

AIC Decision on appeal #42

CASE NUMBER AI4131

TRANSCRIPT OF IBRD/IDA BOARD MEETING OF MARCH 16, 1971

(Decision dated March 31, 2016)

Summary of Decision

- The Access to Information Committee (“AIC”) dismisses the appeal and refers it back to the Archives Unit for processing as a request for public access to the *full* transcript of a meeting of the Executive Directors of IBRD and IDA, held on Tuesday, March 16, 1971 (the “Full Transcript”).
- The AIC found that, in this case, the World Bank provided the requester with a publicly available partial transcript of the above-mentioned meeting, with the understanding that the scope of the request was limited to this document. In reviewing the appeal, the AIC found that the scope of the request was broader, and what was requested was the Full Transcript. Based on the AIC’s understanding of the scope of the request, the AIC found that the Bank has not yet either considered or denied a request for the Full Transcript. Accordingly, the AIC does not have authority to consider the matter.

The Decision

Facts

1. On January 4, 2016, the requester submitted a request (“Request”) for “the transcript of the IBRD/IDA joint meeting of May 16, 1971. Document 78523”.
2. On January 4, 2016, the World Bank (“Bank”) provided to the requester the “Report Number 78523[:] Partial Transcript of meeting of the Executive Directors of the IBRD and IDA, held on Tuesday, March 16, 1971: Republic of Congo - Education Project (English): <http://documents.worldbank.org/curated/en/1971/03/17878996/congo-democratic-republic-education-project>” (“Partial Transcript”), noting that “the transcript in which you appear to be interested (report number 78523) is dated March 16, 1971.”
3. On February 22, 2016, the secretariat to the Access to Information Committee (“AIC”) received an application (“Application”) challenging the Bank’s decision to provide access to the Partial Transcript.

4. The Application challenges the Bank's decision to provide access to the Partial Transcript on the basis that this response "violates the AI Policy". The Application states, in relevant part, the following:

Pursuant to the Bank Access to Information Policy, I appeal the handling of my request (AI4131) for Report Number 78523, a transcript of a meeting of the Executive Directors of the IBRD and IDA, held on Tuesday, March 16, 1971: Republic of Congo - Education Project (English). The Bank approved my request for access to the document, sending me a link to it. <http://documents.worldbank.org/curated/en/1971/03/17878996/congo-democratic-republic-education-project>

However, the document provided is not complete. A substantial portion of the 45-year-old transcript was withheld. [...]

This appeal includes a number of arguments:

1. The Bank failed to explain and justify its redactions. The AI policy establishes exemptions. When these are used to deny access to information, the requester should be told what exemptions are being used. In fact, providing such an explanation seems to be normal Bank practice, a logical bit of transparency. Without such information, the requester's ability to appeal is much compromised. As a remedy an explanation for all the redactions here should be provided.

2. The redaction policy appears to have been overused in this case. The Bank has supplied part of the document, suggesting that the whole document is not subject to any blanket exemption. The Bank has erred by redacted in its entirety all the information on four docket items, including even the subject under consideration. It is highly unlikely that every word of the 1971 discussions on four items is properly exempted. [...]

3. The redaction guidance policy, adopted by Bank staff administratively shortly after the approval of the AI policy by the Bank Board, violates the AI policy. The breadth of the redaction guidance stands in contradiction to the fundamental premise of AI policy: the "presumption of disclosure." By making redaction totally optional, the guidance empowers Bank staff to undercut the most important openness commitment promised in the Board's AI policy. [...]

Findings and Related Decision

5. In reviewing the Application in accordance with the *Bank Policy: Access to Information*, July 1, 2015, Catalogue No. EXC4.01-POL.01 (“AI Policy”), the AIC considered:

- (a) the Request;
- (b) the Bank’s response to the Request;
- (c) the Application; and
- (d) the information provided by the relevant business unit concerning the Partial Transcript.

6. The AIC found that the Partial Transcript was made publicly available on June 18, 2013, and has received a unique identification number (Report Number 78523). In responding to the Request, the Bank provided the Partial Transcript with the understanding that the scope of the Request was limited to the already publicly available document with the Report Number 78523. In reviewing the Application, the AIC found that the scope of the Request was broader, and what was requested was the *full* transcript of a meeting of the Executive Directors of IBRD and IDA, held on Tuesday, March 16, 1971 (the “Full Transcript”).

7. In accordance with the AI Policy, the AIC considers appeals that challenge the Bank’s decisions to *deny access to information* (see AI Policy, at Section III.8 (b) i). Based on the AIC’s understanding of the scope of the Request, the AIC found that the Bank has not yet either considered or denied a request for the Full Transcript. Additionally, the AIC notes that the Application specifically challenges “*the handling of [the] request*”, and not a denial of access to information. Accordingly, the Application is appealing a matter that the AIC does not have authority to consider (see *Bank Directive/Procedure: Access to Information*, July 1, 2015, Catalogue No. ECR4.01-DIR.01, at Section III.D.1 a (iii)), and therefore, it is not properly before the AIC.

8. For the above reasons, the AIC dismisses the Application and refers it back to the Archives Unit for processing as a request for public access to the Full Transcript. In light of this decision and the AI Policy’s provision that the “[t]he remedy available [...] is limited to receiving the information requested” (see AI Policy, at Section III.8 (c)), the AIC finds that it is not required to respond to the Application’s arguments on redaction.

9. Notwithstanding the above, the AIC recognizes that the Bank could have reasonably established the scope of the Request by seeking a clarification from the requester.