



GEF/C.55/06
November 21, 2018

55th GEF Council Meeting
December 18 – 20, 2018
Washington, D.C.

Agenda Item 05

POLICY ON ACCESS TO INFORMATION

Recommended Council Decision

The Council, having reviewed document GEF/C.55/06, *Policy on Access to Information*, approves the Policy contained in Annex I to the document.

TABLE OF CONTENTS

Introduction	1
Background	1
Rationale for a GEF Policy on Access to Information.....	3
Overview of the Proposed Policy.....	3
Effectiveness and Implementation	4
Annex I: Policy on Access to Information	5
Annex II: Illustrative List of Routinely Disclosed Documents	10

INTRODUCTION

1. The GEF Council, at its 51st meeting in October 2016 and having reviewed document GEF/C.51/09/Rev.01, *Recommendations of the Working Group on Public Involvement*¹, “[requested] the Secretariat to present an updated policy on stakeholder engagement and access to information for consideration at its 53rd meeting in [November] 2017”².
2. Upon consultation with the multi-stakeholder Working Group on Public Involvement³, the Secretariat developed separate policies on stakeholder engagement and access to information. The *Policy on Stakeholder Engagement* was approved in November 2017, and this document presents for Council consideration a proposed *Policy on Access to Information* (Annex I).

BACKGROUND

3. The *Instrument for the Establishment of the Restructured Global Environment Facility*, (hereafter “Instrument”) contains explicit provisions on transparency, information disclosure, and stakeholder consultation. Specifically, it provides for “a governance that is transparent and democratic”, and requires that “GEF Operational Policies [...] with respect to GEF-financed projects shall provide for full disclosure of all non-confidential information, and consultation with, and participation as appropriate of, major groups and local communities throughout the project cycle”⁴.
4. The Instrument further provides that “[t]he Assembly and the Council shall each adopt by consensus regulations as may be necessary or appropriate to perform their respective functions transparently; in particular, they shall determine any aspect of their respective procedures, including the admission of observers and, in the case of the Council, provision for executive sessions”⁵.
5. Consistent with the Instrument, the *Rules of Procedure for the GEF Council*⁶ (hereafter “Rules of Procedure”) set out key aspects of the Council’s procedures that are relevant for

¹ (http://www.thegef.org/sites/default/files/council-meeting-documents/EN_GEF.C.51.09.Rev_01_Recommendations_of_the_WG_on_Pi.pdf)

² *Joint Summary of the Chairs: 51st GEF Council Meeting, October 25–27, 2016* (http://www.thegef.org/sites/default/files/council-meeting-documents/EN_GEF.C.51_Joint_Summary_of_the_Chairs.pdf)

³ The Working Group, which was formed in June 2015, comprises representatives of the GEF Secretariat, the CSO Network, the Council, GEF Partner Agencies, the GEF’s Indigenous Peoples Advisory Group, the Independent Evaluation Office and GEF Operational Focal Points.

⁴ (http://www.thegef.org/sites/default/files/documents/GEF_Instrument-Interior-March23.2015.pdf)

⁵ Ibid.

⁶ (https://www.thegef.org/sites/default/files/publications/11488_English_2.pdf)

transparency, including attendance at Council meetings, executive sessions, the transmittal of documents, languages, and records of meetings.

6. Beyond the Instrument and the Rules of Procedure, the disclosure of information related to GEF-financed projects and programs is in part subject to rules established in the *Project and Program Cycle Policy*⁷; and the GEF's minimum fiduciary standards⁸ and minimum standards on environmental and social safeguards⁹ contain several requirements related to information disclosure that all Agencies are expected to meet.

7. Unlike many of its peer organizations, the GEF does not have its own policy on information disclosure. In lieu of a GEF policy, the GEF's practices on the disclosure of information are set out 2011 Council Information document¹⁰ (hereafter "Practices"). The Practices affirm the GEF's commitment to follow international best practice, as well as its presumption in favor of disclosure. The Practices specify, however, that "where disclosure could have a negative impact on the GEF, the implementation of its programs and projects, or more simply, could contrive the legal obligations pertaining to privacy or intellectual property, information is retained as confidential" and "[w]here there are such exceptions, justifications are provided". On that basis, the document sets out current practice in relation to project information and organizational information, and provides an overview of Agencies' policies related to information disclosure.

8. Overall the GEF continues to perform well in terms of transparency and access to information. The Final Report of the Sixth Comprehensive Evaluation of the GEF (OPS6)¹¹ concludes that the GEF continues to be a transparent organization in terms of its governance, and a recent independent assessment¹² by a civil society partner gives the GEF a high transparency rating. The Council's deliberative process is very transparent, with live webcasting of Council proceedings, and web-posting of deliberative Council documents at the same time as these are shared with the Council itself.

9. Annex II to this document presents an illustrative list of regularly disclosed documents, which reflects the high level of transparency at which the GEF currently operates.

⁷ (http://www.thegef.org/sites/default/files/documents/Project_Program_Cycle_Policy_OPPL01.pdf)

⁸ GA/PL/02, *Agency Minimum Fiduciary Standards*

(http://www.thegef.org/sites/default/files/documents/GA.PL_02_Minimum_Fiduciary_Standards_0.pdf)

⁹ SD/PL/03, *Agency Minimum Environmental and Social Safeguard Standards Policy*

(http://www.thegef.org/sites/default/files/documents/Policy_Environmental_and_Social_Safeguards_2015.pdf)

¹⁰ GEF/C.41/Inf.03, *GEF Practices on Disclosure of Information* (http://www.thegef.org/sites/default/files/council-meeting-documents/C.41.Inf_03_GEF_Practices_on%20Disclosure_of_Information.pdf)

¹¹ GEF IEO 2018 (http://www.gef.ioe.org/sites/default/files/ieo/evaluations/files/ops6-report_1.pdf)

¹² Transparency International 2016, *Protecting Climate Finance: Progress Update on the Global Environment Facility's Anti-Corruption Policies and Practices*

(https://www.transparency.org/whatwedo/publication/protecting_climate_finance_progress_report_on_the_gefs_anti_corruption_poli)

RATIONALE FOR A GEF POLICY ON ACCESS TO INFORMATION

10. Notwithstanding the GEF's current high level of transparency, the Working Group on Public Involvement agreed that there is a need to clarify the GEF's policy, procedures, and practices related to information disclosure. The Working Group noted that the status of the 2011 Practices is not clear given that it is not a Council-approved policy. What further contributes towards the lack of clarity is the fact that the document has been overtaken by other, more recent GEF policies, and it does not reflect the most recent expansion of the Partnership from ten to 18 Agencies, or the changes that have occurred across Agencies' policies on information disclosure.

11. In addition, the GEF lacks clear procedures for requesting non-disclosed information, and for appealing decisions to restrict access to certain information¹³.

12. For these reasons, the Council may wish to adopt a new GEF policy on access to information.

OVERVIEW OF THE PROPOSED POLICY

13. Following the Council's decision in October 2016, and consultations with the Working Group on Public Involvement, the Secretariat has developed a proposed Policy on Access to Information, which is found in Annex I to this paper.

14. The proposed policy has benefited from broad stakeholder consultations, and it takes into account input from Agencies, civil society, Council Members, and the Trustee.

15. The proposed policy is based on the understanding that Agencies would continue to rely on their own policies and systems for the disclosure of information. Similarly, the Trustee, the Secretariat, the Independent Evaluation Office (IEO), as well as the Ethics Committee and Ethics Officer would continue to follow the World Bank Policy on Access to Information¹⁴. The proposed policy, therefore, would apply specifically to the Council's information and deliberative process.

16. The proposed policy establishes guiding principles and policy requirements for the disclosure of Council information, including a list of exceptions that justify restricting Council information from public access. The policy also introduces a commitment for the GEF to respond to requests for Council information within ten days.

¹³ Transparency International 2016, *Protecting Climate Finance: Progress Update on the Global Environment Facility's Anti-Corruption Policies and Practices* (https://www.transparency.org/whatwedo/publication/protecting_climate_finance_progress_report_on_the_gefs_anti_corruption_poli)

¹⁴ (<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=3693>)

EFFECTIVENESS AND IMPLEMENTATION

17. The Secretariat proposes that the updated Policy on Access to Information come into effect immediately on approval by the Council. If approved, the Secretariat would update the GEF website to make the policy easily accessible to stakeholders, and to facilitate requests for information that is not publicly available.

ANNEX I: POLICY ON ACCESS TO INFORMATION

Definitions

Adviser means an individual providing advice to a Council Member or Alternate Council Member, as communicated by the Council Member or Alternate Council Member to the Secretariat

Alternate Council Member means an alternate for a Council Member as used in the Instrument

Assembly means the GEF Assembly that convenes all Participants to the GEF every three to four years as set out in the Instrument

Council means the 32 members that make up the GEF Council as set out in the Instrument

Council Information means documents of any type, such as paper, electronic, photograph, audio or video recordings prepared by the Council in the course of its official business

Council Member means any member of the Council as used in the Instrument

Ethics Committee means the committee of the Council established by a decision of the Council to provide Council oversight over the implementation of its policy on *Ethics and Conflict of Interest for Council Members, Alternates, and Advisers*¹⁵ and to help prevent and monitor situations that might affect the reputation and integrity of the Council

Ethics Officer means the person in the World Bank's Ethics and Business Conduct Vice Presidency tasked to support the Ethics Committee in the coordination, communication and administration tasks related the management of the policy on *Ethics and Conflict of Interest for Council Members, Alternates, and Advisers*¹⁶

Executive Session means executive sessions of Council meetings as defined in Paragraph 23 of the *Rules of Procedure for the GEF Council*¹⁷

Independent Evaluation Office means the Independent Evaluation Office of the GEF whose responsibility it is to carry out independent evaluations consistent with decisions of the Council, as set out in the Instrument

Instrument means the *Instrument for the Establishment of the Restructured Global Environment Facility*¹⁸, effective July 7, 1994 and as amended

¹⁵ GA/PL/03 (http://www.thegef.org/sites/default/files/documents/Ethics_Conflict_of_Interest_Policy.pdf)

¹⁶ Ibid.

¹⁷ (https://www.thegef.org/sites/default/files/publications/11488_English_2.pdf)

¹⁸ (https://www.thegef.org/sites/default/files/documents/GEF_Instrument-Interior-March23.2015.pdf)

GEF Partner Agency or Agencies means an agency eligible to request and receive GEF resources directly for the design, implementation, and supervision of GEF projects

Scientific and Technical Advisory Panel means the body that provides the GEF with scientific and technical advice as set out in the Instrument

Secretariat means the GEF Secretariat that services and reports to the GEF Assembly and the Council as set out in the Instrument

Trustee means the Trustee of the GEF Trust Fund as set out in the Instrument

Introduction

1. Consistent with the Instrument, access to information underpins the GEF's commitment to transparent governance, accountability and integrity, and it contributes towards reducing risks, effective stakeholder engagement, public awareness and trust, as well as the dissemination of knowledge, experience and lessons learned.

Purpose

2. This Policy sets out the principles and mandatory requirements for the public accessibility of Council Information, thereby contributing to the transparent governance of the GEF.

Application

3. This Policy applies to Council Information.

4. The Ethics Committee, the Ethics Officer, the Independent Evaluation Office, the Secretariat, and the Trustee are subject to the *World Bank Policy on Access to Information*¹⁹.

5. The Scientific and Technical Advisory Panel and GEF Partner Agencies are subject to their respective policies and procedures on access to information.

Guiding Principles

6. This Policy is based on the following principles:

- (a) The Council allows access to any Council Information unless the information is restricted based on the list of exceptions set out in Paragraph 8.
- (b) Council Information that is not restricted from public access is disclosed proactively.
- (c) Council Information that is not disclosed proactively is disclosed upon request, in accordance with clear time standards.
- (d) Any decision to restrict Council Information from public access is justified based on the list of exceptions set out in Paragraph 8.

Policy Requirements

7. When Council Information is not restricted from public access, the Secretariat discloses such information on the GEF website when feasible.

8. The following exceptions justify restricting certain Council Information from public

¹⁹ (<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=3693>)

access:

- (a) Personal information on Council Members, Alternates and Advisers;
- (b) Information that may compromise the security, safety or health of any individual or the environment;
- (c) Information received in confidence or restricted under a separate disclosure/ access to information regime or equivalent and/or conveyed to the Council as restricted from public access in accordance with the owner's policies on access to information or equivalent;
- (d) Information prepared by the Council as part of Executive Sessions and other deliberative information as decided by the Council; and
- (e) Information subject to attorney-client privilege.

9. The Council responds within ten (10) business days to a request from the public for Council Information. The Council informs the requester if additional time is required because of the nature, scale and scope of the request. The Secretariat facilitates the correspondence upon instruction of the Council.

10. Should the Council receive a request for Council Information that is restricted from public access in accordance with this Policy, it informs the requester accordingly.

11. Should a requester wish to appeal the Council's decision to restrict certain Council Information from public access in accordance with this Policy, the Council considers the request in Executive Session at the next Council meeting.

12. The Council may decide, in exceptional circumstances, to provide access to certain Council Information prepared by the Council as part of Executive Sessions, or other deliberative information restricted from public access, if it determines that the benefit from doing so outweighs the potential harm to the interests that the exception in Paragraph 8 (d) above seeks to protect.

Review of the Policy

13. The Council decides on the review and revision of this Policy.

Effectiveness

14. This Policy comes into effect on the date approved by the Council and remains in effect until amended or superseded by the Council.

References and Related Documents

GEF Policies

- Agency Minimum Standards on Environmental and Social Safeguards (OP/PL/01)
- Minimum Fiduciary Standards for GEF Partner Agencies (GA/PL/02)
- Monitoring and Evaluation Policy
- Project and Program Cycle (OP/PL/01)

Guidelines

- Guidelines on the Project and Program Cycle Policy (GEF/C.52/Inf.06)

ANNEX II: ILLUSTRATIVE LIST OF ROUTINELY DISCLOSED DOCUMENTS

The following documents are routinely disclosed on the GEF website (www.thegef.org), the website of the Independent Evaluation Office (<http://www.gefio.org/>), and the Trustee’s website (<http://fiftrustee.worldbank.org/Pages/home.aspx>) provided that they do not contain or refer to information that is restricted from public access in accordance with the applicable policy on access to information (see Paragraphs 3–5 of the proposed Policy on Access to Information):

Document	Timing of Disclosure	Link
<p>Council Working Documents and Information Documents, including but not limited to:</p> <ul style="list-style-type: none"> • Joint Summaries of the Chairs • Highlights • Provisional Agendas • Provisional Lists of Documents • Lists of GEF Council Members, Alternates, and Constituencies • Reports of Council Committees and Working Groups • Reports of the Independent Evaluation Office (IEO) • Reports of the Scientific and Technical Advisory Panel (STAP) • Reports of the Trustee • Reports on Relations with Conventions and Other International Institutions • Portfolio Monitoring Reports • Work Program documents • IEO, Secretariat, STAP, and Trustee work plans and budgets • Proposed GEF Policies and Strategies 	<p>Council Working Documents and Information Documents are disclosed on the GEF website at the time of transmittal to the Council consistent with the Rules of Procedure for the GEF Council²⁰</p>	<p>http://www.thegef.org/council-meetings</p>
<p>Assembly Working Documents, Information Documents, and Statements including but not limited to:</p> <ul style="list-style-type: none"> • Chairs’ Summaries • Provisional Agendas • Provisional Lists of Documents • Reports on GEF Participants 	<p>Assembly Working Documents, Information Documents, and Statements are disclosed on the GEF website at the time of transmittal to the Assembly consistent with the Rules of Procedure of the Assembly²¹</p>	<p>http://www.thegef.org/council-meetings/assembly</p>

²⁰ (<https://www.thegef.org/publications/rules-procedure-gef-council>)

²¹ (<https://www.thegef.org/assembly-procedure>)

- Reports of Council Committees and Working Groups
- Reports of the Independent Evaluation Office (IEO)
- Reports of the Scientific and Technical Advisory Panel (STAP)
- Reports of the Trustee
- Report on the Replenishment of the GEF Trust Fund
- Statements by Participants

Replenishment Working Documents and Information Documents, including but not limited to:

- Co-Chairs' summaries
- Provisional Agendas
- Reports of the Independent Evaluation Office (IEO)
- Reports of the Trustee
- Draft replenishment resolutions
- Draft summaries of negotiations
- Draft programming directions
- Draft policy recommendations

Replenishment Working Documents and Information Documents are disclosed on the GEF website at the time of transmittal to the participants and observers.

<http://www.thegef.org/council-meetings/replenishments>

Project and program documents, including but not limited to:

- Project Identification Forms (PIF) and Program Framework Documents (PFD), Operational Focal Point (OFP) Letters of Endorsement, Secretariat reviews, and STAP reviews, for full-sized projects and programs presented for Council approval in a Work Program
- Council and stakeholder comments on Work Programs
- PIFs, OFP Letters of Endorsement, and Secretariat reviews for medium-sized projects approved by the GEF CEO
- CEO Endorsement/ Approval documents, Secretariat reviews, and supporting documentation for full-sized projects, medium-

For projects and programs seeking Council approval in a Work Program, documents are disclosed on the GEF website at the time of transmittal to the Council consistent with the Project and Program Cycle Policy²².

Council and stakeholder comments on Work Programs are compiled and disclosed upon receipt consistent with the Project and Program Cycle Policy.

Other project and program documents are disclosed on the GEF website upon project endorsement by the GEF CEO.

Terminal evaluations of completed projects are disclosed upon receipt from Agencies.

For project and program documents:

<http://www.thegef.org/projects>

For Council comments on Work Programs:

<http://www.thegef.org/work-programs>

²² (http://www.thegef.org/sites/default/files/documents/Project_Program_Cycle_Policy_OPPL01.pdf)

sized projects, and enabling activities endorsed/ approved by the CEO

- Terminal evaluations of completed projects

	Proposed GEF Policies are presented for Council review and approval as Council Working Documents (see above). Once approved, Policies are reformatted and disclosed on the Policies and Guidelines page of the GEF website.	
GEF Policies and Guidelines	GEF Guidelines are disclosed upon approval by the GEF CEO.	http://www.thegef.org/documents/policies-guidelines
Reports to the conferences of the Parties and subsidiary bodies of the Conventions that the GEF Serves	Convention reports are disclosed on the GEF website at the time of transmittal to the relevant Convention body, consistent with the memoranda of understanding between the GEF Council and the conferences of the Parties.	http://www.thegef.org/reports-to-conventions
Memoranda of Understanding (MoU) between the Secretariat and Agencies	MoUs between the Secretariat and Agencies are disclosed on the GEF website upon effectiveness.	http://www.thegef.org/agency-mob-financial-procedures-agreement
Financial Procedures Agreements (FPA) between the Trustee and Agencies	FPAs between the Trustee and Agencies are disclosed on the GEF website upon effectiveness.	http://www.thegef.org/agency-mob-financial-procedures-agreement
Financial Statements of the GEF Trust Fund	Annual Financial Statements are disclosed upon completion.	http://fiftrustee.worldbank.org/Pages/home.aspx
IEO documents, including but not limited to:		
<ul style="list-style-type: none"> • Completed evaluations, studies, and reports • Approach papers • Audit trails • Policies and guidelines 	Evaluation documents are disclosed upon completion	http://www.gefiefio.org/