



CENTRE FOR LAW
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Central American Bank for Economic Integration: Observations on the Draft Access to Information Policy

The Centre for Law and Democracy (CLD) has submitted [Observations on the Central American Bank for Economic Integration \(CABEI's\) draft Access to Information Policy](#). This draft would replace the current Access to Information Policy, which dates from 2020. The Observations welcome a number of positive proposed changes to the Policy but also call for further improvements, including significant changes to the regime of exceptions and putting in place an independent appeal option.

“CABEI's Access to Information Policy lags significantly behind better practice in this area among international financial institutions,” said Toby Mendel, Executive Director, CLD. *“The new proposals incorporate some important positive changes but do not go nearly far enough. We urge CABAI to introduce further reforms before adopting the new policy so as to bring it into line with the transparency commitments of peer institutions.”*

The draft Policy introduces some notable improvements, including establishing a clearer presumption in favour of the disclosure of information subject only to defined exceptions. There are also new provisions on accessibility and the draft formalises the existence of the internal Access to Information Unit.

However, in other areas the draft Policy should be improved, of which some key recommendations in our Observations include:

- Several exceptions need to be further narrowed and all need to include a stronger harm test, while a public interest override needs to be introduced which would apply to all exceptions.
- The relationship of the Policy to CABEI's internal classification system is still unclear. The Access to Information Policy should override any system of administrative classification.
- The draft Policy removes rules on the structure of the Access to Information Committee, a disappointing change from the current Policy.
- The draft Policy adds the possibility of appeal to the CABEI's Board but does not provide for an appeal to an independent body, such as an external appeals panel.

The Observations are available [here](#).

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