

How to apply The Access to Public Information Act

Local administration handbook



Access to Information Programme
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Marina Stefanova, translator

Dear Reader,

The Access to Public Information Act was published in the State Gazette No. 55 of 7 July 2000. It is the first of its kind in the Bulgarian legal space. It regulates the free public access to information, which is collected by the state authorities and institutions.

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 of the official affairs, thus making the decision-making process more transparent.

As being one of the main groups of obliged bodies under the Access to Information Act the local government authorities have to interpret and explain the scope of this Act. The Local Government Reform Foundation turned to the Access to Information Programme team in order to prepare a practical handbook on the application and the hypotheses of APIA specially designed to answer the needs of the local authorities. The team included Gergana Juleva, Fani Davidova, Alexander Kashumov (AIP) and Emilia Panajotova (LGRF).

We believe that the following presentation and appendixes will directly influence on the effectiveness of the local administration activities in the access to information sphere. We also think that this is a necessary step for developing a transparent local self-government in Bulgaria.

The LGRF and AIP teams welcome all your questions and recommendations.

LGRF team

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Decision for refusal to provide access

I. Who has the obligation to grant information

The bodies obliged to grant information under APIA are specified in Art. 3, Art.15 and Art.16 of the Act. The division of the obliged bodies into groups is based on the type of information they are obliged to give. One of the common features for all of them is that their activity is of public character.

1. Obligated bodies under Art.3 of APIA

The Act divides them into two groups:

A) First Group

- *State authorities*

The state and local authorities are in the first group (Art. 3(1)). They can expressly empower a respective official to deal with the information requests. The Act does not contain any specific requirements regarding the type of the public bodies. Therefore the notion embraces:

- the Legislative - The National Assembly;
- the Judiciary - The Prosecutor's Office, The Investigation Office, the Courts;
- the Executive.

The list includes institutions that do not belong to any of these authorities – the President, the Constitutional Court, the Auditor General. The Executive branch includes both central and local authorities as obliged bodies.

- *Local authorities*

Both the Municipal Council and the Mayor are local authorities. The Mayor does fulfill some tasks assigned by the central state authorities in cases strictly provided by the law. In such cases he acts as a state authority. Both Mayors of municipalities and city neighborhoods are obliged under APIA.

B) Second Group

There are several bodies in the second group. The first categories of these are subjects of the public law bodies, which are neither state nor local bodies. In cases provided by the law they carry out some official activities in order to satisfy some public interests. This is the reason they are included in the list of obliged bodies.

Example: Bulgarian National Bank, the National Health Insurance Fund, etc.

Second categories are individuals and legal entities that receive financing from the state budget. The legal entities can vary from trade corporations to foundations.

A third category is the mass media. Its area of activity is that of imparting information and everyday commentaries through TV, news and radio. The means by which they are financed is irrelevant to their status as obliged bodies under APIA.

2. Obligated bodies under Art.15 of APIA

These are the heads of administrative structures in the Executive system. The types of administrative structures are exhaustively listed in the Order for the Conditions and Procedures for Leading a Register of the Administrative Structures and the Papers of the Executive Bodies.

3. Obligated body under Art. 16 of APIA

The Minister of Public Administration

II. What kind of information is available under APIA?

1. Scope of the public information

Access to any kind of public information can be requested. There are no limitations or special requirements concerning the medium in which the information is held. It can be paper, disk, CD, etc.

The public information under this Act has two specific features –

- it is related to public life in Bulgaria, and,
- it gives its user the opportunity to build up his/her own opinion on the activity of the obliged bodies.

These criteria are very broad and can lead to controversial interpretation. The scope of “public information” is somewhat determined by the legal definition of “personal information” (i.e. nonpublic information) in APIA, Additional provision §1. Personal information can refer to a certain individual or legal entity. Access to personal information cannot be permitted under Art. 2 (3). The Administrative Service of the Individuals and the Legal Entities Act provides for access to such information. There are also some special procedures that allow access to personal data such as the Civil Status of the Individuals Act.

2. Types of public information under Art. 3(1), Art.15 and Art.16

The central and local authorities are obliged to grant access to any information that is in the remit of their functions and is in their possession (see Art. 10 and Art. 11 related to Art. 32, APIA).

A) Official and information relating to decision making in the public interest

The public information under this Act is divided into two categories: "official" and "office" information.

The *official* data can be found in the legal papers of the bodies – common, individual and legislative. The principle for access to the legislative acts of the public bodies is that it is provided through their publishing in the State Official Gazette. The Municipal Council's acts under the Local Self-government and Local Administration Act are displayed on a special board in the Municipal building. They are disseminated through mass media or in another proper way. Access to other papers is provided for under the APIA's procedure unless there is a legal obligation to publish it otherwise.

Example: the Concession Act, the Public Offers Act, etc.

The *office* information has a bureaucratic character. It is information obtained through the published orders or procedures of administrations fulfilling their functions as obliged bodies. *Office* information constitutes opinions, recommendations and consultations. They can be prepared either for or from the body and related to its decision-making or some other activities.

B) Aspects of the right to public information

There is a legal obligation for the central and local authorities to grant both "passive" and "active" access to public information.

- ***Passive aspect of the information***

Here the information is granted only when there is a written request.

- ***Active aspect of the information***

In the case of an active access obligation the obliged body initiates the circulation of information. (Art. 14(2))

- ***Reporting***

It is necessary only for the following hypotheses:

- When the information can avoid a threat to life, health, and safety of the public or their property;
- When the information disproves an already disseminated piece of information which has been proved to be untrue and that reflects the public interest;

- When the information is or can be of a public interest;
- When law should grant the information.

- *Publishing**

Art.15, Art.16 of the APIA obliges the heads of the administrative structures and the Minister of the public administration to publish information

The managers of the administrative structures in the system of executive power are obliged to make periodically publications on:

- The description of the body's duties and list of the acts issued in the remit of their functions;
- Data for the organization, the functions and the responsibilities of the administration of which the manager is in charge;
- Description of the informational means and resources used by this administration;
- Name, address, telephone number and working time of the department that is responsible for responding to written requests for access to public information.

Every manager of an administrative structure is obliged to prepare an annual report on the incoming written requests for information. The report should also include data on the refusals to such requests and the reasons given for the refusals. This report is part of the annual report under Art. 61 (2), that has to be presented to the Minister of the Public Administration.

The Minister of the Public Administration should annually publish unified data containing the information under Art. 15 and any other information related to the application of the Act. Moreover, he is responsible for its circulation among the local authorities in such a way that is accessible for the public.

2. What types of public information should the bodies under Art. 3(2) provide

These bodies are obliged only to provide the information passively. In order to grant the information the following conditions should present:

- The information should be related with the body's obligations;
- The information should not be a trade secret or
- Its circulation should not lead to unfair competition.

Art. 18 of APIA sets forth all the obligations of the media regarding the granting of access.

* The difference between the reporting and the publishing can be found in the form of public presentation. The reporting can be either written or oral. The publishing is always in written form

III. Exemptions of the right to access to information

1. Characteristics of the limitations of the right to access to information

The right to access public information is not absolute. There are some limitations. The Act guarantees the rights of third persons, the rights of third legal entities' and the interests of the state (the effective governing of the national defense, the public order protection).

The Constitutional court establishes two criteria with which the limitations should comply:

- They must be provided for by law,
- They must be only for the protection of the public or personal interest as guaranteed in the Constitution.

Art. 14(2) of the Constitution defines these interests:

- Rights and the good reputation of individuals;
- National security;
- Public order;
- Public health, and
- Morals.

Art. 17 of the APIA adds one further interest, that of fair competition between commercial entities. (Art.17).

Restriction of the right to access information should differ from partial access to information.

In cases of restriction the right to access information is fully denied. On the other hand limitation of access results in partial denial to grant the requested information. As a result the expressions "partial access' and "limited access" are synonyms.

The obliged bodies should precisely determine the scope of the exempted information in every case. Limitations should be interpreted narrowly based on an assumption of accessibility and within the scope of the law.

2. Grounds to refuse access to public information

The grounds to refuse information are specified in Art. 37(1) of the Act:

- State secret;
- Office secret;
- Information under Art. 13(2), APIA;

- The access affects the interests of a third party and there is no expressed agreement from the party concerned;
 - The requested public information has been given to the person making the request in the previous 6 months.
- **State secret**

The regulation governing state secrets does not answer adequately to the requirements mentioned above. There is a List of the facts, records and objects defined as state secrets, which has been adopted by the National Assembly. The list is based on the principle of *numerus clausus*. It is not in the form of a law. According to the legislative program of the Council of Ministers of Republic Bulgaria such a draft law is in the process of being prepared.

Materials and documents are classified according to this List of facts, records and objects, which are defined as state secrets of the Republic of Bulgaria. The procedure for classifying materials and documents is regulated in Art.39 of the Application Rules of the Ministry of Interior Act. Only a limited number of people defined by these Application Rules have access to these classified materials and documents.

(Refer to Appendix IV)

- **Office secret**

Many cases arise in which information of office character is declared as confidential only by executive order. In the absence of a law providing for such orders they should be considered as invalid due to the lack of competence of the public body that issued them.

Other interests that are protected as office secrets are:

- ◆ Assuring the effective work of the public authorities by avoiding public pressure and illegal activities;
- ◆ Protection of personal data of individuals;
- ◆ Protection of fair competition.

(Refer to Appendix V)

- **Information under Art. 13 (2)**

There are two hypotheses under Art. 13 (2):

- ◆ The office information that always surrounds the preparation of an official document (opinions, recommendations, consultations)

- ◆ The office information prepared by the body's administration that contains opinions in relation to present or future negotiations undertaken by the authority and the data related to it.

The application of this article is not compulsory and the granting of information is at the discretion of the authority concerned.

The basic question to consider in this situation is which interests the denial of granting the information protects. These can be the interests of ensuring smooth negotiations where the aim is to reach an agreement. In order to reach it there are some mutual compromises between the parties. The publicity of this process can lead to possible public pressure. This situation is not a rule but an exception. An example is the negotiation in the field of the defense and the security. On the other hand the public interest during a process of negotiating is obvious.

Regarding the materials concomitant to the draft regulations, it should be emphasized that their availability is very important for building a full picture of the drafting process, the author's principles, and the arguments "pros" and "cons" he took into account. According to the practices of the democratic countries the Council of Ministers of the Republic of Bulgaria started to organize public discussions on draft laws before introducing them to the Parliament. A constructive public discussion can be reached only by giving the necessary information under Art. 13 (2), par. 1 of APIA. A restriction on access to such information could be justified by exception only in cases when the information falls under one of the other exemptions under APIA.

- **The access affects a third party's interests**

When a particular type of information is public and related to an individual or legal entity, a denial for access is permissible. The authorities should not apply APIA in cases when the requested information is related only to the characteristics of the individuals and the legal entities specified in par. 1 of the Additional Rules of the Act. A precondition of this is that the information should not be recorded on a medium with other public information.

The interest protected by the law regarding individuals is their right to privacy of their personal life. Regarding the legal entities the limitation on disclosure relates to protection against unfair competition.

When the information refers to a third person and his/her agreement is needed there is an obligation for the obliged body to ask the third party for permission.. This is a legally regulated necessity. Assuming that the obliged body or the third person defines the necessity, this would mean that not only the law defines the

frames of the access to information. This will contradict to the Constitution and Art. 7, APIA.

Example: Such a hypothesis can be found in the Statistics Act.

There is no doubt that the third person's permission is necessary in order to grant access to their personal data, kept in the public registers.

IV. What is the access to information procedure?

1. Where to request access to information

The law gives citizens the opportunity to request access to information both orally and in written form, including via email. In any case, citizens should direct their requests to an identified public official. The law itself does not exactly define this person and therefore in order to apply the law, the obliged bodies should specify:

- ◆ A special place for acceptance of the requests for access;
- ◆ A special place for the granting of the requested information.

This place can be one of the following departments:

- ◆ Reception hall for citizens
- ◆ Press center and public relations department;
- ◆ Official records office;
- ◆ Special department dealing with access to information requests.

If there is not any special place for accepting the requests under APIA and there is no affirmed practice to register requests and letters in the upper departments, the written requests should be registered in the official record offices. It is absolutely compulsory to register these information requests as well as to give them an incoming number.

2. How to request access to information

The access to information requests can be sent to the obliged bodies in both written and non-written form. It is necessary to pay attention to the following things:

- ◆ Considering the competence of the obliged body, is it obvious that the requested information will be found in its office?
- ◆ Is the requested information available?
- ◆ Is the required data protected by an office secret?

- ◆ Is there any technical possibility to grant the requested information?

- **Non-written request**

Usually the requests are non-written.

If it is possible the information should be granted IMMEDIATELY.

The people asking for information have no obligation to explain why they are requesting the information. It is not necessary to prove any legal interest or to present any papers.

- **Written request for access to information**

The request should contain the following:

1. **Compulsory:** The names of the individuals. The title and the address of the legal entity.
2. **Compulsory:** what is the information that requesting person would like to acquire? The information maybe presented in the form of a description: *for example* "I would like to receive access to all information available on..."
Another option is to specify the exact titles of the documents that the citizen requires (together with their reference number, the publishing date, characteristics).
On the other hand the documents can be described only with the detail that the requesting person knows about them. In any case the obliged body must grant access to information.
It is not necessary for the requesting person to specify any details concerning the document requested. It is sufficient for it to be described in an unambiguous way.
3. It is necessary for the requesting person to specify how they wish to receive the requested information. In other words, to specify whether the information is desired.
 - ◆ In verbal form;
 - ◆ By viewing the information;
 - ◆ By receiving a copy of a document.
4. **Compulsory:** address for correspondence.

The request for information does not need to be in any particular form: it can be handwritten, typewritten or produced electronically.

If the applicant has failed to put his/her names, the required information and address for correspondence, the written request should not be considered. It is not compulsory for the citizen to specify the way he/she wants to receive the information granted.

4. What is the form we get access to information in

In accordance to the law the access to information is granted in several different forms depending on the wish of the applicants. The applicants can define themselves the required form and the respective institution is obliged to conform to it. It can be required:

- ◆ Verbally;
- ◆ By viewing and reading all the available information in place;
- ◆ By receiving a copy on paper or via another technical medium.

The applicant may ask for the information in several different forms as well. For example, the information could first be viewed and then a copy also requested.

According to the law individuals with visual and hearing disabilities may request the information to be delivered in the most convenient form. In this case the authority is obliged to take this request into consideration.

5. What to expect after the request is submitted

A response to the written request should be sent within 14 days of the application date. The required information is granted by virtue of a decision of the respective institution.

- **Decision to grant access to the requested information**

In the decision for granting information it is compulsory to be written:

- *What part of the requested information is granted access to*

The law gives the opportunity for a partial access to information. This means that if the applicant wants a document containing legally classified data and non-classified data, the access can be granted only after preliminary erasing of the parts which are classified.. (*Refer to Appendix VII and Appendix VIII*)

- *For what period of time is the information granted*

It is compulsory to grant the required information for a minimum of 30 days. In the decision the respective institution should point out both the starting and the closing date of the period in which the access is granted.

- **Where the requested information can be obtained**

It is compulsory to provide a specific place where the applicant may access the requested information in the desired form. This particularly refers to cases when the applicant wants to view and read the documents.

- **Form of the access**

- **Charges**

Charges can be levied only in order to cover the expenses related to making the information available – copies of paper, recordings, etc. The expenses are paid only on the basis of prices defined by the Minister of Finance in a particular order.

There are several more options for the response, which can be made by the respective institution regardless of the decision for access or the denial of access to information.

• **Notification of the need to specify the application for access**

This response is made when the applicant does not define clearly enough the required documentation in his/her request for access to information. This can happen when the applicant has described unclearly the information wanted, for example: "I want information on privatization".

The deadline for this notification is 14 days after the registration of the request.

The applicant's should respond to this request for further specification within 30 days of receiving the notification. If he/she fails to do it his/her initial application will not be considered any more.

After providing further specification the applicant should be granted to the information within 14 days of the date of their response. .

• **Notification for extension of the term for granting of access**

This response is made:

- When additional time for the preparation of the information is needed: this cannot be more than 10 days or 24 days after the date of the application. It is compulsory to specify:
 - The reason for the extension
 - The revised deadline for granting the requested information

- When a third party should be notified. The extension of the processing period cannot be longer than 14 days after the application.

When is it necessary to notify the third party?

It is necessary to ask for the consent of a third party when the information requested contains data referring to a third individual or legal entity. The notification procedure is used when the required papers contain personal information or trade secrets. In all other cases there is no obligation to inform them. Before the granting an "asking for consent" letter should be sent to this third party.

When is it not necessary to notify the third party?

In the cases when the third party is also an obliged body under APIA it is not necessary to send a notification letter. The information should be directly granted.

What are the legal terms of the notification?

The consent letter should be sent within 7 days of the registration date of the request.

How long does it take to get third party consent?

The answer should be sent within 14 days of the consent letter sending.

What to do in case the third party does not give consent?

If there is no answer from the third party, a partial access should be granted. A preliminary deletion of the data concerning the third individual should take place. This data will include only the personal facts and the trade secrets.

What to do in case of a refusal of the third party?

In this case partial access should be granted in a way that is suitable for not discovering the information regarding the third person.

The deadline for sending the notification for extension of the term is also 14 days from the registration date.

- **Notification of the re-allocation of the application for access**

This is the response when the individual or legal entity seeking the information wants access to documents that cannot be kept by the responding institution due to its competence. In this case, the official should check where the required

papers are held. Then the request should be forwarded to the particular competent institution.

The deadline for this notification for re-allocation of the request is 14 days from the registration of the application.

The deadline for the re-allocation letter is also 14 days from the registration of the application.

It is compulsory in the notification for re-allocation to specify the title and the headquarters of the respective authority or legal entity to which the written request is forwarded.

- **Notification of absence of the requested information**

This response is made when the requested information is not available to the responding institution at the time the request is made. Decision for refusal to provide access

- **The decision for refusal of access to information should contain:**

- The factual circumstances;
- The legal basis;
- A disposition;
- Details of the appeals procedure – term, institution, etc.

The factual circumstances should include a description of the following: who, when, what information wanted; what were the actions of the responding institution; what was the factual circumstances which he/she reaches.

The legal basis is an extract of a legislative act by which the reason for the denial is provided for.

The disposition outlines the final outcome resulting from an analysis of the law.

It is necessary for the responding institution to respond and if it fails to do so it is considered to have broken the administrative procedure as provided by law. The fine is 20-50 levs (Art. 42 (1), APIA).

Every decision for refusal to grant access to information can be appealed in court. (Art. 40, APIA)

Appendix 1

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 procedures 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-send 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.

C) 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 Gazette on 7 July 2000.

Appendix II

A model list of the legally obliged entities under the Access to Public Information Act

I State bodies

1. The President
2. The Constitutional Court
3. The legislative power: The National Assembly
4. The judicial power
 - The 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 European integration
 - The Minister of Agriculture, Forests and Agriculture Reform
 - 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 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
 - The Chairman of the Children Protection State Agency
 - The Chairman of the Youth and Sport 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 State Administrative Committee
- The State Committee on the control of the toxic chemical compounds and their precursors
- 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 Military-residential Fund 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 Environment 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
 - The Executive Manager of the Medical Agency
- Specialized Bodies
 - Chemical Epidemiological Inspectorate
 - The National Social Assistance Service
 - Others
- Managers of the central and local administration agencies

6. Regional Bodies of the Executive Power

- Regional Governor
- Managers of the central and local administrations
 - Manager of the Regional Road Agency
 - Manager of the Territorial Agency for State Internal Financial Control
 - Manager of the Regional Social Assistance Service
 - Manager of the Education Inspectorate
 - Manager of the Territorial department of the Executive Agency "Railroad Administration"
 - Managers of the Regional and Territorial Custom Agencies
 - Managers of the Territorial Taxation Agencies

- Others

II. Local Government Bodies

- Mayor
- Municipal Council

III. Public Legal Entities

- National *Radio and Television* Council
- The Bulgarian Telegraph Agency
- The Bulgarian National Radio
- The Bulgarian National Television
- National Health-insurance fund

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

- The Bulgarian Academy of Science
- The Higher Education Establishments
- Secondary Education Establishments
- The National Committee of the Bulgarian Red Cross
- The Union of the Disabled in Bulgaria
- The Union of the War Disabled and the War Affected in Bulgaria
- The Union of the Blind in Bulgaria
- The Union of the War Disabled Cooperation
- The National Association for Supporting the Mentally Retarded
- The Central Union of Production Cooperatives
- The Central Union of the Cooperation of the Disabled
- The National Center for Social Rehabilitation
- The Parents of Children with Hearing Impairments Association
- Union of the Deaf in Bulgaria
- Bulgarian Association Diabetes
- The Parents of Children with Seeing Impairments Association
- The National Organization "Small Bulgarian People"
- The National Association of the Deaf and Blind in Bulgaria
- The Bulgarian Union of Tourism
- The Union of the Bulgarian Automobile Owners
- The Holy Abode of Rila - Rila Monastery
- Representative Associations of the Consumers in Bulgaria
- The National Investigating Service
- The National Statistical Institute

Appendix III

List of the administrative structures

Administrative structures under the control of the Council of Ministers

- The Refugee Agency
- The Small and Middle sized Enterprises Agency
- The Privatization Agency
- The Agency for Foreign Assistance
- The Foreign Investment Agency
- Higher Accreditation Committee
- Central Agency for State Reserve and Wartime Supplies
- Central Archives Agency
- The Bulgarians Abroad Agency
- The Children Protection State Agency
- The Youth and Sport Agency
- The Security Supervision Agency
- The Power Engineering and Energy Resources Agency
- The Power Engineering Efficiency Agency
- The Standardization and Metrology Agency
- The State Administrative Committee
- The Energy Regulation Committee
- The State Committee on the control of the toxic chemical compounds and their precursors
- The Telecommunications Committee
- The Stock Exchanges and Markets Committee
- The Securities Committee
- The Committee for Using the Atomic Energy for Peace Purposes
- The National Statistics Institute
- The National Appreciation and Accreditation Agency
- The National Agency for Professional Training and Education
- The Patent Agency
- The Center "Wine-cellar Evksinovgrad "
- The Privatization Center

State public consulting committees, working expert groups working for the Council of Ministers

- The Consulting Council for Foreign Investment and Financing
- The Coordination Council for Information Society
- The Interdepartmental Expert Committee for Overcoming the Harmful Consequences in Finishing or Limiting the Coal Output Production Activity
- The Interdepartmental Committee on the Questions of the Military Industry and the Mobilization Alert of the Country
- The Interdepartmental Committee on the Questions of the Frontier Stations

- The Interdepartmental Export Insurance Committee
- The Interdepartmental Working Group on the Limitation and Overcoming of the Consequences of the Kosovo Crisis
- The National Council for the Narcotics and Narcotic Traffic Combat
- The National Council for Science and Technological Policy
- The National Council for Tripartite Cooperation
- The National Council for Foods Safety
- The National Council for Ethnic and Demographic Questions
- The National Insurance Council
- The National Council for Narcotic Compounds
- The National Rehabilitation Council
- The National Council for Labor Conditions
- The Council for Protection of the Author's Rights
- The Regional Development Center
- The Council for Reform in the Educational, Science, Cultural, Health and Social Sphere
- The European Integration Center
- The National Radio-Frequency Spectrum Agency
- The Council for Reorganization of the Administrative Structures of the Executive Power
- The Security Council
- The Structural Policy Council
- The Central Commission Against the Juvenile Criminality

The Minister of the Public Administration

Administrative structures under his direct supervision

- The Public Administration and European Integration Institute
- The *Legislation* Publisher

The Minister of the Economy

Administrative structures under his direct supervision

- The Administration of the Trade and Consumers' Protection Commission
- The Executive Agency "Bulgarian Accreditation Service"
- The Hydro and Aerodynamics Centre
- The National Wine Investigation and Control Institute
- The National Information and Documentation Centre
- The Export Encouraging Centre
- The Bulgarian Industry Centre in Moscow

The Minister of Foreign Affairs

Administrative structures under its direct supervision

- The Diplomatic Property in Bulgaria Agency
- The European Investigation and Information Institute

The Minister of Interior

Administrative structures under its direct supervision

- The Special Technology Institute
- The Computer Technology Institute

- The Psychology Institute
- Criminalistics and Criminology Science Research Institute
- The National Security Service
- The National Police Service
- The National Frontier Police Service
- The National Service *Jandarmeria*
- The National Service Against the Organizational Criminality
- The National Fire Safety Service
- The Central Clinical Hospital – Research Institute

The Minister of Health

Administrative structures under its direct supervision

- The Executive Drug Agency

The Minister of Agriculture and Forests

Administrative structures under its direct supervision

- Accredited Laboratory for Testing of Agricultural and Forest Technology - Plovdiv
- Accredited Laboratory for Testing of Agricultural and Forest Technology - Rousse
- The Executive Hale Prevention Agency
- The Executive Vineyard and Wine Agency
- The Executive Fishery and Aquatic Cultures Agency
- The Executive Seed Testing and Control Agency
- The Technical Control Inspectorate
- The National Agricultural Sciences Center
- The National Soil Service
- The National Agricultural Advice Service
- The National Grain Service
- The National Service for Plant Protection, Quarantine and Agrochemistry
- The National Forest Administration
- The Tobacco Fund

The Minister of Culture

Administrative structures under its direct supervision

- The Bulgarian National Film Collection - Sofia
- The Bulgarian National Sound Collection
- The National Institute for Cultural Memorials - Sofia
- The National Film Centre - Sofia
- The National Cultural Fund - Sofia
- The National Book Centre - Sofia
- The National Museum, Gallery and Art Centre
- The National Music and Dance Centre – Sofia
- The National Theater Centre - Sofia

The Minister of Education and Science

Administrative structures under its direct supervision

- The Executive *Academica* Agency
- The Executive Agency for Training of Motor Drivers
- Educational Inspectorates

- The Student National House
- The National Bank for Industrial Microorganisms and Cellular Cultures

The Minister of Environment and Water

Administrative structures under its direct supervision

- The Executive Environment Agency

The Minister of Defense

Administrative structures under its direct supervision

- VA "G.S.Rakovski"
- VVU "G.Benkovski"
- VVMU "N.J.Vapstarov"
- VVOU "V.Levski"
- VVUAPVO "P.Volov"
- Military Clubs and Information
- Military Medical Academy
- Military-Residential Fund Agency
- Recreation and Recuperation Agency
- Military Information Service
- Civil Defense of Republic of Bulgaria Service
- Central Military Insurance and Spedition

The Minister of Justice

Administrative structures under its direct supervision

- The Resorts and Qualification Executive Agency
- Central Register of the Securities

The Minister of Territorial Development and Urbanization

Administrative structures under its direct supervision

- The National Building Control Agency
- The State Power Engineering Efficiency Agency
- The Executive Road Agency

The Minister of Transportation and Communications

Administrative structures under its direct supervision

- AirCrew 28
- The Central Auto Administration Agency
- The Central Civil Aviation Administration Agency
- The Central Air Movement Control Agency
- The Executive Marine Administration Agency
- The Executive National Communication System Agency
- The Executive Port Administration Agency
- The Executive Surveying and Sustenance of the River Danube Agency

The Minister of Labor and Social Policy

Administrative structures under its direct supervision

- The Executive Chief Labor Inspectorate Agency
- The National Social Assistance Service

- National Employment Service
- Center for Development of the Human Resources in MTCP, MON, Sofia

The Minister of Finance

Administrative structures under its direct supervision

- Agency for State Claims
- Central Taxation Agency
- Central Agency for Hazard Control
- Central Agency for State Financial Control
- Central Custom Agency
- Agency *Insurance Supervision*
- The Economic Analysis and Diagnostics Executive Agency

Appendix IV

Abstract from the list of the facts, information and entities constituting state secrets in the Republic of Bulgaria

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

Appendix V

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

1. Official secrets

- ◆ investigating secret
- ◆ secret under the Judicial System Act (confidentiality of the judicial proceedings), art. 136(2)
- ◆ secret under the State Servant Act, art. 25
- ◆ secret under the Public Procurement Act (keeping the trade secret of the applicants for public commissions and their offers), art. 9(4)
- ◆ secret under the Subsurface Resources Act (the investigating bodies are obliged to keep the official, productive and trade secret; to keep the data from the checking before the end of the investigation period; not to use the information gained during the check out of its purpose), art. 92
- ◆ secret under the Medicinal Plants Act (trade secret), art. 76
- ◆ secret under the Protection of the noxious effects of the chemical compounds, preparations and products (productive and trade secret), art. 28(2)
- ◆ secret under the Control of the Foreign Weapons', Technologies and Goods with Possible Double Usage Trade with, art. 19(4)
- ◆ secret under the Cadastre and Property Register Act, art. 20
- ◆ secret under the Labor Code (official information of the control bodies)
- ◆ 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 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), art. 76(5)
- ◆ secret under the Customs Act (customs secret is statutory defined), art. 17(5)
- ◆ 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), art. 83(3)
- ◆ secret under the Privatization Act (the Council of Ministers defines and classifies stages of and documents regarding the privatization deals)
- ◆ secret under the Public Securities Offer Act (facts and circumstances concerning the transactions of the securities), art. 71(2)
- ◆ secret under the Radio and Television Act (information regarding the sources of information)
- ◆ secret under the Statistics Act
- ◆ secret under the National Audit Office Act (information about the ongoing checks)

- ◆ secret under the State and Financial Control Act (official information on the investigated bodies), art.3(4)
- ◆ secret under the Tax Procedure Code
- ◆ secret under the Corporate Income Tax Act
- ◆ secret under the Taxation of the Income of Natural Persons Act
- ◆ banking secret under the Bulgarian National Bank Act
- ◆ secret under the Banking Act – banking secret – art. 52
- ◆ secret under the Currency Act (official information concerning the currency transactions)

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

3. Miscellaneous

- ◆ doctor's secret under the Medical Institutions Act
- ◆ 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)
- ◆ doctor's secret under the Professional Ethics Code (art. 51-55)
- ◆ secret under the Additional Voluntarily Pension Insurance Act (the data concerning the legal bodies for additional social insurance and the deposit banks)
- ◆ secret under the Children's Protection Act (data concerning the child in the administrative and judicial procedures – art. 16)
- ◆ secret of the correspondence under the Mail Services Act

Appendix VI

MODEL DECISION FOR GRANTING INFORMATION

No.

To: (names of the person;
The title of legal entity)

Dear Sir/Madam/Gentlemen:

In order to answer to your request for granting information,, we would like to inform you that:

1. The information will be fully given to you.
2. The information will be given to you in days (The term of granting the information cannot be shorter than 30 days)
3. The information will be given to you in ... (point the place where the information will be given)
4. The access to the information will be given to you in the form pointed in the request.
(When there are no technical possibilities to grant information in the requested form, it is necessary to write the following:
We cannot give you the information wanted in the pointed form due to technical impossibility. We can grant access to that information in the form of ...)
5. The expenses for copying are ...
6. You can also find information on that question in ...

Date:

Signature:

Appendix VII

MODEL DECISION FOR GRANTING PARTIAL ACCESS TO INFORMATION

No.

To: (names of the person;
The title of legal entity)

Dear Sir/Madam/Gentlemen:

In order to answer to your request for granting information,, we would like to inform you that:

7. The information will be fully given to you excluding the expressly restricted by law parts (you should point these laws).
8. We erase the following parts of the documents pointed:
 - From document ... is being erased ...- based on the art...of the ... Act
 - From folder ... is being erased ...- based on the art...of the ... Act
 - From plan ... is being erased ...- based on the art...of the ... Act
 - From record ... is being erased ...- based on the art...of the ... Act
9. The information will be given to you in days (The term of granting the information cannot be shorter than 30 days)
10. The information will be given to you in ... (point the place where the information will be given)
11. The access to the information will be given to you in the form pointed in the request.
12. The expenses for copying are ...
13. You can also find information on that question in ...

Date:

Signature: