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Disclosure of PPP Project and Program Information

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Transparency and timely access to information are important to the principles of accountability and governance. Many governments, therefore, **proactively disclose** information about PPP projects or contractual information to the public, without receiving a specific request, making it freely accessible to anyone interested. This proactive disclosure can be achieved in various ways, for example, by:

- Sharing an online project database with key pieces of contract information
- Creating a library of PPP contracts, often with accompanying project summaries
- Publishing press releases

Proactive disclosure of project and program information is often the responsibility of a PPP unit—for instance, Chile's PPP unit located in the Ministry of Public Works provides information on contracts, contract variations, and monthly performance reports.

In many countries, disclosure of PPP project contracts is mandatory to comply with legislation. Disclosure practices—for example, what information should be disclosed and when—are not uniform across countries. For example, Chile and Peru disclose the full contract, as does the state of Minas Gerais in Brazil. Other countries, such as the United Kingdom, redact PPP contracts before they are made available to the public, with a view to protecting commercially sensitive information—although the definition of ‘sensitive information’ is not well defined. The **Center for Global Development report on public procurement** (CGDev 2014) discusses the meaning and implications of commercial secrecy, noting how it has been used to avoid scrutiny. A British Parliament’s Public Accounts Committee report (UK 2014b) concluded that government departments should not “routinely use commercial confidentiality as a reason for withholding information about contracts with private providers.” Even in countries without mandatory proactive disclosure, responsible sector ministries or agencies may proactively disclose information about PPPs—for instance, India discloses information about road contracts.

Certain countries, such as South Africa, provide **reactive disclosure**—that is, make information available only in response to a specific request by a member of the public. Procedures for making requests are outlined in legislation. The terms of such reactive disclosure vary by country—including the cost (which may range from nominal to substantial) and the required timeframe, which may be as much as a month or more in many cases.

Disclosing PPP contracts may not be enough for the public to understand them—some additional information on the projects, and a plain-language description of the main contract provisions, is useful. For example, the **Victorian Freedom of Information Act of 1982** requires that, besides publishing all PPP contracts on Victorian Government Purchasing Board website (VIC-GPB), a project summary is published, providing information on the key project features and commercial terms of the project.

The **World Bank's 2013 report on Disclosure in PPPs** (WB 2013c) presents the above-mentioned diversity of disclosure practices. The report identifies a gradual trend towards broader disclosure, with several countries supplementing contract disclosure with project summaries presenting the main contract provisions, its origination, its procurement, and other relevant information on the project.

Additionally, a completely transparent competitive procurement process should include disclosure of the reasons behind procurement decisions. This means disclosure of which bidders presented expressions of interest, proposals for each project, which were awarded the contract and why they received it.

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- Country Profiles

Find in pdf at PPP Reference Guide - PPP Framework or visit the PPP Online Reference Guide section to find out more.

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