

Third Session of the Assembly
28-29 October 2019, Seoul

Agenda Item 3.1(d)

DECISION 27-III-19R

Policy on Information Disclosure

The Assembly of the Asian Forest Cooperation Organization (AFoCO),

Recognizing the importance of public access to AFoCO-related information, in order to facilitate transparency and accountability, and enhance trust in the organization's activities of strengthening regional forest cooperation,

Decides to:

1. Adopt the Policy on Information Disclosure in D-27-1; and
 2. Task the Secretariat to facilitate the necessary follow-up actions, including amendment/update of related institutional documents.
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Policy on Information Disclosure

Document No: D-27-1 (Decision-27-III-19R)

I Background

1. The Asian Forest Cooperation Organization (AFoCO) recognizes the importance of and reaffirms its commitment to transparency and accountability in all aspects of its operations. AFoCO considers public access to information a key component of effective engagement with all stakeholders, including AFoCO's Parties, partners and the public, in fulfilment of its mandate and in strengthening public trust in AFoCO. Public access to AFoCO-related information facilitates transparency and openness and enhances understanding of AFoCO's work.

II Definitions

2. For purposes of this Policy, the following terms shall be defined as below:

- (a) "AFoCO" means the Organization established under the Agreement on the Establishment of the Asian Forest Cooperation Organization.
- (b) "Agreement" means the Agreement on the Establishment of the Asian Forest Cooperation Organization that entered into force on 27 April 2018.
- (c) "Assembly" means the Assembly established by Article 8 of the Agreement as the highest decision-making organ of AFoCO.
- (d) "Executive Director" means the chief administrative officer of AFoCO who is appointed by the Assembly.
- (e) "Observer" means a signatory country which has signed the Agreement but has yet to deposit its instrument of ratification, acceptance or approval; Asian country, or international non-governmental organization granted Observer status by the Assembly in accordance with Article 6 of the Agreement.
- (f) "Party" means a country which has signed the Agreement and has deposited its instrument of ratification, acceptance, or approval for which the Agreement has entered into force, or a country that has acceded to the Agreement.
- (g) "Policy" means this Policy on Information Disclosure.
- (h) "Secretariat" means the Secretariat established by Article 9 of the Agreement.
- (i) "Executive Director" means the chief administrative officer of AFoCO who is appointed by the Assembly.

III Purpose and Scope

3. This Policy is intended to ensure that information concerning AFoCO's activities is made publicly available, subject to the limitations set forth in this Policy. This Policy explains the principles, practices and procedures and defines clear categories of information according to their status with regards to public information disclosure. This Policy endeavors to strike an appropriate balance between the need to grant the public access to information possessed by AFoCO and the Secretariat, and AFoCO's obligation to respect the confidentiality of information regarding its Parties and Observers, partners, staff and other concerned stakeholders.

4. In this Policy, information refers to any produced content, in any medium (paper, electronic or sound, visual or audio-visual recording) concerning a matter relating to the policies, projects, activities and decisions of the Secretariat or the Assembly of AFoCO.

5. Information held by AFoCO and its Secretariat is made available primarily through the AFoCO website, subsidiary office websites and webpages of AFoCO-related projects or activities. This Policy applies to all information in the possession of AFoCO and its Secretariat. This Policy also applies to information collected by a Party or Observer that has been transferred to the Secretariat with the prior written consent of that Party or Observer.

6. Information jointly owned with third parties including and not limited to memoranda of understanding, donor agreements, and other contractual arrangements, will be made available on a case by case basis upon agreement of the concerned stakeholders.

IV General Principles

7. Information accessible to the public shall be made available, as far as reasonable and practical, through the AFoCO website. An overview of information presently available to the public or which is made available on an on-going basis is listed in **Annex-1**.

8. This Policy is guided by the principles of openness and transparency, such that any information concerning AFoCO is publicly accessible, or available upon request, unless one or more of the exceptions to the Policy or another compelling reason, applies.

9. This Policy is reinforced by the Codes of Conduct laid out in the Staff Regulations applicable to the Executive Director and AFoCO staff members.

V Categories of Information

10. AFoCO is committed to open and transparent disclosure of information. Nonetheless, there are legal, operational and other practical considerations that are necessary to preserve the interests of AFoCO, as well as those of its staff, Parties and Observers, donors and third

parties with which AFoCO collaborates with. As the application of these considerations has resulted in exceptions to the principle of disclosure, AFoCO information is classified into three (3) broad categories: publicly available information, information available on request, and confidential information.

5.1 CATEGORY I: Publicly Available Information

11. An overview of publicly available information (i.e. information which is available on the AFoCO website) is set out in **Annex-1**.

5.2 CATEGORY II: Information Available on Request

12. Information that is available on request comprises all remaining information that is not publicly available on the AFoCO website, and is not classified by AFoCO as confidential information. Access to some information in this category may be restricted to Parties and Observers, donors or relevant organizations only.

13. The Secretariat makes available certain types of information on request only. In some cases, limitations may apply with regard to the status of requestor to whom the information will be made available. Any individual or entity may contact the Secretariat to request production of any document or information that is not otherwise available through the AFoCO website. The Secretariat will accept external requests for information or documents that are submitted in writing. All requests for disclosure of information must be submitted by a signed letter and sent to: contact@afocosec.org

14. Requests for disclosure of information should be clearly formulated and as specific as possible, and should identify the individual or entity making the request, the information or title of document(s) being requested and the time period covered by the request, wherever relevant. Requests for information must be submitted in English only, which is the working language of AFoCO.

5.3 CATEGORY III: Confidential Information

15. Information identified as confidential by AFoCO constitutes an exception to the principle of public disclosure. **Annex-2** provides an overview of information considered by AFoCO to be confidential. The exceptions to disclosure reflect what is necessary to preserve legitimate public or private interests. Nothing in or relating to this Policy will be deemed in any way to limit or modify the application of decisions or resolutions of the Assembly.

16. Decisions adopted and documents received and reviewed by the Assembly shall be open and made available to the public unless otherwise decided by the Assembly. Decisions and documents of the Assembly are subject to information disclosure limitations in accordance

with *Decision 15-I-18R* on the Exceptions to Public Disclosure Activities of the Assembly, which states that the following information shall be confidential and subject to an exception to public disclosure activities of the Assembly:

- (a) Financial indication in the documents relating to work plan and budget, except in the case of Parties' requests on specific occasions required by domestic government or administrative procedures;
- (b) Project proposal and its related documents which are yet to be approved by the Assembly;
- (c) Information related to internal audits and investigations;
- (d) Information received from or sent to third parties which are legally obliged to non-disclosure or explicitly indicated as confidential; and
- (e) Information whose disclosure is likely to violate the rights of any individual, or invade his or her privacy.

IV Responding to Requests

17. In responding to external queries, the Secretariat will endeavor to process requests for disclosure of information as promptly as possible. The requestor should expect to receive from the Secretariat an acknowledgement of receipt of the request within one (1) week from the date the request was received. Depending on the complexity of the request, the Secretariat will seek to handle the request within thirty (30) days upon sending the acknowledgement of receipt, unless additional time is required because of the scope or complexity of the information requested.

18. The Secretariat will either provide the requested information or document, by referring the requestor to the relevant link on the AFoCO website whenever possible, or indicate a legitimate reason as to why the information cannot be given, based on the exceptions to disclosure defined, or if such information does not exist or cannot be found.

19. In the event where only a part of the information responsive to a disclosure request is subject to one of the limitations set out in this Policy, the Secretariat may decide, at its discretion, to disclose the remaining non-confidential part of the information responsive to that request, and take appropriate measures to maintain the confidentiality of the undisclosed information.

20. The Secretariat may charge a fee for a request for information, based on the estimated cost of retrieving and supplying or reproducing the information requested which will be communicated to the requestor and must be paid in advance.

VII Conditions

21. The Secretariat may partially or wholly deny a request for information on the following grounds:

- (a) In accordance with the limitations set out or referred to in this Policy; or
- (b) If, in the judgment of the Secretariat, the request appears to be inconsistent with our principles or mandate.

22. The Secretariat will not be required to respond to an unreasonable request for information on the same subject from the same requestor if the reason that the information cannot be provided has been conveyed.

23. The implementation of this Policy is subject to the intellectual property and other proprietary rights of AFoCO and relevant third parties, including but not limited to patents, copyrights, and trademarks, which may limit the right to reproduce or exploit information.

24. In the case where a request for information is denied, the Secretariat will provide the requestor with a reason for denying such a request.

VIII Appeal Process

25. If a request for disclosure of information available on request is denied, the requestor may seek a review of the decision by addressing a letter to the Secretariat providing the reasons for the appeal. Request for appeals should be submitted in writing to the email address mentioned above within thirty (30) days upon notification of the denial of information.

26. All appeals will be handled by an Information Access Panel convened by the Executive Director. The primary function of the Information Access Panel is to assist the Executive Director in reviewing appeals related to information requests and submit its conclusions and recommendations to the Executive Director. The Executive Director has the authority to make a final decision concerning the request for information in question. Subject to the complexity of the request, the Secretariat will aim to notify the requestor of the outcome of the review within forty-five (45) days upon receipt of the appeal letter.

27. In the event an appeal is rejected, the Secretariat will provide the requestor with a reason for rejection.

IX Amendments to the Policy

28. The provisions of this Policy may be supplemented or amended upon proposal by the Executive Director and subsequent approval by the Assembly.

X Report and Review

29. The Ethics and Audit Committee, with the support of the Secretariat, will present a report to the Assembly on issues related to the implementation of this Policy along with any recommendations for changes to it every three (3) years. Such reports will take into account new information access standards or policies developed and implemented by partner organizations, project donors or project implementing agencies regarding the range of their activities.

XI Effective Date of Application

30. This Policy shall come into effect upon adoption by the Assembly, and shall remain in effect until amended or superseded by the Assembly.

Annex-1. Category I: Publicly Available Information

AFoCO discloses a wide range of information and documents through its website (www.afocosec.org). These include, but are not limited to, decisions of the Assembly, annual reports, promotional materials and project-related information that provide an overview of all ongoing AFoCO projects and programs. The types of documentation and information which AFoCO produces publicly available are:

1. Governance and Institutional Information

- Mission, mandates, vision and goals
- Agreement on the Establishment of AFoCO
- Basic information on Parties and Observers
- Assembly decisions and documents
(unless such information is not subject to disclosure under Paragraph 15)

2. Organizational Guidelines, Policies, Regulations and Strategies

- Financial Regulations
- Project Manuals
- Rules of Procedure of the Assembly
- Staff Regulations
- Strategic Plans

3. Material for Promotional or Educational Purposes

- Annual and special reports
- Brochures and leaflets
- Publications
- Videos and photographic materials

This list is not exhaustive, and other types of information may be added to this category.

Annex-2. Category III: Confidential Information

Confidential information and documentation held by AFOCO and its Secretariat includes the following:

1. Personal Information

- Personal information of any individual, including members of the Assembly, the Executive Director, staff members of AFOCO and its subsidiary bodies, consultants and other individuals working with AFOCO, beneficiaries of AFOCO's programs or participants of AFOCO-related events;
- Private and employment-related information, including, among other things, human resources records, medical records, salaries and benefits and personal communications;
- Staff appointment and selection processes.

2. Safety and Security

Information and documents whose disclosure may endanger or compromise the safety, security of members of the Assembly, the Executive Director, staff members of AFOCO and its subsidiary bodies, consultants and other individuals working with AFOCO, beneficiaries of AFOCO's programs or any other individual.

3. Information Provided in Confidence

Information provided to the Assembly or the Secretariat in confidence or with restrictions on disclosure.

- Information received from or sent to Parties and Observers of AFOCO or third parties under an expectation of confidentiality;
- Information obtained in confidence from a government, organization or other entity or individual that would or would be likely to compromise AFOCO's relations with that entity or individual, if disclosed.

4. Deliberative Information

Subject to the exceptions of this Policy, agreements or decisions reached at the conclusions of deliberative processes will be made public as is deemed appropriate and relevant, while ensuring that the following information is not disclosed:

- Information pertaining to AFOCO's own internal deliberative processes and communications (including e-mails, memos, draft documents or reports, memoranda, letters and working papers);
- Information prepared for, or exchanged during the course of AFOCO's deliberations with Parties and Observers or signatory countries, donor organizations, and other entities or individuals with whom AFOCO is involved (including e-mails, memos, draft documents or reports, memoranda, letters and working papers);
- Contributions to and deliberations of AFOCO expert panels and committees, and technical working groups;

- Communication with Parties and Observers and/or their offices;
- Analyses, audit reports, assessments or evaluations prepared by or on behalf of the Secretariat to inform internal decision-making processes.

5. Privileged Information

- Information covered by legal privilege, or the disclosure of which may expose AFoCO to legal risk;
- Legal advice and requests for legal advice;
- Information related to internal investigations.

6. Financial Information

- Documents, correspondence or other information prepared for the development of internal or external financial reports, or budgetary transactions;
- Banking or billing information of the Secretariat and other subsidiary bodies, implementing agencies of AFoCO projects, AFoCO's contractors and vendors, including consultants and experts.

7. Confidential Internal Documents

- Internal email correspondences;
- Internal reports, analyses, reviews, evaluation results, records and notes of internal meetings or meetings with third parties;
- Internal policies, guidelines, standard operating procedures;
- Internal telephone directories;
- Information pertaining to corporate administrative matters;

8. Commercial Information

- Commercial information which, if disclosed, may harm either the financial interests of AFoCO or those of third parties;
- Information relating to AFoCO's procurement processes (including tenders, proposals or price quotations);
- Information that is subject to obligations of confidentiality or non-disclosure pursuant to confidentiality agreements or other contractual or legal obligations of AFoCO or which could, if disclosed, expose AFoCO to legal risk or violate applicable law or AFoCO's internal regulations, rules and procedures.

9. Other Information

- Other kinds of information, which because of its nature, content or the circumstances surrounding its creation, use or communication is deemed confidential in the interests of AFoCO or third parties;
- Passwords, pins and other access codes for AFoCO's systems and databases.

This list is not exhaustive, and other types of information may be added to this category.