

AIC Decision on appeal #37

**CASE NUMBER AI3560
ETHIOPIA VOLUNTARY RESETTLEMENT PROGRAM, DIAGNOSTIC MISSION,
JUNE 10 TO 22 2004: AIDE MEMOIRE**

(Decision dated February 26, 2015)

Summary of Decision

- The Access to Information Committee (“AIC”) upholds the decision to deny public access to the information requested under Case Number AI3560-A. In this case, the requester sought to access the “WORLD BANK (2004) ‘Ethiopia Voluntary Resettlement Program, Diagnostic Mission, June 10 to 22 2004: Aide Memoire’, Washington” (“Aide Memoire”). The World Bank (“Bank”) denied the request for the Aide Memoire on the basis of Access to Information (“AI”) Policy’s *Deliberative Information* exception. In response to the denial, the requester filed an appeal on public interest grounds. In reviewing the appeal, the AIC found that the member country has not agreed to make the Aide Memoire publicly available.
- The AIC discussed the public interest claim in the appeal and found no compelling ground to support the appeal on a public interest basis. In accordance with the AI Policy, the AIC decided not to override the *Deliberative Information* exception that restricts the Aide Memoire on the basis of public interest.

The Decision

Facts

1. On November 18, 2014, the requester submitted a request (“Request”) seeking to access the “WORLD BANK (2004) ‘Ethiopia Voluntary Resettlement Program, Diagnostic Mission, June 10 to 22 2004: Aide Memoire’, Washington” (“Aide-Memoire”). On December 9, 2014, the World Bank (“Bank”) denied the Request on the basis that the Aide-Memoire is restricted by the *Deliberative Information* exception under the Bank’s Access to Information Policy (“AI Policy”). On January 26, 2015, the secretariat to the Access to Information Committee (“AIC”) received an application (“Application”) appealing the Bank’s decision to deny public access to the Aide Memoire.

2. The Application challenges the Bank’s decision to deny public access to the information on the basis that there is a “public interest” case to override the AI Policy exception that restricts the Aide Memoire. The Application states, *inter alia*, the following:

The Aide memoire requested is relevant to my doctoral research which seeks to understand migration patterns in drought affected regions. In this case the interest of having the aide memoire is [...] to assess the backgrounds and socioeconomic conditions of local peoples who were involved, in order to establish a baseline/foundation to understand drivers of migration since that moment in time (over a view of about 10 years). Few if any documents will provide an adequate and credible account of the conditions of people for a moment in time that could be used as a reference point, hence the importance of this document to my work. [...] My work is of the public interest, and particularly in the interest of potentially drought-affected peoples, as lessons learned can be applied productively for policy recommendations for future migrants and drought-affected peoples. Numerous academics and government officials have noted the need for greater understanding of the effect of environmental factors on drivers of socioeconomic vulnerabilities and migration, and no where is this of greater public interest than dryland and previously famine-affected Ethiopia. [...]

Findings and Related Decision

3. In reviewing the Application in accordance with the AI Policy, the AIC considered:
 - (a) the Request;
 - (b) the Application and the ground on which the requester appealed the Bank's denial of the Request;
 - (c) the AI Policy's *Deliberative Information* exception that justified the Bank's decision to deny public access to the Aide Memoire;
 - (d) the nature of the Aide Memoire and the related information provided by the relevant business unit concerned.

"Public Interest" case

4. 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 under the *Corporate Administrative Matters, Deliberative Information, and Financial Information* (other than banking and billing information) exceptions (see AI Policy at paragraph 36 (b)).

5. 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 16 of the AI Policy explicitly states, under the *Deliberative Information* exception, that the Bank does not provide access to information prepared for, or exchanged during the course of, the Bank's deliberations with member countries or other entities with which the Bank cooperates, to facilitate and safeguard the free and candid exchange of ideas for the purpose of preserving the integrity of the deliberative processes (*see* AI Policy at paragraph 16 (a)). The AI Policy further provides that aide memoires of operational missions may be made publicly available if both the Bank and the member country/borrower agree (*see* AI Policy at paragraph 20 (a)).

6. The AIC found that the member country has not agreed to make the Aide Memoire publicly available. The AIC discussed the public interest claim made in the Application. The AIC found no compelling ground to support the appeal on a public interest basis. In accordance with the AI Policy, the AIC decided not to override the *Deliberative Information* exception restricting the Aide-Memoire.

7. For the reasons discussed above, the AIC upholds the Bank's decision to deny public access to the Aide Memoire. 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* paragraph 37 of the AI Policy).