Bank Directive

Personal Data Privacy: External Privacy Review Panel

Bank Access to Information Policy Designation
Public

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Content
This Directive sets out the role, composition, competence and responsibilities, including a code of conduct, and the rules of procedure of the External Privacy Review Panel. This Directive replaces the former Directive Personal Data Privacy: External Expert Reviewer.

Applicable to
IBRD,IDA

Issuer
Senior Vice President and General Counsel, LEGVP

Sponsor
Deputy General Counsel, LEGIA

SECTION I – PURPOSE AND APPLICATION

1. This Directive sets out the role, composition, competence and responsibilities, including a code of conduct, and the rules of procedure of the World Bank's External Privacy Review Panel (formerly, the External Privacy Review Panel).

2. This Directive applies to the Bank.

SECTION II – DEFINITIONS

The terms and acronyms used in this Directive have the meanings set forth in: (a) the Bank Directive Personal Data Privacy Request and Review Mechanisms; (b) the Bank Procedure Personal Data Privacy Request and Review Mechanisms Procedures; or (c) as set out below:

1. **External Privacy Review Panel or EPRP:** The panel established under Section III.C, paragraph 4 of the Bank Directive Personal Data Privacy Request and Review Mechanisms.

2. **EPRP Chair:** The individual who chairs the EPRP according to Section III, paragraph 3 of this Directive.

3. **EPRP Member:** Any individual serving on the EPRP.

4. **EPRP Secretariat:** The Staff members responsible for administrative arrangements and support of the EPRP according to Section III, paragraph 6 of this Directive.

5. **HRDCS:** Human Resources Client Services.

6. **Management:** The President, the Senior Vice President and Group General Counsel, or either or both of these persons, as applicable.

7. **Selection Committee:** The committee established according to Section III, paragraph 2(b) of this Directive.

8. **Chair of the Selection Committee:** As determined in Section III, paragraph 2(b) (ii) (1) of this Directive.

SECTION III – SCOPE

1. Competence.

a. Directive. The EPRP makes determinations on Calls for Review as set out in and in accordance with the Bank Directive: Personal Data Privacy Request and Review Mechanisms pursuant to Section III.C.

b. Determination of competence.

i. In all cases the EPRP makes an initial determination of standing of the Data Subject. If it determines that the Call for Review should have been submitted to the World Bank Administrative Tribunal under Section III(c)(3)(a) of the Bank Directive: Personal Data Privacy Request and Review Mechanisms, the EPRP stays the proceedings until the Data Subject has concluded proceedings before the World Bank Administrative Tribunal. If the World Bank Administrative Tribunal determines that the Call for Review cannot be adjudicated by the World Bank Administrative Tribunal due to a lack of standing of the Data Subject, which determination is final and binding, the Call for Review is deemed submitted to the EPRP as of the original submission to the EPRP. If the World Bank Administrative Tribunal dismisses the case for reasons other than a lack of standing or hears the case on the merits, the EPRP closes the Call for Review proceedings.

ii. In all other cases, any question of competence of the EPRP is settled by the EPRP.

2. Selection and appointment of EPRP Members.

a. Vacancy. The EPRP Chair informs the Senior Vice President and Group General Counsel in a timely manner when any vacancy is expected to arise for membership in the EPRP.

b. Selection Committee.

i. **Establishment of Selection Committee**. The Senior Vice President and Group General Counsel establishes a Selection Committee with responsibility for vetting and making recommendations to President for suitable candidates to fill the vacancy.

ii. **Composition of Selection Committee**. The Selection Committee is comprised of three (3) members:

(1) The Senior Vice President and Group General Counsel, or their delegate, who serves as the Chair of the Selection Committee;

(2) One Vice President who is a direct report of either the Managing Director, Operations (MDO) or the Managing Director, Development Policy & Partnerships (MDDPP), appointed by the Senior Vice President and Group General Counsel;

(3) One Vice President who is a direct report of either the President, the Managing Director and WBG Chief Administrative Officer (MDCAO) or the Managing Director and WBG Chief Financial Officer (MDCFO), appointed by the Senior Vice President and Group General Counsel.

c. Terms of reference. The Chair of the Selection Committee prepares terms of reference customized for each vacancy in accordance with the criteria set out in Section III.C paragraph 4(c)(ii) of the Bank Directive Personal Data Privacy Request and Review Mechanisms.

d. Public notice of opening. HRDCS, in collaboration with the Senior Vice President and Group General Counsel, publicly posts vacancies on the WBG's intranet and on the Bank's external website.

e. EPRP appointment.

i. **Candidate identification.** The Selection Committee shortlists and interviews the candidate or candidates.

ii. **Candidate recommendation**. After interviews are conducted, the Selection Committee selects a candidate or candidates to recommend to the President. The Selection Committee's recommendation is made by consensus, and if consensus is not reached, by majority vote of the Selection Committee.

iii. **Recommendation to the President**. The Chair of the Selection Committee submits the recommendation to the President a minimum of two months in advance of the respective EPRP position becoming vacant, unless the vacancy arises due to an EPRP Member's unexpected resignation.

iv. **Review and appointment by the President**. The President may agree with or reject the recommendation. Should the President agree with the recommendation of the Selection Committee, the President appoints the recommended candidate. Should the President reject the recommendation, the President asks the Selection Committee to reconvene and recommend other candidates.

f. Compensation. The EPRP Members receive such compensation as deemed appropriate by Management.

g. Term.

i. Commencement of term: The three-year term of EPRP Members commences as stipulated in the EPRP Member's letter of appointment.

ii. The EPRP Members hold office until removed or replaced. A member appointed to replace a member whose term of office has not expired holds office for the remainder of their predecessor's term.

iii. Removal: The President may remove an EPRP Member for cause upon written request by the Senior Vice-President and General Counsel, the EPRP Chair or any other EPRP Member.

3. Chair: The expert on privacy and data protection in a public sector entity shall serve as the EPRP Chair. The EPRP Chair directs the work of the EPRP, represents the EPRP in all administrative matters, and presides at all sessions of the EPRP.

4. Code of conduct for EPRP Members.

a. Fairness, independence, and impartiality.

i. Each EPRP Member shall consider each Call for Review fairly, impartially and with due diligence, in accordance with the World Bank Group Policy: Personal Data Privacy. In considering cases, each EPRP Member shall act independently and shall not answer to or take instructions from management, members of the Board of Executive Directors, member governments, the Data Subject who submitted the Call for Review under consideration or any other entity.

ii. In the discharge of their functions, EPRP Members are guided solely by the merits of the case without regard to any other considerations, including prospects for re-appointment to the EPRP or employment elsewhere in the World Bank Group.

iii. EPRP Members are prohibited from seeking or accepting any gift or compensation of any kind for the discharge of their functions except as provided in their letter of appointment.

b. Diligence. EPRP Members shall act diligently and expeditiously in the performance of their duties and deliver their decisions without undue delay.

c. Conduct during proceedings. EPRP Members shall maintain order, act in accordance with commonly accepted decorum, and remain patient and courteous towards all participants in the review process, avoiding conduct and comments that are or may be perceived as racist, sexist or otherwise discriminatory or degrading. The EPRP Chair shall ensure that any person participating in EPRP proceedings conduct themself in a like manner.

d. Conflict of interest.

i. Prior to appointment and throughout their service, each EPRP Member shall promptly disclose to the EPRP Chair and Management, any circumstance which may give rise to reasonable doubts as to their impartiality or independence, including (but not limited to) all past and present professional, business, personal and other relationships with, or any financial or other interest in, the Data Subject, the Bank or affiliated parties, personal bias or prejudice concerning a the Data Subject or the Bank, or personal knowledge of disputed evidentiary facts concerning the proceeding. In making such disclosure, the EPRP Member takes care not to reveal facts that may prejudice the consideration of a pending case; if meaningful disclosure is not possible without revealing such facts, the EPRP Chair may decide to exclude said EPRP Member from the case in question, or, in the case of the EPRP Chair, the EPRP Chair shall recuse themselves from the case. EPRP Members shall recuse themselves from any case in which they have an actual conflict of interest either by notice to the EPRP Chair, or, in the case of the EPRP Chair, notice to Management, or at the request of the Chair prior to the commencement of proceedings or, if the conflict comes to light only during the proceedings, immediately upon it coming to light. EPRP Members shall seek written guidance from the EPRP Chair for any matter in which they have an apparent or potential conflict of interest. The EPRP Chair will apprise Management periodically as to the resolution of these actual, apparent and potential conflicts of interest.

ii. EPRP Members shall recuse themselves from participating in a proceeding involving a project, loan or any other transaction wherein they have, personally or substantially participated, whether in their current position, a prior assignment or previous employment.

iii. Notwithstanding the foregoing, an EPRP Member may decline to disclose circumstances to the extent that such disclosure is prohibited by legally-binding confidentiality restrictions, provided that they recuse themselves from any case in which they have an actual, apparent or potential conflict of interest arising from such circumstances.

iv. In the event the EPRP Chair recuses themselves under this Section III, paragraph 4, the EPRP Member who is familiar with the Bank but not through first-hand experience shall serve as EPRP Chair for the proceedings in question.

e. Post-service activities.

i. EPRP Members are not allowed to accept any kind of employment at any of the World Bank Group institutions for two years after the end of their term.

ii. For a period of two years after the expiration or termination of the term of an EPRP Member, such an EPRP Member is disqualified from appearing as a representative of any Data Subject submitting a Call for Review to the EPRP.

f. Confidentiality. EPRP Members are required to observe the confidentiality and sensitivity of information to which they will have access to as an EPRP Member, and are prohibited from using or disclosing to any third party any information obtained as a result of membership in the EPRP, including through participation in Call for Review proceedings.

g. Mandate of the Bank. The EPRP's independence notwithstanding, an EPRP Member should act at all times in a manner consistent with the Bank's mandate as set forth in its Articles of Agreement.

h. Ex parte communications. EPRP Members shall not engage in ex parte communications with Management or the Data Subject who submitted the Call for Review under consideration regarding the merits of a Call for Review proceeding.

i. Conduct unbecoming. EPRP Members shall conduct themselves in a manner befitting their status, whether in the course of their duties or otherwise. They will exercise their freedom of expression and association in a manner that is compatible with such status and that does not affect or appear to affect their independence or impartiality. They shall not comment on pending cases and shall avoid expressing views which may undermine the standing or integrity of the Bank, the EPRP or the Call for Review process.

j. Each EPRP Member is bound by the code of conduct under this Section III, paragraph 4, as it may be amended from time to time, at the time of their appointment or reappointment.

k. Any material violation of this code of conduct is grounds for removal from the EPRP, as set out in Section III, paragraph 2 (g)(iii) of this Directive. The EPRP Members report any violation of the Code of Conduct that come to their attention to Management.

5. Decision-making. The EPRP makes its determinations unanimously. In case of disagreement among the EPRP Members, the EPRP makes its determination by majority vote.

6. Administrative arrangements.

a. Secretariat. The Secretariat, staffed by members of the Legal Vice Presidency appointed by the Senior Vice President and Group General Counsel, assists the EPRP

in performing its functions under this Directive or which are otherwise necessary in the exercise of its mandate and discharge of its functions and responsibilities consistent with this Directive and the Bank Directive: Personal Data Privacy Request and Review Mechanisms.

b. Tasks of the Secretariat. The Secretariat:

i. assists the Selection Committee administratively;

ii. onboards new EPRP Members;

iii. informs the EPRP:

(1) of applications to the EPRP in connection with the Call for Review following a First Tier Review as set out in Section III.C of Bank Directive: Personal Data Privacy Request and Review Mechanisms;

(2) on matters of Bank policy, including any amendments of the Privacy Policy approved by the Board that are applicable to the individual Call for Review under consideration by the EPRP;

(3) of the sessions to be scheduled and the manner in which they will be held;

(4) of the necessary logistics for the EPRP to carry out its session.

iv. initiates and supports the EPRP's work by transmitting the relevant documents related to Second Tier Reviews to the EPRP;

v. retains all original documents related to the work of the EPRP, as well as arrange for the appropriate distribution of copies and filing; and

vi. transmits all EPRP determinations in accordance with Section III, paragraph 8(j) of this Directive.

vii. makes and/or inform the EPRP of the necessary session arrangements (e.g., travel arrangements; reservation of facilities; audio-video conferencing) in good time.

viii. makes arrangements for oral proceedings if applicable.

7. Sessions.

a. Frequency. The EPRP meets in session twice a year for a period of up to one week to deliberate and make determinations on the Calls for Review before it. The EPRP's sessions take place in spring and fall of each year, where feasible concurrent with the session of the World Bank Administrative Tribunal. The Secretariat determines the dates of the sessions in coordination with the EPRP.

b. Form of meeting. The Secretariat determines whether the EPRP session will be held at the Bank's Headquarters or virtually. In the event that the EPRP requests to hold a session at Headquarters, the Secretariat decides whether the efficient and economical conduct of the proceedings warrant holding sessions in person or by other means.

8. Rules of procedure

a. Presentation of Calls for Review and procedure

i. **Call for Review to EPRP by Data Subject.** The Data Subject submits the Call for Review to the EPRP following the First Tier Reviewer's determination.

ii. **Transfer of First Tier Reviewer file.** Upon submission of the Call for Review by the Data Subject to the EPRP, the EPRP obtains the First Tier Reviewer's case file concerning the Call for Review containing the case record and determination of the First Tier Reviewer.

iii. **Observations and reply**. Within thirty (30) days of notification of submission a Call for Review to the EPRP or such other deadline determined by the EPRP, the Bank has the opportunity but is not required to submit observations concerning the Data Subject's submission a Call for Review to the Second Tier Reviewer to the EPRP in which case the Data Subject may submit a reply within thirty (30) days of notification of the submission of such observations or such other deadline determined by the EPRP. In the event that the Bank submits observations, it includes a statement on relief in accordance with Section III.C, paragraph 2(b), 3(b) Bank Directive Personal Data Privacy Request and Review Mechanisms.

b. Establishment of facts. The EPRP may at any time:

i. request from the Data Subject or the Bank any information which it deems necessary and appropriate for the examination of the case.

ii. examine a witness or expert, upon its own initiative or upon proposal of the Data Subject or the Bank. In the examination of witnesses by the EPRP:

(1) A witness shall not be bound to disclose information to the EPRP if they have professional or moral objections that are acceptable to the EPRP in accordance with the general principles of law.

(2) Each witness shall make the following declaration before giving evidence:

> *"I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth.*"

(3) Each expert shall make the following declaration before making a statement:

> *"I solemnly declare upon my honor and conscience that my statement will be in accordance with my sincere belief."*

c. Pre-judicial determinations of the EPRP. Where necessary, the EPRP, before examining the Call for Review submitted to it, rules on:

i. any challenge to its competence in accordance with Section III, paragraph 1(b) of this Directive.

ii. interim measures that may be necessary to be taken until the EPRP issues its final determination.

d. Interventions. Interventions by any third party are not allowed.

e. Written procedure. The EPRP prepares its determination in principle on the basis of written proceedings.

f. Oral proceedings. In extraordinary cases the EPRP may conduct oral proceedings.

i. Oral proceedings are limited to the specific questions of fact or law identified by the EPRP in advance as requiring an oral proceeding.

ii. Oral proceedings are confidential, in accordance with Section III.C, paragraph 5 of the Bank Directive: Personal Data Privacy Request and Review Mechanisms.

iii. The EPRP may decide to examine a case in the absence of either of the Data Subject or the Bank, provided that the date of the oral proceedings has been duly notified, as appropriate, to the Data Subject and the Bank and one of them fails to appear.

g. Withdrawal of the appeal. If the Data Subject withdraws their appeal, the Chair of the EPRP closes the case.

h. Deliberation. After closure of the written proceedings and the oral proceedings, if any, the EPRP deliberates on its determination.

i. The deliberations of the EPRP are held out of the presence of the Data Subject and the Bank or of any other person.

ii. Before issuing a determination, the EPRP may propose an amicable resolution or settlement to the Data Subject and the Bank, as appropriate.

i. Determinations. The EPRP's determinations:

i. state the relief to be provided in accordance with Section III.C, paragraph 2(b), 3 (b) Bank Directive Personal Data Privacy Request and Review Mechanisms;

ii. state the grounds on which the EPRP's determination are based;

iii. contain findings which cover the main points of fact and law as well as any arguments put forward by the Data Subject and/or the Bank;

iv. state the names of the EPRP Members who took part in the deliberations;

v. are signed by the EPRP Chair and the Secretariat; and

vi. indicate the date of the determination.

j. Dissemination of determination.

i. The EPRP's determination is distributed to: (1) the concerned Data Subject; (2) the Process Owner; (3) the First Tier Reviewer; (4) The Senior Vice President and Group General Counsel.

ii. The determination is handled and filed confidentially and is not disclosed to the public unless otherwise provided in the determination.

k. Cost: The Data Subject and, as the case may be, the Bank, each bear their own cost, unless the EPRP decides otherwise.

SECTION IV – EXCEPTION

N/A.

SECTION V – WAIVER

The Senior Vice President and Group General Counsel may waive any provision of this Directive within the Senior Vice President and Group General Counsel's functional authority.

SECTION VI – OTHER PROVISIONS

N/A.

SECTION VII – TEMPORARY PROVISIONS

Appointment of first EPRP Members

1. The first selection of EPRP Members following the effective date of the Bank Directive Personal Data Privacy Request and Review Mechanisms is initiated by the Senior Vice President and Group General Counsel ex officio prior to October 1, 2021.

2. The Selection Committee recommends candidates for the positions of the first EPRP Members to the President no later than January 31, 2022.

3. The EPRP holds its first session in Spring 2022.

SECTION VIII – EFFECTIVE DATE

This Directive is effective as of the date on its cover page.

SECTION IX – ISSUER

The Issuer of this Directive is the Senior Vice President and Group General Counsel.

SECTION X – SPONSOR

The Sponsor of this Directive is the Deputy General Counsel, Institutional Administration.

SECTION XI – RELATED DOCUMENTS

World Bank Group Policy: Personal Data Privacy

Bank Directive: Personal Data Privacy Request and Review Mechanisms

Bank Procedure: Personal Data Privacy Request and Review Mechanisms Procedures

SECTION XII – REVISION HISTORY

March 21, 2025: Name change from External Expert Reviewer to External Privacy Review Panel.

ANNEX(ES)

None.

Questions regarding this Directive should be addressed to the Sponsor.