



**BCIE**

CABEI'S POLICY ON ACCESS TO INFORMATION

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**ANNEX**  
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**Version 1**



**CABEI**



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## I. INTRODUCTION

The transparency that has been derived from deepening democracy at a global level must be shown in the behavior of multilateral development banks, entities that will be required to meet the highest international standards in terms of transparency and access to information, both normative and technical, in the sense that the details of where, when, how and in what the resources of the operations they finance are used, are reflected. Transparency is a key element for accountability which, in turn, strengthens corporate governance.

Transparency is a process by which the actions and decisions made by development banks are made accessible, visible, and understandable. The right of access to information constitutes a tool for transparency and, it complements an adequate accountability system.

The Central American Bank for Economic Integration (CABEI) has ratified its commitment to strengthening transparency through the approval of the Declaration on Access to Information issued by the Board of Governors, CABEI's highest authority. This statement reflects the clear intention of the entity to become a pioneer in the Central American region in terms of access to information, ensuring that it is disclosed to the public in a way that can be easily understood, but without affecting the inherent sensitivity of certain data that the entity owns.

## II. OBJECTIVE

Define the guidelines and establish the mechanisms that allow maximizing access to the information generated by CABEI or that is in its possession and that can be accessed by the public in order to promote the trust of CABEI's stakeholders and give greater visibility to the Bank and its activities, defining the list of reserves, to reflect CABEI's willingness to set the standard and break paradigms in this matter.

Likewise, establish the foundations to define the information request and appeal processes, in case of denial of requests for access to information.

## III. SCOPE

This Policy will apply to the information generated by CABEI and to that which is in its possession, within the limits indicated in these guidelines and subject to the categories of reserves for disclosure.

CABEI enjoys certain privileges and immunities conferred by its Constituent Agreement, which establishes that "the Bank's files shall be inviolable and shall enjoy absolute immunity". Consequently, the approval of this Policy may not be considered or understood as a waiver of the Bank's immunities.

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## IV. ABBREVIATIONS AND TERMS

- CABEI or Bank: Central American Bank for Economic Integration.

## V. RELATED DOCUMENTATION

- CABEI's Constituent Agreement.
- Regulations of the Organization and Administration (ROA) of the Central American Bank for Economic Integration.
- Information Security Policy.
- Institutional Communication Policy.
- CABEI Data Management Manual.

## VI. DEFINITIONS

- **Classification:** Procedure carried out by CABEI staff, through the technological tools provided for this purpose, in which an information asset is assigned a corresponding label with any of the information categories in accordance with the model established in the Information Security Policy.
- **Structured Data:** It refers to data related to the record of transactions, such as data on operations, clients, supervisions, procurement, among others, stored in a structured way.
- **Data:** Records that can be used for reference or analysis.
- **Proactive Disclosure:** Routine activity that consists of periodically disclosing information to the public to make CABEI's activities visible.
- **Disclosure:** Make information previously classified as Public available to the external public, through the official channels of CABEI, either proactively or through requests received from the general public through the Bank's website.
- **Final Documents or Reports:** All documents considered definitive, which have the final approval of the Responsible for the Information and which may be subject to disclosure, will be called this way. They differ from intermediate documents, which serve as inputs for other dependencies or the same dependency.
- **External Control Entities:** They are those public bodies that carry out auditing functions and whose primary function is to require public bodies or entities to comply with the obligation of everyone responsible for public funds, and which consists of rendering accounts of their management. CABEI, due to the existing commercial relationship with the public administration of each partner country that derives from its operations, may in certain cases be subject to information requests related exclusively to these.

- **Information Classification Tool:** Technological application that allows CABEI staff to assign an information classification category and label the different documents and emails it generates.
- **Deliberative Information:** It refers to all the information contained in any storage means (minutes, video and/or audio files, *verbatim* , virtual voting application, transactional systems and workflows such as the document approval system, etc.) that has been produced during the analysis of decision-making bodies prior to making them.
- **Maximization of Access to Information:** Effort made by CABEI to make its information available to the general public, provided that the Bank considers that its disclosure is useful and that it serves to make the Bank's activities understandable.
- **Document Originators:** Quality acquired by all personnel who produce final documents or reports and which are subject to classification in accordance with the Information Security Policy.
- **Reservations to Disclosure:** Categories of information that will not be disclosed under any circumstances and that are defined in this Policy.
- **Responsible for Information:** As a rule of thumb, the Information Officers will be the holders of each Bank dependency, unless a specific official has been appointed to perform this role. In the case of information assets approved in the different CABEI committees, the committee itself will be the Responsible for Information. Those responsible for the information have the final responsibility that the information assets of their respective dependencies are properly classified. Likewise, they must keep an up-to-date record of the information assets under their charge, including those considered structured data. In the case of information assets that are not considered official of the dependency and that are created and administered by each individual collaborator, as is the case of *office* and email documents, each collaborator is responsible for classifying these.

## VII. DEVELOPMENT

### GENERAL PROVISIONS

**Artículo 1. Beginning.** This policy is based on the following guiding principles:

- 1.1. Maximize access to Bank information, maintaining a balance with the information's own sensitivity.
- 1.2. Safeguard the inviolability and immunity of the files and information of CABEI recognized in the Constituent Agreement.
- 1.3. Protection of all deliberative processes, including statements and statements made individually.

**Artículo 2. Complementary Regulations.** It is the responsibility of the Executive Presidency to establish the regulations required to complement and implement the provisions of this Policy, including those related to data management.

**Artículo 3. Language.** The Bank will primarily disclose the information in the official language of the Bank, which is Spanish, and will arrange, in the cases deemed pertinent, that there are translations into English or other languages. However, in the event of requests for information, if it is appropriate to access what is required, it will be delivered in the language in which it is available at the time of disclosure.

**Artículo 4. Publication of CABEI Regulations.** It is the responsibility of the Executive Presidency to define the Information Officer for each normative document, who, based on the provisions of this Policy and the Information Security Policy, must disclose the internal regulations that are of public interest.

**Artículo 5.** Before a document or report is considered final, the Information Officer must guarantee that, in the cases that it is required, it has been submitted to the knowledge or approval of the corresponding authorities.

### RESPONSIBILITIES

**Artículo 6. Access Maximization.** CABEI will make every effort to make the information it produces and certain information it receives in the ordinary course of its activities available to the public, provided that it does not fall within one of the categories of reservations to disclosure. To achieve this, all CABEI personnel must carry out the activities detailed in this Policy and its complementary regulations.

**Artículo 7. the Secretariat.** The Board of Directors appoints the Secretariat as the dependency responsible for the information of the Board of Governors and the Board of Directors. Likewise, the Secretariat will be in charge of classifying the recordings of the deliberations, the literal transcription thereof (*verbatim*), the minute books, documentation, decisions and correspondence of the Board of Governors and the Board of Directors, as well as the decisions of the Executive Presidency, in accordance with current regulations on the matter.

Likewise, the Secretariat will be responsible for managing and executing this Policy, as well as proposing updates to it. It will also be the responsibility of the Secretariat to ensure the correct application of this Policy, in accordance with what is established in the corresponding manual.

**Artículo 8. Bank's Personnel.** The Bank's Personnel who produce final documents or reports must classify each document, trying to maximize access to information, through the information classification tool and based on the information categories established in the Information Security Policy.

For all the information that the Bank receives, whether from a member country or from a third party, the personnel who have received it must classify it in accordance with the confidentiality agreements reached with its source and in accordance with the information categories of the bank.

**Artículo 9. Managers, Heads of Offices, Heads of Department and Country Chief Officials.** They are responsible for ensuring that the subordinate personnel comply with this Policy and that they properly use the information classification tool, an activity that can be delegated to the personnel in their respective areas, preserving their role as primary managers. Likewise, all dependencies that generate information that CABEI has determined will be proactively disclosed must guarantee that it is classified as Public and ensure that it is duly updated in the authorized channels.

**Artículo 10. Proactive Disclosure Information.** CABEI, in order to achieve the highest level of transparency, will voluntarily and periodically disclose information on its official website, classified as Public, related to programs and projects financed with its resources, environmental and social information on these, corporate governance and institutional information.

## REQUESTS FOR ACCESS TO INFORMATION

**Artículo 11.** Information that is not available on CABEI's official website may be obtained through a request contained in an online form only, as long as it is classified as Public.

**Artículo 12.** CABEI must keep an information access request form available to the public on its official website, in which the details of the information and/or documents to which it is desired to have access will be entered. Said form must contain the data that make it possible to clearly determine at least the following information:

**12.1.** Reasonable detail of the required information, so that it can be located, preferably including the date and type of document.

**12.2.** The applicant's full name, identification, contact email, country of residence.

**Artículo 13.** Information requests will be analyzed by initially verifying that the request allows us to identify, without a doubt, what information is requested and if this is part of any of the categories of reservations to disclosure.

**Artículo 14.** The term to resolve requests for access to information will be two (2) months. If said period is not sufficient, the applicant will be notified of said situation and an estimated date of response will be indicated.

**Artículo 15.** CABEI will endeavor to attend to all requests for access to documents or information, unless any of the following circumstances occur:

- 15.1.** It was not possible to individualize the information and/or documents with the description contained in the request or it is not available to the Bank.
- 15.2.** The request for information has been received repeatedly or when it is identified that its nature is malicious or commercial.
- 15.3.** The requested information is part of any of the categories of reservations to disclosure established in this Policy.
- 15.4.** The requested information was received from a counterpart with the understanding that it would not be disclosed or is protected by a confidentiality convention or agreement.
- 15.5.** Meeting the requirement would imply that the Bank prepares or collects data in non-existent data dashboards or that is not available in the document management applications.
- 15.6.** CABEI considers that the disclosure of the information may cause damage or could materialize a legal risk.
- 15.7.** The information is classified in any of the "Non-Public" categories and it, at the discretion of the Responsible for the Information, cannot be declassified.
- 15.8.** When so determined by the Access to Information Committee for reasons of institutional convenience.

**Artículo 16. Positive Responses to Requests.** If the information is available on the official website, the applicant will be informed of the link to access the information. If the information has not been disclosed, it will be made available to the applicant through the channels established by CABEI.

**Artículo 17. Negative Responses to Requests.** If the access request is denied, the applicant will be informed by email of the reason why the information could not be delivered.

**Artículo 18. Revising.** All applicants for access to information who receive a negative response to their request may submit a request for a review thereof, within a period of two (2) months from the notification of the decision. For requests for review to be admissible, they must be based on any of the following circumstances:

- a. The existence of an information restriction not contemplated in this Policy.
- b. The formal management of document or information disclosure that is included in any of the disclosure reservations for considering that enough time has elapsed so that it does not cause damage to CABEI. In these cases, and if the Access to Information Committee considers it so, a public version of the document may be prepared, eliminating the sections that could be classified as "Non-Public".

**Artículo 19.** Requests for review must be submitted using the form designed for such purposes and made available to the public on the official website, filling in all the required fields. The Bank may require evidence of the identity of the applicant in order to admit the requests for review.

### ACCESS TO INFORMATION COMMITTEE

**Artículo 20.** The Access to Information Committee is established as the collegiate body that will have competence in matters of access to information, having the following powers:

- 20.1. Settle discrepancies in the classification criteria for documents or final reports or internal regulations that may arise between the Bank's areas.
- 20.2. Know, evaluate and resolve in a single instance the requests for review received from external applicants who have been denied access to information in accordance with this Policy.
- 20.3. Know and resolve the information requirements of external entities.
- 20.4. Monitor the general application of this Policy.
- 20.5. Interpret the provisions of this Policy in accordance with the guiding principles.
- 20.6. Determine how to proceed in cases not provided for in this Policy.
- 20.7. Approve the publication of internal regulations upon the request of those responsible for the information.

**Artículo 21.** The Committee will be made up of:

- a. A Director appointed by the Board of Directors with annual rotation. Said appointment will include the alternate Director who will act in the absence of the holder.
- b. Secretary of CABEI.
- c. Advisor to the Office of Institutional Relations.
- d. Head of the Office of Legal Affairs.
- e. The Ethics Officer.

The meetings will be chaired by the designated Director. *Quorum* will be constituted with the presence of the Chairman of the Committee and at least two (2) of its members, who must be the holders. The participation of the members of the Committee is not delegable.

The Committee will have a secretary, with voice and without vote, appointed by the Secretariat of CABEI.

With the authorization of the Chairman of the Committee, other Bank officials may participate in the sessions as guests for the presentation and explanation of specific topics within their competence, as well as external advisers who prepare tasks entrusted by the Committee; the foregoing with the purpose of contributing elements that will enrich the discussion and decision making.

All procedural issues necessary for the proper functioning of the Committee, which are not expressly provided for in this Policy and which arise in a session, will be resolved and defined by the Committee itself before entering into knowledge of the substantive matters within its competence.

**Artículo 22.** The members of the Committee will have voice and vote. Decisions will be taken by a simple majority of the members with the right to vote. In the event of a tie in a vote, the Chairman of the Committee will have a qualified vote.

**Artículo 23.** The Committee will have a period of two (2) months to resolve requests to review denials of access to information. If said period is not sufficient, the applicant will be notified of said situation and an estimated date of response will be indicated. The decisions of the Committee are final and will not be subject to any further appeal.

## REQUIREMENTS OF EXTERNAL ENTITIES

**Artículo 24.** The Access to Information Committee must know, analyze and, if it deems it appropriate, authorize the attention of all requests for information, of any nature whatsoever, that have been requested from CABEI through court orders, requests from control entities external bodies, autonomous bodies in charge of criminal prosecution or similar bodies. The Committee will be empowered to authorize or deny the request for information submitted by external entities based on the immunities conferred by the Constituent Agreement.

## CATEGORIES OF RESERVATIONS FOR DISCLOSURE

**Artículo 25.** The Bank will not make the following categories of information available to the public:

- a. Deliberative information from the Board of Governors, Board of Directors, governors' committees, directors' committees, and Administration committees, including the individual statements of each of its members:
  - Agreements and resolutions that have been classified in Non-Public categories.
  - Minutes and *verbatim* sessions.
- b. Reports from internal and external control bodies.
- c. CABEI regulatory framework documents classified in "Non-Public" categories.
- d. Financial information that may affect the financial or capital markets in which the Bank operates.
- e. Information associated with the physical and logical security of the Bank.

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- f. Personal, financial and salary information of officials, employees and other personnel, retirees or former employees, as well as their statements of financial situation.
  - g. Information received prior to establishing a contractual relationship or received under the protection of a signed contract that includes a confidentiality agreement with any counterpart of CABEI, including investors, clients, sources of resources, service providers and risk rating agencies, among others.
  - h. Litigation in process or in negotiation, including reports or communications related to them, that their disclosure could represent a legal risk for CABEI.
  - i. Disciplinary and sanctioning matters carried out in accordance with the procedures contained in the Code of Conduct for Directors, Executive President and Controller, Code of Ethics and the Manual of Standards of Conduct.
  - j. Complaints and investigative processes concluded or in process received by the CABEI Reporting Channel or other means established by the Bank.
  - k. Information on future loan projects and their analysis documents.
  - l. Bank expenses and detail of real estate.
  - m. Detailed operating and investment budget of the directorates, dependencies attached to the Board of Directors, managements, offices *staff* and dependencies of the Administration.
  - n. Communications of any nature, within and between dependencies.
  - o. Details of the recruitment and selection processes, as well as personnel files.
  - p. Information related to non-sovereign guarantee and private sector operations, unless expressly authorized by the counterpart.

**Artículo 26.** If the request for access to information received is limited to one of the categories of information detailed in the previous article, it may not be disclosed or provided to the applicant, even when it has been classified as Public in accordance with the CABEI'S Information Security Policy.

**Artículo 27.** The reservations to disclosure detailed in this Policy will apply to public statements related to the Bank, issued by the directors, the Executive President and the Comptroller in accordance with article 8-07 of CABEI's Regulations of the Organization and Administration (ROA).

## REPORT AND REVIEW

**Artículo 28.** Annually, the Access to Information Committee will present to the Board a report that includes at least the following:

- 28.1.** Lessons learned about the implementation and execution of the Policy.
- 28.2.** Recommendations for improvements, new practices and technologies available for the classification and disclosure of information assets.



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- 28.3.** Effectiveness of the mechanisms aimed at maximizing access to information, indicating, for each annual exercise, the number of access requests received and for review, specifying the category of information for each and the reason for the refusal to access.