



**KEY ACHIEVEMENTS OF  
ACCESS TO INFORMATION PROGRAMME (AIP)  
FOR THE PERIOD JANUARY – DECEMBER 2010**

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

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

In 2010, the team of AIP has worked in several directions to realize these long-term objectives:

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

**The main achievements in these directions are as follows:**

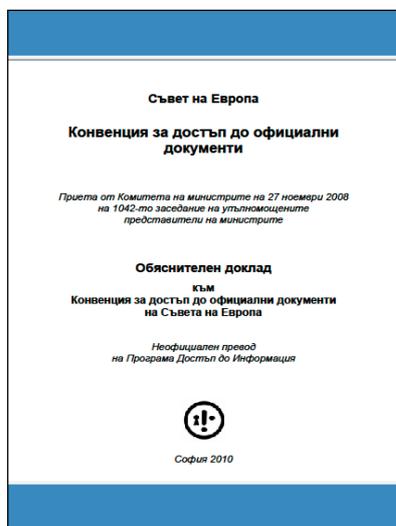
**1. AIP has continued its advocacy work for better legislation in the freedom of information area by:**

- Comments on existing legislation;
- Comments on proposed amendments to the legislation;

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### Campaign for the Ratification of the Council of Europe Convention on Access to Official Documents (the Convention).

In the end of 2009, AIP initiated public awareness campaign in order to enhance the execution of the right of access to information in Bulgaria in line with 2008 amendments to the Access to Public Information Act and push for the ratification of the Council of Europe Convention on Access to Official Documents. The campaign was supported by a grant from Iceland, Liechtenstein and Norway through the EEA Financial Mechanism (The NGO Fund – Bulgaria 2008-2010)



In the beginning of 2010, AIP published an unofficial translation of the Council of Europe Convention on Access to Official Documents adopted by the Committee of Ministers on November 27, 2008, and the Explanatory Report. The two texts were published in a booklet with a circulation of 1,50 copies.

The two texts are also available on AIP web site:

[http://www.aip-bg.org/documents/coe\\_convention\\_aod.htm](http://www.aip-bg.org/documents/coe_convention_aod.htm)

And at the specialized *Access to Information and Journalistic Investigations* web site: <http://www.ati-journalists.net/bg/legislation/category.php?id=002>

A comparative legal analysis on the consistency of the Bulgarian legislation with the Council of Europe Convention on Access to Official Documents was performed. The report was published on AIP web site: [http://www.aip-bg.org/pdf/consistency\\_report\\_conv.pdf](http://www.aip-bg.org/pdf/consistency_report_conv.pdf);

The materials drafted were disseminated among 1,219 participants in public discussions organized and held in all regional cities in Bulgaria, as well as during the Conference *Ten Years Access to Public Information Act. New Standards in the Access to Information Area*, held on July 26, 2010 in Sofia, the annual Right to Know Day Awards Ceremony – held on September 28, 2010 and other trainings and events held by AIP.

Access to Information Programme contributed to a comparative study about the ratification readiness of Council of Europe member states with regard to the European Convention on Access to Official Documents, initiated by *Access Info Europe*. The study aimed to facilitate the ratification of the Convention by Council of Europe member states. A comparative analysis on the consistency of Bulgarian legislation with the Convention was made along the requirements set by *Access Info Europe*. The analysis included a review and assessment of the Access to Public Information Act litigation.

Findings and conclusions from the report on the consistency of Bulgarian legislation with the Council of Europe Convention were included in the AIP annual report *Access to Information in Bulgaria 2009* – 1,200 copies printed in April 2010. The Report is accessible online in Bulgarian and English: [http://www.aip-bg.org/l\\_reports.htm](http://www.aip-bg.org/l_reports.htm).

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A special section following the history of drafting, adoption and ratification of the Convention is updated on AIP web site: [http://www.aip-bg.org/documents/coe\\_convention\\_aod.htm](http://www.aip-bg.org/documents/coe_convention_aod.htm).

The AIP team and AIP coordinators in the country have been presenting the necessity of ratification of the Convention via different media, as well as via AIP Monthly Electronic Newsletter.

The consistency report, as well as the translated text of the Convention and the Explanatory Report were presented to the National Assembly, the Council of Ministers, the Ministry of Foreign Affairs, and the Ministry of Justice.

### **Campaign Against Direct Access to Traffic Data**

In the beginning of 2010, AIP continued its campaign against the proposed amendments to the Electronic Communications Act (ECA) which would have allowed for direct access to telecommunication data by the Ministry of Interior and the security services.

The head of AIP legal team Alexander Kashumov and Tereza Mandjukova, also from AIP legal team, presented AIP opinion statement and took part in the discussions held by the leading Parliamentary Internal Security and Public Order Committee on January 12, 14; February 1 and 3, 2010; and at a round table held by the opposition Union of Democratic Forces on January 15, 2010. The team of AIP prepared specific texts for editing the draft law which were introduced in the National Assembly by the opposition party co-chairman Martin Dimitrov and others. AIP took part in the debate about all proposed amendments to the ECA within the first and second reading.

As a result of the campaign, media coverage, publications and active participation in the discussions on the specific texts held in the National Assembly, provisions which require a court warrant for accessing telecommunication data by certain authorities issued on a case by case basis. Supervision and control functions were entrusted with the the Parliamentary Standing Subcommittee for Oversight and Monitoring of the Use of Special Intelligence Means.

### **Campaign For Increased Transparency in the Ministry of Interior**

At a round table held on January 19, 2010, results from a comparative analysis regarding the transparency of specific categories of information published online by the Ministry of Interior structures in 10 countries were presented. The survey was performed by AIP in cooperation with Open Society Institute – Sofia. Presentations were made by members of AIP team, Open Society Institute and Ministry of Interior. Court cases related to access fo information refusals by the Mol, assisted by AIP, were presented at the forum. Also, AIP recommendations as of October 2009 for amendments to the Protection of Classified Information Act were presented.

### **Campaign For Publicity of the Trade Companies Register**

AIP acquired a critical position with regard to proposed amendments to the Trade Companies Register (TCR). Some of the changes would have in its essence restricted free access to data in the Register which are currently available online.

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AIP published its position as early as June 3, 2010 after the intention of such amendments was made public.

[http://www.aip-bg.org/news/Дебатът за публичността на търговския регистър се връща годи/20100603006975/](http://www.aip-bg.org/news/Дебатът_за_публичността_на_търговския_регистър_се_връща_годи/20100603006975/)).

On June 8, 2010 Fani Davidova and Tereza Mandjukova from AIP legal team took part in a related discussion.

On June 18, 2010 a meeting between Alexander Kashumov and Emil Radev, an MP from GERB (the governing party) was held to get acquainted with the grounds for such amendments.

In August 2010, the Ministry of Justice published a draft law for amendments to the TCR which contained proposals for restricting the free access to the register.

On August 12, 2010, AIP submitted its critical statement on the draft law to the Ministry of Justice ([http://static.aip-bg.org/stanovishta/2010/08\\_11\\_ZRT.pdf](http://static.aip-bg.org/stanovishta/2010/08_11_ZRT.pdf)).

After minor and insignificant changes in a positive direction the draft law was adopted by the Council of Ministers and introduced in the National Assembly on October 18, 2010.

On November 17, 2010 AIP submitted a critical statement to the leading Parliamentary Legal Affairs Committee – also published on AIP web site: [http://static.aip-bg.org/stanovishta/2010/11\\_17\\_ztr.pdf](http://static.aip-bg.org/stanovishta/2010/11_17_ztr.pdf).

On December 3 and 20 public forums were held respectively by APIS – legal information system, and *Pari (Money)* newspaper. At those forums problems related to the proposed amendments to the TCR Act were discussed. AIP executive director Gergana Jouleva, Fani Davidova and Alexander Kashumov presented AIP position.

### **Involvement in the Debate on the State Commission on Information Security Instructions about the Use of Special Surveillance Means**

On April 28, 2010, Alexander Kashumov took part in a discussion meeting organized by the State Commission on Information Security (SCIS) regarding the classification of information related to the use of special surveillance means and the drafting of instructions on the issue. After the meeting on May 12, 2010 AIP sent its statement to the SCIS with regard to the draft instructions: [http://static.aip-bg.org/stanovishta/2010/05\\_12\\_dksi.pdf](http://static.aip-bg.org/stanovishta/2010/05_12_dksi.pdf).

In April 2010, the head of AIP legal team Alexander Kashumov expressed critical remarks in interviews regarding amendments to the Penal Procedure Code which would extend the scope of application of special surveillance means with regard to citizens. The position was stated with regard to the omission of the ban to use special surveillance means as evidence when they had been collected for the purposes of a different penal proceeding. The amendments would have allowed for increased interference in the privacy of personal information, more precisely correspondence.

### **Instructions for a List of Categories of Information Subject to Classification as *Official Secret***

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In the autumn of 2010, the SCIS initiated a discussion related to the precision of the legal definition of *official secret*. The grounds for such an initiative gave the findings in AIP annual report *Access to Information in Bulgaria 2009*, sent with a cover letter by AIP Executive Director to the SCIS on May 14, 2010. The discussion was held in a series of meetings held on September 19, October 18 and November 3 with the participation of representatives from the SCIS, AIP, State Agency “National Security” and the administration of the Council of Ministers. On behalf of AIP, Gergana Jouleva, Executive Director, Alexander Kashumov, Head of AIP legal team, and Kiril Terziiski, attorney-at-law in the legal team took part. A conclusion was drawn that new instructions with regard to the official secret were necessary containing a model list of categories for specific institutions, for example municipalities. AIP presented a written statement with regard to the content of the instructions drafted by the SCIS at the meeting held in October. At the meeting in November, it was decided that the SCIS required the lists of official secret from the municipalities so that an analysis and recommendations were made to serve the drafting of the instructions and the model list. The work is going on in 2011 as well.

### 2. Monitoring of access to information provision practices

In 2010, the monitoring was performed by:

- Systematization of monthly reports by AIP coordinators on the APIA implementation practices in different regions in Bulgaria. AIP coordinators collect cases in which access to information is denied and refer them to AIP for legal comment and assistance. The number of these cases is 53.
- Systematization of cases in which legal help has been provided by AIP the legal team. The number of these cases in 2010 is 328, while 440 legal consultations have been provided. Statistics from AIP data base is an indicator for APIA implementation and problematic issues in the FOI area.
- Within February 10 – March 2, 2010, AIP performed a special survey on the implementation of the obligations for for online publication of certain categories of information by the executive power bodies at a central, regional, and local level and their readiness to respond to electronic requests for information. The results are accessible on AIP web site: [http://aip-bg.org/survey/2010\\_web\\_sites\\_institutions+browse.php](http://aip-bg.org/survey/2010_web_sites_institutions+browse.php).

Also, [Comparative results from the assessment of institutional web sites performed by AIP in 2006, 2007, 2008, 2010](#) are online.

On March 16, 2010, at a Press Conference at the Bulgarian News Agency, AIP presented the results from the special survey of institutional web sites and the results from the *Representative public opinion poll on public attitudes regarding the right of access to information* performed by Market LINKS at the demand of AIP. [http://www.aip-bg.org/pdf/ati\\_2010\\_all%20results\\_eng.pdf](http://www.aip-bg.org/pdf/ati_2010_all%20results_eng.pdf)

The analysis of the results from the survey on institutional web sites is part of AIP annual report *Access to Information in Bulgaria 2009* ([http://www.aip-bg.org/l\\_reports.htm](http://www.aip-bg.org/l_reports.htm)).

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The report was presented at a Press Conference at the Press Club of the Bulgarian News Agency on April 29, 2010: [http://www.aip-bg.org/news\\_eng.htm](http://www.aip-bg.org/news_eng.htm)

The traditional report (10 reports have been prepared since the adoption of the APIA in 2000) presents systematized results from monitoring of implementation practices, analysis of legislative amendments and APIA litigation. The report contains recommendations to the executive and legislative authorities in Bulgaria for the improvement of access to public information practices.

### **3. Legal help in cases of information seeking and information refusal, including representation in court**

#### **General Characteristics**

Provision of legal help remains one of the priority activities of AIP. In some of the 2010 cases, Access to Information Programme provided legal help in the initial stage of information request, i.e. legal team of the AIP is consulting/preparing request for access to information. In other category of cases, legal assistance was provided after a refusal for provision of access to information had been issued.

Significant part of the legal help provided by AIP is the preparation of appeals to the court and court representation in cases of complainants requesting the help of the organization.

#### **Number of Cases Referred for Legal Help**

The number of cases referred to AIP for legal help within the period January – December 2010 is 328<sup>1</sup>. Out of these, 53 cases were sent by AIP coordinators in the regional cities of the country. In the rest, help was sought either in the office, by e-mail, or by phone.

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

- The majority are related to practices of non-fulfilment of the APIA obligations by public bodies – 248 instances;
- The second largest group are cases related to the violation of the personal data protection – 44 instances;
- Less frequently, cases related to the violation of the right to seek, receive, and impart information were referred – 22 instances, etc.

#### **Most Active Groups of Information Seekers**

AIP experience shows that most frequently the procedures of the APIA are used by citizens, journalists and nongovernmental organizations. In 2010, again the largest number of consultations was provided to citizens who had sought the assistance of AIP - in 144 instances. In 109 cases, journalists and AIP coordinators (all of them

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<sup>1</sup> The number of the consultations provided is larger – 440. The reason is that in some cases, more than one consultation was necessary.

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journalists) from central and local media asked for legal assistance, while 44 cases were referred to AIP by NGOs.

Public officials facing difficulties or having questions regarding the implementation of the APIA referred to AIP for consultation in 19 cases.

### Mostly Requested Institutions

The largest number of cases belongs to the central executive power – 131 cases, but also to local authorities /mayors and municipal councils/ - 73 cases. In a few cases, information was sought from the regional units of the executive power bodies – 21 cases, from public-law organizations – 20 cases, from the judicial power bodies (14), etc.

### Most Frequently Used Grounds for Refusal

In 2010, the number of registered silent refusals remains high – 48. Out of the grounded refusals, the most are related to the third party exemption – 19 and the personal data protection – 15. Considerably low is the number of cases when the trade secret exemption (5), the official secret (5) exemption or the exemption envisioned in the provision of Art. 13, Para. 2 of the APIA<sup>2</sup> were used.

### Specific Characteristics of the 2010 Cases

The tendency of increase in the number of cases referred for legal help remains in comparison to the previous year remains. For example, in 2008 the number of cases was 235, while in 2009 and 2010 the cases were 328 /the number was the same for the two successive years/. The number of cases related to the right of access to information has also been increasing – from 151 in 2008; 237 in 2009 to 248 in 2010.

The most active group of information seekers who sought AIP assistance during the year was of citizens. In 2009, their number was 138, while in 2010 it was 144. .

More and more citizens, nongovernmental organizations and journalists refer their cases to AIP through the electronic mail. The number of written consultations provided by e-mail in 2009 was 122, while in 2010 they were 137.

In 2010 as well the number of silent refusals has increased.

### Type of Legal Help Provided

In 2010, AIP legal team has provided pro bono legal help in the following ways:

- Oral consultations on referred cases – by phone or at the office.
- Written consultations in two ways:
  - written comments on the cases sent by the journalists from AIP coordinators' network - 42;
  - consultation on the cases received via the electronic mail - 137.

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<sup>2</sup> The article provides that access to administrative public information may be restricted if it:

1. relates to the preparatory work of an act by 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.

### 3.3. Preparation of Court Appeals and Representation in Court

The legal team of AIP has continued to provide legal assistance to citizens, NGOs and journalists bringing cases of information refusal to the court. In 2010, AIP legal team prepared **98 complaints and written defenses** on behalf of citizens (35), organizations (36) and journalists (27).

In 2010, AIP legal team prepared 71 complaints. Out of this number, the complaints submitted to a first instance court are **55** (Supreme Administrative Court - **12**, Administrative Court - Sofia City – **32**, administrative courts in the country – **10**, Personal Data Protection Committee - **1**); court appeals are **7** and the rest **9** are appeals against court rulings.

Out of the 55 complaints filed to the first instance court, 38 were against explicit refusals of access to information, and 17 were against silent refusals.

In 2010, AIP provided court representation in 62 cases in which access to information had been denied. AIP legal team prepared 27 written defenses in court cases assisted by the organization.

Forty-six court decisions and rulings were delivered on litigation assisted by AIP ( Supreme Administrative Court – 19; Administrative Court – Sofia City – 22; administrative courts in the country – 5). In 29 cases the court ruled in favour of the information requesters, while in 17 in favour of the public bodies.

The progress observed during 2010 is in litigation against refusals of trade companies, which in practice are monopolists in certain areas. The information sought from them is of high public interest and after the 2008 amendments to the APIA, these companies are obliged to provide access to information in their capacity of public-law organizations. The court decisions on such cases have great significance with regard to the further development of practices.

Huge success is the case of the Chairperson of Association *Public Barometer* – town of Sliven, Yuri Ivanov. He requested the register of the positions, qualification and salaries received by all employees in the Water Supply and Sewerage Systems Ltd. – Sliven. The refusal was grounded in the fact that it was a trade company, therefore not obliged body under the APIA. The Administrative court – Sliven<sup>3</sup> repealed the refusal and stated that the company is owned by the state, therefore falls under the legal definition of public law organization.

Regarding the definition of trade companies as public-law organizations and thus falling in the scope of bodies obliged under the APIA, the case of Petko Kovachev, Director of *Green Policy Institute* was supported by AIP. In March 2010, Petko Kovachev filed six requests to the Ministry of Energy, Economics, and Tourism (MEET). The requestor sought information related to the Russian-Bulgarian cooperation in the area of the energy and to the project for the construction of a new nuclear power plant in Bulgaria (NPP *Belene*). The MEET provided partial access to one of the requests while the other six were referred to the Bulgarian Energy Holding Sole JSC (BEH) and the National Electricity Company Sole JSC (NEC) with the

<sup>3</sup> Decision No 102 as of July 13, 2010 of Administrative Court - Sliven, adm. cases No. 54/2010.

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reasoning that the ministry did not dispose of the information. In May 2010, both BEH and NEC refused access to information on the ground of not being obliged bodies under the APIA, although they are entirely owned by the State and are the main electricity suppliers. Seven lawsuits were brought before the Administrative Court – Sofia City. In December 2010, the court dismissed the case and ruled that the companies are not obliged under the APIA. The rulings are challenged before the Supreme Administrative Court with the AIP help, rulings will be given by the SAC in 2011.

In several court cases, assisted by AIP, different courts assumed that there was overriding public interest (introduced with the 2008 APIA amendments) in the disclosure of requested information and repealed public bodies refusals.

Administrative Court – Razgrad admitted two complaints of the Chairperson of NGO Center – Razgrad, Georgi Milkov. One of the cases was against the refusal of the Mayor of Razgrad to provide information regarding 12 projects financed by EU funds. The other was against the refusal of the Director of the Regional Inspectorate on Education (to the Ministry of Education, Youth and Science) to provide information about reports on found conflicts of interest of high government officials. In the judgments on the two cases, the court repealed the refusals as unlawful stating that access to public information should not be restricted when there was overriding public interest.

Administrative Court – Sofia City (ACSC) also assumed the position that there was overriding public interest in the disclosure when repealing the refusal of the Chief Secretary of the National Construction Control Directorate to provide information to Zornitsa Stratieva about the construction of a chair lift in the Rila Mountain. With identical arguments, the ACSC obligated the Chief Secretary to provide a copy of a permit for exploitation of a Chair Lift in a mountain area requested by Alexander Dunchev from the Association of the Parks in Bulgaria. On the base of the same grounds, the ACSC repealed the refusal of the National Institute for Preservation of Immovable Cultural Values to provide all documents regarding authorizations or refusals of intervention in historic gardens in Sofia

On the ground of overriding public interest, the Supreme Administrative Court (SAC) repealed the refusal of the Ministry of Environment, Youth and Science to provide access to the contract with the Microsoft Co. for user licenses of high schools, universities and science institutes to the journalist Rosen Bosev.

In the case of journalist Diana Boncheva from the town of Yambol, the obliged authority itself assessed the presence of overriding public interest in disclosure of the information. The chairperson of the Municipal Council of Yambol city did so and disclosed the criminal conviction certificates of all members of the Council. At the first time the chairperson had refused access to the documents. The refusal was challenged in court and few days before the hearing the chairperson reconsidered his decision.

Court practices regarding repealing of silent refusals remains extremely stable. With a decision<sup>4</sup> as of May 2010, the SAC upheld a decision of the ACSC which had

<sup>4</sup> Decision No. 6924 as of May 27, 2010, SAC, Fifth Division, adm. case No. 10715/2009.

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repealed the silent refusal of the Sofia Municipality to provide access to the Green Areas Management Strategy and Programm to the citizen Maria Samardzhieva.

With a decision as of October 2010,<sup>5</sup> the SAC repealed the silent refusal of the Minister of Health to provide access to Masterplan for Hospitals Reform in Bulgaria to Georgi Todorov M.D. from the town of Ruse. Silent refusals of the Minister of Health regarding georgi Todorov's requests were repealed by two decisions of the SAC as of November. Copies of job descriptions of seven positions in the Legal Directorate in the Ministry were requested with in the first case<sup>6</sup>. In the second case,<sup>7</sup> statements, opinions, and references regarding the drafting of the Hospitals Accreditation Regulation were requested.

With a decision as of May 2010,<sup>8</sup> the Administrative Court – Yambol repealed silent refusal of the the Mayor of the Municipality of Yambol in a case of journalists Diana Boncheva. She had requested information about public procurement for reconstruction of a building in a Social Assistance Complex for Children and Elderly people in the town of Sliven.

With a decision os of November,<sup>9</sup> the Administrative Court – Sliven repealed the silent refusal of the Maoyr of the Municipality of Silistra to provide information about the payments made by the municipality to transportation companies within the period 2007 – 2010.

With a decision as of January 2010,<sup>10</sup> the ACSC repealed the silent refusal of the Chirpersion of the National Assembly to disclose the names of the consultants who provided advice for drafting two draft bills introduced in the National Assembly and the amount of remunerations received.

In a landmark decision of November 2010,<sup>11</sup> the ACSC repealed a silent refusal of the Chief Secretary of the President's administration for access to the minutes of the meeting between the former Russian President Vladimir Putin and the Bulgarian President, held in 2008. Two days after the court decision, the minutes of the meeting of the two delegations and a memo of the *in private meeting* prepared by the Head of the Office to the President were published on the website of the President. A day after that the Administration of the Council of Ministers published online the minutes from the meeting of the Prime Ministers in Russia and Bulgaria, held the previous day in Sofia.

The court continued to repeal refusals of access to environmental information grounded in the preparatory documents exemption (Art. 13, Para. 2, Item 1 of the APIA). The court repeals such refusals on the assumption that decisions for providing access to environmental information should be taken according to the Environmental Protection Act (EPA), which does not provide for such an exemption.

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<sup>5</sup> Decision No. 11766 as of October 12, SAC, Fifth Division, adm. case No. 128/2010.

<sup>6</sup> Decision № 12784/01.11.2010, SAC, Fifth Division, adm. case No. 1911/2010

<sup>7</sup> Decision No. 13238 as of November 08, 2010, SAC, Fifth Division, adm. case No. 1910/2010

<sup>8</sup> Decision No 131 as of May 11, 2010, Administrative Court – Yambol, adm. case No. 96/2010

<sup>9</sup> Decision No 70 as of November 04, 2010, Administrative Court – Silistra, adm. case No. 156/2010

<sup>10</sup> Decision as of January 08, ACSC, Penl 36<sup>th</sup>, adm. case No. 1584/2009

<sup>11</sup> Decision No 3593as of November 11,2010, ACSC, Panel 37<sup>th</sup>, adm. case No. 5159/2010

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Successful was the case initiated by more than 20 associations and citizens against amendments to the Regulation for the Organization and the Activities of the Sofia Municipal Council which had restricted access to its sessions. The Head of AIP legal team, Alexander Kashumov, represented a majority of the complainants. With a decision as of July,<sup>12</sup> the ACSC repealed the provision of the Regulation which had restricted citizens' access to the sessions of the Sofia Municipal Council, assuming that the amendment contradicted the Local Self-government and Local Administration Act which stated that the sessions of the municipal councils should be public. The Sofia Municipal Council filed an appeal against the court decision. Hearing by the SAC is scheduled for April 20, 2011.

### **4. Raising Awareness Campaigns and Trainings on the Access to Public Information Act, the Personal Data Protection Act, and the Protection of Classified Information Act**

4.1. The most important 2010 campaign was raising awareness on the standards set forth by the Council of Europe Convention on Access to Official Documents. A part of AIP team with the active cooperation of the coordinators organized and held 26 public discussions on the Convention standards and the APIA amendments regarding the implementation of the law:

[http://www.aip-bg.org/projects/ngo\\_fund/activities.htm](http://www.aip-bg.org/projects/ngo_fund/activities.htm)



*The first Public Discussion held in the town of Blagoevgrad, January 21, 2010*

A total of 1,137 participants from 60 municipalities attended the discussions. Out of those:

Mayors - 10

Deputy Mayors - 5

Municipality Heads of Administration - 6

Chairpersons of Municipal Councils - 3

Regional Governors - 4

Deputy Regional Governors - 5

Regional Governor's Heads of Administration - 2

Ombudsmen - 4

Chairpersons of Administrative Courts - 2

<sup>12</sup> Decision No. 2339 as of July 12, 2010, ACSC, adm. case No. 8925/2010.

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Directors of Regional Directorates of the Ministry of Interior - 1  
Representatives of Regional Administrations - 30  
Representatives of Municipal Administrations - 135  
Municipal Councilors - 21  
Representatives of NGOs – 51  
Journalists – 228  
Representatives of community centers and libraries – 31

The largest number of participants was registered in the towns of: Blagoevgrad - 66, Vratsa - 65, Montana - 64, Stara Zagora - 62, Sliven - 59, Risse and Burgas - 53, Varna - 52, Shumen and Gabrovo – 51.

The largest number of representatives from municipal and regional administrations took part in the discussions in: Dobrich and Stara Zagora - 15, Shumen and Montana - 14, Ruse and Vidin – 13.

The largest number of representatives of the prosecution and the court – Montana (8) and Varna (5).

The average number of participants in a discussion meeting is 43.



*Public Discussion in the town of Veliko Tarnovo, June 23, 2010*



*Public Discussion in the town of Shumen, July 8, 2010.*



*Public Discussion in the town of Ruse, October 19, 2010.*

**Conference Ten Years APIA. New Standards in the Access to Information Area under the auspices of the the Chairperson of the Bulgarian National Assembly Ms. Tsetska Tsacheva.**

To mark ten years of the adoption of the Bulgarian Access to Public Information Act (APIA) and as part of the campaign for the Council of Europe Convention on Access to Official Documents, AIP organized a conference on July 26, 2010. The conference was held in Sofia, Hotel Radisson, under the auspices of the Chairperson of the Bulgarian National Assembly Ms. Tsetska Tsacheva.

The purpose of the conference was to discuss possibilities of Bulgaria's accession to the Council of Europe Convention on Access to Official Documents on the base of ten years experience of the Access to Public Information Act implementation. Bulgarian APIA is in act since July 7, 2000.

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Among the speakers and guests were: the Chairperson of the Supreme Administrative Court, Mr. Konstantin Penchev; the Chairperson of the Commission for Personal Data Protection, Ms. Veneta Shopova; the Chairperson of the parliamentary Culture, Civil society and Media Committee, Ms. Daniela Petrova; the Chairperson of the Dossier Committee, Mr. Evtim Kostadinov; the Head of the State Administration Department at the Council of Ministers, Mr. Dimitar Ivanov, the department in charge for the preparation of the annual report on the APIA implementation by the executive bodies; representatives of the Ministry of Foreign Affairs, MPs, representatives of the media and NGOs, representatives of the Russian and Dutch embassies.

The total number of participants was 82.

The conference was covered by 42 publications in printed and electronic media and an article in the Monthly Electronic Newspaper of AIP: [http://www.aip-bg.org/news\\_eng/2010\\_07\\_29\\_zdoi\\_conf.htm](http://www.aip-bg.org/news_eng/2010_07_29_zdoi_conf.htm)



### 4.2. Freedom of Information Trainings for journalists and editors in chief

In 2010, AIP held freedom of information trainings and workshops for journalists and editors-in-chief. 157 people took part.

Within the framework of the project **Local Media and Freedom of Information in Bulgaria**, financed by the MATRA Programme of the Netherlands Ministry of Foreign Affairs and implemented by the Access to Information Programme together with the Dutch organization The Management&Media Academy/Free Voice, trainings in 6 cities were organized and 109 representatives of local and regional media took part.

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The first series of trainings were held in Pazardjik, Plovdiv and Stara Zagora within the period 12-14 April 2010. The second series were held in Haskovo, Kardzhali and Smolqn within the period 4-6 October 2010.

The aim of the trainings was to present the possibilities for investigation journalism given by the access to information laws in Holland and Bulgaria and to encourage the journalists from

regional and local media to use these possibilities for their own investigations. During the trainings, tactics for successful use of the law in certain cases of journalists from Holland and Bulgaria were presented. The documentary *Media and Access to Information - Five Investigative Reporter Stories* which presents five emblematic access to information litigation proceedings of journalists was shown at all workshops.

AIP produced documentary *Right to Know Day* was disseminated for broadcast by regional and local TVs during the trainings.

In 2010, members of AIP team took part in lectures and presentations in 72 trainings, discussions, seminars, conferences and international events.

The number of participants in trainings, held by AIP, or in which members of AIP team were lecturers during 2010 are 1,354.

In 2010, the members of AIP team made presentations before 2,473 persons at conferences and other events held in Bulgaria and abroad.

The successful trainings held by AIP, the training materials, the analysis of the shared experience and the results, as well as the seeking of expertise from the team, show that AIP is an important freedom of information resource center approached by more and more people concerned by the issue.

### **5. Participation in the public debate on the issues related to the access to information and right to freedom of expression**

#### **Public debate related to the legislation on freedom of information**

The focus of the 2010 campaign was the popularization of the standards set forth in the Council of Europe Convention on Access to Official Documents: [http://www.aip-bg.org/documents/coe\\_convention\\_aod.htm](http://www.aip-bg.org/documents/coe_convention_aod.htm)

In 2010 again, AIP took an active part in the debate related to proposed amendments to the Electronic Communications Act.

Different phases of the campaign in 2009 and 2010 may be followed on AIP web site at: [http://www.aip-bg.org/documents/zes/zes\\_campaign.htm](http://www.aip-bg.org/documents/zes/zes_campaign.htm)

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AIP was actively involved in the debate on proposed amendments to the Trade Register Act (TRA). The stages of AIP participation in the debate are also followed on the web site but also in the *Access Point* blog.

### Publications in Printed Media and TV Programs

AIP participation in public debates on freedom of information legislation, the court cases, supported by AIP and the initiatives of the organization were covered in national and local media. The media campaign is a tool to promote the standards of the freedom of information. The campaign for ratification of the Council of Europe convention and the Right to Know Day Awards Ceremony held by AIP on September 28 were widely covered by the media in 2010. Also, the trainings with the journalists from local and regional media, organized by AIP and its coordinator in the country were covered.

The total number of publications and radio and TV participations of members of AIP team and its coordinators in 2010 is 522, including national and local media. Out of these, 122 are radio and TV programs and 400 are printed and online media.

Out of 122 radio and TV programs, 70 are in local media, while 52 are in national.

Out of the 400 publications, 234 are in local media, while 166 in national. Compared to the statistics of 2009, the number is higher with 105 publications.

In February 2010, the Bulgarian NGO Information Portal – <http://www.ngobg.info>. AIP has registered in the portal and can publish news, press releases and general information about its activities.

### Monthly Electronic Newsletter

Since 2004, AIP has been publishing and disseminating an electronic Freedom of Information Newsletter. Twelve issues of the monthly electronic newsletter containing analysis of the legislation, comments, recommendations, announcements on events organized by AIP as well as news from Bulgaria and the world, were disseminated during the period January – December 2010.

All issues of the newsletter are published on the web page of AIP (See <http://www.aip-bg.org/publications/бюлетин/2010> in Bulgarian.) Currently, there are 2,400 subscribers, representing NGOs, media, citizens, state authorities and journalists.

The number of articles published in the Newsletter in 2010 is 134.

In the *Coordinators' Network* (from AIP coordinators in the country)- 16

Interviews – 10

Comments of the Lawyer – 9

*Adventures with an Info Request* – 7

In 2010, a new column was started: *AIP Recommends* – 9 materials were published.

News from the Court Room – 54 court cases in which AIP legal team has provided assistance were covered by 11 issues of the Newsletter.

News from the World - 69 news related to developments in the access to information area were covered by 11 issues.

## Access to Information Programme Publications in 2010



### Access to Information in Bulgaria 2009

In 2010, AIP published and disseminated the annual report *Access to Information in Bulgaria 2009* (1000 copies in Bulgarian were disseminated to public bodies, MPs, NGOs and media). The English translation was disseminated to all partner organizations via the International Freedom of Information Advocates Network and is accessible online:

[http://www.aip-bg.org/pdf/report\\_2009\\_eng.pdf](http://www.aip-bg.org/pdf/report_2009_eng.pdf)

*Access to Information in Bulgaria 2009*, Access to Information Programme, 2010, 86 pages.

ISSN 1314-0523 (online)



### Buying/Selling the Danube Coast

**10 Years Access to Public Information Act, 60 stories by journalists**

In 2010, AIP published the book *Buying/Selling the Danube Coast*. It is a part of AIP marking the tenth anniversary of the APIA adoption. The stories are written by the AIP coordinators within the period 2003 – 2010. Most of them were published in AIP monthly newsletter, the rest in the media journalists work for. Some texts were amended, updated or originally written for the purposes of the book.

*Buying/Selling the Danube Coast. 10 Years Access to Public Information Act, 60 stories by journalists*

Access to Information Programme, 2010, 246 pages  
ISBN 978-954-9953-46-6



### New Standards in Access to Information

In December 2010, AIP published a collection of materials produced within the framework of the project Public Awareness Campaign on New Standards in the Access to Information Area, supported by a grant from Iceland, Liechtenstein and Norway through the EEA Financial Mechanism (The NGO Fund – Bulgaria 2008-2010; *Contract No. П03-20-00*).

The book contains the translation of the Council of Europe Convention on Access to Official Documents and the Explanatory Report, the consistency report, and summaries of the presentations of Gergana Jouleva and Alexander Kashumov made during the public discussions in the country.

*New Standards in Access to Information*, Access to Information Programme, 2010, 163 pages, ISBN 978-954-9953-47-3

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### Internet Sites of AIP

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

In 2010, AIP updated its web site – both technical and graphical changes were made. The process required a number of focused meetings of the team, discussions, drafting of proposals and building a concept. The development was assigned to *Svetlozar Online* company who maintain AIP internal management information system. The updated web site was launched on January 25 2011.

The structure and design of the web site follow the rich content of information and try to respond to the increased necessity of interactivity to facilitate the customers in using the information and training materials. The specialized section „[How to get access?](#)” contains interactive manual with practical advice for searching and obtaining information from obliged bodies. The new web site is linked to the blog [Access Point](#) and gives the possibility of sharing in social networks.

The traffic statistics for the 2010 shows that the number of visits to [www.aip-bg.org](http://www.aip-bg.org) is: 241,308 (average of 20,109 visits per month). Larger number of visits is registered during months in which AIP ran special campaigns – January and February (related to the debate about the Electronic Communications Act); March – presentation of the results from the institutional web sites survey and the national representative public opinion poll on public attitudes regarding the right to information. Out of the visits from foreign servers (average of 35 % of all), the largest number comes from the USA, the Russian Federation, France, Holland, UK and Germany. There are also visits from Sweden, Japan and China.

AIP maintains and updates the special web site for the International Right to Know Day – September 28. The peak in the visits of this web site is September – 1,194 visits, with an average for the year 817: <http://www.righttoknowday.net/>

AIP also maintains the special web site *Access to Information and Journalistic Investigations*. The web site contains legislation, journalistic cases and litigation, journalistic investigations, information and training materials, documentaries and short videos. The average number of visits for 2010 is 556: <http://www.ati-journalists.net/>.

### **Access Point blog**

In order to increase the efficiency of its permanent campaign for the improvement of access to information in Bulgaria, AIP launched its blog *Access point* in May 2010. 27 posts have been made and 5 comments followed: [www.blog.aip-bg.org](http://www.blog.aip-bg.org)

### **AIP in Facebook**

In October 2010, AIP created its Facebook site. 188 people already like it. Visits per month vary from 50 to 90. Several albums were uploaded.

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### International Right to Know Day

Since September 2003, AIP organizes the Right to Know Day Awards Ceremony – 28 September. The aim of the ceremony is to promote the right to information. On this day activists in the field of freedom of information worldwide promote the idea of open and democratic society.

Celebrating the Right to Know Day is part of the initiatives of the International Freedom of Information Advocates Network (FOIANet <http://www.foiadvocates.net/>).

The Eight Right to Know Day Awards Ceremony was held on 28 September in the Bulgarian News Agency, Sofia. AIP presented awards for contribution to the freedom of information area. More than 100 representatives of NGOs, public officials, journalists, lawyers, partners, colleagues, and friends of AIP attended.

Pictures of the Ceremony were uploaded on [Facebook](#).

More about the 2010 Ceremony can be found at the special Right to Know Day: [http://www.righttoknowday.net/ceremony10\\_eng.php](http://www.righttoknowday.net/ceremony10_eng.php)



*Hristo Hristov, Dnevnik Daily, presents the Golden Key to Rosen Bosev*



*Mr. Milcho Borov, president of Canteq, greets the participants*

### 6. Cooperation on national, regional and international level

#### Cooperation with institutions on national and local level

- Alexander Kashumov and Tereza Mandjukova participated in a discussion meeting of the Internal Security and Public Order Committee (January 12, 2010) and the Transport, Information Technologies and Communications Committee (January 14, 2010) about the draft amendments to the Electronic Communications Act in National Assembly of the Republic of Bulgaria, Sofia.
- Alexander Kashumov and Tereza Mandjukova participated in a round table about the proposed amendments to the Electronic Communications Act organized by The Union of Democratic Forces on January 15, 2010,
- On January 19, 2010, representatives of AIP participated in *What We (Don't) Know About the Ministry of Interior* Conference. Results from the joint project *What We (Don't) Know About the Ministry of Interior* implemented by *Open Society Institute – Sofia and AIP* were presented.

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- On February 8, 2010, Gergana Jolueva and Alexander Kashumov participated in a round table *The Right to Know and Declassification of the National Security Archives* organized by the History Department of the Sofia University "Sveti Kliment Ohridski", Bulgarian Helsinki Committee, and the Dossiers' Commission
- AIP continued its cooperation with the Bulgarian Helsinki Committee in the preparation of the annual report of BHC for the access to information chapter, and also in taking part in different conferences and discussions, organized by BHC.
- Representatives of AIP took part in the Commencement Ceremony of the New Bulgarian University on March 4, 2010.
- On March, 17, 2010, representatives of AIP participated in public discussion *State Authority in the Parliamentary Republic – Powers and Cooperation. Problems in the National Practice* organized by the Chairperson of the National Assembly, Tsetska Tsatcheva
- On March 19, 2010 Alexander Kashumov participated in a meeting with representatives of the *Student Program for Legal Researches* about their survey on "Legislation, government institutions, and procedures for protecting civil rights from illegal actions coming from the security bodies and special services – comparative analysis on the legislation of the European Union and other countries."
- On April 8, 2010, at the Committee for disclosing and announcing affiliation of Bulgarian citizens to the State Security and the intelligence services of the Bulgarian National Army's Anniversary recognized AIP with an Award for Activities and Contribution to the Process of Opening the Communistic Secret Services Archives.
- On April 9, 2010, Alexander Kashumov participated in "Strategies and Policies for Security" Conference organized by the Center for Risk and Security Studies in New Bulgarian University.
- On April 28, 2010, Alexander Kashumov participated in a discussion "State Commission on Information Security's Instruction about Implementation of the List of Categories Information Subject to Classification as State secret", organized by the State Commission on Information Security (SCIS).
- On June 8, 2010, Fani Davidova and Tereza Mandjukova participated in a round table about "Necessary legislative amendments for improving the function of the Trade Register" organized by the Parliamentary Economic Policy, Energy and Tourism Committee, Parliamentary Legal Affairs Committee, and the American Chamber of Commerce in Bulgaria.
- On June 17, 2010, Alexander Kashumov took part in a conference "Prevention and Revealing of Conflict of Interests," organized by the Center for the Study of Democracy. AIP critical position with regard to the formulation of the

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provision in the law which requires publication of the Conflict of Interests Declarations was presented. The publicity of these declarations has been subject to diverse interpretation especially after a Statement of the Commission for Personal Data Protection.

- AIP Executive Director, Gergana Jouleva was invited as a speaker at the Conference *15 Years Dutch – Bulgarian Cooperation under the MATRA Programme – Achievements and Future Cooperation* held on November 16, 2010 in Sofia.
- The Council of Europe Convention and the Explanatory Report, as well as the report on the consistency of Bulgarian legislation with the Convention, were presented by Gergana Jouleva, AIP Executive Director, and Alexander Kashumov, head of AIP legal team at a discussion initiated by the State Commission on Information Security. The initiative followed the recommendations in AIP annual report *Access to Information in Bulgaria 2009* for precision of the *administrative secret* to avoid its broad interpretation in the practices of administrative bodies and compliance with the requirements set forth in the Convention. In the three discussions (17.09.2010, 18.10.2010 и 03.11.2010), representatives of State Agency for National Security and *State Administration* Directorate of the Council of Ministers also took part.

### Cooperation on International Level

- Alexander Kashumov presented AIP experience in the workshop “Journalism and the Right to Information”, held in Berlin and organized by the *Network for Reporting on Eastern Europe, Access Info Europe, and Konrad Adenauer Stiftung*, February 17-19, 2010.
- On 11-12 March 2010, Diana Bancheva participated as a representative of AIP in the seminar “Where there is a will there is a way, how watchdog activities change the world” organized by *The Association of Leaders of Local Civic Groups* in Warsaw, Poland.
- Within May 29 – July 11, 2010, Diana Bancheva completed an internship at the National Security Archive, Washington DC, USA. She assisted the FOIA coordinator and the editor of *Freedominfo.org*. She also presented AIP experience in the editorial office of *The Gazette.net*, Maryland Community News, Frederick.
- On June 14–18, 2010, AIP hosted a study visit for two representatives of the Media Rights Institute, Azerbaijan. AIP’s 14 years’ FOI advocacy experience, the level of APIA implementation in Bulgaria, the litigation practices were presented.
- On June 28, 2010, Alexander Kashumov took part in an International Conference “Strengthening Accountability Mechanism in Public Finance”, organized by the Commissioner for Information of Public Importance and Personal Data Protection in Serbia.

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- Within 1-4 July, 2010 – AIP Executive Director, Gergana Jouleva, and the Head of AIP legal team, Alexander Kashumov, took part in the annual meeting of Statewatch contributors held in London.
- On August 23, 2010, Alexander Kashumov lectured at the seminar organized by BIRN Summer School of Investigative Reporting, Novi Sad, Serbia.
- AIP Executive Director, Gergana Jouleva, presented problems and challenges related to the access to information on the base of AIP advocacy experience at the Right to Information Workshop within the 4th Connecting Civil Societies of Asia and Europe Conference, organized by Asia – Europe Foundation in Brussels on 1–3 October 2010.
- On October 4, 2010, Fany Davidova, a lawyer in AIP legal team, presented how to use access to information regulations to receive information from government bodies on the issue of domestic violence before the participants in the International *Monitoring Strategies Workshop* organized by Bulgarian Gender Research Foundation on 4–7 October, 2010 Sofia
- Alexander Kashumov took part in the round table Support to the implementation of the Law on Free Access to Information, organized by the Organization for Security and Co-operation in Europe, Mission to Montenegro and held on 11-12 October 2010 in Podgorica, Montenegro.
- On 21 October, 2010, Alexander Kashumov took part in the Meeting with NGOs and Applicants' Representatives, organized by the European Court of Human Rights in Strasbourg.
- Within 21-26 October, 2010, Gergana Jouleva visited Georgia, Tbilisi and Batumi where she took part in several forums – she presented AIP experience to the team of Open Society – Georgia, in the conference 20th Century in Materials of the Georgian Security Archive: Post-Soviet Archives and Memory, organized by the Georgian National Security Archive and the Institute for Development of Freedom of Information, Georgia and the National Security Archive, USA; and at a meeting with the team of the independent newspaper Batumci.
- Alexander Kashumov presented AIP litigation experience to students in law and practicing lawyers in Azerbaijan within the program Providing Freedom of Information through Strategic Litigation on October 29-30, 2010 at the invitation of the Media Right Institute, Baku.
- December 2-3, 2010, Alexander Kashumov, lectured at the 4th Media Forum for South East Europe on “Access to Information – Sources for Investigative Journalists”, organized by SEEMO in Budapest.

### **International Freedom of Information Advocates Network**

**[\(http://www.foiadvocates.net/\)](http://www.foiadvocates.net/)**

In 2010, AIP continued its active participation in discussions in the Freedom of Information Advocates Network (FOIANet). In the summer of 2009, Tereza

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Mandjukova joined the team of AIP. She undertook the communication within the FOIANet.

Elections were held in the summer of 2010, and AIP Executive Director, Gergana Jouleva, was again elected as a member of the Steering Committee of the FOIANet.

### Countrywide Network of Coordinators

In 2010, AIP held two meetings with the coordinators from the country network in Sofia – on February 5 in Hotel “Rila” and November 26 in Hotel “Bulgaria”.



The first meeting was organized within the project [Local Media and Freedom of Information in Bulgaria](#), financed through the MATRA program of the Dutch Ministry of Foreign Affairs. Gergana Jouleva, AIP Executive Director, made an overview of the key achievements of AIP during the past 2009.

The goals and tasks of the coordinators' network for 2010 were outlined. The

newly launched [Public Awareness Campaign on New Standards in the Access to Information Area](#) was presented. The organization of the discussion meetings under the project as well as the trainings with local journalists with the participation of the Dutch expert Roger Vleugels were discussed.



At the meeting in February, AIP gave the Coordinator of the Year Award for a third successive year. Stela Kovacheva, AIP coordinator for the region of Razgrad, was acknowledged for her active engagement in the coordinators' network, timely and efficient coverage of AIP initiatives, participation in access to information campaigns on a local level.

AIP executive director, Gergana Jouleva, presents the award to Stela Kovacheva

Interview with Stela Kovacheva was published in AIP Newsletter: <http://www.aip-bg.org/bulletin/74/06.htm>

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On November 26, 2010 in Dessislava Hall in Grand Hotel Bulgaria, Sofia, Access to Information Programme (AIP) held a second meeting with the coordinators from the country and for the first time invited other journalists from local, regional and national media.

The purpose of the meeting was to make a review of the results achieved within the

three-year project [Local Media and Freedom of Information in Bulgaria](#), financed through the MATRA program of the Dutch Ministry of Foreign Affairs and implemented by AIP in cooperation with the [The Management & Media Academy/Free Voice](#).

Journalists from Sofia shared their experience, while their colleagues from the country shared remarks on the trainings held in the country by AIP team, together with Roger Vleugels.



After the meeting, journalists and AIP team attended the promotion of the book [Buying/Selling the Danube Coast \(10 Years APIA, 60 stories by journalists\)](#) printed in November 2010 within the framework of the same project. The book, whose compiler and editor is Nikolay N. Ninov, a coordinator of the AIP network of journalists in the country, is a chronology of the uneasy way walked along by the authorities and the civil society during the ten years of

APIA implementation in Bulgaria. The book addresses journalists, legal experts, NGOs and citizens who are concerned about the quality of the public information, about its restrictions, the violations in the process of its provision, and the mechanisms for the protection of the right to information.

The stories are written by the AIP coordinators within the period 2003 – 2010. Most of them were published in AIP monthly newsletter, the rest in the media journalists work for. Some texts were amended, updated or originally written for the purposes of the book.

In 2010, AIP coordinators assisted the organization of trainings for journalists in the country under the project [Local Media and Freedom of Information in Bulgaria](#), as well as all 26 discussion meetings under the project [Public Awareness Campaign on New Standards in the Access to Information Area](#).

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In 2010, AIP coordinators prepared articles for the Electronic Monthly Newsletter of AIP, for local media and provided for the coverage of the annual report *Access to Information in Bulgaria 2009*.

AIP coordinators wrote the record 58 articles for the newsletter – with 46 more than in 2009. They have also contributed to the 37 publications in regional media about the trainings under the project [Local Media and Freedom of Information in Bulgaria](#), 190 publications on the Campaign for New Standards in Access to Information Area, 16 publications on the Conference *Ten Years APIA. New Standards in Access to Information* and over 30 publications about the book *Buying/ Selling the Danube Coast (10 Years APIA, 60 stories by journalists)*. In 2010, AIP coordinators collected and sent nominations in different categories for the Right to Know Day Awards, also leading the popularization campaign on a local level – distributing leaflets, posters and other materials; covered the Ceremony held in the Bulgarian News Agency on a local level.

The aims of AIP set forth by the projects [Local Media and Freedom of Information in Bulgaria](#) and [Public Awareness Campaign on New Standards in the Access to Information Area](#), as well as the strategy for development of the organization for 2011 required that the coordinator in the town of Gabrovo was replaced by the journalist Janet Mihova, the beginning of the process for changing the coordinator in Pazardzhik with the journalist Cornelia Boiadzhieva, and in Pleven with Ivanka Vateva, as well as the assignment for the first time of a coordinator for Sofia region – the chief editor of Agency *Nov Pogled (New Vision)* in the town of Zlatitsa – Alexander Iliev.

### Projects

During 2010, AIP has implemented the following projects:



### The New Access to Information Standards – Public Awareness Campaign

November 1, 2009 – December 31, 2010 – completed

**Description:** The project aimed to enhance the execution of the right of access to information by promotion of higher standards for the provision of public information, including the implementation of the international standards. AIP experts made an analysis of the Bulgarian legislation regarding the consistency with standards set forth in the Council of Europe Convention on Access to Official Documents.

26 public discussions in regional towns in Bulgaria were held and the new standards were presented to 1,219 representatives of NGOs, journalists, civil servants, and active citizens and to the participants of the Conference *Ten Years Access to Public Information Act. New Standards in the Access to Information Area* held under the auspices of the National Assembly Chairperson Tsetska Tsacheva.

### Results:

- Overcoming the problems with the access to information by the application of the standards set forth by the Convention and the APIA amendments.
- More transparent and accountable government.
- Report on the consistency of the APIA with the Convention.
- Dissemination of the translated text of the Convention and the Explanatory Report to all participants (approximately 1300) in the public discussions and the libraries. Presentation and clarification of the texts of the Convention and APIA to a wider interested audience.
- Enhancing civic culture regarding the European standards in access to information.

**Donor of the project:** European Economic Area Financial Mechanism, Norwegian Financial Mechanism, the Fund for NGO Support in Bulgaria is operated by the Foundation for the Local Government Reform



ИНСТИТУТ  
ОТВОРЕНО  
ОБЩЕСТВО  
СОФИЯ

### **Comparative Survey “What We (don't) Know about the Ministry of Interior?”**

August 2009 – June 2010 - completed

**Description:** The Project aimed to develop a survey on the information provision in the Ministry of Interior in comparison with the European practice. The research was a preparatory stage for development of a public campaign for improvement in the access to information provided by the Ministry of Interior and the Police in particular.

### Results:

The research aimed to collect and summarize the whole data about the quantity and the variety of information available in international aspect. The analyses on the collected data will be presented before the Ministry of Interior and the public as an argument for the need of declassification of the information concerning the work of the Ministry of Interior and improvement of its accountability.

**The project was implemented by Open Society Institute – Sofia. AIP contributee expert assistant.**



OPEN SOCIETY INSTITUTE  
& Soros Foundations Network

### **Pushing for Accountability of Government through Access to Information Legal Assistance and Litigation**

May 1, 2009 – April 30, 2012

**Description:** The aim of this project is to push for enforcement of overriding public interest amendments to the APIA in Bulgaria by encouraging and facilitating public demand for public information.

Main project activities:

- Providing consultancy in the AIP office on everyday basis to journalists, NGOs and citizens in cases where they seek information and in cases of refusal;
- Filing applications and submissions to the administrative courts;
- Representing access to information cases in courts;
- Systematizing of the litigation practices;

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- Presenting results from litigation on a national conference before lawyers and other interested parties;
- Permanent media campaign on ATI cases and practices through publications in FOI Newsletter, central and local media, FOIANetwork mailing list, on the website;
- Cooperation with partner organizations.

### Expected results:

- Increased awareness of citizens, NGOs, and journalists of their right to access government held information;
- Increased number of successful cases when information of high public interest is sought;
- Disseminated knowledge of successful cases to the public at large;
- More encouraged people to exercise their right of access to information;
- Increased knowledge of public administration to apply the public interest test;
- Analysis of access to information litigation practices in Bulgaria;
- Establishment of more consistent and advanced court practice;
- Increased government openness and accountability in the fields of: public registers, public procurements, public sector services performed by private companies;
- Regional and international exchange of information on access to information litigation.

**Donor of the project:** Human Rights and Governance Grants Program of Open Society Institute



Trust for Civil Society  
in Central and Eastern Europe

**Support to Access to Information  
Program as a Freedom of Information  
Civic Resource Center (FOICRC)**

May 1, 2008 – April 30, 2011

**Description:** The project goal is to guarantee institutional support to AIP for its further establishment as a resource center which works for improving the accountability of public institutions in Bulgaria and to encourage informed public participation in the decision-making process.

### Activities:

1. Advocate for better FOI legislation on the basis of permanent monitoring of the secondary and connected legislation and practices and submit comments and recommendations in its annual reports;
2. Maintain its countrywide network of coordinators in all regional cities in Bulgaria to monitor the practices;
3. Provide legal assistance in cases when requesters seek information from public institutions; including representation in courts;
4. Organize trainings, presentations, and campaigns to raise public awareness on access to information issues (FOI monthly newsletter and publications around the country, Right to Know Day Ceremony);

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5. Exchange experience and knowledge in the FOI area through cooperation on local, regional and global level including active participation in FOIANet (<http://www.foiadvocates.net/>).
6. Development of fundraising strategies and organizational sustainability.

### Expected results:

- Bulgarian FOI legislation brought in compliance with international FOI standards – especially in terms of exemptions and active provision of information, including online;
- Decreased number of information refusals registered in the Minister of State Administration and Administrative Reform annual report;
- Increased accountability and transparency of the public institutions;
- Increased public awareness on the right of information for good governance;
- New skills among NGOs and journalists on how to use their right of access to information in their work;
- More active exercise of the right of access to information by citizens, journalists and NGOs;
- Increased number of legal consultations provided by AIP legal team to information seekers;
- Increased capacity of team of AIP and coordinators.

**Donor of the project:** The Trust for Civil Society in Central and Eastern Europe (The CEE Trust)



**Local Media and Freedom of Information in Bulgaria**

December 2007 – November 2010 – completed

**Description:** The overall objectives of the project was promotion of the process of transparency and accountability of the government and local authorities in Bulgaria; contribution to the rule of law and democracy in line with the European standards, and improvement of the flow and quality of public information.

### Goals:

To increase transparency at local and regional level; to increase the knowledge and improve the skills of local media and journalists on applying access to information legislation, and to help build engaged society that holds authorities accountable.

### Activities:

1. Trainings for editors-in-chief and journalists from local and regional media
2. Legal advice and help to journalists in information cases
3. Creation of database and website with results from APIA use by media and journalists
4. Public awareness campaign led by AIP coordinators in the country (on local and regional level)
5. TV campaign about freedom of information and production of documentary Right to Know

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### Results:

- 26 trainings for 526 journalist in all regions of Bulgaria. Media and journalists understand and apply better their rights and obligations under APIA.
- 242 cases of journalists referred to AIP for legal help, 157 requests submitted by journalists. Increased success in obtaining access to public information by media and journalists with the help of the Access to Public Information Act.
- Legal consultation to journalists in 81 cases from AIP coordinators and 161 from other journalists appeals, court representation in 53 cases of journalists
- Launch and maintaining of a special web site: [www.ati-journalists.net](http://www.ati-journalists.net) for monitoring of access to information laws use by media and journalists.
- Awareness among general public raised on freedom of information issues and on practices of active information seeking:
  - Documentary – *Media and Access to Information. Five investigative reporters stories* 400 DVD copies with English and Russian Titles
  - Documentary *Right to Know Day* – 400 copies with English Titles
  - 5 training videos produced.
  - 14 videos on the 2009 and 2010 Right to Know Day Ceremony produced.
  - 42 broadcasts on cable local and regional TVs of the two documentaries.
  - 2 documentaries presented at 13 international forums.

**Donor of the project:** The project was implemented by AIP and The Management & Media Academy/Free Voice, the Netherlands, financed by The Ministry of Foreign Affairs Aid to Central and Eastern Europe - The Netherlands MATRA PROGRAM



AMERICA FOR BULGARIA  
FOUNDATION  
Фондация Америка за България

### Responding to the New Demand for Freedom of Information

April 8, 2010 – April 8, 2013

#### Project Goals:

- Improve the provision, flow and quality of AIP services on local, national levels, to information seekers and international networks.
- Raise public awareness on new standards in the access to information area and develop tools for self education of information seekers to exercise their right to know.
- Advocate for implementation of new standards in the access to information area.

#### Activities:

1. Development and integration of a new design and structure of AIP web site.
2. Monitoring and comment on access to information legislation and practice; initiation of debates on problematic issues through the enhanced web-resources.
3. Proactive legal help provided electronically.
4. Dissemination and exchange of knowledge about FOI rights in local and international networks.

**Donor of the Project:** America for Bulgaria Foundation

## ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2010

### Institutional Achievement

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

### Board

Dimitar Totev – Chairperson

Gergana Jouleva, PhD– Executive Director

Luba Rizova

Mariana Milosheva-Krushe

Pavlina Petrova

Petko Georgiev

Svetlozar Zhelev

Yordanka Gancheva

In 2010, the Board of AIP held one session.

The regular session of the Board was held on March 4, 2010, in Sofia, in the office of AIP (76 Vasil Levski Blvd, floor 3, apt. 3), in compliance with Art. 12, Para. 8 of the Bylaws, called by the AIP Executive Director Gergana Jouleva.

The Board adopted the Annual report of AIP presented by the Executive Director Gergana Jouleva; accepted the budget and the main activities for 2009.

### Team

The team which has achieved all this is:

Gergana Jouleva, PhD, Executive Director

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

Darina Palova, attorney-at-law

Kiril Terziiski, attorney-at-law

Tereza Mandjukova, lawyer

Fany Davidova, lawyer

Diana Bancheva, communication coordinator

Nikolay Ninov – coordinator of the countrywide network of journalists

Ralitzka Katzarska, coordinator

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

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

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2010**

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

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

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

Access to Information Programme submits its annual report to the Central Registration Database of NGOs under the Ministry of Justice.

10.02.2011 г.

Sofia

Gergana Jouleva

Executive Director of AIP