

**TOWARD GREATER TRANSPARENCY THROUGH
ACCESS TO INFORMATION**

THE WORLD BANK'S DISCLOSURE POLICY

Operations Policy and Country Services
December 10, 2009

ABBREVIATIONS AND ACRONYMS

AAA	Analytic and Advisory Activities
CAS	Country Assistance Strategy
CODE	Committee on Development Effectiveness
COGAM	Committee on Governance and Executive Directors' Administrative Matters
CPPR	Country Portfolio and Performance Review
DIWG	Disclosure Implementation Working Group
ESW	Economic and Sector Work
EXTVP	External Affairs
GAC	Governance and Anticorruption
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
ICR	Implementation Completion Report
IEG	Independent Evaluation Group
IFC	International Finance Corporation
IMF	International Monetary Fund
INT	Integrity Vice Presidency
IP	Inspection Panel
ISG	Information Solutions Group
ISR	Implementation Status and Results report
IT	Information Technology
LEGVP	Legal Vice Presidency
MIGA	Multilateral Investment Guarantee Agency
OIS	Office of Information Security
OPCS	Operations Policy and Country Services
PAD	Project Appraisal Document
PD	Program Document
PIC	Public Information Center
PRSP	Poverty Reduction Strategy Paper
SEC	Corporate Secretariat

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THE WORLD BANK'S DISCLOSURE POLICY

EXECUTIVE SUMMARY

1. Over the past 15 years, the Bank's policy on information disclosure has evolved in response to changes in the Bank's business and the growing expectations of stakeholders, and in line with the Bank's continued commitment to enhancing transparency about its operations. The Executive Directors and Bank Management have periodically reviewed the policy and expanded its scope: for example, in 1993, 2001, and 2005. The result has been a fairly wide-reaching Disclosure Policy: the Bank now discloses many of its operational documents, from project and policy documents to strategy and evaluation documents, and it is more open today with respect to institutional information and its internal decision-making processes.

2. ***Need for Revision.*** The Bank's Disclosure Policy states a "presumption in favor of disclosure" but then undermines this presumption by specifically defining what information can be disclosed. Furthermore, the policy has changed in a piecemeal fashion, and as a result, it is not clear about what cannot be disclosed, and there are many ambiguous and overlapping rules that are difficult for Bank staff to implement and for the public to understand. At the same time, public interest in transparency has been growing; the World Bank itself has provided advice and technical assistance to many governments in this area. In this new climate, the transparency standards of international financial institutions have come under increasing public scrutiny. Both within and outside the Bank, many feel that the Bank's approach to disclosure does not match its advice to its clients. Thus the time has come to take a fresh look at the Bank's policy on disclosure.

3. ***Basis for the Proposal.*** This paper proposes a revised Disclosure Policy for the World Bank. It builds on a paper outlining the proposed approach that was discussed at a joint meeting of the Committee on Development Effectiveness (CODE) and the Committee on Governance and Executive Directors' Administrative Matters (COGAM) in December 2008,¹ and takes into account the comments of the committee members. It also takes into account the comments of a wide variety of external stakeholders (citizens, representatives of member governments, civil society organizations, private sector, academia, international organizations, donor agencies), and Bank staff, elicited through a broad consultation process. In addition, this paper takes into account the inputs received at a meeting of COGAM in July 2009, on the disclosure of Board records.

4. ***Paradigm Shift.*** The proposed policy would constitute a radical shift in the Bank's disclosure paradigm—from a policy that spells out what the Bank may disclose, to one that presumes the Bank will disclose any information in its possession that is not on a list of exceptions. While it would allow the disclosure of more information than

¹ See *Toward Greater Transparency—Rethinking the Bank's Disclosure Policy* (CODE2008-0094, COGAM2008-0048), December 15, 2008.

ever before—particularly information related to projects under implementation and to the Board’s actions²—it would protect the confidentiality of the deliberative processes that lead to Bank decisions and actions, to protect the relationship of trust with member states and to ensure that staff can openly and freely express opinions and recommendations both internally and to clients. Under the revised policy, the Bank would routinely make available to the public as much information as practical, particularly on its external website, and it would adopt clear and cost-effective procedures for requesting, and responding to requests for, information. It would also provide an appeals mechanism for those who believe that the Bank has unreasonably denied access to information that should be publicly available. Finally, the policy would recognize that the sensitivity of some information declines with the passage of time, and it would provide timelines for the eventual declassification and disclosure of some of the restricted categories of information.

5. ***Supporting Mechanisms.*** A policy change of this nature would require a host of supporting arrangements, including staff training, improved Information Technology (IT) systems, strengthening of the Archives Unit, the InfoShop, and the public information function in country offices, and schedules for service standards and service fees. The paper explains how these areas would be addressed and proposes that the transition to the new policy be overseen by the External Affairs Vice Presidency (EXTVP), through its chairing of the proposed Disclosure Committee and the Disclosure Implementation Working Group. After this transitional period, an “Access to Information” unit would be set up, and it is anticipated that it would be overseen by the Legal Vice Presidency (LEGVP). Finally, while the budgets for meeting most of the IT and other systems needs of the revised policy are provided for under existing capital budgets, the paper notes the need for extra funding of up to \$4.5 million per annum over FY10-12 to meet the costs of additional staff and Bankwide staff training.

6. ***Request for Approval.*** Executive Directors are requested to approve the following:

- The revision of the Bank’s Disclosure Policy in accordance with the principles as set out in paragraph 7.
- The proposal to disclose certain Board records and most Board papers as set out in paragraphs 11-13 and Box 2.
- The exceptions to the maximum disclosure principle as set out in Annex C.
- The approach to declassification of information as set out in paragraphs 20-22.
- The proposed arrangements for the institution of a two-stage appeals process as set out in paragraphs 26-28.
- The proposal to require borrowers to disclose the audited annual financial statements for projects as set out in paragraph 15.
- The proposal to change the title of the policy as set out in paragraph 47.

² See *Toward Greater Transparency - Rethinking the World Bank’s Disclosure Policy: The Disclosure of Board Records and Related Issues* (COGAM 2009-0024), July 16, 2009.

7. ***Effectiveness.*** If these provisions are approved, Management would launch the preparations for implementing the new policy described in this paper. The new policy would become effective on July 1, 2010. Management would carefully monitor the policy and keep the Board informed of progress and results, with a first progress report planned for the end of 2011.³

³ If elements of the new policy are ready for implementation before July 1, 2010, Management would seek the Board's approval (on an absence of objection basis) to implement them before that date.

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THE WORLD BANK'S DISCLOSURE POLICY

I. INTRODUCTION

1. The World Bank recognizes that transparency and accountability are fundamentally important to the development process and central to achieving the Bank's mission to alleviate poverty. The Bank's commitment to openness is also driven by a desire to foster public ownership, partnership, and participation in World Bank operations from a wide range of stakeholders. Transparency is essential to building and maintaining public dialogue and increasing public awareness about the Bank's development role and mission. Openness promotes engagement with stakeholders, which, in turn, improves the design and implementation of projects and policies, strengthening development outcomes. It facilitates public oversight of Bank-supported operations, which not only assists in exposing potential wrongdoing and corruption, but also enhances the possibility that problems will be identified and addressed early on.

2. *History of the Disclosure Policy.* Over the past 15 years, the Bank's¹ policy on information disclosure has evolved in response to changes in the Bank's business and the growing expectations of stakeholders, and in line with the Bank's continued commitment to enhancing transparency about its operations. The Executive Directors and Bank Management have periodically reviewed the policy and expanded its scope: for example, in 1993, 2001, and 2005 the Board approved proposals to allow public access to additional documents (see Annex A). The result has been a fairly wide-reaching Disclosure Policy. The Bank now discloses many of its operational documents, from project and policy documents to strategy and evaluation documents. The Bank is also more open today with respect to institutional information and its internal decision-making processes than it was in 1993 (when the first formal Disclosure Policy was adopted). It has complemented the policy through such measures as a Translation Framework, and by strengthening the public information function and centers worldwide.

¹ The term "World Bank" or "Bank" means the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA). The International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) have their own disclosure policies; the disclosure teams at IFC and MIGA are observing the changes being proposed for IBRD/IDA. The disclosure of information pertaining to the Independent Evaluation Group for IBRD and IDA (IEG-WB) is managed under its separate disclosure policy regime, which the Board approved on January 8, 2004. IEG-WB is reviewing its future alignment with the proposed revision to the disclosure policy for IBRD/IDA, and it expects to submit a note to the Committee on Development Effectiveness (CODE) shortly. The disclosure policy pertaining to the Integrity Vice Presidency (INT) is managed under its separate disclosure policy regime currently under preparation and expected to be submitted and discussed with the Audit Committee before the end of this calendar year.

3. **Why Revise the Policy?** The Bank’s Disclosure Policy states a “presumption in favor of disclosure” but then undermines this presumption by specifically defining what information can be disclosed. Moreover, the policy is not clear about what cannot be disclosed, and there are many ambiguous and overlapping rules that are difficult for Bank staff to implement, and for the public to understand.² At the same time, public interest in transparency has been increasing: more than 80 countries have adopted freedom of information legislation, and there is now increased understanding about transparency and best practices for achieving it. The World Bank itself has provided advice and technical assistance to many governments in this area. In this new climate, the transparency standards of international financial institutions have come under increasing public scrutiny. Both within and outside the Bank, many feel that the Bank’s approach to disclosure does not match its advice to its clients. The Bank’s own Governance and Anticorruption (GAC) Strategy called recently for more transparency and disclosure in the Bank’s conduct of its business, especially with respect to information about project implementation.³ Thus the time has come to take a fresh look at the Bank’s policy on disclosure.

4. **Paradigm Shift.** This paper proposes a paradigm shift in the Bank’s approach to disclosing information, from an approach that spells out what documents the Bank discloses (a “positive list”) to one under which the Bank would disclose any information in its possession that is not on a list of exceptions—a policy that would be more consistent with the Bank’s expressed presumption in favor of disclosure, and more in line with recognized international best practice. The policy would also enable the eventual declassification and disclosure of certain information that falls under the exceptions. This approach is consistent with the Bank’s business model, which recognizes the importance of transparency as a critical tool for enhancing good governance, accountability, and development effectiveness. As the Bank has long recognized, a sound, open Disclosure Policy is fundamental to fulfilling its many roles.⁴

- As a development finance institution, the Bank strives to be transparent about its projects and programs (particularly with groups affected by its operations), to share its global knowledge and lessons of experience with the widest possible audience, and to enhance the quality of its operations by engaging with the development community.
- As an intergovernmental organization owned by countries, the Bank is accountable for public money, and has an obligation to be responsive to the questions and concerns of its shareholders.

² The limitations to the existing policy are presented in greater detail in the Approach Paper, *Toward Greater Transparency: Rethinking the World Bank’s Disclosure Policy* (CODE2008-0094/2, COGAM2008-0048/2), February 4, 2009.

³ The *Implementation Plan for Strengthening World Bank Engagement on Governance and Anticorruption* (SecM2007-0425), October 2, 2007, articulated concrete steps to implement the GAC strategy that was approved by the Board in March 2007.

⁴ See *The World Bank Policy on Disclosure of Information*, March 1994.

- As a borrower, the Bank has established that the disclosure of information helps attract purchasers to its securities.
- As an employer, the Bank seeks to provide its employees with all the information they need to perform their duties.

At the same time, in each of these roles, the Bank has an obligation to protect the confidentiality of certain information. The measures proposed in this paper endeavor to strike an appropriate balance between the need to allow the public maximum access to information in the Bank's possession, and the Bank's obligation to respect the confidentiality of its clients, shareholders, employees, and other parties. Crucially, the policy must also protect and respect the deliberative process—the interactions between staff and member governments, as well as among staff, that contribute to formulating decisions and agreements.

5. **Previous Work.** In December 2008, a paper outlining the proposed approach⁵ was discussed at a joint meeting of the Committee on Development Effectiveness (CODE) and the Committee on Governance and Executive Directors' Administrative Matters (COGAM). The committee members broadly supported the proposed paradigm shift and provided comments concerning specific aspects of the proposal and the ensuing external consultation process. The revised paper⁶ was shared with member country authorities before launching public consultations. From March 12 through June 5, the Bank conducted meetings in 33 countries with a wide variety of stakeholders: citizens, representatives of member governments, civil society organizations, private sector, academia, international organizations, and donor agencies.⁷ Comments were also solicited through the web. Management also held consultations with Bank staff. On July 22, COGAM discussed a separate note on how the proposed approach would apply to Board records.⁸ The proposal presented in this paper takes into account the comments received during the consultations and COGAM's input on the disclosure of Board records.

6. **Structure of this Paper.** Following this introduction, Chapter II sets out the principles that guide the Bank's revision of the policy. Chapter III proposes key elements of a revised policy. Chapter IV describes the procedures by which the revised policy would be implemented, and the arrangements that Management will put in place for transitioning to the new policy. Chapter V discusses the implications of the proposed revisions, Chapter VI provides a clarification on how the proposed policy would apply to records held by Executive Directors' offices, and Chapter VII summarizes the conclusions and outlines the next steps.

⁵ See *Toward Greater Transparency—Rethinking the Bank's Disclosure Policy* (CODE2008-0094, COGAM2008-0048), December 15, 2008.

⁶ See *Toward Greater Transparency—Rethinking the Bank's Disclosure Policy* (CODE2008-0094/2, COGAM2008-0048/2), February 4, 2009.

⁷ See www.worldbank.org/disclosure for details.

⁸ See *Toward Greater Transparency - Rethinking the World Bank's Disclosure Policy: The Disclosure of Board Records and Related Issues*, (COGAM 2009-0024), July 16, 2009.

II. PRINCIPLES GUIDING THE POLICY REVISION

7. The new policy is based on five principles.⁹

Principle 1: Maximizing access to information

The World Bank recognizes the fundamental importance of transparency and accountability in the development process. Accordingly, the Bank would disclose any information¹⁰ in its possession that is not on a list of exceptions. The policy would further recognize that certain categories of information need not remain restricted indefinitely, and it would provide specific timelines for releasing most categories of information.

Principle 2: A clear list of “exceptions”

The Bank would deny access only to information whose disclosure could cause harm to well-defined interests. The types of information that would consequently not be made publicly available—hereafter referred to as “exceptions”—would be clear and easy to interpret. However, the Bank would reserve the right to disclose, under exceptional circumstances, certain information that falls under the exceptions, if it determines that the overall benefits of such disclosure outweigh the potential harm to the interest(s) protected by the exception(s).¹¹ Similarly, the Bank would reserve the right not to disclose, under exceptional circumstances, information that it would normally disclose if it determines that such disclosure is likely to cause harm that outweighs the benefits of disclosure.

Principle 3: Safeguarding the Deliberative Process¹²

While the Bank would be fully open about its decisions, results, and agreements, it would protect the confidentiality of the processes that lead to these decisions, results, and agreements, to protect its relationship of trust with its member states

⁹ The Approach Paper set out four principles; to reflect the feedback from consultations, this paper adds a fifth—Safeguarding the Deliberative Process.

¹⁰ The term “information” includes documents of any type (for example, paper, electronic, photograph, film, sound recordings, video tapes) prepared or received by the Bank in the course of its business.

¹¹ This prerogative to override the exceptions will be exercised only under exceptional circumstances, following strict authorization procedures. It is intended to apply only to certain information that falls under the exceptions set out in Annex C, paras. (8) through (10)—i.e., information pertaining to corporate administrative matters, certain deliberative information, and certain financial information. It is not intended to apply to information that falls under the exceptions set out in Annex C, paras. (1) through (7) and related deliberative information. Management will provide a quarterly report to the Board, notifying the Executive Directors on the application (or otherwise) of this provision. The disclosure of restricted information pertaining to Board (or Board committee) proceedings will require Board approval.

¹² For the purposes of this policy, the term “deliberative” captures the act of carefully considering issues and options before making a decision or taking some action.

and to ensure the free and candid exchange of ideas among Bank staff and with member countries and other counterparts.

Principle 4: Clear procedures for disclosing information

The Bank would routinely make available to the public as much information as practical, particularly on its external website. It would adopt clear and cost-effective procedures for requesting information and for processing requests for information, including timelines for decision-making. When denying requests for disclosure, the Bank would explain the reasons.

Principle 5: Right to appeal

The Bank recognizes requesters' right to an appeals process if they believe that the Bank has unreasonably denied access to information that should be publicly available under its Disclosure Policy. It would adopt a two-stage appeals process: an internal mechanism and an independent mechanism. This process would include clear standards for the time for considering appeals.

III. THE PROPOSED POLICY

8. Under the proposed approach, the Bank would provide access to any information in its possession that is not on a list of exceptions. The new approach would not be predicated upon a list of information the Bank can disclose; rather, it would clearly define the kinds of information that it would *not* disclose. This section explains how the new policy would broaden access to information, sets out the proposed types of information that would not be disclosed, and suggests timelines for declassifying certain information to make most of it disclosable over time.

A. What Would Be Disclosed

9. Today, the Bank routinely discloses a wide range of information—project appraisal documents and program documents; economic and sector work (ESW) reports that are distributed to the Board; strategies, policies, and procedures; development data, research, and knowledge products; and materials about institutional structures, finances, and the decision-making process. Under the proposed framework, the Bank would continue to provide access to all this information (see Annex B) and, in addition, would expand the categories of information that it routinely discloses. In particular, it would routinely disclose more information about projects under preparation, projects under implementation, analytic and advisory activities (AAA), and Board proceedings.¹³

10. ***Results at the End of Deliberations.*** The Bank now discloses many final documents at the end of the deliberative process—for example, Project Appraisal Documents (PADs), Program Documents (PDs) for development policy lending,

¹³ For the purposes of this policy, this paper distinguishes between two broad categories of information pertaining to Board proceedings—Board records (para. 11) and Board papers (para. 12).

Implementation Completion Reports (ICRs), Country Assistance Strategies (CASs), Minutes of Board meetings, and Chairman’s Concluding Remarks and Summings-up of some Board meetings. However, a large amount of other information and documentation—particularly relating to projects under implementation—remains undisclosed. Under the new policy, consistent with Principle 3, the Bank would distinguish the kinds of information that are truly of a deliberative nature from those that convey the *results* of its deliberations, so that it can:

- (a) disclose final outcomes and results of its deliberations at key process milestones (including Board milestones); and
- (b) protect information that is of a truly deliberative nature unless it becomes eligible for declassification according to defined timelines.

Box 1 provides examples of what would be newly disclosed at key process milestones. Detailed guidance on what would be considered “deliberative” and what would be considered “results” would be issued to staff before the new policy is implemented.

Box 1. Documents Newly Disclosed at Key Process Milestones—Examples

At the end of Board Proceedings

- Minutes of Board Committee meetings
- Summings-up of Board meetings and Committee of the Whole meetings
- Summaries of Discussion
- Green Sheets (as described in para. 11), if a subsequent Board discussion is not expected
- Annual Reports of Board Committees

At other Process Milestones

- Decisions of Project Concept Review Meetings and Decision Meetings (as part of the initial and updated Project Information Document)
- Implementation Status and Results (ISR) Reports^a
- Audited annual financial statements of projects prepared by borrowers (as described in para. 15)
- Key decisions at the end of supervision missions and project midterm reviews (full mission aide-mémoires may be released if the Bank and borrower so agree.)
- Country Portfolio Performance Reviews
- Consultation plan for Country Assistance Strategies (CASs)
- Concept notes and consultation plans for policy reviews that are subject to external consultations
- Operational policy papers and Sector Strategy Papers (as described in para. 13).

^a Management would redesign the ISR template so that it forms two parts. The first part, which would provide all the objective information about the status of project implementation, as well as the overall ratings on Project Development Objectives and Implementation Progress, would be fully disclosed. The second part would cover the deliberative aspects, notably the staff and management comments and detailed risk ratings; this part would not be disclosed.

11. **Board Records.**¹⁴ The application of the revised approach to Board records was discussed and endorsed by COGAM in July 2009. Because the Board makes decisions primarily through consensus (rather than by vote), it is important that the Executive Directors have the space to engage in a frank dialogue, candidly expressing their views while remaining open to compromise in order to reach consensus at the end of the process. If the view of each Executive Director is immediately known to the public, it may put undue pressure on Executive Directors, and could also politicize the Bank's decision-making process.¹⁵ Therefore, this paper proposes that

- (a) final decisions and outcomes of the Board's deliberative process be disclosed, and
- (b) deliberative Board records not be disclosed unless they become eligible for declassification in accordance with the proposed declassification timelines.¹⁶

Consistent with this approach, the Bank would disclose the following records: Board minutes, Minutes of Board Committee meetings, Summings-up of Board meetings and Committee of the Whole meetings, Summaries of Discussion, Green Sheets (if a subsequent Board discussion is not expected), and Annual Reports of Board Committees. Green Sheets produced after July 1, 2010, would be drafted in such a way that deliberative aspects would be protected, and the views expressed during Committee meetings would not be attributable to individual Executive Directors, their offices, or individual Bank staff/Management. However, this must be done in a way that preserves the quality and usefulness of Green Sheets to the Board.¹⁷ SEC will closely monitor the implications of disclosing Green Sheets for six months and will report the lessons of experience to COGAM by April 2011. Some Board discussions may deal with issues that fall under the exceptions of the policy. In such cases, the related Board records would be classified as "Confidential" or "Strictly Confidential" and would not be disclosed unless they become eligible for declassification according to the proposed declassification timelines.

12. **Board Papers.**¹⁸ Consistent with Principle 1 to provide maximum access to information, the revised policy would have a presumption that most Board papers are disclosed either at the end of the deliberative process, or simultaneously when they are distributed to the Board (Box 2 summarizes the proposal on the disclosure of Board

¹⁴ For the purposes of this policy, "Board records" refers to records of Board or Board committee discussions such as verbatim transcripts, minutes, statements of individual Executive Directors, Chairman's Concluding Remarks and Summings-up, and Summaries of Discussions. Not all of these records are prepared following every Board meeting.

¹⁵ This pressure would be more pronounced for Executive Directors who represent several constituencies.

¹⁶ This paper also proposes to declassify most of the restricted Board records (including verbatim transcripts and Executive Directors' statements) after a lapse of 5, 10, or 20 years. See Annex E.

¹⁷ SEC will share the proposed new format of the Green Sheets with the Chair of each Board Committee for review before the new policy takes effect.

¹⁸ For the purposes of this policy, "Board papers" refers to documents that are specifically prepared by staff for (i) discussion or consideration (decision) by the Board, (ii) discussion by a Board committee, or (iii) information of the Board or a Board committee.

papers). Some Board papers may predominantly deal with issues or contain information that fall under the exceptions of the policy. In such cases, the paper would be classified as “Confidential” or “Strictly Confidential” and would not be disclosed unless it becomes eligible for declassification according to the proposed declassification timelines. Management would take steps to minimize the number of restricted Board papers by issuing guidelines to staff on what can be classified as “Confidential” or “Strictly Confidential,” and also by requiring that the decision to restrict a Board paper may be taken only after informing the Vice President concerned. The Corporate Secretariat would track the number of restricted Board papers and report the numbers to Senior Management at regular intervals.

13. ***Simultaneous Disclosure.*** The Bank frequently holds consultations with affected parties, civil society groups, and other stakeholders during the preparation of lending operations and formulation of its policies and strategies. However, following such consultations, stakeholders see the final versions of papers only after the Executive Directors have discussed them and reached their decision.¹⁹ To allow stakeholders to review how their feedback has been considered, it is proposed that the following Board papers be disclosed at the same time as they are distributed to the Board:

- (a) Operational policy papers and sector strategy papers that are prepared following a public consultation process, if a draft version of the paper has already been reviewed by the Executive Directors.²⁰
- (b) Country assistance strategy papers, if the member country consents to such early disclosure.
- (c) Project Appraisal Documents and Program Documents, if the member country consents to such early disclosure.

There is some concern that disclosing Board documents before they are discussed by the Board could compromise the integrity of the Board’s deliberative process, and could also put a strain on the resources of Board offices. Therefore, the impact of this measure would be closely monitored, and it would be a particular focus of the first progress report planned for the end of 2011.²¹

¹⁹ The Bank’s reluctance to address this issue was highlighted during external consultations as a weakness of the Approach Paper. While welcoming the proposal to disclose most Board papers at the end of the deliberative process, civil society organizations urged the Bank to disclose Board papers relating to policy and lending operations at the same time as they are transmitted to the Board. Disclosure *after* a decision is taken was generally regarded as of little use.

²⁰ If a draft version has not been previously reviewed by the Executive Directors, at the time the paper is circulated to the Board, Management would seek the Board’s approval, on an absence of objection basis, to disclose the Board paper at least two weeks before the Board discussion. In such cases, the Board paper would be circulated to the Board at least five business days in advance of the normal lead time requirement.

²¹ In 2005, the Board approved a pilot under which the Bank could disclose certain operational policy reviews at the same time as they are distributed to the Board (see *World Bank Disclosure Policy Additional Issues* [R2003-0112/10; IDA/R2003-0128/10], February 24, 2005). The eligibility criteria to participate in the pilot were difficult to meet, and the Bank has not yet formally disclosed a Board

Box 2. Summary: Disclosure of Board Papers under the New Approach

Consistent with the presumption to disclose Board papers:

- Papers distributed for discussion or consideration (decision) by the Board, and subject to simultaneous disclosure -- disclosed upon distribution to the Board.
- Papers distributed for discussion or consideration (decision) by the Board, and not subject to simultaneous disclosure -- disclosed at the end of the Board's deliberative process.²²
- Papers distributed for discussion by a Board Committee -- disclosed at the end of the Committee's deliberations if a subsequent Board discussion is not anticipated.²³
- Papers distributed to the Executive Directors for information -- disclosed upon such distribution.

Board papers classified as "Confidential" or "Strictly Confidential" would not be disclosed unless they become eligible for declassification according to the proposed declassification timelines.

14. ***Operational Documents Prepared by the Bank.*** Under the present policy, the Bank discloses many of the country-specific operational documents it prepares—for example, PADs, ESW reports that are distributed to the Executive Directors, ICRs, and CASSs. Under the revised policy, it would disclose more documents of this nature, such as Country Portfolio Performance Reviews (CPPRs), most remaining AAA reports, and Debt Sustainability Analyses.

15. ***Mandatory Disclosure by Member Countries.*** Bank policy requires that, as part of doing business with the Bank, member countries disclose certain kinds of documents that they prepare—for example, Poverty Reduction Strategy Papers (PRSPs), Letters of Development Policy, and safeguards assessments and plans (related to environment, resettlement, and indigenous peoples). The Bank also discloses these documents upon receiving them. Similarly, the revised policy would require borrowers to disclose the

paper as part of this pilot. However, in 2008, the Board approved the disclosure of two policy papers upon their distribution to the Board (*Use of Country Procurement Systems in Bank-Supported Operations: Proposed Piloting Program*, [R2008-0036], March 3, 2008; and *Whistleblowing Policy* [R2008-0110; IFC/R2008-0145; MIGA/R2008-0021], May 20, 2008). In addition, the previous version of this paper was also disclosed before the Board discussed it on November 17, 2009.

²² In implementing this policy, Board papers classified by the originating unit as "Official Use Only" would be routinely declassified at the end of the Board deliberative process. If the paper needs to be revised to reflect the Board discussion, it would be declassified only after it has been revised and recirculated to the Executive Directors for information and/or approval.

²³ In implementing this policy, Board papers classified by the originating unit as "Official Use Only" would be declassified at the end of the Board Committee's deliberative process if a subsequent Board discussion is not anticipated. If the paper needs to be revised to reflect the Board Committee discussion, it would be declassified only after it has been revised and recirculated to the Executive Directors for information.

audited annual financial statements for projects²⁴, and the Bank would disclose them upon receiving them. This would be a condition for receiving Bank financing, and it would require a change in OP/BP 10.02, *Financial Management*. If the Board approves this proposed change, OP/BP 10.02 will be revised accordingly.²⁵ However, the revised policy would recognize that, in some exceptional cases, the audited financial statements may contain proprietary or commercially sensitive information. In such exceptional cases, the project entity would be exempted from disclosing the full set of the audited financial statements, but would still be required to disclose an abridged version of them. In implementing this provision, when transmitting audited financial statements to the Bank, the country or the project entity would be expected to (a) specifically instruct the Bank not to disclose the full set of the financial statements on the grounds that they contain proprietary or commercially sensitive information (b) classify the audited financial statements accordingly, and (c) provide an abridged version of the audited financial statements that the Bank would then disclose. The Bank would provide borrowers with appropriate guidelines for meeting this requirement.

16. ***Documents Prepared Jointly with Other Partners.*** The existing Disclosure Policy is not clear about what consultations or consents are required before disclosing documents that are prepared jointly by the Bank and other development partners (for example, joint CASs, joint ESW, or documents prepared in the context of harmonization). Under the revised policy, the Bank would disclose the final documents that it prepares jointly with other partners.²⁶

B. What Would Not Be Disclosed: Proposed Exceptions

17. While the Bank is committed to disclosing as much information as possible, there are compelling reasons to protect certain types of information.²⁷ Given the Bank's diverse roles as a development organization owned by its member countries, a financial entity, and a knowledge-based institution, the Bank needs to strike the right balance between maximum disclosure and legitimate concerns to protect "confidential" information. In deciding what information should not be disclosed, the Bank weighs the benefits of disclosure against the harm that disclosure might cause to specific parties or interests. In this regard, the Bank would not disclose the following types of information (briefly summarized here, and set out in detail in Annex C):

²⁴ This refers to annual financial statements prepared in accordance with accounting standards acceptable to the Bank and audited in accordance with auditing standards acceptable to the Bank, together with the auditors' opinion thereon.

²⁵ It is proposed that this provision would apply to all investment lending operations for which the invitation to negotiate is issued on or after July 1, 2010.

²⁶ Before initiating such work, the Bank will obtain the agreement of the potential partner on the disclosure of the joint product.

²⁷ As an international organization established by its member countries, the Bank is endowed with certain immunities under its Articles of Agreement. The Articles provide that "the archives of the Bank shall be inviolable." Although the Executive Directors may approve the public availability of many categories of Bank information, the Bank's archival immunity provides the basis upon which the institution may protect information from compulsory disclosure.

- (a) Personal information (including staff records, medical information, and personal e-mail of staff and other Bank officials), information relating to staff appointment and selection processes, information pertaining to proceedings of the Bank's internal conflict resolution mechanisms, and information relating to investigations of allegations of staff misconduct, except to the extent permitted under the staff rules.
- (b) Communications within and between individual Executive Directors' offices, between individual Executive Directors' offices and the member country (or countries) that they represent, and between individual Executive Directors' offices and third parties.
- (c) Information pertaining to proceedings of the Ethics Committee for Board Officials (unless the Board so decides of its own volition).
- (d) Information subject to attorney-client privilege, including, *inter alia*, communications provided and/or received by the General Counsel, in-house Bank counsel, and other legal advisors.
- (e) Information the disclosure of which could compromise the security and safety of Bank staff and their families, contractors, other individuals, or Bank assets.
- (f) Information restricted under the separate disclosure regimes of the (i) Independent Evaluation Group (IEG), (ii) the Inspection Panel (IP),²⁸ (iii) the Integrity Vice Presidency (INT),²⁹ and (iv) the Bank's sanctions process,³⁰ as well as any other information that would prejudice an investigation that is not addressed under such separate regimes.
- (g) Information provided to the Bank in confidence by a member country or a third party, without the express permission of the member country or the third party concerned.³¹

²⁸ See Resolution No. IBRS 93-10, No. IDA 93-6, September 1993 (the Resolution) establishing the Inspection Panel, and subsequent clarifications to the Resolution (i.e. *Review of the Resolution Establishing the Inspection Panel: 1996 Clarification of Certain Aspects of the Inspection Panel*; and *1999 Clarification of the Board's Second Review of the Inspection Panel*), all available at <http://www.inspectionpanel.org>.

²⁹ This includes information gathered, received, or generated by INT in connection with or related to inquiries, investigations, audits, or any other types of INT reviews, programs, products, or outputs; as well as any other information gathered, received, or generated by INT on a confidential basis.

³⁰ This includes information the disclosure of which is restricted under the Sanctions Board Statute and the Sanctions Procedures.

³¹ Box 3 and Annex D provide details on the proposed procedures for addressing confidential information relating to member countries. When a member country or a third party provides financial, business, proprietary, or other non-public information to the Bank with the understanding that it will not be disclosed, the Bank will treat the information accordingly. Material held by the Bank in which other parties hold the copyright may be made available for review, but copying or distributing such material would be limited to respect the rights of the copyright holder.

- (h) Information relating to the Bank's corporate administrative matters, including, but not limited to, corporate expenses, procurement, real estate, and other activities.
- (i) Deliberative information—that is, information about deliberations between the Bank and its clients or third parties, as well as information pertaining to the Bank's own internal deliberative process (including e-mail that is part of the deliberative process and records pertaining to Board deliberations)³²—unless it becomes eligible for declassification according to defined timelines.
- (j) Certain information about the Bank's financial activities—unless it becomes eligible for declassification according to defined timelines.

E-mail has increasingly become the Bank's predominant medium of communication. Some e-mail may contain or convey decisions or outcomes that are disclosable at key process milestones. Such e-mail would be publicly available after they are filed in the Bank's records management system and classified as "Public." E-mail that is filed in the records management system but classified as "Official Use Only," "Confidential" or "Strictly Confidential," would not be normally disclosed unless the information content of the e-mail is eligible for declassification and disclosure following the proposed declassification timelines. The Bank would not disclose e-mail that resides outside its records management system (including e-mail that does not pertain to official matters and e-mail containing personal information or communications of Bank staff and other Bank officials).

18. ***Groups Operating under Separate Disclosure Regimes.*** This Disclosure Policy applies to all groups that form part of IBRD/IDA. However, there are certain groups which have special needs, either because of the confidential nature of the information they possess, whose release could be harmful to innocent persons, undermine their work, or which have an independent role to play within the institution. For these groups, special disclosure policy regimes have been or are being developed to govern the disclosure of the relevant information. Thus, the disclosure of information relating to the Independent Evaluation Group, the Inspection Panel, the Integrity Vice Presidency, and the Bank's sanctions process, would continue to be governed by the specific disclosure policy regimes approved by the Executive Directors for these groups or processes, and these would be cited in the Disclosure Policy itself. This Board paper does not discuss the provisions of these separate policy regimes.

³² Consistent with Principle 3, the purpose of this exception is two-fold: to protect the Bank's relationship of trust with its member states and to safeguard a free and candid exchange of ideas and vibrancy of debate among Bank staff and with member countries and other partners. Therefore, when the Bank considers a request to override the exception set out in 17(i), the Bank would take into account the "harm" that is likely to be caused to these two interests.

19. ***Unreasonable Requests.*** The Bank reserves the right to refuse unreasonable requests, including multiple requests, blanket requests, and any request that would require the Bank to create, develop, or collate information or data that does not already exist, or is not available in the Bank's records management system.

Box 3. Country-owned Information

During consultations on the proposed policy, an area that received considerable attention was the disclosure of information that the Bank may have but that is owned by a country. While the Bank has an obligation to protect information given to the Bank by member countries on a confidential basis, the Bank is also motivated by its principle of maximum disclosure of the information in its possession. To strike an appropriate balance between these two objectives, under the new policy the Bank would take the following approach to disclosing country-owned information:

- For country-owned documents that the Bank requires countries to disclose (such as safeguards documents, PRSPs, Letters of Development Policy), the issue of confidentiality does not arise because the country prepares the document with the understanding that it will be disclosed.
- For most country-specific operational documents prepared by the Bank that are routinely discussed with the country (such as PADs, PDs, CASs, ESW), the Bank would continue to exercise the discretion it has always had under the Disclosure Policy: before finalizing the document, the Bank consults the country to identify any confidential information, or information that, if disclosed, may adversely affect relations between the Bank and the country.^a The Bank would decide whether and how to adjust the document to address the matters of concern to the country.
- For country-specific documents prepared by the Bank that are not routinely discussed with the country (such as research and knowledge products), if the director concerned believes that the document contains confidential information relating to the country, or information whose disclosure may adversely affect relations between the Bank and the country, the director may consult the country concerned. The Bank would decide how to address any matters of concern to the country.
- Finally, countries often give the Bank a document or information that does not fall into one of the above categories (for example, on a country's macroeconomic context, governance issues, or sector- or institution-specific analyses). If the country does not assign a security classification to the material, the Bank would classify it on the basis of the Bank's own standards for document classification. If the country has assigned a security classification that restricts public access, the Bank's policy is not to disclose the material without obtaining the country's written consent; normally the Bank would refer requests for such information to the country authorities.

^a See paragraph 52 of the 2002 Disclosure Policy.

C. Declassification of Information

20. The revised policy would recognize that some types of restricted information need not be withheld from the public forever, because its sensitivity declines over time. Therefore this paper proposes timelines for the eventual declassification and disclosure of certain information that falls under the exceptions.

21. ***Information that Would Remain Confidential.*** The policy would also recognize that certain types of information should not be considered for declassification and

disclosure, even after 20 years.³³ Information provided by member countries or third parties in confidence would be disclosed only after obtaining the written consent of the member country or the third party concerned.

22. ***Timelines for Declassification.*** In determining how declassification timelines would apply to different types of information, it is important to consider how the passage of time would affect the sensitivity of their content, and weigh the potential benefits of disclosure against any harm that may be caused by disclosure. While remaining respectful of earlier, more restrictive disclosure regimes, the Bank also needs to develop clear and cost-effective procedures for maximizing access to the existing stock of records (i.e. documents created before the new policy becomes effective). Therefore, to avoid having to administer several Disclosure Policies for years into the future, this paper proposes a single declassification policy for restricted records (irrespective of whether they belong to the future stock or existing stock): a three-tier declassification structure under which certain documents would be disclosed after the passage of 5 years, others after 10, and others after 20.³⁴ Annex E sets out the proposed declassification timelines for specific document types.³⁵

IV. PROCEDURES FOR IMPLEMENTING THE POLICY

23. The Bank's external website, the InfoShop, and its country offices would be the primary vehicles for providing access to information. The Bank would routinely post as much information as possible on its external website (see Annex B for a sample of such information), and adopt clear procedures for processing requests (see Annex F).

A. The Disclosure Committee

24. To facilitate the implementation of the Disclosure Policy, the Bank would establish a Disclosure Committee. It would be chaired by EXTVP and would comprise four other regular members representing Operations Policy and Country Services (OPCS), the Corporate Secretariat (SEC), World Bank Group Archives Unit (hereafter

³³ These are: personal information (Annex C, para. 1); communications within and between individual Executive Directors' offices, between individual Executive Directors' offices and the member country (or countries) that they represent, and between individual Executive Directors' offices and third parties (Annex C, para. 2); information pertaining to proceedings of the Ethics Committee for Board Officials (unless the Board so decides of its own volition) (Annex C, para. 3); information related to attorney-client privilege (Annex C, para. 4); information pertaining to security and safety of Bank staff, Bank assets, and other individuals (Annex C, para. 5); information restricted under the separate disclosure regimes of IEG, IP, INT, and the Bank's sanctions process, as well as any other information that would prejudice an investigation that is not addressed under such separate regimes (Annex C, para. 6); information given in confidence by a member country or a third party (unless the country or the third party grants its consent to disclose) (Annex C, para. 7); information relating to the Bank's corporate administrative matters (Annex C, para. 8), and deliberative information relating to material restricted under Annex C, paras. (1) through (8).

³⁴ In applying these timelines, the relevant date for unpublished documents is the date when the document was created; for published documents, the relevant date is the date of publication.

³⁵ This proposed three-tier structure is similar to the IMF's declassification timelines, under its Archives Policy.

“Archives Unit”), and the Legal Vice Presidency (LEGVP); as appropriate, it would also include representatives of other relevant units (such as the Regions and the finance complex), depending on the disclosure issues being considered. It would be served by a small secretariat. The Disclosure Committee would:

- (a) Advise Management on the application of the policy to complex issues, including the application of Principle 2 in exceptional circumstances;³⁶
- (b) Review requests pursuant to the public interest override provision of the policy, and recommend follow-up action (see Principle 2, and Annex F);
- (c) Receive and rule on first-stage appeals under this policy (see paragraph 28(a));
- (d) Establish service fees;³⁷ and
- (e) Issue guidelines to staff on policy implementation, including service standards.

During the transition, the secretariat to the Disclosure Committee would be overseen by EXTVP; following the transition, it would be transferred to the Access to Information Unit to be established under LEGVP.

B. Managing the Transition

25. To facilitate the transition to the new policy, the Disclosure Committee would establish a Disclosure Implementation Working Group (DIWG)—comprising representatives of OPCS, LEGVP, SEC, EXTVP, Information Solutions Group (ISG), and the Office of Information Security (OIS). DIWG would develop a detailed, sequenced, and costed implementation plan; finalize the requirements for IT systems and the Bank’s website; develop processes and determine staffing requirements; develop staff guidelines and training; formulate internal and external communication plans; and address other aspects of implementing the policy. It is anticipated that the DIWG would serve for about 6-7 months. Many operational staff have expressed concern about how a significant increase in demand for information might be handled when the new policy takes effect. It is proposed that during the first two years of policy implementation, all requests for the existing stock of information (i.e., information created or received before

³⁶ With respect to requests concerning restricted Board records or restricted Board papers, the Disclosure Committee may consult COGAM (see Annex F, para. 5(b) (i)).

³⁷ Information posted on the Bank’s external website would continue to be available free of charge. Publications, databases, and other knowledge products available in print and electronic form, including subscription-based services for which there is a commercial demand, will continue to be available as priced products through the Office of the Publisher. For printed books, a full-text free view option will be offered. The Bank would continue to provide project information on a requester’s own country free of charge. For requests for hard copies of several documents or requests that involve photocopying, scanning, extracting, processing, or collating information, the Bank would charge reasonable fees.

the effective date of the policy) be processed by a special team within the Archives Unit (www.worldbank.org/archives). All other public requests (i.e., for information created or received under the revised policy) would be processed by public information staff in country offices and/or the InfoShop, in consultation as necessary, with the Bank's Disclosure Helpdesk. The Archives Unit, the public information function in country offices, and the InfoShop would be strengthened as needed to cope with the transition. The transition would be overseen by EXTVP, through its chairing of the proposed Disclosure Committee and the DIWG.

C. The Appeals Process

26. Management proposes that the Bank adopt a two-stage procedure by which requesters can appeal when they believe that the Bank has unreasonably denied access to information. An administrative appeals mechanism under Management would serve as a first level of appeal, and a mechanism independent of Management would be the final recourse for certain types of appeal.

27. **Grounds for Appeal and Remedies.** The policy would set out two acceptable grounds for appeal: (i) if a requester establishes a *prima facie* case that the Bank has violated the terms of the policy by improperly or unreasonably restricting access to information that it would normally disclose under the policy,³⁸ or (ii) when the appellant wishes to make a public interest case for disclosure to override the exceptions. With respect to (ii), the decisions of the first stage administrative appeals process would be final; such appeals would therefore not be eligible to proceed to the second stage independent appeals process, as such override is only to be exercised at the discretion of the Bank. Therefore, the second stage independent appeals process would be limited to appeals under (i). In all cases, the remedy available to an appellant will be limited to receiving the information requested.

28. **Corporate Arrangements.** The following institutional arrangements are proposed:

- (a) The first, "administrative" stage of appeals, would be considered by the Disclosure Committee described above (paragraph 24). The Committee would have the authority to interpret the Disclosure Policy according to the principles set out in the policy, and to uphold or reverse prior decisions to deny access (except for disclosure decisions taken by the Board). The secretariat to the Disclosure Committee would screen all appeals to ensure that they established a *prima facie* case before admitting them to the appeals process. As noted, for appeals concerning a public interest case to override the exceptions, the decision of the Disclosure Committee would be final. Issues that the Committee felt unable to resolve would be referred to the relevant Managing Director.³⁹

³⁸ This would include cases when the Bank exercised its option under Principle 2 *not* to disclose information that it would normally disclose under this policy.

³⁹ This would include instances when the Disclosure Committee has already declined a recommendation from the director concerned to override an exception.

- (b) The second, “independent” stage of appeals, would be considered by three outside experts in the disclosure field.⁴⁰ The independent appeals process would only consider appeals when there is a *prima facie* case that the Bank has violated the terms of the policy by improperly or unreasonably restricting access to information that it would normally disclose under its Disclosure Policy. Appellants who receive a negative decision from the Disclosure Committee would have recourse to this second stage appeals process. The second stage process would have the authority to uphold or reverse the Disclosure Committee’s decisions to deny access to certain documents. Its decisions would be final and would be reported to the Board on a quarterly basis and published annually.

The World Bank Inspection Panel has a mandate to investigate cases in which it is considered that there may have been a material negative effect on a group of persons in a client country as a result of the failure of the Bank to comply with its policies in the context of the operations which the Bank supports.⁴¹ Clearly, such harm could arise from a failure to comply with the provisions of this policy. The establishment of the proposed second stage appeals process would in no way limit the right of affected persons to submit requests to the Inspection Panel, nor of the Inspection Panel to take up such cases.

V. IMPLICATIONS OF THE PROPOSED REVISIONS

29. The proposed policy would represent a paradigm change in the Bank’s approach to disclosure, from an approach based on a “positive list” to one that presumes the disclosure of all information subject to a set of “exceptions.” This approach would be consistent with freedom of information legislation adopted by more than 80 member countries in recent years. It would also put the Bank at the cutting edge of disclosure compared to other multilateral development organizations. However, the Bank would need to put in place a number of measures to support the policy, as this section discusses.

⁴⁰ These three persons would be appointed for their recognized reputation in this area, and it is suggested that the three members could respectively be: (i) a lawyer experienced in matters of compliance with laws related to access to information; (ii) a representative of client countries, perhaps a senior official from such an information office in a client country; and (iii) an expert in freedom of information issues, independent of government. It is anticipated that this group would meet virtually, perhaps 4 times a year to resolve appeals (and more frequently in the first year if the number of appeals so dictated), and that each member of the independent group would be appointed for a 2-year renewable period. It would be serviced by the Secretariat to the Disclosure Committee. The President of the World Bank would propose the names of the members of this Appeals body to the Board for endorsement.

⁴¹ “The affected party must demonstrate that its rights or interests have been or are likely to be directly affected by an action or omission of the Bank as a result of a failure of the Bank to follow its operational policies and procedures with respect to the design, appraisal and/or implementation of a project financed by the Bank (including situations where the Bank is alleged to have failed in its follow-up on the borrower’s obligations under loan agreements with respect to such policies and procedures) provided in all cases that such failure has had, or threatens to have, a material adverse effect.” Resolutions Nos IBRD-93-10, and IDA 93-6.

Indeed, the adoption of the proposed policy would require a major change management effort, which would be a primary focus of the implementation plan (see Annex G).

30. ***Beyond Disclosure.*** The revised policy would routinely make more information available to the public through its external website. In addition, the policy would provide information upon request, through country offices, the InfoShop, and the Archives Unit. At the same time, the Bank recognizes that availability of more information *per se* is not enough. There is a need to build closer links between the Bank’s Disclosure Policy and increased participation (especially by beneficiaries), partnerships, and knowledge dissemination—cornerstones of development effectiveness. This would necessitate proactive measures to ensure greater dissemination of operational information (for example, through information kiosks), particularly to those who are affected by Bank operations. The Bank would need to collaborate more closely not only with borrowers but also with other stakeholders to improve local outreach as an essential component of communication strategies for Bank-supported operations. This would be done particularly at the individual project level through specific components, with a special focus on those who are affected by the project.

31. ***Common Standards and Principles.*** The Bank has played an important role in assisting some client countries to improve records management, adopt access to information laws, etc. The adoption of the proposed Disclosure Policy would enhance the Bank’s credibility to provide advice in this area. The Bank should also look into ways to agree on common standards and principles of disclosure with its borrowers and other development partners.

A. Rigorous Procedures for Classification and Declassification

32. The most challenging aspect of implementing the present Disclosure Policy has been responding to requests for the large quantities of information—both new and historical—that is neither on the “positive list” nor clearly one of the exceptions, and that does not have a security classification. Significant resources are currently expended in reviewing requested documents to determine whether they contain information that falls under the “constraints” of the existing policy. The proposed revised policy, under which the Bank would disclose all information other than what falls under the exceptions, would be supported by a rigorous classification system so that, when responding to requests, staff would need to use minimal discretion in interpreting the policy. This does imply, however, that the Bank would need to scale up its present piecemeal approach to document classification and require that any document retained in the files be appropriately classified as “Strictly Confidential,” “Confidential,” “Official Use Only,” or “Public.”⁴² If a document is found to have been filed without a classification, the originating unit will be requested to provide a classification. The Bank’s revised security classification policy will play a critical role in this regard.⁴³

⁴² Draft papers would be marked “draft” in addition to their security classification so that when such a draft is eventually declassified, it would be clear to readers that it was not the final product.

⁴³ The World Bank Group OIS is currently conducting an exercise that would include revisions to the existing Information Security Classification and Records framework. These revisions will provide

33. **Material Received from Others.** When the Bank receives an official document from member governments or third parties, staff would log the information into the Bank’s internal records management system. If the country does not assign a security classification to the material, the Bank will classify it on the basis of on its own standards for document classification (see Box 3).

B. Guidance and Training

34. Before the revised policy is implemented, Management will, through the proposed DIWG issue detailed guidelines and related training to all staff on the following (for each area, the lead responsibility is noted):

- (a) Information to be routinely posted on the external website (see Annex B); this disclosure should reduce the need to respond to *ad hoc* demands for information (EXT and ISG).
- (b) Information that would convey the “results” of deliberations—at key process milestones—and information that would be regarded as “deliberative” (OPCS and LEGVP). In particular, training will be provided on the use of the newly designed ISR, and the disclosure of the decisions of Concept Reviews and Decision Meetings, aide-mémoire, and other information relating to supervision missions and mid-term reviews.
- (c) How to maintain records, and how to classify information (including Board papers) in accordance with the Bank’s new security classification system, as part of the new document management framework being developed by ISG and the Bank’s records management policy (ISG/Archives Unit).
- (d) Procedures for processing requests for information on a case-by-case basis, including standard forms for such requests (EXT and OPCS).
- (e) Procedures for declassifying documents in accordance with defined timelines (OPCS and Archives Unit).
- (f) Instructions on informing clients and third parties about the Bank’s Disclosure Policy and its implications for document classification (OPCS and LEGVP).

recommendations and guidelines on how to improve the current framework and propose a set of guidelines to assist staff on classifying information held by the Bank Group.

- (g) Recording, tracking, and monitoring disclosure (ISG/Archives Unit, and EXT).
- (h) Guidance on translation (EXT, General Services Department, and OPCS).

More intensive training would be provided under the auspices of the DIWG to units that would be at the forefront of policy implementation: the PICs, the InfoShop, Archives Unit, the Internal Documents Unit, SEC, and other communication staff in EXT. Resources would be provided for this purpose.

C. Translation

35. The Bank recognizes the importance of making certain information available in languages other than its working language—English. It has in place a Translation Framework that provides guidance to staff on (a) the core documents, free publications, and web content that *must* be routinely translated into international, national, and/or local languages, as appropriate, and (b) other documents, publications, and web content that *may be* translated—as good practice—into international, national, and/or local languages as, appropriate.⁴⁴ The Framework leaves these latter decisions in the hands of the Bank business units that “own” the documents, and does not prohibit the translation of any public document. While such discretion in the hands of individual business units might be desirable from a resource-management perspective, it could also result in insufficient translation activity. The revised Disclosure Policy is likely to create a significantly higher demand for document translation, so there is a critical need to examine the adequacy of the existing Translation Framework to respond to this demand and ensure more equitable access by all interested parties to the disclosed documents.⁴⁵ Management will review whether changes to the existing Translation Framework may be necessary to meet the principal objectives of the revised Disclosure Policy, and will present the outcome of this review to the Executive Directors well in advance of July 1, 2010, at a Technical Briefing. In particular, Management will determine the feasibility and the cost of ensuring, at a minimum, the appropriate translation of all documents subject to simultaneous disclosure (as set out in paragraph 13) at the time of their disclosure.

D. Public Information Function and Centers

36. Effective implementation of the revised policy would require that all country offices be able to ensure timely responses to requests for information. Many country offices have a public information function and centers, but the level of service varies considerably. Some PICs are overseen by junior staff with little training in the Bank’s

⁴⁴ See *Translation of World Bank Documents, Publications, and Web Content*. For the purpose of these guidelines, the international languages are Arabic, Chinese, French, Portuguese, Russian, and Spanish—six languages that had been identified as key to communicating with the international community.

⁴⁵ A key message conveyed by external stakeholders during consultations was that “maximizing access to information” is virtually meaningless if information is not available in languages that users—particularly project beneficiaries and other project-affected persons—can understand.

public information and communication functions. There is an evident need to strengthen some PICs, automate some tasks undertaken by the InfoShop, and provide intensive training to all communication, PIC, and InfoShop staff before and during the rollout of the revised policy. The proposal in this paper to process all requests for existing information through the Archives Unit would reduce the pressure on PIC staff during the rollout and help them focus on disseminating information created or received under the revised policy.

E. Implications for Information Technology

37. Since the Bank's external website would serve as the primary vehicle to make information publicly available, deficiencies in the core systems and processes supporting the web would have to be addressed before the new policy becomes effective. While work is under way to improve the external website, including its searchability and navigation, the information technology systems to be used in the future would need to be designed with the new disclosure requirements in mind. A Web Governance Council was established in June 2008 to set institution-wide strategies and policies for the external site. An expanded Web Operations Program in EXT is charged with implementing the Council's decisions and managing the external site, in partnership with other business units across the Bank. OPCS, EXT, and ISG managements are working closely to (a) ensure that the systems supporting the external site are adequately in place to effectively implement the revised Disclosure Policy, and subsequently the external website is enhanced to make information more easily accessible; and (b) assess the implications for staffing and costs. As noted, ISG's project to implement a new document management framework for the Bank is under way. This will be a necessary requirement for the successful implementation of the Disclosure Policy, since the disclosure of many documents would depend on the system and the correct filing and retention of documents.

F. Tracking Requests and Recording Decisions

38. Each month the Bank's InfoShop receives about 300-400 requests, and the PIC staff around the world together receive well over 20,000 requests. Bank staff also receive direct requests through other channels such as advisory services, helpdesks, e-mail, and phone calls. To avoid duplication of efforts and to monitor policy compliance, discussions are under way with ISG to institute a system to track disclosure requests and ensure a timely response. This system would capture all disclosure and declassification decisions that are taken on a case-by-case basis.

G. Cost Implications

39. Shifting from a "positive list" to an open policy based on a list of exceptions would likely generate a significant increase in the volume of information disclosed. First, the Bank on its own would post more information routinely on its external website. Second, there would likely be an increase in the number of requests for access to information—for information created under the revised policy, as well as existing information. Third, increased demand for translations would also add to costs. These

additional costs are likely to occur primarily in the first two years of implementation of the new policy. After that, it is anticipated that the combination of reduced requests through routine disclosure of information and savings on the review of requests would significantly reduce the need for long-term resource requirements.

40. **Resource Needs.** To accommodate these additional activities, more resources would be required in FY10-12 at both the corporate and unit levels, in Washington and in country offices. For instance, at the corporate level, the revised policy would require more resources for the Bank's InfoShop, the Archives Unit, the Internal Documents Unit, SEC, EXT, and ISG, as well as for the proposed Secretariat of the Disclosure Committee and the two-stage appeals mechanism. Business units would incur additional expenses for staff training, responding to requests for information, and responding to external comments and requests for clarifications deriving from the additional information available. More information on project implementation, in particular, is likely to require additional staff time for responding to requests. In addition, the startup costs of staff training, developing processes and related information technologies for implementing the revisions, and improving the presentation and search functions of the Bank's external website are likely to be considerable.

41. **Cost Estimates.** While some budgets for meeting some of the information technology requirements and system needs of the revised policy are provided for under existing capital budgets allocated to ISG, additional funding would be required to enhance systems and processes and design new ones (for example, the proposed disclosure tracking system). Management anticipates that the additional budgetary needs of implementing this policy would be in the order of US\$4.5 million in capital investments and up to US\$4.5 million for recurrent Bank budget expenditures (see Table 1). The initial costs of the DIWG are estimated to be US\$1.2 million in FY10. This estimated cost would need to be funded through the functional budgets.⁴⁶ The unknown element here is whether there will be a need for additional staff positions in public information and records management. If the workload or the need for additional staff expands significantly beyond what is anticipated, resource needs will be revisited during the next budget cycle. The DIWG would assess any additional resource requirements.

42. **Cost Offsets.** Cost increases would be offset to some extent by (a) the cost savings that would be generated by routinely posting more information on the Bank's external website, (b) streamlined classification and disclosure procedures, and (c) the recovery of some costs through service fees.

⁴⁶ "Functional budget" is defined as a budget that is expected to be shared by all VPUs across the Bank, regardless of their direct or indirect involvement with DIWG functions. The units providing members to the DIWG would be compensated accordingly.

Table 1. Initial Cost Estimates

	<i>US\$</i> <i>(in millions)</i>
Capital Budget	
Enhancing IT systems (ISG)	3.5
Implementing Information Security (OIS)	1.0
Total capital Budget	4.5
Initial Recurrent Annual Operating Budget	
IT systems including depreciation (ISG)	1.0
Information security (OIS)	1.5
Staff ¹	1.0
Secretariat and incremental costs of LEGVP staff ²	1.0
Total recurrent operating budget	4.5³
Initial Resources to the InfoShop for one year (transition)	0.45

Notes

1. Three at Archives, two at Internal Document Unit, and two at SEC.
2. Three positions and consultants for documents and appeals review.
3. This would be the maximum for each of the categories. However, some costs would decline over time. Thus the budget for FY10 would be about \$2.5m, FY11 about \$4.5m, and about \$3.5m from FY12 onwards.

VI. CLARIFICATION: RECORDS OF BOARD OFFICES

43. Executive Directors have asked how the proposed policy would apply to records held by Executive Directors' offices, and how it would apply to information shared between Executive Directors' offices and their country authorities.

44. ***Disclosure of Executive Directors' Records.*** Under the new policy, the disclosure of all information in the Bank's possession will be subject to the list of exceptions set out in Annex C. Accordingly, the disclosure of information held by the Executive Directors' offices will also be subject to the exceptions set out in Annex C. In particular, all communications within and between individual Executive Directors' offices, between individual Executive Directors' offices and the member country (or countries) that they represent, and between individual Executive Directors' offices and third parties, will be restricted from disclosure by the Bank under the exception set out in Annex C, paragraph 2, and such communications will not be eligible for declassification

by the Bank.⁴⁷ It is also important to underscore that the Bank’s archival immunity applies to these records.⁴⁸

45. ***Information Sharing with Capitals.*** In the course of their duties, Executive Directors may share certain confidential Bank documents or information with their authorities. In addition, written communications with the authorities concerning Board meetings (for example, reports prepared by an Executive Director’s office, instruction notes from the country authorities) may include information that falls under the exceptions. When a document contains confidential information, its cover would bear the appropriate security classification. As members of the Bank, recipient governments have an obligation to respect this confidentiality.⁴⁹ This issue has become increasingly important in recent years as many member countries adopted freedom of information legislation. All communications between Executive Directors’ offices and capitals would be regarded as deliberative in nature and not subject to disclosure.

VII. CONCLUSIONS AND THE WAY FORWARD

46. This paper has presented a set of proposals for revision of the Bank’s Disclosure Policy, based on an approach paper that was discussed by Executive Directors and was then the subject of intensive and widespread consultation with member governments, the public, other interested stakeholders, and Bank staff. The proposed policy represents a radical departure in terms of the principles that will govern disclosure, and would bring the Bank to the forefront of this area in terms of the international financial institutions, but only parallel to the policy of many of its member governments. The proposed policy is conceived as an instrument of better governance and improved development effectiveness, and is designed to help the Bank to fulfill its mandate as the world’s leading development finance institution. Implementation of a policy of this magnitude would require a major change management process that should be incorporated in the implementation plan as a primary area of focus.

47. ***Title of the Policy.*** As evident from the preceding discussion, the proposed paradigm shift is less about “information disclosure” and more about “access to information.” Therefore, this paper proposes to formally change the title of this policy from “World Bank Policy on Disclosure of Information” to “World Bank Policy on Access to Information.” Accordingly, the Disclosure Committee will henceforth be called the “Access to Information Committee.”

⁴⁷ See para. 17(b), Annex C, para. 2, and Annex E, para. 2.

⁴⁸ With respect to Bank information, the Bank’s Articles of Agreement provide that “[t]he archives of the Bank shall be inviolable” (Article VII, Section 5). Article VII, Section 8, provides that Executive Directors are immune from legal process with respect to acts they perform in their official capacity, except when the Bank waives that immunity.

⁴⁹ Each member of the Bank is obliged under the Articles of Agreement to give effect to the provisions of the Articles, including the provision under Article VII, Section 5, with respect to the inviolability of the Bank’s archives.

48. ***Request for Approval.*** The Board is therefore requested to approve the following:

- (a) The revision of the Bank's Disclosure Policy in accordance with the principles as set out in paragraph 7.
- (b) The proposal to disclose certain Board records and most Board papers as set out in paragraphs 11-13 and Box 2.
- (c) The exceptions to the maximum disclosure principle as set out in Annex C.
- (d) The approach to declassification of information as set out in paragraphs 20-22.
- (e) The proposed arrangements for the institution of a two-stage appeals process as set out in paragraphs 26-28.
- (f) The proposal to require borrowers to disclose the audited annual financial statements for projects as set out in paragraph 15.
- (g) The proposal to change the title of the policy as set out in paragraph 47.

49. ***Effectiveness.*** If these provisions are approved, Management would launch the preparations for implementing the new policy described in this paper. The new policy would become effective on July 1, 2010. Management would carefully monitor the policy and keep the Board informed of progress and results, with a first progress report planned for the end of 2011.⁵⁰

⁵⁰ If elements of the new policy are ready for implementation before July 1, 2010, Management would seek the Board's approval (on an absence of objection basis) to implement them before that date.

EVOLUTION OF THE WORLD BANK'S DISCLOSURE POLICY: KEY MILESTONES

<i>Year</i>	<i>Policy changes or activities</i>
1985	<ul style="list-style-type: none"> • The First issuance of instructions to staff on information disclosure. • The <i>Directive on Disclosure of Information</i> established a “presumption in favor of disclosure” in the absence of a compelling reason not to disclose. • The directive divided the information held by the Bank into three categories: published, available to specific audiences, or restricted. It listed the information that can be disclosed (the “positive list”) and restrictions.
1993	<ul style="list-style-type: none"> • The Disclosure Policy was revised to expand the categories of documents that are publicly available. For example: Staff Appraisal Reports, Sector Policy Papers, Environmental Datasheets, and Environmental Assessments were added to the “positive list.” The Project Information Document (PID) was introduced. • A Public Information Center was established in Washington, and a network was created to disseminate information through the Bank’s country offices. • BP 17.50 was issued.
1995	<ul style="list-style-type: none"> • Progress in policy implementation was reviewed for the first time. The report was discussed by the Board.
1997	<ul style="list-style-type: none"> • The policy was reviewed and the second progress report to the Board was discussed.
2000	<ul style="list-style-type: none"> • A comprehensive review of the policy was launched, with extensive external consultations.
2001	<ul style="list-style-type: none"> • The Board approved major revisions to the policy. The categories of publicly available information were further expanded to areas such as Program Documents, Letters of Development Policy, and Tranche Release Documents for adjustment loans; Implementation Completion Reports; certain evaluations by the Operations Evaluations Department (now IEG-WB); historical information; the Board calendar, Executive Directors’ Work Program, Chairman’s Concluding Remarks on Board discussions of CASs, SSPs, and other policy, strategy, and topical issues. • A voluntary pilot program was launched to explore and test ways of enhancing the information available on the ground for CAS consultations, projects under preparation, and projects under implementation. • BP 17.50 was retired; and the <i>Disclosure Handbook</i> was issued. • The new policy became effective on January 1, 2002.
2003	<ul style="list-style-type: none"> • The Board discussed the progress report on the implementation of the 2002 policy. • The Board approved a Translations Framework as well as a program to strengthen PICs.
2005	<ul style="list-style-type: none"> • The Board approved major revisions to the policy, providing a unified policy for disclosing CASs, and making available for disclosure: Board minutes (except those of Executive Sessions), operational policy and strategy papers, information related to IDA Mid-Term Reviews, Procurement Plans, the Board paper on the Bank’s Administrative Budget, the Board paper on Staff Compensation, the Staff Manual, <i>Trust Funds Annual Report</i> and annual reports for specific funds, IMF-Bank Relations annexes, <i>DGF Annual Review</i>, certain DGF documents and Project Completion Notes. • Clearance procedures were adopted for disclosing information not on the “positive list” • A pilot was launched to test the ramifications of disclosing Board drafts before Board deliberation (“simultaneous disclosure.”)

**SAMPLE OF CORE DOCUMENTS AND INFORMATION THAT WOULD BE ROUTINELY
POSTED ON THE WORLD BANK'S EXTERNAL WEBSITE UNDER THE NEW APPROACH**

A. Operational documents prepared by the Bank

Country Strategy and Related Information

- Country Assistance Strategies (CAS)
- CAS Progress Reports (CASPR)
- Interim Strategy Notes (ISN)
- CAS Completion Reports (included as an annex to the follow-on CAS)
- Public Information Notice for a CAS (CAS-PIN)
- Chairman's Concluding Remarks on the discussion of a CAS
- Joint Staff Advisory Notes on Poverty Reduction Strategy Papers (PRSPs)
- Chairman's Summing-up on the discussion of a PRSP
- Country Financing Parameters (CFP)
- Analyses that underpin the preparation of Country Financing Parameters

Analytic and Advisory Activities

- Economic and Sector Work (ESW) reports
- Financial Sector Assessments (FSA)
- Technical Notes and Detailed Assessments of Compliance with Standards and Codes (to be identified during the forthcoming AAA review)
- AAA Products (including technical assistance, to be identified during the forthcoming AAA review.)
- World Development Report

Lending Documents and Related Information

- Project Information Documents (PID)
- Program Information Documents (PID)
- Factual Technical Documents that underpin project preparation
- Monthly Operational Summary of the lending pipeline (MOS)
- Project Appraisal Documents (PAD)
- Project Papers (PP)
- Program Documents (PD) for Development Policy Lending (DPLs)
- Supplemental Financing Documents for DPLs
- Tranche Release Documents (TRD) for DPLs
- IMF-Bank Relations Annexes
- *Status of Projects in Execution* (SOPE) Report
- Integrated Safeguards Data Sheets (ISDS)
- Country Assessment Reports on the Use of Country Systems (UCS)
- Project Assessments for UCS pilot countries

- Credit/Loan and Project Agreements
- Guarantee Agreements
- Grant or Trust Fund Agreements
- Implementation Completion and Results Reports (ICR)
- Note on Cancelled Operations (NCO) (previously Project Completion Note)
- Monthly loan and Credit Statements
- The first (disclosable) part of Implementation Status and Results Reports (ISRs) (new template)
- Country Portfolio Performance Reviews (CPPRs)

Other

- Sector Strategy Papers (SSP), Draft Sector Strategy Papers, Draft Concept Notes and Consultation Plan for an SSP
- Chairman's Concluding Remarks on the discussion of a SSP
- All other operational policy and strategy papers
- Numerical Country Policy and Institutional Assessment (CPIA) Ratings for countries eligible for IDA financing
- Numerical IDA Country Performance (ICP) Ratings (derived from CPIA ratings)
- Trust Fund Framework Agreements and Administrative Agreements
- Funding proposals for activities financed through Bank-administered trust fund
- Trust Funds Annual Report
- Preliminary, decision-point and completion-point documents prepared under the Heavily Indebted Poor Country (HIPC) Initiative
- The Chairman's Summing-up on a HIPC discussion
- QAG synthesis reports

B. Financial information

- IBRD and IDA Annual Reports
- Annual Information Statement
- Quarterly Condensed Financial Statements
- Annual Budget Document
- Public Bond Offering Documents
- Monthly Statements of Loans and Credits

C. Documents prepared by a member country that must be disclosed as a precondition for doing business with the Bank

- Poverty Reduction Strategy Papers (PRSP)
- Letters of Development Policy (LDP)
- Environmental Action Plans
- Environmental Assessment Reports
- Assessments of institutional mechanisms in place for conducting sub-project EA work (for financial intermediary operations or sector investment projects that are expected to have Category A sub-projects)
- EA reports for Category A sub-projects (under financial intermediary operations of Sector Investment Operations)
- Resettlement Plans
- Resettlement Policy Frameworks
- Resettlement Process Frameworks
- Resettlement Plans for sub-projects under financial intermediary operations
- Indigenous Peoples' Plans (IPPs)
- Indigenous Peoples' Planning Frameworks
- IPPs for sub-projects involving indigenous people
- Social Assessments for projects and sub-projects involving indigenous peoples
- Procurement Plans and updates
- Procurement Notices (consistent with the Bank's Procurement Guidelines)
- Contract award information (consistent with the Bank's Procurement Guidelines) including those subject to prior review by the Bank.
- Audited annual financial statements for projects (or in some exceptional cases, an abridged version as described in para. 15).

D. Other Information

- The Board calendar
- Executive Directors' Work Program
- Board minutes
- Chairman's Concluding Remarks and Summings Up on discussions of CASs, SSPs, PRSPs, HIPC documents, and other policy, strategy and topical issues
- All Board papers classified as "public"

PROPOSED EXCEPTIONS

In deciding what information should not be disclosed, the Bank weighs the benefits of disclosure against the harm that disclosure might cause to specific parties or interests. The following documents and types of information will not be disclosed under the new policy, because of the harm such disclosure could cause.

1. ***Personal Information.*** The Bank's Principles of Staff Employment require the Bank Group to "establish and maintain appropriate safeguards to respect the personal privacy of staff members and protect the confidentiality of personal information about them."¹ Accordingly, the Bank would not disclose:

- (a) Personal information, including personal staff records, medical information, and personal communications (including e-mail) of Executive Directors, their Alternates, and Senior Advisers, of the President of the Bank, and of Bank staff (and their families), except to the extent permitted by the Staff Rules.
- (b) Information relating to staff appointment and selection processes, except to the extent permitted by the Staff Rules.
- (c) Information relating to proceedings of the Bank's internal conflict resolution mechanisms, except to the extent permitted by the Staff Rules.
- (d) Information relating to investigations on allegations of staff misconduct, except to the extent permitted under Staff Rules 3.00, 8.01, and 8.02.

2. ***Communications of Executive Directors' Offices.*** The Bank would not disclose communications within and between individual Executive Directors' offices, between individual Executive Directors' offices and the member country (or countries) that they represent, and between individual Executive Directors' offices and third parties.

3. ***Ethics Committee.*** The Bank would not disclose proceedings of the Ethics Committee for Board Officials (unless the Board so decides of its own volition);

4. ***Attorney-Client Privilege.*** The Bank would not disclose information subject to attorney-client privilege, including, *inter alia*, communications provided and/or received by the General Counsel, in-house Bank counsel, and other legal advisors.

5. ***Security and Safety.*** The Bank would not disclose:

- (a) Information about the security of Bank staff and their families, contractors, and Bank assets.

¹ See Staff Rules 2.01 and 2.02.

- (b) Information about logistical and transport arrangements related to Bank shipments of its assets and documents and the shipment of staff's personal effects.
- (c) Information the disclosure of which is likely to endanger the life, health, or safety of any individual, or the environment.

6. ***Information Restricted Under Separate Disclosure Regimes.*** The Bank would not disclose information restricted under the separate disclosure regimes of the (i) Independent Evaluation Group (IEG), (ii) the Inspection Panel (IP),² (iii) the Integrity Vice Presidency (INT),³ and (iv) the Bank's sanctions process.⁴ The Bank would also not disclose any other information that would prejudice an investigation that is not addressed under such separate policy regimes.

7. ***Information Provided by Member Countries or Third Parties in Confidence.*** The Bank has an obligation to protect information that it receives on a confidential basis. Thus the Bank would not disclose information provided to the Bank in confidence by a member country or a third party, without the express permission of the member country or the third party concerned.⁵

8. ***Corporate Administrative Matters.*** The Bank would not disclose information relating to the Bank's corporate administrative matters, including, but not limited to, corporate expenses, procurement, real estate, and other activities.

9. ***Deliberative Information.*** The Bank, like any institution or group, needs space to consider and debate, away from public scrutiny. It tends to operate by consensus, and it needs room to develop that consensus. During the process it seeks, and takes into account, the input of many stakeholders; but it must preserve the integrity of its deliberative processes by facilitating and safeguarding the free and candid exchange of ideas. Therefore, under the revised policy, the Bank would not disclose the following information (unless it becomes eligible for declassification according to defined timelines; see Annex E):

² See Resolution No. IBRS 93-10, No. IDA 93-6, September 1993 (the Resolution) establishing the Inspection Panel, and subsequent clarifications to the Resolution (i.e. *Review of the Resolution Establishing the Inspection Panel: 1996 Clarification of Certain Aspects of the Inspection Panel*; and *1999 Clarification of the Board's Second Review of the Inspection Panel*), all available at <http://www.inspectionpanel.org>.

³ This includes information gathered, received, or generated by INT in connection with or related to inquiries, investigations, audits, or any other types of INT reviews, programs, products, or outputs; as well as any other information gathered, received, or generated by INT on a confidential basis.

⁴ This includes information the disclosure of which is restricted under the Sanctions Board Statute and the Sanctions Procedures.

⁵ When a member country or a third party provides financial, business, proprietary, or other non-public information to the Bank with the understanding that it will not be disclosed, the Bank will treat the information accordingly. Material held by the Bank in which other parties hold the copyright may be made available for review, but copying or distributing such material would be limited to respect the rights of the copyright holder.

- (a) Information (including e-mail, notes, letters, memoranda,⁶ draft reports, or other documents) prepared for, or exchanged during the course of its deliberations with member countries or other entities with which the Bank cooperates,⁷
- (b) Information (including e-mail, notes, letters, memoranda, draft reports or other documents) prepared for, or exchanged during the course of its own internal deliberations, including the following records pertaining to Board deliberations:
 - i. Verbatim transcripts of Board meetings, Board Committee meetings, and the President's Memoranda that accompany Board papers.
 - ii. Statements of individual Executive Directors and staff with respect to Board meetings or Board Committee meetings.
 - iii. Green sheets (as described in paragraph 11 of the main text), if a subsequent Board discussion is expected.
 - iv. Communications and memoranda originating in Executive Directors' offices relating to Board or Board Committee proceedings.
 - v. Miscellaneous memoranda or informal notes distributed to the full Board or to a Board standing Committee and copied to the full Board.⁸
- (c) Statistics prepared, or analyses carried out, solely to inform the Bank's internal decision-making processes (such as analyses of country creditworthiness, credit ratings, risk, and Country Policy and Institutional Assessment (CPIA) ratings for IBRD borrowers).
- (d) Audit reports prepared by the Internal Audit Department (IAD), except its Annual and Quarterly Reports.

10. ***Financial Information.*** As an organization involved in dealings on the world's financial markets, the Bank is required to use sound financial management practices, including the maintenance of utmost prudence in the disclosure of financial information related to its activities. It would not disclose the following financial information (unless it becomes eligible for declassification according to defined timelines (see Annex E):

⁶ This would include financial sector stress tests, the aide-mémoires following Bank-Fund financial sector assessments under the Financial Sector Assessment Program (FSAP), the report following Bank assessment of Government debt management capacity, and other technical advisory reports requested by member countries from World Bank Treasury.

⁷ This includes deliberations relating to IDA replenishments, deliberations with donors relating to trust funds, and IDA country allocations.

⁸ This is a heterogeneous group of documents that includes information notes, technical briefing papers, PowerPoint presentations that supplement Board papers, presentations to the committees, and administrative papers (such as meeting notices) that are not used as a basis for consultation or decision but are used solely for information or administrative purposes.

- (a) Estimates of future borrowings by IBRD, information on contributions by individual donors to IDA, financial forecasts, data on individual investment decisions for the Bank's treasury operations, and credit assessments.
- (b) Documents, analysis, correspondence, or other information used or produced to execute financial and budgetary transactions, or to support the preparation of internal and external financial reports.
- (c) Banking or billing information of World Bank Group entities, member countries, clients, donors, recipients, or vendors, including consultants.⁹ This would include details of individual loan and trust fund transactions, information regarding amounts overdue from borrowers, or actions taken before any loans or credits are placed in nonaccrual status.

E-mail has increasingly become the Bank's predominant medium of communication. Some e-mail may contain or convey decisions or outcomes that are disclosable at key process milestones. Such e-mail would be publicly available after they are filed in the Bank's records management system and classified as "Public." E-mail that is filed in the records management system but classified as "Official Use Only," "Confidential" or "Strictly Confidential," would not be normally disclosed unless the information content of the e-mail is eligible for declassification and disclosure following the proposed declassification timelines. The Bank would not disclose e-mail that resides outside its records management system (including e-mail that does not pertain to official matters and e-mail containing personal information or communications of Bank staff and other officials).

⁹ Because of the risk of fraud or theft, banking or billing information will not be eligible for declassification.

**PROPOSED PROCEDURES FOR ADDRESSING CONFIDENTIAL INFORMATION
RELATING TO MEMBER COUNTRIES UNDER THE NEW APPROACH**

<i>Type of information</i>	<i>Disclosure timing/conditions</i>	<i>Confidential information</i>
Country-specific core operational documents prepared by the Bank and routinely discussed with the borrower (for example, PADs, ESW, CASs).	Disclosed in accordance with procedures set out in the <i>Disclosure Handbook</i> (to be issued by July 1, 2010).	Before finalizing the document, the Bank asks the country concerned to identify any text or data that is confidential, or that may adversely affect relations between the Bank and the country, if disclosed. The Bank, as it considers appropriate, makes adjustments to the document to address the matters of concern to the country.
Country-specific operational documents prepared by the Bank that are not routinely discussed with the borrower in the normal course of business (for example, QAG evaluations).	Disclosed in accordance with procedures set out in the <i>Disclosure Handbook</i> .	The director concerned may wish to consult the country concerned if the director believes that the document contains confidential country information, or information that may adversely affect relations between the Bank and the country, if disclosed. The Bank, as it considers appropriate, makes adjustments to the document to address the matters of concern to the country.
Research papers, working papers, and other “knowledge products” prepared by Bank staff.	Disclosed after notifying the relevant country- or sector director.	The director concerned may wish to consult the country or countries concerned if the director believes that the document contains confidential country information or information that may adversely affect relations between the Bank and the country, if disclosed. The Bank, as it considers appropriate, makes adjustments to the document to address the matters of concern to the country.
Documents prepared by a member country that must be disclosed as a precondition for doing business with the Bank (for example, environmental and social safeguards reports, procurement plans, letters of development policy).	Disclosed after the document is officially received by the Bank, in accordance with procedures set out in the <i>Disclosure Handbook</i> .	
Other documents prepared by a member country that are in the Bank’s possession (for example, documents pertaining to country macroeconomic	Disclosed only after the country authority concerned has granted its written consent to disclose.	

<i>Type of information</i>	<i>Disclosure timing/conditions</i>	<i>Confidential information</i>
context, governance issues, sector or institution-specific analyses).		
Other country-specific information in the Bank's possession (including information provided by third parties) that is classified as "official use only," "confidential," "strictly confidential," or the equivalent.	Disclosed only after the country authority concerned has granted its written consent to disclose.	
Documents prepared by the Bank for a fee ("fee-based services") and related legal documents.	Disclosed only after the country authority concerned has granted its written consent to disclose.	

TIMELINES FOR DECLASSIFICATION

1. Under the proposed approach, the Bank would provide access to any information in its possession that is not on a list of exceptions. However, there are some types of information that cannot be immediately disclosed, but which need not be withheld from the public forever. In determining how declassification timelines would apply to different types of information, it is important to consider how the passage of time would affect the sensitivity of their content, and weigh the potential benefits of disclosure against any harm that may be caused by disclosure.¹

2. ***Information Not Eligible for Declassification.*** The following categories of information are not eligible for declassification:

- (a) Personal information (as set out in Annex C, para. 1).
- (b) Communications within and between individual Executive Directors' offices, between individual Executive Directors' offices and the member country (or countries) that they represent, and between individual Executive Directors' offices and third parties (as set out in Annex C, para. 2).
- (c) Information pertaining to proceedings of the Ethics Committee for Board Officials (unless the Board so decides of its own volition) (as set out in Annex C, para. 3).
- (d) Information pertaining to attorney-client privilege (as set out in Annex C, para. 4).
- (e) Security and safety information (as set out in Annex C, para. 5).
- (f) Information restricted under the separate disclosure regimes of IEG, IP, INT, and the Bank's sanctions process; and any other information that would prejudice an investigation that is not addressed under such separate policy regimes (as set out in Annex C, para. 6).
- (g) Information given in confidence by a member country or a third party (as set out in Annex C, para. 7).
- (h) Information relating to corporate administrative matters (as set out in Annex C, para. 8).
- (i) Deliberative information relating to material restricted under Annex C, paras. 1 through 8.

3. ***Information Eligible for Declassification.*** Management proposes the following timelines for the declassification and disclosure of the following documents, provided that they do not contain or refer to information that is not eligible for declassification as set out in para. 2 above:

¹ In applying these timelines, the relevant date for unpublished documents is the date when the document was created; for published documents, the relevant date is the date of publication.

After 5 years

- Board minutes prepared before April 1, 2005, other than those of Executive Sessions and Restricted Executive Sessions.²
- Minutes of Board Committee meetings prepared before the revised policy goes into effect.
- Chairman's Concluding Remarks and Summings-up of Board meetings prepared before January 1, 2002.³
- Summings-up of Committee of the Whole Meetings prepared before the revised policy goes into effect.
- Summaries of Discussion prepared before the revised policy goes into effect.
- Annual Reports of Board Committees prepared before the revised policy goes into effect.
- All Board papers that are classified "Official Use Only" and prepared before the new policy goes into effect.
- All documents listed in Annex B that are classified as "Official Use Only" and prepared before the new policy goes into effect.

After 10 years

- Verbatim transcripts of Board meetings and Board Committee meetings.
- Statements of individual Executive Directors and staff with respect to Board meetings or Board Committee meetings.
- Green Sheets issued before the revised policy goes into effect.
- Miscellaneous memoranda or informal notes distributed to the full Board or to a Board standing Committee and copied to the full Board.

After 20 years

- Minutes of Executive Sessions and Restricted Executive Sessions of the Board prepared before the new policy goes into effect.
- Communications and memoranda originating in Executive Directors' offices relating to Board or Board Committee proceedings.
- President's memoranda that accompany Board papers.
- Financial information restricted under the exception set out in Annex C, para. 10.
- All documents listed in Annex B that are classified as "Confidential" or "Strictly Confidential" and prepared before the new policy goes into effect.

² From April 1, 2005, the Bank has been disclosing Board minutes (other than those of Executive Sessions).

³ From January 1, 2002, the Bank has been disclosing the Chairman's Concluding Remarks and Summings-up of CAS, SSP, HIPC, and PRSP discussions (if the underlying paper is disclosed). In addition, Chairman's Concluding Remarks on other policy, strategy, and topical issues, as well as the Summings-up of Committee of the Whole meetings, are disclosed on a case-by-case basis.

- All Board papers that are classified “Confidential” or “Strictly Confidential” and prepared before the new policy goes into effect.
- All other documents in the possession of the Bank’s Archives Unit, subject to the exceptions set out in Annex C, paras. 1 through 8, and related deliberative information.

DISCLOSURE AUTHORIZATION PROCEDURES AND TIMELINES

A. *Information Dated July 1, 2010 or Later -- Future Stock*

1. All categories of information that are listed in Annex B are routinely posted on the Bank's external website in accordance with the specific procedures set out in the *Disclosure Handbook* that would provide work-flow guidelines to staff on policy implementation.

2. Requests for information that the requester cannot access through the Bank's external website should be forwarded to the relevant Public Information Center (PIC) or to the InfoShop. Within 5 working days the PIC/InfoShop acknowledges receipt of the request.

- (a) The PIC/InfoShop determines whether the requested information falls under any of the exceptions set out in the Disclosure Policy; in making this determination, the PIC/InfoShop may consult the Disclosure Helpdesk as necessary. Within 15 working days, the PIC/InfoShop informs the requester of its action:
 - i. If the information does not fall under an exception, the PIC/InfoShop makes it available to the requester, following the procedures for disclosing similar types of information (see Annexes B & D).
 - ii. If the information falls under the exceptions set out in Annex C, paras. (1) through (7), the InfoShop/PIC informs the requester in writing that this information is not available under the policy.
 - iii. If the information falls under the exceptions set out in Annex C, paras. (8) through (10), the InfoShop/PIC forwards the request to the director concerned.
- (b) If the director believes that disclosure is warranted under the override provision of the policy (see Principle 2), he/she forwards the request to the Disclosure Committee for further consideration. The Disclosure Committee makes its decision (or recommendation) within 15 working days from the receipt of the request by the Committee's Secretary.
- (c) If the director concerned decides that disclosure is not warranted, within 5 working days the PIC/InfoShop informs the requester of this decision in writing, specifying the policy exceptions under which the information has been denied, and explaining the requester's right to appeal the decision.

B. Information Dated before July 1, 2010 -- Existing Stock

3. Requests for information that is not available on the Bank's external website should be forwarded to the World Bank Group Archives Unit (www.worldbank.org/archives). Within 5 working days, the Archives Unit acknowledges receipt of the request.

- (a) The Archives Unit determines whether (a) the requested information falls under any of the exceptions set out in the policy, and (b) if so, whether it is eligible for immediate declassification according to the proposed timelines; in making this determination, the Archivists may consult the Disclosure Helpdesk as necessary. Within 15 working days¹, the Unit informs the requester of its action:
 - i. If the information does not fall under the exceptions, the Archives Unit makes it available to the requester immediately.
 - ii. If the information falls under the exceptions set out in Annex C, paras. (1) through (7), the Archives Unit informs the requester in writing that this information is not available under the policy.
 - iii. If the information falls under the exception set out in Annex C, para. (8), the Chief Archivist forwards the request to the Disclosure Committee for further consideration.
 - iv. If the information falls under the exceptions set out in Annex C, paras. (9) or (10), and if it is eligible for immediate declassification according to the proposed timelines, the Chief Archivist declassifies the information (following the procedures set out in Table 1 below) and makes it available to the requester.
 - v. If the information falls under the exceptions set out in Annex C, paras. (9) or (10), and if it is not eligible for immediate declassification according to the proposed timelines, the Chief Archivist forwards the request to the Disclosure Committee for further consideration.

C. The Disclosure of Restricted Information

4. Pursuant to the override provision of the policy (Principle 2), the Bank reserves the right to disclose, under exceptional circumstances, certain information that falls under the exceptions, if it determines that the overall benefits of such disclosure outweigh the potential harm to the interest(s) protected by the exception(s). In implementing this provision:

¹ In some cases, depending on the volume of material requested, it might take longer to review the material and to respond to the request.

- (a) Information that falls under Annex C, paras. (1) through (7) and related deliberative information is not disclosed.
- (b) The disclosure of Board records and Board papers classified as “Confidential” or “Strictly Confidential” requires Board authorization, unless the documents are eligible for declassification and disclosure following the proposed declassification timelines.
- (c) The disclosure of all other restricted information that falls under Annex C, paras. (8) through (10) may be authorized by the Disclosure Committee in accordance with the procedures set out below.

5. Upon receiving a request from a Bank director or the Chief Archivist to consider the disclosure of restricted information, the Disclosure Committee follows the following procedures:

- (a) If the Disclosure Committee determines that disclosure is not warranted, it informs the director or the Chief Archivist in writing, specifying the reasons for its decision and explaining the requester’s right to appeal the decision; the director or Chief Archivist informs the requester about the decision.
- (b) If the Disclosure Committee determines that disclosure is warranted pursuant to the override provision of the policy (Principle 2), it takes the following action:
 - i. If the request pertains to a restricted Board record or a restricted Board paper, the Disclosure Committee, in consultation with COGAM, recommends that a request for disclosure be submitted to the Board for approval, (normally following the Board’s simplified disclosure clearance procedures).
 - ii. For other types of restricted information that may be disclosed under this policy, the Disclosure Committee authorizes the disclosure or proposes other actions that it deems appropriate.² Before authorizing the disclosure of classified country-owned or third-party information that is restricted under Annex C, para. (7), the Committee would ensure that the country or the third party concerned has granted its consent to disclose.

² For example, in some cases, the Disclosure Committee may decide to seek the views of the General Counsel, or the Board—depending on the complexity or the sensitivity of the issues involved.

D. Recording Disclosure Decisions

6. The Secretariat maintains records of the Disclosure Committee's deliberations. The Secretariat also maintains a database for tracking the receipts of and responses to requests, to monitor and inform the Committee on compliance with its service standards.
7. Disclosure and declassification decisions that are taken on a case-by-case basis are recorded in the new system for tracking disclosure. These decisions would be disclosed.

Annex Table 1. Procedures for Routine Declassification

	By Chief Archivist	By Chief Archivist after consulting the Corporate Secretary	By Chief Archivist after consulting the originating unit^a
After 5 years	<ul style="list-style-type: none"> All Board papers classified as “Official Use Only,” and prepared before July 1, 2010. All other documents listed in Annex B classified as “Official Use Only,” and prepared before July 1, 2010. 	<ul style="list-style-type: none"> Board minutes prepared before April 1, 2005, other than those of Executive Sessions and Restricted Executive Sessions. Minutes of Board Committee meetings prepared before July 1, 2010. Chairman’s Concluding Remarks and Summings-up of Board meetings prepared before January 1, 2002. Summings-up of Committee of the Whole Meetings prepared before July 1, 2010. Summaries of Discussion prepared before July 1, 2010. Annual Reports of Board Committees prepared before July 1, 2010. 	
After 10 years		<ul style="list-style-type: none"> Verbatim transcripts of Board meetings and Board Committee meetings. Statements of individual Executive Directors and staff with respect to Board meetings or Board Committee meetings. Green Sheets prepared before July 1, 2010. 	<ul style="list-style-type: none"> Miscellaneous memoranda or informal papers distributed to the full Board or to a Board standing Committee and copied to the full Board.
After 20 years	<ul style="list-style-type: none"> All other records in the possession of the Archives Unit except (a) information restricted under Annex C, paras. (1)-(8), and related deliberative information, and (b) Board records, Board papers and other documents that require consultation with the Corporate Secretary or the originating unit. 	<ul style="list-style-type: none"> Minutes of Executive Sessions of the Board. Communications and memoranda originating in Executive Directors’ offices relating to Board or Board Committee proceedings. 	<ul style="list-style-type: none"> Documents listed in Annex B classified as “Confidential” or “Strictly Confidential” (except material that would require consultation with the Corporate Secretary) Board papers classified as “Confidential” or “Strictly Confidential.”

^a If the information requested relates to an on-going project, the Chief Archivist will obtain the consent of the originating unit for declassification.

PROPOSED IMPLEMENTATION TIMELINE

Milestone	Deliverables
After Board: detailed implementation plan and allocation of resources (December 2009)	<ul style="list-style-type: none"> • Establish Disclosure Implementation Working Group. • Prepare detailed Implementation Plan (short- and long-term), inclusive of requirements for technology systems of records/documents, web publishing, information requests, processes, data/asset classification, data loss prevention, staffing, training, internal and external communication, translations, public information function and centers in country offices, appeals processes and functions. • Obtain Management approval of the plan and reach agreement on the allocation of resources.
Training design, guidance, procedures, recruitment (January- March 2010)	<ul style="list-style-type: none"> • Draft Disclosure Policy and Disclosure Handbook. • Prepare guidance and protocol for information requests and service fees. • Design staff training. • Carry out initial enhancement to work flow processes. • Formulate internal and external communications plans and products. • Initiate recruitment of staff for the secretariat to the Disclosure Committee, Archives & Internal Document Units, InfoShop, and SEC.
Training testing, public information strategy, translations (April 2010)	<ul style="list-style-type: none"> • Test the training modules. • Issue the policy and guidelines on security classification of Bank records. • Formulate public information function strategy for country offices. •
Deliver training, internal communication (May 2010)	<ul style="list-style-type: none"> • Deliver staff training worldwide. • Conduct internal communication and awareness activities. • Complete recruitment of staff for the secretariat to the Disclosure Committee, Archives Internal Document Unit, InfoShop, and SEC. • Provide guidance to client countries. • Carry out initial enhancements to some systems, platforms, and the web. • Technical briefing to Executive Directors on Translations.
Deliver training, external communication (June 2010)	<ul style="list-style-type: none"> • Deliver staff training worldwide. • Continue external communications. • Continue enhancement to some systems, platforms, and/or processes. • Deliver first-phase information requests tracking system.
Policy effective (July 2010)	<ul style="list-style-type: none"> • Continue enhancement to some systems platforms and/or processes.
Implementation (July 2010-December 2011)	<ul style="list-style-type: none"> • Continue enhancement to some systems, platforms, and/or processes, and web publishing. • Complete and deliver information requests tracking system.
Implementation progress report (December 2011)	<ul style="list-style-type: none"> • Progress report to the Board.