Green Climate Fund Fourth Board Meeting

Note on Better International Practices on Access to Information

Comments by the Global Transparency Initiative

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With comments from GTI Members

Background

The Green Climate Fund (GCF) will hold its fourth Board meeting from 25-28 June 2013 in Songdo, Republic of Korea. A note on expected outcomes of this meeting of 23 May 2013 includes the following statement:

9. Additional rules of procedure of the Board: Information disclosure, including webcasting
    a. Decision on elements to be included in a policy on information disclosure, which covers the webcasting of Board meetings
    b. A mandate for the IS to develop and bring forward the policy to a subsequent Board meeting

On 11 June 2013, the GCF issued a policy statement, *Information Disclosure, including Webcasting* (GCF/B.04/10) (Policy Paper), making various recommendations to the Board on the way forward on this issue.

As of today, 95 countries around the world have adopted national right to information laws, giving individuals a right to access information held by public authorities. Most international financial institutions (IFIs) have also recognised this right, through adopting access to information policies, starting with the World Bank in 1994. It is now very well established that the right to information is a protected human right under international law (see, for example, paragraph 18 of the UN Human Rights Committee's General Comment No. 34 of 12 September 2011). Together, these developments provide a strong body of both standards and experience regarding the right to information upon which the GCF can draw as it develops its own policy.

The Global Transparency Initiative (GTI) welcomes the recommendation in the Policy Paper that the GCF should in due course adopt a true presumption of disclosure approach in its access to information policy, based on a "negative list" or regime of exceptions to the right of access. The recommendation to put in place an interim policy in the meantime, taking into consideration the time needed for the development of the full policy, appears to make good sense. We note, however, that access to information is very much an area where the "devil is in the detail" and that much will hang on the detail contained in these policies.

This Note sets out the GTI's recommendations to the GCF regarding the key issues that should be taken into consideration at the initial phase of development of the access to information policy. It is based on the GTI's *Transparency Charter for International Financial Institutions: Claiming our Right to Know* (GTI Charter), which is reproduced in the Appendix. These are:

- Establishing a True Presumption of Openness;
- Making a strong commitment to the proactive publication of information
- Facilitating access to decision-making;

- Putting in place clear procedures for the making and processing of requests for information;
- Creating a clear and narrow negative list (or regime of exceptions); and
- Providing for both internal and independent appeals.

Key Elements of a True Presumption of Openness Approach

The central plank of a true presumption of openness is the establishment, as the key thrust of the policy, of a presumption that all of the information held by the concerned body is subject to disclosure. Better practice in this area, reflected in the 2011 Asian Development Bank Policy, is to recognise that the right to information is a human right. To this end, we recommend that the policy be called an access to information policy, or better yet, a right to information policy, rather than the more discretionary sounding title of information disclosure policy, and that it explicitly recognise the human right to information.

Other key elements of better practice regarding the main presumption of disclosure include:

- Covering all information, regardless of the form in which it is held (for example, emails), who provided the information (i.e. including information provided by third parties), or the date of its creation.
- Applying this presumption to all information held by the body, regardless of which organ of the body holds it (for example, including the Board).

There are a number of other key elements to a good access to information policy, as follows:

1. *Making a strong commitment to the proactive publication of information*

The proactive or routine disclosure of key categories of information is essential for the success of an information disclosure policy and this is recognised in para. 24(a) of the Policy Paper. It is efficient, inasmuch as it is far less time-consuming to put a document online than to receive and process a request for the same document. It is also effective, inasmuch as it ensures that everyone can access these key documents, not just those who go to the trouble of making requests for them. A minimal list of categories of information which should be disclosed on a proactive basis is provided in the GTI Charter. We urge the GCF to consider going well beyond this list, given that it is now dated and that other IFIs have already gone beyond it, and to commit to the proactive publication of most documents which are likely to be of public interest.

The policy should go beyond simply requiring information to be made available online, and should detail the steps the GCF will take to make sure that information reaches those who need it, including individuals and groups who may be directly affected by a project or loan. This should include a robust commitment to translate key documents into local languages.

2. *Facilitating access to decision-making*

Promoting accountability requires IFIs to go beyond simply disclosing information, and to facilitate access to decision-making. This includes an information component: information about decision-making processes, including opportunities for public input and the background documents that inform decisions, should be made available in a timely fashion. This is recognised in section 4.2 of the Policy Paper.

It also includes an 'access' component, namely giving individuals access to the means of inputting into decisions, including by participating in and being able to observe decision-making meetings. This is an area where many of the IFIs still lag behind standards which are accepted at the national level. In this regard, the GTI is pleased to see that the Board of the GCF has accepted civil society and business participation in its meetings. We note the recommendation in the Policy Paper not to webcast meetings of the Board, although full reasons for this are not given. While we recognise that webcasting would go beyond the practice of some IFIs, we call on the GCF to reconsider this issue, with a view to achieving best practice in this area.

3. *Putting in place clear procedures for the making and processing of requests for information*

Facilitating the making of requests for information supplements the system of proactive disclosure and lies at the heart of the presumption of openness. The need to establish clear procedures for making requests is recognised in para. 24(b) of the Policy Paper. It should be relatively simple to lodge requests, including electronically, and only limited information should need to be provided (basically, a description of the information sought and an address for delivery of the same). Assistance should be available for those who need it, either to complete a request or to describe the information they are seeking. A receipt should be provided immediately upon lodging a request and clear timelines, for example of ten working days, should be put in place for responding to requests. The satisfaction of requests should normally be free but, if charges are contemplated, there should be a clear framework for this.

4. *Creating a clear and narrow negative list (or regime of exceptions)*

The regime of exceptions is key to the whole presumption of disclosure approach, since it effectively defines the limits of the presumption. International standards on the right to information all for a three-part approach towards exceptions. First, the law or policy should create a list of interests which require the protection of secrecy, such as privacy, fair commercial competition, and relations with States and other inter-governmental organisations. Second, the rules should allow for the withholding of information only where its disclosure would cause harm to one of the protected interests. This is a key way of keeping the scope of exceptions narrow and justifiable. Third, even where harm to a protected interest would ensue, the information should still be disclosed if this is in the overall public interest.

Although IFI access to information policies have become more robust and better aligned with international standards (and national laws) in recent years, the regime of exceptions is one area where they still fall short of meeting these standards. Two key problems were highlighted in the 2012 Centre for Law and Democracy publication, *Openness Policies of the International Financial Institutions: Failing to Make the Grade with Exceptions*,[1] namely exceptions to protect internal deliberative documents and exceptions to protect third party information.

Unfortunately, these weaknesses are both reflected in the GCF Policy Paper. It is accepted that it is legitimate to protect the free and frank exchange of information internally, and to avoid premature disclosure of policies where this would undermine their success. The list of possible exceptions provided at para. 19 of the Policy Paper, however, goes far beyond this, referring to exceptions for corporate administrative information, deliberative information, Board member communications and even "internal documents", defined circularly as documents "not intended for public circulation". These sorts of exceptions are not found in better practice national laws. Furthermore, they have proven problematical and susceptible of abuse at IFIs which have included them in their policies.

Para. 19 also refers to the idea of exempting information provided by third parties "on the understanding that it will not be disclosed", while para. 29 suggests that the GCF policy should respect the confidentiality rules in the policies of entities that provide information to the Fund. It is submitted that providing for third party vetoes of both a specific and a general nature along these lines is not appropriate. Instead, the Fund should set appropriate rules for doing business, including in relation to openness, and entities which want to interact with it should understand and accept that business will take place in accordance with those rules. This is how national governments operate and it is also how IFIs work in relation to many of their other policies (for example on displacement or indigenous peoples).

Another weakness with some IFI policies that is reflected in the Policy Paper is the idea that information which is not protected by an exception may still be withheld where this is in the overall public interest. While this might appear reasonable, in fact it grants a broad discretion to the IFI to withhold information. Once again, such negative public interest overrides are not found in better practice national laws, and their absence at that level has not been noted as creating any problems. On the other hand, positive public interest overrides, whereby even information covered by an exception is disclosed where this serves the overall public interest, are found in better practice both national laws and IFI policies.

5. Providing for both internal and independent appeals

The early IFI negative list policies put in place internal appeals mechanisms, such as the Public Disclosure Advisory Committee (PDAC) of the 2005 ADB policy. The

[1] Available at: http://www.law-democracy.org/wp-content/uploads/2010/07/IFI-Research-Online-HQ.pdf.

World Bank broke new ground in 2010 by adding an external appeal mechanism, in the form of the independent Appeal's Board, a panel of three independent experts who decide on appeals from decisions of the internal appeal body. Since then, the ADB and the Inter-American Development Bank have both followed suit. We note that this is different from the redress mechanism contemplated in para. 69 of the GCF's Governing Instrument, and that the IFIs noted above have established both dedicated information appeal bodies and redress mechanisms. As with requests, clear procedures should be established for the lodging and processing of appeals.

Other elements of a strong policy include protection for good faith disclosures and disclosures of wrongdoing (whistleblowing), a package of promotional measures to promote strong implementation of the policy in practice, and a commitment to regular review of the policy to ensure that it remains in line with better practice.

Conclusion

The GTI welcomes the fact that the GCF is committed to adopting an information disclosure policy. We believe that IFIs should respect all human rights, including the right to information. This requires all IFIs to adopt progressive information policies which give practical effect to this right. Given its environmental orientation, it is perhaps particularly important for the GCF to make a strong commitment to openness. Adopting a policy which meets or even exceeds the standards set out in the GTI Charter would be a good way to start.

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Appendix

Transparency Charter for International Financial Institutions: Claiming our Right to Know

Preamble

The right to access information held by public bodies is 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 right to information plays a crucial role in promoting a range of important social values. Information has been described as the oxygen of democracy. It is a key underpinning of meaningful participation, an important tool in combating corruption and central to democratic accountability. A free two-way flow of information provides a foundation for healthy policy development, decision-making and project delivery.

Key elements of a rights-based approach are a true presumption of disclosure, generous automatic disclosure rules, a clear framework for processing requests for information, limited exceptions and a right to appeal refusals to disclose to an independent body. This Charter elaborates the standards upon which the access to information policies of international financial institutions should be based. The Global Transparency Initiative (GTI) calls on all international financial institutions to amend their information disclosure policies to bring them into line with this Charter.

Principles

Principle 1: The 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.

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.

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.

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.

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.

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.

Principle 7: Whistleblower Protection

Whistleblowers – individuals who in good faith disclose information revealing a concern about wrongdoing, corruption or other malpractices – should expressly be protected from any sanction, reprisal, or professional or personal detriment, as a result of having made that disclosure.

Principle 8: Promotion of Freedom of Information

International financial institutions should devote adequate resources and energy to ensuring effective implementation of their access to information policies, and to building a culture of openness.

Principle 9: Regular Review

Access to information policies should be subject to regular review to take into account changes in the nature of information held, and to implement best practice disclosure rules and approaches.

Commentary

The Global Transparency Initiative (GTI), a grouping of civil society organisations committed to openness, believes that everyone has a right to access information held by international financial institutions (IFIs). Despite a stated commitment to openness, most IFIs remain highly secretive. Although a wealth of information is available on IFI websites, their boards of directors operate behind closed doors, much important project information is never made available and, as a rule, information that is disclosed is provided only after relevant decisions have effectively been taken.

Starting with the World Bank in 1993, most IFIs have adopted internal policies on information disclosure. Despite a stated 'presumption in favour of disclosure' in most of these policies, they in fact operate on precisely the opposite presumption. For the most part, they list which documents will be disclosed and when, and there is a presumption against the disclosure of all the other information they hold. They do not establish a right of access, the lists of documents subject to disclosure is limited, they do not set out clear and narrow grounds for refusing access and they do not provide for independent oversight mechanisms to ensure proper implementation of the policy.

The GTI is calling for the complete overhaul of these policies. The information policy reviews conducted by most IFIs, which focus on the lists of documents set down for disclosure, tend to lead only to incremental reform. We are, instead, calling for a rights-based approach, as described in the Charter.

The Charter is the GTI's flagship statement of the standards to which we believe IFI access to information policies should conform. It encapsulates standards drawn from international law and best practices adopted by democratic States. The Charter itself is comprised of the Preamble and the nine Principles, set out above. This Commentary, while not part of the Charter *per se*, elaborates on the meaning and intent of the nine Charter principles.

The term IFI, as used in the Charter, refers broadly to all inter-governmental organisations whose primary activities relate to financial matters. It includes the multi-lateral development banks – such as the World Bank and the regional development banks – as well as monetary policy bodies like the IMF and trade bodies like the WTO.

Principle 1: The 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.

The right to access information held by public bodies, including inter-governmental organisations like the IFIs, is a fundamental and legally-binding human right, grounded in the right to "seek, receive and impart information and ideas", guaranteed under international law. IFIs should adopt comprehensive access to information policies giving effect to this right. These policies should create a genuine presumption that access will be given to all information held by the IFI, subject only to limited exceptions (see Principle 4), known as the principle of maximum disclosure.

The right applies to *all* information *held* by an IFI, regardless of who produced it (whether this was the IFI itself or some other public or private actor), when it was produced, the form in which it is held (a document, electronically and so on) and its official status. The right also applies regardless of which part of the organisational structure of the IFI holds the information (such as the Boards of Directors and Governors, private sector lending arms, quasi-independent bodies such as compliance review bodies and so on).

To give full effect to the right to information, IFIs should ensure that they either hold or can access all information relevant to their operations and activities, even if this information is normally created or held by another actor. For example, contractors and sub-contractors working for IFIs should have transparency and/or access to information clauses included in their contracts which require them to provide key information to the IFI, either automatically or upon request.

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.

Automatic (routine) disclosure is important both to ensure a minimum flow of information from IFIs and to enable the public to participate effectively in decision-making processes (see Principle 3).

At a minimum, the following categories of information should be subject to automatic disclosure:

- information about the structure of the IFI (including its basic legal framework and organisational structure, contact information for staff, directors and governors, and its decision-making processes at all levels);
- organisational procedures, rules and directives;
- institutional policies, strategies and guidelines;
- budgetary and financial information;
- country-specific analyses and strategies;

- detailed information on lending, grant, credit and guarantee operations, throughout project or program cycles (including identification, preparation, approval, implementation and evaluation);
- evaluations, audits and other information pertaining to effectiveness of the institution in meeting its objectives;
- information pertaining to the health, safety, security, environmental and other social implications of IFI operations, particularly where these operations pose a risk of harm; and
- information that has been released pursuant to a request and where further interest in that information may be expected.

Where certain information in a document subject to automatic disclosure falls within the scope of an exception, the document should still be disclosed but that information may be redacted.

Information should be disseminated widely. The primary mechanisms for dissemination should be through IFI websites, IFI country offices and member country local communication networks. Documents should be disseminated anew whenever updated. A translation strategy should be in place to ensure dissemination in local languages.

Documents subject to automatic disclosure should be distributed for free.

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.

One of the objectives of automatic disclosure is to facilitate participation in decision-making, particularly by affected communities. For this aim to be realised, certain conditions must be met. First, IFIs should clearly describe their decision-making processes. This should include providing a list of upcoming opportunities to provide public input, releasing consultation and communication plans, and identifying decision benchmarks (for example, dates of key meetings in project preparation). The public should be able to anticipate when and how they will be able to access decision-making.

Second, information required for participation in decision-making should be disclosed in a timely fashion, sufficiently in advance to enable interested stakeholders and affected parties to provide informed comments before final decisions are taken. Draft documents – such as proposed country assistance strategies and draft policies – need to be disclosed and continuous updates need to be provided on activities.

Third, the information should effectively reach those likely to be affected by decisions. IFIs should utilise dissemination mechanisms that most appropriately deliver the information to the relevant community. For project documents, for example, this might imply dissemination via a local newspaper or local contact point.

Fourth, dissemination should be in a form that is understandable to those affected. This implies, at a minimum, that the information is available in local languages but, in appropriate cases, it will also require technical or statistical information to be 'translated' into lay language and appropriate background or contextual material to be provided.

Meetings – which automatically involve the exchange of information and ideas – fall within the scope of the right to information. All formal meetings with decision-making powers, such as Board meetings, should be open for attendance by members of the public. Notice should be provided in advance indicating the time and place of the meeting, as well as the topics to be discussed. Meetings may be closed to protect legitimate interests but any decision to close a meeting should itself be taken in public and reasons for closure should be provided.

Information about a meeting, even a closed meeting, should be made available after the meeting, for example through press conferences and by circulating summaries, minutes and transcripts as soon as possible. Legitimately confidential information may, carefully and narrowly, be redacted from these documents.

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.

The right to request and to receive information is central to the effective functioning of access to information policies. The right should apply to all information held by the IFI, subject only to the regime of exceptions (see Principle 5). The policy should set out in some detail the manner in which requests for information shall be processed, which should be simple, rapid and free or low-cost. Requesters should be able to submit requests orally or in writing (including via email, fax, regular mail and so on), either to head office or at a range of other places (such as local IFI or government offices, or with implementing partners) and in local languages. Assistance should be provided to requesters who are having difficulty formulating their requests. To facilitate requests, IFIs should provide a register, available over the Internet, listing all of the key documents and other records they hold.

A response to a request should be required to be provided as soon as possible and clear maximum time limits for responding should be imposed (of not more than 15 days). Where access to information is refused, notice in writing should be provided, specifying the particular exception upon which the refusal is based, as well as the right of appeal.

Access to information should be given in the form requested (for example, an actual copy, an opportunity to inspect a document, an electronic copy or some other form). This should include, as necessary, extracting relevant information from databases and reasonable processing/collating of such information to provide it in a form which is accessible for the requester. Where reasonably possible, information should be provided in the language requested and translation should always be provided where

this is in the public interest, for example because the information is of interest to a whole community.

Where costs are charged for accessing information, these should be based on a clear and reasonable cost structure, and should not be so high as to deter requesters or exceed the actual cost, if any, of copying the information (receiving documents by email, for example, should be free). Consideration should be given to providing an initial amount of information – say up to 100 pages – for free. Fees should be waived where they would cause financial hardship, for requests from affected communities, and for requests in the public interest.

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.

It is recognised that the right to information is not absolute. Not all information held by IFIs should be made public; there are some legitimate grounds for confidentiality, such as personal information or where disclosure would genuinely harm the prevention or prosecution of a crime. At the same time, many existing IFI information disclosure policies contain unduly broad regimes of exceptions which have seriously undermined their usefulness.

Access to information policies should provide a clear and narrow list of public and private interests that may override the right of access. Examples of clear and narrow exceptions are the protection of trade secrets and statements covered by attorney-client privilege. An example of an unclear and potentially very broad exception, drawn from the World Bank's Policy on Disclosure of Information, is the non-disclosure of information shared with other entities "on matters of common interest which are related to the decision-making processes of the Bank and such entities."

Access to particular information should be refused only where the IFI demonstrates, on a case-by-case basis at the time of the request, that disclosure would cause serious harm to one of the interests listed. Even where this is the case, the information should still be disclosed unless the harm outweighs the public interest in accessing the information. An example of such an exception is the following, from the European Investment Bank's Public Disclosure Policy:

> Unless there is an overriding public interest, access to information will also be refused where disclosure would undermine the protection of … commercial interests of a natural or legal person.

Exceptions should be based on the harm that disclosure would cause, not on who produced or provided the information. Where third parties are involved, they should have the right to make representations as to why a particular piece of information falls within the scope of an exception. But the policy should not allow a third party veto or recognise an originator control principle. An exception which clearly breaches this

standard, from the European Bank for Reconstruction and Development's Public Information Policy, is the following:

> Information in the Bank's possession which was not created by the Bank and is identified by its originator as being sensitive and confidential….

The fact that information may be administratively classified should be irrelevant to whether or not it meets the test for non-disclosure. Even classified information should be disclosed where it does not fall within the scope of an exception. Indeed, existing classification and record management processes should be reviewed and amended as necessary to bring them into line with access to information policies. Overall time limits on secrecy should be established (historical disclosure), beyond which the need for secrecy must be convincingly demonstrated before access may be refused.

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.

The right to present claims to an independent body regarding failures to implement the policy properly is an essential element of a well-functioning access to information system. Such a body can provide impartial and authoritative guidance as to the scope of the obligation to disclose and ensure that the policy is applied properly.

As a first step, an internal appeal to a senior management group or dedicated unit can be an important part of the overall appeals system, resolving many complaints quickly and easily. It can also play a role in the general promotion of the access to information policy. Alternatively or additionally, provision may be made for an expedited right to refer information disclosure complaints to existing bodies established to ensure compliance with all policies (compliance review mechanisms).

Ultimately, however, implementation of this principle requires the establishment of a fully independent appeals body. Such a body should have an allocated budget, staff and premises, and report to a body which is not itself directly associated with the IFI. One possibility would be to have one information appeals body for all of the IFIs, perhaps based in the UN system.

It should be possible to lodge a complaint in a number of ways, including by fax, email or regular mail. The access to information policy should set out in some detail the manner in which complaints shall be processed, which should be simple, rapid and free or low-cost. The independent appeals body should have all the powers it requires to enable it to investigate and consider complaints fully, including the power to access any information – whether or not it is claimed to be confidential – and/or persons. The decisions of this body should be binding on the IFI. These decisions should be in writing, clearly stating the reasoning upon which they are based, and should be publicly available, including over the Internet.

Principle 7: Whistleblower Protection

Whistleblowers – individuals who in good faith disclose information revealing a concern about wrongdoing, corruption or other malpractices – should expressly be protected from any sanction, reprisal, or professional or personal detriment, as a result of having made that disclosure.

Whistleblowers are an important early-warning system for any organisation and IFIs should protect them, including by making it a disciplinary offence to victimise a whistleblower.

Persons disclosing wrongdoing should be protected against any legal, administrative or employment-related sanction for releasing information on wrongdoing, as long as they acted in good faith with a view to exposing wrongdoing, regardless of any other motive they might have had. The protection should extend to employees, former employees and sub-contractors, and apply even where disclosure would otherwise be in breach of a legal or employment rule. The same protection should be provided to anyone disclosing information pursuant to the access to information policy.

"Wrongdoing" for the purposes of this principle should include the commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, abuse of power or serious misconduct, including any breach of the access to information policy or other procedures relating to participation, as well as a serious threat to public health, safety or the environment, whether linked to individual wrongdoing or not.

A senior officer of the IFI should be identified to whom disclosures about wrongdoing may be made. Individuals should always be able to make such a disclosure to someone who is not part of their line management and, where they request confidentiality, it should be respected. At the same time, persons disclosing wrongdoing should benefit from protection against sanction when they raise their concerns outside of the organisation, whenever they have a reasonable belief that:

(a) their concerns will not be taken seriously or acted upon;
(b) their disclosure will lead to a reprisal or other direct professional or personal detriment; or
(c) there is an imminent risk of danger to the health or safety of others, or of serious harm to the environment.

Principle 8: Promotion of Access of Information

International financial institutions should devote adequate resources and energy to ensuring effective implementation of their access to information policies, and to building a culture of openness.

A serious effort is required to implement effectively even the very best access to information policies and to build a culture of openness. It is essential to make efforts to build a corporate culture of openness and to break down often-entrenched habits of secrecy.

It is important that the measures to be taken should themselves be developed in a transparent and participatory fashion. The range of possible measures is extensive but some measures which have proven effective include the following:

- senior management making statements and taking other actions that make it clear that access to information is an organisational priority;
- providing targeted training on access to information and building access to information elements into other training activities;
- incorporating access to information into corporate incentive structures and appraisal systems;
- educating the public, particularly in project affected areas, about their right to access information and how it may be exercised;
- putting in place a central system for tracking requests – when they are made, who receives them, what response was provided, any appeals, and so on – which should itself be made public;
- publishing and widely disseminating an annual review of implementation of the access to information policy (a sort of internal audit);
- putting in place an effective and progressive system of record management;
- developing a protocol on what sorts of information should be recorded in permanent form (such as which sorts of meetings should be minuted); and
- providing for individual sanctions for wilful obstruction of access to information.

A discrete budget should be allocated for purposes of implementing this principle and a dedicated body or individual within the IFI should have responsibility for discharging these duties.

Principle 9: Regular Review

Access to information policies should be subject to regular review to take into account changes in the nature of information held, and to implement best practice disclosure rules and approaches.

Access to information policies should include a formal requirement that they be subject to a comprehensive review on a regular basis, for example every two or three years. Such reviews provide an opportunity to assess how well implementation of the policy is progressing and what needs to be done to improve implementation. They also provide an opportunity to amend the policy to provide for greater information disclosure and to ensure that it is in line with best practice at other IFIs.

Particular attention should be paid during such reviews to possible improvements automatic disclosure practices, including whether a greater range of documents should be disclosed automatically or whether certain documents should be released earlier. Particular attention should also be paid to whether changes need to be made to the handling of categories of information which have attracted greater claims of confidentiality in the past, such as private sector information.

All reviews should themselves be conducted in a fully transparent and consultative fashion, for example using multi-stakeholder consultation and other such processes to ensure broad feedback from a range of interested stakeholders, particularly among project affected communities.