

**AIC decision on appeal #6**

**CASE NUMBER AI0336**

**DOCUMENTS RELATED TO THE EDUCATION AND TRAINING SECTOR IMPROVEMENT PROGRAM IN NAMIBIA**

**(Decision dated March 25, 2011)**

1. On August 16, 2010, the Bank received the following request for information from the applicant (the “Request”):

I am looking for documents related to the Education and Training Improvement Programme (ETSIP) in Namibia, esp. any project evaluation reports.

2. The Bank denied access to the Request on August 18, 2010, because the “information you are requesting is on the list of exceptions as stipulated in Part II, Section A of The World Bank Policy on Access to Information and is therefore not eligible for public access” (the “Bank’s Denial”).

3. On August 23, 2010, the applicant sent an email to the Bank that states, in the relevant part, the following (emphasis added, the “applicant’s Clarification”):

I worked on a number of ETSIP-funded projects in 2006-2007, and I know that the Ministry of Education had quarterly reviews with the World Bank. I don't recall that any of the reviews revealed personal information, security details, attorney-client privilege, etc.

I did, however notice during a return trip to Namibia in 2010 that a number of the *original goals specified in the ICTs in Education component of ETSIP* had not been met, and *I was hoping to see any updated World Bank documents that reflected this current status.*

4. On September 9, 2010, the applicant filed an Application challenging the Bank’s Denial on the ground that there was a “violation of Policy” (the “Application”). The Application states:

I have read through The World Bank Policy on Access to Information (#54873) and I'm not seeing which category my request for reports on the Education and Training Sector Improvement Programme (ETSIP) in Namibia would be denied under. I worked on a number of ETSIP-funded projects in 2006-2007, and I know that the Ministry of Education had quarterly reviews with the World Bank. I don't recall that any of the reviews revealed personal information, security details, attorney-client privilege, etc.

***Findings and Decision of the Access to Information Committee***

5. In reviewing the Application in accordance with the Policy, the AIC considered:

- (a) the Request;
- (b) the applicant’s Clarification indicating that the Request was for “updated World Bank documents that reflected this current status” of “the original goals specified in the ICTs in Education component of ETSIP”;
- (c) the “violation of Policy” allegation as set out in the Application; and
- (d) the documents found in the Bank’s possession in response to the Request (the “Documents”).

***“Violation of Policy”***

6. 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).

7. The AIC found that the operation in question consists of a series of two Developmental Policy Loans (“DPLs”), ETSIP and ETSIP-DPL 2, the second of which was approved by the Board in October 2008. In view of the applicant’s Clarification and the identified Documents, the AIC (a) did not find the existence of “updated World Bank documents that reflected this current status” of “the original goals specified in the ICTs in Education component of ETSIP”, and (b) found the Documents to be deliberative in nature and, therefore, covered by the “Deliberative Information” exception under the Policy (*see* paragraph 16 of the Policy). Because the Documents are deliberative, the Documents are restricted from public access, and would not normally be disclosed, under the Policy. Based on these findings, the AIC concluded that the Bank properly and reasonably denied access to the requested information and, therefore, did not violate the Policy.

8. Notwithstanding the AIC’s determination that the Documents are covered by the “Deliberative Information” exception under the Policy and, thus, there was no violation of the Policy, the AIC decided to exercise the Bank’s prerogative to disclose the following documents in response to the Request, pursuant to its authority provided by paragraph 18 of the Policy:

- (a) two Implementation Status and Results Report (ISRs) dated 2008 and 2009;  
[Documents attached in original decision sent to the requester.]
- (b) a public speech made by the Country Director in Namibia;  
[Document attached in original decision sent to the requester.]
- (c) the “Notification to Borrower on Signing”, ETSIP, Loan No. 7447-0 NA; and  
[Document attached in original decision sent to the requester.]

(d) the “Loan Agreement Effectiveness”, ETSIP, Loan No. 7447-0 NA.  
[Document attached in original decision sent to the requester.]

9. Additionally, other documents related to ETSIP and ETSIP-DPL 2 are publicly available:

(a) Documents related to ETSIP and ETSIP-DPL 2 are available through “[Document and Reports](#)”. Specific documents regarding ETSIP I and ETSIP-DPL 2 can be found at <http://go.worldbank.org/Y9LUGB3TM0>.

(b) Other public information regarding ETSIP and ETSIP-DPL 2 can be found at <http://web.worldbank.org/external/projects/main?Projectid=P086875&theSitePK=40941&piPK=64290415&pagePK=64283627&menuPK=64282134&Type=Overview>

<http://web.worldbank.org/external/projects/main?Projectid=P109333&theSitePK=40941&piPK=73230&pagePK=64283627&menuPK=228424>.

(c) “Education and Training Sector Improvement Program (ETSIP), Planning for a Learning Nation, Programme Document: Phase I (2006-2011), February 2007, Republic of Namibia” is publicly available at <http://planipolis.iiep.unesco.org/upload/Namibia/Namibia%20ETSIP%202007.pdf>.

10. The AIC also notes that, in accordance with the project cycle, relevant documents will be produced for ETSIP-DPL 2 and made publicly available. Such documents to be produced for ETSIP-DPL 2 include a combined Implementation Completion Report (“ICR”) for both ETSIP and ETSIP-DPL 2 after the closing of ETSIP-DPL 2.

11. For the reasons mentioned above, in response to the appeal asserting a violation of the Policy, the AIC decided to (a) uphold the Bank’s decision to deny public access to the requested information, and (b) exercise the Bank’s prerogative to disclose certain restricted documents in response to the Request as provided above.

12. Under the Policy, if the AIC upholds the initial decision to deny access to information in appeals alleging “violation of 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 Policy). If you wish to file an appeal to the AI Appeals Board, click here.

[URL provided in original decision sent to the requester.]