Operational Instruction Ref. OI.LG.2019.02
Information Disclosure

Authority:

This Operational Instruction (OI) is promulgated by the General Counsel, Legal Group, under OD.LG.2018.01: Legal.

Purpose:

The purpose of this OI is to provide instructions regarding the disclosure of information concerning UNOPS operations to third parties.

Effective Date:

This OI shall become effective **immediately**

Promulgation Date:

04 Nov 2019

Consequential changes:

This OI shall supersede and replace OI.LG.2018.04 - Information Disclosure. The purpose of this revision to align this OI with EOI.IAIG.2019.02 - Information Classification of 4 November 2019.

[signature redacted]

Jim Provenzano
General Counsel

1. Introduction

1.1 UNOPS recognizes that accountability and transparency are fundamentally important to carrying out its mandate as part of the United Nations system.

1.2 As a steward of public funds directly accountable to its governing body and partners, UNOPS is committed to operate in an open and transparent manner, and to disclose as much information concerning its operations (UNOPS information) as possible to the public.

1.3 The purpose of this OI is to provide instructions regarding disclosure of such information.

2. Information that may be disclosed

2.1 Information that is considered "Public" as per the Executive Office Instruction on Information Classification (Ref. EOI.IAIG.2019.02) may be disclosed to third parties.

2.2 The main source for disclosing UNOPS information shall be UNOPS website: http://www.unops.org .

2.3 UNOPS information may also be disclosed directly to a third party in accordance with this OI.

2.4 UNOPS will attempt to disclose relevant UNOPS information in English, French and Spanish, and other languages, subject to business and strategic priorities. However, not all of UNOPS information will be translated.

2.5 Except for the UNOPS information that may be disclosed under the OI, all other UNOPS information may only be disclosed upon approval by the General Counsel or a UNOPS Legal Advisor, in consultation with the Chief Information Security Officer, as need be.

2.6 Subject to the next section the following UNOPS Information may be disclosed if and when requested by a third party, if not already provided on the UNOPS internet site. However, due care shall be given when providing such information. In case of any doubt as to whether the following information (or part of it) may be disclosed, please seek the advice of a UNOPS Legal Advisor.

a. **Host country agreements** and similar agreements, whereby UNOPS establishes the conditions to be present and carry out activities in a particular country with the Government of that country.

b. **Common Country Assessments/ United Nations Development Assistance Frameworks (CCA/UNDAF)** , prepared by Governments in consultation with the UN Country Team.

c. **A list of UNOPS Offices, including** UNOPS Headquarters, Regional Offices, Operations Centres and Project Centres along with official contact details.

d. **Partners.** A breakdown of UNOPS main partners, including the share they make up of UNOPS portfolio, may be listed.

e. **Project Data,** in a format according to the open data standard established by the International Aid Transparency Initiative (IATI), including a list of all the projects implemented by UNOPS, the project name, funding source, partner(s), country of implementation, the total project budget and the amount dispersed may also be displayed.

f. **UNOPS Executive Board' s** documentation provided for Executive Board meetings, as well as all deliberations and decisions of the Board.

g. **UNOPS Executive Office'** s Annual Report to the Executive Board, as well as all public statements and speeches by the Executive Director and senior management.

h. **UNOPS Executive Director Principles and relevant Directives and Instructions** govern the way UNOPS organizes itself and operates.

i. **Selected UNOPS Financial Information**, including relevant documentation on UNOPS budgets as approved by the Executive Board, financial report and audited financial statements, the annual review of the financial situation and the annual report of UNOPS Internal Audit and Investigations Group (IAIG).

j. **External audit reports regarding UNOPS,** prepared by the UN Board of Auditors and the Joint Inspection Unit.

k. **Internal audit reports**, prepared by IAIG.

l. **UNOPS Procurement** solicitation notices in accordance with OI.PG.2017.01: Procurement Procedures, all awarded contracts irrespective of value (although in a limited number of cases some information may be withheld if disclosure is likely to endanger the safety or security of any individual or vendor, violate his or her rights, or invade his or her privacy).

m. **UNOPS Personnel** breakdown, reflecting gender, origin, position, as well as a listing of senior management positions with official contact details.

n. **Other information** which in the view of the Executive Director , the Deputy Executive Director, or the Director, Communications Group (CG), in consultation with the General Counsel, and the Chief Information Security Officer as need be, shall be disclosed.

3. Information that may not be disclosed

3.1 While UNOPS is committed to have an open and transparent disclosure system in place, there are legal, operational and practical considerations that are necessary to preserve the organization's interests, as well as those of its personnel and its various partners.

3.2 Information that is considered as "Unclassified", "Confidential" or "Strictly Confidential" as per the Executive Office Instruction on Information Classification (Ref. EOI.IAIG.2019.02) may not be disclosed to third parties, unless authorized by the General Counsel, in consultation with the Chief Information Security Officer as need be. This includes:

a. Information received from or sent to third parties under an expectation of confidentiality;

b. Information which disclosure would likely endanger the safety or security of any individual, violate his or her rights, or breach his or her privacy;

c. Information which disclosure would likely endanger the security of Member States or prejudice the security or proper conduct of any operation or activity of UNOPS;

d. Information, covered by legal privilege or disclosure of which might prejudice any internal, governmental, or legal investigation;

e. Information provided in confidence to the Ethics Officer;

f. Internal investigations reports;

g. information which disclosure would likely compromise the integrity of UNOPS deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda or e-mails, and other similar communications to or from UNOPS management, UNOPS personnel, and UNOPS contractors.

h. Information exchanged, prepared for, or derived from the deliberative and decision-making process between UNOPS, its partners, and/or other entities with which UNOPS cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among UNOPS, its partners, and/or other entities with which UNOPS cooperates by inhibiting the candid exchange of ideas and communications.

i. Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication;

j. Commercial information which disclosure would likely harm either the financial interests of UNOPS or those of other parties involved;

k. Information which disclosure would likely undermine the dialogue between UNOPS, Member States and/or partners;

l. Information requests which are not reasonable, excessive or overly burdensome or which are made with an abusive or vexatious purpose or by a vexatious or querulous entity.

m. information which the harm in disclosing the information would in the view of UNOPS outweigh the public interest

4. Request for Information by Third Parties

4.1 Third parties may submit requests for information not already made publicly available by submitting their request to the Director, CG by email at communications@unops.org[1]. The Director, CG, shall acknowledge the receipt of the request and shall endeavour to respond to such request in writing, in consultation with the General Counsel, LG, and the Chief Information Security Officer, as need be, within 30 days. In case a request is denied, the response of Director, CG, shall provide the reasons for such denial.

4.2 Whenever a request has been denied for reasons that appear to be inconsistent with the spirit of this OI, the requester may challenge the decision of the Director, CG, by submitting his/her challenge to UNOPS Information Disclosure Oversight Panel (IDOP) by email at communications@unops.org[2], noting it is for the attention of the IDOP.

4.3 The IDOP shall acknowledge receipt of the challenge and shall endeavour to provide its response within 60 calendar days of receipt of the request. In case a request is denied, the response of the IDOP shall provide the reasons for such denial.

1. mailto:communications@unops.org
2. mailto:communications@unops.org