

## AIC decision on appeal 59

### CASE NUMBER AI4218 MCNAMARA RECORDS RELATED TO CHINA

(Decision dated April 5, 2017)

#### Summary of Decision

- The Access to Information Committee (“AIC”) found that the appeal is not properly before the AIC for consideration. The appeal in this case was filed 86 calendar days after the Bank’s initial decision to deny access. Under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01 (“AI Policy”), appeals to the AIC must be filed within 60 calendar days of the Bank’s decision. For this reason, the appeal is dismissed for failure to file within the required time.

#### The Decision

##### *Facts*

1. On March 14, 2016, the requester submitted a public access request (“Request”) for certain information from President Robert McNamara’s records related to China (“Requested Information”). On October 18, 2016, the World Bank (“Bank”) responded to the Request by denying access to the Requested Information on the basis of the Bank’s prerogative to restrict information that it would otherwise disclose, in accordance with the AI Policy.
2. On January 2, 2017, the requester informed the Bank that he “[...] ha[s] been trying for about 20 days to appeal against the decision to release some of the records I asked to declassify [...]” and sought technical support to file an appeal. On January 12, 2017, the Secretariat to the Access to Information Committee received an application (“Application”) appealing the Bank’s decision. The Application challenges the Bank’s decision on “public interest” grounds. The Application states, in relevant part, the following:

*These records would shed an enormous [sic] amount of light on how the World Bank played a vital role in China's re-integration into the global economic system in the late 1970s and early 1980s. The significance of these records would go well beyond academia, with a potential contribution of informing current policymakers [sic] on how China has always sought Western economic expertise to deploy its post-1978 economic policies. Access to these records could reveal the intriguing details of how Beijing and the World Bank started talking with each other during the MacNamara Presidency, at the same time Deng Xiaoping launched China's modernization program.***Findings and Related Decision**

3. In reviewing the Application in accordance with the AI Policy, the AIC considered:

- (a) the Request;
- (b) the Application;
- (c) the date of the Bank's initial decision; and
- (d) the date when the Bank was notified of the technical difficulties and the date when the Application was filed before the AIC.

4. In this case, the Bank's response was issued on October 18, 2016. The notification by the requester on the technical difficulties regarding the filing of the appeal was submitted on January 2, 2017, i.e., 76 calendar days after the Bank's initial decision. The Application was filed with the AIC on January 12, 2017, i.e., 86 calendar days after the Bank's initial decision. Under the AI Policy, appeals to the AIC "must be filed (...) within 60 calendar days of the Bank's initial decision to deny access to the requested information" (*see* AI Policy, at Section III.B.8 (b) i). The AIC found that the Bank systems for filing appeals were fully functional during the months of October 2016 and January 2017, and other appeals were received during the same period. Accordingly, the Application is not properly before the AIC for consideration.

5. For the above reasons, and pursuant to the *Bank Directive/Procedure: Access to Information*, July 1, 2015, Catalogue No. ECR4.01-DIR.01, at Section III.D.1 a (i), the Application is dismissed for failure to file within the required time.