

AIC Decision on appeal #72

CASE NUMBER AI6799 HISTORICAL MONTHLY LOAN DISBURSEMENTS

(Decision dated July 10, 2020)

Summary of Decision

- Under its Access to Information Policy (“AI Policy”), the World Bank (“Bank”) has the right to refuse a request that would require the Bank to collate information (see paragraph 7). When the Bank exercises its right to refuse a request pursuant to the AI Policy, the Bank does so without even considering whether the information in question is public or restricted under the AI Policy. The refusal is to the request, not to the information being requested. In this case, the AIC found that there is no such denial of access to information but a refusal of the request. For this reason, the Access to Information Committee (“AIC”) dismissed the appeal for appealing a matter that the AIC does not have authority to consider.

The Decision

Facts

1. On February 27, 2020, the requester submitted a request seeking to access the “(...) gross disbursement data for IBRD and IDA, disaggregated by country, and crucially by month (not year)”. Later, on March 10, 2020, the requester clarified that the request was for “monthly disbursement data for all borrowing countries between 1947 and 2019” (“Request”).

2. On February 27, 2020, the Bank replied to the requester noting (a) publicly available sources for certain disbursement information and (b) the AI Policy’s provision on collation as follows:

- The Finances website (<https://finances.worldbank.org/>) has disbursement data in several different formats. For example, if you drill down by country and go to [IDA Commitments, Gross Disbursements and Net Disbursements](#)
- For disbursement by country an example is: Kenya, (<https://financesapp.worldbank.org/en/summaries/ibrd-ida/#ibrd-len/countries=KE/page=7>), you can see the projects with the related IDA or IBRD loans and the disbursement and status.
- <https://finances.worldbank.org/Loans-and-Credits/Project-Disbursements/wjcz-f7hu>

- The Projects & Operations website (<https://projects.worldbank.org/>) has detailed financial activity under the “Finances tab” for each project since the 1990s.

Regarding your question about data collation, we refer you to the World Bank Access to Information Directive/Procedure Section III. C. 3.

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/e5c12f4e7f5044f7a0d878614350f97c.pdf>

3. The requester replied on the same date noting, in relevant part:

Unfortunately, the disbursement information provided in the links you sent does not indicate the date (month and year) of disbursement. The data are based on the IDA/IBRD statement of loans dataset, which the WB Group Finances team already recommended to me. This dataset indicates the year, but not the month.

I submitted a formal request under the AI policy then because the monthly disbursement data are not already publicly available. Only the yearly disbursement data. I am looking for gross disbursement data, by country, indicating the month (and year) of disbursement. The WB Group Finances has this information but it is not in an already publicly available dataset. ***It would have to be compiled.*** For this reason, I believe this request may have to be evaluated by the AI committee and their view then communicated to the WB Group Finances. (emphasis added)

4. Certain email exchange ensued between the requester and the Bank, including to clarify the time period for the Request (as noted above in paragraph 1) and which business unit within the Bank might be able to help with the Request.

5. On March 13, 2020, the Bank replied closing the Request and referring the requester to additional publicly available disbursement information at

<https://datacatalog.worldbank.org/dataset/ibrd-and-ida-commitments-and-disbursements-country-summary>

6. On March 16, 2020, the requester replied stating, in relevant part:

Unfortunately, these data are not [what] we requested. We are looking for monthly gross disbursement data for each borrowing country from 1947 to today. The dataset you pointed us to contains disbursement data only for 2019 and 2020 and only on a quarterly basis.

(...)

We suggest two ways forward:

1. WB Group Finances pointed us to this dataset that is nearly exactly what we need. However, it does not state the date of disbursement. If [xxxx]’s office could simply add

the date of disbursement as a column to the Excel file, we could collate the data ourselves.

[IBRD Statement Of Loans - Historical Data](#)
[IDA Statement Of Credits and Grants - Historical Data](#)

1. **Alternatively, if the Bank held the disbursement data in a different format, we could collate it ourselves on a monthly basis and for each individual country.** In this way there would be no excessive demand on the Bank’s resources. Whatever format the raw disbursement data exist, we would clean and collate them ourselves.

Please let us know which of these ways forward you would like to pursue.

7. On March 20, 2020, after further consultation with the responsible business unit, the Bank informed the requester that the Bank could not fulfill the Request as follows, in relevant part:

Pursuant to the AI Policy Directive/Procedure, the Bank is mandated to disclose information in its original form (see AI Policy Directive/Procedure, at Section III.C.2, relevant part “... The Bank considers disclosure of documents in their original form...”). The AI Policy Directive/Procedure also states that the Bank can refuse requests that require the Bank to collate information/data:

Unreasonable or Unsupported Requests. The Bank reserves the right to refuse unreasonable or unsupported requests, including multiple requests, blanket requests, and any request that would *require the Bank to create, develop, or collate information or data that does not already exist or is not available in the Bank’s records management system.* The Bank normally communicates its decision to refuse an unreasonable or unsupported request within the time period set forth in paragraph 1 of this section of the Directive/Procedure. (see AI Policy Directive/Procedure, Section III.C.3, emphasis added)

Your request requires the World Bank to collate the requested information. Thus, pursuant to the above, your request is closed.

8. On March 27, 2020, the secretariat to the AIC received an application (“Application”) appealing the Bank’s decision to refuse to collate the requested information. The Application challenges the Bank’s decision on both a violation of policy and public interest grounds.

Findings and Related Decision

9. In reviewing the Application under the AI Policy, the AIC considered:

- (a) the Request;
- (b) the Bank’s response refusing to collate the requested information;
- (c) the Application;

- (d) the business unit's views;
- (e) whether information is already publicly available;
- (f) the distinction between the Bank's right to refuse a request and a Bank denial of access to information under the AI Policy; and
- (g) the effort required for the Bank to collate the information in this case, especially considering the period of interest, i.e., 1947 to 2019.

Right to Refuse

10. The AI Policy consists of two separate documents that must be read in conjunction with each other:

- (a) [Bank Policy: Access to Information](#), and
- (b) [Bank Directive/Procedure: Access to Information Directive/Procedure](#).

11. The AI Policy provides that the Bank reserves the right to refuse any request that would require the Bank to create, develop, or collate information or data that does not already exist or is not available in the Bank's records management system (*see* Bank Directive/Procedure: Access to Information Directive/Procedure, at Section III.C.3).

12. Using the ordinary meaning of the words, the AIC found that the Bank's right to refuse a request under the AI Policy means the Bank has the right to be unwilling to consider a request. In other words, the Bank has the right to decline, reject, not accept or entertain a request submitted for the Bank's consideration. A refusal of a request occurs *before* any consideration of the information being requested, i.e., without any consideration on whether the Bank should give or not access to certain information. In this manner, when the Bank exercises its right to refuse a request pursuant to the AI Policy the Bank does so without even considering whether the information in question is public or restricted under the AI Policy. The refusal is to the request, not to the information being requested.

13. If, alternatively, the refusal is to the requested information then it constitutes a denial of access to the information subject to appeal (*see* Bank Policy: Access to Information, at Section III.B.8.(a)). Denials of access to information require the Bank to consider the information on its merit, i.e., whether the requested information is public or restricted under the AI Policy.

14. Based on the above, the AIC found that the Bank's exercise of its right to refuse a request fails to constitute a denial of access to information under the AI Policy. For this reason, and pursuant to the AI Policy, the appeal is dismissed for appealing a matter that the AIC does not have authority to consider (*see* Bank Directive/Procedure: Access to Information Directive/Procedure, at Section III.D.1.a.(iii)).

The effort to collate

15. Notwithstanding the above, and solely for the sake of completeness, the AIC considered whether the Bank's refusal to collate the requested information covering 72 years of Bank operations was justified by business reasons. The AIC found that:

- (a) the information could not be provided without being collated;
- (b) collation would require review of multiple sources outside the Bank's records management system:
 - (i) at least five different electronic systems;
 - (ii) paper, tape records and back up files to be manually consulted to extract, collate, validate and reconcile the data for the time period requested;
- (c) reconciliation and validation of the data is close to impossible considering the time period of interest and the amount of paper data that such endeavor would cover;
- (d) collating the data requires substantial effort, time, and resources, including staff across multiple teams to manually extract, collate, validate and reconcile data from paper, tape and digital sources covering 72 years;
- (e) the Bank identified and provided to the requester certain public information related to the Request multiple times (*see* paragraphs 2 and 5 above, as well as paragraph 6 with references to publicly available sources of the information);
- (f) the requester him/herself recognizes that there is a lot of information already publicly available, some of which is "nearly exactly what we need", just not on the desired breakdown by month (*see* paragraph 6 above, namely the references to [IBRD Statement Of Loans - Historical Data](#) and [IDA Statement Of Credits and Grants - Historical Data](#)).

16. Based on the above, the AIC found that it would be overly burdensome for the Bank to collate the information in this case. For this reason, the AIC found that there are no justifiable business reasons to engage in such overly burdensome exercise.