Bank Procedure

Access to Information Committee -
Terms of Reference

Bank Access to Information Policy Designation
Public

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September 1, 2019

Content
Terms of Reference of the Access to Information Committee.

Applicable to
IBRD,IDA

Issuer
Vice President, ECRVP

Sponsor
Chair, Access to Information Committee
SECTION I – PURPOSE AND APPLICATION

1. This Procedure sets out the terms of reference for the Access to Information Committee.

2. This Procedure applies to the Bank.

SECTION II – DEFINITIONS

As used in this Procedure, the following capitalized terms have the meanings set forth below:

1. **AI**: access to information.

2. **AI Committee**: Access to Information Committee established by the Policy.

3. **AI Consultation Memorandum**: a memorandum from SEC to all Executive Directors, which transmits public access requests for Board Records Eligible for Immediate Declassification.

4. **AI Appeals Board**: Appeals Board established by the Policy.


7. **Bank**: see definition for World Bank.


9. **Board**: board of Executive Directors of IBRD and IDA.

10. **Board of Governors**: the body with which all powers of the Bank are vested, pursuant to the respective Articles of Agreement of IBRD and of IDA.

11. **Board of Governors Documents**: documents that are specifically prepared by staff for (a) discussion or consideration (decision) by the Board of Governors, (b) discussion by the Board of Governors committees, task forces, working groups and other bodies created under the auspices of the committee or of the Board of Governors, or (c) information for the Board of Governors or the Board of Governors committees, task forces, working groups and other bodies created under their auspices.

12. **Board of Governors Documents and Records**: collectively, the Board of Governors Documents and the Board of Governors Records.
13. **Board of Governors Records**: records of the discussions of the Board of Governors or of the Board of Governors committees, task forces, working groups and other bodies created under the auspices of the committee or of the Board of Governors, such as summary proceedings, statements and speeches of Governors and World Bank management, verbatim transcripts and minutes.

14. **Board Papers**: documents that are specifically prepared by staff for (a) discussion or consideration (decision) by the Board, (b) discussion by a Board Committee, or (c) information to the Board or a Board Committee.

15. **Board Records**: records of Board or Board Committee discussions such as verbatim transcripts, minutes, statements of Executive Directors, Chairman's Summings-up, Summaries of Discussions and Chair Summaries.

16. **Board Records Eligible for Immediate Declassification**: Board Records be solely restricted by the Deliberative Information and/or Financial Information (except banking and billing) exceptions under the Policy, and/or such information for which the IMF has provided its written approval to disclose, that have reached their declassification schedule with the passage of time and are subject to the Board’s authority to exercise the Bank’s prerogative to restrict pursuant to Section IV, paragraph 2 (a) of the Policy.

17. **Chair**: chairperson for the AI Committee.

18. **Chief Archivist**: chief archivist of the World Bank Group.

19. **COGAM**: Board’s Committee on Governance and Executive Directors’ Administrative Matters.

20. **Confidential**: the definition for this term as set out in AMS 6.21A, *Information Classification and Control Policy*.

21. **Corporate Administrative Matters**: the exception set forth in section III.B.2(h) of this Policy.

22. **DEC**: Development Economics vice presidency.

23. **Deliberative Information**: the exception set forth in section III.B.2(i) of this Policy.

24. **DFI**: Development Finance vice presidency


26. **ECR**: External and Corporate Relations vice presidency.

27. **Executive Director**: an Executive Director of IBRD and IDA.

28. **Financial Information**: the exception set forth in section III.B.2(j) of this Policy.

29. **General Counsel**: World Bank Group General Counsel.
30. **GP or GPs:** Global Practice or, respectively, the plural Global Practices.

31. **IBRD:** International Bank for Reconstruction and Development.

32. **IDA:** International Development Association.

33. **LEG:** Legal vice presidency.

34. **LEGOP:** Operations Policy Practice Group, Legal vice presidency.

35. **Managing Director:** a managing director for IBRD and IDA.


37. **Policy:** Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01.

38. **Request Package:** A Board Paper transmitting public access request(s) for certain Board Records Eligible for Immediate Declassification to COGAM and the Board for decision pursuant to Section III, paragraph 2(c)-(d) of the Bank Procedure.

39. **RVP:** a regional vice presidency of the World Bank.

40. **SPACP:** Strategy, Performance, Administration, Corporate Procurement Department.

41. **SEC:** Corporate Secretariat of the World Bank.

42. **Strictly Confidential:** the term as defined in AMS 6.21A, Information Classification and Control Policy.

43. **Vice President:** vice president of the World Bank.

44. **WBG:** see definition for World Bank Group.

45. **World Bank** or **Bank:** collectively IBRD and IDA.

46. **World Bank Group** or **WBG:** collectively IBRD, IDA, IFC, ICSID and MIGA.

### SECTION III – SCOPE

1. **General.** The AI Committee, an administrative body that reports to Bank senior management, is established by the Policy to facilitate the Policy’s implementation.

2. **Composition of the AI Committee.** The AI Committee comprises 10 regular members representing OPCS, LEG, ECR, SEC, Archives Unit, DEC, DFI, SPACP, an RVP, and a GP vice presidency. The AI Committee’s principal membership normally consists of Bank staff at the director level; the Archives Unit is represented by the Chief Archivist. The RVP and the GP representation rotates bi-annually based on fiscal years, respectively, amongst the regional vice presidencies and the GP vice presidencies. The Chair of the AI Committee is the principal member representing OPCS. As appropriate, the AI Committee consults with representatives of other Bank units (e.g., Controller’s,
Treasury), when considering matters relevant to those business units. The Chair of the AI Committee invites additional member(s), as needed. The AI Committee is served by a secretariat in LEG (i.e., the information policy team within LEGOP).

3. **Appointment.** As relevant, each Vice President or equivalent appoints a director level staff to serve as a principal AI Committee member, and one alternate member, except for the GP vice presidency representation that shall have more than one alternate member to represent as many GP vice presidencies as possible. Given the authority of the AI Committee, the matters of the AI Committee are only decided by the persons respectively appointed by the respective Vice President or equivalent. Any changes to members of the AI Committee are sent to the Chair of the AI Committee with a copy to the secretariat.

4. **Role of the AI Committee.** Broadly, the AI Committee: (a) is responsible for overseeing the broad implementation of the Policy; (b) is authorized to interpret the Policy in line with the Policy’s guiding principles;\(^1\) (c) makes decisions concerning whether to exercise the Bank’s prerogative to disclose certain information that is on the list of exceptions (i.e., restricted information) under the Policy;\(^2\) and (d) considers and makes decisions concerning appeals filed by external requestors whose requests for information have been denied by the Bank.\(^3\)

(a) **Policy Implementation and Reporting.** The AI Committee oversees the broad implementation of the Policy and brings to the attention of senior management matters that it is unable to resolve. The AI Committee may issue guidelines to staff on Policy implementation;\(^4\) it monitors the implementation and raises implementation issues with Bank management. Policy implementation reports (prepared by ECR) are submitted to the AI Committee for consideration and endorsement before they are issued to the Board and made public.

(b) **Policy interpretation and Advice.** The Policy authorizes the AI Committee to interpret the Policy in line with the Policy’s guiding principles.\(^5\) In view of that role, the AI Committee advises Management on the application of the Policy to complex issues.\(^6\) On matters of Policy interpretation that pertain to the Board, the AI Committee will, in consultation with COGAM, raise the issues to the attention of the Board, as may be relevant.

(c) **Exercise of the Bank’s Prerogative to Disclose Restricted Information.** Under the Policy, the Bank reserves the right to disclose, under exceptional circumstances, certain (i) corporate administrative information, (ii) deliberative information, and (iii) financial information (other than banking and billing information) that is restricted under the exceptions of the Policy if the Bank determines that the overall benefits of such disclosure outweigh the potential harm

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1. See Policy at section III.B.7.
2. See Policy at sections III.B.7 and IV.1(c).
3. See Policy at sections III.B.7 and III.B.8.
4. See Policy at section III.B.7.
5. See Policy at section III.B.7.
6. See id.
to the interest(s) protected by the exception(s). The AI Committee is responsible for reviewing and deciding requests to disclose some of such restricted information, i.e., any and all information excluding Board of Governors Documents and Records and Board Papers or Board Records classified as Confidential or Strictly Confidential, and information provided to the Bank by a member country or third party in confidence. The AI Committee determines whether there are exceptional circumstances that would warrant disclosure, and if so, whether the overall benefits of such disclosure outweigh the potential harm to the interest(s) protected by the exception(s). On complex and/or sensitive issues, the AI Committee may seek the views of the General Counsel or the Board as needed.

- The decision making authority to exercise the Bank’s prerogative to disclose Board of Governors Documents and Records and Board Papers or Board Records classified as Confidential or Strictly Confidential, requires Board approval. The Bank Procedure adopted by the Board sets forth the procedures for such exercise of prerogative to disclose.

- With respect to restricted information originating from individual Executive Director’s offices, the AI Committee consults (or, as may be relevant, seeks the consent of) the Executive Director concerned before disclosing such information.

(d) **Exercise of the Bank’s Prerogative to Restrict Access.** The Bank also reserves the right not to disclose, under exceptional circumstances, information that it would normally disclose under the Policy if it determines that such disclosure is likely to cause harm that outweighs the benefits of disclosure. This prerogative may be exercised by the Board, with respect to Board Records. Pursuant to the Bank Procedure, the AIC:

(i) offers its views on the application of the Policy to the records listed in the AI Consultation Memorandum;

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7 See Policy at section IV.1. As stated in the Policy, this prerogative exclusively applies to only three Policy exceptions; it does not apply to restricted information covered by the other exceptions of the Policy, i.e., Personal Information; Communications of Executive Directors’ Offices; Ethics Committee; Attorney-Client Privilege; Security and Safety; Information Restricted Under Separate Disclosure Regimes and Other Investigative Information; Information Provided by Member Countries or Third Parties in Confidence; and banking and billing information.

8 See Policy at section IV.1(c).

9 See Policy at section IV.1(a).

10 See Bank Procedure.

11 See Policy at section IV.2.

12 See Policy at section IV.2(a).

13 See Bank Procedure at section III.2(a)(ii).
(ii) reviews the AI Consultation Memorandum prior to its submission to the Executive Directors;¹⁴

(iii) reviews Request Packages for records for which concerns have been expressed by an Executive Director or management during consultations.¹⁵

(e) **Appeals.** The AI Committee considers and makes decisions concerning appeals filed by external requestors whose requests for information have been denied by the Bank, and may uphold or reverse the decisions of the Bank to deny access, with the exception of decisions made by the Board.¹⁶ The Policy provides two grounds for appeals:

(i) **Violation of Policy.** If a requester is able to establish a *prima facie* case that the World Bank has violated the terms of the Policy by improperly or unreasonably restricting access to information that it would normally disclose under the Policy.¹⁷

- **For appeals alleging a violation of Policy, the AI Committee serves as the first level of appeal.** The AI Committee considers appeals in which the requester is able to establish a *prima facie* case that the Bank has violated the terms of the Policy by improperly or unreasonably restricting access to information that would normally be disclosed under the Policy.¹⁸ In accordance with the Policy, the AI Committee makes its best efforts to reach a decision on appeals within 45 working days of receiving an appeal; delays are communicated in writing to the requester.¹⁹ If the AI Committee reverses the Bank’s decision to deny access to certain information, the AI Committee may grant the requester the right to receive the information requested, which is the sole remedy available.²⁰ If the AI Committee upholds the Bank’s decision to deny access to information regarding appeals alleging a violation of Policy, the case may be appealed to the AI Appeals Board.²¹

(ii) **Public Interest.** When a requester makes a public interest case to override one or more of the Policy’s following three exceptions: Corporate

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¹⁵ See Bank Procedure at section III.2(c).
¹⁶ See Policy at section III.B.8 and footnote 24. In accordance with the Policy, because the AI Committee has no authority over decisions by the Board, appeals against Board decisions are automatically dismissed.
¹⁷ See Policy at section III.B.8(a).
¹⁸ See Policy at section III.B.8(b)i and footnote 26. The AI Committee may decide to refer a particular issue to the relevant Managing Director for his/her recommendation, which the AI Committee takes into account in its decision. This may include instances when the AI Committee has provided direct input in the initial decision to deny access.
¹⁹ See Policy at section III.B.8(b)i and Directive/Procedure at section III.D.1.c.
²⁰ See Policy at section III.B.8(c).
²¹ See Policy at section III.B.8(b)ii.
Administrative Matters, Deliberative Information, and Financial Information (other than banking and billing information).\textsuperscript{22}

- **For appeals asserting a public interest, the AI Committee serves as the only and final stage of appeal.** The AI Committee considers public interest appeals to override the Policy’s Corporate Administrative, Deliberative Information and Financial Information exceptions.\textsuperscript{23} The AI Committee makes its best efforts to reach a decision on appeals within 45 working days of receiving an appeal.\textsuperscript{24} If the AI Committee reverses the Bank’s decision to deny access to certain information, the AI Committee may grant the requester the right to receive the information requested, which is the sole remedy available.\textsuperscript{25} For appeals asserting a public interest, the AI Committee’s decisions are final.\textsuperscript{26}

(f) **Service Fees.** The AI Committee is authorized to establish service fees and service standards.\textsuperscript{27}

5. **Process for Reviews and Decisions.** The AI Committee Chair, through the secretariat, as needed: (a) convenes meetings; and (b) circulates matters for the AI Committee’s virtual review. Decisions are based on the majority views of the AI Committee members and are recorded in minutes prepared by the secretariat.

### SECTION IV – EXCEPTION

N/A

### SECTION V – WAIVER

1. Unless otherwise mandated by the Policy or the Board Procedure, the Issuer may grant a waiver of any provision of this Procedure.

### SECTION VI – EFFECTIVE DATE

1. This Procedure is effective as of the date on its cover.

### SECTION VII – ISSUER

1. This Procedure is issued by the Vice President, ECR.

\textsuperscript{22} See Policy at section III.B.8(a)ii.
\textsuperscript{23} See Policy at section III.B.8(b)i and Directive/Procedure at section III.D.1.c
\textsuperscript{24} See Policy at section III.B.8(b)i.
\textsuperscript{25} See Policy at section III.B.8(b)i.
\textsuperscript{26} See Policy at section III.B.8(c).
\textsuperscript{27} See Policy at section III.B.7.
SECTION VIII – SPONSOR

1. The Sponsor of this Procedure is the Chair, Access to Information Committee.

SECTION IX – RELATED DOCUMENTS


3. Interpretations of the Bank Policy: Access to Information Policy, issued by the AI Committee. See http://go.worldbank.org/ZU1HZL0O60


Questions regarding this Procedure should be addressed to the Sponsor.