Accessing Information from the International Finance Corporation: A Guide to Making Requests and Appealing Denials

The International Finance Corporation (IFC) is a member of the World Bank Group. The IFC provides financing, advice and management services to private enterprises in developing countries. It aims to advance economic development by investing in for-profit projects.

The IFC Access to Information Policy (the Policy) governs the public's access to information in the IFC's possession.

The IFC makes certain information routinely available to the public on its website (ifc.org), such as some information about its own operations. The Bank also has procedures around regularly releasing information about its projects, including a Summary of Investment Information and certain social and environmental information. Information about the IFC supported projects can be searched at the Disclosure Portal: https://disclosures.ifc.org/

If you seek information that is not available already, the Policy allows you request that information from the IFC. This Guide explains how to submit a request and appeal a denial of your request.

Process for Submitting a Request for Information

HOW DO I REQUEST INFORMATION FROM THE IFC?

You can request information that has not already been made readily available by the IFC. Information requests are made to the Corporate Relations Department and should specifically identify what information you are requesting. The IFC communicates in English, but if you submit a request in a language other than English, the IFC says it will try to respond in that language.

Submit through one of the following:

- **Online:** Via the IFC Project Information & Data Portal page on the IFC website.
- **Telephone:** +1 (202) 473-3800.

- **Fax:** +1 (202) 974-4384.
- **Mail:** 2121 Pennsylvania Avenue, N.W., Washington, D.C., 20433, USA.

The online system will ask for the following information:

- The inquiry type: Mark "disclosure" when making a specific access to information request.
- Whether this is your first time submitting this request: Mark "yes"; marking "no" allows you to insert a Request ID from a prior request.
- A name or title for your request, a project ID if applicable, and the details of the request.

> **Note**: The more detail you provide in this section, the more likely it is that IFC will find the information or document you seek.

  - IFC will reject blanket or frivolous requests.
- Requester information
  - You will be required to provide your name, email, city, country and affiliation (from a drop-down menu with choices such as "academic", "NGO", or "individual").
  - You may optionally provide a street address, telephone and fax number.

The Policy does not require the IFC to issue you a receipt, but you should follow-up if you do not receive confirmation and a number for tracking your request

WILL MY REQUEST COST MONEY?

There is no fee for merely submitting a request. For hard-copy documents or documents on electronic discs or drives, the IFC may charge requesters a fee.

WHEN SHOULD I EXPECT A RESPONSE FROM THE IFC?

- The IFC attempts, but does not promise, to respond to requests within **30 calendar days**.
- If the request is complex, the IFC may need additional time. When this occurs, the IFC contacts the requester to explain the reasons for delay and, sometimes, an estimated time frame.
- In the IFC's **response** to the request, it either:
  - Provides all or part of the requested information; or
  - Provides reasons why the request was delayed or denied entirely or in part.

> **Note:** If you receive no response, check the IFC's website again for the information. When the IFC receives numerous requests for the same information, it may publish it online instead of responding directly to the requesters.

WHEN WILL THE IFC DENY ACCESS TO INFORMATION?

The IFC takes the following approach to deciding whether to disclose information:

1. If information falls within the **scope** of the Policy, there is a **presumption in favour of disclosing information**. The Policy's scope includes information that would help the public to understand and discuss the IFC's business activities, the impact of its activities, and the IFC's contribution to development. This includes:
    a. Institutional information about the IFC, and
    b. Project-level information about IFC-supported investments and advisory services
2. If information falls into that category, it will be disclosed unless there is a **compelling reason** not to disclose the information. This includes the following considerations:
    a. Whether the disclosure is likely to cause harm to specific parties or interests, and that **harm outweighs the benefit** of disclosure
    b. Whether the information contains or makes reference to information included in the list of **exceptions**

The Policy lists the exceptions it will consider as part of this analysis, although this list is not exhaustive. The exceptions are:

- **Commercially sensitive and confidential information.** The IFC does not disclose financial or confidential information about its clients, member countries or third parties, or legal documents and board documents related to its investments or advisory services.
- **Personal information** about staff members, such as staff records, hiring information, or internal investigations of staff misconduct.
- **Communications of Executive Directors' Offices**, whether internally or with third-parties.
- **Proceedings of the Ethics Committee for Board Officials**
- **Information protected by attorney-client privilege.** For the IFC, this includes communications with its General Counsel and other legal advisors.
- **Information compromising security and safety** if disclosed, meaning its disclosure would threaten an individual, the environment, IFC assets or IFC information systems.
- **Information restricted under separate disclosure regimes,** such as the Compliance Advisor Ombudsman, which handles complaints from persons harmed by IFC projects.
- **Corporate administrative matters** of the IFC, meaning internal IFC administrative matters, like the IFC's own real estate or procurement activities, or pension plans.
- **Deliberative information,** meaning emails, draft documents, internal memos or other information prepared for or exchanged during internal deliberations.
- **Certain financial information,** meaning information related to its internal treasury operations, except for some routinely disclosed information like quarterly financial statements.
- **Violation of national laws or other applicable regulations.** The IFC withholds information if disclosure would violate applicable national law or the IFC's Articles of Agreement.
- **Investigative information.** The IFC may refuse to disclose information if disclosure might harm an investigation or legal proceedings, or expose the IFC to litigation.

The IFC may also **delay disclosure** of information that it would normally release. The Director responsible for a project has discretion to delay disclosure of information about that project for specified reasons, like market conditions or a financial restructuring.

WHAT IF DISCLOSURE IS IMPORTANT FOR PREVENTING A SERIOUS HARM TO THE PUBLIC INTEREST?

In exceptional cases, IFC senior management may authorise a disclosure of information that it would ordinarily withhold if it determines that disclosing the information would likely prevent:

- Serious, immediate harm to public health, safety or security or to the environment.

The IFC may only make these disclosures on a very restricted basis, such as notifying local regulatory authorities instead of disclosing the information to the public. However, it is possible that IFC senior management may decide to disclose public interest information after receiving a request for information.

> **Note**: If the information you seek could prevent such serious harm, you should explain this **in your initial request**. Only IFC senior management can decide to disclose on this public interest basis; the appeals bodies (described below) do not have this power.

Appealing when the IFC Denies Access to Information

THE IFC DENIED MY REQUEST. CAN I APPEAL?

Yes. You can appeal to the IFC's Access to Information Policy Advisor (AIP Advisor), who reports to the IFC's Executive Vice President. If your request is still denied, you can appeal to the independent Access to Information Appeals Panel (AIP Panel) of three outside experts.

HOW DO I MAKE AN APPEAL?

You must submit your appeal to the IFC's Corporate Relations Department online, by fax or by mail, as provided above. You should address your appeal to the AIP Advisor. Your appeal should argue that the IFC unreasonably denied your request or interpreted its Policy incorrectly. The AIP Advisor will make a decision based on:

1. Whether the information falls within the scope of information for which there is a presumption of disclosure
2. Whether the IFC had a **reasonable basis** for finding a compelling reason not to disclose

> **Note**: Your appeal should follow the same line of argument. In arguing that the IFC did not have a reasonable basis for refusing to disclose, you should reference the list of exceptions described above, and argue that the harms of disclosure do not outweigh the benefits. Your reasoning can list public interest concerns as a benefit that should outweigh potential harms. But note that the AIP Advisor cannot override the IFC's decision solely on the grounds of preventing a serious harm (only the IFC Senior Management can make that decision).

WHEN SHOULD I EXPECT A RESPONSE FROM THE AIP ADVISOR?

- The AIP Advisor reviews the appeal and attempts, but does not promise, to respond in **30 calendar days**. The AIP Advisor may need additional time for complex appeals, in which case the IFC will contact you to explain the delay and, possibly, provide an estimated time frame.
- The AIP Advisor will send you a written notice of the decision, along with reasons for it.

THE AIP ADVISOR DENIED MY APPEAL. CAN I APPEAL AGAIN?

You may appeal to the independent AIP Panel:

- Submit the appeal within **30 calendar days** of receiving notice of the AIP Advisor's decision.
- Submit the appeal to the IFC's Corporate Relations Department (www.ifc.org/contacts) or via fax or mail.

> **Note**: The AIP Panel only has the power to decide whether the AIP Advisor had a reasonable basis for denying your appeal, so you should argue the decision of the AIP Advisor was not reasonable.

WHEN SHOULD I EXPECT A RESPONSE FROM THE AIP PANEL?

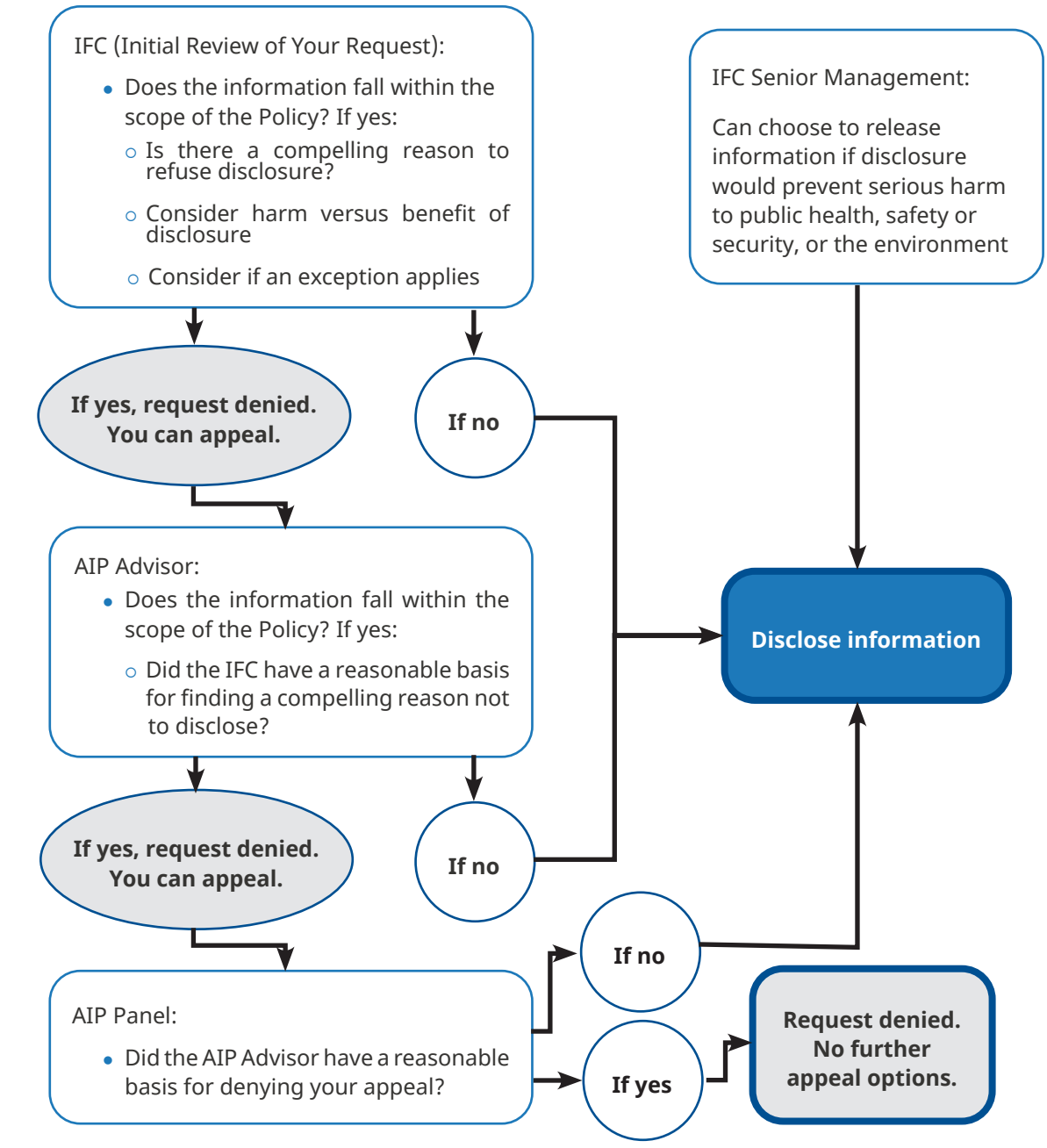
- The AIP Panel attempts, but does not promise, to respond within **60 days**. The AIP Panel may need additional time if the appeal is complex.
- The AIP Panel will either **uphold** the denial or **reverse** it, providing you access to the requested information. The AIP Panel's decision is **final**.

WHERE DO I GO IF I STILL HAVE QUESTIONS?

- IFC's website: ifc.org
- IFC's Access to Information Policy: https://www.ifc.org/wps/wcm/connect/6810c62b-2a5d-47f2-97ba-06193bba4e42/AIP_English_2012.pdf?MOD=AJPERES&CVID=kiIXyKw

Note: The IFC's website provides very limited information on the appeals process. You can still appeal, however. The Policy provides for appeals even if the website does not explain them well.

Summary of How the IFC Decides Whether to Disclose



IF YOU HAVE QUESTIONS ABOUT THE PROCESS FOR MAKING A REQUEST OR AN APPEAL, YOU CAN REACH US AT:

Centre for Law and Democracy
info@law-democracy.org
@Law_Democracy

Bank Information Center
info@bankinformationcenter.org
@BIC_Updates