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IDB Invest: Draft Information Policy Needs Improvement

IDB Invest is conducting a consultation on the draft Access to Information Policy it circulated in April 2018. In its Analysis of the draft Policy, released today, the Centre for Law and Democracy (CLD) welcomes advances over the 2005 Policy which is currently in force but also notes that significant improvements are needed if IDB Invest is to respect international standards relating to the right to information. As with many international financial institution (IFI) information policies, the regime of exceptions is the most problematical area, but weaknesses are also found in other areas, notably in relation to the procedures for making and processing requests and the system of appeals.

“The new policy proposals would do a lot to make IDB Invest more transparent”, said Toby Mendel, Executive Director of CLD. “But it is failing to take the bold steps that are needed if it really wants to realise the principle of maximum disclosure proclaimed in the draft Policy.”

One of the more serious problems with the regime of exceptions is that it essentially grants third parties a veto over the disclosure of information provided by them, instead of simply protecting their legitimate interests. A more general problem is that while many exceptions start with a reasonably tight statement of the interest being protected against harm, they go on to list a number of overbroad, non-harm tested categories of exempt information.

Other areas of concern include:

- The policy would only apply to information created after it came into effect.
- The rules on the processing of requests and the system for appointing members of the appeals bodies are not detailed enough.
- There are no sanctions for wilful obstruction of access and or protections for good faith disclosure of information.
- The draft Policy contains a number of technical weaknesses, many of which give rise to uncertainty about how the policy would be applied.

CLD urges IDB Invest to introduce substantial changes to the draft Policy, in line with the recommendations in its Analysis.

CLD's Analysis of IDB Invest's draft Policy is available at: <https://www.law-democracy.org/live/idb-invest-draft-information-policy-needs-improvement/>.

For further information, please contact:

Toby Mendel

Executive Director

Centre for Law and Democracy

Email: toby@law-democracy.org

Tel: +1 902 431-3688

www.law-democracy.org

twitter: @law_democracy