

PLENARY MEETING

Document 59-E
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Note by the Secretary-General

FURTHER STUDY ON INFORMATION/DOCUMENT ACCESS IN ITU

Summary

The Council 2014 requested the secretariat to further study the issue of access to ITU documents and to present appropriate documentation and a summary of the discussion of this item by the Council to the Plenipotentiary Conference for decision.

This document presents further elements on practices at the international level regarding access to information policies. The document does not present any view from the secretariat on a possible way forward. It is a factual document presented to the Plenipotentiary Conference to assist in the discussions on the issue.

1. BACKGROUND

1.1 At its 2014 session, the Council considered a background document prepared by the secretariat on access to ITU documents (Document [C14/INF/20](#)). The document defined the key terms such as documentation, publications, and information, and presented a review of practices in the UN and the Specialized Agencies as well as an overview of practices in ITU.

The Council requested the secretariat to further study the issue and present appropriate documentation and a summary of the discussion of this item by the Council to the Plenipotentiary Conference for decision.

1.2 The summary of the discussions during the Council on this item is reproduced in [Annex 1](#).

2. CURRENT SITUATION AT ITU

2.1 From the creation of the International Telecommunication Union, collecting and communicating information has been at the heart of its activities. Information is defined as a communication or representation of knowledge such as facts, data or opinions, and can be captured in databases, documents, publications, sound recordings, email, images, etc.

2.2 Currently, ITU policy regarding the accessibility and availability of this information is reflected in the following two documents, approved by the Secretary-General at the time:

- Information Circular (4 November 1982) - internal, "Archives of the Union: description and access". This document covers public access to historic records held by ITU's Archives Service.
- Multiple-destination letter DM-1013 (27 January 2000), "Guidelines for TIES access". This document covers electronic access by Member States, Sector Members and Permanent Missions to ITU working documents for conferences and meetings.

These documents address only certain types of information and certain types of access. They have neither been reviewed nor updated since 2000.

2.3 Information made available to the general public

ITU has traditionally made a variety of information available to the public and continues to do so today. Information that is regularly provided to the public – for sale or for free – includes the following¹:

- Press releases
- Speeches
- Statements
- Circulars/Circular letters²
- General information about the organization's activities (brochures, flyers, webpages, social media platforms)
- Photographs and videos of ITU events and activities
- Documents and information related to the history of the organization (History of ITU Portal)
- Publications, including:
 - Basic texts of the organization
 - Administrative Regulations
 - Final Acts of ITU conferences
 - Council Resolutions and Decisions
 - ITU Recommendations
 - Handbooks, guidelines, manuals, toolkits

¹ Note that the question of the *right* to access information is separate from the question of the *cost* of that access.

² Access to SG Circular letters is restricted to TIES users, but access to all types of Circular letters in the three Sectors is open to the public.

- Service publications (e.g. *International Frequency List*, lists of radio and telegraph stations)
- Software and databases, especially related to management of the radio-frequency spectrum and satellite orbits as well as some ITU-T databases (e.g., International Numbering Resources)
- Various reports and analyses, including reports on industry and ICT trends
- Proceedings of workshops, seminars and colloquia
- ICT data, statistics and statistical interpretations
- Terminology lists and glossaries
- *ITU News* (formerly *Journal télégraphique*, 1869-1933, and *Telecommunication Journal*, 1934-1993)

2.4 Access to ITU conference and meeting information

ITU conferences include: Plenipotentiary Conferences, world conferences on international telecommunications, world and regional radiocommunication conferences, world and regional telecommunication development conferences.

ITU meetings include, *inter alia*: Council meetings, the Assemblies of the ITU-T and ITU-R Sectors, Study Group meetings, meetings of the Sector Advisory Groups, and RRB meetings.

2.4.1 Access by type of information

In ITU, all conference and meeting documents have the same status when it comes to access. No distinction is made between agenda, Member State contributions, General Secretariat contributions, minutes of meetings, etc. Access is restricted to ITU members only; no public access is provided. An exception to ITU practice was made for WCIT-12. It was decided during the conference that contributions from Member States would be made accessible to the public. All other documents of the Conference remained restricted to TIES users.

2.4.2 Access by time period

Public access to conference and meeting documents is not provided *before and during* meetings, but has often been provided to all or part of the documents *after* a meeting has concluded. This practice was common in the past, but has gradually become more restricted since 1992. There is still a variety of cases today where documents for conferences and meetings are made available after a certain time period has elapsed.

- Two exceptions to this practice are:
 - WCIT-12: It was decided during the conference that contributions from Member States would be made accessible to the public immediately.
 - All RAG meetings: All documents are immediately available to the public.

2.5 New public consultations

As a new initiative, public consultations were held in 2013 as part of the process of elaborating the draft Strategic Plan for the Union for 2016-2019. Three public consultations took place: one informal public consultation launched by the Secretary-General via an innovative crowdsourcing platform, and two public consultations held by the [Council Working Group for the Elaboration of the Draft Strategic Plan and the draft Financial Plan for the Union for 2016-2019](#) on the proposed strategic framework and the draft text of the 2016-2019 strategic plan.

2.6 For further details on ITU practice, please refer to Document [C14/INF/20](#).

3. EXISTING POLICIES AND PRACTICES AT INTERNATIONAL LEVEL

3.1 Since 2008, a growing number of international and intergovernmental institutions have recognized the right to information through broad information disclosure policies giving individuals a right to request and receive information from them.

3.2 In 2013, the secretariat conducted a survey of 14 UN Agencies, Funds and Programmes including FAO, ICAO, IAEA, IFAD, ILO, UNDP, UNESCO, UNIDO, UNICEF, UPU, WHO, WMO, WIPO, and the World Bank. Preliminary research has been made through Internet, and results were communicated to the Agencies through the UN Governing Bodies Secretariat Group. The following Agencies have validated the information: FAO, IFAD, UNESCO, UNIDO, WIPO and WMO.

3.3 With a view to promoting transparency and accountability and to providing accurate and timely information to partners and stakeholders – including the public – several Agencies have adopted Information Disclosure policies over the past few years.

- Examples: ILO (2008), UNDP (2008, revised 2013), IFAD (2010), UNICEF (2010, updated 2011), World Bank (2010, revised 2013), WFP (2010), UNOPS (2012).³

These policies are based on a presumption of full disclosure of all information and documents generated by the organization. In all cases, however, this presumption is subject to exceptions for information falling into well-defined categories deemed to be confidential and therefore not available to the public.

3.4 Other organizations do not have a formal access/disclosure policy, but regularly provide information related to their operations and governance to the public. In all cases, the same exceptions to access as those found in the formal access/disclosure policies described in point 3.2 above are followed.

- Examples: WIPO, UNESCO, WHO, IAEA, FAO

3.5 In 2014, the secretariat conducted a survey of information disclosure policies and practices in 5 standardization bodies including ETSI, IEEE, IETF, ISC and ISO. None of these organizations has a formal access/disclosure policy but all of them regularly post a wide variety of information about the organization and its activities on their web site. With respect to information related to standards development and documents of standards development working groups, the amount and type of information made available to the public varies widely, depending on the composition, role and functions of the standards development working groups and on the degree of public participation in the standards development process.

³ Other international/inter-governmental organizations that have adopted official Access to Information or Information Disclosure Policies include: Inter-American Development Bank (IADB) (2010), Asian Development Bank (2011), and African Development Bank Group (2013).

4. COMMON ELEMENTS FOR AN ACCESS TO INFORMATION POLICY

Based on the review of practices in other UN and international agencies, the following common elements can be noted:

1. Definition of key terms

- Information
- Document
- Publication
- Access/Information disclosure

2. Statement of principles

- General principle: The organization's position with respect to openness and transparency and disclosure of information (most organizations are moving to a presumption in favour of disclosure subject to specific exceptions)
- Scope: An access policy should establish basic principles governing access to *all* types of information – and in *all* formats and media – created, received and used by the organization.
- Objective: What is the objective for the organization?
- Objectives commonly seen in the policies of other international organizations include:
 - To facilitate effective participation of all stakeholders, including the general public, in the work of the organization
 - Information sharing: operating in an open and transparent manner in order to demonstrate results that matter and inspire confidence in stakeholders and the public
 - Public access to information contributes to a better understanding of the organization's mission and work
- Benefits of membership: Is access to information a benefit of membership and does that benefit take priority over the public's right to information?

3. Exceptions

- The grounds for withholding information should be clearly and specifically established. Any exceptions/restrictions on access should concern categories of information where disclosure would cause potential harm to a legitimate private or public interest that outweighs the benefits of accessibility.
- Exceptions should be based on the *content*, rather than the *types*, of documents.
- Exceptions should describe categories of content in a general way. The statements/criteria can then be used to evaluate any document anywhere in the organization to determine whether it is open or restricted/confidential. Separate procedures can be developed that map the organization's current types of documents to the restricted categories.
- Exceptions should, wherever possible, be time-limited. An access policy should include a clear statement on the scope and duration of restrictions (either for a specified period of time or until a specified condition has occurred).

- Common categories of exceptions include:
 - i. personal information;
 - ii. information related to legal, disciplinary or investigative matters;
 - iii. information that would compromise safety and security;
 - iv. information provided by Member States/membership or third parties in confidence;
 - v. commercial information;
 - vi. financial information;
 - vii. information required for deliberative and internal decision-making processes.

4. Implementation aspects

- How will information be made available and accessible to the public?
 - Proactive posting of information on the organization's website
 - Dissemination of information to regional information points
 - Accepting individual requests for information
- Who is responsible for handling requests for information? What is the process for handling requests for information?
- Creation of an Oversight Committee/Access to Information Committee⁴ with responsibility for overseeing the implementation of the policy, including the following:
 - Advising management on the application of the policy
 - Reviewing proposals to disclose information that is on the list of exceptions
 - Ensuring consistency in the implementation and application of the policy
 - Receiving and ruling on appeals
 - Issuing guidelines to staff on policy implementation, including developing procedures and guidelines that map the organization's current types of documents to the restricted categories
 - Regularly reviewing the policy and procedures and making recommendations on changes which should be made.

5. Appeals Process

- What right do individuals have to appeal a decision to deny access to requested information? What is the process? Who is responsible for handling the appeal?

⁴ International organizations that have established such an Oversight Committee include the World Bank, UNDP, UNOPS, WFP, IADB.

ANNEX 1

Extracts from

Document C14/92: Report by the Chairman of the Standing Committee on Administration and Management, and Document C14/99: Summary Record of the ninth Plenary Meeting

Extract of Document C14/92: Report by the Chairman of the Standing Committee on Administration and Management

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General policy regarding access to ITU documents (Documents [C14/INF/20](#) and [C14/64](#))

7.9 The delegate from the United States of America presented the document on Access to ITU documents with a view of enhancing transparency of ITU decisions, improving decision-making and ensuring accountability.

7.10 The document proposed making the Plenipotentiary Conference (PP-14) documents accessible to the public.

7.11 The protection of privacy of individuals and third parties, legal privilege, contractual, proprietary or commercial information, and certain governance matters should be carefully taking into account in the document access policy.

7.12 While a number of delegates expressed their support of the proposal, some delegates reminded the Committee to exercise caution in providing access of documents to the public. A significant number of delegates expressed the desire for transparency. While a number of delegates supported the public disclosure of documents to enhance transparency of ITU decisions, improve decision-making and help ensure accountability, some delegates believe that caution must be applied in public disclosure of information.

7.13 The ITU Legal Advisor confirmed that a decision on the general policy of access to ITU documents has to be taken by the Plenipotentiary Conference.

Recommendation

7.14 The Committee recommends that the Secretariat further study the issue and present appropriate documentation and a summary of the discussion of this item by the Council to the Plenipotentiary Conference for decision.

Access to Internal Auditor's, IMAC and External Auditor's reports (Documents [C14/61](#) and [C14/62](#))

7.15 The issue of access to ITU documents and public disclosure of reports of the Internal Auditor, External Auditor and IMAC was the subject of lengthy and serious debates and generated numerous interventions from delegates.

7.16 A significant number of delegates expressed the desire for transparency. While a number of delegates supported the public disclosure of documents to enhance transparency of ITU decisions, improve decision-making and help ensure accountability, some delegates believe that caution must be applied in public disclosure of information. They felt that documents must be sufficiently examined and verified to avoid incorrect conclusions.

7.17 A proposal was presented by the United States to the Committee to recommend to the Council that the reports of the Internal Auditor and IMAC be made publicly accessible.

7.18 The Secretariat presented during the March 2014 session of the Council Working Group on Financial and Human Resources (CWG-FHR) a comprehensive report on access to ITU documents, during which time it was requested that Council should further consider that the reports of the Internal and External Auditors as well as those of the Independent Management Advisory Committee (IMAC) be made accessible to the public.

7.19 The accessibility to internal audit reports is already being practiced in the UN and in some UN agencies. The document highlights the importance of public disclosure of internal audit reports to enhance ITU's credibility, transparency and accountability.

7.20 On exceptional cases where information could endanger the safety and security of any individual, violate his/her due process rights or compromise pending legal action, confidentiality measures may be taken e.g., the internal audit report may be revised for such purpose.

7.21 Some delegates supported the proposal, others expressed some reservation and a number would like to defer the discussion to allow ample time for analysis and study of the issue.

7.22 The United States presented its proposal on the publication of annual reports of the External Auditor on ITU's publicly accessible website, in line with the best practice in the United Nations system.

7.23 The proposal highlights the importance of transparency of financial management practices to build confidence among all stakeholders and to ensure continued support of the organization and its mandates.

7.24 Some delegates proposed a text which reflects the various concerns with a view of arriving at a consensus i.e., the recommendation to the Council to make publicly available the IMAC and External Auditor's report, and the summary of the annual report of the Internal Auditor, on a temporary and exceptional basis until PP-14 decides on the general policy on access to ITU documents and public disclosure. Such temporary arrangement should in no way create any precedence for future action on this regard until the PP-14 decides on the matter, as appropriate.

7.25 The ITU Legal Advisor confirmed that the ITU Council has the power to decide on this issue.

Recommendation

7.26 The Committee recommends that the Council approve the publication on a temporary and on exceptional basis until the PP-14 decides on the general policy of accessing ITU information and documents of:

- the report of the IMAC;
- the report of the external audit; and
- summary of internal audit report.

Such temporary arrangements should in no way create any precedence for future actions in this regard until PP-14 decides on the matter, as appropriate.

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Document C14/99: Summary Record of the ninth Plenary Meeting

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“..1.6 A councillor said that the recommendation in § 7.14 should refer explicitly to PP-14....”

..”1.25 Subject to the amendments agreed to in the course of the discussion, the Council **approved** the recommendations set out in §§ 1.7, 2.7, 3.5, 4.7, 5.2, 6.4, 7.8, 7.14, 7.26, 7.35, 7.37, 7.43, 8.2, 9.8, 10.7, 11.5, 12.8, 13.5, 14.6, 15.4, 15.5, 18.9 and 19.14, thereby **approving, adopting, endorsing or noting**, as appropriate, the following texts”.
