

AIC Decision on appeal #96

CASE NUMBER AI8644

CLIMATE CHANGE ADAPTATION AND MITIGATION CO-BENEFITS BY SECTOR FOR ALL IBRD/IDA PROJECTS (INVESTMENT, DPF & PforR) FROM 2002 TO THE PRESENT

(Decision dated September 13, 2023)

Summary of Decision

- As the AIC decided in *Case No. AI6799, Historical Monthly Loan Disbursements*, dated July 10, 2020, under its Access to Information Policy (“AI Policy”), the World Bank (“Bank”) has the right to refuse a request. 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 and differs from a denial of access to the information being requested. Only denial of access to the information is eligible for appeal. In this case, the AIC found that there is no such denial of access to information 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 June 23, 2023, the Bank received a public access request for “(...) the climate change adaptation and mitigation co-benefits by SECTOR for all IBRD/IDA projects (investment, DPF & PforR) from 2002 to the present”, in relevant part (“Request”).
2. On August 11, 2023, the Bank refused the Request. The Bank noted the Request requires the Bank to collate the requested data and, thus, pursuant to the [Bank Directive/Procedure on Access to Information](#), at Section III.C.3, “Unreasonable or Unsupported Requests”, the Bank was refusing the request because it is unreasonable. Nevertheless, the Bank referred to certain information on climate adaptation and mitigation co-benefits that is already publicly available. More specifically, the Bank referred to publicly disclosed project level financing information for climate change adaptation and mitigation for [FY18](#), [FY19](#), [FY20](#), and [FY21](#), and to aggregate climate finance numbers [Corporate Scorecard](#), [MDB Report](#), [WB Climate Related Financial Disclosures Report](#), IDA20 Reporting, and Capital Package Reporting. The Bank also noted that the [joint MDBs methodology for tracking climate finance](#) (based on which the Bank calculates climate co-benefits) was only launched in 2011. Prior to the existence of the methodology, the

Bank did not track or report on climate co-benefits and therefore the Bank does not have any data requested for the period covering 2002 through 2011.

3. On September 4, 2023, the Bank received an application (“Application”) appealing the Bank’s decision to refuse to collate the requested data. The Application challenges the Bank’s decision on a violation of policy ground.

Findings and Related Decision

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

- (a) the Request;
- (b) the Bank’s response refusing to collate the requested data;
- (c) the Application;
- (d) the business unit’s views;
- (e) whether information is already publicly available;
- (f) the distinction between the Bank’s right to refuse a request and a Bank denial of access to information under the AI Policy; and
- (g) the effort required for the Bank to collate the requested data from 2002 to the present.

Right to Appeal v. Right to Refuse a Request

5. Under the [AI Policy](#), a requester who is *denied public access to information* by the Bank may file an appeal (see AI Policy, at Section III.B.8.(a)). The [Bank Directive/Procedure on Access to Information](#), at Section III.C.3, “Unreasonable or Unsupported Requests”, provides that, in relevant part:

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. (...) (emphasis added)

6. Annex 4 to the [Bank Directive/Procedure on Access to Information](#), “Criteria to Determine Unreasonable Requests”, at para. 4(a), provides that requests are unreasonable and, thus, subject to the Bank’s refusal if, at the Bank’s discretion, the request is excessively burdensome or distorts the implementation of the AI Policy by, for example, and not limited to, disrupting Bank operations and/or units in a manner that is disproportionate to the expected benefit from public disclosure.

7. As the AIC decided in [Case No. AI6799, Historical Monthly Loan Disbursements](#), dated July 10, 2020, at its Summary of Decision:

(...) 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 but a refusal of the request.* For this reason, the [AIC] dismissed the appeal for appealing a matter that the AIC does not have authority to consider. (emphasis added)

8. In this case, the AIC found that:

- (a) the Bank refused the request because the information can only be provided if collated;
- (b) collating the data requires substantial effort, time, and resources, including staff across multiple teams to extract, collate, validate, and reconcile the data of approximately 4500 projects approved since 2011; and
- (c) certain information is already publicly available (*see* paragraph 2 above), namely the references to project level financing information for climate change adaptation and mitigation for [FY18](#), [FY19](#), [FY20](#), and [FY21](#), and aggregate climate finance numbers [Corporate Scorecard](#), [MDB Report](#), [WB Climate Related Financial Disclosures Report](#), IDA20 Reporting, and Capital Package Reporting, and the [joint MDBs methodology for tracking climate finance](#).

9. Based on the above, the AIC found that not only the Bank would have to collate the requested data but it would be overly burdensome for the Bank to do so since it would involve multiple resources across varying units to extract, collate, validate and reconcile the data of approximately 4500 projects approved since 2011. There are no justifiable business reasons to engage in such overly burdensome exercise. The Request is unreasonable for requiring the Bank to collate the requested data *and* for being overly burdensome to do so. For these reasons, the Bank has the right to refuse the Request pursuant to the [Bank Directive/Procedure on Access to Information](#), at Section III.C.3, “Unreasonable or Unsupported Requests”, and to Annex 4 to the Bank Directive/Procedure on Access to Information, “Criteria to Determine Unreasonable Requests”, at para. 4(a).

10. The Bank’s exercise of its right to refuse a request is not a denial of access to information eligible for appeal. For this reason, 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)).