



**KEY ACHIEVEMENTS OF
ACCESS TO INFORMATION PROGRAMME (AIP)
FOR THE PERIOD JANUARY – DECEMBER 2014**

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Following its mission – to promote the exercise of the right to information envisaged in Article 41 of the Bulgarian Constitution – Access to Information Programme (AIP) Foundation is realizing its long-term objectives:

- To encourage individual and public demand for public information through civic education in the right to know area.
- To work for transparency of government at different levels, advocating for more active supply of information.

In 2014, the team of AIP has worked in several directions to realize these long-term objectives:

1. Advocacy for better legislation guaranteeing the right of access to public information and regulating its restrictions.
2. Monitoring the practices of information provision.
3. Legal assistance in cases of information seeking and in cases of information refusals, including a representation in court.
4. Public awareness campaigns and trainings on the right of access to information.
5. Participation in public debates on access to information and freedom of expression issues.
6. Cooperation with partner organizations on national, regional and global level.
7. Institutional achievements and development.

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The main achievements in these directions are:

1. Advocacy for better legislation on the right of access to information and its exemptions

In 2014, Access to Information Programme has continued its advocacy work for better legislation on the right of access to information and its exemptions. The year was marked by a broader analysis and discussions on amendments to the Access to Public Information Act (APIA). Due to the high public interest or by invitation, AIP has also submitted statements in the course of different legislative initiatives and with regard to the interpretative work of the Constitutional Court and the Supreme Courts. As a result, a considerable impact was achieved on the development of the legislative environment related to the regulation of the right of access to public information and to the right to seek, receive, and impart information.

Recommendations in AIP Annual Report

AIP prepared and presented in April 2014 its annual report containing recommendations for improvement of APIA legal regime. Among the recommendations were the improvement of the provisions regarding the proactive publication of information, the filing of electronic requests and the provision of information electronically; the exemptions to the right of access to information, the sanctions and the oversight of the APIA implementation. The issue of the ratification of the Council of Europe Convention on Access to Official Documents was raised again.

Second Action Plan within the Open Government Partnership Initiative

In April and May 2014, the Ministry of Regional Development held meetings with interested NGOs, representatives of business and the unions, and the National Association of the Municipalities in Bulgaria in the course of drafting the Second National Action Plan within the Open Government Partnership initiative. The Executive Director of AIP, Gergana Jouleva, the Head of AIP Legal Team, Alexander

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Kashumov, and the AIP lawyer Stephan Anguelov took part in the discussion meetings. As a result of the argued recommendations, the Bulgarian OGP Plan was amended by the inclusion of measures related to the extension and precision of the obligations for proactive publication of information and the enhancing of the coordination and control over the implementation of the law.

Concept Paper on Amendments to the Access to Public Information Legislation

In November 2014, AIP prepared and published a Concept for Amendments to the APIA. The Concept is based on an analysis of the Bulgarian legislation with regard to compliance with international standards, the administrative practices and the case law, comparative analysis of other access to information national systems. Several problematic areas in terms of the APIA implementation were identified: the proactive publication of information, the filing and response to e-requests, the exemptions to the right to information, the sanctions, and the oversight. The problems in these areas were discussed with five interested groups at five discussion meetings organized by AIP – journalists from print and electronic media; IT specialists, open data activists, bloggers and business; representatives of NGOs and active civil groups; public officials responsible for the APIA implementation; and lawyers and judges from administrative courts. The statements of the Personal Data Protection Commission and the National Ombudsman were taken into consideration especially with regard to the assigning of oversight functions. The issues raised and their possible solutions were again discussed during the national conference organized by AIP on December 12, 2014. The Concept¹ is available on AIP web site, as well as the English translation.²

Amendments to the Access to Public Information Act

In July 2014, with an order of the Minister of Transport, Information Technologies and Communications a working group was established with the purpose to prepare draft amendments to the Access to Public Information Act. The initiative responded to the Bulgaria's obligation under the EU to transpose the revised Directive 2013/37/EU on

¹ <http://store.aip-bg.org/documents/Concept2014.pdf>

² http://store.aip-bg.org/Obsujidane2014/CONCEPT_2015.pdf

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Re-use of Public Sector Information to the Bulgarian legislation. AIP Executive Director Gergana Jouleva and the Head of AIP legal team were assigned to take part in the working group. The working group held several meetings during the period August – September 2014. AIP Executive Director of AIP, Gergana Jouleva, the Head of AIP Legal Team, Alexander Kashumov, and the AIP lawyer Stephan Anguelov took active part in the sessions of the working group. In October 2014, the Ministry of Transport, Information Technologies and Communications published the Bill for public consultation.

The draft law on APIA amendments included not only an updated regulation about the reuse of public sector information /Chapter 4 of the APIA/, but also improvement of the access to public information regime. The Bill contains improved provisions for filing electronic requests without any requirement for electronic signature; for provision of information electronically; for proactive publication of information (extended categories). An obligation is introduced for the heads of the administrative structures to prepare lists of information subject to proactive disclosure and to annually review them. A portal that would contain open format documents is introduced.

On November 21, 2014, within the public consultation, AIP submitted its statement³ on the draft law. AIP has expressed its support to the proposed amendments, but criticized the proposal that the municipal fees for re-use of public sector information are determined by the municipal councils. The AIP statement was quoted in the media.

Proposed Amendments to the Penal Code

In the beginning of 2014, the Ministry of Justice introduced a draft for new Penal Code. The Bill contained a number of proposals whose formulation contradict the international standards related to the right to seek, receive and impart information and the freedom of expression. On January 16, 2014, AIP submitted its statement,⁴

³ http://store.aip-bg.org/stanovishta/2014/ZID_ZDOI_PDI_20112014web.pdf

⁴ http://store.aip-bg.org/stanovishta/2014/proekt_NK_15-01-2014.pdf (in Bulgarian)

which triggered broad media coverage. The Bill was not adopted by the National Assembly.

In June 2014, proposed amendments were introduced in the National Assembly to introduce new provision that would incriminate media coverage of bank information that might create panic. The Head of AIP Legal Team, Alexander Kashumov, expressed AIP critical statement in the media right after the draft law was introduced. As a result of the public criticism, the Bill was rejected.

Legislation related to the Ministry of Interior and Security Services Access to Traffic Data

In April 2014, the European Court of Justice declared invalid the Directive 2006/24/EC of the European Parliament and the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications network (Data Retention Directive). The Ombudsman of the Republic of Bulgaria started proceedings before the Constitutional Court for finding the compliance of the provisions of Art. 250a and the following of the Electronic Communications Act with Art. 32 of the Constitution. AIP was constituted as a party in the case and presented its statement which ascertains the position that part of the contested provisions contradict the text of the Constitution and Art. 8 of the European Convention on Human Rights.⁵

Interpretative Court Case Regarding the Openness of the Court Hearings and the Access to Classified Legal Cases

Due to contradictory practices of the criminal courts, at the request of the chairperson of the Supreme Court of Cassation, interpretative court case was initiated related to the restrictions of the public access to court documents and court hearings, in which classified evidence was presented. The General Assembly of the Criminal Division of the Supreme Court of Cassation constituted several NGOs as interested parties, among which AIP. The organization sent an official statement⁶ which was defended

⁵ http://store.aip-bg.org/stanovishta/2014/KS_07-07-2014_ZES.pdf (in Bulgarian)

⁶ http://store.aip-bg.org/stanovishta/2014/TD_VKS_263_NPK.pdf (in Bulgarian)

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in the court room by the Head of AIP Legal Team, Alexander Kashumov. The statements of the nongovernmental organizations were taken into consideration in the delivered Decision No. 4 as of December 3, 2014 on Interpretative Case No.4/2014 which interprets the right to information broadly, while its exemptions – narrowly.

Interpretative Court Case Regarding the Announcement of Affiliation to Former Communist Secret Services

Due to contradictory court practices with regard to the interpretation and the implementation of Art. 15, Para. 1, item 1 of the Access and Disclosure of Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Armed Services Act, the Ombudsman of the Republic of Bulgaria requested an interpretative decision from the Supreme Administrative Court. The contradictory decisions gave different interpretation of the balance between openness and privacy protection as regards public figures. On March 26, 2014 AIP submitted a statement⁷ on the case, emphasizing the significance of the access to information under the particular law for the development of the democratic society.

The Ministry of Interior Act

AIP has been participating in the public debate on the draft law on amendments to the Ministry of Interior Act as early as 2013 when publicly criticized the formulation of the access to information and access to personal data exemptions. Without due consideration of the statements made within the public debate, in May 2014, the National Assembly adopted the draft Ministry of Interior Act in its initial version. AIP sent a statement to the President regarding the nonconstitutionality of Art. 28 of the law. The argumenst set forth in the statement were reflected in the presidential veto imposed in June 2014 on provisions of the law, including Art. 28.

⁷ http://store.aip-bg.org/stanovishta/2014/PDI_td_2_2014_VAS_25-03-14.pdf (in Bulgarian)

Statements on other Laws

After an invitation to present a statement, in January 2014, AIP emphasized the necessity for better implementation of the requirements under Art. 17, Para. 2 of the Law on Prevention and Establishment of Conflict of Interests. The latter provides for the publicity of the declarations submitted by government officials. According to the results from AIP audit on active transparency, appr. 2/3 of the declarations in the executive power are not disclosed contrary to the law. In December 2014, AIP Executive Director Gergana Jouleva and the Head of AIP legal team Alexander Kashumov took part in a public discussion, organized by the Commission for Prevention and Establishment of Conflict of Interests where they raised again the issue for the disclosure of the declarations in the Internet. The intention of further discussion on the topic between AIP and the Commission was shared with the purpose of clarifying possible measures that the Commission could undertake in line with its functions.

AIP prepared a critical statement on a draft law on amendments to the Senior Public Officials Income and Assets Declarations Disclosure Act introduced by the Political Party "Ataka" and submitted its statement to the Temporary Legal Committee at the 43th National Assembly on November 12, 2014. The proposed texts according to AIP does not provide for an appropriate balance between the right to information and the right to privacy.

In 2014, AIP prepared and sent statements to some institutions regarding implementation practices that contradict the standards set forth by the Access to Public Information Act.

Evaluation of the activity: The work of AIP team related to monitoring and advocacy for better legislation of access to information, transparency and accountability of government is a core and strategic activity of the organization since its establishment.

The focus of the 2014 advocacy work was the drafting of the Concept on necessary overall amendments to the Access to Public Information Act and the participation of

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the AIP experts in the working group drafting amendments to the APIA with the purpose of introducing the EU Directive on Re-use of Public Sector Information. AIP participation in the discussions in the court of drafting the the Second Action Plan of the Bulgarian government within the global Open Government Partnership Initiative was also successful.

Of particular importance were AIP statements to the Constitutional Court, the Supreme Administrative Court, the President of the Republic of Bulgaria and the participation in the debates in the media.

Products: statements, publications, media debates

Necessary resources for the activity: Three lawyers from the AIP team are engaged in the monitoring of the legislative initiatives, preparation of statements, their presentation in working groups, parliamentary committees and media participation. The AIP communications coordinator is involved in the promotion of the statements and the systematization of the media coverage of the public debates and the participation of AIP team experts.

2. Monitoring of access to information provision practices of obliged bodies

The systematization of the access to information seeking and provision practices is based on:

- Systematization of cases referred to AIP for legal help. Records of cases, court cases, and developments on them in the Internal Information Management System allow to draw statistics. These data are an indicator for problematic issues in the freedom of information implementation. Analysis of the cases, referred for legal help and consultation in 2014 is made in part three of the current report;

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- Systematization and analysis of court practices on cases when administrative decisions for refusals to provide access to information were appealed – also presented in part three of the report;
- An assessment of the active transparency of the institutions.

In 2010, AIP had a web based platform developed for auditing the level of implementation of the obligations for proactive publication of specific categories of information on institutional web sites. The system allows for permanent monitoring. For comparative purposes, AIP sets a frame for the annual audit. All results from the assessments are available on AIP web site.⁸

In 2014, within the period 3 February – 3 March, a team of Access to Information Programme reviewed and evaluated 534 web sites of 535 executive bodies at a central, regional, and local level, and also public-law entities and 7 independent state bodies.

The assessment was made on the base of 66 – 75 indicators, grouped in 4 sections, covering the standards for proactive publication. The team had to assess if the following information was available:

- Institutional – legal basis, functions, services, information resources, data sets;
- Organizational structure, contacts;
- Operational information – decisions, strategies, plans, activities;
- Financial and other transparency – budget and financial reports, contracts, conflict of interest declarations; etc.;
- The availability and the content of the Access to Information sections.

Within the audit, 535 electronic requests were filed for a copy of the last public procurement contract signed by the institution in 2013.

The IMS allows for the visualization of the [results by indicators](#), [by institutions](#), as well as [statistics of the responses](#) to the e-requests. The accessibility of the assessment indicators and the possibility for different comparisons given by AIP web site is an

⁸ <http://www.aip-bg.org/en/surveys/>

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important advocacy tool for enhanced transparency of the institutions and has an educational effect on the administration.

In order to visualize the development in the transparency of the public bodies, AIP launched an updated [2014 Active Transparency Rating](#). The level of transparency was evaluated on the base of 66 (75 for the municipalities) indicators which automatically received quantitative assessment. The possible total was 69.4 points, and for the municipalities – 82.4. The web based and online accessible platform for the assessment of the transparency gives the possibility for different comparisons by the type of the assessed institutions.

[2014 Active Transparency Rating of the Municipalities in Bulgaria.](#)

[2014 Active Transparency Rating of Central Government Bodies in Bulgaria](#)



A new product that visualizes the level of financial and budget transparency of the municipalities in Bulgaria is the [Map of Financial and Budget Transparency](#).

The results from the 2014 audit on institutional web sites and the 2014

Active Transparency Rating were presented at a press conference held at the Bulgarian News Agency on April 2, 2014 and at the Information Days held in the cities of Vidin, Pernik, Blagoevgrad, Kuystendil, Pazardzhik, and Plovdiv.

In the course of the audit, the AIP team prepared statements regarding the practices in some institutions to refuse to provide access to information by e-mail or to require that the request sent by e-mail was with electronic signature. The statements were published on AIP web site and sent to the respective administrations.

The analysis of the results from the audit was published in AIP Monthly FOI Newsletter⁹ and is part of AIP annual report “Access to Information in Bulgaria.”

⁹ http://www.aip-bg.org/publications/Бюлетин/Одит_на_активната_прозрачност/102669/1000512370/

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This traditional report (14 reports have been issued since the adoption of the APIA in 2000) presents systematized results from the monitoring of the implementation practices during the past year, analysis of the legislative changes and the litigation on the APIA implementation. The report also contains recommendations towards the legislative and executive bodies in Bulgaria for the improvement of access to information provision practices.¹⁰

The annual report “Access to Information in Bulgaria 2013” was disseminated to all institutions, covered by the audit, and also among the participants of the public discussions “Are APIA Amendments Necessary?”. The report was sent to the MPs of the 43th National Assembly of Bulgaria.

Evaluation of the Activity: The monitoring of the access to information provision practices is a core and strategic activity of AIP. During the years, the methodology and the tools for monitoring and systematization of results have been developing. The monitoring of the access to information provision practices is interlinked with another strategic activity of AIP – the legal help. During the years, AIP has developed and perfected its own internal information management system (IMS). Specific modules for the monitoring are the “Cases”, “Court Cases”, and “Surveys.” The separate data bases in the IMS related to AIP everyday work are unique. The product is web based. The annual reports “Access to Information in Bulgaria” give a complete picture of the developments in the area and outline the problems, as well as the possible solutions for their overcoming.

Products: A snapshot of the level of proactive publication of information online by indicators and by institutions, a momentary Active Transparency Rating, a Map of Financial and Budget Transparency of the municipalities, Comparative Ratings of active transparency of institutions through the years, Analytical Report on the state of the access to information presenting the state of active transparency, the legislation, problems with access to information seeking, the litigation under the APIA and recommendations towards the legislative and executive bodies.

¹⁰ http://store.aip-bg.org/publications/ann_rep_eng/2013.pdf

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Necessary resources:

1. Lawyers, who provide legal help and record the legal consultations, the documents and the time spent in the data base;
2. Lawyers, reviewing and indicating new legal obligations for online publication
3. Methodology analyzer to reflect the new obligations in the system for monitoring and evaluation of the public bodies Internet sites.
3. System administrators from the company Sveon to update the system for monitoring and evaluation;
4. Researchers who review the institutional web sites, assessing them on the base of indicators, downloading and uploading documents in the IMS, processing the responses to the e-requests and the obtained information;
5. Experts to analyze the results from the monitoring of the FOI practices during the year and prepare the AIP annual report "Access to Information in Bulgaria;"
6. Coordinators for media presentation and coverage.

3. Legal help in cases of access to information seeking and refusal, including representation in court

General Review

Provision of legal help is a priority activity of Access to Information Programme activities. In 2014, in some cases the AIP provided legal assistance at the initial stage of seeking information, when the legal team provided advice and/or prepared a request for access to information. In another category of cases legal help was provided following an already issued refusal of access to public information.

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An essential part of the legal assistance provided by AIP's legal team is the preparation of complaints to the court and representation in court of requesters who sought the organization's assistance (further information in the next section).

Number of Cases Referred for Legal Help

The number of cases referred to AIP for legal help within the period January – December 2014 is 391¹¹. Eight cases were referred from AIP coordinators in the country. In the rest, the information seekers have requested assistance in our office, by e-mail, or by phone.

Depending on the characteristics and the legal qualification, four types of cases are identified:

- The majority are related to practices of non-fulfillment of the Access to Public Information Act obligations by public bodies – 326 instances;
- Next largest group of cases is related to violations of the right of personal data protection granted by the Personal Data Protection Act – 47 instances;
- In a few cases, we have given legal advice with regard to violation of the fundamental right to seek, receive and impart information – 10 instances;
- Cases related to freedom of expression – Eight instance, etc.

Most Active Groups of Information Seekers

AIP experience shows that most frequently the APIA is used by citizens, journalists and nongovernmental organizations (NGOs). In 2014, again the largest number of consultations was provided to citizens who had sought the assistance of AIP - 214 instances. In 77 cases, journalists and AIP coordinators (all of them journalists) from central and local media asked for legal assistance, while 56 cases were referred to AIP by NGOs. In 28 cases, the legal team of AIP was approached for legal advice by public officials, and in 13 cases – by representatives of the business

¹¹The number of consultations is twice higher – 916, since in some cases more than one consultation was provided.

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From Which Public Bodies Do Information Seekers Mainly Request Information?

The number of cases in which information seekers request information from the central executive power bodies and the local self-government bodies (mayors and municipal councils) is the largest - 132 and 109 cases respectively.

Less frequently, information was sought from public-law bodies and organizations – in 26 cases, regional units of the executive power bodies – 21 cases, the judicial power bodies – 35, independent government bodies – 18, etc.

There are 18 registered cases in AIP data base with no corresponding institution. These are cases in which our team has been approached for a general advice on the law or on the litigation process.

Most Frequently Used Grounds for Refusal

In 2014, the number of registered silent refusals remains high – 28. Out of the grounded refusals, the most are related to the third party interests' exemption – 22, and the personal data protection – 12. The preparatory documents exception under Art. 13, Para. 2 of the APIA gave grounds to seven refusals and the trade secret exemption – to four.

Specific Characteristics

We have observed a stable number of cases referred for legal help – 391 for 2014, compared to 405 for 2013. We have also observed an increase in the number of consultations on cases – 916 for 2014. In 2013, 887 consultations were given.

In 2014 again, a lot of institutions did not respond to access to information requests (the so called silent refusals). The number of refusals grounded on the third party's interests is also high.

In 2014, the number of written consultations provided by e-mail is the highest – in 352 cases. The second in numbers are the consultations given on the phone – 292.

Frequently sought information

During 2014, the AIP team provided legal help in cases which aimed to reveal different types of information, the most frequently sought being in the following areas:

Information on Bank Activities

- The Bulgarian National Bank's stability and liquidity assessment of the Corporate Commercial Bank (CCB) before acquiring Credit Agricole Bulgaria;
- The full conservators' and audit reports (prepared by Deloitte, Ernst & Young and AFA) on the state of CCB and Credit Agricole Bulgaria, prepared after placing these credit institutions under special supervision;
- The amount of the CCB auditors remunerations – requested from the Bulgarian National Bank;
- The account balances of all state enterprises and institutions in all banks by month for the period 2004 – 2014;
- The number of instances in 2013 and 2014 in which the Plovdiv Regional Court has been asked the disclosure of bank secrecy.

Information of Public Money Spending

- The contract for waste transportation for the territory of the Pernik Municipality;
- The contract concluded under a public procurement procedure between a company and the Ministry of Culture;
- The total amount of money spent for a certain period on “media publications and advertizing” by the Varna Municipality;
- The contracts for security services between a private company and the Ministry of Interior;
- Information on a public procurement procedure held by the Bulgarian Small and Medium Enterprises Promotion Agency (public body);
- A request to the Ministry of Agriculture and Food for six expert reports (so-called “market assessments”) on determining the market value of immovable state properties (forests), subject to disposition transactions;
- The funds spent within mid-2013 and mid-2014 under contracts concluded between media and the Regional Governor of Stara Zagora;

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- A request to the Municipality of Silistra for a contract on activities limiting the population of stray dogs concluded between a private company and the Municipality.

Access to Information and Judiciary

- A request to the Supreme Judicial Council (SJC) for information about the appointment of administrative heads of courts by the SJC;
- A request for access to the activity reports of the Sofia City Prosecution Office for 2006 – 2013;
- A request to the Supreme Judicial Council SJC for information about crisis PR procedures, functional analysis and the classification of administrative ranks in the judiciary bodies;
- A request to the Sofia City Court to provided information on an examination for recruitment of court assistants;
- Information on whether minutes or audio recordings have been taken during the meeting between representatives of the employees' and employers' unions and the Prosecutor General Sotir Tsatsarov;
- Information about the number of pre-trial proceedings and investigation cases, as well as the overall activity of Delyan Peevski (media mogul / MP) as investigator (magistrate) from the Sofia City Prosecution Office;
- Information on the circumstances in which a prosecutor ordered the State Agency for National Security to investigate a signal of Nikolay Barekov (MEP) against the President Rossen Plevneliev in relation to his meeting in Vienna with a representative of the electricity distribution company EVN;
- Information about the vehicles used by the judiciary bodies;
- Two public procurement contracts for improving the internal information management system of the Supreme Judicial Council (SJC) and for establishing a methodology for operating statistical data for the SJC;

Environmental Information

- Data on Iskar river pollution levels in the Svoge region from the Regional Inspectorate of Environment and Waters – Sofia;

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- A request for forests cutting permits from the Krivodol Municipality;
- Seeking of information related to the waste management. Several such cases are registered in AIP data base for 2014. The information was sought from the Ministry of Environment and Waters (MOEW) and the Sofia-city Municipality;
- Information related to the national parks management. Several cases related to that specific information are registered in AIP data base for 2014. In one of these, the analysis on the regulations of the relations between the state and the owners of estates located in and affecting the environment of the national parks. In the second case, information was sought from the Ministry of Environment and Waters about instruction letters and inspection statements related to National park "Pirin"; the MOEW decision regarding the statement of the Regional Environmental Inspection of Burgas on the amendment of the Detailed Urban Plan affecting a region in the Municipality of Nessebar; and a letter of the MOEW regarding modifications to the General Urban Plan of the Municipality of Tsarevo;
- The legal analyses of the concession of the ski-zone Bansko, prepared by the MOEW.

Social Services Delivery

- Information on the management of different social care institutions. Several cases are registered in AIP data base – information is sought about the management of an orphanage in Sofia; the management of an elderly people care home;
- A request for information to the Sofia-city Municipality about the delivery of the "social assistant" service;
- The recognition of representation and membership of the Union of Disabled People in Bulgaria (private body) in the National Council for the Integration of Persons with Disabilities (public consultative body), the allocation of state subsidies, grants and the activity reports of the Union of Disabled People in Bulgaria. The information is sought from the Minister of Labor and Social Policy as president of the National Council;

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- The delivery and subsidies for foster care and in particular the “I have a family too” service in Bulgaria from the Minister of Labor and Social Policy.

Real estate management by public bodies

- Information about municipal property sales or rents. Several such cases are registered in AIP data base. Information was sought from the Sofia Municipality, Municipality of Varna, etc.;
- The analysis evidencing the necessity for a reconstruction of a main crossroad in Sofia.
- The expert report on a municipal property sale by the Sofia Municipality mayor;
- Details on insurances of rented municipal property by the Sofia Municipality mayor;
- Copies of the state property documents of fencing halls, gyms and a hotel located in buildings set in the equestrian center “Khan Asparuh”, as well as the documents, testifying the right of property of the Bulgarian Sports Totalizator (a state lottery operator) on these buildings;
- Contracts and agreements on the sale of a property in the “Airport Complex” area by the Ministry of Transport, Information Technologies and Communications to the state company “Sofia Airport”;
- Documents of a public services building by the Varna Municipality;
- Market assessments of municipal deals by the Samokov Municipality;
- Contract for exchange of municipal property by the Targovishte Municipality;
- Information on a cultural heritage building by the National Institute of Immoveable Cultural Heritage.

Information on City Planning

- Construction permits, urban development plans, etc. from the Tsarevo Municipality;
- Investment plans for the alteration in the land purposes classification of terrains in specific regions at the Black Sea coastline requested from the Ministry of Agriculture and Foods;

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- Information about the registered requests for alteration in the land purposes classification of agricultural lands – requested from the Ministry of Agriculture and Foods;
- Investment proposals for modifications in the city planning in Burgas from the Regional Inspectorate of Environment and Waters – Burgas;
- Contracts and agreements for a summer open air art festival, including concerts, on the Vitosha Boulevard in Sofia, concluded between the Union of Bulgarian Actors and the Sofia Municipality;
- A request to the Mayor of Varna for completed reconstruction works in the city in relation to the campaign “Varna – a Candidate for a European Capital of Culture.”

Legal Help in cases related to the personal data protection

- Information sought from the State Agency for Child Protection about inspections held by the agency in specific cases. There are several cases registered in AIP data base, in which separated parents request information from the agency about inspections and reports performed to the other parent regarding the child care. The information is requested under the Personal Data Protection Act.
- There are several cases in AIP data base of citizens seeking legal help when their personal data were illegally processed by political parties by including their names, personal identification numbers, etc. in the list of supporters of the political party for the purposes of election registration;
- In several cases, citizens turn to AIP in cases when their data have been illegally processed by so called credit collecting companies;
- Part of the cases concern citizens who would like to obtain access to their own personal data from different data administrators;
- There are several cases when citizens have turned for legal advice regarding their personal data and CCTV.

Litigation

Statistics

The AIP legal team continued providing legal help to citizens, NGOs and journalists supporting court cases against refusals of access to information. In 2014, the AIP legal team has prepared 71 complaints and written submissions to the courts, assisting information seekers (45 in cases led by citizens, nine – by NGOs, 17 – by journalists).

In 2014, AIP legal team drafted a total of 47 complaints and appeals to courts. First instance complaints – 38 (Supreme Administrative Court – 4, Administrative Court – Sofia City – 16, Administrative Court – Sofia District – one, other Administrative Courts in the country – 16), cassation appeals – seven and appeals against rulings – 52

Out of the 38 complaints filed before first instance courts, 29 were against explicit refusals to provide the information sought, and nine – against silent refusals.

In 2014, AIP legal team provided representation in court on 68 court cases against refusals to provide access to information. In the same period were prepared 24 written submissions to different courts.

In the same period different courts issued a total of 79 decisions and rulings on court cases where AIP provided legal assistance (Supreme Administrative Court – 38, Administrative Court – Sofia City – 28, Administrative Court – Sofia District – one, other Administrative Courts in the country – 12). In 69 cases, the courts ruled in favor of information seekers, supported by AIP, and in 10 cases – in favor of the administration.

Access to Information Court Cases Organized by Topic

Obligated subjects

By decision of January 22,¹² 2014, the Administrative Court Sofia City (ACSC) repealed the refusal of the “Railway Administration” Executive Agency (RAEA) to provide to the Association “Friends of Railway Transport” its annual reports on the oversight on the Bulgarian State Railways (state company) activities in the delivery of rail transportation public services (rail transport of passengers). The NGO also demanded information about the inspections held by the agency in its capacity of a national oversight body under the Regulation 1371/2007. The refusal was grounded in the third party interests exemption, in the face of the state company, and that lack of that party’s consent for the disclosure. The court ruled that the Bulgarian State Railways is an obliged body under the APIA as on one hand the company is a public-law organization and on the other, it receives subsidies from the state budget. Consequently, its consent is not required under the provision of Art. 31, Para. 5 of the APIA. The decision of the ACSC was upheld by a decision of the Supreme Administrative Court as of October 29,¹³ 2014. According to the supreme justices, the first instance court had rightly ruled that the third party in the face of the Bulgarian State Railways was an obliged body under Article 3, par. 2, item 2 of the APIA since in 2013 the company had received a state subsidy for the delivery of a public service – rail transport of passengers. Thus, the company’s consent as a third party is not required according to Article 31, par. 5 of the APIA and the information sought should be disclosed.

By a decision¹⁴ of 19 February 2014 the ACSC repealed a refusal by the municipal company “Toplofikatsia Sofia” EAD to provide access to the contract concluded with a “heat distribution calculation” company for the requester’s condominium. The court held that “Toplofikatsia Sofia” EAD is an obliged subject under the APIA as a public law organization, since regardless of its commercial nature the company was created to meet the public interest and its sole shareholder is the municipality.

¹² Decision No. 396/22.01.2014, ACSC, Second Division, 37th Panel, adm. case No. 7938/2013.

¹³ Decision no. 12826/29.10.2014 of the SAC, Seventh Division, on administrative case no. 3456/2014

¹⁴ Decision no. 921/19.02.2014 of the ACSC, II Division, 24th panel on a. c. no. 1785/2013

By decision¹⁵ of 12 May 2014 the Administrative Court – Sofia City (ACSC) declared null and void the refusal of the Financial Supervision Commission’s president to provide access to the Commission’s financial supervision legislation analyses. The court noted that the Commission had set in its procedural rules that decisions on access to information are to be taken by the Commission on proposal of the president. Thus the Commission had preserved this right for itself as a collegiate organ and had not authorized its president to take these decisions.

By ruling¹⁶ of 3 June 2014 the SAC declared the Bulgarian Medical Association (BMA) an obliged subject under the APIA as a body, subject to public law, thus repealing an ACSC ruling. The justices held that the BMA should be considered a body, subject to public law, because its establishment, existence, structure, organization and activities are regulated by law – the Professional Organizations of Physicians and Dentists Act and it has public law functions under primary and secondary legislation.

The “public information” concept

By decision¹⁷ of 8 May 2014 the Supreme Administrative Court (SAC) upheld a decision of the Administrative Court – Veliko Tarnovo (ACVT) repealing the refusal of the Veliko Tarnovo University President to provide information on the project “Joint risk monitoring on emergencies in the border region of the Danube.” The president had based his refusal on the argument that the information sought was not public, since it did not concern the public life in Bulgaria. The court held that the information is public since it was created and kept by an obliged under the APIA body in relation to its activity on a project, financed by EU funds, which determines its relation to public life in the Republic of Bulgaria, and also since such an activity in general falls within the scope of interest and public life of the EU.

¹⁵ Decision no. 3114/12.05.2014 of the ACSC, Second Division, 39th panel, on administrative case no. 36/2014

¹⁶ Ruling no. 7441/03.06.2014 of the SAC, Fifth Division, on administrative case no. 6447/2014

¹⁷ Decision no. 6040/08.05.2014 of the SAC, Seventh Division, on administrative case no. 16854/2013

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By decision¹⁸ of 26 June 2014 the Administrative Court – Stara Zagora (ACSZ) repealed the Stara Zagora mayor's refusal to provide access to the full text of a concept project, with which the Stara Zagora Municipality participates in the "Mayors challenge" initiative of the Bloomberg Philanthropies foundation. The mayor had noted in the refusal that the project's full text was being evaluated by the Bloomberg Philanthropies foundation and the information is not yet "public" and will be disclosed after the end of evaluation if the project is approved. The court held that under the APIA public information are all data concerning public life, contained in documents and other material data carriers, created, received or kept by an obliged body. Thus, the information requested was "public". The concept project's full text is contained in the application form, filed by the Stara Zagora mayor in his capacity of an executive body. The information also should be provided since the time term for applications had expired and therefore there was no basis for denial.

By decision¹⁹ of 29 May 2014 the Administrative Court – Veliko Tarnovo (ACVT) repealed the refusal of Veliko Tarnovo's mayor to provide information on the flora mapping and geological research of a terrain, for which the municipality had approved a building investment project. The mayor based his refusal on the argument that the information sought fell outside the scope of the APIA (Article 4, par. 1 of the act), since the Spatial Development Act (SDA) provides a special procedure for requesting, receiving and disseminating such information and it could only be disclosed to interested parties within the meaning of the SDA. The court held that the APIA is applicable to information on approving investment projects and on issuing building permits by the municipal administration. The judge noted that the APIA and the SDA are not in a relation of a general and a special law (*lex generalis / lex specialis*). The very fact that the applicant is not an interested third party under the SDA justifies his right to seek information under the APIA.

¹⁸ Decision no. 116/26.06.2014 of the ACSZ, 3rd panel, on administrative case no. 158/2014

¹⁹ Decision no. 233829.05.2014 of the ACVT, 4th panel, on administrative case no. 8/2014

Overriding Public Interest and Personal Data

By a ruling²⁰ of 15 January 2014 the ACSC repealed a refusal by the Ministry of Interior (MoI) to provide information to Julian Hristov (journalist from OFFNews) on whether the MP Volen Siderov (the leader of the nationalistic party “Ataka” in parliament) had a gun permit and when was it issued, as well as which medical institution issued the necessary medical certificate. The MoI had refused on the grounds that this information is not public since it is not related to ministry’s activities but rather to personal data of the Member of Parliament. The court held that the information sought was public. A firearm permit is an official document issued by the respective body of the MoI structure in carrying out its powers under the Firearms and Ammunition Act. Furthermore, according to the court, in this case there is an overriding public interest in disclosure of the information since it will increase the transparency and accountability not only of the ministry, but also of the Member of Parliament himself.

By a decision²¹ of 4 March 2014 the Supreme Administrative Court (SAC) upheld a decision of the ACSC repealing the Ministry of Finance refusal to provide information to Marta Mladenova (journalist from Darik radio) on the supplementary remunerations (bonuses) of the Ministry’s and its subordinate structures’ staff. According to the court, the disclosure of the requested information is of overriding public interest in view of the serious public debate on the topic of civil servants’ bonuses and the existing doubts on the actual situation. The Justices held that this information gives the citizens the opportunity to form an opinion on the functioning and accountability of government bodies in spending budget funds, as well as on the moral image of senior government officials in relation to the veracity of their public statements in time of financial crisis in the country. In the case, the minister of finance had commented publicly on the issue of received supplementary remuneration in the central state administration.

²⁰ Ruling no. 216/15.01.2014 of the ACSC, II Division, 34th panel on a. c. no. 8306/2013

²¹ Decision no. 3033/04.03.2014 of the SAC, VII Division, on a. c. no. 11847/2013

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By a decision²² of 6 March 2014 the ACSC repealed a refusal by the Sofia Municipality to provide access to the municipal employees' overtime logbook for 2012. The refusal was based on the grounds that the information amounted to personal data of the employees who had worked overtime and could not be provided without their consent. The court held that the information on overtime work under an employment relationship and for the benefit of Sofia Municipality does not constitute personal information or personal data of employees. In addition, the court stated that there is an overriding public interest since providing this information will lead to increased transparency and accountability of the Municipality.

By a decision²³ of 11 March 2014 the Veliko Tarnovo Administrative Court (VTAC) repealed a refusal by the Mayor of Veliko Tarnovo to provide information on the reconstruction of a residential building, part of a protected group cultural monument. The refusal was based on the grounds that the requested information contains personal data of third persons (the residential building's owners). The court held that the lack of the third parties' explicit consent is not grounds for refusal, since in this case the obliged body must provide partial access to the information sought, which the Municipality did not do. In conclusion the court noted that the existence of overriding public interest in disclosure of the information sought could be admitted in view of the Veliko Tarnovo Municipality's practice to approve building documentation contrary to the public interest and without regard to the conservation of the architectural heritage requirements.

By decision²⁴ of 30 June 2014 the SAC repealed a first instance decision as well as the minister of culture's refusal to provide a copy of an audio recording of a meeting held in 2013 between the Ministry of Culture high officials and protesting teachers from the National School for Ancient Languages and Cultures "Constantine Cyril the Philosopher" (NSALC). The minister had based his refusal on the argument that the audio recording may contain personal data, therefore it could not be disclosed

²² Decision no. 1378/06.03.2014 of the ACSC, II Division, 37th panel on a. c. no. 11068/2013

²³ Decision no. 101/11.03.2014 of the VTAC, 8th panel on a. c. no. 45/2014

²⁴ Decision no. 9079/30.06.2014 of the SAC, Five-member Panel, II College, on adm. case no. 4913/2014

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without the consent of the affected third parties. The justices noted that the minister had wrongfully relied on protection of personal data since he had not provided any proof of affecting the interests of third parties. They held that there is an overriding public interest in the disclosure of the information sought, since the national school's problems had acquired media publicity through the director's participation in a TV broadcast, as well as through the minister of culture's media announcement of this meeting for hearing the different positions and taking an objective decision on the school's future. Thus, the overriding public interest in the disclosure flows from the need for citizens to monitor the administration and the settlement of conflicts in the NSALC, which is part of the responsibilities of the Ministry of Culture.

By decision as of November 17,²⁵ 2014, the Administrative Court Sofia City repealed a refusal of the Chairperson of the State Agency "National Security" (SANS) to provide information to the journalists Viktor Ivanov (24 Hours daily) about the bonuses received by the chairperson of the agency for the years 2013 and 2014. The court ruled that the requested information did not fall within the scope of the protected personal data. According to the court, the alleged affection of the personal sphere of the chairperson of the SANS could not override the public interest.

Data for Public Figures

By decision²⁶ of 18 March 2014 the ACSC repealed the Supreme Judicial Council's refusal to provide to Dorotheya Dachkova (journalist from "Sega" newspaper) information on, the current MP, Delyan Peevski's work in the Sofia Investigation Service and his magistrate status. The refusal was based on the grounds that the Member of Parliament had not given his explicit consent to disclosure of the information. The court held that information on the professional activity of magistrates in Bulgaria, including the data on acquiring immovability, attestations, workload, the results of oversight by higher judicial instances and others are public information. This is information relating wholly to the magistrate's work, which under current law

²⁵ Decision No. 6918/17.11.2014 of the ACSC, Second Division, 38th Panel, adm. case No. 6398/2014.

²⁶ Decision no. 1751/18.03.2014 of the ACSC, II Division, 27th panel on a. c. no. 12160/2013

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are indicators of the quality and quantity of ongoing work. Activities of the judiciary as a whole have received increased public attention, in an atmosphere of sensitization of the public towards the judiciary's problems. Each magistrate should be aware that there is no aspect of their professional activity that may be hidden from the public.

By decision²⁷ of 24 March 2014 the ACSC repealed the Supreme Cassation Prosecution's refusal to provide to Dorotheya Dachkova (journalist from "Sega" newspaper) a list of all court and prosecutor clerks, containing their names, the judicial body they are employed by, the date and grounds of their employment. The SJC refused on the grounds of personal data protection. The court held that the information sought does not fall in the "personal data" category since it concerns a public institution, its structure and staff, and not the persons who occupy the respective positions. Disclosure of this information will provide the journalist and the public to form an opinion on Prosecutor's Office activities, including those on respecting the legal requirements on staff employment.

By decision as of May 13,²⁸ 2014, the Administrative Court Sofia City (ACSC) repealed the refusal of the Sofia Regional Prosecutor's Office to provide information about the activities of the regional Prosecutor Roman Vasilev for the period 2006 – 2013. The information was requested by the journalist Rossen Bossev (Capital weekly) and was more specifically related to the number of indictments, of writs for discontinuation or a refusal to start pre-trial proceedings, the agreements prepared by the prosecutor, as well as the number of the pre-trial proceedings in which he was appointed as the supervising prosecutor. The court ruled that the request was for statistical data and not for the content of the issued acts, thus their disclosure would not harm the rights of the sides in the proceedings, neither were related to their personal data.

²⁷ Decision no. 1860/24.03.2014 of the ACSC, II Division, 25th panel on a. c. no. 11585/2013

²⁸ Decision No. 3179/13.05.2014 of the ACSC, Second Division, 41th Panel on adm. case No. 1931/2014

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By decision as of May 28,²⁹ 2014, the Administrative Court Gabrovo (ACG) repealed the refusal of the Secretary of the Municipality of Sevlievo to provide to the journalist Emilia Dimitrova information about the main monthly remuneration of the deputy mayor of the municipality. The court pointed out that the information was not personal data as the minimum and maximum permissible amount for the position is legally prescribed.

By decision as of 27 June 2014,³⁰ the Supreme Administrative Court upheld the decision of the ACSC that repealed the refusal of the Ministry of Interior to provide to the journalist Rossen Bossev (Capital weekly) information about the visits and the meetings of the MP Delyan Peevsky to the ministry within the period July 2009 – June 2013. The court panel emphasizes that the requested information does not constitute personal data as it is not related to the personal inviolability and private life of the third person, but his public life and activities in the capacity of a member of parliament, as well as the activities of bodies and officials in the Ministry of Interior.

Protection of the interests of Third Parties

By decision³¹ of 27 October 2014 the ACSC repealed the refusal by the mayor of Sofia's "Mladost" district to provide information on an issued permit for construction activities in hours outside those laid down by municipal ordinance. The mayor had based the refusal on the argument that the investor company's consent was not given. The court held that the information sought does not affect the interests of the third party in a way that may justify the need for its provision. The fact that the third party is an addressee of the permit does not automatically lead to the conclusion that disclosure of the permit would affect the third party's protected interests.

²⁹ Decision No. 35/28.05.2014 of the ACG, adm. case No. 33/2014.

³⁰ Decision No. 8987/27.06.2014 of the SAC, Seventh Division adm. case No. 2078/2014.

³¹ Decision no. 6396/27.10.2014 of the ACSC, Second Division, 34th panel, on administrative case no. 9474/2013

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By decision as of 1 December 2014,³² the ACSC repealed the refusal of the Ministry of Agriculture and Food (MAF) to provide access to six expert reports (so-called “market assessments”) on determining the market value of immovable state properties which were sold by the ministry. The grounds of the refusal were that the assessments were not public information and their disclosure would harm the copyright of the independent experts who had made them. According to the court, the market assessments allow on one hand to get to know if the ministry had complied with the assessments of the experts, on the other, if the assessments were made in compliance with the Law on State Property. According to the court, the rights of the authors over the assessment reports could not be an obstacle for their disclosure under the APIA since besides the copyright, an account of the public interest in the disclosure should be made.

Overriding Public Interest and Accountability in Public Spending

By decision³³ of 24 March 2014 the SAC upheld the decision of the Veliko Tarnovo Administrative Court repealing the refusal by the President of Veliko Tarnovo University to provide information on the project “The Water’s Way - nature and culture sightseeing itineraries for sustainable tourism”. The refusal was based on the grounds that the information is not public and its disclosure would not give the requester the opportunity to form an opinion on the University’s activities. The SAC adopted the reasoning of the first instance court that the information is public and the project’s resources origin (EU funds) by itself supposes that in this case there is overriding public interest of disclosure of the information sought.

By decision³⁴ of 6 March 2014 the ACS repealed refusal by Sofia Municipality to provide a copy of the contract concluded with a private company for the restoration and management of the “Ariana” lake in Sofia. The refusal was based on the grounds that the company had not given its explicit consent to disclosure. The court held that

³² *Decision No. 7309/01.12.2014 of the ACSC, Second Division, 32th Panel on adm. case No. 10032/2014.*

³³ *Decision no. 4032/24.03.2014 of the SAC, VII Division, on a. c. no. 15139/2013*

³⁴ *Decision no. 1388/06.03.2014 of the ACSC, II Division, 39th panel on a. c. no. 9074/2013*

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in this case had to be applied the legal presumption of existence of overriding public interest in disclosure of information related to the parties, the subject, the price, the rights and obligations, conditions, terms, and sanctions specified in contracts where one of the contracting parties is an obliged body under the APIA.

By decision³⁵ of 24 June 2014 the ACSC repealed a refusal by the Ministry of Economy and Energy (MEE) to provide a copy of a contract from November 2012 between MEE and a trade consortium under The Energy Efficiency and Green Economy Programme – a joint initiative between the Ministry of Economy and Energy and the European Bank of Reconstruction and Development (EBRD) to promote sustainable energy solutions for Small and Medium Enterprises (SME). The ministry based its refusal on the argument that the information sought concerns a contract concluded as a result of a public procurement procedure and affects the interests of a third party (the consortium – party to the contract) which had not given its consent on disclosure. The court noted that the lack of consent of the third party cannot justify a refusal to provide access to the information, when there is overriding public interest of disclosure. The judge held that contracts concluded between obliged under the APIA bodies, as a result of a public procurement procedure, by definition are not covered by trade secret and access to them cannot be restricted because there is overriding public interest of disclosure of the expenditure of public funds.

By decision³⁶ of 23 July 2014 the SAC upheld the repeal of a refusal by the Targovishte Municipality administrative secretary to provide a copy of a contract for sale of a municipal real estate (the terrain of the former marketplace). The court held that in similar cases the private interest of the third party (the buyer company) of protecting trade information included in the contract does not override the public interest of its disclosure.

³⁵ *Decision no. 4229/24.06.2014 of the ACSC, Second Division, 25th panel, on administrative case no. 9989/2013*

³⁶ *Decision no. 10304/23.07.2014 of the SAC, Seventh Division, on administrative case no. 15032/2013*

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By decision³⁷ of 10 June 2014 the SAC upheld the repeal of a refusal by the Targovishte Municipality administrative secretary to provide a copy of a contract for exchange of a municipal agricultural property. The court held that the public interest of disclosure of information on the circumstances of a transaction on municipal property and whether the legal conditions and procedures are complied with, is undoubtedly a case of overriding public interest in the meaning of § 1, item 6 of the Additional Provisions of the APIA. The disclosure of such information will increase the transparency and accountability of the obliged under the APIA bodies.

By decision³⁸ of 10 July 2014 the SAC repealed the first instance decision, as well as the refusal by the Targovishte Municipality administrative secretary to provide a copy of a contract for sale of a municipal real estate (a restaurant). The refusal was based on the argument that the third party (the buyer company) had not provided its consent on disclosure. The court held that the administrative body did not consider the applicant's claim of the existence of overriding public interest, which amounts to a significant violation of the procedural rules. If an overriding public interest exists, the information affecting the third party could be disclosed without its consent.

Official Secret

By decision³⁹ as of November 28, 2014, the ACSC repealed the refusal of the Sofia City Prosecutor's Office to provide to the journalist Rossen Bossev (Capital weekly) copies of the activities reports of the Prosecutor's Office for the period 2006 – 2013. The refusal was grounded in the official secret exemption. The court emphasized that the Prosecutor's Office did not provide evidence that the documents had been marked with a security stamp *for official use only*. According to the justices, even if the information had lawfully been classified, the access should have been granted under the APIA after a declassification procedure, as the timeframe for protection had expired – six months since the date of classification or a year after a one-time extension by the State Commission on Information Security.

³⁷ Decision no. 7875/10.06.2014 of the SAC, Seventh Division, on administrative case no. 79/2014

³⁸ Decision no.9683/10.07.2014 of the SAC, Seventh Division, on administrative case no. 2905/2014

³⁹ Decision No.7259/28.11.2014of the ACSC, Second Division, 23rd Panel adm. case No. 7446/2014.

Preparatory Documents

By decision⁴⁰ of 7 January 2014 the SAC upheld the decision of the ACSC repealing the Sofia City Court President's refusal to provide to Dorotheya Dachkova (journalist from "Sega" newspaper) information on on the delayed criminal and civil cases decisions. The SCC refusal was based on the grounds that the information sought had a preparatory character and has no significance in itself. The SAC held that the information sought is not related to the preparation of the court's decision and has proper significance. It reflects the fulfillment of the judge's duties on pronouncing court decisions and rulings within a reasonable time, which, together with the pronouncing of right court decisions and rulings guaranties good justice, i.e. the quality implementation of the provided by the state judicial power.

By decision⁴¹ of 25 September 2014 the ACSC repealed the refusal by the Sofia Municipality administrative secretary to provide a copy of the internal rules on the organization of administrative services delivery in the municipality. The refusal was based on the argument that the internal rules are of ancillary nature as part of the overall work process of the municipal administration, and therefore are neither official, nor administrative public information and should not be disclosed. The court held that these rules are administrative public information, access to which cannot be restricted, since the conditions under Article 13, par. 2, item 1 or 2 of the APIA, are not met.

By decision⁴² of 9 October 2014 the SAC repealed a first instance decision, as well as the refusal by the Ministry of Environment and Waters (MEW) to provide a copy of the report on reducing emissions of harmful substances from large combustion plants, related to the European Commission's warning towards Bulgaria for failure to comply with the maxima of emission of sulfur and nitrogen oxides and of fine dust particulates. The court held that the information sought is information on the

⁴⁰ *Decision no. 132/07.01.2014 of the SAC, VII Division, on a. c. no. 11045/2013*

⁴¹ *Decision no.5745/25.09.2014 of the ACSC, Second Division, on administrative case no. 5155/2014*

⁴² *Decision no.11951/09.10.2014 of the SAC, Five-member Panel, II College, on adm. case no. 7396/2014*

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environment in the meaning of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and in the meaning of the Environment Protection Act (EPA). The text of Article 13, par. 2 of the APIA providing the possibility of restricting access to preparatory documents is inapplicable to information concerning the environment and in particular the emissions of harmful substances. The court noted that in Article 20, par. 6 of the EPA the legislator has provided explicitly that the right of access to public information concerning the environment and in particular the emissions of harmful substances cannot be refused or restricted.

By decision⁴³ of 27 October 2014 the ACSC repealed the refusal by the Sofia Municipality Mayor to provide access to an order of hers, as well as to a report from the Chief Architect on an inspection of the movable objects in the “Borrisova gradina” park. The refusal was based on the argument that the information is of internal administrative nature and does not have significance in itself, since it is not a final administrative legal document (“act”). The court held that the grounds for refusal under Article 13, par. 2 of the APIA are inapplicable, since the information sought is not administrative public information, but official public information, contained in official legal document (“acts”) of the Mayor and Chief Architect, issued in implementation of their powers and related to the results of a completed administrative inspection.

Access to Information – Access to Documents

By decision⁴⁴ of 28 January 2014, the SAC upheld a decision of the ACSC repealing the refusal by the National Construction Supervision Directorate (NCSD) to provide access to protocols of the removal of several illegal constructions. The refusal was based on the grounds that under the APIA one could request access to certain information but not to specific documents. The SAC adopted the first instance court’s

⁴³ *Decision no.6363/27.10 2014 of the ACSC, Second Division, 34th panel, on administrative case no. 9073/2013*

⁴⁴ *Decision no. 1113/28.01.2014 of the SAC, VII Division, on a. c. no. 2506/2013*

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arguments that under the APIA information could be requested by description as well as by identifying specific documents. The justices noted that the NCSD is the only institution controlling construction in Bulgaria under a specific law. In view of that, the information contained in the requested documents is directly related to the NCSD's activities as a government body.

By decision⁴⁵ of 17 March 2014 the ACSC repealed a refusal by the Ministry of Transport, Information Technology and Communications (MTITC) to provide to "Friends of Railway Transport" association a copy of the contract between the Ministry and "BDZ – Passenger Services" EOOD (the national railway transport company) for carrying out rail transport of passengers on the territory of the Republic of Bulgaria. The MTITC's refusal was based on the grounds that under the APIA access to specific documents cannot be requested, as well as that the contract was concluded under the requirements of the Public Procurement Act (PPA) which has special provisions on publicity, excluding the implementation of the APIA. The court held that the APIA request is valid, specific and clearly formulated. The judge noted that the PPA provisions on publishing information about contracts do not prevent the implementation of access to information through requests under the APIA.

Electronic Access to Information

By a decision as of 9 January 2014,⁴⁶ the Supreme Administrative Court (SAC) upheld the decision of the Administrative Court Sofia City (ACSC) to repeal the silent refusal of the Sofia Municipality to provide to Ivailo Popov (Environmental Association For the Earth) information about the conditions of the depot of nonhazardous waste in the Sofia neighbourhood of Suhodol. According to the SAC, the first instance court had rightly assumed that the arguments of the municipality that the request had not been duly filed as it was sent via the virtual/online registry. The court emphasizes that the request had been duly filed to the municipality and should have issued a response since under the APIA a request filed electronically is considered a written request.

⁴⁵ Decision no. 1703/17.03.2014 of the ACSC, II Division, 36th panel on a. c. no. 4981/2013

⁴⁶ Decision No.257/09.01.2014 of the SAC, 7th Division on adm. case No. 8864/2013.

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By decision as of 11 February 2014,⁴⁷ the Supreme Administrative Court upheld the decision of the Administrative Court Haskovo (ACH) to repeal the refusal of the head of the Regional Inspectorate of Education – Haskovo (RIE) to provide to the citizen Liliana Valcheva information about inspections held in a particular school in the town of Topolovgrad (Haskovo Region). The grounds of the refusal were that the APIA does not provide for the form requested by the citizen – by e-mail. The justices pointed out that the request that the information is provided by e-mail is a valid request since the APIA provides for the provision of information on a material carrier.

Silent Refusals

By decision⁴⁸ of 17 April 2014 the ACSC repealed a silent refusal of the Mayor of Sofia Municipality to provide information to Svetla Vassileva (journalist “Duma” newspaper) on the property transactions and deals carried out with a municipal property premise in the period 2009 – 2013. The court held that a silent refusal under the APIA is illegal since the administrative body must issue a decision on the request and inform the requester of it.

By decision as of 1 December 2014,⁴⁹ the Administrative Court Pernik repealed the silent refusal of the Mayor of Pernik Municipality to provide to the local NGO “Active Citizens for Pernik City” the municipal contract for waste management. The court emphasized that the only legal option of the obliged body is to issue a decision of either granting or refusing access and inform the requestor in writing.

By decision as of 15 December 2014,⁵⁰ the Administrative Court Sofia City (ACSC) repealed the silent refusal of the chairperson of the National Assembly on a request for re-use of public sector information filed by Petko Tsikov from the NGO Obshtestvo.bg. He requested a copy of the data base used of the web site parliament.bg on a technical carrier, except for the legally protected data. In their

⁴⁷ Decision No. 1864/11.02.2014 of the SAC, Seventh Division on adm. case No. 14317/2012.

⁴⁸ Decision no. 2616/17.04.2014 of the ACSC, II Division, 35th panel on a. c. no. 4735/2013

⁴⁹ Decision No. 761/01.12.2014 of the Adm. Court – Pernik on adm. case No. 774/2014.

⁵⁰ Decision No. 7832815.12.2014 of the ACSC, Second Division, 24 Panel on adm. case No. 5592/2014.

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judgment, the court pointed out that the only possible legal option after the submission of a due request for re-use of public sector information is that the obliged body issues an explicit decision – for granting or refusing access.

By decision as of November 2014,⁵¹ the Supreme Administrative Court upheld a decision of the Administrative Court Veliko Tarnovo (ACVT) which repealed the refusal of the president of the Veliko Tarnovo University to provide to Kamelia Dzhanabetska information about a project concerning risk monitoring in the transborder region of the Danube river. The court pointed out that the body obliged under the APIA owes a motivated written decision on the access to information request. A legal imperative exists for written response on the requests, including when refusing.

Requests left without consideration (on the merits) by the administration

According to Articles 197 – 200 of the Administrative Procedure Code (APC) in cases when requests are left without consideration, the court is empowered to declare *in camera* the administrative decision unlawful and to order the public body to respond duly on the request. In 2014 AIP supported two cases of that type.

By ruling⁵² of 23 May 2014 the Administrative Court – Yambol (ACY) repealed a notice by the Yambol Municipality secretary for leaving without consideration (on the merits) the request filed by Marieta Sivkova (a member of the Municipal council) on access to a copy of a friendly settlement of a court dispute concluded by the municipality and a building company. The notice for leaving without consideration was based on the argument that under the APIA access could be sought to information, but not to specific documents. The court held that the request contains all necessary attributes under the APIA, therefore it cannot be left without consideration and the secretary of the municipality should issue a decision on the merits of the request.

⁵¹ Decision No. 14024/24.11.2014 of the SAC, Seventh Division on adm. case No. 2819/2014.

⁵² Ruling no. 182/23.05.2014 of the ACY, Second panel, on administrative case no. 67/2014

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By ruling⁵³ of 29 May 2014 the Administrative Court – Yambol (ACY) repealed a notice by the Yambol Municipality Secretary for leaving without consideration (on the merits) the request filed by Marieta Sivkova (a member of the Municipal council) on access to a summary of the municipality's court cases and the expenses on them for the period 2011 – 2013. The court held that the request contains all necessary attributes under the APIA and it clearly defines what precise information (as a type and amount) is sought. In these circumstances, the public body was bound to issue a decision on the merits of the request.

Evaluation of the activity: The work of the AIP legal deserves very high appraisal. The legal team, consisting of 5 – three attorneys-at-law and two in-house lawyers on employment contracts, provided legal assistance and advice in cases which require research into specific activities, review of large amounts of documentation and orientation what information is needed by the client. The legal team is also committed to preparing opinions on draft legislation and participating in media debates on specific topics related to legislation or other issues concerning institutions' transparency.

Products: The cases submitted for legal assistance and advice are being registered in AIP's Internal information system and the documents created in the process of legal help provision are recorded. Simultaneously, detailed records are kept of the cases where representation in court is provided. Each month in the newsletter is published a summary of the developments of court cases in the section "From the courtroom" or an article related to certain specific cases submitted for legal assistance and advice. Every six months a systematization of the litigation practices is being prepared. Regular reviews of case-law are being prepared and disseminated through the international freedom of information advocates network.

⁵³ *Ruling no. 197/29.05.2014 of the ACY, Second panel, on administrative case no. 66/2014*

Necessary resources:

1. Five lawyers who provide legal assistance, three of them prepare complaints, written defenses and provide representation in court.
2. Systematization and analysis of case-law are specific activities entailing additional effort and skills.
3. Presentation of developments in the case-law in international networks is also part of the work of the legal team.
4. For carrying out this activity, a subscription for a legal software, internet access, subscriptions to some legal periodicals are needed.

4. Raising awareness campaigns and trainings on the Access to Public Information

Advocacy Campaign for Amendments to the Access to Information Legislation

A priority AIP activity during 2014 was the campaign for amendments to the access to information legislation.⁵⁴ The campaign was supported under the NGO Programme in Bulgaria under the Financial Mechanism of the European Economic Area 2009 – 2014.

AIP organized and held five public discussions with different interested groups with the aim to discuss the need for legislative amendments – with journalists from print and electronic media; IT specialists, open data activists, bloggers and business; representatives of NGOs and active civil groups; public officials responsible for the APIA implementation; and lawyers and judges from administrative courts. During the public discussions, AIP experts presented problems stemming from the APIA implementation and connected legislation, as well as possible solution for their overcoming. The statements presented by the participants were analyzed,

⁵⁴ http://www.aip-bg.org/en/publicdebate/Are_APIA_Amendments_Necessary/106099/

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summarized and published online. Statements were also received by e-mail. The results from the comparative legal analysis, analysis of the administrative and court practices as well as the proposals given during the public discussions were included in a Concept on Amendments to the Access to Public Information Legislation. The latter was presented at a national conference “Are APIA Amendments Necessary?”

Campaign for Active Transparency

In 2014, AIP again has run a campaign for the improvement of the content of the Internet sites of public bodies from the point of view of the existing standards regarding the proactive publication of information and the effective legal obligations.

The results from the Audit on Active Transparency which a team of AIP performed within February – March 2014 show weaknesses in the legal framework and in the organization and management of online publications by public bodies, the lack of common standards in this regard.

The audit results were used as one of the criteria for the evaluation of the nominations for the “Golden Key” award in the category “Institution which has best organized the provision of access to information to the citizens,” which AIP presents at the International [Right to Know Day Awards Ceremony, held on 28 September](#).

The analysis of the results was disseminated via the International Freedom of Information Advocates Network. The audit and the rating were also covered by the international portal Freedominfo.org and the Network for Democracy Research Institutes.

INTERNATIONAL RIGHT TO KNOW DAY – 28 SEPTEMBER

The initiative, launched 13 years ago at an international conference organized by AIP in Sofia, has been recognized and celebrated all over the world.

The format which AIP has chosen to celebrate the International Right to Know Day – a ceremony for presenting positive and negative awards, has become an example for partners from abroad and has proved its impact for the promotion of the right of access to information in Bulgaria. Every year, the ceremony gathers friends of the

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Right to Know from the country – journalists, representatives of public bodies, citizens, NGOs.

12th Right to Know Day Awards Ceremony in Bulgaria⁵⁵



AIP presented the annual awards for contribution to the freedom of information on the International Right to Know Day for 12th year. The ceremony was opened with the song “Breathe,” dedicated to the event which was held on September 28, 2014 in the House of Europe in Sofia. 90 representatives of NGOs, state

administration, journalists, lawyers, partners, colleagues and friends of AIP attended the ceremony.

The 2014 awards were given in six categories. The jury had to select the winners out of 40 nominations received through the updated Right to Know Day web site: www.righttoknowday.net. Interviews with all awardees were published in AIP FOI Newsletter for October.

Information Days in the Country

In June 2013, AIP started the implementation of the project supported by the America for Bulgaria Foundation – “Access to Information Programme – Civil Center for Support of Transparency.”⁵⁶ Within the project, in 2014 AIP organized and held “Access to Information” Days in Vidin, Pernik, Pazardzhik, Plovdiv, Blagoevgrad and Kuysitendil. Within the Information Days, a team of AIP presents the results of the annual assessment on proactive transparency and the Rating of regional institutions, presents the developments in the litigation under the access to information

⁵⁵ <http://www.righttoknowday.net/en/ceremonies/200312/2014/>

⁵⁶ http://aip-bg.org/projects/america%20for%20bulgaria/aip_civil%20center_en.htm

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legislation, provides on-spot legal help on specific access to information cases. The interest towards the Information Days is big.



19 March 2014 Access to Information Day – City of Pazardzhik



20 March 2014 Access to Information Day – City of Plovdiv



8 April 2014 Access to Information Day – City of Vidin

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25 April 2014 Access to Information Day – City of Pernik



29 May 2014 Access to Information Day – City of Blagoevgrad



30 May 2014 Access to Information Day – City of Kyustendil

In the summer of 2014, AIP took part in a public procurement tender announced by the State Agency for Child Protection for a specialized FOI training for public officials from the Agency. The AIP offer was selected. AIP team delivered a two-day training for the SACP officials on 30-31 October 2014.



National Conference “Are APIA Amendments Necessary?”

On December 12, 2014, the AIP held a conference “Are Amendments to the Access to Information Legislation Necessary?” in Sofia. Nearly hundred representatives of NGOs, citizens, lawyers, judges from administrative

courts and public officials responsible for the Access to Public Information Act (APIA) implementation from all over the country took part in the Conference. Special guests were the National Ombudsman and the chief officer of the working group at the Ministry of Transport, Information Technologies, and Communications which had drafted a Law on APIA Amendments in the summer of 2014.

The Conference was organized within the implementation of the project [Advocacy Campaign for Amendments to the Access to Information Legislation](#), supported by a grant under the NGO Programme in Bulgaria under the Financial Mechanism of the European Economic Area 2009 – 2014 www.ngogrants.bg.

Evaluation of the activity: The activities related to the raising awareness on the right to information which AIP performs are an important instrument for raising the awareness on and encouraging the exercise of the right to information. As a matter of fact, the other core activities performed by the team and the results achieved in the monitoring, the advocacy, and the legal help serve as the base for the raising awareness campaigns. At the same time, the results achieved by these activities would not be so visible without the campaigns and the raising awareness work done by the AIP team.

With a special impact are The International Right to Know Day and the Big Brother Anti-awards.

Extremely important for the improvement of the access to information are the civil trainings organized and held by AIP during the years – for the administrations, for journalists, NGOs, and citizens.

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Products: A model for the celebration of the Right to Know Day
A model for the celebration of the European Data Protection Day
Developed training programs and materials for different target groups
Proven mechanism for running campaigns on access to information issues.

Necessary Resources:

1. AIP team and the coordinators' network in the country for the preparation and holding of the Right to Know Day Awards Ceremony.
2. Financial resource for the ceremony. During the years, AIP has tried to secure funding for the organization and the holding of the ceremony. The Right to Know Day Awards Ceremony has been financially supported by the America for Bulgaria Foundation during the past several years.
3. The Big Brother Anti-awards – preparation and holding. Up to now, the ceremony has been funded by AIP savings. No external funding has been secured.
4. The training programs are implemented within ongoing projects but are a product that could be developed as a business activity of the AIP.

5. Participation in public debates on access to information and freedom of expression issues

MEDIA COVERAGE OF THE AIP ACTIVITIES IN 2014 ⁵⁷

In 2014, topics on transparency, accountability, and access to information, including AIP statements on urgent issues, were covered by 336 publications, radio and TV broadcasts in national, regional and local media (including AIP monthly newsletter).

⁵⁷ <http://www.aip-bg.org/en/publications/mediareactions/>

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Out of these 246 are in national media, 80 – in local media, and 10 – in foreign media (EuroChicago.com, ALJAZEERA, OGP Blog Spot, Nets247.com, Epc.hu, The Wall Street Journal Europe, Network of Democracy Research Institutes, Freedominfo.org).

The topics which attracted mostly the media interest and resulted in the highest number of publications and interviews from AIP team are:

- Litigation – 58 publications
- Active Transparency Rating – 45 publications
- Right to Know Day – 40 publications
- Publications covering the project “Advocacy Campaign for Amendments to the Access to Information Legislation” - 40
- Legislation – 40
- Publications covering the implementation of the project “AIP – Civil Center for Support of Transparency” – 15

In 2014, 12 issues of the Monthly FOI Newsletter were issued and disseminated electronically to 2400 subscribers. By type of a publication, they included:

The column “[From the court room](#)” contained 60 news on court cases, which were going on with the assistance of AIP

The [„News”](#) column – 54 news related to the access to information developments

The column “From the Coordinators Network” – 16 articles

The column [„Comment by the Lawyer”](#) – 6 articles

The column “Commentary” (on an urgent access to information/personal data protection issue) – 5 articles

The column “Analysis” – 5 articles

In 2014, AIP disseminated via the [NGO Information Portal](#) 30 news, related to freedom of information advocacy, analysis of the legislation and the level of the active transparency, results from the access to information litigation.

Access to Information Programme Publications 2014



Access to Information in Bulgaria 2013

In 2014, AIP prepared, published, and disseminated the annual report “Access to Information in Bulgaria 2013” (700 copies in Bulgarian, disseminated to state bodies, members of parliament, NGOs, and media). The report was translated in English and disseminated to all partner organizations within the International Freedom of Information Advocates Network.

Access to Information in Bulgaria 2013, Access to Information Programme, 2014, 120 pages.

ISSN 1314-0515 (online)

ISSN 1313-065X (print)

ISSN 1314-0523 (online)

http://store.aip-bg.org/publications/ann_rep_eng/2013.pdf



Concept Paper on Amendments to the ATI Legislation

AIP prepared and published a Concept Paper on Amendments to the Access to Public Information Legislation. The Concept aims to present a broad range of problems stemming from the Access to Public Information Act implementation practices and possible solutions for their overcoming. The Concept also contains the results from five public discussions, organized and held by AIP within the period June – October 2014, with different

interested groups.

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Concept Paper on Amendments to the Access to Public Information Legislation, Access to Information Programme, 2015, 64 pages

ISBN 978-954-9953-51-0 (online).

http://store.aip-bg.org/Obsujdane2014/CONCEPT_2015.pdf

Communication Channels of AIP

Internet Sites of AIP

The Internet site of AIP (<http://www.aip-bg.org>) is regularly updated. It is the best developed communication channel for ongoing campaigns, news and important court cases, court rulings, comments and recommendations, guidelines and supporting materials on Access to Public Information Act, information on events organized by AIP and other information is published online. All AIP publications are available on the web page in Bulgarian and English.

The web site content is managed by a web based system part of the Internal Information Management System of AIP. It allows for an easier navigation among the rich content of the information and training materials, but also for integration and visualization of audit and survey results.

Results from the audit on institutional web sites performed by AIP within 3 February – 3 March 2014 are available on the web site (also in English): <http://www.aip-bg.org/en/surveys/2014/101401/>.

New options for visualization of the results were integrated. A [2014 Budget, Financial Transparency and Integrity Map of Municipalities](#) was launched to illustrate geographically the fulfillment of obligations for online publication of budget and financial information and also information related to public officials' integrity. [Comparative 2012, 2013 and 2014 Ratings](#) allow for a review of the active transparency development in Bulgaria.

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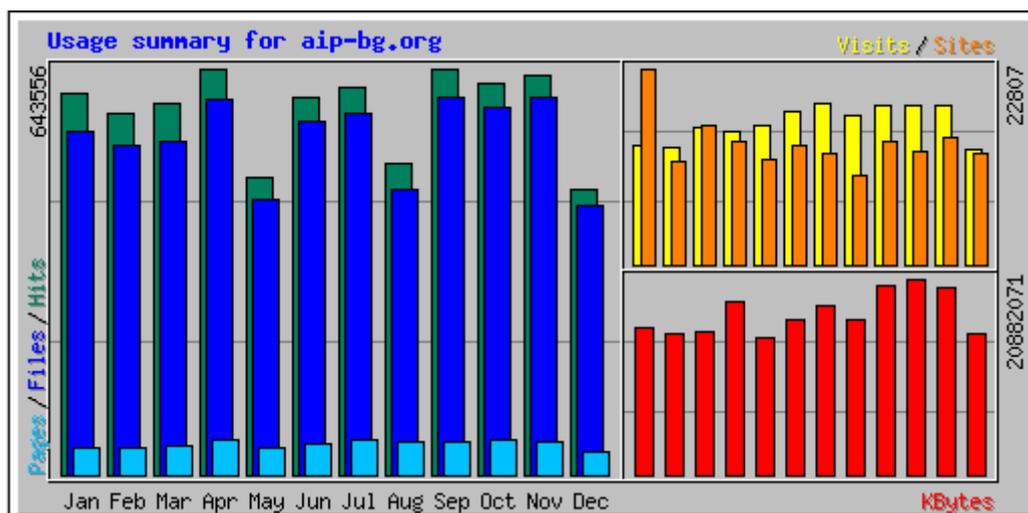
These new options increased the interest and the traffic to the Surveys section on AIP web site: <http://www.aip-bg.org/en/surveys/>.

A new feature was integrated in the web site management module – the possibility to upload YouTube videos with the purpose of increasing the quality of video material on AIP web site.

The traffic statistics (Webalizer) for the 2014 show that the total number of visits to www.aip-bg.org is: 197,619 (average of 16,468 visits per month, which is an increase with 1,120 per month compared to 2013). Larger number of hits is registered during months in which AIP ran special campaigns – January – AIP statement on proposed amendments to the Penal Code; April – presentation of the results from the Audit on institutional web sites; September and October – Right to Know Day Awards campaign for nominations and the awards ceremony.

An increase in the number of hits is registered after each of five public discussions “Are APIA Amendments Necessary?” held by AIP in June, July and October 2014. Again, the highest number of visits is registered in days when blog posts were made.

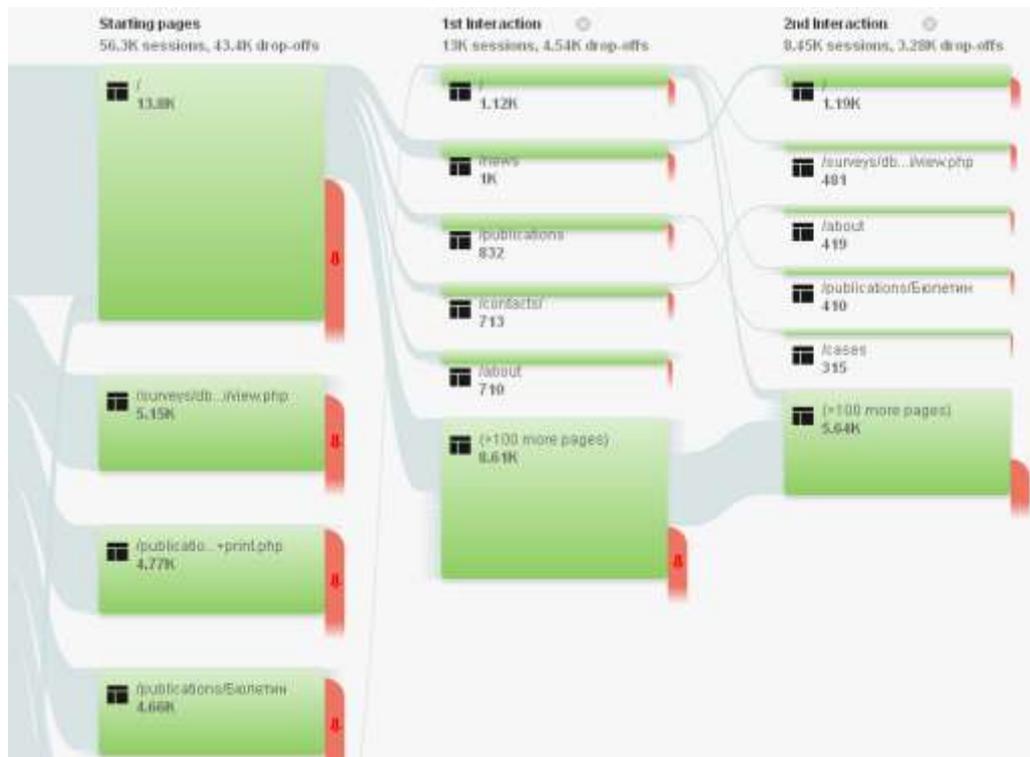
Out of the visits from foreign servers (average of 10 % of all), the largest number comes from the USA, UK, the Russian Federation, Germany, the Netherlands, Belgium, Romania.



Statistics for www.aip-bg.org (January – December 2014)

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According to Google Analytics data, the number of visits is 56,300. The highest level of visits are to the sections “Surveys,” “News,” “Newsletter,” “Cases.”



Google Analytics www.aip-bg.org (January– December 2014)

Right to Know Day

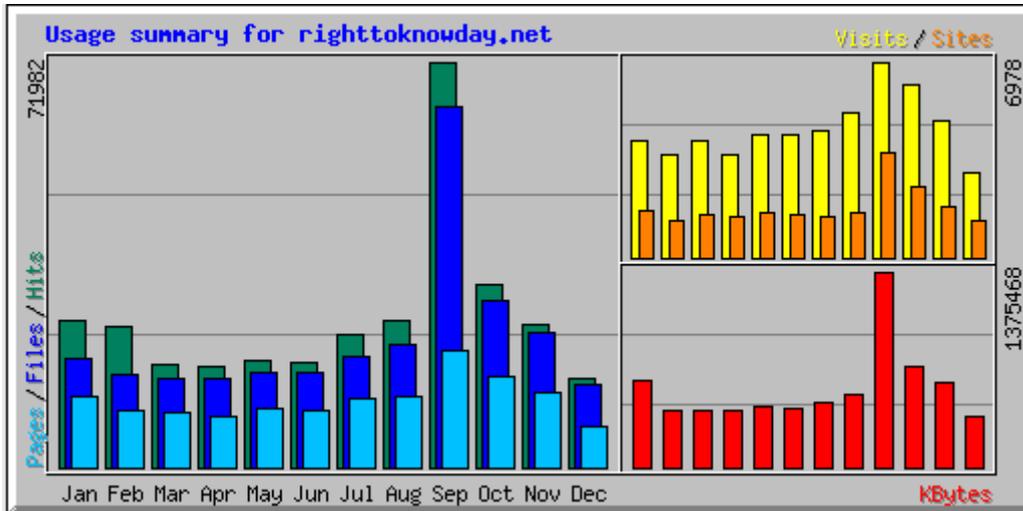
www.righttoknowday.net

AIP maintains and updates the web site for the International Right to Know Day – 28 September in English and Bulgarian.

The total number of visits in 2014 is 55,224 (average of 4,602 visits per month, which is almost twice more compared to the previous year). The peak in the visits of this web site is September – 6,978 unique visits for 2014. A possible reason for the increased traffic to the web site is the new design, and its dynamic content allows for easy and fast sending of nominations for the Right to Know Day Awards in all categories, and easy review of information from previous Right to Know Day Awards Ceremonies.

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The functional update of the web site www.righttoknowday.net was completed in 2013 by the integration of a content management module in the AIP Internal Information Management System.



Statistics for the www.righttoknow.net (January – December 2014)

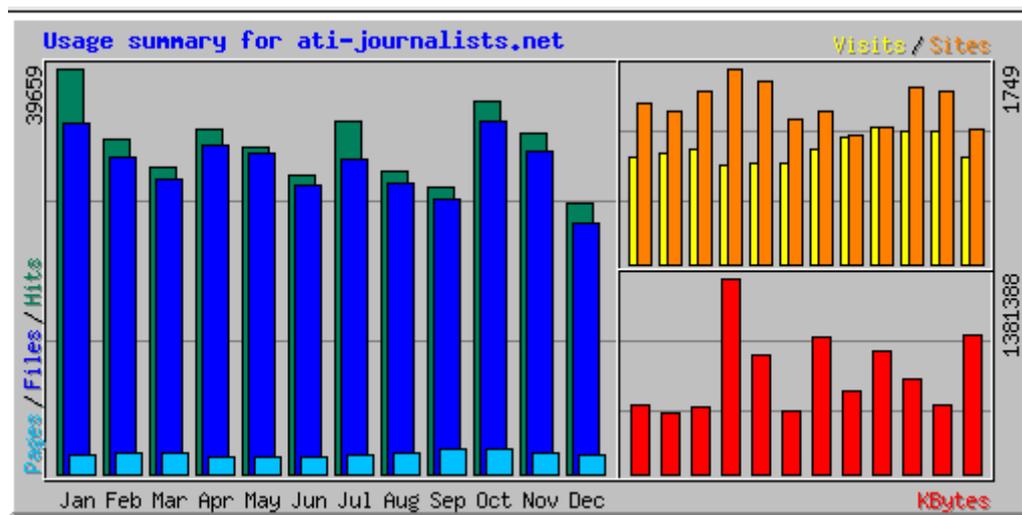
Access to Information and Journalistic Investigations

<http://www.ati-journalists.net/>

In November, 2014, AIP started the update of the specialized web site Access to Information and Journalistic Investigations. This included a new design, new content structure, and the integration of a content management module in the AIP Internal Information Management System. The purpose is to make the update of the content more timely and efficient and the navigation easier. A section "Investigations" is being added to the content which will include journalistic investigations in which the APIA was used.

The total number of visits to the web site in 2014 is 12,384. There are no changes (especially after the increased traffic in 2012) compared to the previous year.

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Statistics of the <http://www.ati-journalists.net/> (January– December 2014)

Access Point blog

<http://blog.aip-bg.org/>

The blog Access Point is an additional channel for increasing the efficiency of AIP permanent campaign for the improvement of access to information in Bulgaria. In 2014, AIP posted 11 items followed by 15 comments by users. Some of the posts were reprinted by popular media and resulted in a debate on issues of public interest. The posts are automatically sent to a subscription list. At the moment, it contains 400 subscribers, predominantly journalists, NGOs and citizens.

Web Portal Public Registers

www.publicregisters.info

The Portal *Public Registers* launched by AIP at the end of 2011, has been gaining popularity. The portal contains the results from a survey on the public registers in Bulgaria. It also incorporates the results from the review of the content and the format of the online available public registers. 63,854 visits were registered in 2014, out of which 54,068 are unique visits. The visited pages are 113,510. The statistics of this web site is given by Google Analytics only. The web portal requires constant maintaining and update, but such an activity has not been financially secured.

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AIP in Facebook

On its Facebook site, AIP refers links from the Access Point blog, from the Monthly FOI newsletter, news from the AIP web site, and publications in other media and partner organizations. 703 people like it. Visits per month vary from 50 to 1,400 when new posts are made.

Youtube Channel

In December 2014, AIP launched its Youtube Channel <https://www.youtube.com/channel/UCDoIAzPqxlqkgAKKVf5jBLA>. 5 videos from the 2014 Right to Know Day Awards Ceremony were uploaded. The purpose of the YouTube channel is to increase the popularity of AIP products and services and the extend the scope of the freedom of information campaign.

Evaluation of the Activity: The communication of the results of AIP work and the participation in media debates on issues related to access to information are also core activities of AIP. The team who performs this work also has to be financially secured. The preparation of publications, the articles on the litigation, the participation in the public debate involves almost the whole of the AIP team. Three members of the team are monitoring and systematizing the publications in national and local media, and also translate the materials. This smaller team prepares press releases, provides coverage of events, held by AIP. The activity encompasses a big range of tasks and requires the involvement and coordination of efforts of the whole team.

Products: Blog, Newsletter, three web sites, publications in Bulgarian and English

Necessary Resources

1. At least three full-time engaged members of the team are necessary for the coordination of the activity. The maintaining of the web sites, preparation of the publications, the translation of materials, the monitoring of the networks of which AIP is a member and dissemination of information about the ongoing developments in the access to information areas requires the involvement of the whole team of the AIP.

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2. Financial securing for the issuing of the AIP Monthly FOI Newsletter.
3. Funds for the preparation and the issuing of the annual report “Access to Information in Bulgaria” in Bulgarian and English.

6. Cooperation with partner organizations on a national, regional, and global level

Exchange of Experience

AIP has continued its work and cooperation with a number of organizations and networks: [The International Freedom of Information Advocates Network](#), [Statewatch](#), [Access Info Europe](#), [the Network of Democracy Research Institutes](#), [ECAS](#), [Freedominfo.org](#), [Global Integrity](#), [the Open Government Partnership Civil Society Group](#), [Freedom of Information Center in Armenia](#), [Institute for Development of Freedom of Information – Georgia](#), [Bulgarian Helsinki Committee](#), [Bulgarian Center for Not-for-profit Law](#), [Bulgarian Institute for Legal Initiatives](#), [the NGOs Center in Razgrad](#) and a lot more.

In 2014, members of AIP team took part in 69 events.

AIP experts have participated in international forums in 7 countries – Germany, Turkey, Macedonia, Hungary, UK, Spain, Romania.

In 2014, members of AIP team delivered presentations before a total of 1,589 participants in different types of forums.

The AIP team was a host of 16 events in 2014:

- Meeting with NGOs to discuss developments related to the global initiative Open Government Partnership;
- Annual meeting with AIP coordinators in the country – 29 participants;
- “Access to Information” Days in the cities of Pazardzhik, Plovdiv, Vidin, Pernik, Blagoevgrad, and Kyustendil – 231 participants;
- Presentation of the results of the Audit on institutional web sites and the 2014 Active Transparency Rating – pressconference;

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- Are APIA Amendments Necessary? – 5 public discussions with representatives of 5 interested groups (journalists; NGOs and citizens; IT specialists and bloggers; judges and lawyers; and public officials) held in Sofia – 118 participants;
- The Right to Know Day Awards Ceremony on 28 September – 80 participants;
- National conference “Are Amendments to the Access to Information Legislation Necessary” On December 12, 2014 – 95 participants.

International Freedom of Information Advocates Network (FOIANet)

AIP Executive Director Gergana Jouleva has been a member of the Steering Committee of the FOIANet since the establishment of the network in 2002. In 2014, the first live SC meeting was held in Madrid where the coordinator of the FOIANet is located. The topics discussed were related to the strategies for the development of the network, the procedure for approval of organizations for membership, and proposals related to the Internet site of the network and the coverage of the International Right to Know Day.

Elections for a new FOIANet SC were held in October 2014 and the Head of AIP Legal Team Alexander Kashumov was elected a member of the Steering Committee.

In 2014, AIP has taken active part in the discussions within the (FOIANet). AIP is one of the founders of the FOIANet and its active member. The discussion list of the network contains 400 members (organizations and individuals) from around the world. Besides for exchange of news and coverage of different campaigns, the network provides a valuable possibility for discussions and consultations among its members by e-mail communication.

In 2014, AIP disseminated news about 9 events related to its advocacy work, and took part in 12 discussions set forth in the FOIANet. Among the topics were:

- Issues related to the proactive publication of information.
 - ✓ Ways of keeping and organizing public registers of contracts of obliged bodies;

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- ✓ Methods of evaluating the proactive publication of information by public bodies, where AIP shared its methodology for evaluation of the implementation of the obligations for proactive publication of information under the APIA.
- Issues related to the obliged subjects:
 - ✓ If national security agencies (services) are obliged bodies under the access to information legislation and under what specific conditions;
 - ✓ If universities are obliged bodies under the access to information legislation and how information related to the investments they receive can be obtained.
- Issues related to the seeking and obtaining of specific categories of information:
 - ✓ Access to the requests for access to information under different national legislations;
 - ✓ Access to environmental information and the implementation of the Aarhus Convention in France.
- Issues related to the exercise and the exemptions to the right to information:
 - ✓ If national legislation provides for verbal requests to information;
 - ✓ Do national legislations provide for access to the data contained in official e-mails of public officials;
 - ✓ Discussion on different ways of calculation of the fees for access to information provision;
 - ✓ Legal definitions of “personal and family secret”, i.e. the scope of personal data protection with regard to the personality and the family.
- Discussions on the development of standards by the Council of Europe, and more precisely comments on the ECHR Judgment on the case Youth Initiative for Human Rights vs. Serbia (Application No. 48135/06).

The AIP Coordinators' Network in the country

In 2014, the journalists from AIP coordinators' network in the country published and broadcast about all AIP initiatives, campaigns, and events. They published about the

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results from the annual meeting of the coordinators and the AIP team in Sofia in February 2014, the aims and activities under the project “Advocacy Campaign for Amendments to the Access to Information Legislation, the updated 2014 Active Transparency Rating of the Institutions, results from the “Access to Information” Days held in 6 cities in the country within the project “AIP – Civil Center for Support of Transparency,” the nominations and the awardees of the Right to Know Day Awards, the outcomes of the conference “Are Amendments to the ATI Legislation Necessary”, held in Sofia on December 12, 2014.

In 2014, AIP coordinators in the cities of Pazardzhik, Plovdiv, Vidin, Pernik, Blagoevgrad, and Kyustendil took up the organization of the Access to Information Days under the project “AIP – Civil Center for Support of Transparency,” providing the attendance of 231 representatives of regional and local administration, NGOs, citizens and journalists. The local media journalists and citizens received legal help and practical advice in seeking information from the public bodies within the Information Days.

In 2014, the coordinators wrote and initiated 80 publications.

16 of them were published in AIP Monthly FOI Newsletter – the most active were Tsvetan Todorov and Stela Kovacheva. The rest 64 publications were in local media where most active were again Tsvetan Todorov– 11, Lyubomir Yordanov – 6, and Ivanka Vateva – 5.

The coordinator in the city of Pazardzhik was changed due to a work change. Unfortunately, the new coordinator Hristo Paev also changed his work which requires a new journalist to be appointed as a coordinator in the city. Changes of coordinators are necessary in the cities of Vidin and Shumen as well.

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Evaluation of the Activity: Cooperation on a national and international level has always been an important part of AIP work. The establishment of the coordinators' network in the country, the initiation of the FOIANet are achievements AIP has been proud of. AIP takes part in different coalitions in pursuit of its mission to assist the increase of government accountability, transparency and the conditions for the exercise of the right to information.

Products: Network of coordinators in the country, International Freedom of Information Advocates Network, membership in different European organizations – advocates for enhanced transparency, dissemination of information about the access to information in Bulgaria; participation in European and international advocacy campaigns, increase of the recognition of the organization and sharing of experience by participation in different forums, conferences, trainings, and seminars.

Necessary Resources

1. A coordinator of the network in the country who coordinates the work of the journalists in the country and monitors the media coverage;
2. Two members of AIP team to monitor the discussions in the networks and share AIP experience.
3. Funds for the organization of at least one meeting of the AIP team and the coordinators in the country to outline persistent problems and discuss strategies for their overcoming;
4. Funds for travel abroad when the participation in different types of forums is not covered by the organizers.

7. Institutional achievements and development

Team

The team which has completed this huge amount of work and achieved these significant results is:

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Gergana Jouleva, PhD, Executive Director of AIP

Alexander Kashumov, attorney-at-law, Head of AIP legal team

Darina Palova, attorney-at-law

Kiril Terziiski, attorney-at-law

Fany Davidova, lawyer

Stephan Angelov, lawyer

Diana Bancheva, communication coordinator

Nikolay Ninov, coordinator of the countrywide network of journalists

Ralitza Katzarska, coordinator

Since July 2008, AIP has signed a contract with BM Consulting Financial Services for accounting service.

Coordination and control

Every Monday, the team plans their activities based on the operational monthly plan and ongoing project activities.

Review over the legal help provided by AIP is carried out via regular statistical reports from the Information Management System.

As every year, AIP underwent an audit for verification of the annual financial report of the organization.

Access to Information Programme submits its annual report to the Central Register of Public-Benefit NGOs under the Ministry of Justice.

AIP is managed by the Board and the Executive Director. Every year the Board is setting forth the priorities of the AIP foundation and at least twice a year supervises the work of the organization.

Board

Dimitar Totev – Chairperson

Gergana Jouleva, PhD– Executive Director

Luba Rizova

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Mariana Milosheva-Krushe

Pavlina Petrova

Petko Georgiev

Yordanka Gancheva

Neven Dilkov

In 2014, the Board of AIP held two regular sessions.

On March 28, 2014, in Sofia, in the office of AIP (76 Vasil Levski Blvd, floor 3, apt. 3), was held a regular session of the Board in compliance with Art. 12, Para. 8 of the Bylaws, called by the AIP Executive Director Gergana Jouleva. The Board approved the Annual report of AIP for 2013 presented by the Executive Director Gergana Jouleva; approved the budget and the main activities for 2014 with a focus on increased efforts for finding possibilities for AIP participation in international projects. A decision was taken to discontinue the contract with a consulting company for technical assistance in the preparation of project proposals to the European Commission.

On December 19, 2014, in Sofia, in the office of AIP (76 Vasil Levski Blvd, floor 3, apt. 3), was held a regular session of the Board in compliance with Art. 12, Para. 8 of the Bylaws, called by the AIP Executive Director Gergana Jouleva. The Board discussed main directions in the work of AIP for 2015, reviewed and approved the draft-budget for 2015.

AIP traditional annual meeting with the journalists from the Coordinators' Network

On February 28, 2014 in Sofia, Access to Information Programme (AIP) held the annual meeting with the journalists of its country-wide coordinators' network. The meeting was opened by the coordinator of the network, Nikolay Ninov. The journalists outlined the current situation of the access to information in the country. They presented statistics of the requests filed to the municipalities and the regional structures of the executive power bodies; the attitude of the administration towards

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the requestors; characteristics of the issued refusals, access to information litigation of citizens, journalists and NGOs.

AIP Executive Director Gergana Jouleva presented key achievements from AIP advocacy activities in 2013, summarized in AIP organizational annual report. The 2014 goals and challenges before AIP and the coordinators' network were outlined.

The Head of AIP legal team Alexander Kashumov presented problems and tendencies related to the access to information. Darina Palova and Fany Davidova from the AIP legal team presented statistics and characteristics of the cases referred to AIP for legal help and consultation during 2013. Kiril Terziiski presented an overview of ATI litigation.

Diana Bancherva, AIP communications coordinator, presented statistics of the visits to the three bi-lingual web sites which AIP maintains, the *Access Point* blog, and the novelties in their structure and content.

The new online section “Are APIA Amendments Necessary?”, launched within the project Advocacy Campaign for Amendments to the Access to Information Legislation was also presented.

Stephan Anguelov from the AIP legal team presented the progress with the portal Pitaigi (Ask them) for filing electronic access to information requests which has been developed with the legal help of AIP.

AIP presented the Coordinator of the Year award to Lyubomir Jordanov, AIP coordinator in Montana, for his long-term and effective advocacy work in the region, for his active involvement in the organization and holding of raising awareness events, for his analytical materials related to the implementation of the Access to Public Information Act and AIP campaigns. Interview with Jordanov was published in AIP monthly FOI Newsletter for February 2014.

Development of the Internal Information Management System

Since the beginning of 2010, AIP has an Internal Information Management System (IMS) which was integrated by Svetlozar Online Company. The IMS contains the following categories: Contacts, Library, Surveys, Cases, Litigation, Administration, Web. The development of the IMS is part of AIP strategy to exploit to bigger extent information technologies to provide services like: legal help, self-education materials; the blog of the organization, etc.

In 2014, the new module Audit on Institutional Web sites 2014 was incorporated in the IMS integrating updates related to the new obligations for proactive publication of information under the Public Finances Act. The statistical reports were upgraded. The module was prepared for launch in English. Besides the 2014 Active Transparency Rating, the results are visualized in the Map of Financial and Budget Transparency of Municipalities.

Projects

During 2014, AIP has implemented the following projects:



Legal Support of Demand for Public Information - Building on the Achieved Results and Stabilizing Positive Practices

Period: May 1, 2012 – April 30, 2015

Donor of the Project: Open Society Institute

Project Goals:

To facilitate the demand for public information by providing legal help in cases and stabilizing the court practice for enforcement of overriding public interest amendments to the APIA in Bulgaria by:

1. Supporting citizens, journalists and NGOs who seek public information, especially in cases of high public interest;

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2. Helping people get access to justice in ATI cases;
3. Addressing the courts in cases when information of high public interest is refused;
4. Addressing the courts in cases when information is refused by public bodies operating by public funds (state and municipalities money and EU funds);
5. Systematization ATI litigation practices;
6. Sharing results from ATI litigation with lawyers;
7. Using the results of legal assistance in public campaign for more accountable government;
8. Spreading out the positive results of the AIP experience in national and global networks.

Project Activities:

1. Providing consultancy in the AIP office on everyday basis to journalists, NGOs and citizens in cases where they seek information and in cases of refusal;
2. Filing applications and submissions to the administrative courts;
3. Representing ATI cases in courts;
4. Systematizing of the litigation practices;
5. Permanent media campaign on ATI cases and practices through publications in FOI Newsletter, central and local media, AIP blog, FOIANetwork mailing list, on the website;
6. Presenting results from litigation on a national conference before lawyers and other interested parties;
7. Cooperation with partner organizations.

**Access to Information – Civil Center for
Support of Transparency**



Period: June 10, 2013 – June 10, 2014

Donor of the Project: America for Bulgaria
Foundation

Project Goals:

1. To increase active government transparency and accountability in several directions:
 - Budget and financial openness
 - Public procurement
 - Distribution of EU funds
 - City development plans
2. To raise public awareness on online available public information, government data sets and public registers;
3. To disseminate knowledge among active users/ journalists on how to use online available public information and government data sets as a tool for investigation and reporting and push for greater transparency and accountability of government;
4. To advocate for improvement of active disclosure of public information and implementation of active transparency standards.

Activities:

1. Monitoring of access to information provision practices, identifying problematic areas and providing recommendations for improvement
2. Annual Audit on 535 institutional web sites with regard to active disclosure of public information on the base of developed AIP methodology
3. Raising awareness on access to information legislation and implementation practices and triggering public debate on problematic issues
4. Strengthening AIP country-wide network of coordinators, all of them journalists

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5. Dissemination of experience and exchange of knowledge on FOI monitoring and advocacy for greater transparency in national and international partners and networks



Civil Center for Support of Transparency in Public Life

Period: July 2014 - July 2017

Donor of the project: America for Bulgaria Foundation

Project goals:

- To advocate for better access to information legislation, especially with regard to the proactive disclosure of public information on the base of systematic monitoring of legislation and implementation practices;
- To advocate for improvement of proactive disclosure of public information and implementation of active transparency standards, especially related to budget and financial openness, public procurement, distribution of EU funds, city development plans;
- To support seekers of access to government held information, especially in cases of overriding public interest;
- To raise public awareness and disseminate knowledge on the right to information;
- To support investigative journalism for enhancing government accountability and transparency;
- To cooperate and network for increased government accountability and transparency at all levels;
- To strengthen AIP position and develop its capacity as a Civil Center for Support of Transparency.

Activities:

1. Advocate for better FOI legislation on the base of permanent monitoring on ATI related and secondary legislation, submit comments and recommendations and engage in public debate

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2. Monitoring of access to information implementation practices, Annual audit on 535 institutional web sites, launch of the Active Transparency Rating and formulation of recommendations in the annual report Access to Information in Bulgaria
3. Provision of legal help, including representation in court, to access to information seekers in cases of overriding public interest
4. Raising awareness on the right of access to information, encouraging active exercise and public debate on problematic transparency and accountability issues
5. Support investigative journalism by awarding investigations on government transparency and accountability
6. Cooperation with national and international partners and networks to exchange experience and advocate for enhanced government transparency and accountability.



Advocacy Campaign for Amendments to the Access to Information Legislation

Period: January 28, 2014 – January 28, 2015

Supported under the NGO Programme in Bulgaria under the Financial Mechanism of the European Economic Area 2009 – 2014

Main Project Objective: Increased involvement of NGOs in policy and decision-making processes with local, regional and national governments.

Specific objectives:

- Increasing the contribution of non-governmental organizations to the formulation of policies and to the decision-making processes on local, regional and national level;
- Increasing the activity of non-governmental organizations in connection with the accountancy and transparency of the public institutions;

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- Improvement of the dialogue between the non-governmental organizations and the local, regional and national authorities.

Main activities:

1. Survey, systematization of the results from the permanent monitoring and preparation and publication of the annual report on the access to information in Bulgaria
2. Preparation and holding of a meeting with AIP coordinators in the country for the presentation of the objective of the campaign
3. Organization and holding of 5 public discussions with interested groups and launch of an online public consultation
4. Systematization of the proposals and statements from the public consultation in a Concept for Access to Public Information Act amendments
5. Organization and holding of the Conference “Are APIA amendments necessary and if yes – what?”
6. Publicity, visualization and media coverage

18.02.2015

Sofia

Gergana Jouleva

Executive Director of AIP