

AIC decision on appeal #29

**CASE NUMBER AI3074  
REVIEW ON GRIEVANCE REDRESS MECHANISMS  
COMMISSIONED BY THE LCR SOCIAL DEVELOPMENT NETWORK**

**(Decision dated March 28, 2014)**

Summary of Decision

- The Access to Information Committee (“AIC”) upholds the World Bank’s decision to deny access to the requested document, a review of grievance redress mechanisms commissioned by the World Bank’s Latin America and Caribbean Region, Social Development Network. The AIC considered the appeal on both violation of policy and public interest grounds.
- **Violation of Policy.** The AIC found the World Bank had properly denied access to the requested document based on the *Deliberative Information* exception under the World Bank’s Access to Information Policy (“Policy”). The AIC based its decision on, *inter alia*, the following: (a) the information in the requested document was prepared for, and used solely to inform, the World Bank’s internal deliberations and decision making process; and (b) the citation of the requested document in a separate report, which has been made public, does not change the nature and status of the requested document as an internal deliberative document covered by the Policy’s *Deliberative Information* exception.
- **Public Interest.** The AIC found no compelling public interest reason to override the *Deliberative Information* exception that restricts the requested document.

The Decision

1. On November 21, 2013, the requester submitted a request seeking to access a review that had been commissioned by the Latin America and Caribbean Region, Social Development Network (“business unit concerned”), on grievance redress mechanisms (“Request”), noting that the requested document is cited in a report titled “Global Review of Grievance Redress Mechanisms in World Bank Projects.” On January 6, 2014, the World Bank (“Bank”) denied the Request on the basis that the requested information is covered by the *Deliberative Information* exception under the Bank’s Access to Information Policy (“Policy”). On February 13, 2014, the secretariat to the Access to Information Committee received an application (“Application”) appealing the Bank’s decision to deny access to the requested information.

2. The Application states, *inter alia*, the following:

“It is not clear why a study would fit the criteria specified in Paragraph 16 of the World Bank Policy on Access to Information. What are the specific criteria for determining which studies are covered by Paragraph 16 and which are not? It appears that the decision to deny this request was not supported by any

of the stipulations mentioned in Paragraph 16, or in any other status of the WB Policy on [Access to Information].

3. On February 24, 2014, the requester clarified that the appeal is filed on both violation of policy and public interest grounds. The requester stated that “the justification I received for denial does not meet the specifications established in paragraph 16 [of the Policy]. Since the requested document is part of a *published* document, it would be “improperly restricted” (paragraph 36 a [of the Policy]), and since it can be requested by readers as follow up material, it would constitute a public interest case (paragraph 36 b [of the Policy]).”

### ***Findings and Related Decisions***

4. The Access to Information Committee (“AIC”) considered whether the Bank’s decision to deny access to the requested information violated the Policy and whether there are public interest reasons for overriding the relevant Policy exception in this case. In reviewing the Application in accordance with the Policy, the AIC considered:

- (a) the Request;
- (b) the Application and the requester’s subsequent communication of February 24, 2014;
- (c) the nature of the requested information and the related information provided by the relevant business unit concerned; and
- (d) the Policy’s *Deliberative Information* exception that justified the Bank’s decision to deny access.

### ***“Violation of Policy”***

5. Pursuant to the Policy, the Bank allows access to any information in its possession that is not on a list of exceptions (*see* Policy at paragraph 6). A requester who is denied 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 Policy by improperly or unreasonably restricting access to information that it would normally disclose under the Policy (*see* Policy at paragraph 36 (a)).

6. The Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the Policy, which set out the Policy’s list of exceptions. Paragraph 16 of the Policy, which discusses the *Deliberative Information* exception, states that the Bank does not provide access to “[i]nformation ... prepared for, or exchanged during the course of, its own internal deliberations” or to “analyses carried out, solely to inform the Bank’s internal decision-making processes” (*see* Policy at paragraph 16, (b) and (c)).

7. The AIC found that the determination of whether a Policy exception applies depends on the nature of each individual document concerned; thus, the public status of one document does not automatically apply to another document simply as a result of first document referencing or citing the second one. In this case, the AIC found that the business unit concerned commissioned the review of

grievance redress mechanisms as an internal stock taking exercise to get a broad sense of how such mechanisms were included in certain World Bank financed projects in the region. As such, the requested document was solely prepared for and exchanged during the course of the Bank's own deliberations, to inform the Bank as part of its internal decision-making process. For this reason, the AIC found that the requested document is covered by the Policy's *Deliberative Information* exception. The AIC further concluded that the citation of the requested document in a separate report, which has been made public, does not change the deliberative nature of the requested document.

8. Based on the above findings, the AIC concluded that the *Deliberative Information* exception properly and reasonably restricted the requested information, and, therefore, the Bank's decision to deny access did not violate the Policy. For this reason, the AIC upheld the Bank's decision to deny public access to the requested information.

9. Under the Policy, if the AIC upholds the 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 ("AI Appeals Board") as the second and final stage of appeals (*see* paragraph 38 of the Policy). If you wish to file an appeal to the AI Appeals Board, [click here](#).

[URL provided in original decision sent to the requester].

#### ***"Public Interest" case***

10. Pursuant to the Policy, a requester who is denied 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 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* Policy at paragraph 36 (b)).

11. The AIC discussed whether the public interest assertion in the Application merited overriding the *Deliberative Information* exception restricting the information. The AIC found no compelling ground to support the appeal on a public interest basis and to override the Policy's *Deliberative Information* exception restricting the information. For this reason, in response to the public interest assertion in the Application, the AIC decided to uphold the Bank's decision to deny access to the requested information.

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