

Green Climate Fund

Interim Information Disclosure Practice

GCF/B.05/16

17 September 2013

Meeting of the Board

8-10 October 2013

Paris, France

Agenda item 9 (b)

Recommended action by the Board

It is recommended that the Board:

- (a) Takes note of document GCF/B.05/16 *Interim Information Disclosure Practice*; and
- (b) Adopts the draft decision contained in Annex I to this document.

Interim Information Disclosure Practice

I. Introduction

1. The Board first addressed the matter of information disclosure at its March 2013 meeting. At its June 2013 meeting, in its decision B.04/10, the Board:

- (i) *Requested the independent Secretariat to develop in 2014 a comprehensive draft information disclosure policy based on a negative list approach; and*
- (ii) *Requested the Interim Secretariat to prepare a draft interim information disclosure practice for consideration by the Board at its next meeting”.*

2. The purpose of this document is to propose that the Board adopts the draft Interim Information Disclosure Practice presented in Annex II to this document, which will guide the Fund in disclosing information and documents until the Fund adopts a comprehensive information disclosure policy in a participatory manner.

3. The Fund’s disclosure practice is built on specific provisions of the Governing Instrument:

Paragraph 3: *“The Fund will be guided by the principles and provisions of the Convention. The Fund will operate in a transparent and accountable manner guided by efficiency and effectiveness [...]”*

Paragraph 67: *“The Fund’s operations will be subject to an information disclosure policy that will be developed by the Board.”*

Paragraph 71: *“The Board will develop mechanisms to promote the input and participation of stakeholders, including private-sector actors, civil society organizations, vulnerable groups, women and indigenous peoples, in the design, development and implementation of the strategies and activities to be financed by the fund.”*

4. The Fund’s information disclosure practice will be based on a presumption in favour of disclosure of documents or information in the Fund’s possession, unless there is a compelling reason for confidentiality. While the Fund will endeavour to achieve maximum disclosure, it also recognizes that there are constraints that may affect its ability to release certain information.

II. Cost of implementation

5. The implementation of the Interim information disclosure practice, as set out in Annex I, will make it necessary for the Secretariat to allocate a staff member to support the disclosure of a wide range of documents and process external requests for information. Similarly, additional resources will need to be allocated to information technology support, to support posting of information referred to in Chapter IV of Annex I, and to track information requests. Additional costs are expected after the Board adopts the comprehensive information disclosure policy of the Fund, in particular, to address the matter of security classification and declassification of information.

Annex I: Draft decision of the Board

The Board, having reviewed document GCF/B.05/16 *Interim Information Disclosure Practice*:

- (a) Adopts the Interim Information Disclosure Practice, set out in Annex II to document GCF/B.05/16;
- (b) Requests the Secretariat to develop in 2014 a comprehensive draft information disclosure policy, based on the negative list approach described in Section 3.3 of document GCF/B.04/10;
- (c) Decides that the Interim Information Disclosure Practice will remain in force until the Board adopts a comprehensive disclosure of information policy; and
- (d) Requests the Secretariat to incorporate, to the extent not covered under the Interim Information Disclosure Practice, provisions on disclosure of information in all documents submitted to the Board.

Annex II: Draft Interim Information Disclosure Practice

I. Introduction

1. The purpose of this document is to establish interim practice to govern disclosure of information associated with the Fund's operations until a comprehensive information disclosure policy is approved by the Board, taking into account disclosure policies of other relevant international organizations. It sets out the Fund's disclosure guiding principles, provides details on the main categories of information that the Fund and its related organs will publicly disclose, outlines initial criteria for confidentiality, and defines the main means of accessing information and timing of disclosure.
2. The Governing Instrument provides that the Fund will operate in a transparent and accountable manner guided by the principles of efficiency and effectiveness. The Rules of Procedure of the Board also promote transparency, providing that all the Board members, alternate members and active observers are required to adhere to the Fund's policies and standards of ethics.
3. These principles are fully reflected in the information disclosure guiding principles presented below.

II. Guiding principles

4. The Fund will ensure the greatest degree of transparency in all its activities through effective dissemination of information to stakeholders and the public at large, and public participation in the Fund's operations. The Fund will apply a presumption in favour of disclosure for all information and documents relating to the Fund and its funded activities. All documents in the Fund's possession subject to disclosure as per the Interim Information Disclosure Practice, will be released on the Fund's website or through other appropriate means, or be provided on request, to provide the public with a clear picture of the Fund's work and the way it administers financial inputs received from public and private sources.
5. Categories of information not to be disclosed are in line with standard practices of most international organizations. Confidential information would include personal information, such as personal communications of Board members and alternate members, advisers, staff, consultant and business partners; information relating to safety and security that, if disclosed, would endanger the life, health, or safety of any individual, or the environment; privileged and investigative information, including legal opinions; third-party information given to the Fund in confidence and accepted as such, including private sector entities' proprietary information; deliberative information, including draft documents (work in progress) unless such disclosure is needed to facilitate public consultations; and certain financial information that, if disclosed, would prejudice the financial or commercial interests of the Fund and its activities. A comprehensive negative list, including categories of information not to be disclosed, will be formulated as part of the Fund's comprehensive information disclosure policy to be developed in 2014.
6. As a general rule, any policy or strategy which will be developed by the Fund will, to the extent not covered in this document, articulate the disclosure requirements for information and documents required to be produced under that policy or strategy. These disclosure requirements must be consistent with the guiding principles defined above.

III. Disclosure categories and timing

7. As a matter of principle, the Fund will share most of the information in its possession with stakeholders and the public at large, either pro-actively or on request, subject to specified exemptions to presumed disclosure. The timing of disclosure of the different types of information will vary, based on the nature of information. The main categories of information that will be made publicly available include, but are not limited to:

3.1 Fund information

8. **Organizational and institutional information.** Available on the Fund's website. It includes basic documents such as the Governing Instrument and the Rules of Procedure of the Board, the list of Board members and alternate members, the terms of reference of committees, subcommittees, technical and expert panels, and any other Fund's organs, the annual administrative budget of the Fund, relevant administrative policies, the organizational structure of the Fund, and the work plan of the Board.

3.2 Information regarding the Board, Board committees, subcommittees and panels

9. **Board meeting documents**¹ As provided in the Rules of Procedure of the Board, all Board meeting documents for non-executive sessions will be posted on the Fund's website on the same day they are released to Board members, except for Board documents classified as confidential, or as the Board may provide. Simultaneous disclosure of Board documents to the Board and to the public is one of the instruments that give effect to the provisions of the Governing Instrument to promote the input and participation of key stakeholders in the design, development and implementation of the strategies and activities to be financed by the Fund. It is expected that early disclosure of Board meeting documents will help ensure adequate stakeholder input into the Board decision-making process.

10. **Draft documents** with limited distribution to Board members are generally not disclosed except if the Board decides otherwise if special circumstances so warrant (e.g. to facilitate public consultations on a Fund's policy).

11. **Information documents.** Documents prepared for information of the Board under the agenda items for which a Board decision is not anticipated will be disclosed on the Fund's website upon circulation to the Board.

12. **Board proceedings.** The provisional agenda of Board meetings will be posted on the Fund's website at least 30 calendar days before the first day of the meeting. Reports of Board meetings will also be shared with the public on the Fund's website. Guidelines for the participation of observers and advisers in Board proceedings will also be posted on the Fund's website. In order to ensure interested stakeholders' direct access to Board proceedings, the Fund will make **video recordings of Board meetings** available on its website, through registration only, within three weeks of each Board meeting. This provision applies to proceedings of formal non-executive sessions and therefore does not cover extraordinary Board meetings and closed executive sessions, nor committee or subcommittee meetings. Records of Board proceedings other than those referred to above may be publicly disclosed following a Board decision in accordance with applicable policies and relevant rules and procedures.

¹ Disclosure provisions described in this paragraph do not apply to Board committee and subcommittee meeting documents.

13. **Documents submitted to the Board by Board committees and subcommittees.** Final reports of Board committees and subcommittees will be disclosed on the Fund's website, unless they contain confidential information which, if disclosed, may cause prejudice to the Fund or related parties.
14. The same will apply to final **documents submitted to the Board by technical and expert panels.**
15. **Policies, strategies, sector and thematic reports and results management framework.** Documents proposing the adoption of Fund's policies and strategies and sector and thematic reports and documents regarding the Fund results management framework submitted to the Board for approval will be disclosed on the Fund's website on the same day they are released to the Board, provided they do not contain confidential information.
16. **Annual reports.** The annual reports to the Conference of the Parties on Board activities and the Fund's annual report, including the audited financial statements, will be published on the Fund's website at the time they are approved by the Board.
17. **Replenishment.** Information and documents regarding the initial resource mobilization for the Fund and the Fund replenishments will be disclosed on the Fund's website, including the timing of the replenishment, discussion documents for contributors meetings and the final contributors report. Documents containing financial information will be made public to the extent they do not contain confidential information that, if disclosed, would be prejudicial to the interests of the Funds or related parties.

3.3 Interim Secretariat and Secretariat information

18. Information relating to the **organizational structure of the Fund and its Secretariat** will be made available on the Fund's website, such as arrangements for the Interim Secretariat, staffing, administrative budget and work programme of the Interim Secretariat, reports on its activities and activities on the establishment of the independent Secretariat.
19. **Rules, guidelines and implementation arrangements** prepared by the Secretariat for implementing Board policies will be disclosed on the Fund's website after their approval and issuance to concerned parties by the Fund's relevant authority.

3.4 Independent Evaluation Unit, Independent Integrity Unit and independent redress mechanism information

20. An **Independent Evaluation Unit** will assess the results of the Fund, including its funded activities and its effectiveness and efficiency. The results of the periodic evaluations, including lessons learned, will be shared on the Fund's website or relevant separate website, as may be the case.
21. An **Independent Integrity Unit** will investigate allegations of fraud and corruption in coordination with relevant counterpart authorities. The Fund will post on its website annual reports of the Independent Integrity Unit upon their completion, including summary information on investigations and significant recommendations and issues arising from investigations. The Fund may also share the results of investigations with relevant counterpart authorities.
22. An **independent redress mechanism** will receive complaints relating to the operations of the Fund and will evaluate and make recommendations. The Board will define disclosure provisions regarding the independent redress mechanism when developing the related Fund's policy.

3.5 Interim Trustee information

23. All reports provided to the Secretariat by the Interim Trustee in the service of the Board will be publicly disclosed through the Fund's website, unless they contain confidential information.

3.6 Information relating to accredited implementing entities

3.6.1 Accreditation

24. The accreditation procedures and criteria, including best-practice fiduciary principles and standards and environmental and social safeguards of the Fund, are designed to ensure that all accredited implementing entities provide adequate and transparent access to information on activities funded by the Fund. In particular, the Fund will ensure that implementing entities apply fiduciary standards consistent with international best practices, including regarding financial disclosure, transparency and follow the information disclosure guiding principles of the Fund.

25. When providing information to the Fund, implementing entities will be responsible for clearly identifying any document or part thereof or any other type of information which they deem to be confidential. The Fund will not disclose information which it has accepted from the implementing entities on a confidential basis, especially the information made available to the Fund as part of the accreditation process.

26. The Secretariat will make publicly available the final reports, conclusions and recommendations of expert panels and other bodies engaged on accreditation activities. Names, country and contact details of potential implementing entities applying for accreditation will remain confidential until a final recommendation to the Board as to the accreditation of the applicant entity has been made and such recommendation has been approved by the Board.

27. The Secretariat will publish on the Fund's website information on the list of all accredited implementing entities, including contact details.

3.6.2 Funding activities

28. The Fund will also disclose on its website comprehensive information and documents relating to all its funding activities and financed projects, and project-related information and documents prepared by the implementing entities throughout the project cycle, as long as these do not contain information marked as confidential.

29. Information relating to the preparation of funding proposals, implementation, monitoring and evaluation, and information on stakeholder consultations, will be disclosed on implementing entities' own websites and by any other appropriate means according to their respective applicable information disclosure policy, in a manner consistent with the Fund's fiduciary principles and standards, and environmental and social safeguards.

3.7 Private Sector Facility and private sector entities information

30. Exceptions to the general principle of presumed disclosure may be invoked where there is a need to protect the legitimate interests of the entities that deal with the Fund's Private Sector Facility, to avoid harm to the business and competitive interests of such entities.

31. While the Fund will disclose all relevant information and documents regarding its Private Sector Facility and related activities, it will ensure that business confidentiality is

maintained and will not disclose to the public any proprietary, legally privileged or commercially sensitive information produced or received by the Fund in dealing with private sector entities.

3.8 Information to and from other stakeholders

32. The Fund will disclose a wide range of information and documents to the general public and key stakeholders according to the guiding principles outlined in this document. The main means of disclosure are described in Chapter IV below. However, the Fund will keep confidential any information and documents received from external parties that are marked as confidential and accepted as such.

IV. Means of accessing information

33. The Fund's website will constitute the main vehicle for proactive disclosure of information to a large public. Other means of dissemination will be used by the Fund as may be required to reach its intended audiences. In addition, anyone may contact the Secretariat to request any document or information which is not accessible from the website.

34. **Fund's website.** A wide range of information and documents regarding the Fund and its funded activities, including information referred to in Chapter III above, can be accessed through the Fund's website at <gcfund.net>. Video recordings of Board meetings will be available on the Fund's website through registration within three weeks of each Board meeting. The Fund's website may also provide links to the websites of its accredited entities for stakeholders to be able to access comprehensive information about all Fund-financed projects during the project cycle.

35. **Requests for information.** The Secretariat will entertain external requests. Requests for information may be submitted via the online request form, or by mail or fax, as needed. Guidelines on processing external requests, including time limits for responding, will be developed at a later stage.

36. Requests for information will be submitted in English, which is the working language of the Fund. However, in some instances, the Fund may consider requests made in another official language of a developing country.

37. In responding to external queries, the Secretariat will either provide the requested information or document, referring the requester to the relevant link on the Fund's website whenever possible, or a legitimate reason why the information cannot be given, based on the exceptions to disclosure defined by the Fund.

38. If a requester believes that a request for information has been unreasonably denied, a complaint may be submitted to the Executive Director who will make appropriate arrangements for impartial review of the complaint.

39. **Other means of dissemination.** In addition, the Fund may disseminate relevant information to concerned stakeholders in draft form for consultation purposes, using appropriate channels.
