

AIC decision on appeal #86

CASE NUMBER AI7274

PRIOR ACTIONS DPF/CLIMATE FINANCE AND CLIMATE CO-BENEFITS

(Decision dated July 26, 2021)

Summary of Decision

- As part of its due diligence on appeals, the Access to Information Committee (“AIC”) seeks the relevant business unit’s views on the possible disclosure of the requested information in light of the appeal. In this case, after extensive consultations with the relevant business unit, such unit decided to make the information identified as responsive to the Request publicly available.
- ***Violation of Policy and Public Interest Case.*** Based on the above, consideration of the appeal asserting “violation of policy” and “public interest” was not required.

The Decision

Facts

1. On November 20, 2020, the World Bank (“Bank”) received a public access request (“Request”) seeking access to:

[A]ny policy, guidance note, good practice note, or similar document since 2010 [since the current AI Policy went into effect] that defines, determines or assesses whether or how a prior action contained in a Development Policy Financing agreement qualifies the related (subsequent) Development Policy Finance as “climate finance” or “providing climate co-benefits,” or both, and any related guidance etc. that determines it as contributing to mitigation, adaptation, or both. This request includes any qualifying document to which the World Bank Group has subscribed as a member of the joint Multilateral Development Bank working group on climate finance or similar cross-institutional agreed text. (“Requested Information”).

2. On November 24, 2020, the Bank consulted the responsible business unit to identify and locate the Requested Information.

3. On January 26, 2021:

- (a) the business unit located the Guidance Note on “COVID-19 Policy-Based Lending and Climate Change” (“COVID-19 Guidance Note”). The document was filed in the Bank’s official records management system as restricted from public access by the *Deliberative Information* exception under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01, as amended (“[AI Policy](#)”). Nevertheless, the business unit noted the Bank’s intention to disclose an updated version of the COVID-19 Guidance Note by June 30, 2021 (*see* para. 5 (iii) below);

- (b) based on the above, the Bank informed the requester that public access to the Requested Information was denied because the Requested Information is restricted by the *Deliberative Information* exception under the AI Policy; and
- (c) the secretariat to the AIC (“AIC Secretariat”) received an application (“Application”) appealing the Bank’s initial decision to deny public access to the Requested Information. The Application challenged the Bank’s decision to deny public access to the Requested Information on the basis that the denial “violates the AI Policy” and that there is a “public interest” case to override the AI Policy exception that restricts access to the Requested Information.

4. On January 27, 2021, the AIC, through the AIC Secretariat, consulted the responsible business unit to seek its views on the Requested Information in light of the appeal.

5. On February 24, 2021, representatives from the relevant business unit attended the AIC’s regular meeting to explain (a) the methodology the Bank applies to determine if a Development Policy Financing (“DPF”) operation qualifies as climate finance or as providing Climate Co-Benefits¹ (“CCB”); (b) whether the methodology is explained in operational guidance materials or any other document; and (c) if so, whether these documents are public or restricted and, if restricted, by which AI Policy exception. The business unit informed the AIC that:

- (i) there are no Bank operational guidance materials, guidelines and/or policies about the application of CCB to DPF programs;
- (ii) the [Joint Report on Multilateral Development Banks’ Climate Finance](#) (“MDB Methodology”), prepared and published annually, tracks climate finance in climate change adaptation and mitigation and explains the methodology the Bank and all Multilateral Development Banks (“MDB”) use to calculate CCB for their respective lending instruments, including DPFs²; and
- (iii) the business unit finalized the COVID-19 Guidance Note and disclosed it under the title [“COVID-19 Policy-Based Lending and Climate Change: Supporting Our Clients to Rebuild Better”](#).

6. The AIC concluded its February 24, 2021, meeting by acknowledging the need for additional time and input from the business unit before making its determination on the appeal. For this reason, the AIC scheduled an extraordinary meeting on March 3, 2021. In preparation for this March meeting, the business unit provided to the AIC a list of information the Bank discloses with regard to CCB, namely:³

¹ Climate Co-Benefits refer to the share of World Bank Group lending commitment that contributes to climate change mitigation and/or adaptation. The calculation for climate co-benefits is based on the [Joint Report on Multilateral Development Banks’ Climate Finance \(“MDB Methodology”\)](#).

² See Annexes B to D.

³ Some of this public information is repeated in para. 10 of this decision solely for completion of the record.

- (a) the [MDB Methodology](#);
- (b) the [COVID-19 Guidance Note](#);
- (c) the [Corporate Scorecard](#), which includes the share of (i) climate-related financing in total commitments (%) for the World Bank Group; (ii) climate-related financing in total commitments (%) for the Bank (i.e., IBRD and IDA); and (iii) climate-related financing in total commitments (%) for IBRD;
- (d) the [World Bank Group Capital Increase Package](#), which includes IBRD and IFC's share of climate-related financing in total commitments, as climate-related financing is a policy commitment with specific targets for IBRD and IFC;
- (e) the IDA19 Reporting, through which the Bank periodically reports on the climate-related financing targets, e.g., an average of 30% over FY21-23 and at least 50% of climate-related financing for adaptation, through the [Results Monitoring System \(RMS\)](#); and
- (f) Project level CCB reporting, which lists every project approved per fiscal year and (i) the associated climate-related finance, or CCBs as a percentage of total commitments; (ii) the dollar amount of adaptation and mitigation CCBs; and (iii) total commitments for that operation. In this respect, the Bank also publicly discloses project level climate-related financing in a report available in its external website; both reports for [FY18](#) and [FY19](#) are publicly available; the FY20 report is under preparation at the time this decision is written.

7. On March 2, 2021, the business unit further clarified which pieces of information provided to the AIC were responsive to the Request and how each is treated pursuant to the AI Policy. As a result, the business unit identified:

- (a) 10 pieces of information as *not* responsive to the Request. Out of the 10, six are public, namely the five documents listed in para. 6 (b) to (f) above, and the [Development Policy Access Database](#);⁴
- (b) Five pieces of information as responsive to the Request. Out of the five, one is already public, i.e., the [MDB Methodology](#) as listed in para. 6 (a) above, and the remaining

⁴ See section “Financing”, “Development Policy Operations: Prior Actions” and associated hotlink to the word “database” as quoted below for easy reference:

Development Policy Operations: Prior Actions

Prior Actions are policy and institutional actions deemed critical to achieving the objectives of a program supported by a DPF operation. These present the legal terms defined in the loan agreement that have to be met for each operation before disbursement. A [database](#) of prior actions for all DPF operations since fiscal year 2005 is updated annually at the end of each fiscal year by the Operations Policy and Country Services Vice Presidency.

four were identified as restricted from public access by the *Deliberative Information* exception as follows:

- (i) Climate Prior Action Dashboard (“CPAD”);⁵
- (ii) Internal Power Point Presentation on how the MDB Methodology is applied to each of the Bank’s financing instruments (see para. 10(d)(ii) below);
- (iii) FAQ on how the MDB Methodology is applied to DPFs (see para. 10(d)(iii) below); and
- (iv) CCB intranet webpage, which later revealed that it also contains the information listed in subparas. (ii) and (iii) above (see para. 10 below).

8. On March 3, 2021, representatives from the business unit and the Operations Policy and Country Services Vice-Presidency (“OPCS”) attended the AIC’s extraordinary meeting to explain (a) the content and nature of the information identified as responsive to the Request during the appeal listed in para. 7(b) above, (b) the rationale behind the selected exceptions restricting access to information responsive to the Request, and (c) the harm of disclosure if such information would be made publicly available. As a result of the extensive discussion with the AIC, and in light of the Request under this appeal:

- (i) the business unit rectified its views and noted that the CPAD is *not* responsive to the Request because it merely lists the CCB prior-action and project-level CCB data without any information on why and how individual prior actions receive a given level of CCB or explanation on how each prior action was assessed and allocated a specific CCB’s percentage. Additionally, public access to the CPAD and its content has already been addressed by the AIC at its decision regarding Case No. AI7218 ([AIC Decision on Appeal under Case No. AI7218](#));
- (ii) considering one of the pieces of information identified as responsive to the Request was the CCB intranet webpage, the AIC requested the business unit to thoroughly review the CCB intranet webpage and identify which information contained in such webpage may be responsive to the Request and how each piece of such information should be treated pursuant to the AI Policy.

9. On March 9, 2021, the AIC Secretariat requested the business unit to respond to the AIC’s additional request for clarification regarding the CCB intranet webpage.

10. On May 6, 2021, and May 20, 2021, the business unit informed the AIC of its review of the CCB intranet webpage. To facilitate the AIC’s consideration of the appeal, the AIC Secretariat prepared a table listing all information collected by the business unit during the appeal, regardless if such information is responsive or not to the Request. The table included a total of 17 pieces of information identified by the business unit under Case Nos. AI7218 and AI7274, including the CPAD and the intranet page, as follows:

⁵ Public access to the CPAD is addressed in the [decision on appeal under Case No. AI7218](#).

- (a) seven documents are *not* responsive to the requests under appeal, either under Case No. AI7218 or AI7274;⁶
- (b) six documents are public, regardless of being responsive to the Request, namely:
 - (i) the [MDB Methodology](#);
 - (ii) the [DPF Excel database](#);
 - (iii) [Corporate Scorecard](#);
 - (iv) [World Bank Capital Increase Package](#);
 - (v) [IDA 19 Reporting](#); and
 - (vi) Project level CCB Reporting for [FY18](#) and [FY19](#).
- (c) three documents responsive to the request were restricted from public access, namely the CPAD, a power point presentation, and a list of frequently asked questions (see para. 7(b)(i), (ii) and (iii) above), with the two latter pieces of information also being part of what the business unit identified in the CCB intranet webpage which were later disclosed (see subpara. (d)(ii) and (iii) below);
- (d) the CCB intranet webpage containing 87 documents, out of which only eight have been identified as responsive to the Request under Case No. AI7274. Out of these eight documents, seven were restricted by the *Deliberative Information* exception under the AI Policy, and one is public, namely the [MDB Methodology](#) (see para. 10(b)(i) above). The business unit also expressed its support to disclose the seven documents restricted from public access listed below to help the public understand how CCB are assigned for DPF instruments; all such information has since been made publicly available:
 - (i) [Reference Guide on Adaptation Co-Benefits](#);
 - (ii) [Application of Methodology by Lending Instrument Type](#);
 - (iii) [FAQ on Climate Co-Benefits for DPFs](#);

⁶ For completion of the record, these seven documents consist of:

- (a) the Briefing Note COVID-19 Policy-Based Lending and Climate Change;
- (b) First redacted version Briefing Note “COVID-19 Policy-Based Lending and Climate Change;
- (c) Second redacted version of the Briefing Note “COVID-19 Policy-Based Lending and Climate Change;
- (d) the draft Joint MDB Methodology for Tracking Climate Mitigation Finance Tracking, December 2020;
- (e) sector level guidance for task teams on the application of the methodology, but not instrument (DPF) specific guidance;
- (f) Internal reference guide on Adaptation and Climate Co-benefits, not instrument (DPF) specific; and
- (g) OPCS guidance notes specifically on the DPF instrument.

- (iv) [Guidance: Illustrative Climate Change Actions](#);
- (v) [Case Studies: Adaptation and Mitigation Co-Benefits \(EAP\)](#);
- (vi) [Case Studies: Mitigation Co-Benefits \(MNA\)](#); and
- (vii) [Case Studies: Adaptation Co-Benefits \(MNA\)](#).

Preliminary Matters

Scope of Information Under Consideration

11. The AIC found that the Bank is in possession of a wide range of information related to climate change and CCB. However, based on the ordinary meaning of the words of the Request, the AIC found that only part of the information in the Bank's possession is responsive to the Request. Additionally, the AIC found that part of the Requested Information doesn't exist, i.e., there are no Bank internal *policies and/or guidance* defining, determining, or assessing prior-action CCB on DPF operations, or determining DPF operations *as contributing to mitigation, adaptation or both*. Pursuant to the AI Policy, and consistent with the AIC decision in *Case No. AI7128-A, Systematic Tracking of Exchanges in Procurement (STEP)*, dated April 28, 2021, only information in the Bank's possession is within the scope of the AI Policy. For this reason, the AIC cannot consider non-existent information such as the information falling within this portion of the Request.

12. The AIC also found that the [MDB Methodology](#) is the sole piece of information responsive to the portion of the Request seeking access to

(...) any qualifying document [that defines, determines or assesses CCB in DPF operations] to which the World Bank Group has subscribed as a member of the joint [MDB] working group on climate finance or similar cross-institutional agreed text.⁷

Decision

13. Based on the above, the AIC was left to consider the part of the information in the Bank's possession identified as responsive to the Request. Such information was made publicly available by the business unit as a result of extensive discussions during the appeal. For this reason, the AIC no longer needs to consider the appeal.

⁷ However, the relevant business unit informed the AIC that the MDBs are working on a new Joint MDB methodology for tracking climate mitigation in lending operations. The responsible business unit also noted that the Bank is not the owner of the new Joint MDB methodology (as it is a collective document being prepared/discussed with other MDBs). According to the business unit, the new MDB methodology is still under deliberation (as of March 2021), but the final version will probably be disclosed in the Summer of 2022 (July- August 2022).