

Policy on Access to Information

**Adopted by the Board of Directors
on 20 November 2018
In force as of 1 December 2018**

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POLICY ON ACCESS TO INFORMATION

1. Introduction

This document (the "Policy") sets out the policy of the Nordic Development Fund ("the Fund" or "NDF") on the disclosure of information held by the Fund to the public. The document is subject to review and amendment. Compliance with this Policy shall be the responsibility of the Management of NDF.

The Policy will apply to information produced by the Fund and to specific information that is in the possession of the Fund.

The Fund makes no warranty as to the accuracy, completeness, reliability or timeliness of any of the information, including links to other websites, provided under this Policy. In particular, the Fund shall not be held responsible for any errors, omissions or inadvertent alterations that may occur in the disclosure of content on its website or as a consequence of the use thereof.

2. The Status and Purpose of the Fund

The Fund is an international legal person with identity separate from its member countries, Denmark, Finland, Iceland, Norway and Sweden. The Fund enjoys, through its constituent documents and framework agreements with countries where it is operating, certain privileges and immunities, including *inter alia* inviolability of documents and archives. This Policy shall not be construed as a waiver of the Fund's archival immunity.

The assets of the Fund have been provided by the member countries for the purpose of promoting economic and social development in developing countries through the participation in financing of projects of interest to the Nordic countries.

3. General Principles

In line with the interests of the Nordic countries and the practices of international financial institutions with which it cooperates, the Fund promotes openness and transparency in its operations and objectivity in the information provided.

The Fund strives to make information concerning its status, strategies, policies and activities available to the public while at the same time respecting the legitimate confidentiality concerns of its clients and cooperating partners, NDF staff and relevant third parties including contractors and consultants working for the NDF-financed projects.

The Fund encourages its borrowers and other recipients of funding, and the implementing agencies of the projects financed from NDF funds, to commit themselves to transparency and accountability in the project operations and expects them to disclose, to the general public, to groups affected by the projects and to other interested parties, relevant information on the

projects, their impacts and their implementation, including contracts awarded to consultants, contractors and suppliers.

The information on the Fund that is published on the Fund's website or in its publications may be freely reproduced, provided that the source is clearly mentioned and the information concerned is not modified. However, any use of the Fund's public material for commercial purposes requires the Fund's prior written approval.

4. The Policy

Essential policies regarding NDF as an institution, its activities and organisation, will be published on the Fund's website or otherwise be made easily accessible upon request. In addition, the Fund allows access to any information in its possession unless there is a compelling reason not to disclose such information. When assessing whether any such compelling reason exists, the Fund considers whether the information falls into any of the following categories, which may deem the document non-disclosable:

a. Personal data. Information that cannot be disclosed in order to respect the confidentiality of personal data of the Fund's Directors, their Alternates and Advisors, management, staff members, and the families of all of the above. The Fund may also prevent the disclosure of information in order to protect and safeguard the personal information of third parties. The Fund may disclose such personal data only to the extent permitted by NDF's Privacy Policy.

b. Legal, disciplinary or investigative matters. Documents, reports or communications in circumstances where disclosure would violate applicable law, or could subject the Fund to undue litigation risk. Legal advice, information subject to attorney-client privilege, matters in legal dispute or under negotiation, and legal documentation pertaining to credits, grants or other financing granted prior to 31 May 2011, unless the borrower/recipient of funding gives its consent to the disclosure. Information provided to the Fund alleging fraud, corruption, misconduct or other violation of NDF's Anticorruption Policy or other policies, or any other information related to such investigations, except to the extent permitted by NDF's Staff Regulations/Anticorruption Policy.

c. Communications involving Directors. The Fund's communications between and with Directors, and between the Directors and the member country they represent, and between the Directors and third parties.

d. Safety and security. Information that could compromise the security or safety of the Fund's staff and their families, contractual employees and outside contractors; the Fund's assets; or the national security of member governments.

e. Information provided in confidence; intellectual property-related information; and business/financial information. Information provided to the Fund by member and partner countries, private-sector entities or other parties in confidence or with restrictions on disclosure, unless their explicit authorisation for disclosure is given. Intellectual property of and financial, business or proprietary information belonging to third parties and, in certain circumstances, intellectual property of the Fund.

f. Corporate administrative information. Information related to corporate expenses, including real estate, except in the case of the Fund's annual reports.

g. Deliberative information. Except as provided for explicitly in the Policy, information about deliberations between the Fund and its borrowers/recipients of funding, third parties, the Board of Directors and member countries, as well as information pertaining to the Fund's own internal deliberative processes.

h. Certain financial information. Information that may affect the Fund's activities in capital and financial markets or to which such markets may be sensitive.

i. Country-specific information. Information that is contained within country-specific documents produced by the Fund if it has been explicitly identified by countries as confidential or potentially damaging to its relations with the Fund.

j. Information relating to private sector operations. Information and documents relating to private sector operations or provided to the Fund in connection with such operations, unless the respective borrower/recipient of funding or any other concerned party has expressly consented to disclosure.

Annex 1 gives examples of information and documents accessible to the public through NDF's website.

The Fund reserves 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 benefits of disclosure.

The Fund may also, under exceptional circumstances, make available to the public information ordinarily excluded from disclosure when it determines that the benefits of such disclosure would outweigh the potential harm.

5. Information Channels and Procedures of Disclosure

Part of the disclosable information is, from time to time, made and kept accessible through the Fund's website and through various publications, copies of which may be obtained free of charge when in stock.

Other disclosable information, reasonably specified and limited in scope, may be requested from the Fund by electronic means, mail or fax. The Fund will handle each request on a case-by-case basis and will provide, within a period of 28 days, such information that it considers disclosable. Making historical information available may, however, take more than 28 days. The e-mail address for requests is: [info.ndf\(at\)ndf.fi](mailto:info.ndf(at)ndf.fi) and the fax number: +358 9 622 1491

The documents will be made available in their original language.

The Fund may charge reasonable fees for providing digital or hard copies of documents, particularly for requests that are complex or time-consuming.

If only part of a requested document is subject to non-disclosure, any information in the document which is not subject to non-disclosure shall, to the extent it may reasonably be severed from the rest of the information, be communicated to the requester.

The Fund reserves the right to refuse unreasonable or unsupported requests, including multiple requests, blanket requests, and any request that would require the Fund to create, develop, or collate information or data that does not already exist or is not available in the Fund's records.

Annex 1: Information accessible through the NDF website

Information to be accessible through NDF's website shall include but not be limited to:

1 Institutional information about NDF

- Constituent documents of NDF
- General Procurement Guidelines for Projects
- Policy on Anticorruption and Integrity
- Policy on Access to Information
- NDF Policy on Taxes
- Privacy Policy
- Names of Members of the Board of Directors
- Names of Members of the Control Committee
- Names of Members of the Management
- Annual Reports (from 2006 onwards)
- News, brochures, newsletters, etc.
- Contact information
- Code of Conduct for the Board of Directors and the Managing Director
- Code of Conduct for the Staff

2 Information regarding activities supported by NDF

- Information on NDF's operations, financing instruments, partner countries
- Climate Change Strategy
- Guidelines for Identification and Screening of Climate Projects
- Grant and credit portfolios
- Approved new financing
- Grant and other financing agreements with public sector recipients¹
- Summarised descriptions of approved and ongoing public sector projects
- Abstracts of approved private sector projects
- Business opportunities, tender notices and recent major contracts awarded by NDF
- Recent project and thematic evaluations
- News, brochures, newsletters, etc.

¹ Such financing agreements signed after 31 May 2011

3 Other information

- Links to websites of selected cooperation partners
- Links to NCF and EEP Africa, initiatives managed by NDF