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SIMULTANEOUS DISCLOSURE

DOCUMENT OF THE INTER-AMERICAN DEVELOPMENT BANK

## **UPDATE TO THE ACCESS TO INFORMATION POLICY POLICY PROFILE**

In accordance with the Access to Information Policy, this document is being made publicly available simultaneously with its distribution to the Board for Information.

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2. [Implementation Guidelines for the Access to Information Policy](#)
3. [BID Invest Access to Information Policy](#)

## ACRONYMS AND ABBREVIATIONS

ABB	Agenda for a Better Bank
AfDB	African Development Bank
AsDB	Asian Development Bank
AIC	Access to Information Committee
DEO	Development Effectiveness Overview
ED	Executive Directors
EIB	European Investment Bank
EBRD	European Bank for Reconstruction and Development
ERR	Economic Rate of Return
GCL	IDB Invest General Counsel and Legal Services
IDB	Inter-American Development Bank
IDB-9	Ninth General Capital Increase
IFC	International Finance Corporation
IFIs	International Financial Institutions
IIC	Inter-American Investment Corporation
IMF	International Monetary Fund
IT	Information Technology
KIC	Knowledge, Innovation and Communication Sector
LEG	Legal Department
MDBs	Multilateral Development Banks
MICI	Independent Consultation and Investigation Mechanism
NSG	Non-Sovereign Guarantee
OII	Office of Institutional Integrity
OVE	Office of Evaluation and Oversight
PAI	Access to Information Policy
PIC	Public Information Center
PCY/SCG	Office of the Presidency Strategic Coordination Group
PEC	Policy and Evaluation Committee
SEC/ATI	Access to Information Section
SER	Sanctions Committee
SG	Sovereign Guarantee
VPC	Vice Presidency for Countries
VPF	Vice Presidency for Finance and Administration
VPS	Vice Presidency for Sectors and Knowledge

## I. INTRODUCTION

- 1.1 The approval of the Access to Information (ATI) Policy in 2010 reaffirmed the IDB's commitment to transparency. The revamping of the policy that had existed until that time was one of the reforms agreed upon by the Bank's Governors in the Cancún Declaration, which set forth the Better Bank Agenda in the context of the Ninth General Capital Increase (IDB-9) approved that year.
- 1.2 In the nine years since the Access to Information Policy (document GN-1831-28) replaced the Disclosure of Information Policy (Operational Policy OP-102, document GN-1831-18), the Bank has positioned itself as a leader in the area of international aid transparency. The Access to Information Policy has also helped firmly establish an institutional culture of openness and accountability. Despite the progress achieved since 2010, international standards on information access continue to evolve, and as they do, there is a growing need to update the current policy to close the gaps that have been identified during its implementation.
- 1.3 The objective of this policy update is to reaffirm the Bank's commitment to transparency in its activities, enhancing the effectiveness of IDB operations and strengthening governance and accountability at the IDB. This objective will be achieved by updating the policy to reflect new information access trends and standards seen in International Financial Institutions (IFIs) and globally. Finally, the quality of a policy should translate into its effective and efficient implementation. Accordingly, this update will leverage the achievements and lessons learned since 2010 to increase the amount of information that is disclosed, with an emphasis on the project cycle.
- 1.4 This document is the Policy Profile for the Update of the Access to Information Policy. Once it has been approved by the Bank's Board of Executive Directors, it will be submitted for public consultation for a period of 45 days (and the draft Policy will be submitted for public consultation for a period of 120 days).
- 1.5 This document consists of seven sections, including this introduction. The second section provides an account of the evolution of access to information at the Bank since the approval of the current policy. It includes an analysis of the implementation of the policy and a comparison of the IDB's performance on access to information issues with the performance of other bilateral and multilateral development finance agencies, closing with a comparative analysis of International Financial Institution (IFIs) ATI policies. The third section presents the reasons for updating the policy. It describes the 22 gaps identified through the international trends analysis and expected results of the update. The fourth section discusses those aspects of the current policy that are not expected to be modified in the process of updating the policy. The fifth section lays out the process that Management will follow to update the policy, the proposed timeline, and the regulations that govern the review process. The sixth section discusses the opportunities for the IDB arising from the update process, as well as the risks associated with updating a policy that sparks great interest due to the topic it addresses. Lastly, the seventh section discusses the next steps in the update process.

## II. BACKGROUND

### A. Current policy

- 2.1 The current Access to Information Policy traces its origins to the Agenda for a Better Bank (ABB) undertaken by the Board of Executive Directors and IDB Management during the negotiations of the Ninth General Capital Increase.
- 2.2 The Cancún Declaration adopted by the Board of Governors summarizes the financial parameters for the general capital increase and the action focuses for the specific issues in the ABB. With respect to issues related to access to information, the general framework for the Ninth General Capital Increase in the Cancún Declaration established the following:<sup>1</sup>

**Table 1: Reference to information disclosure in the Cancún Declaration**

	<i>Specific conditions to be met</i>	<i>Target date</i>
Adopt a new disclosure policy consistent with best practice.	<p>Governors instruct Management to implement a new disclosure policy that meets the highest standards applied by other Multilateral Financial Institutions including the following elements:</p> <ul style="list-style-type: none"> <li>• The replacement of a “positive list” of disclosed policies with a limited “negative list”</li> <li>• Presumption of disclosure</li> <li>• Release of Board/Committee minutes</li> <li>• Independent appeals mechanism</li> <li>• Voluntary disclosure of ED’s statements</li> <li>• Disclosure of Project-level results</li> </ul>	Prior to signature of final agreement.

- 2.3 To complement the access to information mandate, the Governors also instructed IDB Management to improve the disclosure of information at the project level.<sup>2</sup>

**Table 2: Reference to project information in the Cancún Declaration**

Disclose project-level reporting with stronger metrics.	Governors direct Management to provide public disclosure in the Development Effectiveness Overview (DEO) of ex-ante Project-level evaluability analysis, compliance with institutional priorities, and ERR calculations for projects approved that year, and ex-post impact evaluations for any projects evaluated in that year, including for NSG projects.	Prior to signature of final agreement
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- 2.4 The current Access to Information (ATI) Policy, which incorporated the specific measures set forth in the Cancún Declaration, was approved by the Bank’s Board of Executive Directors in mid-2010.<sup>3</sup>

<sup>1</sup> See the “Cancún Declaration” (document AB-2728).

<sup>2</sup> Ibid.

<sup>3</sup> The shift in nomenclature from information “disclosure,” as seen in the Cancún Declaration, to “access to information,” as used in the current policy, was not merely a matter of semantics but instead reflects the contemporary understanding adopted by the IDB in this matter. “Disclosure” is associated with a positive list of information that is regularly made available to the public. Meanwhile, “access” reflects the presumption that information will be disclosed, conditioned by a list of exceptions to disclosure.

- 2.5 The new policy was based on four principles: (i) maximize access to information; (ii) narrow and clear exceptions; (iii) simple and broad access to information; and (iv) explanations of decisions and right to review. In keeping with these principles, the “positive list” of disclosed products was replaced by a limited “negative list” of specific information that is not subject to disclosure. The new policy included an annex with a non-exhaustive list of examples of information that would be disclosed routinely.
- 2.6 It also set forth a list of exceptions of types of information/documents that would not be presumed to be accessible because the Bank had determined that the harm caused by their disclosure would outweigh the benefit to be derived from accessibility. In addition, the policy established a formal review mechanism.

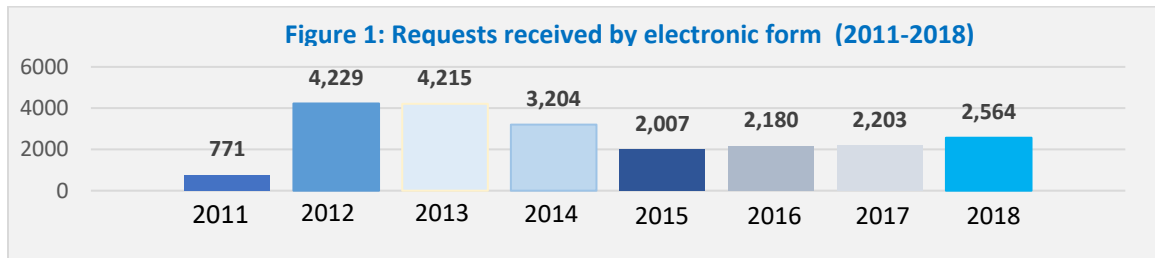
## **B. Implementation of the Access to Information Policy**

- 2.7 Since the Access to Information Policy took effect on January 1 of 2011, institutional efforts have focused on implementing the policy. Implementation activities have focused on the following areas: (i) creation of a regulatory framework for the implementation of the policy; (ii) strengthening the governance associated with the implementation of the policy; (iii) dissemination and training; (iv) development of computerized systems; (v) technical support and monitoring; and (vi) responding to external requests for information and review processes.
- 2.8 The following paragraphs describe the progress reached on the Access to Information Policy’s implementation and the persisting challenges.
- (i) Responding to external requests for information and review processes**
- 2.9 From 2011 to 2018, the Bank received and responded to **21,373 requests** for information from external parties through the electronic form<sup>4</sup>. As Figure 1 shows, in the first few years of policy implementation, the Bank received more than 4,000 information requests per year, which dropped to an average of 2,300 requests in the last three years. The lower volume of requests does not necessarily imply less interest among requesters, but instead reflects the fact that the need to request information tapers off as the Bank proactively increases the amount of information it publishes on its digital platforms<sup>5</sup>.

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<sup>4</sup> In addition, the Bank’s Country Offices (COFs) have been manually registering requests for information received by telephone, email or in person. Until 2019, COFs lacks a digital platform to register, receive, process and respond to these requests. The platform *ServiceNow* was launched in 2019 with the objective of registering and processing requests for information in a uniform manner both in Headquarters and in the COFs. The *ServiceNow* platform is expected to be fully operational in 2020.

<sup>5</sup> Since 2014, the Bank has implemented automated systems for registering information requests.



- 2.10 Since the development of automated registration systems,<sup>6</sup> the Bank **has denied only 11 requests** for information because the requested information was considered protected under one of the exceptions to disclosure. The data indicate that the Bank makes **99.95%** of requested information available to external stakeholders. This leads us to conclude that the Access to Information Policy continues to be relevant nine years after its approval and that it satisfies the role ascribed to it by the Governors in the Cancún Declaration in favor of transparency.

**(ii) Trends in information requests**

- 2.11 In the first few years of implementation of the Policy, it was clear that the public had a strong interest in understanding how to gain access to Bank financing and employment opportunities, as reflected in the requests for information, which have decreased over time. As mentioned above, the lower volume of requests does not necessarily imply less interest among requesters but instead reflects the fact that the need to request information tapers off as the Bank proactively increases the amount of information it publishes on its digital platforms, which is to be expected when such a policy is implemented satisfactorily.

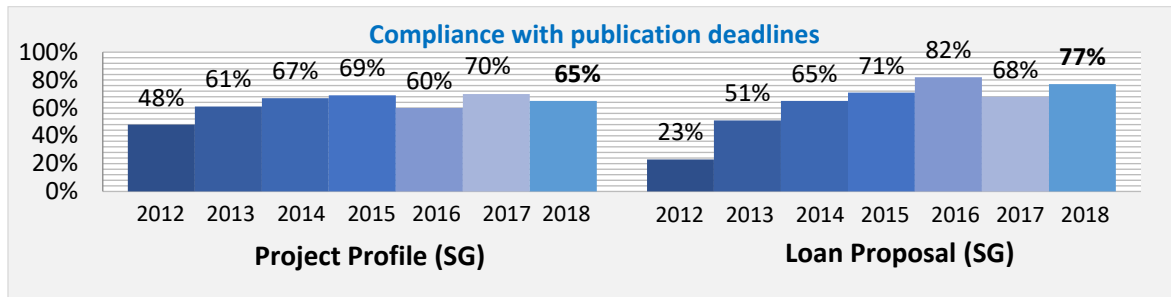
**Table 3: Main trends in information requests**

	Access to loans and grants	Job opportunities	Education	Environment and agriculture	Health	Research and Data
<b>2012</b>	1,285	928	357	242	56	264
<b>2013</b>	1,324	1,006	285	219	51	322
<b>2014</b>	923	624	278	139	50	296
<b>2015</b>	184	227	249	162	43	304
<b>2016</b>	237	197	271	195	72	305
<b>2017</b>	218	215	296	178	50	334
<b>2018</b>	189	209	413	215	70	45



**(iii) Compliance with publication deadlines**

- 2.12 The regulatory framework governing the IDB Access to Information Policy establishes deadlines for publishing information, including the profiles and loan proposals to be financed by the Bank.<sup>7</sup>
- 2.13 Though all profiles and loan proposals are disclosed, there are noticeable delays in complying with the statutory disclosure periods. All told, 65% of profiles were published within the statutory disclosure period, while the remaining 35% were published within an average period of 34 days. As for loan proposals, 77% were published within the statutory disclosure period, while the remaining 23% were published with an average period of nine days.



- 2.14 There are clearly opportunities to improve compliance by these indicators. To do so, the difficulties that arise from lack of integration of Bank systems needs to be overcome and project team leader compliance with deadlines monitored.

**C. OVE's IDB-9 Evaluation and the Access to Information Policy**

- 2.15 Within the framework of the evaluation of the Ninth Capital Increase, the IDB's Independent Evaluation Office (OVE), prepared a background note discussing the implementation of the policy, highlighting the challenges posed in the implementation of the Policy<sup>8</sup>. The note identifies the agenda of issues to be addressed to improve transparency and access to Bank Information. This agenda includes:
- a. Resolution of the challenges in terms of information technology, to speed the creation of functionalities supportive of document classification, timely information disclosure and policy compliance monitoring.
  - b. Closing a "governance gap" in leadership and oversight.

<sup>7</sup> Profiles are subject to the following: "all information subject to disclosure under the Policy will be published within a maximum of five (5) working days after their approval, clearance, or completion of consideration." Under the Policy, loan proposals are subject to simultaneous disclosure upon distribution to the Board of Executive Directors. For information system purposes, 48 hours has been established as institutional good practice for simultaneous disclosure.

<sup>8</sup> See "Background Note: Implementation of the Access to Information Policy: Final Review", [https://idbg.sharepoint.com/teams/ez-OVE/CE/CE\\_2018/Evaluation%20of%20IDB-9%20Commitments/Background%20Notes/02.%20External%20Review/IDB9\\_Background%20note\\_Implementation%20of%20the%20Access%20to%20Information%20Policy\\_ExtReview.pdf](https://idbg.sharepoint.com/teams/ez-OVE/CE/CE_2018/Evaluation%20of%20IDB-9%20Commitments/Background%20Notes/02.%20External%20Review/IDB9_Background%20note_Implementation%20of%20the%20Access%20to%20Information%20Policy_ExtReview.pdf)

- c. Development of meaningful measures of policy effectiveness.
- d. Establishment of a policy review process that will indicate, among other things, the key lessons of the Policy's impact on the transparency and work of the Bank.
- e. Consideration, in the near-term, of Policy revisions warranted by the implementation experience to-date. This would include, among other things, change in the country-specific exception to make redaction and notification of any redaction a matter of policy<sup>9</sup>, and if needed, other revisions to make sure there is consistency between the IDB and IDB Invest policies<sup>10</sup>.

#### **D. Comparative analysis of development finance institutions as regards information access**

- 2.16 *Publish What You Fund*, the global campaign for aid and development transparency, was launched at the Third High Level Forum on Aid Effectiveness in Accra in 2008.<sup>11</sup>
- 2.17 *Publish What You Fund* is guided by four principles:<sup>12</sup>
- Information on aid should be published **proactively**.
  - Information on aid should be **timely, accessible, and comparable**.
  - Everyone has the right to **request** and **receive** information about aid.
  - The right of access to information about aid should be **promoted**.
- 2.18 To carry out its mission in line with these principles, in 2011 *Publish What You Fund* developed the *Aid Transparency Index*, which has been revised over the course of the last decade. The index is the only independent measure using a standardized methodology to assess the major bilateral and multilateral agencies that provide development aid and financing.<sup>13</sup> The index has five rating categories based on an aggregate score: Very Good, Good, Fair, Poor, and Very Poor.
- 2.19 The IDB's ranking related to access to information has improved since the first assessment of transparency and access to information for bilateral and multilateral aid and development assistance agencies in 2013. The Bank earned a "fair" rating that year,

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<sup>9</sup> Annex II provides a quantitative summary of the cases for which the country specific information exception has been used.

<sup>10</sup> The Board of IDB Invest approved a new Access to Information Policy in April of 2019. It can be accessed at <https://www.idbinvest.org/en/access-information-policy>.

<sup>11</sup> At that forum, certain major actors in development financing made a commitment to improving the effectiveness of their aid by increasing transparency. The objective was to support decision-making processes grounded in adequate information, improve development results, and enhance public accountability.

<sup>12</sup> <https://www.publishwhatyoufund.org/about-us/our-transparency/>

<sup>13</sup> The most recent methodological updates are the "2018 Aid Transparency Index Technical Paper" and the "2018 Aid Transparency Index Guidelines," which can be accessed respectively at: [https://www.publishwhatyoufund.org/wp-content/uploads/2018/02/2018-Aid-Transparency-Index-technical-paper\\_updated-180212.pdf](https://www.publishwhatyoufund.org/wp-content/uploads/2018/02/2018-Aid-Transparency-Index-technical-paper_updated-180212.pdf) and <https://www.publishwhatyoufund.org/wp-content/uploads/2017/06/2018-Aid-Transparency-Index-Guidelines-180212.pdf>

improving to “good” in 2014. Notably, the Bank was ranked in the highest category (“very good”) in 2016 and 2018, which reflects its efforts in this area over the last decade.

2.20 *Publish What You Fund* publishes a specific evaluation for each agency, which consists of an analysis of the factors that determine the score and recommendations. It offers the following recommendations for the IDB:<sup>14</sup>

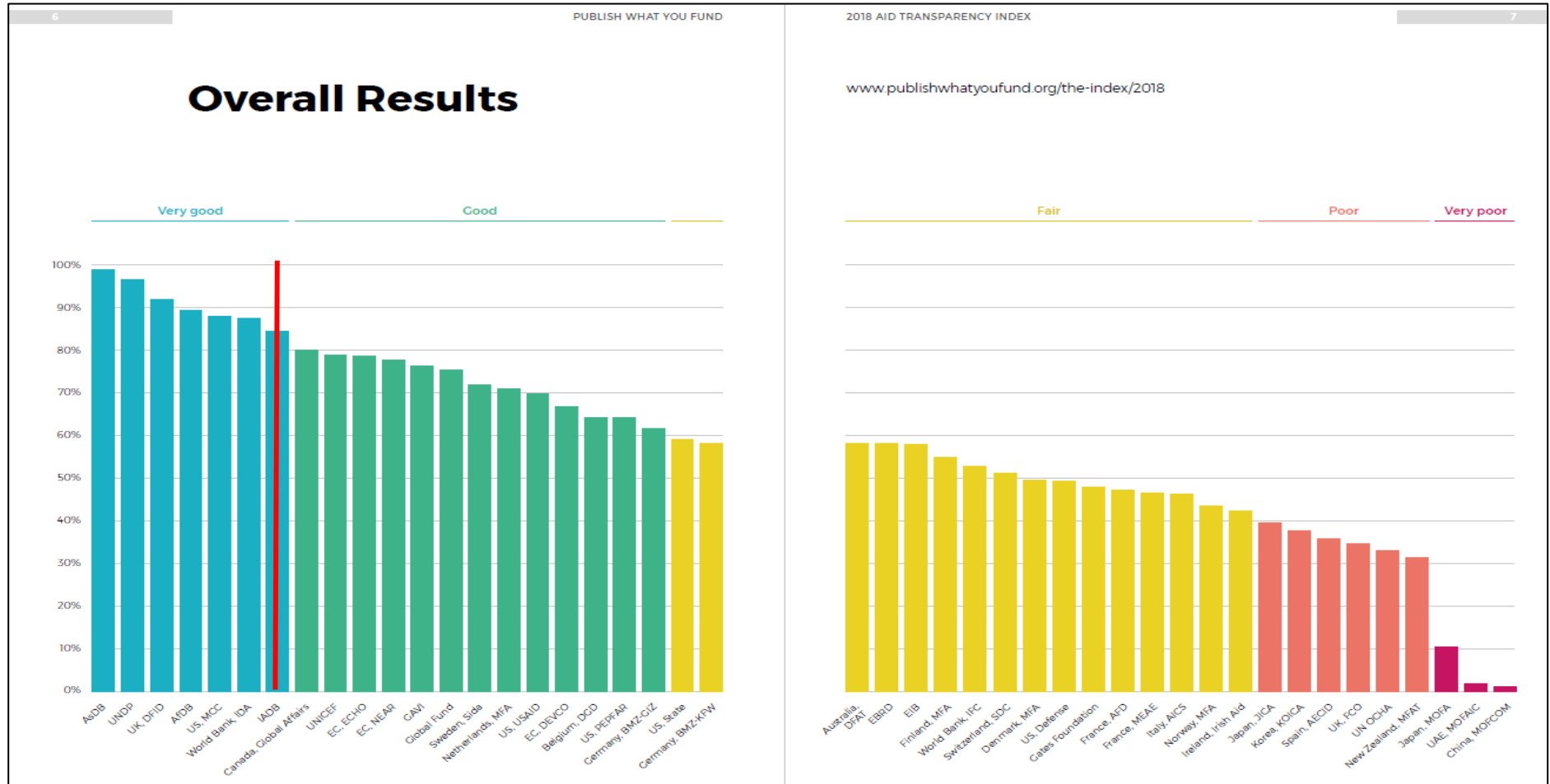
- The IDB should improve its budgetary information to include disaggregated budgets, project budget data, and capital spend.
- It should prioritize the publication of performance-related information, such as reviews and evaluations, as well as results.
- The IDB should consider further extending its transparency efforts to its private sector arm and share best practice with other banks and development finance institutions.
- To demonstrate the impact of transparency on development work, the IDB should take responsibility to promote the use of the data they publish: internally, to promote coordination and effectiveness; and externally, to explore online and in-person feedback loops, including at the country level.

2.21 Lastly, Figure 3 illustrates the IDB’s relative ranking in *Publish What Your Fund* most recent assessment, which took place in 2018. In this figure, bilateral and multilateral aid and development finance agencies are arranged by score. As you can see, the IDB is among the agencies that have received the highest score.

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<sup>14</sup> Its report on the IDB can be found at <https://www.publishwhatyoufund.org/the-index/2018/iadb/>.

**Figure 3: Transparency and information access – Ranking of development finance institutions**



**Source: Aid Transparency Index 2018 - <https://www.publishwhatyoufund.org/reports/2018-Aid-Transparency-Index.pdf>**

## E. Comparative analysis of regulatory frameworks at international financial institutions

2.22 When the ATI Policy was approved in 2010, the Bank made efforts to harmonize its policy with those of its comparator institutions, aligning itself with the information access trends observed at that time. For this policy revision, the Bank performed a similar exercise, analyzing commonalities and differences between the policies of comparator institutions, some of which have revised their policies recently. Table 4 summarizes this comparison of multilateral agencies' current policies, identifying whether key elements for access to information are or are not present (see Annex I for further details).

**Table 4: Comparative summary of regulatory frameworks at international financial institutions**

	IDB Group		IFIs that work with the public sector				IFIs that work with the private sector		
Element	IDB	IDB Invest	AfDB	AsDB	World Bank	IMF	EIB (*)	EBRD (*)	IFC
Year adopted/updated	2010	2019	2012	2019	2015	2013	2015	2019	2012
Principle-based approach									
Exceptions (see Annex)									
Annexes (illustrative lists)									
Declassification (disclosed over time)									
Historical information									
Positive override									
Negative override									
Review mechanism									
Deadline for responding to requests									
Policy review									

Key: Present

Not present

\* Also works with the public sector

2.23 Recent updates to the policies of our comparators (including IDB Invest, which updated its policy in 2019) have resulted in gaps between their policies and the Bank's current policy. Although the IDB's ATI policy has satisfactorily carried out its mission, the Bank should better align its policy with stakeholder trends and build upon the results that have been achieved during implementation of the ATI Policy since 2010.

### III. RATIONALE

#### A. Gaps and Updates

- 3.1 The implementation of the Access to information policy since 2011 has contributed to the consolidation of an institutional culture of access and accountability in the Bank. This has allowed the Bank to position itself as a leading institution in issues of transparency vis-à-vis other organizations specialized in international cooperation.
- 3.2 Even though the Policy remains relevant, as can be inferred from the reading of Section II of this document, the passage of time since its approval merits an update of the text of the Access to Information Policy of the IDB so that it reflects the way in which it is applied in practice. In any case, the quality of any policy is conditioned on its effective implementation, which is why the Bank will continue to make inroads in this area in the coming years.
- 3.3 Drawing on the lessons learned since 2011 (the year that implementation of the Access to Information Policy began) and recent updates to the policies of comparator institutions (including the new IDB Invest policy), this proposal calls for 22 updates and adjustments to the current policy to address the gaps identified in its implementation. Some are adjustments to the language to clarify aspects of the policy that have been found to be ambiguous in its implementation. Other, more substantive updates are the result of changes in information access trends.
- 3.4 The following section describes each of the 22 gaps and updates proposed, grouped by thematic area, and then analyzes the expected outcomes of these changes<sup>15</sup>.

#### (i) Exceptions

- 3.5 **Gap 1: Personal information.** In practice, the IDB receives and protects the confidentiality of personal information provided by third parties. With this in mind, protection of such information would be strengthened so that this practice is explicit in the policy. The proposed change seeks to protect the personal information of all individuals, not just Bank staff, to safeguard their privacy.
- 3.6 **Gap 2: Safety and security.** Along the same lines as the previous proposal, and bearing in mind that this exception is meant to prevent situations in which safety or security is compromised, this exception would be expanded to protect information about any individual, not just Bank staff or other parties associated with the Bank.
- 3.7 **Gap 3: Information relating to non-sovereign guaranteed operations.** The consolidation of the IDB Group's private sector window in IDB Invest means that this exception is no longer applicable and should be removed. A temporary provision for legacy operations<sup>16</sup> would be introduced, and it would be specified that operations financed via crossbanking and any future operations cofinanced by the IDB and IDB Invest will follow IDB Invest policies. With respect to BID Lab, a trust fund administered by the IDB, all

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<sup>15</sup> Annex III presents a summary of the gaps that will be reviewed as part of the update to the Access to Information Policy.

<sup>16</sup> Non-sovereign guaranteed operations approved by the IDB but administered by IDB Invest, that has its own Access to Information Policy, due to the consolidation of non-sovereign guaranteed activities,.

corporate and operational information will continue to follow the Access to Information Policy of the IDB.

- 3.8 **Gap 4: Deliberative information.** The exception as currently written contains generic language and does not explicitly state that the intention is to protect the integrity of the deliberative process until a final decision has been made. This exception would be modified by adding more precise language. Likewise, a provision would be added stating that this exception protects communications with the Governors, between and within Executive Directors' offices, between those offices and the member country or countries they represent, and between those offices and third parties.
- 3.9 **Gap 5: Communications involving Executive Directors.** This exception would be eliminated and its content included in the deliberative information exception, as stated in paragraph 3.8, because the exception as currently written contains generic language and states information types without providing reasons for the exception. Clarifying the scope of the deliberative information exception and explicitly including Executive Directors' communications within that exception would provide a stronger rationale for why this type of information is protected, in line with international standards and the practices of other international financial institutions (IFIs).
- 3.10 **Gap 6: Information provided in confidence and business/financial information.** As currently written, the exception is generic. In line with other IFIs language more focused on the owner of the information would be added. It would be emphasized that this exception applies to information deemed confidential by member countries, third parties, or other entities that has been provided in confidence and/or with restrictions on disclosure. For information requests for this type of information, a provision would be added stating that the country, third party, or other entity could be consulted to determine if it would be possible to disclose the information.

(ii) **Proactivity and predictability**

- 3.11 **Gap 7: Annexes to the Access to Information Policy.** The Policy currently has two annexes: (i) an illustrative (non-exhaustive) list of information not subject to disclosure; and (ii) a list of information to be disclosed in connection with non-sovereign guaranteed operations. The list of information on non-sovereign guaranteed operations would be eliminated because it is not currently applicable, given the new IDB Invest policy and the addition of the provision discussed in paragraph 3.7.
- 3.12 **Gap 8: Disclosure of development impact results.** At present, the IDB discloses information on development impact results, but this practice is not explicitly stated in the Access to Information Policy. Adding this mandate to the policy would strengthen the Bank's commitment to transparency and accountability in its operations. In line with the new IDB Invest policy, a provision would be added stating the Bank's objective for the disclosure of development impact results. It would also stipulate that the disclosure of this type of information will protect confidential information, in accordance with the policy.
- 3.13 **Gap 9: Declassification and disclosure of historical information.** Under the current regulations, declassification and disclosure of historical information only takes place at the request of external parties, and the Bank is not able to declassify or disclose historic information on its own initiative. Since information becomes less sensitive over time,

adding this option to the policy would help reinforce active transparency at the Bank in this area. From an operational standpoint, the Bank would pursue this at its discretion, following clear and precise governance processes. As is current practice, confidential information would be protected in accordance with the policy.

- 3.14 **Gap 10: Deadlines for responding to requests for information from the public.** Deadlines for processing and responding to information requests are currently regulated through the implementation guidelines, but the way the Bank approaches these matters is not explicitly addressed in the current policy. To more effectively accomplish the objectives of the policy and in line with the practices of other IFIs, greater predictability should be lent to the applicable deadlines for the various stages of these processes. The following additions to the policy are proposed: (a) a provision indicating that the IDB will endeavor to acknowledge receipt of requests within a period of five business days; (b) in line with the new IDB Invest policy, a provision indicating that: (i) the IDB will endeavor to provide a response within 30 calendar days and (ii) if it requires additional time due to the scope or complexity of the request, it will contact the requester in writing to inform them of the delay and provide an estimated timeframe for its response; and (c) a provision indicating that the Access to Information Committee (AIC) and the External Panel will endeavor to respond to requests for review within 30 calendar days.
- 3.15 **Gap 11: Specifying that the public does not need to give a reason to justify information requests.** In practice, the IDB does not require any justification as to the reasons why an external request for information is submitted. Nevertheless, in line with international standards on information access, this good practice should be explicitly stated in the policy to make the Bank's position on this matter known.
- 3.16 **Gap 12: Protecting the identity of requestors of information.** Stakeholders have requested through several forums that IFIs commit to protecting the identity of any requestor of information. In practice, the IDB does not disclose the identity of those who request information. However, including this point in the policy would lend greater predictability to the way the Bank handles this type of information. The inclusion of such a provision would also be in line with the new IDB Invest policy.
- 3.17 **Gap 13: Review of the Access to Information Policy.** In view of the ever-evolving nature of the right to information access, the identification of good practices, and the development of lessons learned from implementation of the policy, the policy should mention the Bank's intention of making every reasonable effort to review and update the Policy, as needed. This proposed change would be consistent with the new IDB Invest policy.

**(iii) Accessibility**

- 3.18 **Gap 14: Accessibility and languages.** The current policy does not include any explicit information on how the Bank facilitates accessibility (in format and language) for information that is classified as public. The current proposal aims to include in the Policy, always aligned with all other relevant policies and procedures of the Bank, the following objectives:
- a. regarding public consultations, a clarification that the Bank will disclose material regarding the public consultations for operations with high social and environmental risks;



- b. more general provisions indicating that:
  - i. public documents will be disclosed in the languages in which they were produced, accompanied by any available translations in other languages;
  - ii. major environmental and social documents produced by the borrower (e.g., the environmental and social impact study that typically includes information on public consultation processes when communities are affected, which is disclosed in current practice) will be disclosed in the national language of the country where the project is taking place; and
  - iii. in cases where communities are affected, it will be the responsibility of the borrower to communicate in formats and languages that are accessible to such communities, in a manner commensurate with the risk category of the project (A and B)<sup>17</sup>; and
- c. regarding information requests submitted by the public, provisions indicating that:
  - i. requests for information may be submitted in any of the Bank's four official languages; and
  - ii. the requested information will be provided in the language in which it is available.

3.19 **Gap 15: Issues related to how information requests are submitted.** Although the implementation guidelines set forth the mechanisms for submitting information requests, including them in the policy would help strengthen it and draw attention to how information requests can be submitted. In line with international good practices for information access, a provision would be added stating that there is a mechanism to contact the Bank on the external website and by phone for the purpose of helping with doubts about how to submit requests for information.

**(iv) Other adjustments**

3.20 **Gap 16: Scope.** Although no significant changes to the scope of the policy are expected, the text about the policy's scope should be clarified, focusing on information produced and received by the Bank and which is in its possession. This includes information produced and received by the Office of Evaluation and Oversight (OVE), the Office of Institutional Integrity (OII), the Sanctions Committee (SER), and the Independent Consultation and Investigation Mechanism (MICI), and other independent offices. This adjustment would facilitate better understanding of the scope of the policy regarding information that is no longer in the Bank's possession.

3.21 **Gap 17: Retention of privileges and immunities.** The current Policy already includes explanatory statements that the Policy does not represent a waiver of the IDB's archival immunity under the Agreement Establishing the IDB, and that its immunities should be respected in the event of litigation. New language would be added to further clarify the relationship of the Policy to the IDB's status as a public international organization. The

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<sup>17</sup> The Access to Information Policy will be in line with the Framework of Environmental and Social Safeguards which is being discussed by the Board of Executive Directors, including with respect to the IDB's monitoring responsibilities as will be set forth in the Framework. Based on the ESG's proposal of performance standard number 10 (Stakeholder Engagement and Information Disclosure), *"the information will be disclosed in relevant local languages and in a manner that is accessible and culturally appropriate."*

language would not intend to compromise the rights of parties seeking information from the IDB as granted by the Policy.

- 3.22 **Gap 18: Handling of joint IDB Group documents.** A provision would be added to indicate that both the IDB and the IDB Invest Access to Information Policies will be adhered to in the handling of joint documents. This provision would be consistent with the one currently included in the new IDB Invest policy. The policy implementation guidelines would include detailed regulations for specific issues in processing and handling joint documents.
- 3.23 **Gap 19: Adjustments to the positive override.** Although levels of approval for the positive override are addressed in the implementation guidelines, adding this information to the policy would lend greater predictability as to how the Bank operates. Accordingly, the policy would specify the levels of approval for positive overrides (governors, countries, and third parties) based on the various information types, including the AIC's responsibilities in this matter.
- 3.24 **Gap 20: References to the MICI.** The current reference to MICI, in paragraph 9.3 of the Policy, has created confusion for the public as to the allocation of responsibilities between MICI and the Access to Information External Panel.<sup>18</sup> The current reference to MICI would be removed, and a clarification would be included explaining under what circumstances MICI involvement would apply. This change would not limit the MICI's responsibilities in any way.
- 3.25 **Gap 21: Evaluation of other disclosure practices.** Paragraph 5.2 of the current Policy states the responsibility to evaluate "the practices of borrowers with respect to the disclosure of environmental and social assessments related to Bank-financed projects." However, the Bank's obligation under the Access to Information Policy is to disclose information and not monitor how it is disseminated by member countries.<sup>19</sup> Such practice is aligned with the practices of the other multilaterals. The proposal is to remove the provision.
- 3.26 **Gap 22: Organizational structure.** Minor adjustments would be made to the policy to reflect the current organizational structure, including an indication that the Access to Information Section (SEC/ATI) is responsible for monitoring implementation of the policy, among its other duties.
- 3.27 The proposed adjustments aim to align the ATI Policy with international trends and harmonize it with the policies of comparator IFIs. This does not mean that IDB's Policy should be identical to the IDB Invest policy, as the policies should reflect the distinct

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<sup>18</sup> The External Panel is responsible for reviewing information requests that have been denied by the Access to Information Committee. MICI's responsibilities involve receiving project-related complaints of harm caused by non-compliance with IDB policies.

<sup>19</sup> Under on the proposed performance standard number 10 (Stakeholder Engagement and Information Disclosure) of the Framework of Environmental and Social Safeguards, the borrowers' disclosure responsibilities will be clearly defined. The Bank's role will be to monitor that the disclosure of this information by the borrower is complied with under the Framework.

characteristics of each institution. However, both policies should consolidate the Group's identity.

**Box: The IDB and the IDB Invest Access to Information policies – Distinct yet consistent policies**

**The reorganization of the private sector of the IDB Group sets forth an ambitious mandate for IDB Invest, with operations that seek to achieve greater development impact.** To achieve the mandate, IDB Invest felt the need to update certain policies, including its Disclosure of Information Policy, which had been approved in 2005. The objective of the update was to reaffirm its commitment to transparency in the expansion of its operations by implementing an access to information policy and not just a disclosure policy, in line with global trends in this area.

**IDB Invest embarked on a transformative process that culminated with the approval of its Access to Information Policy in early 2019.** The policy was discussed with the public through in-person consultations in Argentina, Brazil, Colombia, Costa Rica, the United States, Jamaica, and Panama, and digital consultations with a wider group of stakeholders. IDB Invest is working to implement its new policy, which will enter into effect in January 2020.

**The IDB Invest Access to Information Policy is largely based on the IDB Access to Information Policy given its role as a member of the IDB Group, with certain adjustments derived from the policies of multilateral institutions that work with the private sector and international trends in the activities performed by IDB Invest.** Thus, the two policies are aligned but reflect the unique characteristics of each institution's work.

**International rankings indicate that the IDB Access to Information Policy reflects the highest standards in transparency.** For that reason, the IDB Invest policy adopted the pillars of the IDB policy, which are the principles of maximizing access to information and narrow and clear exceptions, the governance system based on two levels of appeal, and the classification system.

**At the same time, IDB Invest adapted some of the precepts of the IDB policy to the needs of private-sector clients and the needs of an institution that provides financial services to that sector.** For example, the current IDB policy contains an exception regarding the disclosure of information relating to non-sovereign guaranteed operations. The IDB Invest policy provides greater details about what is meant by commercially sensitive client information, adding depth to the content of exception for non-sovereign guaranteed operations as initially provided for in the IDB policy. The IDB Invest policy also recognizes that certain information held by IDB Invest and its clients may be sensitive in capital and financial markets or may affect competitiveness, because it operates in the private sector. This is reflected in a set of exceptions that differs from those in the IDB policy, which attends to the need to include greater detail on financial and deliberative information.

## B. Expected results

- 3.28 If implemented, the proposed updates and adjustments to the Access to Information Policy would help achieve results commensurate with the principles on which the policy is based. These results fall under four categories.
- 3.29 **Better-defined exceptions.** The proposed adjustments to the exception framework would provide greater certainty as to the nature of protected information. First, the use of a clearer, more precise language grounded in the interest to be safeguarded would provide greater clarity in applying exceptions and determining what type of information should be protected. The total number of exceptions would be reduced to eight, based on the IDB's current needs and practices. This change would provide better guidance to stakeholders and Bank staff as to the specific list of information that the Bank has determined is not to be disclosed.
- 3.30 **Proactivity and predictability.** With a view to more effectively achieving the objectives of the policy, the proposed adjustments would: (i) lend greater predictability as to the procedures used by the Bank when processing external requests for information; and (ii) make the disclosure of development impact results more proactive, and allow the Bank to declassify information on its own initiative as information becomes less sensitive over time. As a result, the Bank would be able to provide better, more comprehensive guidance to its staff on how the policy should be applied in specific situations.
- 3.31 **Accessibility.** Simple and broad access to information is a pillar of the Access to Information Policy, as it helps borrowers, stakeholders, and communities impacted by projects have a closer relationship with the Bank. The inclusion of the Bank's commitment to promote accessibility by disclosing information in the appropriate language would help mitigate risks related to the way the Bank discloses information during the project cycle. It would also help align the Access to Information Policy more closely with the new IDB Group-Civil Society Engagement Strategy.
- 3.32 **Effectiveness in Implementation.** By updating the language of some of its structural provisions, the policy will more clearly state certain terms and procedures that are part of an orderly and effective implementation of the policy.

## IV. ELEMENTS OF THE CURRENT POLICY THAT REMAIN UNCHANGED

- 4.1 The review of the Access to Information Policy as described above seeks to address gaps that have been identified since the implementation process began in 2011. Though these gaps from current practice need to be addressed, key elements of the policy will remain unchanged because they continue to be part of information access standards and trends. The elements of the current policy that will remain the same are described below.
- 4.2 **Principles.** The current policy is grounded in four principles that will be foundation of the proposed revision. These principles are: (i) maximize access to information; (ii) narrow and clear exceptions; (iii) simple and broad access to information; and (iv) explanations of decisions and right to review.
- 4.3 **Governance.** The current policy has a two-stage review mechanism that remains unchanged.

- a. The interdepartmental Access to Information Committee supervises implementation of the policy and is the first level of review.
  - b. The final level of review is the External Panel, which is made up of three members who are independent from the Bank.
- 4.4 **Information requests.** The current procedure for information requests will remain unchanged. This procedure has been adjusted in recent years due to organizational reforms that have consolidated information request processing and made it more efficient.
  - a. Information requests are channeled through the Public Information Center (PIC) that is part of the Access to Information Unit in the Office of the Secretary (SEC/ATI), which is responsible for responding to the requests received.
  - b. The Access to Information Unit is responsible for monitoring implementation of the policy.
- 4.5 **Review Mechanism.** A review mechanism is available for cases in which requests are denied. The process comprises two stages, in accordance with the provisions of the applicable regulations that detail the eligibility and procedures for review:
  - a. At the first stage, the requester can contest the denial with the Access to Information Committee.
  - b. At the second stage, the External Panel reviews denials that are not in accordance with the Policy.
- 4.6 Under the current review process, the Access to Information Committee is authorized to approve a positive override if the requested information is confidential under one of the policy exceptions.
- 4.7 **Classification.** The classification system aligned to the policy allows for the categorization of information produced or received by the Bank. This system makes document management more effective and more efficient, both for document distribution to the Board and other Bank bodies and for responding to information requests. The current classification system has three levels: public, confidential, and disclose over time. Although the classification of documents can be subject to review to better align certain aspects of information management at the Bank, the decentralized implementation of this system is essential for efficient implementation of the Policy.
- 4.8 **Historical information.** The ability to disclose historical information will remain, clarifying that the disclosure can be done, either due to an external request or on the Bank's own initiative (rather than only due to a request by an external party).
- 4.9 **Redaction.** The ability to redact sensitive or confidential information prior to publication is a key element of the relationship of trust between the Bank and its members. Redaction helps ensure access to information subject to disclosure without violating the confidentiality of information that is classified as such under the policy's exceptions. Confidential information will be excluded from all public documents prior to disclosure.
- 4.10 **Information about Governors and Executive Directors.** Disclosure of information on these two bodies will continue to focus on information that reflects the decisions made after deliberations have ended. This includes agendas, minutes and resolutions of the

Board of Governors and the Board of Executive Directors, and minutes of meetings and chairperson reports from the Standing Committees of the Board of Executive Directors once the Board has considered the items analyzed by the respective Standing Committee.

- 4.11 **Contact information.** Contact information for the Bank's Senior Management and Board of Executive Directors will continue to be published.

## **V. POLICY REVIEW PROCESS**

- 5.1 **The Access to Information Policy review process will be carried out in accordance with the framework established in Strategies, Policies, Sector Frameworks, and Guidelines and the IDB. Final version (document GN-2670-5).** After the Board of Executive Directors of the IDB has approved this profile, Management will begin a public consultation process, which is described in Annex II.
- 5.2 The timeline for the Access to Information Policy revision process is set out in the table below.

**Table 5: Timeline for the Access to Information Policy revision process**

Activity	2019						2020												2021		
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Planning of the review of the Access to Information Policy																					
Profile of the review of the Access to Information Policy																					
Meeting of the AIC																					
Meetings of the PEC and of the Board (*)																					
Access to Information Policy Draft																					
Meeting of the AIC																					
Meetings of the PEC and of the Board (*)																					
Access to Information Policy Draft adjustments																					
Meeting of the AIC																					
Meetings of the PEC and of the Board (*)																					
Public Consultation Process of the Review of the Access to Information Policy																					
Planning of the implementation of the Access to Information Policy																					
Adjustment to the Implementation Guidelines of the Access to Information Policy																					
Meeting of the AIC																					
Implementation of the Revised Access to Information Policy																					
Meeting of the AIC																					
Meeting of the PEC																					
Dissemination activities of the Revised Access to Information Policy																					

(\*) Estimated

- 5.3 **Administrative arrangements for the policy revision process.** The Access to Information Committee (AIC), as the unit responsible for supervising the implementation of the Access to Information Policy, has established an interdepartmental working group to prepare the proposed revision of the policy. This working group will consist of representatives from Office of the Presidency Strategic Coordination Group (PCY/SCG); the Access to Information Section (SEC/ATI); the Vice Presidency for Finance and Administration (VPF); the Vice Presidency for Countries (VPC); the Vice Presidency for Sectors and Knowledge (VPS); the Knowledge, Innovation, and Communication Sector (KIC); Legal (LEG); and the IDB Invest General Counsel and Legal Services (GCL).<sup>20</sup> The AIC will consider the documents prepared by the working group and authorize their distribution to the Board.
- 5.4 The revision of the Access to Information Policy will require resources, mainly for conducting the public consultation process and for trainings and policy dissemination activities once the updated policy is approved. Management will do an internal reallocation of line items from the budget to fund the activities for the current year, and for 2020, and eventually for implementation activities in 2021 (mainly dissemination and training). As part of the activities associated with the policy review, VPF will spearhead an assessment of information technology (IT) requirements to implement the new policy.

## **VI. OPPORTUNITIES AND RISKS**

### **A. Opportunities**

- 6.1 In line with the Agreement on the Ninth General Capital Increase, the IDB adopted the Access to Information Policy in 2010, and with it, a new approach based on maximum access. In the nine years since its approval, the IDB has concentrated its efforts on improving information disclosure, fostering a better understanding of the Bank's mission and role in relation to transparency issues, and strengthening its relationship with stakeholders through information access. In view of the strengthening of institutional culture for information disclosure at the Bank, this revision process should offer a series of opportunities to make the Access to Information Policy more efficient and more effective.
- 6.2 Specifically, this update will help strengthen the Access to Information Policy by explicitly including a series of good practices for proactive information disclosure that the Bank has adopted. The update will also lend greater predictability to certain procedures for processing information requests submitted by the public, enhance accountability in those processes, and improve how several provisions that regulate implementation of the policy function. Furthermore, it will help clarify the nature of the information protected by the Bank by using a more precise language in the definition of the exceptions to disclosure.
- 6.3 Through this review and update, the IDB will reaffirm its commitment to enhancing transparency in all its activities and promoting good governance, in line with the principle of maximum access. This exercise will better align the policy to the Bank's current Institutional Strategy Update in keeping with the Bank's commitment to "raise the profile

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<sup>20</sup> The participation of the IDB Invest General Counsel and Legal Services Department (GCL) reflects the effort to harmonize policies within the IDB Group while respecting the differences and specific needs of each IDB Group entity. The Board of Executive Directors of the IIC approved a new IDB Invest Access to Information policy in March 2019.



of transparency and integrity across operations and corporate activity.”<sup>21</sup> The public consultation process will give the IDB an opportunity to establish a constructive dialogue with all stakeholders, which will be the source of a series of opportunities to improve and consolidate the updated Access to Information Policy.

## **B. Risks**

- 6.4 The review process of the ATI Policy is expected to generate significant interest among diverse stakeholders, who may have different expectations as to the scope that the updated IDB access to information framework should have given the international advances made in issues related to access to information. In a context where public engagement has been bolstered by the use of the internet and social media, there are differing opinions and views about transparency-related responsibilities. Some may fall directly on borrowing member countries and others may be more closely related to Bank interventions. The consultation process will be key in identifying and addressing these potential concerns. The Public Consultation Plan will give the Bank the opportunity to present information on its performance in this area, as assessed by its own analysis and that of external parties, and of the results expected to be achieved from this update.
- 6.5 It is also important to keep in mind that the IDB is currently conducting public consultations for the Modernization of the Environmental and Social Policies, which include a standard for “stakeholder engagement and information disclosure.” To avoid confusion and harmonize the two processes, Management has prepared a consultation plan (see Annex II) that includes an array of communication tools that will help organize the process and provide stakeholders all relevant information in order to gather their comments, making a clear, detailed distinction between the scope of each consultation process. The initial phase of this plan would be launched as soon as this Policy Profile is approved by the Board.
- 6.6 In addition, several the proposed updates to the policy could entail greater costs, due to the need to adjust and integrate systems and platforms for classifying and disclosing information and conduct staff trainings, among other measures. This would require the allocation of adequate funds to prepare and execute improvements to the regulations. Accordingly, to create an implementation plan, Management will perform an analysis of the costs, resources, and potential efficiency gains from the new policy, in order to better gauge cost, design a strategy, and facilitate effective implementation of the new regulations.

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<sup>21</sup> IDB. “*Update of the Institutional Strategy: Development Solutions that Reignite Growth and Improve Lives*,” 2019, footnote 5: “Updated Areas of Emphasis to Address the Development Challenges and Cross-cutting Issues,” page 14.

## **VII. NEXT STEPS**

- 7.1 Once the Board of Executive Directors has approved this policy profile of the Access to Information Policy, Management will begin the public consultation process described in Annex II. Inputs from the first phase of the public consultation process will be considered when preparing the draft Access to Information Policy, which will be distributed to the Board of Executive Directors of the IDB in the first quarter of 2020 and then submitted for public consultation.

TABLE 1: COMPARATIVE ANALYSIS OF ACCESS TO INFORMATION POLICIES

Key policy elements/arrangements	IDB Group		International Financial Institutions (IFIs) that work with the public sector				IFIs that work with the private sector		
	IDB	IDB Invest	AfDB	AsDB	World Bank	IMF	EIB (*)	EBRD (*)	IFC
Year adopted/updated	2010	2019	2012	2019	2015	2013	2015	2019	2012
Principle-based approach	Yes 4 principles	Yes 4 principles	Yes 8 principles	Yes 9 principles	Yes 5 principles	Yes in general terms	Yes 3 principles	Yes 4 principles	Yes in general terms
Exceptions (see table N.2)	Yes 10 exceptions	Yes 7 exceptions	Yes 8 exceptions	Yes 7 exceptions	Yes 10 exceptions	No. Restrictions based on information type (**)	Yes 10 exceptions	Yes (***) 6 exceptions	Yes 12 exceptions
Annexes – Illustrative lists	Yes 2 annexes	No	Yes 1 annex	No	No	Yes	No	No	No
Declassification (disclosed over time)	Yes upon request	No	Yes upon request	No	Yes upon request and on own initiative	No	Yes upon request and on own initiative	No	No

(\*) Institution also works with the public sector.

(\*\*) The IMF Policy focuses on the protection of information contained in three types of documents that are submitted to the IMF Executive Board: "Country Documents," "Fund Policy Documents," and "Multi-country Documents." Publication of country and multi-country documents is subject to the consent of the concerned country or countries. IMF policy documents dealing with administrative or other internal matters that are submitted to the Board are disclosed in accordance with the restrictions and authorizations laid out in the policy. IMF information that is not submitted to the Board for discussion is not subject to public disclosure.

(\*\*\*) This policy includes five exceptions, one of which protects two types of information: financial information and information provided in confidence.

Key policy elements/arrangements	IDB Group		IFIs that work with the public sector				IFIs that work with the private sector		
	IDB	IDB Invest	AfDB	AsDB	World Bank	IMF	EIB (*)	EBRD (*)	IFC
Historical information	Yes upon request	Yes upon request and on own initiative	No	Yes upon request	Yes upon request and on own initiative	No	Yes upon request and on own initiative	No	No
Positive override	Yes	Yes	Yes	Yes	Yes	No (**)	Yes	Yes	Yes
Negative override	Yes	No	Yes	Yes	Yes	No (**)	No	Yes	No
Appeal mechanism for information requests that have been denied	Yes	Yes	Yes	Yes	Yes	No (**)	Yes	Yes	Yes
Deadlines for responding to information requests	No Implementation guidelines	Yes	Yes	No Implementation guidelines	No Implementation guidelines	No (**)	Yes	No Implementation guidelines	Yes
Policy review	No	Yes Timeline not given	Yes 3 years	No	No	Yes Before 2018	Yes 5 Years	Yes 5 Years	No

(\*) Institution also works with the public sector.

(\*\*) Since the IMF policy is based on disclosure restrictions, these arrangements are not applicable in practice.

**TABLE 2: COMPARATIVE ANALYSIS OF EXCEPTIONS TO DISCLOSURE, BY INFORMATION TYPE <sup>1</sup>**

	IDB Group		IFIs that work with the public sector				IFIs that work with the private sector		
	IDB	IDB Invest	AfDB	AsDB	World Bank	IMF	EIB (*)	EBRD (*)	IFC
<b>Number of exceptions stated in policy</b>	10	7	8	7	10	N/A	10	6	12
<b>Personal information</b>	Yes	Yes	Yes	Yes	Yes	N/A (**)	Yes	Yes	Yes
<b>Legal, disciplinary, or investigative matters</b> (Attorney-client privilege)	Yes	Yes	Yes	Yes	Yes	N/A (**)	Yes referred to as "court proceedings and legal advice"	Yes	Yes makes a distinction between legal matters and investigative matters
<b>Communications involving Executive Directors</b>	Yes	Yes	Yes	No	Yes	N/A (**)	No	No	Yes
<b>Safety and security</b>	Yes	Yes	Yes	Yes	Yes	N/A (**)	No	Yes	Yes

(\*) Institution also works with the public sector.

(\*\*) This information is not subject to disclosure to the public.

<sup>1</sup> Comparative analysis of exceptions to disclosure: (1) Multilateral development banks (MDBs) call exceptions by different terms. (2) Some MDBs protect information under specific exceptions while others group several information types under the same exception. The IMF policy is based on disclosure restrictions and therefore is not organized by exception.

	IDB Group		IFIs that work with the public sector				IFIs that work with the private sector		
	IDB	IDB Invest	AfDB	AsDB	World Bank	IMF	EIB (*)	EBRD (*)	IFC
<b>Information provided in confidence and business/financial information</b> (includes intellectual property)	Yes	Yes	Yes	Yes	Yes	N/A (**)	Yes	Yes	Yes
<b>Corporate administrative information</b>	Yes	No	Yes	No	Yes	N/A (**)	No	No	Yes
<b>Deliberative information</b>	Yes	Yes	Yes	Yes	Yes	N/A (**)	Yes	Yes	Yes
<b>Certain financial information</b>	Yes	Yes	Yes	Yes	Yes	N/A (**)	No	Yes	Yes
<b>Country-specific information</b>	Yes	No	No	No	No	Disclosure subject to country consent	No	No	No

(\*) Institution also works with the public sector.

(\*\*) This information is not subject to disclosure to the public.

**APPLICATION OF THE COUNTRY SPECIFIC INFORMATION EXCEPTION – 2012/19**

- Applications during period: 46 cases of 3042 total documents (not including electronic links)
  - Total non-disclosure: 16 cases
  - Partial non-disclosure: 30 cases
- Incidence of application of the exception in total number of documents: 1.51%
  - $46 / 3042 = 0.015$
- Type of documents:
  - Country Strategies: 5 cases
  - Projects (loans, electronic links, profiles, contracts and PCR): 39 cases
  - FSO: 2 cases
- The Annual Report on the Policy application reports the number of cases in which the Policy exception has been applied at the request of the country, and the type of document.

GAPS		CURRENT POLICY	SUMMARY OF THE PROPOSAL	COMPARISON - IFIs
I. EXCEPTIONS				
1.	<b>Personal Information</b>	Protects only personal information of Bank staff.	Expand protection to any individual.	AsDB, EIB, EBRD and IDB Invest have extended protection to any individual.
2.	<b>Safety and Security</b>	Protects only security information of Bank staff.	Expand protection to any individual.	AsDB, EBRD and IDB Invest have extended protection to any individual.
3.	<b>Information related to Non-Sovereign Guaranteed Operations</b>	This exception protects information related to the private sector.	The exception would be eliminated and a transitional provision introduced because these operations will be governed by the IDB Invest policy.	The IFIs that specialize in the private sector have their own policies
4.	<b>Deliberative Information</b>	Contains generic language.	More precise language to protect the deliberation process until a final decision is would be incorporated (Governors, Directors and Management).	AsDB, EBRD, IDB Invest and IFC have a more detailed exception.



GAPS		CURRENT POLICY	SUMMARY OF THE PROPOSAL	COMPARISON - IFIs
I. EXCEPTIONS (cont.)				
5.	<b>Communications involving Executive Directors</b>	It has a generic language	This exception would be removed and this information Will be protected through the Deliberative Information exception.	AsDB, EBRD and EIB do not have this exception because the information is protected through the exception on Deliberative Information.
6.	<b>Information provided in confidence and business/financial information</b>	It has a generic language.	Language focused on the owner of the information would be incorporated.	AsDB, EBRD, IDB Invest and IFC have a more specific exception.

GAPS		CURRENT POLICY	SUMMARY OF THE PROPOSAL	COMPARISON - IFIs
II. PROACTIVITY AND PREDICTABILITY				
7.	<b>Annexes to the Policy</b>	The Policy has two annexes: 1. List of information that is not disclosed. 2. Information to be disclosed in connection with non-sovereign guaranteed operations.	Annex II would be eliminated as non-sovereign guaranteed activities are covered by the ATI Policy of BID Invest	AsDB, EBRD, EIB, IDB Invest, WB and IFC do not have annexes to their Policies AfDB and IMF do have annexes.
8.	<b>Disclosure of development impact results</b>	It does not have a provision of this nature. (in practice this information is disclosed).	The commitment to disseminate results of development impact would be included.	IDB Invest and IFC have included this commitment in their Policy.
9.	<b>Declassification and disclosure of historical information</b>	Currently only takes place at the request of external parties	The possibility would be introduced that the Bank, under its discretion, declassify and disclose historical information ex officio.	IDB Invest, EIB and the World Bank have the possibility of disclosing historical information ex officio. IDB Invest, AsDB, IMF, EBRD and IFC do not have this possibility

GAPS		CURRENT POLICY	SUMMARY OF THE PROPOSAL	COMPARISON – IFIs
II. PROACTIVITY AND PREDICTABILITY(cont.)				
10.	<b>Deadlines for responding to requests for information from the public</b>	Does not include response times (currently incorporated in the Implementation Guidelines).	The different deadlines of the process of processing and responding to requests for information submitted by the public would be introduced.	AfDB, EIB, IDB Invest and IFC include the respective processing and response deadlines. WB, AsDB, EBRD do not include these deadlines (they are incorporated in the Implementation Guidelines).
11.	<b>Specifying that the public does not need to give a reason to justify information requests</b>	It does not include an orientation of this type.	It would be expressly established that it is not a requirement to justify requests for information submitted by the public.	EIB includes a similar provision. The other IFIs have incorporated it as a practice.
12.	<b>Protecting the identity of information requestors</b>	It does not include an orientation of this type.	It would be established that the IDB protects the identity of the information requestors when they request it.	IDB Invest includes a provision of this type. The other IFIs have incorporated it as a practice.
13.	<b>Review of the Access to Information Policy</b>	It does not include this commitment.	The objective of the IDB to review and update the Policy as appropriate would be expressly established.	AfDB, EIB, and EBRD include a specific deadline. IDB Invest includes a commitment to review the Policy without deadline. AsDB, WB and IFC do not include a commitment to review the Policy.

GAPS		CURRENT POLICY	SUMMARY OF THE PROPOSAL	COMPARISON - IFIs
III. ACCESSIBILITY				
14.	<b>Accessibility and Languages</b>	It does not include a clarification regarding how the Bank facilitates accessibility regarding the language of information classified as public.	In line with Bank practices and the new Framework of Environmental and Social, provisions would be made on how the IDB facilitates access to information (languages).	IDB Invest and EIB include provisions of this type.  AsBD and EBRD include a general principle on relationship with communities impacted by projects and accessibility.
15.	<b>Aspectos relacionados sobre cómo se puede presentar una solicitud de información</b>	It does not incorporate an orientation of this nature.	The mechanisms by which a request for information could be submitted would be established.	IDB Invest and IFC include mechanisms of this type.

GAPS		CURRENT POLICY	SUMMARY OF THE PROPOSAL	COMPARISON - IFIs
IV. OTHER ADJUSTMENTS				
16.	<b>Scope</b>	Contains dissimilar language about its scope.	A more consistent language about the scope of the Policy regarding the information held by the Bank (produced and received) would be incorporated.	IDB Invest includes a similar provision.
17.	<b>Retention of privileges and immunities</b>	Contains a general provision.	New language would be added to clarify the relationship of the Policy to the IDB's status as a public international institution	IDB Invest and IFC include a similar provision.
18.	<b>Handling of joint IDB Group documents</b>	It does not incorporate a provision of this nature.	A provision would be added to indicate that both IDB's and IDB Invest's Access to Information Policies will be respected for the handling of joint documents	IDB Invest includes a similar provision. Only the WB leads a group.
19.	<b>Adjustments to the positive override</b>	It contains a general provision.	The Policy would specify the levels of approval for positive overrides (Governors, countries and third parties) based on the various information types including the AIC's responsibilities on this matter	EBRD and WB include similar provisions.

GAPS		CURRENT POLICY	SUMMARY OF THE PROPOSAL	COMPARISON - IFIs
IV. OTHER ADJUSTMENTS (cont.)				
20.	<b>References to the MICI</b>	It contains a confusing provision on the competencies of MICI and the Access to Information External Panel	Proposal to include a clarification explaining under what circumstances MICI involvement would apply.	The IFIs do not have a provision that relate the role of an independent mechanism (such as MICI) to the role of their review bodies under their policies.
21.	<b>Evaluation of other disclosure practices</b>	It contains a provision on the responsibility to evaluate the disclosure practices of borrowers.	Proposal to eliminate this provision.	No IFI has a provision of this nature.
22.	<b>Organizational Structure</b>	It includes an outdated organizational structure	Minor adjustments would be made to the Policy to reflect the current organizational structure.	Most IFIs that have reviewed their policies have updated their organizational structures.

## PUBLIC CONSULTATION PLAN

The objectives of the public consultation process are to notify interested stakeholders of the context and processes implemented by the Bank to update its Access to Information Policy and to receive their inputs to enrich and improve the update process. The public consultation process will be guided by the principle of transparency with a view to designing a high quality, highly effective new policy.

Public consultations will give stakeholders the opportunity to provide inputs throughout the cycle of policy development, from the early stages of drafting through submission for final consideration by the Board. The consultation process is designed to facilitate meaningful engagement with all stakeholders. It will include the following main steps: (a) analysis and identification of key stakeholders; (b) public notification of the policy update process; and (c) a 165-day period during which comments on the Policy Profile (Phase I) and the Policy Draft (Phase II) can be submitted electronically or at in-person sessions.

Proposed actions during each step are listed below:

**(a) Analysis and identification of key stakeholders.** An analysis of stakeholders will be performed, drawing on the Bank's extensive experience from its work with governments and civil society organizations as well as its work in the area of public engagement. An analysis will be conducted at the regional level to identify the appropriate categories of interested stakeholders, to include: (i) government officials and implementing agencies in Latin America and the Caribbean; (ii) policy makers charged with developing access to information policies at the government level; (iii) local and international civil society organizations, such as research and study centers, grassroots organizations, professional associations, chambers of commerce, indigenous groups, organizations that work on transparency, open government, and information access issues, and other sectors of interest to the Bank; (iv) United Nations institutions and other multilateral banks; and (v) the public at large.

The level of organized stakeholder engagement is high in Latin America and the Caribbean. In the region, there are institutions dedicated to monitoring access to information policies that have gained significant experience through recent policy review processes. These institutions will be consulted in the initial stakeholder analysis in order to obtain their insights and access to their dedicated networks for Phases I and II of the consultation process.

**(b) Notification and launch of the public consultation on the Policy Profile (Phase I) and the draft Access to Information Policy (Phase II):** Five to 10 days after the Policy Profile (Phase I) and the draft Access to Information Policy (Phase II) are approved by the Board, the Bank will launch the public consultation period by announcing the Access to Information Policy review and update process via a dedicated website ([iadb.org/consultaPAI](http://iadb.org/consultaPAI)) and the most widely used social networks in the region. The announcement will also be distributed at the Bank's country offices and through networks identified during the stakeholder analysis, civil society networks, and local media outlets in member countries.

- The dedicated website ([iadb.org/consultaPAI](http://iadb.org/consultaPAI)) will help inform the public about the consultation process, the Policy Profile (Phase I), the draft Access to Information Policy (Phase II), and the consultation questions for each phase. It will let visitors register to provide inputs on the process and receive notifications when updates are posted. It will

also provide guidance and information on in-person consultation timelines, notifications, and specific ways to submit comments and participate. The website will be widely disseminated to a broad range of stakeholders, allowing them to view and download all relevant information and provide comments.

- The Bank will post the following on the dedicated website: (a) the approved Policy Profile (Phase I); (b) the draft Access to Information Policy (Phase II), once the Policy Profile consultation phase has concluded and the draft Access to Information Policy (in English and Spanish) has been approved by the Board; (c) a timeline of in-person and virtual consultations that includes key questions to elicit the insights the Bank needs from the public; and (d) details of the timeline of the review process.

**(c) 165-day period to comment and receive inputs on the Policy Profile (Phase I) and the draft Access to Information Policy (Phase II), either virtually or in person.** The Bank will use, in tandem, a combination of web-based consultations, in-person consultations, and other relevant communications tools available in the region to reach the widest possible audience.

- **Web-based consultations (Phases I and II):** To ensure the broadest possible participation, a web-based platform will be used to gather inputs from stakeholders at the regional, national, and subnational levels. Any individual or organization with reasonable Internet access can use the platform to participate in the consultations, and it will be optimized to enable access via cell phone to encourage the participation of rural and traditional peoples. Electronic comments will be submitted via the website or by email. During the initial drafting stage (after the Board has approved the Policy Profile), the Policy Profile will be made available for 45 days alongside a structured questionnaire to elicit inputs on specific issues that will be considered in the preparation of the draft of the updated Access to Information Policy. After the Phase I inputs have been processed and the draft Access to Information Policy has been approved by the Board, the draft will be made available for 120 days alongside an ad hoc questionnaire that will be used to obtain meaningful inputs that will be considered in the final version of the updated Access to Information Policy.
- **In-person consultations (Phases I and II):**
  - *Consultative meetings on the Policy Profile:* After the Board has approved the Policy Profile and during the initial drafting stage (the 45-day Phase I period), the Bank will conduct two in-person consultations as the web-based consultations are conducted: one in Washington, D.C., and one in Barbados with civil society representatives from the Caribbean (as part of the IDB Group-Caribbean Civil Society meeting on citizen engagement for transparency). These consultations aim to engage more deeply with questions about issues on which the Bank seeks input from the participants. In-person consultations will be by invitation only due to logistics and space constraints. The Consultations Team will be charged with choosing audience members based on participant profile and experience. The team will take gender balance into account and give special attention to ensuring the audience represents diverse backgrounds.
  - *Consultative meetings on the draft Access to Information Policy.* After Phase I has concluded and its inputs have been processed, the Bank will launch Phase II, starting a new, 120-day consultation period to receive external comments on the draft Access to Information Policy. During that time, six in-person public consultations will be held.



One consultation will be held at each of the Bank's country departments ("Andean," "Caribbean," "Southern Cone," and "Central America, Haiti, Mexico, Panama, and the Dominican Republic"), for a total of four. Based on the outcomes of the stakeholder analysis, the group invited to participate in the meetings will consist of representatives of civil society organizations, academia, and the general public. Particular attention will be given to those who work on transparency and information access issues and other sectors of particular interest to the Bank, so as to ensure a wide variety of perspectives. In addition to the in-person consultations conducted in the region, one designated meeting with representatives of indigenous communities will be held, so as to ensure that their unique inputs are analyzed and considered. Lastly, one stakeholder meeting will be held at Bank headquarters in Washington, D.C., with international civil society organizations. A series of videoconferences may also be prepared to bring together various stakeholder groups within and across the subregions.

- **Wrap up of phases and final version of the updated Access to Information Policy:** Once the Phase I and Phase II public consultations (web-based and in-person) have concluded, the Bank will share a matrix with the inputs received, indicating which were included in the updated policy and which were analyzed but not included. This information will be posted on the [iadb.org/consultaPAI](http://iadb.org/consultaPAI) website alongside the proposed updated Access to Information Policy distributed simultaneously to the Bank's Board of Executive Directors for its consideration.

#### **Methodology:**

- The in-person consultations will be attended by the Consultation Team, led by a Bank employee and consisting of a facilitator and other Bank employees that work on the issue. Depending on the number of participants, consultations may be divided into working groups to better analyze the issues on which the Bank requires specific inputs.
- The web-based consultations will use a variety of communication tools to (a) make the Policy Profile, the draft Access to Information Policy, and other information available to as many stakeholders as possible and (b) ensure that the feedback received during the consultations is recorded as accurately and as uniformly as possible.

The following specific tools and resources will allow users to ascertain the status of the consultation process and its next steps:

- A consultation website promoted by a web campaign and the Bank's various communication channels.
- A PowerPoint presentation on the context, guiding principles, and key elements of the proposed policy with discussion questions for both the web-based and in-person consultations.
- The Policy Profile or draft Access to Information Policy (in Spanish and in English), depending which phase the consultation is in.
- An electronic form to receive electronic comments.