

**THE ACCESS TO INFORMATION POLICY
CLASSIFICATION AND DECLASSIFICATION SYSTEM
AND REVIEW PROCESS**

DECEMBER 14, 2010

DEFINITIONS

As used in the Policy and in this document, the terms listed below are defined as follows:

- a. **AIC:** The Access to Information Committee.
- b. **Bank or IDB:** The Inter-American Development Bank
- c. **Board:** The Board of Executive Directors of the Bank.
- d. **Board Documents:** Documents prepared by Bank staff for consideration or information of the Board of Executive Directors or its standing Committees.
- e. **Board Records:** Documents pertaining to the proceedings and work of the Board and the Board of Governors generated by the Bank's Secretariat.
- f. **Date of the Document:** The date the document was approved or cleared by the Board or committee or senior staff of Management. For documents not subject to clearance or approval, the date of document is the date when it was last edited in IDBDOCS, the Bank's electronic records management system.
- g. **Declassification:** The process of making available to the public Information that was previously excepted from Disclosure.
- h. **Deliberative Information:** Deliberative information is that which is created during the process of considering issues and options before making a decision.
- i. **Disclosure:** Making Information available to the public, whether through the Bank's external website or through the Bank's on-line request system, or other appropriate means of providing access.
- j. **Disclosure Exceptions:** Categories of Information described in Section 4.1 (a-j) of the Policy.
- k. **Draft Documents:** Documents created by staff in the course of official Bank business and registered in IDBDOCS that are distributed to a committee or senior staff of Bank Management, or to the Board, and subject to an intermediate approval process. Draft Documents are kept permanently pursuant to the Bank's Records Retention Policy.
- l. **Effective Date:** January 1, 2011.

- m. **External Panel:** The external review panel created under the Policy to conduct second-stage reviews of certain Bank decisions denying access to Information.
- n. **Information:** Records, which are documents of any type such as paper, electronic, photograph, film, sound recordings and videotape, produced by the Bank in the course of its official business, and the documents not produced by the Bank but in its possession that are specifically referred to in the Policy or the Policy Background Paper.
- o. **Originator:** Bank employees responsible for producing documents and saving them in IDBDOCS. The terms “originator” and “author” are used interchangeably in this document.
- p. **Policy:** The Access to Information Policy approved by the Board on May 12, 2010, applicable to the Bank and the Multilateral Investment Fund.
- q. **Policy Background Paper:** The document distributed by Bank Management to the Board on April 26, 2010 as background to accompany the proposed Policy.
- r. **Records Management System:** The system used by the Bank for the creation, maintenance, protection, use and disposition of its records, currently an electronic system called IDBDOCS.

I. INTRODUCTION

- 1.1 The Board of Executive Directors approved a new Access to Information Policy (the “Policy”) on May 12, 2010. On September 24, 2010, the Policy and Evaluation Committee (PEC) of the Board considered the Access to Information Implementation Plan (the “Plan”). The present document defines the Information classification and declassification system as well as the implementation aspects of the two-stage review process proposed by Bank Management. Consistent with the minutes of the above mentioned PEC meeting¹, these aspects of Policy implementation are being presented for the consideration of the Board of Executive Directors. The Policy will enter into effect on January 1, 2011. Additional guidelines for implementation of the Policy, including a cost-recovery system are being developed by Bank Management and will be finalized by the Effective Date.
- 1.2 The Policy establishes a new standard of Disclosure under which the Bank will disclose any Information not contained on a list of Policy Disclosure Exceptions. With the new Policy the Bank seeks to maximize access to Information as a means to enhance transparency, accountability and development effectiveness. At the same time, the Bank has an obligation to protect the confidentiality of certain Information pertaining to its clients, shareholders, employees, other parties, and its own governance. Appropriate classification of Information for purposes of Information Disclosure is therefore fundamental to ensuring that the Bank strikes the appropriate balance between its commitment to grant access to the public and its obligation to protect the confidentiality of certain Information.
- 1.3 Similarly, ensuring accountability and transparency in response to requests from the public for Information requires appropriate mechanisms for oversight and review of decisions not to disclose. The Policy creates a two-stage review mechanism for requesters who believe the Bank has denied them access to Information in violation of the Policy.²
- 1.4 **Action Requested of the Board**
Bank Management recommends that the Board approve the classification and declassification system for Information Disclosure and the implementation aspects of the access to Information review process as set forth in this document.³

¹ See PEA/10/19, paragraph 1.2.

² See Section 9 of the Access to Information Policy.

³ Based on paragraphs 6.2 and 10.2 of the Policy, future modifications to procedures for the implementation of the Policy may be made by Bank Management, with the exception of procedures relating to the classification and Declassification of Board Records, which will require Board approval.

II. CLASSIFICATION FOR INFORMATION DISCLOSURE

- 2.1 **Access to Information Categories.** In accordance with Section 6 of the Policy, Information created by the Bank in the course of its official business and specific information received on or after January 1, 2011 is required to be entered into the Bank's Records Management System and classified into one of three access to Information categories by its Originator. The three categories are:
- a. **"PUBLIC"**: Information that does not fall under one of the Disclosure Exceptions as set forth in Section 4.1 of the Policy.
 - b. **"CONFIDENTIAL"**: Information that falls under one of the Disclosure Exceptions set forth in Section 4.1 of the Policy and is not eligible for Declassification:
 - i. Personal Information⁴
 - ii. Legal, disciplinary or investigative matters
 - iii. Communications involving Executive Directors
 - iv. Safety and security
 - v. Information provided in confidence; intellectual property and business/financial Information
 - vi. Corporate administrative Information⁵
 - vii. Certain financial Information⁶
 - viii. Country-specific Information
 - ix. Information relating to non-sovereign guaranteed operations⁷
 - x. Deliberative Information that contains or relates to the Policy Disclosure Exceptions (i) to (ix) above
 - c. **"DISCLOSED OVER TIME"**: Certain financial and Deliberative Information⁸ that is excepted from Disclosure at the time it is created⁹, but which may become eligible for Declassification and Disclosure over time, provided that such Information does not contain or refer to Information that falls under the category of "confidential" as set out in paragraph (b) above.

⁴ The Policy does not preclude, however, the disclosure of information concerning a staff member at his or her own request, or in accordance with Bank policies intended to assure that staff members meet their personal legal and financial obligations.

⁵ However, the Bank's annual budget program document is disclosed to the public.

⁶ As designated by the Bank's Finance Department.

⁷ Information relating to non-sovereign guaranteed operations, other than information listed in section 4.1 j of the Policy.

⁸ Deliberative information is that which is created during the process of considering issues and options before making a decision. Deliberative Information is initially excepted from disclosure in order to ensure the free and candid exchange of ideas between and among Bank staff, the Board of Executive Directors, member countries and other parties. As such, Draft Documents are deliberative by definition and therefore initially excepted from Disclosure, with the exception of certain draft documents that may be disclosed simultaneous with their distribution to the Board, as stated in paragraph 5.1 of the Policy.

⁹ See Definition f., above.

III. DECLASSIFICATION OF INFORMATION FOR DISCLOSURE

- 3.1 **Scope.** Pursuant to Section 7 of the Policy, Information classified as “disclosed over time” as well as certain Information that was created before January 1, 2011, will be eligible for Declassification and Disclosure upon request and in accordance with the Declassification Schedule described below.
- 3.2 **Declassification Schedule.** The following documents are eligible for Declassification and Disclosure, in whole or in part, on the Policy’s Effective Date, or at a given time after the Date of the Document, as specified below, provided they do not contain or refer to Information that would fall under the category of “confidential” Information. In developing the Declassification Schedule, consideration was given to the sensitivity of certain Information, as well as the need to strike a balance between the potential benefits of Disclosure in terms of increased transparency, accountability and understanding of the activities of the Bank and any potential harm that may be caused by such Disclosure.

Immediately after January 1, 2011.

- a. Reports of Board committee Chairs to the Committee of the Whole prepared before 2005.¹⁰
- b. Annual reports of Chairs of committees of the Board prepared before January 1, 2011.
- c. Resolutions adopted by the Board of Governors before 2007.

After 5 years

- e. Circulars and technical briefing materials prepared for information of the Board or its standing committees.
- f. Presentations by Bank Management (in PowerPoint and other formats) to the Board or its standing committees.
- g. Final documents listed in Annex I to this document that were prepared before January 1, 2011, and were not already made public pursuant to earlier Disclosure policies.

After 10 years

- h. Minutes of Board committee meetings created before January 1, 2011.
- i. Board Minutes created before January 1, 2004.
- j. Summaries of Deliberations of Board standing committee meetings.
- k. Draft Documents, Deliberative Board Documents, and other Deliberative Information.
- l. Deliberative sections of the Progress Monitoring Report (PMR)
- m. Board Documents that were not already made public pursuant to earlier Disclosure policies and are not included in Annex I.

¹⁰ These documents are public as of 2005.

After 20 years

- n. Other Information in the possession of the Bank's records management unit, unless they fall under the Disclosure Exceptions, including any Deliberative Information or financial Information containing or referring to those exceptions.

IV. REVIEW PROCESS

- 4.1 In accordance with Section 9 of the Policy, the Bank has established a two-stage access to Information review process for requesting review of a Bank decision denying access to Information that may involve the AIC and/or the External Panel, as outlined below.
- 4.2 **Eligibility.** If denied access to Information by the Bank, a requester may seek review of the decision pursuant to the process described below, if eligible. A request for review is eligible if the requester presents in writing a supported statement that:
 - a) The Bank's denial restricts the requester's access to Information that would normally be disclosed under the Policy; or
 - b) The Information to which access has been denied falls under the corporate administrative Information, Deliberative Information, or financial Information exceptions, as defined under Sections 4.1 f, g, and h of the Policy; and that Disclosure of such Information would generate substantial benefit outweighing any potential harm, thereby warranting an override of the Policy.
- 4.3 **First-stage review.** The AIC conducts first-stage reviews of denials of access to Information in response to all requests. The AIC has the authority to uphold or reverse prior Bank Management decisions to deny access to Information, with the exception of the requests on which a final determination must be made by the Board, as contemplated in paragraph 4.4 below. AIC decisions in response to requests for overrides, in accordance with paragraph 4.2 b) above are final and ineligible for second-stage reviews.
- 4.4 Requests for overrides with regard to Board Records are sent directly to the Board for final determination. Requests for the review of Bank Management decisions not to disclose Board Records created prior to the Effective Date are also sent directly to the Board for final determination. The Board may ask the AIC to review and provide recommendations to the Board concerning requests for overrides as well as reviews of Bank Management decisions not to disclose Board Records. Requesters of reviews will be notified of Board decisions within a reasonable time.
- 4.5 Requests for first-stage reviews must be submitted in writing, within 60 calendar days of Bank Management's initial decision to deny access to the requested Information. AIC decisions will be rendered in writing within 45 calendar days of the AIC's receipt of the written request for review. If the AIC requires more time to reach a decision, it will notify the requester in writing. In reaching its decision, the AIC may request input and recommendations from relevant Bank departments and units.

- 4.6. **Second-stage review.** If the AIC decides not to disclose the requested Information, the requester may request a second-stage review of the AIC decision by the External Panel, provided the request does not involve an override based on paragraph 4.2 (b) above.
- 4.7 Requests for review by the External Panel must be submitted to the External Panel in writing within 30 calendar days of the date of the AIC's decision. Within 30 calendar days of receipt of the request, the External Panel will review the AIC's decision and make a final decision on whether the requested Information should be disclosed in accordance with the Policy. If the External Panel requires more time to reach a decision, it will notify the requester in writing. In reaching its decision, the External Panel may request input and recommendations from relevant Bank departments and units.
- 4.8 The External Panel has the authority to uphold or reverse the decision of the AIC that is the subject of the second-stage review, and the External Panel's decisions in such instances are final and not subject to further review.
- 4.9 **Remedy.** The sole remedy for a requester who prevails on a request for review is receipt of the Information requested.
- 4.10 **Procedure for Submitting Requests for Review.** Requests for review should be presented to the Bank's Public Information Center (PIC) in writing (by email at PIC@iadb.org; by mail to IADB-PIC, 1300 New York Avenue, NW, Stop E0107, Washington, DC 20577; or fax to 1 (202) 623-1928). Requests may also be submitted by fax, mail, or email, to the PIC in the relevant Country Office (see <http://www.iadb.org/en/about-us/field-office-public-information-contacts,7419.html>).
- 4.11 Requests for review must be presented in one of the Bank's four official languages and include:
- a. Information identifying the requester and providing the requester's contact information.
 - b. The date of the initial request for Information and the date(s) of the decision(s) denying access to Information, as applicable.
 - c. A detailed description of the Information requested so as to facilitate its identification.
 - d. A statement explaining the requester's basis for submitting the request for review, pursuant to paragraph 4.2 a) or 4.2 b) above.
- 4.12 **Acknowledgement of requests.** The PIC will acknowledge receipt of requests for review within 5 business days, for first-stage and second stage reviews. All communications between the Bank and requesters will be sent by e-mail, or regular mail if no e-mail address is available.
- 4.13 After the AIC or the External Panel, as the case may be, reaches a decision concerning a request for review, the requester is notified of the decision. The notice will specify the

reasons for the decision, and if applicable, the process for making the Information available to the requester.

ANNEX I
List of Final Documents Created before January 1, 2011,
Eligible for Declassification
After 5 Years

I. Operational Documents prepared by the Bank

- Sector Policies
- Sector Strategies
- Sector Guidelines
- Country Strategies
- Development Effectiveness Overview (DEO)
- Procurement Policies and Procedures
- Disbursement Status Reports
- **Project documents –**
- **Sovereign Guaranteed operations**
 - Project Profile (PP)
 - Technical Cooperation Profile (TCP)
 - Loan Proposal
 - Factual and Technical Information
 - Procurement Plans
 - General and Specific Procurement Notices
 - Expanded Progress Monitoring Reports (XPMR)
 - Tranche Release Memoranda
 - Technical Cooperation Plans of Operation
 - Plans of Operation for Knowledge and Capacity-Building Products
 - Operational Inputs (KCP and OI)

II. Board Proceedings

- Agendas for meetings of the Board of Executive Directors and Standing Committees of the Board

III. Financial Information

- Annual Budget Document

IV. Documents Prepared Jointly with or by Development Partners

- Poverty Reduction Strategy Papers and Assessments (PRSP)
- Heavily Indebted Poor Countries Initiative (HIPC)