

AIC decision on appeal #3

CASE NUMBER AI0294

ATTACHMENTS TO THE ACCESS TO INFORMATION STAFF HANDBOOK

(Decision dated October 27, 2010)

1. On September 28, 2010, the Secretariat to the Access to Information Committee (the “Secretariat”) received the attached application (the “Application”) appealing the Bank’s decision to deny access to the Attachments to the Access to Information Handbook (“Attachments”). The Bank had denied access to the Attachments based on the “Corporate Administrative Matters” exception under the Bank’s Access to Information Policy (the “Policy”).

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

“Solicité los adjuntos del Manual para empleados que el Banco ha creado para capacitar al personal en torno a la nueva política de divulgación de información. La información me fue negada siendo que ésta ya había sido consultada por otras personas de sociedad civil que se les permitió revisar los anexos en las oficinas del Banco.

En ninguna Ley de Acceso a la Información se puede considerar la información o documentos como a veces privada y a veces pública. Si esta información ya fue abierta, significa que no hay razones de peso para negarme el acceso.

Leer el manual sin anexos no permite dar una idea concreta de lo que el Banco en la práctica hará para asegurar el cumplimiento de su OP.”

Findings and Decision of the Access to Information Committee

3. The Access to Information Committee (the “AIC”) considered the Application based on the “public interest” ground for appeal.

“Public Interest”

4. 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 the 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). In reviewing the Application in accordance with the Policy, the AIC recognizes that the Bank has previously decided that:

(a) the Attachments do not qualify for public access under the Policy because the information falls within the “Corporate Administrative Matters” exception;

(b) in view of the early stages of the Policy’s implementation, the Attachments reflect internal work processes that continue to evolve and to be revised. Under the circumstances, the Attachments should not be disclosed at this time;

(c) however, it is willing to consider making the Attachments publicly available in the future through the exercise of the Bank’s prerogative to disclose restricted information; and

(d) any version of the Attachments that may be authorized by the AIC for public access in the future would not include information deemed by the World Bank to potentially compromise the security or safety of the World Bank, its electronic systems, or others.

5. Based on the above findings and the Bank’s willingness to make the Attachments publicly available in the future, the AIC did not find compelling public interest reasons to override the “Corporate Administrative Matters” exception of the Policy (on which the Bank initially denied access to the Attachments). For this reason, in response to the public interest appeal, the AIC decided to uphold the Bank’s decision to deny public access to the Attachments.

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

NOTE 1: This appeal was filed in Spanish; the decision of the AI Committee was translated into, and conveyed to the requester in, Spanish.

NOTE 2: Following the World Bank’s refinement of the Attachments to reflect more developed internal work flow processes, the AI Committee authorized the release of the Attachments A and C in April 2011.