

**AIC decision on appeal #36**

**CASE NUMBER AI3487**

**INTERNAL BANK MEMO TO FILES FROM A.S.G. HOAR ON  
ANGLO-IRANIAN OIL, NOVEMBER 23, 1951**

**(Decision dated February 26, 2015)**

**Summary of Decision**

- The Access to Information Committee (“AIC”) found that the application, which asserts an appeal on both a violation of policy and public interest basis, is not properly before the AIC for consideration. The appeal in this case was filed 63 calendar days after the Bank’s initial decision to deny access to the requested information. Under the World Bank’s Policy on Access to Information (“AI Policy”), appeals to the AIC “must be filed (...) within 60 calendar days of the Bank’s decision to deny access to the requested information”. For this reason, and pursuant to paragraph 40 (a) of the AI Policy, the appeal is dismissed for failure to file within the required time.

**The Decision**

***Facts***

1. On October 2, 2014, the requester submitted a request (“Request”) seeking to access, among other information, the “internal Bank memo to files from A.S.G. Hoar on Anglo-Iranian Oil, November 23, 1951” (“Memo”). On November 11, 2014, the World Bank (“Bank”) denied access to the Memo on the basis that the Memo is restricted by the *Attorney-Client Privilege* exception under the World Bank’s Policy on Access to Information (“AI Policy”). On January 13, 2015, the secretariat to the Access to Information Committee received an application (“Application”) appealing the Bank’s decision to deny access to the Memo.
2. The Application challenges the Bank’s decision to deny public access to the Memo on both a “violation of policy” and “public interest” basis. The Application states, in relevant part, the following:

This was on my earlier list, but was not declassified. I have copy of the document (from earlier access to Archives as staff) and have re-read it with care: it is written by staff of the Loan Department (Hoar) and it deals with the oil operation in Iran; the only aspect that could possibly fit under the #4 exclusion (attorney-client privilege) is para 3 on page 1 dealing with “Legal Competence of Bank to Take Action” where Broches from the Legal Department conveys the legal opinion of “Bank’s attorneys”. Under the circumstances, I would like to appeal the earlier decision; I would like to have it at least partially declassified (ie, all with the exception of para 3 which may be of attorney-client privilege); hope that is an option, short of declassifying the whole document (it is over 60 years old!!; the attorney (Broches, whom I actually knew and dealt with in the late

1970s, and the client (Garner) have left this world a long while back!!); it would be a fair compromise I think. Thank you for your understanding and consideration.

### ***Findings and Related Decision***

3. In reviewing the Application in accordance with the AI Policy, the AIC considered:
  - (a) the Request;
  - (b) the date of the Bank's initial decision to deny access to the Memo;
  - (c) the date when the Application was filed before the AIC; and
  - (d) the AI Policy's requirement for appealing the initial denial of access to the requested information.
4. In this case, the Bank denied access to the Memo on November 11, 2014. The Application was filed with the AIC on January 13, 2015, i.e., 63 calendar days after the Bank's initial decision to deny access to the Memo. Under the AI Policy, appeals to the AIC "must be filed (...) within 60 calendar days of the Bank's decision to deny access to the requested information" (*see* AI Policy, at paragraph 37). In view of this requirement, the Application is not properly before the AIC for consideration.
5. For the above reason, and pursuant to paragraph 40 (a) of the AI Policy, the appeal is dismissed for failure to file within the required time.