

Submission on IFC's Access to Information Policy

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The International Finance Corporation (IFC), the private sector arm of the World Bank Group, is currently undertaking a long-overdue update to its Sustainability Framework,¹ which represents an opportunity to align its environmental and social standards with global best practices and growing expectations for transparency and accountability. At the core of this process is IFC's Access to Information Policy (AIP),² a critical document which sets out the rules regarding public access to IFC information.

This Submission³ was prepared by a coalition of civil society groups which are interested in improving the AIP. It is being submitted in advance of a dedicated IFC-civil society dialogue scheduled for 6 October 2025. So far, it has been endorsed by Arab Watch Coalition; the Association for Farmers Rights Defense, Georgia; Bank Information Center; the Centre for Law and Democracy; the International Trade Union Confederation; Oxfam; and Recourse. A continuously updated list of organisations which have endorsed this submission is available here:

<https://docs.google.com/document/d/1wC9DmGu8y4OjEdf-OjyzmTVHDvMAdoEmTDhD2ap1JEE/edit?usp=sharing>.

This Submission provides an overview of some of the key areas where the AIP's policy or its implementation should be strengthened to better reflect international standards and better comparative practice, including by other international financial institutions (IFIs), on the

¹ Approach Paper for the Update of IFC's Sustainability Framework, April 2025, <https://www.ifc.org/content/dam/ifc/doc/2025/approach-paper-updated.pdf>.

² International Finance Corporation Access to Information Policy, 1 January 2012 (amended 25 November 2013), <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-access-to-information-policy-en.pdf>.

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right to information (RTI). It also offers concrete recommendations for how to improve efficient and effective delivery of information. Reference is made to certain standards reflected in the Centre for Law and Democracy's RTI Rating,⁴ a methodology for assessing the strength of legal frameworks for RTI which has been recognised and relied upon globally by actors such as UNESCO, the World Bank and the United States Millennium Challenge Corporation.⁵ The RTI Rating relies on 61 discrete indicators, grouped into seven categories, to assess how strong the legal framework for RTI is in any jurisdiction. Every national RTI law is assessed on the RTI Rating,⁶ and it has also been applied to several subnational and international/supranational laws and policies.⁷

Scope of Policy and Right of Access

Paragraph 8 of the AIP, which is titled "IFC's Responsibilities" provides, generally, that IFC makes available information "concerning its activities" which would enable various stakeholders "to understand better, and to engage in informed discussion about" its activities, the impact of its work and its contribution to development. Underneath that general description, paragraph 8 identifies two kinds of information which IFC "makes available": "institutional information about IFC" and "project-level information regarding investments and advisory services supported by IFC". Paragraph 8 introduces an unnecessary and unclear (most of its key terms are not defined) restriction on the kinds of information which are subject to the policy. This is not a theoretical concern; specific requests to IFC for information it holds have been rejected on the basis that the requested information was not covered by paragraph 8.⁸

This is simply unnecessary. Better practice, as reflected in a large number of national-level laws⁹ as well as many other IFIs, including the World Bank, would be to subject all information held by IFC to the policy, subject, of course, to the exceptions. In addition, while

⁴ See <https://www.rti-rating.org>. Note that the RTI Rating only assesses the legal framework for RTI, and it is focused on national legal frameworks as opposed to IFI disclosure policies. CLD has a companion methodology, the RTI Evaluation, which looks at implementation, available at <https://www.rti-evaluation.org/methodology/>.

⁵ For a formal statement about how the Millennium Challenge Corporation uses our RTI Rating to assess countries' eligibility for development aid, see <https://www.mcc.gov/who-we-select/indicator/freedom-of-information-indicator>.

⁶ See <https://www.rti-rating.org/country-data>.

⁷ Several of these are available at <https://www.rti-rating.org/international-institutions>.

⁸ See, for example, the case of Request IFCH-1954538691.

⁹ See Indicator 5 of the RTI Rating, <https://www.rti-rating.org/country-data/by-indicator/5>.

paragraph 8 refers to just “information” when outlining the scope of the policy, elsewhere the policy refers to documents, so it would be good to explicitly clarify within paragraph 8 that information includes but is not limited to documents (as well as provide somewhere for a specific and broad definition of “information”).

Positively, paragraph 8 of the AIP establishes, in respect of information falling under the scope of the policy, a presumption in favour of disclosure “absent a compelling reason not to disclose such information”. This could be strengthened by explicitly including an interpretive proviso requiring that the policy be interpreted so as to give effect to this presumption and to maximise openness and transparency. Unfortunately, the regime of exceptions does not accord with this presumption (as described below).

Recommendations

- The AIP’s scope, as articulated in paragraph 8, should be amended to encompass all information and documents held by IFC, while a clear and broad definition of “information” should be added to the policy.
- Consideration should be given to including an interpretive proviso requiring that the policy be interpreted so as to give effect to the presumption in favour of disclosure and to maximise openness and transparency.

Requesting Procedures

The IFC policy provides for applicants to request information which is not already available by submitting a request via IFC’s Disclosure Portal, by telephone, by fax or by mail (paragraph 52). The one requirement is for applicants to “identify the specific information requested”. It would be preferable if this were rephrased as a requirement to describe the information sought with sufficient precision as to enable the identification of the information. Applicants may not know exactly what kinds of information IFC holds and should not be required to identify the “specific information” requested. That said, it is positive that no additional information is required to make a request. However, to be complete, and thereby ensure that no additional information is asked for, paragraph 53 should also indicate that applicants should provide a means for delivering the information (either an electronic or

physical address).¹⁰ In addition, it would be preferable if the policy explicitly stated that applicants are not required to provide reasons (i.e. a justification) for their requests.

Paragraph 53 provides that “blanket or frivolous requests for information will not be accepted”. The notion of a “frivolous” request is highly subjective and clearly open to abuse, particularly as applicants should not be required to justify why they are requesting information. It would be preferable to replace the reference to “frivolous requests” with a reference to “vexatious requests”, with this term defined to cover only cases where the real purpose of the request is not to obtain information but to waste the time of IFC or to pursue some other illegitimate purpose.

Similarly, the concept of a “blanket” request is undefined in the policy and quite vague. A request for information may in some instances involve a large amount of responsive information, which is not alone a sufficient reason to deny a request. The reference to blanket requests should be removed.

Another weakness of the policy is its failure to provide for clear duties to assist applicants who need assistance to make their requests. The policy should also specify that a request cannot be rejected for failing to meet the paragraph 53 requirements unless assistance has first been offered to the applicant. In addition, the policy does not set out clear duties for accommodating applicants with special needs (such as those living with disabilities or illiteracy). Although telephone is listed as one of the means for making requests in paragraph 52(b), the policy does not set out a full system for making oral requests, which is necessary to properly accommodate some applicants with special needs. In addition, the telephone number listed in the policy does not appear to be currently operational. IFC should commit to transcribe such requests and provide a copy of the request to the applicant, so that there is a clear record of the information which has been requested, which is necessary for applicants to be able to lodge appeals if need be. Another weakness of the requesting procedures is the failure to explicitly require that a receipt be issued promptly (for example, within five working days, as is the case under paragraph 25 of the World Bank’s policy) to applicants after lodging requests, which is again necessary for an appeal in case IFC does not respond to the request in a timely manner.

The policy also fails to address the issue of the format in which information shall be provided. Better practice is to require public authorities to comply with applicants’ preferences for receiving information in particular formats other than in the limited circumstances where

¹⁰ See Indicator 14 of the RTI Rating, <https://www.rti-rating.org/country-data/by-indicator/14/>.

this would impose a significant burden on the authorities or pose a risk of damage to the record.¹¹

Under the AIP, IFC responds to requests in English although, if requests are received in other languages, it will “endeavor to be responsive in the relevant language” (paragraph 56). This could be strengthened by making a concrete commitment to respond in the official languages of the countries in which IFC operates. In addition, where IFC holds information in different languages (for example, if there are multiple language versions of the same document) and the applicant has requested information in a particular language, the AIP should explicitly require IFC to disclose the information in the language preferred by the applicant.

Under paragraph 57 of the AIP, the timeline for responding to requests is 30 calendar days “unless additional time is required because of the scope or complexity of the information requested”. This paragraph goes on to specify that where additional time is needed, IFC must notify the applicant of the reasons for this and provide an “estimated time frame for its response”.

30 calendar days is not entirely unreasonable, but better practice national level RTI laws have shorter deadlines (for example of 15 calendar days or fewer).¹² In addition to the overall timeline for requests, it would be preferable to explicitly require that requests be processed as quickly as possible so as to discourage waiting until near the 30-day deadline to respond to straightforward requests. Furthermore, the policy should require notice of an extension to be provided within the initial time limit. A more significant problem with the AIP’s timelines is its failure to provide for a maximum time limit for or hard cap on extensions. Better practice national RTI laws cap extensions at 30 days or fewer.¹³ At a minimum, if a maximum time limit for extensions is not introduced, some procedural check should be put in place, such as a requirement for a higher-level approval for an extension of longer than 30 days.

Paragraph 53 of the AIP authorises the imposition of a discretionary “standard charge for hard-copy documents or for documents on electronic discs or drives”. Better practice is simply to provide information for free, given the power imbalance that often exists between applicants and IFC. If charges are to be provided for, the AIP should indicate that these will

¹¹ See RTI Rating, Indicator 20, <https://www.rti-rating.org/country-data/by-indicator/20>.

¹² The States which receive full credit (two points) on Indicator 22 of the RTI Rating, <https://www.rti-rating.org/country-data/by-indicator/22/>, provide an initial time limit of ten working days to process requests.

¹³ See States which receive full credit (two points) points on Indicator 23 of the RTI Rating, <https://www.rti-rating.org/country-data/by-indicator/23/>.

be pursuant to a central schedule of fees, which will not exceed the fair market cost of photocopying and sending the information to the applicant.

Paragraph 58 provides for reasons to be given when denying a request. This is positive but the policy should also commit to providing information about how to lodge a complaint with the AIP Advisor. Similarly, paragraph 64, providing for notification by the AIP of its conclusions on a complaint, with reasons, should, in case of a rejection of a complaint, also require the AIP Advisor to notify the applicant of the possibility of an appeal to the AIP Panel.

The IFC's website could also be improved to make it clearer to those interested in making a request how to go about doing so. Currently, there is a small button labelled "Inquiries" at the top right of the IFC Project Information & Data Portal page,¹⁴ which links to an online webform, but this is not very conspicuous and it does not mention the other accepted means of making requests.

Recommendations

- When making a request, applicants should only be required to describe the information sought with sufficient precision, as opposed to specifying it, while a requirement to provide an address for delivery of the information (either an electronic or physical address) should be added. Consideration should be given to stating explicitly that no reasons are required to be given when making a request.
- There should be a clear duty to assist applicants, as needed, in making requests.
- IFC should be subject to clear requirements to assist applicants with special needs, including by transcribing oral requests and providing copies thereof to the applicant.
- The telephone contact information listed in the policy should be updated to a working number, and the different ways to go about making a request should be more clearly indicated on the website.
- The policy should require that a receipt be issued promptly (for example, within five days) to applicants.
- The reference to "blanket" and "frivolous" requests in paragraph 53 should be replaced with a reference to "vexatious" requests, with this being defined narrowly to cover only cases where the

¹⁴ <https://disclosures.ifc.org/>.

real purpose of the request is not to obtain information but to waste the time of IFC or to pursue some other illegitimate purpose. At a minimum, the terms “blanket” and “frivolous” should be defined (narrowly).

- There should be a requirement to respect the preferences of applicants as to the format in which information is disclosed, other than in the limited circumstances where this would impose a significant burden on IFC or create a risk of damage to the record.
- Consideration should be given to replacing the discretionary statement about replying in languages other than English in paragraph 56 with a specific obligation to process requests in the official languages of the countries in which IFC works, as well as to provide information, upon request, in languages other than English where IFC holds it in those languages.
- Consideration should be given to shortening the deadline in paragraph 57 to 15 calendar days; to require requests for information to be processed as soon as possible; and to cap extensions at 30 calendar days or, failing that, to subject extensions longer than 30 days to approval by a more senior official.
- Consideration should be given to abolishing fees altogether, failing which the policy should indicate that fees will be charged only in accordance with a central schedule which is based on a fair market rate for photocopying and sending information.
- A requirement also to notify applicants of their right to lodge a complaint with the AIP Advisor or an appeal with the AIP Panel should be added, respectively, to paragraphs 58 and 64.

Exceptions and Refusals

Several aspects of the AIP's regime of exceptions should be strengthened to bring them into line with international standards. A major issue is that the list of exceptions is not an exhaustive list, as is stated explicitly at the end of paragraph 10, while the list of exceptions set out in paragraph 11 are described as “general considerations” which IFC takes into account, rather than exceptions, as such. This highly unusual failure to make the list of exceptions exhaustive introduces legal uncertainty and arbitrariness, increases the likelihood of abuse, runs directly counter to the presumption in favour of disclosure set out in paragraph 10 and, ultimately, gives IFC unfettered discretion over what information it releases and what it refuses to make public. Most national RTI laws, as well as the policies of IFIs (including the

World Bank, which has an exhaustive list of 10 exceptions in its policy),¹⁵ contain an exhaustive list of exceptions.

There are clear international standards for what sorts or categories of information it is legitimate to protect (against harm, on which see below). Many of the exceptions in paragraph 11 simply fail to pass muster against these standards. These include the following:

- Paragraph 11(a): This renders secret “public financial, business, proprietary or other non-public information about its clients, its member countries or other third parties”. As such, it covers all information relating to these actors which is not yet public, essentially making a mockery of the idea of a request for any such information. One makes a request specifically for the purpose of obtaining information which is not yet public. No proper interest which may need the protection of confidentiality is described here. Instead, this is a wildly broad statement of secrecy. It might, in contrast, be appropriate to protect the legitimate commercial secrets of these actors, meaning information likely to cause harm to the competitive position of a company.
- Paragraph 11(e): This goes beyond protecting attorney-client privilege (legitimate) to also render secret “communications provided and/or received by the General Counsel, in-house counsel, and other legal advisors”. This is clearly illegitimate. For example, such communications could pertain to non-legal matters regarding the development of policies by IFC, which should not be exempt (unless under another ground for exemption).
- Paragraph 11(h): This covers all “information relating to IFC’s corporate administrative matters”. Once again, this does not describe any interest which might need to be protected and, instead, sets out a vague class of information. It would be appropriate to protect the legitimate commercial interests of IFC, if that is what is intended by this, but as described this exception is not legitimate.
- Paragraph 11(j): This covers a number of categories of deliberative information. Many of the provisions here lack any harm test (see below). But paragraphs 11(j)(iv) and (v) are simply not legitimate in as much as they refer, respectively, to “Studies, reports, audits, assessments or analyses” and “Audit reports prepared by the Internal Audit Vice-Presidency” (with some exceptions). There is simply no reason (outside of possibly another exception applying) to exclude this information under the

¹⁵ The World Bank Policy on Access to Information, 1 July 2010, paras 7-17, <https://documents1.worldbank.org/curated/en/391361468161959342/pdf/548730Access011y0Statement01Final1.pdf>.

deliberative information category. Indeed, many laws and policies specifically exclude the first one from the deliberative information category.

International standards for RTI laws also provide that all exceptions should be subject to a harm test, whereby they only apply where the disclosure of information is likely to cause harm to a specified, legitimate interest.¹⁶ Under paragraph 10 of the AIP, in determining whether it should refuse to disclose information, IFC: “considers whether the disclosure of information is likely to cause harm to specific parties or interests that outweighs the benefit of disclosure **or** whether the information contains or makes reference to information described in the list of exceptions below, which are not exhaustive” [emphasis added]. While the idea of harm is incorporated into the first part of this statement, it then goes on to refer additionally to the information described in the list of exceptions. Many of the specific exceptions listed in paragraph 11 lack any harm test (see below), so that information can be withheld even where there is no risk of harm. A better approach is to allow information to be withheld only when its disclosure would or would be likely to “substantially” harm one or more of the interests found in the list of exceptions.

Many of the exceptions listed in paragraph 11 do not refer to any harm (many of which are also overly broadly worded). These include:

- Paragraphs 11(a)(i) and (ii) fall under the “Commercially Sensitive and Confidential Information” exception. The first covers documents relating to IFC’s investments or advisory services, or negotiations relating to the same. While some of this could be commercially sensitive, no requirement of harm to a legitimate commercial interest is built into this exception. The second covers “Board documents or papers relating to specific investments or advisory services projects or platforms”. This is again a broad exclusion of a category of information, only some of which might be commercially sensitive and harmful to a commercial interest.
- Paragraph 11(b): This is listed as the “personal information” exception. It is legitimate to protect privacy through an exception, but this paragraph is not limited to information the disclosure of which is likely to harm privacy but also contains broad exclusions for several categories of documents, such as information on staff appointment and selection processes (except to the extent that disclosure is expressly permitted by Staff Rules) (sub-paragraph (ii)), information on “proceedings of the IFC’s internal conflict resolution mechanisms” (sub-paragraph (iii)) and information

¹⁶ See Indicator 30 of the RTI Rating, <https://www.rti-rating.org/country-data/by-indicator/30>.

on investigations of allegations of staff misconduct (sub-paragraph (iv)). While this information may legitimately be withheld where it is likely to harm privacy or an ongoing dispute resolution or hiring process, these blanket exclusions are inappropriate.

- Paragraph 11(c): This rules out disclosure of a broad, non-harm-tested, category of information relating to Communications of Executive Directors' Offices. Again, some of this may need to be withheld to protect free and frank debate or relations between IFC and States, but that can all be achieved via a harm-based exception
- Paragraph 11(d): This covers all information relating to the proceedings of the Ethics Committee, with the same flaws as with paragraph 11(c).
- Paragraphs 11(f)(ii) and (iv): The first covers information on logistical and transport arrangements for IFC assets and staff personal effects. Where disclosure of this information would pose a risk to the safety of these arrangements, nondisclosure might be appropriate but much of this information would be purely technical in nature and not sensitive at all. The second relates to information on "arrangements for preserving the safety and security of individuals working with, or for, IFC or to arrangements related to its corporate records and information systems". Once again, where disclosure would pose a risk to security, it might be withheld, but that is not the case for all of this information.
- Paragraph 11(i): This covers a broad range of categories of deliberative information. As the chapeau to this exception legitimately points out, IFC needs "space to consider and debate". But throwing a veil of secrecy over all deliberative information goes very far beyond simply protecting the free and frank provision of advice internally, or the success of new policies against premature disclosure. There are well-established formulations of this type of exception which strike a much more appropriate balance between protecting the provision of advice and yet not being overly secretive. Paragraph 4.1(d) of the 2024 Access to Information Policy of the Inter-American Development Bank is a good example, applying to information which, "if disclosed, would affect the integrity of the decision-making process or inhibit the frank and candid exchange of ideas in the deliberative processes".

In addition, some exceptions provide for too weak of a harm test. An example is the Investigative Information exception, in paragraph 11(l), which applies whenever disclosure "might prejudice an investigation" instead of when disclosure would be "likely to prejudice an investigation".

Paragraph 14 also provides for a broad, not harm-tested power to delay disclosure of information which would otherwise be made available, including for “market conditions”, with no indication of how long the delay might last. While paragraph 19 of the World Bank’s Policy on Access to Information also contains a provision providing for a prerogative to delay disclosure of information, that provision at least contains a requirement that the likely harm from disclosure outweighs its benefits, as well as a procedural requirement of authorisation by certain actors (depending on the type of document). While the World Bank’s provision is preferable to the IFC’s, the specific harms should be specified, along with a requirement to disclose the information as soon as the risk of harm has subsided.

International standards call for all exceptions to be subject to a public interest override, whereby exempt information should still be released where the public interest in receiving the information is greater than the likely harm to the protected interest. There is a general reference to a balancing between harm and the public interest in the first part of the last sentence of paragraph 10 of the policy. However, paragraph 12 sets out the operative substance of the public interest override. This falls short of international standards and best practices in several ways.¹⁷ First, it is a discretionary override framed as an IFC right to disclose information in the public interest rather than a mandatory override, as in better practice cases.

Second, the paragraph 12 public interest override only applies in “exceptional circumstances” and in the context of “imminent and serious harm” or “imminent and significant adverse impacts”. Third, it is limited to information relating to an “IFC investment or advisory services project”. Fourth, it only applies to a very limited range of public interests, namely harm to public health, safety or security, or to the environment. This leaves out a number of compelling public interests, such as combatting corruption or other kinds of malfeasance. A better approach would be for the override to apply in a mandatory fashion whenever the public interest, understood broadly, in disclosure outweighed the harm to an interest protected by an exception, for any information covered by the policy. Finally, while paragraph 12 indicates that “senior management” is responsible for deciding on releasing information in the public interest, it would be good to specify more precisely in the policy who is responsible for making such decisions.

Paragraph 33 of the World Bank’s Policy on Access to Information contains a system of declassification of various categories of information, which are made public after various

¹⁷ See countries which received full (four) points on RTI Rating, Indicator 31 for examples of better practice, <https://www.rti-rating.org/country-data/by-indicator/31/>.

periods of time (five, ten or twenty years), a system which is lacking in the AIP. Even better practice is to subject all exceptions to sunset clauses.¹⁸

In terms of refusals, paragraph 58 requires IFC to provide reasons for withholding information “in whole or in part”, but it would be preferable to have a more explicit severability provision, i.e. a clear requirement to redact information which is being withheld from a record or document while disclosing non-exempt information. In addition, while paragraph 58 requires “reasons” for delays or denials to be provided, in practice applicants have found some refusal notifications to lack sufficient detail. This requirement would be strengthened by requiring IFC to reference the specific exception(s) being invoked, along with the reasons why that exception applies.

Recommendations

- The policy should include an exhaustive list of exceptions.
- The exceptions in the AIP should be reviewed, in light of the comments above, to ensure that they only protect legitimate interests and that they define the protected interests clearly.
- All exceptions should be subject to a harms test, which should be sufficiently robust in nature (along the lines of “would or would be likely to harm”).
- The public interest override should be mandatory, it should apply to all information covered by the policy, it should be engaged whenever the public interest, defined generally, served by disclosure outweighs the harm to the protected interest, and the above-mentioned limiting language should be removed.
- Consideration should be given to clarifying the requirement to sever exempt information from a record or document while disclosing the rest.
- The requirement to provide reasons should include an obligation to identify the specific exception(s) being invoked, along with reasons why it is engaged.
- Consideration should be given to subjecting all exceptions to sunset clauses or, at a minimum, key categories of information as in the World Bank’s policy.

¹⁸ See countries which received full (two) points on RTI Rating, Indicator 32 for examples of general sunset clause provisions in national laws, <https://www.rti-rating.org/country-data/by-indicator/32/>.

Appeals

The AIP establishes a two-tier appeal system, first, complaints to the internal AIP Advisor, whose decisions can then be appealed to the external (independent) AIP Panel. Although paragraph 59 of the AIP provides for complaints to the AIP Advisor for denials of information or where the “Policy has been interpreted incorrectly”, paragraph 62 limits consideration of complaints by the AIP Advisor to two issues: whether information falls under the scope of paragraph 8 of the policy and whether there was a “reasonable basis” for not disclosing the information under paragraph 10. Moreover, paragraph 63 of the AIP explicitly excludes decisions under paragraph 12 (relating to the public interest override) from the purview of decisions, which stands in contrast to the World Bank’s policy, whose paragraph 36(b) explicitly allows for raising public interest considerations on appeal (albeit this is done only at the appeal stage).

The paragraph 62 focus for complaints is unduly narrow. In addition to excluding the public interest override, various other potential failures to the proper application of the policy are excluded, including in relation to timelines, costs and providing information in the format requested. These limitations carry through to appeals to the AIP Panel, as the scope of its review is limited to whether the AIP Advisor had a “reasonable basis for his or her determination” (paragraph 67). Better practice is to allow for complaints or appeals for any alleged violation of the policy.¹⁹

The AIP provides sparse information on the appeals process. While it specifies where the two levels of appeals should be submitted, it does not indicate what kinds of information are to be included²⁰ or whether subsequent representations (by the appellant or third parties) may be made. While the AIP Advisor is to “endeavor to respond to the requester within thirty calendar days of receipt of the complaint”, this may be extended where necessary due to the “scope or complexity of the complaint” (paragraph 61). This is already unnecessarily long, given that IFC has already gone through the matter of processing the request (i.e. it has already considered the issues involved), and there is no need for an extension. A similar provision exists for the Access to Information Policy Panel but with the presumptive deadline being 60 days instead of 30 (paragraph 69).

¹⁹ See RTI Rating, Indicator 46, <https://www.rti-rating.org/country-data/by-indicator/46/>.

²⁰ This differs from the World Bank policy, paragraph 39 of which provides a list of information to be included when filing an appeal.

The AIP Panel should have broad remedial powers, relating not only to the release of the information but also as to structural measures to address implementation failings, such as requiring additional training to be provided or record management practices to be improved.²¹ Instead, it only has the power to uphold or reverse the AIP Advisor's decision (paragraph 68).

Contrary to better practice,²² there currently is no public database of appeal decisions. The publication of such decisions would improve transparency and encourage consistent decision-making.

Recommendations

- The grounds for complaints and appeals should be broadened to include any alleged violation of the policy.
- The procedures for complaints and appeals should be elaborated in greater depth, including by setting out what to include in complaint/appeal filings.
- Consideration should be given to reducing the time limit for deciding on complaints and at least to doing away with the power to extend the initial time limit.
- Consideration should be given to publishing AIP Panel decisions.
- Consideration should be given to granting broader remedial powers to the AIP Panel.

Sanctions and Promotional Measures

Effective RTI regimes provide for both sanctions for acts which undermine the right to information, such as through destroying, falsifying or concealing information, and for means for promoting the right to information. In terms of sanctions, while IFC does not have the coercive power of a State, which can apply criminal sanctions for undermining the right to information, the AIP could nonetheless provide for professional disciplinary sanctions for

²¹ See the countries which received full (two) points on RTI Rating Indicator 49 for some examples of national-level RTI oversight bodies with these kinds of powers, <https://www.rti-rating.org/country-data/by-indicator/49/>.

²² See, for example, para. 8.5 of the IDB's Access to Information Policy.

wilful obstruction of its provisions, as well as for performance in this area to be incorporated into employment performance evaluations, as relevant.

On the promotional side, better practice RTI systems provide for annual reporting on implementation of the rules, including statistics on the number of requests received and how they were processed (for example on timeliness, what percentage of requests were granted, and what percentage were rejected and for what reasons). Paragraph 70 of the AIP requires the Corporate Relations Department to “monitor and report” on an “ongoing basis” to IFC senior management on implementation, including on “types of information being requested or accessed by the public and the general responsiveness of IFC staff to requests for information”. However, this falls short of a requirement to publish annual reports on these issues.

Better practice RTI systems also provide protection for employees who make good faith disclosures of information pursuant to their rules. To the extent that this is not already covered under existing IFC employment policies, consideration should be given to providing explicitly that employees will not suffer any adverse employment consequences for disclosing information in good faith. IFC should also consider assigning duties to a specific actor or unit to promote the AIP publicly and to provide training for staff on it.

Recommendations

- To the extent this is not covered under existing employment policies, consideration should be given to providing for a system of employment sanctions for wilful obstruction of the AIP, as well as protection for good faith disclosures of information.
- Consideration should be given to requiring annual reports on implementation of the policy, including statistics on requests received, how they were processed and so on, to be published.
- Consideration should be given to establishing a unit with a clear mandate to promote the AIP to the public and to train staff on it.

Proactive Disclosure

Part III of the AIP lists several categories of documents which IFC discloses proactively, while paragraph 16 clarifies that this list is not an “exclusive list”. This is a positive feature of the policy, but the proactive disclosure regime and its implementation could be strengthened in various ways. Some civil society organisations endorsing this letter have encountered out of date information on the IFC’s website, such as inaccurate project statuses,²³ so it appears IFC should redouble efforts to ensure that new information is published promptly. To help with this, references to requirements to update post-board disclosure of project and environmental and social information in paragraphs 40 and 41 should be strengthened by requiring updates be done “regularly and in a timely manner”. Some of the civil society organisations which have endorsed this submission have noted that the publication of certain categories of information is inadequate in practice, highlighting specifically as areas of concern: information on private capital mobilisation, information on climate finance and alignment with the Aarhus Convention, disclosure of greenhouse gas emissions analyses, and publication of information on the accounting system and on IFC subprojects. In addition, summaries of investment information have been found to lack specificity as to the duration of loans, an issue which could be addressed by including this as among the categories information to be included within the Summary of Investment Information (para. 30). IFC should also routinely publish full versions of project documents, including environmental and social impact assessments, stakeholder engagement plans, and other key project information, on its website, rather than just a summary, as well as Board documents.

Generally, the IFC’s portal display system for information has been found to be less clear than that of the World Bank due to the former’s sorting of documents by date without the possibility of viewing documents by project. Another area of concern is insufficient translation of documents into local languages.²⁴ A further shortcoming is that, whereas the World Bank has a policy of “simultaneous disclosure” under which select documents are eligible for public disclosure prior to Board consideration,²⁵ only a more limited policy of pre-approval disclosure exists under paragraph 29 of the AIP. Furthermore, the Compliance Advisor Ombudsman (CAO) has noted that, while IFC has “rolled out a process for sub-

²³ Bank Information Center. “Access to information: Is the IFC leaving communities in the dark?”, 2021, <https://bankinformationcenter.org/en-us/update/access-to-information-is-the-ifc-leaving-communities>.

²⁴ Unlike the AIP, paragraph 4 of the World Bank’s policy provides that the Bank translates documents into “appropriate” languages in accordance with its “Translation Framework”.

²⁵ See World Bank Group, Documents & Reports, “Simultaneous Disclosure” <https://documents.worldbank.org/en/publication/documents-reports/disclosure>.

project disclosure of Category A sub-projects and select Category B sub-projects financed by commercial banks... implementation to date has been poor".²⁶

Some of the better practice national-level RTI laws contain an obligation to publish registries of the documents (or categories of documents) held by public authorities so as to facilitate requests for information by giving the public a sense of what kind of information is held.²⁷ Such a requirement is missing from the AIP.

IFC should also consider publishing more information on how the policy is implemented and, if any internal guidance exists on the interpretation of its provisions, publishing that. In addition, consideration should be given to having a specific budgetary commitment for implementation of the policy and ensuring that this is sufficient to ensure proper implementation.

Recommendations

- The AIP should ensure proactively disclosed information is kept up to date and add requirements to update information in paras. 40 and 41 "regularly and in a timely manner".
- Care should be given to improving proactive disclosure of certain key kinds of information, including information on private capital mobilisation, information on climate finance and alignment with the Aarhus Convention, disclosure of greenhouse gas emissions analyses, disclosure of information on the accounting system and on IFC subprojects (including the name, sector and location of high and medium risk subprojects financed via commercial banks), and including the projected duration of loans within the Summary of Investment Information.
- Consideration should be given to adopting a policy of "simultaneous disclosure" akin to that of the World Bank.
- Consideration should be given to publishing a regularly updated registry of documents (or kinds of documents) held by IFC.
- Consideration should be given to publishing any internal guidance on interpretation of the AIP.

²⁶ CAO, 'Fourth Monitoring Report on IFC's Response to CAO Audit of Sample IFC Investments in Third-Party Financial Intermediaries', 2025, pp. 6 and 39, <https://www.cao-ombudsman.org/sites/default/files/downloads/CAO-Multiregional-FIMonitoringReport-July2025-ENG.pdf>.

²⁷ See the countries which receive full (two) points under Indicator 58 of the RTI Rating, <https://www.rti-rating.org/country-data/by-indicator/58/>.

- IFC should consider making a specific and adequate budgetary commitment for AIP implementation.