Unclassified

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DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
WORKING GROUP ON BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS

Memorandum on Management of Working Group on Bribery Documents

Paris, 17-20 October 2017

This document summarises the Working Group on Bribery in International Business Transactions' (WGB) practices with respect to the classification, declassification, and dissemination of WGB documents.

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A: Purpose of Note

1.   This document summarises the Working Group on Bribery in International Business Transactions'(WGB) practice regarding the classification, declassification, and dissemination of WGB documents.[1]

B: Classification and Publication of Documents

2.   Whether documents related to the work of the WGB are initially marked as *Unclassified*, *For Official Use,* or *Confidential,* is a decision for the Secretariat on a case-by-case basis. However, the classification of *Confidential* should be used "as sparingly as possible".[2] Following the WGB's discussion of DAF/WGB(2017)31/REV1 on the Management of Working Group on Bribery Meetings and Documents, the Secretariat will now leave the following documents *Unclassified* from the date they are posted on OLIS/ONE: provisional and final meeting agendas; provisional and final list of countries and/or agencies represented in WGB meetings; final additional written follow-up reports; and public summaries of WGB meetings.[3] Pursuant to the OECD Anti-Bribery Convention Monitoring Information Resources (hereafter procedures)[4], final WGB monitoring reports and two-year written follow-up reports are already published on the WGB website following their adoption by the WGB.

3.   To ensure transparency and consistency, this document provides additional information on the timeframes within which the abovementioned documents should be published online and steps that WGB Members and the Secretariat should take to ensure timely publication.

Document	Timing of Publication
Provisional meeting agenda	At the same time the agenda is posted on OLIS/O.N.E.

4.   The Secretariat will ensure that the agendas do not contain any sensitive or confidential information before publication takes place. The Secretariat will endeavour to post/publish the provisional meeting agenda no later than four weeks prior to the start of each WGB meeting.

Document	Timing of Publication
Final meeting agendas	Upon approval of the WGB

5.   WGB meeting agendas are approved at the beginning of each Plenary meeting. The Secretariat will endeavour to publish the agenda on the WGB website that same day. As above, the Secretariat will ensure that it does not contain any sensitive information.

Document	Timing of Publication

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[1] For further background see: DAF/WGB(2017)10) and DAF/WGB(2017)31/REV1,, and the OECD Anti-Bribery Convention Monitoring Information Resourcesfor Phase 2, Phase 3, and Phase 4. This document should be applied as of the December 2017 WGB Plenary meeting.
[2] See Council Resolution on the Classification and Declassification of Information [C(97)64/FINAL], para. 5.
[3] DAF/WGB(2017)31/REV1,
[4] See WGB Phase 2 Procedures, Phase 3 Procedures, and; Phase 4 Procedures.

Provisional list of countries and/or agencies represented in WGB meetings	Two weeks prior to WGB meeting

6.   This list will be published on the WGB website at the same time it is posted on OLIS/O.N.E. No personal information will be included in the list. To ensure that the list is as complete as possible, WGB Members are encouraged to register for WGB meetings as early as possible and in any event at least three weeks prior to the meeting to ensure that the provisional list is representative of who will actually attend.

Document	Timing of Publication
Final list of countries and/or agencies represented in WGB meetings	Within 4 weeks of WGB meeting

7.   As above, no personal information will be included in the list.

Document	Timing of Publication
Final country reports	As soon as possible after the adoption of the report.

8.   The Phase 3 and 4 procedures provide that "as soon as possible after the third reading, the evaluation report will be published on the OECD website and announced through the agreed press release."[5] The Phase 2 procedures simply state that the report will be published once approved by the WGB. Generally speaking, final monitoring reports are published online within one week of adoption at Plenary. The WGB should continue this practice of prompt publication.

Document	Timing of Publication
Final two year written follow-up reports	[As soon as possible after the adoption of the report]

9.   [To be inserted following WGB's decision on DAF/WGB(2017)63. This document will be recirculated to the WGB for information thereafter]

Document	Timing of Publication
Final additional written follow-up reports	Within 4 weeks of WGB meeting

10.   As agreed in DAF/WGB(2017)31, all *additional* written follow-up reports (i.e. for Phases 2-4) will now be published online within four weeks of the WGB meeting. WGB Members are thus encouraged to assess, ahead of the WGB meeting, whether their report contains any confidential information that should be removed prior to publication. However, to ensure its timely publication, WGB Members should notify the Secretariat of any necessary revisions no later than two weeks after the WGB's discussion of the report in Plenary.

Documents	Timing of Publication
Public summary of the WGB meeting	Within 6 weeks of WGB meeting

11.   Following the WGB meeting, the Secretariat will circulate a draft 'public summary' of the meeting for approval by written procedure.[6] This will be a separate (and shorter) document than the

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[5] [5] Phase 3 Procedures, pg. 21; Phase 4 Procedures, pg. 21;

[6] Written procedure is defined in the OECD Rules of Procedure, Rule 6 and in CE(2010)7/FINAL.

WGB's official Summary Record, which will continue to be classified as *Confidential*. Nonetheless, to ensure that the public summary is consistent with the Summary Record, the Secretariat will circulate both documents to the WGB <u>no later</u> than two weeks following the final day of the relevant Plenary meeting. Following approval by written procedure, the public version will be placed on the WGB website. The WGB will continue to discuss the official Summary Record as the first agenda item at each meeting as is standard practice.

C: Declassification of Documents

12.   Pursuant to the *Council Resolution on the Classification and Declassification of Information* [C(97)64/FINAL] (Resolution), OECD documents are subject to automatic downgrading/declassification after three years unless a Member objects. This means that documents classified as *For Official Use* will become *Unclassified* three years after their distribution. *Confidential* documents will be downgraded to *For Official Use* three years after their distribution, and become *Unclassified* three years thereafter.

13.   Under paragraph 13 of the Resolution which amends the Resolution of the Council on the historical archives of the Organisation [C(91)132/FINAL], documents which are still classified after a period of ten years shall be made accessible to the public unless a Member objects within two months following a proposal from the Secretary-General to include the documents in the open historical archives of the Organisation.

14.   Through OLIS/O.N.E, all WGB delegates have access to a centralised list of documents that are due to be automatically declassified.[7] Members can object to the automatic declassification of any document related to the work of the WGB through their permanent delegation (one person within each delegation has authorisation to enter objections). It only takes one objection for a document to be barred from automatic declassification. Members can see if other countries have objected to the declassification of a document through the same system. To ensure the WGB remains alert to documents that are due to be automatically declassified, the Secretariat will send the WGB a reminder each month, including a link to the list.

Public Access to Working Group on Bribery Documents

15.   As outlined above, a number of documents will now be *Unclassified* and proactively published on the WGB website. In addition, all *Unclassified* documents and those that have been declassified from 1990 onwards are available online at Official Unclassified OECD Documents.[8]

16.   Should the Secretariat or any WGB Member receive a request for access to documents emanating from the WGB or reflecting the views of the WGB or its Members that are classified as *Confidential* or *For Official Use*, it is proposed that (with the exclusion of draft monitoring reports and matters relating to accession and the Programme of Work and Budget, for which it is clear *Confidential* classification will be maintained), the Secretariat, or the WGB Member that received the request, notify the WGB of the request at the following Plenary meeting. This will provide WGB Members an opportunity to raise any objections. If no objections are raised, the WGB will be taken to have agreed to declassify the document and the Secretariat will provide it to the requesting party.

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[7] http://olishdweb.oecd.org/DDAWeb/UI/DECLASSIFICATION_CANDIDATES/DeclassificationCandidates.aspx
[8] http://www.oecd.org/general/official-unclassied-documents.htm.