

AIC Decision on appeal #40

**CASE NUMBER AI3611
STRATEGIC STAFFING UPDATE PAPERS**

(Decision dated August 19, 2015)

Summary of Decision

- The Access to Information Committee (“AIC”) upholds the decision to deny public access to the information requested under Case Number AI3611. In this case, the requester sought to access the “all the available ‘Strategic Staffing Update Papers’, if possible on annual basis, edited by the Human Resources Department of the World Bank” (“Papers”) or “other publicly available report”. The World Bank (“Bank”) denied the request for the Papers on the basis of *Corporate Administrative Matters* and the *Deliberative Information* exceptions under the AI Policy. In response to the denial, the requester filed an appeal on public interest grounds.
- The AIC considered the public interest assertion in the Application and found no compelling public interest reason to override the *Corporate Administrative Matters* and the *Deliberative Information* exceptions that restrict the Papers.

The Decision

Facts

1. On January 9, 2015, the requester submitted a request (“Request”) stating, in relevant part, the following:

[...] I would like to ask you to send me the following documents:

- All the available "Strategic Staffing Update Papers", if possible on annual basis, edited by the Human Resources Department of the World Bank.

I am collecting data on the total number of staff working at the IBRD and IDA, as well as the permanent and temporary staff, so if you have other publicly available reports, in which this data is available, I would be very thankful [...]

2. On May 22, 2015, the World Bank (“Bank”) informed the requester that the requested Strategic Staffing Update Papers (“Papers”) are restricted by the *Corporate Administrative Matters* and the *Deliberative Information* exceptions under the World Bank’s Access to Information Policy (“AI Policy”). Nevertheless, the Bank further informed the requester that “an overview of staffing trends between 2000 and 2015” had been made publicly available at the World Bank “external [Human Resources website](http://siteresources.worldbank.org/HR/Resources/328634-1383583585868/9388352-1391203095186/WorldBankStaffingTrends2000_2015.pdf) (available at http://siteresources.worldbank.org/HR/Resources/328634-1383583585868/9388352-1391203095186/WorldBankStaffingTrends2000_2015.pdf)”.

3. On June 13, 2015, the secretariat to the Access to Information Committee (“AIC”) received an application (“Application”) challenging the Bank’s decision to deny public access to the Papers on the basis that there is a “public interest” case to override the AI Policy exceptions that restrict the Papers. The Application states, in relevant part, the following:

[...], I had requested access (request AI3611-A) in February 2015 to the WB Strategic Staffing Update Papers 1947-2015. I am collecting data on the total staff by contract type working at the WBG. This is why I had asked access to the following data:

- Total Bank staff by contract type (open-ended or regular, term contract, consultants) for the five World Bank Group organizations, 1947-2015.

Following my demand, at the end of May 2015, the WBG denied me access to this information on the grounds of Part II, Section A of the WB Policy on Access to Information. This section A, however, refers to issues related to:

- a) “Personal information, including personal staff records, medical information, and personal communications (including e-mail) of the following individuals and their families: Executive Directors, their Alternates, and their Senior Advisers; the President of the Bank; other Bank officials; and Bank staff.
- b) Information relating to staff appointment and selection processes.
- c) Information relating to proceedings of the Bank’s internal conflict resolution mechanisms.
- d) Information relating to investigations of allegations of staff misconduct and personal conflicts of interest.”

All these three issues do not apply to the request that I made, as it was related with total bank staff by contract type for the WBG organizations, a kind of non-sensitive data.

I would like to emphasize that all the other International Organizations included in the sample, such as [...], kindly provided this information. Surprisingly, only the WBG is denying access to this general information of public interest.

Since you kindly provided information on World Bank Staffing 2000-2015 but not for the whole period 1947-1999, I would like to know whether this was the case because the data or the documents providing this information has not been digitalized yet. [...]

4. Additionally, on June 15, 2015, the requester submitted a new request seeking access to “World Bank Staffing data for the period 1947 to 1999”, and, specifically, to the “[t]otal Bank staff by contract type (open-ended or regular, term contract, consultants) for the World Bank Group organizations” (“New Request”). The requester also noted that, “[a]t the same time, [the Bank] denied me access to the documents I had asked “Strategic Staffing Update Papers” and suggested that I should send an appeal application. Before doing that, I would like to ask [the Bank] whether it is possible to obtain the World Bank Staffing data for the period 1947 to 1999”.

Findings and Related Decision

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

- (a) the Request;
- (b) the Bank’s denial of access to the Papers;
- (c) the Application and the ground on which the requester appealed the Bank’s denial of the Request;
- (d) the AI Policy’s *Corporate Administrative Matters* and the *Deliberative Information* exceptions that justified the Bank’s decision to deny public access to the Papers;
- (e) the nature of the Papers and the information provided by the relevant business unit; and
- (f) the New Request.

“Public Interest” case

6. Pursuant to the AI Policy, a requester who is denied public access to information by the Bank 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. Public interest appeals are limited to information restricted by the *Corporate Administrative Matters*, *Deliberative*

Information, and/or *Financial Information* (other than banking and billing information) exceptions (see AI Policy, revised July 2013, at paragraph 36 (b))¹.

7. The AI Policy states that the Bank does not provide access to documents that contain or refer to the information listed under “The Exceptions” (see AI Policy, revised July 2013, at paragraphs 7 through 17)². Under the *Corporate Administrative Matters* exception, the Bank does not provide access to information relating to the Bank’s corporate administrative matters, including, but not limited to, corporate expenses, procurement, real estate, and other activities (see AI Policy, revised July 2013, at paragraph 15)³. The AI Policy further provides that, under the *Deliberative Information* exception, the Bank does not provide access to “[i]nformation (including e-mail, notes, letters, memoranda, draft reports or other documents) prepared for, or exchanged during the course of, its own internal deliberations [...]” (see AI Policy, at paragraph 16 (b))⁴.

8. In this case, the AIC found that:

- (a) the Request sought access to “All the available "Strategic Staffing Update Papers"”, or “other publicly available reports, in which this dat[a] is available”;
- (b) the Papers, found in the Bank’s possession in response to the Request, contain information on the Bank’s staffing strategy, including analysis of staffing related matters, which are of a corporate administrative nature;
- (c) the Papers were prepared by Bank management for the Bank’s internal deliberations and discussion with the Board (and Board Committees), and, thus, served the Bank’s internal deliberations.

9. Based on the above, the AIC found that the Papers are restricted by the AI Policy’s *Corporate Administrative Matters* and *Deliberative Information* exceptions, as referred to in the Bank’s denial of access. The AIC also found that, contrary to the requester’s assertion in the Application, the *Personal Information* exception was neither referred to in the Bank’s denial of access, nor does it restrict the Papers. For these reasons, the AIC found that the Application filed on a public interest basis is admissible for consideration by the AIC.

¹ The AI Policy was revised in 2015; see *Bank Policy: Access to Information*, July 1, 2015, Catalogue No. EXC4.01-POL.01, at Section III.B.8 (a) ii).

² See *Bank Policy: Access to Information*, July 1, 2015, Catalogue No. EXC4.01-POL.01, at Section III.B.2, subparagraphs (a) through (j).

³ See *Bank Policy: Access to Information*, July 1, 2015, Catalogue No. EXC4.01-POL.01, at Section III.B.2, subparagraph (h).

⁴ See *Bank Policy: Access to Information*, July 1, 2015, Catalogue No. EXC4.01-POL.01, at Section III.B.2, subparagraph (i) ii).

10. While the Application did not present significant information on its public interest assertion to override the exceptions restricting the Papers, the AIC considered whether the mere public interest assertion in the Application merited overriding the *Corporate Administrative Matters* and *Deliberative Information* exceptions restricting the Papers. The AIC found that:

- (a) the Request sought “All the available “Strategic Staffing Update Papers””, or “other publicly available reports”, without a specific time frame;
- (b) the Papers in the Bank’s possession located in response to the Request cover the period from 2003 to 2014;
- (c) an overview of staffing trends between 2000 and 2015 (*see* paragraph 2 above), a longer period than the period covered by the Papers, has been made publicly available and has been acknowledged by the requester (*see* paragraph 3 above, last paragraph);
- (d) the Application departs from the Request for the Papers and refers to interest for data reflected in the New Request;
- (e) the requester submitted the New Request specifically seeking access to certain staffing data for the period between 1947 and 1999; such request is under separate consideration by the Bank (*see* paragraph 4 above).

11. Accordingly, the AIC found no compelling ground to support the appeal on a public interest basis, which would justify overriding the AI Policy’s *Corporate Administrative Matters* and *Deliberative Information* exceptions that restrict the Papers. For this reason, the AIC decided to uphold the Bank’s decision to deny access to the Papers.

12. Under the AI Policy, for appeals that assert a public interest case to override an AI Policy exception, the decision of the AIC is final (*see* AI Policy, at paragraph 37)⁵.

⁵ See *Bank Policy: Access to Information*, July 1, 2015, Catalogue No. EXC4.01-POL.01, at Section III.B.8 (b) i.