

**Administration Committee**  
**Information Request RFI\_IDBINV0006189**  
**Minutes of the Decision adopted on October 2<sup>nd</sup>, 2023**

## Review of an Information Denial

### Background

1. On July 4<sup>th</sup>, 2023, Mr. Carlos Gutierrez (the “Requester”), a researcher and consultant working for Friends of the Earth, submitted a Request for Information through the IDB Invest Transparency Hub. The full text of the request of information is included in [Annex A](#) (the “Request”). Among other information requested, the Request asked for *“reports on the state of animal welfare in CMI Units [f]or poultry and pork”*.
2. The information requested refers to CMI Alimentos, the main business division of Corporación Multi Inversiones (“CMI”, the “Client” or the “Company”), a Central American economic group with operations in 9 countries, that has three operations in supervision ([CMI Alimentos](#), [CMI Alimentos II](#), and [CMI Alimentos III](#)).
3. Since IDB Invest is not involved in the financing of the pork operations of CMI, the consideration of the Request focused on information regarding CMI's poultry facilities. On August 1<sup>st</sup>, 2023, IDB Invest provided a written communication to the Requester through the Transparency Hub. The full text of the response is included in [Annex B](#) (the “Response”). The Response addressed all points of the Request and provided all non-confidential information available to IDB Invest. It also included a partial denial of information concerning *“information regarding the reports on the state of animal welfare at CMI”*. The Response explained that this information was protected by the exception for "Commercially Sensitive Information" under the Access to Information Policy (the “Policy”) and, therefore, was confidential and could not be disclosed to the public.
4. In an effort to respond to the Request while preserving the confidentiality of the information, Management further explained in the response that: *“during the appraisal visits to the poultry farms carried out in 2018 and during future supervisory visits, it was possible to verify compliance with national regulations in each country on this matter (its Registration and Operation License from the Environmental and Agricultural Authorities, and Unique Establishment Code issued by the Sanitary Authorities or the Health Authority, in the case of El Salvador), as well as general compliance with and the intention to improve compliance with (through investments in physical improvements to the farms) the main principles of animal welfare in Animal Production Systems of the World Organization for Animal Health (OIE).”*
5. On August 2<sup>nd</sup>, 2023, the Requester submitted a request for review of the information denial arguing that animal welfare reports should not be considered “commercially sensitive information”. The full text of the request for review is included in [Annex C](#) (the “Request for Review”).

## Review of the Information Denial by the Administration Committee

6. In accordance with the Access to Information Policy Implementation Guidelines, the Administration Committee conducts first-stage reviews of information denials that do not relate to Board Records, having the authority to uphold or reverse Management's Information Denials. The Administration Committee reviews whether the Information Denial is consistent with the Policy. The decision must specify the reasoning of the Committee and in cases where the Administration Committee reverses an Information Denial, its response will include the requested information. The decision of the Administration Committee will be posted on the IDB Invest external website.
7. In case the Administration Committee upholds Management's decision and denies the request for information, the requester may request a second-stage review of the Information Denial by the External Panel.

## Identification of the Requested Information

8. The [ESRS prepared for Project 12167-01, CMI Alimentos](#), publicly available on IDB Invest's website includes the following section reporting on the animal welfare (Annex III – Section 3.1 of the ESRS):

*“En base en las regulaciones ambientales de cada país donde CMI-IPA tiene presencia (Guatemala, El Salvador, Honduras y Costa Rica), las granjas avícolas o UPA, requieren para su construcción y/o operación, de un permiso ambiental vigente otorgado por las Autoridades Ambientales de cada país. Igualmente, cada granja avícola o UPA, debe contar con su Licencia de Registro y Funcionamiento, y Código Único de Establecimiento, emitido por las Autoridades Sanitarias de cada país o la Autoridad de Salud (para el caso de El Salvador).*

*Dentro del recorrido de las granjas avícolas, se observó de manera general el cumplimiento y la intención de mejorar el cumplimiento (a través de la inversión en mejoras físicas de las granjas), de los principios generales de bienestar animal en los Sistemas de Producción Pecuarios de la Organización Mundial de Sanidad Animal (OIE, por sus siglas internacionales), entre ellos: (i) el entorno físico, incluido el sustrato (superficie para caminar, descansar, etc.), es el adecuado a fin de minimizar el riesgo de lesiones y la transmisión de enfermedades o parásitos a los animales, y dicho entorno físico permite un reposo confortable, movimientos seguros y cómodos, incluidos los cambios normales de posturas, y la oportunidad de realizar todo tipo de comportamiento natural; (ii) la agrupación social de los animales permite un comportamiento social positivo y minimiza las lesiones, la angustia y el miedo crónico; (iii) para este caso, en donde los animales son alojados/colocados en galeras/galpones, la calidad del aire, la temperatura y la humedad apoya la buena salud de los animales y de no ser aversivos; (iv) los animales tiene acceso a suficiente alimento y agua, adecuados a su edad y necesidades, para mantener una salud y productividad normales y para prevenir el hambre, la sed, la desnutrición o la deshidratación prolongadas; (v) existen buen prácticas de manejo, para la prevención y control de las enfermedades y parásitos, igualmente los animales con problemas graves de salud, son aislados y tratados con prontitud o asesinados humanamente si el tratamiento no es factible o si la recuperación es improbable; finalmente, (vi) el manejo de estos animales fomenta una relación positiva entre humanos y animales y no causa lesiones, pánico, miedo duradero o estrés evitable.”*

9. IDB Invest relied on different sources obtained during the E&S due diligence for the preparation of the ESRS, including,
  - a. Direct observations by IDB Invest's ESG Officer during visits to the poultry farms.
  - b. Unstructured interviews of the workers in charge of handling the chickens, conducted by IDB Invest ESG Officer; and
  - c. Licenses and permits issued by the environmental, agriculture and/or health authorities of each country where the Company operates.
10. Management has also collected information through the Client's Environmental and Social Compliance Reports (ESCR), which do not include specific information on animal welfare.
11. Finally, Management has also received information through the supervision process, including a copy of the internal manuals and instructions that prescribe the procedures followed by the Client for animal handling in its poultry business. All such procedures are non-public documents, authored by the Client and bearing copyright legends, and considered confidential by the Client.
12. Strictly speaking, the only report on the actual animal welfare conditions observed in the farms of the Client is the ESRS quoted above, which is already public. The Administration Committee understands that Management's denial of information concerns the Client's manuals and instructions, which prescribe the Client's rules, procedures, and standards for animal handling in its poultry business.

## Policy Considerations

13. The Access to Information Policy entered into effect on January 1, 2020, superseding the Disclosure of Information Policy of October 11, 2005. Information produced by IDB Invest, or produced by third parties and received by IDB Invest before the ATI Policy's effective date is subject to the provisions of the Disclosure of Information Policy, and information produced or received by IDB Invest on or after January 1, 2020, is governed by the Policy. The manuals and instructions that prescribe the Client's rules and procedures for animal handling were received by Management on October 5, 2022, and as such are subject to the provision of the Access to Information Policy.
14. Paragraph 52 of the Policy indicates that IDB Invest does not disclose to the public: ***“commercial, proprietary, financial, privileged, intellectual property, or other non-public information about its clients, co-financiers, investors, or third parties. To do so would be contrary to the legitimate expectations of such parties, who need to be able to communicate detailed information to IDB Invest without fear of compromising confidential information.”***
15. The manuals and instructions for animal handling are internal, non-public documents, authored by the Client to regulate the way to conduct its business competitively. These documents do not report on the actual conditions of animal welfare, and instead describe processes that are implemented by the Company in its poultry business after testing them to achieve the greater efficiency possible in usage of supplies, compliance with local law, and workforce optimization. The documents are copyrighted and non-public in their entirety and were specifically developed by the Company, based on its skill, know-how and experience. The information contained in these documents is a component of the Company's competitive advantage and could be commercially and financially harmful if

disclosed. Therefore, the documents fulfill the requirements described in the Policy to be considered Confidential.

16. Moreover, while some of the usages and practices described in the documents may be based on general knowledge in the poultry industry and some may result from the Client's own specific innovations, the set of documents as a whole has a distinct commercial value, as it combines the Client's know-how on the way to carry its business competitively. Therefore, it is not feasible to produce redacted versions of the documents aiming to disentangle confidential from non-confidential information.
17. In consequence, Management correctly assessed that the full set of the Client's internal manuals and procedures that regulate animal handling shall be considered confidential information, as they constitute commercial, proprietary, copyrighted, non-public documents prescribing the way the Client conducts its business. Revealing that information may significantly affect the Client's competitiveness and would significantly compromise the ability and willingness of the Client to share information freely with IDB Invest without fear of compromising confidential or proprietary information. Moreover, the production of redacted versions of the documents is not feasible.

#### Decision of the Administration Committee

18. The Administration Committee takes note that the only report on the conditions of animal welfare in the poultry operations of the CMI is included in the ESRS quoted above, which is already public.
19. The Committee considers that Management applied the Policy correctly when it denied the disclosure of the Client's manuals and instructions that prescribe the procedures for animal handling in its poultry business. In the Committee's view, these documents describe processes that are implemented by the Company after testing them to achieve the greater efficiency possible in usage of supplies, compliance with local law, and workforce optimization. This information is commercial, proprietary, copyrighted non-public, and is specifically developed by the Company, based on their skill, know-how and experience. This information is a component of their competitive advantage and could be commercially and financially harmful if disclosed. Therefore, the information fulfills all conditions to be considered confidential and disclosure of such information is barred under paragraph 52 of the Access to Information Policy.

## Annex A – Transcript of the Request for Information RFI\_IDBINV0006189

I am analyzing project 12167-01 from the year 2018, when CMI obtained funding to expand its production and facilities. Could you please provide me with the location and a list of CMI units (poultry units - UPA and pig units), and which ones were constructed with funding from this project? Additionally, could you inform me about any units or restaurants that were built near indigenous territories and provide me with the names of these tribes? If possible, could you send me the company's reports on the impacts on indigenous territories, as well as the negotiations established with indigenous communities? Do you have any reports on the discussions between the company and the communities affected by its activities? Would you have any reports on the impacts of the activities on the environment (wildlife) and pollution reports? I would also like to obtain reports on the state of animal welfare in CMI Units or poultry and pork.

12167-01

CMI Alimentos

Regarding project 12167-03, could you inform me what kind of food you purchase to feed your animals? Where do these foods come from? Who is your main supplier? What controls are being established to prevent grains sourced from deforestation, such as soybeans grown in the Amazon?

12167-03

CMI Alimentos II

**Requester:**

Carlos Gutierrez

[carlos.gutierrez9@gmail.com](mailto:carlos.gutierrez9@gmail.com) – Friends of the Earth

Civil Society

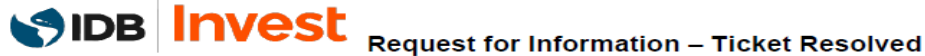
France

## Annex B – Transcript of Transparency Hub Response

system

Email sent-08-01-2023 13:09:45

Email sent  
Subject: Your case #RFI\_IDBINV0006189 has been resolved  
From: IDB Invest Service Desk  
To: carlos.gutierrez9@gmail.com  
[Hide email details](#)



Dear Carlos Gutierrez,

We have analyzed your case and would like to provide you with the following information:

Project 12167-01. No new facilities were constructed using IDB Invest funding. During the closing process of this operation, the Company's funding requirements and project scope were reduced, excluding the construction of new farms. We also note that this Project does not include swine operations and, in general, CMI's franchise restaurants are built within cities (known as urban areas), preferably within malls, "plazas" or shopping areas, thus avoiding negative impacts on indigenous territories. Additionally, CMI, as part of its commitment to comply with the Environmental and Social Action Plan (ESAP) required by IDB Invest, has developed a "Protocol for the Acquisition of Land and Construction of New Facilities" where, in addition to complying with the environmental and cultural legislation of any country in which it operates, prior to the construction of any unit or restaurant, CMI shall implement measures to avoid affecting the land and resources of any people, including indigenous people. As part of the ongoing supervision of this operation, to our knowledge CMI is not impacting indigenous communities as a result of IDB Invest financing. However, if in the future, there was risk of CMI's area of influence potentially impacting indigenous communities, IDB Invest requires that CMI follows the relevant standards specified in IFC's Performance Standard 7 on Indigenous People that is part of the IDB Invest [Environmental and Social Sustainability Policy](#), in addition to complying with the relevant local requirements.

The information regarding the reports on the state of animal welfare at CMI is protected by the exception of "Commercially Sensitive Information" of the Access to Information Policy and, therefore, is confidential and cannot be disclosed to the public. However, during the appraisal visits to the poultry farms carried out in 2018 and during future supervisory visits, it was possible to verify compliance with national regulations in each country on this matter (its Registration and Operation License from the Environmental and Agricultural Authorities, and Unique Establishment Code issued by the Sanitary Authorities or the Health Authority, in the case of El Salvador), as well as general compliance with and the intention to improve compliance with (through investments in physical improvements to the farms) the main principles of animal welfare in Animal Production Systems of the World Organization for Animal Health (OIE).

With regard to your question submitted earlier on Project 12167-03 (namely, "Could you inform me what kind of food you purchase to feed your animals? Where do these foods come from? Who is your main supplier? What controls are being established to prevent grains sourced from deforestation, such as soybeans grown in the Amazon?"), please note our reply below:

Project 12167-03. CMI has its own Animal Nutrition plants, where they produce, distribute and market balanced feed made especially for animals, in this case poultry. The main ingredients of the feed are corn and soybean flour, which are supplied by large well-recognized agricultural supply chain companies. For additional information please refer to the [Environmental and Social Review Summary \(ESRS\)](#) of this operation.

A requester who believes that the denial of the requested information violates the Access to Information Policy has the right to request a review of IDB Invest's decision through the review mechanism described in paragraphs 76-80 of the Policy.

Cordially,

Transparency Hub  
IBD Invest  
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Washington, D.C. 20577  
USA  
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Ref:MSG22230479

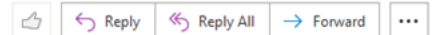


## Annex C – Transcript of Request of Review of Information Denial

### Request for Review: Animal Welfare Report Disclosure



Carlos <carlos.gutierrez9@gmail.com>  
To: IDB Invest - Request Information



Wed 8/2/2023 10:17 AM

This sender carlos.gutierrez9@gmail.com is from outside your organization.

Follow up. Completed on Wednesday, August 16, 2023.

You don't often get email from [carlos.gutierrez9@gmail.com](mailto:carlos.gutierrez9@gmail.com). [Learn why this is important](#)

Dear Mr. or Mrs.,

I am writing in response to the recent communication regarding my request #RFI\_IDBINV0006189. Specifically, I am concerned about IDB's claim that the animal welfare report for project 12167-01 cannot be provided due to it being categorized as "Commercially Sensitive Information" under the Access to Information Policy, and therefore, confidential and not subject to public disclosure. I respectfully request a review of this denial, as I believe that animal welfare reports should not be considered "commercially sensitive information."

The animal welfare report in question is crucial to understanding the conditions and treatment of animals within the designated units. It is important to note that such reports do not reveal any proprietary commercial secrets, confidential business strategies, or sensitive location information. Rather, they primarily focus on how animals are being treated and the overall conditions they are subjected to within these units.

The information contained in animal welfare reports is of significant public interest and ethical importance. The reports shed light on the well-being and treatment of living and sensitive beings. Knowing the conditions in which these animals are kept is essential to ensuring their proper care and adherence to established ethical standards.

Transparency and accountability regarding animal welfare practices are paramount in modern society, as it reflects our commitment to ethical treatment and the protection of vulnerable creatures. By disclosing animal welfare reports, the IDB demonstrates a commitment to upholding ethical standards and encourages responsible practices in its projects.

Furthermore, transparency in animal welfare practices is consistent with global trends in corporate responsibility, where organizations are increasingly embracing openness and responsibility in their operations. By disclosing such information, the IDB can showcase its dedication to promoting sustainable and ethical practices, thereby fostering trust and credibility among stakeholders.

Additionally, sharing animal welfare reports can help identify areas for improvement and ensure that projects meet or exceed Environmental and Social Action Plan (ESAP) requirements. It allows for public scrutiny and constructive feedback, which, in turn, can lead to better outcomes and a more positive impact on animal welfare.

In conclusion, I firmly believe that animal welfare reports should not be considered commercially sensitive information, and their disclosure aligns with principles of transparency, accountability, and ethical responsibility. I kindly request a thorough review of the denial to reconsider the importance of disclosing such information for the greater good.

Lastly, concerning project 12167-03, I would also appreciate information on whether and how the ESAP requirements have been met.

Thank you for your attention to this matter, and I look forward to a prompt and thoughtful response.

Sincerely,

Carlos Gutierrez  
Tel +330777030937