

Comment on ADB's 1994 Disclosure and Information Policies

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At the above noted workshop, participants were asked to provide the ADB with wording around what constitutes commercial confidentiality.

To that end I would like to share with you the section of EDC's Disclosure Policy that lists information that EDC does not disclose. Would you kindly pass this along to the people who are working on this particular issue.

To view the entire EDC's Disclosure Policy simply go to www.edc.ca and do a word search.

Treatment of Confidential Information

EDC will not disclose confidential information.

Confidential information falls into two categories: information related to commercial competitiveness; and information unrelated to public accountability (These principles concern [disclosure of information](#) and [confidential information](#)).

Information related to commercial competitiveness includes:

- A. Financial, business or other proprietary information, intellectual property, or other non-public information that has been disclosed to EDC under any obligation of confidentiality unless the necessary legal consents or permission are obtained;
- B. Financial, business or other proprietary information of third parties where disclosure of such information might adversely affect the third party concerned unless permission is given by such third party to disclose such information, including project appraisal reports, documents prepared by EDC and/or its external counsel or consultants;
- C. Information the release of which might prove to be detrimental to the economic interests of Canada;
- D. Proceedings, deliberations and records of EDC's Board of Directors and its committees, including documentation created for use by or presentation to the Board of Directors or its committees; and
- E. Financial, business or proprietary information which might prove to affect EDC's activities in capital or financial markets or to which such markets may be sensitive or which might prove to affect EDC's competitive position, including details of liquidity

investments, estimates of future borrowings, or redemptions of borrowings expected rates of interest or rates of return and financial ratios.

Information which is unrelated to public accountability includes:

- A. EDC intellectual property or information dealing with EDC's internal administration, operations or activities, whether or not related to any transaction, including internal notes, memoranda, and correspondence by or among EDC staff, including information relating to internal deliberative processes among EDC staff such as project evaluation reports or credit assessments which are produced for internal use only;
- B. Information the release of which might prove to be a threat to the national security of Canada or other countries or violate any applicable law;
- C. Information related to EDC procurement processes submitted by prospective bidders, including pre-qualification information, tenders, proposals or price quotations, or records of deliberative processes related thereto;
- D. Personal or employment related information about EDC staff members. Personal information will be administered in accordance with the provisions of the *Privacy Act*; and
- E. Privileged information such as legal advice from or correspondence with either internal or external counsel, information relating to matters under negotiation or in legal dispute and disciplinary and investigatory information generated in or for EDC.

Please feel free to contact me should you have any questions or comments.

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