CASE NUMBER AI4459
COUNTRY POLICY AND INSTITUTIONAL ASSESSMENT DATASET
(Decision dated April 5, 2017)

Summary of Decision

- The Access to Information Committee ("AIC") upholds the World Bank's decision to deny access to the *complete* dataset of the Country Policy and Institutional Assessment for both IBRD and IDA countries from 2000 to the present ("CPIA Dataset"). The AIC considered the appeal on violation of policy ground.

- ***Violation of Policy***. The AIC found that the CPIA Dataset as *a whole* is properly 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 Decision

Facts

1.   On August 16, 2016, the requester submitted a public access request ("Request") for the *complete* dataset of the Country Policy and Institutional Assessment for both IBRD and IDA countries from 2000 to the present ("CPIA Dataset").

2.   On January 30, 2017, the World Bank ("Bank") replied to the Request by: (a) providing access to the average CPIA scores for IDA Countries 1977 - 2004 and the average CPIA scores for the 1996-2004 period for IBRD countries; and (b) denying access to the CPIA Dataset on the basis of the *Deliberative Information* exception under the AI Policy.

3.   On February 3, 2017, the Secretariat to the Access to Information Committee ("AIC") received an application appealing the Bank's decision to deny access to the requested documents. The application challenges the Bank's decision on "violation of policy" grounds. The application states, in relevant part, the following:

> *"1) [...] I am currently a World Bank STC, [...]. If given access to the data, I would not share the data with anyone.*
> *2) I have given a lot to the Bank in terms of contributions to numerous initiatives and projects [...].*
> *3) World Bank researchers in DEC frequently get to use the CPIA data that I am requesting for their publications in publicly available academic journals. (...) Since I am also a World Bank employee and have been for nearly 7 straight years, I believe that I should be granted the same rights to the data [...].*
> *4) [...] STCs and outside researchers unaffiliated with the Bank have access to the data. Therefore, if these data are covered by the World Bank Access to Information Policy, the policy*

has already been violated, and the Bank does not have much of a case to continue withholding the data on me, a World Bank employee. To do so would just be a case of the World Bank giving preferential, unfair treatment to some researchers over others.
5) [...] there is no suitable substitute the CPIA data that I am requesting based on the Bank having already violated its own Access to Information Policy.
6) The paper for which I would like to use the CPIA data is an examination of Governance and Anti-Corruption Action Plans(GAAPs)/Anti-Corruption Action Plans (ACAPs) in World Bank Investment Projects. [...]
7) [...] there would be no column in my regression tables for the CPIA data".

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 CPIA Dataset as *a whole*;

(e) the *Deliberative Information* exception under the AI Policy that justified the Bank's decision to deny public access to the requested information; 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 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 explicitly states, under the *Deliberative Information* exception, that the Bank does not provide access to statistics prepared, or analyses carried out, solely to inform the Bank's internal decision making processes (such as analyses of country creditworthiness, credit ratings, and risk, the write-ups underpinning the Country Policy and Institutional Assessment (CPIA) for IBRD and IDA borrowers, and CPIA ratings for IBRD borrowers).

7.   In this case, the AIC notes as a preliminary matter that the AI Policy governs the disclosure of information to the *public*, which is distinct from internal access (i.e. access from World Bank employees)

to restricted information (i.e. information not available to the public, in accordance with the AI Policy). The AIC does not have authority to examine whether and how World Bank employees have been provided internal access to restricted information or whether the use of restricted information by World Bank employees has been in compliance with the AI Policy. These matters fall outside the scope of the AI Policy, and thus outside the AIC's mandate. As such, the AIC's analysis is limited as to whether the requested CPIA Dataset can be made *publicly* available.

8.   Following the above preliminary considerations, the AIC found that the CPIA Dataset is a comprehensive dataset that includes information that if considered individually could be treated differently under the AI Policy. For example, the CPIA Dataset includes CPIA ratings for countries eligible for IDA financing that are publicly available in accordance with the AI Policy. However, the CPIA Dataset also includes the write-ups underpinning the CPIA for IBRD and IDA borrowers, and CPIA ratings for IBRD borrowers, which are *explicitly* referred to as information restricted by the *Deliberative Information* exception. In this case, the AIC found that the subject matter of the Request and hence the issue considered on appeal is the CPIA Dataset as *a whole*.

9.   Based on all the above findings, the AIC concluded that the CPIA Dataset as *a whole* was properly restricted by the *Deliberative Information* exception, and hence the Bank's decision to deny access did not violate the AI Policy. Accordingly, the AIC upheld the Bank's decision to deny public access to the CPIA dataset as a whole.

10.   Under the AI Policy, if the AIC upholds the initial decision to deny public access to information in appeals alleging a violation of the AI Policy, the requester may file an appeal to the Access to Information Appeals Board ("AI Appeals Board"), as the second and final stage of appeals (*see* AI Policy at Section III.B.8 (b) ii). If you wish to file an appeal to the AI Appeals Board, click here.

[*URL provided in the decision sent to the requester*].