



NOTIFICATION

Date: **27 August 2015**

Reference: GCF/notif/2015/05

Call for Public Input

Information Disclosure Policy

Deadline: 26 September 2015

The Green Climate Fund is pleased to invite public input for the development of its information disclosure policy.

This call follows the Fund's Board decision at its 5th meeting in October 2013 ([B.08/15](#)) that requested the development of a comprehensive draft information disclosure policy based on the negative list approach described in Section 3.3 of document GCF/B.04/10.

Contributions may be submitted until **6 PM KST on 26 September 2015** and should be sent to the following address: OGC@gcfund.org.

Green Climate Fund

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GREEN
CLIMATE
FUND

Information Disclosure Policy
Stakeholder Consultation Draft
27 August 2015

Information Disclosure Policy of the Green Climate Fund

I. Objectives and scope

1. The Green Climate Fund (GCF) recognizes the importance of and reaffirms its commitment to transparency and accountability in all aspects of its operations in fulfilling its mandate and in strengthening public trust in the GCF. Through the implementation of this Information Disclosure Policy (the Policy), the GCF recognizes the need to ensure public access and stakeholder participation in fulfilling its role. The GCF will ensure the greatest degree of transparency in all its activities through the effective dissemination of information to stakeholders and the public at large.
2. The Governing Instrument for the GCF provides that the GCF will operate in a transparent and accountable manner guided by the principles of efficiency and effectiveness.
3. This document sets out the Policy of the GCF regarding the scope of information that it makes available to the public either as a routine matter or upon request.
4. This Policy applies to all information produced by the GCF and to specific information that is in the possession of the GCF.

II. Definitions

5. For the purposes of the Policy, the following terms shall have the meaning set out below:
 - (a) **Accountability Units** means the independent integrity unit (referred to in paragraph 68 of the Governing Instrument), the independent redress mechanism (referred to in paragraph 69 of the Governing Instrument) and the independent evaluation unit (referred to in paragraph 60 of the Governing Instrument);
 - (b) **Board** means the Board of the GCF;
 - (c) **Committees, Panels and Groups** means any committees, panels and groups established by the Board;
 - (d) **Ethics and Audit Committee** means the committee of the Board established by decision B.05/13, paragraph (e);
 - (e) **Executive Director** means the Executive Director of the GCF;
 - (f) **GCF** means the Green Climate Fund;
 - (g) **Governing Instrument** means the Governing Instrument for the GCF;
 - (h) **Information Appeals Panel** or **IAP** is an internal body of the Secretariat which reviews denials of requests for information under this Policy;
 - (i) **Policy** means this Information Disclosure Policy;
 - (j) **Secretariat** means the independent Secretariat of the GCF referred to in Section E of the Governing Instrument; and
 - (k) **Trustee** means the trustee of the GCF referred to in paragraph 24 of the Governing Instrument, which includes the interim trustee referred to in paragraph 26 of the Governing Instrument.

III. Principles

6. This Policy is based on the following principles:

- (a) **Principle 1: Maximize access to information.** The GCF reaffirms its commitment to transparency in all of its activities and therefore seeks to maximize access to any documents and information that it produces and to information in its possession that is not on the list of exceptions as set out in Chapter V of this Policy. Furthermore, so long as the GCF is not legally or contractually obligated to confidentiality, information on the list of exceptions will be disclosed in accordance with timelines and procedures specified for that purpose.
- (b) **Principle 2: Limited exceptions.** Any exceptions to disclosure will be predicated upon the possibility, narrowly and clearly defined, that the potential harm to interests, entities or parties arising from the disclosure of information would outweigh the benefits, that the GCF is legally or contractually obligated to non-disclosure or has received information from third parties clearly marked as confidential. The GCF may, in exceptional circumstances, decide not to disclose information that would normally be accessible if it determines that the harm that might occur by doing so will outweigh the benefits of access. The GCF may also, in exceptional circumstances, make available to the public information ordinarily excluded from disclosure when it determines that the benefit would outweigh the potential harm, except where the GCF is legally or contractually obligated to confidentiality.
- (c) **Principle 3: Simple and broad access to information.** The GCF will employ all practical means to facilitate access to information. Guidelines for maximizing access to information will include clear and cost-effective procedures and timelines for processing requests.
- (d) **Principle 4: Explanations of decisions and right to review.** When denying access to information the GCF will provide an explanation for its decision. Requesters who believe they have been denied access to information in violation of this Policy will have the right to review of such decisions by the Information Appeals Panel.

IV. Standard of disclosure

7. The GCF seeks to maximize access to information that it produces and will therefore disclose any information not contained in the list of exceptions as set out in Chapter V of this Policy. This Policy is predicated not on a list of information that it chooses to disclose but rather on a clear definition of the information that it will not disclose. The GCF will apply a presumption in favour of disclosure for all information and documents relating to the GCF and its funding activities. All documents in the GCF's possession subject to disclosure as per this Policy, will be released on the GCF's website or through other appropriate means, or will be provided upon request, to provide the public with a clear picture of the GCF's work and the way it administers financial resources received from public and private sources.
8. As a matter of principle, the GCF will share the majority of the information in its possession with stakeholders and the public at large, either proactively or upon request, subject to specified exceptions to presumed disclosure. The timing of disclosure of the different types of information may vary, based on the nature of the information.

V. Exceptions to presumed disclosure

9. While the GCF is committed to disclosing as much information as possible, the effective functioning of the GCF requires it to protect certain types of information by identifying the harm that disclosure of the relevant information could cause to the interests protected by the exceptions.
10. If a document (or part of it) subject to posting on the GCF's website is not posted because the information contained in the document falls under an exception, the GCF shall make reference to the document or the information removed therefrom, unless citing the document or

the removed information would itself violate an exception. If part of the information contained in a document to be provided upon request falls under an exception, such information shall be removed from the document and the requester shall be informed of the reason for such a removal. In such a case where only a portion of a document falls under an exception, the segregable information will be disclosed.

11. The exceptions to the GCF's presumption in favour of disclosure of information are set forth below. The following categories of information/documents will not be accessible because the potential harm caused by their disclosure outweighs the benefit to be derived from accessibility. Subject to paragraphs 13, 14 and 26 below, the Secretariat will determine whether documents or portions thereof will be disclosed:

(a) **Personal information.**

- (i) The GCF will not disclose information relating to personal information of members and alternate members of the Board, advisers, the Executive Director, GCF staff, consultants and other persons connected with the GCF, the disclosure of which would affect the legitimate privacy interests of the person concerned; and
- (ii) The GCF will not disclose information relating to staff appointment and selection processes;

(b) **Legal, disciplinary or investigative matters.**

- (i) The GCF will not disclose information subject to attorney–client privilege (including communications to or from the Office of the General Counsel of the GCF or external legal counsel), matters in legal dispute or under negotiation, information relating to any investigation of alleged fraud, corruption or misconduct or disciplinary proceedings, except to the extent specifically permitted by and in accordance with the GCF's rules on such investigations, 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;
- (ii) The GCF will not disclose information, documents, reports or communications in circumstances where disclosure would violate applicable law or contractual obligations, or could subject the GCF to undue litigation risk; and
- (iii) The GCF will not provide access to or release information relating to proceedings of the GCF's internal conflict resolution mechanisms except to the extent permitted under the rules of these mechanisms;

(c) **Personal information relating to and communications involving members and alternate members of the Board and advisers.** The GCF will not disclose communications between members and alternate members of the Board, advisers and the GCF, unless expressly authorized in such communications to do so;

(d) **Safety and security.** The GCF will not disclose information that would or would be likely to compromise the security, safety, health or violate the rights, or invade the privacy of GCF staff and their families, consultants, experts and contractors, GCF assets, or any individual;

(e) **Information provided in confidence.**

- (i) The GCF will not disclose information provided by anyone who has indicated in writing that such information be kept confidential. Information provided to the GCF in confidence or with restrictions on disclosure, will not be disclosed without the explicit authorization of the provider of such information, such as information covered by a confidentiality agreement or non-disclosure agreement

- that the GCF had entered into with other parties. This exception should not be applied broadly to an entire document if the document contains specific, segregable portions that can be disclosed without prejudice or harm;
- (ii) Financial, business or proprietary and non-public information belonging to a party outside the GCF will not be disclosed, without the express permission of such a party; and
 - (iii) The GCF will not disclose information provided to it in confidence, alleging fraud, corruption, or violation of any of the GCF's policies, or misconduct, except to the extent specifically permitted by and in accordance with the applicable rules on investigations, as well as the identity of the party making the allegation, unless such a person consents to the disclosure of his or her identity;
- (f) **Deliberative information.** [Commercially sensitive] information exchanged, prepared for or derived from the deliberative and decision-making process between the GCF and its accredited entities or third parties as well as information pertaining to the GCF's own internal deliberative processes, will not be disclosed if it would damage the free flow of information and ideas among staff in the decision-making process. Therefore; while it will, subject to the exceptions set out in Chapter V of this Policy, make public the agreements or decisions reached at the conclusion of such a deliberative process, it does not provide access to the following information:
- (i) Information (including inter-office or intra-office e-mails, notes, letters, memoranda, draft documents or reports) prepared for or exchanged during the course of its deliberations with accredited entities, countries, other entities or persons with which the GCF cooperates;
 - (ii) Information (including e-mails, notes, letters, memoranda, reports or other documents) prepared for, or exchanged during the course of its own internal deliberations, including those issued or prepared by GCF's staff, consultants, experts, attorneys or agents; and
 - (iii) Studies, audit reports, assessments, evaluations or analyses prepared to inform the GCF's internal decision-making and assessment processes [that include commercially sensitive information];
- (g) **Certain financial information.** The GCF will not provide access to any financial information that, if disclosed, would prejudice the financial or commercial interests of the GCF and any of its activities;
- (h) **Board proceedings.** The GCF will not disclose Board documents that are deemed confidential of which distribution will be limited to members and alternate members of the Board. The GCF will not record, webcast, or provide video recordings of closed executive sessions of the Board and GCF staff not invited into the executive session will not have access to proceedings;
- (i) **Information relating to Committees, Panels and Groups; Accountability Units.** Before disclosing any information, the GCF will redact any portion of reports, information, decisions, recommendations or proceedings of any of the Committees, Panels and Groups and Accountability Units, which contains confidential information which, if disclosed, may cause prejudice to the GCF, any persons associated with it or other related parties;
- (j) **Trust Fund reports.** The GCF will not disclose information contained in the reports by the Trustee to the extent that it contains confidential information which, if disclosed, may cause prejudice to the GCF or related parties; and

(k) **Accreditation.** The name and country of any entity applying for accreditation will be made public on submission of an accreditation recommendation of such an entity to the Board, unless the entity requests that such information remain confidential in which case the information will only be made publicly available upon the Board accrediting such entity. In this case, however, the information will be shared with active observers which have entered into an unqualified non-disclosure commitment with the GCF; and

12. [Confidential information referred to in this Chapter will only be made available to relevant GCF staff, consultants, experts, members and alternate members of the Board and their advisers who have committed to an unqualified non-disclosure obligation through accepting such an obligation by accessing the dedicated GCF data room function¹ or signing a non-disclosure agreement which may be included in any applicable employment or consultancy contract. For members and alternate members of the Board, no further non-disclosure obligation in addition to those included in the policy on ethics and conflicts of interest for the Board will be required in respect of information listed in paragraph 11 (c), (h) and (i-k).]

VI. Overrides

13. As described in paragraph 6 above (Principle 2: Limited exceptions), the GCF may decide to provide access to certain specified types of information normally subject to one of this Policy's exceptions, in extraordinary circumstances, if it determines that the benefit to be derived from doing so would outweigh the potential harm that the application of this Policy might otherwise entail, and so long as the GCF is not legally or otherwise obligated to confidentiality. Any decision to provide access to information via the override would require the express written authorization of the Information Appeals Panel, along with the Board's concurrence for any Board document and the Executive Director's concurrence for any other document.

14. The GCF also reserves the right not to disclose, by means of a 'negative' override, in which the GCF, with the concurrence of the Information Appeals Panel, would decide to exclude normally available information from access based on the premise that access would occasion more harm than benefit.

VII. Language of disclosure

15. English is the working language of the GCF. Ordinarily, documents will be disclosed in the original language; however, any documents the GCF discloses that it considers to be of significant public interest will be published in English on the GCF's website.

VIII. Implementation aspects of this Policy

8.1 Procedures for accessing information

16. **GCF's website.** The GCF routinely discloses a wide range of information and documents through its website - <www.gcfund.org>. These include project-related public information that provides details on all types of GCF-funded projects and programmes. Other means of dissemination will be used by the GCF as may be required to reach its intended audiences. The GCF's website may also provide links to the websites of its accredited entities.

¹ The data room function will be only be accessible by clicking the Accept button which will refer to unqualified non-disclosure obligations.

17. **Project and programme proposals** will be disclosed simultaneously with submission to the Board, subject to the redaction of any information which may not be disclosed pursuant to this Policy. Public disclosure shall be accomplished via posting on the GCF website.
18. **Environmental and social reports.** The GCF will develop detailed environmental and social safeguard policies that ensure public access to appropriate proposal information. With respect to project and programme proposals that have a significant environmental or social impact, reports documenting environmental and social due diligence, including related studies and analyses, shall be disclosed to the public at least [xx] days in advance of a Board decision on the proposal. Such reports shall be provided to the public in both English and the local language (if not English), by making reports available in convenient locations to affected peoples as well as by posting of electronic links to the reports on the GCF's website and that of the accredited entity. For all proposals of projects and programmes that do not have a significant environmental or social impact, environmental and social due diligence documentation, including related studies and analyses, shall be disclosed to the public at least [xx] days in advance of a Board decision on the proposal.
19. **Board proceedings.** Board documents and Board proceedings will be available on the GCF's website, unless such information is not subject to disclosure under paragraph 11. [The GCF will also webcast live proceedings of the meetings of the Board.] The GCF will make video recordings of meetings of the Board available on its website, through registration only, within three weeks of each Board meeting.
20. Information initially not disclosed by the GCF may at some stage be subject to disclosure as its sensitivity diminishes. Accordingly, the GCF will disclose Board documents deemed confidential under paragraph 11 (h) upon request except for information that falls within the exceptions listed in paragraph 11(a-e), after 10 years.
21. Any information concerning GCF-assisted projects, programmes, policies, strategies and general operations held by the GCF for more than 20 years from the date such information was produced by, or provided to, the GCF, will be considered historical information. Historical information, other than Board documents, shall be disclosed upon request, except for information that falls with the exceptions listed in paragraph 11(a-e).

8.2 Information upon request

22. Anyone may contact the Secretariat to request any document or information which is not accessible on the GCF's website. The Secretariat will entertain external requests for information or documents that are made in writing.

Requests for information may be submitted in writing or via e-mail, as needed, addressed as follows:

- (a) In writing: Green Climate Fund, Disclosure, 175, Art Center-daero, Yeonsu-gu, Incheon 22004, Republic of Korea; or
- (b) Via e-mail: <disclosure@gcfund.org>.

All requests for information are processed by the Secretariat. Requests should indicate with reasonable specificity the information that is being sought to enable the GCF, within a reasonable period of time, to locate the information.

23. Requests for information will be submitted in English, which is the working language of the GCF, and the response will be in English.
24. In responding to external queries, the Secretariat will either provide the requested information or document, referring the requester to the relevant link on the GCF's website whenever possible, or a legitimate reason as to why the information cannot be given, based on

the exceptions to disclosure defined by the GCF or on the fact that such information does not exist or cannot be found. For information requests that involve the reproduction of material, the GCF may charge a fee, which will be communicated to the requester in advance.

IX. Timelines for responding to requests

25. The Secretariat shall endeavour to respond to requests for information within 30 working days of receipt of a written request for information, unless additional time is required because of the scope or complexity of the information requested. In its response, the GCF shall either provide the requested information or the reasons why the request has been denied, indicating the particular provision(s) in this Policy that justifies the refusal. The GCF shall post on its website the list of requests reviewed, and the corresponding decisions.

26. The GCF may partially or wholly deny a request on the following grounds:

- (a) In accordance with the limitations set out or referred to in this Policy; and
- (b) If the request is deemed by the GCF to be an excessive demand on the GCF's resources.

27. The GCF 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 the GCF has provided such information after a previous request or has given reasons why it cannot provide information.

X. Summary of disclosure standards for key GCF documents

Type of document	Time of disclosure	Method of disclosure	Exceptions	Relevant policy paragraphs
Board oral proceedings	Within 3 weeks	Video recording [webcasting]	Executive session	19, 11(h), 11(a-e)
Reports of Board meetings	None specified	Posted on website	Executive session	19, 11(h), 11(a-e)
Minutes and deliberative materials from Board executive sessions	10 years	On request	Permanent confidential info	19, 11(h), 11(a-e)
Board papers	Simultaneous w/submission to Board	Posted on website	Confidential info under para 11	11(a-j)
Project and programme proposals	Simultaneous w/submission to Board	Posted on website	Confidential info under para 11	17, 11(a-g)
Environmental reports	At least [xx] days before Board decision on proposal	Website and convenient locations for affected peoples	-	18
Accreditation recommendations	Simultaneous w/submission to Board	Posted on website	If entity requests confidentiality	11(e)(iii)
GCF project, programme, financial, strategy, general operations (historical) information	20 years	On request	Permanent confidential info	21, 11(a-e)
Personal, investigative, Board-GCF, safety/security,	Never (so long as a basis	n/a	n/a	11(a-e)



and third-party confidential information	for confidentiality exists)			
GCF non-historical financial, Board confidential committee/group/panel, and Trust Fund information	Never (so long as a basis for confidentiality exists)	n/a	n/a	11(g, i-j)

XI. Appeal mechanism

28. A requester who is denied access to information by the GCF may file an appeal if the requester is able to:

- (a) Establish a prima facie case that the GCF has violated this Policy by restricting access to the information requested; or
- (b) Make a case to override these Policy exceptions that restrict access to the information requested.

29. Such appeals will be considered by the Information Appeals Panel which will be authorized to receive requests for review from parties outside the GCF and to uphold or reverse prior decisions to deny access to information. In order to ensure that the appeal is considered in a non-biased and fair manner, no member of the IAP shall have been involved in the original decision to deny access to information.

30. The IAP shall be composed of three senior staff members (IS-6 or higher) of the GCF, appointed by the Executive Director for three-year terms, renewable once, or until their employment with the GCF terminates. In order to ensure objectivity and fairness, the IAP also will include two members of Board-appointed panels and external groups, provided they have committed to an unqualified non-disclosure obligation through signing a non-disclosure agreement. These members will be appointed on an ad hoc basis depending upon the nature of the information requested in the appeal. The IAP will deliberate with a quorum of four members. The IAP Chair will be selected from amongst, and by, the IAP members.

31. The IAP will convene as needed to review requests for information that have been denied by other divisions of the GCF. The IAP will endeavour to respond to the requester within 30 working days of receipt of the appeal, unless additional time is required due to its scope or complexity.

32. The IAP has the authority to uphold or reverse decisions to deny access to information and will also consider requests for disclosure in the public interest of information covered by a Policy exception of confidentiality.

33. Any recommendation to disclose information will require the approval of the Board for Board documents and of the Executive Director for other documents; and their decisions will be final.

34. The IAP shall notify the requester of the decision in writing as soon as it is made and no later than 30 working days after receiving the appeal (subject to para. 37 below), and in the case of a decision by the Board, the requester shall be notified upon the Board's decision. There will be no requirement for providing a detailed explanation of the outcome of the review.

XII. Submission of appeals and notification of decisions

35. An appeal to the IAP may be filed in writing within 60 calendar days of notification of the denial of information.

36. Appeals must be submitted via e-mail to <IAP@gcfund.org> addressed to the Information Appeals Panel or in writing addressed to Green Climate Fund Information Appeals Panel at 175, Art Center-daero, Yeonsu-gu, Incheon 22004, Republic of Korea.

37. Appeals received beyond the 60-day filing period shall be deemed to have exceeded the deadline and shall not be considered. All appeals should be set out in a brief letter and contain the following:

- (a) A description of the information originally requested; and
- (b) An explanatory statement that sets out the facts and the grounds that support the requester's claim that the GCF violated this Policy or that the public interest override applies.

XIII. Effective date

38. The provisions of this Policy will take effect on [XX] November 2015 and supersede the interim information disclosure practice, as contained in Annex XX to decision B.05/15, in its entirety. This Policy is not an express or implied waiver of the GCF's privileges and immunities under its Governing Instrument, the Agreement between the Republic of Korea and the GCF concerning the Headquarters of the GCF or any applicable treaty or law, nor does it provide any contractual rights to any party.

39. A detailed schedule for the implementation of this Policy will be developed by the Secretariat that will take into consideration the need for training and development, and the implementation of IT needs required following the adoption of this Policy by the Board.

XIV. Report and review

40. Every three years, the Information Appeals Panel will present reports to the Board on issues related to the implementation of this Policy along with any recommendations for changes to it. Such reports will take into account new information access standards or policies developed and implemented by peer institutions and partners regarding the range of their activities.
