

**WORLD BANK POLICY ON ACCESS TO INFORMATION
PROGRESS REPORT**

JANUARY THROUGH MARCH 2011

LEGAL VICE PRESIDENCY

July 12, 2011

ABBREVIATIONS AND ACRONYMS

AFR	Africa Regional Vice Presidency
AI	Access to Information
AIC	Access to Information Committee
CAS	Country Assistance Strategy
CDD	Community Driven Development
DECDG	Development Data Group
DPL	Development Policy Lending
EAP	East Asia Regional Vice Presidency
ESW	Economic Sector Work
ESTIP	Education and Sector Improvement Program
EXT	External Affairs Vice Presidency
EXTCC	Corporate Communications, EXT
GSD	General Services Department
ICT	Information and Communication Technology
ISG	Information Solutions Group
ISR	Implementation Status and Results Report
LCR	Latin America and Caribbean Regional Vice Presidency
LEG	Legal Vice Presidency
LEGIP	Information Policy Unit, LEG
MNA	Middle East North Africa Regional Vice Presidency
OIS	Office of Information Security
OPCS	Operations Policy and Country Services Vice Presidency
PAD	Project Appraisal Document
PD	Program Document
PIC	Public Information Center
SAR	South Asia Regional Vice Presidency
SEC	Corporate Secretary Vice Presidency
VPU	Vice Presidential Unit

ACKNOWLEDGEMENTS

This report is endorsed by the Access to Information Committee. LEG (Information Policy Unit) prepared this report with contributions from ISG (Archives Unit, and Solutions Design and Implementation Unit), EXT (Operational Communications Unit), and SEC (Policy and Operations Unit).

The many World Bank units involved in the various preparation and implementation aspects of the Policy on Access to Information are recognized in the first progress report, *World Bank Policy on Access to Information Progress Report – November 2009 through September 2010*, dated December 16, 2010.

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WORLD BANK POLICY ON ACCESS TO INFORMATION

PROGRESS REPORT JANUARY THROUGH MARCH 2011

EXECUTIVE SUMMARY

1. This report is the third progress report issued by the Bank on the implementation of the Policy on Access to Information (“AI Policy”), which went into effect on July 1, 2010. The Bank issued its first progress report in December 2010, and the second progress report in March 2011.¹ This third progress report reviews the implementation results for the period of January 1, through March 31, 2011 (“Third Quarter”).

2. In this Third Quarter the Bank continued its efforts to increase and improve public access to information in the Bank’s possession. The Bank proactively disclosed 3,836 new documents and reports, posting them for public access in the Bank’s *Documents and Reports* public database. This number includes 101 restricted documents that have been declassified and disclosed for public access. It also includes 978 Implementation Status and Results Reports (“ISRs”), a 1240 percent increase in the number of ISRs disclosed when compared with the First Quarter, and a 64 percent increase compared with the Second Quarter. Since the AI Policy’s effectiveness in July 2010, the public has viewed more than three million pages in *Documents and Reports*.

3. In addition to the Bank’s proactive disclosures and the public’s direct access to Bank information through the institution’s public database, the Bank has continued its commitment to disclose documents on request. The core information resource points of the Bank that handle public requests are the Archives Unit, the InfoShop and the Public Information Centers (“PICs”). In the Third Quarter, these units handled 227 public access cases (some of which were received in the First Quarter and Second Quarter), completing 73 percent by the end of the Third Quarter period.² Of the public access requests that had adequate information to enable the units to fulfill or deny them, the Bank fulfilled (in whole or in part) 89 percent and denied (in whole) 11 percent.

4. Of the requests that were completed in the Third Quarter, 71 percent of the cases were completed within the AI Policy’s 20 working day standard (for cases not involving special circumstances that require additional time to process). The 71 percent averaged eight working

¹ The first report covered the preparation period of November 2009 through June 2010, and the first three months of implementation from July 1, through September 30, 2010 (“First Quarter”). See *World Bank Policy on Access to Information Progress Report – November 2009 through September 2010*, dated December 16, 2010. The second progress report reviewed the implementation results for the period of October 1, through December 31, 2010 (“Second Quarter”). See *World Bank Policy on Access to Information Progress Report – October 1, through December 2010*, dated March 28, 2011.

² The Bank also responds to public access requests for specific types of information through various other resource points such as the DEC Open Data helpdesk and Bank libraries. This Report focuses on the requests handled by the Archives Unit, the InfoShop and PICs.

days.³ The remaining cases that required additional time for completion averaged close to 50 working days, and involved special circumstances that justified the additional time (i.e., the requests required additional information or clarification from requesters, required extensive review, were voluminous, were modified by the requester to request additional documents while being processed, and/or required internal/external consultations). Approximately 14 percent of the requests received in the Third Quarter required referral to the relevant business units for consultation and/or to locate documents.

5. Of the 15 public access requests that were denied (in whole or in part), approximately 93 percent (14 cases) involved information covered by the “Deliberative Information” exception under the AI Policy. Out of which, one also involved information covered by the “Information Provided by Member Countries or Third Parties in Confidence” exception.

6. Only one denial was found to require follow-up and further training of the staff concerned. The denial was made without indicating in the response to the requester the applicable AI Policy exception(s) that applied. This resulted from an oversight when selecting the response template from the AI tracking system. However, the case notes suggest that the requested information is covered by one or more of the AI Policy exceptions, in which case the denial was correct. This matter has been referred to the business unit concerned for follow-up.

7. Under the AI Policy, the Bank reserves the right, in exceptional circumstances, to disclose information covered by the “Corporate Administrative Matters,” “Deliberative Information,” and “Financial Information” (other than banking and billing) exceptions, if the Bank determines that the overall benefit of such disclosure outweighs the potential harm to the interests protected by the exceptions. In the Third Quarter, the Access to Information Committee (“AIC”) decided on six public access requests for this purpose, exercising the Bank’s prerogative to disclose in four cases (67 percent).

8. The AIC also serves as the body that considers first level appeals. In the Third Quarter, the AIC considered three appeals. The AIC upheld the Bank’s decision to deny access in two cases. The third case required consultation with internal business units, and remained under consideration at the end of the Third Quarter. The processing time for the two appeals decided in the Third Quarter averaged 73 working days. No appeal was filed before the AI Appeals Board.

9. In the Third Quarter, the access to information learning program continued to promote staff knowledge necessary for the successful implementation of the AI Policy agenda. The mandatory AI e-learning program, sponsored by LEG, OPCS, ISG, EXT, and GSD, achieved a 98 percent completion rate for all Bank staff, consultants and contractors. The implementing units continue to focus on increasing staff knowledge of the AI Policy, its implementation, and practices in proper records management.

10. The next AI Policy implementation report will be the AI Policy Annual Report, which will provide a cumulative review of the first 12 months of implementation, covering the period of July 1, 2010, through June 30, 2011.

³ All average days reflected in this Report are rounded.

WORLD BANK POLICY ON ACCESS TO INFORMATION

PROGRESS REPORT JANUARY THROUGH MARCH 2011

I. INTRODUCTION

1. **Purpose of this Report.** This report (“Report”) follows the World Bank’s first two progress reports on the implementation of its Policy on Access to Information (“AI Policy”).⁴ The Report reviews the AI Policy implementation results for the period of January 1, to March 31, 2011 (“Third Quarter”).⁵

2. **Structure.** Section II of this Report discusses the availability of, and the public’s access to, information released by the Bank, and the Bank’s responsiveness to public access requests. Section III discusses the decisions of the Access to Information Committee (“AIC”) in the exercise of the Bank’s prerogative to disclose restricted information, and the AIC’s interpretations of the AI Policy. Section IV discusses the appeals process and the related decisions of the AIC. Section V discusses the access to information training and learning program.

3. Annex A provides the list of Board documents that were *simultaneously disclosed* in the Third Quarter.⁶ Annex B lists the public access requests before the AIC in the Third Quarter, and their outcomes as of March 31, 2011. Annex C lists the appeals before the AIC in the Third Quarter, and their outcomes as of March 31, 2011.

II. ACCESS TO INFORMATION BY THE PUBLIC

A. Proactive Disclosures

4. **Documents and Reports.** In the Third Quarter, the Bank publicly released 3,836 Bank reports and documents through the Bank’s *Documents and Reports* database, which includes 100 restricted documents that the Bank proactively declassified and released. The 100 declassified documents consist of 47 Memoranda of the President, 36 Project Appraisal Documents (“PADs”), 10 President’s Reports, six Program Documents (“PDs”), and one Country Assistance Strategy (“CAS”) Progress Report.

⁴ The first progress report, issued in December 2010 (“First Progress Report”), covered more than seven months of preparation, and the first quarter period of implementation (from July 1, 2010, through September 30, 2010) (“First Quarter”). See *World Bank Policy on Access to Information Progress Report – November 2009 through September 2010*, dated December 16, 2010. The second progress report, issued in March 2011 (“Second Progress Report”), covered the second quarter period of implementation (from October 1, 2010, through December 31, 2010) (“Second Quarter”). See *World Bank Policy on Access to Information Progress Report – October through December 2010*, dated March 28, 2011.

⁵ The Report includes the results of public access requests received in the First and Second Quarters and completed in the Third Quarter.

⁶ See paragraph 6 of this Report for discussion on simultaneously disclosed documents.

5. **Public Interest in Newly Disclosed Documents.** The *Documents and Reports* database received 237,379 visits in the Third Quarter.⁷ Users downloaded 194,378 documents in the Third Quarter, and viewed over a million pages for the period.⁸

6. **Simultaneous Disclosure.** Under the AI Policy, the Bank may disclose operational policy papers, sector strategy papers, CASs, PADs and PDs before Board discussion.⁹ This is commonly referred to as “simultaneous disclosure.” CASs, PADs, and PDs may be simultaneously disclosed before Board discussion if the client gives its written consent to such early disclosure. In the Third Quarter, the Bank simultaneously disclosed 33 Board documents.¹⁰ Simultaneously disclosed Board documents are posted in *Documents and Reports*, as well as a dedicated *Simultaneous Disclosure* webpage. The *Simultaneous Disclosure* webpage in the English version of the *Documents and Reports* database received 575 views in the Third Quarter.

7. **Implementation Status and Results Reports.** The Bank publicly released 978 Implementation Status and Results Reports (“ISRs”) in the Third Quarter. This represents a 1240 percent increase in contrast with the number of ISRs disclosed in the First Quarter, and a 64 percent increase in contrast with the Second Quarter.¹¹ The documents are available in both the Bank’s *Projects Database* and the *Documents and Reports* database.

8. **Board Records.** The Bank released 66 Board records in the Third Quarter, as indicated in Table 1 below.¹²

Table 1. SEC Disclosure Summary for Board Records – Third Quarter

Type of Board Record	Number of Board Records Publicly Disclosed
Board Minutes	32
Summings Up	7
Summaries of Discussion	17
Green Sheet Summaries	2
Committee Minutes	7
Committee Annual Reports	1
Total	66

⁷ By comparison, the *Documents and Reports* database received 184,318 visits in the First Quarter and 268,967 visits in the Second Quarter.

⁸ By comparison, users downloaded 179,338 documents in the First Quarter and 198,467 documents in the Second Quarter.

⁹ See AI Policy at para. 23 (b).

¹⁰ The Bank disclosed 19 Board documents in the First Quarter and 27 Board documents in the Second Quarter. See Annex A of this Report for the list of Third Quarter simultaneously disclosed Board documents.

¹¹ The Bank disclosed 73 ISRs in the First Quarter and 598 ISRs in the Second Quarter.

¹² By comparison, the Bank released 54 Board records in the First Quarter and 58 in the Second Quarter.

B. Disclosures on Request

9. **Public Access Requests Received in the Third Quarter.** In addition to proactive disclosures, the Bank received 173 new cases of public access requests, handling a total of 227 cases, as explained in paragraph 10 of this Report.¹³ Table 2 below shows the monthly breakdown of the requests received in the Third Quarter.

Table 2. Public Access Requests for Information Received by the Bank in the Third Quarter

Responsible Units	January 2011	February 2011	March 2011	Third Quarter Totals
Archives	33	42	43	118 (68%)
InfoShop/PICs	15	18	22	55* (32%)
Totals	48	60	65	173

* Of the 55 cases handled by InfoShop/PICs, 42 were handled by InfoShop and 13 by country office PICs.

10. **Overview of Cases Handled in the Third Quarter – Status as of March 31, 2011.** In addition to the 173 new public access requests received in the Third Quarter, the Bank continued to handle six cases carried over from the First Quarter and 48 cases carried over from the Second Quarter.¹⁴ In total, the Bank handled 227 cases in the Third Quarter; of which, the Bank completed 166 (73 percent), with 61 (27 percent) remaining under consideration as of March 31, 2011.¹⁵ Of the 166 completed requests, the Bank was able to fully respond in 98 cases (this covers all requests that were appropriately directed to the Archives Unit and InfoShop/PICs and that provided adequate information to enable the responsible unit to either fulfill or deny the request). The remaining completed requests involved: (a) requests that required more information to fulfill, but the requesters were unresponsive; (b) requests for information covered by different disclosure regimes or policies, (c) data requests handled by the World Bank Data Finder (i.e., data.worldbank.org), which is part of the Bank’s Open Data initiative, or for film, which is handled by EXT, Corporate Communications Unit (“EXTCC”),¹⁶ and (d) requests for which the documents were not found in the Bank’s custody. Table 3 below provides details on the resolution of the 166 requests completed in the Third Quarter.

¹³ By comparison, the Bank received 156 public access requests in the First Quarter and the 161 in the Second Quarter.

¹⁴ See *Second Progress Report*, paragraph 11, footnote 13.

¹⁵ The 166 requests completed in the Third Quarter consist of three requests received in the First Quarter, 33 received in the Second Quarter, and 130 received in the Third Quarter. Of the 61 requests that remained under consideration as of March 31, 2011, three were received in the First Quarter, 15 were received in the Second Quarter, and 43 were received in the Third Quarter.

¹⁶ Based on the experience of the First Quarter, in late October 2010, the Archives Unit and the Development Data Group (“DECDG”) agreed that public access requests for data will be referred to the World Bank Data Finder, managed by DECDG. Referrals to the World Bank Data Finder reflected in this Report were made during the period of January 1 through March 31, 2011.

Table 3. Resolution of Requests Completed in the Third Quarter

Requests Completed by	Of the Completed Requests				
	Requests that were Fulfilled or Denied**	Additional Information Required from Requester – Unresponsive	Covered by Other Disclosure Regime or Policy – Referred to relevant units***	Referred to World Bank Data Finder or EXTCC****	Records Not Found in the Bank's Custody
Archives 123 (74%)	83	20	4	6	10
InfoShop/PICs 43 (26%)	15	18	2	6	2
Total 166*	98	38	6	12	12

* The total number of requests completed in the Third Quarter consists of three requests carried over from the First Quarter (handled by the Archives Unit), 33 requests received in the Second Quarter (32 handled by the Archives Unit and one by the InfoShop/PICs), and 130 received in the Third Quarter (88 handled by the Archives Unit and 42 handled by the InfoShop/PICs).

** Requests in these cases were appropriately directed to the Archives Unit and the InfoShop/PICs, and that had adequate information to enable the responsible unit to fulfill or deny the request. This number includes two requests that were fulfilled only in part, respectively, because some of the records were not found in the Bank's custody, and because the requester was not responsive to the Bank's call for additional information to enable the request to be fully considered.

*** Requests in these cases are governed by other disclosure policies: three were referred to the Department of Institutional Integrity, one to the International Finance Corporation, one to the International Center for the Settlement of Investment Disputes; and one to the Independent Evaluation Group.

**** One request for film was referred to EXTCC.

11. **Requests Fulfilled or Denied by the Bank.** Of the 98 requests that were appropriately directed to the Archives Unit and InfoShop/PICs and that provided adequate information to enable the responsible unit to fulfill or deny the request, the Bank fulfilled (in whole or in part) 89 percent, and denied (in whole) 11 percent (see Table 4 below).

Table 4. Statistics on Requests that were Fulfilled and/or Denied – Third Quarter

Requests Fulfilled and/or Denied By	Of the Requests that were Fulfilled/Denied		
	Requests Fulfilled (in whole)	Requests Fulfilled (in part)	Requests Denied (in whole)
Archives 83 (85%)	69	6*	8
InfoShop /PICs 15 (15%)	12	--	3
Total 98	81 (83%)	6 (6%)	11 (11%)

* Of the six requests fulfilled in part: (a) four were denied in part; and (b) two could not be fulfilled in part (but were not denied) because in one case the records were not found in the Bank's custody, and in the second case because the requester did not respond to the Bank's request for additional information to enable it to consider the request. Based on the above, a total of 15 requests were denied in whole or in part.

12. **Timeliness of Response to Public Access Requests.** The AI Policy states that the Bank endeavors to provide a comprehensive response within 20 working days, recognizing that additional time may be needed in special circumstances, including, for example, those involving complex or voluminous requests, or requests requiring review by or consultations with internal Bank units, external partners, the AIC, or the Board.¹⁷ Of the 166 requests completed in the Third Quarter, the Bank responded within 20 working days for 118 requests, averaging eight working days to respond (see Table 5 below).¹⁸ The 48 requests that required additional time to respond averaged close to 50 working days.

Table 5. Time Required to Issue Final Response – Requests Completed in Third Quarter

Final Response Time	Completed Requests	Percentage
Within 20 Working Days	118 *	71%
More than 20 Working Days	48 **	29%
Total Completed Requests	166	100%

* Ten were carried over from the Second Quarter and 108 were received in the Third Quarter.

** Three were carried over from the First Quarter (averaged 110 days), 23 were carried over from the Second Quarter (averaged 61 days), and 22 were received in the Third Quarter (averaged 29 days).

13. **Reasons for Additional Response Time.** As noted above, the AI Policy recognizes that additional time, beyond the 20 working day standard, may be needed in special circumstances, including for example, those involving complex or voluminous requests, or requests requiring review by or consultations with internal Bank units, external partners, the AIC, or the Board. The 48 cases that required additional time to complete involved the following circumstances: (a) nine needed additional information or clarification from the requesters (including one that needed translation), out of which the requesters were unresponsive in eight cases; (b) two required extensive review by the Archives Unit; (c) nine were voluminous, out of which six required the requester to schedule a visit in person to the Archives Unit to access the information requested;¹⁹ (d) one request was reopened because the requester modified the original request by adding additional documents to the request; and (e) 27 required internal/external consultations. Of the 27 requests that required consultations, five were referred to the AIC (which involved further consultations with relevant business units), one was referred to the AIC and the Board, and 21 were referred to the relevant business units, some of which also resulted in consultations with external parties, including member countries.

¹⁷ See AI Policy at para. 25.

¹⁸ Out of the 166, 130 were received in the Third Quarter; of those, the Bank responded within the 20 working day standard 83 percent of the time (108 requests), and the remaining (22) requests that required additional time to complete averaged 29 working days.

¹⁹ Following the Archives Unit's practice of keeping cases open until requesters have physically accessed the information, six of the requests were closed only after the requesters visited the Bank to review the documents, which resulted in the cases being kept open for an extended period of time after the information had been located and offered to the requesters.

14. Of the 61 requests that remained under consideration at the end of the Third Quarter, three were carried over from the First Quarter, 15 were carried over from the Second Quarter, and 43 were received in the Third Quarter. Of the three requests carried over from the First Quarter, one was voluminous and required the requester to schedule a visit in person to the Archives Unit to access the information requested; two required consultations with the relevant business units, out of which one was referred to the AIC. Of the 15 carried over from the Second Quarter, 11 were voluminous, out of which six required the requester to schedule a visit in person to the Archives Unit to access the information requested; four required consultations with the relevant business units.

15. The remaining 43 requests, which remained under consideration as of March 31, 2011, were received in the Third Quarter. Of these, 13 were beyond the 20 working day standard, and had special circumstances justifying the delay: five required consultations with business units (some which also required external consultations); seven were voluminous; and one required additional clarification and information from the requester. The remaining 30 requests were received on or after March 4, 2011 and, thus, had not exceeded the 20 working day standard as of March 31, 2011.

16. **Archives Unit – Complex Requests.** Of the 173 new requests received in the Third Quarter, 118 were handled by the Archives Unit. The Archives Unit, which has a system of classifying requests as simple or complex, marked 71 of the 118 cases as complex (60 percent).²⁰ Of these 71 requests, 42 were completed by the end of the Third Quarter. Twenty-three of which were completed in 20 working days or less, averaging 11 days. The 19 requests that required additional time to complete took an average of 29 working days.

17. **Requests Requiring Consultations.** The discussion below reflects the total number of requests received in the Third Quarter that required consultation with relevant business units (including locating the documents requested), or required review by or consultations with the AIC, the Board and/or external parties. Of the 173 new requests received in the Third Quarter:

(a) Twenty-two requests (12.7 percent) were *referred to the relevant business units for consultation or to locate documents*.²¹ At the end of the Third Quarter, 15 of these cases were completed and seven remained pending. Of the 15 completed cases, seven cases were completed within the 20 working day standard, and eight cases took more than 20 working days. The Bank continues to take steps to call to staff's attention the importance of properly filing

²⁰ In the Third Quarter, the Archives Unit handled 118 cases. The number of complex cases shown in this section only covers requests handled by the Archives Unit, as the InfoShop and PICs do not currently mark requests as "simple" or "complex." When a request is received by the Archives Unit, the archivist screens and marks the request as either a "simple" or "complex" case. The Archives Unit defines "simple cases" as requests for documents that are readily available or that typically do not exceed two hours of research by the assigned archivist; "complex cases" are defined as requests for documents that require review under the AI Policy to determine whether any exceptions apply, that require more than two hours of research by the archivist, and/or that require consultations with relevant business units or other parties. The number of complex cases, by definition, may therefore overlap with the number of cases noted in this section of the Report as requiring consultations with business units, the AIC, or the Board.

²¹ If a requested document cannot be located in the Bank's records management system, business units are requested to locate and file the document. Business units are required to respond within 10 working days and to indicate whether the identified documents may be disclosed.

documents in the Bank’s records management system. Table 6 below shows the business units that were called to locate and file documents in the Third Quarter.

Bank Unit	Number of requests requiring relevant business units to locate documents
AFCW1	1
AFTED	1
AFTEG	1
AFTEN	1
AFTSN and SEGEN, jointly	1
CMEIC	1
EASER	1
EASHH	1
ECSH4	1
HDNED	1
LCC1C	1
LCSEG	1
LCSEN	1
LCSSO	1
MNSEG	1
SASDA	2
SASDE	1
SASFP	1
SDV	1
SEGOM	1
WBIGV	1
Total	22

(b) Two requests (1.2 percent) were *referred to the AIC to consider exercising the Bank’s prerogative to disclose* information restricted under the AI Policy. The AIC decided on one request, responding to the Archives Unit in 21 working days. The total response time to the requester in this case was 31 working days. The second request was received by the AIC on March 29, 2011, and remained under consideration at the end of the Third Quarter.

(c) One request (0.6 percent) involved Board records and was *referred to the Board for consideration*. This request remained under consideration as of March 31, 2011.

18. **Exceptions Justifying Denial of Access.** The Bank allows access to any information in its possession that is not on a list of exceptions as defined under the AI Policy.²² Accordingly, the Bank does not provide access to documents that contain or refer to information related to the following AI Policy exceptions: (a) “Personal Information”; (b) “Communications of Executive Directors’ Offices”; (c) “Ethics Committee”; (d) “Attorney-Client Privilege” (e) “Security and Safety”; (f) “Information Restricted under Separate Disclosure Regimes and Other Investigative Information”; (g) “Information Provided by Member Countries or Third Parties in Confidence”; (h) “Corporate Administrative Matters”; (i) “Deliberative

²² See AI Policy at paras. 6-17.

Information”; and (j) “Financial Information.” Under exceptional circumstances, the Bank also reserves the right to restrict access to information that it normally discloses.²³

19. A total of 15 public access requests were denied (in whole or in part) in the Third Quarter.²⁴ Table 7 below shows the exceptions that justified the denials. Approximately 93 percent (14 cases) involved information covered by the “Deliberative Information” exception under the AI Policy, out of which one also involved information covered by the “Information Provided by Member Countries or Third Parties in Confidence” exception. One case did not specify the exception(s) that justified the denial; this was due to a staff oversight in using the response templates in the AI tracking system. However, the case notes suggest that the requested information would be covered by one or more of the AI Policy exceptions, and therefore the denial would be correct. The responsible unit has been informed, and the relevant staff has been instructed on the necessary steps to avoid future error.

Table 7. Exceptions Justifying Denial of Access* – Requests Completed in the Third Quarter

Responsible Unit		Archives Unit	InfoShop/PICs	Total
Number of Denied Requests		12	3	15
Denial Based on AI Policy Exception	Information Provided by Member Countries or Third Parties in Confidence and Deliberative Information	1	--	1
	Deliberative Information	11	2	13
	Not indicated**	--	1	1

* Four requests recorded in this table were fulfilled and denied in part. See Table 4. All partial denials resulted because the information requested is covered under the “Deliberative Information” exception.

** One case did not specify the exception justifying denial.

20. **Denials of Requests for Information that are Restricted by Certain Policy Exceptions and that are Less than Five Years Old and/or Involve an Open Operation.** The AI Policy recognizes that information restricted by the “Corporate Administrative Matters,” “Deliberative Information” and/or “Financial Information” (other than banking and billing) exceptions of the AI Policy may, under exceptional circumstances, be disclosed if the overall benefit of such disclosure is determined by the Bank to outweigh the potential harm. In most cases, the AIC has the authority to exercise this discretion.²⁵ In the interest of providing more timely responses to requesters, the AIC decided in September 2010 to modify the procedure for referring such requests to the AIC for consideration. The Archives Unit and InfoShop/PICs refer

²³ See AI Policy at paras. 6-17 and 19.

²⁴ Eleven requests were denied in whole; four were denied in part. See Table 4 (and its footnote) of this Report.

²⁵ The Bank’s Board of Executive Directors has the authority to exercise this prerogative in the case of Board papers or Board records classified as “Confidential” or “Strictly Confidential.” Information provided in confidence to the Bank requires the written consent of the party that provided the information. See AI Policy at subparagraphs 18 (a) and (b).

such requests to the AIC if the restricted information is at least five years old and/or involves a closed operation, and has not otherwise been restricted by the Bank’s exercise of its prerogative to restrict access. In the Third Quarter, the Bank received nine requests for information that is covered by the “Deliberative Information” exception, and is less than five years old, and/or involves an open operation. The nine requests for deliberative information were, therefore, denied by the Archives Unit (in whole or in part) without referral to the AIC for further consideration (see Table 8 below). Four of the denials, including two requests received in the Second Quarter, required more than 20 working days to respond.²⁶ Of the five requests that were completed in less than 20 working days, two were received at the end of the Second Quarter (December 2010), and three in the Third Quarter; the average response time was 11 working days.

Table 8. Denied Requests for Restricted Information Less than Five Years Old and/or Involving an Open Operation – Third Quarter

Denials		AI Policy Exceptions	Working Days to Respond	
In Whole	In Part	Deliberative Information	20 or Less	More than 20
8	1	9	5	4

21. **Profile of Requesters and Requests.** Requesters are not required to identify themselves, and as a matter of practice, the Bank does not identify requesters when considering their requests or for any other purpose. Personal information regarding individual requesters is only available to parties who are involved in handling the respective requests. Requesters, however, are given the option to indicate their affiliation. Table 9 below gives some indication of the requesters’ profiles in the Third Quarter.

Table 9. Profile of Requesters – Affiliation (Third Quarter)

Academia	78
Association	2
Business or Private Enterprise	15
Consultant	16
Development Agency	4
Education	15
Government	8
Legal	3
Media	5
Non-Governmental Organization	13
Other	10
Not indicated by requester	4
TOTAL	173

²⁶ All four requests required consultation with the relevant business unit, out of which one also required further consultation with a member country.

22. **Language of Requests and Regional Information.** Of the 173 public access requests received in the Third Quarter, 19 (11 percent) were in languages other than English.²⁷ Tables 10 and 11 below reflect, respectively, the languages in which the requests were communicated, and (as applicable) the region to which the requested information relates.

English	154
Spanish	13
Portuguese	2
Arabic	3
Chinese	1
TOTAL	173

Africa	38
Latin America and Caribbean	22
South Asia	25
East Asia and Pacific	25
Europe and Central Asia	13
Middle East and North Africa	6
More than one region combined	2
Not indicated or not applicable	42
TOTAL	173

III. ACCESS TO INFORMATION COMMITTEE DECISIONS

23. **Exercise of the Bank’s Prerogative to Disclose Restricted Information.** Under the AI Policy, the Bank reserves the right to disclose, under exceptional circumstances, certain information covered by the “Corporate Administrative Matters,” “Deliberative Information,” and “Financial Information” (other than banking and billing) exceptions, if the Bank determines that the overall benefit of such disclosure outweighs the potential harm to the interests protected by the exceptions.²⁸ The AIC has the authority to exercise this prerogative in respect to documents covered by these exceptions, if they are not Board papers or Board records classified as “Confidential” or “Strictly Confidential,” or information provided to the Bank by a member country or third party in confidence, and if the AIC determines that the overall benefit of the disclosure would outweigh the potential harm.

24. In the Third Quarter, the AIC considered whether to exercise the Bank’s prerogative to disclose restricted information in eight cases.²⁹ Seven cases were requests made by the general public. One case was put forth to the Bank by a bilateral aid agency, which sought the Bank’s

²⁷ Requests received in languages other than English are assigned to the InfoShop, which then refers the requests to relevant PIC staff, who then translate the requests from their original language into English. Once translated, InfoShop adds the translated request into the tracking system and reassigns the request to a PIC or the Archives Unit, as relevant.

²⁸ See AI Policy at para. 18.

²⁹ See Annex B of this Report for the list of requests referred to the AIC during the Third Quarter.

views on whether the documents may be disclosed. Two were received by the Bank in the First Quarter, four were received in the Second Quarter, and two were received in the Third Quarter.

25. At the end of the Third Quarter, the AIC decided on six of the eight cases. Of the six cases, the AIC exercised the prerogative to disclose the restricted information in four cases (67 percent). The four requests for which the AIC exercised the Bank's prerogative to disclose concerned the following matters and operations:

- IBRD Board Policy Statement, December 14, 1993, regarding the IBRD's policy towards granting waivers of the negative pledge in lending transactions;
- Public expenditure review regarding Ghana;
- Power point presentation, titled "Enabling Environment for Civil Society in CDD Projects"; and
- Communications regarding the Chad-Cameroon Pipeline Project.

The AIC did not exercise the Bank's prerogative to disclose in two cases. In one of those cases, the documents are covered by the "Deliberative Information" exception of the AI Policy. In the other case, the documents are covered by both the "Information Provided by Member Countries or Third Parties in Confidence" and "Deliberative Information" exceptions of the AI Policy.

26. All requests considered by the AIC required consultations with internal business units, and external parties. Of the two cases that remained under consideration by the AIC at the end of the Third Quarter, one was received by the Bank in the First Quarter and one in the Third Quarter. The one that was received in the First Quarter took some time before it could be referred to the AIC due to lengthy consultations with the relevant business unit. The one that was received in the Third Quarter was submitted to the Bank on March 11, 2011 (and referred to the AIC on March 29); as of March 31, the case was still within the 20 working day standard (for cases not involving special circumstances needing additional time to process). Annex B of this Report lists: (a) the requests considered by the AIC in the Third Quarter; (b) the AI Policy exceptions that cover the information under consideration; and (c) the AIC's decision on whether to exercise the Bank's prerogative to disclose the restricted information.

27. **AI Policy Interpretations.** The AI Policy provides that the AIC "has the authority to interpret this Policy in line with the Policy's guiding principles."³⁰ In the Third Quarter, the AIC issued the following policy interpretations:

(a) ***Interpretation of the term "Deliberative Information."*** The term "Deliberative Information" under the AI Policy is applied broadly to include any internal communications and communications with external parties.

(b) ***Disclosure of draft CASs and Economic Sector Work (ESW) Reports for Public Consultation.*** At the Bank's discretion, staff may publicly share draft CASs and draft ESW reports during the documents' preparation.

³⁰ AI Policy at para. 35.

(c) ***Whether the Bank’s exercise of the prerogative to restrict access is subject to appeal.*** The AI Policy is silent on the application of the appeals process to the Bank’s decision to exercise the prerogative to restrict access. However, the AI Policy’s treatment of appeals filed on public interest grounds is instructive on the issue. Under the AI Policy, requesters may file an appeal to override certain AI Policy exceptions on public interest grounds (“public interest appeals”). The AI Policy authorizes the AIC to consider and make final decisions in cases of public interest appeals. As explained in the Board paper that proposed the AI Policy, the “override [of AI Policy exceptions] is only to be exercised at the discretion of the Bank”; as such, the AIC, as an internal administrative body, may consider and decide on such cases of discretion authorized by the AI Policy.³¹ Thus, the AI Policy’s legislative history establishes that in those instances where the AI Policy authorizes the Bank to exercise discretionary judgment, such judgment may be reviewed and decided upon by the AIC, whose decisions would be final. Analogous to public interest appeals, the prerogative to restrict access is an exercise of Bank discretion authorized by the AI Policy; as such, the discretionary judgments may be scrutinized by the AIC. Therefore, the decisions of vice presidents and directors to exercise the Bank’s prerogative to restrict access to documents that are normally disclosed under the AI Policy may be subject to appeal; such appeals would be considered by the AIC, whose decisions in the cases would be final. In line with the AI Policy, the decisions of the Bank’s Board of Executive Directors (“Board”) to exercise the prerogative to restrict access, however, would not be subject to review as the decisions of the Board are not subject to appeal.³²

IV. THE APPEALS PROCESS

28. **Types of Appeal.** One of the guiding principles of the AI Policy is to recognize a requester’s right to an appeals process if the requester is denied access to information by the Bank. A requester may file an appeal if he/she is able to:

(a) establish a *prima facie* case that the World Bank has violated the AI Policy by improperly or unreasonably restricting access to information that it would normally disclose under the AI Policy (“violation of policy”); or

(b) make a public interest case to override the AI Policy’s exceptions that restrict the disclosure of certain information, such information being limited to corporate administrative matters, deliberative information and financial information (other than banking and billing) (“public interest”).

29. **AIC Decisions on Appeals – Third Quarter.** The AIC serves as the first level of appeal for those appeals alleging a violation of policy, and as the first and final level of appeal for those appeals asserting a public interest. Three appeals were under consideration in the Third Quarter: one appeal carried over from the First Quarter, and two were received in the Third Quarter. On the appeal carried over from the First Quarter, although the AIC upheld the Bank’s reasons for denying access, the AIC also decided to exercise the Bank’s prerogative to disclose certain documents in response to the request. Of the two appeals received in the Third Quarter, the AIC upheld the Bank’s decision to deny access in one case; the other case required consultations with

³¹ *Toward Greater Transparency Through Access to Information – The World Bank’s Disclosure Policy*, December 14, 2009, at para. 27.

³² *See* AI Policy, at footnote 28.

internal business units, and remained under consideration at the end of the Third Quarter. The average processing time for the two appeals decided in the Third Quarter was 73 working days.³³ Annex C lists: (a) the three appeals that were before the AIC in the Third Quarter; (b) the appeal type; (c) the AIC's decision to uphold or reverse the Bank's decision to deny access to information; and (d) the applicable AI Policy exceptions restricting access.

30. The two decisions of the AIC made in the Third Quarter are summarized below.

(a) ***Case Number AI0336: Documents related to the Education and Training Sector Improvement Program (ETSIP) in Namibia.***

The Bank initially denied access to the requested information because the “information [requested] is on the list of exceptions as stipulated in Part II, Section A of The World Bank Policy on Access to Information and is therefore not eligible for public access” (the “Bank’s Denial”). The requester filed an appeal challenging the Bank’s Denial on the ground that there was a “violation of Policy.” In reviewing the appeal in accordance with the AI Policy, the AIC considered: (a) the original request; (b) the requester’s clarification indicating that the request was for “updated World Bank documents that reflected [the] current status” of “the original goals specified in the ICTs in Education component of ETSIP”; (c) the “violation of Policy” allegation as set out in the appeal; and (d) the documents found in the Bank’s possession in response to the request (the “Documents”).

The AIC found that the operation in question consists of a series of two Developmental Policy Loans (“DPLs”), ETSIP and ETSIP-DPL 2, the second of which was approved by the Board in October 2008. In view of the applicant’s clarification and the identified Documents, the AIC (a) did not find the existence of “updated World Bank documents that [reflect the] current status” of “the original goals specified in the ICTs in Education component of ETSIP,” and (b) found the Documents to be deliberative in nature and, therefore, covered by the “Deliberative Information” exception under the AI Policy.³⁴ Because the Documents are deliberative, the Documents are restricted from public access, and would not normally be disclosed, under the AI Policy. Based on these findings, the AIC concluded that the Bank properly and reasonably denied access to the requested information and, therefore, did not violate the AI Policy.

Notwithstanding the AIC’s determination that the Documents are covered by the “Deliberative Information” exception under the AI Policy and, thus, there was no violation of the Policy, the AIC decided to exercise the Bank’s prerogative to disclose certain documents in response to the request, pursuant to the AIC’s authority provided by paragraph 18 of the AI Policy. Additionally, the requester was referred to other documents related to ETSIP and ETSIP-DPL 2 that are publicly available.

³³ The AI Policy, at paragraph 37, provides that the AIC “makes its best efforts to reach a decision on appeals within 45 working days of receiving an appeal.” The appeal received in the First Quarter took 134 working days; the appeal required extensive consultations with the business unit concerned, and identification and review of documents for the purpose of considering both the appeal and the potential exercise of the Bank’s prerogative to disclose restricted information. The second appeal received in the Third Quarter took 11 working days.

³⁴ See AI Policy at para. 16.

The AIC also noted that, in accordance with the project cycle, relevant documents will be produced for ETSIP-DPL 2 and made publicly available. Such documents to be produced for ETSIP-DPL 2 include a combined Implementation Completion Report (“ICR”) for both ETSIP and ETSIP-DPL 2 after the closing of ETSIP-DPL 2.

For the reasons mentioned above, in response to the appeal asserting a “violation of Policy,” the AIC decided to (a) uphold the Bank’s decision to deny public access to the requested information, and (b) exercise the Bank’s prerogative to disclose certain restricted documents in response to the request as provided above.

(b) ***Case Number AI0495: Mexico: An Evaluation of the Economic Value of Water.***

The Bank initially denied the request because the information requested is restricted under the “Deliberative Information” exception under the AI Policy. The requester filed an appeal asserting both “violation of Policy” and “public interest.” The appeal was considered on both grounds by the AIC.

- *Violation of Policy.* The AI Policy states that the Bank “does not provide access to documents that contain or refer to information listed in paragraphs 8-17” of the AI Policy, which set out the AI Policy’s list of exceptions. Paragraph 16 of the AI Policy explicitly states, under the “Deliberative Information” exception, that the Bank does not provide access to information prepared for, or exchanged during the course of its deliberations with member countries or other entities with which it cooperates, or information prepared for, or exchanged during the course of the Bank’s own deliberations; in both cases, such information includes “draft reports.”³⁵

In this case, the AIC found that the report at issue is a draft report. No final version of such a report was found to exist. As a draft report, the document is covered by the “Deliberative Information” exception and is, thus, restricted from public access under the AI Policy.

Based on the above finding, the AIC decided that the Bank properly and reasonably denied access to the report and, therefore, did not violate the AI Policy. For this reason, in response to the appeal asserting a “violation of Policy,” the AIC decided to uphold the Bank’s decision to deny public access to the report.

- *Public Interest.* In reviewing the appeal on public interest grounds and in accordance with the AI Policy, the AIC (a) considered the fact that the report is a draft document covered by the “Deliberative Information” exception under the AI Policy; and (b) acknowledged that the Bank has provided the requester with two public documents containing key results from the draft report. In view of the above considerations, the AIC did not find compelling public interest reasons to override the “Deliberative Information” exception of the AI Policy (on which the Bank initially denied access to the report). For this reason, in response to the public interest appeal, the AIC decided to uphold the Bank’s decision to deny public access to the report.

³⁵ See paras. 16 (a) and (b) of the AI Policy.

31. **AI Appeals Board.** The AI Appeals Board serves as the second and final level of appeal for those appeals alleging a violation of policy. No appeal was filed before the AI Appeals Board.

V. TRAINING AND LEARNING PROGRAM

32. In the Third Quarter, the access to information training and learning program continued delivery of learning activities in multiple formats. The program was accompanied by targeted messages to staff, and newsletters to AI focal points. Work continued to be undertaken to ensure full staff compliance in completing the AI mandatory e-learning program, sponsored by LEG, OPCS, ISG, EXT, and GSD/OIS. Bank staff had until January 31, 2011, to complete the mandatory e-learning program. As of March 31, 2011, the program achieved a completion rate of 98 percent. The remaining two percent included non-compliant individuals and individuals temporarily exempted from the deadline (for reasons such as medical leave, maternity leave, no access to Bank systems). A total of 129 individuals remained non-compliant at the end of the Third Quarter and had their Bank electronic mail accounts cut off. Monitoring of completion and compliance of the mandatory e-learning program has continued, and steps have been taken to incorporate the mandatory AI e-learning into the Bank’s on-boarding program for new staff. Targeted training for public information and communication staff was carried out and is planned to continue in the fourth quarter of FY11. Table 12 below reflects the self-paced and on-line training and learning activities in the Third Quarter. On-line access of the “Implementation Support” and “Investment Lending to Board” webcasts increased by approximately 11 percent for the period.

Training / Learning Activities	No. of Events	Participants
Self Paced Learning		
▪ Mandatory Access to Information e-Learning for IBRD Staff	Continuous	98% completion
▪ Access to Information for Bank Operations	Continuous	59 completed
▪ AI Overview	Continuous	3403*
▪ Simultaneous Disclosure	Continuous	498*
▪ The Policy Exceptions and Related Changes to the Bank’s Records Management System	Continuous	780*
▪ Your Role as an AI Focal Point	Continuous	117*
▪ Procurement Documents Under the AI Policy	Continuous	255*
▪ ESW and Technical Assistance	Continuous	90*
▪ CAS Products (CASs, CASs Progress Notes, Interim Strategy Notes)	Continuous	75*
▪ Implementation Support	Continuous	142*
▪ Investment Lending to Board	Continuous	118*
On-Line Webinars		
▪ How to Handle AI Requests Webinar Series (AFR, EAP, MNA, SAR)	5	106

* Number of online views to date.

VI. CONCLUSION AND NEXT STEPS

33. In the Third Quarter, the Bank continued its effort to proactively release information to the public, and its commitment to responding to public access requests. Work continues on the improvement of records management within the Bank. The next report on the Bank's AI Policy implementation will be the AI Policy Annual Report, which will provide a cumulative review of the first 12 months of implementation, covering the period of July 1, 2010, through June 30, 2011.

Simultaneously Disclosed Board Documents: Third Quarter

No.	Report No.	Title
1.	60332-CN	China – Guangdong Green Freight Demonstration Project
2.	59842-KZ	Kazakhstan – Strengthening the National Statistical System of Kazakhstan Project
3.	58791-AR	Argentina – Second Norte Grande Water Infrastructure Project
4.	58590-BI	Burundi – Additional Financing for the Road Sector Development Project
5.	59311-PK	Pakistan – Flood Emergency Cash Transfer Project
6.	59529-GH	Ghana – Skills and Technology Development Project
7.	57623-BJ	Benin – Support to the Protected Areas Management Project
8.	57046-TG	Togo – Private Sector Development Support Project
9.	58267-KE	Kenya – Informal Settlements Improvement Project
10.	59138-PK	Pakistan – Sindh Education Sector Project: Additional Financing
11.	59153-PK	Pakistan – Tertiary Education Support Project
12.	59039-GH	Ghana – Local Government Capacity Support Project
13.	58075-RW	Rwanda – Country Assistance Strategy Progress Report
14.	59383-JM	Jamaica – Energy Security and Efficiency Enhancement Project
15.	575237-RW	Rwanda – Third Community Living Standards Credit Program
16.	59604-LC	Saint-Lucia – Hurricane Tomas Emergency Recovery Project
17.	59590-MZ	Mozambique – PROIRRI Sustainable Irrigation Development Project
18.	56633-GW	Guinea-Bissau – Biodiversity Conservation Project
19.	58227-BR	Brazil – Rio de Janeiro Metropolitan Urban and Housing Development Program
20.	55663-UZ	Uzbekistan – Talimarjan Transmission Project
21.	52875-SZ	Swaziland – Health, HIV/AIDS and TB Project
22.	59201-AR	Argentina – Basic Protection Project – Additional Financing
23.	53729-BD	Bangladesh – Private Sector Development Support Project
24.	52785-UZ	Uzbekistan – Syrdarya Water Supply Project
25.	56512-BD	Bangladesh – Padma Multipurpose Bridge Project
26.	54488-AR	Argentina – Third National Communication to the United Nations Framework Convention on Climate Change Project
27.	57989-CL	Chile – Country Partnership Strategy for the period FY11-FY16
28.	57116-PK	Pakistan – Additional Financing for the Second Improvement to Financial Reporting and Auditing Project
29.	56243-NI	Nicaragua – Social Protection Project
30.	56604-KM	Comoros – Economic Governance Technical Assistance Project
31.	58182-HT	Haiti – Cholera Emergency Response Project
32.	56481-PK	Pakistan – Khyber Pakhtunkhwa (KP) and Federally Administered Tribal Areas (FATA) Emergency Recovery Project
33.	58443-VC	St. Vincent and the Grenadines – Hurricane Tomas Emergency Recovery Project

Requests for Information – AIC Consideration: Third Quarter

	Case - Information Requested	AI Policy Exception(s)	Exercise Prerogative to Disclose Restricted Information
1	AI0514 IBRD Board Policy Statement regarding the IBRD's policy towards granting waivers of the negative pledge in lending transactions	Deliberative Information	Yes
2	AI0495 Mexico: An Evaluation of the Economic Value of Water	Deliberative Information	No*
3	AI0545 Public expenditure review regarding Ghana	Deliberative Information	Yes
4	AI0318 Project reports and architectural drawings and design reports – Timor-Leste Second Health Sector Rehabilitation and Development Project	Information Provided by Member Countries or Third Parties in Confidence; Deliberative Information	No
5	AI0632 Power point presentation, titled "Enabling Environment for Civil Society in CDD Projects"	Deliberative Information	Yes
6	Development aid agency request for the Bank to consider whether communications regarding Chad-Cameroon Pipeline Project may be disclosed	Deliberative Information	Yes
7	AI0384 1. Midterm evaluation reports on: (a) Andhra Pradesh Forestry Project (b) Maharashtra Forestry Project (c) Andhra Pradesh Community Forest Management Project 2. Institutional Development Study for Andhra Pradesh Forest Department 3. Institutional Development Study for Maharashtra Forest Department	Deliberative Information	**
8	AI0773 The Imataca Forest Reserve and Environs: Issues in Resource Planning, Public Participation and Sustainable Management	Deliberative Information	**

* Although the AIC decided not to exercise the prerogative to disclose in this case, the requester was referred to two public documents available that reflect key results from the restricted documents.

** Under consideration.

Appeals – AIC Consideration: Third Quarter

	Case Information Requested	Type of Appeal		Upheld or Reversed Bank Decision to Deny Access	Applicable Exception(s)
		Violation of Policy	Public Interest		
1	AI0336 Documents related to the Namibia: Education and Training Sector Improvement Program	X		Upheld	Deliberative Information
2	AI0495 Mexico: An Evaluation of the Economic Value of Water	X	X	Upheld	Deliberative Information
3	AI0732 Implementation of the World Bank's Indigenous Peoples Policy: A Portfolio Review (2005-2008)	X	X	In process	*

* To be confirmed by the AIC.