
How to Use the Access to Public Information Law

Citizens' Guide



Access to Information Programme
2000

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Dear Reader,

The Access to Public Information Law (APIL) was published in the State Gazette No. 55 of 7 July 2000. This is the first such kind of law in Bulgaria. Prior to the adoption of the law, the citizens' only access to information was confined to the public registries as well as to information concerning the environment. Most democratic countries have already adopted such laws to help every citizen or legal entity to seek information by providing access to the largest database, that of the state. Such access should be free, because the state is not the sole owner of the information it collects. As information is a resource of vital importance at the present time, public servants must not be held in privilege because of their advantage of possessing it.

The philosophy of the law is twofold: creating opportunities for the citizens and the legal entities to make well-informed choices and controlling the state effectively by enhancing the process of regular reporting about official affairs, thus making the decision-making process more transparent.

The most important aspect of every law is the opportunity to exercise the rights which it guarantees. Only then will it assert itself in the public and legal realm and thus serve the society. The efficiency of its stipulations can only manifest itself when applied in practice.

The Bulgarian APIL has been in existence for a short time only. It will take much longer for the administration to set the statutes for applying the law. However, the law is a fact, and we as citizens can benefit from it and exercise the rights that it guarantees.

The aim of this booklet is to help the citizens seek information by explaining all the required steps envisaged in the law to exercise the right of access to information. The whole team of the Access to Information Program (AIP) was involved in the preparation of this Guide. The main difficulty was to translate the legal norms into understandable language, which AIP lawyers Fany Davidova and Alexander Kashumov tried to accomplish.

The more practices we have under this law, the better and more detailed explanation we would have about every step of the process of seeking information. Our intentions are to regularly update this guide.

The AIP team welcomes all your questions and recommendations. We would also like to thank the Open Society Foundation - Sofia for their financial support for the completion of the *Where and How Can We Exercise Our Right to Information* project and especially for the opportunity to prepare and publish this guide three months after the adoption of the law.

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AIP

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I. Who has the right to access to information

The APIL grants EVERYONE the right to access to information. This means that every

- Bulgarian citizen
- foreign citizen or a person without citizenship
- Bulgarian or foreign legal entity

has the right to file a request for access to information and to receive it.

II. Who has the obligation to grant information

All the state authorities and the local authorities are obliged to grant information.

All the public legal entities and all the persons financed by the state budget are also obliged.

The media¹ are obliged to grant only a certain type of information (Art. 18 of the APIL).

(Please, see Appendix 1 - An example of the list of the legally-obliged entities)

III. What kind of information can we require under the law?

Any information held by the state institutions.

Any information is recorded on some medium. The most important information held by the state and the municipal institutions is contained in the documents they create. These could be both orders by ministers, mayors and so on, or decisions by the municipal councils, agencies and so on, that have been issued for any reason and purpose.

Except the official documents, the state and municipal institutions hold a lot of information, which is printed or simply written down on paper, and as such does not constitute a document. Such kind of information is, for example, the list of visitors, held by the doormen.

Sometimes it is not enough just to read the document, which we are interested in. Seeing the accompanying opinions, positions, recommendations, remarks, and all other materials, which are held in the **file** of the document is also important. If required, we have the right to view any and all such information.

With the advance of technology, information may be recorded on a different **medium**. Computers are massively introduced in the state and municipal administration and information is kept on **floppy discs, CDs** or on hard discs. **Closed-circuit monitoring devices**, for example, keep this information on **tapes**. Meetings and sessions are recorded on **tapes or CDs**.

**Everybody has the right to access to information,
regardless of the medium on which it is held.**

¹ The media are registered trade companies, whose primary activity is disseminating information and commentary through the press, radio and television that have their own trademark and/or have been granted a license for broadcasting.

IV. How to get access to information?

1. *Where to request access to information*

In cases of both non-written and written requests for information, you should address a certain official. However, as the law does not clearly define the position of such officials, you should ask who exactly is responsible for this service. In every particular case you will be able to inquire or file in an application in one of the following departments:

- reception hall for citizens
- press center and public relations department
- official records office
- special department, if any, dealing with access to information requests

NB!

It is possible that you may be refused to have submitting your application acknowledged, meaning that you will not be given an incoming number. In this case, you should send the application by registered post to the respective institution.

2. *How to request access to information*

The access to information request can be either non-written or written. Information may be required electronically as well.

NB!

It is advisable, however, that you file in a written application (see 2.2., please), because this is the only proof that you have requested the information.

2.1 *Non-written request*

The first step is to inquire who is the official in charge for granting information. You may address him/her with your question and require the information you want, specifying what form you want it to be in: non-written information; viewing or reading the information; copies on paper or any other medium.

The official is obliged to make the information available to you upon request. If the official is delaying the procedure, referring your question to someone else, requiring additional documents from you, giving you insufficient quality or quantity of information or simply refusing to make it available, you should file a written request.

2.2. *Written application for access to information*

In accordance with the law you may file in a written application. It should contain:

- 1 **obligatory:** three names. For legal entities – name and headquarters
- 2 **obligatory:** what kind of information you request. You may:

- put it in a descriptive way, (For example: “I want to obtain the whole available information about №.issue.”);
 - specify the documents, which you are interested in, if you know their number, date of issue, and type;
 - identify the documents by all the details you know about them – for example by the addressee of an order. It is not necessary to know any details about the document you need. It would be sufficient to know enough so that the document concerned can be adequately identified.
- 3 You should specify in what form you want to receive the information. This means that you should indicate whether you want:
- verbal inquiry
 - viewing of the information
 - copy of a document.
- 4 **obligatory:** address for correspondence
- The application is not supposed to be in any particular form. It may be in handwriting, typewritten or produced electronically.

NB!

If you fail to fill in your names, the required information or address for correspondence, your application will not be considered. It is not obligatory to specify the way you want to receive the information. Your application must be registered in the respective department and receive an incoming number. Do not forget to preserve the incoming number.

See Appendix IV: An example of application for access to information

3. *What is the form we get access to information in*

In accordance with the law we can get access to information in several different forms. It is your decision to require any form of access to information and the respective institution is obliged to conform with it. You may ask for:

- verbal inquiry
- viewing and reading all the available information in place
- a copy on paper or other technical medium.

You may ask for several forms as well. For example, first you may view and read the information and then you may ask for a copy of certain records.

NB!

According to the law persons with visual or hearing disabilities can request the information to be delivered in the most convenient form.

4. *What to expect after the request is submitted*

Your request must be responded to within 14 days of the application date. The information is granted by virtue of a decision of the respective institution.

Decision to grant access to the required information

In the decision the respective institution should indicate:

- what part of the required information is granted access to
- for what period of time the information is granted
- where the required information can be obtained
- form of access
- charges

Information should not be granted for less than 30 days. Access itself is free, but charges may be levied to cover the expenses related to making the information available – the copies, recordings, etc.

NB!

If you fail to keep the deadline for access or fail to pay the charges, you lose your right to access the required information, which is granted by virtue of a particular decision. In this case, you should re-apply.

Letter of clarification

It is possible for you to receive a letter requesting you to detail the information you need, typically when your request is considered too broad or unclear, for example, "I need information about the privatization process." This does not mean that you are supposed to have the specific numbers and the names of the documents. In this case you may simply specify your request as "I need all the available information about the privatization of company X ". You will be supposed to respond to any such requests within 30 days. If you miss the deadline, your initial application will not be considered.

NB!

Your detailed request must be responded to within 14 days.

Letter of extension of the processing period

The reasons for this letter could be:

A) the quantity of the information you require is too large and it will take a long period of time to select and compile. It is possible to receive a letter that the processing period must be extended. You have to consider that the extension period cannot be longer than 10 days (or a total of 24 days since you have filed in the application).

NB!

The letter of extending the processing period must clearly specify:

- the reasons for the extension
- the deadline for granting the requested information.

B) The consent of a third party must be sought to grant you the information you requested. You have to bear in mind that the extension period cannot be longer than 14 days (this means 28 days from the day of the initial application).

Letter of forwarding the request

You may receive a letter, which informs you that the required information is available in another institution, and your request is being forwarded. In this case you are not supposed to apply again. However, you should check when your request was forwarded as the 14 days deadline for the response is valid from this day.

NB!

The letter of forwarding the request must state the name and the address of the respective institution or physical entity to which your request has been forwarded.

A letter of refusal

A refusal to grant information must comply with the law in form and content. You will be notified of a refusal by registered post or against your signature.

Such a notification must state:

- on what grounds access was refused

- statutory reasons for the refusal

- to what institution and within what period of time you can appeal the decision.

NB!

Even though the law does not provide for a so-called "mute refusal", it is possible not to receive a reply at all. This is an administrative offense and the respective official should be fined with 20-50 leva, under Art. 42, P. 1 of the law.

In such cases, do not hesitate to inform the Access to Information Program - we can always be of help with free legal advice.

In other cases you may receive a decision for granting only a certain part from the required information. This means "partial refusal" for access to information.

Every decision for refusal can be appealed to the court.

NB!

You should check whether the grounds for the refusal are stated in the decision (see p. V). The decision must clearly state the statutory reasons for the refusal. It is illegal to just refer to orders, instructions, codes of conduct, etc.

V. What are the grounds to refuse access to information

In some cases access to information can be refused by the state and the local government officials. However, the law overrules any decision by the representatives of the administration and their seniors. The grounds for refusal are listed clearly in the law. Access to information cannot be refused with arguments and explanations such as "this is inside information", "the required document is not official", or "the data is not processed", etc. The law entitles the state and the local institutions to refuse access to information only in instances clearly defined by it.

Under the law the grounds can be as follows:

- state secret (see Appendix II)
- official secret (see Appendix III)
- the requested information refers to citizens or legal entities that object to revealing it.
- information, which you have requested before less than six months and you have received it
- the information is related to the operative preparation of the acts of the institution and has no significance of its own (opinions, recommendations, statements, consultations) and when it contains statements and recommendations to current or future talks, negotiations (art. 13, p. 2 from the law).

Institutions have the discretion to decide whether to withhold or grant information ONLY in the latter case. In ALL other cases the institutions must abide by the law and do not have the discretion to make decisions.

State and local government institutions are obliged to present their refusal in writing.

NB!

In cases of refused access to information our advice is to make sure whether the respective reference to the law is correct and whether some law allowing refusal exists. In cases when you have asked for more than one document or record, you have to pay attention whether the refusal refers to all of them, in case just some of them are confidential.

In all these cases you have the right to address the court or to apply with the same request again with an additional explanation that there are no grounds for refusing your previous request. In these cases you may also contact the AIP where you will get free legal advice.

VI. How to appeal to the court

In every case of refusal you may appeal to the court within 14 days.

You have to appeal to your regional court or to the Sofia City Court (if you live in the city of Sofia). If the refusal comes from the Council of Ministers or other Ministries, Ministers or an institution subordinate to the Council of Ministers, you may appeal to the Supreme Administrative Court.

NB!

The appeal is addressed to the court and is sent through the institution that has refused to grant you access to information. You have to file it in the administrative department or to send it by registered post where you have to specify that you appeal against decision number X of date of the respective institution.

Appendix

Appendix I

An example of the list of the legally-obliged entities under the Access to Public Information Law

I State bodies

1. The National Assembly
2. The President
3. The Constitutional Court
4. The Courts
 - The Supreme Courts
 - The Regional Courts
 - The Prosecuting Office
 - The Investigative Office
5. Senior bodies of the executive power
 - The Council of Ministers
 - The Prime Minister
 - The Deputy Prime Ministers
 - The Minister of Foreign Affairs
 - The Minister of Health
 - The Minister of Trade and Tourism
 - The Minister of Finance
 - The Minister of Justice and Legal Eurointegration
 - The Minister of Agriculture and Forests
 - The Minister of Industry
 - The Minister of Culture
 - The Minister of Territorial Development and Urbanization
 - The Minister of Education and Science
 - The Minister of Transportation and Communications
 - The Minister of Environment and Water
 - The Minister of Labor and Social Policy
 - The Minister of Defense
 - The Minister of Interior
 - The Regional Directorates of the Interior
 - The National Police Service
 - The Chairmen of the State Agencies
 - The Chairman of the Security Supervision Agency
 - The Chairman of the Bulgarians Abroad Agency
 - The Chairman of the Standardization and Metrology Agency
 - The Chairman of the Power Engineering and Energy Resources Agency
 - The Chairman of the Power Engineering Efficiency Agency
- State Committees
 - The Stock Exchanges and Markets Committee

- The Securities Committee
- The Telecommunications Committee
- The State Committee for Seeds
- The Energy Regulation Committee
- The Protection of the Competition Committee

- The Executive Managers of the Executive Agencies
 - The Executive Manager of the *Academica* Agency
 - The Executive Manager of the Hale Prevention Agency
 - The Executive Manager of the Bulgarian Accreditation Agency
 - The Executive Manager of the Military Clubs and Information Agency
 - The Executive Manager of the Chief Labor Inspectorate Agency
 - The Executive Manager of the Diplomatic Property in Bulgaria Agency
 - The Executive Manager of the Economic Analyses and Broadcasts under the Finance Minister Agency
 - The Executive Manager of the Marine Administration Agency
 - The Executive Manager of the National Communications Network Agency
 - The Executive Manager of the Recreation and Recuperation Agency
 - The Executive Manager of the Medication Agency
 - The Executive Manager of the Environmental Agency
 - The Executive Manager of the Fishery and Aquatic Cultures Agency
 - The Executive Manager of the Seed Testing and Control Agency
 - The Executive Manager of the Resorts and Qualification Agency under the Minister of Justice
 - The Executive Manager of the Port Administration Agency
 - The Executive Manager of the Surveying and Sustenance of the Danube River Agency
 - The Executive Manager of the Central Military Insurance Agency

- Specialized Bodies
 - Chemical Epidemiological Inspectorate
 - The National Guard Service
 - The Media Council

- Others

6. Regional Bodies of the Executive Power

- Regional Governor
- Others

II. Local Government Bodies

- Mayor
- Municipal Council
- Others

III. Public Legal Entities

IV. Legal Entities and Physical Entities financed by the state budget

1. The National Investigating Service

2. The National Statistical Institute
3. The Bulgarian Telegraph Agency
4. The Bulgarian National Radio
5. The Bulgarian National Television
6. The Bulgarian Academy of Science
7. The Higher Education Establishments
8. Secondary Education Establishments
9. The National Committee of the Bulgarian Red Cross
10. The Union of the Disabled in Bulgaria
11. The Union of the War Disabled and the War Affected in Bulgaria
12. The Union of the Blind in Bulgaria
13. The Union of the War Disabled Cooperations
14. The National Association for Supporting the Mentally Retarded
15. The Central Union of Production Cooperatives
16. The Central Union of the Cooperations of the Disabled
17. The National Center for Social Rehabilitation
18. The Parents of Children with Hearing Impairments Association
19. Union of the Deaf in Bulgaria
20. Bulgarian Association Diabetes
21. The Parents of Children with Seeing Impairments Association
22. The National Association of the Deaf and Blind in Bulgaria
23. The Bulgarian Union of Tourism
24. The Union of the Bulgarian Automobile Owners
25. The Holy Abode of Rila - Rila Monastery
26. Representative Associations of the Consumers in Bulgaria

Appendix II

Facts, information and entities constituting state secrets in the Republic of Bulgaria, by category

- information related to national defense
- information related to foreign policy and internal security
- information of economic character
- information relating to air transportation safety

Appendix III

List of the types of information constituting official secrets under the various official secrets acts

1. Official secrets
 - medical secret (Health Institutions Act)
 - investigating secret
 - secret under the Taxation Code
 - secret under the Labor Code (official information of the control bodies)
 - secret under the Foreign Exchange Act (official information regarding foreign exchange deals)

- secret under the Motor Vehicle Transportation Act (official information delivered by the carriers to the Automobile Administration Chief Directorate)
- secret under the Telecommunications Act (secret of the telecommunications and the communications).
- secret under the State and Financial Control Act (official information regarding the investigated entities)
- secret under the Power Engineering and Energy Efficiency Act
- secret under the Job Security and Employment Promotion Act (secrets of the controlling bodies and their sources of official information regarding offenses)
- secret under the Consumer Protection Act and the trade rules (information about ongoing investigations under the law).
- secret under the Customs Act (customs secret is statutory defined)
- secret under the Defense and Armed Forces Act (a internal list of the facts and information is in effect)
- secret under the Patent and Trade Mark Act (secrets of the patent application)
- secret under the Privatization Act (the Council of Ministers defines and classifies stages of and documents regarding the privatization deals)
- secret under the Securities Act (facts and circumstances concerning the volumes of and operations with securities)
- secret under the Radio and Television Act (information regarding the sources of information)
- secret under the Statistics Act
- secret under the Chamber of Accounting Act (information about the ongoing checks)
- secret under the Judiciary Act (confidentiality of the judicial proceedings)
- banking secret under the Bulgarian National Bank Act

2. Official Secret under Paragraph 13 (2) of APIL

3. Miscellaneous

- secret under the Insurance Code (personal data of the insured)
- secret under the Refugee Act (personal data of the refugees)
- secret under the Access to the Former State Security Files Act
- secret regarding the protection of the identity of anti-terrorist officials and their families under the Interior Ministry Act
- secret regarding the identities of the voluntary collaborators to the Interior Ministry under the Interior Ministry Act
- secret under the National Health Act (confidentiality of the patients)
- secret under the Social Security Act (confidentiality of the recipient of social security as well as the amount dispersed).

Appendix IV

Example of a request for access to information

To: (institution requested to grant information)
(name of the city, if a territorial sub-entity)

REQUEST TO ACCESS INFORMATION

From:

(Names or title of legal entity in whose name the request is filed)
(address:)
(optional: telephone number)

Dear Sir/Madam/Gentlemen:

On the basis of the APIL I would like to be granted access to the information you hold regarding
.....

On the basis of the APIL I would like to be granted the following documentation:

1.
2.
3.

I would like to receive the requested information in the following form:

1. viewing the information -- original or copy
2. non-written consultation
3. paper copies
4. electronic copies

Date:

Signature:

Appendix V

ACCESS TO PUBLIC INFORMATION ACT

Chapter ONE

GENERAL PRINCIPLES

Section I

SUBJECT AND SCOPE

Subject of the act

Art. 1. This act shall regulate the social relations relating to the access to public information.

Public information

Art. 2. (1) Within the meaning of this act, public information shall be any information relating to the social life in the Republic of Bulgaria, and giving opportunity to the citizens to form their own opinion on the activities of the persons having obligations under this act.

(2) The information under sub-article 1 shall be deemed public irrespective of the kind of its physical bearer.

(3) This act shall not apply to the access to personal data.

Persons responsible for ensuring access to public information

Art. 3. (1) This act shall apply to access to public information that is created by or kept with the state bodies or the local self-governance bodies of the Republic of Bulgaria, hereinafter referred to as “the bodies”.

(2) This act shall also apply to the access to public information, which is created by and kept with:

1. bodies, subject to the public law, other than those under sub-art. 1;
2. individuals and legal entities as far as only their activities financed with funds from the consolidated state budget are concerned;
3. mass media, and relates to the transparency of their activities.

Persons entitled to the right of access to public information

Art. 4. (1) Any citizen of the Republic of Bulgaria is entitled to access to public information subject to the conditions and the procedure set forth in this act, unless another act provides for a special procedure to seek, receive and impart such information.

(2) Foreign citizens and individuals with no citizenship shall enjoy the right under sub-art. 1 in the Republic of Bulgaria.

(3) Legal entities shall enjoy the right under sub-art. 1 too.

Exercising the right of access to public information

Art. 5. The right of access to public information may not be exercised against others' rights and reputation, as well as against the national security, public order, national health and the moral

standards.

Basic principles

Art. 6. The basic principles governing the exercise of the right of access to public information shall be:

1. openness, correctness and comprehensiveness of the information;
2. securing equal conditions for access to public information;
3. securing conformity with the law of the process of seeking and receiving public information;
4. protection of the access to information right;
5. personal data protection;
6. guaranteed the security of the society and the state.

Permissible restrictions to the right of access to public information

Art. 7. (1) No restrictions to the right of access to public information shall be permissible, unless the latter represents state or other kind of protected secrecy in cases provided for by an act of Parliament.

(2) Access to public information may either be full or partial.

Exemption from the scope of the act

Art. 8. This act shall not apply to information, which is:

1. obtainable in the course of provision of administrative services to citizens and legal entities;
2. kept with the State archives of the Republic of Bulgaria.

Section II OFFICIAL AND ADMINISTRATIVE PUBLIC INFORMATION

Kinds of public information

Art. 9. (1) Public information, which is created and kept by the bodies and their administrative structures, is divided into official and administrative information.

(2) Where so provided in an act of Parliament, certain official or administrative information may be classified as state or administrative secret.

Official public information

Art. 10. Official information shall be deemed information contained in the acts of the state or local self-government bodies in the course of exercise of their powers.

Administrative public information

Art. 11. Administrative information shall be deemed information, which is collected, created and kept in connection with official information, as well as in the course of the activities of the bodies and their administrative structures.

Chapter TWO

ACCESS TO PUBLIC INFORMATION

Section I

ACCESS TO OFFICIAL AND ADMINISTRATIVE PUBLIC INFORMATION

Access to official public information

Art 12. (1) Access to official information, which is contained in normative acts shall be provided by means of their promulgation.

(2) Access to other official information shall be provided by promulgating it if so provided in an act of parliament, or if so decided by the agency who created it.

(3) Access to official information in cases other than those provided in sub-art. 1 and 2 shall be unrestricted and shall be exercised in accordance with the procedure set forth in this act.

(4) In case of request for access to official information, which is promulgated, the respective body shall be obliged to state the number, the date and the name of the issue where the information was published.

Access to administrative public information

Art. 13. (1) Access to administrative public information shall be unrestricted.

(2) Access to administrative public information may be restricted, if it:

1. relates to the preparatory work of an act of the bodies, and has no significance in itself (opinions and recommendations prepared by or for the body, reports and consultations);
2. contains opinions and statements related to on-going or prospective negotiations to be led by the body or on its behalf, as well as any data relating thereto, and was prepared by the respective bodies' administrations.

(3) The restrictions under sub-art. 2 shall not apply after a period of 20 years as from the creation of such information.

Duties for disclosing public information

Art. 14. (1) The bodies shall inform about its activities by making publications or using other form of announcements.

(2) The bodies shall be obliged to announce information, which has been collected, or came to its knowledge during the performance of their activities, where such information:

1. is of a nature to prevent some threat to the citizens' life, health or security, or to their property;
2. disproves a previously disseminated incorrect information that affects important social interests;
3. is, or could be, of interest to the public;
4. must be prepared and released by virtue of law.

Publication of up-to-date public information

Art. 15. (1) In order to achieve transparency of the administration's activities, and for the purpose of maximum facilitation of access to public information, every chief officer of an administrative structure within the system of the executive power

shall publish on a regular basis up-to-date information containing:

1. description of his/her powers as well as data on the organizational structure, the functions and the responsibilities of the administration led by him/her.

2. list of the acts issued within the scope of its powers;

3. description of the data volumes and resources, used by the respective administration,

4. the name, the address, the telephone number and the working hours of the respective administration's office which is authorized to receive applications for access to public information.

(2) Every chief officer under sub-art. 1 shall prepare an annual report on the applications for access to public information, which shall contain among others data on the refusals made and the reasons therefor. This annual report shall be part of the annual reports under art. 61, sub-art. 2 of the Administration Act.

Duties of the Minister of the state administration

Art. 16. (1) The Minister of the State administration shall publish an annual summary of the reports on the bodies and their administrations, containing the information under art. 15., as well as other information relating to the implementation of this act.

(2) The Minister of State administration shall be responsible for distributing the summary. The information contained in the summary shall be made available in every administration for review by the citizens.

Section II

ACCESS TO OTHER PUBLIC INFORMATION

Access to public information related to the activities of other persons responsible for its disclosure

Art. 17. (1) Access to public information relating to the activities of the responsible persons under art. 3, sub-arts. 2 shall be unrestricted.

(2) Information under sub-art. 1 that represents commercial secret or whose disclosure or dissemination is of a nature to result in unfair competition among business persons shall not be disclosed.

Access to public information for mass media

Art. 18. Public information for the mass media is only the information concerning: 1. the persons taking part in the management of the respective media or exercise effective control over its management or its activities;

2. business related parties taking part also in the management of other mass media, which allows them to exercise an effective control over their management or their activities;

3. the persons directly engaged in the mass media and which participate in the formation of its editorial policy;

4. the announced statements on the mass media' public goals, as well as principles and internal rules applied by the mass media to guarantee correctness and objectivity of disseminated information;
5. the financial results of the mass media's owner and the dissemination of its production.

Objectives of the access to public information for the mass media

Art. 19. The access to the information under art. 18 shall be exercised with compliance with and with balance of the principles of transparency and economic freedom, as well as of personal data protection, commercial secrecy and the secret of the sources of the mass media that wished to remain secret.

Section III

CONDITIONS AND PROCEDURE FOR DETERMINATION OF THE EXPENSES INCURRED FOR GRANTING ACCESS TO PUBLIC INFORMATION

Free of charge access and costs related to the granting of public information

Art. 20. (1) The access to public information shall be free of charge.

(2) The expenses incurred for granting access to public information shall be recovered in accordance with tariffs determined by the Minister of Finance, and shall not exceed the actual costs incurred.

(3) A justification of the expenses under art. 2 shall be made to the applicant upon his/her request.

Informational obligations upon filing of application for access

Art. 21. The responsible persons under art. 3 shall inform on the possible forms of granting access to public information on the spot where the applications are accepted, as well as on the charges due and the means of their payment.

Free of charge corrections and amendments to the disclosed information

Art. 22. No additional expenses shall be charged for corrections and/or addendum to the granted public information in cases where the information is incorrect or incomplete and this has been requested by the applicant on stated grounds.

Revenues from granting of access to public information

Art. 23. The revenue received in the course of granting access to public information shall be for the account of the budget of the respective body.

Chapter THREE

PROCEDURE FOR GRANTING ACCESS TO PUBLIC INFORMATION

Section I

REQUEST FOR ACCESS TO PUBLIC INFORMATION

Application or verbal request for access to information

Art. 24. (1) The request for granting access to public information shall be

made in the form of a written application or verbal request.

(2) The application is deemed written also in cases where it is send electronically subject to conditions determined by the respective body.

(3) Where the applicant is not granted access to public information requested in oral form, or he/she considers the disclosed public information insufficient, he/she may file a written application.

Content of application of access to information

Art. 25. (1) The application for access to public information shall contain:

1. full name, or respectively the business name and the seat of the applicant;
2. description of the information requested;
3. the preferred form of access to the requested information;
4. the address for correspondence with the applicant.

(2) If any requisite under 1, 2 or 4 above is not present in the application, the latter shall be left without further consideration.

(3) Every filed application for access to public information shall be registered in accordance with the procedure adopted by the relevant agency.

Forms for granting of access to public information

Art. 26. (1) Access to public information shall be granted in the following forms:

1. examination of the information – original or copy
2. verbal explanation;
3. paper copy;
4. copy on technical bearer.

(2) Access to public information may be granted in one or more of the forms sub-art. 1.

(3) Where the preferred form of access to public information is the one described in sub-art. 1, point 4, the technical parameters for the recording of the information should be defined.

(4) Persons with impaired sight, hearing or speech are entitled to request access in a form that corresponds to their ability to communicate.

Obligation to comply with the preferred form of access

Art. 27. (1) The bodies shall comply with the requested form of access to public information, except where:

1. it cannot be satisfied due to technical reasons;
2. it results in unjustified increase of costs of disclosure;
3. creates opportunities for unlawful processing of the information or for infringement of intellectual property rights.

(2) In the cases provided under sub-art. 1, access shall be granted in a form decided by the respective agency.

Section II

CONSIDERATION OF APPLICATION AND GRANTING ACCESS TO PUBLIC INFORMATION

Consideration of applications for access

Art. 28. (1) Each application for access to public information shall be considered within the shortest possible time, but not later than 14 days as of date of registration.

(2) Within the time period set in sub-art. 1, the body, or person explicitly authorized by them, shall decide on whether to grant or deny access to public information and shall notify in writing the applicant of the decision.

Specification of the application for access

Art. 29. (1) Where it is not clear what information is being requested or it is too broadly defined, the applicant shall be advised accordingly and shall be provided an opportunity to specify the requested information. The time period set in the preceding article shall start running as of the date when the requested public information was specified.

(2) If the applicant failed to specify the requested public information within a period of 30 days, the application shall not be considered.

Permissible extension of the term for granting of access

Art. 30. (1) The time period set in art. 28, sub-art. 1 may be extended with no more than 10 days, where the requested information as specified in the application is substantial in volume and additional time for its preparation is needed.

(2) The notification under art. 29, sub-art. 1 should state the reasons for the extension of the term in which the access to the public information shall be granted.

Extension of the term for reasons of protection of third parties' interests

Art. 31. (1) The time period set in art. 28, sub-art. 1 may be extended with not more than 14 days also where the requested information is a matter of concern to a third party and his/her consent is needed for its disclosure.

(2) In the cases under sub.art. 1, the respective body shall seek the explicit written consent of the third party within 7 days as from the registration of the application under art. 24.

(3) When it takes the decision under art. 28, sub-art. 2, the respective body shall be obliged to comply strictly with the conditions under which the third party has consented to the disclosure of the information that concerns him/her.

(3) In the absence of consent by the third party within the term specified in sub-art. 1 or in case of explicit refusal by the third party to give its consent, the respective body may disclose the requested public information in scope and in a manner so as not to disclose the information concerning the third party.

(4) The consent of the third party is not required where it is a responsible person and the information concerned is a public information under this act.

Re-allocation of the application for access

Art. 32. (1) When the body does not have the requested information, but is aware of its location, it shall re-sent the application within 14 days as of receipt of the application and shall notify the applicant of the re-sending. The notification must

always specify the name and the address of the respective agency or legal entity.

(2) In the case described in sub-art. 1, the time period set in art. 28, sub-art. 1, shall start running as of the receipt of the re-sent application.

Notification of unavailability of the requested public information

Art. 33. If the body does not have the requested information and is not aware of its location, it shall notify the applicant accordingly within 14 days.

Decision to grant access to public information

Art. 34. (1) The decision under art. 28, sub-art. 2, by which access to public information is granted must state:

1. the degree of the ensured access to the requested public information;
2. the time within which access to the requested public information is available;
3. the location where the requested information will be disclosed;
4. the form in which access to the requested public information will be granted;
5. the costs for granting access to the requested public information.

(2) The decision may also state other bodies, organizations and persons who have more complete information available.

(3) The decision to grant access to the requested public information shall be handed over to the applicant against his/her signature or sent by registered mail.

(4) The time period described in sub-art. 1, point 2 may not be less than 30 days as of receipt of the decision.

Granting of access to the requested public information

Art. 35. (1) Access to public information shall be granted after payment of the specified costs and after presentation of document evidencing their payment.

(2) A record shall be drawn upon provision of access to public information, which shall be signed by the applicant and the relevant civil servant.

Refusal of the applicant of the granted access

Art. 36. If within the time specified in art. 34, sub-art. 4 the applicant fails to appear or to pay the required costs, either of his failures shall be considered a refusal of the granted right of access to public information.

Section III

REFUSAL TO GRANT ACCESS TO PUBLIC INFORMATION

Grounds for refusals to grant access

Art. 37. (1) Grounds for refusal to grant access to public information is in place where:

1. the information requested is a state or administrative secret, as well as in cases described in art. 13, sub-art. 2;
2. the access is of a nature to affect third party's interests and the third party

did not give its explicit written consent for the disclosure of the requested public information;

3. access to the requested public information was provided to the applicant within the preceding six months.

(2) In the cases described in sub-art. 1, partial access may be granted to such parts of the information, access to which is not restricted.

Content of the decision to refuse to grant access

Art. 38. A decision refusing access to public information shall state the legal and factual grounds for the refusal under this act, the date of the decision and the procedure for its appeal.

Hand-over of the decision for refusal of access

Art. 39. A decision refusing access to public information shall be handed over to the applicant against his/her signature or sent by registered mail.

Section IV

APPEAL OF DECISIONS TO REFUSE TO GRANT ACCESS TO PUBLIC INFORMATION

Jurisdiction over appeals of the decisions relating to access or to refusal of access

Art. 40. (1) The decisions for granting access to public information or for refusals to grant access to public information may be appealed before the regional courts or before the Supreme Administrative Court depending on the body, which issued the decision, under the provisions of the Administrative Procedure Act or the Supreme Administrative Court Act.

(2) The decisions of the persons under art. 3, sub-art. 2 to grant access to public information or to refuse to grant access to public information may be appealed before the regional courts in accordance with the Administrative Procedure Act.

Competencies of the court considering the appealed decisions

Art. 41. (1) If a court finds that a refusal is not in conformity with the law, it shall repeal in full or in part, or shall amend, the decision for refusal and shall instruct the body to grant the request for access to public information.

(2) In the cases described in sub-art. 1, access to public information shall be provided in accordance with the procedure set forth in this act.

(3) Upon appeal of refusal to grant access to public information on the grounds of art. 37, sub-art. 1, point 1, the court may, in closed hearing, request from the body the necessary evidences.

(4) In cases under sub-art. 3 the court shall decide on the lawfulness of the refusal and on the classification.

Administrative penalty provisions

Art. 42. (1) If not subject to a harsher penalty, a civil servant who failed to respond within the specified time limits to a request for access to public information without exculpatory reason, shall be fined between 20 and 50 leva.

(2) If not subject to a harsher penalty, a civil servant who did not follow a court order to grant access to public information shall be fined between 100 and 300 leva.

(3) Any failure to meet the obligations under art. 31, sub-art. 3 shall be punished with a fine between 50 and 100 leva for physical persons or between 100 and 200 leva for legal entities.

(4) For failure to provide access to public information by the persons described in art. 3 sub-art. 2, the punishment shall be a fine between 100 and 200 leva.

Bodies entitled to impose sanctions

Art. 43. The penalty acts shall be issued as follows:

1. under art. 42, sub-art. 3 – by the respective agency, and if the responsible person is one described in art. 3, sub-art. 2 – by the Minister of Justice or an authorized official.

2. under art. 42, sub-art. 4 - by the Minister of Justice or an authorized official.

Applicable law

Art. 44. Any offense shall be established, penalty shall be imposed, appealed and executed in accordance with the Administrative Offenses and Penalties Act.

ADDITIONAL PROVISION

§ 1. Within the meaning of this act:

1. “material bearer of public information” shall be a text, plan, map, photo-picture, image, diskette, audio- or video cassette and other of this kind;

2. “personal data” shall be any data relating to a given individual, whose identity could be directly or indirectly established, irrespective of its form and way of recording and revealing his/her physical, psychological, intellectual, economical, cultural or social identity, as well as the information containing the said data for non-incorporated groups of individuals, as well as data for personal, economical, cultural or social identity of legal entities, created directly or indirectly by physical persons, the procedure for which collection, processing, protection, and access is determined in law.

FINAL PROVISION

§1. This act revokes:

1. The Decree No. 1086 / 12.07.1977 of the State Council on the work with the criticizing publications (prom. State Gazette issue 56 of 1977)

2. Arts. 14 and 19, as well as point 2 of sub-art. 1 to art. 57 of the Suggestions, Notices, Complaints and Requests Act (prom. State Gazette issue 52 / 04.07.1980, amended issue 68 / 02.09.1988)

This act is adopted on 22 June 2000 and is published in State Gazete on 7 July 2000.