



## The World Bank's New Policy on Access to Information *Information Brief for Member Countries*

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The World Bank has significantly expanded the scope of its policy on disclosure, recognizing that transparency and accountability are fundamental to the quality of the development process. This new policy, which constitutes a paradigm shift in the Bank's approach in enabling public access to its information, is called the **Access to Information Policy**.

The Access to Information Policy, which was approved by the Bank's Board of Executive Directors in November 2009, will be effective on July 1, 2010. It moves from an approach that listed what information the Bank may disclose, to one that allows the Bank to disclose any information in its possession that is not covered by a list of exceptions. As a result of the new Policy, the Bank will expand the categories of information that it routinely discloses, particularly information about projects under preparation and during implementation, and Board proceedings.

### ***From Disclosure to Access***

As a **development finance institution** with a mission to alleviate poverty, the Bank must be transparent about its projects and programs, enhance the quality of its operations by engaging with a broad range of stakeholders, and share its global knowledge and lessons of experience with the widest possible audience.

As an **intergovernmental institution** owned by member countries, the Bank is accountable for public money and therefore has an obligation to be responsive to the questions and concerns of its shareholders and the public.

At the same time, **the Bank has the equal obligation to its shareholders, clients, staff and other parties to protect the confidentiality of certain information and the deliberative process** that takes place between staff and member countries and among staff in formulating decisions and reaching agreements.

Thus, the World Bank's new Access to Information Policy seeks to **strike the appropriate balance between the need to maximize public access to information with this obligation to protect confidentiality**.

### ***Guiding Principles***

- Maximizing access to information
- Setting out a clear list of exceptions (restricted information)
- Safeguarding the deliberative process
- Providing clear procedures for making information available
- Recognizing a requester's right to appeal

### ***Information covered by the List of Exceptions***

Under the new Policy, the Bank restricts a limited number of **types** of information that could, if disclosed, cause harm to specific parties or interests:

1. Personal Information
2. Communications of Executive Directors' Offices
3. Proceedings of the Ethics Committee for Board Officials
4. Information subject to Attorney-Client Privilege
5. Security and safety information
6. Information under Separate Disclosure Regimes (e.g., Integrity Vice Presidency, Inspection Panel, Independent Evaluation Group)
7. **Information provided by member countries or third parties in confidence**
8. Corporate Administrative Matters
9. Deliberative Information
10. Financial Information

### ***Classification of Information***

All information created or received by the World Bank will be classified as public or restricted. If information falls under one of the 10 exceptions it would be classified as “Official Use Only”, “Confidential” or “Strictly Confidential”.

### ***Handling of Member Country Information***

The implications of the new Policy for member country information vary depending on who produces it and the nature of the information.

There are three types of such documents **prepared by the Bank**. First, operational documents that are routinely discussed with the member country (such as Country Assistant Strategies (CASs), Project Appraisal Documents (PADs) and Program Documents) are disclosed after the member country has identified any sensitive information and the Bank adjusts as it considers appropriate. The consent of the member country is **not** required to disclose. Second, documents not routinely discussed (e.g., research) are disclosed as per the Policy. If the Director believes there is sensitive country information, the member country is consulted and the document adjusted as the Bank considers appropriate to address the country’s concerns. Third, fee based services (e.g., reimbursable technical assistance) may only be disclosed with written consent by the paying member country/client.

**Simultaneous disclosure.** Although CASs, PADs and Program Documents are normally posted at the end of the Board’s deliberations, the new Policy allows them to be publicly accessible before the Board discussion **if the member country agrees in writing to such early disclosure** (e.g., in the Minutes of Negotiations).

Documents **prepared by the member country** fall into two main types: (i) documents prepared as a condition for Bank financing that are provided to the Bank with the understanding that the Bank will make them public (e.g., environmental and social safeguard reports; annual audited financial statements for projects with the invitation to negotiate after July 1, 2010); and (ii) other country information in the Bank's possession, which unless public, will be treated as restricted. Member country information, if given to the Bank with the clear understanding that it is given in confidence, will not be disclosed without the client's consent.

For information that a member country believes must be kept confidential, the member country is requested to confer with the Bank on the reasons for the confidentiality, because a decision to treat information confidentially could impact the Bank's ability to use the information. If it is decided that the information must be provided to the Bank in confidence, the Bank requests that the member country indicate an appropriate classification on all such information by **marking the information** as "provided in confidence" or "confidential". If no indication is made as to whether the information should be restricted and it has **not** already been made **publicly available**, the Bank will treat the information as deliberative and therefore restricted according to its information classification system.

Aide-mémoire are considered under the Policy to contain deliberative information and, as such, are restricted. However, the Policy provides that aide-mémoire may be made publicly available if the Bank and member country agree.

### **Declassification of Information**

As sensitivity of some information declines with the passage of time the Policy introduces timelines to declassify and make available certain types of information after 5, 10 or 20 years. Information that is eligible for declassification includes deliberative and financial information (except banking and billing) as long as it does not contain other restricted information.

### **Prerogatives under *Exceptional Circumstances***

Under the new Policy, the Bank reserves the **right to disclose** certain corporate administrative, deliberative, and financial information that is restricted under the list of exceptions **if it determines that** the overall benefits of such disclosure outweigh the potential harm to the interest(s) protected by the exception(s). If a member country has provided the information to the Bank in confidence, the Bank would seek **the member country's written consent** before disclosure.

The Bank also reserves the **right not to disclose** information that would otherwise be publicly available if it determines that such disclosure is likely to cause harm that outweighs the benefits of disclosure.