



**DISCLOSURE  
AND ACCESS  
TO INFORMATION**

*Developing Africa openly and transparently*

# The Policy



African Development Bank  
General Secretariat

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## List of Acronyms

<b>AfDB</b>	African Development Bank
<b>ADF</b>	African Development Fund
<b>Bank Group</b>	African Development Bank, African Development Fund, and the Nigeria Trust Fund
<b>DFIs</b>	Development Finance Institutions
<b>IADB</b>	Inter-American Development Bank
<b>IRM</b>	Independent Review Mechanism
<b>MDBs</b>	Multilateral Development Banks
<b>PIC</b>	Public Information Centre
<b>RECs</b>	Regional Economic Communities
<b>RMCs</b>	Regional Member Countries
<b>RRCs</b>	Regional Resource Centers
<b>ESW</b>	Economic and Sector Work
<b>CSO</b>	Civil Society Organizations
<b>GCI</b>	General Capital Increase
<b>MTS</b>	Medium Term Strategy
<b>MDGs</b>	Millennium Development Goals

## Executive Summary

1. The African Development Bank Group decided as a matter of priority to revise its 2005 Policy on disclosure of information to further re-affirm its commitment to the principles of good governance, particularly transparency, accountability and sharing of information in its operations. The revision of this policy is also part of the institutional reform commitments made to shareholders during negotiations of the Sixth General Capital Increase (GCI) of the African Development Bank and the Twelfth Replenishment of the African Development Fund in 2010.

2. The revised Policy, approved by the Board of directors on 2 May 2012, constitutes a major shift in the information that the Bank Group may disclose - from a policy that listed which information would be made available, to one that allows disclosure of any information in the Bank Group's possession as long as it is not on a list of exceptions. This revised policy aims to (i) Maximise disclosure of information within the Bank Group's possession and limit the list of exceptions; (ii) Facilitate access to and share information on the Bank Group's operations with a broad range of stakeholders; (iii) Promote good governance, transparency, and accountability; (iv) Improve on implementation effectiveness and better co-ordinate the information disclosure processes; (v) Give more visibility to the Bank Group's mission, strategies and its overall activities; (vi) Support the consultative process; and (vii) Strengthen harmonization with other Development Finance Institutions (DFIs) on information disclosure.

3. Under the revised Policy, information will be made accessible to the widest external audiences possible and provide opportunity to increase public exposure to and understanding of the Bank Group's activities. The revised Policy is therefore expected to generate maximum disclosure, increased access to information and an open and much strengthened engagement between the Bank Group and its stakeholders. With this in mind, it is proposed that the policy be re-named "The Bank Group's Policy on Disclosure and Access to Information".

4. The revised policy is anchored on the following eight major guiding principles: (i) Maximum disclosure; (ii) Enhanced Access; (iii) Limited list of exceptions; (iv) A Consultative Approach; (v) Pro-active disclosure; (vi) Right to appeal; (vii) Safeguarding the deliberative process; and (viii) Provision for review.

5. In providing for transparency and maximized disclosure, the policy seeks to balance between the benefit of openness with the need to safeguard the follo-

wing; deliberative processes; communications involving Executive Directors; legal, disciplinary or investigative matters; information provided in confidence; selected corporate administrative and financial information; security and personal information. The policy also provides stakeholders with an appeals mechanism for any legitimate concerns about the Bank's level of disclosure. In this regard, the policy provides for the creation of an Information Disclosure Committee and further recourse through an Appeals Panel.

6. To effectively deliver on the policy, a clear implementation framework will be developed in the form of an Information Disclosure Handbook. This Handbook will outline the workflow arrangements for making operational information available to the public in accordance with the revised policy. It will ensure the mainstreaming of disclosure of information in all Bank Group activities and entail among others, procedures for disclosure, classification and declassification of documents and archives, for responding to requests for information.

7. The revised policy is expected to have resource and cost implications as the Bank Group increases its volume of communication activities, invests in technologies to enable seamless information disclosure in the context of a decentralized structure, and provides comprehensive training for staff at Head-Quarters, the Temporary Relocation Agency and in the Field Offices. Management will in this regard strive to undertake the most cost-effective and efficient way in implementing this policy.

## I. Introduction

### 1.1 Background and Rationale

1.1.1 The African Development Bank Group (hereinafter referred to as the Bank Group) believes that the sharing of information on its operations nurtures openness and transparency that are crucial to its mandate which, as set out in the Agreement establishing the African Development Bank, is contributing to the sustainable economic development and social progress of its regional members individually and jointly.

1.1.2 The Bank Group has long recognized that transparency is fundamental for development effectiveness and partnership goals. There is a direct relationship between the implementation of the Information Disclosure Policy and the ability and willingness of the public to be engaged in Bank Group activities. Furthermore, through greater transparency, stakeholders are able to monitor the outcomes of Bank Group operations and therefore help assure that benefits reach the intended beneficiaries.

1.1.3 The formulation of a revised Information Disclosure Policy has been given high priority, with the goal of meeting transparency requirements, the needs of the Bank Group's shareholders and other stakeholders, and the standards set by partner institutions in developing similar policies of their own. The development of the revised Information Disclosure Policy demonstrates that transparency, accountability and sharing of information are critical to the Bank Group's response to clients, development effectiveness and, more broadly, poverty reduction.

1.1.4 This revised policy supersedes the The African Development Bank Group Policy on Disclosure of Information dated October 2005. The Boards of Directors of the Bank and the African Development Fund (the Fund) approved the first policy for public disclosure of information in 1997, which was subsequently revised in 2004. The main lesson from the implementation of the 1997 policy was that many institutions, civil society groups and individuals have come to understand, appreciate and get involved in the work of the Bank Group. This has meant increased demand for the Bank's documents and information on its activities. The 2004 policy revision therefore, aimed to expand the scope and the type of information for public disclosure to meet this new demand, as well as, incorporate changes in the disclosure of the Bank Group's lending activities

<sup>1</sup> 6th Edition July 2002, Article 1

<sup>2</sup> ADB/BD/WP/2003/101/Rev.2 - ADF/BD/WP/2003/117/Rev.2

and new documents that were not explicitly covered by the 1997 policy. It attempted to cover in a more comprehensive way the documents that would be made available to the public in relation to the Bank Group's overall activities, including its financial operations.

1.1.5 In 2005, pursuant to consultative meetings of the Ninth Replenishment of the Fund, Management responded to Deputies' request to further revise the Policy on Disclosure of Information and enhance broader stakeholder participation to align with the best practices of other Multilateral Development Banks (MDBs). The main underlying principle of the 2005 policy was to disclose all information on the Bank's operations and activities unless there were compelling reasons not to do so.

1.1.6 While previous Bank Group policies on disclosure by and large matched the standards of other MDBs in the nature and scope of documents made available, they had three main inherent shortcomings, which constrained comprehensive disclosure: (i) focus on the positive list, (a conclusive list of documents to be disclosed) resulting in constant revision of the policies simply to capture newly generated operational documents; (ii) insufficient follow-up on implementation; and (iii) inadequate supporting infrastructure, particularly IT systems and implementation guidelines to effectively implement the policy. In this connection, in 2010, Management of the Bank Group committed to a further revision of the information disclosure policy as part of the institutional reform measures agreed with shareholders during negotiations of the Bank's Sixth General Capital Increase, and the Twelfth Replenishment of the Fund.

1.1.7 In line with current international best practices on information disclosure, the revised policy constitutes a major change from an approach that spells out what information should be disclosed, to one under which the presumption of disclosure applies to any information in the Bank Group's possession that is not on a list of exceptions. Under this policy, information will be made accessible to the widest external audiences possible to provide opportunity to increase public exposure and broaden stakeholder understanding of the Bank Group's activities. This policy is therefore expected to generate an open and much strengthened engagement between the Bank Group and its stakeholders, including shareholders, the regional economic communities (RECs), the private sector, development partners and the civil society.

1.1.8 The revised policy provides the Bank Group with an improved framework within which to disclose information on policies and strategies and key decisions made during project development and implementation. The Bank recognizes that as a beneficiary of public funds and trust, transparency of operations is a

crucial element in ensuring accountability. Maximum disclosure and access to information will increase public support for the Bank Group's mission and enhance the development effectiveness of its operations. The policy allows for better monitoring of the use of public funds, and of Bank Group-supported projects by external agencies, leading to better outcomes.

1.1.9 The Policy will contain the following new elements: (i) a strengthened presumption of disclosure, eliminating the positive list and emphasizing a limited negative list; (ii) introduction of an appeals mechanism; (iii) provision for simultaneous disclosure; and (iv) increased access to the broad range of stakeholders.

## **1.2 Objectives of the Policy**

1.2.1 The revised policy aims to:

- Maximise disclosure of information within the Bank Group's possession and limit the list of exceptions to reflect the Bank Group's willingness to disclose information;
- Facilitate access to and share information on the Bank Group's operations with a broad range of stakeholders;
- Promote good governance, transparency, and accountability to provide leadership in these areas to RMCs;
- Improve on implementation effectiveness and better co-ordinate the information disclosure processes;
- Give more visibility to the Bank Group's mission, strategies and activities to its stakeholders;
- Support the Bank Group's consultative process in its activities and stakeholder participation in the implementation of the Bank Group's financed projects; and
- Ensure harmonization with other Development Finance Institutions (DFIs) on disclosure of information.

## **1.3 Consultation Process**

1.3.1 The development of the revised Bank Group's Policy on Disclosure and Access to Information was anchored on broad based consultations internally within the Bank Group and externally with key stakeholders, including the RMCs, the RECs, the private sector, development partners and the civil society.

1.3.2 The consultation process was conducted in five ways: (i) internal consultations within the Bank Group through a Cross-Complex Technical Working Group under the guidance of Senior Management; (ii) workshops with civil society groups in Lisbon and Tunis in June and October 2011, respectively; (iii) regional workshops with the stakeholders including the civil society in Khartoum in July 2011 and Dakar in August 2011; (iv) seminar in the context of the Pan African Conference on Access to Information (PACAI)<sup>3</sup> in Cape-town in September 2011; and (v) the 60-day online comment period during which the draft policy was posted on the Bank Group's website to obtain feedback from stakeholders.

## **1.4 Outline of the Report**

1.4.1 The rest of the document proceeds as follows: Section II discusses the Bank Group's experience as well as that of other development partners and the lessons learnt; Section III presents the revised Policy for the Bank Group on disclosure of information; and Section IV discusses implementation modalities.

<sup>3</sup> PACAI was a continent-wide campaign to develop greater access to information. It enjoyed the support of the African Union Commission, UNESCO, the UN Special Rapporteur on Freedom of Expression, the African Special Rapporteur on Freedom of Expression and a number of African Information Ministers.

## II. Experiences in Information Disclosure

### 2.1 Bank Group Experience and Lessons Learnt

2.1.1 The Boards of Directors of the African Development Bank Group approved the first policy for public disclosure of information in 1997. This policy established the procedures and the types of information for disclosure in the absence of compelling reasons for confidentiality and was based on the principle that the Bank Group should be open and transparent in its operations. After operating this policy for a period of seven years, the Board approved a revised version of the policy in February 2004. The revision of the policy was influenced by (i) the Bank Group's desire to expand the scope and broaden the type of information for public disclosure to incorporate changes in the Bank Group's lending activities and new documents that were not explicitly covered by the 1997 policy; (ii) the need to further deepen and improve the disclosure of information to increase transparency; and, (iii) the need to harmonize the Bank Group's Policy on Disclosure of Information with the policies of development financing partner institutions. The 2004 policy covered in a more comprehensive way the documents that were available to the public in relation to the Bank Group's activities, financial operations, and institutional information.

2.1.2 During the consultative meetings of the Ninth Replenishment of the African Development Fund, the Deputies requested Management to review and update the Fund's Information Disclosure Policy to ensure that the Fund continued to be at the forefront of international best practices. In October 2005, the policy was thus further revised for the second time in just over one year, mainly to update the list of documents eligible for disclosure.

2.1.3 All three previous policies on Disclosure of Information have had one recurrent shortcoming – the focus on a positive list, that is, a description of the documents the Bank Group was willing to disclose. The use of a positive list was prevalent in development partner institutions before 2010. Though the Bank Group in adopting this practice was increasing transparency, the attempt to explicitly list all the documents that the Bank Group was willing to disclose inherently required the policy to be updated regularly simply to capture new operational documents or reports that the Bank Group was genera-

<sup>4</sup> The African Development Bank Group Policy on Disclosure of Information (ADB/BD/WP/97/13/Rev.3 - ADF/BD/WP/97/11/Rev.3)

<sup>5</sup> The African Development Bank Group Policy on Disclosure of Information (ADB/BD/WP/2003/101/Rev.1/Approval - ADF/BD/WP/2003/117/Rev.1/Approval)

ting. As a result, the proposed revised policy will present a clearer presumption of disclosure by outlining the limited list of documents the Bank Group will not disclose (i.e. negative list) so that beyond this list, the general assumption is that all other documents will be disclosed.

2.1.4 The regular updating of the Bank Group's Disclosure of Information Policy can however be described positively as an effort to keep pace with developments in disclosure of information. Regular review has been identified as a key lesson and is one of the guiding principles upon which the Disclosure Policy is being revised.

2.1.5 The Bank Group has made progress in making information publicly available particularly through the creation and development of the website and opening of the Regional Resource Centres (RRCs) and Field Offices. The Bank's website continues to experience increased traffic and is stimulating greater awareness and demand for Bank products. However, adoption of previous policies was not accompanied by a commensurate level of both human and financial resources for effective implementation. As a result, the Bank Group's performance in disclosure of information has been limited in terms of the scope and depth of the information made available. The Bank Group has yet to further tap into the full benefits of disclosing information through the website, Regional Resource Centres and Field Offices. Therefore, knowledge about the Bank Group's development role on the continent has been limited by a gap in information.

2.1.6 Generally, the Bank Group has demonstrated willingness to disclose information but the challenge lies in ensuring adequate systems and capacity to translate the Bank Group's intentions into action by implementing systematic and timely disclosure of information. The Bank Group's Medium Term Strategy 2008-2012 (MTS) identifies communication as a fundamental corporate channel for making the Bank Group's operations more visible, intelligible and understood by all its stakeholders.

2.1.7 As a complement to the MTS, the Bank Group adopted a Communication and External Relations Medium Term Strategy (the Communication Strategy). The overarching objective of the Communication Strategy is to establish, to key stakeholders and the general public that the Bank Group is the premier development finance institution in Africa. The revision of the Disclosure of Information Policy facilitates the realization of this goal.

## **2.2 Experiences of Development Partners**

2.2.1 In recent years, a number of Multilateral Development Banks (MDBs) have embarked on the revision of their information disclosure policies and their overall approach to making information on their operations accessible to the stakeholders. The World Bank and the Inter-American Development Bank in particular, unveiled their revised policies in 2010. Annex III provides a comparative analysis of the key features of the proposed Bank Group's policy against those of selected MDBs.

2.2.2 There has been a shift across the institutions towards the use of a negative list rather than a positive list. By establishing a limited list of the documents that will not be disclosed, the general presumption is that the unlisted documents will be disclosed in the absence of a compelling reason for confidentiality.

2.2.3 In addition, due to enhanced engagement of MDBs with stakeholders, there is increased opportunity for timely access to information and for stakeholders to respond to disclosed information.

## **2.3 Key Emerging Issues**

2.3.1 An analysis of the experiences of MDBs (including the Bank Group) in information disclosure reveals the following issues, which have further informed the need for revision of the Bank Group's policy on disclosure of information:

- (i) MDBs are expected to operate under the presumption of disclosure but in practice they largely disclose documents which their internal policies explicitly require to be disclosed.
- (ii) Rather than improving access to information more generally, previous revisions of information disclosure policies have only led to incremental reform because of their emphasis on the positive list.
- (iii) Insufficient time and resources have been invested in technologies to enable adequate disclosure capacity. Serious effort and planning are required to effectively implement even the very best information disclosure policies.
- (iv) Partly due to the lack of an appeals mechanism to ensure proper recourse for dissatisfied stakeholders, grounds for refusal to access information are XXX arbitrary and inconsistent.
- (v) Country offices and local country communication networks should increasingly be used as means for disseminating information as widely as possible to complement websites which have been the preferred mode of dissemination of information by MDBs.

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- (vi) Partly due to the lack of an appeals mechanism to ensure proper recourse for dissatisfied stakeholders, grounds for refusal to access information are often arbitrary and inconsistent.
  - (vii) Information disclosure policies should constantly be aligned with best practices in approaches to disclosure of information and therefore require constant review accompanied by adequate resources for implementation.

### **III. The Bank Group's Policy on Disclosure and Access to Information**

#### **3.1 Presumption of Disclosure**

3.1.1 As a development finance institution established by sovereign states and entrusted with financial resources to achieve its mandate to reduce poverty and advance socio-economic development in its RMCs, the Bank Group is accountable to its stakeholders for the proper management of the resources its disposal. The Bank Group must therefore be ready to provide access to information. With this in mind, the Policy is re-named: The Bank Group's Policy on Disclosure and Access to Information.

3.1.2 To eliminate ambiguity on what information the Bank Group can disclose, the Bank Group will aim to maximize access to information that it produces by disclosing any information not contained on the list of exceptions (negative list). In effect, over a sufficient time horizon, most information will systematically be made public.

#### **3.2 Guiding Principles**

3.2.1 **Maximum Disclosure** - The policy is premised on the principle of maximum disclosure. The Bank Group recognizes that its effectiveness in engaging with key stakeholders is crucial to the attainment of its development mandate. Higher accountability based on information sharing will raise the Bank Group's credibility, development effectiveness and its attractiveness as a partner.

3.2.2 **Enhanced Access** - The Bank Group will, in implementing this Policy, ensure more outreach to countries; capitalizing on its African character and presence; and maximizing on existing communication channels in RMCs.

3.2.3 **Limited List of Exceptions** - As a general rule, restrictions on disclosure to the public of categories of Bank Group information will be limited. These restrictions are stipulated in the list of exceptions.

3.2.4 **A Consultative Approach** - The Bank Group will engage actively with its stakeholders and make information disclosure to stakeholders an obligation. Information disclosure will as a principle be mainstreamed into all Bank Group operations.

3.2.5 **Proactive Disclosure** - The Bank Group will proactively disclose documents eligible for disclosure, through various communication channels. The

Bank Group acknowledges that the effectiveness and sustainability of its projects and programs in member countries will be strengthened to the extent that it proactively discloses information to the populations affected by its operations. Under this Policy the amount of information the Bank Group makes available to the public will be significantly increased, particularly information related to projects under implementation and decisions of the Board of Executive Directors (see sample information to be proactively disclosed in Annex I).

**3.2.6 Right to Appeal** - The policy will provide persons with legitimate concerns about the Bank Group's level of disclosure the means to appeal decisions denying access to information and with timebound responses through an appeals mechanism.

**3.2.7 Safe-Guarding Deliberative Processes** - The policy will strike an appropriate balance between the need to grant the public maximum access to information in the Bank's possession, and the Bank's obligation to respect confidentiality, particularly during deliberative processes.

**3.2.8 Provision for Review** - The policy will be subject to follow-up and revision to ensure that best practices are followed and that the policy remains relevant to stakeholders and is comparable to similar policies of partner development institutions.

### **3.3 List of Exceptions**

**3.3.1** While this Policy makes every effort to maximize disclosure of information, the effective functioning of the Bank Group necessarily requires some derogation from complete openness to protect the relationship between the Bank Group and its shareholders and partners. Categories of information on which there will be restrictions on public disclosure are outlined below. This list of exceptions is similar to that of other MDBs which revised their policies in 2010.

#### **A. Deliberative Information and Incomplete Reports<sup>6</sup>**

The Bank Group operates by consensus and during the decision making process, it consults and takes into account the input of the stakeholders. In this context, documents exchanged with stakeholders and clients on matters of common interest which are related to the decision-making processes of the Bank Group and such entities; as well as information pertaining to the Bank's

<sup>6</sup> Deliberative information will include information classified as "Restricted": information communicated through the Bank e-mail system and filed in the Bank's documents management system; draft ESWs, notes or memoranda, and statistical analysis aimed to inform the Bank Group's decision making process; and Individual Internal Audit Reports.

own internal deliberative processes, will not be disclosed. While the Bank Group will disclose the decisions, results and agreements from its deliberative processes, like any other financial institution, the Bank Group needs to preserve the integrity of the deliberative process and facilitate and safeguard the free and candid exchange of ideas between the Bank Group and its members and partners<sup>7</sup>. For this reason, the following information will not be disclosed:

- (i) Correspondence, draft reports, or other documents prepared for, or exchanged during the course of the Bank Group's deliberations with member countries or other entities with which the Bank Group cooperates<sup>8</sup>;
- (ii) Correspondence, draft reports or other documents prepared for, or exchanged during the course of its own internal deliberations including documents pertaining to Board deliberations<sup>9</sup>;
- (iii) Statistics prepared or analyses carried out solely to inform the Bank Group's internal decision-making processes (such as analyses of country creditworthiness, credit ratings and risk, and aide memoires); and
- (iv) Audit reports prepared by the Office of the Auditor General.

## **B. Communications involving the Bank Group's President, Executive Directors and the Governors**

- (i) Communications between the Bank Group's President and RMCs or other entities except to the extent that the President, RMCs and other entities authorize their disclosure;
- (ii) Communications between the Executive Directors and the Governors or other entities except to the extent that the Executive Directors, the Governors and other entities authorize their disclosure;
- (iii) Communications to and from Executive Directors and the Bank Group's President, except to the extent that the Executive Directors or Boards of Directors (as appropriate) and the President authorize their disclosure;
- (iv) Communications within and between individual Executive Directors' offices except to the extent that the relevant Executive Directors authorize their disclosure;

<sup>7</sup> Certain deliberative information will overtime be eligible for declassification and therefore disclosure.

<sup>8</sup> The Bank Group will make publicly available some deliberative information at key milestones, before their finalization and approval by the Board, as part of the consultative process with the stakeholders. The Information Disclosure Handbook will provide details on time periods for posting of various documents, including policy and strategy documents, for purposes of consultation and comment by stakeholders. See also Section 4.11. In addition, non-deliberative portions of the Bank's supervision reports, Aide Memoires (when the Bank and the Borrower agree to such disclosure), and country portfolio improvement plans will be disclosed.

<sup>9</sup> The Board's Work Plan and Agenda of the Board Meetings are eligible for disclosure. In addition, the following information will be eligible for disclosure, but subject to the exclusion of records or portions thereof relating to confidential matters or documents or deliberative information: highlights of Board discussions/Minutes of the Board and Final Reports of the Board Committees in which subsequent Board discussion is not expected; reports to the Board from its Committees; summary proceedings of Annual Meetings of the Board of Governors; and Resolutions adopted by the Board of Governors.

- (v) Communications between individual Executive Directors' offices and their country or countries except to the extent that the relevant Executive Directors, member country or member countries authorize their disclosure;
- (vi) Communications between individual Executive Directors' offices and third parties; except to the extent that the relevant Executive Directors and third parties authorize their disclosure; and
- (vii) Records of Board deliberative processes including Board statements, documents and proceedings are protected by the Rules of Procedure of the Boards of Directors of the AfDB and the Fund, except to the extent that the Boards of Directors authorize their disclosure.

**C. Legal, disciplinary or investigative matters**

- (i) The Bank Group will not provide access to information subject to attorney-client privilege, including, among other things, communications provided and/or received by the General Counsel, the Bank Group's legal counsel, and other legal advisors.
- (ii) The Bank Group will not provide access to disciplinary and investigative information generated in or for the Bank Group, except redacted reports procured for concerned parties at the discretion of the Bank Group's Integrity and Anti-corruption Department.
- (iii) The Bank Group will not provide access to information subject to protection of its sources of information, or disclose the identity of a Whistle Blower or those cooperating with Bank Group's investigations of fraud, corruption or misconduct in its financed activities, including information subject to protection and remedies granted to Whistle Blowers facing retaliation. To encourage whistle blowing and to ensure the safety and security of the Whistle Blowers, the Bank will maintain as confidential this information unless as allowed for under the Revised Whistle Blowing and Complaints Handling Policy.<sup>10</sup>
- (iv) The Bank will not release information about any investigation conducted by the Independent Review Mechanism (IRM) and the Sanctions Bodies as such information shall be released or published in accordance with the IRM Operating Rules and Procedures<sup>11</sup> and Sanctions Procedures and Processes.

**D. Information provided in confidence by member countries, private-sector entities or third parties<sup>12</sup>**

<sup>10</sup> ADB/BD/WP/2006/49/Rev.2 - ADF/BD/WP/2006/43/Rev.2. Also see section 3.3 G (i) on safety and Security.

<sup>11</sup> The IRM provides people adversely affected by a project financed by the Bank Group with an independent mechanism through which they can request the Bank Group to comply with all its own policies and procedures. IRM Operating Rules and Procedures are available at: <[www.afdb.org/irm](http://www.afdb.org/irm)>

- (i) The Bank Group will not provide access to information provided to it by a member country or a third party that has indicated in writing that such information be kept confidential.
- (ii) The Bank Group will also not make publicly available documents that contain proprietary information, such as trade secrets or pricing information, without the express permission of the owner of such information. Materials held by the Bank Group in which other parties hold the copyright may be made available for review, but copying or distributing of such material may be limited to respect the rights of the copyright holder.
- (iii) Financial, business or proprietary information of private entities received by the Bank Group in the analysis or negotiation of loans will not be disclosed unless permission is given by those private entities to release such information.

#### **E. Administrative information**

- (i) The Bank Group will not provide access to information relating to the Bank Group's corporate administrative matters, including, but not limited to, corporate expenses and real estate, except as contained in the Bank Group's Program and Budget Document.<sup>13</sup>
- (ii) The process of bid evaluation shall be confidential until the publication of contract award, in accordance with the Bank Group's Rules and Procedures for the Procurement of Goods and Works, and the Bank Group's Rules and Procedures for the Use of Consultants<sup>14</sup> which require that:
  - a. After the public opening of bids, information relating to the examination, clarification, and evaluation of bids and recommendations concerning awards shall not be disclosed to bidders or other persons not officially concerned with this process until the publication of contract award.
  - b. Information relating to evaluation of proposals and recommendations concerning awards shall not be disclosed to the consultants who sub-

<sup>12</sup> While adhering to the terms of the Bank's Non-Disclosure Agreement Commitments to sponsors, in the case of private sector operations, the following disclosure requirements will apply at entry for investment projects: posting of project summary note with key and non-sensitive information, at the same time as distribution of the Project Appraisal Report (PAR) to the Board (PAR is however restricted and not eligible for disclosure); and posting of environmental and social impact for category 1 and 2 projects - which shall be in accordance with the Board approved Integrated Safeguards System. For private sector projects under implementation: the Bank will update certain fields under the summary note (e.g. signature date, investment date etc.) to reflect changes in the implementation status.

<sup>13</sup> The Bank proactively discloses all corporate procurement activities related to corporate expenses and real estate. It also discloses expenses on these items in the Budget Document. Further details could jeopardize the safety of Bank Group staff. Corporate administrative matters not eligible for disclosure include pension and other retirement benefit plans concerning staff.

<sup>14</sup> ADB/BD/WP/2006/49/Rev.2 - ADF/BD/WP/2006/43/Rev.2. Also see section 3.3 G (i) on safety and Security.

mitted the proposals or to other persons not officially concerned with the process, until the publication of the award of contract, except for the disclosure of the technical points assigned to each consultant and the disclosure to consultants of the reasons for termination of negotiations.

## **F. Financial information**

The Bank Group will not provide access to the following financial information:

- (i) AfDB's estimates of future borrowings, details in terms of tranches of payments, encashment profiles and timing of payments by ADF contributors, financial forecasts and credit assessments, and data on investment, hedging, borrowing, and cash management transactions generated by or for the Bank Group's treasury operations for the Bank Group entities and other parties;
- (ii) Documents, analyses, correspondences, or other information used or produced to execute financial and budgetary transactions, or to support the preparation of internal and external financial reports;
- (iii) Details of individual transactions under loans and trust funds, information regarding amounts overdue from borrowers of a short-term nature, or actions taken before any loans are declared impaired; and
- (iv) Banking or billing information of Bank Group entities, member countries, clients, donors, recipients, or vendors, including consultants.

## **G. Safety and security**

The Bank Group will not provide access to:

- (i) Information whose disclosure would compromise the safety or security of staff and their families, consultants, other individuals, and Bank Group's assets.
- (ii) Information on the Bank's transportation arrangements related to the Bank's assets and documents; and transportation of personal effects of staff, the Bank Group President, Board Members and/or their Advisors.
- (iii) Information whose disclosure is likely to endanger the life, health, or safety of staff, the Bank Group President, Board Members and/or their Advisors, or the environment.

## **H. Personal information**

The Bank Group's Principles of Staff Employment require the Bank to establish and maintain appropriate safeguards to respect the personal privacy of staff members and protect the confidentiality of personal information about them. The Bank Group will therefore not provide access to the following information, except to the extent expressly permitted by the Staff Rules:

- (i) Personal information, including personal staff records, medical information, and personal communications (including through e-mails that are not classified as “public” according to the Bank Group’s classification system) of the following individuals and their families: Executive Directors, their Alternates, and their Advisers; the President of the Bank Group; other Bank Group officials; staff; consultants and business partners;
- (ii) Information relating to processes of staff appointment and selection;
- (iii) Information relating to proceedings of the Bank Group’s internal conflict resolution mechanisms; and
- (iv) Information relating to investigations of allegations of staff misconduct and personal conflicts of interest.

### **3.4 Bank Group’s Prerogative to Disclose or Withhold Information**

3.4.1 The Bank Group maintains the right to disclose information on the list of exceptions earlier than as required under this Policy. As a general rule, the Bank Group presumes that disclosure and maximum access to information is inherently beneficial, so restrictions on disclosure to the public of categories of information will be limited. The Bank Group will refrain from disclosing information only when it determines that doing so would result in significant material, financial, or reputational harm to the Bank Group, Bank Management, or Bank Staff; and would compromise the interest(s) protected by the exceptions in this Policy or the Bank Group’s ability to achieve its development mandate.

3.4.2 Disclosure of information earlier than as required by the type of classification of such document will require various levels of approval as follows:

- (i) Board approval, for early disclosure of Board papers or Board records;
- (ii) The written consent of the party concerned for early disclosure of information provided to the Bank Group in confidence; and
- (iii) The approval of the Bank Group’s proposed Information Disclosure Committee for early disclosure of any other documents on the negative list.

3.4.3 The Bank Group further has the right to disclose certain corporate administrative information, deliberative information, and financial information that is on the negative list, if the Bank determines that the overall benefits of such disclosure outweigh the potential harm. This prerogative will be exercised by: the Board, with respect to Board papers or records; the written consent of the member country or the third party for information provided by a member country or a third party in confidence; and the Information Disclosure Committee with

regard to other restricted information.

3.4.4 The Bank Group also reserves the right not to disclose, under exceptional circumstances, information which it would otherwise make public. This prerogative will be exercised by: the Board, with respect to Board papers or records; the written consent of the member country or the third party for information provided by a member country or a third party; and the Information Disclosure Committee with regard to other information.

### **3.5 Policy Effectiveness and Review**

3.5.1 Following approval and before the coming into effect of the Policy, Management will adopt an Implementation Plan, to immediately start putting in place administrative and operational measures necessary for the successful implementation of the revised policy.<sup>15</sup> This Policy will therefore come into effect, nine (9) months after approval by the Board of Directors.

3.5.2 Documents which were not eligible for disclosure under the 2005 Bank Group Disclosure Policy, but are subject to disclosure under this Policy, will be made available on request. Specific permission of member governments or any third party directly affected will be required before the release of documents which were obtained under promise of confidentiality.

3.5.3 Three years following the coming into effect of this Policy, Management will carry out a review on its implementation. In addition, Management will, on an annual basis, submit a report to the Boards of Directors of its observations on the implementation of the Policy, including the activities of the IDC and the Appeals Panel.

### **4.1 Critical Success Factors**

<sup>15</sup> The Bank, through this Policy is moving to a more aggressive disclosure of information, which will involve every staff member of the Institution. To get every Staff member both at the Head Quarters, the Regional Resource Centers and Field Offices understand their disclosure obligations, to get the IT systems ready, to undertake staff training, sensitization of the stakeholders etc. will take time. Nine (9) months is considered reasonable period to undertake the critical pre-requisites for the Policy to succeed at implementation stage. The World Bank's new policy was approved by the Board of Directors in November 2009 and the policy's effective date was 1st July 2010. Similarly, the IADB allowed a 9-month period between approval of its new policy in May 2010 and effectiveness of the policy in January 2011.

## **IV. Implementation of the Policy**

4.1.1 For the Policy to be successful, disclosure of information must be every staff member's responsibility. Information disclosure must be mainstreamed into all Bank Group operations; that is, it should be a mandatory obligation on all staff in their daily operations. The development of an Information Disclosure Handbook is pertinent for the implementation of this Policy. Inter-departmental collaboration, greater use of partnerships, capacity building, effective IT systems and commensurate resource allocations will also be critical for successful implementation of this policy. In addition, there will be need for alignment of the Policy with the Bank Group's existing policies, strategies, related administrative rules, procedures and guidelines.

4.2.2 The Secretary General's Office will take the lead role in the implementation of the Disclosure and Access to Information Policy. The current functions of the Office of the Secretary General, which include amongst others, being interface between Management and the Board; processing of Board documents until they are their final approved versions; dissemination and disclosure of Board documents, minutes and summaries of decisions relating to their implementation; and overall implementation of documents management policies etc. position it well for this leadership role in Policy implementation. In addition, lessons learnt from the AfDB disclosure practices and those of development partners, which implemented their access to information policies before the AfDB reveal that, it is important for this office to take a leadership role in the implementation of this Policy because of its experience and capacity in the area of information disclosure and documents management.

4.1.3 The approved Decentralization Road Map mandates the RRCs to provide the Bank's branding to the continent and worldwide by providing an expanded program of communications that informs the media, business community and civil society of the activities of the Bank Group in each region, with a view to improving the Bank Group's visibility and image, as well as, keeping the stakeholders informed. RRCs will therefore retain a critical mass of communications and IT staff. Field Offices will also have Communication staff who will serve as relay for sharing information about the Bank Group's operations as well as providing country-specific updates and analysis.

### **4.2 Institutional Arrangements**

4.2.1 Increased access to information will effectively require an institutional arrangement that allows for all Departments and Units to take responsibility and be accountable for implementing the policy.

4.2.2 The Secretary General's Office will take the lead role in the implementation of the Disclosure and Access to Information Policy. The current functions of the Office of the Secretary General, which include amongst others, being interface between Management and the Board; processing of Board documents until they are put in their final approved versions; dissemination and disclosure of Board documents, minutes and summaries of decisions relating to their implementation; and overall implementation of documents management policies etc. position it well for this leadership role in Policy implementation. In addition, lessons learnt from the AfDB disclosure practices and those of development partners, which implemented their access to information policies before the AfDB reveal that, it is important for this office to take a leadership role in the implementation of this Policy because of its experience and capacity in the area of information disclosure and documents management.

4.2.3 Responsibilities of the Secretary General's Office in implementing this Policy, will include amongst others, the following:

- Monitoring the disclosure of documents as per the Policy;
- Mainstreaming and raising awareness on the obligation to disclose information;
- Ensuring compliance with the Policy;
- Reporting on the implementation of the Policy;
- Receiving and dealing with requests for disclosure of information;
- Designating a special desk to be the public face of the Bank Group's work on information openness.
- Liaising with the Board Members on issues concerning the disclosure of Board documents; and
- Serving as the Secretariat for the Information Disclosure Committee.

4.2.4 In carrying out these responsibilities, the Secretary General's Office shall be supported by other departments of the Bank Group, particularly the following:

- External Relations and Communication Unit which shall be responsible for providing guidance and support for selection and best usage of appropriate communication tools to implement the Policy, in accordance with the Bank Group's communication strategy;
- The Security Unit shall provide guidance on information security issues;

- General Counsel and Legal Services Department, which shall provide legal advisory services and assist with policy interpretation relating to the application of this Policy;
- The Public Information Centre (PIC) shall receive documents eligible for disclosure from departments and provide such information to the RRCs and Field Offices for further dissemination. PIC shall also monitor the volume and nature of requests for information and periodically report to the Secretary General; and
- The RRCs and Field Offices will play a critical role in policy dialogue, knowledge management and dissemination of information and will serve as the first point of contact in the RMCs.

### **4.3 The Information Disclosure Committee**

4.3.1 This Policy provides for the establishment of an Information Disclosure Committee representing Management of the Bank Group. The Committee will be created before the Policy on Disclosure and Access to Information becomes effective. The Secretariat of the Committee will reside in the Office of the Secretary General.

4.3.2 The core members of the Information Disclosure Committee will be:

- The Secretary General who shall chair the Committee;
- The General Counsel;
- Representative of the Vice-President, Chief Operating Officer;
- Director, Research Department;
- The Head of the External Relations and Communication Unit;
- The Head of the Security Unit<sup>16</sup>; and
- The core members may consult with any Regional, Sector Director or any other Director, Head of Unit or Resident Representative as needed.

4.3.3 The Information Disclosure Committee will have the following main responsibilities:

- Dealing with legitimate appeals for access to information and determining the criteria for legitimate concerns;
- Issuing procedural provisions for implementing information requests and appeals;
- Advising Management and staff on the application of the policy including

<sup>16</sup> For issues related to information security, the Head of the Security Unit will be represented by the Security Staff directly in charge of information security.

providing guidance on classification, declassification and archiving of information;

- Determining the pricing modality for provision of hard copies of documentation in response to requests;
- Exercising the Bank's prerogative for early disclosure of some documents on the negative list (see section 3.4.2); and
- Deciding upon requests to override the provisions of the Policy.

4.3.4 The Information Disclosure Committee will also have the authority to reject unreasonable, multiple, blanket requests for information; and any request that would require the Bank Group to develop and compile information or data that does not already exist.

#### **4.4 Responding to Information Requests**

4.4.1 The Bank Group will make effort to ensure access to information eligible for disclosure through amongst others, the Bank Group's website, the PIC, RRCs and Field Offices and also make it available on demand. Requests may be submitted in writing by electronic means, mail, or fax and should describe the type of information requested including, if possible, the title and date it was produced. The Bank Group will make public, the channels for submitting information requests. The Bank Group will acknowledge receipt of written requests for information within 5 working days, and provide a more comprehensive response within 20 working days. However, more time may be needed in some special circumstances and in cases of complex requests, or requests requiring review by or consultations with internal Bank Group departments, units, stakeholders, the Information Disclosure Committee, or the Board.

4.4.2 Bank Group staff shall not inquire into the identity or intent of a person requesting access to a Bank Group document, unless such an inquiry is necessary to allow the Bank Group to judge whether there is any obstacle as per the list of exceptions to release of the document.

#### **4.5 Appeals Mechanism**

4.5.1 Persons with legitimate<sup>17</sup> concerns about the Bank Group's omission or refusal to disclose information in accordance with this Policy will have access to effective and responsive two-stage appeals mechanisms within the Bank Group. "Restricted" documents specified in section 3.3 above ("List of Exceptions") as

<sup>17</sup> The requester is able to make a case that the Bank has violated this Policy by improperly or unreasonably restricting access to information that it would normally disclose under the Policy; or to make a public interest case to override the Policy exceptions that restrict the information requested.

not eligible for disclosure will not be subject to the second stage of appeals<sup>18</sup>.

4.5.2 The Information Disclosure Committee will be the first stage of appeal. Its role will include considering and responding to legitimate appeals regarding failure or denial to provide information eligible for disclosure.

4.5.3 This Policy also provides for the establishment of an Appeals Panel<sup>19</sup>. The Appeals Panel will operate independently from the Information Disclosure Committee and will report directly to the President of the Bank Group.

4.5.4 In situations where a complainant is dissatisfied with the decision of the Information Disclosure Committee, the complainant may lodge a further appeal within a stipulated time frame to the Appeals Panel. This is the second and final stage of appeal. The decisions of the Appeals Panel will not be re-considered by any other Appeals Committee, authority or jurisdiction of the Bank Group.

4.5.5 All appeals must be submitted in writing to the Secretariat of the Information Disclosure Committee. Appeals must be submitted, in writing, within 50 days of the Bank Group's initial decision to deny access to the requested information. The decision on appeals will be provided within 40 working days of receiving an appeal unless delays and pertaining reasons are communicated in writing to the requester before the expiry of the 40 day period.

4.5.6 The remedy available to a complainant who prevails on appeal to either the Information Disclosure Committee or the Appeals Panel is limited to receiving the information requested.

## **4.6 Documents Management System**

4.6.1 To facilitate access, the Bank Group will ensure that its documents management system will provide mechanisms and procedures for filing, classification, declassification and archiving of documents. The modalities of these procedures will be elaborated in the Information Disclosure Handbook to support the implementation of this Policy.

## **4.7 Classification and Filing<sup>20</sup>**

<sup>18</sup> Appeal for disclosure of information on the negative list will be considered by the Information Disclosure Committee. In this case, the decision of the Information Disclosure Committee will be final.

<sup>19</sup> The Appeals Panel will comprise of three Members, with at least two being external from the Bank. Members of the Appeals Panel will be appointed by the President of the Bank Group, in consultation with the Board. The Panel will operate independently of the Information Disclosure Committee to guarantee its objectivity. The Appeals Panel will be a standing committee and the remuneration of external members of the Panel will be on the basis of the sitting of the Panel.

4.7.1 *Internally generated information* – In the spirit of disclosure, most of the information will be disclosed subject to the “List of Exceptions”. Information on this List may however, at some stage be subject to disclosure as its sensitivity diminishes. This approach will require the Bank Group to adopt a classification procedure for classifying information according to its accessibility over time. This would require designation and clear labelling of all information produced by the Bank Group at the time of its creation as either “Public” or “Restricted.” Restricted information may at a later stage be subject to declassification.

4.7.2 *Information the Bank Group receives* - Information received by the Bank Group from its clients and development partners will on receipt be classified according to the Bank Group’s classification procedure on the basis of the classification level (“Public” or “Restricted”) provided by the information provider. If the Bank Group receives information in confidence from a member country or a third party, the recipient department or unit ensures that such information is appropriately classified in accordance with the provider’s expectation, using the Bank Group’s information classification levels and the Bank Group will not make public such information without the written consent of the concerned party.

## **4.8 Declassification and Archiving**

4.8.1 In recognition of the fact that the sensitivity of information under the list of exceptions may change over time, Management of the Bank Group will also adopt a system for declassification to make most information that was once classified as Restricted available at a later date.

4.8.2 Under the declassification system, Restricted information may be made public after 5 years, 10 years, 20 years or more depending on its sensitivity and harmful effect. Information subject to declassification will be defined in the Information Disclosure Handbook. Some Restricted information will not be declassified.

4.8.3 The Information Disclosure Handbook will provide a list of the documents falling under each level of classification together with the timelines and procedures for classification and declassification.

4.8.4 A list of Restricted documents considered not eligible for declassification will also be provided and the Disclosure Committee will update this list as and when necessary.

4.8.5 In addition, the Office of the Secretary General will elaborate and publish

<sup>20</sup> The Disclosure Handbook will provide guidance on procedures for classification, filing, declassification and archiving of documents. Classification of documents will take place at Department/Unit where the document originates. The process of classifying documents will be supported by extensive training of staff.

a systematic way of archiving to facilitate smooth declassification, and to protect information that should not be disclosed. The archiving process will involve scanning documentation to ensure information is stored in both soft and hard copy. The Bank Group's Retention Policy will set out the type and age of documents whose hard copies can be destroyed after a certain period of time.

#### **4.9 Electronic Mail**

4.9.1 Noting that information exchanged through e-mail may contain information that is either "Public" or "Restricted", this Policy provides for the treatment of e-mails as follows:

- (i) E-mails that contain information on decisions or outcomes and that are filed in the Bank Group's documents management system and classified as "Public" will be eligible for disclosure (Also see paragraph 3.3.1 (H. (i)) of this Policy)..
- (ii) E-mails that are filed in the Bank's documents management system but classified as "Restricted" will not be eligible for disclosure unless the information content of the e-mail becomes eligible for declassification over time.
- (iii) Access will not be provided to e-mails that are not filed in the Bank Group's documents management system (including e-mails that do not relate to official matters and e-mails containing personal information or communications of Bank Group's staff and other officials (Also see paragraph 3.3.1 (H. (i)) of this Policy).

#### **4.10 Simultaneous Disclosure**

4.10.1 Simultaneous disclosure of information to the Public shall apply to the following:

- (i) Documents classified as "Public" under the Bank Group's documents management system and provided by Management to the Board of Directors for information would be simultaneously disclosed to the Public at the time of their distribution to the Board of Directors.
- (ii) Operational Policies and Sector Strategies provided to any committee of the Board of Directors would be simultaneously disclosed to the Public if some earlier version of the same document under consideration had been previously considered by the Board of Directors. This provision affords stakeholders the opportunity to review how comments provided during public consultations have been considered.
- (iii) Country and Regional Strategy Papers and Loan Proposals for sovereign-

guaranteed operations, would be disclosed simultaneously with their distribution to the Board of Directors, subject to the non-objection of the countries concerned.

#### **4.11 Disclosure of Information Relating to Clients and Development Partners<sup>21</sup>**

4.11.1 Documents Prepared Jointly with Member Countries<sup>22</sup> - Documents prepared by the Bank Group prepares in consultation with the governments concerned, stakeholders, as well as major development partners and others active in the member countries, which outline amongst others the country's policy objectives, challenges, development prospects and priority areas for the Bank Group's intervention, will be shared in draft form with in-country target audiences, as part of the consultation process. In addition, prior to submission of these operational documents to the Board of Directors for approval, staff may discuss such papers in draft form, with other relevant stakeholders, as appropriate. If under exceptional circumstances, the draft document is considered to have confidential, proprietary and/or commercially sensitive information by the concerned other entity and accepted by the Bank Group, the Draft will exclude such information. During the final review of such documents with the concerned, the Bank and the concerned country government or other entity will have to agree on the legitimate inclusion or redaction of information deemed confidential or sensitive before finalization of the document and its distribution to the Boards of Directors. The draft documents will simultaneously be released via the Bank Group website to the public prior to formal Board discussion. The non-deliberative portion of the aide-memoire of related operational missions may be disclosed if both the Bank Group and the concerned country authorise such disclosure.

4.11.2 Documents prepared or commissioned by Member Countries as condition for doing business with the Bank Group<sup>23</sup> - As part of doing business with the Bank Group, member countries will be expected to make available some documents that they prepare. Such documents will be provided to the

<sup>21</sup> RMCs and other Stakeholders.

<sup>22</sup> For example: (i) CSPs; and (ii) Country Governance Profile.

<sup>23</sup> For example: (i) Annual audited financial reports of Bank financed sovereign-guaranteed projects (under limited and exceptional circumstances, when the audit report is considered to have confidential, proprietary and/or commercially sensitive information by the Borrower or designated project entity - such information can be redacted and an abridged version of the report and in a form acceptable to the Bank Group, can be submitted to the Bank Group for disclosure. Abridged versions of audited financial reports will be approved by the Director responsible for Procurement and Fiduciary Services); (ii) Extractive Industry Transparency Initiative (EITI) Agreement Requirements - As a matter of principle, when the Bank Group invests in extractive industry (EI) business activities (oil, gas, and mining), the Bank Group will promote transparency in these operations and align with the disclosure requirements of the EITI Agreement, which the Bank Group has already endorsed; (iii) Poverty Reduction Strategy Papers (PRSPs); (iv) Safeguards assessments and action plans (such as environment/social assessments and action plans) - and in accordance with the Board approved Integrated Safeguards System; and (v) Procurement plans. Procedures for disclosure of abridged versions of the original documents will be entailed in the Information Disclosure Handbook.

Bank Group on the understanding that the Bank Group will disclose such documents.

#### **4.11.3 Special Documents not Regularly Produced<sup>24</sup> by the Bank Group –**

These documents will be made available to the public after distribution to the Board. The Regional Director concerned may consult the country if the Regional Director believes that the document contains confidential information not eligible for disclosure. The Bank Group, as it considers appropriate, will make adjustments to the document to address the matters of concern to the member Country.

**4.11.4 Documents prepared by Member Countries and provided to the Bank Group<sup>25</sup>** - This information will be disclosed according to the member country's disclosure requirements. If the country has not defined the specification for disclosure of the document, the Bank Group will seek the written consent of the member country before making the information publicly available.

### **4.12 Strengthening the Information Technology System**

4.12.1 The existing Information Technology (IT) system will need to be strengthened in two major ways: Internally, to accommodate the new processes surrounding classification, declassification and archiving of documents. Externally, to ensure that the website is user-friendly and new information is posted in a timely and organized fashion.

4.12.2 The website, managed by the External Relations and Communication Unit should allow the general public to request information.

### **4.13 Policy Alignment**

4.13.1 Where applicable, the Bank Group's policies, strategies, and related administrative rules, procedures and guidelines, including staff rules and regulations would be aligned with this Policy to support the Policy implementation requirements.

### **4.14 Information Disclosure Handbook<sup>26</sup>**

4.14.1 To effectively deliver on the policy, a clear implementation framework will be developed in the form of an Information Disclosure Handbook. The Information Disclosure Handbook is key to optimum implementation of the revised Po-

<sup>24</sup> For example research and knowledge products

<sup>25</sup> For example governance issues, sector or institution-specific analyses.

<sup>26</sup> The Staff handbook will specifically provide an efficient framework for disclosure and guidance to staff and the stakeholders on the following: Scope of the Policy, guidance on communicating with RMCs/borrowers, guidance on whether information is restricted or public, guidance on the process of classification and filing of information, workflow processes for making information publicly available, description of channels through which information is made public, explanation of the operations of the appeals mechanism etc.

policy to guide staff and stakeholders on all issues related to information disclosure. It will outline the workflow arrangements for making operational information available to the public in accordance with the revised policy. The Information Disclosure Handbook will therefore be made available to both staff and the stakeholders. It will clarify processes and procedures for classification and de-classification of documents, and the appeals mechanism. It will elaborate on best practice for disclosure of information in a systematic and timely manner. Various methods and processes of disseminating information will also be described for different target groups, including better use of the RRCs and Field Offices to disseminate information. All departments and units will have a role to play in the implementation process and disclosure of information will be mainstreamed into work programs.

#### **4.15 Budgetary and Resource Implications**

4.15.1 In view of the anticipated surge in volume of requests, the subsequent availing of the documents eligible for disclosure, and the Bank Group's need to invest in technologies to enable seamless disclosure capacity, it is important to implement the Policy in the most cost-effective manner. There will be resource implications linked to developing and updating the Disclosure Handbook, the Bank Archives, IT systems, staffing, training, information dissemination, policy alignment, and other requirements for effective implementation of the Policy. Management has in this regard included in its 2012 budget, implementation requirements of this Policy (see Annex II). In the same manner, for subsequent years, Management will include in the yearly budgets, further implementation requirements for this Policy.

**5.1 Conclusion** - The revised Bank Group Policy on Disclosure and Access

## **V. Conclusion**

to Information unveils a new approach to how the Bank embraces information disclosure, transparency, accountability and sharing of knowledge as critical aspects of development effectiveness and poverty reduction. It constitutes a major change in the information that the Bank Group may disclose - from a policy that listed which information would be made available, to one that allows disclosure of any information in the Bank Group's possession as long as it is not on a list of exceptions. It is therefore expected to generate maximum disclosure, increased access to information and an open and much strengthened engagement between the Bank Group and its stakeholders.

### **Some Documents Consulted**

1. African Development Bank (2005) - Bank Group Policy on Disclosure of Information.
2. African Development Bank (2010) - Report on the Twelfth General Replenishment of the Resources of the African Development Fund (ADF-12).
3. Inter-American Development Bank (2010) - Inter-American Development Bank Access to Information Policy.
4. World Bank (2010) – The World Bank Policy on Access to Information.
5. World Bank (2010) – The World Bank Access to Information Staff Handbook
6. Global Transparency Initiative - Transparency Charter for International Financial Institutions: Claiming our Right to Know.

### **Operational Information**

## **ANNEX I: Sample of Information to be Proactively Disclosed**

- Economic and Sector Work
- Poverty Reduction Strategy Papers
- Country Strategy Papers and Updates
- Country Governance Profile
- Country Dialogue Papers
- Policy Based Loans
- Country Performance Assessment
- Highly Indebted Poor Country (HIPC) Initiative
- Prospective Project Brief
- Project Appraisal Reports
- Operations Policy Papers

### **Environmental and Social Assessments**

- Environmental Impact Assessment (EIA) and Environmental Analysis
- Executive Summaries of ESIA
- Environmental and Social Management Plan

### **Summary of Progress and Status of Project Implementation**

#### **Documents of the Operations Evaluation Department**

#### **Information on Procurement of Goods and Services**

- Contract Awards and Disbursements
- Project Implementation Reports
- Supervision Reports

#### **Bank Financial Information**

- Financial Policy Papers
- Financial Statements and Data
- Countries in Non-Accrual Status (Chronic Arrears)
- Trust Funds
- Public Expenditure Reviews
- Country Procurement Assessment Report

#### **Economics and Research**

- African Development Report
- African Development Review
- Annual Report
- African Development Report
- African Development Review

- Annual Report
- Africa Competitiveness Report
- African Economic Outlook
- The AfDB Statistics Pocketbook
- African Statistical Journal
- Working Papers Series
- Economic Briefs
- Gender, Poverty and Environmental Indicators on African Countries
- Millennium Development Goals (MDGs) Report
- Inclusive Growth Series
- Emerging Issues Series
- African Development Effectiveness Reports Series

### **Legal Information**

- Agreements Establishing the Bank and the Fund,
- Agreement between the Federal Republic of Nigeria and the Bank governing the establishment of the Nigeria Trust Fund.
- Staff Appeals Committee annual report summarizing cases

## **1. Resource Implications**

## ANNEX II: Budgetary Implications

1.1 In view of the anticipated surge in volume of requests, the subsequent availing of the documents eligible for disclosure, and the Bank Group's need to invest in technologies to enable seamless disclosure capacity, it is important to implement the Policy in the most cost effective manner taking into consideration the Bank Group's decentralized structure. In this connection, there is need to highlight the cost implications for the following crucial activities:

- a. Information Disclosure Handbook – the development and regular updating of the Information Disclosure Handbook is a critical success factor for the implementation of this Policy. Resources will be required to engage external expertise to fast-track the development of the Handbook.
- b. Information technology - increased investment in and maintenance of IT systems will be required for implementing the Policy. The IT system must integrate the new framework for classification, declassification and archiving while tracking compliance with the policy and requests for information. The content, utility, and navigational ease of the Bank Group's website must be improved.
- c. Staffing - additional human resources will be required to implement this Policy both at Headquarters, the Temporary Relocation Agency and in the Field Offices. The number of staff members in charge of posting documents on the website will need to be increased so that there is at least one Infomaster for each Vice Presidency. The Secretariat of the Information Disclosure Committee will also need dedicated staff to support the Secretary General's office in handling incoming requests.
- d. Training – Bank Group departments and units will incur additional costs for staff training in readiness for the coming into effect of the Policy and thereafter periodic training to keep abreast with any new developments in information disclosure processes.
- e. Dissemination - dissemination modalities for this Policy will go beyond current practice to take full advantage of the Field Offices. The Public Information Centre based at the Headquarters of the Bank Group will need to be better equipped to store and disseminate hard copies of current information to Field Offices.

## ANNEX III: Comparative Analysis of Information Disclosure Policies of MDBS (as of May 2012)

KEY FEATURES	AfDB	WB	AsDB	IADB
Policy title	Disclosure and Access to Information	Access to Information	Disclosure and exchange of information	Access to Information
Year	2012	2010	2011	2010
Main objective/s	To Maximise disclosure of information; To Facilitate access to information; and To Promote good governance, transparency, and accountability.	To enhance transparency and accountability.	To enhance stakeholders' trust and ability to engage with AsDB.	To enhance accountability and development effectiveness.
Key guiding principle	Maximum disclosure; Enhanced Access; Limited list of exceptions; A Consultative Approach; Pro-active Disclosure; Right to appeal; Safe-guarding the deliberative process; and Provision for review.	Maximizing access to information.	In the absence of a compelling reason for confidentiality, AsDB will presume information can be disclosed.	Maximize access to information.
Stated presumption in favour of disclosure	YES	YES	YES (but with prescription of what is to be disclosed).	YES
Policy contains positive list	NO	NO (list of examples included as annex)	YES (included as part of policy)	NO (list of examples included as annex)
Policy contains negative list	YES	YES	YES	YES
Confidentiality for "deliberative processes" (e-mail, verbatim transcripts of Management and Board meetings, internal audit department reports?)	YES	YES	YES	YES
Multiple-category Information Security classification System	YES	YES	NO	YES
Declassification of archived information	YES	YES	NO	YES
Ability to deny blanket requests	YES (with explanation)	YES (with explanation)	YES (with explanation)	YES (with explanation)
Review/appeal mechanism when information denied	YES	YES	YES	YES
Special budget for implementation	YES	YES	YES	YES

