

## **Access to Public Information Act**

**Promulgated, SG No. 55/7.07.2000, amended: SG No. 1/4.01.2002, effective 1.01.2002, SG No. 45/30.04.2002, SG No. 103/23.12.2005, SG No. 24/21.03.2006, SG No. 30/11.04.2006, SG No. 59/21.07.2006, SG No. 49/19.06.2007, SG No. 57/13.07.2007, SG No.104/05.12.2008, SG No.77/01.10.2010, SG 39/20.05.2011**

### **Chapter One Basic Principles Section I Subject and scope**

#### **Subject of the act**

Art. 1.(Amended, SG No. 49/2007) This act shall regulate the social relations relating to the access to public information, as well as re-use of public sector information.

#### **Public information**

Art. 2. 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) (New, SG No. 49/2007) Public sector information shall be any kind of information materialized on paper, electronic or other carrier, including if it was held as audio or video record, and collected or generated by a public sector organization.

(4)(Amended, SG No. 1/2002, previous (3), SG No. 49/2007) This act shall not apply to the access to personal data.

#### **Re-use of public sector information**

Art. 2a. (New, SG No. 49/2007) (1)Re-use of public sector information shall be the use of information for commercial or non-commercial purposes, different from the initial purpose for which the information has been generated within the authorities or functions of the public sector organization.

(2) Provision of public sector information to an organization from the public sector in relation to the exercise of its powers or functions shall not be re-use within the meaning of this act.

#### **Obligated bodies (Title amended, SG No. 49/2007)**

Art. 3. (1) (Amended SG No. 104/2008) This act shall apply to access to public information that is created by or kept with the state bodies, their regional offices, and the local self-governance bodies of the Republic of Bulgaria, hereinafter referred to as "the bodies".

(2) (Amended SG No. 104/2008) 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, including public law organizations;
2. individuals and legal entities as far as only their activities financed with funds from the consolidated state budget, subsidies from the European Union funds or allocated through EU projects and programs, are concerned.

(3) (New, SG No. 49/2007; Amended, SG No. 104/2008) Public sector organizations shall be obliged to provide public sector information for re-use, excluding the cases prescribed by that law.

(4) (New, SG No. 49/2007) A public sector organization is any state body, local self-government body, public law organization, as well as their subordinates.

### **Persons entitled to the right of access to public information and the right of re-use of public sector information (Title amended - SG No. 49/2007)**

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.

(4) (New, SG No. 49/2007) Persons under sub-art. 1, 2, 3 shall have the right of re-use of public sector information.

### **Exercising the right of access to public information and re-use of public sector information (Title amended – SG No. 49/2007)**

Art. 5. (Amended – SG No. 49/2007) The right of access to public information and the right of re-use of public sector 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.(1) (Former text of art. 6 – SG No. 49/2007) 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.

(2) (New, SG No. 49/2007) The basic principles governing the provision of public sector information for re-use shall be:

1. providing for possibilities for repeated re-use of public sector information;
2. transparency in the provision of public sector information;
3. prohibition for discrimination in the provision of public sector information;
4. prohibition for hampering the free competition.

### **Permissible restrictions to the right of access to public information and the right of re-use of public sector information (Title amended – SG No. 49/2007)**

Art. 7. (1) (Amended, SG No. 45/2002) The right of access to public information shall not be abridged, except where the said information is classified information constituting a state or another protected secret in the cases provided for by a law.

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

## **Exemption from the scope of the act**

Art. 8. (Amended, SG No. 49/2007) Provisions of this act related to access to public information shall not apply to information, which is:

1. obtainable in the course of provision of administrative services to citizens and legal entities;
2. (Amended, SG No. 57/2007) kept with the National 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) (Amended, SG No. 45/2002) 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) (Amended, SG No. 45/2002) The restrictions under sub-art. 2 shall not apply after a period of 2 years as from the creation of such information.

(4) (New, SG No. 104/2008) Access to administrative public information shall not be restricted when there is overriding public interest in the disclosure.

### **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) (Amended, SG No. 24/2006) 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. 62, sub-art. 2 of the Administration Act.

### **Publication in the Internet**

Art. 15a. (New, SG No. 104/2008) (1) Information under Art. 15 shall be published on the Internet sites of the administrative structures within the system of the executive power.

(2) In the *access to information* subsection of the Internet site under sub-art. 1, the data under Art. 15, sub-art. 1, item 4 and sub-art 2, as well as internal rules related to the access to information and the procedure for access to the public registers maintained by the administrative structures within the system of the executive power, shall be published.

### **Reporting (Amended SG No. 24/2006, SG No.77/2010)**

Art. 16. (Amended, SG No. 77/2010)(1) The summary of the reports on the obliged bodies and their administrations, containing the information under art. 15., as well as other information related to the implementation of this act, shall be part of the Report of the State of the Administration which is adopted by the Council of Ministers.

(2) The summary under Paragraph 1 shall be published annually on the web site of the Council of Ministers. This information 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. (Amended, SG No. 104/2008) (1) Access to public information generated, received or held in relation to the activities of the responsible persons under art. 3 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, unless there is overriding public interest.

(3) Responsible bodies under Art. 3, when refusing access to public information on the ground provided under sub-art 2, are obliged to state the conditions which will bring to unfair competition among business persons.

#### **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**

#### **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**

#### **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 sent 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.

(4) (Amended, SG No. 104/2008) 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 shall disclose the requested public information in scope and in a manner so as not to disclose the information concerning the third party.

(5) (Amended, SG No. 104/2008) The consent of the third party is not required when it is a responsible person and the information concerned is a public information under this act, as well as in case there is overriding public interest in its disclosure.

#### **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. (Amended, SG No. 45/2002; SG No. 59/2006; SG No. 104/2008) (1) Grounds for refusal to grant access to public information is in place where:

1. the information requested is classified information or other protected information in cases prescribed by the law, 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, unless there is overriding public interest;
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 shall 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 Appeals 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) (Amended, SG No. 24/2006; SG No. 49/2007) The decisions for granting access to public information or for refusals to grant access to public information may be appealed before the administrative courts or before the Supreme Administrative Court depending on the body, which issued the decision, under the provisions of the Administrative Procedure Code.

(2) (Amended, SG No. 24/2006, SG No. 39/2011) 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 administrative courts in accordance with the Administrative Procedure Code.

#### **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) (Amended, SG No. 45/2002) In cases under sub-art. 3 the court shall decide on the lawfulness of the refusal and on the marking of the information as classified.

### **Chapter Four Procedure for Re-use of Public Sector Information (New – SG No. 49/2007) Section I**

#### **Provision of public sector information for re-use (New, SG No. 49/2007)**

Art. 41a (New, SG No. 49/2007) (1) Public sector information shall be provided in a format and language in which it has been collected, respectively created, or in another format at the discretion of the public sector information.

(2) Public sector organizations shall not be obliged to provide information for re-use if the provision requires the creation, collection, or processing of that information, or if it is related to the provision of parts of documents or other materials, which would requires efforts beyond the usual operation/procedure.

(3) Public sector organizations shall not be obliged to continue the creation or collection of certain type of information for its re-use.

(4) At a requestor's request and at given the possibility for that, the requested information shall be provided electronically at a specified electronic mail address or by other proper means of provision in an electronic form.

### **Public sector information which shall not be provided for re-use**

Art. 41b (New, SG No. 49/2007) Public sector information which shall not be provided for re-use:

1. its content is related to activities which falls outside the power and functions of the public sector organizations;
2. it falls subject to intellectual property rights of a third person;
3. it is collected or generated by public radio- and TV operators or their regional centers;
4. it is collected or generated by schools, higher education institutions, academic and research organizations, State Archives, libraries, museums, orchestras, opera and ballet houses, theatres, and other scientific and cultural organizations.

### **Provision of public sector information to public sector organizations**

Art. 41c (New, SG No. 49/2007) (1) Public sector information shall be provided for re-use to public sector organizations as well, under the conditions and the procedure set forth by this act.

(2) If public sector information is requested for re-use by an organization under the provision of sub-art. 1 in terms of the fulfillment of activities, which fall outside its power and functions, the same conditions and fees shall apply.

### **Facilitating the search for information**

Art. 41d (New, SG No. 49/2007) Public sector organizations shall provide conditions for easy search of public sector information via different tools for online access or other appropriate means.

Prohibition for provision of exclusive right of re-use

Art 41e (New, SG No. 49/2007) (1) Signing contracts for exclusive provision of public sector information is prohibited.

(2) Signing contracts under sub-art 1 is permissible only in the cases when the provision of services of public interest may not be fulfilled in a different way/by other means. The grounds for signing such a contracts shall be reviewed every third year by the public sector organization which is a party in the contract.

## **Section II**

### **Procedure for Granting Public Sector Information for Re-use (New, SG No. 49/2007)**

#### **Request for re-use of public sector information**

Art. 41f (New, SG No. 49/2007) (1) Public sector information shall be provided for re-use after the submission of a written request.

(2) If the request is submitted electronically, public sector organizations shall be obliged to respond electronically as well. In such cases, no receipt confirmation is required.

#### **Payment/Fees**

Art. 41g (New, SG No. 49/2007) (1) Access to public sector information for re-use shall be granted after payment of the expenses incurred for granting access in accordance with a tariff, adopted by the Council of Ministers.

(2) The payment under sub-art. 1 shall not exceed the expenses incurred for granting the public sector information.

(3) At a request, public sector organizations shall provide data about the means by which the expenses under sub-

art. 1 has been determined.

(4) Payments under sub-art. 1 shall be counted to the budget of the respective public sector organization.

### **Time frames for granting access to public sector information**

Art. 41h (New, SG No. 49/2007) (1) Public sector organizations shall process the request for re-use and shall respond to the request within 14 days of the submission of the request.

(2) In the cases, when the requested information is meaningful for a limited period of time, public sector organizations shall grant it in a reasonable time frame in which the information has not lost its relevance.

(3) In cases, when the request for re-use of public sector information is characterized by complexity and requires more time to be granted, the time limit under sub-art. 1 may be extended to additional 14 days. In such a case, a notifying letter about the additional time needed for granting the information shall be sent to the requestor within 14 days of the submission of the request.

### **Refusal for granting access to public sector information for re-use**

Art. 41i (New, SG No. 49/2007) (1) The refusal to grant access to public sector information for re-use shall be grounded.

(2) A refusal may be issued when:

1. a law prohibits the provision of the requested information;
2. the request does not meet the requirements under Art. 41f.

(3) The refusal under sub-art. 1 shall contain factual and legal grounds for the refusal, the date of the decision and the procedure for its appeal. In case of refusal due to intellectual property rights belonging to a third person, the decision for refusal shall state the name of the owner of the rights or the person from whom the public sector organization has acquired these rights.

(4) The presence of personal data in public sector information which has been requested for re-use may not be ground for a refusal in the cases when that information constitutes or is part of a publicly accessible register.

### **Jurisdiction and appeal process**

Art. 41j (New, SG No. 49/2007) Refusals to provide public sector information for re-use are subject to appeal before the administrative courts and before the Supreme Administrative Court, depending on the body which has issued the decision, under the provisions of the Administrative Procedure Code.

## **Chapter Five Administrative Penalty Provisions (New – SG No. 49/2007)**

### **Administrative violations and sanctions**

Art. 42. (Amended, SG No. 49/2007) (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 50 and 100 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 200 and 2000 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. (Amended, SG No. 49/2007) (1) The violations under this act shall be found by an authorized official, appointed by the Minister of Justice, in the cases set forth in Art. 3, sub-art. 2 or the respective agency in the rest of the cases.

(2) The penalty acts shall be issued as follows:

1. under art. 42, sub-art. 1 - by the respective agency under Art. 3, sub-art. 1 or by an authorized official;
2. under art. 42, sub-art. 2 – by the persons and the procedure set forth by art. 306 of the Administrative Procedure Code;
3. 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;
4. 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. (Amended, SG No. 1/2002, SG No. 103/2005, New, SG No. 49/2007, SG No. 104/2008) 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 tape 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 by an identification number or one or more characteristics revealing his/her physical, physiological, genetic, psychological, intellectual, economical, cultural or social identity
3. **List of the acts issued within the scope of the powers of an administrative structure within the system of the executive power** shall be a structured aggregation of all legal, common, and individual administrative acts, issued by the respective administrative body.
4. **Public law organization** shall be a legal person which regardless of whether it performs commercial or production activities, is established to satisfy public interest and for which some of the following conditions are satisfied:
  - a) more than the half of its revenues for the previous financial year come from the state budget, the budget for the state public social security, the National Health Insurance Fund, from the municipality budgets, or from contractors under Art. 7, item 1 or 3 from the Public Procurement Act;
  - b) more than the half of the members of its management or oversight body are appointed by contractors under Art. 7, item 1 or 3 from the Public Procurement Act;
  - c) is subject to management control by contractors under Art. 7, item 1 or 3 from the Public Procurement; management control shall be when a person may exercise dominating impact upon the activities of another person.**Public law organization shall also be a medical institution** – trade company, who has received more than 30% of its revenues for the previous year come from the state and/or municipal budget and/or from the budget of the National Health Insurance Fund.
5. **Production or commercial secret** may not be any facts, information, decisions and data related to business activities whose keeping as secret is in the interest of the claimants but there is overriding public interest in its disclosure. Until the contrary is proven, there is overriding public interest in the disclosure when the information:

- a) gives opportunity to the citizens to form their own opinion and to take part in ongoing discussions;
- b) improves/facilitates the transparency and accountability of bodies under Art. 3, sub-art. 1 with regard to the decisions they make;
- c) guarantees the lawful and purposeful fulfillment of the legal obligations of bodies under Art. 3;
- d) reveals corruption and abuse of power, poor management of state or municipal property, or other unlawful or unpurposeful actions or lack of actions of administrative bodies or responsible officials within the respective administrations by which state or public interests, rights or legal interests of other persons are affected;
- e) disproves disseminated unauthentic information which concerns significant public interests;
- f) is related to the parties, subcontractors, the subject, the price, the rights and obligations, conditions, terms, and sanctions specified in contracts where one of the contracting parties is an obliged body under Art. 3.

6. **Overriding public interest** is at hand when the requested information aims at the revealing of corruption and abuse of power, increase of transparency and accountability of obliged bodies under Art. 3.

### **Final provision**

§ 2. 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)

Final Provisions

#### **To the Access to Public Information Amendment Act (Promulgated – SG. No. 49/2007)**

§ 16. This act shall introduce the provisions of Directive 2003/98/EC of the European Parliament and the Council on the re-use of public sector information.

§ 17. The contracts for the exclusive provision of public sector information which have been signed and which do not meet the requirements set forth by art. 41e, sub-art. 2 shall be terminated with their expiration, but not later than December 31, 2008.

§ 18. The bodies under art. 3, sub-art. 1 are obliged to appoint officials in the respective administration, who shall be directly responsible for the provision of public information, as well as to establish a proper place for reading the provided information, within six months after this act becomes effective.

### **Final Provisions**

#### **To the Access to Public Information Amendment Act (Promulgated – SG. No. 104/2008)**

§ 8. The obligation for active disclosure of information in the Internet as per Art. 15a shall be fulfilled by the chief officers of administrative structures within the system of executive power or by appointed by them officials within the period of one year after the promulgation of that act.

§ 9. The obliged chief officers under Art. 15 within the system of executive power shall safeguard the financial implementation of the obligation under Art. 15a, as well as the training of the officials.