Overseas Private Investment Corporation
Office of External Affairs &
Office of the Chief Information Officer

Open Government Plan

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1.0 Introduction

The *Open Government Directive* (OGD), published on December 08, 2009[1], requires all federal agencies to produce an Open Government Plan describing how they will address transparency, participation and collaboration in their activities. This Office of Management and Budget (OMB) Directive implements the January 21, 2009 Presidential Memorandum entitled *Transparency and Open Government*, and compels agencies to take specific and immediate actions to engage citizens to inform policy decisions; "democratize" information maintained by the Federal Government, which is a national asset; and shift the culture and operations of publicly funded organizations such that openness is the default position.

This document captures the Overseas Private Investment Corporation's initial strategies to comply with the OGD, and to institutionalize Open Government Principles throughout the agency. The strategic direction and goals of this plan seek to leverage the OGD requirements to *add value,* both in terms of benefit to agency constituents through increased accountability, as well as improved mission effectiveness through public feedback mechanisms. This Overseas Private Investment Corporation (OPIC) Open Government Plan articulates how key initiatives harness new technologies to put high-value information about OPIC operations and decisions online, readily available for public consumption.

2.0 Principles and Approach

The Open Government Directive is founded on three basic principles:
- **Transparency** promotes accountability by providing the public with information about what the government is doing.
- **Participation** allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society.
- **Collaboration** improves the effectiveness of government by encouraging partnerships and cooperation within the federal government, across levels of government, and between the government and private institutions.

OPIC has employed a strategic framework to facilitate the development of its Open Government Plan. This OPIC Open Government planning process adheres to a disciplined approach, illustrated in **Figure 1**, that ensures the plan puts forward meaningful initiatives that will fulfill the Administration's stated goals of increasing transparency, participation, and collaboration between the Federal government and

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[1] See www.whitehouse.gov/omb/assets/memoranda_2010/m10-06.pdf

citizens. OPIC's approach is focused, comprehensive, and flexible. This Open Government Planning framework allows OPIC to identify the key transformation planning steps, analyze and address the relevant technology, policy, and cultural solution elements, incorporate public feedback, and get the right people involved in Open Government efforts from the very beginning – helping to create a plan that will truly lead to an unprecedented culture of openness across the Agency.
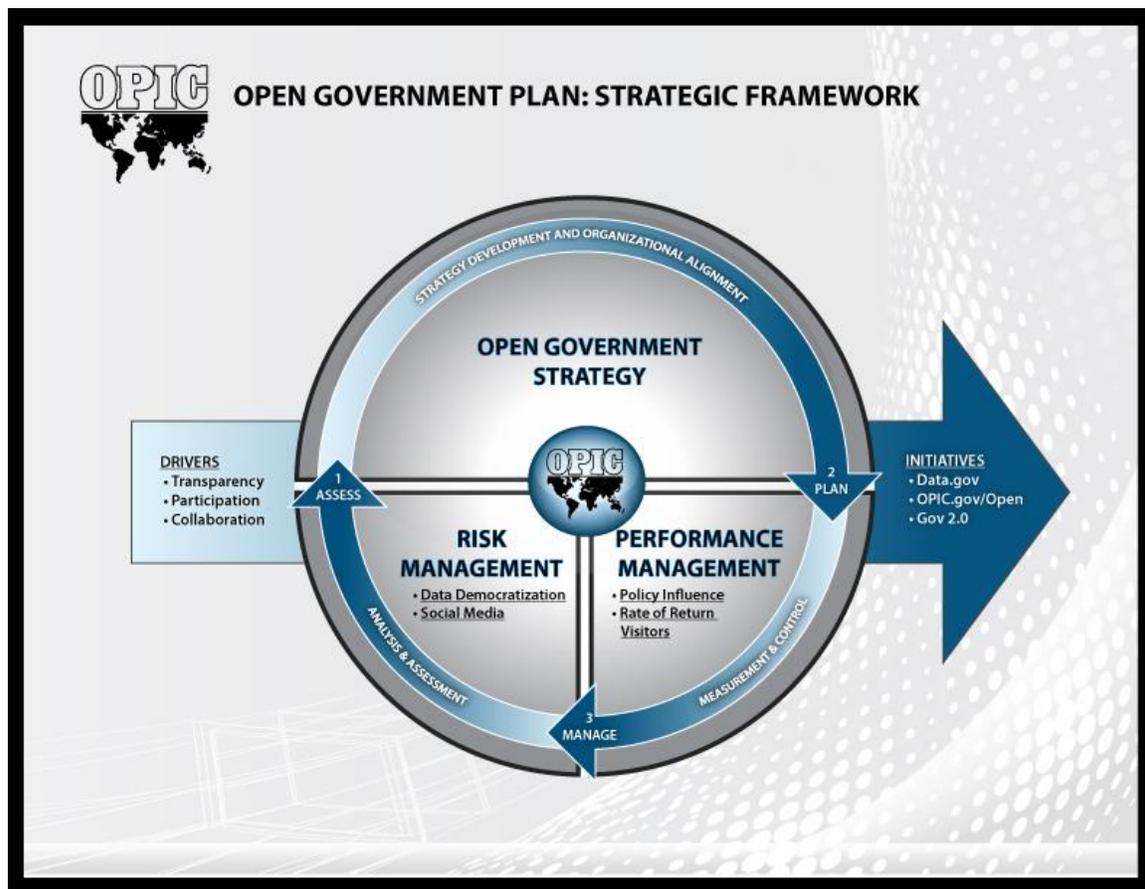

Figure 1 – OPIC Open Government Strategic Planning Framework

At a high-level, the plan development approach includes the following steps:

1. **Assess**: Understand the current state of OPIC's policy, technology, and cultural environments
2. **Plan**: Determine direction and tie to strategies and outcomes
3. **Manage**: Apply risk and performance management techniques to inform future initiatives

The solutions and initiatives in this OPIC Open Government Plan are based on drivers identified working with OGD stakeholders, collaborators, and constituents (*see Section 3.0 Organization and Governance for a high-level stakeholder analysis*). Aligning solutions and initiatives to the drivers provides clear 'line-of-sight' between the cornerstone Open Government strategic imperatives and OPIC initiative outcomes.

3.0 Organization and Governance

The OPIC Open Government Plan impacts a broad cross-section of stakeholders, which include internal departments, customers, external entities, and other constituents. **Table 1** characterizes the OPIC Open Government Plan internal and external stakeholders, and indicates key internal organizations that were tapped to contribute their expertise in specific technology, policy, and cultural areas of focus for this plan (highlighted in red)[2].

OPIC Internal Stakeholders	External Stakeholders
Office of the President	American Public
Office of External Affairs	Congress
Office of the Chief Financial Officer	Private Industry
Department of Legal Affairs	Office of Management and Budget
Office of Investment Policy	OPIC Board of Directors
Office of Administrative Services	Foreign Public
Office of Finance	Foreign Industry
Office of Investment Funds	
Small and Medium Enterprise Finance Dept	
Structured Finance Department	

Table 1 - OPIC Open Government Stakeholders

In order to leverage the widely disbursed knowledge within the agency and ensure mitigation of downstream challenges, OPIC has created an interdisciplinary, agency-wide leadership, planning, and execution team to help achieve its Open Government goals. OPIC is utilizing targeted Chief Information Officer, Chief Financial Officer, General Counsel, and External Affairs staff as subject matter experts in the leadership,

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[2] Key technology areas of focus: security, infrastructure, tools, Enterprise Architecture, and current Open Government pilots and initiatives.

Key policy areas of focus: strategic planning, performance, legal, internal directives, acquisition, and privacy.

Key culture areas of focus: employee readiness, communication channels, agency stakeholders, and existing public collaboration vehicles.

governance, and prioritization of Open Government efforts. This team is ultimately responsible for managing OPIC's portfolio of open-government initiatives to ensure expected outcomes are realized.

4.0 Transparency

The Open Government Directive does not exist in isolation. OPIC's mission – "*to mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed countries and areas, and countries in transition from nonmarket to market economies*" – historically has required a proactive transparency posture regarding the projects it supports. Given that, OPIC has several Transparency and Open Government initiatives that pre-date the Open Government Directive, yet are completely consistent with the strategic intent and tactical imperatives outlined in OGD guidance. In addition, OPIC's departments and staff have repeatable processes, methods and procedures to deal with public information[3] based on existing laws, policies, and regulations. With that background as context, the intent of this plan is not to "reinvent the wheel" as it relates to the agency's transparency efforts, rather, to evolve current practices and initiatives into a coherent approach to Open Government that fulfills the President's vision of sustainable open government strategies for each Federal agency. The remainder of this document describes current OPIC operational activities impacted by the agency's transparency objectives, outlines specific process improvement or enhancement opportunities that will bring the agency into better alignment vis-à-vis Transparency and Open Government, and presents the OPIC Flagship Transparency Initiative.

4.1   Legal, Security, and Record Keeping Implications of the Open Government Directive

Since the release of the Open Government Directive, OPIC has initiated a number of activities to promote transparency in accordance with the directive's provisions. Among these include review and enhancement of OPIC's Freedom of Information Act (FOIA) process; review of internal management and administrative procedures that currently support the Paperwork Reduction Act (PRA); and the population of Data.gov with the agency's initial high-value data sets.

In an effort to publish compliance measures against these and other applicable laws, policy, and regulations key to this effort, OPIC will continue to enhance its existing Open Government Website (**www.opic.gov/open**) to provide timely status and information regarding each applicable Presidential open government initiative. The following table

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[3] **Transparency** promotes accountability by providing the public with information about what the government is doing *(see December 8, 2009 Open Government Directive)*

summarizes the agency's disposition against specific Transparency initiatives called out in the December 8, 2009 Open Government Directive.

Government-Wide Transparency Initiatives	OPIC Compliance Details
FOIA	**www.opic.gov/open** documents OPIC's FOIA statistics and processes as specified in the OGD guidance.
Data.gov	OPIC has published three high-value datasets through the Data.gov initiative to include meta-data registration. These datasets are available via the **www.opic.gov/open** website. Section 4.1.2 below provides further OPIC Data.gov compliance details.
Regulations.gov	OPIC supports the eRulemaking initiative as a participating agency. The artifacts published to date include proposed rules, public meeting notices and supporting and related materials.
USAspending.gov, Recovery.gov	As a Federal Agency, OPIC is required to comply with both the Federal Funding Accountability and Transparency Act (FFATA) and the American Recovery and Reinvestment Act (Recovery Act). OPIC has secured contract support to meet the reporting requirements mandated by this legislation and the reporting requirements mandated by OMB under the Open Government Directive. In order to provide quality data to the usaspending.gov portal, OPIC is working to ensure coherence with its existing system investment efforts. OPIC is also continuing work on its flagship transparency efforts as described in Section 6.

Table 2 – OPIC Government-Wide Transparency Initiatives Summary

4.1.1 OPIC Records Management

The Federal Records Act and other statutes require all federal agencies to create records that document their activities, file records for safe storage and efficient retrieval, and dispose of records according to agency schedules. The publicly available **http://www.opic.gov/about/reports-plans** website contains documents and artifacts that detail how OPIC is meeting existing records management requirements including policy and guidance, laws and statutes, schedules, and tools.

4.1.2 Identification and Publication of High-Value Information

In response to the Open Government Directive, OPIC has published three high-value datasets through the Data.gov initiative that fulfill the goal of making the government's public information more accessible, which will serve to increase accountability and promote informed participation by the public. OPIC has selected the following three datasets to publish as the agency's initial steps to expand access to its information by making it available online in an open format:

1. **OPIC Greenhouse Gas Emissions Inventory** - Summary project inventory with independent analysis to quantify the greenhouse gas ("GHG") emissions directly attributable to projects to which the Overseas Private Investment Corporation (OPIC) is financially committed.
2. **OPIC Greenhouse Gas Emissions Analysis Details** - Independent analysis details quantifying the greenhouse gas ("GHG") emissions directly attributable to projects to which the Overseas Private Investment Corporation (OPIC) is financially committed.
3. **OPIC US and Developmental Effects FY 2008** - Analysis of the project's expected impact on U.S. employment and U.S. balance of payments flows. The analysis uses objective measurements to demonstrate the developmental impact of OPIC-supported projects

Appendix B presents a summary view of the agency's initial action plan for implementing the Open Government Directive, which began with the Data.gov compliance requirements. At a high-level, the graphic presented outlines the steps the agency took to successfully meet OMB's 45, 60, and 120-day milestone requirements. Consistent with OGD guidance, these activities were pursued in a collaborative, cross-departmental fashion with active leadership and participation among OPIC's Policy, External Affairs, Legal, and Technology organizations.

These initial Open Government implementation activities will be followed by an assessment and analysis of results yielded to determine future areas of focus for OPIC's OpenGov efforts. This will include, but not be limited to the identification of future high-value data sets for publication online in open format based in internal and external feedback, as well as selection of currently available (OPIC) electronic information to be decomposed and published in a disaggregated manner, also in machine-readable form.

The future OPIC open data and strategic transparency initiatives will become a permanent consideration during the agency's on-going strategic planning process consistent with the Directive's sustainability intent for openness. Currently, the strategic planning cycle begins after the agency's fiscal year close to minimize impact on mission

activities and ensure participation from the widest possible cross-section of business units. Going forward, strategic alignment, performance, and risk factors associated with the OGD will increasingly shape the posture of the agency through this continued participation of the agency's OpenGov leadership team in the agency's planning efforts.

5.0 Participation and Collaboration

While the distinction between participation and collaboration is a subtle one as currently defined in Open Government Directive Guidance, OPIC's application of these Open Government objectives positions participation more in alignment with public-informed policymaking, whereas collaboration expands citizen engagement beyond that to areas such as government service delivery and operations. OPIC envisions outreach and communications enabled by emerging technologies and social media[4] as an increasingly effective means to engage stakeholders both within and outside of the agency to demonstrably improve bilateral communications, performance outcomes and service delivery across its lines of business.

5.1   Citizen Engagement Actions and Mechanisms

OPIC policy and external affairs officials recognize that a new communications model has come of age with social media powered by the internet, and the agency's leadership has already begun to use the commercial industry-driven lessons of creativity and collaboration to address its own challenges and goals.

In the last year, OPIC has taken several important steps to increase transparency and outreach to its stakeholders via the internet for ideas to help the agency do a better job. To further this aim, OPIC is now sharing information via Facebook and Twitter in an effort to stimulate and leverage social media (also known as Web 2.0) interaction in creative new ways. As a case-in-point, the Office of External Affairs is implementing a blog for the agency's mission subject matter experts to offer insight and analysis regarding topics of interest to OPIC stakeholders and the public at large. The following lists the website locations for all current and active OPIC participation and collaboration offerings:

- www.opic.gov/open
- http://twitter.com/opicgov
- http://www.opic.gov/rss/news
- www.facebook.com/pages/Washington-DC/Overseas-Private-Investment-Corporation

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[4] See Appendix C – Definition and Terms

Since establishing these citizen engagement mechanisms, OPIC has proactively monitored these public contact and participation channels in an effort to "crowd-source" feedback that might spark innovation or otherwise inform business process and policy improvements. Active public participatory links with dedicated monitoring staff include **opengov@opic.gov**, **accountability@opic.gov**, and **webmaster@opic.gov**.

5.2   Collaboration

OPIC's public-facing website provides resources and links to a range of strategic collaboration initiatives that align with and support the agency's collaborative endeavors. In addition to the agency Partnership Program details available at **http://www.opic.gov/partners**, the public website also provides a link to The Enterprise Development Network (EDN) (**http://www.opic.gov/doing-business/edn**), which is a strategic alliance among public and private sector organizations that was established with the assistance of the Overseas Private Investment Corporation (OPIC). Through this growing network of organizations around the world, EDN is designed to bring together the vast resources essential to attract capital (debt & equity) and political risk insurance for small- and medium-sized enterprises (SMEs) pursuing business opportunities in developing countries. Future OPIC Open Government efforts will further support and evolve the best-practices and supporting technologies associated with enabling both public and private entities in fulfilling the agency's core mission activities as exemplified by the Enterprise Development Network.

6.0 OPIC's Flagship Transparency Initiative

In 2009 OPIC completed an agency-wide series of improvements to its transparency provisions, in order to make available to the public an unprecedented degree of information about the projects the agency supports, and to encourage a new level of public involvement in the development of those projects.

These improvements have upgraded OPIC operations in four areas of transparency: (1)Public disclosure of detailed information of all projects to be considered by the OPIC Board of Directors and about all the projects OPIC supports; (2)coordination of project development with concerned stakeholders, particularly locally-affected communities in host countries; (3)due diligence screening of project sponsors and potential impacts; and (4)OPIC compliance with protocols such as the Extractive Industries Transparency Initiative (EITI) and OPIC's own Anti-Corruption Handbook.

Concerning public disclosure of public information, OPIC has begun to post to the agency web site summaries of environmentally- or socially-sensitive – so-called Category A – projects at least five weeks before OPIC makes a decision to support them. Public comment on the projects are invited, and will be considered by OPIC, in advance of the

decisions. The summaries shall include information such as the rationale for designating the projects Category A, environmental and social standards used in project assessment, and a location for local access to environmental and social project information.

For all Category A projects, OPIC now posts to its web site detailed project summaries at least five weeks before the OPIC Board meets to decide on support for those projects. Public comment is invited and considered by OPIC before the agency decides to support the projects.

The detailed project summaries include information such as total project costs; potential project impact on the U.S. economy; description of the main environmental and social risks and impacts associated with the project; measures required to mitigate those risks; action required to achieve compliance with applicable environmental and social standards; and description of investors' engagement with local stakeholders on environmental and social issues. Comment on the projects is posted on OPIC's web site and provided to the OPIC Board at least seven days before the relevant board meeting.

Prior to all OPIC Board of Directors meetings, OPIC holds a public hearing. At least 20 days before the scheduled public hearing an official Notice of Public Hearing is published in the Federal Register. This notice now includes the announcement that a detailed project summary of the projects to be considered by the Board is available for viewing on OPIC's web site.

In addition to the information contained in the Initial Project Summary, the detailed project summary contains the following information: total project costs; proposed OPIC support (e.g., loan value, insurance coverage); developmental effects; impact on the U.S. economy; description of the main environmental and social risks and impacts of the project (including labor and human rights issues); key measures required to mitigate environmental and social risks; description of any action required to achieve conformance with the applicable environmental and social standards; environmental and social information related to any OPIC site visits; description of Investor engagement with local stakeholders on environmental and social issues.

Comments received on projects, including any comments received during the public hearing and OPIC management's response to those comments, are now posted on OPIC's web site and provided to OPIC's Board of Directors at least 7 days prior to the Board meeting at which a project is considered.

OPIC now posts summaries of all OPIC-supported projects to the agency web site. Previously, OPIC posted only summaries of Board-approved projects. Also, OPIC posts, on a quarterly basis, listings of sub-projects of OPIC-supported investment funds to the

agency web site. Previously, subprojects were posted annually. In addition, OPIC now posts summaries of the findings of third-party audits to the OPIC website.

Further, OPIC posts to its web site a schedule of public notices, including Board meetings; public hearings; Sunshine Act notices; and Board meeting agendas, the public minutes of Board meetings, and Board resolutions relating to OPIC-approved projects.

The second transparency upgrade concerned OPIC's coordination with concerned stakeholder affected by OPIC-supported projects. For Category A projects with significant social impacts, OPIC requires that project investors formally consult with the locally-affected communities, by providing project information in a language, format, and medium that is accessible. OPIC has updated its application and reporting forms with input from all stakeholders on the content of the data required.

OPIC encourages all prospective project sponsors to engage in meaningful consultation with local stakeholders during all phases of project development. Consultations must be inclusive and culturally appropriate and meet the needs of disadvantaged and vulnerable groups.

For all Category A projects OPIC now requires that a prospective sponsor consult formally with members of the affected public. In these cases, OPIC requires that the full documentation of the public consultation process which was undertaken during project planning be included in an environmental and social impact assessment (ESIA) or baseline audit document.

At a minimum, consultation involves early discussion of the project at the screening stage, and later opportunities to review and comment on the ESIA or baseline audit document.

During the project development process, OPIC's Office of Investment Policy receives confirmation that investors in Category A projects with significant social impacts have consulted with locally-affected communities.

Environmental and social information are made available to locally-affected people in a language, format and medium that is accessible and allows for the free expression of opinions. For all Category A projects, the applicant is required to provide a local language translation of the executive summary of the ESIA or baseline audit document and make the summary available to local stakeholders in a format that is readily understandable and tailored to meet the information needs of the affected community. The translated summary must be distributed by means that take into account the ability of

local stakeholders to receive, address and effectively comment on the content. OPIC discloses the local language translation on its website.

OPIC now provides non-governmental organizations and other interested parties with notice in the Federal Register and they are given the opportunity to comment, pursuant to the Paperwork Reduction Act (PRA). The PRA provides for notice and comment procedures to be published in the Federal Register, such that persons may send comments to the Office of Management and Budget. OPIC sends email alerts to its ListServ when an EIA is posted to the agency web site. A self-monitoring questionnaire is made available for public comment via the PRA process.

OPIC posts to its web site host-country notifications for Category A projects, which are transmitted by OPIC to host governments when contracts are executed.

Effectuating its third transparency upgrade, OPIC has enhanced its due diligence procedures, to ensure effective compliance programs exist in projects that the agency supports.

OPIC screens project applications to identify at the earliest possible stage the risk of adverse environmental and social impacts of the project and to identify project impacts that could preclude OPIC support.

Major factors reviewed in identifying potential risks at the screening stage include sector, project scale, social concerns, and the potential for cross border impacts. Risks are assessed at key stages in the project cycle including pre-construction, construction, operations, decommissioning and closure.

All Category A projects now develop and implement an Environmental and Social Action Plan (ESAP), a record of commitments made by the applicant to mitigate, remediate and monitor environmental and social risks and impacts. The final ESAP is disclosed to the public on OPIC's website.

At least one third-party audit is conducted for all Category A projects, and Category A projects are subject to site visits during the environmental and social review by OPIC staff or consultants.

OPIC has implemented a Character Risk Due Diligence Directive (CRDD) that specifies the steps and procedures that the agency must complete when performing information searches before it provides support for a project.

Among those search tools is the Terrorist Screening Center (TSC), which was established to consolidate terrorist watch lists and to provide operational support for federal agencies, such as OPIC, that require security screening services. OPIC project teams request TSC screening for any project located in a country specifically identified on a list maintained by OPIC's president for the purpose of requiring TSC assistance.

In projects employing local legal counsel, the OPIC project team requests local counsel to utilize publicly available in-country databases and other sources for background information relevant to CRDD searches.

The project team also takes steps to monitor CRDD issues affecting a project, including but not limited to potential transfers of equity in an OPIC-supported project. In those cases, the project team undertakes appropriate research on potential new holders of equity in OPIC-supported projects.

The OPIC project is required to document all CRDD search efforts, and must ensure that background searches are updated. In the event a CRDD research raises issues about a project, the OPIC project team will bring those concerns to the attention of OPIC senior management, which will then determine whether to proceed with the project.
The final transparency improvement concerned OPIC's adherence to certain protocols. First among the, OPIC has endorsed the principles of the Extractive Industries Transparency Initiative (EITI) and now encourages investors to voluntarily agree to the EITI guidelines in OPIC-sponsored projects.

The EITI supports improved governance in resource-rich developing countries through the full publication and verification of company payments and government revenues from oil, gas and mining ventures. The goal is to ensure that the revenues from extractive industries in developing countries contribute to sustainable development and poverty reduction. Participation in EITI can reduce the risk associated with a project, and improve the likelihood of success in the most developmental markets while reducing associated costs.

Secondly, OPIC works carefully to ensure that anti-corruption best practices are used in connection with the projects it supports, and that OPIC projects are in full compliance with the Foreign Corrupt Practices Act (FCPA) and other anti-corruption laws.
To that end, OPIC publishes an OPIC Anti-Corruption Handbook that provides OPIC investors and other interested parties with a comprehensive approach to fighting corruption. OPIC investors are required to certify that they have received, read and distributed the handbook.
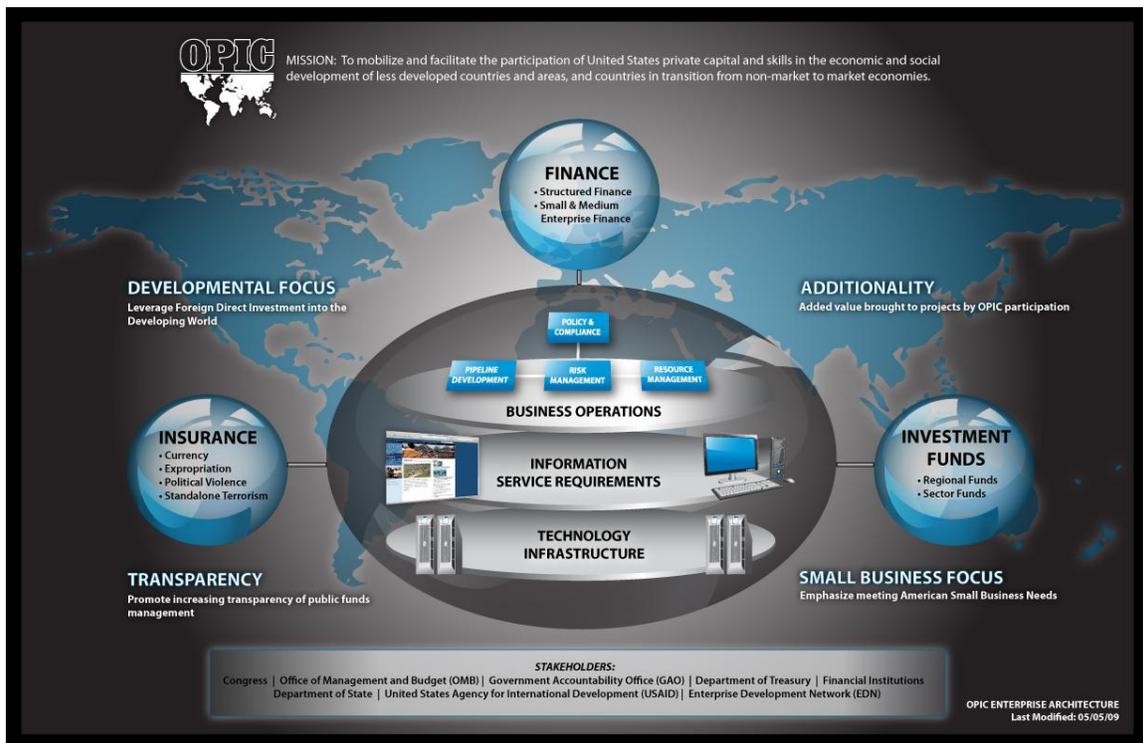
The OPIC Anti-Corruption Handbook explains OPIC's anti-corruption policies and procedures, and sponsors' obligations to them. It contains a detailed overview of the FCPA, which imposes requirements in two broad areas: anti-bribery and accounting. The anti-bribery provisions, while broadly proscribing corrupt payments to foreign officials, also provide guidance with respect to third-party payments, certain permissible payments, and affirmative defenses to alleged violations. The accounting provisions, which were designed to operate in tandem with the anti-bribery provisions of the FCPA, require corporations covered by the provisions to make and keep books and records that accurately and fairly reflect the transactions of the corporation, and to devise and maintain an adequate system of internal accounting controls.

The Handbook is available on OPIC's web site and is distributed to all applicants seeking OPIC's support. OPIC requires certifications from its applicants that they have read and understand the Handbook. Furthermore, applicants seeking OPIC support must certify that they have distributed the Handbook to an OPIC approved list of project parties. For projects involving OPIC finance, OPIC generally requires that the Handbook be distributed to all officers of the project company, its affiliates, all equity holders in the project company of more than ten percent, and of each person or entity providing credit or other significant support to the project.
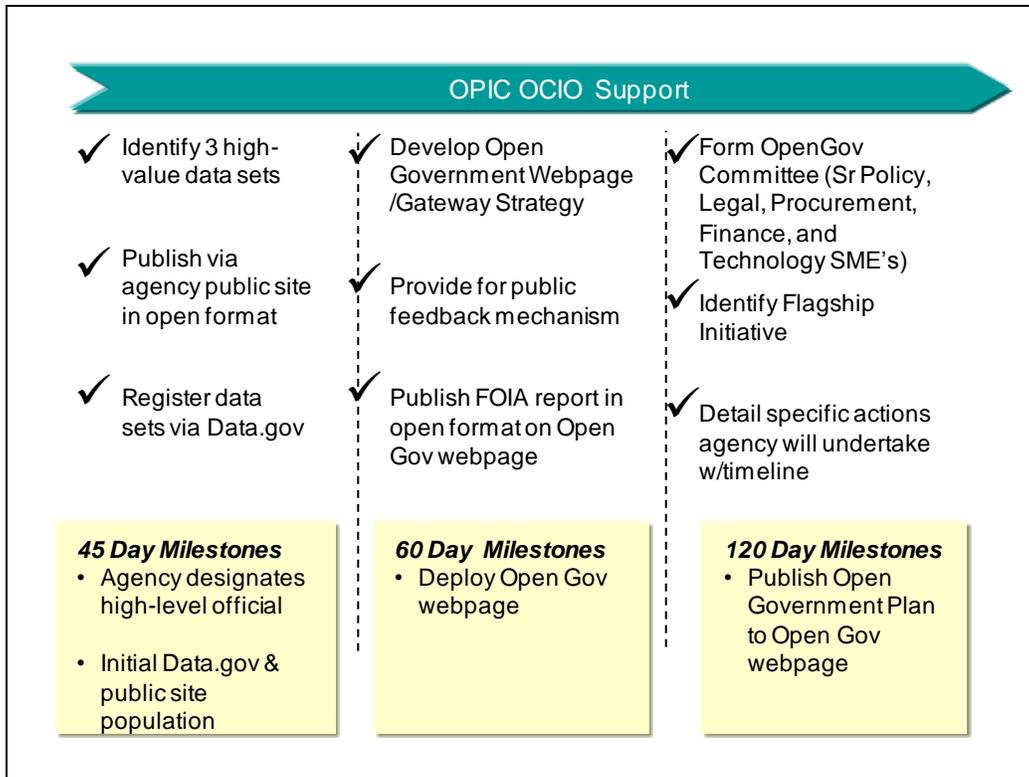
Appendix A – OPIC High-Level Concept of Operations Graphic

Appendix B - OPIC Open Government Directive Initial Action Plan Summary

OPIC OCIO Support

✓ Identify 3 high-value data sets

✓ Publish via agency public site in open format

✓ Register data sets via Data.gov

✓ Develop Open Government Webpage /Gateway Strategy

✓ Provide for public feedback mechanism

✓ Publish FOIA report in open format on Open Gov webpage

✓ Form OpenGov Committee (Sr Policy, Legal, Procurement, Finance, and Technology SME's)

✓ Identify Flagship Initiative

✓ Detail specific actions agency will undertake w/timeline

45 Day Milestones
• Agency designates high-level official
• Initial Data.gov & public site population

60 Day Milestones
• Deploy Open Gov webpage

120 Day Milestones
• Publish Open Government Plan to Open Gov webpage

IPT Data Call Activities:

| ID Data Sets | Clear through OEA | Clear through Legal Affairs | Implement Through OCIO |

Iterative Approach

Appendix C – Definition and Terms

1. "**Web 2.0**" refers to networked applications built on Web technologies and design principles that may also exploit community-based development and social networking, and that may exploit new Web-based business models.

2. A "**social network**" is a social structure made of nodes (which are generally individuals or organizations) that are tied by one or more specific types of interdependency. Social networks are supported by enterprise social software, which facilitates, supports and promotes non-routine interactions between people within an organization. This includes conventional communication and collaboration tools such as e-mail and shared work spaces, while especially concentrating on technologies for social network analysis and dynamic profile management, and forms of group interaction such as social bookmarks, social tagging, content ratings, blogs and wikis.

3. "**Crowd-sourcing**" is outsourcing an internal task to an undefined external group via an open call over the Internet.

4. **Transparency** promotes accountability by providing the public with information about what the government is doing.

5. **Participation** allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society.

6. **Collaboration** improves the effectiveness of government by encouraging partnerships and cooperation within the federal government, across levels of government, and between the government and private institutions.

7. **ListServ** is an automated emailing list manager.