

## AIC Decision on appeal #97

### CASE NUMBER AI9133 AFGHANISTAN PRIVATE SECTOR RAPID SURVEYS DATA AND QUESTIONNAIRES (2021, 2022, 2023)

(Decision dated July 12, 2024)

#### Summary of Decision

- The Access to Information Committee (“AIC”) received an appeal challenging the World Bank’s decision to deny public access to the data and questionnaires related to the 2021, 2022, and 2023 Afghanistan Private Sector Rapid Surveys (“Requested Information”). The appeal asserts a “public interest” basis to override the exceptions under the Access to Information Policy (“[ATI Policy](#)”) that restrict access to the Requested Information.
- **Public Interest.** The AIC found that the Requested Information is restricted by the *Information Provided by Member Countries or Third Parties in Confidence* and *Security and Safety* exceptions under the ATI Policy. Pursuant to the ATI Policy, these exceptions are ineligible for consideration on public interest grounds (see ATI Policy, at Section III.B.8(a).ii). For this reason, the AIC found that the appeal is not properly before the AIC. Based on the above, and pursuant to Section III.D.1.a.(iii) of the [ATI Policy Directive/Procedure](#), the AIC dismisses the appeal for challenging a matter that the AIC does not have authority to consider. The AIC decision on public interest appeals is final.

#### The Decision

##### *Facts*

1. On April 22, 2024, the requester submitted a public access request for the Requested Information, namely the “...data and the questionnaires about [the] Afghanistan Private Sector Rapid Surveys that [were] conducted in 2021, 2022, and 2023”.
2. The World Bank consulted the responsible business unit to locate and identify the Requested Information.
3. On May 16, 2024, the World Bank denied access to the Requested Information on the basis that the information is restricted from public access by both the *Information Provided by Member Countries or Third Parties in Confidence* and *Security and Safety* exceptions under the ATI Policy. On the same date, the AIC, through its secretariat (“AIC Secretariat”), received an appeal challenging the World Bank’s decision to deny public access to the Requested Information. The appeal challenged the World Bank’s decision on the basis that there is a “public interest” ground to override the ATI Policy exceptions that restrict access to the Requested Information.

4. On May 21, 2024, the AIC Secretariat consulted the responsible business unit to seek its views on the possible disclosure of the Requested Information considering the appeal.
5. On June 18, 2024, the responsible business unit provided its views on possible disclosure of the Requested Information considering the appeal. The business unit confirmed that the Requested Information is restricted by both the *Information Provided by Member Countries or Third Parties in Confidence* and *Security and Safety* exceptions under the ATI Policy.

#### **Findings and Related Decisions**

6. In reviewing the appeal in accordance with the ATI Policy, the AIC considered:
  - (a) the initial submission for the Requested Information;
  - (b) the World Bank’s initial denial of access to the Requested Information;
  - (c) the appeal;
  - (d) input from the relevant business unit; and
  - (e) the nature of the Requested Information.

#### ***“Public Interest” case***

7. Pursuant to the ATI Policy, a requester who is denied access to information by the World Bank may file an appeal on a “public interest” basis if the requester is able to make a public interest case to override certain ATI Policy exceptions that restrict access to the information (*see* ATI Policy, at Section III.B.8.(a).ii). Public interest appeals are limited to information restricted by the *Corporate Administrative Matters, Deliberative Information, and Financial Information* (other than banking and billing information) exceptions (*see id.*).
8. In this case, the AIC found that the Requested Information is restricted from public access by both the *Information Provided by Member Countries or Third Parties in Confidence* and the *Security and Safety* exceptions under the ATI Policy. Neither the *Information Provided by Member Countries or Third Parties in Confidence* or the *Security and Safety* exception is eligible for consideration on a public interest basis. For this reason, the AIC dismisses the appeal because it challenges a matter that the AIC does not have authority to consider (*see* ATI Policy Directive/Procedure, at Section III.D.1.a.(iii)).
9. Under the ATI Policy, for appeals that assert public interest grounds, the decision of the AIC is final (*see* ATI Policy, at Section III.B.8.(b).i.).