FreedomInfo.org is appealing the decision by World Bank staff of its Dec. 23, 2013, request (AI3127) for:

1. Copies of all access to information requests submitted in the month of October, 2013.
2. Any list of access requests in the month of October, 2013.
3. Any summary prepared by the World Bank concerning requests made in the month of October, 2013.

The Bank on Jan. 22, 2014, replied:

In response to your request under AI3127, please be informed that the information you requested is restricted from public access under the World Bank’s Access to Information Policy (the Policy) because it is covered by the ***Security and Safety*** exception under the Policy (please see para. 12 (c) of the Policy).

The relevant exception states:

Section 12. Security and Safety

The Bank does not provide access to:

1. Information whose disclosure would compromise the security of Bank staff and their families, contractors, other individuals, and Bank assets.

(b) Information about logistical and transport arrangements related to the Bank’s shipments of its assets and documents and the shipment of staff’s personal effects.

(c) Information whose disclosure is likely to endanger the life, health, or safety of any individual, or the environment.

FreedomInfo.org appeals this interpretation on a number of grounds.

First, the Bank has made an overly broad interpretation of the exemption, ignoring its literal meaning.

The language of the exemption requires a finding that disclosure is “likely” to endanger a person’s safety security. This choice of words indicates that there must be more than a remote possibility of endangerment. “Likely” necessitates a finding of probable harm, a good chance of harm, a real danger.

Such a finding should be based on objective evidence. The Bank here has failed to demonstrate any such likelihood that disclosures of requester information would “endanger the life, health or safety of any individual, or the environment.”

One might imagine a situation where danger is possible – a farmer in a poor country writing to ask for evidence of corruption by a government official. On the other hand, danger would be hard to imagine in the case of the U.S. Chamber of Commerce requesting a copy of a report.

Any finding of “likely” danger should be grounded in specific analysis.

Second, the exemption should not be read as a blanket justification for nondisclosure of all requester names or identifying information.

Making distinctions is essential under the language of the exemption in order to fulfill the overall premise of the Access to Information policy that presumes disclosure of information.

Among other distinctions, decisions about releasing the elements of personal information may be different. Arguably the release of personal names is more sensitive than the release of organization names, street addresses or country names.

A blanket denial is inconsistent with the language of the exemption and overall Bank policy. Application of Section 12 should require a case-by-case analysis.

Third, even if the disclosure of names or personal information might expose a requester to likely harm, an alternative exists that would provide FreedomInfo.org partial information while protecting the requester.

The Bank has erred by not redacting any specific information that might run afoul of Section 12.

Redaction is the accepted mechanism to achieve the goal of maximum disclosure while still adhering to the exemptions in the policy. Redaction is essential to sensible implementation of an access policy. Redaction is absolutely standard practice at the national level.

In particular, redaction is the norm in many countries for dealing with requests for request letters. See FreedomInfo.org report:

http://www.freedominfo.org/2014/01/disclosure-request-letters-handled-different-ways/

For example, the Bank could disclose the substance of the requesters’ letters – what information they requested – without identifying information that might violate Section 12.

A refusal to make redactions would very seriously undermine the AI policy without any possible justification.

Fourth, the Bank failed to address or justify in any way its denial of FreedomInfo.org’s requests (2) and (3).

Sincerely,

Toby McIntosh

FreedomInfo.org