

# Emergent's Information Disclosure Policy

## I. Objective and scope

- Emergent recognizes the importance of and affirms its commitment to transparency and accountability in all aspects of its operations in fulfilling its mandate.
- Through the implementation of this Information Disclosure Policy (the Policy), Emergent recognizes the need to promote public access and stakeholder participation in fulfilling its role. Emergent will promote a high standard of transparency in all its activities through the effective dissemination of information to stakeholders and the public at large.
- This document sets out Emergent's Policy regarding the information that it makes available to the public either as a routine matter or upon request.
- This Policy applies to all information produced by or in the possession of Emergent.

## II. Principles

5. This Policy is based on the following principles:

- (a) **Principle 1: Maximize access to information.** Emergent reaffirms its commitment to transparency commensurate with the achievement of its mission in all of its activities and therefore seeks to maximize access to any documents and information that it produces and to information in its possession that is not on the list of exceptions as set out in Chapter IV of this Policy.
- (b) **Principle 2: Limited exceptions.** Any exceptions to disclosure will be predicated upon the possibility that the potential harm to interests, entities or parties arising from the disclosure of information would outweigh the benefits, and Emergent's legal obligations to non-disclosure and reception of information from third parties clearly intended to be confidential. Emergent may, in exceptional circumstances, decide to not disclose or delay dissemination of information that would normally be accessible if it determines that the harm that might occur by doing so will outweigh the benefits of access. Emergent may also, in exceptional circumstances, make available to the public information ordinarily excluded from disclosure when it determines that the benefit would outweigh the potential harm, except where Emergent is legally obligated to confidentiality.
- (c) **Principle 3: Simple and broad access to information.** Emergent will employ all practical means to facilitate access to information, maximize access to such information, and use clear and cost-effective procedures and timelines for processing requests.

## III. Standard of disclosure

6. Emergent seeks to maximize access to information that it produces and/or possesses and will therefore, subject to the provisions of this Policy, disclose any information not contained in the list of exceptions set out in Chapter IV of this

Policy. This Policy is predicated not on a list of information that it chooses to disclose but rather on a clear definition of the information that it will not disclose. All documents in Emergent's possession subject to disclosure as per this Policy, will be released on the Emergent website or through other appropriate means, or will be provided upon request, to provide the public with a clear picture of Emergent's work and the way it administers financial resources received from public, private and other sources.

7. The timing of disclosure of the different types of information may vary, based on the nature of the information as further set out in Section VIII of this Policy.

#### **IV. Exceptions to presumed disclosure**

8. While Emergent is committed to disclosing as much information as possible, its effective functioning requires protection of certain types of information by identifying the harm that disclosure of the relevant information could cause to the interests protected by the exceptions.

9. The exceptions to Emergent's presumption in favor of disclosure of information are set out below. Subject to paragraphs 10 and 11 below, the management team will determine whether documents or portions thereof will be disclosed:

(a) **Personal information.**

Emergent will not disclose information relating to:

- (i) personal information of any person, including members of the Board, advisers, the Emergent staff and consultants and other persons connected with Emergent; and
- (ii) Staff appointment and selection processes, the disclosure of which would affect the legitimate privacy interest of the person(s) concerned.

(b) **Legal, disciplinary or investigative matters.**

- (i) Emergent will not disclose information subject to legal professional privilege, matters in legal dispute or under negotiation, information relating to any investigation of alleged fraud, corruption or misconduct or disciplinary proceedings, or any information that, if disclosed, would or would be likely to prejudice an investigation or the administration of justice or violate applicable law;
- (ii) Emergent will not disclose information, documents, reports or communications in circumstances where disclosure would violate applicable law or other legal obligations, or could subject it to undue litigation risk; and
- (iii) Emergent will not provide access to or release information relating to proceedings of internal grievance and appeals mechanisms except to the extent expressly permitted under the rules of these mechanisms;

(c) **Communications involving members of the Board and advisers.** Emergent will not disclose communications between members of the Board, advisers and the management team. Major decisions made by the board will be made public, without attribution to board members, or information that leads up to a decision.

(d) **Safety and security.** Emergent will not disclose information that would or would be likely to compromise the security, safety or health of its staff and their families, consultants, experts

and contractors, Emergent assets, or any other individual;

(e) **Information provided in confidence.**

- (i) Emergent will not disclose financial, business or proprietary and non-public information in its possession and belonging to a third party where that information has been explicitly defined as confidential, or could reasonably be felt to be so, without the explicit permission of such a party; and
- (ii) Emergent will not disclose information provided to it in confidence, alleging fraud, corruption, or violation of any of Emergent's policies, or misconduct, except to the extent specifically permitted by and in accordance with the applicable laws on investigations, as well as the identity of the party making the allegation.

(f) **Deliberative information.** Deliberative information exchanged, prepared for or derived from the exchanges between Emergent staff and between Emergent and its implementing organizations or third parties as well as information pertaining to Emergent's own internal deliberative processes, will not be disclosed. Therefore, while it might, subject to the provisions in Chapter V of this Policy, make public certain decisions reached at the conclusion of such a deliberative process, it will generally not provide access to the following information:

- (i) Information (including inter-office or intra-office e-mails, notes, letters, memoranda, draft documents or reports) prepared for or exchanged during its deliberations with implementing organizations, countries, other entities or persons with whom Emergent is involved;
- (ii) Information (including e-mails, notes, letters, memoranda, reports or other documents) prepared for, or exchanged during its own internal deliberations, including those issued or prepared by Emergent's staff, consultants, experts, or agents; and
- (iii) Sensitive information that is included in studies, audit reports, assessments, evaluations or analyses prepared by or on behalf of the management team to inform Emergent's internal decision-making and assessment processes.

(g) **Commercial information.** Emergent will not provide access to any information that, if disclosed, would prejudice its commercial interests of Emergent and any of its activities;

(h) **Board proceedings.** Emergent will not disclose Board documents, including pre-meeting documents, that are deemed confidential pursuant to this Policy of which distribution will be limited to members of the Board. Emergent will not webcast, or provide video recordings of Board meetings; and

(i) **Information relating to Committees, Panels and Groups** (such as the LEAF Core Advisory Group). Before disclosing any information, Emergent will redact any portion of reports, information, decisions, recommendations or proceedings of any of the Committees, Panels and Groups, which contains confidential information which, if disclosed, may cause prejudice to Emergent, any persons associated with it or other related parties.

## V. Overrides

10. As described in paragraph 6 above (Principle 2: Limited exceptions), Emergent may decide to provide access to certain specified types of information that are subject to this Policy's exceptions, in extraordinary circumstances, if it determines that the benefit to be derived from doing so would outweigh the potential harm that the application of this Policy might otherwise entail, and so long as Emergent is not legally or otherwise obligated to confidentiality. Any decision to provide access to information via the override would require the Board's concurrence for any Board document, the Executive Director's concurrence for any other document produced, commissioned or under the purview of the management team, as well as the written consent of any third party that had provided information to Emergent in confidence for any such information that Emergent wishes to disclose.

11. Emergent also reserves the right not to disclose, by means of a 'negative' override, normally available information if it determines that the potential harm that the application of this Policy might otherwise entail would outweigh the potential benefit of disclosing such information, or if the request is vexatious. Any decision not to disclose information via this override would require the Board's concurrence for any Board document, and the Executive Director's concurrence for any other documents produced, commissioned or under the purview of the management team.

## **VI. Language of Disclosure**

12. English is Emergent's working language. Ordinarily, documents will be disclosed in the original language; however, any documents Emergent discloses that it considers to be of significant public interest, such as to stakeholder groups, will be published in other languages on the Emergent website.

## **VII. Implementation aspects of this Policy**

### **8.1 Procedures for accessing information**

13. Any information concerning Emergent-funded projects, programs, policies, strategies and general operations held by Emergent for more than 20 years from the date such information was produced by, or provided to, Emergent, will be considered historical information. Historical information might be disclosed upon request, subject to the exceptions listed in paragraph 9.

14. Emergent will review and publish information to be disclosed on the LEAF Coalition website on a quarterly basis at minimum.

### **8.2 Information upon request**

15. Anyone may contact the management team with a reasonable request for any document or information which is not accessible on Emergent's website. The management team will entertain external requests for information or documents that are made in writing.

Requests for information may be submitted via e-mail, as needed, addressed as follows:

(a) Management team via e-mail: [info@emergentclimate.com](mailto:info@emergentclimate.com).

All requests for information will be processed by the management team. Requests should ~~include~~ ~~with~~ reasonable specificity the information that is being sought to enable the management team, ~~with~~ a reasonable period, to locate the information.

16. In responding to external queries, the management team will either provide the requested information or document, referring the requester to the relevant link on the Emergent website whenever possible, or a reason why the information cannot be given.

### **VIII. Timelines for responding to requests**

17. The management team shall endeavor to respond to requests for information within 30 working days of receipt of a written request for information, unless additional time is required because of the scope or complexity of the information requested. In its response, Emergent shall either provide the requested information or the reasons why the request has been denied, indicating the particular provision(s) in this Policy that justifies the refusal.

18. The management team may partially or wholly deny a request on the following grounds:

- (a) In accordance with the limitations set out or referred to in this Policy; and
- (b) If the request is deemed to be an excessive demand on the management team's resources.

19. Emergent shall not be required to comply with, or respond to, repeated or unreasonable requests for information on the same subject from the same person, organization, or group if the management team has provided such information after a previous request or has given reasons why it cannot provide information. Emergent shall not be required to respond to anonymous requests or those submitted under pseudonyms. Emergent shall not be required to respond to requests for information from competitors unless it is clearly in the public interest to do so.

### **IX. Miscellaneous**

20. Information disclosed under this Policy is provided as is. Emergent will take all reasonable steps to conspicuously disclaim any loss or liability, either directly or indirectly because of using the disclosed information.

21. This Policy will be reviewed annually, with changes made at the discretion of Emergent.

22. Any questions about the Policy should be submitted via e-mail: [info@emergentclimate.com](mailto:info@emergentclimate.com).