

AIC decision on appeal # 17

**CASE NUMBER AI1437
FREEDOM OF INFORMATION DRAFT LAW IN EGYPT**

(Decision dated May 16, 2012)

Summary of Decision

- The requester filed an appeal against the World Bank’s decision to deny access to the “draft Freedom of Information law for Egypt.”
- In this case, the AIC found that the Bank documents identified as responsive to the request are technical assistance in nature and that such documents would normally be disclosed once finalized, if no AI Policy exceptions apply. Because the AIC found the responsive documents to have been finalized, the AIC concluded that the documents are not restricted by the “Deliberative Information” exception under the AI Policy, as indicated in the Bank’s decision to deny access. Moreover, the AIC found that no other AI Policy exception applied to the documents. On this basis, the AIC concluded that the decision to deny access to the documents identified as responsive to the request violated the AI Policy, and reversed the decision.
- In view of the AIC’s decision above, consideration of the portion of the appeal asserting “public interest” was not required.

Decision

Background

1. On March 20, 2012, the World Bank (“Bank”) denied a public access request for a “draft Freedom of Information law for Egypt” (“Request”) on the basis that the documents located in the Bank’s custody and identified as responsive to the Request are covered by the “Deliberative Information” exception under the Bank’s Access to Information Policy (“AI Policy”). On April 2, 2012, the Secretariat to the Access to Information Committee received the attached application (“Application”) appealing the denial.
2. The Application indicates two grounds for the appeal, namely “violation of the AI Policy” and “public interest.”

Findings and Decisions of the Access to Information Committee

3. In reviewing the Application in accordance with the AI Policy, the Access to Information Committee (“AIC”) considered:

- (a) the Request;
- (b) the Application;
- (c) the nature of the documents located in the Bank's custody that have been identified as responsive to the Request (the "Documents"); and
- (d) the information provided by the relevant business unit regarding the Documents.

Violation of the AI Policy

4. Pursuant to the AI Policy, 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)). 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.

5. In this case, the AIC found that the Documents are technical assistance in nature and that such documents would normally be disclosed once finalized, if no AI Policy exceptions apply. Based on the information provided by the relevant business unit, the AIC determined that the Documents belong to the Bank, and can be considered to be in final form. As such, the AIC found that the Documents are not restricted by the "Deliberative Information" exception. Further the AIC found no other AI Policy exception to apply to the Documents.

6. Based on the above findings, in response to the appeal asserting a violation of the AI Policy, the AIC found that the Bank improperly denied access to the Documents based on the "Deliberative Information" exception, and thus, the denial was in violation of the AI Policy. For this reason, the AIC reversed the Bank's decision to deny access to the Documents.

7. Please find the Documents attached below.

[Documents attached in original decision sent to the requester.]

Public Interest case

8. In view of the AIC's decision above, consideration of the portion of the appeal asserting "public interest" was not required.