

AIC decision on appeal #51

**CASE NUMBER AI4496
CERTAIN INFORMATION RELATED TO
THE VIETNAM SUSTAINABLE AGRICULTURE TRANSFORMATION PROJECT
(Decision dated December 1, 2016)**

Summary of Decision

- The Access to Information Committee (“AIC”) found that the World Bank properly and reasonably denied access to the Vietnam’s Socio-economic Development Plan for 2016 – 2020 (the “SEDP”) because, at the time of the denial, the information was in draft form and, thus, was restricted by the *Deliberative Information* exception under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01 (“AI Policy”). The AIC noted that, since the filing of this appeal, the SEDP has been finalized and made public. For this reason, consideration of the portion of the appeal asserting “public interest” was not required.

The Decision

Facts

1. On September 7, 2016, the requester submitted a public access request (“Request”) for certain information related to the Vietnam Sustainable Agriculture Transformation Project, namely the following:

[...]

1/Copy of socio-economic development plan (SEDP) for 2016 – 2020 as mentioned in Paragraph 12 of Report No: PAD1168

2/Copy of World Bank Group (WBG) Country Partnership Strategy (CPS) for 2012 – 2016 as mentioned in paragraph 13 of Report No: PAD1168

3/Copy of Agriculture Action Plan (FY13 – FY15) as mentioned in paragraph 13 of Report No: PAD1168

2. On October 5, 2016, the World Bank (“Bank”) replied to the Request, by: (a) denying access to the Socio-economic Development Plan for 2016-2020 (the “SEDP”) on the basis of the *Deliberative Information* exception under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01 (“AI Policy”); and (b) providing access to the information identified as responsive to remaining portions to the Request.

3. On October 11, 2016, the secretariat to the Access to Information Committee (“AIC”) received an application (“Application”) appealing the Bank’s decision to deny access to the SEDP.¹ The Application

¹ The application was received through the case management system without a case number assigned to it. Following a technical audit, the appeal was identified as being associated with Case. No. AI4496. The secretariat to the AIC informed the requester of the technical issue and sought confirmation that the appeal was indeed associated with this

challenges the Bank's decision on "violation of policy" and "public interest" grounds. The Application states, in relevant part, the following:

1) I am an emerging social entrepreneur and started working for sustainable Agriculture and Livelihood of poor people mainly women.

2) I approached many poor women in villages and discovered that their suffering is increasing every day though world bank is funding various projects for the purpose.

3) I approached few poor women group in West Africa and in Vietnam and discovered that both area needs sustainable agriculture and can compensate each other.

4) To judge further the potential I decided to study the various action plan including as asked in this case.

5) In view of the above I asked for 3 documents out of which 2 were provided and was was denied on the ground that " The remaining document you requested is restricted from public access under the World Bank Policy on Access to Information (the Policy) because it is covered by the "Deliberative Information" exception under the Policy. "

6) These document will help help me in finding ways for sustainable Agriculture and Livelihood of poor people mainly women

[...]

In view of the above i appeal to please provide the missing information and document to study to find the ways to help poor for sustainable livelihood and agriculture.

Findings and Related Decision

4. In reviewing the Application in accordance with the AI Policy, the AIC considered:
 - (a) the Request;
 - (b) the Bank's denial of access;
 - (c) the Application;
 - (d) the nature of the SEDP;
 - (e) the *Deliberative Information* exception under the AI Policy that justified the Bank's decision to deny public access to the SEDP; and
 - (f) the information provided by the relevant business unit.

"Violation of the AI Policy"

5. Pursuant to 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). A requester who is denied public access to

case. The requester confirmed this in a subsequent communication received on October 17, 2016, and provided reasons for appealing the Bank's decision under the specific case (as set forth in para. 3 above).

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).

6. The AI Policy states that the Bank “does not provide access to documents that contain or refer to information listed in sub-paragraphs (a) through (j)” of Section III.B.2 of the AI Policy, which set out the AI Policy’s list of exceptions. Sub-paragraph (i) of Section III.B.3 of the AI Policy, under the *Deliberative Information exception*, recognizes that, to facilitate and safeguard the free and candid exchange of ideas for the purpose of preserving the integrity of the deliberative processes, the Bank does not provide access to information (including draft reports or other documents) prepared for, or exchanged during the course of, its deliberations with member countries or other entities with which the Bank cooperates.

7. The AIC noted that the SEDP is a document of the Socialist Republic of Vietnam made available to the Bank in the course of its regular dialogue and cooperation with this member country. The AIC found that the SEDP was – at the time of Request and the Bank’s decision to deny access – still in draft form and in the process of being finalized. However, since the time of the Bank’s denial of the Request and the requester’s filing of the Application, the SEDP was finalized and made publicly available. Based on the above findings, the AIC concluded that the Bank properly and reasonably denied access to the draft SEDP that was available at the time of the Request. For this reason, the Bank’s decision to deny access did not violate the AI Policy.

8. While the AIC upholds the Bank’s decision to deny public access to the draft SEDP, the AIC recognizes that the final SEDP, which is the document of interest to the requester as asserted in the Application, has been made publicly available. The final SEDP is attached below.

[Information attached in decision sent to the requester.]

“Public Interest” case

9. For the above reasons, consideration of the portion of the appeal asserting “public interest” was not required.