

# Public Communications Policy 2011

Disclosure and Exchange  
of Information

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# Abbreviations

ADB	–	Asian Development Bank
ADF	–	Asian Development Fund
AfDB	–	African Development Bank
CPS	–	country partnership strategy
DEC	–	Development Effectiveness Committee
DER	–	Department of External Relations
DMC	–	developing member country
EBRD	–	European Bank for Reconstruction and Development
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
IPP	–	indigenous peoples plan
IPSA	–	initial poverty and social analysis
MIGA	–	Multilateral Investment Guarantee Agency
NGO	–	nongovernment organization
OAI	–	Office of Anticorruption and Integrity
PDS	–	project data sheet
PDAC	–	Public Disclosure Advisory Committee
RCS	–	regional cooperation strategy
RRP	–	report and recommendation of the President
TA	–	technical assistance

affected people	– 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 or guarantees, or in which it invests
completion	– in reference to 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	– a report that (i) has been formally submitted to ADB as a final report, (ii) ADB has determined to be of sufficient quality to be used in preparing an ADB-assisted project or program, and (iii) requires no further changes
nonsovereign project	– any project financed by a loan, guarantee, equity investment, or other financing arrangement that is (i) not guaranteed by a member state or a government; or (ii) guaranteed by a member state 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 member state
sovereign project	– any project financed by a loan, grant, or other financing arrangement that is (i) extended to a member state, or (ii) guaranteed by a member state
upon	– “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, receipt, or submission

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# Executive Summary

**T**he Public Communications 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 Asia and the Pacific free of poverty cannot be achieved unless ADB is aware of its stakeholders' needs and, conversely, they understand and support ADB's role and operations in the region.

The 2005 policy covers both disclosure of information and external relations, making it a comprehensive guiding document for informing and engaging with ADB members, opinion leaders and decision makers, civil society, academia, the media, and the people who may be affected by ADB activities. An essential part of ADB's institutional governance, the policy recognizes the right of people to seek, access, and impart information about ADB's operations. It also highlights the vital role of communications in driving transparency and accountability, and ultimately in improving ADB's development effectiveness.

**Review of 2005 policy.** The 2005 policy requires a comprehensive review to be conducted 5 years after its effective date. Accordingly, ADB launched a review in February 2010 to assess the policy's efficacy and recommend changes as necessary to improve and strengthen it. The review engaged interested individuals and organizations. Consultation drafts were released in June and November 2010. Extensive discussions of the policy were held with a wide range of stakeholders

in a number of ADB member countries within and outside Asia and the Pacific. ADB also undertook two global surveys of its stakeholders to gauge their perceptions of ADB's performance and communications. This paper takes into account the internal and external comments received, and the findings of the global perception surveys.

**Experience with 2005 policy.** When adopted in April 2005, the Public Communications Policy was considered progressive and at the forefront of best practices among multilateral development banks. Since then, ADB has made significant strides in its public communications. The policy 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. ADB's external relations strategy, which supports the policy, has led to more proactive and targeted efforts to raise ADB's profile and share information about its work. ADB has significantly raised its profile in top tier media through outreach activities and public speaking engagements by Management and staff at major international forums and conferences. In addition, the number of documents posted on the ADB website has increased by 145% since 2005. Of more than 6,000 external requests for information received, ADB provided the information in 95% of the cases.

**Changing environment.** Despite much progress, ADB is committed to even greater transparency in the future. The move towards more transparency of public bodies has elevated

public expectations. Recently, other multilateral development banks have adopted, or started work on, new policies on access to information that increase transparency. While in many areas ADB remains in the vanguard, there are some areas where it has fallen behind and should align the level of information disclosure with that of its comparators. ADB must also increase its efforts to ensure that the information it makes available reaches the people concerned. 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 communications remain essential. Strategy 2020, ADB's long-term strategic framework approved in 2008, acknowledges the importance of accountability, participation, and transparency in ADB's operations and activities.

**General approach and implementation affirmed.** The review concluded that the policy is fundamentally sound and has been well implemented. Thus, the thrust of the policy will not change.

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

- (i) **Independent appeals panel added.** In addition to the Public Disclosure Advisory Committee, which is the internal appeals 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.
- (ii) **Exceptions clarified.** The list of exceptions to disclosure has been clarified. Headings have been added to highlight seven types of information that are exempt from disclosure. The scope of some exceptions has been tightened by identifying the harm that disclosure of

the relevant information could cause to the interests protected by the exception.

- (iii) **Increased access to Board decision making.** The majority of Board documents will be disclosed simultaneously to the public and to the Board. These include loan proposals for sovereign projects and final proposals of the regional cooperation strategies and country partnership strategies, subject to the concurrence of the member country concerned to such early disclosure, and proposals of policy and strategy papers that have undergone a public consultation process. This will increase stakeholders' participation in ADB's decision-making process. Verbatim transcripts of Board meetings may also be disclosed after 10 years, provided they do not contain or refer to any information that falls within the policy exceptions.
- (iv) **Public communications approach updated.** To support the policy, the external relations strategy set out in the 2005 paper has been streamlined to focus on public communications. ADB's public communications approach underscores the need to intensify communications with its audiences in response to evolving development challenges in Asia and the Pacific. The updated approach will ensure that ADB communications are increasingly effective and fully aligned with Strategy 2020. ADB will also respond to changing expectations of stakeholders. The public communications approach will be better tailored to the needs of specific audiences. Engagement with affected people and other interested stakeholders throughout the project cycle will be strengthened by ensuring that essential communications and information-sharing aspects are integrated into ADB-supported projects and programs. ADB will also increase the dissemination of its knowledge products—online and in

hard copy—to support the development of knowledge-based economies in the region. In addition, ADB will use other platforms such as regional and national conferences to share its knowledge products and exchange views with government officials and other key audiences.

- (v) **Other changes.** Other revisions include language clarifications, updates, alignment with ADB's streamlined business processes, ADB's prerogative to restrict access to information under exceptional circumstances, and increased disclosure such as translation of project data sheets into relevant national languages for better understanding of ADB projects by in-country stakeholders, disclosure of audited project accounts, and disclosure of base salaries of Management and Board members.

**The policy.** The policy aims to enhance stakeholders' trust in and ability to engage with ADB, and thereby enhance the development impact of ADB's operations. The fundamentals of the policy are as follows:

- (i) **Proactive disclosure.** ADB shall proactively share its knowledge and information about its work, as well as its opinions, with stakeholders and the public. The ADB website will be the primary vehicle for proactive disclosure. As appropriate, information may also be disclosed using other means. Proactive disclosure will follow prescribed time limits, facilitating stakeholder participation in ADB decision making. ADB shall also disclose information in response to individual requests. 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. The majority of Board documents submitted to the Board for consideration shall be posted on the ADB website

before approval or endorsement by the Board. Other Board documents shall be posted on the ADB website upon approval or endorsement by the Board.

- (ii) **Presumption in favor 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.
- (iii) **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. Information shall be given to affected people and other stakeholders, including women, the poor, and other vulnerable groups early enough for them to provide meaningful inputs into project design and implementation. ADB shall not selectively disclose information. People will have equal access to the information that ADB makes available under the policy.
- (iv) **Country ownership.** ADB recognizes the importance of country ownership of the activities it supports in its developing member countries. Thus, before disclosing certain documents, the views of developing member countries shall be considered with regard to contents as well as timing of their disclosure.
- (v) **Limited exceptions.** Disclosure is subject to limited exceptions. ADB will 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 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.

- (vi) **Right to appeal.** The policy recognizes the right of those requesting information to a two-stage appeals process when they believe that ADB has denied their request in violation of its policy. To enhance the credibility of the appeals process, the second stage will be independent from ADB. An appeal may also be filed with

the public disclosure advisory committee to override the policy exceptions that restrict access to the information requested, on the basis that the public interest in disclosing the information outweighs the harm that may be caused by such disclosure.

Internal implementation arrangements will not change. However, additional resources must be committed to support the enhanced public communications efforts and the independent appeals panel. ■

# Introduction

# 1

## PUBLIC COMMUNICATIONS POLICY 2011

1. This paper updates the Public Communications Policy<sup>1</sup> that the Asian Development Bank (ADB) adopted in 2005. As approved by the Board on 25 October 2011 and with an effective date of 2 April 2012, the policy described in this paper supersedes the provisions of the 2005 policy.

2. Transparency and proactive public communications continue to be the anchors of the current policy. By replacing two separate policies on information and disclosure, the 2005 policy established a more robust and focused approach to ADB's communications efforts. It also represented a major shift in ADB's attitude about the disclosure of information and the role of external relations in supporting ADB's development effectiveness. As required under the 2005 policy, a comprehensive review began in 2010.

3. The review of the policy was guided by a steering committee chaired by the managing director general. ADB solicited views from its staff on their experiences with the policy and how it could be improved. ADB also asked external stakeholders to provide feedback on the policy and its implementation, and suggestions for enhancements. In addition to seeking written comments, ADB held 20 in-country consultation workshops in 12 member countries to seek the views of a broad range of interested stakeholders, including affected people. More than 500 people participated in the workshops (Appendix 1 describes the external consultation process). This paper takes into consideration the inputs received. ■

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<sup>1</sup> ADB. 2005. *The Public Communications Policy of the Asian Development Bank: Disclosure and Exchange of Information*. Manila.

# 2

## PUBLIC COMMUNICATIONS POLICY 2011

# ADB's Experience in Public Communications

## Objective of the Policy

4. ADB is committed to reducing poverty by promoting inclusive economic growth, environmentally sustainable growth, and regional integration. To achieve this objective, ADB funds a variety of projects and other activities to support development. For its projects to meet demands and be effective, ADB must seek the views of its borrowers and clients, partners, and other stakeholders, and keep them abreast of its activities. A two-way flow of information between ADB and its stakeholders is crucial to building mutual understanding and trust, which form the foundation of solid partnerships. Transparency about its projects and activities is essential for ADB to gain buy-in from its stakeholders, which is fundamental to the success of a project. Furthermore, a major principle of good governance of any institution is that it can be held accountable for its actions. Transparency is a prerequisite for accountability.

5. The overall objective of the policy is to enhance stakeholders' trust in and ability to engage with ADB. The policy recognizes the right of people to seek, receive, and impart information about ADB operations. It supports knowledge sharing and enables participatory development or two-way communications with affected people. The policy is based on a presumption in favor of disclosure unless there is a compelling reason for nondisclosure. It commits ADB to disclose institutional, financial, and project-related

information proactively on its website, following strict time limits, and also provides mechanisms to handle responses and complaints. To increase the development impact of ADB operations, the policy promotes awareness and understanding of ADB and its operations, primarily by enhancing public communications activities and building relationships with decision makers and opinion leaders in its member countries.

6. Some major initiatives by ADB have reinforced its commitment to the policy and its objectives. Strategy 2020 recognizes the importance of accountability, participation, and transparency in ADB's operations and activities.<sup>2</sup> Greater transparency is also central to the objectives of the Paris Declaration on Aid Effectiveness.<sup>3</sup> By signing the International Aid Transparency Initiative—a multi-stakeholder initiative to accelerate access to aid information—ADB reaffirmed its commitment to publicly disclose regular, detailed, and timely information about aid to increase its effectiveness in reducing poverty.

## Assessment of Policy Implementation

7. ADB has monitored its implementation of the 2005 Public Communications Policy and published four annual assessment reports.<sup>4</sup> These detailed assessments indicate that ADB has done well in adhering to the provisions of the policy, promoting transparency and improved commu-

<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 of its developing member countries.

<sup>4</sup> ADB. Assessment of the Implementation of the Public Communications Policy. <http://www.adb.org/documents/series/assessment-pcp-implementation>

nications, and making more information available to stakeholders. The policy has been well received by the majority of external stakeholders who were consulted, and well understood by ADB staff.

8. Overall, ADB's institutional and project-related information has been made available to stakeholders and the public to a greater extent, proactively and on request. The policy reflects 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, which has enhanced development effectiveness and increased public trust in ADB.

9. In general, ADB has successfully adopted a presumption in favor of disclosure. Disclosure compliance, including timeliness of disclosure and handling of external requests, has continually improved. In the 2007 *Global Accountability Report* published by One World Trust, ADB received a score of 100% on transparency good practice.<sup>5</sup>

10. Most of the information required to be posted on the ADB website is now available. The number of documents on the ADB website increased by 145% from September 2005 to December 2010. Accessibility to information on the website also increased. In addition, ADB tracked and processed more than 6,000 external requests for information or documents. The information requested was provided in 95% of the cases. More than half of the requests related to project information. The majority of other requests related to business opportunities. About 7% of inquiries were requests for funding and

cooperation with nongovernment organizations (NGOs). Of the 5% requests that were denied, the largest category was for information related to ADB bond issues. ADB also cleared and disclosed many documents created before 2005. However, efforts need to continue to achieve full compliance with the policy's disclosure requirements. For instance, not all required project summaries have been posted on the ADB website or updated as required, and the data fields of these summaries need to be more complete.

11. Internal and external reviews generally found that ADB has increased recognition and transparency through its external relations efforts since approval of the policy. This is confirmed by a significant increase in media visibility, outreach, media attention, and web traffic statistics. ADB has significantly raised its profile in top tier media through outreach activities and public speaking engagements by Management and staff at major international forums and conferences. Every 3 years, ADB conducts a global stakeholder perception survey to monitor external perceptions. The 2006 and 2009 surveys found that the majority of the stakeholders and opinion leaders had a positive view of ADB and believed it has a strong impact on development in Asia and the Pacific. ADB was also perceived to be highly reliable, trustworthy, and competent. While most respondents felt that ADB communicates well and is doing a good job in responding to information requests, the respondents said there was scope for improvement. In particular, more efforts can be made to share ADB's knowledge products with its stakeholders, especially governments of developing member countries (DMCs). Feedback from stakeholder consultations on the PCP review also showed better communications on projects is needed, particularly engagement and information sharing with affected people.

12. Since 2005, ADB has conducted numerous briefings and awareness-raising missions to help ADB staff and other stakeholders understand the disclosure requirements under the policy. These

<sup>5</sup> One World Trust. 2007. *2007 Global Accountability Report*. London.

efforts have supported the disclosure of information as required in the policy.

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

14. Management has played an essential role in promoting a corporate environment that is more conducive to proactive public communications. To increase ADB's capacity to communicate effectively, the Office of External Relations was upgraded to the Department of External Relations, reporting directly to the President. At the same time, ADB allocated additional resources for external relations, in particular to strengthen

field offices that play a key role in in-country outreach. Since 2005, eight external relations national officer positions were created to support proactive external relations in the field.

15. With Management's leadership, the policy has changed attitudes toward disclosure throughout ADB. Overall, staff recognize the many benefits of transparency and are conscientious about disclosure. However, while there is a high level of compliance with the disclosure requirements, more needs to be done to achieve full compliance, including meeting timelines.

16. ADB's public information centers and depository library program were reviewed, and procedures streamlined to improve access to information on ADB in Asia and the Pacific. In 2009 and 2010, ADB upgraded selected depository libraries to Asian development resource centers, in addition to piloting new partnerships in multi-donor public information centers in a few countries. These new initiatives will be reviewed to assess their effectiveness in improving the visibility and accessibility of ADB's knowledge products. ■

# Recent Global Trends in Public Communications

## 3

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17. Over the last 2 to 3 decades, attitudes worldwide toward freedom of information have changed dramatically. Freedom of information is recognized as a fundamental human right as set forth in the Covenant on Civil and Political Rights. Citizens are demanding greater transparency and holding governments and private sector corporations to higher standards of accountability. Many countries have incorporated freedom of information in their constitutions. In recent years, this trend has gained in force, such that freedom of information is no longer seen as a lofty goal to be aspired to, but a right to be enforced. Many governments have approved landmark laws guaranteeing their citizens the right to government information. More than 80 countries have now adopted such laws.

18. Since ADB adopted its Public Communications Policy, communications technology has continued to evolve. With the increasing use of new media, including social media, more information can now be provided to more people in more ways. Public expectations about the range, type, and delivery of information provided by public, private, and nonprofit institutions have risen, as has understanding about transparency

and best practices to achieve it. The cost and effectiveness of development programs are also being scrutinized more closely.

19. Most multilateral development banks have recently revised or are reviewing their information disclosure policies, including the African Development Bank, the European Bank for Reconstruction and Development, the European Investment Bank, the Inter-American Development Bank, the International Finance Corporation, and the World Bank (Appendix 2 provides a survey of information disclosure at other multilateral development banks. Appendix 3 compares the 2005 ADB policy, the revised ADB policy as described in this paper, and the access to information policies of the World Bank and the Inter-American Development Bank). The new policies—both adopted and 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 appeals mechanisms. ■

# 4

## PUBLIC COMMUNICATIONS POLICY 2011

# Proposed Enhancement of 2005 Policy

20. The review of the 2005 policy has shown that overall ADB's Public Communications Policy remains relevant and that ADB compares well against other multilateral development banks in terms of information disclosure good practices. Nonetheless, five areas were identified where the 2005 policy can be strengthened. These areas are described in paras. 21–25.

21. **Independent appeals panel.** The 2005 policy provides for an internal body—the Public Disclosure Advisory Committee (PDAC)—to review denials of requests for information. Only five cases have been brought before the PDAC. Nonetheless, during the policy review, stakeholders identified the lack of an independent, external appeals body as a weakness. For ADB to remain at the forefront of good practices, it will establish an independent appeals panel (IAP) to review decisions made by the PDAC.

22. **Clarification of exceptions.** The 2005 policy includes a list of exceptions to the presumption of disclosure. Feedback received indicated that this list was not clearly structured and, therefore, not easy to understand. It has been reorganized according to clear headings. In a few cases, the scope of the exceptions has been tightened by identifying the harm that disclosure of the relevant information could cause to the interests protected by the exception.

23. **Access to Board documents before decision making.** The review of the 2005 policy identified the timing of sharing draft documents with the public as an area for improvement. For policies that directly affect stakeholders, such as the Safeguard Policy Statement (2009), and sector and thematic policies and strategies, ADB already

posts consultation drafts on its website and organizes in-country meetings to solicit feedback from stakeholders. However, after these consultations, stakeholders are excluded from access to the drafts presented to the Board during the decision-making process. The final decision document is posted on ADB's website only after it has been considered by the Board. To emphasize the importance of stakeholder participation in the preparation of these policies and strategies, the Public Communications Policy provides for posting on the ADB website of working papers and final proposals of policy and strategy papers that have undergone public consultation at the same time that these papers are circulated to the Board for consideration. Similarly, loan proposals for sovereign projects and final proposals of regional cooperation strategies (RCSs) and country partnership strategies (CPSs) will be posted on the ADB website when they are circulated to the Board, subject to the concurrence of the member country concerned.

24. **Public communications approach.** To support the policy, the external relations strategy set out in the 2005 paper will be streamlined to focus on public communications. The disclosure of information is not sufficient to ensure that the information reaches the intended audience. While the 2005 policy included features to facilitate access to information for different kinds of audiences, the efforts have fallen short in some instances. For example, more face-to-face contact and low-tech approaches to information sharing are needed in some cases. Instead of describing an overall external relations strategy that goes beyond what is needed to support the policy, the emphasis has shifted to practical aspects of information sharing to reinforce the overall policy goals. Engagement with affected people

and other interested stakeholders throughout the project cycle will also be strengthened by ensuring that essential communications and information-sharing aspects are integrated into ADB-supported projects and programs. ADB will also increase the dissemination of its knowledge products—online and in hard copy—to support the development of knowledge-based economies in the region. In addition, ADB will use other platforms such as regional or national conferences and other events to share its knowledge products and exchange views with government officials and other key audiences.

25. **Increased disclosure.** The 2005 policy did not provide for access to verbatim transcripts of Board meetings. The policy will allow disclosure of verbatim transcripts of formal Board meetings after 10 years on request, provided they do not contain or refer to any information that falls within the policy exceptions (para. 84). The policy will also provide for disclosure of audited project accounts (para. 62), base salaries of Management and Board members (para. 90), and translated versions of project data sheets into relevant national languages (para. 42). ■

# 5

## PUBLIC COMMUNICATIONS POLICY 2011

# The Policy

26. The Public Communications Policy aims to enhance stakeholders' trust in and ability to engage with ADB, and thereby increase the development impact of ADB operations. The policy promotes transparency, accountability, and participatory development. It establishes the disclosure requirements for documents ADB produces or requires to be produced. The fundamentals of the policy are described in paras. 27–33.

27. **Proactive disclosure.** ADB shall proactively share its knowledge and information about its work, as well as its opinions, with stakeholders and the public. The ADB website will be the primary vehicle for 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, thereby facilitating participation in ADB's decision making. ADB shall also disclose information in response to individual requests for information.

28. 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. The majority of documents submitted to the Board for consideration shall be posted on the ADB website before approval or endorsement by the Board (paras. 38, 58, and 72). Other Board documents submitted to the Board for consideration shall be posted on the ADB website upon approval or endorsement by the Board.

29. **Presumption in favor of disclosure.** The policy is based on a presumption in favor of disclosure. Therefore, all documents that ADB produces or requires to be produced may be disclosed unless they contain information that falls within the exceptions of the policy specified in paras. 97 and 101.

30. **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. This will enable ADB to communicate with, listen to, and consider feedback from its stakeholders, including affected people. Information shall be given to affected people early enough for them to provide meaningful inputs into project design and implementation. ADB shall not selectively disclose information. People will have equal access to the information that ADB makes available under the policy according to the terms of the policy and its implementation arrangements.

31. **Country ownership.** ADB recognizes the importance of country ownership of the activities it supports in its DMCs. Thus, before disclosing certain documents, the views of DMCs shall be considered with regard to the contents and timing of their disclosure.

32. **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 nonsov-

foreign operations.<sup>6</sup> ADB shall safeguard the right to privacy of its staff and protect legitimate business interests of itself and its clients. However, these 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 specified in paras. 97 and 101. ADB reserves the right to override the policy 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.

**33. Right to appeal.** The policy recognizes the right of those requesting information to a two-stage appeals process when they believe that ADB has denied their request in violation of its policy. To enhance the credibility of the appeals process, the second stage will be independent from ADB. An appeal may also be filed with the PDAC to override the policy exceptions that restrict access to the requested information, on the basis that

the public interest in disclosing the information outweighs the harm that may be caused by such disclosure.

**34. Relation to other policies.** 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 documents. References to other ADB policies are made throughout the Public Communications Policy. Any reference to another ADB policy includes that policy as amended by ADB from time to time. In the event of conflict between the disclosure provisions (but not other provisions) of the Public Communications Policy and any other Board-approved policy, the disclosure provisions of the Public Communications Policy shall prevail. Any policy or strategy developed or revised by ADB after the Public Communications 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 fundamentals of the Public Communications Policy. ■

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<sup>6</sup> A legally binding undertaking not to divulge clients' confidential business information is a standard requirement for private sector financial institutions, as well as for ADB's comparators, to engage in business with clients. The need for protection of confidential business information is also widely recognized in freedom of information laws, which includes an exception for the release of commercial information obtained in confidence.

# 6

## PUBLIC COMMUNICATIONS POLICY 2011

# Disclosure Details

35. ADB works closely with its borrowers and clients to prepare and implement development activities. In doing so, ADB will inform them 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 or client as appropriate, and subject to the exceptions to disclosure in paras. 97 and 101.

### Country Partnership Strategies and Regional Cooperation Strategies

36. 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. 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.

37. ADB shall maintain and post on its website on a rolling basis a list of new CPSs, interim CPSs, and RCSs scheduled for preparation over the course of the next year. To facilitate consultations with stakeholders<sup>7</sup> and to allow them to contribute to the development of the CPS, interim CPS, and RCS in their country and/or region, available drafts of these documents and other useful background information will be shared in-

country for stakeholders' comments in the course of their preparation.

38. ADB shall post the CPS, interim CPS, and RCS on its website at the same time that they are circulated to the Board for endorsement, subject to the concurrence of the member country concerned. If the country does not consent to early disclosure, the documents will be posted on the ADB website upon endorsement by the Board. This requirement for simultaneous disclosure shall apply to the CPS, interim CPS, and RCS that have completed their management committee meeting, or its equivalent, on or after the effective date of the policy.

39. Key supporting documents that are referred to in the CPS and RCS through electronic links<sup>8</sup> shall be posted on the ADB website at the same time as the CPS and RCS. Other thematic and sector analyses and assessments<sup>9</sup> used to prepare the CPS and RCS, including any updates thereto, shall be posted on the ADB website as available.

40. The chair's summary of each Board discussion on the CPS, interim CPS, and RCS shall be posted on the ADB website upon its final circulation to the Board. If English is not used widely in the relevant country by target stakeholders, ADB shall translate the CPS and 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.

<sup>7</sup> Stakeholders include DMC governments, development partners, the private sector, and civil society, including nongovernment organizations, as appropriate.

<sup>8</sup> For example, country and portfolio indicators.

<sup>9</sup> For example, economic, poverty, and gender analyses, and private sector and governance risk assessments.

41. ADB shall post on its website upon their circulation to the Board country operations business plans and regional cooperation operations business plans (list of lending and nonlending projects for a particular DMC or a specific region or subregion), as well as electronically linked documents related to them.

## Projects and Programs

### Project Data Sheet

42. To inform external stakeholders of projects or programs during processing and implementation, ADB shall post project data sheets (PDSs)<sup>10</sup> with summary information on the project or program on its website. Because the PDS is a work in progress, some information may not be included in its initial version but will be added as it becomes available. During the preparation of a project or program, a draft design and monitoring framework is developed, which provides the basis for the project's performance assessment. Key information from the draft framework will be reflected in the PDS.<sup>11</sup> The PDS web page provides links to related documents produced during the project cycle. For all loan and grant projects and project preparatory technical assistance (TA) projects, ADB will translate the PDS at key milestones into relevant national language(s), post those translated versions on the ADB website, and make them available in-country using appropriate channels. This translation requirement shall apply to loan and grant projects, and project preparatory TA projects for which the concept papers are approved on or after the effective date of the policy.

#### Project Data Sheet for Sovereign Projects

43. The initial PDS for a sovereign project or program shall be posted on the ADB website upon approval of the concept paper for the

project or program. The initial PDS for the first tranche of a multitranche financing facility shall be posted upon completion of loan fact-finding, and for each subsequent tranche upon completion of fact-finding for such tranche. If no fact-finding mission is held, the PDS shall be posted upon receipt by ADB of the signed periodic financing request for the tranche.

44. ADB shall update the PDS 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 outcome, and implementation progress. If ADB terminates its involvement in a sovereign project or program, the corresponding PDS shall include a statement indicating the reason for the termination. ADB shall keep the PDS for a terminated project on its website for 12 months following termination.

#### Project Data Sheet for Nonsovereign Projects

45. ADB shall post on its website the initial PDS for a nonsovereign project after ADB has determined that the project is likely to be presented to the Board, but no later than 30 calendar days before the date of Board consideration. For projects classified as category A for environmental safeguard purposes, ADB shall post the PDS on its website at least 120 calendar days before Board consideration.

46. ADB shall update the PDS 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, and implementation progress. If ADB terminates its involvement in a nonsovereign project, the corresponding PDS shall include a statement that ADB's involvement was terminated. ADB shall keep the PDS for a terminated project on its website for 12 months following termination.

<sup>10</sup> The PDS replaces the project information document (PID) required under the 2005 policy.

<sup>11</sup> The final design and monitoring framework will also be posted on the ADB website as part of the report and recommendation of the President.

## Information to Affected People and Other Interested Stakeholders

47. To facilitate dialogue with affected people and other interested stakeholders, including women, the poor, and other vulnerable groups, information about sovereign and nonsovereign projects and programs (including environmental 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 or client to ensure that such information is provided and feedback on the proposed project design is sought, and that a project focal point is designated for regular contact with affected people and other interested stakeholders. This process will start early in the project preparation phase, allowing their views to 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 or program 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.

48. To support the requirements in para. 47, ADB will assist DMC governments and private sector clients in developing 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 and 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) the types of information to be disclosed; (ii) the mechanisms for public notice, including language and timing; and (iii) the responsibility for implementing and monitoring of information disclosure and dissemination.

## Project Safeguard Documents

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

50. The borrower and/or client shall provide relevant environmental, resettlement, and indigenous peoples information, including information from the documents referred to in paras. 51–53, to affected people in a timely manner, in an accessible place, and in a form and language(s) understandable to them.<sup>12</sup>

## Environment

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

- (i) a draft environmental impact assessment (EIA) report for an environment category A project, at least 120 days before Board consideration;
- (ii) a draft environmental assessment and review framework, where applicable, before appraisal;<sup>13</sup>
- (iii) the final EIA or initial environmental examination (IEE), upon receipt by ADB;
- (iv) a new or updated EIA or IEE, and a corrective action plan, if any, prepared during project implementation, upon receipt by ADB; and

<sup>12</sup> This information can be made available as brochures, leaflets, or booklets in language(s) understandable to affected people. For illiterate people, other suitable communications methods will be used.

<sup>13</sup> If no further mission for appraisal is required, the document will be posted before the management review meeting or the first staff review meeting for sovereign projects, or before the final investment committee meeting for nonsovereign projects, as applicable.

- (v) the environmental monitoring reports, upon receipt by ADB.

### Resettlement

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

- (i) a draft resettlement plan and/or resettlement framework, endorsed by the borrower and/or client before appraisal (footnote 13);
- (ii) the final resettlement plan endorsed by the borrower and/or client after the census of affected persons has been completed;
- (iii) a new or updated resettlement plan, and a corrective action plan, if any, prepared during project implementation, upon receipt by ADB; and
- (iv) the resettlement monitoring reports, upon receipt by ADB.

### Indigenous Peoples

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

- (i) a draft indigenous peoples plan (IPP) and/or indigenous peoples planning framework, endorsed by the borrower and/or client, before appraisal (footnote 13);
- (ii) the final IPP, upon receipt by ADB;
- (iii) a new or updated IPP and a corrective action plan, if any, prepared during implementation, upon receipt by ADB; and
- (iv) the indigenous peoples monitoring reports, upon receipt by ADB.

### Country Safeguard Systems

54. In accordance with the requirements under the Safeguard Policy Statement for the

application of country safeguard systems in ADB-supported projects, ADB shall post on its website:

- (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.

55. 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 paras. 51–53.

### Initial Poverty and Social Analysis

56. An initial poverty and social analysis (IPSA) is conducted for all investment projects and programs to determine the scope of poverty and the current state of social issues such as 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 project or program concept paper for sovereign projects or programs. For a nonsovereign project, the IPSA shall be posted on the ADB website upon completion of the credit approval process.

### Technical Assistance Reports and Documents Produced Under Technical Assistance

57. A TA report is a document describing the provision by ADB of TA and the funding thereof. ADB shall post TA reports on its website upon their approval by the relevant authority.<sup>14</sup> ADB shall post on its website upon their completion final consultants' reports generated from a TA project. As policy and advisory TA and capacity

<sup>14</sup> For project preparatory TA up to \$1.5 million, the TA report appended to the concept paper for the project shall be posted on the ADB website upon approval of the concept paper.

development TA may cover sensitive matters, ADB shall give the government concerned the opportunity to object to disclosure of final reports produced under such TA. Consistent with the policy's presumption in favor of disclosure, any redaction or withholding of such documents shall be based on the exceptions of the policy.

### Report and Recommendation of the President and Supporting Documents

58. 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 on its website the RRP for sovereign projects at the same time the RRP is circulated to the Board, subject to the concurrence of the member country concerned. If the country does not consent to such early disclosure of the RRP, ADB shall post the RRP on its website upon approval of the RRP by the Board. This requirement for simultaneous disclosure shall apply to ADB projects and programs for which loan negotiations are conducted on or after the effective date of the policy. Supporting documents to the RRP for sovereign projects, including the project administration manual describing implementation details, shall be disclosed as stand-alone, electronically linked 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>15</sup> For nonsovereign projects, ADB shall post an abbreviated version of the RRP on its website upon its approval by the Board; this version will exclude confidential business information and ADB's assessment of project or transaction risks.

### Legal Agreements

59. ADB shall post on its website all legal agreements for sovereign projects entered into

on or after the effective date of the policy upon their signing, after removing any information identified as falling within the exceptions of the policy specified in para. 97 at the time of negotiations.<sup>16</sup> ADB may disclose on request draft legal agreements if the borrower consents. If the legal agreements are amended, ADB shall post such amendments on its website within 2 weeks of their effectiveness, after removing any information specified as falling within the exceptions of the policy specified in para. 97 at the time of negotiations.

60. 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 removing any information specified as confidential by the government concerned at the time of negotiation of such agreements and amendments.

61. For legal agreements for sovereign projects and amendments to them 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>17</sup>

### Audited Project Accounts

62. ADB shall post on its website annual audited project accounts for sovereign projects for which the invitation to negotiate is issued on or after the policy effective date.<sup>18</sup>

### Major Changes

63. ADB shall post on its website documents submitted to the Board for approval that are related to a major change in scope of a project, upon approval of such a change. For nonsovereign projects, an abbreviated version, excluding confidential business information, will be posted.

<sup>15</sup> For example, legal agreements.

<sup>16</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>17</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 calendar days of the request for the agreement.

<sup>18</sup> The procedures for the disclosure of annual audited project accounts will be discussed and agreed with each borrower and made part of the loan agreement for each project.

## Progress Reports on Tranche Releases of Policy-Based Loans and Grants

64. Progress reports on tranche releases review and assess implementation and compliance with conditions of policy-based loans and grants to DMCs. ADB shall post such progress reports on its website upon Board or Management approval of the reports.

## Completion Reports

65. ADB shall post project, program, and TA completion reports on its website upon circulation to the Board. The completion report for a nonsovereign project, called an extended annual review report, will be posted in an abbreviated form, excluding commercially sensitive and confidential business information.

## Other Information Pertaining to Projects and Programs

### Independent Evaluations

66. ADB shall post a list of independent evaluations planned by its Independent Evaluation Department (IED) on its website. This list is based on a 3-year rolling work program approved by the Board.

67. 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 evaluations of nonsovereign operations, a redacted version will be posted on the ADB website excluding commercially sensitive and confidential business information.

68. For evaluation reports discussed by the DEC, ADB shall post the chair's summary of the

DEC meeting on its website upon its circulation to the Board. ADB shall also post on its website Management responses to independent evaluations, and IED comments on the Management response, if any.

## Cofinancing Information

69. 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 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.

## Anticorruption Information

70. ADB shall post on its website upon their completion annual reports of ADB's Office of Anticorruption and Integrity (OAI).<sup>19</sup> OAI's annual report includes statistical information on investigations and significant recommendations and issues arising from investigations and project procurement-related reviews. ADB will post reports of project procurement-related reviews conducted by OAI upon their completion. 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 members.

71. 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

<sup>19</sup> OAI is ADB's designated focal point for receiving and investigating allegations of fraud, corruption, or other violations of ADB's Anticorruption Policy pertaining to ADB-financed activities or staff members.

sanction, (ii) debarred parties that have violated ADB's Anticorruption Policy (1998, as amended to date) 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 multilateral development banks on cross-debarment.<sup>20</sup>

## Policies and Strategies

### Policies and Strategies Subject to Public Consultations

72. ADB seeks the participation of its shareholders and other interested stakeholders during the development and review of its safeguard, sector, and thematic policies and strategies. ADB shall post on its website a list of such policies and strategies to be developed or reviewed over the next 12 months on a rolling basis. ADB shall post on its website plans for consultations, including any anticipated face-to-face meetings with external audiences, upon completion of such plans. ADB shall post at least one consultation draft of such policy or strategy paper on its website. ADB shall post working papers and final proposals of policies and strategies that have undergone a public consultation process on its website at the same time that they are circulated to the Board. This requirement shall apply to working papers and final proposals of such policies and strategies that are circulated to the Board on or after the effective date of the policy.

### Other Policies and Strategies

73. ADB shall post other ADB policy or strategy papers on its website upon their approval or endorsement.

### Chair's Summary

74. A chair's summary for each policy or strategy approved or endorsed by the Board

at a formal Board meeting shall be posted on the ADB website upon its final circulation to the Board.

## Operational Rules and Procedures

75. ADB shall post the *Operations Manual* sections (bank policies and operational procedures), the Project Administration Instructions, and staff handbooks on ADB operations on its website upon their issuance to staff.

## Other Information

### Procurement

76. 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 a project as part of the project administration manual,<sup>21</sup> detailing (a) each contract for goods, works, and consulting and other services required to carry out the project during the first 18 months; (b) the proposed methods of procurement for each contract; and (c) the applicable 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 as specific notices by executing agencies and ADB to express interest, to prequalify, or to bid for international competitive bidding procurement and consulting assignments;
- (v) all contract awards entered into ADB's books of account detailing the name of the contractor, a description of the contract, the contract award amount

<sup>20</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: <http://www.adb.org/documents/agreement-mutual-enforcement-debarment-decisions>

<sup>21</sup> See para. 58 for timing of disclosure of RFPs and supporting documents, including the project administration manual.

- 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.

## Country Performance Assessment of Asian Development Fund Recipient Countries

77. 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 post an annual report on country performance assessments, including numerical performance ratings, on the ADB website upon its completion. The guidelines for country policy and institutional assessments shall also be posted on the ADB website.

## Annual Report, Economic Data and Research

78. 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.

79. 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.

## Administrative and Other Information

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

- (i) the Agreement Establishing the Asian Development Bank (the Charter);
- (ii) the by-laws of ADB;

- (iii) the Rules of Procedure of the Board of Governors of the Asian Development Bank;
- (iv) the Rules of Procedure of the Board of Directors of the Asian Development Bank;
- (v) the Agreement Between the Asian Development Bank and the Government of the Republic of the Philippines Regarding the Headquarters of the Asian Development Bank;
- (vi) host country agreements between ADB and its member countries, subject to concurrence of the member country concerned;
- (vii) the list of ADB's members, their subscribed capital, and voting power;
- (viii) ADB's organizational structure;
- (ix) the list of members of the Board of Governors;
- (x) the list of members of the Board of Directors and their voting groups;
- (xi) the list of committees of the Board of Directors and their members;
- (xii) the list of members of ADB Management and senior staff; and
- (xiii) contact information for each of the above.

81. ADB shall post on its website the summary proceedings of its annual meetings, including decisions by the Board of Governors and the speeches of the governors, within 60 calendar days of each annual meeting. ADB shall also post other resolutions of the Board of Governors adopted after the effective date of the policy on its website, if the Board of Directors authorizes disclosure.

82. ADB shall post on its website the work program and budget framework for each fiscal year upon discussion by the Board.

83. ADB shall post country classifications on its website upon approval by the Board.

<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.

84. Proceedings of the Board of Directors are confidential.<sup>24</sup> However, ADB may disclose 10 years after the date of their creation, upon request and in their entirety, verbatim transcripts of formal Board meetings, provided that such formal Board meetings have been held on or after the effective date of the policy and the verbatim transcripts do not contain or refer to any information that falls within the policy exceptions.

85. 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.

86. ADB shall post on its website reports of Board committees to the full Board if the committee so recommends and the Board approves.

### Financial Information

87. ADB shall post on its website the audited financial statements<sup>25</sup> for ADB's ordinary capital resources and Special Funds,<sup>26</sup> before the Annual Meeting of the Board of Governors of ADB.

88. 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) unaudited condensed quarterly financial statements;
- (iii) annual report on loan servicing of DMCs; and
- (iv) the budget of ADB for each fiscal year.

89. 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.

### Employment Information

90. 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 Board members; 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.

### Information Produced under the ADB Accountability Mechanism

91. ADB shall post on its website information produced under the Accountability Mechanism as provided in ADB's Accountability Mechanism policy, as amended from time to time.

### Information Related to Asian Development Fund Negotiations

92. 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.

### Other Documents Presented to the Board

93. ADB shall post on its website documents circulated to the Board for information

<sup>24</sup> See ADB. 1966. Rules of Procedure of the Board of Directors of the Asian Development Bank. Manila. Section 9. See also para. 97(iii) of this paper.

<sup>25</sup> The Board of Governors approves the audited financial statements at the Annual Meeting.

<sup>26</sup> For example, the ADF and Technical Assistance Special Fund.

or approval not cited in the policy, unless Management informs the Board otherwise and the Board agrees.

## Exceptions to Presumed Disclosure

94. The exceptions to ADB's presumption in favor of disclosure of information are set forth in paras. 97 and 101. The list of exceptions is based on a determination by ADB that the harm disclosure might cause to specific parties or interests outweighs the benefit of disclosure.

95. If a document (or part of it) subject to posting on the ADB website is not posted because the information contained in the document falls under an exception, ADB shall make reference to the document or the information removed therefrom,<sup>27</sup> 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 of such removal.<sup>28</sup>

96. 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.

## Current Information

97. Subject to the provision in para. 99, ADB shall not disclose the following information:

### Deliberative and Decision-Making Process

- (i) 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, Board members, directors' advisors, members of Management, ADB staff, and ADB consultants.
- (ii) 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.
- (iii) Proceedings of the Board of Directors,<sup>29</sup> with the exception of verbatim transcripts (as provided in para. 84), minutes of Board meetings (para. 85), and chair's summaries of certain Board meetings (paras. 40 and 74).

### Information Provided in Confidence

- (iv) Information provided to ADB in confidence by a member or international organization and that, if disclosed, would or would be likely to materially prejudice ADB's relations with that party or any other member.

<sup>27</sup> The reference to the removed document or information would be made on the relevant web page, which would still include the title of the removed or redacted document.

<sup>28</sup> Transcripts of Board meetings, as referred to in para. 84, are not redacted. If they contain information that falls under any exception, they are not disclosed.

<sup>29</sup> For the purpose of this policy, proceedings of the Board of Directors refers to proceedings of the Board of Directors and of Board committees, and comprises all statements made or filed during Board meetings or committee meetings and records regarding such meetings, such as verbatim transcripts, minutes of committee meetings, and memoranda or other communications between ADB Management, departments, or the Secretary and the Board, in all formats, including electronic.

- (v) Information (including proprietary information) provided to ADB by a party and that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or another party that was the source of the information, or any confidential business information (information covered by a confidentiality agreement or nondisclosure agreement that ADB has entered into with clients and/or other related parties).
- (vi) Information provided to ADB in confidence, alleging fraud, corruption, or other violation of ADB's Anticorruption Policy, or misconduct, except to the extent permitted by and in accordance with ADB staff rules and rules on investigations, as well as the identity of the party making such allegation (whistleblower), unless the whistleblower consents to disclosure of his or her identity.

#### **Personal Information**

- (vii) Personal information relating to Board members, director's advisors, members of Management, and ADB staff and consultants, as disclosure of such information would or would be likely to compromise the legitimate privacy interests of the person concerned. This includes terms of employment, performance evaluations, and personal medical information of Board members, 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 related to investigations, except to the extent permitted by the staff concerned or

staff rules and Board of Directors rules and regulations.

#### **Financial Information**

- (viii) Financial information that, if disclosed, would or would be likely to prejudice the legitimate financial or commercial interests of ADB 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, analyses of creditworthiness, credit ratings, and risk assessments of its borrowers and other clients.
- (ix) Financial information that, if disclosed, would or would be likely to prejudice the ability of a member to manage its economy.

#### **Security and Safety**

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

#### **Legal or Investigative Matters**

- (xi) Any information subject to the attorney-client privilege (including communications to or from ADB counsel or its external legal advisors); information relating to any investigation of alleged fraud, corruption, or misconduct, except to the extent permitted by and in accordance with ADB'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.<sup>30</sup>

<sup>30</sup> This may include restrictions imposed by securities and banking laws, and copyright law.

### Internal Audit Reports and Trust Fund Audit Reports<sup>31</sup>

(xii) (a) Internal audit reports of ADB's Office of the Auditor General, as such reports may contain sensitive information about internal systems, which could be exploited by third parties to the detriment of ADB;<sup>32</sup> and (b) certain audit reports of ADB's external auditors on ADB-administered trust funds, where the public disclosure of these reports would violate the applicable auditing standards.<sup>33</sup>

### Historical Information

98. Any information concerning ADB-assisted projects, programs, policies, strategies, and general operations held by ADB for more than 20 years from the date such information was produced by, or provided to ADB, will be considered historical information. Historical information, other than information relating to Board proceedings, shall be disclosed upon request,<sup>34</sup> except for information that falls within the exceptions listed in para. 97 (iv)–(vii), (ix)–(xi), and (xii)(b).

### Public Interest Override (Positive Override)

99. Notwithstanding the provisions in para. 97 on types of information not to be disclosed, external stakeholders may request ADB to disclose such information in the public interest. The PDAC will consider such requests. ADB may disclose requested information if it determines that the public interest in disclosing the information outweighs the harm that may be caused by disclosure. Any recommendation of the PDAC to disclose or deny such information will require the approval of the Board for Board records and the President for other documents.

100. However, the public interest override provision will not apply 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.

### ADB's Prerogative to Restrict Access (Negative Override)

101. 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 the Board. ■

<sup>31</sup> Audit opinions and audited financial statements disclosed to the public as part of ADB's *Annual Report* are not covered by this exception (para. 87).

<sup>32</sup> Highlights of ADB's internal audits and all audit findings rated high and medium risk are shared with the Audit Committee of the Board.

<sup>33</sup> Certain trust fund financial statements are prepared in accordance with donors' accounting requirements (which may be different from the accounting standards generally accepted in the US), and are audited in accordance with auditing standards generally accepted in the US (which are applicable to ADB). Such auditing standards limit disclosure of financial statements prepared in accordance with accounting standards other than those generally accepted in the US and the associated audit opinion to those who have a specified interest in the fund, i.e., contributors and those responsible for managing and/or administering the fund.

<sup>34</sup> Proceedings of the Board will be disclosed in accordance with the provisions in paras. 40, 74, 84, and 85.

# Public Communications Approach

102. Proactive public communications are an important tool to help achieve the policy's objectives. The following methodology will guide communications with stakeholders.

103. ADB will continually refine and strengthen its public communications approach as its priorities shift and stakeholders' expectations change. In particular, ADB will

- (i) implement a public communications approach centered on sustained, integrated, and efficient communications that is adapted to suit audience needs;
- (ii) communicate its mission to 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 communications and other low-tech approaches—to reach its audiences most effectively;
- (iv) maintain strong visibility in international, regional, and national media;
- (v) improve communications on projects, strengthen strategic communications (including crisis communications), and identify opportunities for coordinated communications with partners on joint projects; and
- (vi) improve internal communication and staff capacity building in external relations.

## Target Audiences

104. ADB seeks to communicate with a broad range of audiences in its DMCs as well as non-

borrowing members. Key audiences include (i) governments, opinion leaders, and decision makers, including parliamentarians, in DMCs and non-borrowing members; (ii) media; (iii) civil society, including affected people; and (iv) academia. ADB will monitor changes in audience profiles and expectations, and will tailor its communications strategy accordingly.

## Approaches for Reaching Target Audiences

105. ADB will continue to hold regular opinion surveys, such as the triennial perception survey, and use various formal and informal feedback channels to help ADB to continually improve its communications activities.

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

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

108. ADB will strive to maintain a high level of exposure in international media through a proactive media relations strategy to maximize media

coverage of its mission, policies, programs, projects, and knowledge products. At the same time, ADB will work to increase the visibility of its work in regional and national media.

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

110. ADB will post as much information as possible regarding ADB and its operations on its external website. The website will be continually improved to meet user expectations and requirements. ADB will also strengthen its publishing program to disseminate its publications, development knowledge, and information to the widest possible audience, including through translations into the languages of its DMCs in support of the development of knowledge-based economies in the region. ADB will continue to share its main knowledge products through the ADB depository library program and explore effective channels to improve the accessibility of ADB publications. In addition to disseminating its knowledge products online and in hard copy, ADB will also use other platforms such as regional or national conferences and other events to share its knowledge

products and exchange views with government officials and other key audiences.

## Translation

111. English is the working language of ADB.<sup>35</sup> However, documents and other information often must be translated into other languages to encourage participation in, as well as understanding and support of, ADB-assisted activities by its shareholders and other stakeholders.<sup>36</sup>

112. ADB will undertake translations in accordance with its translation framework adopted in 2007. Such translations may include information that (i) addresses ADB's overall business, policies, and strategic thinking, and is targeted at a wide international audience; (ii) is for public consultation, particularly with affected people (para. 47); (iii) relates to specific countries, projects, and programs; and (iv) is intended for the ADB website. 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. ■

<sup>35</sup> ADB. 1966. *Agreement Establishing the Asian Development Bank*. Manila (Article 39.1).

<sup>36</sup> In the event of any discrepancy between the English version of the document and its translation into any other language, the English version prevails.

# 8

## Implementation Arrangements

### Roles and Responsibilities

#### Management

113. Management will play a key role in leading and monitoring ADB's public communications efforts to maximize their impact. Management will participate in public communications activities and promote open and effective internal communications to ensure staff 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.

#### All Departments and Offices

114. 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 increase understanding of ADB's motivations and objectives, and build stakeholder trust. Staff from operations departments will play a key role in communicating with project-specific stakeholders, and in ensuring the disclosure requirements are met. They will promote awareness among people from the public, private, and civil society sectors regarding the policy and the public's right to access information from ADB in accordance with the policy. The ADB NGO and Civil Society Center will support relationships with civil society. Knowledge departments and DER will work together to optimize the dissemination of knowledge products.

### Department of External Relations

115. DER will be responsible for the policy's implementation and consistent application. DER will work closely with Management, departments and offices, and field offices in carrying out proactive public communications and effectively engaging external stakeholders. To maximize its impact within available resources, DER will refine its roles and prioritize its functions to better support the policy.

#### Disclosure

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

117. The Public Information and Disclosure Unit in DER will provide advice to all ADB departments and offices, and monitor the disclosure requirements of the policy. The unit will also design and conduct mandatory training for operations staff on the disclosure requirements of the policy, and will sustain staff incentives to support ADB 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 (para. 142). The unit will keep the public informed about operations documents available on the ADB website. It will also maintain a system for tracking requests in accordance with the requirements of the policy.

118. The web team will work with the unit and ADB departments and offices in posting documents and improving information search functions of the ADB website.

## Translation

119. The translation framework adopted in 2007 outlines the ways that ADB will increase the availability of information in languages other than English. The framework is under review in 2011 together with its resource implications.

120. 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.

## Disclosure Handbook and Awareness-Raising Materials

121. DER will revise the Public Communications Policy Staff Disclosure Handbook<sup>37</sup> with step-by-step procedures to guide ADB staff in making operational information and documents publicly available. Separate awareness-raising materials will be developed and updated as needed to guide ADB's borrowers and clients in implementing the policy and to inform other interested stakeholders on the policy provisions. All these materials will be posted on the ADB website and disseminated in-country as appropriate.

## Country-Level Information Dissemination

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

## Representative Offices and Resident Missions

123. Representative offices and resident missions play a vital frontline role in effective public communications, because of their proximity to target audiences, their operational and economic expertise, and their understanding of the unique cultural and communications realities in the country or region where they are based.

124. Heads of representative offices and resident missions are key ADB communicators and will lead efforts to expand and strengthen ADB's interactions with media, opinion leaders, and decision makers in their country or region.

125. ADB will make all efforts to increase the number of external relations staff in resident missions. They 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 regular training.

126. Major responsibilities of the resident mission external relations staff will include (i) establishing and cultivating relationships with a wide range of public and private groups to facilitate interaction with senior ADB staff; (ii) ensuring regular access for local and international media to ADB representatives and information; (iii) monitoring local, national, and international news in English and local language(s) for issues of interest to ADB; and (iv) assisting resident mission staff and the public within the country with the disclosure requirements of the policy. To improve consistency and maximize benefit of information sharing, external relations staff at field offices and their counterparts in DER will meet regularly in person or by videoconference, and online as needed. Resident mission external relations staff will have dual reporting lines to the respective country or regional director and DER.

<sup>37</sup> *Staff Disclosure Handbook*. <http://www.adb.org/Documents/Handbooks/Disclosure/>

## Public Disclosure Advisory Committee

127. The PDAC will 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. It 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. The PDAC has the authority to uphold or reverse decisions to deny access to information, with the exception of decisions by the Board to restrict access (para. 101). The PDAC will also consider requests for disclosure in the public interest of information covered by a policy exception (para. 99). The Public Information and Disclosure Unit in DER will provide secretariat support to the PDAC. The PDAC will review and endorse the annual report on the Public Communications Policy assessing the implementation of the disclosure requirements under 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* section, or the organizational structure supporting ADB's public disclosure of information.

## Independent Appeals Panel

128. The IAP will consider appeals alleging that ADB violated the policy by restricting access to information that it would normally disclose under the policy. It will have the authority to uphold or reverse PDAC's decisions to deny access to information. The IAP has no authority to consider appeals on any decision made by ADB under paras. 99 and 101. The IAP will comprise three external experts on access to information matters.<sup>38</sup> The IAP members will be engaged to work on an intermittent basis and only when called upon to consider an appeal of a decision made by the PDAC. To the extent

possible, the IAP will hold its deliberations by telephone, e-mail, and/or video link. The Office of the Secretary will provide secretariat support to the IAP.

## Borrowers and/or Clients

129. For ADB projects, much of the responsibility for disclosing information will rest on the borrower and/or client. The borrower or client will work with staff from operations departments to provide focal points in project areas to provide information to and dialogue with affected people about the project (para. 47). 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.

## Procedures for Accessing Information

### Proactive Disclosure

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

### Requests for Information

131. All requests for information and documents must be made in writing (e-mail, mail, internet feedback form, or fax). Requests may be directed to ADB's Public Information and Disclosure Unit: by mail 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

<sup>38</sup> IAP members will be nominated by the President and approved by the Board. The three members of the IAP could be (i) a representative of a DMC with adequate experience in access to information matters; (ii) an expert on access to information, independent of any government; and (iii) an expert on access to information in a commercial setting.

by fax to +63 2 636 2649. Requests may also be directed to the resident mission, representative office, or ADB department or office concerned. Requests should indicate with reasonable specificity the information that is being sought to enable ADB, within a reasonable period of time, to locate the information.

132. The ADB department or office concerned will determine whether a document contains information that may not be disclosed in accordance with the provisions set out in para. 97. ADB will consult with the borrower, client, or cofinancier, as appropriate. The Public Information and Disclosure Unit will provide guidance to ADB staff as necessary.

133. Historical information is available on request, in accordance with the provisions of para. 98. Requests for historical information must identify the specific information requested; blanket requests for access to historical information will not be accepted.

### Time Limits for Responses to Requests for Current Information

134. ADB shall acknowledge receipt of a request within 5 working days of receiving the request. ADB shall notify the requester as soon as a decision has been made, and, in any event, no later than 20 working 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 the refusal. In case ADB denies requested information, it shall inform the requester of the right to appeal in accordance with paras. 136–141 of the policy.<sup>39</sup> ADB shall post on its website the list of requests reviewed, and the corresponding decisions, i.e., fulfilled or denied, with the reason for the latter.

### Language of Requests

135. 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.

### Appeals

136. ADB will adopt a two-stage appeals process by which requesters can appeal when they believe that ADB has denied their request for information in violation of the policy. An appeal may also be filed to override the policy exceptions that restrict access to the information requested, on the basis that 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 will be established as described in paras. 137–141.

#### First Stage of Appeals: Public Disclosure Advisory Committee

137. A requester who is denied access to information by ADB may file an appeal with the PDAC if the requester is able to (i) provide a reasonable argument that ADB has violated the policy by restricting access to information requested, or (ii) make a public interest case to override the policy exceptions that restrict access to the information requested.

138. 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 exceptions specified in para. 97. If the appeal is based on the public interest override

<sup>39</sup> This timeline will not apply in cases where ADB uses its prerogative pursuant to para. 101 not to disclose information it would normally disclose. In that case, ADB will submit the matter to the Board for a final decision.

set out in para. 99, the PDAC will consider such request but any recommendation to disclose or deny such information will require the approval of the Board, for Board records, and the President, for other documents; and their decisions shall be final. The PDAC shall notify the requester of ADB's decision in writing, giving the reasons, as soon as a decision has been made and, in any event, no later than 20 working days after receiving the appeal, unless the Board has made a decision under para. 99. In such case, the requester shall be notified upon the Board's decision.

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

139. If the PDAC upholds the initial decision to deny a request for information, the requester may file an appeal to the IAP. The IAP will consider appeals alleging that ADB violated the policy by restricting access to information. In reviewing an appeal, the IAP shall consider the appeal, the policy exceptions, as well as statements, if any, filed by ADB and/or any third party concerned opposing disclosure of the relevant information. The IAP will have the authority to uphold or reverse the relevant decisions of the PDAC, and its decisions will be final. The IAP will be required to consider all appeals no later than 45 calendar days after receiving the appeal. The IAP shall not consider appeals against decisions taken by the Board or the President, as the case may be, if the appeal is based on the public interest override set out in para. 99, or appeals against decisions taken by the Board using their prerogative to deny access to information normally disclosed set out in para. 101.

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

140. All appeals to the PDAC must be filed in writing within 90 calendar days after ADB's initial decision to deny access to the requested information. All appeals to the IAP must be submitted in writing within 90 calendar days

after the PDAC's decision to uphold ADB's initial decision to deny access. Appeals may be submitted: by mail addressed to the PDAC or the IAP through the Public Information and Disclosure Unit 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 90-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 facts and the grounds that support the requester's claim that ADB violated the policy or that the public interest override (para. 99) applies.

141. 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. If ADB or the IAP upholds the prior decision to deny access to the information requested, ADB shall notify the requester of the decision and specify the reasons. If ADB or the IAP reverses the prior decision to deny access, ADB shall notify the requester of the decision and provide the requested information. 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 list will be updated upon issuance of a decision.

### **Monitoring and Reporting**

142. ADB will monitor the implementation of the policy and evaluate its impact (Appendix 4 describes the results framework for the policy). ADB will post on its website an annual report showing the monitoring results.

143. ADB allows stakeholders to raise issues, access information, and engage 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.

### **Policy Effective Date and Policy Review**

144. The policy shall become effective on 2 April 2012. 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 engage interested individuals and organizations. ■

# 9

## PUBLIC COMMUNICATIONS POLICY 2011

# Resource Implications

145. The successful implementation of the policy will involve additional costs. Additional resources for translation of the PDS will be needed to augment the translation framework annual budget. Additional budget requirements for other translation services will also be assessed during the update of the translation framework in 2011.

146. ADB staff, government officials, and other interested stakeholders will have to be briefed on the new provisions of the policy and how these changes will affect ADB's work. Different awareness-raising modalities will be used, including face-to-face training sessions in ADB headquarters and field offices, and videoconferences when possible. In-country briefings will be held, primarily in large and medium-sized resident missions and representative offices, as appropriate. DER will require a training budget following the approval of the policy.

147. The budget for the IAP will depend on the number of appeals to be brought before it, and appropriate funding will be sought through the annual budget process. Members of the IAP will work on an intermittent basis and only when

called upon to consider an appeal. They will be paid a fee for each day worked.

148. About \$700,000 in additional budgetary resources will be needed to implement this policy, as described in paras. 145–147, over the next 5 years, including a one-time cost of about \$120,000 for training and awareness-raising. This will be subject to the annual budget allocation process, at which time the detailed resource needs will be reevaluated. Funds will continue to be allocated to conduct the global perception survey every 3 years.

149. In addition, the increased emphasis on accessibility of information to local stakeholders, together with the substantial growth in the number of ADB projects in recent years, will require additional staff resources to help the operations departments develop project-specific communications plans. To support enhanced outreach activities in the field, additional national and administrative staff will also be considered over the next 5 years in the small and medium-sized resident missions that do not have full-time external relations staff. Detailed staffing needs will also be revisited during annual budget preparation. ■

# Compliance Review

# 10

PUBLIC  
COMMUNICATIONS  
POLICY 2011

150. The disclosure requirements of the policy shall be subject to compliance review in line with the ADB Accountability Mechanism. The policy set forth in paras. 26–34, the disclosure details set forth in paras. 35–101, and the implementation arrangements set forth in paras. 113–144 shall be subject to compliance review under the ADB Accountability Mechanism. ■

## Appendix 1

# External Consultation Process

1. The review of the Public Communications Policy (PCP) started in February 2010 with the appointment of a senior internal steering committee chaired by the managing director general. The Asian Development Bank (ADB) launched a dedicated PCP review website to announce the start of the review process. The review was also the lead story in ADB's *Partnership Newsletter*, an e-bulletin with more than 1,000 subscribers, many from civil society, academia, and other development agencies.
2. ADB invited the public to comment on the 2005 policy through the PCP review website. The 2-month period for accepting public comments ended on 15 April 2010. During this period, inputs from inside and outside ADB were solicited to prepare a first consultation draft of the policy. Comments received were posted on the PCP review website with ADB response.
3. The consultation draft was posted on the ADB website on 2 June 2010. It mainly included editorial changes and reflected updates to ADB's business processes. This draft and comments on the policy became the basis for discussions during subsequent in-country consultations. It was translated into Bahasa Indonesia, Chinese, Hindi, Khmer, and Russian.
4. Extensive consultations were held from 15 June to 2 August 2010. A public consultation plan and timeline was posted on the ADB website. The consultations were guided by a PowerPoint presentation to provide the background and context to the consultations, a set of prepared discussion points, and the first draft of the policy.
5. In total, 20 consultation meetings were held in 12 countries: Australia, Bangladesh, Cambodia, Canada, the People's Republic of China, Germany, India, Indonesia, Japan, the Philippines, Tajikistan, and the United States. More than 500 stakeholders attended these consultations. They represented government; civil society, including affected people; comparator organizations; academia; and the private sector. The consultations were conducted in English and relevant country languages, with local facilitators and translators recruited as needed.
6. While most participants recognized that the aim and direction of the policy were good, they made the following main recommendations:
  - (i) Align the policy with other multilateral development banks' best disclosure practices.
  - (ii) Establish an independent appeals mechanism for denied requests.
  - (iii) Review policy exceptions to disclosure.
  - (iv) Improve engagement of affected people at the field level.

- (v) Increase Board transparency.
- (vi) Increase disclosure of information on private sector operations.
- (vii) Increase and improve translations.
- (viii) Disclose audit reports and all information on debarred firms and individuals.

7. All consultation summaries, including a list of participants, were posted on the PCP review website.

8. On 26 November 2010, the second consultation draft of the policy and a summary of external comments and ADB's response were posted on the dedicated website for further comments for 1 month. It was, again, translated into Bahasa Indonesia, Chinese, Hindi, Khmer, and Russian. To the extent possible, the second draft incorporated comments received during the consultation process.

9. After considering the comments made on the second draft, a working paper was prepared for consideration by the Board on 16 February 2011. The working paper and ADB's response to the comments made on the second consultation draft were posted on the PCP review website.

10. As part of the consultation process, the PCP review team also met in several instances with representatives of the NGO Forum on ADB and the Global Transparency Initiative in Manila in 2010 to discuss the review and seek inputs. In January 2011, the Global Transparency Initiative organized a roundtable discussion on the PCP review in Manila. In May 2011, ADB participated in a panel discussion on the PCP organized by the NGO Forum on ADB during ADB's 44th Annual Meeting in Ha Noi, Viet Nam. In both instances, ADB delivered a presentation on the PCP and its review, and addressed participants' questions.

## Appendix 2

# 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 more openness and transparency in operations. Comparator organizations of the Asian Development Bank (ADB) have either recently adopted revisions to their disclosure of information policies or are revising their policies to increase transparency and accountability. At each of these institutions, policy revisions include an increase in the range of documents disclosed and the streamlining of access to that information.

### The African Development Bank

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

3. For 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 to promote consultation and stakeholder participation.

5. Categories of information that will remain confidential include internal financial information that may affect the AfDB group's activities in capital and financial markets; and 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. The AfDB board is reviewing its Disclosure of Information Policy and aims to complete its review in 2011.

## European Bank for Reconstruction and Development

7. The European Bank for Reconstruction and Development (EBRD) approved its revised Public Information Policy in July 2011. This revised policy will become effective in November 2011.

8. Project profiles (project summary documents) are made publicly available on the EBRD website for at least 30 calendar days before board consideration for private sector projects, unless the project falls under confidentiality restrictions, in which case, the project summary document will be released as soon as possible and before any disbursement. Project summary documents for public sector projects are made publicly available at least 60 calendar days before board consideration. The profiles are available in English and in the official national language of the country in which the project is located. They are updated if the project materially changes.

9. Under the 2011 revised policy, the public is given 45 calendar days to comment on the preparation of country strategies. Once the revised policy comes into effect, draft country strategies will be published in the relevant official national language to facilitate the public consultation process. A summary of public comments and EBRD staff responses to the comments will be provided to the board of directors before final approval of the country strategy. The summary of public comments will be posted on the EBRD website following board approval of the country strategy, and the final approved strategy will be published in the official national language. The policy also specifies that draft sector strategies will be posted on the EBRD website for public comment for 45 calendar days. A summary of public comments and EBRD staff responses will be provided to board directors before final approval of a sector strategy.

10. The 2011 Public Information Policy includes the commitment to make available environmental and social impact assessments at least 60 calendar days for private sector projects, and 120 calendar days for public sector projects before board consideration, in the EBRD's headquarters in London and in the relevant resident office in the country in which the project is located.

11. The EBRD posts on its website an annual report on the implementation of its Public Information Policy, summarizing the commitments in the Public Information Policy and how they have been met during the preceding year.

## 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 on what information may be released to the public will rest with the EIB, which will also decide which documents to publish, through its website and/or in paper form. Generally, documents that are considered of public interest and that 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 continuing to engage voluntarily 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 the EIB's activities.

19. The EIB's complaints mechanism allows stakeholders to appeal when they feel the EIB has failed to deliver according to its Transparency Policy.

## **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 board approved the IDB Access to Information Policy on 12 May 2010, and it became 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 a list of specific information not to be disclosed.

22. The policy allows disclosure of more information than before, particularly on board proceedings and projects in execution. The policy expands the availability of the agendas and minutes of the board committees. Statements of individual executive directors would be disclosed on a voluntary basis. A number of project monitoring and evaluation documents 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 no 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.

## **The World Bank Group**

### **International Finance Corporation**

24. In September 2009, the International Finance Corporation (IFC) began a review of its 2006 disclosure policy as part of a review of its Sustainability Framework. IFC's board of directors approved its updated Sustainability Framework, which includes the new Access to Information Policy, on 12 May 2011. The new policy is founded on a presumption in favor of disclosure with respect to the information described in the policy, in the absence of a compelling reason not to disclose such information. It improves IFC's ability to communicate about its projects and investments during the entire project lifecycle and report on the development outcomes. It also increases IFC's transparency regarding its investments with financial intermediaries and advisory services, and introduces a two-stage independent appeals mechanism for those whose disclosure requests were denied.

### **Multilateral Investment Guarantee Agency**

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

26. MIGA makes available information concerning its activities that would enable its clients, partners, 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 as described in its disclosure policy.

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

### **World Bank**

28. 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, particularly information related to projects being prepared and implemented, 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 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 benefit 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.

## Appendix 3

# Comparison of 2005 Public Communications Policy, R-Paper of the Review of the Public Communications Policy, and Access to Information Policies of World Bank and Inter-American Development Bank

(September 2011)

**PUBLIC  
COMMUNICATIONS  
POLICY 2011**

Issue	Current ADB Practice (PCP, 2005)	Proposed in PCP Review R-Paper	Other MDBs
1. Policy title?	Public Communications Policy of the Asian Development Bank: Disclosure and Exchange of Information.	Policy title retained.	World Bank: The World Bank Policy on Access to Information.  IDB: Access to Information Policy.
2. Policy status?	Policy approved in 2005. Currently under review.	N/A	World Bank: Policy approved on 17 November 2009 and effective on 1 July 2010.  IDB: Policy approved on 12 May 2010 and effective on 1 January 2011.
3. External relations strategy included in the policy?	Yes. PCP is a combination of a disclosure policy and an external relations strategy.	External relations strategy replaced by narrower focus on public communications approach to ensure effective communications with different target audiences.	World Bank and IDB: No. Coverage: only access to information. External relations and public communications addressed separately.
4. Principle-based approach?	The PCP sets out some general principles (paras. 28–38), but these are not clearly emphasized.	Fundamentals of the PCP have been emphasized in the policy statement (paras. 27–33).	World Bank and IDB policies move toward a more principle-based approach.
5. Stated presumption in favor of disclosure?	Yes.	Presumption in favor of disclosure retained.	World Bank and IDB: Yes.
6. Time-bound disclosure?	Yes. Timing of documents to be posted on the ADB website clearly addressed by document type (i.e., some documents must be posted before appraisal and others no later than 2 weeks after Board consideration).	Yes. Timing of disclosure retained and updated as appropriate. Disclosure of most Board documents now simultaneous with Board circulation.	World Bank and IDB: No specific timing for disclosure given as part of World Bank and IDB policy papers, except for Board documents required to be disclosed at the time of Board circulation.

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Table continued

Issue	Current ADB Practice (PCP, 2005)	Proposed in PCP Review R-Paper	Other MDBs
6. Time-bound disclosure? (continued)	Yes. 5 working days to acknowledge requests for information and 30 calendar days to respond.	Yes. 5 working days to acknowledge requests and 20 working days to respond.	Yes. World Bank: 5 working days to acknowledge requests and 20 working days to respond, with room for extension.  IDB: No deadlines for responses to external requests in policy.
7. Policy contains “positive list” of documents or information that must be disclosed?	Yes. PCP lists information to be disclosed on the ADB website or to be disseminated to affected people by the borrower or client (“positive list”).	Yes. Positive list retained and updated so that stakeholders can predict when information or documents will be proactively disclosed.	World Bank and IDB: No positive list of information to be proactively disclosed. Information other than what is covered by the “negative list” must be disclosed.
8. Exceptions to disclosure (“negative list”)?	Yes (paras. 126–127).	Exceptions list clarified (para. 97). Headings added to indicate 7 categories of information not to be disclosed. In some cases, scope of exceptions tightened by identifying the harm that disclosure of the relevant information could cause to the interests protected by the exceptions.	World Bank and IDB: Yes. However, exceptions do not require weighing the harm that could result from disclosure against benefit of disclosure.
9. Confidentiality for deliberative process information?	Yes. Deliberative process information covered by exceptions (paras. 126.1–126.3). Information covered by paras. 126.1–126.2 will not be disclosed only if harm to specific interests will result from disclosure.  Verbatim transcripts of Board meetings covered by exception (para. 126.3).	Yes. Provisions of the 2005 PCP on deliberative process information retained in para. 97 (i)–(iii).  Verbatim transcripts of formal Board meetings may be disclosed on request after 10 years (non-retroactive) if they do not contain or refer to any information that falls within the policy exceptions (para. 84).	Yes. World Bank and IDB: Deliberative process information falls under exceptions.  World Bank: Verbatim transcripts of board meetings and board committee meetings may be disclosed on request after 10 years if they do not contain or refer to information that is not eligible for declassification.

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Issue	Current ADB Practice (PCP, 2005)	Proposed in PCP Review R-Paper	Other MDBs
			IDB: issue of release of verbatim transcripts of board and board committee meetings not covered by IDB policy .
10. Security classification for all information held by the bank?	No (classification system only for Board documents).	No. Review of internal security classification system to be addressed separately.	World Bank and IDB: Yes.
11. Declassification of documents and information held by the bank?	Yes, but no proactive declassification system. Every request for information reviewed against the PCP at the time it is requested. Unless a document falls under an exception, it is provided that it must be disclosed. Less exceptions apply to historical information.	Yes. Current approach retained.	World Bank and IDB: Declassification after 5, 10, or 20 years, depending on type of documents.
12. Bank prerogative to disclose on the public interest information covered by an exception (positive override)?	Yes, for all information covered by PCP exceptions, except if there is a legal commitment to confidentiality (paras. 129–130).  Positive override decisions made by PDAC.	Yes. Current approach retained (paras. 99–100).  Positive override decisions made by Board for Board records and President for other documents.	World Bank: Yes, only for certain corporate administrative information, deliberative information, and financial information.  IDB: Yes.
13. Bank prerogative not to disclose information not covered by an exception (negative override)?	No.	Yes, in exceptional circumstances, and if authorized by Board (para. 101).	World Bank: Yes, in exceptional circumstances, and if authorized by board for board records, and vice president or director for board documents and other documents.  IDB: Yes, in extraordinary circumstances, with express written authorization of board for board records and Access to Information Committee for other documents.

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Table continued

Issue	Current ADB Practice (PCP, 2005)	Proposed in PCP Review R-Paper	Other MDBs
14. Appeals process when information denied?	Yes (internal). One-stage complaint mechanism under the PDAC, comprising the managing director general, secretary, general counsel, and principal director of DER (paras. 158–159).	Yes. Two-stage appeals process (paras. 136–141): (i) First stage remains the PDAC (internal); (ii) Second stage being an independent body comprising three experts on access to information matters.	World Bank: Yes. Two-stage appeals mechanism, the second stage being an independent body comprising three experts on freedom of information.  IDB: Yes. Two-stage appeals mechanism, the second stage being an external panel (no details on composition).
15. Appeals: Scope of review?	Review by the PDAC of complaints that request has been unreasonably denied or policy has been interpreted improperly.	First stage: Review by PDAC of (i) appeals that policy has been violated by denying request for information; (ii) appeal to override the policy exceptions (public interest case under para. 99).  Second stage: Review by IAP of decisions by PDAC on cases under (i).	World Bank and IDB: First stage: Review by internal committee of (i) complaints that policy has been violated by denying request for information, or (ii) appeal for public interest override.  Second stage: Review by independent appeals board of decisions by internal committee on cases under (i).
16. Disclose detailed administrative budget?	Yes. ADB budget disclosed for each fiscal year.	Yes. Current practice retained.	World Bank and IDB: Yes.
17. Simultaneous disclosure: (i) Disclose draft policies and strategies that have undergone a public consultation process at time of circulation to the Board?	No.	Yes. Proposals of policy and strategy papers that have undergone a public consultation process (W and R papers) will be posted on the ADB website at time of circulation to the Board (para. 72).	World Bank: Yes, for policy and strategy papers prepared following a public consultation process, if a draft version of the paper has already been reviewed by the executive directors.  IDB: Yes, for operational policies and sector strategies, if some earlier version of the document has been previously considered by the board.
(ii) Disclose country strategies at time of circulation to the Board?	No, but the draft CPS must be disseminated to in-country stakeholders for consultation purpose in at least two instances before the CPS is approved.	Yes. Final proposals of the CPS will be posted on the ADB website at time of circulation to the Board, if the member country consents to early disclosure (para. 38).	World Bank: Yes, if the member country consents.  IDB: Yes, subject to the no-objection of the country concerned.

Table continued

Issue	Current ADB Practice (PCP, 2005)	Proposed in PCP Review R-Paper	Other MDBs
(iii) Disclose loan proposals for Board approval at time of circulation to the Board?	No. Loan proposals (RRPs) are currently disclosed within 2 weeks of Board approval.	Yes. RRP for sovereign projects, and supporting documents thereof, will be posted at time of circulation to the Board, if the member country consents to such early disclosure (para. 58).	World Bank: Yes, if the member country consents.  IDB: Yes, for sovereign-guaranteed operations, subject to the no-objection of the country concerned
18. Disclose project details?	Yes. General information is given as part of the initial PID and updated PID.	Yes. General project information including timetable, status, and implementation progress will be reflected in the PDS (formerly the PID).	World Bank: Yes, as part of the initial or updated project information document and the implementation status and results report.  IDB: Yes.
19. Disclose audited financial statements related to bank-financed projects?	No.	Yes. Annual audited project accounts will be posted on ADB website for sovereign projects for which the invitation to negotiate is issued on or after the policy effective date (para. 62).	World Bank: Yes. Audited annual financial statements will be made publicly available for projects for which the invitation to negotiate is issued on or after 1 July, 2010.  IDB: Yes. Annual project audit reports for sovereign-guaranteed operations will be disclosed, subject to no objection from the borrower or beneficiary.
20. Disclose internal audit reports?	No, as such reports may contain sensitive information about internal systems, which could be exploited by third parties to the detriment of ADB.	No. Current approach retained.	World Bank: No. Internal audit reports are considered deliberative information and are therefore restricted from disclosure to the public.  IDB: No.
21. Disclose project monitoring report, project performance, project evaluation, or equivalent?	Yes. Information related to project monitoring is disclosed in the PID. Project completion and evaluation reports are also disclosed on the ADB website.	Yes. Current approach retained.	World Bank and IDB: Yes.

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Table continued

Issue	Current ADB Practice (PCP, 2005)	Proposed in PCP Review R-Paper	Other MDBs
22. Disclose (i) minutes of Board meetings, (ii) minutes of Board committee meetings, and (iii) annual reports of Board committees?	(i) Yes. Minutes of Board meetings disclosed. (ii) No. Minutes of Board committee meetings not disclosed. (iii) Yes. Annual reports of Board committees will be disclosed if the committee so recommends and the Board approves.	Current practice retained.	World Bank and IDB: Yes, disclosure of minutes of board meetings, board committee meetings, and annual reports of board committees provided in World Bank and IDB policies.
23. Translation	Translation Framework adopted in 2007. ADB translates CPSs for selected countries, safeguard materials as deemed necessary by project owners, plus a wide range of awareness materials in up to 25 national languages. Volume is about 2 million words per year.	Current approach retained. In addition, PDSs will be translated into relevant national languages for all loan and grant projects, and project preparatory TA projects. Note: ADB Translation Framework under review in 2011.	World Bank: Translation Framework adopted in 2003 and reviewed in 2006. The World Bank Group translates a wide array of operational and awareness materials (about 30 million words per year) into six international languages (Arabic, Chinese, French, Portuguese, Russian and Spanish) plus any other languages as requested. World Bank operates a central translation and interpretation facility that comprises an office in Washington plus six regional language hubs.  IDB: The official bank languages are English, Spanish, French, and Portuguese. IDB's annual translation volume is about 13 million words per year and it has corporate websites in all of its official languages. All documents submitted to its board of governors are produced in all four official languages.

ADB = Asian Development Bank, CPS = country partnership strategy, DER = Department of External Relations, IAP = independent appeals panel, IDB = Inter-American Development Bank, MDB = multilateral development bank, PCP = Public Communications Policy, PDAC = Public Disclosure Advisory Committee, PID = project information document, PDS = project data sheet, RRP = report and recommendation of the President, TA = technical assistance.

Source: Asian Development Bank.

# Appendix 4

## Results Framework for the Public Communications Policy

**PUBLIC  
COMMUNICATIONS  
POLICY 2011**

Design Summary	Indicators and Targets	Monitoring and Reporting Mechanisms
<b>Impact</b> Improved development effectiveness	Monitored by Reform Agenda progress reports	<i>Development Effectiveness Review</i> annual reports <sup>a</sup>
<b>Outcome</b> Stakeholders' trust in, and ability to engage with, the Asian Development Bank (ADB) significantly enhanced	Improvements in stakeholders' perceptions of ADB and their assessment of ADB's openness, accountability, and partnering	Perception surveys of opinion leaders (every 3 years) Client and partnership surveys, and other stakeholder assessments  Comprehensive review of the policy after 5 years
<b>Outputs</b> 1. Proactive public communications of ADB	Communications strategy for key ADB initiatives, projects, and policies developed and implemented  Sustained presence in key international, regional, and national media  Informative and user-friendly ADB external website maintained  High-quality flagship publications produced and disseminated	Perception surveys of stakeholders (every 3 years)  Public Communications Policy (PCP) annual reports Media and ADB website monitoring tools (i.e., web annual report)  Purchase, downloads, and viewership of flagship publications
2. Improved access to information on ADB operations	Communications and information-sharing integrated in ADB-supported projects and programs  100% of requests for information responded to within 20 working days  100% compliance with disclosure requirements  Annual increase in documents posted on the ADB website  Increased high-quality translations of awareness-raising materials and other documents	PCP annual reports  Information requests tracking system data on processed requests and PCP annual reports  Disclosure compliance reports of Public Information and Disclosure Unit and PCP annual reports  PCP annual reports

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Design Summary	Indicators and Targets	Monitoring and Reporting Mechanisms
<b>Activities with Milestones</b>		
1.1 Prepare a communications plan for the policy	By the policy's effective date	Communications plan
1.2 Continually improve ADB website to meet user expectations and requirements (e.g., usability, accessibility)	Ongoing basis	External usability tests or online user surveys
2.1 Establish the independent appeals panel	By the policy's effective date	Independent appeals panel established and reported in news releases, ADB website, and PCP annual reports
2.2 Prepare, update, and disseminate staff operations manual and handbook on the policy	By the policy's effective date	Issuance of staff operations manual and handbook
2.3 Develop and disseminate borrower and client awareness-raising materials on the policy	Within 3 months of the policy's effective date	Issuance of awareness-raising material
2.4 Conduct training and awareness-raising activities on the revised PCP with staff, and relevant stakeholders	Within 1 year of policy's effective date	PCP annual reports
2.5 Update translation framework	Completed by the policy's effective date	Updated translation framework
2.6 Monitor compliance of disclosure requirements	Ongoing basis (at least annually)	Monitoring reports of Public Information and Disclosure Unit and PCP annual reports

<sup>a</sup> ADB. Development Effectiveness Review. <http://www.adb.org/defr>

Source: Asian Development Bank.

## About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries 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, with 903 million struggling on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.

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