



# Bank Procedure

## Access to Information Appeals Board – Terms of Reference

**Bank Access to Information Policy Designation**

Public

**Catalogue Number**

LEG4.01-PROC.126

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February 1, 2020

**Content**

Terms of reference for the Access to Information Appeals Board.

**Applicable to**

IBRD,IDA

**Issuer**

Senior Vice President and General Counsel, LEGVP

**Sponsor**

Senior Counsel, LEGIA

## SECTION I – PURPOSE AND APPLICATION

1. This Procedure sets forth the terms of reference for the Access to Information Appeals Board.
2. This Procedure applies to the Bank.

## SECTION II – DEFINITIONS

The terms and acronyms used in this Procedure have the meanings set forth in Section II of the *Bank Policy: Access to Information* (Policy), or any successor thereof, and as set forth below:

1. **AIAB**: Access to Information Appeals Board.
2. **AIC**: the Access to Information Committee.
3. **Chair**: the principal AIAB member collectively chosen by all principal AIAB members to act as the Chair of the AIAB for an AIAB session.
4. **Directive/Procedure**: the Bank Directive/Procedure on Access to Information, October 18, 2019, Catalogue No. ECR4.01-DIR.123 at <https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=e5c12f4e-7f50-44f7-a0d8-78614350f97c>, as amended from time to time and/or any of its successors thereof.
5. **EBC**: the World Bank Group's Office of Ethics and Business Conduct.
6. **Policy**: refers to Bank Policy: Access to Information.
7. **Secretariat**: the secretariat established under LEG serving the AIAB.
8. **Staff**: persons holding an appointment under Staff Rule 4.01, "Appointment".
9. **World Bank Group Institution or Institutions**: Any one of the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), International Finance Corporation (IFC), and Multilateral Investment Guarantee Agency (MIGA), and International Centre for the Settlement of Investment Disputes (ICSID).

## SECTION III – SCOPE

1. **Policy on Access to Information – Appeals.** The Policy, which took effect on July 1, 2010, governs the public availability of Information in the World Bank's possession. Under the Policy, a party requesting Information from the World Bank has the right to file an appeal if the World Bank has denied his/her request for Information. The Policy provides two acceptable

grounds for appeal: (a) if a requester provides sufficient information to reasonably show that the World Bank violated the Policy by improperly or unreasonably restricting access to Information that the World Bank would normally disclose under the Policy (“appeal alleging a violation of Policy”); or (b) when a requester is able to make a public interest case to override certain Policy exceptions that restrict the disclosure of the Information requested (“public interest appeal”).

2. ***The Appeals Mechanism.*** The appeals mechanism under the Policy consists of two bodies. The AIC is an internal administrative body under World Bank management that serves to consider first stage appeals alleging a violation of Policy. It also serves to consider, as the first and final stage, public interest appeals and appeals concerning the World Bank’s exercise of its prerogative to restrict access. The AIAB, which consists of three external independent individuals acting as principal members to the AIAB, and which may include alternate member(s) in any sufficient number as decided by the World Bank at its sole discretion, serves as an impartial body that considers second stage, and final, appeals alleging the World Bank violated the Policy by denying access to Information in its possession, following an AIC decision upholding the World Bank decision to deny access. Alternate member(s) of the AIAB may act as principal members of the AIAB at the World Bank’s request if a principal member is unable to serve at the AIAB.

3. ***Role of the AIAB.*** The AIAB only considers second stage appeals alleging a violation of Policy. It may admit or dismiss an application for appeal in its entirety or in part. An application is admitted and/or dismissed in part if the application raises multiple matters that require a partial admission and/or dismissal. Applications are admitted if they: (a) are timely filed before both the AIC and the AIAB in accordance with the Policy; (b) provide sufficient information that reasonably supports the appeal alleging the World Bank violated the Policy; and (c) appeal a matter that the AIAB has authority to consider (i.e., appeals for which – both the first and second stages of appeal alleged a violation of Policy; a World Bank decision to deny access was upheld by the AIC; the requested Information is in the World Bank’s possession; the matter at issue does not involve a World Bank decision to exercise its prerogative to restrict access or relate to a Board decision). For applications that are admitted, the AIAB has the authority to affirm or reverse the decisions of the AIC in such cases.

4. The AIAB members consider and decide on appeals based solely on the terms of the Policy as written or as expressly interpreted by the AIC or the Board, and the documents of record and other relevant input provided by the World Bank, and in accordance with the procedures of the AIAB issued by the World Bank in effect at the time the appeal to the AIAB is received by the World Bank. If the AIAB reverses the AIC’s decision upholding a decision of the World Bank to deny access to Information in the World Bank’s possession, the AIAB decides whether to grant the requester the right to receive the Information requested, which is the sole remedy available. The decisions of the AIAB are final.

5. ***Responsibilities of the AIAB Members.*** The primary responsibilities of the members of the AIAB are to:

- (a) Review and decide on appeals for which the requester has provided sufficient information to reasonably support the allegation that the World Bank’s decision to deny access violates the Policy. The decision of the AIAB, as indicated above, is made in accordance with the Bank Procedure: AIAB Operating Procedures governing the appeals mechanism

and the AIAB, including specifically the Policy (as amended from time to time by the Board and/or interpreted by the AIC or the Board), and the established Bank Procedure: AIAB Operating Procedures for the functioning of the AIAB. Each AIAB member provides input towards finalizing the AIAB decision(s), which indicates a reasoned basis for dismissing an application of appeal, or (in the case of admitted applications) affirming or reversing the decision of the AIC, and written in a form decided by the AIAB.

- (b) Prepare for, and participate in, the sessions of the AIAB. Members review and decide on appeals, by video conferencing and other relevant means, as often as needed but not exceeding four times in any fiscal year (July 1 - June 30). The World Bank decides, if it deems necessary and as communicated to the AIAB by the Secretariat, to request the AIAB members to meet more or less frequently or in person.
- (c) Provide all necessary input on World Bank reports, in the context of AIAB activities and decisions, as requested by the World Bank and as communicated by the Secretariat.
- (d) Engage in other additional activities consistent with the Policy as required by the World Bank. Any additional activities requested of the AIAB members by the World Bank are communicated to the AIAB through the Secretariat.

6. **Conflicts of Interest.** The AIAB members are bound by the same principles governing conflicts of interest that apply to Staff pursuant to Principle 3 of the World Bank's Principles of Staff Employment. If a personal or financial interest or business relationship of an AIAB member or of his/her family member might reasonably be considered to reflect unfavorably on or cause embarrassment to the World Bank or otherwise give rise to a real or apparent conflict of interest with the AIAB member's participation in a matter before the AIAB, the AIAB member informs the EBC, the Chair and the Secretariat. Unless the conflict is resolved, as confirmed by the EBC, the AIAB member recuses him/herself from the matter at issue and inform the Chair and Secretariat of such recusal.

7. **Communications.** As further elaborated in the Bank Procedure: AIAB Operating Procedures for the AIAB, communications transmitting Information regarding appeals and related documents are made in a manner deemed by the World Bank as secure, and in accordance with the World Bank's policies relating to information security. Any public statements made by the members of the AIAB concerning their AIAB work are made in a manner consistent with the relevant rules of the World Bank, as they may be amended from time to time. The members of the AIAB communicate directly with each other and with the Secretariat but do not communicate directly with requesters. Any communications concerning applications for appeals (e.g., conveyance of decisions) are directed through the Secretariat.

8. **Appointment and Remuneration.** The President of the World Bank nominates the AIAB members to the Board for endorsement. Each member of the AIAB is appointed by the World Bank for at least a two-year period at the World Bank's discretion. The World Bank reimburses each AIAB member for time and reasonable expenses directly incurred in the carrying out of the above-mentioned responsibilities, as requested by the World Bank, in line with relevant World Bank rules and taking into account considerations of economy and efficiency. The AIAB members direct any questions regarding expenses to the Secretariat before their incurrence.

9. **Restrictions on World Bank Group Employment.** AIAB members are not be eligible to accept any other appointment to the Staff during the period of their assignment with the AIAB.

10. Notwithstanding the above provision, the World Bank may agree with another World Bank Group Institution to allow for the AIAB to consider applications for appeal under the other World Bank Group Institution's equivalent policy on access to information. If the World Bank and another World Bank Group Institution enter into such agreement (which includes, *inter alia*, provisions concerning the World Bank Group Institution's participation in the administrative arrangements for the functioning of the AIAB and its sharing of the expenses of the AIAB), and the AIAB members agree to serve in such capacity, the World Bank Group Institution concerned establishes, as relevant, the appointment and reference for the AIAB members' work for such purposes, and the related rules and procedures that govern the AIAB's consideration of such appeals for that World Bank Group Institution.

11. **Rights of the World Bank.** All materials produced or acquired under the terms of an AIAB member's terms of employment remain the property of the World Bank. The World Bank retains the exclusive right to publish or disseminate in all languages reports and work arising from such materials. Any nonpublic information provided to or obtained by an AIAB member through and/or as result of his/her capacity as an AIAB member is (a) exclusively used in his/her official capacity as an AIAB member, and (b) held in strict confidence, i.e., not to be further shared or disclosed to any party without the prior written consent of the World Bank, unless the Information is classified as "public" and has been publicly disclosed. Each AIAB member destroys all documents received in the course of the discharge of his/her functions as soon as the session for which he/she received the documents ends, in accordance with the Bank Procedure: AIAB Operating Procedures, World Bank rules and/or at the direction of the World Bank.

12. Nothing in this Procedure, and no Information provided to or obtained by each AIAB members in connection to his/her role in this capacity, constitutes or is considered a waiver of the immunities and privileges of the IBRD and the IDA as set forth in the Articles of Agreement of IBRD and the Articles of Agreement of IDA, respectively, or other provisions of national and international law, which remain specifically reserved.

#### SECTION IV – EXCEPTION

N/A.

#### SECTION V – WAIVER

1. The Issuer may grant a waiver of any provision in this Procedure except if those provisions are derived from the Bank Policy: Access to Information.

## SECTION VI – OTHER PROVISIONS

N/A.

## SECTION VII – TEMPORARY PROVISIONS

N/A.

## SECTION VIII – EFFECTIVE DATE

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

## SECTION IX – ISSUER

The Issuer of this Procedure is as stated on its cover.

## SECTION X – SPONSOR

The Sponsor of this Procedure is as stated on its cover.

## SECTION XI – RELATED DOCUMENTS

1. Toward Greater Transparency Through Access to Information – The World Bank’s Disclosure Policy, December 10, 2009 (R2009-0259/2; IDA/R2009-0273/2), at <http://documents.worldbank.org/curated/en/241111468161347673/Toward-greater-transparency-through-access-to-information-The-World-Banks-disclosure-policy>
2. *Bank Policy: Access to Information*, July 1, 2015, Catalogue No. EXC4.01-POL.01, at <https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=3693>.
3. *Bank Directive/Procedure on Access to Information*, October 18, 2019, Catalogue No. ECR4.01-DIR.123 at <https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=e5c12f4e-7f50-44f7-a0d8-78614350f97c>.
4. *Bank Procedure: AIAB Operating Procedures*.
5. *WBG Procedure: Official Travel Expenses – Payment and Reimbursement*, January 1, 2020, Catalog No. WFA1.04-PROC.113, at <https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=4f80feba-81f8-427f-8796-d9d0073ff295>
6. *Administrative Manual Statement (AMS) 14.20, Public Statements of Staff Members*, January 2010, at

<https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=2173>

7. *Bank Policy – Principles of Staff Employment – Preamble, Forward and Principles 1-11*, August 1, 1983, at <https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=2666>
8. *World Bank Group Directive - Staff Rule 3.01 – Standards of Professional Conduct*, March 12, 2019, at <https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=2b5fc09c-985a-48f7-aa27-a4d181711900>
9. *World Bank Group Directive – Copyright*, December 21, 2015, at <https://spappscsec.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=f1893cf7-d571-46c4-9c56-cfe681ce555a>

Questions regarding this Procedure should be addressed to the Sponsor.
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