from borrowers, or actions taken before any loans or credits are placed in nonaccrual status.

15. ***Corporate Procurement and Security Information.*** The Bank would not disclose the following:

- (a) Information relating to cases under the Bank's policy "Vendors Excluded from Future Contract Awards," except to the extent permitted by the Corporate Procurement Policies and Procedures Manual.¹⁸
- (b) Information relating to the Bank's procurement of goods and services, except to the extent permitted by the Corporate Procurement Policies and Procedures Manual.
- (c) Information about the security of Bank staff and their families, contractors, and Bank assets.
- (d) Information about logistical and transport arrangements related to Bank shipments of its assets and documents and the shipment of staff's personal effects.

16. ***Attorney-Client Relations, Investigations, and Sanctions.*** The Bank would not disclose the following information:

- (a) Information that is subject to attorney-client privilege.
- (b) Information whose disclosure is likely to prejudice an ongoing investigation.

¹⁸ In January 2009, the Bank updated its vendor eligibility policy to include a requirement to publish the names of vendors that have been determined to be "non-responsible vendors" and, therefore, debarred from receiving direct contracts from the Bank Group under its corporate procurement program. This policy update was made in the interest of transparency and fairness, and to align the Bank's disclosure practice for companies that provide goods and services directly to the Bank with the disclosure policy governing procurement under Bank financed projects.

- (c) Information relating to investigations conducted by the Bank's Department of Institutional Integrity (INT), except to the extent permitted by INT's communications strategy (forthcoming).¹⁹
- (d) Information relating to the Bank's sanctions proceedings, except to the extent permitted by the procedures of the Sanctions Board.
- (e) Information relating to the proceedings of the Inspection Panel other than the information that was specifically authorized for disclosure in the 1993 Resolution establishing the Inspection Panel and subsequent clarifications of that Resolution.²⁰

17. **Deliberative Information.** To preserve the integrity of the Bank's deliberative process and facilitate and safeguard the free and candid exchange of ideas, the Bank would not disclose information that is part of the deliberative process between the Bank and its member countries or other entities with which the Bank cooperates,²¹ or information that is part of the Bank's own internal deliberative process, except for final decisions/documents relating to Bank-financed projects at key milestones of project preparation and implementation.²² Examples of deliberative information that would not be disclosed:

- (a) Draft documents, except those prepared specifically for external consultation purposes.
- (b) Aide-mémoire prepared following Bank-Fund financial sector assessments under the Financial Sector Assessment Program (FSAP).
- (c) Audit reports prepared by the Internal Audit Department (IAD), except its Annual and Quarterly Reports.

¹⁹ Before the proposed disclosure policy revisions are circulated to the Board, Management will seek the Board's formal approval on the proposed revisions to INT's communications strategy. The revised strategy would reflect the recent recommendations of *Implementing the Recommendations of the Independent Panel Review of the World Bank Group's Department of Institutional Integrity* (SecM2008-0013) that was discussed at an informal meeting of the Board on January 22, 2008. INT's existing communications strategy was adopted in 2004.

²⁰ See Resolution No. IBRD 93-10, No. IDA 93-6, September 1993 (the Resolution) establishing the Inspection Panel, and subsequent clarifications to the Resolution (i.e. *Review of the Resolution Establishing the Inspection Panel: 1996 Clarification of Certain Aspects of the Inspection Panel*; and *1999 Clarification of the Board's Second Review of the Inspection Panel*)—all available at <http://www.inspectionpanel.org>.

²¹ Includes deliberations relating to IDA replenishments, and deliberations with donors relating to trust funds.

²² As part of the ongoing work to improve the Bank's internal controls, Management will define the set of final decisions and documents that will be disclosed at key milestones of project preparation and implementation. The unified information technology platform that is being developed to manage all Bank records (known as the "Operations and Knowledge Systems Program") will contain features to capture, classify, and monitor the disclosure of these records.

- (d) Analyses of creditworthiness, credit ratings, or risk.
- (e) Country Policy and Institutional Assessment (CPIA) ratings for IBRD borrowers and IDA country allocations.

In addition, the Bank would not allow external parties to have direct access to Management information systems (such as SAP and Business Warehouse).

1. *Classification of Records*

18. Under the proposed disclosure policy, all documents filed in the internal records management system after this policy becomes effective would be classified as “Public”²³ unless they fall under one or more of the exceptions. Those that fall under the exceptions would be classified as “Official Use Only,” “Confidential,” or “Strictly Confidential,” depending on the level of sensitivity of their information content; they would not be disclosed unless disclosure were authorized by the Disclosure Committee or the Board.²⁴ Draft papers would be clearly marked “draft” in addition to their classification. Management would issue guidance to staff and provide training on classifying documents in line with the policy.

2. *Declassification of Historical Information*

19. The proposed policy would recognize that certain categories of information that fall under the exceptions need not remain restricted forever (see Principle 1). The Bank would thus develop procedures and timelines—as other comparable organizations have done—to declassify and disclose some categories of information that fall under the exceptions. Similar procedures and timelines would be developed for treating requests for the existing stock of documents that were prepared under a more restricted version of the disclosure policy.²⁵ One possibility is to adopt a uniform 20-year timeline to declassify most historical records, as is the norm at many international organizations, including the United Nations. Another possibility is to adopt a three-tier structure similar to the one at the International Monetary Fund (IMF), which would permit the disclosure of some records after 5 years, some records after 10 years, and others after 20 years. During the consultation process, Management would invite suggestions on the kinds of documents that could be declassified before 20 years have lapsed. In parallel to Management’s work, COGAM is expected to recommend appropriate timelines for

²³ AMS 10.11, *Management of Records*, requires that all Bank records be captured, appropriately classified, and retained in the Bank’s internal records management system in accordance with *Record Keeping Standards* issued by Bank Group Archives. AMS 10.11 covers all records created or received by or on behalf of the Bank Group—in paper, electronic, or any other form or medium. For instance, correspondence received from an outside party becomes a Bank Group record at the time it is received.

²⁴ In the event that the Bank holds country-owned information that has not been classified, staff would be required to obtain a classification from the country before disclosing the information.

²⁵ Management would strive to balance the need, to the extent possible, to adopt procedures and timelines that are (a) consistent with the Bank’s commitment to granting maximum access, (b) efficient and manageable in terms of Bank resources, (c) protective of the confidential information of clients and other parties, and (d) respectful of the disclosure policy regime under which the document was created.

declassifying certain Board records. Complete details would be included in the final proposal that would be submitted for Board consideration.

20. ***Information that Would Remain Confidential.*** The policy would also recognize that certain types of information should not be considered for declassification and disclosure, even after 20 years. It is proposed that the following information, as described under the exceptions set out in paras. 10, 12, 13, 15, and 16, would remain confidential, even after 20 years: confidential information provided by outside parties, e-mail systems, personal information, corporate procurement and security information, and information related to attorney-client relations, investigations, and sanctions. In addition, COGAM is expected to recommend which categories of Board records should remain confidential beyond 20 years. A complete list of the types of information that would remain confidential through the passage of time would be included in the final proposal to the Board.

21. ***Bank's Prerogative to Disclose Information.*** While the Bank would always reserve the right to disclose information that falls under any exception (see Principle 2), disclosure of information that falls under the exceptions specified in the above paragraph is expected to be extremely rare, and carried out only by designated individuals under strict authorization procedures and guidelines.

D. A Clear Framework for Processing Requests (Principle 3)

22. The Bank's external website would be the primary vehicle for releasing information (Annex C lists a sample of the information that would be routinely posted on the website).

23. ***Information Available upon Request.*** The policy would also provide clear procedures for processing requests for information that is not on the external website, including appropriate corporate arrangements and timelines for decisionmaking. The Bank's InfoShop in Washington, D.C. (www.worldbank.org/infoshop) and the World Bank Public Information Centers (PICs) in member countries would continue to be the central points of contact for public requests for information. Requests for historical information may also be directed to the Archives Unit of the World Bank Group (www.worldbank.org/archives). Management would establish and publicize timelines for providing acknowledgments and full responses to requests for information.

24. ***The Disclosure Policy Committee.*** To facilitate the implementation of the revised policy, it is proposed to establish a Disclosure Policy Committee (hereafter "Disclosure Committee"). This Committee would advise Management on the application of the policy and would be authorized to disclose certain information that is otherwise restricted under this policy (except information that pertains to the proceedings of the Board or its Standing Committees). It would comprise five regular members representing Operations Policy and Country Services (OPCS), the Archives Unit, External Affairs (EXT), the Corporate Secretariat (SEC), and the Legal Department (LEG); as

appropriate, it would also include representatives of other relevant units (such as the Regions and the finance complex). The Committee would be served by a secretariat.

E. Appeals Process (Principle 4)

25. To address appeals from requesters who believe that access to information was unreasonably denied, this paper proposes establishing a five-member appeals panel, chaired by the Managing Director for Networks and comprising the Vice President, EXT; the Corporate Secretary; the General Counsel; and a Regional Vice President (on a rotational basis). This panel would have the authority and discretion to interpret the disclosure policy within the confines of what the Board has approved, and to reverse the previous decision to deny access (except for disclosure decisions by the Board). This panel could also include outside parties, as the Sanctions Board does. The Bank would develop operating procedures for this panel, including procedures to record its decisions so that they can serve as a precedent for future deliberations.

F. Disclosure Frameworks of Other Organizations

26. The disclosure policies and practices of international organizations and countries vary widely. It is not possible, in the space of a brief paper, to give a comprehensive overview, but this section provides a summary for a few comparator organizations.

- ***Other Multilateral Development Banks.*** The disclosure policies of all four multilateral development banks surveyed (African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, and Inter-American Development Bank) are very similar to the World Bank's current policy. They all have a stated presumption in favor of disclosure, rely on a "positive list," and provide a list of "restrictions" or "exceptions" to disclosure. There is no indication that any of them is considering a shift away from their "positive list" approach at this time, but there is strong pressure from civil society advocates of transparency that future policy reviews consider such a shift.
- ***IMF.*** The Transparency Policy of the IMF (last revised in 2005) covers the publication of Board documents. The publication of most Board documents is "voluntary but presumed," meaning that publication requires the member's explicit consent but is expected to take place within 30 days following Board discussion. The majority of Board documents are published. The IMF has a separate Archives Policy under which, most Board documents are available after 5 years; minutes and summings up of Board meetings after 10 years; and certain other documents, primarily relating to various Executive Board committees, after 20 years. The IMF periodically reviews its transparency policy and expects to present a review paper to the Board in 2009.
- ***IFC and MIGA.*** The disclosure policies of IFC and MIGA are very similar. Each policy presumes that, in the absence of a compelling reason not to

disclose, the organization will disclose (a) institutional information about the organization, and (b) information about the activities it supports. Each policy defines the list of information that is covered under this presumption and sets out the principles used in determining whether there is a compelling reason for not disclosing information. Each organization may disclose information that it would not ordinarily release if Senior Management determines that such disclosure would likely avert imminent and serious harm to public health or safety, and/or imminent and significant adverse impacts on the environment. Both organizations have an administrative appeals mechanism for those who believe that access to information has been unreasonably denied.

- **USAID.** The Freedom of Information policy at the United States Agency for International Development, last reviewed in 2006, requires that information about the agency's objectives and operations be freely available to the public in accordance with the provisions of the Freedom of Information Act. Much of the publicly available information, including descriptions of USAID's organization and general strategies, is regularly disclosed in the Federal Register. The policy includes exemptions for information related to the regulation or supervision of financial institutions, and for information restricted by Executive Order because of national defense or foreign policy concerns. The policy lays out an appeals process and a schedule of fees for the research, review, and copying related to requests for information.
- **DFID.** The Freedom of Information policy at the United Kingdom Department for International Development, made effective in 2005, identifies the types of documents and information that are regularly disclosed, including information on its policy framework, key strategies, performance reporting, and bilateral engagement and procurement practices. The list of exempted information, maintained by the Ministry of Justice, includes information pertaining to national security and the economy, and information that would infringe on the privileges of either of the Houses of Parliament. The policy guides staff on how to charge fees for requests, and provides a clear appeals process.

27. **Comparative Evaluations.** In 2007 the Global Transparency Initiative (GTI)—a network of civil society organizations promoting openness in international financial institutions—conducted a comparative analysis of the disclosure/transparency standards of eight international financial institutions (see Annex D).²⁶ This paper draws on that work.

IV. IMPLICATIONS OF THE PROPOSED APPROACH

28. The proposed policy would represent a complete paradigm change in the Bank's approach to disclosure, from an approach based on a "positive list" to one that presumes

²⁶ Also see *Transparency Charter for International Financial Institutions: Claiming our Right to Know*, and *Assessing World Bank Openness: A Transparency Score Card*, both published by the GTI in 2006.

the disclosure of all information subject to a set of “exceptions.” This approach would be consistent with the disclosure policies adopted in a number of countries in recent years through freedom of information legislation. It would also put the Bank at the forefront of other multilateral agencies with respect to disclosure. This section summarizes the principal differences in disclosure that this change would entail and outlines issues that would need to be addressed.

A. Major Changes in Access to Information

29. By moving away from a “positive list,” the proposed policy framework would allow public access to a great deal more information than the present policy does. It would also provide greater clarity on what is not disclosed, establish timelines for responding to requests, streamline disclosure authorization and policy waiver procedures, provide clear guidelines on protecting confidential information relating to member countries, and institute an administrative appeals mechanism for those who believe that access to information has been unreasonably denied. These changes would result in a far more transparent Bank, and they are expected to make it easier for staff to provide information. This section discusses four specific aspects of the proposed changes.

30. ***Board Proceedings.*** Under existing policy, all proceedings of the Board and of Board Committees are considered confidential unless the Board specifically approves disclosure.²⁷ The proposed policy would define the categories of Board records and Board papers that would not be disclosed, and all else would be eligible for disclosure: for example, most staff papers circulated to the Board or its Committees would be disclosed at the end of the deliberative process.

31. ***Deliberative Information.*** The proposed policy would permit the disclosure of some deliberative information about Bank-financed projects at key milestones of the project cycle, which has until now been considered as confidential information—for example, Quarterly Management Reports; sections of Implementation Status and Results (ISR) reports or their equivalent (excluding specific sections containing staff and management comments);²⁸ Country Portfolio and Performance Reviews (CPPRs); aide-mémoire; and minutes of Concept Review meetings and Decision meetings. This change would result in much greater transparency with respect to projects under preparation and those under implementation.

32. ***Information Provided by Outside Parties.*** The Bank has a legal obligation to (a) protect information it receives with the express understanding that it may not be disclosed, or disclosed without the prior consent of the owner/source of the information, and (b) respect property rights over documents it holds that are owned by other parties (i.e., proprietary information). Under existing policy, the Bank exercises this legal obligation by not disclosing information it received with the “explicit or implied

²⁷ See para. 83 of the 2002 disclosure policy.

²⁸ Management is reformatting the ISR so that the sections containing staff comments can be removed before the ISR is disclosed.

understanding that they will not be disclosed.”²⁹ The proposed policy recognizes the difficulties of discerning what was given to the Bank with an “implied” understanding of confidentiality: as time passes, it becomes increasingly more difficult to determine whether certain information was provided to the Bank on a confidential basis, unless the document containing that information (or an accompanying cover letter) has indicated as much. Therefore, under the proposed policy, the Bank would rely on the security classification of documents to determine whether they contain information given to the Bank with an *explicit* understanding of confidentiality: documents classified as “Confidential,” “Strictly Confidential,” or the equivalent would not be disclosed unless the owner/source of such information has granted express permission to do so.³⁰ The Bank would also strictly enforce the requirement to assign appropriate security classifications to its records.

33. ***Historical Information.*** Under the Bank’s existing disclosure policy, disclosure of historical information is subject to all the “constraints,” regardless of the age of a document. The proposed policy would provide timelines to declassify and disclose some categories of information that fall under the exceptions, resulting in a much more open Bank. For example, under the proposed policy, deliberative information such as CPIA ratings, audits conducted by IAD, or internal correspondence filed in the Bank’s internal records management system, would be available to the public after some years have lapsed. Similarly, depending on COGAM’s recommendation, some categories of Board records that fall under the exceptions might also be declassified and disclosed with the passage of time.

B. Cost Implications

34. Shifting from a “positive list” to an open policy that is based on a list of exceptions would likely generate a significant increase in the volume of information disclosed.³¹ First, there would likely be an increase in demand for information that is not publicly available under the existing policy. Second, the Bank on its own would have to routinely post more information on its external website. To accommodate these increases, additional resources would be required at both the corporate and the unit level. For instance, at the corporate level, the revised policy is likely to require more resources for the Bank’s InfoShop and the Archives Unit and SEC, as well as resources for the proposed Disclosure Policy Committee and appeals mechanisms. Business units may

²⁹ See para. 84 of the 2002 disclosure policy.

³⁰ In the past, the Bank has not strictly enforced the requirement to assign proper security classification to records. Thus relying on existing classifications could involve some risk of disclosing information that might have been shared with the Bank on an implicitly confidential basis. In disclosing historical information, Management would be mindful of this risk and would take steps to minimize it. Management believes that, on the whole, the potential benefits of relying on a broader disclosure policy would far outweigh the potential risks.

³¹ The Bank has a Translation Framework that provides guidance to staff (See staff guidelines on *Translation of World Bank Documents, Publications, and Web Content*). Shifting to the proposed disclosure policy might generate an increase in translation activity if country units feel the need to translate documents that were not previously available to the public and therefore could remain in English only.

also incur more expenses for staff training and for responding to requests for information. While the Bank's external website would serve as the primary vehicle for disclosing information, it is expected that the requests for operational information that is not on the web would be handled primarily by the staff in country offices (including the PICs) and the Archives Unit. However, cost increases would be offset to some extent by (a) the cost savings that would be generated by routinely posting more information on the Bank's external website, (b) streamlined disclosure clearance procedures, and (c) the recovery of some costs through service fees.

35. **Service Fees.** Operational documents, data, and other information posted on the Bank's external website would continue to be available free of charge. Information that is available upon request would also be provided at no cost to the requester if it is readily available in an electronic format (for example, in a Bank database). The Bank would continue to provide information on a requester's own country free of charge, and to charge reasonable service fees for providing hard copies of operational documents and for photocopying, scanning, extracting, processing, or collating other information.

C. Continuing Work

36. This section outlines the proposed global consultation process and sets out some of the issues that Management has already identified for additional work.

1. Global Consultations

37. The Bank would adopt a two-step approach to consultations: first with member country authorities, then with the broader public. In addition, the Bank would hold internal consultations so that all staff would have the opportunity to comment on the proposed approach. The main objective of the global consultation process is to inform all stakeholders about the proposed changes and to invite their comments and suggestions.

- **Preliminary Consultations with Country Authorities.** The Bank would first share the Approach Paper with member country authorities to ensure that they are aware and informed about the proposal and to seek their views about the move to a broader consultation process. This would be an initial first step that is expected to take no more than two weeks. In countries where the Bank has a program, the country director would share the paper with the appropriate country authorities. In countries where the Bank does not have a program, Management would seek the assistance of the Executive Director's office to share the paper with the country authorities concerned.
- **Public Consultations.** Upon completing preliminary consultations with member country authorities, Management would post the Approach Paper on the Bank's external website for public comment. The Bank would use a combination of web-based consultations, live consultations in some member countries, and one or two international forums to reach the widest possible external audience. Views will be sought from a wide range of constituencies:

member country authorities, citizens, civil society organizations, private sector and academia, international organizations and donor agencies, international civil society groups, and other interested stakeholders. The Global Transparency Initiative would be requested to provide inputs to assist the Bank in identifying and consulting with civil society organizations in member countries.

During the consultation period, Management would offer a Technical Briefing for Executive Directors to explain the ongoing work and benefit from their input. It is expected that a paper with recommendations for revising the disclosure policy would be submitted for Board consideration by the first quarter of FY10.

2. Issues for Continuing Work

38. ***Role of the Disclosure Policy Committee.*** Management would elaborate on the mandate and powers of the proposed Disclosure Policy Committee, and provide detailed guidelines for its functions.

39. ***Timeline(s) for the Disclosure of Historical Information.*** This paper proposes a more liberal disclosure policy for historical information. Management would examine the experience of comparator organizations and determine appropriate timelines for disclosing historical information. In parallel, COGAM would determine appropriate timelines for disclosing historical Board records.

40. ***Sharing Information with Executive Directors, Member Country Authorities, Donors, and Other Partners.*** In the context of the Board's own governance review, Management proposes to review the information that is available to the Executive Directors in their dual role as members of the Board and as representatives of individual constituencies. As appropriate, Management would revise AMS 1.11, *Staff Communication with Executive Directors*, and BP 17.30, *Communications with Individual Executive Directors*. In addition, Management would provide clear guidelines to staff on sharing information with member governments, donors, and other partners.

41. ***Implications for Information Technology.*** Since the Bank's external website would serve as the primary vehicle to disclose information, deficiencies in the web publishing processes and systems would have to be addressed before the new policy becomes effective. Work is under way to improve the external website, including its searchability and navigation. The information technology systems to be used in the future would need to be designed with the new disclosure requirements in mind. A Web Governance Council was established in June 2008 to set institutionwide strategies and policies for the external site. An expanded Web Operations Program in EXT is charged with implementing the Council's decisions and managing the external site, in partnership with other business units across the Bank. Over the coming months OPCS, EXT, and ISG managements will work closely to (a) ensure that the external site is adequately equipped to effectively support the implementation of the revised disclosure policy, and (b) assess the implications for staffing and costs.

42. ***Implications for Other Bank Units.*** Management would review the implications of the proposed policy for information relating to such Bank units as the Inspection Panel, the INT, and the Quality Assurance Group (QAG). Management would also explore opportunities for expanding the disclosure of information about Bank Group corporate procurement.

43. ***Leaking Nondisclosable Information.*** Management would revisit the administrative and staff rules on unauthorized disclosure of information by Bank employees and former employees and strengthen them as necessary.³² During the implementation of the new disclosure policy, Management would introduce a program of staff training to raise awareness on staff obligations to respect the institutional standards for disclosure and information security. Pursuant to staff rule 8.01, *Disciplinary Proceedings*, measures will be taken against employees who violate these rules.

44. ***Tracking Requests and Recording Decisions.*** Each month the Bank's InfoShop receives about 300-400 requests, and the PICs around the world together receive well over 20,000 requests. Bank staff also receive direct requests through other channels such as advisory services, helpdesks, e-mail, and phone calls. To avoid duplication of efforts and to monitor policy compliance, Management would institute a new disclosure tracking and recording mechanism to track requests and ensure that a timely response is provided. All disclosure and declassification decisions (including decisions about the release of restricted information) would be captured in this new system. Management would also take steps to capture staff time spent on disclosure-related work (for example, by introducing a separate charge code).

45. ***Candor.*** The relationship between candor and disclosure has been a point of discussion, especially as it relates to project implementation. Some are concerned that disclosure of project documents such as aide-mémoires and Implementation Status Reports could inhibit candor in staff and counterparts, making the documents less effective than they might be. Rather, the proposition in this paper is that greater transparency would improve candor by promoting greater accountability, and access to third party information of implementation status. Moreover, disclosing such documents will serve as an incentive to staff to ensure that they are of the highest possible standard. For instance, the main indicator of candor is the "realism index" which measures the extent to which the current ratings of projects in the portfolio reflect the average rating of projects at exit over the recent past. But, at any point in time, the number of operations classified as being in "problem" status is well below the average for the projects that exit the portfolio. During the first 18 months following the adoption of the revised policy, Management would closely monitor the implications of the changes in the policy on candor, including the realism index.

³² For existing rules, see Staff Manual, Section 00.01 *Principles of Staff Employment*, Principle 3, para. 3.1(d), and Section 3.01, *Standards of Professional Conduct*, para. 5; AMS 6.20, *Information Security*; and AMS 10.11, *Management of Records*.

46. **Costs.** Management would develop detailed cost estimates and the expected administrative budget, including cost implications for individual business units that would be responsible for implementing this policy (for example, SEC, the Archives Unit, the InfoShop, PICs, the web team). Management would also examine the feasibility of various cost-recovery measures, including the adoption of a differentiated service-fee structure for (a) students, academics, and nongovernmental organizations, and (b) commercial, for-profit entities such as law firms, consulting firms, and public relations/lobbying firms.

V. QUESTIONS FOR DISCUSSION

47. In soliciting comment from a wide variety of stakeholders, the Bank would ask them to consider questions such as the following:

- (a) The paper proposes to move away from the existing “positive list” approach to a more open disclosure policy framework consistent with the Bank’s presumption to disclose. Do you agree with the proposed approach, under which the public can obtain all information in the Bank’s possession other than what is in a list of “exceptions”?
- (b) Do the proposed “exceptions” adequately reflect the areas in which there is a compelling reason for confidentiality? Do they strike the right balance between the need for transparency and the need to protect confidential information relating to member countries and third parties?
- (c) The Bank is planning to develop provisions for declassifying documents after a certain period of time—5, 10, or 20 years. What advice can you offer on the types of documents that could be declassified at those intervals?
- (d) Do you agree with the proposal to add project audits and annual audited project financial statements prepared by clients to the list of documents that countries will be required to disclose? Are there any other documents that, in your view, the countries should be required to disclose?
- (e) Are there disclosure issues you feel this proposal does not address?

Consultation Draft

EVOLUTION OF THE WORLD BANK'S DISCLOSURE POLICY: KEY MILESTONES

<i>Year</i>	<i>Policy changes or activities</i>
1985	<ul style="list-style-type: none"> • The First issuance of instructions to staff on information disclosure. • The <i>Directive on Disclosure of Information</i> established a “presumption in favor of disclosure” in the absence of a compelling reason not to disclose. • The directive divided the information held by the Bank into three categories: published, available to specific audiences, or restricted. It listed the information that can be disclosed (the “positive list”) and restrictions.
1993	<ul style="list-style-type: none"> • The disclosure policy was revised to expand the categories of documents that are publicly available. For example: Staff Appraisal Reports, Sector Policy Papers, Environmental Datasheets, and Environmental Assessments were added to the “positive list.” The Project Information Document (PID) was introduced. • A Public Information Center was established in Washington, and a network was created to disseminate information through the Bank’s country offices. • BP 17.50 was issued.
1995	<ul style="list-style-type: none"> • Progress in policy implementation was reviewed for the first time. The report was discussed by the Board.
1997	<ul style="list-style-type: none"> • The policy was reviewed and the second progress report to the Board was discussed.
2000	<ul style="list-style-type: none"> • A comprehensive review of the policy was launched, with extensive external consultations.
2001	<ul style="list-style-type: none"> • The Board approved major revisions to the policy. The categories of publicly available information were further expanded to areas such as Program Documents, Letters of Development Policy, and Tranche Release Documents for adjustment loans; Implementation Completion Reports; certain evaluations by the Operations Evaluations Department (now IEG-WB); historical information; the Board calendar, Executive Directors’ Work Program, Chairman’s Concluding Remarks on Board discussions of CASs, SSPs, and other policy, strategy, and topical issues. • A voluntary pilot program was launched to explore and test ways of enhancing the information available on the ground for CAS consultations, projects under preparation, and projects under implementation. • BP 17.50 was retired; and the <i>Disclosure Handbook</i> was issued. • The new policy became effective on January 1, 2002.
2003	<ul style="list-style-type: none"> • The Board discussed the progress report on the implementation of the 2002 policy. • The Board approved a Translations Framework as well as a program to strengthen PICs.
2005	<ul style="list-style-type: none"> • The Board approved major revisions to the policy, providing a unified policy for disclosing CASs, and making available for disclosure: Board minutes (except those of Executive Sessions), operational policy and strategy papers, information related to IDA Mid-Term Reviews, Procurement Plans, the Board paper on the Bank’s Administrative Budget, the Board paper on Staff Compensation, the Staff Manual, <i>Trust Funds Annual Report</i> and annual reports for specific funds, IMF-Bank Relations annexes, <i>DGF Annual Review</i>, certain DGF documents and Project Completion Notes. • Clearance procedures were adopted for disclosing information not on the “positive list” • A pilot was launched to test the ramifications of disclosing Board drafts before Board deliberation (“simultaneous disclosure.”)

Consultation Draft

**PROPOSED PROCEDURES FOR ADDRESSING CONFIDENTIAL INFORMATION
RELATING TO MEMBER COUNTRIES UNDER THE NEW APPROACH**

<i>Type of information</i>	<i>Disclosure timing/conditions</i>	<i>Confidential information</i>
Country-specific core operational documents prepared by the Bank and routinely discussed with the borrower (for example, PADs, ESW, CASs).	Disclosed in accordance with procedures set out in the relevant OP/BP. In exceptional cases, if extensive issues of confidentiality arise, or if disclosure could result in adverse relations between the Bank and the country, the director concerned may decide not to disclose. ¹	Before finalizing the document, the Bank asks the country concerned to identify any text or data that is confidential, or that may adversely affect relations between the Bank and the country, if disclosed. The Bank, as it considers appropriate, makes adjustments to the document to address the matters of concern to the country.
Country-specific operational documents prepared by the Bank that are not routinely discussed with the borrower in the normal course of business (for example, QAG evaluations).	Disclosed in accordance with procedures set out in the relevant OP/BP. ² In exceptional cases, if extensive issues of confidentiality arise, or if disclosure could result in adverse relations between the Bank and the country, the director concerned may decide not to disclose.	The director concerned may wish to consult the country concerned if the director believes that the document contains confidential information, or information that may adversely affect relations between the Bank and the country, if disclosed. The Bank, as it considers appropriate, makes adjustments to the document to address the matters of concern to the country.
Research papers, working papers, and other “knowledge products” prepared by Bank staff.	Disclosed after notifying the relevant country- or sector director. In exceptional cases, if extensive issues of confidentiality arise, or if disclosure could result in adverse relations between the Bank and the country, the director concerned may decide not to disclose/publish the document (or portions of the document).	The director concerned may wish to consult the country or countries concerned if the director believes that the document contains confidential country information or information that may adversely affect relations between the Bank and the country, if disclosed.
Documents prepared by a member country that must be disclosed as a precondition for doing business with the Bank (for example, environmental	Disclosed after the document is officially received by the Bank, in accordance with procedures set out in the relevant OP/BP.	

¹ For multicountry reports (such as multicountry ESW or regional ESW), the “director concerned” means the regional Chief Economist; in the case of global reports, the “director concerned” means the Chair of the relevant Sector Board.

² If the document is not covered by an OP/BP, it would be disclosed in accordance with procedures for disclosing similar categories of information.

<i>Type of information</i>	<i>Disclosure timing/conditions</i>	<i>Confidential information</i>
and social safeguards reports, procurement plans, letters of development policy). ³		
Other documents prepared by a member country that are in the Bank's possession (for example, documents pertaining to country macroeconomic context, governance issues, sector or institution-specific analyses).	Disclosed only after the country authority concerned has granted its written consent to disclose.	
Other country-specific information in the Bank's possession (including information provided by third parties) that is classified as "confidential," "strictly confidential," or the equivalent.	Disclosed only after the country authority concerned has granted its written consent to disclose.	
Documents prepared by the Bank for a fee ("fee-based services.")	Disclosed only after the country authority concerned has granted its written consent to disclose.	

³ As this policy is further developed, Management would consider expanding the list of country documents whose disclosure would be mandated (for example, project audits and project financial statements). The final Board paper would explicitly address this issue.

SAMPLE OF CORE DOCUMENTS AND INFORMATION THAT WOULD BE ROUTINELY POSTED ON THE WORLD BANK'S EXTERNAL WEBSITE UNDER THE NEW APPROACH

A. Operational documents prepared by the Bank

Country Strategy and Related Information

- Country Assistance Strategies (CAS)
- CAS Progress Reports (CASPR)
- Interim Strategy Notes (ISN)
- CAS Completion Reports (included as an annex to the follow-on CAS)
- Public Information Notice for a CAS (CAS-PIN)
- Chairman's Concluding Remarks on the discussion of a CAS
- Joint Staff Advisory Notes on Poverty Reduction Strategy Papers (PRSPs)
- Chairman's Summing-up on the discussion of a PRSP
- Country Financing Parameters (CFP)
- Analyses that underpin the preparation of Country Financing Parameters

Economic and Sector Work

- Economic and Sector Work (ESW) reports
- Financial Sector Assessments (FSA)
- Technical Notes and Detailed Assessments of Compliance with Standards and Codes
- AAA Products (to be identified during consultations)

Lending Documents and Related Information

- Project Information Documents (PID)
- Program Information Documents (PID)
- List of Factual Technical Documents that underpin project preparation (included in the PID)
- Monthly Operational Summary of the lending pipeline (MOS)
- Project Appraisal Documents (PAD)
- Project Papers (PP)
- Program Documents (PD) for Development Policy Lending (DPLs)
- Supplemental Financing Documents for DPLs
- Tranche Release Documents (TRD) for DPLs
- IMF-Bank Relations Annexes
- *Status of Projects in Execution* (SOPE) Report
- Integrated Safeguards Data Sheets (ISDS)
- Country Assessment Reports on the Use of Country Systems (UCS)
- Project Assessments for UCS pilot countries
- Credit/Loan and Project Agreements
- Guarantee Agreements
- Grant or Trust Fund Agreements
- Implementation Completion and Results Reports (ICR)

- Note on Cancelled Operations (NCO) (previously Project Completion Note)
- Monthly loan and Credit Statements
- Implementation Status and Results Reports (ISRs) relating to projects under implementation, excluding the sections containing staff comments and management comments.

Other

- Sector Strategy Papers (SSP), Draft Sector Strategy Papers, Draft Concept Notes and Consultation Plan for an SSP
- Chairman's Concluding Remarks on the discussion of a SSP
- All other operational policy and strategy papers
- Numerical Country Policy and Institutional Assessment (CPIA) Ratings for countries eligible for IDA financing
- Numerical IDA Country Performance (ICP) Ratings (derived from CPIA ratings)
- Trust Fund Framework Agreements and Administrative Agreements
- Funding proposals for activities financed through Bank-administered trust fund
- Trust Funds Annual Report
- Preliminary, decision-point and completion-point documents prepared under the Heavily Indebted Poor Country (HIPC) Initiative
- The Chairman's Summing-up on a HIPC discussion
- QAG synthesis reports

B. Financial information

- IBRD and IDA's Annual Report
- Annual Information Statement
- Quarterly Condensed Financial Statements
- Annual Budget Document
- Bond Offering Documents
- Monthly Statements of Loans and Credits

C. Documents prepared by a member country that must be disclosed as a precondition for doing business with the Bank¹

- Poverty Reduction Strategy Papers (PRSP)
- Letter of Development Policy (LDP)
- Environmental Action Plans
- Environmental Assessment Reports
- Assessments of institutional mechanisms in place for conducting sub-project EA work (for financial intermediary operations or sector investment projects that are expected to have Category A sub-projects)

¹ As this policy is further developed, Management would consider expanding the list of country documents whose disclosure would be mandated as a condition for doing business with the Bank (for example, project audits and project financial statements). The final Board paper would explicitly address this issue.

- EA reports for Category A sub-projects (under financial intermediary operations of Sector Investment Operations)
- Resettlement Plans
- Resettlement Policy Frameworks
- Resettlement Process Frameworks
- Resettlement Plans for sub-projects under financial intermediary operations
- Indigenous Peoples' Plans (IPPs)
- Indigenous Peoples' Planning Frameworks
- IPPs for sub-projects involving indigenous people
- Social Assessments for projects and sub-projects involving indigenous peoples
- Procurement Plans and updates
- Procurement Notices (consistent with the Bank's Procurement Guidelines)
- Contract award information (consistent with the Bank's Procurement Guidelines) including those subject to prior review by the Bank.
- Project audits (this will be added to this list if the Board approves their disclosure as a pre-condition for doing business with the Bank).
- Financial statements for Bank-financed projects (this will be added to this list if the Board approves their disclosure as a pre-condition for doing business with the Bank).

D. Other Information

- The Board calendar
- Executive Directors' Work Program
- Board minutes
- Chairman's Concluding Remarks and Summings Up on discussions of CASs, SSPs, PRSPs, HIPC documents, and other policy, strategy and topical issues
- All Board papers classified as "public"

Consultation Draft

TRANSPARENCY SCORECARD: IFI TRANSPARENCY AND THE AARHUS CONVENTION

Members of the Global Transparency Initiative (GTI) prepared this paper to examine implementation of the Transparency Charter for International Financial Institutions from the perspective of the Aarhus Convention.

The "Transparency Charter for International Financial Institutions: Claiming our Right to Know" is based on the right to access information held by public bodies—a fundamental human right set out in Article 19 of the United Nations Universal Declaration of Human Rights, which guarantees the right to "seek, receive and impart information and ideas". This right applies to intergovernmental organisations, just as it does at the national level.

The Charter elaborates nine principles upon which access to information policies of international financial institutions should be based. The GTI developed a full set of transparency indicators that allow for comparison among various institutions. For this paper we select those principles and indicators across eight multilateral development banks that we believe are relevant for promoting the principles of the Aarhus Convention. The paper was prepared by CEE Bankwatch and the Bank Information Center—members of the Global Transparency Initiative.

The full text of the Charter, explanation of its principles, and information on the GTI are available at: <http://www.ifitransparency.org>.

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Principle 1. The Right of Access

	WB	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Disclosure Policy	✓	✓	✓	✓	✓	✓	✓	✓
Maximum disclosure	~	~	~	~	~	~	~	~

Principle 2. Automatic Disclosure

	WB	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Basic institutional information	✓	✓	✓	✓	✓	✓	✓	✓
Institutional policies, strategies and procedures	✓	✓	~	✓	✓	✓	✓	✓
Project and program information	✓	~	✗	~	~	✓	✓	~
Institutional performance audits and evaluations	✓	~	✗	~	~	✓	✓	✓

Principle 3. Access to Decision-Making

	WB	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Advance notice	~	✗	✗	✓	~	✓	✗	✓
Timely access to iterative draft documents	~	~	✗	~	~	~	✗	~
Agendas and minutes of Board meetings	✓	✓	✗	✓	✗	✓	✓	✗
Transcripts of Board meetings	✗	✗	✗	✗	✗	✗	✗	✗
Open Board meetings	✗	✗	✗	✗	✗	✗	✗	✗

Principle 4. Right to request information

	WB	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Clarity on how to submit a request for information	~	✓	✓	✓	✓	✓	✓	✓
Document register	~	✗	✗	✗	✗	~	✗	✗
Prescribed timelines	✗	~	✗	✓	~	✓	✗	✗

Principle 5. Limited Exceptions

	WB	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Narrowly drawn exceptions to disclosure	✗	✗	✗	✗	✗	✗	✗	✗
Harm-based exceptions	✗	✗	✗	~	✗	✗	✗	✗
Public interest override	✗	~	✗	~	~	~	✗	✗

Principle 6. Appeals

	WB	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Administrative appeals	✗	✓	✗	✓	✓	✓	~	✗
Independent appeals	✗	✗	✗	~	~	✗	✗	✗
Appeals disposed of in a timely fashion	NA	NA	NA	✓	✓	✓	NA	NA
Enforcement of recommendations	NA	NA	NA	NA	NA	NA	NA	NA

Legend

<p>Scores are based on research available in the IFI Transparency Resource (IFITR) (www.ifitransparencyresource.org).</p>	 <p>Acceptable. The institution has adequate transparency policy in place.</p>	 <p>Needs Improvement. The institution's policies provide for partial disclosure or disclosure on an occasional basis.</p>	 <p>Unacceptable. The institution does not have policy requirements that meet the transparency indicator.</p>
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World Bank=International Bank for Reconstruction and Development and International Development Association

IFC=International Finance Corporation

MIGA=Multilateral Investment Guarantee Agency

EBRD=European Bank for Reconstruction and Development

EIB=European Investment Bank; ADB is the Asian Development Bank

IDB=Inter-American Development Bank

AfDB is the African Development Bank

Principle 1. Right of Access

The right to access information is a fundamental human right which applies to, among other things, information held by international financial institutions, regardless of who produced the document and whether the information relates to a public or private actor.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Disclosure policy <i>Transparency rules are established and articulated in a binding institutional policy</i>	✓	✓	✓	✓	✓	✓	✓	✓
	The Bank established a disclosure policy in 1994.	IFC established a disclosure policy in 1997.	MIGA established a disclosure policy in 1999.	EBRD established a disclosure policy in 1996. The current policy was approved in 2006	The EIB established a disclosure policy in 1996. The current policy was approved in 2006	ADB established a disclosure policy in 1994	IDB established a disclosure policy in 1994.	AfDB established a disclosure policy in 1997.
Maximum disclosure <i>Disclosure rules are based on a presumption of access subject to limited exceptions</i>	~	~	~	~	~	~	~	~
	The Bank's policy states a "presumption in favor of disclosure" and includes a list of constraints. However, the presumption is not implemented in practice.	The IFC's policy states a "presumption in favor of disclosure" and includes a list of exceptions. However, the presumption is not implemented in practice.	MIGA's policy states a "presumption in favor of disclosure" and includes a list of exceptions. However, the presumption is not implemented in practice.	The EBRD's policy states a presumption in favor of disclosure "in the absence of a compelling reason for confidentiality" and includes a list of constraints. However, the presumption has not so far been implemented in practice.	The EIB's policy states a "presumption of disclosure, unless there is a compelling reasons for non-disclosure", in its section on constraints. However, the presumption is not implemented in practice.	ADB's policy states a "presumption in favor of disclosure" in "the absence of a compelling reason for confidentiality" and includes a list of exceptions, many of which are not narrowly drawn. The presumption is not implemented in practice.	IDB states that "information concerning the Bank's operational activities will be disclosed to the public in absence of a compelling reason for confidentiality." However its constraints to disclosure are so broadly drawn that they limit the presumption of access.	AfDB "enjoins the Bank to disclose all documents...unless there are compelling reasons not to do so." There is no commitment to practice a presumption in favor of disclosure.

Principle 2. Automatic Disclosure

International financial institutions should automatically disclose and broadly disseminate, for free, a wide range of information about their structures, finances, policies and procedures, decision-making processes, and country and project work.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Basic institutional information <i>Founding documents including the statutes and by-laws of the institution, and basic</i>	✓	✓	✓	✓	✓	✓	✓	✓
	Legal documentation including the Bank's Articles of Agreement and by-laws can be found on the Bank's website	Legal documentation including IFC's Articles of Agreement and by-laws can be found on the IFC's website along with an	Legal documentation including the Convention establishing MIGA, MIGA's by-laws and	Legal documentation including the Agreement establishing the EBRD, its by-laws and organizational	Legal documentation including the EIB's Statute, policies, guidelines and organisational	Legal documentation including the Agreement establishing the ADB, ADB by-laws and an	Legal documentation including the Agreement establishing the IDB, IDB by-laws and an	Legal documentation including the Agreement establishing the AfDB, AfDB by-laws and an

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
<i>information on the organizational structure</i>	along with an organizational chart.	organizational chart.	an organizational chart can be found on or ordered from MIGA's website.	charts can be found on the EBRD's website.	structure can be found on the website.	organizational chart can be found on or ordered from ADB's website.	organizational chart can be found on or ordered from IDB's website.	organizational chart can be found on or ordered from AfDB's website.
Institutional policies, strategies and procedures <i>Overall plans that outline the general goals, overarching development objectives, administrative functioning, and the procedures by which all the operations of the institution are developed and implemented</i>	✓ The WB discloses its final policies and strategies, after their approval by the Board. In addition, the World Bank makes a wide range of guidelines, including its Staff Manual, available to the public.	✓ IFC discloses all policies that are approved by IFC's Board of Directors "unless the Board decides that disclosure may have an adverse impact on the financial condition or business interests of IFC." It is unclear if other IFC procedures, staff manuals and guidelines are publicly available.	~ "MIGA produces booklets and reports describing its investment policies and procedures, which are periodically updated." However, only a few policy papers are available on MIGA's website, and it makes no mention of others.	✓ EBRD discloses all policy and strategy papers after approval by the Board of Directors. In addition, it discloses a wide range of internal procedures and guidelines. The EBRD does not keep an archive of older policies, strategies and procedures.	✓ The EIB's policy ensures routine disclosure of approved policies, strategies, procedures, codes of conduct and the Corporate Operational Plan. All documents are available through the website.	✓ ADB discloses some policy and strategy papers in draft form before approval and all such documents after approval by the Board of Directors. In addition, it discloses an operational manual that describes internal procedures.	✓ IDB discloses all policy and strategy papers after approval by the Board of Directors. In addition, it discloses operational guidelines that describes internal procedures.	✓ AfDB discloses some policy and strategy papers in draft form and all such documents after approval by the Board of Directors. However, operations and organizational manuals can only be disclosed after approval by the director of the department in consultation with the Legal Services Department.
Project and program information <i>Documents related to a specific lending, grant, investment or guarantee operation available on an anticipated basis throughout the project or program cycle including:</i> <ul style="list-style-type: none"> ▪ <i>Project or program documents</i> ▪ <i>Social and environmental documents</i> ▪ <i>Supervision and monitoring reports</i> ▪ <i>Completion and evaluation reports</i> 	✓ The Bank releases a number of project documents including Project Information Documents and Environmental Assessments before project approval and Project Appraisal Document (PAD) or Program Document (PDs), Loan Agreements and Implementation Completion Reports after approval by the Board of Directors. In addition, the Bank produces a very brief summary of projects under implementation on an annual basis. The Bank does not disclose staff supervision and monitoring reports.	~ IFC discloses a brief project summary about each of its operations and social and environmental information about projects with adverse negative impacts. IFC does not disclose Project Board Reports or Loan Agreements. IFC requires the disclosure of an "Action Plan", annual reports on Action Plan implementation and some "ongoing" information to communities in the project area. IFC does not require client disclosure of Annual Monitoring Reports or completion and evaluation reports.	✗ MIGA discloses little information about its guarantees. It publishes a quarterly report with brief summaries of projects insured by MIGA and requires clients to disclose environmental assessments. MIGA does not require the disclosure of detailed Board reports or contracts.	~ EBRD discloses a brief Project Summary Document about each of its operations which includes a short summary of social and environmental information. EBRD discloses Project Board Reports on public sector projects on request, excluding potential confidential information. The EBRD does not disclose Board Reports on private sector projects. There is no policy requirement to disclose full EIA, Environmental Action Plans, annual reports on EAP implementation and other project-specific information. The EBRD posts certain evaluation reports which are subject to clearance in respect of commercial	~ All public sector Project Summaries with links to electronic versions of EIA non-technical summaries (if applicable) are disclosed in advance. For some private sector projects, this information can be disclosed after approval or even signing of the project.	✓ ADB discloses Project Information Documents and summary environmental impact assessments before project approval. Project documents (Report and Recommendation of the President, RPP) and public sector loan agreements are disclosed upon Board approval. Social and environmental monitoring reports are disclosed, as is a wide range of evaluation documents.	✓ IDB discloses Project Concept Documents and abstracts as well as social and environmental information (for high risk projects) before Board approval. IDB discloses loan agreements for public sector operations as well as a range of evaluation documents. Public sector Project Completion Reports are disclosed. A brief Status of Projects in Execution is released on an annual basis. IDB does not require disclosure of staff supervision and monitoring reports.	~ AfDB discloses a brief prospective project brief about each of its operations and social and environmental information (for high risk projects) before Board approval and Project Appraisal Reports upon Board approval. Loan Agreements are disclosed. AfDB discloses a summary report on status of project implementation but does not disclose monitoring reports

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
				confidentiality.				
Institutional performance audits and evaluations <i>Assessments of the institutions' operations, impacts, and performance that are carried out by internal evaluation units</i>	✓ The WB Independent Evaluation Group (IEG) discloses a wide range of project, country, sector or thematic evaluations, including: the Annual Report on Operations Evaluations; Project Performance Assessment Reports (PPARs); Impact Evaluation Reports (IERs); and Country Assistance Evaluations.	~ IEG-IFC discloses sector, thematic and country evaluations, including Country Impact Reviews. However, key project evaluations such as Expanded Project Supervision Reports and Project Evaluation Summaries, and complete annual portfolio reviews, such as the Annual Review of Evaluations Findings, are not disclosed.	✗ According to available research, there are no specific rules governing disclosure of IEG-MIGA products. IEG-MIGA makes "annual reports" available on its website, but complete evaluation reports are not available.	~ The EBRD independent Evaluation Department discloses a wide range of evaluations, including its: Annual Evaluation Overview Report, Operation Performance Evaluation Reviews on investment and Technical co-operation operations and special studies on Bank programmes, sectors and countries. The OPERs, however, are published in a form of summaries and project particulars are not disguised in order to preserve confidentiality.	~ EIB discloses ex-post thematic, sector and regional / country evaluations. Also an annual Operations Evaluation Overview Report is published. Evaluations of individual projects are still for internal use only and not made public.	✓ ADB discloses sector, policy, and regional evaluations, including: Impact Evaluation Studies (IES), Assessing Development Impact (ADI), Program Performance Audit Reports (PPARs), Country Assistance Program Evaluations (CAPE) and similar reports. ADB produces annual evaluation reports. Background materials for evaluations are not disclosed.	✓ IDB's Office of Evaluation and Oversight (OVE) prepares a range of evaluation materials, from Country Program Evaluations, Policy and Instrument Evaluations, to reports on specific projects and sectors. These documents and all other evaluation documents considered by the Board are to be disclosed after Board consideration.	✓ AfDB's Operations Evaluation Department (OPEV) conducts Project Performance Evaluation Reports as well as country assistance and sector evaluations. "All OPEV reports...will be available to the public after they have been distributed to the Board."

Principle 3. Access to Decision-Making

International financial institutions should disseminate information which facilitates informed participation in decision-making in a timely fashion, including draft documents, and in a manner that ensures that those affected and interested stakeholders can effectively access and understand it; they should also establish a presumption of public access to key meetings.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Advance notice <i>This includes access to, among other things: timelines for the development of policies and strategies, projects and programs cycles, consultation</i>	~ The Bank discloses a project cycle and some key dates for decisions on projects, programs and policies. However, it does not require advance	✗ While IFC makes information on some policy reviews and investment decision dates available in advance, advance notice of decision-making processes	✗ MIGA does not require or provide on a routine basis advance notice to its policy and strategy or	✓ EBRD provides advance notice to its policy, strategy and operations decision-making processes. The EBRD discloses a list of policies and strategies	~ EIB discloses information in its project cycle, but does not provide dates for key project decisions. Formal reviews of the	✓ ADB's policy provides for disclosure of information on policy and strategy reviews available in advance (a list of policies and	✗ IDB's policy does not require advance notice of policy and strategy development though allows (though does not require) some draft	✓ AfDB's policy requires disclosure of draft policy and strategy papers 50 days prior to formal Board discussion. It also provides descriptions of

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
<i>plans, and key dates for decisions</i>	notice of policy reviews or the development of country strategies or analyses.	is very limited and no policy requirement for this exists.	guarantee and operations decision-making processes.	scheduled for development or review in the year ahead. It posts dates of upcoming Board Meetings over projects, programs and policies.	disclosure policy take place every three years. For the other "selected policies", consultations are expected, but with no specific requirements.	strategies to be developed over next 12 months). It also provides detailed descriptions of its project/lending cycles, consultation plans and project profile updates.	policy/strategy documents to be disclosed. It provides descriptions of its project/lending cycles	its project/lending cycles.
Timely access to iterative draft documents <i>The provision of iterative versions (at least one draft and one final draft) of documents related to core operations in sufficient advance of document finalization; core operations include:</i>	~	~	×	~	~	~	×	~
<ul style="list-style-type: none"> Policy and strategy formulation Country strategy formulation Project and program development Social and environmental assessment 	The Bank requires the disclosure of at least one draft social and environmental assessment document for medium and high-risk projects early in project preparation. The Bank requires the release of a project summary several months before project approval. The Bank does not disclose draft project documents. On an <i>ad hoc</i> basis, the Bank discloses draft operational policies and draft country strategies under review or development. The Bank has a pilot program to disclose final draft operational policies, but has not yet implemented this program.	IFC requires its clients to disclose social and environmental information "early" in the assessment process and, for projects with significant impacts, to engage in "free, prior, informed consultation" with affected communities. These concepts imply, but do not specify, availability of draft documents for such projects. The IFC does not release draft investment information nor does it disclose investment summaries in a timely manner (prior to 60 days) before finalization. IFC may disclose one or more draft policies if they are "likely to have a broad impact on IFC's operations or a direct impact on communities."	MIGA does not provide any information early in the development of its guarantee operations. It does not disclose draft guarantee documents. MIGA does require, for high-impact projects, that the project sponsor disclose "relevant materials in a timely manner in a form and language that are understandable to the groups being consulted." MIGA may, on an <i>ad hoc</i> basis, disclose draft policies for public comments.	The EBRD requires that the investor discloses social and environmental impact assessment documents for high-risk projects from 90 to 120 days before project approval. Implementation in practice has been problematic. The Bank requires the release of a Project Summary Document from 30 to 60 days before project approval. EBRD discloses draft strategies and policies under review or development. EBRD does not disclose final draft strategies and policies before Board approval.	The EIB does not require specific timelines and procedures for drafting policies; however there is a good practice of disclosing first and final policy drafts in advance. There are quite good rules for disclosing in advance information on public sector projects and environmental information, if applicable, but very often not followed in practice. Moreover, some private sector projects might be outside the pipeline until its approval or even signing.	ADB requires disclosure of environmental information during early stages of a project and assessment summaries for high risk projects at least 120 days before Board consideration. The ADB does not require the release of draft project documents. ADB discloses draft country strategies and programs for consultations.	IDB requires disclosure of draft environmental impact assessments for high risk projects "before the Bank conducts its analysis mission." The IDB does not require disclosure of draft project documents. IDB allows but does not require disclosure of "draft versions of the text of proposals for new or modified sector policies, sector strategies and sector guidelines." The IDB does not release final draft policies before approval	AfDB requires the disclosure of draft environmental impact assessments for high-risk projects early in project preparation and at least 120 days before Board consideration. AfDB requires disclosure of prospective project briefs at least 6 months before Board presentation, but does not disclose draft project documents. AfDB's "draft policy papers will be released through the Internet and the Bank website at least 50 days prior to formal Board discussion.
Agendas and minutes of Board meetings <i>A list, plan or outline of matters scheduled for discussion by the Board of Directors, organized according to the specific days upon which the discussions</i>	✓	✓	×	✓	×	✓	✓	×
	A publicly available monthly calendar lists some issues to be discussed at upcoming Board meetings. Minutes of the Board of Directors meetings are publicly available and include: directors, officers and staff in attendance,	A publicly available monthly calendar lists a very limited number of issues to be discussed at upcoming Board meetings. Minutes of the Board of Directors meetings are publicly available and include: directors, officers and staff in attendance, approval of the	A publicly available monthly calendar lists a very limited number of issues to be discussed at upcoming Board meetings. MIGA does not require the disclosure of Board meeting	A publicly available half to a bi-monthly calendar lists policies, strategies and operations to be discussed at upcoming Board meetings. Minutes of the Board of Directors meetings are publicly available after they are approved and include: directors, officers	The only disclosed document is the annual calendar of Board of Directors' meetings, which includes a short notice of voting abstentions in cases of conflicts of interest.	A publicly available monthly calendar lists a limited number of issues to be discussed at upcoming Board meetings. Minutes of the Board of Directors meetings are publicly available and include: directors, officers and	A list of agenda items with issues to be discussed at upcoming Board meetings is released to the public at the same time that they are made available to the Board. Minutes of the Board of Directors meetings are publicly	A publicly available monthly calendar lists a very limited number of issues to be discussed at upcoming Board meetings. AfDB's policy does not require the disclosure of Board meeting minutes, just summaries of decisions

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
<i>are scheduled to take place, followed by a record of official business conducted and formal decisions taken, including voting records</i>	approval of the previous minutes, titles and agendas, agreements and decisions reached, and names of Directors wishing to be recorded as abstaining or objecting.	previous minutes, titles and agendas, agreements and decisions reached, and names of Directors wishing to be recorded as abstaining or objecting.	minutes.	and staff in attendance, approval of the previous minutes, titles and agendas, agreements and decisions reached.		staff in attendance, approval of the previous minutes, titles and agendas, agreements and decisions reached, and names of Directors wishing to be recorded as abstaining or objecting.	available and include: officers and staff in attendance, approval of previous minutes, titles and agendas, and agreements and decisions reached. The IDB reserves the right to disclose minutes "with material deemed by the Board as too sensitive for public distribution redacted."	(which are infrequently posted on its website).
Transcripts of Board meetings <i>A verbatim account of a meeting of the Board of Directors including any statements (written or oral) provided by individual participants</i>	×	×	×	×	×	×	×	×
	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.	There are no publicly available transcripts of meetings; there are no publicly available written statements from meeting participants.
Open Board meetings <i>The public and press are allowed to view the meetings of the Board of Executive Directors</i>	×	×	×	×	×	×	×	×
	The meetings of the Board of Directors are not open to the public.	The meetings of the Board of Directors are not open to the public.	The meetings of the Board of Directors are not open to the public.	The meetings of the Board of Directors are not open to the public.	The meetings of the Board of Directors are not open to the public.	The meetings of the Board of Directors are not open to the public.	The meetings of the Board of Directors are not open to the public.	The meetings of the Board of Directors are not open to the public.

Principle 4. The Right to Request Information

Everyone has the right to request and to receive information from international financial institutions, subject only to a limited regime of exceptions, and the procedures for processing such requests should be simple, quick and free or low-cost.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Clarity on how to submit a request for information <i>Clear identification of where requests for</i>	~	✓	✓	✓	✓	✓	✓	✓
	While in practice, requests for information can be sent to the Bank's InfoShop or public	IFC's Policy on Information Disclosure provides information on where and how to send requests for	MIGA's disclosure policy states that requests for information may be	EBRD's procedural provisions for information requests and appeals provide information on where and how to send	EIB's Public Disclosure Policy outlines clear procedures for	ADB's disclosure policy provides information on where and how to send	IDB's disclosure policy states that requests for information may be sent through the Bank's	AfDB's disclosure policy states that requests for information may be sent through field offices,

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
<i>information can be sent, in what form and language, and how assistance will be provided to requestors who have difficulty formulating their requests</i>	information centers, the Bank does not clearly indicate in its policy where information requests should be sent. The Bank's website provides details on ordering information from the InfoShop.	information. The IFC provides the mailing and web address of the World Bank InfoShop along with the telephone and fax numbers and the mailing and web address of their Corporate Relations Unit.	sent through the internet or to the World Bank Group's InfoShop's offices in London, Paris and Tokyo or to IBRD resident missions.	requests. The procedures state that requests may be submitted through an online form, fax or regular mail to the Communications Department or directed to the resident office. Requesters are not encouraged to contact Bank staff directly.	requests, including staff obligations to ask applicants for clarification if their application is not sufficiently precise.	requests. The policy states that requests may be directed to the InfoUnit, a resident mission or representative office, or an operations department. The policy also states in which languages requests can be made.	Internet Website or to the Public Information Center at headquarters, the Country Offices, the Special Office in Europe and the Office in Japan.	through the internet or to the AfDB's Public Information Center.
Document register <i>A catalogue of all documents produced and held by the institution including the document name and a brief description of the document's function, content and disclosure status</i>	~	×	×	×	×	~	×	×
	The World Bank's "document glossary" is still incomplete and does not include the documents' disclosure status or how to request information not available on the website.	The IFC does not make a document register publicly available.	MIGA does not make a document register publicly available.	EBRD does not maintain a publicly available document register.	EIB does not have a document register – at least not publicly available.	ADB's document register provides a listing and description of documents, as well as a brief description of document content. It does not include documents' disclosure status or how to request information not available on website.	IDB provides lists of available documents. However, these lists are not formally compiled into a document register. They also do not include the document's disclosure status or clearly signal to users how to request information not available on the website.	AfDB's Documents and Records Management System (DARMS) is still incomplete and does not include the documents' disclosure status or how to request information not available on the website.
Prescribed timelines <i>Timetable for processing information requests including clear maximum time limits for acknowledging the receipt of a request and providing a full response (within 15 days)</i>	×	~	×	✓	~	✓	×	×
	The World Bank does not have defined timelines for responding to requests for information.	The IFC "endeavors" to respond to requests for information "within thirty days of the receipt of a written request."	MIGA does not have prescribed timelines for responding to requests for information.	EBRD will acknowledge receipt of a request within 5 working days, but in any case not more than 10 days. EBRD will respond within 20 working days after receiving the request or clarification or, if a timely explanation for a further delay is provided (within 10 working days following receipt), no later than 40 working days.	The EIB prescribed timelines are as follow: a reply should be provided without delay and not later than 20 working days following receipt; in the case complex requests, staff should inform the applicant not later than within 10 working days, but in general the replay should be provided no later than 40 working days. Prescribed timelimits are very	The "ADB shall acknowledge receipt of a request within 5 working days. ADB shall then notify the requester as soon as a decision has been made, and, in any event, no later than 30 calendar days after receiving the request."	The IDB does not have prescribed timelines for responding to requests for information.	The AfDB does not have prescribed timelines for responding to requests for information.

World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
				often not implemented.			

Principle 5. Limited Exceptions

The regime of exceptions should be based on the principle that access to information may be refused only where the international financial institution can demonstrate (i) that disclosure would cause serious harm to one of a set of clearly and narrowly defined, and broadly accepted, interests, which are specifically listed; and (ii) that the harm to this interest outweighs the public interest in disclosure.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Narrowly drawn exceptions to disclosure <i>The scope of exceptions apply to a specific type of information so as to limit broad interpretation and, at the same time, not exempt entire categories of documents</i>	×	×	×	×	×	×	×	×
	Most of the World Bank's disclosure exceptions are broadly drawn and could relate to almost all information held by the institution. Among other things, the "constraints" apply to: all information referred to in the Disclosure Policy; proceedings of the Board of Directors; third party information; internal documents; and information related to the deliberative process.	Most of the IFC's disclosure exceptions are broadly drawn. Among other things, IFC will not disclose: "communications" that relate to "the deliberative process" and "any internal documents."	Most of MIGA's disclosure exceptions are broadly drawn. While MIGA lists one more narrowly drawn exception ("evaluations of future economic and political scenarios, legal assessment of projects, and related reports"), others, like documents "that are related to the decision-making processes," could apply to a vast amount of information held by MIGA.	Most of EBRD's disclosure exceptions are broadly drawn and could relate to almost all information held by the institution. Among other things, the "constraints" apply to: proceedings of the Board of Directors; third party information; and internal documents.	There are some broadly drawn constraints, especially those related to "protection of the Bank's internal decision making", global loans, or "information typically forming part of the Bank's confidential relationship with its business partners".	Most of ADB's disclosure exceptions are broadly drawn. While ADB lists some narrowly drawn exceptions ("terms of employment, performance evaluations"), others, such as all "internal documents, memoranda" and "confidential business information" could apply to a vast amount of information produced or held by ADB.	Most of IDB's disclosure exceptions are broadly drawn. While IDB lists some narrowly drawn exceptions ("legal advice and matters in legal dispute, intellectual property"), others, such as "documents prepared for internal use" or any information identified as confidential by multiple parties could apply to a vast amount of information produced or held by IDB.	Most of AfDB's disclosure exceptions are broadly drawn. While AfDB lists some narrowly drawn exceptions ("materials held by the Bank Group in which other parties hold the copyright"), others, like information related to the "integrity of the deliberative Process" and "supervision reports" could apply to a vast amount of information produced or held by AfDB.
Harm-based exceptions <i>Exceptions indicate that disclosure would cause serious harm to legitimate interests</i>	×	×	×	~	×	×	×	×
	Many of the World Bank's disclosure policy exceptions are not harm-based.	Many of IFC's disclosure policy exceptions are not harm-based.	Many of MIGA's disclosure policy exceptions are not harm-based.	EBRD may disclose confidential information if, in connection with a project in which the Bank has invested, the EBRD's management determines that the disclosure of certain "confidential information" would be likely to avert imminent and serious harm to	EIB disclosure policy constraints are not based on potential harm.	Many of ADB's disclosure policy exceptions are not harm-based.	Many of IDB's disclosure policy exceptions are not harm-based.	Many of AfDB's disclosure policy exceptions are not harm-based.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
				public health or safety, and/or imminent and significant adverse impacts on the environment.				
Public interest override to exceptions <i>In cases where information falls within the definition of confidential, disclosure will nonetheless occur if access to information would protect the public interest including human health, livelihood or property</i>	×	~	×	~	~	~	×	×
	The World Bank does not have a public interest override for normally confidential information.	The IFC may disclose information that is normally confidential if disclosure "would be likely to avert imminent and serious harm to public health or safety, and/or imminent and significant adverse impacts on the environment." However, Senior IFC Management is the only party given authority to make that decision and IFC only makes such disclosure "after informing a client of IFC's concerns and considering the client's plans to address and mitigate the potential harm involved."	MIGA does not have a public interest override for normally confidential information.	EBRD may disclose confidential information if, in connection with a project in which the Bank has invested, the EBRD's management determines that the disclosure of certain "confidential information" would be likely to avert imminent and serious harm to public health or safety, and/or imminent and significant adverse impacts on the environment.	The overriding public interest is to some extent included in constraints, but should be clearly stated as a separate paragraph to avoid misinterpretation.	ADB may disclose information that it normally considers confidential if ADB determines that "the public interest in disclosing the information outweighs the harm that may be caused by such disclosure, or if a member country requests it to do so in accordance with its own laws." However, the ADB limits the override when it has given an express legal commitment to a party not to disclose the information without consent.	IDB does not have a public interest override for information that it normally considers confidential.	AfDB does not have a public interest override for information that it normally considers confidential.

Principle 6. Appeals

Anyone who believes that an international financial institution has failed to respect its access to information policy, including through a refusal to provide information in response to a request, has the right to have the matter reviewed by an independent and authoritative body.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
Administrative appeals <i>An internal review that has full discretion in interpreting the policy and authority in overturning a</i>	×	✓	×	✓	✓	✓	~	×
	Administrative appeals are not available.	The IFC allows for an appeal to the Disclosure Policy Advisor, "if a requester believes that a request for	Administrative appeals are not available.	EBRD allows for an appeal lodged by "a member of the public whose request for information covered by the	The EIB clearly defines a two-stage procedure for appeals of EU and non-EU citizens,	The ADB allows for an appeal to the Public Disclosure Advisor Committee, "if a	There is no formal mechanism for addressing denial of access. The IDB	Administrative appeals are not available.

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
<i>denial of information</i>		information from IFC has been unreasonably denied, or that this Policy has been interpreted incorrectly." The Disclosure Policy Advisory reports directly to IFC's Executive Vice President."		PIP has not been satisfied" with the Secretary General, who is responsible for overseeing the implementation of the disclosure policy.	indicating a crucial role for the European Ombudsman.	requester believes that a request has been unreasonably denied, or that the Policy has been interpreted improperly". The PDAC reports directly to ADB's President.	Disclosure Policy states that "any request for a final determination regarding access to information under this Policy shall be addressed to the External Relations Advisor."	
Independent appeals <i>A body that is wholly independent from the institution, vested with the power to consider disclosure appeals, and whose interpretation of the policy and the resulting decisions are binding</i>	✗ Independent appeals are not available.	✗ Independent appeals are not available.	✗ Independent appeals are not available.	~ EBRD's Independent Recourse Mechanism is not fully independent as the president or the Board judge the eligibility of complaints. The IRM's powers are limited to project-specific complaints, the mechanism cannot process complaints related to non-disclosure where no direct harm of a project is manifestable. The IRM's decisions are recommendatory not binding.	~ The European Ombudsman can be named as an independent appeal body within the EU legal framework, however its ruling- while respected- is not legally binding. Nevertheless, it is not clear to what extent appeals from non-EU countries can be handled by the European Ombudsman.	✗ Independent appeals are not available.	✗ Independent appeals are not available.	✗ Independent appeals are not available.
Appeals disposed of in a timely fashion <i>Decisions are transparent and considered in brief timeframes; delays in consideration and the handing down of the decision are anticipated and justified</i>	NA Not applicable because appeals process does not exist.	NA Not applicable because it is a new procedure that has not been tested.	NA Not applicable because appeals process does not exist.	✓ The Secretary General will notify the appellant in writing of his decision on the appeal, giving the reasons, no later than 20 working days after receiving the appeal or clarification.	✓ The Bank should acknowledge the receipt of an appeal without delay and the Secretary General's reply not later than 20 working days following receipt.	✓ The PDAC shall acknowledge receipt of a request within 5 working days. and shall notify the requester of its decision in writing, giving its reasons, as soon as a decision has been made, and in any event, no later than 30 calendar days after receiving the requests.	NA Not applicable because appeals process does not exist.	NA Not applicable because appeals process does not exist.
Enforcement of recommendations <i>Recommendations, interpretations, and</i>	NA Not applicable because appeals process does not	NA Not applicable because procedure has not been	NA Not applicable because appeals process does not	NA Not applicable because the appeals process is still new.	NA Not applicable because these rules are still	NA Not applicable because procedure has not	NA Not applicable because appeals process does	NA Not applicable because appeals process does

	World Bank	IFC	MIGA	EBRD	EIB	ADB	IDB	AfDB
<i>decisions of the appeals body are adhered to in terms of immediate action and future interpretation of the policy</i>	exist.	tested.	exist.		new.	been tested.	not exist.	not exist.