



Access to Information Policy IDB Invest: Comments - Directorio Legislativo

GENERAL COMMENT

In 4 different moments of the access to information policy document, reference is made to guidelines for its implementation. Which are the guidelines for the implementation of this policy? How and when would they be made? They could limit access to information.

The 4 subjects that mention the guidelines are:

- INFORMATION ROUTINELY MADE AVAILABLE: “14. *The information described below is a non-exhaustive, illustrative list of the types of information that the IIC routinely discloses. The IIC will disclose this information after it has been approved, authorized, or its consideration by the applicable governance body has concluded, and in accordance with the timelines that the IIC establishes in **the implementation guidelines***”.
- Disclosure Commitment regarding the Content and Languages on the information: “39. *To allow affected communities and interested parties to substantively participate in the processes prior to the approval of the investment, the IIC will disclose high quality contents that are suitable for disclosure. These parameters will be developed through **this Policy’s implementation guidelines***”.
- Joint Documents: “61. *Information of a confidential nature contained in joint IIC and IDB documents will be protected. The criteria for the application of this provision will be developed through **implementation guidelines***.”
- Costs: “75. *The IIC may charge reasonable fees for the cost of producing and sending copies to requesters, which may be regulated in the **implementation guidelines***”.

I. INTRODUCTION

- Include a paragraph to introduce a conceptual framework for the access to public information policy that they are promoting.
- Add in the 4th item that this policy helps fight corruption policies and increase the social responsibility that the private sector must have, in such a way that CSOs can influence public policies that affect enterprise/companies operations.
- Do not talk only about dissemination. A policy of access to information must include a transparency principle.

II. THE POLICY **C. PRINCIPLES**



- **Formats.** Incorporate the formats in which the information should be presented. In addition, explain that the information will have the highest possible level of disaggregation and the means by which it will be made available.
- **Exceptions regime.** Specify the scope of the exception policy, define which information could eventually imply a damage to the interests of the parties involved. It can be useful to base this on international standards.
- **Scope of the information.** Specify the means by which access to information will be facilitated.
- **Right of review.** Establish deadlines for the IIC to explain the reasons for its denial if an applicant requests its review.

III. INFORMATION ROUTINELY MADE AVAILABLE

A. INSTITUTIONAL INFORMATION

- It should be pointed out that information will be released in open data formats whenever possible, particularly regarding budget and long lists of data.
- **IIC Frameworks and Budget:** It would be interesting if the IIC could oblige its partners to disclose proactively information (budget and activities) regarding the execution of the activities agreed. Not only will the IIC publish information but then each partner would too.
- **Information proactively published.** This point is restrictive regarding the spirit of access to information because it leaves to free interpretation which information must be published. It also establishes that once the information to be published is selected, it will require the approval of the application authority.
- **Financial information.** Specify which information is considered confidential for capital markets.
- **Public offers.** Disaggregate what type of information will be published regarding this point: amount, tenders, dates, tenderers or recipients, etc.
- **Carbon Footprint:** this should clearly be in open data.
- **General Staff Information.** The functions of each of the areas of the hierarchical structure could be included.

B. INVESTMENT-RELATED INFORMATION



- **Early Disclosure:** it could be interesting to put a participatory process here, where local communities and stakeholders can make an opinion on the project.
- **Disclosure of other Materials provided by the client.** Regarding investments of high environmental or social risk, the IIC may disclose the didactic materials produced by the client in the context of public consultation of the projects, which have been made available to the public. It is preferable to establish that it will be disclosed.
- **Disclosure of information after its approval.** a) Update of Project Information. *45. The IIC will update the Investment Summary in a timely manner as necessary to ensure adequate accuracy of previously disclosed information.* The concept of opportune is vague. Specify how often the information will be updated.
- **Information Disclosed by the Client in Extractive Projects:** specify what type of information will be published: terms of the contracts and exploitation concessions, profit margins, amounts, information about the companies.

C. ADVISORY SERVICES-RELATED INFORMATION

- **Advisory Services Project Summary:** add CV or brief description of each personnel participating in the project.

IV. EXCEPTIONS

- **Exceptions regime.** It is not specified why there are certain items that are considered sensitive information. The following items do not constitute sensitive information: commercial information; financial information; - within legal matters - (i) decisions of the ethics committee, the Board's Conduct Committee, the Anti-Corruption Policy Committee and the Sanctions Committee; (II) information collected, received or generated in the course of an investigation by the Office of Integrity Institutions (OII) or a third party on behalf of said office; in accordance with the IIC's Integrity Framework, sanction procedures, and other regulations.
- **Communication of Executive Directors' Offices:** *"iii) communications between individual Executive Directors' offices and third parties"*. It is necessary to narrow that "third parties" could mean, since this could affect competitiveness or transparency in the contracting process.
- **Personal Information:** there is a big debate in what is personal sensitive data and what is not. It is key in this point to be very specific on what type of information from IIC member will be available and which not (personal identification numbers, civil status, studies, amount of children, etc)

VI. IMPLEMENTATION ASPECTS OF THE POLICY

- **Historical Information:** It is also important to determine how long will information be saved, archive policy and a protocol/process for its destruction.

VII. REQUESTING INFORMATION AND REVIEW MECHANISM

- **Submitting a Request for Information:** maybe there is information published which is not with the level of detail needed or there is a specific data missing, and with this statement it might be rejected while it shouldn't.



- **Languages:** shouldn't a request be accepted if it's done in an official language from a country where the IIC has signed an agreement, but if is not an official language from the IIC?
- **Costs:** but in ALL cases where the information can be accessed electronically and save money, it should be done that way.

Timelines: *“Requests for review by the IIC Management mechanism or the independent external panel..”*. Who will conform this panel? It should be stated in the review. Are they going to be public officials? MPs? International experts? Members of international bodies? It is very important that this panel is legitimate, knows about the subject and it is chosen in a transparent way.