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FY 2012



# WORLD BANK ACCESS TO INFORMATION ANNUAL REPORT

Moving Forward Transparency and Accountability



THE WORLD BANK



ACCESS TO INFORMATION  
Annual Report  
FY 2012

*Moving Forward Transparency and Accountability*

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# Acknowledgements

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This Annual Report received the support and endorsement of the Access to Information Committee, represented by members of the Operations Policy and Country Services Vice Presidency (OPCS), the General Services Department (GSD), the East Asia and Pacific (EAP) Regional Vice Presidency (in FY 2012), the Europe and Central Asia (ECA) Regional Vice Presidency (in FY 2013), LEG, EXT, IMT and SEC.

# Message from the President



Through decades of development work, I have learned that the best solutions to economic and social problems often lie with the individuals and communities coping with social and economic challenges in their daily life. They have been my greatest teachers, and I firmly believe that we must listen to and act on their insights. Fortunately, we live in a world today where knowledge flows from entrepreneurs in Delhi to citizens in rural Mexico to civil society in Lagos to policy makers in Sarajevo. The World Bank Group, with its global reach, is ideally positioned to connect and convene multiple stakeholders like these from around the world.

This is why I speak of the World Bank as a “Solutions Bank” – an organization that believes in listening to citizens in order to do development better and working with partners to tackle development challenges and promote good governance. Transparency, accountability, citizen participation, and access to information are at the forefront of the World Bank’s citizen-centered development approach called Open Development.

Foundational to this approach is the World Bank’s Policy on Access to Information (AI Policy). By June 30, 2012 – the end of the second year of the policy’s implementation – the World Bank had a total of 134,462 documents available to the public in its *Documents and Reports* database. During the same period, more than 1,247,000 documents were downloaded from this database, 56.9 percent more than in the first year of implementation of the AI Policy.

In Fiscal Year 2012, the World Bank continued to seek opportunities to further open itself to the public and expand its role as partner and convener. These initiatives included:

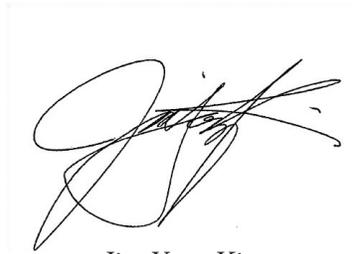
- Free, open and easy access to World Bank data and surveys.
- Updated Infofinder Mobile App for iPhone and iPad with customizable options.
- Providing country information on World Bank finances.
- Coordinating with other donors and multilateral institutions to expand aid data on Aidflows.
- Mapping for Results to facilitate the monitoring of World Bank development impact and effectiveness.
- Rolling out an Open Access Policy and Open Knowledge Repository to increase the availability of World Bank research outputs and knowledge products, as well as become interoperable with other repositories.
- Providing technical training to civil society organizations, journalists, academics, government officials and others in several countries to enable them to access and use all this data.

These transformative steps did not go unnoticed, and the World Bank is now recognized for its leadership in openness and transparency. The aid transparency campaign “Publish What You Fund” gave the World Bank its highest transparency rating in 2011 with a score of 78. In 2012, the World Bank score rose to 88, coming in second behind UK’s DFID.

The progress made during the second year of the AI Policy implementation could not have been achieved without the continued contribution from civil society organizations, government officials, and citizens of

our member countries. These accomplishments have been made possible through our joint commitment to implementing a policy that is both in line with international best practice and central to our belief in opening the development process.

We know that continued success is an ongoing effort, with more work yet ahead. Together with our clients and partners, we will continue to move our transparency and accountability agenda forward to drive results and build the partnerships needed to end poverty and build shared prosperity.

A handwritten signature in black ink, appearing to read 'J. Kim', enclosed within a thin black rectangular border.

Jim Yong Kim

# List of Acronyms and Abbreviations

AFR	Africa Region
AI	Access to Information
AI Policy	World Bank Policy on Access to Information
App	Application for mobile device
Board	World Bank Board of Executive Directors
CAS	Country Assistance Strategy
CO	Country Office
CTR	Controllers
D&R	Documents and Reports database
DEC	Development Economics and Chief Economist
DFID	Department for International Development, British Government
EAP	East Asia Regional Vice Presidency
ECA	Europe and Central Asia Regional Vice Presidency
ESW	Economic Sector Work
EXT	External Affairs Vice Presidency
FY	Fiscal Year
FY 2012	Fiscal Year 2012, covering the period of July 1, 2011, through June 30, 2012
GPS	Global Positioning System
GSD	General Services Department
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IFC	International Finance Corporation
IMT	Information Management Technology Vice Presidency
ISR	Implementation Status and Results Report
KOCP	Knowledge Output Capture Project
LAC	Latin America and Caribbean Region
LEG	Legal Vice Presidency
MNA	Middle East and North Africa Region
OA	Open Access
OECD	Organization for Economic Co-operation and Development
OKR	Open Knowledge Repository
OPCS	Operations Policy and Country Services Vice Presidency
PAD	Project Appraisal Document
PD	Program Document
SAR	South Asia Region
SD	Simultaneous Disclosure
SEC	Corporate Secretary Vice Presidency
VPU	Vice Presidential Unit
WBI	World Bank Institute



# Executive Summary

## Making Information Publicly Accessible

On June 30, 2012, the World Bank commemorated the completion of its second year of implementing the Policy on Access to Information (AI Policy), which was rolled out on July 1, 2010. Following a successful first year of implementing the AI Policy, the World Bank continued its efforts to maximize public access to information in the second year.

In the period of July 1, 2011, through June 30, 2012 (FY 2012), the World Bank's dedicated public Access to Information (AI) website (i.e., <http://www.worldbank.org/wbaccess>) allowed the public to directly search and browse more than 134,000 documents, which includes over 63,000 operational documents, over 15,000 legal agreements, and over 41,500 publications and research reports. The database includes over 14,800 newly declassified documents in FY 2012.

The World Bank's *Documents and Reports* database received more than 1.2 million public visits in FY 2012. In that time, visitors viewed more than 5 million pages and downloaded more than 1.2 million files.

Also made available to the public through the AI website are the documents of the World Bank's Board of Executive Directors (Board), including its work program and scheduled discussions, and documents publicly released before Board discussion (i.e., *simultaneously disclosed* Board documents). In FY 2012, the World Bank simultaneously disclosed 102 Board documents.



Photo: Nugroho Nurdikiawan Sunjoyo

*In FY 2012, the World Bank's Documents and Reports database received more than 1.2 million public visits.*

## Providing Information on Request

In addition to the information that is readily accessible online, the World Bank responds directly to members of the public on their individual requests for information. Looking at only the public access requests made through the World Bank's AI tracking system (and not including requests automatically fulfilled at World Bank country offices and public information centers), the World Bank received 767 new public access requests in FY 2012, and continued to handle 116 cases that carried over from FY 2011. Of the requests that were addressed to the World Bank and that provided adequate information to enable a response, the World Bank fulfilled (in whole or in part) 94.7 percent, and denied (in whole) 5.3 percent.

The World Bank endeavors to provide a comprehensive response to public access requests within 20 working days. The AI Policy recognizes that additional time may be needed for special circumstances, such as complex requests or requests that require consultation with internal or external parties. Of the requests completed in FY 2012, 69.9 percent of the cases received comprehensive responses within 20 working days.

## Exercising the Prerogative to Disclose Restricted Information

Under the AI Policy, the World Bank reserves the right to disclose, under exceptional circumstances, certain restricted information if it determines that the overall benefits of such disclosure outweigh the potential harm. The AI Policy also establishes different authorities to exercise such prerogative, depending on the type of restricted information. For certain restricted information, the Access to Information Committee (AI Committee) has the authority to exercise the prerogative to disclose. In FY 2012, the AI Committee considered 19 cases to exercise the World Bank's prerogative to disclose restricted information. Of the 19 cases, the AI Committee released the documents in ten of the cases: in seven cases the AI Committee decided to exercise the prerogative to disclose, and in three cases the AI Committee determined that the documents should be public under the AI Policy, and they were released on that basis.

## Appeals

The AI Committee also serves as the body that considers first level appeals filed under the AI Policy. In FY 2012, the AI Committee decided on ten appeals. The AI Committee reversed the World Bank's initial decision to deny access in two cases, finding a violation of the AI Policy in one case and a compelling public interest to override the *Deliberative Information* exception in the second case. The AI Committee dismissed three cases in whole (i.e., public interest not applicable to the AI Policy exception; no authority to review a Board decision; information not in the Bank's possession). Finally, the AI Committee upheld the World Bank's decision to deny access in five cases. Of these five denials that the AI Committee upheld, the AI Committee dismissed two cases in part, and in two other cases, while it found no violation of the AI Policy, the AI Committee released the information notwithstanding because: (i) in one case, it decided to exercise the prerogative to disclose, and (ii) in the other case, some of the information was released by the consent of the originator of the information. No appeals were filed before the AI Appeals Board, which serves as the body that considers second level appeals that allege a violation of the AI Policy.

## AI Policy Interpretations

The AI Policy authorizes the AI Committee to make policy interpretations in line with the AI Policy's guiding principles. In FY 2012, the AI Committee issued four AI Policy interpretations, one of these was also reported in the "World Bank Access to Information Report – FY 2011" in view of its issuance soon following the end of FY 2011. The other three AI Policy interpretations issued in FY 2012 concern the following matters:

- Public availability of operational guidance prepared for staff;
- Public availability of President's Reports; and
- Process for implementing the AI Policy on declassifying certain documents at least 20 years old.



# Review of the Public's Access to Information in FY 2012

## The World Bank's Continued Commitment to Promote Access to Information

July 1, 2011, marked the beginning of World Bank's second year of implementing its Policy on Access to Information (AI Policy). In this second year, covering the period of July 1, 2011, through June 30, 2012 (hereinafter FY 2012), the World Bank continued its efforts to maximize the public's access to information in the World Bank's possession and to encourage, through its own activities, improved aid transparency across the development community.

**Staff Training and Client Outreach.** The World Bank continued to train World Bank staff members and clients on their respective roles and responsibilities under the AI Policy, and to support the institution's commitment to transparency and accountability. The Human Resources Vice Presidency successfully incorporated the functionality to send automated reminders to new staff on the AI learning program from the World Bank's staff training facility, the Learning Management System.

**Country Office Outreach.** The World Bank's communications staff in country offices (COs) continued to support the public's access to information by responding to requests for information from the public at large, including targeted stakeholders such as nongovernmental organizations, academics, researchers, development partners and clients (requests handled at COs are separate from those requests recorded by the Access to Information (AI) tracking system).



Photo: Dominic Sansoni

*The World Bank continued to support the public's access to information in FY 2012.*

# The World Bank’s Efforts to Make Information Publicly Accessible

## AI Website

The principles of the AI Policy have successfully translated into real benefits for the public through the World Bank’s improvements to its dedicated AI website in FY 2012. The AI website allows the public to readily access World Bank documents and data, including access to the World Bank’s lending projects from 1947 to the present, and to more than 134,000 documents that are catalogued in the World Bank’s *Documents and Reports* (D&R) database. At the end of FY 2012, the D&R database included over 63,000 project documents, over 15,000 legal agreements, and over 41,500 publications and research reports.



Photo: John Hogg

*In FY 2012, the public downloaded more than 1.2 million files from the World Bank’s Documents and Reports database.*

## World Bank InfoFinder

The World Bank has also actively promoted the use of mobile devices that allow public access to its information. The World Bank InfoFinder (App) for iPads and iPhones, which was launched soon after the AI Policy became effective in 2010, is yet another way that the institution has promoted its Open initiatives and AI Policy. The InfoFinder App explains the AI Policy in a simple and easy manner, including its list of exceptions and appeals process. The App also allows users to search projects and operations, documents and reports, and other World Bank information. In FY 2012, the InfoFinder App had approximately 4,500 downloads — 3,000 on iPads and 1,400 on iPhones. In FY 2012, the World Bank began work on updating the App, which will be launched in FY 2013. The updated App will include an icon-based design and customizable options, and can be used to submit access to information requests, among other enhancements.

## Newly Released Documents

In FY 2012, the World Bank increased the number of documents available to the public by 12.4 percent. This increase resulted from the World Bank's proactive declassification and release of over 14,800 additional documents in FY 2012. The largest category of newly released documents was economic and sector work (ESW) reports. In FY 2012, a total of 1,934 ESW reports were disclosed, representing a 506.3 percent increase compared with 319 ESWs released in FY 2011. The increased disclosure of ESW reports resulted from the World Bank's Knowledge Output Capture Project (KOCP), which is a joint undertaking of the World Bank's regional groups, network anchors, and IMT, with support from EXT and OPCS, aimed at addressing gaps in record keeping. The goal of the KOCP was to identify, collect, validate, and file as many documents as possible by the end of FY 2012. Table 1 provides a breakdown of the numbers and types of documents publicly released in FY 2012, and the total documents accessible in the D&R database as of June 30, 2012.

Table 1. Select Categories of Publicly Released World Bank Documents in FY 2012

Document Type	Publicly Released in FY 2012	Total Documents Accessible by the Public in D&R as of June 30, 2012
Country Focus Reports	105	1,703
Board Documents	516	2,744
Economic and Sector Work Reports	1,934	9,551
Project Documents	7,020	63,472
Legal Documents	785	15,274
Publications & Research Reports	4,463	41,718
TOTAL	14,823	134,462

## Early Release of Board Documents

The AI Policy recognizes that papers distributed to the World Bank's Board of Executive Directors (Board) for discussion or consideration are normally posted at the end of the Board's deliberative process, once they have been finalized. Operational policy papers, sector strategy papers, Country Assistance Strategy papers (CASs), Project Appraisal Documents (PADs) and Program Documents (PDs) may, however, be disclosed before Board discussion (see AI Policy, paragraph 23(b)). The early release of Board documents is commonly referred to as "simultaneous disclosure." CASs, PADs, and PDs may be simultaneously disclosed before Board discussion if the client gives its written consent to such early disclosure. World Bank staff members notify clients of this possibility and encourage simultaneous disclosures. Simultaneously disclosed Board documents are posted in the D&R database, as well as a dedicated *Simultaneous Disclosure* webpage. The World Bank issues an *SD Newsletter* to alert subscribers whenever a Board document is simultaneously disclosed. The newsletter is available to the public for subscription. In FY 2012, the World Bank simultaneously disclosed 102 Board documents before Board discussion. Appendix B of this Report provides a complete list of the Board documents that were released to the public before Board discussion in FY 2012.

## Publicly Released Board Records

The World Bank's AI website also notifies the public of newly released and recently declassified documents, as well as the Board's work program and scheduled discussions. In FY 2012, 421 Board records were proactively disclosed by the World Bank. This represents a 53 percent increase compared with FY 2011, when 275 Board records were disclosed. Table 2 provides a breakdown of the Board records that were publicly released in FY 2012.

Table 2. Publicly Released Board Records in FY 2012

Type of Board Record	July - September 2011	October - December 2011	January - March 2012	April - June 2012	FY 2012 Total
Board Minutes	44	34	40	44	162
Summings Up	11	16	13	23	63
Summaries of Discussion	18	13	25	25	81
Green Sheet Summaries	3	2	8	4	17
Committee Minutes	33	14	33	13	93
Committee Annual Reports	--	--	5	--	5
<b>TOTAL</b>	<b>109</b>	<b>79</b>	<b>124</b>	<b>109</b>	<b>421</b>

### The Results – The Public’s Access of Bank Held Information in D&R

In FY 2012, the D&R database received more than 1,238,000 public visits, and users viewed more than 5 million pages and downloaded more than 1,247,000 documents. These numbers reflect an increased interest by the public for information made available by the World Bank. Compared with FY 2011, the FY 2012 numbers represent, respectively, approximately 21.4 percent increase in public visits to the D&R database, 11.1 percent increase in pages viewed, and 56.9 percent increase in the number of documents downloaded by the public.

### Efforts Beyond the Disclosure of Documents - Open Development

The AI Policy recognizes that transparency and accountability are fundamental to the development process and the achievement of the World Bank’s mission to end poverty. Building on this commitment, Open Development fosters public ownership, partnership and participation in development for a wide range of stakeholders. Open Development is about the World Bank being open with what it knows, what it does and how it works, and advancing open government and citizen participation. By providing the public with broader access to the World Bank’s information, data and knowledge, global audiences, partners, policy makers and stakeholders can make better informed decisions, and more accurately measure improvements and the delivery of results.



Photo: Simone D. McCourtie

*Open Development provides information and tools that foster citizen participation in development.*

As part of the World Bank's Open Development efforts in FY 2012, EXT led two multi-VPU missions, including CTR, DEC, LEG, OPCS and WBI. These missions expanded the World Bank's work in Open Development at the country level by delivering a comprehensive narrative on Open Development and the role of the World Bank. The narrative placed the World Bank's numerous Open Development initiatives within a coherent framework with the AI Policy as its foundation. Both missions delivered technical training and fostered discussions on the World Bank's Open Development programs and partnerships with a wide range of stakeholders, including government officials, civil society, academics, media, private sector and the Bank's own staff.

The first of these multi-VPU Open Development missions was piloted in March 2012 in Jakarta and Vietnam. A full-scale second mission followed in June 2012 to New Delhi, Kathmandu, Colombo, Manila and Bangkok, with a video conference interaction with Dili, Timor Leste. The second mission expanded the scope of discussions, which included helping the World Bank's COs carry further dialogue on open government with government counterparts. Both missions were well received and reached an audience of more than 1,000 policy makers, opinion leaders and other stakeholders, besides being covered by the local press and social media.

The Open Development programs, a selection of which is discussed below, are designed to provide local citizens and local stakeholders with the information and tools to monitor and assess their own development and to achieve development effectiveness through participatory approaches.

### Open Data

Improvements in the quality and quantity of data on all aspects of development are essential to ending poverty. Demand for good quality and timely statistical data continues to increase. The Open Data Initiative, which began in 2010, provides the public with access to free, open and easy access to World Bank development statistics and indicators. Through the Open Data Initiative the World Bank has released one of the most comprehensive databases on developing economies, comprising more than approximately 750 datasets and 8,000 indicators. The Open Development website – [data.worldbank.org](http://data.worldbank.org) – is accessible and downloadable in five languages. In FY 2012, the Open Data website received approximately 7.8 million visits.

### Open Finances

The goal of World Bank Open Finances is to make the World Bank's financial data more useful and re-useable and to empower interested citizens to be active participants in development. Through Open Finances, the public can obtain answers to what the World Bank is doing with its funds. Financial information on the Open Finances site includes loans, credits, and grants associated with IBRD and IDA that are updated on a monthly basis, with historical data going back to the World Bank's first loan in 1947. Through the Open Finances site, the public can explore at-a-glance views of the World Bank's development activities and search, filter, analyze, and visualize detailed financial information at country, project, and loan, credit and grant levels. In FY 2012, the Open Finances website received approximately 122,000 visits. World Bank Open Finances is also available for mobile devices (Android, iPhone/iPad, web) in seven languages and is global positioning system (GPS) enabled to help users discover and explore World Bank projects.

### Projects and Operations

The World Bank carries out projects and provides a wide variety of analytical and advisory services to meet the development needs of individual countries and the international community. The Projects and Operations portal, which is available in six languages, provides the public with easy access to detailed information on over 11,000 lending projects in over 100 countries from 1947 onward. The public can use the database to find country strategies, project databases, project maps, detailed information about World Bank products and services, results of the World Bank's work, and information on how these results are measured.



Photo: Kubat Sydykov

*Information on World Bank financed projects and operations can be accessed by citizens and other stakeholders through the Projects and Operations Portal and through the Mapping for Results platform.*

## Mapping For Results

As part of the AI Policy and building on the success of the Open Data Initiative, the World Bank developed the interactive Mapping for Results platform in October 2010 to visualize the locations of World Bank financed operations and international aid programs at the sub-national level for the first time. The tool overlays country maps with poverty and Millennium Development Goals data, such as infant mortality rates, with the geographic locations of donor-funded projects, enhancing the World Bank's ability to monitor development impact and improve transparency and social accountability. By making information about development activities accessible at the local level, the World Bank aims to foster transparency and accountability by empowering citizens and other stakeholders to provide direct feedback on project results. More than 2,500 World Bank financed operations have been mapped, and more than 30,000 locations spanning 144 countries have been geocoded. For select countries, the Mapping for Results platform provides the public with geographic information of World Bank financed operations at the sub-national level, and also allows the public to overlay disaggregated poverty and human development data (e.g., infant mortality rates).

## AidFlows

AidFlows provides the public with information on how much aid funding is provided by the donor countries, and how much aid is received in beneficiary nations. The OECD and the World Bank together created AidFlows to provide the public with easy and free access to development aid data presented in a visually intuitive format. Since the OECD-World Bank founding of AidFlows, the Asian Development Bank has joined with their own window of country-by-country data. The aid community around the world and public at large can use AidFlows to select individual donors and beneficiaries and track the sources and uses of aid funding. AidFlows also provides information, starting with the basic statistical data and provides a detailed analysis of aid funding amounts at the country level. The data allows comparison of aid volumes provided by different donor countries, and of aid amounts received by different beneficiary countries. It also shows key development indicators per country, and developing countries' ongoing progress against the Millennium Development Goals.

The AidFlows Partnership continues to invite new members from other multilateral development banks and international financial institutions.

### Open Access Policy

Taking the AI Policy and the Open Data Initiative to the next step, the World Bank approved a new Open Access (OA) policy, effective July 1, 2012, requiring that all Bank research outputs and knowledge products be made freely available online through the World Bank Open Knowledge Repository (OKR). Launched in April 2012, OKR enables any user in the world to read, download, copy, print, or link to the full text of the work without charge or restriction under the Creative Commons copyright licenses. The OKR supports optimal discoverability and re-usability of content by complying with the Open Access community's interoperability standards. Table 3 sets forth key World Bank websites that promote the Open Development agenda.

**Table 3. Select World Bank Websites - Promoting the Open Development Agenda**

Policy on Access to Information	<a href="http://www.worldbank.org/wbaccess">http://www.worldbank.org/wbaccess</a>
AidFlows	<a href="http://www.aidflows.org">http://www.aidflows.org</a>
Documents and Reports	<a href="http://www.worldbank.org/documents">http://www.worldbank.org/documents</a>
Knowledge Platform on Jobs	<a href="https://www.jobsknowledge.org/Pages/Home.aspx">https://www.jobsknowledge.org/Pages/Home.aspx</a>
Mapping for Results	<a href="http://maps.worldbank.org">http://maps.worldbank.org</a>
Open Data	<a href="http://data.worldbank.org">http://data.worldbank.org</a>
Open Finances	<a href="http://finances.worldbank.org">http://finances.worldbank.org</a>
Open Knowledge Repository	<a href="http://openknowledge.worldbank.org">http://openknowledge.worldbank.org</a>
Project Cycle	<a href="http://www.worldbank.org/projectcycle">http://www.worldbank.org/projectcycle</a>
Projects & Operations	<a href="http://www.worldbank.org/projects">http://www.worldbank.org/projects</a>
South-South Exchange	<a href="http://wbi.worldbank.org/sske">http://wbi.worldbank.org/sske</a>

# The World Bank's Response to Public Requests for Information

## Public Requests for Information

In addition to the World Bank's proactive disclosures and extensive efforts to make information readily accessible to the public online, the World Bank releases information to the public on request. The majority of the access to information requests is handled by the institution's Archives Unit, InfoShop and communications staff in country offices (COs). Counting only those requests electronically received through the World Bank's AI tracking system, in FY 2012, the World Bank received 767 public access requests, an 8.8 percent increase compared with FY 2011, when the World Bank received 705 requests. Out of those requests, requesters visited the Archives Unit in person in 48 cases to access information only available in hard copy<sup>1</sup>. In addition to these public access requests submitted through the AI tracking system, communications staff in COs handled and responded to numerous requests for information.

In the first two years of implementing the AI Policy, a special team was created within the Archives Unit to process all public access requests for information dated prior to July 1, 2010, the effective date of the AI Policy. The staff of the InfoShop and the communications staff in COs handled all requests for information created or received after July 1, 2010. After the first two years of the AI Policy's implementation, those arrangements have evolved so that the InfoShop and the communication units in COs process all requests for information created or received in the most recent three years; the Archives Unit processes all requests for information created or received by the World Bank prior to the rolling three year cut-off date, which will be July 1 of each year, starting July 1, 2013.

In FY 2012, the number of requests received by the World Bank and referred to the Archives Unit for handling remained relatively the same compared with FY 2011. In the case of requests referred to the InfoShop and communications staff in COs, the number of requests increased by 35.7 percent compared with FY 2011. Table 4 below shows the breakdown of the public access requests received by the World Bank in FY 2012 and the institutional units that managed the public access requests submitted through the AI tracking system.

Table 4. Public Requests for Information Received by the World Bank in FY 2012

Responsible Units	July–September 2011	October–December 2011	January–March 2012	April–June 2012	Totals
Archives	101	123	144	129	497
InfoShop / CO communications staff	74	57	56	83	270*
<b>TOTAL</b>	<b>175</b>	<b>180</b>	<b>200</b>	<b>212</b>	<b>767</b>

\* Of the 270 cases, 221 were handled by InfoShop and 49 by country office communications staff.

<sup>1</sup> Out of the requesters visiting the Archives Unit to access information in hard copy, approximately 23% indicated being located in a borrower country, 70.8% of such requesters indicated being located in a donor country, and approximately 6.2% did not indicate their location.

## Requests Handled and Completed in FY 2012

In addition to the 767 new public access requests received in FY 2012, the World Bank continued to handle 116 cases carried over from FY 2011. In total, the World Bank handled 883 cases in FY 2012; of which, the World Bank completed 778 cases (88.1 percent). This represents a 32 percent increase in the number of cases completed, compared with the number of cases completed in FY 2011. At the end of FY 2012, 105 cases (11.9 percent) remained under consideration. Table 5 below shows the breakdown of the public access requests completed by the World Bank in FY 2012 and the institutional units that managed the requests.

Table 5. Public Requests for Information Completed by the World Bank in FY 2012

Responsible Units	July–September 2011	October–December 2011	January–March 2012	April–June 2012	Totals
Archives	100	131	156	124	511
InfoShop / CO communications staff	80	54	63	70	267
<b>TOTAL</b>	<b>180</b>	<b>185</b>	<b>219</b>	<b>194</b>	<b>778*</b>

\* Of the 778 cases completed in FY 2012, 100 had been received in FY 2011 and 678 were received in FY 2012.

Of the 778 requests completed in FY 2012, 509 were properly addressed to the World Bank and provided adequate information to enable the World Bank to respond. Of the remaining completed requests: (a) 122 requests required more information from the requesters to fulfill, but when asked for more information, the requesters were unresponsive; (b) 15 requests for information are governed by other disclosure policies or regimes (i.e., Independent Evaluation Group (four requests), Inspection Panel (one request), International Center for the Settlement of Investment Disputes (one request), International Finance Corporation (eight requests), Multilateral Investment Guarantee Agency (one request)); (c) 82 requests for data were handled through the Open Data Initiative – Data Finder; and (d) 50 requests were for documents not found in the World Bank’s custody. Table 6 provides a breakdown of how completed cases were resolved in FY 2012.

Table 6. Resolution of Completed Requests in FY 2012

Requests Completed by		Of the Completed Requests				Records Not Found in World Bank Custody
		Requests Fulfilled or Denied	Additional Information Needed – Requester Unresponsive	Covered by Other Disclosure Policy/Regime or Information Held by Other Organizations	Referred to World Bank Data Finder	
Archives	511	347	60	8	55	41
InfoShop / CO communications staff	267	162	62	7	27	9
<b>TOTAL</b>	<b>778</b>	<b>509</b>	<b>122</b>	<b>15</b>	<b>82</b>	<b>50</b>

## Requests Fulfilled or Denied in FY 2012

Of the 509 requests that were properly addressed to the World Bank and had adequate information to enable the institution to respond in FY 2012, 94.7 percent (482 cases) were fulfilled in whole or in part; this represents a 55 percent increase compared with FY 2011 (when 311 cases were fulfilled in whole or in part, signifying 89.1 percent of the FY 2011 total). Of the 509 requests, 5.3 percent (27 cases) were denied in whole, representing a 28.9 percent decrease compared with FY 2011 (when 38 cases were denied in whole, signifying 10.9 percent of the FY 2011 total).

Of the 34 requests fulfilled in part in FY 2012: (a) seven were denied in part because the information is restricted by an AI Policy exception; (b) six could not be fulfilled in part because the records were not found in the World Bank's custody; and (c) 21 could not be fulfilled in part because the requester did not respond to the World Bank's request for additional information to enable it to consider the request. Of the seven requests that were fulfilled and denied in part because the information is restricted by an AI Policy exception, the partial denials were for the following reasons: (a) three requests were denied in part because the information requested is covered by the AI Policy's *Information Provided by Member Countries or Third Parties in Confidence* exception; (b) two were denied in part because the information requested is covered by the AI Policy's *Corporate Administrative Matters* exception, including one that is also covered by the *Personal Information* exception; and (c) two requests were denied in part because the information requested is covered by the AI Policy's *Deliberative Information* exception. Table 7 provides a breakdown of the requests that were either fulfilled or denied in whole or in part.

Table 7. Requests Fulfilled / Denied in FY 2012

	Total Requests Fulfilled or Denied		Of the Requests that were Fulfilled/Denied		
			Requests Fulfilled (in whole)	Requests Fulfilled (in part)	Requests Denied (in whole)
Archives	347	(68.2%)	307	21	19
InfoShop / CO communications staff	162	(31.8%)	141	13	8
<b>TOTAL</b>	<b>509</b>	<b>(100%)</b>	<b>448 (88%)*</b>	<b>34 (6.7%)*</b>	<b>27 (5.3%)</b>

\* World Bank fulfilled - in whole and in part – a total of 482 cases (94.7 percent of the total number of requests fulfilled or denied)

Table 8 provides a breakdown of the reasons for all denials issued in FY 2012.

Table 8. Reasons for Denials (in whole and in part) Issued in FY 2012

Responsible Unit	Archives Unit	InfoShop / CO communications staff	Total	
Number of Denied Requests	23	11	34	
Denial Based on AI Policy Exception	Personal Information	5*	5	
	Security and Safety	1	1	
	Information Provided by Member Countries or Third Parties in Confidence	6	3	9
	Corporate Administrative Matters	1	1	2
	Deliberative Information	9	7	16
Denial for Other Reasons	Unreasonable	1	1**	

\* The requested information in this case was also covered by the *Information Provided by Member Countries or Third Parties in Confidence*, *Corporate Administrative Matters*, and/or *Deliberative Information* exception.

\*\* In this case, the World Bank would have had to create, develop, or collate information or data that does not already exist or is available in the World Bank's records management system.

## Timeliness of World Bank Response

The AI Policy states that the World Bank endeavors to provide a comprehensive response to requests within 20 working days, recognizing that additional time may be needed for special circumstances, such as complex requests or requests that require consultation with internal or external parties. Of the 778 requests completed in FY 2012, the World Bank provided comprehensive responses to 69.9 percent of the requests within 20 working days, and, on average, took 8 working days to complete. For requests that required more than 20 working days to complete, the requests took an average of 75.42 working days to complete in FY 2012. Table 9 provides a snapshot of the timeliness of the cases completed in FY 2012.

Table 9. Time Required to Issue Final Response – Cases Completed in FY 2012

Final Response Time	Completed Cases	Percentage
Within 20 Working Days	544	69.9%
More than 20 Working Days	234	30.1%
TOTAL	778	100%

Of the 105 requests that remained under consideration at the end of FY 2012, 16 were carried over from FY 2011, of which 15 were complex and thus required additional time to process. One request remained open to accommodate the requester's schedule to visit the World Bank Archives Unit to access the information in person. Of the remaining 89 requests that were received in FY 2012, 54 requests exceeded the 20 working day response time, and the remaining 35 requests were received on or after June 2, 2012, and, thus, had not exceeded the 20 working day standard at the end of FY 2012.

## Reasons for Additional Response Time

Of the 234 requests that required additional time to complete in FY 2012, the Archives Unit handled 182 of the cases, and the InfoShop / CO communications staff handled 52 of the cases. The cases involved the following circumstances:

- Required digitization or translation;
- Were complex and/or voluminous (i.e., extensive review by the Archives Unit);
- Required consultations with relevant business units and/or external parties, including member countries and/or the requesters;
- Were referred to the AI Committee and/or the Board for consideration;
- Required the World Bank to seek additional information from the requesters in order to fulfill the requests, but the requesters were unresponsive;
- Required reopening the request because the requester modified the original request by adding additional documents to the request;
- Required the requesters to visit the World Bank Archives Unit in person (such cases are held open until the requesters have physically accessed the documents indentified as responsive to the requests);
- Encountered technical difficulties with the access to information systems during the early stages of the AI Policy implementation, especially in country offices; and/or
- Missed case assignment notification by staff.

## The World Bank's Exercise of its Prerogative to Disclose Restricted Information

Under the AI Policy, the World Bank reserves the right, in exceptional circumstances, to disclose information restricted by the *Corporate Administrative Matters*, *Deliberative Information*, and *Financial Information* (other than banking and billing) exceptions if the World Bank determines that the benefit of disclosure would outweigh the potential harm to the interests protected by the exceptions (AI Policy, paragraph 18). The AI Committee (see Appendix G) has authority to exercise the World Bank's prerogative to disclose documents restricted by these exceptions, if the documents are not Board papers or Board records classified as "Confidential" or "Strictly Confidential" or are not information provided to the World Bank by a member country or third party in confidence. For Board papers or records classified as "Confidential" or "Strictly Confidential," the Board holds the authority to exercise the World Bank's prerogative to disclose. If the information was provided to the World Bank by a member country or third party in confidence, such party would need to consent to the disclosure.

In FY 2012, the AI Committee considered exercising the prerogative to disclose restricted information in 19 public access requests. Of the 19 requests considered, the AI Committee: (a) publicly released the documents requested in 10 cases; (b) upheld the AI Policy restrictions in eight cases; and (c) found the information requested not to be in the World Bank's custody in one case. Of the ten cases that resulted in information being made available to the public: in seven cases the AI Committee decided to exercise the prerogative to disclose, and in three cases the AI Committee determined that the documents should be public under the AI Policy, and they were released on that basis. In those 10 cases, the following documents were made available to the public:

- Terms of References for the "Least-cost supply options assessment" as referred to in the Report No. AB6334, Kosovo Power Project;
- Report regarding the National Transport Master Plan (NTMP) of Uganda (final version);
- Information on informal donor meetings (minutes, list of attendees, etc) held between the November 1991 and 1993 Consultative Group meetings on Kenya;
- Project Paper for the Port-au-Prince Area Community Driven Development Pilot Project (PCF) / PRODEPAP, P100811, in Haiti;
- Background paper to the 1993 World Development Report: Cowley, P., Bobadilla, J. L., Musgrove, P. and Saxenian, H. (1994), "The minimum package of health services: Criteria, methods and data," Washington, DC, The World Bank;
- Economic Analysis of Projects: Towards a Results-Oriented Approach to Evaluation (1992) - the World Bank;
- Ruta G., 2003. Coastal Zone Management and Tourism in the Dominican Republic. Washington, D.C.: World Bank (processed);
- Mid-term Review of the Paraná Biodiversity Project (i.e., Technical Study – Parana Biodiversity Project, Brazil);
- Country Assistance Strategy documents for Costa Rica; and
- Participation, transparency, and downward accountability in district planning in Mozambique, by Serrano, R. (2002).



Photo: Charlotte Kesl

*More than 50% of the requests considered for the Bank's exercise of prerogative to disclose resulted in information being made publicly available.*

All eight cases for which the AI Committee did not exercise the World Bank's prerogative to disclose involved documents covered by one or more of the following AI Policy exceptions: *Personal Information*, *Information Provided by Member Countries or Third Parties in Confidence*, *Corporate Administrative Matters*, and *Deliberative Information*; one request also involved certain information that was restricted by the World Bank's exercise of the prerogative to restrict. Appendix C of this Report sets forth the cases that the AI Committee considered in FY 2012 to exercise the World Bank's prerogative to disclose restricted information.

## Appeals Filed in FY 2012

One of the guiding principles of the AI Policy is to recognize a requester's right to an appeals process if the requester is denied access to information by the World Bank. If the World Bank denies a requester's request for information, the World Bank directly informs the requester of the decision not to disclose the information and of the requester's right to file an appeal. The World Bank also provides the requester with an electronic link for easy access to, and submission of, the AI appeals form, which would be considered by the AI Committee, as the body that considers first level appeals. Similarly, if the first level of appeal results in a finding that the World Bank did not violate the AI Policy and the decision to deny access is upheld, the requester is directly informed of his/her right to file a second level appeal before the AI Appeals Board, and is provided an electronic link for easy access to, and submission of, the second level appeals form, which would be considered by the AI Appeals Board. Appeals may also be sent by mail.

A requester may file an appeal if he/she is able to: (a) establish a *prima facie* case that the World Bank has violated the AI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the AI Policy ("violation of policy"); or (b) make a public interest case to override the AI Policy's exceptions that restrict the disclosure of certain information, such information being limited to corporate administrative matters, deliberative information and financial information (other than banking and billing) ("public interest") (AI Policy, paragraph 36).

## AI Committee

The AI Committee serves as the first level of appeal for those appeals alleging a violation of policy, and as the first and final level of appeal for those appeals asserting a public interest.

In FY 2012, the AI Committee decided on ten appeals. The AI Committee reversed the World Bank's initial decision to deny access in two cases, finding a violation of the AI Policy in one case and a compelling public interest to override the *Deliberative Information* exception in the second case. In three cases, the AI Committee dismissed the appeals in whole on the basis that: (a) the AI Policy exception at issue is not subject to a public interest appeal; (b) the AI Committee has no authority to review a Board decision, which was the basis for the denial; and (c) the information requested is not in the World Bank's possession.

The AI Committee upheld the World Bank's decision to deny access in the five appeals. Of these appeals, the AI Committee dismissed two cases in part (i.e., matter not within the AI Committee's authority to consider, and request not yet considered or denied by the Bank). In two other appeals, while the AI Committee found no violation of the AI Policy, the AI Committee released the information notwithstanding because: (i) in one case, it decided to exercise the World Bank's prerogative to disclose, and (ii) in the other case, some of the information was released by the owner's consent. The appeals that the AI Committee decided on in FY 2012 are listed in Appendix D, and the decisions on the ten appeals are set out in Appendix E of this Report.

The AI Committee makes its best efforts to reach a decision within 45 working days of receiving the appeal (AI Policy, paragraph 37). In FY 2012, the AI Committee took an average of 50.2 working days to conclude its considerations on appeals, including consultations with relevant business units.

## AI Appeals Board

The AI Appeals Board serves as the second and final level of appeal for those appeals alleging a violation of policy. No appeal was filed before the AI Appeals Board in FY 2012. Members of the AI Appeals Board in FY 2012 are listed in Appendix H.

## Interpretations of the AI Policy

The AI Policy provides that the AI Committee "has the authority to interpret this Policy in line with the Policy's guiding principles" (AI Policy, paragraph 35). In FY 2012, the AI Committee issued four interpretations related to the AI Policy, out of which one has been reported in the "World Bank Access to Information Report – FY 2011." Appendix F sets out the new AI Policy interpretations issued by the AI Committee.

## External Recognition of the World Bank's Performance

### Aid Transparency

In 2011, *Publish What You Fund* issued a pilot aid transparency index, which ranked 58 donor agencies according to how much information they provide across 37 different indicators. According to the index, the World Bank was determined to be the best performer out of 58 donors. In 2012, *Publish What You Fund* gave the World Bank its highest aid transparency rating of "good"; out of 72 donor organizations, the World Bank was one of only two organizations to be rated "good," ranking second to DFID. Though the 2011 index report noted that World Bank systems could be better streamlined to allow easier access to and comparison of information, it recognized the World Bank's broad publication and disclosure of its operational and institutional information.

It also recognized the World Bank's participation in and implementation of the International Aid Transparency Initiative, a voluntary, multi-stakeholder initiative that provides a common standard for publishing data and has the potential to transform the way aid is managed.

## Profiles and Interests of Requesters

Requesters are not required to identify themselves, and as a matter of practice, the World Bank does not identify requesters when considering their requests. Personal information regarding individual requesters is only available to parties who are involved in handling the requests. Requesters, however, are given the opportunity to indicate their affiliation when filing a request. To better understand the members of the public who request information from the World Bank and how the institution might better serve them, the World Bank also conducted a survey in 2012 inviting all members of the public who had electronically submitted a public access request to the World Bank in FY 2012 (2012 AI Survey). Respondents of the 2012 AI Survey provided information about their demographics (i.e., professional affiliations, geographical location) and the topics related to their information requests. The data provided below are gathered from the public access request submission forms and the 2012 AI Survey results.

### Professional Affiliations of Requesters – Information Provided with Request Submission

Table 10 below gives some indication of the requesters' profiles in FY 2012. According to the requesters' self classification (based on their selection when submitting their information requests), similar to FY 2011, the top three professional affiliations of requesters are academia/education (47.4 percent), non-governmental organization (16.2 percent) and consultant (9 percent).

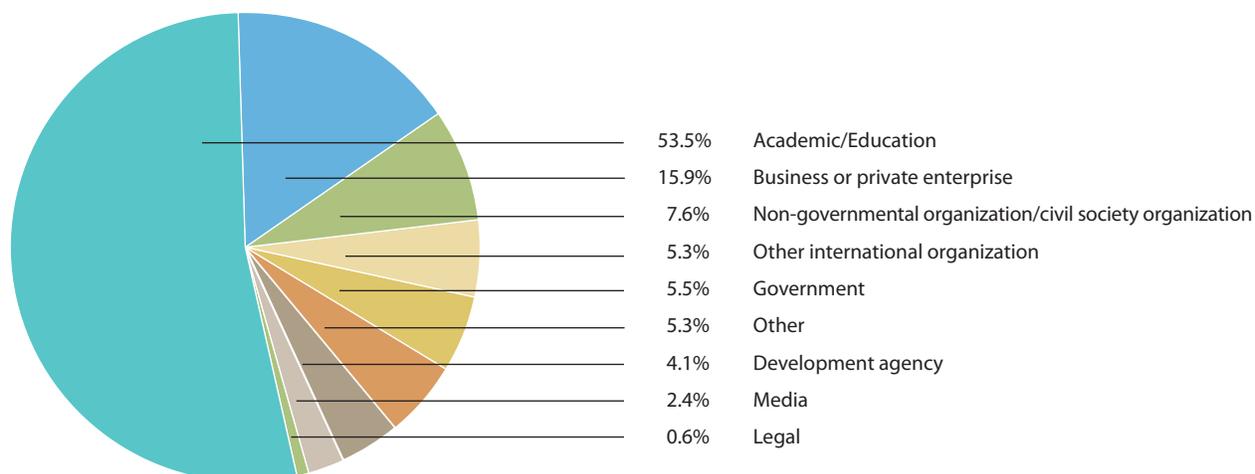
Table 10. Requesters' Affiliations in FY 2012

Affiliations	Requesters	Percentage
Academia / Education	369	47.4%
Non-Governmental Organization	126	16.2%
Consultant	70	9.0%
Business or Private Enterprise	47	6.0%
Government	41	5.3%
Media	21	2.7%
Development Agency	20	2.6%
Legal	13	1.7%
Association	5	0.6%
Other	51	6.6%
Not specified by requester	15	1.9%
<b>TOTAL</b>	<b>778</b>	<b>100%</b>

## Professional Affiliations of Requesters – 2012 AI Survey

The chart below provides a snapshot of the professional affiliations of the 170 respondents in the 2012 AI Survey. Based on the survey responses, academia/education continued to top the list (53.5 percent), followed by business or private enterprise (15.9 percent) and non-governmental / civil society organization (7.6 percent).

Chart 1. Requesters' Professional Affiliations (170 survey respondents)



## Geographical Locations of Persons Requesting Information from the World Bank

As part of the 2012 AI Survey, persons who had requested information from the World Bank were asked about their geographical location; 153 respondents answered the question. Chart 2 below provides a breakdown of the respondents' geographical locations by the following regional categories: Europe and Central Asia (ECA); United States and Canada; South Asia region (SAR); Africa (AFR); Latin America and Caribbean (LAC); East Asia and Pacific (EAP); Australia and New Zealand; and Middle East and North Africa (MNA).

Thirty-nine percent of the respondents are located in a borrower country (based on the IBRD/IDA and Blend Countries list; see Operational Policy 3.10, Annex D). All survey respondents from LAC<sup>2</sup>, SAR<sup>3</sup>, and AFR<sup>4</sup> region are located in borrower countries. Seventy-seven percent of the survey respondents from EAP<sup>5</sup>, 60 percent from MNA<sup>6</sup>, and 18 percent from ECA<sup>7</sup> region are located in borrower countries.

<sup>2</sup> Chile: 3; Colombia: 3; Brazil: 2; Mexico: 2; Honduras: 2; Argentina: 1; Peru: 1; and Trinidad and Tobago: 1.

<sup>3</sup> India: 8; Nepal: 2; Pakistan: 2; Sri Lanka: 1; and Bangladesh: 1.

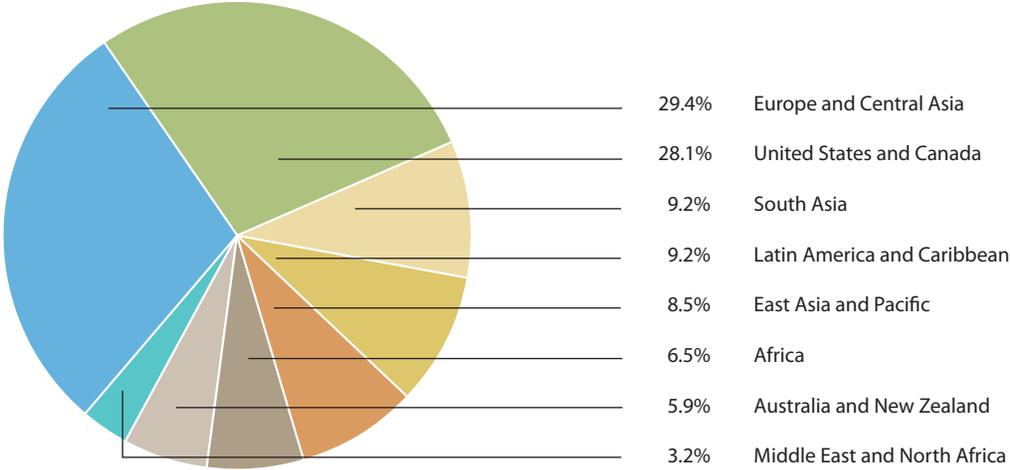
<sup>4</sup> Nigeria: 4; South Africa: 3; Zambia: 1; Malawi: 1; and Ghana: 1.

<sup>5</sup> Philippines: 6; Malaysia: 3; and Myanmar: 1.

<sup>6</sup> Egypt: 1; Algeria: 1; and Morocco: 1.

<sup>7</sup> Turkey: 3; Albania: 2; Kosovo: 1; Ukraine: 1; and Croatia: 1.

Chart 2. Geographical Location of Requesters (153 survey respondents)



**Language of Requests**

Of the 767 public access requests received in FY 2012, 12.6 percent used online submission forms in languages other than English. Table 11 shows the languages of the online submission forms used in cases received by the World Bank in FY 2012.

Table 11. Language of the online submission forms received by the World Bank: FY 2012

Language of Requests	Requesters
English	670
Spanish	63
Arabic	13
French	9
Portuguese	8
Russian	3
Chinese	1
<b>TOTAL</b>	<b>767</b>

## Requesters' Interests

As reflected by the information sought by requesters in FY 2012, for those requests that concerned regional information, the LAC region received the most interest, followed by the AFR and ECA regions, as opposed to FY 2011 when the AFR region received the most interest, followed by the SAR and the LAC regions. Table 12 provides a breakdown (as relevant) of the requests that involved regional information.

Table 12. . Requests Related to Regional Information: FY 2012

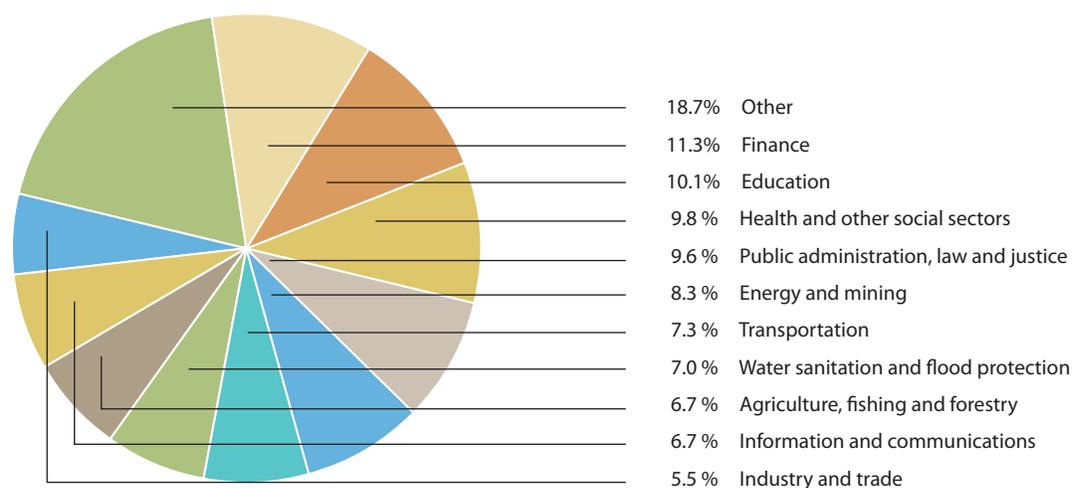
Regions	Requested Information
Latin American and Caribbean	140
Africa	138
Europe and Central Asia	84*
East Asia and Pacific	74**
South Asia	71
Middle East and North Africa	59
Worldwide (all regions)	2
Not indicated by the requester when submitting the request	199
<b>TOTAL</b>	<b>767</b>

\* Includes one case related to Latin American and the Caribbean, and one case also related to South Asia.

\*\* Includes two cases also related to Latin America and the Caribbean.

The 2012 AI Survey also sought to ascertain the public's areas of interest by asking the requesters the topics that relate to the information that they had requested. The survey question received responses from 131 requesters, who made 327 selections of topics related to their requests. The chart below provides a breakdown of the survey responses on the topics of information that had been requested in FY 2012.

Chart 3. Requesters' Areas of Interest – Requested Information by Topics (131 survey respondents)



## Looking Forward

In FY 2012, the World Bank continued its commitment to transparency demonstrated through its efforts to increasingly improve the public's access to information, and to support global advancement towards transparency and accountability.

In FY 2013, as part of the World Bank's commitment to its Board to closely monitor the implementation of the AI Policy, the World Bank issued, in December 2012, a report that provides a comprehensive overview of the institution's implementation experience from July 1, 2010, through December 31, 2011. The report reviews the actions that the institution has taken to strengthen the systems and infrastructure that support the AI Policy, the views of the public on how the World Bank has performed, and the impact of the AI Policy on the development community. Based on its experiences, in FY 2013, the World Bank will consider areas of the AI Policy that could be further clarified and developed in view of the World Bank's implementation experiences thus far.



Photo: Steve Harris

## APPENDIX A. AI Training and Learning Program – as of June 30, 2012

Training / Learning Activities	No. of Events	Participants
<b>Self Paced Learning</b>		
Access to Information e-Learning for IBRD Staff	Continuous	1,411*
AI Overview	Continuous	3773**
The Policy Exceptions and Related Changes to the World Bank's Records Management System	Continuous	787**
Simultaneous Disclosure	Continuous	519**
Procurement Documents Under the AI Policy	Continuous	382**
Implementation Support	Continuous	190**
Investment Lending to Board	Continuous	172**
Your Role as an AI Focal Point	Continuous	212**
ESW and TA	Continuous	134**
CAS Products (CASs, CASs Progress Notes, Interim Strategy Notes)	Continuous	120**
How to Handle AI Requests	Continuous	186**
Access to Information for World Bank Operations – Recommended	Continuous	140**
Application of the AI Policy to Client Information	Continuous	70**
<b>Video Conference</b>		
EAP EXT VC Preparatory Training : Open Development and Access to Information	1	32
AI Tracking System Tracking System Training (Follow-up to MENA Retreat)	1	7
<b>Face-to-Face Workshops</b>		
Korean Judicial Research and Training Institute	1	33
EAP Roadshow – Open Development at the World Bank : Indonesia	2	125
EAP Roadshow – Open Development at the World Bank : Vietnam	2	500
Training Session for CSOs on World Bank Open Development Instruments	2	40
Open Development at the World Bank Roadshow, India	4	150
Open Development at the World Bank Roadshow, Nepal	6	65
Open Development at the World Bank Roadshow, Sri Lanka	5	87
Open Development at the World Bank Roadshow, Thailand	3	55
Open Development at the World Bank Roadshow, Philippines	12	163

\* Of the 778 cases completed in FY 2012, 100 had been received in FY 2011 and 678 were received.

\*\* Number of online views.

## APPENDIX B. Board Documents Released Before Board Discussion in FY 2012

No.	Report No.	Title
1.	58218-CV	Cape Verde - Recovery and Reform of the Electricity Sector Project
2.	65897-NE	Niger - Community Action Project for Climate Resilience Project
3.	64618-NI	Nicaragua - Second Support to the Education Sector Project
4.	64938-CO	Colombia - La Guajira Water and Sanitation Infrastructure and Service Management Project : restructuring
5.	64363-LR	Liberia - Integrated Public Financial Management Reform Project
6.	65115-RU	Russian Federation - Country Partnership Strategy for the period 2012-2016
7.	63151-BR	Brazil - Energy and Mineral Sector Strengthening Project
8.	64994-AL	Albania - Additional Financing for the Energy Community of South East Europe APL Program - Fifth APL for Albania Dam Safety Project : restructuring
9.	65034-SV	El Salvador - Education Quality Improvement Project
10.	61418-NI	Nicaragua - Rural Roads Infrastructure Improvement Project
11.	65556-HN	Honduras - First Programmatic Reducing Vulnerabilities for Growth Development Policy Credit Project
12.	62393-HT	Haiti - Disaster Risk Management and Reconstruction Project
13.	52959-PY	Paraguay - Public Sector Development Policy Loan Program
14.	55656-HN	Honduras - Fiscal Emergency Recovery Development Policy Credit Program
15.	52993-PH	Philippines - Regional Infrastructure for Growth Project
16.	65011-UY	Uruguay - Institutions Building Technical Assistance Project : additional financing
17.	65108-BO	Bolivia - Country partnership strategy for FY2012 - 2015
18.	65112-HT	Haiti - Interim strategy note
19.	63307-HN	Honduras - Improving Public Sector Performance Project
20.	63370-HN	Honduras - Country partnership strategy for the period FY2012-2014
21.	63734-MX	Mexico - Savings and Credit Sector Consolidation and Financial Inclusion Project
22.	58238-HT	Haiti - Education for All Project in Support of the Second Phase of the Education for All Program Project
23.	64574-HT	Haiti - Relaunching Agriculture : Second Strengthening Agriculture Public Services Project
24.	61842-RW	Rwanda - Eighth Poverty Reduction Support Financing Project
25.	64990-LS	Lesotho - Smallholder Agriculture Development Project
26.	61568-UY	Uruguay - Second Programmatic Public Sector, Competitiveness, and Social Inclusion Development Policy Loan with Drawdown Option Project
27.	60535-LR	Liberia - Fourth Re-engagement and Reform Support Program
28.	64428-BA	Bosnia and Herzegovina - Country partnership strategy for FY2012-FY2015
29.	60950-PH	Philippines - Disaster Risk Management Policy Loan with a Catastrophe Deferred Drawdown Option Program
30.	63343-JM	Jamaica - Second Programmatic Debt and Fiscal Sustainability Development Policy Loan Program
31.	63549-AF	Afghanistan - Financial Sector Rapid Response Project
32.	63504-BZ	Belize - Country partnership strategy for FY2012-FY2015
33.	58305-LAC	Organization of Eastern Caribbean States (OECS) Countries - Sustainable Financing and Management of Eastern Caribbean Marine Ecosystem Project
34.	62382-HR	Croatia - Integrated Land Administration System Project
35.	60778-HR	Croatia - Additional Financing for Trade and Transport Integration Project
36.	61113-SV	El Salvador - Country Partnership Strategy Progress Report
37.	62777-KG	The Kyrgyz Republic - Interim strategy note for the period FY12 - FY13 : Kyrgyz Republic - Interim strategy note for the period FY12 - FY13
38.	59877-BO	Bolivia - Community Investment in Rural Areas Project

No. Report No. Title

39.	57824-BO	Bolivia - Agricultural Innovation and Services Project
40.	58498-SV	El Salvador - Strengthening Public Health Care System Project
41.	58218-CV	Cape Verde - Recovery and Reform of the Electricity Sector Project
42.	65642-CO	Colombia - Second Disaster Risk Management Development Policy Loan with Catastrophe Deferred Drawdown Option Project
43.	67750-NE	Niger - Competitiveness and Growth Support Project
44.	69131-NE	Niger - First Shared Growth Credit Program
45.	69029-MZ	Mozambique - Climate Change Technical Assistance Project
46.	66809-UY	Uruguay - OSE Sustainable and Efficient Project
47.	66196-GN	Guinea - Productive Safety Nets Project
48.	68606-NG	Nigeria - Additional Financing for the Second National Urban Water Sector Reform Project
49.	67344-MG	Madagascar - Additional Financing for the Second Multisectoral STI/HIV/AIDS Prevention Project
50.	67692-TN	Tunisia - Interim strategy note for the period FY13-14
51.	66921-MA	Morocco - Judicial Performance Enhancement for Service to Citizen Project
52.	68888-NI	Nicaragua - Additional Financing (AF) for Rural Telecommunications Project
53.	66877-XK	Kosovo - Country Partnership Strategy for the period FY12-FY15
54.	68084-GN	Guinea - Electricity Sector Efficiency Improvement Project
55.	63918-BR	Brazil - Recife Education and Public Management Project
56.	68009-LAC	Caribbean - Regional Communications Infrastructure Program Project
57.	67465-BA	Bosnia and Herzegovina - Additional Financing for the Enhancing Access to Finance for Small and Medium Enterprises (EAFSME) Project
58.	67971-MX	Mexico - Modernizing the National Meteorological Service to Address Variability and Climate Change in the Water Sector in Mexico (MOMET) Project
59.	65540-GH	Ghana - Fourth Agriculture Development Policy Operation Project
60.	59675-PH	Philippines - Metro Manila Wastewater Management Project
61.	67983-NG	Nigeria - Erosion and Watershed Management Project
62.	67626-CN	China - Ningxia Desertification Control and Ecological Protection Project
63.	67470-TJ	Tajikistan - Private Sector Competitiveness Project
64.	65797-BJ	Benin - Decentralized Community Driven Services Project
65.	66782-PY	Paraguay - Country Partnership Strategy Progress Report for the period 2009-2013
66.	65968-MZ	Mozambique - Additional Financing for the Education Sector Support Project
67.	66565-XK	Kosovo - Second Sustainable Employment Development Policy Operation Project
68.	66577-LAC	Organization of Eastern Caribbean States (OECS) - Regional Partnership Strategy Progress Report for the period 2010-2014
69.	67876-KZ	Kazakhstan - Country partnership strategy for the period FY12-FY17
70.	64935-KZ	Kazakhstan - East West Roads Project
71.	59920-YE	Yemen, Republic of - Labor Intensive Public Works Project
72.	66781-GZ	West Bank and Gaza - Interim strategy note for the period FY2012-2014
73.	66666-AL	Albania - Social Assistance Modernization Project
74.	66407-BR	Brazil - Ceara Rural Sustainable Development and Competitiveness Project
75.	66029-ST	Sao Tome and Principe - First Governance and Competitiveness Development Policy Operation Project
76.	66805-BR	Brazil - Integrated Water Management in Metropolitan Sao Paulo

No. Report No. Title

77.	66656-TR	Turkey - Country Partnership Strategy for the period FY2012 - FY2015
78.	66198-GH	Ghana - Public Private Partnership Project (PPP)
79.	66499-GH	Ghana - Commercial Agriculture Project
80.	66919-SC	Seychelles - Country partnership strategy for FY2012-2015
81.	62869-BR	Brazil - Expanding Opportunities, Enhancing Equity in the State of Pernambuco Development Policy Loan Program
82.	66780-MZ	Mozambique - Eighth Poverty Reduction Support Credit Project
83.	65109-MZ	Mozambique - Cities and Climate Changes Project
84.	64652-MX	Mexico - Fiscal Risk Management Development Policy Loan Project
85.	66125-BI	Burundi - Energy Efficiency Project
86.	66455-MX	Mexico - Second Upper Secondary Education Development Policy Loan Project
87.	66707-PK	Pakistan - Additional Financing for the Social Safety Net Project
88.	64438-BR	Brazil - Pernambuco Rural Economic Inclusion Project
89.	66496-BR	Brazil - Piaui Green Growth and Inclusion Development Policy Loan Project
90.	65993-KG	Kyrgyz Republic - Financial Sector Development Project
91.	66489-UG	Uganda - Ninth Poverty Reduction Support Credit Program
92.	65160-MX	Mexico - Strengthening Social Resilience to Climate Change Project
93.	66846-BR	Brazil - Second Phase of the Amazon Region Protected Areas Program Project (GEF)
94.	65925-NE	Niger - Second Growth Policy Reform Credit Supplemental Credit
95.	66399-JM	Jamaica - Education Transformation Capacity Building Project : restructuring
96.	57661-CN	China - Sichuan Wudu Irrigated Agriculture Development Project
97.	65535-CN	China - Huai River Basin Marine Pollution Reduction Project
98.	65657-GZ	West Bank and Gaza - Municipal Development Program Project : Additional Financing
99.	64281-BR	Brazil - Additional Financing for the Upgrading and Greening of the Rio de Janeiro Urban Rail System Project
100.	65959-MX	Mexico - Forests and Climate Change Project
101.	64457-GH	Ghana - Eight Poverty Reduction Support Grant Program (PRSG-8)
102.	65760-BR	Brazil - Sergipe Water Project

## APPENDIX C. Cases Considered by the AIC to Exercise the World Bank's Prerogative to Disclose Restricted Information in FY 2012

Case No.	Requested Information	AI Policy Exception(s)	Exercise of the World Bank's Prerogative to Disclose Restricted Information
1.	AI 1229 Terms of References for the "Least-cost supply options assessment" as referred to in the Report No. AB6334, Kosovo Power Project	Corporate Administrative Matters	Yes
2.	AI0563 Reports regarding the National Transport Master Plan (NTMP) of Uganda	None	Not available (i.e., final report is Public)
3.	AI1456 All documents regarding the tender process for the construction of the Kalimash and Rreshen section of the highway in Albania	Deliberative Information	No
4.	AI1262 Audit Reports regarding the "IRENA DOO" Project in Macedonia	Not available	Not available (i.e., records not in the Bank's custody.)
5.	AI1329 Information on informal donor meetings (minutes, list of attendees, etc) held between the November 1991 and 1993 Consultative Group meetings on Kenya	Deliberative Information	Yes
6.	AI1048 Project Paper for the Port-au-Prince Area Community Driven Development Pilot Project (PCF) / PRODEPAP, P100811, in Haiti	None	Not available (i.e., equivalent document is Public)
7.	AI1024 Results of the household survey component of the 1996 poverty assessment for Papua New Guinea, J Gibson, and Rozelle - Population and Human Resources Division, The World Bank, 1998	Deliberative Information	No
8.	AI1473 ISRs for India Mumbai Urban Transport Project	Deliberative Information	No
9.	AI1612 Background paper to the 1993 World Development Report: Cowley, P., Bobadilla, J. L., Musgrove, P. and Saxenian, H. (1994), "The minimum package of health services: Criteria, methods and data", Washington, DC, The World Bank.	Deliberative Information	Yes
10.	AI1523 Economic Analysis of Projects: Towards a Results-Oriented Approach to Evaluation (1992) - the World Bank ("ECON Report")	Deliberative Information	Yes
11.	AI1508 Ruta G., 2003. Coastal Zone Management and Tourism in the Dominican Republic. Washington, D.C.: World Bank (processed)	Deliberative Information	Yes
12.	AI1599 Mid-term Review of the Paraná Biodiversity Project	Deliberative Information	Yes (i.e., Technical Study – Parana Biodiversity Project, Brazil)
13.	AI1056 through AI1060 Trust Fund documents in connection with activities in Sri Lanka	Deliberative Information and the Bank's prerogative to restrict access	No

Case No. Requested Information	AI Policy Exception(s)	Exercise of the World Bank's Prerogative to Disclose Restricted Information
14. AI0780 History of the World Bank's Poverty Reduction policies	Corporate Administrative Matters	No
15. AI0820 Documents related to the establishment and the role of the World Bank regarding the TDR (Special Programme for Research and Training in Tropical Diseases), the Onchocerciasis Control Program (OCP), and the Mectizan Donation Program; and documents related to the creation and organization of the Health, Nutrition and Population Department	Personal Information, Corporate Administrative Matters, and/or Deliberative Information	No
16. AI1720 Country Assistance Strategy documents for Costa Rica	None	Not available (i.e., information is Public)
17. AI1467 No-objection letter for consultant services related to component 1 (neighborhood improvement) of the Urban Infrastructure Project in Bolivia	Information Provided in Confidence and Deliberative Information	No
18. AI1825 Memorandum of the President regarding a Country Re-engagement Note and Post-Conflict Fund for Somalia, IDA/R2003-0146, June 2003	Deliberative Information	No
19. AI1862 Participation, transparency, and downward accountability in district planning in Mozambique, by Serrano, R. (2002)	Deliberative Information	Yes

## APPENDIX D. Appeals Concluded by the AI Committee in FY 2012

	Case Information Requested	Type of Appeal		Upheld or Reversed World Bank Decision to Deny Access	Applicable Exception(s)
		Violation of AI Policy	Public Interest		
1.	AI0652 and AI0834* Draft versions of report titled "Education System in Swaziland: Training and Skills Development for Shared Growth and Competitiveness," dated April 2009 and May 2009, and communications between the World Bank and the Government of the Kingdom of Swaziland about the drafts"		X	Partially upheld; partially dismissed	Deliberative Information
2.	AI0708* All project documents for "ZA: PPIAF – Regulatory Framework for IPPs," project ID P120878	X	X	Upheld (no violation of policy and no compelling public interest), but certain information released on the basis that, subsequent to the initial denial, the owner of the information consented to disclosure	Information Provided by Member Country or Third Party in Confidence and Deliberative Information
3.	AI0963* Financial disclosure records		X	Dismissed (AI Policy exception not subject to consideration under public interest appeal)	Personal Information
4.	AI1170 Statements of Executive Directors regarding Country Assistance Strategies between 1997 and June 2001	X	X	Partially upheld (no violation of policy or compelling public interest); partially dismissed and referred back to Archives for processing	Not applicable
5.	AI1389 Corridor Performance Measurement Data under TTFPM Central Asia Program (Draft Report)	X		Upheld (no violation of policy), but exercised the prerogative to disclose	Deliberative Information
6.	AI1473 ISRs for India Mumbai Urban Transport Project	X		Upheld (no violation of policy)	Deliberative Information
7.	AI1437 Freedom of Information draft law in Egypt	X	X	Reversed (violation of policy)	No AI Policy exception applies
8.	AI0265 World Bank Oversight Mechanism Evaluation Terms of Reference and/ or progress report, cited to in pg 56 of DC2010-0004 (4) (referring to evaluation of IEG, IAD, the Inspection Panel, IFC CAO, and INT) – assessment of the mandate and ToRs of these agencies (Board papers classified as "Confidential")	X	X	Dismissed (no authority to consider because the denial resulted from a Board decision)	Corporate Administrative Matters and/or Deliberative Information

	Case Information Requested	Type of Appeal		Upheld or Reversed World Bank Decision to Deny Access	Applicable Exception(s)
		Violation of AI Policy	Public Interest		
9.	AI1627 Cost Recovery Report regarding sanitation in India		X	Reversed (compelling public interest)	Deliberative Information
10.	AI1362 Turkey Emergency Flood and Earthquake Recovery Project	X	X	Dismissed (information not in the Bank's possession)	Not applicable

## APPENDIX E. AI Committee Decisions on Appeals in FY 2012

The appeals decisions are presented in the order in which the appeal was received by the AI Committee, and in the same form as they were issued to the requesters. Any modification of the original language in the appeals decision, or provision of explanation, is set forth in brackets.

### Appeal # 1

CASE NUMBER AI0652 AND AI0834: DRAFT VERSIONS OF A WORLD BANK REPORT TITLED "THE EDUCATION SYSTEM IN SWAZILAND: TRAINING AND SKILLS DEVELOPMENT FOR SHARED GROWTH AND COMPETITIVENESS," DATED APRIL 2009 AND MAY 2009, AND COMMUNICATIONS BETWEEN THE WORLD BANK AND THE GOVERNMENT OF THE KINGDOM OF SWAZILAND ABOUT THE DRAFTS.

1. On April 25, 2011, the applicant filed the attached application ("Application") appealing the World Bank's decision to deny access to information requested under (a) Case Number AI0652, concerning certain draft World Bank ("Bank") reports, and (b) Case Number AI0834, concerning communications between the Bank and the Government of the Kingdom of Swaziland ("Government"). The appeal is filed on public interest grounds. The applicant asserts that the Government used a draft Bank report in its defense in a court case filed against the Government.
2. In support of the public interest appeal, the Application states, in relevant part, the following:

To understand why the public would have an interest about the drafts and any communications around the drafts requires an explanation of certain facts. \* \* \*

April 2010 – GKOS submits May 2009 version of WB report in response to applicant's case. The front page of the report now reads "FOR OFFICIAL USE ONLY" at the top and "This document has restricted distribution and may be used by recipients only in the performance of their official duties" in a box at the bottom. In the middle of the front page was printed "May 2009".

April 2010 – WB releases final version of Swaziland education report which now contains none of the passages relied on by the GKOS in its legal response of April 2010.

May 2010 – Supreme Court of Swaziland finds against applicant citing May 2009 WB Report six times as evidence that "government cannot afford FPE." \* \* \*

The WB draft that was submitted to the court was, of course, not the sole, nor even the main, reason the court denied the applicant's request. But it was hugely influential in the outcome.

#### Public Interest

From the above, I trust that you can see that specific questions of public interest arise from the circumstances of this case. I am sure that WB's client states, the Swazi public and the wider global community will be interested in WB's involvement in the Free Education Case in Swaziland.

## FINDINGS AND DECISION OF THE ACCESS TO INFORMATION COMMITTEE

### The Policy

3. The PolicyThe Access to Information Committee (“AIC”) considered the Application in accordance with the Bank’s Policy on Access to Information (“Policy”). The Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the Policy, which set out the Policy’s list of exceptions. Paragraph 16 of the Policy indicates that the *Deliberative Information* exception covers information prepared for, or exchanged during the course of the Bank’s deliberations with member countries or other entities with which it cooperates, or information prepared for, or exchanged during the course of the Bank’s own deliberations (see Policy at paragraph 16 (a) and (b)).

4. The Policy allows a requester, who is denied access to information by the Bank, to file an appeal on public interest grounds if “the requester is able to make a public interest case to override the Policy exceptions that restrict the information requested (limited to those exceptions set out in paragraph 15 (*Corporate Administrative Matters*), paragraph 16 (*Deliberative Information*), and paragraph 17 (a), (b), and (c) (relating to certain *Financial Information*) of [the Policy] statement.” (Policy at paragraph 36(b).)

### Findings

5. **CASE NUMBER AI0652.** The AIC first considered the portion of the Application that appeals the Bank’s decision not to make public two draft versions of a World Bank report titled “The Education System in Swaziland: Training and Skills Development for Shared Growth and Competitiveness,” dated April 2009 and May 2009 (respectively, “April 2009 Draft Report,” and “May 2009 Draft Report”; collectively “Draft Reports”). The Bank had denied the applicant’s request to access the Draft Reports on March 23, 2011. The AIC found that the Draft Reports were prepared for and exchanged during the course of the Bank’s deliberations with a member country, and were also part of the Bank’s own internal deliberations. Thus, the Draft Reports are deliberative documents covered by the *Deliberative Information* exception of the Policy, and the denial of their disclosure may be appealed on public interest grounds, if the requester is able to make a public interest case to override that Policy exception.

6. In support of the public interest appeal, the Application states that the May 2009 Draft Report was “hugely influential” in a decision of the Supreme Court of Swaziland (“Supreme Court”), though it also notes that the May 2009 Draft Report was “not the sole, nor even the main, reason” for the court’s final decision. In view of the applicant’s statement, the AIC considered the January 19, 2010, Supreme Court decision at issue. The AIC found the Supreme Court decision quoted the May 2009 Draft Report, indicating that “Swaziland will require substantial external and national resources to finance reforms proposed in this report.”

7. The AIC reviewed the May 2009 Draft Report and found the quoted statement in the report. The AIC also reviewed the final, published version of the draft report titled “The Education System in Swaziland: Training and Skills Development for Shared Growth and Competitiveness” (“Final Report”) and found the same statement in the Final Report. The AIC also found the Final Report publicly available on the World Bank’s public database, *Documents and Reports*.

8. In considering the appeal, the AIC took into account, *inter alia*, the following: (a) one of the Policy’s guiding principles is to safeguard the deliberative process, and thus, recognizes the importance of ensuring the free and candid exchange of ideas; (b) the Draft Reports in question are deliberative documents; (c) the

statement cited by the Supreme Court is reflected not only in the May 2009 Draft Report, but also in the Final Report, which has been published and made public. In view of the above considerations, the AIC did not find adequate support for the applicant's appeal to override the *Deliberative Information* exception for the purpose of disclosing either the April 2009 Draft Report or the May 2009 Draft Report.

9. **CASE NUMBER AI0834.** In accordance with the Policy, the AIC considers appeals that challenge the Bank's decisions to deny access to information. At the time that the Application was filed, the Bank had not decided on Case Number AI0834 (and the subsequent decision of the Bank did not involve a denial). The appeal challenging the Bank's decision under Case Number AI0384 is, therefore, not properly before the AIC.

## DECISION

10. For the above reasons, the AIC: (a) upholds the Bank's decision to deny access with respect to the request made under Case Number AI0652; and (b) dismisses the portion of the Application concerning Case Number AI0834, because it appeals a matter that the AIC does not have authority to consider.

11. Under the Policy, the decision of the AIC is final for appeals that assert a public interest case to override a Policy exception (see Policy at paragraph 37).

[For the requester's ease of reference, both a pdf copy of the Final Report and the link to access it on-line through the Bank's *Documents and Reports public* database were included in the decision issued to the requester.]

## Appeal # 2

CASE NUMBER AI0708: "[A]LL PROJECT DOCUMENTS FOR THE PROJECT "ZA: PPIAF – REGULATORY FRAMEWORK FOR IPPS," PROJECT ID P120878"

## SUMMARY OF DECISION

The World Bank initially denied access to the above-listed World Bank report based on the determination that the document is covered by the *Deliberative Information* exception under the AI Policy. The requester made an appeal asserting both "violation of policy" and "public interest." The appeal was considered on both grounds by the AI Committee.

- The requester filed an appeal against the World Bank's decision to deny access to the information requested. **In the first part, the requester alleged that the denial violated the Policy on Access to Information ("Policy").** The AIC considered the appeal and found the denial did not violate the Policy because the documents in the World Bank's possession that have been identified as responsive to the request are restricted under the Policy for the reasons explained below. However, the AIC also found that, subsequent to the World Bank's denial, the recipient of the grant gave its consent to disclose the final terms of reference ("TOR") and final request for proposals ("RFP"), and thus, these documents are now publicly available. Based on these findings, the AIC upheld the Bank's decision to deny access, but recognized that the TOR and RFP may now be disclosed and have made them available to the requester as an attachment to this decision.

- **In the second part, the requester appealed on public interest grounds.** With respect to the requester’s public interest appeal, the AIC found that the requester provided no reason in support of the public interest appeal. As the AIC was given no basis upon which to consider overriding the Policy exceptions for public interest reasons, the public interest portion of the appeal is dismissed.

## DECISION

1. On May 16, 2011, the World Bank (the “Bank”) denied a public access request for “all project documents for the project “ZA: PPIAF – Regulatory Framework for IPPs,” project ID P120878” (the “Request”) on the basis that the documents in the Bank’s possession identified as responsive to the Request are covered by the *Deliberative Information* exception under the Bank’s Access to Information Policy (the “Policy”). On May 26, 2011, the Secretariat to the Access to Information Committee received the attached application (the “Application”) appealing the Bank’s decision to deny the Request.

2. The Application indicates two grounds for the appeal, namely “violation of Policy” and “public interest”. It states:

I would argue that since this project has been approved it is no longer in the deliberative phase and there should be a document, such as the TOR or application, that stipulates the commitments of and required deliverables from the government. Those are facts and are not deliberative. Assuming the existence of a document, this violates the presumption of disclosure of the Bank’s policy.

## FINDINGS AND DECISION OF THE ACCESS TO INFORMATION COMMITTEE

3. The Access to Information Committee (the “AIC”) considered the Application on both grounds. In reviewing the Application in accordance with the Policy, the AIC considered:

- (a) the Request;
- (b) the Application;
- (c) the terms of reference (“TOR”) and request for proposals (“RFP”), the grant agreement (“Grant Agreement”), the approved grant funding proposals (“GFRs”) (collectively, the “Documents”);
- (d) the financial management assessment report, email correspondence and office memoranda prepared for, or exchanged during the course of, the Bank’s deliberations with the National Treasury of South Africa (as the recipient and implementing agency for the project, hereinafter the “Recipient”) or the Bank’s own internal deliberations (collectively, the “Other Documents”);
- (e) the Recipient’s views regarding disclosure of certain Documents;
- (f) the potential harm of disclosure of certain Documents; and
- (g) the *Deliberative Information* exception under the Policy that justified the Bank’s initial decision to deny access.

### “Violation of Policy”

4. Pursuant to the Policy, a requester who is denied access to information by the Bank may file an appeal if the requester is able to establish a *prima facie* case that the Bank has violated the Policy by improperly or

unreasonably restricting access to information that it would normally disclose under the Policy (see paragraph 36 (a) of the Policy). The Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the Policy, which set out the Policy’s list of exceptions (see paragraph 7 of the Policy). Paragraph 14 of the Policy states, under the *Information Provided by Member Countries or Third Parties in Confidence* exception, that the Bank does not provide access to information provided to it in confidence by a member country or third party without the express permission of the member country or third party. Paragraph 16 of the Policy explicitly states, under the *Deliberative Information* exception, that the Bank does not provide access to information prepared for, or exchanged during the course of its deliberations with member countries or other entities with which it cooperates, or information prepared for, or exchanged during the course of the Bank’s own deliberations (see paragraph 16 (a) and (b) of the Policy).

5. The Policy also states that the Bank reserves the right, under exceptional circumstances, to restrict access to information that it would normally disclose under the Policy if it determines that such disclosure is likely to cause harm that outweighs the benefits of disclosure (see paragraphs 6 and 19 of the Policy).

6. In this case, the AIC found that:

- (a) with respect to the TOR and RFP, such documents are covered by both the *Deliberative Information* and the *Information Provided by Member Countries or Third Parties in Confidence* exceptions under the Policy. Therefore, the Bank’s decision to deny access to the TOR and RFP was not a violation of Policy. The AIC found, however, that subsequent to the Bank’s denial, the Bank sought the Recipient’s consent to disclose the final versions of the TOR and RFP. The Recipient has since provided its written consent to disclose the final TOR and RFP. As a result, the final TOR and RFP may now be disclosed;
- (b) the Bank determined that disclosure of the Grant Agreement would likely cause harm that outweighs the benefits of disclosure. This determination took into account the likelihood of harm resulting from disclosure, including views conveyed by the Recipient following consultations. On that basis, the Bank decided to exercise its prerogative to restrict access to the Grant Agreement. The AIC found such exercise of the Bank’s prerogative to restrict access to be reasonable and not a violation of Policy;
- (c) the information contained in the GFRs is similar to that included in the Grant Agreement. As a result, the Bank decided to exercise its prerogative to restrict access to the GFRs for the same reason it exercised its prerogative to restrict access to the Grant Agreement. The AIC found such exercise of the Bank’s prerogative to restrict access to be reasonable and not a violation of Policy; and
- (d) the Other Documents are information that was prepared for, or exchanged during the course of the Bank’s deliberations with the Recipient or of the Bank’s own deliberations, all of which are deliberative in nature and, therefore, covered under the *Deliberative Information* exception under the Policy. Some of the Other Documents (i.e., certain email correspondence) has been found by the AIC to also be covered under the *Information Provided by Member Countries or Third Parties in Confidence* exception under the Policy. Therefore, the Bank’s decision to deny access to the Other Documents was not a violation of Policy.;

7. Based on the above findings, the AIC concluded that the Bank did not violate the Policy by not disclosing the Documents and Other Documents. More specifically, the Bank did not violate the Policy by not disclosing:

- (a) the TOR and RFP because such documents are restricted by both the *Deliberative Information* and the *Information Provided by Member Countries or Third Parties in Confidence* exceptions under the Policy and the Bank did not have the Recipient's written consent to disclose at the time it denied the Request. However, based on the Recipient's subsequent consent to disclose the final versions of the TOR and RFP, these documents may now be disclosed. [For the requester's ease of reference, a pdf copy of the final TOR and the RFP was attached to the decision issued to the requester.]
- (b) the Grant Agreement because the Bank reasonably exercised its prerogative to restrict access to the document in accordance with the Policy;
- (c) the GFRs because the Bank reasonably exercised its prerogative to restrict access to the documents in accordance with the Policy; and
- (c) the Other Documents because they are covered by the *Deliberative Information* exception and, in some instances, also by the *Information Provided by Member Countries or Third Parties in Confidence* exception under the Policy.

8. As discussed above, the Bank's denial only communicated the *Deliberative Information* exception as the reason for the denial. The AIC recognizes that the Policy exception indicated in the denial was not applicable to all of the Documents at issue. However, while the reason cited by the Bank for the denial was erroneous in part, the AIC found the error not to be of significance since the Documents would still be restricted by other justifications under the Policy.

9. For the above reasons, the AIC upholds the Bank's decision to deny public access to the Documents and Other Documents, noting that the final TOR and RFP are now publicly accessible with the consent of the Recipient.

10. Under the Policy, if the AIC upholds the initial decision to deny access to information (other than decisions by the Bank's exercise of its prerogative to restrict access) in appeals alleging "violation of the Policy", the requester may file an appeal to the Access to Information Appeals Board (the "AI Appeals Board") as the second and final stage of appeals (see paragraph 38 of the Policy). The decision of the AIC is final for appeals challenging denials of access by the Bank's decision to exercise its prerogative to restrict access.

[To facilitate the filing of appeals, the requester was provided an electronic link for easy access to, and submission of, the second level appeals form, which would be considered by the AI Appeals Board; the URL address for the appeals form was also provided.]

#### **"Public Interest" case**

11. Pursuant to the Policy, a requester may file an appeal on a "public interest" basis if the requester is able to make a public interest case to override certain Policy exceptions that restrict the information requested. Public interest appeals are limited to information restricted under the *Corporate Administrative Matters*, *Deliberative Information*, and *Financial Information* (other than banking and billing information) exceptions (see paragraph 36 (b) of the Policy).

12. The AIC noted that the requester provided no reason in support of the public interest appeal in the Application. Thus, the AIC had no basis upon which to consider overriding the Policy exceptions for public interest reasons. Pursuant to paragraph 40 (b) of the Policy, this portion of the appeal is dismissed for failure to provide sufficient information that would reasonably support the appeal.

13. Under the Policy, the decision of the AIC is final for appeals that assert a public interest case to override a Policy exception (see Policy at paragraph 37).

## Appeal # 3

### CASE NUMBER AI0963: FINANCIAL DISCLOSURE RECORDS OF AN INDIVIDUAL WORLD BANK STAFF MEMBER

1. On June 2, 2011, the World Bank (“Bank”) denied the public access request for the financial disclosure forms of an individual World Bank staff member on the basis that the financial disclosure forms are covered by the *Personal Information* exception of the Bank’s Access to Information Policy (“Policy”). The denial also notified the applicant that the summary of such financial information for the reporting year 2010 would be disclosed through the World Bank Annual Report when it becomes available on the Bank’s external website.

2. On June 29, 2011, the applicant filed the attached application (“Application”) appealing, on public interest grounds, the Bank’s decision to deny access to the staff member’s financial disclosure forms. The Application states, in relevant part, the following:

The financial holdings of [the staff member] have now become a matter of serious public controversy at the international level. Aggregated forms, such as those referred to in the response to our request for records, will not suffice to clarify the questions that now surround the business conduct of [the staff member] in his [former capacity], before entering the employ of the bank.

It is therefore incumbent upon the bank to set aside the exemption in this case and disclose the holdings of [the staff member]. (Text in brackets replaces identifying personal information concerning a Bank staff member.)

### FINDINGS AND DECISION OF THE ACCESS TO INFORMATION COMMITTEE

3. The Access to Information Committee (“AIC”) considered the Application in accordance with the Policy. Under the Policy, a requester who is denied access to information by the Bank may file an appeal on public interest grounds if “the requester is able to make a public interest case to override the Policy exceptions that restrict the information requested (limited to those exceptions set out in paragraph 15 (*Corporate Administrative Matters*), paragraph 16 (*Deliberative Information*), and paragraph 17 (a), (b), and (c) (relating to certain *Financial Information*) of [the Policy] statement.)” (Policy at paragraph 36(b).)

4. In this case, the requested documents are the financial disclosure forms of an individual Bank staff member. The financial disclosure forms reflect the staff member’s personal financial information. The documents are, therefore, restricted from public disclosure under the *Personal Information* exception of the Policy. As the Policy explains, the Bank’s Principles of Staff Employment require the Bank to establish and maintain appropriate safeguards to respect the personal privacy of staff members and protect the confidentiality of personal information about them (see Policy at paragraph 8). In view of this requirement, the Policy does not allow the restriction of information pursuant to the *Personal Information* exception to be appealed on public interest grounds (see Policy at paragraph 36(b)). The Application is, therefore, not properly before the AIC.

5. For the above reasons, the Application is dismissed for appealing a matter that the AIC does not have authority to consider.

## Appeal # 4

CASE NUMBER AI1170: STATEMENTS OF EXECUTIVE DIRECTORS REGARDING COUNTRY ASSISTANCE STRATEGIES BETWEEN 1997 AND JUNE 2001

### SUMMARY OF DECISION

- The requester filed an appeal against the World Bank’s decision to deny access to (a) 839 statements of Executive Directors (“EDs”), and (b) data reflecting “what EDs issued statements on what countries’ (Country Assistance Strategies)” between 1997 and June 2001. The requester alleged that the denial violated the Policy on Access to Information (“Policy”) and that there are public interests for the Bank to disclose the information requested.
- With respect to the portion of the appeal concerning the request for statements of EDs, the AIC found that, based on the requester’s own modification of the original request for information, the requester had not requested access to the statements of EDs. As a result, the Bank neither considered nor denied the disclosure of EDs’ statements. Hence, the matter is not yet eligible for an appeal. For this reason, the AIC decided to dismiss this portion of the appeal and refer the request for the EDs’ statements back to the Bank’s Archives Unit for processing.
- With respect to the portion of the appeal challenging the World Bank’s refusal to provide data concerning EDs’ statements, the AIC found that, to fulfill the request, the Bank would need to create, develop, or collate information or data that does not already exist or is not available in the Bank’s records management system. Because the Policy explicitly reserves the Bank’s right to refuse such requests, the AIC found that the Bank’s denial does not violate the Policy. The AIC also found that the requester provided no reason in support of the public interest appeal for the Bank to create or collate such data. For this reason, the public interest portion of the appeal is dismissed.

### DECISION

1. On September 22, 2011, the World Bank (“Bank”) denied a public access request for data related to statements of Executive Directors (“EDs”) regarding Country Assistance Strategies (“CASs”) for the period between 1997 and June 2001 on the basis that the request was unreasonable under the Bank’s Access to Information Policy (“Policy”). On October 4, 2011, the Secretariat to the Access to Information Committee (“Secretariat”) received the attached application (“Application”) appealing the Bank’s decision to deny access.
2. The Application indicates two grounds for the appeal, namely “violation of Policy” and “public interest.”

### FINDINGS AND DECISION OF THE ACCESS TO INFORMATION COMMITTEE

3. The Access to Information Committee (“AIC”) considered the Application on both grounds. In considering the Application in accordance with the Policy, the AIC reviewed the requester’s Application and other documents of record and found the following:

- (a) On August 2, 2011, the Bank received a public access request for:
- ... ED statements (and cosignatories on same) from CASes for the period of 1997-June 2001 (so those more than 10 years old), as well as the CAS documents regarding which these statements were made.*
- In response, the Bank provided the requester access to 135 CAS documents. The Bank also asked the requester to narrow the scope of his request for the statements of EDs.
- (b) On September 1, 2011, the requester responded by stating, in the relevant part, the following:
- ... it's all ED statements for all countries that I need. That said, I don't actually need the text of the statements - I just need the summary details - how many statements, how many (and which) cosignatories of each statement, etc. Might this ease/expedite the review? In addition, the length of the board discussion of each CAS (which I believe can be extracted from the minutes?) would also be very helpful. (Underscoring added.)*
- (c) On September 19, 2011, the Bank informed the requester that: (i) there are 839 EDs' statements related to CAS between 1997 and 2001, out of which three are joint statements; and (ii) information or data regarding the length of the Board discussions on each CAS does not exist.
- (d) Also on September 19, 2011, the requester sent a reply, in which the requester made a request for additional data, thereby further modifying the original request of August 2, 2011. In the September 19 reply, the requester stated, in relevant part, the following:
- ... would it be possible to get statements (or summaries) by country? That is to say, e.g. (this is hypothetical) Gambia CAS 1997, 9 statements - Germany US Africa1 (6 more). Guyana 1998 CAS, 4 statements - x y z...*
- It's not the total number, but the number (of statements) by CAS by ED...*
- (e) On September 22, 2011, the Bank denied the request for the additional data on the basis that the request was “unreasonable because it requires the Bank to create, develop, or collate information or data that does not already exist in the format requested.”
- (f) The requester responded by questioning the Bank's denial, stating, in the relevant part, the following:
- ... I would be happy to arrange for a friend who works inside the WB... to collate this information on my behalf.... This data (without the text of the statements) would then be communicated ... to me for research use .... (Underscoring added.)*
- (g) On September 28, 2011, the Bank clarified its denial, in which the Bank stated, in the relevant part, the following:
- ...we regret to inform you that your request is considered unreasonable because it requires the Bank to create, develop, or collate information or data that does not already exist in the format requested.... Responding to your additional request would require the collation of information that is not readily available. This is not within the scope of the Access to Information Policy according to paragraph 26 of the Policy.*
- (h) The requester's appeal challenges the Bank's decision to deny access to the following two sets of documents/information:

- (i) 839 statements of Executive Directors; and
- (ii) data reflecting “what EDs issued statements on what countries’ CASs” between 1997 and June 2001.

### **Portion of Appeal Relating to Request for 839 Statements of Executive Directors**

4. Pursuant to the Policy, the Bank declassifies and discloses – routinely and in response to requests – certain types of restricted information (see paragraph 31 of the Policy). Statements of EDs may be declassified after 10 years, *provided that they do not contain or refer to information that is not eligible for declassification* (see paragraph 33 of the Policy). In view of this Policy requirement, the Bank must carry out certain processes to verify that the information is eligible for declassification before making it publicly available. Thus, while the Policy provides that the statements of EDs may be declassified after 10 years, a determination must first be made that they should in fact be declassified before their actual disclosure. In this case, on September 1, 2011, the requester modified the original request for EDs’ statements by informing the Bank: *“I don’t actually need the text of the statements”* (see paragraph 3 (b) above). Based on the requester’s decision not to ask for the text of the EDs’ statements, the Bank had no reason to pursue the process for declassifying the EDs’ statements. Instead, the Bank proceeded based on the requester’s subsequent requests for data.

5. Both the Bank’s denial and subsequent clarification stated that the request to which access was being denied *“requires the Bank to create, develop, or collate information or data that does not already exist in the format requested”* (see paragraphs 3 (e) and (g) above). Additionally, the clarification stated that the *“additional request would require the collation of information that is not readily available”* (underscoring added, see paragraph 3 (g) above). Thus, the record shows that the Bank did not deny a request for EDs’ statements, but rather the requester’s request for data.

6. In accordance with the Policy, the AIC considers appeals that challenge the Bank’s decisions to deny access to information (see paragraph 36 of the Policy). Based on the requester’s modification of the original request, the AIC finds that the Bank has not yet either considered or denied a request for EDs’ statements. Additionally, the denial of access by the Bank was limited to the requester’s additional request for data made on September 19 (see paragraph 3(d) above). The appeal challenging the Bank’s decision to deny access to the statements of EDs is not yet eligible for consideration and, therefore, not properly before the AIC.

7. For the above reasons, the AIC dismisses the portion of the Application concerning the statements of EDs and refers this portion of the appeal back to the Archives Unit for processing as a request for information.

### **Portion of Appeal Relating to Request for Data on Executive Directors’ Statements**

#### **“Violation of Policy”**

8. Pursuant to the Policy, a requester who is denied access to information by the Bank may file an appeal if the requester is able to establish a *prima facie* case that the Bank has violated the Policy by improperly or unreasonably restricting access to information that it would normally disclose under the Policy (see paragraph 36 (a) of the Policy). The Policy states that the Bank reserves the right to refuse any request that would require the Bank to create, develop, or collate information or data that does not already exist or is not available in the Bank’s records management system (see paragraph 26 of the Policy).

9. The AIC determined that the data requested does not already exist and is not readily available, and would need to be created or collated in order to meet the request. On this basis, the AIC found that the Bank did not violate the Policy by denying the request for data relating to the EDs' statements.

10. Under the Policy, if the AIC upholds the initial decision to deny access to information in appeals alleging "violation of the Policy," the requester may file an appeal to the Access to Information Appeals Board ("AI Appeals Board") as the second and final stage of appeals (see paragraph 38 of the Policy).

[To facilitate the filing of appeals, the requester was provided an electronic link for easy access to, and submission of, the second level appeals form, which would be considered by the AI Appeals Board; the URL address for the appeals form was also provided.]

#### **"Public Interest" case**

11. Pursuant to the Policy, a requester may file an appeal on a "public interest" basis if the requester is able to make a public interest case to override certain Policy exceptions that restrict the information requested. Public interest appeals are limited to information restricted under the "*Corporate Administrative Matters*," "*Deliberative Information*," and "*Financial Information*" (other than banking and billing information) exceptions (see paragraph 36 (b) of the Policy).

12. The AIC found that the requester provided no reason in support of the public interest appeal. For this reason, the AIC decided to dismiss the public interest portion of the appeal concerning the request to collate data.

13. Under the Policy, the decision of the AIC is final for appeals that assert a public interest case (see Policy at paragraph 37).

## **Appeal # 5**

**CASE NUMBER AI1389: CORRIDOR PERFORMANCE MEASUREMENT DATA UNDER TTFPM CENTRAL ASIA PROGRAM (DRAFT REPORT)**

### **SUMMARY OF DECISION**

- The requester filed an appeal against the World Bank's decision to deny access to "corridor performance measurement data collected under the TTFPM Central Asia program."
- The Access to Information Committee ("AIC") found that the requested information is contained in a draft World Bank report. Draft reports are explicitly restricted from public access pursuant to paragraph 16 of the Access to Information ("AI") Policy. For this reason, the World Bank's decision to deny access to the draft report did not violate the AI Policy.
- Notwithstanding this finding, the AIC, pursuant to its authority under the AI Policy, decided that the benefit of disclosing the draft report would likely outweigh the potential harm. On this basis, the AIC decided to exercise the World Bank's prerogative to disclose the restricted draft report.

## DECISION

1. On January 3, 2012, the World Bank (“Bank”) denied a public access request to “all corridor performance measurement data collected under the TTFPM Central Asia program” (“Request”) on the basis that the requested information is covered by the *Deliberative Information* exception under the Bank’s Access to Information Policy (“AI Policy”). On January 8, 2012, the Secretariat to the Access to Information Committee received the attached application (“Application”) appealing the Bank’s decision to deny access to the requested information.
2. The Application challenges the decision to deny access on the basis that the denial is a violation of the AI Policy. The Application states the following:

My request is for statistics on trade in Central Asia gathered by the Bank, and therefore its disclosure does not impact on the Bank’s deliberative processes, as defined in II.A.16 of Bank policy, “facilitating and safeguarding the free and candid exchange of ideas.”

Neither was the data gathered “solely to inform the Bank’s internal decision-making processes” as provided for in II.A.16(c), since it was used in a June 2006 draft report, Trade and Transport Facilitation in Central Asia: Transit Corridors Performance Measurement.

## FINDINGS AND DECISION OF THE ACCESS TO INFORMATION COMMITTEE

3. The Access to Information Committee (“AIC”) considered the Application on the basis of whether the decision to deny access violated the AI Policy. In reviewing the Application in accordance with the AI Policy, the AIC considered:
  - (a) the Request;
  - (b) the Application; and
  - (c) the nature of the document containing the requested information.

### “Violation of the AI Policy”

4. Pursuant to the AI Policy, a requester who is denied access to information by the Bank may file an appeal if the requester is able to establish a *prima facie* case that the Bank has violated the AI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the AI Policy (see paragraph 36 (a) of the AI Policy). The AI Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the AI Policy, which set out the AI Policy’s list of exceptions. Paragraph 16 of the AI Policy explicitly states, under the *Deliberative Information* exception, that the Bank does not provide access to information prepared for, or exchanged during the course of its deliberations with member countries or other entities with which it cooperates, or information prepared for, or exchanged during the course of the Bank’s own deliberations; in both cases, such information includes “draft reports” (see paragraph 16 (a) and (b) of the AI Policy).

5. In this case, the AIC found that the requested information (i.e., corridor performance measurement data collected under the TTFPM Central Asia program) is contained in a May 2011 draft report titled “Performance of Transport Corridors in Central and South Asia” (“Draft Report”). The Draft Report, as indicated by its cover, is a draft. No final version of the Draft Report has been found to exist. As a draft report, the document is explicitly covered by the *Deliberative Information* exception and is, thus, restricted from public access under the AI Policy.

6. Based on the above finding, the AIC concluded that the Bank had properly and reasonably denied access to the information requested based on the *Deliberative Information* exception, and, therefore, did not violate the AI Policy.

7. Notwithstanding its conclusion that the Bank's denial did not violate the AI Policy, the AIC, pursuant to its authority provided by paragraph 18(c) of the AI Policy, considered the benefit of disclosing the Draft Report, and whether such benefit would outweigh the potential harm to the interests protected by the *Deliberative Information* exception. The AIC concluded that the benefit of disclosure would likely outweigh the potential harm; on this basis and in accordance with its authority provided by the AI Policy, the AIC decided to exercise the Bank's prerogative to disclose the restricted Draft Report.

[For the requester's ease of reference, both a pdf copy of the final Draft Report and the link to access the report on line through the Bank's *Documents and Reports* were included in the decision issued to the requester.]

## Appeal # 6

CASE NUMBER AI1473: ISRS FOR INDIA MUMBAI URBAN TRANSPORT PROJECT

### SUMMARY OF DECISION

- The requester filed an appeal against the World Bank's decision to deny access to "the (english) Implementation Status and Results Reports of the India: Mumbai Urban Transport Project (ID P050668) prepared between 2005 and 2010".
- Under the AI Policy, information prepared for the Bank's own internal deliberations is covered by the *Deliberative Information* exception
- The Access to Information Committee ("AIC") found that the Implementation Status and Results Reports ("ISRs"), dated from May 24, 2005, through April 15, 2010, were prepared to facilitate the Bank's own internal deliberations during the implementation of the India - Mumbai Urban Transport Project, and reflect the Bank's internal discussions in support of those deliberations.
- Based on the above, the AIC concluded that the requested ISRs are restricted from disclosure by the *Deliberative Information* exception of the AI Policy and, thus, the Bank's decision to deny access on that basis did not violate the AI Policy. For this reason, the AIC upheld the Bank's decision to deny public access to the ISRs.

### DECISION

#### Background

1. On February 23, 2012, the World Bank ("Bank") denied a public access request to "the (english) Implementation Status and Results Reports of the India: Mumbai Urban Transport Project (ID P050668) prepared between 2005 and 2010" ("Request"). The request was denied on the basis that the requested information is covered by the *Deliberative Information* exception under the Bank's Access to Information Policy ("AI Policy"). On March 21, 2012, the secretariat to the Access to Information Committee ("AIC") received the attached application ("Application") appealing the Bank's decision to deny access to the requested information.

2. The Application challenges the decision to deny access on the basis that the denial is a violation of the AI Policy. The Application states, in its relevant part, the following:

Explanatory statement: By denying access to the requested documents, the Bank has violated its Policy because the requested Implementation Status and Results Reports are not covered by the Deliberative Information section under para. 16 of the Policy.

The requested Implementation Status and Results Reports do not constitute information which may imperil the integrity of the Bank's deliberative process and which is specified under para. 16 (a) – (d). Specifically, they have not been prepared for, or exchanged during the course of, its deliberations with members countries (para 16 (a)). Neither do they constitute information which pertains to Board deliberation as specified by para. 16 (b), No. (i)-(v).

#### **FINDINGS AND DECISION OF THE ACCESS TO INFORMATION COMMITTEE**

3. The AIC considered the Application on the basis of whether the decision to deny access to the requested information violated the AI Policy. In reviewing the Application in accordance with the AI Policy, the AIC considered:

- (a) the Request;
- (b) the Application; and
- (c) the nature of the requested information (i.e., ISRs).

#### **“Violation of the AI Policy”**

4. Pursuant to the AI Policy, a requester who is denied access to information by the Bank may file an appeal if the requester is able to establish a *prima facie* case that the Bank has violated the AI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the AI Policy (see paragraph 36 (a) of the AI Policy). The AI Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the AI Policy, which set out the AI Policy's list of exceptions. Paragraph 16 of the AI Policy explicitly states, under the *Deliberative Information* exception, that the Bank does not provide access to information prepared for, or exchanged during the course of, the Bank's own internal deliberations (see paragraph 16 (b) of the AI Policy)

5. The AIC recognized that ISRs, by their nature, reflect the comments of Bank staff that were made as part of the Bank's internal deliberations concerning the implementation of projects; those comments are further used in the Bank's consideration of the on-going projects. Thus, ISRs have historically been prepared for and exchanged during the course of the Bank's own internal deliberations concerning the implementation of projects. With the effectiveness of the AI Policy in July 2010, the Bank redesigned the ISR format to have two parts, one of which was designed to enable public disclosure in order to maximize the disclosure of project information. The first part of the new ISR format provides all the objective information about the status of project implementation and the overall ratings on project development objectives and implementation progress. This first part is made public. The second part of the new ISR format covers the deliberative aspects – notably the comments of Bank staff and detailed risk ratings – which continue to be restricted under the *Deliberative Information* exception of the AI Policy. Thus, even for ISRs prepared after July 2010, there continues to be a portion of the ISR that is undisputedly deliberative in nature and, as a result, remains restricted from disclosure. With respect to ISRs created before the Bank's adoption of the new ISR format, internal Bank deliberations were integrated within

the ISRs; for this reason, the older ISRs are restricted from disclosure by the *Deliberative Information* exception until they become eligible for declassification under the AI Policy.

6. There are 11 ISRs for the India - Mumbai Urban Transport Project, dated from May 24, 2005, through April 15, 2010. As these ISRs were prepared under the previous ISR format, which did not segregate the deliberative information from the non-deliberative information, all the ISRs in question include internal deliberative information and are, therefore, restricted from disclosure by the *Deliberative Information* exception of the AI Policy.

7. Based on the above findings, the AIC concluded that the Bank had properly and reasonably denied access to the information requested based on the *Deliberative Information* exception and, therefore, did not violate the AI Policy. For this reason, the AIC decided to uphold the Bank's decision to deny public access to the ISRs.

8. Under the AI Policy, if the AIC upholds the initial decision to deny access to information in appeals alleging "violation of the AI Policy", the requester can appeal to the Access to Information Appeals Board (the "AI Appeals Board") as the second and final stage of appeals (see paragraph 38 of the AI Policy).

[To facilitate the filing of appeals, the requester was provided an electronic link for easy access to, and submission of, the second level appeals form, which would be considered by the AI Appeals Board; the URL address for the appeals form was also provided.]

## Appeal # 7

### CASE NUMBER AI1437: FREEDOM OF INFORMATION DRAFT LAW IN EGYPT

#### SUMMARY OF DECISION

- The requester filed an appeal against the World Bank's decision to deny access to the "draft Freedom of Information law for Egypt."
- In this case, the AIC found that the Bank documents identified as responsive to the request are technical assistance in nature and that such documents would normally be disclosed once finalized, if no AI Policy exceptions apply. Because the AIC found the responsive documents to have been finalized, the AIC concluded that the documents are not restricted by the *Deliberative Information* exception under the AI Policy, as indicated in the Bank's decision to deny access. Moreover, the AIC found that no other AI Policy exception applied to the documents. On this basis, the AIC concluded that the decision to deny access to the documents identified as responsive to the request violated the AI Policy, and reversed the decision.
- In view of the AIC's decision above, consideration of the portion of the appeal asserting "public interest" was not required.

#### DECISION

##### Background

1. On March 20, 2012, the World Bank ("Bank") denied a public access request for a "draft Freedom of Information law for Egypt" ("Request") on the basis that the documents located in the Bank's custody and identified as responsive to the Request are covered by the *Deliberative Information* exception under the Bank's

Access to Information Policy (“AI Policy”). On April 2, 2012, the Secretariat to the Access to Information Committee received the attached application (“Application”) appealing the denial.

2. The Application indicates two grounds for the appeal, namely “violation of the AI Policy” and “public interest.”

#### **FINDINGS AND DECISIONS OF THE ACCESS TO INFORMATION COMMITTEE**

3. In reviewing the Application in accordance with the AI Policy, the Access to Information Committee (“AIC”) considered:

- (a) the Request;
- (b) the Application;
- (c) the nature of the documents located in the Bank’s custody that have been identified as responsive to the Request (the “Documents”); and
- (d) the information provided by the relevant business unit regarding the Documents.

#### **“Violation of the AI Policy”**

4. Pursuant to the AI Policy, a requester who is denied access to information by the Bank may file an appeal if the requester is able to establish a *prima facie* case that the Bank has violated the AI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the AI Policy (see AI Policy at paragraph 36 (a)). The AI Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the AI Policy, which set out the AI Policy’s list of exceptions.

5. In this case, the AIC found that the Documents are technical assistance in nature and that such documents would normally be disclosed once finalized, if no AI Policy exceptions apply. Based on the information provided by the relevant business unit, the AIC determined that the Documents belong to the Bank, and can be considered to be in final form. As such, the AIC found that the Documents are not restricted by the *Deliberative Information* exception. Further the AIC found no other AI Policy exception to apply to the Documents.

6. Based on the above findings, in response to the appeal asserting a violation of the AI Policy, the AIC found that the Bank improperly denied access to the Documents based on the *Deliberative Information* exception, and thus, the denial was in violation of the AI Policy. For this reason, the AIC reversed the Bank’s decision to deny access to the Documents.

[For the requester’s ease of reference, a pdf copy of the Documents was attached to the decision issued to the requester.]

#### **“Public Interest” case**

7. In view of the AIC’s decision above, consideration of the portion of the appeal asserting “public interest” was not required.

## Appeal # 8

CASE NUMBER AI0265: WORLD BANK OVERSIGHT MECHANISM EVALUATION TERMS OF REFERENCE AND/OR PROGRESS REPORT, CITED TO IN PGH 56 OF DC2010-0004 (4) (REFERRING TO EVALUATION OF IEG, IAD, THE INSPECTION PANEL, IFC CAO, AND INT) – ASSESSMENT OF THE MANDATE AND TORS OF THESE AGENCIES (BOARD PAPERS CLASSIFIED AS “CONFIDENTIAL”)

### SUMMARY OF DECISION

- The requester filed an appeal against the World Bank’s decision to deny access to information on the “World Bank Oversight Mechanism Evaluation Terms of Reference and / or progress report, cited to in pgh 56 of DC2010-0004 (4) (referring to evaluation of IEG, IAD, the Inspection Panel, IFC CAO, and INT) – assessment of the mandate and ToRs of these agencies.”
- Under the AI Policy, the Access to Information Committee (“AIC”) has no authority over decisions made by the World Bank’s Board of Executive Directors (“Board”).
- The Access to Information Committee (“AIC”) found that:
  - (a) the requested information consists of four Board papers, dated 2010, classified as “Confidential” and covered by the *Deliberative Information* and/or the *Corporate Administrative Matters* exception under the AI Policy;
  - (b) the Board papers are not eligible for declassification at this time;
  - (c) for such restricted Board papers, only the Board has authority to exercise the Bank’s prerogative to disclose. In this light, the Board decided not to exercise the Bank’s prerogative to disclose the restricted Board papers in question.
  - (d) the Bank’s decision to deny access to the requested Board papers, therefore, resulted from a decision of the Board, over which the AIC does not have authority to consider.
- For the above reasons, the Application is dismissed for appealing a matter that the AIC does not have authority to consider.

### DECISION

1. On April 9, 2012, the World Bank (“Bank”) denied the public access request for information on the “World Bank Oversight Mechanism Evaluation Terms of Reference and / or progress report, cited to in pgh 56 of DC2010-0004 (4) (referring to evaluation of IEG, IAD, the Inspection Panel, IFC CAO, and INT) – assessment of the mandate and ToRs of these agencies” on the basis that the requested information is covered by the *Deliberative Information* exception under the Bank’s Access to Information Policy (“AI Policy”) and, for one of the documents, the information is also covered by the *Corporate Administrative Matters* exception under the AI Policy.

2. On April 11, 2012, the applicant filed the attached application (“Application”). The Application indicates two grounds for the appeal, namely “violation of the AI Policy” and “public interest”. The Application states the following:

There is an obvious public interest in the nature of this discussion about the five internal accountability mechanisms. The deliberative information exception is applied with excessive [sic] discretion when no explanation of why the matters encompassed within these reports would harm Bank capacity to take internal decisions. Without a full explanation of potential harm to internal deliberative processes, we are left to conclude that the benefits to the public interest are greater.

Some of the information contained in these reports has already been made available to the public.

As draft reports, terms of reference, and proposals, which are normally disclosed for a wide variety of Bank documents, not disclosed them in this instance is a violation of the access to information policy.

### **FINDINGS AND DECISIONS OF THE ACCESS TO INFORMATION COMMITTEE**

3. The Access to Information Committee (“AIC”) considered the Application in accordance with the AI Policy. Under the AI Policy, a requester who is denied access to information by the Bank may file an appeal if the requester is able (a) to establish *prima facie* case that the Bank has violated the AI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the AI Policy, or (b) to make a public interest case to override the AI Policy exceptions that restrict the information requested (limited to those exceptions set out in paragraph 15 (*Corporate Administrative Matters*), paragraph 16 (*Deliberative Information*), and paragraph 17 (a), (b), and (c) (relating to certain *Financial Information*) of [the AI Policy] statement.)” (AI Policy at paragraph 36.) The AI Policy also states that because the AIC has no authority over decisions by the Board, appeals of Board decisions are automatically dismissed (AI Policy at footnote 28). Paragraph 40 of the AI Policy recognizes that a requester is notified if the appeal is dismissed for appealing a matter that the AIC does not have authority to consider.

4. In this case, the requested information consists of four Board papers, dated 2010 and classified as “Confidential”. All the Board papers are covered by the *Deliberative Information* exception, and one Board paper is also covered by the *Corporate Administrative Matters* exception. The Board papers are not eligible for declassification at this time, because: (a) they are less than 20 years old; and (b) for one of the papers, the information is also covered by the *Corporate Administrative Matters* exception, which is not subject to declassification. While the papers may be made publicly available by the exercise of the Bank’s prerogative to disclose, only the Board has the authority to exercise this prerogative in the case of Board papers (restricted by these exceptions) that are classified as “Confidential” (see AI Policy at paragraph 18 (a)). The AIC found that the Board considered this matter and decided not to exercise the Bank’s prerogative to disclose the restricted Board papers. Because the denial resulted from a Board decision, which the AIC does not have authority to consider, the Application must be dismissed in accordance with the AI Policy (see AI Policy at footnote 28 and at paragraph 40).

5. For the above reasons, the Application is dismissed for appealing a matter that the AIC does not have authority to consider.

## Appeal # 9

CASE NUMBER AI1627: COST RECOVERY REPORT REGARDING SANITATION IN INDIA

### SUMMARY OF DECISION

- The requester filed a public interest appeal against the World Bank's decision to deny access to a report titled, "Cost Recovery and Tariff Practices for Urban Water Supply and Sanitation in India (unpublished)" ("Report").
- The AIC found that the nature of the Report is eligible for consideration in the context of a public interest appeal. The AIC also found the reasons presented by the requester in support of the public interest appeal to be compelling. On this basis, the AIC decided to grant the requester's request for the Report.

### DECISION

#### Background

1. On March 22, 2012, the Bank denied a public access request for a report titled "Cost Recovery and Tariff Practices for Urban Water Supply and Sanitation in India (unpublished)" ("Report") on the basis that the Report is covered by the *Deliberative Information* exception under the Bank's Access to Information Policy ("AI Policy"). On April 12, 2012, the Secretariat to the Access to Information Committee received the attached application ("Application") appealing the Bank's decision to deny access.

2. The Application challenges the decision to deny access on the basis that there is a public interest case to override the Policy exception that restricts the requested information. It states:

We are appealing the decision to deny access to information on the basis of public interest. The information is being sought for ongoing empirical research being conducted by us on the public provision of sanitation services within India. The research focuses on long term, historical-trends in public provision of sanitation, with an attempt to identify key institutional-cultural variables at the state-local level of provision, that have affected both financial performance and service delivery of sanitation services in India. An essential component of our research is the analysis of cost-recovery data for sanitation services both across regions/cities and over time. Such data is difficult to come by, and we believe access to the underlying data collected for the World Bank's unpublished WSP study cited as "WSP. Cost Recovery and Tariff Practices for Urban Water Supply and Sanitation in India (unpublished)" would be of immense value to our research. To the best of our knowledge, the existing literature in this area lacks comprehensive studies that link cost recovery and service performance to institutional-cultural variables in India. We believe our research fills an important knowledge gap in the provision of public health and sanitation services in India, and has important policy-design and reform implications. Based on our understanding here, access to the underlying cost-recovery data in the World Bank report has clear "public-interest" value -- for both the policy-community and the ultimate consumers of public health services in India. We thank you in advance for your reconsideration, and assure you of full and appropriate acknowledgement of the data if we are granted access.

### FINDINGS AND DECISIONS OF THE ACCESS TO INFORMATION COMMITTEE

3. In reviewing the Application in accordance with the AI Policy, the Access to Information Committee ("AIC") considered:

- (a) the Request;
- (b) the Application;
- (c) the nature of the Report; and
- (d) the information provided by the relevant business unit concerning the Report.

#### **“Public Interest” case**

4. Pursuant to the AI Policy, a requester may file an appeal on a “public interest” basis if the requester is able to make a public interest case to override certain AI Policy exceptions that restrict the information requested. Public interest appeals are limited to information restricted under the *Corporate Administrative Matters*, *Deliberative Information*, and *Financial Information* (other than banking and billing information) exceptions (see paragraph 36 (b) of the AI Policy).

5. In reviewing the Application in accordance with the AI Policy and taking into account the above considerations, the AIC determined that the Report, which is covered by the *Deliberative Information* exception, is eligible for consideration in the context of a public interest appeal. The AIC also found the reasons set forth in the Application in support of the public interest appeal to be compelling. On this basis, the AIC decided to grant the requester’s request for the Report.

[For the requester’s ease of reference, the link to access the Report on line through the Bank’s Documents and Reports public database was included in the decision issued to the requester.]

## **Appeal # 10**

[CASE NUMBER AI1362: TURKEY EMERGENCY FLOOD AND EARTHQUAKE RECOVERY PROJECT](#)

### **SUMMARY OF DECISION**

- Following the World Bank’s receipt of a letter sent by the requester on October 19, 2011, the secretariat for the Access to Information Committee engaged in multiple communications with the requester to obtain clarification on the letter’s intent. It was subsequently determined that the requester wished to file an application for appeal against an alleged decision by the World Bank (“Bank”) to deny access to information that the requester had requested concerning the Turkey Emergency Flood and Earthquake Recovery (“TEFER”) Project.
- Under the AI Policy, the Bank allows access to any information in its possession that is not on a list of exceptions; and a requester – who is denied access to such information by the Bank – may file an appeal against the denial.
- In considering the requester’s application for appeal in accordance with the AI Policy, the AIC found that:
  - (a) in response to the requester’s initial request for information on the TEFER Project, the Bank provided to the requester relevant, publicly available information that was in the Bank’s possession regarding the TEFER Project;

- (b) the requester subsequently requested from the Bank additional information specifically concerning investments in Bartın Municipality under the TEFER Project;
  - (c) the Bank conducted an extensive search of the records in its possession and did not locate information directly responsive to the requester’s subsequent request, and informed the requester of this;
  - (d) because this application for appeal does not involve information held in the Bank’s possession, the requested information is not covered by the AI Policy (which deals with information in the Bank’s possession), and the Bank’s response does not constitute a denial to information held by it. Therefore, (i) the application for appeal does not provide sufficient information to support an appeal under the AI Policy (i.e., an actual denial by the Bank for the public to access information in the Bank’s possession), and (ii) the matter being appealed (i.e., concerning information not in the Bank’s possession) is not a matter that the AIC has authority to consider under the AI Policy.
- For the above reasons, the AIC dismisses the requester’s application for appeal. In view of the determination that the detailed information, concerning Bartın Municipality under the TEFER Project, sought by the requester would more likely be found in the possession of the Borrower, i.e., the Republic of Turkey, the requester may wish to direct the request for information to the Borrower’s government in this case.

## **FINDINGS AND DECISION OF THE ACCESS TO INFORMATION COMMITTEE**

### **The Findings**

1. On October 19, 2011, the World Bank (“Bank”) received a public access request for information concerning the Turkey Emergency Flood and Earthquake Recovery (“TEFER”) Project (“Request”). In response, on October 20, 2011, the Bank provided a link to publicly available information regarding the TEFER Project.
2. On October 24, 2011, the requester replied to the Bank indicating that the publicly available information was not responsive to the Request and clarified that he/she was looking for “information under the scope of TEFER project in particular to Bartın; how much money spent, to where? What is done and how much does it cost?” On November 7, 2011, the Bank provided the Implementation Completion Report (“ICR”) for the TEFER Project to the requester noting that the ICR was the document identified as holding the requested information.
3. On November 9, 2011, the requester wrote to the Bank Group’s General Counsel requesting: information on “the engineering projects from Turkish Hydraulic Works, which is in charge for the Tefer projects in Turkish Republic”; a “face-to-face meeting” with Bank authorities; and “to examine the projects on-site one-by-one”.
4. On November 29, 2011, Bank officials in the Turkey Country Management Unit (“CMU”) met the requester at the Bank’s Ankara office and provided the requester with further information. Also at the November 29th meeting, the requester requested information additional to what he/she had originally asked for in the public access request. The requester sought to obtain information on the exact amount of money spent, where the money was spent, and the exact locations in respect of which money was spent, specifically on investments in Bartın Municipality, under the TEFER Project. With respect to this subsequent request for additional information, the Bank representatives agreed to try to identify the information in the Bank’s files.

5. On February 22, 2012, the requester sent a letter to the Bank (addressed to the Inspection Panel, but naming members of the Access to Information Appeals Board) indicating that the Bank had not provided the requested information and requesting support to access the information. The letter did not clearly indicate whether the requester intended the letter to be a formal application for appeal against a Bank decision to deny access to information. The letter was routed from the secretariat for the Inspection Panel to the secretariat for the Access to Information Committee (“AIC”).

6. In April 2012, the secretariat for the AIC wrote to the requester to seek the requester’s clarification on: (a) whether the February 22, 2012, letter was intended to be a formal application for appeal; and (b) since the Bank had not yet responded to the requester’s subsequent request (made at the meeting of November 29) for additional information, whether the requester would prefer to wait and receive a final decision from the Bank on the request – in which case, if the decision is a denial, the requester might then wish to consider filing an appeal with the AIC. The requester’s reply was still unclear on whether the requester wished to wait to receive a Bank decision that denied access before filing an appeal, or whether the requester wished to proceed with an appeal.

7. On May 7, 2012, following the Bank’s review of the project files located in Turkey and in the United States, the Bank’s Turkey CMU replied to the requester and indicated, in relevant part, that:

In summary, we followed up on your additional request for information that you had made at our meeting of November 29, 2011. We did so by conducting an extensive search of our electronic and archived paper files for the Project. Despite our best efforts, we found no documents in the World Bank’s custody that directly or clearly provides the information that you had requested.

8. On May 8, 2012, the requester wrote to the secretariat for the AIC indicating dissatisfaction with the Bank’s response to his/her request for information, and requesting the Bank to “process our application and evaluate our request”. The requester did not indicate under which ground(s) he/she wished to file an appeal (i.e., “violation of the AI Policy” and/or “public interest”). In the absence of an indication by the requester of under which ground(s) he/she wished to file an appeal, the AIC proposed consideration of the application on both grounds, i.e., “violation of the AI Policy” and “public interest”. The communications from the requester were placed before the AIC, in full, and treated, in full, as an application for appeal.

9. On June 20, 2012, the AIC considered the requester’s application for appeal in accordance with the AI Policy. The AIC reviewed the application and other documents of record, including the full communication, dated May 7, 2012, that the Bank’s Turkey CMU had sent to the requester, explaining what the Bank had found in its records and the Bank’s efforts to meet the requester’s subsequent request for additional information on the TEFER Project. The AIC recognized that the requester – in forwarding the Turkey CMU’s May 7, 2012, communication to the AIC – had deleted (from both the English and Turkish versions) the second portion of the May 7th communication, which set out what the Turkey CMU had found in its search through the Bank’s files. Specifically, in the May 7th communication, the Bank’s Turkey CMU informed the requester of the following:

- After going through the exhaustive search of the files described above, we did not locate in the World Bank’s custody any documents that specify (a) the exact amount of money spent, (b) where the money was spent, and (c) the exact locations in respect of which money was spent specifically on investments in Bartın Municipality under the TEFER Project. All of the Project implementation information contained in the documents in the World Bank’s files is summarized and organized by project component, and not by individual investment or by detailed location. As such, the request to provide you with information broken down by exact location and formatted for one particular municipality, as you have requested, is not possible based on the Project records in the World Bank’s possession.

- The reason that the World Bank's files contain only summarized information is primarily because the investments under the Project were small-scale infrastructure investments, which were procured through National Competitive Bidding (NCB) procedures. Under the World Bank guidelines for procurement, the Borrower is not required to give the World Bank detailed designs, maps, bidding or contract management documentation for NCB contracts. Under the procurement guidelines, this type of detailed documentation would be kept by the Borrower.
- Our search of the files did identify two reports that were provided by Borrower, the Republic of Turkey, in the course of Project preparation and implementation. These reports contain some limited information on investments in municipalities, but there is no comprehensive breakdown of the investments financed under the Project by location. Because these documents belong to the Borrower and to the World Bank's knowledge the Borrower has not made the documents available to the public, under the World Bank's Access to Information Policy, the documents are considered to be deliberative and are, therefore, restricted from disclosure, and the World Bank cannot release them unless the Borrower gives its written consent to disclose.

In summary, we followed up on your additional request for information that you had made at our meeting of November 29, 2011. We did so by conducting an extensive search of our electronic and archived paper files for the Project. Despite our best efforts, we found no documents in the World Bank's custody that directly or clearly provides the information that you had requested. We found two documents belonging to the Borrower that contain some information of limited relevance to your request. To our knowledge, the Borrower has not publicly released these documents. As a result, the World Bank is restricted from disclosing the two Borrower documents, pursuant to the Access to Information Policy's "Deliberative Information" exception, unless the Borrower gives its written consent to disclose.

(Email of May 17, 2012, titled "Turkey: Closed Emergency Flood and Earthquake Recovery Project (P058877) – World Bank response to enquiry on investments carried out in Bartın Municipality" from the World Bank to the requester.)

10. Separately, the AIC also asked the Bank's Turkey CMU for an explanation on why the additional information sought by the requester could not be found in the Bank's possession, and received an explanation consistent with what was stated in the May 7th communication to the requester. The AIC found that the Bank's Turkey CMU made significant efforts to meet the requester's request for the additional information. It also found the Turkey CMU's explanation on why the requested information would not be in the Bank's possession to be credible.

11. On the basis of the information summarized above, the AIC determined the following:

- (a) the Bank provided information in its possession that was responsive to the requester's initial request for information regarding the TEFER Project;
- (b) the requester requested additional information on specific Bartın Municipality level information under the TEFER Project;
- (c) the Bank searched records in its possession and did not find in the Bank's possession information directly relevant to the requester's request for the specific Bartın Municipality level information under the TEFER Project; and

- (d) because the investments under the Project were small-scale infrastructure investments, procured through National Competitive Bidding procedures, the Borrower, i.e., the Republic of Turkey, would not have provided the Bank with the detailed information that the requester now seeks.

### **The AI Policy**

12. Under the AI Policy, the Bank allows access to any information in its possession that is not on a list of exceptions (see AI Policy at paragraph 6). A requester who is denied access to information by the Bank may file an appeal if the requester is able (a) to establish a *prima facie* case that the Bank has violated the AI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the AI Policy, or (b) to make a public interest case to override the AI Policy exceptions that restrict the information requested (limited to those exceptions set out in paragraph 15 (*Corporate Administrative Matters*), paragraph 16 (*Deliberative Information*), and paragraph 17 (a), (b), and (c) (relating to certain *Financial Information*) of [the AI Policy] statement.)” (see AI Policy at paragraph 36.) The AI Policy also states, in relevant part, that appeals may be dismissed for failure to provide sufficient information that would reasonably support the appeal, or for appealing a matter that the AIC does not have authority to consider (see AI Policy at paragraph 40).

### **The Decision**

13. In this case, the record shows that the Bank provided the requester access to information in the Bank’s possession regarding the TEFER Project, and in response to the requester’s subsequent request for additional information specifically concerning investments in Bartın Municipality under the TEFER Project, the Bank found that it did not possess information directly relevant to the subsequent request; the Bank provided the requester with an explanation as to the reasons for this. In view of the above, the AIC concluded that the Bank provided the requester access to all information in its possession that is responsive to the requester’s requests and, thus, the Bank did not deny access to any relevant information held by it.

14. In accordance with the AI Policy, the AIC has authority to consider appeals that challenge the Bank’s decisions to deny access to information in its possession (see AI Policy at paragraphs 6 and 36). Because the AIC found that the Bank does not possess information relevant to the requester’s subsequent request, the Bank did not, in fact, deny the requester access to information covered by the AI Policy. Since this application for appeal does not involve information that is held in the Bank’s possession and covered by the AI Policy, the application for appeal is not properly before the AIC..

15. The AIC, therefore, dismisses the requester’s application for appeal because (a) it fails to provide sufficient information that would reasonably support the appeal, since there was no denial by the Bank to access information in its possession; and (b) it fails to appeal a matter within the AIC’s authority to consider, since the subsequent request does not concern information in the Bank’s possession.

16. In view of the determination that the specific information concerning investments in Bartın Municipality under the TEFER Project, which the requester now seeks, would more likely be found in the possession of the Borrower, i.e., the Republic of Turkey, the requester may wish to direct the request for information to the Borrower’s government in this case.

17. Under the AI Policy, if the AIC upholds the initial decision to deny access to information in appeals alleging “violation of the AI Policy”, the requester can appeal to the Access to Information Appeals Board (the “AI Appeals Board”) as the second and final stage of appeals (see paragraph 38 of the AI Policy).

[To facilitate the filing of appeals, the requester was provided an electronic link for easy access to, and submission of, the second level appeals form, which would be considered by the AI Appeals Board; the URL address for the appeals form was also provided.]

(This appeal was filed in Turkish; the decision of the AI Committee was translated into, and conveyed to the requester in, Turkish.)

## APPENDIX F. Policy Interpretations Issued by the AI Committee in FY 2012

### AI Policy Interpretation # 1

**Public availability of Operational Guidance for Staff.** Under the World Bank's Policy on Disclosure of Information, which preceded the current Access to Information (AI) Policy, operational policy and guidance documents were covered under the category titled "Administration." The Access to Information Committee (AIC) recognized in 2011 that the Bank's operational policies and procedures (OPs/BPs) and operational memoranda (OpMemos) could be interpreted as corporate-administrative in nature (i.e., in the context of supporting the Bank's management of its staff on operational matters), and thus, falling within the *Corporate Administrative Matters* exception of the AI Policy; however, because these operational documents were previously approved by the Board for public disclosure, they should continue to be treated as publicly available under the AI Policy.

In February 2012, the AIC further considered the application of the AI Policy to operational guidance documents, specifically, guidance materials that the Bank prepares for staff use in support of their work on operational matters. The AIC recognized the public impact of the Bank's operational work, and the public's interest in understanding how the Bank carries out such work. In this light, the AIC determined that guidance materials prepared for staff in relation to the carrying out of Bank operational work is not purely corporate-administrative in nature, and therefore such guidance should not normally be treated as covered by the *Corporate Administrative Matters* exception under the AI Policy. So long as the information contained within is not covered by any other AI Policy exception, such operational guidance materials may be made publicly available after they have been issued to staff.

The AIC offers the following points of consideration to help the issuing business units determine whether operational guidance materials may be made public. Generally, guidance materials may be made public if the issuing business units determine that:

- The guidance materials have been prepared for staff in relation to the carrying out of Bank operational work, and would be of relevance to the public, and thus, the materials are not purely corporate-administrative in nature (and therefore would not be treated as covered by the *Corporate Administrative Matters* exception under the AI Policy);
- The guidance materials have been issued to staff, and thus, are not in draft form (and therefore would not be covered by the *Deliberative Information* exception under the AI Policy); and
- The information contained in the guidance materials is not covered by any other AI Policy exception.

Operational guidance materials that will be made publicly available should include language on the cover, clearly indicating that the document: (i) is not World Bank policy; and (ii) is only intended to provide general guidance to (or to set out work flow arrangements for) World Bank staff in respect to the subject matter. As applicable, business units may also include language to explain that the World Bank may revise the document from time to time, and where the most current version of the document can be found (e.g., World Bank website).

## AI Policy Interpretation # 2

**Public availability of President's Reports.** Before the introduction of the Program Document in 2002, the World Bank used the “President’s Report and Recommendation” (“President’s Report”) to set out the details for proposed operations financed by the World Bank’s former adjustment lending instruments, such as the structural adjustment loans and credits, sectoral adjustment loans and credits, rehabilitation loans, programmatic structural adjustment loans and credits, special structural adjustment loans, and subnational adjustment loans. President’s Reports were not prepared for public disclosure and in some cases included restricted, confidential information.

In 2010, with the introduction of the Bank’s Policy on Access to Information (“AI Policy”), which provided the possibility of declassifying restricted documents after a passage of time, most President’s Reports were declassified – on the basis that they were at least 20 years old and eligible for declassification under the AI Policy – as part of the World Bank’s batch declassification exercise carried out in May 2010.

Currently, the Bank’s records management system still retains more than 300 President’s Reports – classified as “Official Use Only” and restricted from public disclosure pursuant to the AI Policy’s *Deliberative Information* exception – that are considered not yet eligible for declassification due to the age of the documents. In recognizing that the President’s Report is the predecessor of the Program Document, which normally becomes public following the Board’s approval of the respective operation (or before Board discussion if the borrower agrees), the AIC determined that, as a general principle, the President’s Reports for adjustment lending operations should also be considered publicly available, and thus, should not have to wait 20 years for declassification. However, the AIC also recognized that, unlike Program Documents, President’s Reports were not originally intended for public disclosure, and thus, some were drafted to include restricted information that cannot be disclosed. Based on these considerations, the AIC concluded the following:

All President’s Reports should be declassified and made public, unless the document is restricted from disclosure because:

- Information contained within the President’s Report is restricted from disclosure pursuant to an AI Policy exception other than the *Deliberative Information* exception (in the case of information restricted only by the *Financial Information* exception, other than banking and billing information, the restriction only applies if the document is less than 20 years old); or
- The Vice President concerned has decided to exercise the World Bank’s prerogative to restrict the President’s Report, based on his/her determination that the potential harm of disclosure would outweigh the benefits.

In view of this AI Policy interpretation, the Archive’s Unit will notify all relevant Vice Presidents (“VPs”) of the intended declassification of President’s Reports, giving the VPs concerned a reasonable period of time for review. Following which, absent a determination that an AI Policy exception other than the *Deliberative Information* exception applies (as explained above), or absent a decision by a VP concerned to exercise the prerogative to restrict access to a particular document, the President’s Reports will be declassified and made public.

## AI Policy Interpretation # 3

### **Process for Implementing the AI Policy Provision on Declassifying Certain Documents at Least 20 years old.**

In furtherance of the first guiding principle of the World Bank's Policy on Access to Information ("AI Policy") to maximize access to information, the AI Policy provides that the World Bank declassifies and discloses certain types of restricted information as their sensitivity diminishes over time. The AI Policy indicates that specific categories of documents are declassified and made publicly available 20 years after the date of the document, provided that the document does not contain or refer to information that is not eligible for declassification, namely information covered by one or more of the AI Policy exceptions other than the *Deliberative Information* and the *Financial Information* exceptions<sup>1</sup>.

The AI Policy also recognizes that, notwithstanding its broad intent to allow access to any information in the World Bank's possession that is not on the list of exceptions, the World Bank reserves the right, under exceptional circumstances, to restrict access to information that it normally discloses<sup>2</sup>. The AI Policy provides that the World Bank may exercise the prerogative to restrict access, if it determines that the disclosure is likely to cause harm that outweighs the benefits of disclosure. This prerogative may be exercised by: (a) the Board, with respect to Board records; (b) the Vice President concerned, with respect to Board papers; and (c) the Director concerned, with respect to other documents<sup>3</sup>. In implementing this AI Policy provision for the declassification of documents other than Board records, the Archives Unit has routinely notified the vice president or director concerned of intended declassifications to give them the opportunity to consider whether to exercise the prerogative to restrict access before a document is declassified and disclosed.

The Archives Unit has found that the process for notifying and consulting authorized parties has created delays in declassifying and disclosing older documents. The Archives Unit has asserted to the AIC that, in its experience: (a) the reviews conducted by the archivists have been successful in identifying material that is not eligible for declassification under the AI Policy; and (b) the sensitivity in operational materials is generally lower after 20 years. For this reason, the Archives Unit has proposed to the AIC that, in the interest of timely disclosure of information and reducing unnecessary requests to vice presidents and directors, when declassifying documents (other than Board records) after 20 years, the Archives Unit will carry out the reviews and discontinue routine notification and consultation of the authorized parties concerned unless, in the opinion of the Chief Archivist, there is specific cause to seek the views of the vice presidents or directors concerned.

The AIC considered the Archives Unit's proposal. The AIC recognized that, in its "AIC Note on Clarifications Concerning Communications of Executive Directors' Offices," the AIC had indicated to the Executive Directors that deliberative communications between Executive Directors' offices and staff – covered by the AI Policy's *Deliberative Information* exception – will be declassified only after consultation with the current Executive Directors concerned. The AIC decided that an adoption of the Archives Unit's proposal to modify the process for declassifying documents (other than Board records) should not impact the current process for consulting Executive Directors and World Bank staff concerned when the documents in question reflect communications between World Bank staff and Executive Directors' offices.

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<sup>1</sup> See AI Policy at paras. 32-33; note that banking and billing information, though covered by the Financial Information exception, is also ineligible for declassification.

<sup>2</sup> See AI Policy at para. 6.

<sup>3</sup> See AI Policy at para. 19.

In view of the above considerations, and in the interest of the AI Policy's guiding principle of maximizing access to information, the AIC decided that the process for declassifying documents at least 20 years old – *but not including Board records or communications between Bank staff and Executive Directors' offices* – should be modified to allow the archivists in the World Bank Group's Archives Unit to determine, under the supervision and authority of the Chief Archivist, the following:

1. Whether the documents concerned are eligible for declassification pursuant to the AI Policy, and
2. If the documents concerned are eligible for declassification, whether:
  - The content of the documents to be declassified raises issues that require notification of, as relevant, the vice president or director concerned, in order for the authorized party to consider exercising the World Bank's prerogative to restrict access; or
  - To proceed with declassification and disclosure without such notification based on the responsible archivist's judgment that the content of the document raises no significant issue.

## APPENDIX G. Access to Information Committee

The Access to Information Committee (AI Committee) was established pursuant to the AI Policy. The AI Committee serves as the internal body that: (a) broadly oversees the AI Policy implementation; (b) is authorized to interpret the AI Policy; (c) makes decisions concerning whether to exercise the World Bank's prerogative to disclose certain information that is on the list of AI Policy exceptions (i.e., restricted information); and (d) considers first level appeals filed against World Bank decisions to deny access to information. The AI Committee consists of seven principal members and their alternates, representing the Operations Policy and Country Services (OPCS) Vice Presidency, External Affairs (EXT) Vice Presidency, Legal (LEG) Vice Presidency, Corporate Secretary Vice Presidency (SEC), General Services Department (GSD), Information Management and Technology (IMT) and one region. In FY 2012, the regional representation was held by the Africa (AFR) Regional Vice Presidency until December 2011, followed by the East Asia and Pacific (EAP) Regional Vice Presidency.

### Members

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Paul Bermingham  
Director  
Operational Risk Management  
OPCS

AI Committee Chair, since July 2010.



Hassane Cisse  
Deputy General Counsel  
Knowledge and Research  
LEG

Principal member, since July 2010.



Shantayanan Devarajan  
Chief Economist  
Office of the Chief Economist  
AFR

Principal member, July 2010-November 2011.



Sumir Lal  
Manager  
Operational Communications  
EXT

Principal member, beginning July 2011.  
Alternate member, July 2010 – June 2011.

## Members

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Elisa Liberatori-Prati  
Chief Archivist  
Knowledge and  
Information Services  
IMT

Principal member, since July 2010.



Elisabetta Marmolo  
Manager  
Corporate Affairs and  
Administration  
SEC

Principal member, beginning May 2012.  
Alternate member, July 2010-April 2012.



Axel Peuker  
Director  
Policy and Operations  
SEC

Principal member, July 2010-April 2012.



Carl Wessmann  
Senior Manager  
Support Services  
GSD

Principal member, December 2010-June 2012.



Ulrich Zachau  
Director  
Strategy and Operations  
EAP

Principal member, December 2011-June 2012.



Therese Ballard  
Senior Manager  
Corporate Procurement  
GSD

Alternate member, July 2010-April 2012.

## Members

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Vivek Chaudhry  
Division Manager  
Strategy and Finance  
GSD

Alternate member, since May 2012.



Barbara Geiser  
Senior Operations Officer  
Policy and Operations  
SEC

Alternate member, since May 2012.



Hans Jurgen Gruss  
Deputy General Counsel  
Operations  
LEG

Alternate member, July 2010-October 2011.



Maria Ionata  
Country Program Coordinator  
South East Asia Headquarters  
EAP

Alternate member, December 2011-June 2012.



Barbara Lee  
Manager  
Office of the Vice President  
OPCS

Alternate member, since February 2011.



Edward Olowo-Okere  
Director  
Core Operations Services  
AFR

Alternate member, July 2010-November 2011.

## Members

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Edward Strudwicke  
Information Officer  
Knowledge and  
Information Services  
IMT

Alternate member, since July 2010.



Anthony Toft  
Deputy General Counsel  
Operations  
LEG

Alternate member, since November 2011.



Jill Wilkins  
Manager  
Global Engagement  
EXT

Alternate member, since December 2011.

## Appendix H. Access to Information Appeals Board

As part of the AI Policy, the World Bank established a three-member, impartial Access to Information Appeals Board (AI Appeals Board). The AI Appeals Board serves as the body that considers second level appeals, which allege the World Bank has unreasonably or improperly denied access to information that it would normally disclose under the AI Policy. The AI Appeals Board consists of three outside experts selected by the World Bank President and endorsed by the World Bank's Executive Directors. The AI Appeals Board members began their two-year appointments on July 1, 2010, and concluded their appointments on June 30, 2012.

### Members

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Wajahat Habibullah

Member, July 1, 2010 – June 30, 2012.



Daniel J. Metcalfe

Member, July 1, 2010 – June 30, 2012.



Olivier Schrameck

Member, July 1, 2010 – June 30, 2012.

## Appendix I. Information Policy, Operations Policy Practice Group, Legal Vice Presidency

With the effectiveness of the AI Policy, the Information Policy unit was created in LEG to serve as the anchor for the AI Policy. The Information Policy group, which resides within the Operational Policy Practice Group, LEG, also advises staff on all AI Policy related matters, and is responsible for monitoring and reporting on World Bank-wide implementation of the AI Policy. It also serves as the secretariat to the AI Committee and the AI Appeals Board.

### Staff

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Lisa Lui  
Lead Counsel



Patricia Miranda  
Senior Counsel



Davinia Levy Molner  
Legal Intern



Karen Jones  
Senior Program Assistant









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