

AIC decision on appeal #100

CASE NUMBER AI9515

Competitive Livable City of Karachi

(Decision dated April 22, 2025)

Summary of Decision

- As part of its due diligence, the Access to Information Committee (“AIC”) sought the responsible and relevant business units’ views on the requested information in light of the appeal.¹ In this case, after consultations with such business units, the AIC decided to partially dismiss the appeal and partially uphold the Bank’s initial denial of access to certain information. The portion of the appeal referring to Items 1, 4, 7, 8, 9, and 10 of the Request is dismissed for appealing a matter that the AIC does not have authority to consider. Information responsive to these items of the Request is either not in the Bank’s possession or is already publicly available. The AIC considered the remaining portion of the Request referring to Items 2, 3, 5, 6 and 11 to determine whether there was a violation of policy. A summary table of the AIC’s decision on the appeal regarding each of such items of the Request is provided in the **Annex** to this decision for ease of reference.
- ***Violation of policy.*** The AIC found that Items 2, 3, 5, 6 and 11 of the Request are properly and reasonably restricted from public access. For this reason, there is no violation of policy and the Bank’s initial denial of access is upheld.
- ***Public Interest.*** The AIC found that the Items 2, 3, 5, 6 and 11 of the Request are ineligible for consideration on public interest grounds. For this reason, the AIC dismissed this portion of the appeal.

The Decision

Facts

1. On October 26, 2024, the World Bank (“Bank”) received a public access request seeking access to the following information (“Request”):
 - (a) PC-I of the Project (“Item 1”).
 - (b) Complete statements regarding funds allocated/ released to CLICK (“Item 2”).

¹ The term “responsible” business unit refers to the business unit that created or received the information and the term “relevant” business units refers to additional business units consulted during the appeal due to their expertise on the subject matter and content of the information in question.

- (c) Bank Reconciliation Statements (“Item 3”).
 - (d) Complete Tender/ Quotation proceeding files along with details of Firms who purchased tender along with tender Register, Call Deposit and Security Deposit details and Release of call deposit and Security Deposit (“Item 4”).
 - (e) Details of Bank Accounts Operated by CLICK (“Item 5”).
 - (f) Contractors Agreement File (“Item 6”).
 - (g) Contractors Profile along with PEC Registration documents contract wise (“Item 7”).
 - (h) Name of Engineers who supervised the works along with Measurements Books, Engineers Service record and their Assets Decelerations (“Item 8”).
 - (i) Copies of All bills and Paid up vouchers along with details of Payment made to contractors and cheque numbers with dates (“Item 9”).
 - (j) Month wise work Progress report along with completion certificates (“Item 10”).
 - (k) Bank account statements of Click Project (“Item 11”).
2. On November 22, 2024, the Bank responded to the Request noting that the information listed in (a) Items 1, 4, 6, 7, 8, 9, and 10 of the Request is not in the Bank’s possession, and (b) Items 2, 3, 5 and 11 of the Request is restricted from public access by the *Financial Information* exception (“Bank’s Response”).
 3. On December 10, 2024, the Bank received an appeal challenging the Bank’s Response to the Request. The appeal alleges both a violation of policy and public interest.
 4. On December 16, 2024, the AIC consulted the responsible business unit to seek its views on the possible disclosure of the requested information in light of the appeal.
 5. On January 10, 2025, and January 14, 2025, the responsible business unit offered its written views on the possible disclosure of the requested information in light of the appeal.
 6. On January 29, 2025, the AIC met to discuss the appeal. In considering the appeal, the AIC decided to request further clarifications from relevant business units.
 7. By March 5, 2025, the relevant business units offered their written views on the appeal as requested by the AIC.
 8. On March 18, 2025, the AIC held a meeting to consider the appeal based on the additional information provided by the relevant business units.

Findings and Related Decision

9. In reviewing the appeal in accordance with the Bank Policy: Access to Information, July 15, 2015, Catalogue No. EXC4.01-POL.01 (“ATI Policy”), the AIC considered:
- (a) the Request;
 - (b) the Bank’s Response;
 - (c) the nature of the requested information;
 - (d) the ATI Policy’s exception(s) that restrict part of the requested information;
 - (e) the appeal;
 - (f) the information provided by the responsible and relevant business units concerning the requested information; and
 - (g) the disclosure of procurement-related information under Bank-financed projects pursuant to the [Procurement Regulations for IPF Borrowers, Fifth Edition, September 2023](#) (“Procurement Regulations”).

Preliminary Matters

Information publicly available and/or not in the Bank’s possession

10. The Bank’s Response stated that part of the requested information is not in the Bank’s possession. For this reason, the AIC first considered whether the Bank is in possession of Items 1, 4, 6, 7, 8, 9, and 10 of the Request.
11. The ATI Policy governs the public accessibility of information *in the Bank’s possession* (see ATI Policy, at Section I.1, emphasis added). It clearly restates that the Bank allows access to information *in its possession* that is not on a list of exceptions (see ATI Policy, at Section III.B.1, emphasis added). The remedy available to a requester who prevails on appeal is limited to receiving the information requested (see ATI Policy, at Section III.B.8(c)). Thus, it is paramount to determine which information is in the Bank’s possession.
12. Upon consultation with the relevant business units, the AIC found that:
- (a) Item 1 of the Request consists of a borrower-owned document that serves the borrower’s own internal purposes. It is not a document or piece of information required by the Bank and was not provided to the Bank by the borrower. For this reason, the Bank does not have Item 1 of the Request in its possession.

- (b) Item 4 of the Request required additional consideration and definition to determine exactly which information is to be considered under appeal. Solely for ease of reading, Item 4 of the Request seeks access to:

Complete Tender/ Quotation proceeding files along with details of Firms who purchased tender along with tender Register, Call Deposit and Security Deposit details and Release of call deposit and Security Deposit.

- i. Upon consultation with the relevant business units, the AIC determined that Item 4 of the Request is to be understood to seek access to the following information:
 - (A) the request for bids and invitation to tender (corresponding to “Complete Tender/Quotation proceeding files”);
 - (B) the list of bidders (corresponding to “Firms who purchased tender along with tender Register”);
 - (C) bid or tender security (corresponding to “Call Deposit”);
 - (D) the performance security (corresponding to “Security Deposit”); and
 - (E) borrower-issued notices by which the borrower releases the securities provided by the contractor(s) as referenced in subparas. (C) and (D) above (corresponding to “Release of call deposit and Security Deposit”).
- ii. The AIC found that all such information is the borrower’s responsibility to create, keep, and manage, and that the borrower has not otherwise provided to the Bank. As noted in subpara. 12(e)(i) below, such information relates to the borrower’s carrying out of procurement activities under Bank-financed projects. For this reason, the AIC found that certain information requested in Item 4 of the Request, i.e., (a) the list of bidders; (b) the bid or tender security; (c) the performance security; and (d) the borrower-issued notices by which the borrower releases the securities provided by the contractor(s) is *not in the Bank’s possession*.
- iii. Nevertheless, the AIC identified and acknowledged that part of certain information *related* to Item 4 of the Request, i.e., information related to the request for bids and invitation to tender, is *publicly available* through the [Bank’s external website](#), namely:
 - (A) notices for request for bids;
 - (B) notices for requests for quotations;

- (C) the selection (qualification, individual, or direct); and
 - (D) the contract award notices.²
- (c) Item 6 of the Request is in the Bank’s possession but remains restricted from public access by the Bank’s exercise of prerogative to restrict. This is further addressed in paragraph 20 below.
- (d) Item 7 of the Request is not in the Bank’s possession because any information that goes along with the “PEC Registration documents contract wise” is owned and managed by the [Pakistani Engineering Council](#) (i.e., “PEC”). PEC is a private organization with which the Bank has no business relationship. The Bank has no access to information related to the PEC Registration documents.
- (e) Items 8, 9 and 10 of the Request are partly public and partly not in the Bank’s possession. When not in the Bank’s possession it is because such information is the responsibility of the borrower to keep, and the borrower has not provided this information to the Bank. In this regard, the AIC found that:
- i. The Bank adopted the Procurement Regulations to fulfill its obligations to ensure that proceeds of any loan are used only for the purposes for which the loan was granted, with due attention to considerations of economy and efficiency (see [AIC Decision on appeal #76, Case Number AI6359, Lithuania Lease Tender](#), at para. 27, and Procurement Regulations, at Section I, para. 1.2). The Procurement Regulations set forth the borrower’s and the Bank’s roles and responsibilities in the carrying out of procurement in Bank-financed procurement projects, such as the “Competitive and Livable City of Karachi Project”. For example, the Procurement Regulations establish that borrowers are responsible for carrying out procurement activities including (a) “*planning, strategizing, seeking and evaluating [a]pplications/[q]uotations/[b]ids/[p]roposals, and awarding and managing contracts*”; and (b) “*retain[ing] all [p]rocurement [d]ocuments and records of procurements financed by the Bank*” (see Procurement Regulations, Section III, para. 3.2). The Bank’s role is limited to “*implementation support, monitoring and procurement oversight, under a risk-based approach*” (see Procurement Regulations, Section III, para. 3.4).

² See, for example, Request for Bids for “Lot-1 for TMC North Nazimabad, Gulberg, Chanesar, Safoora and Nazimabad”, available at: <https://projects.worldbank.org/en/projects-operations/contractoverview/1811991>.

- ii. With respect to the part of Item 8 of the Request seeking access to:
- (A) the names of contractors retained by the borrower, such information is publicly disclosed as part of the contract award and can be found in the [Bank's external website](#);³ and
 - (B) the “*Measurements Books, Engineers Service record and their Assets Decelerations*”, such information is used for contract management by the borrower and, thus, is the borrower’s responsibility to keep (*see* subpara. 12(e)(i) above). For this reason, such information is not in the Bank’s possession.
- iii. With respect to Items 9 and 10 of the Request, information is not in the Bank’s possession. The information consisting of “*Copies of All bills and Paid up vouchers along with details of Payment made to contractors and cheque numbers with dates*” and “*Month wise work Progress report along with completion certificates*” is necessary for the carrying out of procurement activities by the borrower, not the Bank. Such information is to be retained by borrowers as a result of the procurement contracts that the borrower entered into with third-party contractors to which the Bank is not a party thereto. Thus, pursuant to subpara. 12(e)(i) above, such information is not in the Bank’s possession.
13. Based on the above, the AIC *dismisses* the portion of the appeal regarding Items 1, 4, 7, 8, 9, and 10 of the Request for appealing matters that the AIC does not have authority to consider, i.e., information that is publicly available or not in the Bank’s possession (*see* Bank Directive: Access to Information, November 13, 2024, Catalogue No. ECR4.01-DIR.129 (“ATI Directive”), at Section III.D.1.(a).iii).⁴
14. Finally, the AIC proceeded to consider the remaining portion of the appeal, i.e., Items 2, 3, 5, 6 and 11 of the Request.

“Violation of policy”

15. Under the ATI Policy, the Bank allows access to any information in its possession that is not on the list of exceptions set forth in subparas. (a) through (j) of the ATI Policy (*see* ATI Policy, at Section I.1., Section III.B.1, and at Section III.B.2). The ATI Policy states, in relevant part, that under the *Financial Information* exception the Bank does not provide access to (a) documents, analysis, correspondence, or other information produced to execute financial and budgetary transactions, or to support the preparation

³ See, for example, the Bank’s external website shows that MDC MANAGEMENT AND DEVELOPMENT CENTER PVT LTD was retained to conduct a door-to-door survey of urban immovable properties for the “Competitive and Livable City of Karachi Project” (*see* Projects & Operations, Competitive and Livable City of Karachi Project, Overview, Notice-At-Glance: <https://projects.worldbank.org/en/projects-operations/procurement-detail/OP00343486>).

⁴ See AIC decision on appeal #56, Cases No. AI4498 and AI4525, [Certain Information Related to the Empowerment and Livelihood “Nutton Jibon” Project in Bangladesh](#), dated February 9, 2017. In such case, the AIC decided that it cannot consider an appeal (neither on violation of policy nor on public interest grounds) if the requested information is not in the Bank’s possession.

- of internal and external financial reports, (b) details of individual transactions under loans and trust funds, and (c) banking and billing information of member countries (*see* ATI Policy, at Section B.2.(j) ii, iii and iv). The ATI Policy also provides the *Deliberative Information* exception to facilitate and safeguard the free and candid exchange of ideas for the purpose of preserving the integrity of the deliberative processes. Under this exception, the Bank does not provide access to information prepared for, or exchanged during the course of, its deliberations with member countries or other entities with which the Bank cooperates, and/or its own internal deliberations (*see* ATI Policy, at Section III.B.2.(i).i and ii).
16. Pursuant to the ATI Policy, safeguarding the deliberative process is also one of the ATI Policy's five principles (*see* ATI Policy, at Section III.A.1). Notwithstanding the broad intent of the ATI Policy in maximizing access to information, under exceptional circumstances, the Bank reserves its right to restrict access to information that it would normally disclose if it determines that such disclosure is likely to cause harm that outweighs the benefits of disclosure (*see* ATI Policy, at Section III.B.1 and Section IV.2).
 17. A requester who is denied public 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 ATI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the ATI Policy (*see* ATI Policy, at Section III.B.8.(a).i). Appeals challenging the Bank's exercise of prerogative to restrict are considered by the AIC, whose decisions in these cases are final (*see* Bank Directive on Access to Information Policy, at Section III.B.5.b.ii).
 18. With respect to Items 2, 3, 5, and 11 of the Request, the Bank initially denied public access to this portion of the Request based on the *Financial Information* exception. Upon consultation with the relevant business units, the AIC found that these items contain information arising from or related to interim financial reports and other information concerning audited financial statements (e.g., financial statements, other information received from countries and third parties to support financial management analysis, and other financial management communications or other entities with which the Bank cooperates). As such, the AIC found that the Bank properly and reasonably restricted access to this information because it contains (a) information used or produced to support the preparation of internal and external financial reports; (b) details of individual transactions under loans; and (c) banking or billing information of the member country (*see* ATI Policy, at Section III.B.2.(j) ii, iii and iv).
 19. Based on the input from the relevant business units, the AIC found that the information responsive to Items 2, 3, 5, and 11 of the Request is also restricted by the *Deliberative Information* exception. Such finding is because this information consists of unaudited and draft documents prepared by the borrower that serve the Bank's internal deliberations.

20. With respect to Item 6 of the Request, the AIC found that:
- (a) the request for “Contractors Agreement File” must be understood as seeking access to the contract entered into between the borrower and its contractor under a Bank-financed project;
 - (b) the Bank is in possession of the respective contract(s) entered into by the borrower and its contractor(s);
 - (c) such contracts under Bank-financed projects are restricted from public access by the Bank’s exercise of prerogative to restrict;⁵ and
 - (d) despite the Bank’s Response initially indicating that the Bank was not in possession of such information, such an error is harmless as the information remains restricted from public access.
21. Based on the above, the AIC hereby:
- (a) upholds the Bank’s initial decision to deny public access to Items 2, 3, 5 and 11 of the Request based on the *Financial Information* and *Deliberative Information* exceptions under the ATI Policy. The link to appeal to the Access to Information Appeals Board against this portion of the decision will be sent separately to the requester; and
 - (b) upholds the Bank’s exercise of its prerogative to restrict access to Item 6 of the Request. The AIC decision on this portion of the appeal is final (*see* ATI Directive, at Section III.B.5.b.ii).

“Public Interest” case

22. Pursuant to the ATI 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 ATI Policy exceptions that restrict the information, limited to corporate administrative matters, deliberative information, and certain financial information (*see* ATI Policy, at Section III.B.8.(a).ii). Under the ATI Policy, for appeals that assert a public interest case to override a policy exception, the decision of the AIC is final (*see* ATI Policy, at Section III.B.8.(b).i).
23. As explained in paragraph 18 above, the AIC found that items 2, 3, 5, and 11 of the Request include banking and billing information under the *Financial Information* exception. Banking and billing information are ineligible for consideration on public interest grounds (*see* ATI Policy, at Section III.B.8(a).ii).

⁵ *See* [AIC Decision on appeal #76, Case No. AI6359, Lithuania Lease Tender](#), dated November 18, 2020, and [AIC Decision on appeal #77, Case No. AI6929, Kenya Supplier Contracts](#), dated November 24, 2020. As decided in such cases, procurement contracts in Bank-financed operations are restricted from public access by the Bank’s exercise of prerogative to restrict.

24. For the avoidance of doubt and completion of the record, Item 6 of the Request was found to be restricted by the Bank's exercise of its prerogative to restrict. Such exercise of prerogative to restrict is ineligible for public interest appeal.
25. Based on the above, the AIC hereby dismisses the appeal on public interest ground for appealing a matter that the AIC does not have authority to consider (*see* ATI Policy Directive, at Section III.D.1.(a).iii)). The AIC decision on this portion of the appeal is final (*see* ATI Policy, at Section III.B.8.(b).i).

Annex - Summary Table

Item	Requested information	Treatment under the ATI Policy	Outcome of the appeal
1	PC-I of the Project.	Not in the Bank's possession.	Dismissed.
2	Complete statements regarding funds allocated/ released to CLICK.	Restricted. ⁶	Upheld. ⁷
3	Bank Reconciliation Statements.	Restricted. ⁸	Upheld. ⁹
4	Complete Tender/ Quotation proceeding files along with details of Firms who purchased tender along with tender Register, Call Deposit and Security Deposit details and Release of call deposit and Security Deposit.	Not in the Bank's possession (in part) and public (in part).	Dismissed.
5	Details of Bank Accounts Operated by CLICK.	Restricted. ¹⁰	Upheld. ¹¹
6	Contractors Agreement File.	Restricted. ¹²	Upheld.
7	Contractors Profile along with PEC Registration documents contract wise.	Not in the Bank's possession.	Dismissed.
8	Name of Engineers who supervised the works along with Measurements Books, Engineers Service record and their Assets Decelerations.	Not in the Bank's possession (in part) and public (in part).	Dismissed.
9	Copies of All bills and Paid up vouchers along with details of Payment made to contractors and cheque numbers with dates.	Not in the Bank's possession.	Dismissed.
10	Month wise work Progress report along with completion certificates.	Not in the Bank's possession.	Dismissed.
11	Bank account statements of Click Project.	Restricted. ¹³	Upheld. ¹⁴

⁶ The information is restricted by the *Financial Information* and *Deliberative Information* exceptions (see ATI Policy, at Sections B.2.(j). ii, iii and iv and III.B.2.(i).i and ii) or by the Bank's prerogative to restrict access (see ATI Policy, at Section III.B.1 and Section IV.2).

⁷ Eligible for an appeal before the Access to Information Appeals Board as the second and final stage of appeals (see ATI Policy, at Section III.B.8.(b).ii).

⁸ *Id.* footnote 5 above.

⁹ *Id.* footnote 6 above.

¹⁰ *Id.* footnote 5 above.

¹¹ *Id.* footnote 6 above.

¹² *Id.* footnote 5 above.

¹³ *Id.*

¹⁴ *Id.* footnote 6 above.