

OP-102 DISCLOSURE OF INFORMATION

NOTE:

The operational policies of the Inter-American Development Bank are intended to provide operational guidance to staff in assisting the Bank's borrowing member countries. Over the course of the Bank's 40 years of operations, the approach to developing operational policies has taken various forms, ranging from the preparation of detailed guidelines to broad statements of principle and intent. Many policies have not been updated since they were originally issued, and a few reflect emphases and approaches of earlier years which have been superseded by specific mandates of the Bank's Governors, the most recent being the Eighth Replenishment mandates of 1994.

In accordance with the Bank's information disclosure policy, the Bank is making all of its operational policies available to the public through the Public Information Center. Users please note that the Bank's operational policies are under a process of continuous review. This review process includes preparation of best practice papers summarizing experience at the Bank and other similar institutions, and sector strategy papers.

[..\Historic/Hope/Op-102e.htm](#)

POLICY

Information concerning the Bank's operational activities will be made available to the public in the absence of a compelling reason for confidentiality.

This policy is based on the premise that: a) the effectiveness of projects supported by the Bank will be strengthened by public access to information and consultation with affected populations; and b) broad availability to the public of information about the Bank's projects will increase understanding and support of the Bank's mission and increase transparency and accountability.

BASIC PRINCIPLES

Availability of information on the Bank's operational activities outside the institution and any solicitation of comments will be governed by the guiding principles set forth herein. The following principles, *inter alia*, will apply:

- Access to all public Bank information should be available in any of the Bank's member countries.
- Information provided to the public for the purpose of permitting and encouraging dialogue should be made available in a form and at a time which permits substantive assessment of the project and affords adequate time for comment.
- The final determination as to what information may be released to the public should continue to rest with the Bank. The Bank should not disclose information which the Bank determines to be confidential or sensitive or information about an individual member country, a cofinancing institution, or a **private sector client** which that country, institution, or client has indicated to the Bank as being confidential or sensitive. The disclosure of information should not be permitted if it would cause harm to the Bank's interests, those of its beneficiaries, or those of a cofinancing institution, would invade the privacy or endanger the independence of its staff, or would violate agreements with third parties.
- Final decisions concerning the Bank, its operating policies and the projects it approves rest with the Bank and its member governments.

APPLICABILITY

The specific spheres of Bank activity in which information is to be made available, or access to information which has hitherto been available only in limited circumstances is to be broadened, are as follows.

1. Project Documents

The text of project profiles will be made available to the public except for sensitive or confidential information included in these documents, which will be segregated and not released.

When the text of a project profile is not appropriate for public release, a project abstract will be prepared and released in its place.

Project-profile information may be released as aforesaid once the loan enters the formal consideration process, and the profile has been approved by the Manager of the Regional Operations Department concerned. The information will be updated before the analysis mission and again following that mission if major changes are made in the project. For private sector operations, the loan is deemed to be under formal consideration after a mandate letter is signed, and a project abstract will then be made available to the public. The abstract will be updated to reflect substantial changes in the proposed operation.

Additional non-confidential factual technical information will be provided on request with the prior approval of the relevant Regional Operations Manager after consultation with the borrowing government and any directly affected cofinancing institution or private sector client.

2. Loan Proposals, Small-project Financing Proposals, and Plans of Operations for Technical Cooperation

These documents will be made available to the public after the Board of Executive Directors has approved an operation except in the case of projects where an abstract has been prepared for public release instead. The project abstract will be updated after the operation is approved by the Board of Executive Directors and the updated abstract will be made available to the public.

Confidential and sensitive information will in all instances be segregated and transmitted to the Board of Executive Directors separately, and not released to the public.

3. Sector Studies

Copies of sector studies will be made available to the public unless an objection is raised by the member government in question. If an objection is raised to the public release of such a document on grounds that it contains sensitive material, the release of the remaining, non-sensitive information in the document will be determined on a case-by-case basis by the Manager of the Regional Operations Department concerned.

Before a sector study is published, drafts of the study will be submitted to the Bank member-country government for comments, and to provide an opportunity to raise any objections to its distribution. The comments of the member government will be taken into account in the final version of the document. If the member government raises no objection to the public availability of the document, copies of the study will be made available at Headquarters, in the Country Offices, in the Special Office in Europe, and in the Bank's Office in Japan.

4. Environmental Documents

a. **Environmental Briefs** ("Environmental and Social Impact Briefs") will be directly available to the public, at Headquarters, in the Country Offices, in the Special Office in Europe, and in the Bank's Office in Japan.

b. **Environmental Impact Assessments (Eias) and Environmental Analyses**, prepared by borrowers, will be made available in the borrowing country at some public place accessible to affected groups and local NGOs, before the Bank conducts its analysis mission of an

operation requiring an EIA or environmental analysis, or in the case of private sector operations, before the due diligence mission. Once an EIA or environmental analysis is released locally and officially submitted to the Bank, it will be directly available to the public at Headquarters, in the Country Offices, in the Special Office in Europe, and in the Bank's Office in Japan. If a borrower objects to broad release of an EIA or environmental analysis outside of the borrowing country, the matter will be taken to the Board of Executive Directors for a decision on how to proceed.

- c. **Environmental Reports** ("Environmental and Social Impact Reports"), prepared by the Bank, will be directly available to the public at Headquarters, in the Country Offices, in the Special Office in Europe, and in the Bank's Office in Japan.

5. Operational Policies

The text of an operational policy will be made available to the public after the policy has been approved by the Board of Executive Directors. When appropriate in the public interest, Bank staff may consult with institutions and individuals outside the Bank having specialized knowledge of specific issues and may share drafts with them prior to submission of sector policy papers to the Board or its Committees. The final version of an operational policy proposal submitted to the Board will not be released until the policy has been approved.

6. Evaluation Reports

Annual evaluation reports and summaries of evaluation reports will be made available to the public.

7. Country Papers

Country Papers will be made available to the public after the Board of Executive Directors has approved them. Information that is deemed confidential in accordance with Bank policies, or which has been identified as sensitive by the government of the subject member country prior to submission to the Board, will be segregated and transmitted to the Board separately, and will not be released to the public.

Documents which were produced or are the result of information obtained before the adoption of the Information Disclosure Policy are not to be made available to the public. Specific permission of member governments or any directly affected cofinancing institution must be obtained before the release of documents which include information about that government or institution previously not available to the public, and to the extent that the individual member government or cofinancing institution requests preservation of the confidentiality of such information, this preference should be respected. Documents produced after approval of the Information Disclosure Policy are to be prepared in accordance with the expectations of release indicated by the policy.

EXCEPTIONS TO THE POLICY

The following categories of information are, by definition, to remain confidential:

1. Intellectual property or other information which has been disclosed to the Bank under any obligation of confidentiality, or intellectual property of the Bank.
2. Internal financial information which may affect the Bank's activities in capital and financial markets or to which such markets may be sensitive, including, but not limited to, liquidity investments, estimates of future borrowings and redemptions of borrowings, expected rates of interest, rates of return and financial ratios, and documents dealing with financial matters not yet approved by the corresponding Bank authorities.

3. Information dealing entirely with internal administration or operating systems which has no direct effect outside the Bank, or internal documents written by Bank staff to their colleagues, supervisors or subordinates, unless those documents are intended for public circulation in accordance with Bank policies.
4. Privileged information such as legal advice and matters in legal dispute or under negotiation. **This** includes also disciplinary and investigatory information generated in or for the Bank, except documents intended for public release pursuant to the Bank's independent investigation mechanism.
5. Personal or employment-related information about Bank staff.
6. Information concerning the Bank's operations or proposed projects whose public disclosure might pose a threat to the national security of member governments.
7. Information in the Bank's possession which (a) was created not by the Bank but by a member country or a cofinancing institution, and (b) is identified by that country or institution **as** being confidential and sensitive, and the member country or cofinancing institution has requested that its release be restricted.
8. Information related to procurement processes which involves prequalification information submitted by prospective bidders, proposals or price quotations, or records of deliberative processes.
9. Records of internal deliberative processes except to the extent that the Board of Executive Directors determines they should be made public.
10. Financial, business or proprietary information of private entities received by the Bank during the analysis or negotiation of loans, unless permission is given by those private entities to release such information to the public.
11. Any other information that the Bank, an individual member country of the Bank, a cofinancing institution, **or a private sector** client determines to be confidential or sensitive. It should be noted that the Bank has entered into specific agreements with PAHO, the Caribbean Development Bank, UNDP, and the World Bank Group for the exchange of information. Pursuant to these agreements, some Bank documents which are not considered public may be shared with staff of those institutions. Likewise, agreements with bilateral donors may require the release of information not generally available to the public. It is not the intent of this policy to restrict the release of information under any of these agreements.

ENTRY INTO FORCE

This policy will apply to documents prepared after January **1, 1995**, and to loan proposals for operations negotiated after January **1, 1995**. The policy will not apply retroactively to documents produced before January **1, 1995** with the expectation that the confidentiality of the information they contain would be maintained.

After February **1, 1995**, the Bank will have special facilities for providing expanded public access to information, at Headquarters, in the Country Offices, in the Special Office in Europe, and in the **Bank's** Office in **Japan** at which facilities copies of printed documents and reports available to the public will be maintained for distribution, or computer access will be available. Registries will be maintained in each of the Bank's offices to record the recipients of documents.

COSTS

To the extent possible, and to the extent that it would be cost-effective, the costs of maintaining the above-mentioned facilities should be recovered through the collection of reasonable fees for use of

document reproduction equipment and for provision of copies of printed material, in accordance with cost recovery systems to be determined by the Bank.

RESPONSIBILITY

The Office of the External Relations Advisor will have primary responsibility for providing information to the public.

Prevailing Reference Documents: GN-1831-3, October 1994; CC-5456, February 1998.