



**World Bank Administrative Tribunal**

**2020**

**Decision No. 636**

**FA (No. 2),  
Applicant**

**v.**

**International Bank for Reconstruction and Development,  
Respondent**

**World Bank Administrative Tribunal  
Office of the Executive Secretary**

**FA (No. 2),  
Applicant**

**v.**

**International Bank for Reconstruction and Development,  
Respondent**

1. This judgment is rendered by the Tribunal in plenary session, with the participation of Judges Andrew Burgess (President), Mahnoush H. Arsanjani (Vice-President), Marielle Cohen-Branche (Vice-President), Janice Bellace, Seward Cooper, Lynne Charbonneau, and Ann Power-Forde.

2. The Application was received on 3 February 2020. The Applicant represented himself. The Bank was represented by David Sullivan, Deputy General Counsel (Institutional Affairs), Legal Vice Presidency.

3. The Applicant challenges (i) the decision to deny him access to Bank premises without first conducting a “business needs assessment”; (ii) the release of “Strictly Confidential HR [Human Resources] information to junior and mid-level staff within the Bank, and subsequently to [the Applicant’s] then-employer”; and (iii) the due process violations resulting from the investigation into the disclosure of his “Strictly Confidential HR information.”

**FACTUAL BACKGROUND**

*Employment history*

4. The Applicant is a former Bank staff member who joined the Bank in June 2011 as a Short-Term Consultant (STC). In February 2013, he was appointed to a term position as a Natural Resource Management Specialist. He was promoted to Senior Agricultural Specialist in July 2017.

5. As a result of a finding of misconduct by the Human Resources Vice President (HRVP), the Applicant’s employment was terminated on 1 August 2018. The HRVP imposed the following

disciplinary measures on the Applicant: termination of appointment effective 1 August 2018; ineligibility for future employment with the Bank Group; permanent restriction from access to Bank Group premises; and the disciplinary letter to remain indefinitely in the Applicant's personnel file.

6. In *FA*, Decision No. 612 [2019], the Applicant contested the sanctions imposed on him; however, the Tribunal concluded that "the sanctions imposed by the HRVP on the Applicant [...] were a reasonable exercise of the HRVP's discretion." *Id.*, para. 194.

*Implementation of the access restriction*

7. On 1 November 2018, the Applicant obtained a short-term contract with the International Fund for Agricultural Development (IFAD) to work for 22 days, at a rate of \$450 per day, on a project which was co-financed by the Bank. According to the Applicant, he flew to Monrovia, Liberia, for IFAD business on 4 November 2018 and was provided with an agenda the following day, at which point he became aware that he was scheduled to attend meetings at the Bank's country office in Liberia.

8. By email dated 6 November 2018 to the Human Resources Development Corporate Operations Manager (HRDCO Manager), the Applicant requested an exception to the access restriction to permit him to attend meetings at the Bank's country office in Liberia, stating:

I just received a contract from the International Fund for Agricultural Development (IFAD) to design a project in Liberia. The project is co-financed by the World Bank, and the schedule I just received upon my arrival in Monrovia shows that I need to attend meetings at the local World Bank office.

I would like to request permission to access the Bank building for these meetings, for the duration of this week, November 6-9, 2018. I may also have to attend some other ad-hoc meetings until the end of my mission (November 16, 2018).

The Applicant attached to this email the meeting agenda and his terms of employment with IFAD, which described the scope of the Bank co-financed project.

9. The HRDCO Manager replied by email on the same date, denying the Applicant's request, noting that among the disciplinary measures imposed for the Applicant's misconduct was a permanent restriction from access to Bank Group premises. The HRDCO Manager blind copied this message to a Senior Security Specialist, Global Corporate Solutions, Security Operations Support (HQ Senior Security Specialist). The HRDCO Manager then called the HQ Senior Security Specialist requesting he pass the information on to the security specialist responsible for the Liberia country office's region.

10. The HRDCO Manager's email, blind copied to the HQ Senior Security Specialist, did not denote the confidentiality of the information provided in the message. According to the HRDCO Manager, he does not typically put delivery restrictions on correspondence to the HQ Senior Security Specialist because they both understand that "what they send each other is usually highly and strictly confidential."

11. The HQ Senior Security Specialist forwarded the HRDCO Manager's email to the Manager of Corporate Security, Global Operations, who in turn forwarded the email exchange to a Senior Security Specialist based in Senegal, who in turn sent the email thread to the Liberia Country Manager and the Security Specialist for the Country Management Unit (CMU Security Specialist), stating, "Kindly be informed that [the Applicant] is a former WBG [World Bank Group] staff and is currently on the WBG Do Not Admit list due to misconduct." None of these emails noted the confidentiality of the email contents.

12. On 7 November 2018, at 8:25 a.m. in Liberia, the Liberia Country Manager, who was out of the office that day, forwarded the email exchanges to an Operations Officer, two Program Assistants, and a Senior Agriculture Specialist, stating, "Please make sure that [the Applicant does] not enter the WBG premises." The Liberia Country Manager indicated the email sensitivity as "confidential." According to the agenda, the meetings in the Liberia country office were scheduled to begin at 9:00 a.m.

13. On 7 November 2018, at 9:06 a.m., the Senior Agriculture Specialist forwarded the confidential email exchanges to the Applicant's then-supervisor, the IFAD Country Manager, asking, "Who is this?"

14. According to the Senior Agriculture Specialist, she was in a hurry to attend the meetings at the Liberia country office, and "she forwarded the email to [the IFAD Country Manager] to avoid any awkward situations, particularly as Government Ministers were to attend" the meeting to which the Applicant was denied access. The Senior Agriculture Specialist indicated she had not realized the confidential nature of the email or that the thread of other exchanges was included in the email she forwarded.

15. On 7 November 2018, the IFAD Country Manager responded to the Senior Agriculture Specialist stating, "I am a bit shocked to hear this. I have not worked a lot with [the Applicant] but he was recommended by an IFAD colleague. I think I need to talk to him."

16. The Applicant states he was informed by IFAD colleagues that, on 7 November 2018, security stopped a car of IFAD team members upon arrival at the Liberia country office, demanded to know where the Applicant was, and searched the car and trunk.

17. On 7 November 2018, the IFAD Country Manager confronted the Applicant with the information contained in the email from the Senior Agriculture Specialist.

18. By email dated 8 November 2018 to the IFAD Country Manager, the Applicant acknowledged the "events at the World Bank yesterday" and the email that the IFAD Country Manager received from the Bank, but he stated that confidentiality precluded him from disclosing further information. He also apologized "for any inconvenience this breach of confidentiality has caused."

19. According to the Applicant, his contract with IFAD was terminated two weeks early due to the disclosure of his confidential personnel information. According to the Applicant, a

subsequent 17-day contract with IFAD was also cancelled “after news of the Monrovia incident spread throughout IFAD.”

20. By letter dated 12 November 2018 to the Bank’s Chief Counsel for Institutional Administration, the Applicant’s then-attorney protested the disclosure of his misconduct sanctions to the IFAD Country Manager and demanded that the Bank “take *immediate* action to instruct all personnel that such disclosures are illegal, and that anyone who releases information regarding a staff member or former staff member’s misconduct and sanction will be guilty of misconduct themselves and will be punished accordingly.” (Emphasis in original.)

*The Office of Ethics and Business Conduct investigation*

21. By email dated 2 December 2018 to the Office of Ethics and Business Conduct (EBC), the Applicant reported an alleged breach of confidentiality by HR, the HRDCO Manager, and the Senior Security Specialist based in Senegal regarding the unauthorized disclosure of his personnel information.

22. On 10 December 2018, EBC interviewed the Applicant about his allegation of the unauthorized disclosure of confidential personnel information.

23. On 25 January 2019, EBC sent a Notice of Alleged Misconduct to the Senior Security Specialist based in Senegal, naming him as a subject of the investigation.

24. During an interview with the HQ Senior Security Specialist, EBC investigators asked how access restrictions are handled from a security perspective. In response, the HQ Senior Security Specialist explained that there is a Do Not Admit list which contains the names of individuals who are not permitted access to Bank Group premises. According to the HQ Senior Security Specialist, upon entry to Bank Group headquarters in Washington, D.C., visitors are required to provide identification which is checked against a database of names on the Do Not Admit list. When asked by EBC investigators whether country offices have access to the Do Not Admit database, the HQ Senior Security Specialist stated, “No.” When asked by EBC investigators whether the Do Not

Admit list itself is circulated to country office security, the HQ Senior Security Specialist replied, “No, no. I don’t think anybody outside of headquarters is really even aware of it.”

25. When asked by EBC investigators about the security process in place in country offices, the HQ Senior Security Specialist stated:

I don’t think any country office overseas has any process in place to check somebody who may be coming in. [...] So, in reality, unfortunately for this case, is if HR didn’t notify saying hey, we found out that this person has just been hired by IFAD that they may be coming in for a meeting. Can you tell [...] there’s no way they would have known because there is not a process in place for that.

26. EBC investigators inquired into the necessity of sharing the reason why the Applicant was banned from Bank Group premises:

[EBC Investigator]: In this particular case, you were informed by HR that the reason why [the Applicant is] not supposed to enter the premises, any premises of World Bank was due to misconduct. Help us understand the reason why you shared this information.

[HQ Senior Security Specialist]: Yeah, no, that’s a very good question. Because I think as soon as the HR [...] contacted me and said hey, we just found out that [...] something went to IFAD person that had something to do with misconduct, I did think of that. You know, because I think I even mentioned to [the Manager of Corporate Security] saying well, lessons learned. [...] Yes, there really wasn’t a need.

It would have been more appropriate, because the problem is, we had never done this [...] and I never thought of it. But in hindsight yeah, if I had to do it again, I would have said, HR has been aware that this person may be coming in [...] but they’re not allowed in the building. If the person does come, please have them contact HR, you know, if they have any questions. In hindsight I learned [...] that’s what should have been done.

The HQ Senior Security Specialist also explained that he may have included in his communication the fact that the Applicant had committed misconduct in order to let the others in corporate security know that the Applicant was not a security threat, but rather was not allowed on the premises due to misconduct. He further explained, “It was, like I said, probably the first time I’ve done something overseas for a do not admit list case. [...] I guess I felt, well [...] okay, I’m sending this

to a colleague within corporate security, I don't need to water it down." The HQ Senior Security Specialist further stated:

I wish I had given myself a couple more minutes to think about before I sent this onto [the Manager of Corporate Security] of what it is. [...] I looked at it saying, you know, if it had stopped at me, it wouldn't have gone any further. But it seemed like everybody kept pushing it through all the way to, you know, [the Senior Security Specialist based in Senegal] sending it to the country manager and the country manager evidentially sending it to [...] the IFAD person [...]. That was the thing that I was kind of going through my mind of, oh gosh, that's not good. Because I know [...] that it is very sensitive which is why we don't have the people in the badge office know, they have no need to know. All they need to know is strictly [...] this isn't a security issue. I could have said it that way. That was the biggest thing, my biggest takeaway.

27. EBC also inquired into whether any measures were put in place after the incident:

[EBC Investigator]: So, have you put anything in place after this incident with what you've learned? Do you have anything in place how you can handle future requests?

[HQ Senior Security Specialist]: [...] I haven't done it yet but I will do it. [...] I mean, the trouble is, I think this is the first time we've really had to send something out to a country office to tell them, hey they're asking us not to have you let this person in.

28. During an interview with the Manager of Corporate Security, EBC investigators inquired into the reasons non-security staff were provided with confidential personnel information. The Manager of Corporate Security stated that he instructed the Senior Security Specialist based in Senegal to provide the Country Manager and country security specialist covering Liberia information about the Applicant's access restriction. The Manager of Corporate Security indicated that it is standard practice in implementing security protocols in country offices to provide relevant information to the country security specialist, and optionally to the country manager and security focal point. When asked by EBC investigators about the role of a security focal point, the Manager of Corporate Security stated:

So, that's a non-security Bank staff member who, in the absence of a resident country security specialist, serves as a focal point for matters of security. And that can be anything from the senior operations officer to an ACS [Administrative and Client Support staff], it's at the country manager's call, they have to have one.



29. Email records confirm that the Senior Security Specialist based in Senegal, as instructed by the Manager of Corporate Security, sent the Liberia Country Manager and the CMU Security Specialist information pertaining to the Applicant's access restriction.

30. During an interview with EBC, the Senior Security Specialist based in Senegal explained that the CMU Security Specialist was actually based in Ghana, not Liberia, "[s]o the only person that could have taken action on the ground was the [Liberia] Country Manager that [he] informed with an email."

31. In an interview with EBC, the Liberia Country Manager indicated that she was on leave when she received the email from the Senior Security Specialist based in Senegal, so she flagged this email as confidential and forwarded it to an Operations Officer, two Program Assistants, and a Senior Agriculture Specialist, stating, "Please make sure that [the Applicant does] not enter the WBG premises." This message was sent approximately half an hour before the meetings were scheduled to begin at the Liberia country office.

32. Upon its review of the facts of the case, EBC concluded that there was "insufficient evidence to substantiate that [the Senior Security Specialist based in Senegal] disclosed unauthorized confidential information." EBC nevertheless continued its investigation.

33. On 4 March 2019, EBC sent a Notice of Alleged Misconduct to the Senior Agriculture Specialist, naming her as a subject of the investigation. The Senior Agriculture Specialist cooperated with the investigation and provided evidence that she "disclosed unauthorized confidential information by forwarding an email to [the IFAD Country Manager], an IFAD staff member, providing information relating to [the Applicant's] WBG disciplinary record."

34. In total, EBC interviewed seven witnesses and reviewed emails relevant to the Applicant's allegation. EBC investigators did not interview the HRDCO Manager but did send a Request for Information to the HRDCO Manager, and the HRDCO Manager's response, dated 8 May 2019, was saved as a Note to the Case File.

35. On 14 June 2019, EBC issued its Final Investigative Report regarding the Applicant's allegation of unauthorized disclosure of confidential personnel information. EBC found that there was "sufficient evidence to substantiate that [the Senior Agriculture Specialist] based in the WBG Liberia Country Office (country office), disclosed unauthorized confidential information" by forwarding an email to an IFAD staff member relating to the Applicant's WBG disciplinary record.

36. By letter dated 16 September 2019, the HRVP informed the Senior Agriculture Specialist of his determination that she had not engaged in misconduct. He did, however, urge her going forward

to more carefully consider what may be potentially sensitive staff matters and be prudent in your communications with others about the same. Furthermore, as a WBG staff member, I remind you of your duty under Principle 3 of the *Principles of Staff Employment* to avoid situations that might reflect adversely on the Organization.

37. In his Application, the Applicant seeks (i) a "full and fair external investigation" regarding the breach of confidentiality allegation; (ii) "[b]ack pay from the date of Breach of Confidentiality"; (iii) "compensation for the damages for loss of employment opportunities and the destruction of his reputation"; (iv) "[s]uch additional compensation as the Tribunal deems just and appropriate for the arbitrary, unfair and abusive treatment inflicted on [the Applicant] by the [Bank]"; and (v) legal fees and costs in the amount of \$7,692.94.

## SUMMARY OF THE CONTENTIONS OF THE PARTIES

### *The Applicant's Contention No. 1*

*The decision to deny the Applicant access to Bank Group premises was improper because the decision was arbitrary and/or improperly motivated*

38. The Applicant claims that the decision to restrict his access to the Bank's country office in Liberia was arbitrary because the HRDCO Manager "did not conduct a business needs verification as afforded similarly placed former staff."

39. According to the Applicant, during a meeting with the Bank's HR Business Partner and his former Manager, the Applicant was informed that the process for him to obtain permission to access Bank Group premises was that he needed to "seek permission from HR for a business needs verification."

40. The Applicant further points to the Bank's pleadings in his first case, in which the Bank stated that the Applicant "received permanent access restrictions from the Bank, which would allow [the] Applicant to obtain access to Bank premises for business needs relevant to the Bank Group, but not for the staff member's *own* business needs." (Emphasis in original.)

41. The Applicant maintains that the IFAD project the Applicant was assigned to work on was relevant to a Bank project in Liberia and that there was therefore a Bank-related business need for his presence in the Liberia country office.

42. The Applicant contends that no "business needs" assessment was conducted because the HRDCO Manager made "*no reference* to the lack of a business need, or to a business needs assessment" in his response to the Applicant's email requesting access to the Bank's country office in Liberia. (Emphasis in original.)

### ***The Bank's Response***

#### *The permanent access restriction was upheld by the Tribunal and properly implemented*

43. According to the Bank, the Applicant is attempting to relitigate the appropriately enforced permanent access restriction in the present case. The Bank contends that the permanent access restriction has already been litigated and upheld by the Tribunal in *FA* [2019], and that the Applicant's claim should therefore be dismissed.

44. The Bank maintains that, even if the Applicant is contesting the implementation of the access restriction as opposed to the restriction itself, there is no requirement to conduct a "business needs verification" as the Applicant claims. To the Bank, the HRVP's disciplinary letter clearly provides no exception to the Applicant's permanent access restriction, even if the access is

requested for the business needs of the Bank Group. It further maintains that the Applicant has failed to provide any evidence to support his position that he was informed verbally that he needed to “seek permission from HR for a business needs verification” to access Bank Group premises.

45. The Bank contends, citing *CR (No. 2)*, Decision No. 582 [2018], para. 75, that maintaining security is a fundamental duty of the Bank to its staff and that “the HRVP’s discretion in this respect is broad and the HRVP determines the best ways to fulfill the responsibilities entrusted upon him in deciding whether access is justified.” In the Bank’s view, it is “not inconceivable that a former staff member whose employment was terminated and has a grievance against the institution could hold a grudge and pose a security threat to the staff and facilities of the Bank.”

***The Applicant’s Contention No. 2***

*The Bank violated the Applicant’s right to confidentiality when it disclosed information about the termination of his appointment to WBG and IFAD staff*

46. The Applicant maintains that the Bank violated Staff Rule 2.01 by disclosing “sensitive and highly confidential” information relating to disciplinary measures to junior and mid-level Bank staff members “who had no role in enforcing the access restriction.” While paragraph 5.01 of Staff Rule 2.01 allows the HRVP to disclose information related to a staff member’s disciplinary measures “when circumstances warrant,” the Applicant relies on *CR (No. 2)* [2018], para. 78, to contend that the circumstances to be relied upon by the HRVP “cannot be so broad as to render the object of the confidentiality provisions meaningless.” In the Applicant’s view, to permit the Bank to disclose confidential information to junior and mid-level WBG staff who have “no role, or competence, to enforce the access restriction,” as was done here, would render the object of the confidentiality provisions meaningless.

47. The Applicant further maintains that the disclosure of the disciplinary measures to those outside the Bank, namely IFAD staff, is “even more strictly limited than internal disclosure.” The Applicant contends that, in accordance with Staff Rule 8.01, the disclosure of disciplinary measures to those outside the Bank

is only permitted (1) to local or national authorities for law enforcement purposes [...]; or (2) to governmental bodies of a member country or a public international organization if (a) a final decision on misconduct has been made; (b) the staff member has exhausted possible appeals to the Tribunal; and (c) the governmental body in question has requested the information, has demonstrated a legitimate need to know, and has agreed to treat the information in a confidential manner.

According to the Applicant, neither of these two circumstances applies in this case.

48. The Applicant alleges that he suffered serious harm resulting from the breach of confidentiality, including harm to his professional reputation and the loss of two contracts with IFAD. The Applicant contends that there is now widespread knowledge that he had been fired for misconduct. To the Applicant, this widespread knowledge is directly attributable to the wrongful disclosure of his confidential personnel information both by email and by word of mouth following the search of the IFAD team's car during the meetings at the Liberia country office. The Applicant states that he has been contacted about the incident at the Liberia country office by staff of the Bank, World Food Programme, and African Development Bank, showing that the "damage to his reputation and career is incalculable and irreparable."

### ***The Bank's Response***

#### *The handling of the Applicant's information did not amount to misconduct*

49. The Bank contends it acted properly in disclosing information regarding the Applicant's access restriction under the circumstances of this case.

50. The Bank maintains that it is not up to the Applicant to decide how and in what manner security should implement his access restriction. The Bank notes that Staff Rule 2.01, paragraph 5.01, provides that the HRVP, or his/her designee, "may decide that information about disciplinary measures in a particular case should be disclosed to other staff members when the circumstances warrant." The Bank contends that, in the present case, the HRVP's designee, the HRDCO Manager, decided that information about the disciplinary measures should be disclosed to other staff members in order to implement the access restriction in the country office because, "[w]hen a staff member is placed on a Do Not Admit (DNA) list as a result of an access restriction in

Washington, D.C., this does not automatically get reflected in the country offices.” In the Bank’s view, the communications relating to the Applicant’s disciplinary measures were tailored to a “limited group of senior managers to implement the decision.”

51. Additionally, the Bank maintains that exceptional circumstances warranted the Senior Agriculture Specialist’s release of the information to an outside party “because of an emergency situation.” The Bank points to the high-profile staff expected to attend the meeting to which the Applicant requested access, the proximity of the meeting location to the entrance of the country office building, and the limited time and information provided to the Senior Agriculture Specialist to prevent the Applicant’s entrance.

52. While the Bank acknowledges EBC’s finding that there was sufficient evidence to substantiate that the Senior Agriculture Specialist disclosed confidential personnel information without authorization, it maintains that it was within the HRVP’s discretion to decide whether the disclosure constituted misconduct under WBG policies and practices. The Bank maintains that through a “reasonable exercise of his discretion,” and in consideration of EBC’s Final Investigative Report and the circumstances presented, including mitigating factors, the HRVP decided the Senior Agriculture Specialist’s disclosure of confidential personnel information without authorization did not constitute misconduct under the Staff Rules.

### ***The Applicant’s Contention No. 3***

*The Applicant was denied due process because EBC failed to investigate the “proper culprit(s)” and refer the investigation to an external investigator*

53. Citing *DN*, Decision No. 544 [2016], para. 89, the Applicant contends that due process in the context of misconduct investigations requires the “development of a fair and full record of facts” and the investigation to be conducted “in a fair and impartial manner.”

54. The Applicant submits that the HRDCO Manager had improper motives for denying the Applicant access to the Bank’s country office in Liberia based on the Applicant’s then-pending case with the Tribunal contesting the misconduct findings. With respect to this claim, the Applicant

alleges that EBC failed to investigate the HRDCO Manager or refer the investigation to an external investigator, thereby “stymying his ability to make his case to the Tribunal.”

55. The Applicant maintains that the investigation into the Senior Agriculture Specialist failed to address why she had access to the information to begin with. To the Applicant, the EBC investigation was “obviously curated to avoid charging anyone of consequence with misconduct.” The Applicant contends that the “proper culprit(s) in the case were not investigated,” and further alleges that “only a token junior/mid-level staff member was charged with the [b]reach - even though it is clear from obtained evidence that senior members in HR and the Security Office were culpable in the [b]reach.” To the Applicant, the investigation failed to address why strictly confidential information was sent to individuals who had “no role, or competence, to enforce the access restriction.”

#### ***The Bank’s Response***

*EBC’s investigation did not violate the Applicant’s due process rights because EBC followed proper procedures and the investigation was conducted in a thorough, fair, and unbiased manner*

56. According to the Bank, the EBC investigation was fair, was unbiased, and followed proper procedures set out in Staff Rule 3.00 and the WBG Directive/Procedure on Conduct of Disciplinary Proceedings for EBC Investigations.

57. To the Bank, EBC conducted a serious and thorough six-month investigation of the Applicant’s claims. The Bank points to EBC’s review of documents submitted by the Applicant, interviews of seven witnesses, and discovery of relevant email communications through an authorized search of the Senior Agriculture Specialist’s WBG email account.

58. In response to the Applicant’s contention that security personnel and senior management should have been named as subjects of EBC’s investigation, the Bank contends that EBC reasonably determined those staff members’ actions were within the scope of their respective duties.

59. The Bank maintains that the conduct of corporate security staff did not rise to the level of any conduct that would need to be investigated by EBC. According to the Bank, the corporate security staff acted within the scope of their responsibilities in disseminating information to protect the country office.

60. The Bank further contends that the Liberia Country Manager took reasonable steps to implement the access restriction, considering she was out of the office, by forwarding the message to her staff and denoting the contents of the message as confidential.

61. The Bank maintains that the HRDCO Manager had the authority to disclose information about the Applicant's access restriction to the HQ Senior Security Specialist for implementation purposes and was therefore appropriately not a subject of the EBC investigation. The Bank contends that, because the HRDCO Manager was not a subject of the EBC investigation, there was no reason for EBC to consider referring the matter to an external investigator.

62. In the Bank's view, EBC was thorough in its investigation and appropriately identified the Senior Agriculture Specialist as the subject of the investigation.

## THE TRIBUNAL'S ANALYSIS AND CONCLUSIONS

### IMPLEMENTATION OF THE ACCESS RESTRICTION

63. Principle 2.1(b) of the Principles of Staff Employment provides that the Bank has the obligation to "make all reasonable efforts to ensure appropriate protection and safety for staff members in the performance of their duties." The Tribunal has stated that "[m]aintaining security is a fundamental duty of the Bank to its staff, and to the integrity of the institution, and access to Bank premises is necessarily influenced by security considerations." *Q*, Decision No. 370 [2007], para. 37, citing *B*, Decision No. 247 [2001], para. 30; *Dambita*, Decision No. 243 [2001], para. 27.

64. The Tribunal has consistently held in its jurisprudence that decisions to restrict staff members' access to Bank Group premises are matters of managerial discretion. *See Venkataraman*,



Decision No. 500 [2014], para. 82; *Yoon* (Nos. 13, 14, 16, 17, and 18), Decision No. 447 [2011], para. 72; *Q* [2007], para. 39. In reviewing the Bank's imposition of access restrictions, the Tribunal has stated in *Q* [2007], para. 39, citing *Mwake*, Decision No. 318 [2004], para. 35, that it

will not substitute its assessment of the situation for that of the Bank, nor overturn the exclusion decision absent an abuse of discretion, meaning where the decision is "arbitrary or unreasonable, or is in violation of the staff rules." [...] In matters involving Bank security, this discretion is broad indeed.

65. The Tribunal has also recognized the Bank's discretion in controlling and conditioning access to its premises. In *Q* [2007], para. 37, the Tribunal stated that "common sense dictates that the Bank may take reasonable efforts to control or condition access to its premises, particularly by persons who are not currently members of the staff, and even where a ground may exist for the person's entry."

66. The Tribunal has stated that "a current staff member has no absolute right of access to the Bank's premises, and a former staff member is not presumed to enjoy even this limited level of access." *Q* [2007], para. 37. The Tribunal held in *V*, Decision No. 378 [2008], para. 35, that a former staff member must have a legitimate justification to enter the Bank's premises. However, the Tribunal has also acknowledged that the "HRVP can still deny entry to the Bank's premises even when a legitimate basis [for entry] has been shown." *CR* (No. 2) [2018], para. 65. The Tribunal further stated in *Mwake* [2004], para. 35:

Unlike a present staff member who seeks to come onto Bank premises in order to pursue his official assignments, a former member is not presumed to have the same access rights, but must rather have a legitimate justification to enter upon the Bank's premises. Consultation with offices within the [Internal Justice Services] may, under appropriate circumstances, constitute such a justification. But even when a former staff member can assert a convincing justification, the Bank in turn has the discretion to exclude him or her, and the Tribunal will not overturn such an exercise of discretion except when that exercise of discretion is arbitrary or unreasonable, or is a violation of the staff rules. The Tribunal has held that even a current staff member has no absolute right to access Bank premises, and the Bank's interests are even more compelling with respect to a former staff member.

67. Here, the Applicant does not dispute the legitimacy of the access restriction imposed on him, which was upheld by the Tribunal in the Applicant's first case. Rather, the Applicant contests

the implementation of the access restriction, stating that the Bank was required to conduct a “business needs” assessment upon his request to enter Bank premises. The Tribunal observes in the present case that the Applicant’s disciplinary letter from the HRVP imparts on the Applicant a permanent access restriction to Bank Group premises and provides no exception to the permanent access restriction, even for the business needs of the Bank Group. Having provided no exception to the permanent access restriction, the disciplinary letter is accordingly silent on the process for requesting an exemption to the restrictions on access to Bank premises. The Tribunal notes that, during the exchange of pleadings in the Applicant’s first case, the Bank stated that the Applicant may be permitted to obtain access to Bank Group premises for business needs relevant to the Bank Group.

68. In his request to access Bank premises, the Applicant provided a Bank Group business justification for his presence. In his email to the HRDCO Manager, the Applicant explained that he was hired by IFAD to work on a project co-financed by the Bank. The email further provides the agenda of the meetings he was expected to attend as well as his terms of employment with IFAD, which indicated the scope of the project the Applicant was hired to complete and various points of expected collaboration with the Bank Group.

69. Despite the Bank Group’s interest in the co-financed project with IFAD, it remains reasonable that the interest might not, in the Bank’s view, warrant the Applicant’s presence. The Tribunal reiterates its jurisprudence in this respect, that, while the Bank may, as an exception to an access restriction, permit a former staff member to enter Bank Group premises for Bank Group business needs, it is not required to do so. *See CR (No. 2) [2018]*, para. 65. Here, the Applicant has not demonstrated that the HRDCO Manager’s exercise of discretion was arbitrary, unreasonable, or in violation of the Staff Rules.

70. The Applicant also alleges that the HRDCO Manager’s decision to deny his request may have been made in retaliation for the Applicant’s then-pending Tribunal case challenging the disciplinary sanctions. The Tribunal observes that the decision to sanction the Applicant with a permanent access restriction with no explicit exceptions was made prior to the Applicant’s first

case with the Tribunal, and the HRDCO Manager's enforcement of the sanction is not, in itself, indicative of retaliation.

71. The Tribunal finds that the HRDCO Manager reasonably exercised his discretion in denying the Applicant access to Bank premises based on the permanent access restriction imposed on the Applicant. The Tribunal is not convinced that such a decision was based on retaliation.

#### CONFIDENTIALITY

##### *Whether the internal disclosures of the Applicant's confidential personnel information were warranted*

72. The Tribunal observes that, under Staff Rule 2.01, disclosure of personnel information is, in principle, prohibited. Paragraph 5.01 of Staff Rule 2.01 states that "the World Bank Group Human Resources Vice President, or his/her designee, may decide that information about disciplinary measures in a particular case should be disclosed to other staff members *when the circumstances warrant.*" (Emphasis added.) While it may be inferred that the intent of the Staff Rule is to leave this prerogative to the HRVP, the Tribunal notes that "the circumstances to be relied upon by the HRVP cannot be so broad as to render the object of the confidentiality provisions meaningless." *CR (No. 2)* [2018], para. 78. The Tribunal will therefore consider (i) whether the circumstances warranted disclosure of information about disciplinary measures imposed on the Applicant to other Bank staff members, and (ii) whether the circumstances relied upon were so broad as to render the object of the confidentiality provisions meaningless.

73. The Tribunal observes that the Applicant requested the HRDCO Manager, based in Washington, D.C., to grant him access to the Bank's country office in Liberia, and the HRDCO Manager denied the Applicant's request. The record indicates that country offices are not provided with the Do Not Admit list, nor are country offices provided access to the database which, upon attempted entry, flags those individuals who are placed on the Do Not Admit list. Furthermore, the record indicates that WBG security staff are based regionally, and the nearest WBG security specialist was based in Ghana. Under these circumstances, the Tribunal finds that informing

relevant security personnel and the Liberia Country Manager of the access restriction imposed on the Applicant was warranted to implement the HRDCO Manager's decision.

74. The record indicates that the Liberia Country Manager forwarded the Applicant's confidential personnel information, namely that he had been found to have committed misconduct, to four of her staff members, including an Operations Officer, two Program Assistants, and a Senior Agriculture Specialist, stating, "Please make sure that [the Applicant does] not enter the WBG premises."

75. The record also indicates that this information was shared with security contractors at the Liberia country office, who questioned IFAD staff about the Applicant's whereabouts and searched the IFAD team's car and trunk for the Applicant upon its arrival at the Liberia country office.

76. The Tribunal has on previous occasions stated that confidential information may be disclosed to facilitate the implementation of a decision. *See FA* [2019], para. 217; *DE*, Decision No. 534 [2016], para. 38. As discussed in the preceding paragraphs, information about the Applicant's access restriction was internally disclosed to staff members to implement the HRDCO Manager's decision.

77. The Tribunal, however, is troubled by the unnecessarily broad disclosure of the fact that the Applicant was found to have committed misconduct, especially to non-security personnel and with little guidance provided to the non-security personnel to even implement the HRDCO Manager's decision. Staff Rule 2.01 clearly imposes an obligation on the Bank to treat confidential personnel information confidentially, yet the process in place in country offices, or lack thereof, in this case does not adequately facilitate the discharge of that obligation.

78. During an interview with EBC investigators, the HQ Senior Security Specialist acknowledged it was not necessary to circulate the fact that the Applicant was found to have committed misconduct in order to implement the access restriction. Nevertheless, the misconduct information was included in the communication to the Liberia Country Manager, a non-security

staff member. The record further indicates that the Liberia Country Manager received no instruction on how to implement the access restriction. The Liberia Country Manager forwarded confidential information, not solely to a designated security focal point, but to *four* staff members. The record also indicates that security personnel at the Liberia country office searched the IFAD team's car and trunk while asking the Applicant's IFAD colleagues about the Applicant's location.

79. In sum, the record does not support a finding that the Applicant's confidential personnel information was shared, solely to the extent necessary, to a discreet group of individuals as required to implement the access restriction. Here, the circumstances relied upon in justifying the dissemination of the confidential personnel information to four non-security personnel, with no guidance on how to implement the access restriction, were so broad as to render the object of the provisions set out in Staff Rule 2.01 meaningless.

80. While the Tribunal accepts that the internal disclosures of the Applicant's confidential personnel information, in this case, may not amount to misconduct, the Tribunal finds that the overall internal handling of the Applicant's confidential personnel information was improper and in violation of Staff Rule 2.01.

*Whether the disclosure of confidential information to an outside entity constitutes a breach of confidentiality*

81. Looking at the entirety of the confidentiality provisions in the Staff Rules, the Tribunal observes that the approach to disclosure of personnel information is restrictive and limited to the specific scenarios set forth therein. Staff Rule 2.01, paragraph 3.01, clearly states that “[p]ersonnel [i]nformation shall not be disclosed by the Bank Group, except as provided in this Rule.”

82. Staff Rule 2.01, paragraph 6.01, states:

The following Personnel Information may be released to persons outside the Bank Group without the authorization of the staff member concerned and, where specifically noted below, the Bank Group may inform the staff member concerned accordingly and within reasonable time frame as follows:

[...]

n. Personnel Information regarding a staff member's misconduct and resulting disciplinary measures to governmental bodies of member countries and to public international organizations, in accordance with procedures set forth in either Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," paragraph 8.06, or Staff Rule 8.01, "Disciplinary Proceedings," paragraph 7.01.

83. Staff Rule 3.00, paragraph 8.06, states in relevant part:

The Bank Group may [...] disclose information obtained in the course of a review of alleged misconduct to governmental bodies of member countries and to public international organizations in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," paragraph 6.01(n), *in accordance with the procedures set forth in Staff Rule 8.01, "Disciplinary Proceedings," paragraph 7.01.* (Emphasis added.)

84. In the present case, it is undisputed that the Senior Agriculture Specialist disclosed confidential personnel information to the IFAD Country Manager, a staff member of another public international organization. Staff Rule 8.01, paragraph 7.01, describes the circumstances under which the Bank Group may disclose confidential personnel information to public international organizations. It states as follows:

The Bank Group may disclose Personnel Information, as defined in Staff Rule 2.01, "Confidentiality of Personnel Information," which may include investigative records about a current or a former staff member's misconduct, and about the disciplinary measures imposed, to governmental bodies of member countries and to public international organizations under the following circumstances:

- a. a final decision has been made regarding misconduct and disciplinary measures[;]
- b. the staff member has either exhausted the appeals process with the Administrative Tribunal, or the time to file such appeal has expired; *and*
- c. a governmental body of a member country or a public international organization has requested the information and demonstrated a legitimate need to know such information, and has agreed to treat the information in a confidential manner. (Emphasis added.)

85. The circumstances in the present case do not meet the specific scenarios set forth in Staff Rule 8.01, paragraph 7.01(b) and (c). At the time of the disclosure to an outside entity, the Applicant had a pending case with the Tribunal contesting the misconduct finding and the disciplinary sanctions imposed. The information was not requested by the IFAD Country Manager, nor does the record even suggest that there was a legitimate need for the IFAD Country Manager to know such information.

86. The Tribunal finds, based on the plain reading of Staff Rules 2.01, 3.00, and 8.01, and the criteria set forth therein, that the Bank owed a duty to the Applicant not to disclose his confidential personnel information to IFAD and that it breached the duty of confidentiality when the Senior Agriculture Specialist sent the Applicant's confidential personnel information to the IFAD Country Manager.

87. While the Bank acknowledges that the Applicant's confidential personnel information was disclosed to an outside entity, it contends that exceptional "emergency" circumstances warranted the disclosure. According to the Bank, the emergency circumstances included the high-profile staff expected to attend the meeting to which the Applicant requested access, the proximity of the meeting location to the entrance of the country office building, and the limited time and information provided to the Senior Agriculture Specialist to prevent the Applicant's entrance.

88. The Tribunal notes that the Senior Agriculture Specialist was notified of the Applicant's misconduct sanction by an email specifically marked as confidential. Even if, as the Bank contends, the Senior Agriculture Specialist required additional information and instruction to implement the access restriction decision, the exigent circumstances in this case did not warrant the disclosure to an outside entity because there were appropriate methods available to obtain additional information and instruction to implement the access restriction decision without disclosing the Applicant's confidential personnel information. The Senior Agriculture Specialist could have contacted Bank security staff to request additional information to implement the access restriction. Instead, the Tribunal observes, the Senior Agriculture Specialist simply forwarded the confidential email, along with the thread of communications between Bank security staff, to a staff member of an outside entity writing, "Who is this?" The email to the Senior Agriculture Specialist

was marked “confidential”; hence, the Senior Agriculture Specialist knew or should have known she was forwarding a confidential email.

89. The Tribunal is not persuaded that the “emergency” circumstances justified the disclosure of the Applicant’s confidential personnel information to an outside entity.

*Whether the Applicant was harmed by the disclosure of his confidential personnel information*

90. The Applicant requests compensation for “profound reputational damages, money loss, the irreversible damage to his career, humiliation, and for the loss of employment opportunities.”

91. It is reasonably foreseeable that information about an individual’s employment misconduct, if disclosed to outside employers, would adversely affect the career opportunities of that individual. Therefore, at the time the Senior Agriculture Specialist disclosed the confidential personnel information to the IFAD Country Manager, it was reasonably foreseeable that the disclosure would harm the Applicant’s business relationship with his then-employer, IFAD. The Applicant states that, following the disclosure, his contract with IFAD was cancelled two weeks early and his subsequent contract with IFAD was also cancelled. The Applicant has shown that, but for the disclosure, the Applicant likely would have been retained by IFAD for the remainder of his two pending contracts at a rate of \$450 per day.

92. The record further indicates that the IFAD Country Manager informed the United Nations (UN) Ethics Office that the Applicant had been found by WBG to have committed misconduct. Because IFAD is part of the UN system, the Applicant contends he is unable to obtain employment not only at IFAD but also more broadly at all other agencies within the UN system.

93. Beyond his employment prospects at the UN, the Applicant states that he has been contacted by staff from the Bank, World Food Programme, and African Development Bank regarding the search of the IFAD team’s car for his presence upon its arrival at the Liberia country office. To the Applicant, this demonstrates the widespread knowledge in his professional community of his misconduct sanction, further limiting his career prospects.



94. In *D*, Decision No. 304 [2003], the Tribunal was troubled by the manner in which the applicant was removed, by escort, in an “intimidating and public fashion” when the applicant could have “been induced to leave the building in a less conspicuous manner.” *Id.*, para. 70. It stated that the manner in which the applicant was removed from the premises was “sufficiently unsettling” to other staff members working nearby, causing staff members to ask questions about the applicant. *Id.* Likewise in *BZ*, Decision No. 474 [2013], the Tribunal expressed disquiet about the fashion in which “the [a]pplicant was publicly removed from his office and escorted from the premises” finding it “was not adequately justified by the Bank and did not respect the [a]pplicant’s dignity.” *Id.*, para. 61.

95. Like the intimidating and public fashion of the security methods questioned in *D* [2003] and *BZ* [2013], here, the IFAD team’s car was publicly searched in front of the Applicant’s colleagues, including the trunk of the car, thereby humiliating the Applicant, alarming his IFAD colleagues, and alerting his colleagues to the fact that there was an access restriction imposed on him or some other security problems with regard to the Applicant. The manner in which this search was conducted has not been adequately justified by the Bank and did not respect the Applicant’s dignity.

96. The Tribunal finds the Applicant was harmed by the Bank’s disclosure of his confidential personnel information.

#### ADEQUACY OF EBC’S INVESTIGATION

97. The next issue for the Tribunal to address in its examination of this case is the adequacy of EBC’s investigation into the Applicant’s allegations. The Tribunal recalls that in *Rendall-Speranza*, Decision No. 197 [1998], para. 57, the Tribunal stated:

In order to assess whether the investigation was carried out fairly, it is necessary to appreciate the nature of the investigation and its role within the context of disciplinary proceedings. After a complaint of misconduct is filed, an investigation is to be undertaken in order to develop a factual record on which the Bank might choose to implement disciplinary measures. The investigation is of an administrative, and not an adjudicatory, nature. It is part of the grievance system

internal to the Bank. The purpose is to gather information, and to establish and find facts, so that the Bank can decide whether to impose disciplinary measures or to take any other action pursuant to the Staff Rules. The concerns for due process in such a context relate to the development of a fair and full record of facts, and to the conduct of the investigation in a fair and impartial manner. They do not necessarily require conformity to all the technicalities of judicial proceedings. (*See also CB*, Decision No. 476 [2013], para. 43.)

98. Concerning its review of the investigative process, the Tribunal stated in *K*, Decision No. 352 [2006], para. 20, that its “assessment of the Bank’s conduct at the prior stage, i.e., the investigative process, is limited to verifying that the requirements of due process have been met.”

99. Furthermore, the Tribunal has stated that it “has no authority to micromanage the activity of INT [Integrity Vice Presidency]. What is required of INT is [...] that it operates in good faith without infringing individual rights.” *G*, Decision No. 340 [2005], para. 73. This applies equally to EBC. *See DQ*, Decision No. 555 [2017], para. 83.

100. The Tribunal will consider whether there were inadequacies in EBC’s investigation and, if so, whether they amount to bad faith and infringed upon the Applicant’s right of due process.

101. First, the Applicant maintains that EBC did not investigate the “proper culprit(s),” alleging that the investigation was inadequate because “only a token junior/mid-level staff member was charged with the [b]reach.”

102. The Tribunal observes that the Applicant’s complaint to EBC alleged a breach of confidentiality by two individuals, the HRDCO Manager and the Senior Security Specialist based in Senegal. After gathering information during its preliminary inquiry, EBC determined that an investigation into the Applicant’s claims was warranted and identified the Senior Security Specialist based in Senegal as a subject of its investigation.

103. The fact that the Senior Security Specialist based in Senegal was not ultimately “charged with the [b]reach” is not, as the Applicant contends, proof of an unfair or inadequate investigation by EBC. Rather, after its investigation, EBC found there was insufficient evidence to support the

Applicant's allegations against the Senior Security Specialist based in Senegal, and accordingly did not, in its Final Investigative Report, recommend that disciplinary measures be imposed on the Senior Security Specialist based in Senegal.

104. While EBC did not find sufficient evidence to substantiate the Applicant's allegation against the Senior Security Specialist based in Senegal, EBC did find "sufficient evidence to substantiate that [the Senior Agriculture Specialist ...] disclosed unauthorized confidential information" to an outside entity. EBC then referred the case to the HRVP for his determination of whether the alleged conduct met the requisite standard of proof to amount to misconduct under the Staff Rules.

105. The Applicant maintains that the HRDCO Manager should have been identified as a subject of the investigation and that the investigation should have therefore been conducted by an external investigative body. The Tribunal observes that the scope of EBC's investigation was to investigate the *unauthorized* disclosure of the Applicant's confidential personnel information. The Tribunal finds it reasonable for EBC to determine that, as the HRDCO Manager was based in Washington, D.C., and the access restriction was to be implemented in Liberia, he was authorized to, and did, disclose the Applicant's confidential personnel information to the HQ Senior Security Specialist, requesting that he notify the relevant local security staff to implement the access restriction. The Tribunal therefore finds that EBC's identification of subjects of the investigation was reasonable and does not amount to bad faith.

106. Next, the Applicant contends that EBC was required to interview the HRDCO Manager. The Tribunal reiterates its jurisprudence that it will not micromanage the activities of EBC so long as EBC operates in good faith without infringing individual rights. *See DQ* [2017], para. 83. The Tribunal observes that the HRDCO Manager's actions were undisputed and corroborated by witness interviews and contemporaneous email correspondence. The Tribunal further observes that EBC investigators contacted the HRDCO Manager, requesting him to confirm the information it gathered through witness testimony and email correspondence, and asked additional questions relating to business practices. EBC investigators included the HRDCO Manager's response as a Note to the Case File in the Final Investigative Report. The Tribunal finds it was therefore

reasonable for EBC to determine that an interview with the HRDCO Manager was not necessary given the adequacy of the evidence on record before it.

107. Finally, the Applicant alleges that EBC did not investigate why the Senior Agriculture Specialist, and other non-security staff, had access to his confidential information to begin with. The Tribunal acknowledges that the Applicant was not privy to the confidential interview transcripts of witnesses, which contradict the Applicant's allegation. The Tribunal observes that EBC did investigate why the Senior Agriculture Specialist and other non-security staff had access to the Applicant's confidential personnel information. The interview transcripts of the Manager of Corporate Security, HQ Senior Security Specialist, Liberia Country Manager, and Senior Security Specialist based in Senegal demonstrate that EBC investigators inquired into the necessity of each disclosure and the relevant practices and procedures for implementing an access restriction in the region. The Tribunal finds that EBC fully and fairly investigated the disclosure of the Applicant's confidential personnel information to non-security staff.

108. The Tribunal finds that EBC's investigation into the Applicant's allegation of unauthorized disclosure of his confidential personnel information was fair, was reasonable, and complied with the requirements of due process. The Tribunal acknowledges that there are always many avenues by which to conduct an investigation. Although the Applicant is not satisfied with the outcome of EBC's investigation, the Tribunal does not find reason to question EBC's conduct of the investigation in this case.

#### CONCLUDING REMARKS

109. The Tribunal finds it necessary to emphasize that the Bank has an obligation to protect confidential personnel information in accordance with its Staff Rules, and to refrain from casual and unwarranted disclosure. Such disclosure may create unjustifiable impediments that keep former staff members who have committed misconduct and have been dismissed from the Bank from learning from their mistakes and starting a professional career elsewhere. Disclosure of such confidential information contrary to the Bank's own Staff Rules may thus amount to additional sanctions for misconduct for which a staff member has already been penalized.

110. This case raises the issue of how the Bank should operationalize access restrictions. The Tribunal notes that the Bank is obliged to respect a staff member’s dignity even in implementing an access restriction. Hence, there is a need to have procedures in place that inform staff members involved, from HR to security personnel, of the appropriate measures to take when seeking to restrict access not only to the Bank Group premises in Washington, D.C., but also to other premises of the Bank Group around the world. The record indicates that several Bank staff lacked awareness regarding even the existence of any such procedures. The Tribunal invites the Bank to consider drafting such procedures and to disseminate them to staff, including security personnel, who will be expected to follow and implement them.

#### REMEDIES

111. As discussed in paragraphs 90–96 of this judgment, the Applicant has prevailed in demonstrating harm, namely (i) the loss of contracts and (ii) harm to his professional reputation, as a result of the breach of confidentiality. The Tribunal’s established jurisprudence provides that compensation for a breach of confidentiality and the resulting professional and moral harms is uniquely proportionate to the individual circumstances of the harm established by each applicant.

112. Here, the Applicant has shown an economic harm based on his loss of contracts with IFAD. The Applicant states that, following the disclosure of his confidential information to IFAD, he was terminated two weeks early from a 22-day contract, and that a subsequent 17-day contract was cancelled.

113. The Tribunal finds the Applicant is entitled to compensation for this loss.

114. Under the Tribunal’s jurisprudence, applicants may be further compensated for the loss of “potential consultancy opportunities,” as well as “reputational harm and emotional distress,” as was done in *Pizarro*, Decision No. 507 [2015], paras. 107 and 115. In that case, the Tribunal considered that the applicant “suffered damage from the public’s knowledge” of an investigation into his conduct, and that those who might have engaged or recommended the applicant for a consultancy position were not informed by the Bank that the applicant’s name had been cleared

following the investigation. *Id.*, paras. 106–107. The Tribunal found that the applicant “should be compensated for his *losses in employment, reputational harm and emotional distress.*” *Id.*, para. 115. (Emphasis added.)

115. In *Bauman*, Decision No. 532 [2016], the Tribunal noted that, contrary to the situation in *Pizarro* [2015], the applicant “ha[d] not produced evidence of specific instances where he lost employment opportunities due to negative perceptions of him resulting from the actions of the Bank.” *Id.*, para. 130. Nevertheless, the Tribunal recognized professional reputational repercussions for the applicant, noting:

He had been employed by the World Bank Group consistently, under various contractual arrangements, from December 2005 until the termination decision was taken in November 2013. Since the latter date, he has been unable to find employment. That is, eight years of consistent employment have been followed by over two years of unemployment. The Tribunal also notes that within the Bank the hiring of STCs often appears to be conducted through a relatively informal process and to be influenced by a variety of factors including an individual’s reputation. (*Id.*, para. 131.)

Under these circumstances, the Tribunal found that the applicant was entitled to compensation for reputational harm in the amount of 150 days’ employment at his most recent STC rate. *Id.*, para. 133.

116. Here, the Tribunal is satisfied, considering the extent and manner of the disclosure of the Applicant’s confidential personnel information, that the Applicant has shown, beyond mere speculation, harm to future earnings based on moral and reputational damages for which he must also be compensated.

#### DECISION

- (1) The Bank shall pay the Applicant compensation in the amount \$15,000.00 for the Applicant’s loss of contracts;
- (2) The Bank shall pay the Applicant compensation in the amount of \$80,000.00 for moral and reputational harm to future earnings;

- (3) The Bank shall contribute to the Applicant's costs in the amount of \$2,000.00; and
- (4) All other claims are dismissed.

/S/ Andrew Burgess

Andrew Burgess

President

/S/Zakir Hafez

Zakir Hafez

Executive Secretary

At Washington, D.C.,\* 16 November 2020

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\* In view of the public health emergency occasioned by the COVID-19 pandemic and in the interest of the prompt and efficient administration of justice, the Tribunal conducted its deliberations in these proceedings remotely, by way of audio-video conferencing coordinated by the Office of the Executive Secretary.