

**Access to information and promotion of transparency:
Overview of policies and instruments of the Food and Agriculture Organization of the
United Nations (FAO)**

I. Does your organization have an access to information policy?

1. The Food and Agriculture Organization of the United Nations (FAO) has no single access to information policy document. However, several of the primary instruments of the Organization reflect general principles related to access to information. These can essentially be divided into two main categories: the promotion of access to information related to FAO's mandate; and, the promotion of transparency as regards the operation of the Organization.
2. The elements, providing an overview of the instruments addressing these two categories are set out below. They are by no means comprehensive; however, it is hoped that they provide some insight into the position of FAO in this important area.

A. The promotion of access to information related to FAO's mandate

3. Free access to information is a core function of FAO. In accordance with Article I(1) of the FAO Constitution, "[t]he Organization shall collect, analyse, interpret and disseminate information relating to nutrition, food and agriculture".
4. Article I(2) establishes *inter alia* that "[t]he Organization shall promote and, where appropriate, shall recommend national and international action with respect to: (a) scientific, technological, social and economic research relating to nutrition, food and agriculture; (b) the improvement of education and administration relating to nutrition, food and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice".
5. The obligations concerning access to information on areas falling within FAO's mandate extends to the Members as provided in Article XI of the Constitution:

"1. All Member Nations and Associate Members shall communicate regularly to the Director-General, on publication, the texts of laws and regulations pertaining to matters within the competence of the Organization which the Director-General considers useful for the purposes of the Organization.

2. With respect to the same matters, all Member Nations and Associate Members shall also communicate regularly to the Director-General statistical, technical and other information published or otherwise issued by, or readily available to, the government. The Director-General shall indicate from time to time the nature of the information which would be most useful to the Organization and the form in which this information might be supplied.

3. Member Nations and Associate Members may be requested to furnish, at such times and in such form as the Conference, the Council or the Director-General may

indicate, other information, reports or documentation pertaining to matters within the competence of the Organization, including reports on the action taken on the basis of resolutions or recommendations of the Conference.”

6. FAO's Strategic Framework confirms that the collection, analysis, monitoring and improvement of access to data and information in areas related to FAO's mandate is one of its core functions. This function drives the priorities and the Programme of Work of the Organization. FAO has recognized that the discharge of this function is, in fact, fundamental to support countries' capacities to respond to emerging challenges, and their capacity to implement strategic, evidence-based and innovative policies (see FAO Reviewed Strategic Framework,¹ especially paragraphs 61 and 68(b), as adopted by the Conference at its 39th Session in 2015, and the FAO Programme of Work and Budget 2016-17,² as adopted by the 38th Session of the Conference in 2013).]
7. In addition to the more general policies, a large volume of sector-specific guidance has been developed in the context of promoting access to information. For example, the Organization has adopted a number of voluntary instruments in which the principle of access to information is embedded. Thus, the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security* (VGGT)³ underline the priority to be given by States to widely publicising information related to tenure, ensuring that it is accessible not only from a physical, but also a linguistic perspective, and in a manner that is non-discriminatory. For example, Section 6 concerning the delivery of services specifies:

“States should establish policies and laws to promote the sharing, as appropriate, of spatial and other information on tenure rights for the effective use by the State and implementing agencies, indigenous peoples and other communities, civil society, the private sector, academia and the general public. National standards should be developed for the shared use of information, taking into account regional and international standards.”
8. Similarly, paragraph 17.5 of the VGGT establishes the following over-arching principle:

“States should ensure that information on tenure rights is easily available to all, subject to privacy restrictions. Such restrictions should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions. States and non-state actors should further endeavour to prevent corruption in the recording of tenure rights by widely publicizing processes, requirements, fees and any exemptions, and deadlines for responses to service requests.”
9. In a similar manner, another non-binding instrument, the *Framework for Action for Food Security and Nutrition in Protracted Crises*,⁴ includes principles for action

¹ Available at: <http://www.fao.org/docrep/meeting/027/mg015e.pdf>.

² Available at: <http://www.fao.org/3/a-mm710e.pdf>.

³ Available at: <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>.

⁴ Available at: <http://www.fao.org/3/a-bc852e.pdf>.

intended to guide the development, implementation and monitoring of policies and actions to improve food security and nutrition in protracted crisis situations. Principle 7 - “strengthen country ownership, participation, coordination and stakeholder buy-in, and accountability” – includes: “[e]nabling informed decision-making by members of affected and at risk populations, by endeavouring to provide accessible and understandable information in a timely manner” and “[p]romoting, following and strengthening accountability processes, and adequate, transparent and accessible feedback and complaint mechanisms, so that responses are continuously improved”.

10. The above are only a few examples of the instruments of FAO demonstrating that the principle of access to information underpins, and also drives, many of the activities of the Organization.

B. The promotion of transparency as regards the operation of the Organization:

11. The *Immediate Plan of Action for FAO Renewal* (IPA) was adopted by the FAO Conference (its primary Governing Body) in 2008, following an Independent External Evaluation aimed at improving FAO’s performance and its ability to respond to emerging challenges. The IPA covered three main areas: priorities and programmes of the Organization; governance reform; reform of systems, programming and budgeting, culture change and organizational restructuring. The IPA reinforced the importance of access to information in the context of delivery of the FAO mandate, as identified under Section A above, but also contains many elements that seek to guarantee greater access to information on the operation of the Organization.
12. The IPA introduced a Results-based Management Framework (RBM) – reflected in the Strategic Framework referred to in Section A – under which “FAO plans, implements and assesses its work”. It is intended to “feed back into management decision-making and facilitate Governing Body oversight, both of the use of all resources in line with agreed priorities and of their effectiveness in terms of benefits to individual member countries and the global community.”⁵ Thus, the RBM introduces greater transparency for Members and other stakeholders, and strengthens the accountability of the Organization.
13. The rules of procedure of the Governing and Statutory Bodies also establish certain guarantees for access to information. For example, it is the norm that their sessions are held in public unless the Body concerned decides otherwise (see, for example, Rule V of the General Rules of the Organization (GROs)).⁶ Similarly, the official documents for the sessions of these Bodies are normally public. In some cases, the Rules also require arrangements to be made for the admission of the public, representatives of the press and “other information agencies” (See Rule XIII(7) of the GROs).

⁵ IPA, paragraph 4. Available at: http://www.fao.org/fileadmin/user_upload/IEE/Resolution_IPAEnglish.pdf.

⁶ FAO Basic Texts, Vol. I, Part B. Available at: <http://www.fao.org/3/a-mp046e.pdf>.

14. Other mechanisms forming part of FAO's institutional and legal framework – particularly those related to internal controls – are also underpinned by the notion of transparency. Thus, for example, the Charter of the Office of Evaluation includes, as a primary principle,

“**Transparency:** Evaluation reports and management responses are in the public domain. Evaluations follow a consultative process, whereby evaluators and evaluation managers engage in dialogue to the maximum extent possible with main stakeholders throughout the evaluation process”.

15. As briefly described above, while there is no single policy document specifically addressing access to information, most of the instruments that govern the operations of the Organization reflect the access to information principle.

II. If your organization has not yet developed an access to information policy, please explain why it does not have such a policy in place. Please also indicate the measures your organisation has adopted, or intends to adopt, if any, to make available or otherwise disclose information in the public interest.

16. Given the wide scope of activities of the Organization, and the fact that knowledge dissemination and promoting access to information form part of its core functions, it is not considered that FAO requires a standalone access to information policy document. It looks, rather, to promoting access to information through the operationalization of its activities. Thus, a number of public and internal instruments have been developed – some of which are described above – that give effect to the general principle of access of information, while also safeguarding information that should be disclosed only upon certain conditions.
17. Like most other UN System organizations, FAO distinguishes between internal and public information for the purpose of management and accessibility of information.

A. Internal information

18. FAO manages its internal records and archives on the basis of the principles of transparency and knowledge sharing, while guaranteeing that confidential records are managed in a secure environment and individual privacy is respected. Unless reasonable cause exists to restrict access to particular records, access to internal records is open, and limited to, FAO personnel and third parties with whom it FAO engages in the normal course of business (see Section 601 of the FAO Administrative Manual and Administrative Circular 2013/23 on *Confidentiality Policy*, as contained in **Annexes I and II**).
19. It is noted that some information may be initially classified as internal and, subsequently, reclassified as public. This is the case when, for example, internal deliberative and decision-making processes may still be ongoing, the policy of the Organization on a given matter has not yet been established, or the information is of a

preparatory or incomplete nature and its disclosure could undermine FAO's free and independent decision-making processes.

20. Any third party request to access FAO's internal records – where FAO is not collaborating with that third party in the normal course of business – is assessed on a case by case basis, in consideration of the sensitivity of the information as well as the relevance of the interest of the requester.
21. Internal information may be in some cases confidential (e.g. personal information). Confidential records are managed in a secure environment and may be accessed only with the authorization from the office holding the information and, in the case of personal information, with the prior consent of the person concerned. Confidential information is not disclosed to individuals or entities external to the Organization.

1. *Financial and audit records*

22. Specific policies have been established for the management of, and access to, audit reports and staff-related information on the basis of guidance provided by FAO's Governing Bodies, specifically the Finance Committee and the Committee on Constitutional and Legal Matters.
23. In March 2011, The 92nd Session of the Committee on Constitutional and Legal Matters and the 138th Session of the Finance Committee adopted a policy for the "Disclosure of Internal Audit Reports", which was subsequently incorporated into the Charter of the Office of the Inspector-General (see Annexes III, IV and V). Under this policy, the Inspector General's annual report are publicly available on the Organization's website. Specific audit reports and reports of lessons learned from investigations are available to the Representatives of FAO Member Nations on request.

2. *Procurement*

24. FAO's procurement procedures are aimed at guaranteeing the timely acquisition of goods, works and services in a competitive and transparent manner. Generally, FAO applies the standard UN System approaches in this regard.
25. To guarantee transparency, FAO procurement contracts and procedures are publicly advertised on the United Nations Global Marketplace online.⁷ The website also provides information on the UN System Organizations, their respective procurement rules, requirements and procedures, as well as on the main categories of goods and services purchased by them. Furthermore, FAO publishes statistics on its procurement activities annually (see FAO webpage on *Statistics for Procurement Activities*).⁸
26. Requests for specific information may be channelled through both the UN Global Marketplace and the FAO websites, through the dedicated contact page.

⁷ Available at: <https://www.ungm.org/>.

⁸ Available at: <http://www.fao.org/unfao/procurement/statistics-from-2010-2015/en/>.

3. *Personnel records*

27. Section 340 of the FAO Administrative Manual on *Confidential Personnel Files* governs the content and accessibility of personnel related information, including medical records. These records are confidential and are subject to strict access conditions. All inquiries from outside the Organization that would require information from those records are addressed on a case-by-case basis in accordance with the terms established in the Manual Section 340 (Annex VI).
28. This policy was developed on the basis of the guidance provided by the Committee on Constitutional and Legal Matters (CCLM) at its 74th Session in October 2001. The CCLM is an intergovernmental body of FAO responsible for addressing the legal and constitutional aspects of the Organization. The principles and guidelines constituting the basis for Manual Section 340 are contained in the document CCLM 74/4 (Annex VII), whereas the mandate by the CCLM to the Secretariat to develop FAO guidelines on privacy protection and release of staff-related information is contained in the Report of the 74th Session of the CCLM (Annex VIII).

B. Public information

29. To raise awareness and advance knowledge of food, agriculture, natural resources and related economic development, FAO is committed to making its information and data freely available and encourages their use and wide dissemination.

1. *Official documents*

30. Access is not restricted to most official documents of the Governing and Statutory Bodies. Official documents of FAO Governing and Statutory Bodies are available, in all the FAO official languages, at <http://www.fao.org/unfao/govbodies/gsb-search/en/>.

2. *Publications*

31. FAO publications are made available in a variety of formats and include published reports, technical documents, statistics, press releases, etc. While it retains copyrights in its publications, FAO provides free access and allows all its publications, documents and reports to be downloaded and used for non-commercial purposes, without charge, via its online Document Repository: <http://www.fao.org/documents/en/>. The terms and conditions applicable to FAO's web content are available at: <http://www.fao.org/contact-us/terms/en/>. Users of FAO publications are requested to acknowledge FAO as the source and copyright holder, while FAO's endorsement of users' views, products or services must not be implied in any way.
32. Many of its publications provide sector-specific guidance related to access to information. For example, the FAO Technical Guidelines for Responsible Fisheries on Information and Knowledge Sharing includes a section on "access and affordability of

information”.⁹ Similarly, “Farming for the future: Communication efforts to advance family farming” addresses access to information in the context of family farming.¹⁰

3. Databases

33. FAO also populates and administers a large number of databases on specific subject matters which are hosted on the FAO website. For example,
- The FAOSTAT online platform¹¹ provides statistical data measuring various agricultural factors (production, trade, food security, demography, prices, emissions, forestry, etc.).
 - The FAOLEX database¹² is a comprehensive online collection of national laws, regulations and policies on food, agriculture and natural resources.
 - The *Family Farming Knowledge Platform*¹³ collects and disseminates information on family farming, including national laws and regulations, public policies, best practices, relevant data and statistics, research, articles and publications. Its objective is to collect, integrate and systematize existing information to provide knowledge-based information and assistance to policy-makers, family farmers’ organizations, development experts, as well as to stakeholders in the field and at the grassroots level.
34. It is noted that the publications and databases referred to in this document are simply a few examples drawn from a very large body of information that FAO makes publicly available.

C. Request to access specific information

35. Any enquiry, including requests to access specific information, may be sent to the contact addresses available on the FAO website: <http://www.fao.org/contact-us/en/>. The responses to such requests are governed by the nature of the information requested, and assessed in the light of the overarching policies of the Organization, as well as the internal legal framework, as reflected in the instruments identified above.

⁹ Available at: <http://www.fao.org/3/a-i0587e.pdf>.

¹⁰ Available at: <http://www.fao.org/documents/card/en/c/eb4ed8a5-0f16-4bbe-88b5-40b5ea092d5d/>.

¹¹ Accessible at: <http://faostat3.fao.org/home/E>.

¹² Accessible at: <http://faolex.fao.org/>.

¹³ Accessible at: <http://www.fao.org/family-farming/en/>.