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A. Evolution of the Bank's Disclosure Approach

- Disclosure of information is not a new concept for the World Bank. The World Bank first issued instructions to staff on information disclosure back in **1985**. In **1993**, the Bank's Board of Executive Directors adopted its first major change to the Bank's disclosure policy by expanding the types of documents available to the public. Since then, the disclosure policy has continued to be revised, about every 2 years to make more information available to the public.
- In **2005** the Bank adopted significant changes, extensively expanding the amount of information disclosed, including documents such as 1) borrower procurement plans, 2) operational policy and strategy papers, and 3) Board minutes.
- Yet, even though the Bank's disclosure policy was fairly wide reaching – disclosing much of the Bank's operational documents, from project and policy documents to strategy and evaluation documents – the Bank recognized that its **disclosure policy approach needed to evolve** in response to both the Bank's business and the expectations of its stakeholders.
- Under the **Bank's old Disclosure Policy**, the Bank's Board approved a set list of documents for disclosure. The list was intended to capture much of the Bank's operational documents. However, the Bank received criticism from the public that this "positive list" approach was too restrictive. At the same time, the Bank was promoting greater transparency in governance with its member countries. Thus, the Bank believed it was important to adopt the same approach in the area of its own information disclosure.

B. The World Bank Policy on Access to Information

- **Public and Member Government Input.** The AI Policy development involved extensive consultations in 33 countries with stakeholders, citizens, representatives of member governments, civil society organizations (CSOs), private sector, academia, international organizations and donor communities, and solicited public input through the Bank's external webpage. During the seven months of implementation preparation, the Bank continued to partner with leading CSOs. The Bank sought the views of the CSOs and worked with them to test the Bank's readiness to respond to public requests. The Bank developed its new policy with much consideration for the freedom of information laws that were adopted by the United States and by India.
- **New Policy Approved.** In November 2009, the Board approved the new Policy on Access to Information, which took effect on July 1, 2010.
- **Radical Change – New Policy.** The Bank's new Access to Information Policy resulted in a radical change of the Bank's disclosure paradigm – moving from a policy that spells out the types of documents that the Bank may disclose – to one that states that the Bank allows access to any information in its possession that is not on a list of exceptions set out in the policy. Moreover, the policy provides that over time the Bank declassifies and makes publicly available certain information covered by some of the exceptions.

- **Objectives Consistent.** While the change is radical, it is consistent with the objectives that the World Bank has long recognized. Specifically that:
 1. As a development finance institution, the Bank strives to be transparent about its projects and programs (particularly with groups affected by its operations), to share its global knowledge and experience, and to enhance the quality of its operations by engaging with the development community.
 2. As an intergovernmental organization owned by countries, the Bank is has an obligation to be responsive to the questions and concerns of its shareholders.
 3. As a borrower, the Bank has established that the disclosure of information helps attract purchasers to its securities.
 4. As an employer, the Bank seeks to provide its employees with all the information they need to perform their duties.

- **Five Guiding Principles of the Policy:**
 1. Maximizing access to information.
 2. Setting out a clear list of exceptions.
 3. Safeguarding the deliberative process.
 4. Providing clear procedures for making information available.
 5. Recognizing requesters' right to an appeals process.

- **Ten Policy Exceptions** (restricted information):
 1. **Personal Information.** The Bank protects the personal privacy of its staff and protects the confidentiality of personal information about them (e.g., staff records, personal emails).
 2. **Communications of Executive Directors' Offices.**
 3. **Ethics Committee Proceedings for Board Officials** (unless the EDs initiate a decision to disclose).
 4. **Attorney-Client Privilege.** The Bank does not disclose information subject to the attorney-client privilege, including, among other things, communications provided and/or received by the General Counsel, in-house Bank counsel, and other legal advisors.
 5. **Security and Safety.** The Bank does not disclose information that – if disclosed – could compromise the security of staff, their families, contractors, other individuals, or Bank assets, or would likely endanger any person or the environment.
 6. **Information Restricted Under Separate Disclosure Regimes** -- the Independent Evaluation Group, Inspection Panel, Integrity Vice Presidency, and the Bank's sanctions process. The Bank does not disclose other information that would prejudice an investigation.
 7. **Information Provided by Member Countries or Third Parties in Confidence.** The Bank does not disclose information provided to it by a member country or a third party on the understanding of confidentiality, without the express permission of that member country or third party.
 8. **Corporate Administrative Matters**, e.g., corporate expenses, procurement, real estate, and other activities (in order to focus resources on public availability of Bank operational information).
 9. **Deliberative Information.** The Bank makes publicly available the decisions, results, and agreements that result from its deliberative processes, but consistent with the Policy's key principles, the Bank safeguards the free and candid exchange of ideas, and does not provide access to: information (including e-mail, notes, letters, memoranda, draft reports, or other

documents) prepared for, or exchanged during the course of, its deliberations with member countries or other entities with which the Bank cooperates, or its own internal deliberations, including the following documents pertaining to Board deliberations.

10. **Financial Information.** (a) financial forecasts and credit assessments; (b) financial and budgetary transactions; (c) individual transactions under loans and trust funds; and (d) banking and billing information.

- **The Bank's Prerogatives (to be used in exceptional circumstances).** The Bank *may* exercise the prerogative not to disclose information normally available to the public if there is a determination that *the harm resulting from the disclosure would likely outweigh the benefits of the disclosure*. The Bank *may* exercise the prerogative to disclose information normally restricted under the Policy if it determines that *the benefit resulting from the disclosure would likely outweigh the potential harm*. Each prerogative has specific clearance requirements.
- **The Appeals Mechanism.** The Policy provides for two types of appeal and two levels of appeal. A party whose request for information has been denied by the Bank can file an appeal alleging that the Bank violated the policy. The party can also file an appeal asserting a public interest case for accessing certain non-public information. There are two appeals bodies. Appeals filed at the first level are heard by an internal administrative body. Appeals filed at the second level are heard by an Appeals Board made up of three external persons, selected by the Bank President and endorsed by the Bank's Board of Executive Directors. The Appeals Board can only hear appeals alleging a violation of policy. The decisions of the Bank's Board of Executive Directors are not subject to appeal.

C. Ensuring Bank Readiness

- In the seven months before effectiveness, the World Bank (the "Bank") undertook extensive work to put into place the infrastructure and systems necessary to implement the AI Policy. The work included:
 1. Developing the AI Policy Statement and guidance materials for staff;
 2. Developing a communications plan to raise staff, client and public awareness, including creating both external and internal AI websites;
 3. Carrying out a multi-phase staff training program;
 4. Updating and improving the Bank's existing information technology systems to handle increased public demand for information;
 5. Developing a new information classification policy and related guidance to align with the AI Policy;
 6. Developing a system to effectively track public requests for information.
 7. Proactively disclosing close to 18,000 documents.