KEY ACHIEVEMENTS
ACCESS TO INFORMATION PROGRAMME (AIP)
FOR THE PERIOD JANUARY – DECEMBER 2006

Following its mission – to promote the exercise of the right to information envisaged in Article 41 of the Bulgarian Constitution – Access to Information Program (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 a more active supply of information.

In 2006, AIP has worked in several directions to realize those long-term objectives:

1. Monitoring the regulations of the right of access to public information and its restrictions, as well as the relevant legislation.
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. Education and trainings on the Access to Public Information Act (APIA), the Personal Data Protection Act (PDPA), and the Protection of Classified Information Act (PCIA).
5. Participation in the public debate and raising awareness on access to information and freedom of expression issues.
6. Cooperation on national, regional and global level.

The main achievements in the above-mentioned directions are:

1. Monitoring the access to information legislation, its limitations and other related legislation

The advocacy work of Access to Information Programme is based on monitoring of the regulations concerning access to information and its restrictions. The main channels of information about the changes of regulations are:

- The E-bulletin of the Parliamentarian Public Relations Department;
- Participation in the working group on the draft legislation
- Media publications

AIP has continued its advocacy work by:

- comments on the suggested amendments in the legislation;
- recommendations on changes in the texts of specific acts;
- comments on the existing legislation and recommendations for amendments.

All comments and recommendations were released to the media, published in the AIP information newsletter and systematically presented in the Regular Annual Reports Access to Information in Bulgaria issued by AIP.
In 2006, the following comments and recommendations were prepared and disseminated:

- Recommendations to the Trade Register Draft Law;
- Statement on the amendments to the Access to Public Information Act (APIA);
- Petition to the President of the Republic of Bulgaria to veto the amendments to the Public Disclosure of Property Owned by High Government Officials Act;
- Recommendations on the Project for Internal Rules for Organization of the Administrative Services Provision in the Ministry of State Administration and Administrative Reform;
- Statement on the E-Government Act Draft Law;
- Recommendations to the Bill on Access to and Declassification of the records and on Disclosure of Involvement of Bulgarian Nationals with the Former State Security and the Intelligence Services of the Bulgarian People's Army.
- Comments on the amendments to the Personal Data Protection Act (PDPA);
- Recommendations for amendments to the Regulation of the Minister of Justice for Court Administration in Regional, Local, Military, and Appeal Courts.

In certain cases, members of AIP discussed proposed regulations in working groups in responsible institution. In the reported period (2006), members of AIP team participated in the following working groups in:

- Civil Society and Media Committee to the National Assembly of Republic of Bulgaria on the suggestions for amendments in Access to Public Information Act – Fany Davidova and Darina Palova;
- Ministry of State Administration and Administrative Reform - discussions on the Strategy for Transparency in the State Administration and High Government Officials – Gergana Jouleva;
- Internal Security and Public Order Committee on the Bill on Access to and Declassification of the records and on Disclosure of Involvement of Bulgarian Nationals with the Former State Security and the Intelligence Services of the Bulgarian People's Army – Alexander Kashumov;
- Co-project together with the Bulgarian Center for Non-to-Profit Law for developing suggestions for amendments in the Regulation of the Minister of Justice for Court Administration in Regional, Local, Military, and Appeal Courts.

All AIP comments, recommendations and statements were presented in public debate through the media. (See the attachments related to media coverage of AIP work No 1 and No 2.)

2. Monitoring the freedom of information practices

In 2006, monitoring the practices of information provision was realized through:
• The systematization of the monthly reports of the AIP coordinators about Access to Public Information Act implementation practices in different regions of Bulgaria. Some of these reports are published in the monthly AIP newsletter. The coordinators collected cases of information refusals and also sent them to the AIP office for comments and legal help.

• The systematization of provided legal assistance in cases of information refusals to the office of AIP in our electronic database – 350 cases for 2006 which received 475 legal consultations. Statistics reports from electronic database were giving some useful information about the implementation of the APIA and the problems in the freedom of information area. (See Attachment 3.)

• Furthermore, an important source of information about the implementation of the APIA in the institutions are trainings organized by AIP or by other institutions and organizations (such as The Institute for Public Administration and European Integration, Bulgarian Media Coalition, Ethnics and Demographic Directorate to the Council of Ministers; Ecocomisia 21 vek non governmental organization – the town of Lovech, Regional Environmental Center – Office in Bulgaria, private companies – Kris 95 and SiCon Group.)

• In February 2006, AIP provided a specialized monitoring and assessment on the Bulgarian government institutions’ web sites in terms of the Access to Public Information Act and the freedom of information standards.

Annual Report on Access to Information in Bulgaria 2005, summarizes and analyzes the results from monitoring of freedom of information legislation practices, the results from monitoring of the implementation of this legislation, and the fulfillment of the obligations under APIA by the obliged bodies. The report also includes recommendations to the bodies of the executive and legislative power for improving the access to information situation.

3. Legal assistance in cases of information seeking, in cases of information refusals, including a legal representation

3.1. Legal assistance

Legal assistance continued to be one of the main activities of AIP. Legal assistance was provided from the initial stages of information seeking, where the legal team gives consultations in cases of information seeking. Legal help was also provided in cases of information refusals. (See Attachment No 3 – Statistics from AIP Database.)

An important part of the legal assistance is the preparation of applications to courts and court representation of applicants who came to AIP.

The total number of cases when legal assistance has been provided since January 2006 to December 2006 is 350. The number of cases referred to AIP through our network of coordinators in the country is 151 cases. In the rest cases the applicants visited AIP office or sent their cases by e-mail or referred by phone. 125 legal consultations were provided in person, 41 legal consultations were provided to NGOs, and 24
consultations were provided to journalists in national and local media. As it was already established in the previous years administrative state servants seek for consultations from AIP experts in issues of Access to Public Information Act implementation.

The character of the information sought by the requesters who were assisted by AIP varies a lot:

- Information about the activities of the public authorities related to contracts with private companies, public procurements, and privatization procedures was most often requested.
- Information about the records of the former State Security Services in connection with the current campaign for developing a law for access to them.
- Information contained in the public registers has continued to be problematic. Some of the Public Registers are not public actually because it is not possible to obtain information from them.
- Information about illegal constructions.
- Information about environmental issues is actively sought.

AIP provides free legal assistance in different ways:

- Legal consultations on cases of access to information.
- In formulating the information requests.
- By submitting appeals to the court.

AIP experts provide directly legal consultations to clients who came to AIP office or referred to by phone.

Written consultations were provided in two categories:

- written commentaries on the cases sent by the journalists from the coordinators in the country – in 2006, the number of legal commentaries sent to the coordinators network is 151.
- written consultations to the cases sent to AIP by e-mail – their number increases permanently.

Formulating information requests.

In some cases we re-submit requests for information which has been already denied. In other cases in order to obtain more information it is used cross-requesting techniques when AIP lawyers advised the requesters to seek information from more than one institution. As a result, requesters received more documents. Different task is to write a clarification on the submitted information request when governmental institutions need it.

Submitting appeals to the court

In some cases, submission of appeals is enough to persuade the public institution to release the denied information. This was the case of when the Institute for Market Economy challenged the explicit refusal of the Minister of Culture to provide information about the revenues and expenses of secondary allocations made in the state budget for the Ministry in the period 2002 – 2005. After the letter of complaint
had been submitted, the Minister reconsidered his decision and provided access to the requested information.

As a whole, the consultation provided by the legal team of AIP have lead to some important results: easier identification of the information sources; easier identification of the information holders; release of more information by public authorities without referring to the courts.

3.2. Representation in court

The AIP legal team continued to provide legal services to citizens, NGOs, and journalists, addressing their FOI cases to the courts. During the reported period, AIP prepared 51 applications (letters of appeal) to enable people to go to courts and seek protection of their right to access to information.

During the reported period the AIP lawyers represented cases in 25 court hearings. Besides, AIP prepared 11 written defences for court cases supported by AIP.

In 2006, AIP monitored the continuing tendency of expanding the scope of the third party interests exemption. The Supreme Administrative Court, as a cassation instance, upheld the dismissal of the complaint of the Center for NGO in the town of Razgrad against the Mayor of Razgrad's denial to provide access to the invoices for the advertisements in Duma newspaper. According to the judges, the newspaper advertising tariff is public and known by the applicant. On the other hand, Duma newspaper disagrees to provide that information and that should be respected. The problem that this case illustrates is the fact that the Municipality's contracts remain non transparent which is a precondition for corruption and ineffective governance.

In another case, the daily newspaper Trud challenged the explicit refusal of the Minister of Forests and Agriculture to provide information about the decisions that it had issued for the restitution of forests in the Rila Mountain to the former Prime Minister of Bulgaria Mr. Sax-Coburgotha. The grounds stated in the refusal were the absence of a third party (Mr. Sax-Coburgotha) consent for the provision of information. The case is pending and the Supreme Administrative Court did not declare its decision yet.

In the reported period, the court has delivered 25 court decisions.

The decision of the Sofia City Court (SCC) on the case of journalist Hristo Hristov (Dnevnik Daily) is of a particular importance. Litigation was started against the refusal of the Director of the National Intelligence Service (NIS) to provide access to archival documents of the former security services, related to the assassination of the dissident writer Georgi Markov in London, 1978. With a decision as of March 2006, the court obligated the Director of the NIS to provide unrestricted access to the requested information in compliance with the procedure for declassification because of the expiration of the classification period.

With a decision as of March 2006, the Supreme Administrative Court (SAC) eventually obligated the Minister of Foreign Affairs to announce the official position of the Bulgarian authorities in regards to the dismantling of the statue of the first Bulgarian ruler – khan Asparuh – in Ukraine. In 2002, under the initiative of the informal organization “Council of the Bulgarians in Ukraine,” a statue of the
Bulgarian ruler had been built. In the meanwhile, the statue had been dismantled. The litigation was started in 2004 when the Minister of Foreign Affairs explicitly refused to provide information about the incident to the citizen Anton Gerdzhikov. The information was refused on the grounds of preparatory documents.

In another decision as of March 2006, the SAC ruled that the conflict of interest declarations of the experts, who had prepared the environmental impact assessment regarding the construction of the nuclear power plant Belene, were public. The Ministry of Environment and Waters kept the declarations secret with the argument that these declarations contained personal data. At the same time, the Register of environmental experts was public under the Environmental Protection Act.

On March 24 2006, AIP promoted the book *Access to Information Litigation in Bulgaria, Selected Cases, Volume 3*, which summarizes and analyzes the experience, connected with the FOI litigation 2004 – 2005 and presented selection of cases.

4. Education and trainings on the Access to Public Information Act (APIA), the Personal Data Protection Act, the Protection of Classified Information Act.

In 2006, the members of AIP team had participated with lectures or presentations in 81 discussions, seminars, conferences and international events. (See Attachment No.4.) The total number of participants in all trainings, discussions, seminars and conferences in 2006 is 1,781.

In the reported period AIP held trainings on freedom of information for public servants, NGO's representatives and journalists.

The total number of trainings organized by AIP or in which AIP team was involved, including on international level, in 2006 was 31 with 492 participants.

In April 2006, AIP experts lectured before students in the Sveti Kliment Ohridski Sofia University about ‘The Access to Public Information Act in Bulgaria’.

The result of the trainings where AIP experts were involved as lecturers, the development of specialized training materials and the demand of the experts' consultancy shows the capacity of the organization to develop training programs as paid services.

4.1. Trainings of public servants

In January 2006, in Sofia, AIP organized a training for public officials from the central administration responsible for the implementation of the Access to Public Information Act. In the training, the Slovak experience was presented by an expert from a partner organization. The two-day training was attended by 38 public officials from Ministry of Foreign Affairs, the Agency for People with Disabilities, The National Employment Agency, the Registry Agency, the Cadastre Agency – Sofia Region, the Cadastre Agency, the Patent Office, the Social Services Agency, the Executive Agency State Properties of the Ministry of Defence, the State Commission for Information Security, the Institute for Public Administration and European Integration, and the State Agency of Youth and Sports.
In June 2006, AIP organized training on access to information legislation and its restrictions for public officials from local administration. The training was attended by 21 representatives from local administration in the regions of Varna, Veliko Tarnovo, Blagoevgrad, Lovech, Gabrovo, and Bourgas, the municipality of Aytos, the Regional Inspectorates of Environment and Waters in the regions of Burgas, Pleven, Blagoevgrad, and Haskovo. Similar training was organized by AIP in November 2006 and was attended by 21 persons. AIP prepared and disseminated training materials to all participants in the trainings which included handbooks for the administration *How to Implement the Access to Public Administration Act*, the *Freedom of Information Training Manual*, hypothetical cases for small-group discussions; role-playing scenarios.

The participants' evaluations of the training were overwhelmingly positive - most of the participants gave high assessments to the methodology and felt confident enough to take decisions on access to information; they rated highly the presentations and the practical instructions and advice received during the training.

During the reported period AIP members participated as lecturers in trainings on access to information for public servants organized by Institute for Public Administration and European Integration, Ethnic and Demographic Issues Directorate in the Council of Ministers, and private companies. The number of trained public servants is 224.

**4.2. Trainings of NGOs**

In 2004, AIP team started a training program for NGOs. The aim of these nine days training was to educate Bulgarian NGOs so that they would be able to conduct trainings by themselves thus creating a network of freedom of information trained NGOs. Four NGOs were trained in 2004. In 2005, six other NGOs took part in these trainings for trainers organized by AIP. Representatives of other six NGOs participated in the training organized by AIP in 2006. They gave good evaluation assessments on the trainings and some of them had already provided consultations on FOI.

The members of AIP team participated in different events – seminars, conferences organized by partners organizations. (See Attachment No 4.)

**4.3. Training of journalists**

In the end of October and the beginning of November 2006, AIP held two trainings for journalists on problematic issues related to the freedom of information and good journalism. A Dutch expert on communication policies, former journalist and current lobbyist at the House of Parliaments in the Hague, was the guest lecturer of the two trainings.

Обученията се проведоха в градовете Велико Търново, Русе и Шумен и бяха предназначени за практикуващи журналисти за студенти по журналистика. Общият брой на участниците в трите поредни обучения беше 60.

The trainings were held in the towns of Veliko Tarnovo, Ruse and Shumen and were attended by practicing journalists and students majoring in Journalism. A total number of 60 participants attended the sessions of the training.
The members of the team lectured in trainings for journalists organized by other partner organizations – Bulgarian Media Coalition, Conrad Adenauer Foundation, Democracy Foundation, Club Journalists against Corruption, PressNow, etc.

4.4. Study Visit for Montenegrin Delegation – Implementation of the Access to Public Information Act in Bulgaria

The study visit of the Montenegrin delegation was provided in Sofia on March 19-25, 2006, and was organized by Access to Information Programme, Bulgaria with the support of Directorate General of Human Rights, Council of Europe. The study visit aimed to share the six-year experience of Bulgaria in the implementation of freedom of information legislation Members of delegation were: Mr. Tomo Miljic, lawyer, secretary at the Ministry of Culture and Media; Mr. Rajko Markus, lawyer, senior advisor for the access to information issues and media concentration in the Ministry of Culture and Media; Ms. Tamara Popovic, spokesperson of the Police Directorate; and Mr. Mikosav Boskovic, lawyer, advisor at the Ministry of Justice of Montenegro. During their stay the Montenegrin delegation visited institutions like the Ministry of Justice, Ministry of State Administration and Administrative Reform, State Commission for Information Security, Institute for Public Administration and European Integration, Sofia Municipality, Supreme Administrative Court, etc.

5. Participation in the public debate and raising awareness on access to information and freedom of expression issues

Public debate on Freedom of Information Legislation

AIP experts have participated in the discussions on the amendments to the Access to Public Information Act, Personal Data Protection Act, Public Disclosure of Property Owned by High Government Officials Act, Bill on Access to and Declassification of the records and on Disclosure of Involvement of Bulgarian Nationals with the Former State Security and the Intelligence Services of the Bulgarian People's Army, E-Government Act Draft Law. AIP prepared and sent recommendations on the Project for Internal Rules for Organization of the Administrative Services Provision in the Ministry of State Administration and Administrative Reform

In July 2006, AIP together with the Bulgarian Media Coalition and other partner organizations held 'The memory of the past for the sake of the future. Opening the archives of the totalitarian secret services in Bulgaria' International Conference. The Conference was held on July 20, 2006, in Sofia and was attended by approximately 150 participants, representatives of international organizations, Bulgarian governmental bodies, NGOs, lawyers, judges, and journalists.

In 2006 AIP experts participated in partner projects Bulgaria State Gazette: Free Access on Internet and Assessment of the efficiency of the Public Procurement legislation in Bulgaria and possibilities for its improvement together with the Institute for Market Economy and the Bulgarian Association for Civil Society and Legal Initiatives.

In 2006, in the frames of a project Access to Information in the Judicial System implemented together with the Bulgarian Center for Not-to-Profit Law, supported by

Publications in the media and participation in radio and TV shows

AIP participation in the public debate on the operative Freedom of Information legislation (comments, recommendations, statements) were covered by national and local media. Media campaign is widely used means of communicating the Freedom of Information standards to the public.

The total number of own publications and publications prepared with the help of AIP staff members or coordinators is 211 in central, regional and local printed media for 2006. (See Attachment 1.)

Monthly electronic newsletters

From the beginning of 2004, AIP started to produce and disseminate electronically a Freedom of Information Newsletter. Twelve monthly electronic newsletters including legislation analyses, comments, recommendations, presentation of AIP events, and other domestic and international news were disseminated in the period January – December, 2006.

All newsletters are being published on the web site of AIP in Adobe PDF and HTML format. (See http://www.aip-bg.org/bulletin_bg.htm in Bulgarian and http://www.aip-bg.org/newsletter.htm in English.) Currently, the recipients’ list of the newsletter includes 1,124 e-mails of NGOs, media, citizens, public officials, and journalists.

In the twelve electronic newsletters, we have published 84 articles by 18 authors. In all issues, we presented article about international good practices. In every issue we present international good practices in freedom of information as well as the positive and negative practices of the implementation of APIA in the regional towns of Bulgaria. At least ten of publication were re-publish by other media.

In 2006, AIP prepared, published and disseminated The Annual Report on the Access to Information in Bulgaria in 2006 (1000 copies in Bulgarian - disseminated through government officials, all members of parliament, NGOs and media; and 500 copies in English – disseminated through FOI Advocates network organizations, and partners organization of AIP).

In the beginning of 2006, AIP promoted the book Access to Information Litigation in Bulgaria, Selected Cases, Volume 3, which summarizes and analyzes the experience, connected with the FOI litigation 2004 – 2005 and presented selection of cases.

Web page

The web page of AIP is being updated regularly. We publish news about important court cases, protocols, rulings, and judgments of the courts, comments and recommendations, AIP events, etc. All AIP publications are made available at the web site as soon as they are prepared in English and Bulgarian.
The hosting server of AIP has launched new statistic interface, providing opportunities for more detail traffic. In 2006, the number of distinct web page visits for www.aip-bg.org is between 10,000 and 20,000.

In 2006 around 3,000 different visitors per month visited our web page, most of them coming from Bulgaria (44%) and USA (32%).

We have created a subsection of the web site dedicated to the current public debates such as the debates about Trakia Highway, government funding for NGOs, and Belene Nuclear Power Plant.

**Radio show**

In the period January – August, 2006, Access to Information Programme run its own weekly radio show on Radio Free Europe, every Sunday between 5 and 6 p.m. RadioNET is available in Sofia and is also broadcasted on the Internet (http://www.radionetbg.com). The radio show was focused on the work of AIP and freedom of information in general. Other topics covered by the show were: Iraq Gate Affair, Crown Agents case, access to information to the concession treaty for Trakia highway, access to documents in the Ministry of Interior Archive and the former State Security Archives, lack of transparency in government funding for NGOs, access to environmental information for the incident in Kozloduy Nuclear Power Plant. Radio show records could be herd on: [http://www.aip-bg.org/radio.htm](http://www.aip-bg.org/radio.htm).

Starting from 2007, we plan to run a new radio show on Freedom of Information topics in the Bulgarian National Radio.

We consider the participation of AIP team members or local coordinators in radio and TV shows extremely important for the permanent education campaign. Their total number is 151. (See Attachment 2.)

**International Right to Know Day**

Since 2003, AIP has been organizing the Right to Know Day Awards ceremony on the 28 September. The aim of having a Right to Know Day is to raise the awareness of the right to information. It is a day on which freedom of information activists from around the world promote open and democratic society.

The celebration of the Right to Know Day is part of the initiatives of the International Freedom of Information Advocates Network (FOIANet [http://www.foiadvocates.net/](http://www.foiadvocates.net/)). In 2006, members of the FOIANet organized different events on 28 September (See [http://www.righttoknowday.net](http://www.righttoknowday.net)).

AIP organized and held the Annual Award Ceremony on the International Right-to-Know Day on September 28, 2006. The ceremony was presented in the media; about 150 journalists, public officials, NGOs representatives and citizens attended the ceremony. The August and September issues of the AIP newsletter was devoted to the September, 28 - the International Right to Know Day.

5. Cooperation on the Regional and Global Level. International recognition of AIP
In March 2006 Gergana Jouleva and Alexander Kashumov participated in workshops and discussions on the implementation of the Free Access to Information Act in Montenegro organized by the Organization for Cooperation and Security in Europe – Office in Podgorica. In November 2006 Alexander Kashumov participated as lecturer in training about the implementation of freedom of information legislation in Montenegro.


Alexander Kashumov participated in the 4th International Conference of Information Commissioners in Manchester, England.

Members of the AIP team were trainers, presenters or lectures in 16 regional seminars and international conferences in Romania (Bucharest), Thailand (Bangkok), England (London) - Statewatch Annual Contributors Meeting, Nigeria (Lagos), Czech Republic (Prague), Macedonia (Skopije), Serbia (Belgrade), Ukraine (Kiev).

On October 27, 2006 Access to Information Programme has organized an international 10 Years Advocacy for Access to Information in Bulgaria Conference in the frames of the project Implementation of Freedom of Information Legislation in Bulgaria implemented together with the VVMZ East European Investment Service B.N. (NL) and supported by The Ministry of Foreign Affairs Aid to Central and Eastern Europe The Netherlands MATRA PROGRAM. More than 120 people attended the event - representatives of State administration, Bulgarian NGOs and guests from Albania, Slovakia and The Netherlands, media, freedom of information advocates organizations and individual activists, lawyers and judges from the country. Our special guests were N.E. Willem van Ee, Ambassador of the Kingdom of Netherlands to Bulgaria; Ms. Maria Divizieva, Deputy Minister of State Administration and Administrative Reform, Lene Jespersen, UNDP Deputy Resident Representative in Sofia, Helen Darbishire, ED of Access Info Europe and Chairperson of Freedom of Information Advocates Network Steering Committee, Edward Fige, VNG International Senior Advisor; Laurens de Man, VVMZ Managing Director; Georgi Lozanos, Chairman of the Bulgarian Media Coalition; Ginka Kapitanova, Foundation for Local Government Reform Executive Director, Yuliana Metodieva, AIP co-founder, Bulgarian Helsinki Committee, Yonko Grozhev, AIP co-founder, Centre for Liberal Strategies, Ilir Alija, Executive Director of Center for Development and Democratization of Institutions, Albania, Jenifer Croft, USAID, etc.

The Conference was widely covered by national media in (sixteen publications as well as materials in electronic media).

Nikolay Marekov maintains the web site of the International Freedom of Information Advocates Network. The Executive Director of AIP – Gergana Jouleva – is a member of FOIA Net Steering Committee.

Institutional achievements

In 2006 the board of AIP has held two regular meetings.
In the beginning of 2006, the Board accepted the annual report for the work of AIP and approved the budget of the organization for 2006.

At the moment eleven people work in the office of AIP: executive director, accountant, four lawyers, coordinator of the local network, two projects coordinators, office coordinator, and a website coordinator, who maintains the database and the Internet page of AIP.

Each Monday the team plan their activities based on the operational monthly plan and based on the current implemented projects.

AIP continues to sustain and develop its network of coordinators in all twenty-six regional towns of Bulgaria. In 2006 we have held three meetings with our local coordinators.

Accountancy on the legal help provided by AIP is available through the statistical reports from the AIP database.

The AIP shall be managed by the Board, the Chairperson, and the Executive Director. The Board annually determines AIP priorities and at least twice a year supervises the work of the organization.

Every year, an audit company, AFA, performs an audit on organization and submits a report to the Board of Access to Information Programme (AIP).

Access to Information Programme provides its Annual report to the Central Register of the Non Governmental Organizations in the Ministry of Justice.

Gergana Jouleva, Executive Director of AIP
February 27, 2007