

Access to Information Policy

Adopted by the ICRC's Directorate in April 2019

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.

The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

1. ICRC's commitment to transparency and accountability

The ICRC is committed to being transparent about the way it operates and how it functions. It considers that access to information is key to enabling public awareness and the understanding of its functioning. Sharing information with the public facilitates the predictability and coherence of the ICRC's activities, and allows for greater accountability, including and foremost to people affected by armed conflict and other situations of violence. As a result, it contributes to the trust vested in the ICRC as an institution.

2. Scope of the Policy

2.1. The ICRC Access to Information Policy (hereinafter referred to as the "Policy") outlines the information the ICRC will voluntarily publish. It also sets out the reasons why the ICRC is not in a position to disclose certain information. The policy further details how the ICRC will respond to ad hoc information requests.

2.2. The Policy covers information – in whatever form – produced by and in the possession of the ICRC. It does not cover information which was not produced by the ICRC and is merely in the latter's possession.¹

¹ As the ICRC is not the author or owner of such information, it is not in a position to decide on whether and under what conditions to publish or disclose it, subject however to the *Rules governing Access to the Archives of the ICRC*, available at: <https://www.icrc.org/en/document/access-icrcs-agency-archives>. That said, when a particular piece of information not produced by the ICRC is clearly in the public domain, the ICRC will in principle be able to publish or disclose it or at least to indicate the public source where that information can be found.

3. Information publicly available

3.1. The ICRC discloses a wide range of information through a variety of means, including its public website www.icrc.org.

3.2. The information in the following categories is available publicly:

- ✓ General information on the ICRC: its Statutes, its mandate, mission, values, identity, organization and history;
- ✓ Policy information: ICRC institutional positioning on humanitarian issues (policies, Q&As, documentation, policy studies, speeches);
- ✓ Information on the ICRC's compliance rules and systems: codes of conducts for its staff and members and related frameworks and guidelines, the Global Compliance Office annual report, the ICRC's framework on sustainable development and its progress reports, the ICRC Rules on Personal Data Protection;
- ✓ Information on the ICRC's institutional and global priorities of action and ways of working: the ICRC Institutional Strategy, institutional business and thematic strategies and reference frameworks; doctrines;
- ✓ Information on our action: the key issues we work on, where we work, facts and figures, annual reports, Executive Summaries of independent external evaluations on ICRC's programs;
- ✓ Pedagogical and professional resources: IHL Databases, glossaries, model legislative provisions;
- ✓ Statements and speeches from ICRC's governance and leadership members;
- ✓ Procurement information, guidelines and public tender notices
- ✓ Financial: The consolidated Financial Statements, the statutory auditor's report on the audit of the consolidated financial Statements, ICRC Emergency Appeals.
- ✓ ICRC's archives in compliance with the Rules governing access to ICRC Archives²;
- ✓ ICRC's Historical and Heritage collections;

3.3. The ICRC may voluntarily choose to not disclose information belonging to the categories identified above if the disclosure is likely to endanger or compromise the integrity of staff and their families, non-staff personnel, beneficiaries of ICRC's action or any other individuals, or to endanger or prejudice the security or the proper conduct of any operation or activity of the ICRC.

² See the *Rules governing Access to the Archives of the ICRC*, available at: https://www.icrc.org/sites/default/files/wysiwyg/About/history/rules_access_icrc_archives.pdf

4. Information not subject to disclosure

4.1. While endeavoring to provide the widest possible access to its information, the ICRC is bound by the limits imposed on it by its mandate, its fundamental principles and working modalities, as well as its legal obligations, in particular those related to the protection of personal data.

4.2. In order to effectively carry out its internationally recognized mandate of protecting and assisting people affected by armed conflict and other situations of violence and to do so in accordance with the Fundamental Principles of neutrality, impartiality and independence, the ICRC adheres to a confidential approach with respect to its communications with parties to armed conflict and other authorities. This approach is essential to building the necessary trust to secure access to conflict areas and people in need, induce respect for the law and ensure the security of ICRC's staff and that of the beneficiaries of its activities.

4.3. Accordingly, the ICRC does not publish or disclose to third parties information forming part of its bilateral and confidential dialogue with authorities or parties to armed conflict (such as ICRC reports on conditions of detention or on the conduct of hostilities), except on such grounds as foreseen in the ICRC's internal rules and procedures.³

4.4. Furthermore, the ICRC is committed to safeguard the personal data of individuals, as being an essential aspect of protecting people's life, integrity and dignity. For this purpose, the ICRC applies its Rules on Personal Data Protection.⁴ It therefore will not disclose information that would give rise to disproportionate risks to the personal security, dignity or privacy of individuals, including beneficiaries of ICRC action and/or ICRC staff⁵.

4.5. In addition, information belonging to the following categories is not subject to disclosure:

4.5.1. Internal legal and humanitarian positions and studies, reports of closed-door or restricted meetings;

4.5.2. Internal operational planning documents

4.5.3. Agreements with States, international and non-governmental organizations, such as status agreements, memorandums of understanding and cooperation agreements, unless their publication was intended or agreed to by the parties concerned;

4.5.4. Information related to individual investigations or inquiries linked to internal compliance procedures;

4.5.5. Commercial information the disclosure of which could harm either the financial interests of ICRC or those of third parties involved, or which is covered by a confidentiality agreement;

³ See ICRC, *The International Committee of the Red Cross's (ICRC's) confidential approach*, December 2012, available at <https://www.icrc.org/en/international-review/article/international-committee-red-cross-icrcs-confidential-approach>; ICRC, *Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence*, June 2005, available at: <https://www.icrc.org/en/publication/0893-action-international-committee-red-cross-event-violations-international>. See also the *Rules governing Access to the Archives of the ICRC*, available at <https://www.icrc.org/en/document/access-icrcs-agency-archives>.

⁴ Available at: <https://www.icrc.org/en/publication/4261-icrc-rules-on-personal-data-protection>

⁵ See Art. 8 of *ICRC Rules on Personal Data Protection*, available at: <https://www.icrc.org/en/publication/4261-icrc-rules-on-personal-data-protection>

4.5.6. Information on the ICRC's own internal deliberation and communications

4.5.7. Internal and External Audit reports

5. Information upon request

5.1. Anyone may request information which is not already accessible on the ICRC's public platforms. Such requests must be communicated to the ICRC in written form, signed and sent by e-mail or letter. They must be as specific as possible.

5.2. The ICRC reserves the right not to answer or to partially or wholly deny a request as follows:

5.2.1. If the information requested falls under the conditions outlined in 3.3 or chapter 4 of the Policy;

5.2.2. If the fulfilment of the request is considered to place an excessive burden upon ICRC's staff, thereby diverting resources from the ICRC's humanitarian mission;

5.2.3. If the request is considered to be unreasonable, abusive or vexatious; or has already been rejected;

5.2.4. If the request is anonymous.

5.3. The ICRC reserves the right to make certain information available on a cost-recovery basis. Fees will be communicated to the requestor and paid in advance.

5.4. With the exceptions stated in 5.5., requests for information are to be sent through the following web address: infoaccess@icrc.org. Answers are provided either by e-mail or by letter.

5.5. Individuals who wish to verify their own personal data are requested to channel their request according to the provisions set out in the ICRC Rules on Personal Data Protection⁶.

5.6. Decisions on requests are taken within the ICRC in accordance with its own internal rules and procedures. In case of refusal, there are no appeal mechanisms, except in the situation of 5.5, where individuals may make a formal assertion of their data protection rights with the ICRC Data Protection Office, which, as necessary, may refer the case to and the ICRC Data Protection Commission⁷.

⁶ See art. 8 ICRC rules available at <https://www.icrc.org/en/publication/4261-icrc-rules-on-personal-data-protection>

⁷ See *Rules of Procedure of the Data Protection Independent Control Commission*, available at https://www.icrc.org/en/download/file/71893/rules_of_data_protection_commission_english.pdf

6. Miscellaneous

6.1. This Policy is applicable as of 1st January 2020

6.2. This policy has been approved by the Directorate who maintains responsibility for the organisation's overall commitment to transparency and accountability.

6.3. The ICRC reserves the right at any time to decide what type of information it wishes to share with specific audiences or with the public at large. Such decisions are taken by the ICRC alone based on internal procedures, in conformity with the Fundamental Principles of neutrality, impartiality and independence, and taking into account the interests of the beneficiaries of the ICRC's work.

6.4. Nothing in or relating to this Policy will be deemed a waiver, express or implied, of any of the privileges and immunities of the ICRC, in particular of its privilege of non-disclosure of confidential information.⁸ Similarly, the disclosure, in a particular case, of information in response to a disclosure request will not constitute such a waiver.

⁸ For more information regarding the ICRC's privilege of non-disclosure, see ICRC, *Memorandum: The ICRC's privilege of non-disclosure of confidential information*, February 2016, available at: <https://www.icrc.org/en/international-review/article/memorandum-icrcs-privilege-non-disclosure-confidential-information>. For more information regarding the ICRC's privileges and immunities more generally, see Els Debuf, 'Tools to do the job: The ICRC's legal status, privileges and immunities', in *International Review of the Red Cross* (2016), 97 (897/898), pp. 319–344, available at <https://www.icrc.org/en/international-review/article/tools-do-job-icrcs-legal-status-privileges-and-immunities>.