

AIC decision on appeal #92

CASE NUMBER AI7768
MDB CLIMATE FINANCE ACCOUNTING RELATED INFORMATION
(Decision dated April 27, 2022)

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 units, 53 documents were identified and found to be responsive to the request. Out of such 53 documents:
 - (a) 51 documents were made publicly available; and
 - (b) two documents were identified as restricted by the *Deliberative Information* exception.

Based on the above, the AIC considered the appeal solely with respect to the information that remained restricted from public access as listed in para. (b) above.

- ***Violation of Policy.*** The AIC found that the two documents restricted by the *Deliberative Information* exception under the AI Policy contain (a) a detailed breakdown of climate co-benefits by sub-component levels which reflects detailed internal deliberations that remain tentative and are not final, or (b) details on internal roles and procedures, having been clearly formulated to instruct internal staff on the discharge of their functions, and examples of case studies with detailed breakdown of climate co-benefits by sub-component level which are for illustrative purposes only and, thus, tentative and not final. As such, these two documents continue to inform the Bank’s considerations and decision making process related to climate co-benefits, i.e., contain information that serves the Bank’s internal deliberative process. For these reasons, the AIC decided that the Bank properly and reasonably restricted this part of the Requested Information from public access based on the *Deliberative Information* exception under the AI Policy and, therefore, there is no violation of policy. Based on the above, the AIC upholds the Bank’s decision to deny public access to such part of the Requested Information.
- ***Public Interest.*** The AIC found no compelling reason to override the *Deliberative Information* exception restricting access to the two documents identified as responsive to the request. For this reason, the AIC upholds the Bank’s decision to deny access to the two documents that remain restricted from public access.

The Decision

Facts

1. On September 10, 2021, the World Bank (“Bank”) received a public access request (“Request”) seeking access to (in relevant part):

(...) (a) any Briefing Note or related policy guidance COVID-19 Policy-Based Lending and Climate Change, including versions of said note and guidance that help to explain prioritization and overlap of these two issues. (...)

(b) the draft Joint MDB Methodology for Tracking Climate Mitigation Finance Tracking, December 2020, and any subsequent version that provides additional refinement or explanation of this.(...)

(c) any sector level guidance for task teams on the application of the Joint MDB climate finance tracking methodology. (...)

(d) any internal reference guide on Adaptation and Climate Co-benefits. (...)

(e) any OPCS or similar corporate-level guidance notes specifically on the DPF instrument as it relates to climate change. (...) (“Requested Information”).

2. On October 8, 2021, the Bank issued its decision providing access to a portion of the Requested Information and denying access to the remaining portion of the Requested Information based on the *Deliberative Information* exception under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01, as amended (“[AI Policy](#)”). In its decision, the Bank stated, in relevant part, that:

(a) the [Briefing Note](#) and the [Joint Report on Multilateral Development Bank’s \(“MDBs”\) Climate Finance \(“MDB Methodology”\)](#) are publicly available;

(b) “sector level guidance” and “internal reference guide on Adaptation and Climate Co-benefits” are restricted from public access based on the *Deliberative Information* exception under the AI Policy; and

(c) there is no “OPCS or similar corporate-level guidance notes specifically on the DPF instrument as it relates to climate change”.

3. On October 12, 2021, the requester filed an appeal challenging the Bank's denial; the appeal was filed on the basis that there is a "violation of policy" and a "public interest" case to override the AI Policy exception that restricts public access to the information ("Application").
4. On October 13, 2021, the AIC, through its secretariat ("AIC Secretariat"), consulted the responsible business unit to seek its views on the possible disclosure of the Requested Information in light of the Application. A total of 53 documents were identified as responsive to the portion of the Request regarding "sector level guidance" and "internal reference guide on Adaptation and Climate Co-benefits". Due to the nature of such Requested Information, a total of nine business units were further consulted with respect to the Requested Information.
5. After extensive consultations with all responsible business units, out of such 53 documents that were initially restricted from public access, 51 were made publicly available and are listed in the Annex to this decision. Two documents remained restricted by the *Deliberative Information* exception under the AI Policy.
6. The AIC discussed the appeal at several of its regular meetings, i.e., on January 26, 2022, on February 23, 2022, on March 30, 2022, and on an extraordinary meeting of the AIC on April 6, 2022.

Findings and Related Decisions

7. In reviewing the Application in accordance with the AI Policy, the AIC considered:
 - (a) the Request;
 - (b) the Bank's response to the Request and initial denial of access to the Requested Information;
 - (c) the Application;
 - (d) inputs from the relevant business units and information made publicly available in light of the appeal;
 - (e) the AI Policy's *Deliberative Information* exception restricting access to a portion of the Requested Information; and
 - (f) the violation of policy and public interest ground of the appeal.

“Violation of the AI Policy”

8. Under the AI Policy, the Bank allows access to any information in its possession that is not on a list of exceptions (*see* AI Policy, at Section III.B.1 and 2). The AI Policy states, in relevant part, that under the *Deliberative Information* exception, to facilitate and safeguard the free and candid exchange of ideas for the purpose of preserving the integrity of the deliberative processes, while the Bank makes publicly available the decisions, results, and agreements that result from its deliberative process, the Bank does not provide access to information prepared for, or exchanged during the course of, its own internal deliberations (*see* AI Policy, at Section III.B.2.(i).ii). Pursuant to the AI Policy, safeguarding the deliberative process is also one of the AI Policy’s five principles (*see* AI Policy, at Section III.A.1).

9. A requester who is denied public 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 Section III.B.8.(a).i).

10. In this case, the AIC found that two documents remain restricted from public access based on the *Deliberative Information* exception under the AI Policy, namely, one case study on social protection and jobs, and one guidance note for meeting corporate commitments for climate-smart agriculture. In reviewing these two documents, the AIC found that:

- (a) with respect to the case study, there is some related information publicly available, i.e., [“Building back better after COVID-19: How social protection can help countries prepare for the impacts of climate change”](#), dated July 14, 2020;
- (b) the case study in question differs from other publicly available case studies because it contains detailed breakdown of climate co-benefits by sub-components which reflects detailed internal deliberations that remain tentative and are not final. Bank staff continue to consult and refer to this case study to inform the Bank’s views and considerations for policy dialogue on climate change with other MDBs, and in specific, on how the Bank reviews the climate co-benefits component-level calculations;
- (c) the guidance note for meeting corporate commitments for climate-smart agriculture contains details on internal roles and procedures and has been clearly formulated to instruct internal staff on the discharge of their functions. It also contains examples of case studies with detailed breakdown of climate co-benefits by sub-component which are for illustrative purposes only and, thus, tentative and not final. Additionally, the AIC found that the examples of case studies in the guidance note, even if outdated since the methodology itself keeps evolving, continue to help Bank staff determine the projects’ contribution to climate change and provide support to task teams on ongoing discussions and policy dialogue on how to calculate climate co-benefits at the component-level.

11. Based on the above, the AIC found that the two documents that remain restricted from public access, i.e., the case study on social protection and jobs and the guidance note for meeting corporate commitments for climate-smart agriculture, are properly and reasonably restricted from public access based on the *Deliberative Information* exception under the AI Policy. For this reason, the AIC does not find a violation of policy in this case and upholds the Bank's decision to deny public access to such part of the Requested Information.

12. Under the AI Policy, if the AIC upholds the initial decision to deny public access to information in appeals alleging "violation of policy", the requester can appeal to the Access to Information Appeals Board (the "AI Appeals Board") as the second and final stage of appeals (*see* AI Policy, at Section III.B.8.(b).ii). The link to appeal this portion of the decision is sent separately to the requester.

"Public Interest" case

13. Pursuant to the AI Policy, a requester who is denied public access to information by the Bank may file an appeal on a "public interest" basis if the requester is able to make a public interest case to override certain AI Policy exceptions that restrict public access to the information (*see* AI Policy, at Section III.B.8.(a).ii). Public interest appeals are limited to information restricted by the *Corporate Administrative Matters*, *Deliberative Information*, and/or *Financial Information* (other than banking and billing information) exceptions (*see id.*). Under the AI Policy, for appeals that assert a public interest case to override an AI Policy exception, the decision of the AIC is final (*see* AI Policy, at Section III.B.8.(b).i).

14. The AIC considered whether the public interest assertion in the Application merited overriding the *Deliberative Information* exception restricting access to two documents responsive to the Request. As noted above, the AIC found that the two documents in question are properly and reasonably restricted by the *Deliberative Information* exception because the documents reflect internal deliberations that remain tentative, are for illustrative purposes, and are not final, and continue to inform Bank staff considerations related to climate co-benefits. The AIC considered the business unit's views on the possible disclosure of this information and the impact of such disclosure, vis-à-vis the claimed public interest in the Application. The AIC also balanced the fact that most of the information responsive to the Request has been made publicly available in light of the appeal.

15. In light of the above considerations, the AIC found no compelling public interest basis to override the *Deliberative Information* exception in this case. For this reason, the AIC decided to uphold the Bank's decision to deny public access to the two documents responsive to the Request that remain restricted by the *Deliberative Information* exception.

16. Under the AI Policy, for appeals that assert a public interest case to override an AI Policy exception, the decision of the AIC is final (*see* AI Policy, at Section III.B.8.(b).i).

Annex

List of documents made publicly available in response to the appeal

1. [Reference Guide on Adaptation Co-Benefits, A comprehensive guide to capturing change adaptation co-benefits generated by World Bank Projects](#)
2. [Human capital and climate action: Outcomes that deliver for people and planet, May 12, 2020;](#)
3. [The Human Capital Project & Climate;](#)
4. [Building back better after COVID-19: How social protection can help countries prepare for the impacts of climate change, July 14, 2020;](#)
5. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Water Projects](#)
6. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Digital Development Projects](#)
7. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Environment Projects](#)
8. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Health Nutrition and Population Projects](#)
9. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Energy and Extractives Projects](#)
10. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Governance Projects](#)
11. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Social Protection and Jobs Projects](#)
12. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Urban, Resilience and Land Projects](#)
13. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Macroeconomic, Trade, and Investment \(MTI\) Projects](#)
14. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Agriculture Projects](#)
15. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Finance, Competitiveness, and Innovation \(FCI\) Projects](#)
16. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities Education Projects](#)
17. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Transport Projects](#)
18. [Tip Sheet for World Bank Task Teams on Illustrative Climate Change Actions : Adaptation Opportunities in Poverty and Equity Projects](#)
19. [Guidance Note on Climate Change in Governance Operations](#)
20. [Case Study: Inland Waterway Project](#)
21. [Case Study: Road Improvement Project](#)
22. [Case Study: North Eastern Transport Improvement Project](#)
23. [Case Study 1: Road Project – Concept stage](#)
24. [Case Study 2: Urban Transport Project – Concept state](#)
25. [HNP Climate and Health Guidance Note](#)
26. [HNP Climate Change Co-Benefits Case Studies](#)
27. [Menu of Climate-Smart Interventions for HNP Operations: Guidance Tool for HNP Staff](#)

28. eLearning is available to the general public by clicking on the OLC link from an external network from which it opens a site to the member center to create an account. Once the account is created, the public can view the course at <https://olc.worldbank.org/content/climate-change-and-health>
29. [Reference Guide on Adaptation Co-Benefits: A Comprehensive Guide to Capturing Climate Change Adaptation Co-Benefits Generated by World Bank Projects](#)
30. [Education Climate Change Co-benefits Case Studies](#)
31. [Good Practice Note for Energy Sector Adaptation](#)
32. [Macroeconomics, Trade and Investment, Adaptation and Mitigation Co-Benefits](#)
33. [Macroeconomics, Trade and Investment, Mitigation Co-Benefits](#)
34. [Urban, Disaster Risk Management, Resilience, and Land, Adaptation Co-Benefits](#)
35. [Urban, Disaster Risk Management, Resilience, and Land, Mitigation Co-Benefits](#)
36. [Governance, Adaptation Co-Benefits](#)
37. [Agriculture, Adaptation and Mitigation Co-Benefits](#)
38. [Agriculture, Adaptation and Mitigation Co-Benefits](#)
39. [Agriculture, Adaptation Co-Benefits](#)
40. [Agriculture, Mitigation Co-Benefits](#)
41. [Water, Adaptation and Mitigation Co-Benefits](#)
42. [Transport, Adaptation and Mitigation Co-Benefits](#)
43. [Transport, Adaptation Co-Benefits](#)
44. [Transport, Mitigation Co-Benefits](#)
45. [EFI Tip sheet: Maximizing Climate Co-benefits in EFI Operations](#)
46. [EFI Tip Sheet: Maximizing Climate Co-benefits in FCI Operations](#)
47. [EFI Tip Sheet: Maximizing Climate Co-benefits in MTI Operations](#)
48. [EFI Tip Sheet: Maximizing Climate Co-benefits in POV Operations](#)
49. [Climate Opportunities in World Bank COVID-19 Multiphase Programmatic Approach \(MPA\): Additional Financing Operations](#)
50. [Tips for Climate change Adaptation and Mitigation Co-Benefits Tracking for Water Projects](#)
51. [Building Resilience to Climate Change: The Contribution of Social Protection and Jobs Instruments Stylized overview – June 2020](#). Note that the paper titled “[Social Protection and Labor: A Key Enabler for Climate Change Adaptation and Mitigation](#)” is related to the “Building Resilience to Climate Change” report and is also available to the public.