

Freedom of Information Policy

Principles to Govern a new Freedom of Information Policy for World Sailing

A submission from the Barbados Sailing Association, Belize Sailing Association, Croatian Sailing Federation, Czech Sailing Association, Federación de Vela de Puerto Rico, Federación Mexicana de Vela, Jamaica Yachting Association, Slovak Sailing Union, Virgin Islands Sailing Association, and the International Lightning Class Association

Purpose or Objective

To establish, as a Policy Decision of Council, that all members of World Sailing including MNAs and other stakeholders have the right to get accurate and timely information from World Sailing and related entities to allow them to ensure the proper management of the sport of sailing worldwide.

Proposal

New Policy Decision of Council

Freedom of Information Policy Decision to be approved by Council, then published and implemented by World Sailing.

The following principles shall be followed by World Sailing while drafting processes and Regulations so that this policy can be fully implemented as soon as possible in 2021.

As one of the Aims of World Sailing, as established in the Constitution is “to examine, study, investigate, consider and report on all matters affecting the sport of sailing and any persons interested therein or associated therewith and to collect, analyse and distribute information, statistics, opinions and reports thereon;” it is self-evident that the organization, to meet that Aim, must be open and transparent.

The purpose of this Policy and principles is to enhance the accountability and transparency of World Sailing in order to promote an open and democratic organization and to enable informed member debate on the conduct of World Sailing and its subsidiaries by:

- (a) providing a right of access to all information under the control of World Sailing, while recognizing the Constitution and the limits that may be imposed by the Board because of the Constitution, in accordance with the principles that,**
 - (i) information shall be freely available to the members,**
 - (ii) necessary exemptions from the right of access should be limited and specific, and**
 - (iii) decisions on the restriction of disclosure of World Sailing information shall be reviewed independently from Management and the Board, if there is any dispute;**
- (b) protecting the privacy of individuals with respect to personal information about themselves held by World Sailing and to provide individuals with a right of access to that information that is not restricted by law.**

For greater certainty:

For greater certainty, for the purposes of this Policy all information:

- means to include all information including but not limited to information generated by or for, received or transmitted by, stored or recorded in anyway for any purpose including but again not limited to consultants' work or other outside information in the possession, of World Sailing;
- includes all information that relates to the general administration and operations of World Sailing, also including but not limited to information that relates to expenses paid by World Sailing, directly or indirectly, for travel, including lodging, and hospitality;
- Exemptions are not to be the norm and only if specifically noted below.

Regulations/Processes:

To be written by World Sailing in due course so that every Member has a right of access to a record or a part of a record in the custody or under the control of World Sailing in a timely manner, unless,

(a) the record or the part of the record falls within one of the exemptions listed;

or

(b) the independent reviewer is of the opinion, on reasonable grounds, that the request for access is frivolous or vexatious.

Severability of record

If World Sailing receives a request for access to information that falls within one of the exemptions, World Sailing shall disclose as much of the record as can reasonably be severed without disclosing the information that falls under one of the exemptions.

Accessibility:

In a timely manner:

- a) All requests for access shall be published in an easily accessible and searchable database on the World Sailing website and other sites as applicable; and
- b) All records or information disclosed under these regulations shall also be published, along with the request, in an easily accessible and searchable database on the World Sailing website and other sites as applicable; and
- c) Timely manner means that the requested information shall be available within 30 days of the request. Any exceptions to this time limit shall require the permission of the independent reviewer who shall inform World Sailing and the Member submitting the request of the extension granted and additional time granted for the request.

Independent Reviewer:

- Council shall appoint an independent individual who shall be empowered to review and decide if any request for access is frivolous or vexatious. The independent reviewer shall also decide, if there is doubt or upon request, if the request is for exempted information.
 - This Reviewer shall have unfettered access to all records and information under the control of World Sailing (except information the Board chooses to restrict under its powers in the Constitution), in a timely manner.
 - The reviewer shall be independent of Management and the Board and report their activities to the council and the AGM at least once a year regarding their decisions and make any recommendations to Council and AGM as they feel appropriate.
 - This reviewer shall be a volunteer but shall be reimbursed for reasonable expenses by World Sailing while acting as an independent reviewer.
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- With the approval of Council, the independent reviewer may name an assistant reviewer to assist and who shall have the same rights and responsibilities, as the independent reviewer.

Exemptions:

- Legal advice to World Sailing shall be exempt unless the independent reviewer is comfortable the information will not harm World Sailing significantly.
- Proprietary information and commercial secrets shall be exempt, however if Management or the Board wish to use this exemption, they shall explain their decision and reasons in writing within a 15 day period from request to the independent reviewer who shall have the final say on release of information.
- Information that the Board deems will cause irreparable harm to the organization if released to the public, may be withheld. If the Board wishes to use this exemption however, they shall explain their decision and reasons in writing within a 15 day period from request, to the independent reviewer, who shall have the final say on release of information. The Independent reviewer shall give the reason for their decision to the requestor and publish their decision and reasons on the website as above.
- Section 93 of the Constitution gives the Board specific control of the accounting records of the Federation. However, this does not preclude someone from requesting the information. If the Board refuses to allow information to be released it shall so state in the reply to the request.

Fees:

The fee for a request for information under this policy shall be 10 Pounds and payable in advance by a well recognized credit card or other similar low fee process (Visa, MasterCard, etc.). There shall be no additional fee for requests for supplemental questions on the same or similar subject for a period of one year from the time of request or information being provided.

This fee is not intended to be a charge for information that is currently provided by World Sailing in its normal course of business but rather for information that would not normally be available to members currently.

Implementation:

This Policy shall come into force when passed by Council. An appropriate process for interim requests and fulfilment shall be in place and published in a conspicuous place on the World Sailing website by March 1, 2021 or earlier. The process shall be subject to review and possible amendment via Regulation by Council at the mid year meeting in 2021 and on an ongoing basis.

Current Position

There is no current policy.

Reasons

1. Currently there is no right for information and the last few years have shown that there needs to be better access to World Sailing information.
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2. As one of the **Aims of World Sailing** as established in the **Constitution** is “to examine, study, investigate, consider and **report on all matters** affecting the sport of sailing and any persons interested therein or associated therewith and to collect, analyse and **distribute information**, statistics, opinions and reports thereon;” It is self-evident that the organization, to meet that **Aim**, must be open and transparent.
 3. The implementation of this policy will enhance the accountability and transparency of World Sailing
 4. This policy will promote an open and democratic organization and enable informed member debate on the conduct of World Sailing and its subsidiaries.
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