

# **ASIAN DEVELOPMENT BANK**

## **THE PUBLIC COMMUNICATIONS POLICY OF THE ASIAN DEVELOPMENT BANK Disclosure and Exchange of Information**

### **Public Communications Policy Review 2010 SECOND CONSULTATION DRAFT**

**As of 26 NOVEMBER 2010**

This is the second consultation draft of the Public Communications Policy. The contents herein do not necessarily reflect the views the Asian Development Bank's Board of Governors or the governments they represent. Use of the term "country" does not imply any judgment by the Asian Development Bank as to the legal or other status of any territorial entity.

## ABBREVIATIONS

ADB	–	Asian Development Bank
ADF	–	Asian Development Fund
AfDB	–	African Development Bank
CPS	–	country partnership strategy
CRP	–	Compliance Review Panel
DEC	–	Development Effectiveness Committee
DER	–	Department of External Relations
DMC	–	developing member country
DMF	–	design and monitoring framework
EBRD	–	European Bank for Reconstruction and Development
EARF	–	environmental assessment and review framework
EIA	–	environmental impact assessment
EIB	–	European Investment Bank
IAP	–	Independent Appeals Panel
IDB	–	Inter-American Development Bank
IED	–	Independent Evaluation Department
IEE	–	initial environmental examination
IFC	–	International Finance Corporation
IMF	–	International Monetary Fund
InfoUnit	–	Public Information and Disclosure Unit
IPP	–	indigenous peoples plan
IPSA	–	initial poverty and social analysis
MFF	–	multitranches financing facility
MIGA	–	Multilateral Investment Guarantee Agency
NGO	–	nongovernment organization
OAI	–	Office of Anticorruption and Integrity
PAM	–	project administration manual
PB	–	project brief
PDAC	–	Public Disclosure Advisory Committee
RCS	–	regional cooperation strategy
RRP	–	report and recommendation of the President
SPF	–	Special Project Facilitator
TA	–	technical assistance

## DEFINITIONS

“affected people” means people who may be beneficially or adversely affected by a project or program assisted by the Asian Development Bank (ADB).

“Board,” unless specified otherwise, refers to ADB’s Board of Directors.

“borrower,” when applied to a sovereign project, means a recipient of ADB assistance.

“client,” when applied to a nonsovereign project, means the borrower, guarantee beneficiary, fund manager, investee, or similar entity to which ADB lends, guarantees, or in which it invests.

“completion” of a document means preparation up to and including the stage at which it meets the requirements of the ADB department responsible for its preparation.

“final report” means a report (i) formally submitted to ADB as a final report; (ii) that ADB has determined to be of sufficient quality to be used in preparing an ADB-assisted project or program; and (iii) that requires no further changes.

“historical information” means information concerning ADB-assisted projects, programs, policies, strategies, and general operations for which 20 years have passed since it was produced by, or provided to, ADB.

“nonsovereign project” means any project financed by a loan, guarantee, equity investment, or other financing arrangement that is (i) not guaranteed by a sovereign or a government; or (ii) guaranteed by a sovereign or a government under terms that do not allow ADB, upon default by the guarantor, to accelerate, suspend, or cancel any other loan or guarantee between ADB and the related sovereign.

“sovereign” means the state of the relevant member.

“sovereign project” means any project financed by a loan, grant, or other financing arrangement that is (i) extended to a sovereign or (ii) guaranteed by a sovereign.

“upon” approval, circulation, completion, endorsement, discussion, issuance, receipt, or submission, means as soon as is reasonably practical, and no later than 2 weeks (14 calendar days) following the date of approval, circulation, completion, endorsement, discussion, issuance, or submission.

## **NOTE**

The Public Communications Policy uses future tense (“will”) to indicate ADB’s intention to carry out certain tasks or activities, and mandatory future tense (“shall”) to indicate ADB’s compliance to reviewable obligations.

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## EXECUTIVE SUMMARY

The Public Communications Policy (the Policy) of the Asian Development Bank (ADB) is a living document that guides the institution's efforts to be transparent and accountable to the people it serves. The Policy recognizes that transparency and accountability are essential to development effectiveness. ADB's vision of an Asia and Pacific free of poverty cannot be achieved unless its stakeholders understand and support ADB's role and operations in the region.

The Policy covers both disclosure of information and external relations, making it a comprehensive guiding document for informing and engaging with member governments, opinion leaders and decision makers, civil society, academia, media, and the people who stand to be affected by ADB activities. It is a cornerstone of ADB's institutional governance in that it recognizes the right of people to seek, access, and impart information about ADB's operations, as well as the vital role of communication in driving transparency and accountability. The Policy is also central in ADB's evolution as a learning institution, and to ADB's commitment to create, apply, and share its knowledge of development in Asia and the Pacific.

***Need for Revision.*** When adopted in April 2005, the Policy was considered progressive and at the forefront of best practices among other multilateral development banks. Since that time, ADB has made significant strides in its public communications efforts. For example, the number of documents posted on the ADB website has increased by 125% since 2005. Translation of ADB documents has also increased significantly. ADB Management and senior staff have been extremely proactive in external relations, and both Management and staff are increasingly called upon for their expertise on developing Asia and the Pacific. ADB has also undertaken two global surveys of ADB stakeholders to gauge their perceptions of ADB's performance and communications. The Policy has brought about a major cultural change within ADB such that disclosure is now considered standard operating procedure for all ADB projects. In the 2007 *Global Accountability Report* published by One World Trust, ADB received a score of 100% on transparency good practice.

Despite much progress, ADB is committed to even greater efforts in future. The move toward greater transparency from public bodies has driven public expectations higher, and ADB must respond in kind. The right to information is now considered a fundamental human right, as set forth in the Covenant on Civil and Political Rights, and ADB can be an example for member countries in enacting freedom of information laws. New technologies such as social networking and mobile applications are opening up new opportunities for ADB to reach its intended audiences. At the same time, ADB recognizes that large groups of stakeholders do not have access to technology and therefore more traditional methods of communication remain critical to success. ADB's overarching *Strategy 2020*, approved in 2008, requires the alignment of all other policies and strategies and provides an encompassing framework for communications. In addition, the 2005 Public Communications Policy provides for a comprehensive review to be conducted after 5 years of its implementation.

Accordingly, ADB launched a review in February 2010 to assess the effectiveness of the Policy's implementation and to recommend changes as necessary. The review actively engaged interested individuals and organizations. A first consultation draft of the Policy, which was extensively discussed with a wide range of stakeholders in a number of ADB member countries within and outside Asia and the Pacific, was released in June 2010. The present consultation

draft takes into account the various comments received. Findings of ADB's global stakeholders' perceptions surveys of opinion leaders are also taken into consideration.

**General approach and implementation affirmed.** The initial findings of the review concluded that the Policy is fundamentally sound and has been well implemented. Thus, the Policy continues to presume in favor of disclosure, unless there is a compelling reason not to disclose in accordance with the Policy's exceptions. To ensure ADB's operations have maximum development impact, the Policy will continue to promote:

- **Proactive communication** of ADB's mission to fight poverty in Asia and the Pacific, and its activities, policies, strategies, and objectives among ADB's constituents, other stakeholders, and the general public.
- **Sharing of development knowledge and results**, in line with ADB's results-based management approach, to strengthen accountability, provide the public with a clear, balanced picture of its work, and more effectively disseminate ADB's research and knowledge solutions.
- **Participatory development and two-way communications** to facilitate greater community-level participation in ADB projects by providing stakeholders, including affected people, with timely, clear, and relevant information about the projects.
- **Transparency and accountability** to enhance development effectiveness, support good governance, increase public trust, serve as a positive example of transparency, and act consistently with the advice it provides to members on transparency issues.

**Updates to the Policy.** The review also identified areas where changes are needed to keep ADB at the forefront of best practices. The primary revisions are as follows:

- **Independent appeals panel added.** In addition to the Public Disclosure Advisory Committee, which is the existing internal complaint mechanism for denied requests, ADB will introduce an independent appeals panel as a second tier to enhance the credibility and functioning of the appeals process.
- **Exceptions clarified.** The list of exceptions to disclosure has been clarified. Headings have been added to highlight seven types of information which are exempt from disclosure. Consistent with the Policy's presumption of disclosure, the revision clarifies that in deciding what information to disclose, ADB will weigh the benefits of disclosure against the harm that disclosure might cause to specific parties or interests.
- **Increased access to Board decision-making.** Selected documents of the Board of Directors (the Board) will be disclosed simultaneously to the public and to the Board, before the Board has considered them. These include loan proposals for sovereign projects and final proposals of the country partnership strategies, if the member country consents to such early disclosure; and final proposals of policy and strategy papers subject to public consultation, provided that a draft version of the paper has already been reviewed by the Board. This will increase stakeholders' participation in ADB's decision-making process. Verbatim transcripts of Board meetings on sovereign projects may also be disclosed to the public after 10 years.

- **Strengthened communications in projects.** The present consultation draft of the Policy strengthens engagement with affected people and other interested stakeholders throughout the project cycle by ensuring that essential communications and information-sharing aspects are integrated into ADB-supported projects and programs. This will be done by indicating (i) types of information to be disclosed, (ii) mechanisms for public notice including language and timing, and (iii) responsibilities for implementing and monitoring information disclosure and dissemination.
- **External relations strategy updated.** ADB's external relations strategy underscores the need for ADB to intensify its communication with its audiences in response to organizational change and evolving development challenges within the region. The updated strategy will ensure that ADB's communications efforts are increasingly effective and fully aligned with *Strategy 2020*. ADB will also respond to changing expectations of stakeholders, and the rapid evolution of communications technology and practices.
- **Other changes.** Other revisions include language clarifications, updates, alignment with ADB's streamlined business processes, public disclosure of Management remuneration, translation of project summaries into relevant national languages for better understanding of ADB projects by in-country stakeholders, and ADB's prerogative to restrict access to information under exceptional circumstances.

The Public Disclosure Advisory Committee will continue to interpret, monitor, and review the Policy's disclosure requirements. All departments and offices will continue to be responsible for implementing the Policy. Overall responsibility for public information activities and the implementation and consistent application of the Policy remains with the Department of External Relations.

ADB remains firmly committed to improving awareness and understanding of ADB and the development challenges of the region. By providing the public with a clear, balanced picture of its work and results in Asia and the Pacific and by more effectively disseminating knowledge of its operations, ADB can continue to improve its development effectiveness.



## I. BACKGROUND

1. The mission of the Asian Development Bank (ADB) is to help its developing member countries (DMCs) in Asia and the Pacific substantially reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two-thirds of the world's poor: 1.8 billion people who live on less than \$2 a day, including 903 million who struggle on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

2. To be effective, ADB must work with a broad range of people and organizations. To maintain strong and productive relationships with its stakeholders, ADB must effectively communicate its efforts to fight poverty and support the region's development. To gain trust and to support participatory development, ADB must demonstrate openness and accountability by proactively sharing information with, and seeking feedback from, all of its stakeholders. This will ultimately lead to more effective and sustainable projects. ADB must also respond to information requests from its stakeholders.

3. Proactive public communications is central in building partnerships for development, as recognized in ADB's knowledge management framework.<sup>1</sup> *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank 2008–2020*<sup>2</sup> also recognizes the importance of accountability, participation, and transparency in ADB's operations and activities. Increased transparency is also central to the objectives of the Paris Declaration on Aid Effectiveness.<sup>3</sup> As a signatory of the International Aid Transparency Initiative, a multistakeholder initiative to accelerate access to aid information, ADB has reaffirmed its commitment to publicly disclose regular, detailed, and timely information about aid to increase effectiveness of aid in reducing poverty.

4. ADB's current Public Communications Policy (the Policy) is anchored on transparency, openness, accountability, and proactive public communications. The 2005 Policy, which replaced two separate policies on information and disclosure, established a more robust and focused approach to ADB's communications efforts and represented a paradigm shift within the institution about the role of external relations. By including a Performance Assessment Framework, the Policy also set new benchmarks against which progress towards its communications objectives could be measured.

5. The 2010 review of the Policy is guided by a Steering Committee chaired by the Managing Director General. ADB has also asked external stakeholders to provide feedback on the Policy and its implementation, and to suggest how it could be further improved. In addition to written comments, ADB held 20 in-country consultation workshops in 12 member countries to hear the views of a broad range of interested stakeholders, including project-affected people. Altogether, more than 500 people participated in the workshops. This paper takes into consideration the inputs received.

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<sup>1</sup> ADB. 2004. *Knowledge Management in ADB*. Manila.

<sup>2</sup> ADB. 2008. *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank 2008–2020*. Manila.

<sup>3</sup> Endorsed on 2 March 2005 by more than 100 countries and development organizations, including ADB and 19 developing member countries (DMCs).

6. When approved by the Board of Directors, the final policy paper will supersede the Public Communications Policy approved in 2005. This paper, which constitutes the second consultation draft of the Policy, is organized as follows: Section II articulates recent global trends in public communication; Section III assesses the Policy's implementation; Section IV articulates the Policy; Section V outlines the strategy for implementing the Policy, including external outreach, information and documents to be proactively disclosed, and exceptions to disclosure; Section VI describes the implementation arrangements; and Section VII relates to compliance review. Staffing and resource implications will be added to the working paper of the Policy, to be considered by the Board in February 2011.

## **II. RECENT GLOBAL TRENDS IN PUBLIC COMMUNICATIONS**

7. Freedom of information is considered a fundamental human right, protected under international and constitutional law. Many countries have incorporated freedom of information in their constitutions. The last two decades saw many governments approve landmark laws guaranteeing their citizens the right of access to government information. More than 80 countries have now adopted such laws. Since ADB adopted its Public Communications Policy, public expectations about the range, type, and delivery of information provided by institutions in the public, private, and nonprofit sectors have risen, as has understanding about transparency and best practices for achieving it. The cost and effectiveness of development programs are also now being scrutinized more closely.

8. Most multilateral development banks have recently revised or are currently reviewing their information disclosure policies, including the European Bank for Reconstruction and Development (EBRD), the Inter-American Development Bank (IDB), the International Monetary Fund (IMF), the International Finance Corporation (IFC), and the World Bank (Appendix 1 features a survey of information disclosure at other MDBs). The new policies, adopted as well as proposed, share many common characteristics and features. In particular, these policies are based on a presumption in favor of disclosure and the principle of maximum access to information, subject to clear and narrow exceptions to making information available to the public. These policies also contain clear disclosure procedures and complaint mechanisms.

9. ADB's comparator organizations have also become more proactive in their approach to external relations. As a consequence, their international profile has been raised and their reputation enhanced in many sectors. However, ADB is the only MDB that combines in a single policy external relations and information disclosure. By doing this, ADB recognizes that proactive external relations and improved disclosure are mutually supportive. In adopting the Policy, ADB took a significant step toward improving awareness and understanding of, and trust in, ADB, while expanding the range of publicly available documents covering both its sovereign and nonsovereign projects. Distinct but overlapping, external outreach and information disclosure have contributed to making ADB's development knowledge and information available to target audiences to help enhance development effectiveness and increase public trust in ADB.

10. Finally, during the last 5 years, there has been a continuous evolution of communications technology, with increased use of new media, including social media, so it is now possible to provide more information to more people in more ways.

### **III. ADB'S EXPERIENCE IN PUBLIC COMMUNICATIONS**

#### **A. Overview of the Policy**

11. Transparency is pivotal to accountability and the foundation of the Policy. The overall objective of the Policy is to enhance stakeholders' trust and ability to engage with ADB. To ensure ADB's operations have greater development impact, the Policy promotes awareness and understanding of ADB and its operations, primarily through enhanced external relations activities and relationship-building with decision makers and opinion leaders in DMCs and donor countries. The Policy also recognizes the right of people to seek and receive information about ADB operations. It supports knowledge sharing and enables participatory development or two-way communications with affected people. It is based on a presumption in favor of disclosure, unless there is a compelling reason for nondisclosure, as full disclosure is not always possible for legal and practical reasons. It commits ADB to proactively disclose institutional, financial, and project-related information on its website, following strict time limits, and also provides a good response-handling mechanism and a complaints mechanism.

#### **B. Assessment of the Implementation of the Policy**

12. Since the Policy took effect in 2005, ADB has monitored its implementation and published four annual assessment reports.<sup>4</sup> These detailed assessments indicate that ADB has achieved good progress in adhering to the provisions of the Policy, promoting recognition and transparency, and making more information available to a wide range of stakeholders.

##### **1. External Relations**

13. The strategy outlined in the Policy calls for proactive external relations. Management leadership and motivation are highlighted as the key to success. The strategy calls for continued relationship-building with DMCs and enhanced outreach to constituencies in donor countries. It identifies the prerequisites for ADB to expand its external relations and raise its public profile, outlines approaches to reaching target audiences, identifies ADB's key communicators, and lays out the necessary organizational changes.

14. Internal and external reviews have generally found that ADB has increased recognition and transparency through its external relations efforts since the approval of the Policy. This is confirmed by a significant increase in media visibility, outreach, media attention, and web traffic statistics. ADB has committed to monitoring external perceptions on ADB every 3 years through a global stakeholders' perceptions survey. According to the findings of the 2006 and 2009 surveys conducted by ADB, stakeholders and opinion leaders generally have a positive view of ADB and see it as having a strong impact on development in the region. ADB is also perceived to be highly reliable, trustworthy, and competent. While a majority of respondents feels that ADB communicates well and is doing a good job in responding to information requests, there is scope for improvement.

15. Management has played a critical role in promoting a corporate environment that is more conducive to proactive external relations. To enhance the capacity to engage in effective communications, the Office of External Relations was upgraded to the Department of External Relations (DER) and placed directly under the President. At the same time, ADB allocated additional resources for external relations. Since 2005, eight external relations national officer positions were created to support proactive external relations at the field level.

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<sup>4</sup> See [www.adb.org/Disclosure/default.asp#annual](http://www.adb.org/Disclosure/default.asp#annual)

16. The Policy identifies six prerequisites<sup>5</sup> for successful external relations. Internal reviews and available information suggest that these prerequisites have generally been met. Significant progress has been achieved since 2005 in expanding outreach for Management and media coverage, and bringing ADB messages to a wider audience. This has contributed to promoting ADB as a reliable and trusted development partner and leading spokesperson for the region on economic and development issues.

17. The strategy highlights the critical role of Management and ADB's key communicators in raising ADB's public profile. Since the Policy's approval, Management and senior staff have engaged actively with external audiences through speaking events, presentations, meetings, and interviews with international, regional, and national media, thus firmly positioning ADB as a leader on development issues in the global development arena. Increasingly, Management has been invited to speak at prestigious global forums.

18. The strategy urges ADB to build relationships with target audiences through Management and senior staff, ADB's operational departments, resident missions, and representative offices. The strategy provides for building ADB's external relations capacity in DMCs. Since 2005, ADB reinforced its staff's skills development for external relations. ADB has also significantly increased its presence in international and regional media through a range of media relations activities.

19. Overall, the Policy has provided a framework by which ADB can achieve recognition and visibility. However, the important role of ADB publications as a conduit for information and knowledge on development issues in Asia and the Pacific, and the major role of the ADB website in supporting public communications need to be stressed in the Policy. In general, efforts should be strengthened to gain additional public understanding and support for ADB's role, objectives, and operations.

## **2. Information Disclosure**

20. The Policy establishes the disclosure requirements for documents that ADB produces or requires to be produced. These requirements are progressive and forward-looking. The Policy has been generally well-received by external stakeholders and understood by ADB staff. In the 2007 *Global Accountability Report* published by One World Trust, ADB received a score of 100% on transparency good practice.

21. Progress has been notable in the years since the Policy took effect. In general, ADB's institutional and project-related information has been made available to stakeholders and the public to a greater extent, proactively and on request.

22. Most of the information required to be posted on the ADB website is now available. Project-related information disclosed on the ADB website has increased from about 900 documents in 2005 to about 2,000 in 2009. Accessibility to information on the ADB website has also increased. In addition, from September 2005 to December 2009, ADB tracked and processed almost 5,000 external requests for information and documents. Only 5% of these requests were denied—the largest category of denials being for pricing supplements for bond

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<sup>5</sup> These prerequisites are as follows: (i) generate original ideas and insightful messages on development issues; (ii) actively engage in international discussions of these issues; (iii) consistently seek and exploit opportunities to meet media and other external audiences; (iv) maintain active and open internal communications; (v) maintain a sound operational record; and (vi) operations staff maintain strong relationships with people and organizations with direct operational and business links to ADB.

deals. ADB also cleared and disclosed many documents created before 2005. However, efforts need to be continued to meet the Policy's target of 100% compliance with disclosure requirements. For instance, not all required project summaries have been posted on the ADB website or updated as required, and the level of completeness of the data fields still needs to be further improved.

23. To support implementation of the Policy's disclosure rules, ADB allocated additional resources for new staff positions, regular training, and developing a translation framework. The Policy was translated into 12 languages and disseminated widely. In July 2005, the Public Information and Disclosure Unit (InfoUnit) was established in DER to monitor implementation of the Policy, and provide services, products, and tools to ADB staff to fulfill the disclosure requirements. The InfoUnit is now recognized as ADB's hub for all disclosure-related matters.

24. Since 2005, ADB has conducted numerous briefings and awareness-raising missions to help ADB staff and other relevant stakeholders understand the disclosure requirements under the Policy. These efforts have greatly helped disclose information as required in the Policy.

25. The Policy has brought about considerable change in ADB. Most importantly, through Management's visible leadership, ADB today has a culture that is much more conducive to proactive communications with stakeholders. Overall, staff generally recognize the many benefits of transparency and are conscientious about disclosure. The primary reason for lack of full compliance is the need to devote more staff time and efforts in completing the disclosure requirements.

26. Joint communications plans<sup>6</sup> for projects have been limited to a few high profile projects.

27. ADB's public information centers and depository library program have been reviewed, and procedures streamlined to improve access to information on ADB in Asia and the Pacific. In 2009, ADB piloted multidonor public information centers. The impact of these programs will be reviewed in 2011 to ensure their effectiveness in improving the visibility and accessibility of ADB's knowledge products.

28. In general, ADB has successfully implemented a presumption in favor of disclosure. Disclosure compliance, including timeliness of disclosure and handling of external requests, has improved continuously.

29. ADB recognizes that in the interest of its stakeholders and the public, and to be at par with its comparator institutions, it must continue to demonstrate openness and transparency in its operations. On the basis of the above assessment of the Policy's implementation, it can be concluded that the Policy has generally met its objectives well and has been implemented satisfactorily. The Policy should however be revised to be more effective and to reflect recent developments in transparency and in public communications within and outside ADB.

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<sup>6</sup> Jointly developed with DMCs.

#### IV. THE POLICY

30. The Policy aims to enhance stakeholders' trust in and ability to engage with ADB. To ensure ADB's operations have greater development impact, the Policy promotes:

- (i) **Proactive communication** of ADB's mission to fight poverty in Asia and the Pacific, and its activities, policies, strategies, and objectives among ADB's constituents, other stakeholders, and the general public.
- (ii) **Sharing of development knowledge and results**, in line with ADB's results-based management approach, to strengthen accountability, provide the public with a clear, balanced picture of its work, and more effectively disseminate ADB's research and knowledge solutions.
- (iii) **Participatory development and two-way communications** to facilitate greater community-level participation in ADB projects by providing stakeholders, including affected people, with timely, clear, and relevant information about the projects.
- (iv) **Transparency and accountability** to enhance development effectiveness, support good governance, increase public trust, serve as a positive example of transparency, and act consistently with the advice it provides to members on transparency issues.

31. **ADB's leadership.** ADB recognizes that transparency not only enhances development effectiveness, but also increases public trust in the institution. ADB shall seek to be a positive example of transparency, and to act in a way that is consistent with the advice it provides to members on transparency issues.

32. ADB shall seek to enhance the understanding of its members, civil society organizations, businesses, media, academic institutions, development partners, and the public about its role in poverty reduction and promotion of inclusive growth and development among its DMCs.

33. To improve performance by learning from its experiences, ADB shall report failures and disappointments as well as successes. ADB shall not withhold information just because it is negative. ADB shall encourage constructive debate and dialogue on policies and operations. As a public institution, ADB shall be publicly accountable.

34. **Country ownership.** ADB also recognizes the great importance of country ownership of the activities it supports in DMCs. The views and interests of these DMCs shall, therefore, be respected when the Policy is implemented.

35. **Presumption of disclosure.** The Policy is based on a presumption in favor of disclosure. All documents that ADB produces or requires to be produced may therefore be disclosed unless they contain information that falls within the exceptions of the Policy.

36. **Right to access and impart information and ideas.** ADB recognizes the right of people to seek, receive, and impart information and ideas about ADB-assisted activities. ADB shall provide information in a timely, clear, and relevant manner so that it can communicate with, listen to, and consider feedback from its stakeholders, including project-affected people.

ADB shall share information with project-affected people early enough for them to provide meaningful inputs into the project design and implementation.

37. All stakeholders and interested parties shall have equal access to the information that ADB makes available under the Policy according to the terms of the Policy, strategy, and implementation arrangements.

38. **Proactive disclosure.** ADB shall proactively share its knowledge and information about its work, and its opinions with stakeholders and the public at large. The ADB website will serve as the primary vehicle of proactive disclosure. The Policy also calls for other means of disclosure or dissemination, depending on the intended recipient or audience as well as the intended purpose for disclosing the information. Proactive disclosure is important to assure stakeholders that essential information about ADB and its operations will be publicly available following prescribed time limits, therefore facilitating participation in ADB's decision making. ADB shall also disclose information in response to individual requests for information.

39. **Increased Board transparency.** Unless restricted by other provisions in the Policy, documents submitted to the Board for information shall be posted on the ADB website upon circulation to the Board, and documents submitted to the Board for consideration shall be posted on the ADB website upon approval or endorsement by the Board. In certain cases, Board documents will be disclosed to the public before approval or endorsement by the Board.

40. **Limited exceptions.** Full disclosure is not always possible. For example, ADB needs to explore ideas, share information, hold frank discussions internally and with its members, and consider the special requirements of its private sector operations. ADB shall safeguard the privacy of its staff and protect nonpublic business information of itself or its clients. However, exceptions are limited. ADB shall disclose all information that it produces or requires to be produced unless such information falls within the exceptions of the Policy. ADB reserves the right to override the Policy's exceptions if it determines that the public interest in disclosing the information outweighs the harm that may be caused by such disclosure. ADB also reserves the right not to disclose, under exceptional circumstances, information that it would normally disclose if it determines that such disclosure would or would be likely to cause harm that outweighs the benefit of disclosure.<sup>7</sup>

41. **Right to appeal.** The Policy recognizes requesters' right to a two-stage appeals process by which they can appeal when they believe that ADB has denied their request in violation of its Policy, or ADB may override the Policy's exceptions that restrict access to the information requested because the public interest in disclosing the information outweighs the harm that may be caused by such disclosure. To enhance the credibility of the appeals process, the second stage of appeals is independent from ADB.

42. ADB shall implement the general principles set out above through the strategy outlined in Section V. In the event of conflict between the disclosure provisions (but not other provisions) of the Policy, and any other Board-approved policy, the disclosure provisions of the Policy shall prevail.

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<sup>7</sup> This prerogative to override will be exercised under exceptional circumstances following strict authorization procedures. See paragraph 139.

## V. THE STRATEGY

43. To achieve the Policy's objectives, this strategy is designed to deliver two specific outputs:

- (i) proactive external relations, and
- (ii) improved access to information about ADB operations.

44. The strategy comprises two separate but complementary components: external relations and disclosure of information. External relations will focus primarily on communicating to ADB's audiences its efforts to help fight poverty and promote inclusive growth and development among its DMCs, in line with *Strategy 2020*. It will also continue to focus on establishing ADB's reputation as a leading voice on development in the region, and in maintaining strong relationships with its stakeholders [output (i)]. Disclosure of information will aim to strengthen partnerships, particularly with people and organizations with direct operational and business links to ADB [output (ii)].

### A. External Relations

45. ADB will constantly refine and strengthen its external relations strategy in response to shifts in emphasis in its priorities and changing expectations of its stakeholders. In particular, ADB will

- (i) implement an external relations strategy centered on sustained, integrated, and efficient communication that is adapted to suit audience needs;
- (ii) communicate its mission to help reduce poverty and promote inclusive growth, as well as to be a knowledge bank and leading voice on development in the region;
- (iii) use a range of methods and tools, from latest technology and media to face-to-face communication that can best reach its audiences;
- (iv) maintain strong visibility in international, regional, and national media;
- (v) improve communications on projects, strengthen strategic communications including issues and crisis communications, and identify opportunities for coordinated communications with partners on joint projects; and
- (vi) improve internal communications and staff capacity building in external relations.

#### 1. Role of Leadership

46. A strong, highly visible commitment to strengthening external relations by each member of Management is critical. As ADB's key communicators, Management will lead external relations activities, including active engagement with the media to communicate ADB's work to its audiences. It is also imperative that Management encourage and guide staff, especially senior staff and internal experts, to participate in external relations activities, especially in media relations, to maximize communication opportunities.

47. Country directors, regional directors, and resident directors general have a crucial responsibility in leading external relations activities, including media relations, at the field office level.

## **2. Target Audiences**

48. ADB seeks to communicate with a broad range of audiences in DMCs as well as non-borrowing member countries. Key audiences with whom ADB will communicate are: governments, opinion leaders and decision makers in DMCs and non-borrowing member countries; media; civil society, including affected people; and academia. ADB will monitor changes in audience profile and expectations and will tailor its communications strategy accordingly.

49. Resident missions and representative offices will play a crucial role in developing and maintaining stakeholder relationships and communicating ADB's work at the country and regional levels. Country directors, regional directors, and resident directors general will lead efforts to communicate with ADB's key audiences at the country or regional levels, including through an active media relations program.

50. Strengthening relationships with audiences in DMCs will remain the responsibility of ADB's operations departments. Operations departments will be the contact points for affected people and will build partnerships with civil society organizations directly involved in and concerned with specific operations. The ADB NGO and Civil Society Center will support relationships with civil society in general.

## **3. Communications Strategies for Reaching Target Audiences**

51. ADB will communicate and reach out to its target audiences using a range of media, tools, and technology: mainstream media, online media, websites, new media including social media, community media, mobile phones, multimedia including online videos, podcasts, images, publications, and special events.

52. Traditional, face-to-face communication such as meetings, briefings, and presentations, along with community media such as posters, leaflets, or brochures will continue to remain important vehicles of communication for audiences who have limited access to technology or mainstream media. ADB will also tailor its communications strategy to fit the cultural settings of its audiences.

53. ADB will strive to maintain a high-level of exposure in international media through a proactive media relations strategy to maximize media coverage of ADB's mission, policies, programs, projects, and knowledge products. At the same time, ADB will work toward increasing visibility of its work in regional and national media. Resident missions and representative offices will continue to assume these responsibilities for regional and national media.

54. ADB will improve communications on projects and coordinate its communications activities with partners on joint projects.

55. ADB will post as much information as possible regarding ADB and its operations on its external website. The website will be continuously improved to meet user expectations and requirements. ADB will also strengthen its publishing program to promote its development knowledge and information, and disseminate its publications to the widest possible audience, including through continued translations into DMC languages. ADB will continue to share its main knowledge products through the ADB depository and regional library programs and explore effective channels to improve the accessibility of ADB publications.

56. ADB will strengthen internal communications as a prerequisite for effective external communications. Management will also use multiple internal communications approaches ranging from face-to face meetings, briefings, focus group discussions, and town hall dialogue sessions to online platforms, such as ADB's intranet portal, and e-mail communications to promote increased knowledge, understanding, and support from staff for external relations initiatives.

57. Regular opinion surveys such as the triennial perceptions survey and various formal and informal feedback channels will help inform continuous improvement of ADB's communications activities.

#### **4. Spokespersons and Communicators**

58. The President, Vice Presidents, Managing Director General, and Chief Economist will be ADB's most visible communicators and lead spokespersons. They will proactively articulate ADB's policy positions and viewpoints on issues, and lead efforts to raise ADB's international profile on the development stage.

59. Heads of departments and offices including country directors, regional directors, and resident directors general will also lead efforts to communicate ADB's policies, programs, and projects with external audiences in their respective regions or countries.

60. In addition, thematic and sector experts among ADB staff will actively engage the media to communicate ADB's work, including in areas such as gender mainstreaming, governance, climate change, and social sector development that are of increasing importance to ADB's stakeholders.

#### **5. Capacity Building and Development**

61. ADB will build the capacity of spokespersons, key communicators, and senior and expert staff at headquarters and field offices for effective external relations. Given the crucial influence of media in shaping public opinion toward ADB, media training for ADB spokespersons, key communicators, and senior and expert staff will continue to be given emphasis.

### **B. Improved Access to Information about ADB Operations**

62. The Policy establishes the disclosure requirements for documents that ADB produces or requires to be produced. It does not set forth the requirements for producing such documentation. References to other ADB policies are made throughout the Policy. Any reference to another ADB policy includes that policy as amended by ADB from time to time. Any policy or strategy developed or revised by ADB after the Policy's effective date shall clearly articulate the disclosure requirements for documents and other information required to be produced under that policy or strategy. Such disclosure requirements shall be consistent with the general principles set out in the Policy.

#### **1. Translations**

63. English is the working language of ADB.<sup>8</sup> However, translation of documents and other information into languages other than English is often necessary to encourage

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<sup>8</sup> ADB. 1966. *Agreement Establishing the Asian Development Bank*. Manila (Article 39.1).

participation in, as well as understanding and support of, ADB-assisted activities by its shareholders and other stakeholders. In the event of any discrepancy between the English version of the document and its translation into any other language, the English version shall prevail.

64. ADB will undertake translations depending on its operational needs in accordance with its translation framework for documents related to its operations which was developed in consultation with external stakeholders and adopted in 2007. Such translations may include information that (i) addresses its overall business, policies, and strategic thinking, and is destined for a wide international audience; (ii) is for public consultation, particularly with affected people (see paragraph 82); (iii) relates to specific countries, projects, and programs; and (iv) is intended for the ADB website.

65. Criteria for undertaking translation include the literacy level of the audience concerned, languages known to that audience, alternatives to translation, time required for translation, and costs.

## **2. Information Pertaining to ADB's Operations**

66. ADB works closely with its borrowers and clients to prepare and implement development activities. In doing so, it will inform borrowers and clients of its presumption in favor of disclosure of information about ADB-assisted operations. The following documents shall be posted on the ADB website according to the time period specified, after consultation with the respective borrower/client as appropriate, and subject to the section on exceptions to disclosure (paragraphs 132–139).

### **a. Country and Regional Programming**

#### **i. Country Partnership Strategy and Regional Cooperation Strategy Knowledge Products**

67. Preparation of the country partnership strategy (CPS) and regional cooperation strategy (RCS) is based on thematic and sector analyses and assessments (knowledge products). These knowledge products include economic analysis, poverty analysis, gender analysis, environment assessment, private sector assessment, priority sector diagnostics and analysis, and risk assessment and risk management plans covering governance priorities. The assessments may be made available to in-country stakeholders in draft form if they are developed in consultation with nongovernment stakeholders. ADB shall post CPS and RCS knowledge products, including updates, on its website upon their completion.

#### **ii. Country Partnership Strategy and Regional Cooperation Strategy**

68. The CPS provides the framework for ADB to engage with each DMC. It is the primary platform for designing operational programs to deliver development results at the country level. Likewise, the RCS is a strategy for an ADB-defined region or subregion in Asia and the Pacific to achieve the desired objectives of regional cooperation.

69. ADB shall maintain and post on its website on a rolling basis a list of new CPSs, including interim CPSs, and RCSs, scheduled for preparation over the course of the next

year. To facilitate required consultations with stakeholders<sup>9</sup> and to allow them to contribute to the draft CPS and RCS in their country and/or region, ADB shall make draft CPSs and RCSs available to in-country stakeholders for comments. They shall be made available (i) during an ADB strategy formulation mission, and/or (ii) before the CPS or RCS is circulated to the Board for endorsement. ADB shall make the draft interim CPS available to stakeholders for comments during the relevant programming mission.

70. ADB shall post the CPS, including the interim CPS, and the RCS on its website at the same time that they are circulated to the Board for endorsement, if the member country consents to such early disclosure. If the member country does not consent to such early disclosure, such documents will be posted on the ADB website upon endorsement by the Board. The chair's summary of each Board discussion on CPSs, including interim CPSs, and RCSs shall be posted on the ADB website upon their final circulation to the Board. If English is not used widely in the relevant country by target stakeholders, ADB shall translate any new CPS (or interim CPS) into the relevant national language(s) within 90 calendar days of its endorsement by the Board, and post the translated version on its website.

71. Key supporting documents<sup>10</sup> to the CPS or RCS will be disclosed at the same time that the CPS or RCS is posted on the ADB website.

72. ADB shall post country operations business plans, regional operations business plans, and key supporting documents related thereto on its website upon their circulation to the Board.

#### **b. Policies, Strategies, and Operational Procedures**

73. ADB seeks the active participation of its shareholders and other interested individuals and organizations during the development and review of its safeguard, sector, and thematic policies and strategies. ADB shall post on its website a list of the safeguard, sector, and thematic policies and strategies to be developed or reviewed over the next 12 months on a rolling basis. Items will be added to the list after approval by Management of a concept paper for such development or review. ADB shall post plans for consultations, including any anticipated face-to-face meetings with external audiences, on its website upon completion of such plans. ADB shall post at least one draft of the policy or strategy paper on its website for consultation. ADB shall post final proposals of policies and strategies subject to public consultation on its website at the same time that they are circulated to the Board, if a draft version of the paper has already been reviewed by the Board<sup>11</sup>. For other policies and strategies—for example, the Public Communications Policy, the Poverty Reduction Strategy and the Accountability Mechanism—Management may determine that they are also subject to the requirements of this paragraph.

74. ADB shall post other ADB policy or strategy papers on its website upon final approval or endorsement by the Board or approval by Management. A chair's summary for each final policy and strategy discussed by the Board at a formal Board meeting shall be posted on the ADB website upon its final circulation to the Board.

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<sup>9</sup> Stakeholders include DMC governments, development partners, private sector, and civil society, including nongovernment organizations, as appropriate.

<sup>10</sup> Key supporting documents are those referred to in the CPS or RCS as electronically-linked documents.

<sup>11</sup> In case a draft version has not been already reviewed by the Executive Directors, at the time the paper is circulated to the Board, Management would seek Board approval, on a no objection basis, to disclose the Board R-paper at least two weeks before Board consideration.

75. ADB shall post its policies and procedures for country and regional programming and project processing on its website. These include the Operations Manual sections (Bank Policies and Operational Procedures). ADB shall also post on its website the Project Administration Instructions, and staff guidelines and handbooks on ADB operations.

### **c. Projects and Programs**

#### **i. Project Brief**

76. The project brief (PB) is a brief factual summary of a project or program that must be posted on the ADB website to provide external stakeholders with an overview of the project or program during processing and implementation. PBs for sovereign and nonsovereign projects shall include (i) the project/program name; (ii) sector and/or subsector and thematic classification; (iii) project/program number; (iv) type or modality of assistance; (v) country and geographical location; (vi) project/program rationale or description; (vii) development impact, outcomes, or outputs; (viii) fund source and amount, financing plan, and loan and/or technical assistance utilization (for sovereign projects); (ix) executing agency or client(s); (x) safeguard categories; (xi) summary of environmental and social issues; (xii) linkage to country, regional, or sector strategy; (xiii) stakeholder communication, participation, and consultation; (xiv) prospective procurement and consulting information; (xv) responsible ADB department, division, and officer; (xvi) processing and approval dates; (xvii) PB creation date and PB update; (xviii) status of loan covenants (for sovereign projects); and (xix) a timetable for assistance design, processing, and implementation. As the PB is a work in progress, some information may not be included when the initial PB is posted on the ADB website. Such information will be included as it becomes available. During the preparation of a project or program, a draft design and monitoring framework (DMF) is developed, which provides the basis for the project's performance assessment. Key information from the draft DMF will be reflected in the PB.<sup>12</sup> The PB webpage provides links to related documents produced during the project cycle.

77. Based on the information of the PB available on the website, a project information sheet will be produced as appropriate and this document will be translated into the relevant national language(s). Translated versions will be posted on the ADB website and made available in-country using appropriate channels.

#### **ii. Project Brief of Sovereign Projects**

78. The initial PB for a sovereign project or program shall be posted on the ADB website no later than 30 calendar days following approval of the concept paper for the project or program. For each individual project (tranche) financed under a multitranche financing facility (MFF), the PB will be posted on the ADB website upon submission of the project financing agreement.

79. ADB shall update the PB to reflect the project's status. Updates will be conducted at least twice a year, and whenever necessary, to reflect activities and issues, progress toward outcomes, and status of implementation progress. Should ADB terminate its involvement in a sovereign project or program, the corresponding PB shall include a statement indicating the reason for the termination. ADB shall keep PBs for terminated projects on its website for 6 months following termination.

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<sup>12</sup> The final DMF will also be posted on the ADB website as part of the report and recommendation of the President.

### **iii. Project Brief of Nonsovereign Projects**

80. ADB shall post on its website the initial PB for a nonsovereign project after ADB has determined that a project is likely to be presented to the Board, but no later than 30 calendar days before the date for Board consideration. For category A projects that are required by the Safeguard Policy Statement (2009) to have an environmental impact assessment posted on the ADB website at least 120 calendar days before the date for Board consideration, ADB shall post the PB on its website at least 120 calendar days before Board consideration.

81. ADB shall update the PB to reflect the project's status. Updates will be conducted at least twice a year, and whenever necessary, to reflect activities and issues, status of development objectives, status of operations, construction or implementation progress, and material changes, if any, regarding the project. Should ADB terminate its involvement in a nonsovereign project, the corresponding PB shall include a statement that ADB's involvement was terminated. ADB shall keep PBs for terminated projects on its website for 6 months following termination.

### **iv. Information to Project-Affected People and Other Interested Stakeholders**

82. To facilitate dialogue with project-affected people and other interested stakeholders, including women and other vulnerable groups, information about sovereign or nonsovereign projects or programs (including environment and social issues) shall be made available to them in a manner, form, and language(s) understandable to them and in an accessible place. ADB shall work closely with the borrower/client to ensure that such information is provided and feedback on the proposed project design is sought, and that a focal point is designated for regular contact with project-affected people and other interested stakeholders. This process will start early in the project preparation phase, so that their views can be adequately considered in the project design, and continue at each stage of project or program preparation, processing, and implementation. ADB shall ensure that the project's or program's design allows for stakeholder feedback during implementation. ADB shall ensure that relevant information about major changes to project scope and likely impacts is also shared with affected people and other interested stakeholders.

83. To support the requirements in paragraph 82, ADB will assist DMC governments and private sector clients to develop a project or program communications strategy, which will be an integral part of consultation and participation by affected people and other interested stakeholders. Such a strategy would help borrowers/clients to involve affected people in the design and implementation of ADB-assisted activities, and increase involvement of grassroots and civil society organizations in the development process by detailing how to engage in dialogue with affected people and broaden public access to information. This will be done by indicating in various documents, such as the consultation and participation plan or the project administration manual, (i) types of information to be disclosed, (ii) mechanisms for public notice, including language and timing, and (iii) responsibility for implementing and monitoring of information disclosure and dissemination.

84. ADB's environmental and social safeguard requirements on information disclosure to affected people are the same for sovereign and nonsovereign projects.

**v. Project Safeguard Documents**

**(i) Environment**

85. In accordance with the requirements under the Safeguard Policy Statement, ADB shall post on its website the following documents submitted by the borrower/client:

- (i) a draft environmental impact assessment (EIA) report for a category A project, at least 120 days before Board consideration;
- (ii) a draft environmental assessment and review framework (EARF) before appraisal, where applicable;
- (iii) the final EIA or initial environmental examination (IEE), upon submission to ADB by the borrower/client
- (iv) a new or updated EIA or IEE, and a corrective action plan prepared during project implementation, if any, upon submission to ADB by the borrower/client; and
- (v) the environmental monitoring reports, upon submission to ADB by the borrower/client.

86. The borrower/client shall provide relevant environmental information, including information from the documents in paragraph 85, in a timely manner, in an accessible place, and in a form and language(s) understandable to affected people and other stakeholders.<sup>13</sup>

**(ii) Resettlement**

87. In accordance with the requirements under the Safeguard Policy Statement, ADB shall post on its website the following documents submitted by the borrower/client:

- (i) a draft resettlement plan and/or resettlement framework endorsed by the borrower/client before project appraisal;
- (ii) the final resettlement plan endorsed by the borrower/client after the census of affected persons has been completed;
- (iii) a new or updated resettlement plan, and a corrective action plan prepared during project implementation, if any, upon submission to ADB by the borrower/client; and
- (iv) the resettlement monitoring reports, upon submission to ADB by the borrower/client.

88. The borrower/client shall provide relevant resettlement information, including information from the documents in paragraph 87 in a timely manner, in an accessible place, and in a form and language(s) understandable to affected persons and other stakeholders (footnote 13).

**(iii) Indigenous Peoples**

89. In accordance with the requirements under the Safeguard Policy Statement, ADB shall post on its website the following documents submitted by the borrower/client:

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<sup>13</sup> This information can be made available as brochures, leaflets, or booklets in local languages. For illiterate people, other suitable communications methods will be used.

- (i) a draft indigenous peoples plan (IPP) and/or indigenous peoples planning framework, including the social impact assessment, endorsed by the borrower/client, before appraisal;
- (ii) the final IPP upon submission to ADB by the borrower/client;
- (iii) a new or updated IPP and a corrective action plan prepared during implementation, if any, upon submission to ADB by the borrower/client; and
- (iv) indigenous peoples monitoring reports submitted by the borrower/client, upon submission to ADB by the borrower/client.

90. The borrower/client shall provide to the affected indigenous peoples relevant information, including information from the documents in paragraph 89 in a timely manner, in an accessible place, and in a form and language(s) understandable to the affected indigenous peoples and other stakeholders (footnote 13).

#### **vi. Country Safeguard Systems**

91. In accordance with the requirements under the Safeguard Policy Statement for the application of country safeguard systems in ADB-supported projects, ADB shall make publicly available:

- (i) for public comment, the draft equivalence and acceptability assessments at the national, subnational, sector, or agency level, upon completion;
- (ii) the final equivalence and acceptability assessment reports, upon completion; and
- (iii) updated assessments to reflect changes in country safeguard systems, if any, upon completion.

92. Disclosure related to acceptability assessments at the project level will follow the usual safeguard document disclosure process undertaken for project preparation and referred to in paragraphs 85 to 90 above.

#### **vii. Initial Poverty and Social Analysis**

93. An initial poverty and social analysis (IPSA) is conducted for all investment projects and programs to determine the scope of poverty and social issues such as communication, consultation and participation, gender and development, and social safeguards and other social risks that will need to be addressed during project design. ADB shall post the IPSA on its website upon approval of the concept paper for sovereign projects or programs. For nonsovereign projects, the IPSA shall be posted on the ADB website upon completion.

#### **viii. Technical Assistance Report**

94. ADB shall post technical assistance (TA) reports on its website upon approval by the relevant authority.<sup>14</sup>

#### **ix. Documents Produced under Technical Assistance**

95. A technical assistance project requires certain reports to be generated, such as feasibility studies, detailed project designs, sectoral reviews, and other reports by consultants.

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<sup>14</sup> For project preparatory technical assistance (PPTA) up to \$1.5 million, the PPTA paper appended to the project concept paper shall be posted on the ADB website upon approval of the concept paper.

ADB shall post final reports generated from technical assistance on its website upon their completion provided that the government concerned consents to the disclosure of final reports produced under advisory technical assistance.<sup>15</sup> ADB may make drafts of country-specific reports, or portions thereof, prepared under technical assistance available to in-country stakeholders, if ADB determines that they are needed to facilitate consultative discussions or development partnerships, or to solicit views on project design.

#### **x. Report and Recommendation of the President**

96. The report and recommendation of the President (RRP) is a decision document for ADB projects and programs presented to the Board for approval. ADB shall post RRP for sovereign projects on its website at the same time they are circulated to the Board, if the member country consents. If the country does not consent to such early disclosure, ADB shall post the RRP on its website upon approval by the Board. Supporting documents to the RRP for sovereign projects shall be disclosed as stand-alone documents at the same time that the RRP is posted on the ADB website, unless the Policy states otherwise for certain types of documents.<sup>16</sup> ADB shall post an abbreviated version of the RRP for nonsovereign projects on its website upon its approval by Board; this version will exclude confidential business information and ADB's assessment of project or transaction risk.

#### **xi. Project Administration Manual**

97. The project administration manual (PAM) for a sovereign project or program describes how the borrower will implement the project or program and deliver the results on time. It serves as the main document describing implementation details. ADB shall post the PAM on its website at the same time that the related RRP is circulated to the Board, if the member country consents. If the member country does not consent to such early disclosure, ADB shall post the PAM on its website upon Board approval of the respective RRP.

#### **xii. Social and Environmental Monitoring Reports**

98. As described in paragraphs 85 (v), 87 (iv), and 89 (iv), ADB shall post on its website environmental, involuntary resettlement, and indigenous peoples monitoring reports submitted by borrowers/clients during project implementation upon receipt.

#### **xiii. Major Changes**

99. ADB shall post documents submitted to its Board that are related to major changes in the project scope and implementation arrangements on its website upon approval of such changes, if any. For nonsovereign projects, an abbreviated version will be posted, excluding confidential business information.

#### **xiv. Progress Report on Tranche Release**

100. A progress report on tranche release reviews and assesses implementation and compliance with conditionalities of program loans to DMC governments. ADB shall post the progress report on tranche release on its website upon Board or Management approval.

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<sup>15</sup> Consistent with the Policy's presumption in favor of disclosure, any redaction or withholding of such documents shall be based on the exceptions listed in paragraphs 135, 136, 138 and 139.

<sup>16</sup> For example, legal agreements.

**xv. Project, Technical Assistance, and Program Completion Reports**

101. ADB shall post a project, technical assistance, and program completion report on its website upon circulation to the Board. The completion report for a nonsovereign project, called extended annual review report, will be posted in an abbreviated version, excluding confidential business information.

**d. Other Information Pertaining to Strategies and Programs, and Projects**

**i. Independent Evaluations**

102. ADB shall post a list of independent evaluations planned by its Independent Evaluation Department (IED) based on a 3-year rolling work program approved by the Board. The selection criteria for such evaluations shall also be posted on the ADB website.

103. ADB shall post all independent evaluation reports on its website upon circulation to Management and the Board, except for IED annual evaluation reports that will be posted on the ADB website upon discussion by the Board's Development Effectiveness Committee (DEC). For private sector evaluations, a redacted version will be posted on the ADB website, excluding confidential business information.

104. For evaluation reports discussed by the DEC, ADB shall post the DEC meeting's chair's summary on its website upon its circulation to the Board. ADB shall also post on its website Management responses to independent evaluations, if any, and IED comments on the Management response, if any.

**ii. Cofinancing Information**

105. ADB shall post on its website a summary of projects requiring cofinancing. Information on official cofinancing of projects, if any, such as major terms and conditions, shall be available in respective TA reports or RRP's that ADB posts on its website. ADB shall make cofinancing agreements for such official cofinancing, including project-specific cofinancing agreements, framework agreements, and trust fund agreements between ADB and any bilateral or multilateral cofinancier, available upon request, unless the cofinancier objects.

**iii. Anticorruption Information**

106. ADB shall post on its website annual reports of ADB's Office of Anticorruption and Integrity (OAI). ADB may post reports of project procurement-related reviews conducted by OAI.<sup>17</sup> OAI's annual report shall include statistical information on investigations and significant recommendations and issues arising from investigations and project procurement-related reviews. OAI's reports shall be redacted to remove information that falls under exceptions to presumed disclosure in the Policy. ADB may share the results of investigations with governments of ADB member countries. However, ADB protects the source (whistleblower) of an allegation of fraud, corruption, or other violation of ADB's Anticorruption Policy (1998, as amended to date) and ADB shall not disclose the identity of whistleblowers without the whistleblowers' consent.

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<sup>17</sup> OAI is ADB's designated focal point for receiving and investigating allegations of fraud, corruption, or other violation of ADB's Anticorruption Policy pertaining to ADB-financed activities or staff members.

107. ADB shall share information on parties debarred by ADB with member governments, other multilateral development banks, bilateral cofinanciers, and others with a demonstrated need to know. ADB shall post on its website information on debarments, including a list of (i) debarred entities that have breached their sanction, (ii) debarred parties that have violated ADB's Anticorruption Policy for a second or subsequent time, (iii) debarred parties who cannot be contacted despite reasonable efforts, and (iv) parties debarred pursuant to ADB's agreement with other MDBs on cross-debarment.<sup>18</sup>

#### **iv. Legal Agreements<sup>19</sup>**

108. ADB shall post on its website all legal agreements for sovereign projects entered into on or after the effective date of the revised Policy upon their signing, after excising confidential information. ADB may disclose upon request draft legal agreements if the borrower consents. In case of any amendments to the legal agreements, ADB shall post such amendments on its website within 2 weeks after ADB has received the borrower's consent.

109. ADB shall post on its website legal agreements for sovereign projects entered into between 1 September 2005 and effective date of the revised Policy, except for legal agreements related to MFF tranches,<sup>20</sup> at the same time that the respective RRP's are posted on its website, after excising confidential information. In case of any amendments, ADB shall post such amendments on its website within 2 weeks after ADB has received the borrower's consent.

110. ADB shall make legal agreements for sovereign projects entered into between 1 January 1995 and 1 September 2005, and any amendments to such agreements, available on request, after excising any confidential information contained in such agreements and amendments and specified as such by the government concerned at the time of negotiation of such agreements and amendments.

111. For legal agreements for sovereign projects, and amendments thereto entered into by ADB before 1 January 1995, ADB shall seek the consent of the government concerned before making such documents available, when requested.<sup>21</sup>

### **3. Other Information**

#### **a. Business Opportunities Listing**

112. ADB shall post the following information and documents on its website:

- (i) a listing of business opportunities for each sovereign project being prepared for ADB financing, from identification through approval by the Board;
- (ii) the borrower's procurement plan for projects upon approval of the respective project financing by ADB, detailing (a) the particular contracts for goods, works,

<sup>18</sup> *Agreement for Mutual Enforcement of Debarment Decisions*, 9 April 2010 between ADB, African Development Bank, Inter-American Development Bank, European Bank for Reconstruction and Development, and the World Bank Group.

<sup>19</sup> ADB shall not disclose legal agreements for nonsovereign projects entered into by ADB, or amendments to such agreements. This also includes commercial cofinancing agreements.

<sup>20</sup> ADB shall post such legal agreements on its website upon signing.

<sup>21</sup> Unless the government concerned informs ADB of its objection to disclosure of such documents within 30 calendar days of ADB's request for such consent, ADB shall make such agreements available to any requester within 60 days of the request for the agreement.

- and consulting and non-consulting services required to carry out the project during an initial period of not less than 18 months; (b) the proposed methods of procurement for each contract; and (c) ADB review procedure;
- (iii) the borrower's updates to the procurement plan (at least annually over the duration of the project);
  - (iv) all invitations issued by executing agencies and ADB to express interest; to pre-qualify or to bid for international competitive bidding procurement and consulting assignments as specific notices;
  - (v) all contract awards entered into its books detailing the name of the contractor, a description of the contract, the contract award amount financed by ADB, and the name of each competing bidder; and
  - (vi) in respect of ADB's institutional procurement, invitations to submit bids or proposals, and contract awards for major procurement exercises.

**b. Country Performance Assessment of Asian Development Fund Recipient Countries**

113. ADB's Graduation Policy determines eligibility for Asian Development Fund (ADF) resources.<sup>22</sup> For eligible countries, the Performance-Based Allocation Policy defines principles and criteria to guide allocations.<sup>23</sup> For each country with access to ADF resources, ADB shall make numerical performance ratings available on the ADB website in an annual report on country performance assessments. The guidelines for country policy and institutional assessments shall also be posted on the ADB website.

**c. Economic Data and Research**

114. ADB shall post on its website its *Annual Report*, as well as the *Asian Development Outlook*, the *Asian Development Outlook Update*, and *Key Indicators* containing economic and social data, analyses, and forecasts.

115. ADB will also post on its website an extensive catalog of online books, conference papers, periodicals, reports, studies, and technical briefs containing research, reports, and analyses.

**d. Administrative and Other Information**

116. ADB shall post the following documents on its website:

- (i) Agreement Establishing the Asian Development Bank;
- (ii) by-laws of ADB;
- (iii) Rules of Procedure of the Board of Governors of the Asian Development Bank;
- (iv) Rules of Procedure of the Board of Directors of the Asian Development Bank;
- (v) Agreement Between the Asian Development Bank and the Government of the Republic of the Philippines Regarding the Headquarters of the Asian Development Bank; and
- (vi) Host country agreements between ADB and its member countries.

<sup>22</sup> ADB. 2008. *Review of the 1998 Graduation Policy of the Asian Development Bank*. Manila; ADB. 1998. *A Graduation Policy for ADB's DMCs. Corrigendum 1*. Manila.

<sup>23</sup> ADB. 2008. *Refining the Performance-Based Allocation of Asian Development Fund Resources*. Manila.

117. ADB shall post the following information on its website:
- (i) ADB's member countries, their subscribed capital, and voting power;
  - (ii) Members of the Board of Governors;
  - (iii) Members of the Board of Directors and their voting groups;
  - (iv) Committees of the Board of Directors and their members;
  - (v) Members of ADB's Management and senior staff;
  - (vi) ADB's organizational structure; and
  - (vii) contact information for each of the above.
118. ADB shall post country classifications on its website upon approval by the Board.
119. ADB shall post on its website the work program and budget framework for each fiscal year upon discussion by the Board.
120. ADB shall post on its website the summary proceedings of its annual meetings, including decisions taken by the Board of Governors and the speeches of the Governors, within 60 calendar days of each annual meeting. ADB shall also make decisions made by the Board of Governors through mail vote available on request.
121. Proceedings of the Board of Directors are confidential.<sup>24</sup> However, ADB may disclose upon request verbatim transcripts of formal Board meetings held on or after the effective date of the revised Policy. Such documents will be disclosed 10 years after the date of their creation provided that they do not contain or refer to any information that falls within the Policy's exceptions.
122. ADB shall post on its website (i) the provisional schedule of items for Board consideration for the forthcoming 3 weeks on a rolling basis, and (ii) the minutes of each regular Board meeting upon approval of those minutes by the Board and no later than 60 calendar days after the Board meeting.
123. ADB shall post on its website reports of Board committees to the full Board if the committee so recommends and the Board approves.

**e. Financial Information**

124. ADB shall post on its website the audited financial statements<sup>25</sup> for ADB's ordinary capital resources and Special Funds, before the Annual Meeting of the Board of Governors of ADB.
125. The following shall be posted on the ADB website upon approval by the Board:
- (i) Management's discussion and analysis of ADB's ordinary capital resources and Special Funds, including financial data on each of the funds;
  - (ii) condensed quarterly financial statements;
  - (iii) annual report on loan servicing of DMCs; and
  - (iv) the budget of ADB for each fiscal year.

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<sup>24</sup> Section 9 of the Rules of Procedures of the Board of Directors and PCP paragraph 135.3.

<sup>25</sup> Audited financial statements are approved by the Board of Governors at the Annual Meeting.

126. ADB shall post on its website any documents related to public offerings when the laws or regulations governing the financial market concerned require that they be filed with a government agency.

**f. Employment Information**

127. ADB shall post on its website (i) ADB's basic salary structure, (ii) the methodology used to determine Management and staff salary levels and benefits, (iii) annual base salaries of Management, and (iv) ADB's broad objectives and strategy in recruiting, placing, redeploying, and retaining staff. ADB shall also post on its website descriptions of positions for staff recruitment at least 2 weeks before a position is expected to be filled. Each decision of ADB's Administrative Tribunal shall be posted on the ADB website upon notification from the Administrative Tribunal to the Secretary to post a decision.

**g. Information Produced under ADB's Accountability Mechanism<sup>26</sup>**

**i. Consultation Phase**

128. The Special Project Facilitator (SPF) shall post the following information and documents on the SPF website,<sup>27</sup> at the time and subject to agreement of the relevant parties as specified below:

- (i) the complaint letter – upon the SPF's determination of eligibility of the complaint and subject to the agreement of the complainant;
- (ii) SPF's determination of eligibility of the complaint – upon the SPF's determination of eligibility;
- (iii) a general description of the complaint – upon the SPF's determination of eligibility of the complaint if the complainant has not consented to disclosure of the complaint letter;
- (iv) the review and assessment report prepared by the SPF under step 4 of the consultation phase of the Accountability Mechanism (2003) – at the commencement of step 7 of the consultation phase and subject to the consent of the complainant, the government, and/or client;
- (v) a general description of the course of action agreed to by the SPF and the parties involved in the consultation process to resolve the problems raised in the complaint – at the commencement of step 7 of the consultation phase and subject to the consent of the complainant, the government, and/or client;
- (vi) status reports on the implementation of the course of action mentioned under (v) above – in accordance with any timetable for disclosure of any such reports agreed to by the parties involved in the consultation process;
- (vii) the SPF's final report – upon circulation to the complainant, the government, and/or client and subject to their consent;
- (viii) monitoring reports – upon circulation to the Board and subject to the consent of the complainant, the government, and/or client; and
- (ix) the SPF's annual report – upon circulation to the Board.

<sup>26</sup> ADB. 2003. *Review of the Inspection Function: Establishment of a New ADB Accountability Mechanism*. Manila.

<sup>27</sup> The SPF maintains its own website at [www.adb.org/spt/](http://www.adb.org/spt/)

## ii. Compliance Review Phase

129. The Compliance Review Panel (CRP) shall post the following information and documents on the CRP website<sup>28</sup> at specified times indicated below:

- (i) press advisory on the registration of a request for compliance review within 7 calendar days from receipt of the request;
- (ii) report on eligibility of the request (eligible or ineligible) and the Board's decision within 7 calendar days of receipt of the Board's decision, or authorization for compliance review;
- (iii) terms of reference and time frame of the review within 14 calendar days from receipt of the Board's authorization of the review;
- (iv) information that draft compliance review report has been completed and sent to the requesting parties and Management, respectively, for their comments within 30 days prior to submission to the Board;
- (v) Board's decision and the CRP's final report, with attachments of any responses to the draft report from Management and the requester, publicly available within 7 calendar days of the Board's decision;
- (vi) monitoring reports on implementation of any remedial actions approved by the Board upon circulation to the Board and other stakeholders; and
- (vii) CRP's annual report within 4 months after the end of each calendar year.

## h. Information Related to Asian Development Fund Negotiations

130. Generally, ADB posts on its website information related to negotiations for ADF replenishments and midterm reviews. ADB shall post on its website nonfinancial discussion papers for donors' meetings upon circulation of such discussion papers to the donors. ADB shall post the chair's summary on its website following each meeting. The Donors' Report shall be posted on the ADB website upon endorsement by the Board.

## i. Other Documents Presented to the Board of Directors

131. ADB shall post on its website documents circulated to the Board for information or approval not cited in the Policy unless Management informs the Board otherwise, and the Board agrees.

## 4. Exceptions to Presumed Disclosure

132. Paragraphs 135, 136, 138 and 139 set forth the exceptions to ADB's presumption in favor of disclosure of information. If information is removed from a document because the information falls under an exception, or if a document cited in the Policy is not posted on the ADB website as required, ADB shall make reference to the removed information and/or the document, unless citing the removed information or document would itself violate an exception.

133. If only part of a requested document is subject to nondisclosure pursuant to the list of exceptions, any information in the document which is not subject to nondisclosure shall, to the extent that it may reasonably be severed from the rest of the information, be communicated to the requester<sup>29</sup>.

<sup>28</sup> The CRP maintains its own website at [www.compliance.adb.org](http://www.compliance.adb.org).

<sup>29</sup> This provision does not apply to verbatim transcripts of Board meetings as referred to in paragraph 121.

134. ADB shall not be required to comply with, or respond to, repeated or unreasonable requests for information on the same subject from the same person, organization, or group if ADB has provided such information after a previous request or has given reasons why it cannot provide the information.

**a. Current Information**

135. In deciding what information should not be disclosed, ADB will weigh the benefits of disclosure against the harm that disclosure might cause to specific parties or interests. In this regard, ADB shall not disclose the following information:

**Deliberative and Decision Making Process**

1. Internal information that, if disclosed, would, or would be likely to compromise the integrity of ADB's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from Governors and their Alternates, Executive Directors and their Alternates, Director's Advisors, members of Management, ADB staff, and ADB consultants.

2. Information exchanged, prepared for, or derived from the deliberative and decision making process between ADB and its members and other entities with which ADB cooperates that, if disclosed, would, or would be likely to compromise the integrity of the deliberative and decision-making process between and among ADB and its members and other entities with which ADB cooperates by inhibiting the candid exchange of ideas and communications, particularly with respect to policy dialogue with DMCs.

3. Proceedings of the Board of Directors,<sup>30</sup> with the exception of Board meeting minutes and verbatim transcripts of formal Board meetings as referred to in paragraphs 121 and 122, and chair's summaries of certain Board meetings as referred to in paragraphs 70 and 74.

**Information Provided in Confidence**

4. Information provided to ADB in confidence from a member country or international organization, that if disclosed, would, or would be likely to materially prejudice ADB's relations with that party or another member country.

5. Information (including proprietary information) provided to ADB by a party which, if disclosed, would, or would be likely to materially prejudice the commercial or financial interests, and/or competitive position of such party or other parties concerned, or any confidential business information (information covered by a confidentiality agreement or nondisclosure agreement that ADB has entered into with clients or other related parties).

**Personal Information**

6. Individual records, including terms of employment, performance evaluations, and personal medical information of Executive Directors, their Alternates, and Director's Advisors, members of Management, and ADB staff and consultants, information relating to staff appointment and selection processes, personal communications, as well as information relating to proceedings of internal conflict resolution and appeal mechanisms and information

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<sup>30</sup> ADB produces transcripts for each formal Board meeting, except for executive sessions. These are retained in ADB's archives.

related to investigations, except to the extent permitted by the staff concerned or staff rules and Board of Directors rules and regulations.

### **Financial Information**

7. Financial Information that, if disclosed, would, or would be likely to prejudice the legitimate financial or commercial interests of the Bank and its activities, or financial information to which capital and financial markets may be sensitive. This may include estimates of ADB's future borrowings, financial forecasts, data on individual investment decisions for ADB's treasury operations, credit assessments, analysis of creditworthiness, credit ratings and risk assessments of its borrowers and other clients.

8. Financial information that, if disclosed, would, or would be likely to prejudice the ability of a member government to manage its economy.

### **Security and Safety**

9. Information that, if disclosed, would, or would be likely to endanger the life, health, safety or security of any individual or ADB assets, or to prejudice the defense or national security of a member.

### **Legal or Investigative Matters**

10. Any information subject to the attorney-client privilege (including communications provided and/or received by ADB counsel or its external legal advisors) or any information that, if disclosed, would or would be likely to materially prejudice an investigation or the administration of justice or violate applicable law.<sup>31</sup>

### **Audit Reports**

11. (i) Internal audit reports of ADB's Office of the Auditor General, and (ii) audit reports of ADB's external auditors on ADB-administered trust funds and grants, except for audit opinions and audited financial statements disclosed to the public as part of ADB's Annual Report.

#### **b. Historical Information**

136. ADB shall consider as historical any information held by ADB for more than 20 years from the date such information was produced by, or provided to, ADB. Historical information shall be disclosed upon request, except for information that falls within the exceptions listed in paragraphs 135.4, 135.5, 135.6, 135.8, 135.9, 135.10, and 135.11 (ii).

#### **c. Public Interest Override**

137. ADB may disclose information listed in paragraphs 135 and 136, if ADB determines that the public interest in disclosing the information outweighs the harm that may be caused by such disclosure.<sup>32</sup> Any decision to disclose information in such case would require the express authorization of the Public Disclosure Advisory Committee (PDAC).

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<sup>31</sup> This may include restrictions imposed by securities and banking laws and copyright law.

<sup>32</sup> For example, if a request for information reveals a serious public safety or environmental risk.

138. However, notwithstanding paragraph 137, ADB shall not disclose information listed in paragraphs 135 and 136 if ADB has given an express legal commitment to a party to keep such information confidential and not to disclose such information, unless such party consents.

**d. ADB's Prerogative to Restrict Access**

139. ADB also reserves the right not to disclose, under exceptional circumstances, information that it would normally disclose if it determines that such disclosure would or would be likely to cause harm that outweighs the benefit of disclosure. This prerogative may be exercised only by (i) the Board, with respect to Board records; and (ii) the President, with respect to other information, following a rigorous consultation process within ADB.

**VI. IMPLEMENTATION ARRANGEMENTS**

**A. Roles and Responsibilities**

140. The aim of the Policy is to enhance stakeholders' trust in, and ability to engage with, ADB. All its departments and offices will be accountable for implementing the Policy. The specific roles and responsibilities of Management and staff are outlined as follows.

**1. Management**

141. Management will play a key role in defining, updating, and executing ADB's external relations strategy, and lead and monitor their implementation to ensure maximum impact. Management will actively participate in external relations activities and will also promote open and effective internal communications to ensure staff at all levels are aware of Management views and positions. The PDAC will serve as Management's oversight body to interpret, monitor, and review the disclosure requirements of the Policy.

**2. All Departments and Offices**

142. All ADB departments and offices will be responsible for implementing the Policy. As ADB's key communicators, heads of all departments and offices, including country directors and heads of representative offices, will proactively communicate with external audiences and lead efforts to strengthen ADB's external relations, expand understanding of ADB's motivations and objectives, and build stakeholder trust in the institution. Staff from operational departments will play a key role in communicating with project-specific stakeholders, and in ensuring the disclosure requirements are met. They will seek to ensure that people from the public, private, and civil society sectors with whom they interact are aware of the Policy and of the public's right to access information from ADB in accordance with the Policy.

**3. Department of External Relations**

143. While Management and all departments and offices, including resident missions and representative offices, are responsible for implementing the Policy, DER will bear overall responsibility for its implementation and consistent application. DER will work closely with Management, departments and offices, and field offices in carrying out proactive external relations and effectively engaging external stakeholders. To maximize its impact within available resources, DER will further refine its roles and prioritize its functions to better support the Policy.

#### **a. Disclosure**

144. The Public Information and Disclosure Unit (InfoUnit) in DER will provide advice and policy interpretation to all ADB departments, and monitor the disclosure requirements of the Policy. The InfoUnit will also design and conduct mandatory training for operations staff on the disclosure requirements of the Policy, and will reinforce staff incentives to ensure ADB is in compliance with the Policy. It will directly support the work of the PDAC, and submit to the PDAC monitoring reports on progress in carrying out the Policy (see paragraph 172). The InfoUnit will regularly update the list of operational documents produced by ADB and keep the public informed about operational documents available on the ADB website. It will also maintain a system for tracking requests in accordance with the requirements of the Policy.

145. DER's web team will work with the InfoUnit, operational departments, and other offices in posting documents and improving information searchability on the ADB website.

146. DER will encourage a culture of openness among ADB staff and continue to develop incentives for the proactive sharing of information.

#### **b. Translation**

147. The Translation Framework (2007) outlines the ways in which ADB will expand the extent of information made available in languages other than English, the working language of ADB. The Translation Framework will be reviewed in 2011. Its implementation, objectives, and scope will be assessed together with resource implications.

148. DER will manage translation projects within ADB, assist in making translations publicly available, and keep a record of document titles translated through DER. Each resident mission, with the guidance of DER, will maintain a roster of qualified translators and bilingual editors proficient in the language(s) used in their country. DER will promote awareness among ADB departments and offices of the translation services available to them.

#### **c. Public Communications Policy Handbooks**

149. DER will revise the Public Communications Policy *Staff Handbook* with step-by-step procedures to guide ADB staff in making operational information and documents available. A separate handbook will be developed and updated as needed to guide ADB's borrowers and clients to implement the Policy. All handbooks shall be posted on the ADB website.

#### **d. Country-Level Information Dissemination**

150. ADB will continue to share its main knowledge products through the ADB depository and regional library program. The main thrust of ADB's public information center program will be to improve the visibility and accessibility of ADB publications and information on ADB operations. New partnerships with a range of think tanks, academic institutions, and other development partners will be prioritized in ADB DMCs.

### **4. Representative Offices and Resident Missions**

151. Representative offices and resident missions play a critical "front line" role in building and maintaining ADB's profile, given their proximity to target audiences, their operational and economic expertise, and their understanding of unique cultural and communications realities in the country or region where they are based.

152. Heads of representative offices and resident missions are key ADB communicators and will be tasked with expanding and strengthening ADB's interactions with media, opinion leaders, and decision makers in their country or region. ADB should appoint individuals with the operational expertise, communications skills, and appropriate attitude required to carry out these responsibilities. Training will be given to heads, and senior and expert staff at representative offices and resident missions to communicate and engage effectively with the media.

153. ADB will gradually increase the number of external relations staff at resident missions. External relations staff will provide professional support and advice to the heads of their mission or office, will be part of the resident mission management team, and will be fully aware of all activities at the mission. Resident mission external relations staff will have consistent job descriptions and qualifications and will receive structured and ongoing training.

154. Major responsibilities of the resident mission external relations staff will include establishing and cultivating relationships with a wide variety of public and private groups to facilitate interaction with senior ADB staff; ensuring regular access for local and international media to ADB representatives and information; monitoring local, national, and international news in English and local language(s) for coverage of issues of interest to ADB; and assisting resident mission staff and the public within the country with the disclosure requirements of the Policy.

155. To improve consistency and maximize the benefits of information sharing, all external relations staff at representative offices, resident missions, and DER comprising the external relations network or community or practice will meet regularly in person and by videoconference and online communications tools, as needed. Resident mission external relations staff will have dual reporting lines to the respective country or regional director and DER.

156. DER will oversee the coordination of translation services and quality assurance conducted by resident missions and representative offices.

## **5. Public Disclosure Advisory Committee**

157. The PDAC shall interpret, monitor, and review the disclosure requirements of the Policy. The PDAC will be composed of the Managing Director General (serving as chair), the Principal Director of DER, the Secretary, and the General Counsel, and will report directly to the President. It will convene as needed to review requests for information that have been denied by other ADB departments or offices. It has the authority to uphold or reverse prior decisions to deny access, with the exception of decisions to restrict access made by the Board and the President (see paragraph 139). Secretariat support to the PDAC will be provided by the InfoUnit. The PDAC will review and endorse the annual report on the Public Communications Policy by assessing the implementation of the disclosure elements of the Policy. The annual report will include a summary of refusals to provide information to the public, as well as any recommendations for changes to the Policy and its related *Operations Manual* sections, or the organizational structure supporting ADB's public disclosure of information.

## **6. Independent Appeals Panel**

158. The Independent Appeals Panel (IAP) will consider appeals alleging that ADB violated the Policy by restricting access to information that it would normally disclose under the Policy. It has the authority to uphold or reverse PDAC's decisions to deny access, except for matters that cannot be appealed to the IAP (see paragraphs 169–171). Secretariat support to the IAP will be provided by the Office of the Secretary.

## **7. Borrowers/Clients**

159. For ADB projects, much of the responsibility for disclosing information will rest with the borrower/client. The borrower/client will work with staff from operational departments to provide focal points in project areas to dialogue with affected people about the project (paragraph 82). Project focal points may use the ADB website to access project and country-related information and to disclose such information to interested parties, using locally and culturally appropriate delivery mechanisms.

## **B. Procedures for Accessing Information**

### **1. Proactive Disclosure**

160. The ADB website will serve as the primary vehicle to proactively disclose information and documents as required in the Policy. Other means of proactive disclosure of information and documents (for example, information to support a consultation process) will be used by ADB, and borrowers/clients, depending on the intended recipient or audience as well as the intended purpose for disclosing the information.

### **2. Requests for Information**

161. All requests for information and documents must be received in writing (e-mail, mail, Internet feedback form, or fax). Requests may be directed to the InfoUnit at Asian Development Bank, 6 ADB Avenue, Mandaluyong City, 1550 Metro Manila, Philippines, by e-mail to [disclosure@adb.org](mailto:disclosure@adb.org), or by fax to +63 2 636 2649, to the concerned resident mission or representative office, or to an operational department.

162. As appropriate, the relevant operational department shall determine whether the document contains information that may not be disclosed in accordance with the provisions set out in paragraphs 132–139. ADB may consult with the borrower, client, or cofinancier, as appropriate. DER's InfoUnit shall provide guidance to other departments on the interpretation of the Policy as necessary.

163. Historical information is available on request, subject to the exceptions set out in paragraph 136 of the Policy. Requests for historical information must identify the specific information requested; blanket requests for access to historical information will not be accepted.

### **3. Time Limits for Responses to Requests for Current Information**

164. ADB shall acknowledge receipt of a request within 5 working days. ADB shall notify the requester as soon as a decision has been made, and, in any event, no later than 30 calendar days after receiving the request. In its response, ADB shall either provide the requested information or the reasons why the request has been denied, indicating the

particular provision(s) in the Policy that justifies such refusal. In case ADB denies requested information, it shall inform the requester of their right to appeal in accordance with paragraphs 166–171 of the Policy. ADB shall post on its website the list of requests reviewed, and the corresponding decisions and reasons.

#### **4. Language of Requests**

165. Requests may be submitted to ADB in English or in any of the official or national languages of ADB members. Requests for information and documents submitted in languages other than English may be addressed to the relevant resident mission.

#### **5. Appeals**

166. It is proposed that ADB adopt a two-stage appeals process by which requesters can appeal when they believe that (i) ADB has denied the request in violation of the Policy or (ii) ADB may override the Policy's exceptions that restrict access to the information requested because the public interest in disclosing the information outweighs the harm that may be caused by such disclosure. The remedy available to a requester who prevails on appeal is limited to receiving the information requested. The two-stage appeals process shall be established as follows:

##### **a. First Stage of Appeals: Public Disclosure Advisory Committee**

167. A requester who is denied access to information by ADB may file an appeal to the PDAC if the requester is able to (i) establish a *prima facie* case that ADB has violated the Policy by restricting access to information requested; or (ii) make a public interest case to override the Policy's exceptions that restrict access to the information requested.

168. The PDAC shall acknowledge receipt of an appeal within 5 working days. It will convene as soon as possible to consider the appeal. In reviewing appeals, the PDAC will consider the Policy's exceptions as well as whether the public interest in disclosure of the requested information outweighs the harm that may be caused by such disclosure. Decisions of the PDAC on public interest cases will be final and not eligible for the second stage of appeals. The PDAC shall notify the requester of its decision in writing, giving its reasons, as soon as a decision has been made and, in any event, no later than 30 calendar days after receiving the appeal.

##### **b. Second Stage of Appeals: Independent Appeals Panel**

169. If the PDAC upholds the initial decision to deny access, the requester may file an appeal to the IAP that would comprise three outside experts on access to information matters.<sup>33</sup> The IAP will consider appeals alleging that ADB violated the Policy by restricting access to information. In reviewing appeals, the IAP will consider the Policy's exceptions. The IAP will not consider requests to override the Policy's exceptions. It will have the authority to uphold or reverse the relevant decisions of the PDAC, and its decisions in such instances will be final. The IAP will make its best effort to consider all appeals that are received within a reasonable time period.

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<sup>33</sup> IAP members will be nominated by the President of ADB and endorsed by its Board. It is suggested that the three members of the IAP could respectively be (i) a representative of a DMC with adequate experience in freedom of information matters; (ii) an expert on access to information, independent of the government; and (iii) an expert on access to information in a commercial setting.

### **c. Submission of Appeals and Notification of Decisions**

170. All appeals to the PDAC (first stage of appeal) or the IAP (second stage of appeal) must be submitted in writing within 60 calendar days of the decision(s) to deny access. Appeals must be submitted by mail addressed to the PDAC or the IAP through the InfoUnit at Asian Development Bank, 6 ADB Avenue, Mandaluyong City, 1550 Metro Manila, Philippines, by e-mail to disclosure@adb.org, or by fax to +63 2 636 2649. Appeals received beyond the 60-day period for filing an appeal shall be deemed out of time and shall not be considered. All appeals should be set out in a brief letter and contain the following:

- (i) a description of the information originally requested; and
- (ii) an explanatory statement that sets out the fact and the grounds which support the requester's claim that ADB violated the Policy by improperly interpreting or inappropriately restricting access to the information requested.

171. Requesters shall be notified if the appeal is dismissed (i) for a failure to file within the required time; (ii) for a failure to provide sufficient information that would reasonably support the appeal; or (iii) because the PDAC or the IAP does not have authority to consider the matter being appealed.<sup>34</sup> If the PDAC or the IAP upholds the prior decisions to deny access to the information requested, the notice shall specify the reasons. If the PDAC or the IAP reverses the decision to deny access, the requester shall be notified of the decision and of the process for making the information available to the requester. ADB shall post on its website a list of all appeals received, the nature of each appeal, and the decision taken in each case. The lists will be updated upon issuance of a decision by the PDAC and the IAP, respectively.

### **C. Monitoring and Reporting**

172. ADB will monitor the implementation of the Policy and evaluate its impact. ADB shall make the results of ADB's monitoring of its information activities available in an annual report on the ADB website.

173. ADB allows scope for stakeholders to raise issues, access information, and engage effectively with ADB in implementing the Policy. ADB will not disclose the names of individuals or groups that raise concerns about the implementation of the Policy.

### **D. Review and Amendment**

174. ADB may need to review and amend the provisions of the Policy to reflect experience in implementation, changes in ADB practice, the results of reviews of other ADB policies and strategies, and the evolving disclosure practices elsewhere. Flexibility will be needed to incorporate such changes periodically. Accordingly, ADB may revise or amend the Policy, as needed, following approval by the Board.

175. ADB shall conduct a comprehensive review after a period of time, not to exceed 5 years from the effective date of the Policy. The review will actively engage interested individuals and organizations.

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<sup>34</sup> The PDAC and the IAP have no authority over decisions of the Board and the President to restrict access (see paragraph 139). The IAP has no authority concerning requests to override the Policy's exceptions (public interest override) under paragraph 137.

## **VII. COMPLIANCE REVIEW**

176. The disclosure requirements of the Policy shall be subject to compliance review in line with the ADB Accountability Mechanism. The Policy set forth in paragraphs 31–42, the specific disclosure requirements set forth in paragraphs 62–139, and the implementation arrangements set forth in paragraphs 160–175 shall be subject to compliance review under the ADB Accountability Mechanism.

## **DISCLOSURE OF INFORMATION AT OTHER MULTILATERAL DEVELOPMENT BANKS**

1. The common guiding principle of the information disclosure policies of multilateral development banks is the need for increased openness and transparency in operations and practices. Comparator organizations of the Asian Development Bank (ADB) have either recently adopted revisions to their disclosure of information policies or are currently revising their policies, to further enhance transparency and accountability. At each of these institutions, policy revisions also include an increase in the range of documents disclosed and the streamlining of access to that information.

### **1. The African Development Bank**

2. The African Development Bank (AfDB) approved in March 2004 the *Disclosure of Information Policy*, subsequently amended in October 2005, which seeks to disclose all information on its operations and activities unless there are compelling reasons not to do so.

3. In the case of operational information, the policy specifies a broad range of documents that would be available to the public, including a brief description of each document and an indication of the stage in the preparation process that it would be made available. The policy also includes specific reference to financial, administrative, and legal information about the AfDB group that is to be made available to the public.

4. For example, the policy specifies that draft operational policy papers and draft country strategy papers will be disclosed at least 50 days before board discussion of those papers in order to promote consultation and stakeholder participation.

5. Categories of information that will remain confidential range from internal financial information that may affect the AfDB group's activities in capital and financial markets, to financial, business, or proprietary information of private entities received by the AfDB group in analyzing or negotiating loans, unless permission is given by those private entities to release such information.

6. When approving the revised *Disclosure of Information Policy*, the AfDB board directed that the policy should be updated regularly to incorporate best practices from similar institutions.

### **2. European Bank for Reconstruction and Development**

7. The European Bank for Reconstruction and Development (EBRD) approved its *Public Access and Disclosure of Information Policy* in April 1996, followed by a *Public Information Policy* (PIP) in June 2000. The PIP was revised in 2003, 2006, and again in May 2008. The current version of the PIP became effective in September 2008.

8. Project profiles (project summary documents) are made publicly available on the EBRD website ([www.ebrd.com](http://www.ebrd.com)) for a minimum of 30 days before board consideration for private sector projects, and 60 days before board consideration for public sector projects, and are available in English and in the official language of the country in which the project is located. They are updated if the project materially changes.

9. Under the 2008 policy, the public is given 45 calendar days to comment on the preparation of country strategies. An addendum summarizing the comments and the country team's response to the comments are provided to the executive committee and the directors ahead of consideration at the relevant country strategy workshop. The addendum will be posted on the EBRD website following board approval of the country strategy and the final approved strategy is translated into the official local language. The policy also specifies that draft sectoral policies will be posted on the EBRD website for public comment for 45 calendar days after pre-board discussion by directors.

10. The 2008 PIP includes the commitment to release environmental and social impact assessments for a minimum of 60 days for private sector projects and a minimum of 120 days for public sector projects before board consideration in the EBRD's headquarters in London and the relevant resident office in the country in which the project is located. The specific number of days is an EBRD disclosure commitment and is therefore in the PIP instead of the environmental and social policy.

11. The EBRD posts on its website an annual report on the implementation of its disclosure policy, summarizing the commitments in the PIP and how they have been met.

### **3. European Investment Bank**

12. The European Investment Bank (EIB) is committed to giving stakeholders access to the information that will enable them to understand its governance, strategy, policies, activities, practices, performance, impacts, and outcomes. The new *EIB Transparency Policy* became effective in February 2010. All information held by the EIB is subject to disclosure upon request, unless there is a compelling reason for non-disclosure. As the EIB operates as a bank, there are certain constraints on the information it discloses.

13. To promote the accessibility of information, the EIB is committed to a language regime that takes into account the public's needs.

14. Within the limits imposed by applicable laws and regulations, the final determination as to what information may be released to the public shall rest with the EIB that shall also decide which documents to publish, through its website and/or in paper form, and which documents are available on request only. As a general rule, documents that are considered of general public interest, which could interest a large number of stakeholders and/or members of the public, will be published.

15. While the EIB is committed to a policy of presumption of disclosure and transparency, it also has a duty to respect professional secrecy, in compliance with European laws. National regulations and banking sector standards covering business contracts and market activity may also apply to the EIB. Exceptions cover information typically forming part of the EIB's confidential relationship with its business partners.

16. The EIB is committed to continue engaging, on a voluntary basis, in formal public consultations on selected policies.

17. Every member of the public has the right to request and receive timely information from the EIB. All replies to requests must be reasoned.

18. Resources are assigned for the implementation of the Transparency Policy throughout the organization. Information desks will be installed in all the EIB regional offices to provide the local populations with information about EIB activities.

19. The EIB Complaints Mechanism allows stakeholders to appeal when they feel the EIB has failed to deliver according to its Transparency Policy.

#### **4. Inter-American Development Bank**

20. In December 2009, the Board of Executive Directors of the Inter-American Development Bank (IDB) authorized a broad review of its transparency policy. The *IDB Access to Information Policy* was approved by the board on 12 May 2010 and will become effective in January 2011.

21. To emphasize the presumption in favor of disclosure, the IDB will no longer publish a “positive list” of information that it routinely discloses. The policy applies to information produced by the IDB and to specific information that is in its possession, subject to a list of exceptions to disclosure. In addition, the policy also contains in Annex I a list of specific information not to be disclosed.

22. The policy allows disclosure of more information than before, in particular on board proceedings and projects in execution. The policy expands the availability of the agendas and minutes to the various board committees. Statement of individual executive directors would be disclosed on a voluntary basis. A number of project monitoring and evaluation documents, including annual audit reports of IDB-financed sovereign guaranteed projects, will be made available for the first time. The policy also provides for simultaneous disclosure of certain board documents at the time of circulation to the board, such as country strategies, loan proposals, and technical cooperation, subject to the non-objection by the country involved.

23. Information that is not public will be declassified over time, according to the policy. If a request for access to information is denied, requesters can appeal in a second stage to an independent panel.

#### **5. The World Bank Group**

##### **a. International Finance Corporation**

24. The International Finance Corporation (IFC) began a review of its *2006 Policy on Disclosure of Information*, as part of the review of IFC’s Sustainability Framework, in September 2009. The broad objectives of the review of its disclosure policy should seek to increase transparency and reporting of project performance and development impact.

##### **b. Multilateral Investment Guarantee Agency**

25. The *Policy on Disclosure of Information* of the Multilateral Investment Guarantee Agency (MIGA) became effective as of 1 July 2007 and supersedes MIGA’s disclosure policy of July 1999 in its entirety.

26. MIGA makes available information concerning its activities that would enable its clients, partners, and stakeholders (including affected communities), and other interested members of the public, to understand better, and to engage in informed discussion about MIGA’s business activities, the overall development and other impacts of its activities, and its contribution to

development. The information MIGA makes available in accordance with these principles can be categorized as institutional information about MIGA, and information regarding activities supported by MIGA. While most of the responsibility for disclosing information about MIGA-supported activities rests with the relevant MIGA client, MIGA makes available certain specific information, including as described in section III. C (Guarantee Project-Related Information) and section III. D (Technical Assistance and Advisory Services) in its disclosure policy.

27. There is a presumption in favor of disclosure with respect to the information described above, absent a compelling reason not to disclose such information.

### **c. World Bank**

28. Over the past 15 years, the World Bank's policy on information disclosure has evolved in response to changes in its business and the growing expectations of stakeholders, and in line with its continued commitment to enhancing transparency about its operations. *The World Bank Access to Information Policy* was approved by its Board of Executive Directors on 17 November 2009 and became effective on 1 July 2010. The new policy represents a fundamental shift in World Bank's approach to disclosure of information—moving from an approach that spells out what information it can disclose to one under which the World Bank will disclose any information in its possession that is not on a list of exceptions.

29. The policy allows disclosure of more information than before, particularly information related to projects under preparation and under implementation, analytic and advisory activities, and board proceedings. It also provides simultaneous access to some policies and strategies and project-related documents at the time of circulation to its Board of Directors for consideration. However, the policy protects the confidentiality of the deliberative processes that lead to its 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.

30. The policy seeks to strike a balance between maximum access to information and respect for "confidential" information whose disclosure could cause harm to well-defined interests. The policy includes a list of information that would consequently not be disclosed, referred to as "exceptions." However, the World 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). Similarly, it 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.

31. Under the revised policy, the World Bank will routinely make available to the public as much information as practical, particularly on its external website, and will adopt clear and cost-effective procedures for requesting and responding to requests for information. It will also provide a two-stage appeals process, the second stage being a mechanism independent of its Management, for those who believe that the World Bank has unreasonably denied access to information. Finally, the policy recognizes that the sensitivity of some information declines over time, and provides timelines for the eventual declassification and disclosure of some of the restricted categories of information.

## RESULTS FRAMEWORK FOR ADB'S PUBLIC COMMUNICATIONS POLICY

Design Summary	Indicators/Targets	Monitoring/Reporting Mechanisms
<b>Impact</b> Improved development effectiveness	Monitored by Reform Agenda progress reports	Development Effectiveness Review Annual Reports <sup>a</sup>
<b>Outcome</b> Stakeholders' trust in, and ability to engage with, ADB greatly enhanced	Improvements in stakeholders' perceptions of ADB and their assessment of ADB's openness, accountability, and partnering	<ul style="list-style-type: none"> <li>• Comprehensive review of the Policy after 5 years</li> <li>• Perceptions surveys of opinion leaders (every 3 years)</li> <li>• Client and partnership surveys, and other stakeholder assessments<sup>b</sup></li> </ul>
<b>Outputs</b> 1. Proactive external relations of ADB	<ul style="list-style-type: none"> <li>• Sustained presence in key international, regional, and national media</li> <li>• Informative and user-friendly ADB external website maintained</li> <li>• Communications strategy for key ADB initiatives, projects, and policies developed and implemented</li> <li>• High quality flagship publications produced and disseminated</li> </ul>	<ul style="list-style-type: none"> <li>• Perceptions surveys of stakeholders (every 3 years)</li> <li>• Media and ADB external website monitoring tools (i.e., yearly website statistics or web annual report)</li> <li>• Public Communications Policy (PCP) annual reports</li> <li>• Purchase, downloads, and viewership of flagship publications</li> </ul>
2. Improved access to information on ADB operations	<ul style="list-style-type: none"> <li>• Communications and information-sharing integrated in ADB-supported projects and programs</li> <li>• 100% of requests for information fulfilled within 30 calendar days</li> <li>• 100% compliance with disclosure requirements</li> <li>• Annual increase in documents posted on ADB website</li> <li>• Increased high quality translations of awareness-raising materials and other documents</li> </ul>	<ul style="list-style-type: none"> <li>• PCP annual reports</li> <li>• Information Requests Tracking System (IRTS) data on processed requests and PCP annual report</li> <li>• InfoUnit disclosure compliance reports and PCP annual report</li> <li>• PCP annual reports</li> <li>• PCP annual reports</li> </ul>

Design Summary	Indicators/Targets	Monitoring/Reporting Mechanisms
<p><b>Activities with Milestones</b></p> <p>1.1 Prepare an action plan for the revised PCP's strategy</p> <p>1.2 Continuously improve ADB website to meet user expectations and requirements (i.e., usability, accessibility, etc.)</p> <p>2.1 Establish the Independent Appeals Panel (IAP)</p> <p>2.2 Prepare/update and disseminate staff handbook on the revised Policy</p> <p>2.3 Develop and disseminate borrower and client handbook and/or awareness-raising materials on the revised Policy</p> <p>2.4 Conduct training and awareness-raising activities on the revised PCP with staff, and relevant stakeholders</p> <p>2.5 Review translation framework</p> <p>2.6 Monitor compliance of disclosure requirements</p>	<ul style="list-style-type: none"> <li>• By the revised PCP's effective date</li> <li>• Ongoing basis</li> <li>• By the revised PCP's effective date</li> <li>• Circulated to staff by the revised PCP's effective date</li> <li>• Within 3 months of the revised PCP's effective date</li> <li>• Within 1 year of the revised PCP's approval date</li> <li>• Completed within 6 months after the revised PCP's approval date</li> <li>• Ongoing basis (at minimum annually)</li> </ul>	<ul style="list-style-type: none"> <li>• Action plan</li> <li>• External usability tests or online user surveys</li> <li>• IAP established as reported in news releases, PCP website, and PCP annual report</li> <li>• Issuance of the staff handbook</li> <li>• Issuance of the handbook and/or awareness-raising material</li> <li>• InfoUnit monitoring records</li> <li>• PCP annual reports</li> <li>• Review paper</li> <li>• InfoUnit monitoring records</li> <li>• PCP annual reports</li> </ul>

ADB = Asian Development Bank, IAP = Independent Appeals Panel, InfoUnit = Public Information and Disclosure Unit, IRTS = information requests tracking system, PCP = Public Communications Policy.

<sup>a</sup> [www.adb.org/Documents/Reports/Development-Effectiveness-Review/](http://www.adb.org/Documents/Reports/Development-Effectiveness-Review/)

<sup>b</sup> [www.adb.org/Disclosure/default.asp/](http://www.adb.org/Disclosure/default.asp/)