

IMO SECRETARIAT POLICY ON ACCESS TO INFORMATION

I The Policy

1 The IMO Secretariat frequently receives requests for information. The IMO Secretariat Policy on Access to Information (the "Policy") is an internal policy of the IMO Secretariat describing the procedures for handling requests for information from external sources. This Policy will apply to the information generated by IMO and to that which is in its possession within the limits indicated in the Policy and subject to the exceptions for disclosure. The Policy takes into account the decisions of the Council regarding documents related to IMO meetings. The disclosure policy on those documents is determined by the IMO Council.

2 The Policy is guided by the presumption that information concerning IMO's work as described in Part III is in principle to be made accessible to the public.

3 Exceptions to accessibility are outlined in Part IV of this Policy.

4 This Policy applies to the IMO Secretariat, and IMO's regional offices. The World Maritime University and the IMO International Maritime Law Institute shall adopt their own policies.

5 This policy does not apply to requests for information held by the Secretariat, made by any IMO organ, or for official requests for information made by an IMO Member State, United Nations agencies, and intergovernmental and non-governmental organizations in consultative status with the IMO.

II Definition of "Information"

6 For purposes of this Policy, "information" shall mean any produced content, printed or electronic, concerning a matter relating to the work of IMO. The Secretariat is under no obligation to create information to respond to a request under this Policy.

III Public Access

7 A great deal of information about IMO is normally made accessible through various means, inter alia through the IMO website (www.imo.org), IMODOCS¹, GISIS², UNTERM and the IMO Maritime Knowledge Centre (MKC)³. The information in these repositories is available, in varying degrees, to Member States, intergovernmental and non-governmental organizations, academic researchers, the media and the general public. The rules regarding access to information also stem from varied sources.

¹ IMODOCS is the official document repository of IMO. Selected content is available to the public. Registration is required.

² GISIS provides access to selected data supplied to IMO by Maritime Administrations. Selected modules are accessible to public users. Registration is required.

³ The MKC provides collections, information resources and services to support the IMO Secretariat, Member States, representatives, delegates and the public:
<http://www.imo.org/en/KnowledgeCentre/Pages/Default.aspx>.

8 Examples of other information that is available include:

- a. general information about the Organization, its mission, role, functions, and how it works (available on the IMO website);
- b. the Organization's main strategy and programme documents (available on the IMO website and IMODOCS);
- c. agreements of cooperation and framework Memoranda and Agreements⁴;
- d. public statements by the Organization, including statements and speeches by the Secretary-General (available on the IMO website);
- e. summaries of meetings (available on the IMO website);
- f. documents of sessions of the Committees and Sub-Committees, the Assembly and Council⁵ (publicly available on IMODOCS⁶);
- g. audio files of the plenary meetings of the Assembly;
- h. resolutions of the Assembly, Council and all the Committees (available on the IMO website and IMODOCS);
- i. other information regarding the work of the Organization contained in Notes Verbales (NVs) and Circular Letters (CLs) (available on IMODOCS);
- j. archives of IMO meeting documents (available on IMO website and IMODOCS);
- k. information about IMO's technical cooperation programmes and activities (available on the IMO website);
- l. information about IMO's extrabudgetary projects and activities regarding their source (donors) and amount of funding (available on the IMO website and the respective Projects' webpages);
- m. projects' final evaluation reports including final financial reports (available on the respective Project's webpages);
- n. IMO's Financial Regulations and Financial Rules (available on the IMO website);
- o. financial report and audited financial statements of the Organization (available on the IMO website and IMODOCS);
- p. final reports of the External Auditor (available on IMODOCS);
- q. annual reports on the internal oversight and ethics activities at IMO (available on the IMO website);

⁴ If a document contains both confidential/sensitive information and non-confidential/non-sensitive information, part of such documents containing only non-confidential/non-sensitive information will be made available to the public.

⁵ Council documents are released on IMODOCS to the public after a period of three years.

⁶ Secretariat documents only for Committee meetings are released to the public before the meetings.

- r. other types of financial information:
 - i. financial information on programme budget execution as reported to the Assembly (available on IMODOCS); and
 - ii. status of Member States' payment of assessed contributions as reported to the Council and the Assembly (available on IMODOCS);
- s. procurement information:
 - i. Expression of interest and tenders (available on the IMO website); and
 - ii. Recipient and value contracts awarded over £50,000 (available on the IMO website);
- t. technical publications and papers, such as studies, speeches, presentations of the Secretariat;
- u. information about IMO treaties, status of ratifications, accessions, declarations (available on IMO public website); and
- v. selected data supplied by Member States (available on the public area of GISIS⁷).

III Exceptions and reservations

9 While IMO commits to providing access to information relating to its work, there are legal, operational and practical considerations that are necessary to preserve the Organization's interests, as well as those of its staff, Member States and various stakeholders and partners. The implementation of this Policy is consistent with the relevant rules and practices of the United Nations and of the IMO, including the ICTS Policy on Information Classification, Labelling and Handling of 2015 (ref. ISMS-0820). The effective functioning of the Organization, confidentiality concerns and the need to protect its staff, Member States, stakeholders and partners require that some information cannot be disclosed.

10 Categories of information on which there will be restrictions on access include the following:

- a. documents created by IMO, received from or sent to third parties, containing data classified as Moderate or Highest Sensitivity⁸ ;
- b. information of a sensitive nature contained in the Secretariat records, such as correspondence and administrative files, and in particular:

⁷ The modules available in the public area of GISIS concern notifications related to Contact list of competent authorities and authorized organizations relating to IMO matters, Ships and Company particulars, Marine casualties and incidents, Maritime Security, Recognized Organizations, Port Reception Facilities, Condition Assessment Scheme, Pollution Prevention Equipment and Anti-Fouling systems, Piracy and armed robbery, Non-mandatory instruments, Global SAR plan, Cargoes, National maritime legislation, MARPOL Annex VI, Survey and certification, Simulators, Ballast water chemicals, Inter-agency platform for information sharing on migrant smuggling by sea, Registries of ships, Port Reception Facilities, Status of treaties, Facilitation of international maritime traffic, Simulators, Condition assessment scheme, GMDSS, Test laboratories and halon facilities, Evaluation of hooks, Ballast water management.

⁸ Reference to the ICTS Information Security Management System Policy on Information Classification, Labelling and Handling of 2015 (ref. ISMS-0820).

- i. files containing sensitive information on relations between IMO and its Member States, between IMO and the United Nations, intergovernmental and non-governmental organizations, and between IMO and its partners, which, if disclosed, in IMO's view, would seriously undermine those relations, or any process of policy dialogue with Member States or implementing partners; and
- ii. personnel files, and any additional personal information which, if divulged, is likely to endanger or compromise the life, health or safety and security of staff and their families, non-staff personnel or other individuals in relation with the Organization. The IMO Secretariat has established and maintained appropriate safeguards to respect the privacy of IMO employees and other individuals in relation with the Organization⁹, and protect the confidentiality of personal information about them. IMO will therefore not provide access to information that would compromise these safeguards. Information regarding a staff member's position, duties, grade or office contact information is not within the scope of this exception;
- c. personally Identifiable Information¹⁰, disclosure of which might violate the right to reputation, affect the privacy or endanger the safety or security of any individual;
- d. information, disclosure of which is likely to endanger the security of Member States or other stakeholders and partners of IMO;
- e. information which, if divulged, is likely to endanger or prejudice the security or proper conduct of any activity of IMO;
- f. information covered by legal privilege or related to individual investigations or inquiries;
- g. commercial information, disclosure of which could harm either the financial interests of IMO or those of third parties involved, or which is covered by a confidentiality agreement;
- h. information containing contractual arrangements with contractors, suppliers, individual consultants, banks, insurance companies, etc.;
- i. information on IMO's own internal deliberations and communications;
- j. internal inter-office or intra-office documents and other communications, including draft documents, if disclosure would undermine the Organization's decision-making process; and
- k. pre-decisional information prepared by the Secretariat for use by officers of IMO organs in preparation for IMO meetings (i.e. briefs, etc.).

⁹ Reference to the ICTS Information Security Management System Policy on Information Classification, Labelling and Handling of 2015 (ref. ISMS-0820).

¹⁰ Personally Identifiable Information is any data that can be used to identify a specific individual (e.g. social security number, driver's license number, bank account number, passport number).

IV Requests for information

11 Information that is not accessible through IMO's website, IMODOCS, or GISIS may be made available upon request, pursuant to the procedures in this policy.

12 Requests for information should be submitted, by letter (electronic submission will be accepted). Request letters may be sent by email to info@imo.org, or by post to 4 Albert Embankment, London SE1 7SR. Requests must include the following information:

- a. A statement that the request is being made pursuant to this Policy.
- b. A specific description of the information being requested. Vague or overly broad requests will not be processed.
- c. A statement that the requester is willing to pay fees, if applicable, or a request for waiver of fees, in accordance with this Policy.
- d. Name and signature of the requester.

13 The Division holding, or responsible for the majority of the information requested shall be ultimately responsible for responding to the request.

14 Every request will be acknowledged. A response will normally be provided within 30 calendar days of receipt. A template response is contained in Annex 2.

15 For information requests that involve the search and/or reproduction of material, IMO may charge a fee as per the guidance in annex 1. No fee need be charged by IMO if the cost of collecting and processing the fee is likely to equal or exceed the amount of the fee itself, and if the number of reproduction pages and hours of search do not exceed twenty-five pages and one hour respectively, except with respect to commercial-use requesters

16 If a request involves the imposition of a fee, the requester will be informed of estimated fees prior to processing the request. If the requester is unwilling or unable to pay the fees, absent a waiver, the request will not be processed further.

17 The IMO Secretariat shall not be required to translate the information to the language of the requestor.

18 The disclosure of information in response to a request for access, will not constitute a waiver, express or implied, of any of the privileges and immunities of IMO, pursuant to the Convention on the Privileges and Immunities of the Specialized Agencies including its Annex XII thereof.

19 IMO may partially or wholly deny a request, as follows:

- a. in accordance with exceptions set out or referred to in this Policy;
- b. if the request would place an excessive burden upon IMO's resources;
- c. if the request is vexatious and/or repetitive.

20 If a document contains both confidential information and non-confidential information, and if in IMO's view it is consistent with the purpose of Part IV above, part of such document containing only non-confidential information may be made available to the public upon request.

21 If a request is rejected, written justification for the decision to refuse access will be provided along with information on the appeal procedure provided for in Part V below.

V Review and appeal process

22 If a formal request for information is denied, the requester may ask for a review of this determination by the IMO's Access to Information Panel ("the Panel"). The Panel consists of seven members: one staff member each from the Legal Affairs and External Relations Division, the Administrative Division, the Maritime Safety Division, the Marine Environment Division, the Department for Member State Audit & Implementation Support, the Department of Partnerships and Project, and one staff member of either the Conference Division or the Technical Cooperation Division. A Secretary of the Panel, who is a staff member within the Executive Office of the Secretary-General shall be selected to provide administrative and logistical support to the Panel. The Secretary shall not be involved in the decision-making process of the Panel. The members of the Panel are appointed by the Secretary-General. The current appointed members of the Panel are listed as annex 4 to this Policy. These members will serve a term of two years, which may be extended for another term at the discretion of the Secretary-General. The Panel will meet virtually or in physical meetings whenever there is an appeal for review.

23 The Panel has the following powers:

- a. determine how to proceed in cases not provided for in the Policy;
- b. interpret the provisions of the Policy;
- c. review and resolve the appeals in cases where the requester has been denied access to information in accordance with the Policy; and
- d. monitor the general application of the Policy.

24 Requests for review by the Panel should be submitted, by letter (electronic submission will be accepted). Letters may be sent by email to info@imo.org, or by post to 4 Albert Embankment, London SE1 7SR. Requests must include the following information:

- a. a statement this the appeal is being made pursuant to this Policy;
- b. a specific description of the action being appealed; and
- c. name and signature of the requester.

25 Every request for review will be acknowledged within sixty (60) calendar days. A template response is contained in Annex 3. The Panel shall review the denial of requests to provide access to a document or portion of a document and provide a final determination within 90 calendar days of receipt of the appeal. The decision of the Panel shall be final.

26 The Panel will report to the Secretary-General on a yearly basis on the volume and content of the appeals reviewed by the Panel in that year. In this annual report the Panel may, if it deems relevant, provide lessons learned about the implementation of the Policy and make recommendations on how to improve its implementation.

VI. Entry into force

27 This policy shall enter into force on 1 March 2021.

Annex 1

Guidance on fees

Part IV of the Policy on access to information provides that IMO may charge a fee for material and labor cost for information requests that involve the search, review or reproduction of material.

Types of requesters

Three types of requesters are envisaged: 1) commercial use requesters; 2) educational institutions, noncommercial scientific institutions, and representatives of the news media (including freelance journalists); and 3) all requesters who do not fall within either of the preceding two categories.

Commercial use requesters are those who seek material for a commercial or trade use or the person on whose behalf the request is being made. The relevant division dealing with the request should therefore seek additional information or clarification from the requester when the intended use is not clear from the request itself.

The second requester category consists of requesters who seek records for a non-commercial use and include those who are affiliated with an educational institution (schools, as well as institutions of higher learning and vocational education - the request must serve a scholarly research goal of the institution, not an individual goal), those who are part of a noncommercial scientific institution (not intended to promote any particular product or industry), and those who are representatives of the news media.

Types of fees

Three types of fees may be assessed in response to requests for access to information: search, review and reproduction.

The term "search" means locating records or information either manually or by automated means and requires expending reasonable efforts in electronic searches. The fee may be charged for search time even if the information located is subsequently determined to be exempt from disclosure.

The "review" fee which may be charged to commercial-use requesters consist of the direct costs incurred during the initial examination of a document for the purposes of determining whether it may be disclosed.

"Reproduction" fee represents the reasonable direct costs of making copies of documents.

The fees that may be charged to a particular requester are dependent upon the requester's fee category. Commercial use requesters are assessed all three types of fees. Requesters determined to be educational or noncommercial scientific institutions, or representatives of the news media are assessed only reproduction fees. Requesters in the third category are assessed all three types of fees.

The Administrative Division will determine the fee in consultation with the division(s) producing the information material.

Fee waivers

Fees may be waived if disclosure of the information is likely to contribute significantly to public understanding of the work of the IMO and is not primarily in the commercial interest of the requester. Requests for a waiver of fees must be considered by the Administrative Division on a case-by-case basis in as much as the information sought varies from request to request.

Fee restrictions

IMO may not require a requester to make an advance payment, i.e., payment before work is begun or continued on a request, unless IMO first estimates that the assessable fee is likely to exceed £200, or unless the requester has previously failed to pay a properly assessed fee in a timely manner.

The Administrative Division will determine the fee in consultation with the Responsible Office or Officer producing the information material and thereafter communicate the fee and the mode of payment to the requester. Once payment is made, the Administrative Division shall inform the requester that the payment has been received and the information shall be provided to the requester.

Annex 2

Sample Acknowledgement of receipt of request

Reference Number:

Name of requester

Address of requester

Date

Dear [Name],

We hereby acknowledge receipt of your letter requesting information about [subject].

We will let you know whether we have the information and are able to disclose it to you. The IMO Secretariat will endeavor to handle your request within thirty (30) calendar days (excluding UK Public Holidays).

We will inform you should we require additional time to process your request.

Kindly contact [Division/Name of the Officer in relevant Division] should you have any queries related to your request. Please quote your reference number above in any future correspondence.

Yours sincerely,

Name, address, email address, and telephone number

Annex 3

Sample Acknowledgement of receipt of appeal

Reference Number:

Name of applicant

Address of applicant

Date

Dear [Name],

We hereby acknowledge receipt of your appeal regarding the refusal to disclose information about [subject].

The Access-to-Information Panel will review the decision and revert to you in sixty (60) working days (excluding UK Public Holidays).

Kindly contact us should you have any queries related to your request. Please quote your reference number above in any future correspondence.

Yours sincerely,

Name, address, email address, and telephone number

Annex 4

Members of the Panel

As stated in the Policy, the following are the staff members who will serve on the Panel from the entry into force of the Policy and for a term of two years, which may be extended by the Secretary-General:

Legal Affairs and External Relations Division:

Maritime Safety Division:

Marine Environment Division:

Administrative Division:

Department for Member State Audit & Implementation Support

Department of Partnerships and Projects:

Technical Cooperation Division:

Conference Division:
