

AIC Decision on appeal #85

CASE NUMBER AI7218 CLIMATE CHANGE PRIOR ACTION DASHBOARD (CPAD) (Decision dated July 26, 2021)

Summary of Decision

- The Access to Information Committee (“AIC”) found that the Request for consideration under appeal is for:
 - (a) accessing a Bank owned IT platform, i.e., the Climate Prior Action Dashboard - CPAD; and
 - (b) certain information that is properly and reasonably restricted by the *Deliberative Information* exception, i.e., Climate Prior Action Dashboard’s content.
- **Violation of policy.** Pursuant to the AIC’s mandate under appeals, the AIC solely considered the portion of the Request regarding *information* in the Bank’s possession for which the Bank denied public access (i.e., subpara. (b) above). The AIC concluded that the Bank properly and reasonably restricted that part of the Requested Information from public access. For this reason, the AIC decided that there is no violation of policy. Based on the above, the AIC upholds the Bank’s initial decision to deny public access to that part of the Requested Information.
- The portion of the Request referred to in subpara. (a) above is dismissed for appealing a matter that the AIC does not have authority to consider (*see* Bank Directive/Procedure on Access to Information Policy (“[AI Directive/Procedure](#)”), at Section III.D.1.a.(iii)).

The Decision

Facts

1. On October 9, 2020, the World Bank (“Bank”) received a public access request (“Request”) seeking access to the “Climate (change) prior action database,” which the Bank has compiled to track all development policy financing (“DPF”) that includes prior actions with climate change impacts. (...)” (“Requested Information”).
2. On October 14, 2020, the Bank consulted the responsible business unit to identify and locate the Requested Information. The business unit completed its due diligence and offered its views on November 20, 2020.
3. On November 20, 2020, the Bank denied access to the Requested Information based on the *Deliberative Information* exception under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01, as amended (“[AI Policy](#)”).

4. On the same date, i.e., November 20, 2020, the AIC, through its secretariat (“AIC Secretariat”), received an application (“Application”) appealing the Bank’s decision to deny access to the Requested information. The Application challenges the Bank’s decision on “violation of policy” grounds.

5. On November 23, 2020, the AIC Secretariat consulted the responsible business unit to seek its views on the possible disclosure of the Requested Information in light of the appeal.

6. On December 3, 2020, the responsible business unit provided a discussion document (“Briefing Note”) restricted from public access by the *Deliberative Information* exception under the AI Policy and noted that the Request could also be understood as referring to the Climate Prior Action Dashboard (“CPAD”), “which is a webpage that links to our Operations Portal, and would therefore not work for an external audience”. On March 3, 2021, the business unit clarified that the Briefing Note does not reflect or summarize the CPAD’s content and does not include prior action¹-level Climate Co-Benefits² (“CCB”), thus, it’s not responsive to the Request.

7. In light of the business unit’s questioning of the Request’s intent, on December 4, 2020, the AIC Secretariat asked the requester to clarify whether s/he was seeking access to the CPAD or to a document that could be produced from the CPAD, and/or to a different document/information.

8. By December 7, 2020, the requester clarified, in relevant part (verbatim):

Our interest is in the contents of the Climate Prior Action Dashboard. I don’t know whether that requires access to the actual dashboard, or whether the contents could be shared in another format, **but it would seem that just sharing (or making access available to) the dashboard would be the easiest & best solution.** (...) (Emphasis added).

9. On December 8, 2020, and pursuant to the requester’s clarifications on the Request, the AIC Secretariat consulted the responsible business unit again to seek its views on the Requested Information as further clarified by the requester.

10. On January 15, 2021, the business unit offered its views on the possible disclosure of the Requested Information as clarified by the requester. The business unit explained that the CPAD is a Bank internal tool/website that links to other Bank internal operations system and, as such, cannot be fully functional for an external audience. For this reason, the business unit identified the CPAD as restricted by the *Corporate Administrative Matters* exception under the AI Policy.

11. On January 27, 2021, the AIC held its regular meeting. The AIC discussed the business unit’s views in light of the appeal, and the rationale behind restricting access to the CPAD.

¹ Prior Action refers to World Bank Group policy and institutional actions that are deemed critical to achieving the objectives of the program supported by a development policy operation (DPO) and that a country agrees to take before the Board approves a loan (credit or grant). Prior actions are the legal terms, as defined in the loan agreement, that have to be met for each operation before disbursement.

² Climate Co-Benefits refer to the share of World Bank Group lending commitment that contributes to climate change mitigation and/or adaptation. The calculation for climate co-benefits is based on [the Joint Multilateral Development Bank \(MDB\) methodologies for tracking climate finance in climate change adaptation and mitigation.](#)

Following such discussion, the AIC decided to request the business unit to provide further clarifications to the AIC.

12. On February 24, 2021, representatives of the business unit attended the AIC regular meeting to explain the rationale behind the selected exceptions restricting the Requested Information and the harm of disclosure if the information would be made publicly available. The AIC concluded the meeting by acknowledging the need for additional time and input from the business unit. For this reason, the AIC scheduled an extraordinary meeting on March 3, 2021.

13. On February 26, 2021, the requester clarified s/he was asking to have access to an online “database of prior actions for all DPF operations since fiscal year 2005”³ (“Database”); the requester explained s/he could not open the Database because the hotlink available on the World Bank website was not working. The AIC Secretariat confirmed that said Database is public and provided it to the requester. Nevertheless, the requester further clarified s/he asked the Bank to confirm whether there are differences between the Database “and what the Bank is calling “climate change prior actions,” since the classification criteria are not clear to us.” The requester also explained, in relevant part (verbatim):

While we welcome the availability of the entire DPF prior actions database (...)[,] my specific request was for a “climate prior actions” database, if such a database exists, **since we are trying to understand what DPF (or what percentage of specific development policy operations) gets counted as climate finance. So[,] beyond the numbers, we are seeking to understand the Bank’s classification of DPF as contributing to climate finance, or not.** (Emphasis added).

14. On March 2, 2021, the business unit informed the AIC Secretariat that the Database draws on the same data as the CPAD, with two main differences:

- (a) Content: The CPAD includes DPF project-level and prior action-level CCB data, neither of which are included in the publicly disclosed Database; and,
- (b) Time frame: The current dataset of the CPAD summarizes DPF operations from FY18 to FY21, that supported climate-related policy and institutional reforms, while the Database covers DPF operations from 2005 to 2020.

³ Available at <https://www.worldbank.org/en/projects-operations/products-and-services#DPF>. See section “Financing” then “Development Operations: Prior Actions”, hotlink added to the word “database” as quoted below for easy reference:

Development Policy Operations: Prior Actions

Prior Actions are policy and institutional actions deemed critical to achieving the objectives of a program supported by a DPF operation. These present the legal terms defined in the loan agreement that have to be met for each operation before disbursement. A [database](#) of prior actions for all DPF operations since fiscal year 2005 is updated annually at the end of each fiscal year by the Operations Policy and Country Services Vice Presidency.

15. On March 3, 2021, representatives from the business unit and the Operations Policy and Country Services Vice-Presidency (OPCS) attended an AIC extraordinary meeting aimed at continuing the discussions on the appeal under Case No. AI7218. The business units informed the AIC that:

(a) the CPAD is an internal database intended to be used as an informational tool for task teams preparing DPFs;

(b) the CPAD includes DPF project-level and prior action-level CCB data, and neither the Bank nor other Multilateral Development Bank (“MDB”) discloses prior-action level CCB data. However, the Bank publishes project-level CCB numbers (e.g., in project appraisal documents, and the project-level CCB Report), and DPFs’ aggregate CCB numbers (e.g., in the WBG Annual Report and [Joint Report on MDBs Climate Finance](#)⁴);

(c) some of the CCB assessments/data reported in the CPAD are under validation and subject to change; therefore, the CPAD’s content is restricted by the *Deliberative Information* exception;

(d) the CPAD’s content can be extracted in an excel spreadsheet.

16. Following the above-referenced discussion with the business units, the AIC decided a more in-depth review was necessary to continue its deliberations and consider the propriety and reasonableness of the AI Policy exceptions restricting access to the Requested Information. Based on the above, the AIC requested the business unit to (a) extract the excel version of the CPAD, including only the operations that the Board has approved and have a final number (i.e., exclude DPF operations that have CCB data under validation) (“the Excel Table”); and (b) clarify whether the Excel Table is restricted from public access and if so determine which AI Policy exception(s) applies and elaborate on the harm of disclosing the Excel Table.

17. On May 6, 2021, the business unit provided a copy of the Excel Table, clarified it is restricted by the *Deliberative Information* exception under the AI Policy, explained its views on the possible harm in disclosing the Excel Table, and advised against disclosing the Requested Information. The business unit also explained the CPAD’s content continues to inform the Bank’s (a) discussions on how to review CCB processes, including the disclosure of CCB assessments for all new Bank/IDA operations, and (b) ongoing policy dialogue on climate change, and, as such, serves for the Bank’s deliberations internally and with other MDBs.

18. On May 26, 2021, and June 3, 2021, the AIC held regular and extraordinary meetings, respectively, and discussed the Application under this appeal.

Findings and Related Decisions

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

⁴ See also [2019 Joint Report on MDBs Climate Finance](#).

- (a) the Request;
- (b) the Bank’s initial denial of access;
- (c) the Application;
- (d) input from the relevant business units;
- (e) the nature of the CPAD, the CPAD’s content as well as the objective and use of the CPAD by the Bank;
- (f) any precedent decision(s) by the AIC regarding information similar in nature;
- (g) whether the *Corporate Administrative Matters* and the *Deliberative Information* exceptions and/or any other exception(s) under the AI Policy justify the Bank’s initial denial of access to the Requested Information;
- (h) the specific interests that could be harmed if the Requested Information is disclosed; and,
- (i) the scope of the AI Policy and the AIC’s mandate under appeals.

Preliminary Matters

Scope of the Request

20. Based on the requester’s clarifications on the scope of the Request, the AIC found that, in this case, the Request is for “the contents of the Climate Prior Action Dashboard”, as well as for accessing the CPAD database itself as the requester explicitly stated that “it would seem that just sharing (or making access available to) the dashboard would be the easiest & best solution” (see para. 8 above). For this reason, the AIC considered the appeal to be challenging the Bank’s denial of access to both (a) the content of the CPAD, and (b) the CPAD as a database. In light of the above, the AIC first considered the portion of the Request seeking access to the CPAD as a database.

Purpose and Application of the AI Policy

21. As decided under *Case No. AI7128-A, Systematic Tracking of Exchanges in Procurement (STEP)*, dated April 28, 2021 (“[Case No. AI7128 \(STEP\)](#)”):

The purpose and application of the AI Policy is limited to governing “public accessibility of *information* in the Bank’s possession” (see AI Policy, at Section I.1). The AI Policy does not govern requests to access Bank IT systems and/or tools. Access to Bank IT systems and/or tools is governed by other internal Bank policies. (see Case No. AI7128 (STEP), at paras. 17-20)

22. Accordingly, under Case No. AI7128 (STEP), the AIC found that a request seeking access to a “database” is a request to access a Bank IT application. For this reason, a portion of a request seeking access to a database falls outside the scope of the AI Policy.

23. A similar situation occurs under this appeal. In this case, the requester clarified his/her interest in accessing “the Climate (change) prior action database” (see para. 8 above). Like the STEP database, the CPAD is an internal custom-developed information technology (IT) application based on a web-faced system (or interface) that consolidates DPF operations that support climate-related policy and institutional reforms on climate change mitigation and/or adaptation.

24. Based on the above, the AIC found that the portion of the Request seeking access to “the Climate (change) prior action database” is a request to access a Bank IT application. For this reason, this portion of the Request falls outside the scope of the AI Policy and is hereby dismissed by appealing a matter that the AIC does not have authority to consider (see AI Directive/Procedure, at Section III.D.1.a.(iii)).

“Violation of the AI Policy”

25. 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 Section III.B.1). The AI Policy states that the Bank “does not provide access to documents that contain or refer to information listed in subparagraphs (a) through (j)” of Section III.B.2 of the AI Policy, which sets out the AI Policy’s list of exceptions (see AI Policy, at Section III.B.2). Section III.B.2.(i) of the AI Policy, under the *Deliberative Information* exception, recognizes that, to facilitate and safeguard the free and candid exchange of ideas for the purpose of preserving the integrity of the deliberative processes, while the Bank makes publicly available the decisions, results, and agreements that result from its deliberative process, the Bank does not provide access to information prepared for, or exchanged during the course of, its own internal deliberations (see AI Policy, at Section III.B.2.(i).ii). The importance of safeguarding the deliberative process has also been codified in the AI Policy as one of its guiding principles (see AI Policy, at Section III.A.1).

26. Additionally, under the AI Policy Directive/Procedure, the Bank considers disclosure of documents in their original form (see AI Policy Directive/Procedure, at Section III.C.2).⁵ The Bank has no obligation or duty “to either consider redaction or modification of a document that includes” restricted information or to “redact or in any way modify a document that includes such restricted information” (see *id.*). Furthermore, the Bank does not have 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 AI Policy Directive/Procedure, at Section III.C.3). However, the “Bank may, *in its sole discretion*, choose to redact or modify a document that includes restricted information, as the Bank may deem appropriate, to make the document eligible for disclosure in accordance with the AI Policy.” (Emphasis added). (See *id.*).

⁵ See also related Policy interpretation issued by the AIC on July 14, 2010, and June 25, 2014.

27. A requester who is denied public 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 Section III.B.8.(a).i).

28. In this case, the AIC found that:

(a) the Bank calculates CCB for its lending operations using the [Joint Multilateral Development Bank \(MDB\) methodologies for tracking climate finance in climate change adaptation and mitigation](#)⁶ (“MDB Methodology”);

(b) the content of the CPAD reflects a summary of DPF operations prior-action and project-level CCB numbers, including CCB numbers subject to validation/revision which are, therefore, not final; several business units carry out ongoing consultations/discussions on what percentage of a DPF’s total commitments counts as CCB based on the description of their respective prior actions contained in the CPAD;

(c) CCB numbers cannot be interpreted in isolation, i.e., in the absence of additional information. As such, the content of the CPAD feeds into an ongoing deliberative process essential for the Bank to assess, among others, the CCB calculations that will be included and published as final and, thus, validated data, among others, in the [Joint Report on MDBs Climate Finance](#);

(d) the implementation of the MDB Methodology unavoidably requires Bank staff to exercise their judgment/knowledge when calculating CCB. For example, to assess adaptation CCB, the MDB Methodology stipulates “a context- and location-specific approach to capture financing directly linked to addressing climate change vulnerability in projects”.⁷ Under this approach, adaptation CCB “can be assigned to projects/programs only if their documents (i) provide the project’s Climate Change Vulnerability Context, (ii) articulate an Intent to Address Vulnerability, and (iii) establish a Link to Project Activities”.⁸ Consequently, an external audience cannot understand the CCB data included in the CPAD in isolation, as the factors and considerations that guided the Bank’s task teams to reach a certain number are not described or included in the CPAD;

(e) the CPAD only lists prior-action and project-level CCB data but does not explain why and how a CCB percentage was attributed to a particular prior action, neither how Bank staff applied their judgment to calculate CCB;

(f) In light of the above, disclosing the CPAD as is, or even the content of the CPAD in its entirety or in part in an excel table format or otherwise:

⁶ Annexes B to D.

⁷ *See* [Reference Guide on Adaptation CCB](#), p.7.

⁸ *Id.*

(i) provides an incomplete picture of CCB assessments as the CPAD lacks the reasons and process supporting CCBs calculations, which may lead to inaccurate interpretations of the CCB. Besides the MDB Methodology, the Bank does not have a detailed sectoral guidance and/or policy explaining step by step how the CCBs are calculated;

(ii) fails to respond to the Request, as clarified by the requester, because the CPAD in itself does not include information to “understand what DPF (or what percentage of specific development policy operations) gets counted as climate finance [and] (...) the Bank’s classification of DPF as contributing to climate finance or not”. (See para. 13 above).

29. Furthermore, the AIC found that the CPAD’s content serves the Bank’s determination of the projects’ contribution to climate change adaptation and mitigation and provides support to task teams on ongoing negotiations/discussions on how to calculate CCB. Bank management continues to consult and refer to the CPAD to inform the Bank’s views and considerations for policy dialogue on climate change, and in specific, on how the Bank reviews the CCB processes, including the public disclosure of CCB assessments for IBRD/IDA operations. As such, the CPAD serves as a tool for the Bank’s own internal deliberations and its discussions with other MDBs.

30. Finally, and for the avoidance of doubt, the AIC requested the business unit to produce the Excel Table solely reflecting the DPF operations that have a final CCB calculation/data to assist in its due diligence on the appeal and obtain the information necessary for its deliberations. Considering the Excel Table was created with the exclusive purpose of serving the AIC’s internal deliberations on the appeal, the Excel Table is also deliberative in nature and, thus, restricted by the *Deliberative Information* exception under the AI Policy. Nevertheless, the AIC did consider whether the Bank should disclose the Excel Table. However, for the reasons elaborated above, the AIC decided that the content in the Excel Table is no different from the content in the CPAD and it remains properly and reasonably restricted by the *Deliberative Information* exception under the AI Policy.

31. Based on the above, the AIC concluded that the Bank properly and reasonably restricted public access to the content of the CPAD based on the *Deliberative Information* exception under the AI Policy and, therefore, did not violate the AI Policy. For this reason, the AIC upholds the Bank’s initial decision to deny public access to the content of the CPAD.

32. Under the AI Policy, if the AIC upholds the Bank’s initial decision to deny public 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 AI Policy, at Section III.B.8.(b).ii). The link to appeal this portion of the decision is sent separately to the requester.