

SIMULTANEOUS DISCLOSURE

**REPORT ON IMPLEMENTATION OF THE
ACCESS TO INFORMATION POLICY
(JANUARY 1 THROUGH DECEMBER 31, 2011)**

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This document is being released to the public and distributed to the Bank's Board of Executive Directors for information, simultaneously. If the document is subsequently updated, the updated document will be made publicly available in accordance with the Bank's Access to Information Policy.

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ABBREVIATIONS

ACP/REC	Office of Records
ADB	Asian Development Bank
AfDB	African Development Bank
AIC	Access to Information Committee
AIP	Access to Information Policy
Category A	Any operation likely to cause significant negative environmental and social impacts (OP-703, section B.3)
Category B	Operations that are likely to cause mostly local and short-term environmental and social impacts (OP-703, section B.3)
DDR	System used by the Office of the Secretary to Manage Documents
EA	Environmental Assessment
EBRD	European Bank of Reconstruction and Development
EIA	Environmental Impact Assessment
EXR	Office of External Relations
FTE	Full Time Employee or equivalent
IDBDOCS	The Bank's Document Management System
IFC	International Finance Corporation
Guidelines	Access to Information Guidelines issued May 20, 2011 (GN-1831-31)
HRD	Human Resources Department
ITE	Information Technology Department
KNL	Knowledge and Learning Sector
LEG	Legal Department
MICI	Independent Consultation and Investigation Mechanism
OP-102	Bank Operational Policy 102 on Access to Information
PEC	Policy and Evaluation Committee of the Board
PIC	Bank's Public Information Center
PIP	EBRD's Public Information Policy
Policy	Access to Information Policy adopted May 12, 2010 (GN-1831-28)
SPD	Office of Strategic Planning and Development Effectiveness
VPC	Vice Presidency for Countries
VPF	Vice Presidency for Finance and Administration
VPP	Vice Presidency for the Private Sector
VPS	Vice Presidency for Sectors
SEC	Office of the Secretary
SEC/ATI	Access to Information Unit in the Office of the Secretary
WB	World Bank
WBAIC	World Bank Access to Information Committee

ACCESS TO INFORMATION POLICY

REPORT ON IMPLEMENTATION

As provided in section 11.1 of the Access to Information Policy (Policy, OP-102) adopted by the Board on May 12, 2010 (GN-1831-28), the Office of External Relations (EXR) has prepared this annual report on implementation of the new Policy. This report, which was reviewed and approved by the Access to Information Committee, is divided into seven (7) sections: Status of Implementation, Bank Compliance, Borrower Disclosure Practices, Resources Expended, Implementation Issues, Recent Developments and Next Steps, and Summary of Peer Institution Advances in Access to Information.

I. STATUS OF IMPLEMENTATION

- 1.1 The Access to Information Policy, which replaced the former Disclosure of Information Policy, entered into effect on January 1, 2011. Its implementation has been relatively smooth, due in large part to the cooperation of a number of Bank departments and units who participated in all aspects of implementation, from gathering and reporting information, to supporting training programs and providing feedback and guidance in the development of both the Access to Information Implementation Guidelines (Guidelines), which were issued on May 20, 2011 (GN-1831-33), and the Access to Information Departmental Classification Instructions (Classification Instructions), which are currently being finalized.
- 1.2 The Access to Information Policy provided for the disclosure of all information produced by the Bank and to specific information that is in the possession of the Bank that did not fall under one of 10 exceptions. The Implementation Plan considered by the Policy and Evaluation Committee (PEC) on September 24, 2010 (GN-1831-30) provided for a number of activities. Following is a chart listing each of the activities and a brief corresponding entry concerning the status of implementation of each.

Activity	Status
Developing an Information Classification System	These two tasks were addressed in a single document. The Board approved the Classification and Declassification and Review System (GN 1831-31) on December 14, 2010.
Developing a Declassification System and Managing Archives	
Staff Training Program	In-person and webinar format seminars were offered to all Bank staff beginning in November 2010 and continuing through January 2011. Nearly 2,000 (1970) Bank staff members, including consultants, participated in the training sessions. Training materials, including videos, handouts and an on-line portal (http://access) were utilized during the training and remain available to Bank staff. The Bank's Public Information Center (PIC) continues to serve as a resource or "hotline" for Bank staff with questions about implementation. The Office of the Secretary (SEC) and EXR are working with the Knowledge and Learning Sector (KNL) and the Human Resources Department (HRD) to ensure that new Bank employees are trained on their responsibilities under the Policy.
Information Technology Support	The Information Technology Department (ITE) was able to modify existing Bank software, REMEDY, to create an on-line request system in the Bank's four official languages with tracking capabilities; the system was tested during the final two weeks of December 2010, and has been fully functioning since. ITE was able to implement changes to IDBDOCs to support an additional authorization level put in place May 30, 2011 and collaborate with EXR in the training sessions for the authorized personnel designated by each of the business units, following a decision by Management to institute a new process for posting information to the Bank's website. ITE has not yet been able to develop an automated system for tracking Bank compliance with disclosure of routinely disclosed documents. The system is expected to be fully functional by the third quarter of 2012.

Guidelines for Processing Information (Access to Information Implementation Guidelines)	Guidelines were issued on May 20, 2011 (GN-1831-33). The Office of the Secretary (SEC) has prepared a revised version of the Guidelines and will submit them shortly to the Access to Information Committee.
Upgrading Bank Channels for Making Information Public	Modest changes have been made to the Bank's Website to accommodate the on-line request system; an in-depth review of the Bank's website is needed to ensure the Bank is meeting best practices with regard to making the Website user-friendly, ensuring information is easy to locate and access.
Creation of the Access to Information Committee	The Access to Information Committee held its first meeting on September 19, 2011, at which time it considered and approved the Committee's Operating Procedures and Terms of Reference. It held a total of two meetings in 2011. The Committee was not called upon to consider any requests for reviews of Management decisions to deny requests for information or public overrides.
Creation of an External Review Panel	Operating Procedures and Terms of Reference were approved by the Access to Information Committee in November 2011. The process for selecting the members of the Panel is underway and should be completed by the time this report is filed. SEC will develop a training seminar for Panel members to prepare them for serving.
Updating Administrative Manual	Those portions of the Administrative Manuals related to the Access to Information Policy are being updated as part of the Bank's ongoing effort to update all Manuals. SEC, supported by EXR, is participating in this process.
Developing a Communications Plan	EXR developed and implemented a communications plan in the fourth quarter of 2010 and first quarter of 2011, including presentations to small groups within Management. The new Policy was also a part of the October 2011 Civil Society Meeting agenda. SEC, with the support of EXR, will consider the need for possible additional outreach to external stakeholders.
Dry-run period	As mentioned above, testing of the on-line request system occurred over the final two weeks of December 2010.

II. BANK COMPLIANCE

- 2.1 **Responding to Requests for Information:** As provided by the Access to Information Implementation Guidelines, the Bank endeavors to provide a comprehensive response to requests with 30 calendar days, recognizing that additional time may be needed for special circumstances, such as complex requests or requests that require consultation with internal or external groups. In 2011, the Bank received 2,007 requests for information through its new on-line request system, of which 1,988 were answered by December 31, 2011. The 19 unanswered requests (seven received in December) were pending input from Bank specialists.
- 2.2 An additional 771 requests received by telephone or email at headquarters were answered, and the Bank's country offices, collectively, received and answered 1,143 requests for information in 2011.
- 2.3 A review of the on-line requests received in 2011 reveals that the vast majority came from borrowing member countries (80%) compared with non-borrowing member countries (17%) and nonmember countries (3%). The largest volume of requests from borrowing member countries originated in Colombia (14%), Mexico (11%), Argentina (10%), Peru (7%) and Brazil (6%). Among non-borrowing member countries, the vast majority came from the United States (9%), followed by Spain (3%) and Canada (1%).
- 2.4 Requesters of information were asked to select from among thirteen (13) topic areas and a miscellaneous "Other" option. The breakdown of requests received along topic lines was as follows:

Topics	Percentage
Access to Bank Loans and Grants	12.3
Career Opportunities	7.8
Education	8.6
Environment/Agriculture/Energy	22.8
Health	2.5
Infrastructure	5.7
Institutional Capacity	8.3
Finance	3.3
Micro, Small, and Medium-Sized Business	4.0
Integration and Trade	2.9
Private Sector Development	4.6

Procurement	1.0
Research	8.6
Other	7.6
Total	100.0

The breakdown of on-line requests by self-identified affiliation is as follows:

Affiliation	Percentage
Civil Society	30.9
Government	13.5
Media/Communications	2.6
Multilateral Organizations	3.5
Private Sector	27.5
Other (including Academic)	22.0
Total	100.0

Given the sizeable percentage of requesters selecting “Other” we have added a new affiliation category, “Academic” which should help reduce that percentage.

- 2.5 **Making Routinely Disclosed Documents Available:** ITE continues to work on an automated compliance tracking system, which they project will be in test phase by the end of August 2012. Absent the automated tracking system, EXR conducted a manual audit to evaluate the Bank’s compliance with publishing routinely disclosed documents. For purposes of this exercise we limited our examination to Project Profiles and Loan Proposals for sovereign-guaranteed projects, and Project Abstracts for non-sovereign-guaranteed projects. Unfortunately, we were unable to isolate with sufficient reliability a date for publication to the web in all instances, and thus, cannot comment with any certainty as to whether documents were disclosed within the five (5) working days established in the Guidelines. Our review suggests, however, that there is a need to work with offices throughout the Bank to improve our compliance with regard to the five (5) day requirement established in the Guidelines. With regard to sovereign-guaranteed projects, the compliance rates for publication of the Project Profiles and Loan Proposals were 83% and 81%, respectively. With regard to non-sovereign-guaranteed projects, there is a 100% compliance rate for publication of the Project Abstracts.
- 2.6 New pages were created in the Bank’s website for the disclosure of Board records by SEC. The posting of agendas and minutes of the Board of Executive Directors and of its

Standing Committees and Chairpersons' reports of Standing Committees has been done in compliance with the Policy.

- 2.7 From January 1 through December 31, 2011, the Bank's website, the primary vehicle for disclosure of information to the public, received a total of 12,801,695 page views, including 1,489,000 for the Projects tab, 741,000 for the Research tab, 144,216 for the Publications tab, and 11,208 for the Access to Information page. Additionally, a total of 55,820 documents were downloaded for the same period.

III. BORROWER DISCLOSURE PRACTICES

- 3.1 Paragraph 5.2 of the Policy requires that EXR report on the status of borrower disclosure practices related to approved Bank-financed projects that require disclosure of environmental and social assessments. In 2011, the Board approved seven Category A and 55 Category B projects that required disclosure of Environmental Impact Assessments (EIAs) or other environmental assessment (EA) documents. For Category A projects (Brazil, Ecuador, Mexico, Paraguay, Peru and Uruguay), EXR found that the Environmental Impact Assessments (EIAs) were physically and electronically disclosed by both designated national responsible agencies and the IDB. In all six (6) countries, there is national legislation that requires disclosure and consultation with affected populations independent of any requirement of the IDB. Moreover, in these countries, consultations were conducted with stakeholders and local nongovernmental organizations in Spanish or Portuguese.
- 3.2 Similarly, EXR found that for all of the Category B projects requiring EIAs or EAs (Argentina, Brazil, Bolivia, the Dominican Republic, El Salvador, Haiti, Mexico, Peru, Paraguay, Trinidad and Tobago and Uruguay), each country had national environmental laws that establish legal frameworks for disclosure of EIAs or an equivalent document and require public consultation aimed at informing potentially affected local communities.
- 3.3 In a recent report to the Board on its activities during 2011, the Independent Consultation and Investigation Mechanism (MICI) noted that a large number of the complaints presented involved allegations related to the lack of disclosure of information by executing agencies. Because this appeared to contradict our finding above regarding availability of environmental assessment documents, EXR carefully reviewed the list of MICI cases. In fact, only two (same project in both MICI cases) of the 14 cases cited involved a project approved in 2011 (the Rodoanel Northern Section project in Brazil) and both the executing agency and the Bank met their responsibilities under national legislation and the Access to Information Policy, respectively, with regard to timely disclosure.

IV. RESOURCES EXPENDED

- 4.1 In 2011, costs for implementation of the new Policy were largely absorbed by the participating units without the benefit of additional resources. EXR dedicated 2.25 Full Time Employees or the Equivalent (FTEs) to the process of implementation in 2011, equivalent to 2010 levels. In addition, SEC dedicated 0.50 FTE to policy implementation in 2010 and 2011. KNL was able to absorb the cost of hosting several webinar training sessions. ITE received \$40,000 in 2010 for the development of the on-line request and automated tracking systems. No additional funds were sought in 2011. ACP/REC has devoted 1.5 FTE for the implementation of the policy. Given that responses to requests are managed through the on-line system, with the Bank's website serving as the principle means of disclosure for information required to be accessible under the Policy, EXR has not incurred any additional costs as compared with prior years in implementing the Policy. For 2012, the Board approved an allocation to SEC of \$490,000 for the creation of the new Access to Information Unit (SEC/ATI).

V. IMPLEMENTATION ISSUES

- 5.1 During the course of implementation, a number of issues were encountered, some involving operational issues regarding the policy's implementation and others concerning non-operational matters. Following we describe the issues, corrective measures taken and, where appropriate, recommended next steps where action is still needed.

A. Operational Issues:

- 5.2 **Greater Accountability and Review Needed Before Information is Disclosed:** At the end of January 2011, efforts to monitor whether Bank staff were correctly classifying documents under the new three-category classification system revealed that approximately 600 documents had been misclassified as "Public." EXR was able to confirm that the misclassifications identified were largely the result of several country offices being changed over from SISCOR to IDBDOCS at the start of the year. However, as a result, Management determined that more accountability and a system for reviewing and approving ex ante the publication of information to the Bank's website was needed in order to ensure information subject to the Policy's exceptions to disclosure was not inadvertently made public. At the request of Management, ITE modified IDBDOCS to include a process by which all documents and information classified as "Public" are held in an electronic file until their publication is authorized by Bank staff designated to perform that function. All Bank units were required to designate

“authorized staff,” mandatory training sessions were conducted for the new “authorized staff members,” Bank-wide emails were issued advising all Bank staff of the changes to the procedures, and the Access to Information Implementation Guidelines describing these new procedures were issued.

- 5.3 Through weekly reports received from ITE, EXR has monitored and continues to monitor this process to ensure there are no delays in disclosure of documents classified as “Public.” The weekly reports have been useful in identifying problems in the system which are then corrected. Emails are sent each week to the designated authorized staff members, informing them of the documents in the “Quick List” folders awaiting authorization for publication and seeking their cooperation in either correctly reclassifying the documents if they should not have been classified as “Public,” or publishing them. Totals for unpublished documents have fluctuated from a low of 200 to a high of 1,100. This process is tedious but necessary to ensure bottlenecks in disclosure are cleared.
- 5.4 **Labels to Aid Staff in Determining Sensitivity of Bank Information:** SEC determined that a labeling procedure was needed to clearly identify for Bank users, including Board members, the classification applied to documents and information, especially as it related to documents uploaded in the DDR system. As a result, SEC developed labeling instructions which were described in the Guidelines, joined EXR in issuing Bank-wide emails to inform Bank staff of the requirement to add classification labels to documents, and modified the DDR system to ensure compliance with the new labeling requirements.
- 5.5 Some confusion remains with regard to how labels are to be applied, particularly regarding documents and information subject to disclosure simultaneous with its distribution to the Board. Country Strategies and sovereign-guaranteed Loan Proposals are disclosed at the time they are distributed to the Board, subject to the non-objection of the country involved, and then again following their consideration and/or approval if the document has been modified (in which case the final, approved version replaces the simultaneously disclosed version).
- 5.6 **Executive Auditor Grade II Recommendations:** In August 2011, the Executive Auditor sent to EXR a memo containing two Grade II Recommendations: 1) Communicate and reinforce requirements for AIP classification categories and labels, and 2) Coordinate with the Legal Department (LEG), the Human Resources Department (HRD), ITE and SEC to “better define who is ‘internal’ to the Bank for the purpose of the AIP classification of ‘Confidential – Internal Use’ and to provide an implementation plan and expected implementation date. In response to these recommendations, EXR coordinated with SEC and issued a Bank-wide communication to clarify application of the new AIP categories and labels. Further work is needed to arrive at and widely disseminate a clear definition of

who is “internal” to the Bank when using the “Confidential-Internal Use” classification label.

- 5.7 **Simultaneous Disclosure:** Beginning in June 2011, EXR conducted a review of the agendas of each of the meetings of the Committee of the Whole to determine whether documents subject to simultaneous disclosure were in fact available to the public as provided in the Policy. EXR determined early in the monitoring process that although Management was properly labeling documents as “simultaneously disclosed,” many were not, in fact, being disclosed simultaneously with their distribution to the Board. EXR continued to monitor compliance and, in each instance where the documents had not been made publicly available at the appropriate time, reached out to the author/owner to request immediate disclosure. In nearly every instance in which the author/owner was notified of the error, an immediate correction was made. Monitoring has revealed that it is necessary to ensure that the documents classified as Public/Simultaneous Disclosure are properly saved in IDBDOCs and that the required landing pages on the Bank’s website are operative. In addition, clearer labeling instructions as well as additional training on how the simultaneous disclosure process should function will serve to ensure improved compliance.
- 5.8 **Disclosed Over Time:** There is confusion about when to use the “Disclosed Over Time” classification. The anticipated introduction of a mandatory field in IDBDOCS specifying whether the information in question should be disclosed after either five, ten or 20 years— together with the issuance of the Departmental Classification Instructions--will lead to increased use of the classification and thus, improved compliance with the Policy.
- 5.9 **Application of exception 4.1.i. of the Policy (Country-Specific information):** There is confusion about how the Country-Specific exception is administered, with regard to various documents, including the Audited (SG) Project Financial Statements, Country Strategies, Country Program Evaluations, to name just a few. The standard related to the exception needs to be clarified in the Guidelines to avoid confusion or lack of compliance. For example, Audited Financial Statements, which are subject to the Country-Specific exception, are to be disclosed unless the borrower or executing agency identify in writing information deemed confidential in accordance with the Policy’s exceptions. In these cases, the borrower will prepare an abridged version - acceptable to the Bank - for public disclosure.
- 5.10 **Confusion regarding the Differences between MICI and the Access to Information Policy Review Process Function:** The large number of MICI complaints containing allegations of lack of disclosure by borrowers, rather than the Bank, suggests that there is confusion on the part of affected populations regarding how complaints regarding the Access to Information Policy (OP-102) are to be presented. OP-102 provides for the

independent review of denials by Management of requests for information by an External Review Panel (see section 1.2 above) when access to information has been denied to a requester. The only remedy in these cases involves disclosure of the requested information. For a complaint involving the lack of disclosure of information to be eligible for consideration by the MICI, the complainant must allege not only that the Bank did not comply with its Access to Information Policy in terms of releasing project-specific information but also that failure to comply resulted in harm to the complainant.

- 5.11 **Capturing and Monitoring Requests Made in Country Offices:** Although we are able to capture and monitor responses to requests made using the Bank’s on-line request system, we currently rely on a manual system for tracking the requests received by the Country Offices directly. One possible area of improvement, which would require additional financial resources, is to facilitate use of the on-line system by the Country Offices to more accurately capture and report on the requests for information received.

B. Nonoperational Issues:

- 5.12 **Positive Overrides of Board Documents by the Board of Executive Directors:** On a number of occasions, the Board of Directors has requested that certain Board Documents considered to be “deliberative” be publicly disclosed. Pursuant to the Classification and Declassification and Review System document (GN-1831-31), only the Access to Information Committee may issue overrides regarding Board Documents. Several Board members have indicated they believe the Board should be able to issue a positive override of Board Documents.
- 5.13 **Reports Commissioned by the Board of Directors:** Neither the Policy, the Classification and Declassification and Review System document, nor the Guidelines address the treatment of documents or reports commissioned by the Board of Directors. Such documents do not fall under the definitions in the Implementation Guidelines of Board Records or Board Documents. In 2011, there were two instances in which the Board received such reports. In both instances, the Board indicated its preference to have the reports made public at the time the Board prepared a response and action plan addressing the recommendations contained therein. Various Executive Directors have also indicated that they believe clarity is needed with regard to how these documents are to be handled and by whom.
- 5.14 **Voluntary Disclosure of Directors’ Statements:** In a number of instances, when Directors requested that their Statements be voluntarily disclosed, it became clear that neither the Policy nor the Guidelines provides sufficient guidance on how a request for voluntary disclosure of a Director’s Statement will be handled if the

Statement contains information that falls under one of the 10 Policy exceptions to disclosure. Although the Guidelines indicate in section 4.8 that a Director's Statement which contains information falling under the exceptions of the Policy "shall be classified as 'Confidential' and will not be released, unless it becomes eligible for declassification," Executive Directors have asked for additional clarity regarding the process.

VI. RECENT DEVELOPMENTS AND NEXT STEPS

- 6.1 The creation of a new unit, SEC/ATI, was approved by the Board in December 2011. EXR has continued to provide implementation support during the first part of 2012, allowing time for the new unit to organize and appoint staff. The new unit chief assumed office in mid-March and the other two positions will be filled in June 2012, making the unit fully functional. The Unit has taken stock of the issues raised in section V of this report, made revisions to the Implementation Guidelines to address the major issues, and has outlined a work plan for the balance of this year. Below is a discussion of next steps for SEC/ATI in regard to Policy implementation.
- 6.2 **Greater Accountability and Review Needed before Information is Disclosed:** SEC/ATI will continue to communicate with senior Management to ensure the list of staff authorized to disclose information remains up to date. Additional training will be offered to "authorized staff members" designated by each of the business units of the Bank to ensure they understand their responsibilities and are able to comply. SEC/ATI will continue to receive and monitor the lists of documents pending publication to the Bank's website, to ensure there are no bottlenecks.
- 6.3 **Labels to Aid Staff in Determining Sensitivity of Bank Information:** Some confusion remains with regard to how labels are to be applied, particularly regarding documents and information subject to simultaneous disclosure. SEC/ATI is studying the issue and will seek to further refine the labeling process to eliminate any remaining confusion on the part of the users. Once the new labeling requirements are developed, SEC will notify Bank staff of the new procedures, make changes to the Guidelines to reflect the new procedures and provide training to staff as necessary.
- 6.4 **Reports Commissioned by the Board of Directors:** Various Executive Directors have indicated that they believe clarity is needed with regard to how these documents are to be handled and by whom. SEC/ATI will work with the Board to determine the best method of providing clarity.

- 6.5 **Voluntary Disclosure of Directors' Statements:** SEC/ATI will continue to work with the Board on this issue.
- 6.6 **Executive Auditor Grade II Recommendations:** SEC/ATI will update the Guidelines to better define who is "internal" to the Bank for the purpose of the AIP classification of "Confidential – Internal Use."
- 6.7 **Simultaneous Disclosure:** It is clear that documents classified as "Public-Simultaneous Disclosure" must be properly saved in IDBDOCS and that the required landing pages on the Bank's website are operative in order to ensure information subject to simultaneous disclosure is publicly available and easily retrievable. In addition, the process for receiving timely the non-objection by countries to documents subject to simultaneous disclosure needs to be improved. SEC/ATI will develop clearer labeling instructions as well as additional training on how the simultaneous disclosure process should function, which will serve to ensure improved compliance. SEC/ATI will also work with EXR to create the additional needed landing pages on the Bank's external web site.
- 6.8 **Disclosed Over Time:** The anticipated introduction of a mandatory field in IDBDOCS specifying whether the information in question should be disclosed after either five, 10 or 20 years—together with the issuance of the Departmental Classification Instructions--will lead to increased use of the classification and thus, improved compliance with the Policy. SEC/ATI will work with EXR to finalize the Departmental Classification Instructions and continue to work with ITE to make the necessary changes to IDBDOCS.
- 6.9 **Technology:**
- A. **Upgrading Bank Channels of Communication:** Improvements in how information is displayed and accessed on the Bank's external website, the primary channel of communication with the public, are needed, including: the creation of web pages to display and search all simultaneously disclosed documents, prior to their approval; to display and search all recently disclosed documents; to provide a Bank-wide Frequently Asked Questions (FAQ); and to improve how project information is displayed and accessed on the "Access to Information" homepage and other top-level pages. Regarding this last issue, EXR and the Office of Strategic Planning and Development Effectiveness (SPD) have already agreed to a number of changes which are underway, in particular concerning how information is displayed in the Projects module of the external website. SEC/ATI will work with EXR to make the other needed changes, some of which may require additional financial resources.
- B. **Monitoring Publication Compliance:** SEC/ATI has underscored the importance, as described previously in this document, of creating an automated system for

tracking Bank compliance with disclosure of routinely disclosed documents in accordance with the Implementation Guidelines, and will work with ITE to see deployment of the automated system through to completion.

- C. **Refining On-line Request System:** The on-line information request system, while functional, is in need of refinement and expansion, reflecting the Public Information Center's experience during the system's first year of operation. It will be necessary to redesign the current on-line information request form in order to help users communicate their requests with greater precision, which in turn will enable Bank staff to retrieve the information requested more easily and expeditiously--and within the deadlines established in the Implementation Guidelines. In addition, as discussed above, an online tracking system is needed to ensure that responses are provided within the established deadlines. SEC/ATI will work with EXR to complete changes to the on-line information request system.
- 6.10 **Administrative Manual Updates:** SEC will continue to work with SPD to ensure that the chapters of Administrative Manual related to the Policy are updated as needed.
- 6.11 **Training:** SEC/ATI, with the support of EXR, KNL and HRD, will develop a training plan to:
- A. Update Bank staff on any changes to the Guidelines, including new labeling requirements;
 - B. Assist Authorized Staff to perform their functions in authorizing the publication of information to the Bank's website, in an effort to eliminate bottlenecks;
 - C. Include Access to Information training in the new on-boarding experience offered to Bank staff members;
 - D. Update the training materials, including videos, available to Bank staff in the KNL Access to Information Portal; and
 - E. Prepare the External Panel Members, once appointed, with an introduction to the Bank, how it operates, and the Access to Information Policy.
- 6.12 **Access to Information Implementation Guidelines Updated:** SEC/ATI, with the support of the Access to Information Working Group, is drafting updated Access to Information Implementation Guidelines for the purpose of addressing issues identified during the first year of implementation. The Guidelines will be submitted to the Access to Information Committee for approval and then be submitted to the Board of Directors for information. Following is a summary list of the principal changes to the Implementation Guidelines contemplated thus far:

- A. Modifying the language to reflect the recently approved organizational level changes that resulted in the creation of the SEC/ATI unit;
- B. Clarifying language related to private sector operations;
- C. Providing greater clarity regarding the treatment of information provided in confidence and/or related to intellectual property, business or proprietary information;
- D. Streamlining the procedures regarding documents classified as “Disclosed Over Time”
- E. Refining and improving the labeling instructions to provide for indicating designating a time period (5, 10 or 20 years) when a document is classified as “Disclosed Over Time”; and creating a new label classification subcategory “Confidential/Public Upon Approval” to eliminate confusion about how to treat documents that are confidential only until approved;
- F. Ensuring the documents classified as Public/Simultaneous Disclosure are properly saved in IDBDOCs and that the required landing pages on the Bank’s website are operative. In addition, the process to ensure receiving timely the non-objection by countries to documents subject to simultaneous disclosure needs to be improved.
- G. Clarifying the process for publishing Annual Project Audited Financial Statements, to indicate that the Bank will make the statements public, and that in cases where the borrower identifies information it deems as confidential, an abridged version acceptable to the Bank will be prepared by the borrower and published by the Bank.

6.13 **Records Management:**

- A. **Digitizing Bank Records:** In order to ensure compliance with the Access to Information Policy in the most cost-effective manner, the Bank must continue to move forward with its efforts to digitize historical records that are at present only available in hard copy, and to require that all newly created information, as well as certain information received by the Bank, be made available in electronic format. REC has continued to support EXR in providing responses to requests for historical information, and has recently begun digitizing the PIC’s collection of EIAs that are presently available in hard copy only. SEC/ATI, working with ACP/REC, will continue to monitor progress as additional resources may be needed to complete this process.
- B. **Records Retention Schedule:** SEC and ACP/REC will work to bring the Access to Information Policy in-line with the Bank’s records retention schedule.

- C. **Archives:** SEC will work with ACP/REC to ensure that the new e-Archives initiative will be able to handle electronic searches for information requests.

VII. SUMMARY OF PEER INSTITUTION ADVANCES IN ACCESS TO INFORMATION

7.1 As provided in section 11.1 of the Policy, EXR offers the following summary of developments in the area of Access to Information for each of our peer institutions (World Bank, European Bank of Reconstruction and Development, International Finance Corporation, Asian Development Bank, and African Development Bank). Over the past two years each of these institutions has been engaged in a process to approve and implement new Access to Information policies that incorporate best practices from national governments, civil society and the private sector. In general, these practices include among others, moving away from a positive list toward a presumption in favor of disclosure, subject to a narrow list of exceptions, and providing for a review process. Each of the five peer institutions sought out the IDB and consulted closely with the Office of External Relations and other Bank units during the drafting of their new policies and for those that have entered into effect, during implementation. The World Bank, the first to approve and implement a new policy, is the only institution to have issued a report on its implementation efforts. The activities of each of the peer institutions are summarized below (listed in order of the effective date of their new Access to Information or equivalent policies).

- A. **World Bank (WB):** The World Bank Board of Directors approved a new Access to Information Policy in November 2009, which went into on effect on July 1, 2010. According to its December 2010 Implementation Report, in the seven months preceding the effective date, the WB undertook extensive work to put into place the infrastructure, procedures and information systems necessary to implement the new Policy. In preparation for the Access to Information Policy, the WB also proactively declassified and released more than 17,000 documents and an additional 5,000 legal agreements, which were either restricted under the previous disclosure policy or not readily accessible. WB Management also prepared for the digitization and release of more than 7,000 loan and credit agreements that were previously available on microfiche. The WB also created an external Access to Information website, which enables the public to submit on-line requests for information as well as to search and browse the Bank's Documents and Reports Database, publications, newly released and/or declassified documents, simultaneously disclosed documents, and the Bank's statistics and indicators through its Open Data Initiative.

In the first quarter of implementation (July 1 through October 1, 2010), the WB received 156 public requests for information of which 107 were completed (70%

answered; 8% denied) and 49 were under consideration. During the same period, 12 public access requests for overrides of the Policy were referred to the World Bank's Access to Information Committee (WBAIC). By quarter's end, the WBAIC had decided on seven, exercising the prerogative to disclose for three requests. The WBAIC also received four first-level appeals for review of Bank decisions to deny requests for information in the first quarter, upholding two decisions to deny access and continuing to consider the remaining two requests at the end of the quarter.

The Access to Information Appeals Board, which conducts second-level appeals related to allegations of a violation of the Policy, did not receive any requests for reviews in the first quarter. In its first implementation report, the WB recognized that one of the main challenges to implementation and compliance is ensuring that documents are properly filed and accessible in the Bank's records management system.

In a Fall 2010 meeting held between the IDB staff members and the WB staff members engaged in Access to Information implementation, WB staff members reported that the WB had expended millions of dollars on implementation over the course of the first year, and that approximately 50 staff members were heavily engaged in the implementation process.

- B. European Bank of Reconstruction and Development (EBRD):** As part of its consultative and preparatory process, in January 2011, the EBRD convened a meeting of eight multilateral development banks to compare the effectiveness of their current and/or proposed future policies and to share concerns on implementation issues. In July 2011, it approved a new Public Information Policy (PIP) with an effective date of November 1, 2011. Underlying the PIP is a presumption that whenever possible, information concerning the Bank's operational and institutional activities will be made available to the public in the absence of a compelling reason for confidentiality. The PIP lists specific types of information that will be made available, and, where appropriate, disclosure time frames in advance of Board discussion (e.g., environmental and social information, draft Sector and Country Strategies), to ensure that the public can review and comment on the content. The PIP also provides for translation of Country Strategies into the relevant national language. The EBRD Secretary General is responsible for overseeing and verifying compliance with the PIP, and considering appeals of decisions to deny access to information. The Secretary General's decisions are final. Although no independent appeals board was established, the PIP points out that in certain cases where an appellant believes that the EBRD has failed to disclose project specific information in accordance with the PIP and that the project

has caused or is likely to cause harm, the appellant may consider filing a complaint with the Bank's Project Complaint Mechanism (similar to IDB's MICI).

- C. **International Finance Corporation (IFC):** The IFC approved a new Access to Information Policy with an effective date of January 1, 2012, which supersedes its Disclosure of Information Policy of April 2006. The new policy replaces a definitive positive list of documents that are routinely made available with a presumption in favor of disclosure of institutional information about the IFC and project-level information regarding investments and advisory services, absent a compelling reason not to disclose such information. In determining whether any particular information is to be made available by IFC as a routine matter or upon request, the IFC first considers whether such information falls within the scope of the IFC's responsibilities, and if so, IFC then determines whether there is any compelling reason not to disclose all or any part of such information. In making this determination, IFC considers whether the harm that might affect specific parties or interests by virtue of the disclosure of information is likely to outweigh the benefit of disclosure--or whether the information contains or makes reference to information described in a list of exceptions nearly identical to those contained in the IDB's Policy. The IFC Policy does list the types of information that is routinely disclosed.

The review process includes first-stage reviews by an Access to Information Policy Advisor, and second-stage reviews by an Access to Information Appeals Panel. There is no mechanism for a public override request to be made.

- D. **Asian Development Bank (ADB):** On October 25, 2011, the Asian Development Bank (ADB) approved a new Access to Information Policy with an effective date of April 2, 2012. The ADB's new Access to Information Policy moves away from a positive list of information that is made available to a presumption that all information in the Bank's possession should be made available, unless it falls on a list of exceptions. The guiding principles to be incorporated in the new Policy are: maximum disclosure; enhanced access; limited list of exceptions; a consultative approach; pro-active disclosure; the right to appeal decisions to deny requests for information; safeguards for the deliberative process; and provisions for review of decisions to deny. The list of exceptions is identical to those included in the IDB's Policy. The principle advances cited by the ADB in describing the new Policy include: (a) the simultaneous disclosure of country partnership strategies and sovereign project loans, subject to country consent, as well as policies and strategies that have been drafted after public consultation; (b) translation into the national language of the country concerned of project summaries for loans, grants and project preparatory technical assistance; and (c) disclosure of the audited project

accounts of borrowers involved in ADB –financed sovereign projects, the equivalent of IDB’s Audited Financial Statements.

- E. **African Development Bank (AfDB):** The African Development Bank voted to approve a new Access to Information Policy on May 2, 2012, to become effective nine months following approval. The AfDB’s new Access to Information Policy moves away from a positive list of information that is made publicly available to a presumption that all information in the Bank’s possession should be made available, unless it falls under a list of exceptions. The guiding principles to be incorporated in the new Policy are: maximum disclosure; enhanced access; limited list of exceptions; a consultative approach; pro-active disclosure; the right to appeal decisions to deny requests for information; safeguards for the deliberative process; and provisions for review of decisions to deny access to information. The list of exceptions is identical to those included in the IDB’s Policy. The AfDB’s press release on the Board vote touts that the new Policy will provide for disclosure of the audited project accounts of borrowers involved in AfDB –financed sovereign projects, the equivalent of IDB’s Audited Financial Statements.