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02 September 2003

Mr. Robert H. Salamon
Principal Director
Office of External Relations
Asian Development Bank
ADB Avenue, Ortigas Center,
Pasig City

Dear Mr. Salamon,

**TUP COMMENTS REGARDING
ADB POLICY ON CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

1. The Technological University of the Philippines (TUP) expresses its deep gratitude to the Asian Development Bank (ADB) for providing us the opportunity to share our views regarding the Bank's Disclosure Policy. In line with this, the University is also very grateful for having named as one of the recipients of the ADB Library Depository Program.
2. As to our comments, we would like to take note that the ADB Policy states:

"Provide the greatest possible degree of transparency and disclosure in all areas of the Bank's operations to ensure the success of the Bank's mission and to sustain public support for the Bank. Moreover, the Bank should not only ensure transparency and disclosure, as a model for those it seeks to assist. Furthermore, once the Bank discloses a document, that document will become available to all so that one party will not gain an undue advantage over another"
3. To implement the policy, the ADB instilled among its staff the basic policy of *"presumption in favor of disclosure of information"*.
4. Reading from these words, the simple conclusion is that ADB is into disclosure and transparency, first, and, constraint of information, second. As an inter-governmental organization, prioritizing transparency and disclosure of information is, indeed, an important responsibility. As the government policy goes, "Public Service is a Public Trust". This government policy is likewise applicable to ADB. The TUP agrees with the ADB in saying that the Bank is accountable to its shareholders and others providing support to the institution, and has a responsibility to provide the fullest possible information to its supporters.
5. The 1994 ADB Classification System of Information, however, runs inconsistent with the policy. The classification system basically first determines which information are "Confidential" and secondly determines which information are "For Official Use Only". Only after weeding out the "Confidential" and the "For Official Use Only" are the

remaining documents identified as “unclassified” and therefore available for public consumption. The classification system suggests that the Bank is into constraint of information, first, and, disclosure and transparency, second.

6. The categories set forth by the 1994 ADB Disclosure Policy on the “Confidential” information are clear and just. It is also understandable for any organization, especially for a bank to maintain documents “For Official Use Only”. Not to sound inconsistent with our previous comment, it is suggested that ADB reverses its present Classification System by identifying which information are for public consumption first and which are “Confidential” and “For Official Use Only”. At the same time, the categories set forth by the 1994 Disclosure Policy should be kept.
7. ADB is an organization that maintains a wide network of organizations, government offices, private consultants, etc. As such, gathering, generating, receiving, banking, processing and disseminating information is a vital part of its operations. It has been observed, however, that previously the Bank merely maintains a Publications Committee headed by the Chief Information Officer under the Office of the Vice President for Finance and Administration. Perhaps, the demands to gather, receive, process and disseminate information for an organization of ADB’s size is too enormous to be managed only by a committee. Presently, we understand that the Bank now has an Office of External Relations.
8. As an alternative, since information now has a matrimonial relationship with technology, the Bank may establish its own Office of the Vice President for Management Information Systems and under this office, the Bank may have divisions for information gathering (communications), information generation (research) information banking (records and library), information processing (information technology, research and publications), and information dissemination (public relations and publications).
9. An Office of the Vice President for Management Information Systems will centralized all activities regarding information. Thus, all information available for public consumption can then be accessed to the Office of the Vice President for Management Information Systems. No other office will hold the responsibility of disseminating and publicizing information and thus, this will prevent confusion on the part of the staff, and in turn, prevent caution and defensiveness as they need not release information and just refer inquiries to the Office of the Vice President for Management Information Systems.
10. As to the quality and quantity of information that should be disclosed, we agree that the Bank should prepare “information pieces” of all information it keeps. The clarity and vagueness of these “information pieces’ will vary from one information to another. They should be clear enough to provide the most information available and vague enough to meet the legal restrictions in disclosing information.
11. Thank you once again and we hope we have satisfied your request.

FEDESERIO C. CAMARAO
President

SUMMARY OF ADB 1994 Classification System of Information

	Classifications		
	Confidential	Official Use Only	Unclassified
Description	-those that contain particularly sensitive information for limited internal use of the Bank, release of which would reasonably be expected to have a seriously adverse effect on, or be prejudicial to, the interests of the Bank, its members, borrowers, or others.	-those that contain sensitive information for the internal use of the Bank, the release of which could reasonably be expected to interfere with policies or regulations of the Bank or jeopardize its activities or relations with its members, borrowers or others, but which do not necessarily include information falling under the categories of “Confidential”	-all documents but which do not necessarily include information falling under the categories of “Confidential” and “Official Use Only”
Responsibility	-the Head of the originating Department or Office concerned, determines the classification of a document as “confidential” subject to guidance and review by Management	-the Head of the Department or Office concerned, determines the classification of a document as “Official Use Only” subject to guidance and review by Management	-the Head of the Department or Office concerned, determines the classification of a document as “Unclassified” subject to guidance and review by Management
Categories	-information or documentation obtained by the Bank from another party with the expectation, expressed or implied, that it will be kept in confidence; -documents or proprietary information owned by others but held by the Bank in the expectation, expressed or implied, that it will be kept in confidence; -information derived from the Bank’s deliberative or decision making process, such as internal staff memoranda, minutes and summaries of discussions at Board meetings unless such information has been authorized to be disclosed; -information derived from similar decision-making processes involving open and candid exchanges of ideas between the Bank and any of its members, particularly with respect to policy dialogue -legal and other documents relating to specific private sector investments, including private sector investments by a government or governmental entity, unless consent to disclose has been obtained from the parties concerned; and -staff information of a personal nature, such as personnel records and medical files (except for disclosure to the individual staff member concerned).	-documents that are not covered by the “Confidential” classification	-documents that are not covered by the “Confidential” and “Official Use Only” classifications

	Classifications		
	Confidential	Official Use Only	Unclassified
User Limitation	-available only to Bank staff with a demonstrated need to know the information contained in the document	-available internally but still not for public consumption	-available both for internal use and external or public use
Declassification requirements	-Declassification can only be done by the management -Head of the originating department can determine need for declassification -externally generated documents marked "confidential" by the originator of the document can only be declassified with the consent of the originator	-Declassification can only be done by the Management -Head of the originating department can determine need for declassification -externally generated documents marked "for official use only" or "limited official use" can only be declassified with the consent of the originator	NA
Declassification period	-declassification can be done anytime as determined by the Head of the originating Department or by the Management	-Management and Head of originating Department can declassify any document any time -declassified automatically after five years -unless document is externally generated and requires consent of originator -unless Management or Head of originating Department or Office determines to continue classification	NA
Release of Documents	-limited to the internal use of the Bank -can only be released to a Bank staff with a demonstrated need to know the information contained in the document	-limited to the internal use of the Bank -can be released to any staff, department, or office of ADB	-documents formerly classified as "Confidential" and turned into "unclassified" can be released provided sensitive information not appropriate for disclosure would be deleted from documents that really needs publication, pursuant to the instructions of the Management