

## **AIC Decision on appeal #93**

### **CASE NUMBER AI8318 OPERATIONS MANUALS FOR 360 PROJECTS**

**(Decision dated January 19, 2023)**

#### **Summary of Decision**

- Under the Access to Information Policy (“AI Policy”), the World Bank (“Bank”) has the right to refuse unreasonable requests, including requests that, at the Bank’s discretion, are excessively burdensome. As the AIC decided in *Case No. AI6723, Full Name of Task Team Leaders*, dated July 29, 2020, and *Case No. AI6799, Historical Monthly Loan Disbursements*, dated July 10, 2020, when the Bank exercises its right to refuse a request pursuant to the AI Policy, the Bank does so without even considering whether the information in question is public or restricted under the AI Policy. The refusal is to the request, not to the information being requested. In this case, the AIC found that there is no such denial of access to information that makes an appeal eligible for consideration but a refusal of the request. For this reason, the Access to Information Committee (“AIC”) dismissed the appeal for appealing a matter that the AIC does not have authority to consider.

#### **The Decision**

##### ***Facts***

1. On November 25, 2022, the Bank received a request which, in relevant part, sought access to the following information:

(...) the operations manuals for the projects in the attached Excel document. (...)  
To clarify, I am only requesting the operations manuals for the 360 projects (...)  
 (“Request”).

2. On December 2, 2022, the Bank refused the Request. In its response, the Bank informed the requester that the Bank was refusing the Request because the Bank found that requesting access to the operations manuals for 360 projects is excessively burdensome and, thus, unreasonable pursuant to the Bank Directive/Procedure: Access to Information Directive/Procedure, at Section III.C.3. The Bank further clarified that unreasonable requests also include those that are, at the Bank’s discretion, excessively burdensome (*see* the Bank Directive/Procedure: Access to Information Directive/Procedure, footnote 23, and Annex 4, at paragraph 4 (a)).

3. On January 5, 2022, the Bank received an application (“Application”) appealing the Bank’s decision to refuse the Request. The Application challenges the Bank’s decision on a violation of policy ground.

### ***Findings and Related Decision***

4. In reviewing the Application under the AI Policy, the AIC considered:

- (a) the Request;
- (b) the Bank’s response refusing the Request;
- (c) the Application; and
- (d) the distinction between the Bank’s right to refuse a request and a Bank denial of access to information under the AI Policy.

### ***Right to Refuse***

5. The AI Policy provides that a requester who is *denied access to information* by the Bank may file an appeal (*see* Bank Policy: Access to Information, at Section III.B.8(a), emphasis added). The AI Policy also provides that the Bank reserves the right to refuse unreasonable or unsupported requests, including multiple requests, blanket requests, and 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* Bank Directive/Procedure: Access to Information Directive/Procedure, at Section III.C.3). Additionally, the AI Policy provides that unreasonable requests include those that are excessively burdensome (*see* Bank Directive/Procedure: Access to Information Directive/Procedure, at footnote 23, and Annex 4, at para. 4(a)).

6. As the AIC decided in *Case No. AI6723, Full Name of Task Team Leaders*, dated July 29, 2020, and *Case No. AI6799, Historical Monthly Loan Disbursements*, dated July 10, 2020, the Bank’s exercise of its right to refuse a request fails to constitute a denial of access to information under the AI Policy. Furthermore, in *Case No. AI6799, Historical Monthly Loan Disbursements*, dated July 10, 2020, the AIC decided that:

Using the ordinary meaning of the words, the AIC found that the Bank’s right to refuse a request under the AI Policy means the Bank has the right to be unwilling to consider a request. In other words, the Bank has the right to decline, reject, not accept or entertain a request submitted for the Bank’s consideration. A refusal of a request occurs before any consideration of the information being requested, i.e., without any consideration on whether the Bank should give or not access to certain information. In this manner, when the Bank exercises its right to refuse a request pursuant to the AI Policy the Bank does so without even considering whether the information in question is public or restricted under the AI Policy. The refusal is to the request, not to the information being requested.

(*see* Case No. AI6799, Historical Monthly Loan Disbursements, dated July 10, 2020, at para. 12)

7. The same applies in this case. The Bank's exercise of its right to refuse a request on December 2, 2022, fails to constitute a denial of access to information under the AI Policy that opens eligibility to file an appeal. For this reason, and pursuant to the AI Policy, the appeal is dismissed for appealing a matter that the AIC does not have authority to consider (*see* Bank Directive/Procedure: Access to Information Directive/Procedure, at Section III.D.1.a.(iii)).