

**AIC decision on appeal #46**

**CASE NUMBER AI2258  
BOARD TRANSCRIPT OF NOVEMBER 23, 1951  
(Decision dated June 16, 2016)**

**Summary of Decision**

- The Access to Information Committee (“AIC”) found that the application, which asserts an appeal on a public interest basis, is not properly before the AIC for consideration. The World Bank (“Bank”) denied access to the requested information in this case, namely the Board Transcript of November 23, 1951, based on the *Attorney-Client Privilege* and the *Deliberative Information* exceptions under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01 (“AI Policy”), pursuant to a decision made by the Bank’s Board of Executive Directors (“Board”). Under the AI Policy, the AIC does not have authority over decisions by the Board, and thus appeals of Board decisions are automatically dismissed (*see* AI Policy, at footnote 24). For this reason, the appeal is dismissed for appealing a matter that the AIC does not have authority to consider.

**The Decision**

***Facts***

1. On October 17, 2012, the requester submitted a request (“Request”) for “all documents related to World Bank engagement with Iran from the start of the Bank to the signing of its first loan (1957). This would include all internal documents, such as letters, memos, board discussions, comments by executive directors, management decisions, aide-memoires, reports, feasibility studies, etc.”
2. The World Bank (“Bank”) located a number of documents as responsive to the Request, including the Board Transcript of November 23, 1951 (the “Transcript”). On May 16, 2016, the Bank denied access to the Transcript, based on the *Attorney-Client Privilege* and the *Deliberative Information* exceptions under the Bank Policy: Access to Information, July 1, 2015, Catalogue No. EXC4.01-POL.01 (“AI Policy”). On May 16, 2016, the secretariat to the Access to Information Committee received an application (“Application”) appealing the Bank’s decision.
3. The Application challenges the Bank’s decision on “public interest” grounds. The Application states, in relevant part, the following:

[...] the “Board Transcript, November 23, 1951” are of critical importance to developing a correct case for the impartial position of the World Bank in its involvement with Dr. Mossadegh's Iranian oil nationalization. [...] the minutes of the said Board meeting are critical to demonstrating the Bank's position. It is, therefore, in the interest of the Bank and history to share and disclose these discussions. The events took place more than 65 years ago. The document will be used in a book

on Mossadegh and the World Bank. The lack of access to the minutes of this discussion, there is a risk of people misinterpreting the involvement of the Bank.

### ***Findings and Related Decision***

4. In reviewing the Application in accordance with the AI Policy, the AIC considered:
  - (a) the Request;
  - (b) the Bank’s denial of access to the Transcript;
  - (c) the Application;
  - (d) the AI Policy’s *Attorney-Client Privilege* and the *Deliberative Information* exceptions that justified the Bank’s decision to deny public access the Transcript, and the basis for such determination.
5. Pursuant to the AI Policy, a requester who is denied public access to information by the Bank may file an appeal on a “public interest” basis if the requester is able to make a public interest case to override certain AI Policy exceptions that restrict the information. Public interest appeals are limited to information restricted by the *Corporate Administrative Matters*, *Deliberative Information*, and/or *Financial Information* (other than banking and billing information) exceptions (*see* AI Policy at Section III.B.8 (a) ii). The AI Policy also states that because the AIC has no authority over decisions by the Bank’s Board of Executive Directors (the “Board”), appeals of Board decisions are automatically dismissed (*see* AI Policy, at footnote 24).
6. In this case, the AIC found that the Board considered this matter and decided that the Bank denies access to the Transcript on the basis of the *Attorney-Client Privilege* and the *Deliberative Information* exceptions identified as applicable to the Transcript. Because the denial resulted from a Board decision, which the AIC does not have authority to consider, the Application must be dismissed in accordance with the AI Policy (*see* AI Policy, at footnote 24).
7. For the above reasons, and pursuant to Section III.D.1 a (iii) of the *Bank Directive/Procedure: Access to Information*, July 1, 2015, Catalogue No. ECR4.01-DIR.01, the Application is dismissed for appealing a matter that the AIC does not have authority to consider.