

AIC decision on appeal #32

CASE NUMBER AI3226

**EMPLOYEE ENGAGEMENT REPORTS, SURVEYS, AND DOCUMENTS
IDENTIFYING THE QUESTIONS PUT TO BANK EMPLOYEES AND THE
AGGREGATE SURVEY RESULTS**

(Decision dated May 7, 2014)

Summary of Decision

- The Access to Information Committee (“AIC”) upholds the World Bank’s decision to deny access to the requested information, namely, “copies of all reports [and] employee engagement surveys, including such documents as to identify both the questions put to bank employees and the aggregate results of the survey.” 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 and reasonably denied access to the requested information based on the *Corporate Administrative Matters* exception under the World Bank’s Access to Information Policy (“AI Policy”). The AIC also found the information to be restricted by the AI Policy’s *Deliberative Information* exception. The AIC based its findings on the consideration of the facts, including the following: (a) the requested information is intended to capture and identify World Bank staff’s perception and satisfaction with the World Bank’s institutional affairs and internal administration, all of which concerns the corporate administration of the World Bank institution; and (b) the requested information was prepared to assist World Bank management in its internal deliberations on how to improve the institution’s internal administration, and thus, serves both a corporate administrative and an internal deliberative purpose.
- **Public Interest.** The AIC found no compelling public interest reason to override the *Corporate Administrative Matters* and *Deliberative Information* exceptions that restrict the requested information.

The Decision

Facts

1. On March 10, 2014, the requester submitted a request seeking to access “copies of all reports [and] employee engagement surveys, including such documents as to identify both the questions put to bank employees and the aggregate results of the survey” (“Request”). On March 21, 2014, the World Bank (“Bank”) denied the Request on the basis that the requested information is restricted by the AI Policy’s *Corporate Administrative Matters* exception. On March 21, 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. In support of the requester’s assertion that the denial violated the AI Policy, the Application states, in relevant part, the following:

[T]he policy clearly describes this [*Corporate Administrative Matters*] exception as designed to prevent inappropriate access to matters of finances and financial planning. The examples given are pensions and pension plans, "corporate expenses, procurement, real estate, and other activities."

While these examples are not exclusive or exhaustive, they clearly illustrate that the exception is designed and intended to protect information of a financial nature relative to the work, compensation and transactions of bank employees.

On the other hand, the staff surveys we have requested concern aggregate data on staff responses to questions of ethics, openness, trust and general wellbeing within the World Bank Group and in no way concern matters even remotely connected to those listed under the exception.

3. In support of the requester’s appeal to override the AI Policy exceptions on public interest grounds, the Application states, in relevant part, the following:

[T]his is clearly information that is in the public interest and of a similar nature to surveys often taken of employees within the US government. The reading public finance the bank's operations through their taxes and deserve to know how well it is functioning [*sic*].

Therefore its denial in this case, and under this exception, is inappropriate if not abusive of the bank's information 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 AI Policy and whether there are public interest reasons for overriding the relevant AI Policy exception(s) in this case. In reviewing the Application in accordance with the AI Policy, the AIC considered:

- (a) the Request;
- (b) the Application;
- (c) the nature of the requested information and the related information provided by the relevant business unit concerned;
- (d) the AI Policy’s *Corporate Administrative Matters* exception that justified the Bank’s decision to deny access; and
- (e) the AI Policy’s *Deliberative Information* exception.

“Violation of the AI Policy”

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

6. The AI Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the AI Policy, which set out the AI Policy’s list of exceptions. Paragraph 15 of the AI Policy, which discusses the *Corporate Administrative Matters* exception, states that 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.” Paragraph 16 of the AI Policy, under the *Deliberative Information* exception, recognizes that, to facilitate and safeguard the free and candid exchange of ideas for the purpose of preserving the integrity of the deliberative processes, the Bank does not provide access to information prepared for, or exchanged during the course of, its own internal deliberations (*see* AI Policy at paragraph 16 (b)).

7. In this case, the AIC found that the requested information (a) is intended to identify and capture Bank staff’s perception and satisfaction with the institutional affairs and internal administration of the Bank, all of which concerns the corporate administration of Bank, and (b) was prepared to assist Bank management in its internal deliberations on how to improve the institution’s internal administration, and thus, serves both a corporate administrative purpose and an internal deliberative purpose. For these reasons, the AIC concluded that the requested information is of both a corporate administrative and deliberative nature and, therefore, the information is properly restricted by the AI Policy’s *Corporate Administrative Matters* and *Deliberative Information* exceptions. The AIC also found that the language of the AI Policy does not support the Application’s suggestion that the *Corporate Administrative Matters* exception is designed to protect only information of a financial nature relative to the work, compensation and transactions of Bank employees. The AIC confirmed that: (a) the language of the AI Policy explicitly specifies that the examples given to indicate the types of information restricted by the *Corporate Administrative Matters* exception are not intended to be exhaustive (i.e., “including but not limited to, corporate expenses, procurement, real estate, and other activities” (emphases added)); and (b) for the reasons discussed above, the *Corporate Administrative Matters* exception covers the information requested in this case.

8. Based on the above findings, the AIC concluded that both the *Corporate Administrative Matters* exception and the *Deliberative Information* exception properly and reasonably restrict the requested information, and, therefore, the Bank’s decision to deny the requester’s access to the information did not violate the AI Policy. The AIC noted that, although the Bank’s denial omitted reference to the *Deliberative Information* exception, such omission was not of consequence since the requested information remains properly restricted by the *Corporate Administrative Matters* exception. For these reasons, the AIC upheld the Bank’s decision to deny access to the requested information.

9. Under the AI Policy, in appeals that allege a violation of the AI policy, if the AIC upholds the initial decision to deny access, the requester may file an appeal with the Access to Information Appeals Board (“AI Appeals Board”), as the second and final stage of appeal (*see* AI Policy at paragraph 38). If you wish to file an appeal with the AI Appeals Board, [click here](#).

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

“Public Interest” case

10. Pursuant to the AI 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 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* AI Policy at paragraph 36 (b)).

11. The AIC discussed whether the public interest assertion in the Application merited overriding the *Corporate Administrative Matters* and *Deliberative Information* exceptions restricting the information. 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 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 AI Policy, the decision of the AIC is final for appeals that assert a public interest case to override an AI Policy exception (*see* AI Policy at paragraph 37).