

## Annex XXIX: Information disclosure policy

### I. Objective 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 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 or 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 Secretariat;
  - (f) **GCF** means the Green Climate Fund;
  - (g) **Governing Instrument** means the Governing Instrument for the GCF;
  - (h) **Information Appeals Panel or IAP** means the panel established by this Policy 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 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 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 or delay dissemination of 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 obligated to confidentiality.
  - (c) **Principle 3: Simple and broad access to information.** The GCF will employ all practical means to facilitate access to information, maximize access to such information, and use 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 on request 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 have such decision reviewed by the Information Appeals Panel.

### IV. Standard of disclosure

7. The GCF seeks to maximize access to information that it produces and/or possesses and will therefore disclose any information not contained in the list of exceptions 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, private and other 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 as further set out in Section X of this Policy.

## 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 12, 13 and 32 below, the Secretariat or, if applicable, the relevant Accountability Unit will determine whether documents or portions thereof will be disclosed:

(a) **Personal information.**

The GCF will not disclose information relating to:

- (i) personal information of any person, including members and alternate members of the Board, advisers, the Executive Director, GCF staff and consultants and other persons connected with the GCF; and
- (ii) Staff appointment and selection processes,

the disclosure of which would affect the legitimate privacy interest of the person(s) concerned.

(b) Legal, disciplinary or investigative matters.

- (i) The GCF will not disclose information subject to legal professional privilege, 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 internal grievance and appeals mechanisms<sup>1</sup> except to the extent expressly permitted under the rules of these mechanisms;

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<sup>1</sup> The internal grievance and appeals mechanisms of the Fund include the Administrative Review and appeals procedures and the Administrative Tribunal which are in the process of being set up at the time of adoption of this Policy.

- (c) **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 Secretariat and Accountability Units marked as confidential.
- (d) **Safety and security.** The GCF will not disclose information that would or would be likely to compromise the security, safety or health of GCF staff and their families, consultants, experts and contractors, GCF assets or any other individual;
- (e) **Information provided in confidence.**
- (i) Information provided to the Board, Secretariat or any Accountability Unit 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 in possession of the GCF and 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.** Deliberative information exchanged, prepared for or derived from the exchanges 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. 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 will 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 whom the GCF is involved;
  - (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 by or on behalf of the Secretariat to inform the GCF's internal decision-making and assessment processes that include 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 including, pre-meeting documents, that are deemed confidential pursuant to this Policy of which distribution

will be limited to members and alternate members of the Board. The GCF will not webcast, or provide video recordings of closed executive sessions of the Board;

- (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 has a reason to keep such information confidential, in which case such information shall be made available once such recommendation has been approved by the Board.

## VI. Overrides

12. 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 Board's concurrence for any Board document, the head of the Accountability units for documents relating to such unit, and the Executive Director's concurrence for any other document produced, commissioned or under the purview of the Secretariat, as well as the written consent of any third party that had provided information to the GCF in confidence for any such information that the GCF wishes to disclose.

13. The GCF also reserves the right not to disclose, by means of a 'negative' override, normally available information if it determines that the potential harm that the application of this Policy might otherwise entail would outweigh the potential benefit of disclosing such information. Any decision to not disclose information via this override would require the Board's concurrence for any Board document, the head of the Accountability units for documents relating to such unit and the Executive Director's concurrence for any other documents produced, commissioned or under the purview of the Secretariat.

## VII. Language of Disclosure

14. 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

15. **GCF's website.** The GCF routinely discloses a wide range of information and documents through its website - [www.greenclimate.fund](http://www.greenclimate.fund). These include, but are not limited to, decisions of the Board, policy papers and project-related public information that provides details on all types of GCF-funded projects and programmes without duplicating what is to be published by accredited entities and/or executing entities on their websites. 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.

16. **Project and programme funding 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.

17. **Environmental and social reports.** With respect to project and programme funding proposals that have an environmental or social impact, the Accredited Entities (AE's) shall disclose and announce to the public and, via the Secretariat, to the Board and Active Observers:

- (a) in case of Category A projects, the Environmental and Social Impacts Assessment (ESIA) and an Environmental and Social Management Plan (ESMP) at least 120 days in advance of the AE's or GCF's Board decision, whichever is earlier;
- (b) in the case of Category I-1 programmes, the Environmental and Social Management System (ESMS)<sup>2</sup> at least 120 days in advance of the AE's or GCF's Board decision, whichever is earlier;
- (c) in the case of Category B projects, the ESIA<sup>3</sup> and an Environmental and Social Management Plan (ESMP)<sup>4</sup> at least 30 days in advance of the AE's or GCF's Board decision, whichever is earlier; and
- (d) in the case of Category I-2 programmes, the ESMS at least 30 days in advance of the AE's or GCF's Board decision, whichever is earlier.

The reports will be available in both English and the local language (if not English). The reports will be available via electronic links in both the AE's and the GCF's website (in the case of the GCF website, upon submission of a funding proposal to the Board) as well as in locations convenient to affected peoples. Funding proposals relating to projects and programmes that do not have any significant environmental or social impact (i.e. Category C project or Category I-3) shall not require any additional advance information disclosure.

18. **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

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<sup>2</sup> An ESMS is a collection of policies, management processes and procedures that allow analysis, control and reduction of the environmental and social impacts.

<sup>3</sup> ESIA is "Environmental and Social Impact Assessment (ESIA)", a comprehensive document of a project's potential environmental and social risks and impacts which is developed based on key process elements generally consisting of (i) initial screening of the project and scoping of the assessment process; (ii) examination of alternatives; (iii) stakeholder identification (focusing on those directly affected and other stakeholders) and gathering of environmental and social baseline data; (iv) impact identification, prediction, and analysis; (v) generation of mitigation or management measures and actions; (vi) significance of impacts and evaluation of residual impacts; (vii) consultation with and disclosure to project affected people including setting up a grievance mechanism; and (viii) and documenting the assessment process in form of an ESIA report.

<sup>4</sup> ESMP is "Environmental and Social Management Plan", a document prepared either as part of an ESIA or as a separate document accompanying the ESIA describing the process of management of the mitigation measures and actions identified in the ESIA study including the associated responsibility, timeline, costs, and monitoring of key environmental and social indicators, described in the ESMP.

will also webcast live proceedings of the meetings of the Board. The GCF will make video recordings of meetings of the Board, excluding any executive sessions, available on its website, through registration only, within three weeks of each Board meeting.

19. **Public consultation period.** The Board shall continue its practice of soliciting public input for certain policies and strategies under discussion by the Board for at least 30 days through the Fund's website.

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-funded 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](mailto: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 Secretariat, 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 Secretariat 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 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	18, 11(h), 11(a-e)
Reports of Board meetings	Upon adoption by the Board	Posted on website	Executive session	18, 11(h), 11(a-e)
Minutes and deliberative materials from Board executive sessions	10 years	On request	Permanent confidential info	18, 11(h), 11(a-e)
Board Meeting Documents <sup>5</sup>	21 days before Board action	Posted on website	Confidential info under para 11	11(a-j)
Project and programme funding proposals	21 days before Board action	Posted on website	Confidential info under para 11	16, 11(a-g)
Monitoring and Evaluation Reports	Simultaneous with submission to the Board	Posted on the GCF's and Accredited Entities website	n/a	16, 11(a-g)
Environmental reports- required of the accredited entities by the GCF	Category A/I-1 projects: 120 days before the GCF's or the AE's Board date, whichever is earlier Category B/I-2 projects: 30 days before the GCF's or the AE's Board date, whichever is earlier Category C projects/I-3 programmes: no advanced disclosure required	Disclosure by the Accredited Entity via electronic links in the AE's website and convenient locations for affected peoples. The GCF shall disclose such reports in its website. <sup>6</sup>	-	17
Accreditation recommendations	Simultaneous w/submission to Board	Posted on website	If entity requests confidentiality	11(k)
GCF project, programme, financial, strategy, general	20 years	On request	Permanent confidential info	21, 11(a-e)

<sup>5</sup> Board Meeting Documents means documentation not otherwise referred to in this table relating to items on the provisional agenda of any Board meeting, which may include documentation relating to Projects and programs, Monitoring and Evaluation, Policies and Strategies, Operational rules and procedures, Administrative and Financial Information, Accountability and governance.

<sup>6</sup> In the case of the GCF website, disclosure of the relevant information shall be made at the time of submission of the relevant funding proposal to the Board.



operations (historical) information				
Personal, investigative, Board-GCF, safety/security, and third-party confidential information	At no time (so long as a basis for confidentiality exists)	n/a	n/a	11(a-e)
GCF non-historical financial, Board confidential committee/group/panel, and Trust Fund information	At no time (so long as a basis for confidentiality exists)	n/a	n/a	11(g, i-j)

## **XI. Appeal mechanism**

28. The Board will establish an Information Appeals Panel (IAP) to consider appeals under this Policy. The IAP shall be composed of the three heads of the Accountability Units. The IAP Chair will be selected from amongst, and by, the IAP members. If the appeal relates to information not disclosed by an Accountability Unit, the head of such unit shall recuse him/herself from the deliberations and decision making.

29. A requester who is denied access to information 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 overturn an override of this Policy that restricts access to the information requested.

30. 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 recommend 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.

31. The IAP will convene as needed to review requests for information that have been denied. 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 recommend to the Board in respect of appeals regarding Board documents, to the head of the relevant Accountability Unit for documents relating to such unit and to the Executive Director in respect of all other documents to uphold or reverse decisions to deny access to information.

33. Any recommendation to disclose information will require the approval of the EAC for Board documents, the head of the relevant Accountability Unit for documents relating to such unit 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 a decision 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 EAC the requester shall be notified upon the EAC's decision.

## **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](mailto: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] [month] 2016 and supersede the interim information disclosure practice, as contained in Annex XX to decision B.05/15, in its entirety.

## **XIV. Miscellaneous**

39. Information disclosed under this Policy is provided as is. The GCF will take all reasonable steps to conspicuously disclaim any loss or liability, either directly or indirectly as a consequence of using the disclosed information.
40. Nothing in this Policy shall be deemed to derogate from any of the provisions in the Agreement between the Republic of Korea and the GCF Concerning the Headquarters of the GCF or any other agreement that has been or may be entered into between the GCF and a Party to the United Nations Framework Convention on Climate Change.

## **XV. Report and review**

41. Every three years the Ethics and Audit Committee, with the support of the Secretariat, will present a report 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.