

AIC decision on appeal # 18

**CASE NUMBER AI1627
COST RECOVERY REPORT REGARDING SANITATION IN INDIA**

(Decision dated May 30, 2012)

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to deny access to a report titled, “Cost Recovery and Tariff Practices for Urban Water Supply and Sanitation in India (unpublished)” (“Report”).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access request for a report titled “Cost Recovery and Tariff Practices for Urban Water Supply and Sanitation in India (unpublished)” (“Report”) on the basis that the Report is covered by the "Deliberative Information" exception under the Bank’s Access to Information Policy (“AI Policy”).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 Such data is difficult to come by, and we believe access to the underlying data collected for the World Bank’s unpublished WSP study cited as "WSP. Cost Recovery and Tariff Practices for Urban Water Supply and Sanitation in India (unpublished)" would be of immense value to our research.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 Decision 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.

6. Please find the link below to access the Report on-line through the Bank’s *Documents and Reports* public database:

<http://imagebank.worldbank.org/servlet/main?menuPK=64106954&pagePK=64140839&piPK=64140842&query=69974&theSitePK=501889>