

AIC Decision on appeal #74

CASE NUMBER AI6723 FULL NAME OF TASK TEAM LEADERS

(Decision dated July 29, 2020)

Summary of Decision

- As the AIC decided in *Case No. AI6799, Historical Monthly Loan Disbursements*, dated July 10, 2020, under its Access to Information Policy (“AI Policy”), the World Bank (“Bank”) has the right to refuse a request that would require the Bank to collate information. When the Bank exercises its right to refuse a request pursuant to the AI Policy, the Bank does so without even considering whether the information in question is public or restricted under the AI Policy. The refusal is to the request, not to the information being requested. In this case, the AIC found that there is no such denial of access to information but a refusal of the request. For this reason, the Access to Information Committee (“AIC”) dismissed the appeal for appealing a matter that the AIC does not have authority to consider.
- Nevertheless, considering the Bank’s prior collation of a portion of the requested information and the effort needed to update such portion in response to the Request, the Bank collated part of the information responsive to the Request in this case, i.e., covering Fiscal Year 1985 to July 2021, inclusive. Such information is publicly available by [clicking here](#).

The Decision

Facts

1. On January 13, 2020, the Bank received a public access request for “(...) all data available from the Bank’s Implementation Status Report query (i.e. Team Leader name by project ID for each iteration/sequence number of the ISR) for all data for the years 1965-present” (“Request”).¹
2. On February 5, 2020, the Bank refused the Request. The Bank noted the Request requires the Bank to collate information or data that does not already exist or is not available in the Bank’s records management system.

¹ ISR stands for “Implementation Status and Results.” The ISR report is the Bank’s main tool for internal and external reporting on the implementation performance and prospective outcomes of investment projects.

3. On February 11, 2020, the Bank received a communication from the requester asking the Bank to close the Request so the requester could appeal the Bank’s decision. The requester noted, in relevant part:

I would like to appeal this request, but the request has not been closed in the system. That is, it is still marked as “submitted”. Could you please close the request in the system so that I may appeal the decision? (...)

4. On April 1, 2020, the Bank replied to the requester. The Bank:

(a) provided the requester with an excel table that had been previously made publicly available pursuant to requester’s request under Case No. AI5063, duly updated with the requested information covering Fiscal Years 1985 through 2013 (“[Updated Table](#)”);

(b) informed the requester that (i) complete names of Task Team Leaders can be found in the World Bank Projects and Operations dataset on the Bank’s external website, which is constantly being updated, and (ii) some historical data is only available in the project related reports and other documents; and

(c) provided the link to appeal the Bank’s decision.

5. On April 22, 2020, the secretariat to the AIC received an application (“Application”) appealing the Bank’s decision to refuse to collate the requested information. The Application challenges the Bank’s decision on a violation of policy ground.

Findings and Related Decision

6. In reviewing the Application in accordance with the AI Policy, the AIC considered:

(a) the Request;

(b) the Bank’s response refusing to collate the requested information;

(c) the Application;

(d) the business unit’s views;

(e) whether information is already publicly available;

(f) whether the information, or part of the information, had been previously collated;

(g) the distinction between the Bank's right to refuse a request and a Bank denial of access to information under the AI Policy; and

(h) the effort required for the Bank to collate the information in this case, especially considering the period of interest, i.e., 1965 to present.

Preliminary Matters

Overcoming timeliness

7. Appeals to the AIC must be filed within 60 calendar days of the Bank's *initial* decision to deny access to the requested information (*see* AI Policy, at Section III.B.8.(b).i, emphasis added). Failure to file within the required time is ground for dismissal (*see* AI Policy Directive/Procedure, at Section III.D.1.a(i)).

8. The Bank's initial decision, although not a denial of access to information as further elaborated below, dates February 5, 2020. The Bank's case management system shows the Request was closed on that same date. The Bank understands the requester may have had difficulties in submitting an appeal electronically shortly thereafter. However, the requester's subsequent electronic communication indicating the requester's intention to appeal the Bank's decision of February 5, 2020, was successfully received on February 11, 2020; the requester could have alternatively submitted an appeal using the same means.

9. The Bank's reply on April 1, 2020, provided the requester with the exact link for submitting an appeal. If February 5, 2020, is considered the date of the Bank's initial decision giving rise to an appeal, the deadline for submitting an appeal would have been April 5, 2020. The requester could have met the April 5, 2020, deadline since the link to appeal was provided on April 1, 2020. However, the appeal was submitted on April 22, 2020.

10. Despite the technical finding that the Application may have been untimely submitted, in light of the technical difficulty in submitting an appeal raised by the requester, the AIC decided to rectify such potential delay. Based on the above, the AIC decided to consider the Application as timely submitted in this case.

Right to Refuse

11. As the AIC decided in *Case No. AI6799, Historical Monthly Loan Disbursements*, dated July 10, 2020:

[the] Bank has the right to refuse a request that would require the Bank to collate information. When the Bank exercises its right to refuse a request pursuant to the AI Policy, the Bank does so without even considering whether the information in

question is public or restricted under the AI Policy. The refusal is to the request, not to the information being requested. In this case, the AIC found that there is no such denial of access to information but a refusal of the request. For this reason, the [AIC] dismissed the appeal for appealing a matter that the AIC does not have authority to consider.

12. The same applies in this case. The Bank's exercise of its right to refuse a request on February 5, 2020, fails to constitute a denial of access to information under the AI Policy. For this reason, and pursuant to the AI Policy, the appeal is dismissed for appealing a matter that the AIC does not have authority to consider (*see* Bank Directive/Procedure: Access to Information Directive/Procedure, at Section III.D.1.a.(iii)).

The effort to collate

13. Notwithstanding the above, and consistent with the AIC's decision under *Case No. AI6799, Historical Monthly Loan Disbursements*, dated July 10, 2020, the AIC considered whether the Bank's refusal to collate the requested information since 1965 was justified by business reasons. The AIC found that:

- (a) the information could not be provided without being collated;
- (b) the information is not available in the Bank's records management system;
- (c) part of the information is available in one of the Bank's internal electronic system for data storage and retrieval;
- (d) part of the information had already been collated and made publicly available, i.e., certain information covering the period between Fiscal Years 1985 and 2013 (see para. 4 (a) above);
- (e) information prior to Fiscal Year 1985 would require review and collation of data from multiple sources including outside the Bank's records management system; and
- (f) collating part of the requested information covering Fiscal Years 1985 to date is feasible and not overly burdensome in this case.

14. Based on the above, the Bank collated part of the information responsive to the Request in this case, i.e., covering Fiscal Year 1985 to July 2021, inclusive. Such information is publicly available by [clicking here](#).