

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, SG No. 97/11.12.2015, SG No. 13/16.02.2016, SG No. 50/01.07.2016, SG No. 85/24.10.2017, SG No. 77/18.09.2018, SG No. 17/26.02.2019, SG No. 15/22.02.2022, SG No. 82/29.09.2023, SG No. 16/10.02.2026

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 and public sector information

(Amended, SG No. 49/2007)

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 par. 1 shall be deemed public irrespective of the kind of its material medium.

(3) (New, SG No. 49/2007, amended SG No. 97/2015, in effect since 12.01.2016) Public sector information shall be any kind of information objectified on a material medium, including if it was held as a document, as audio or video record, and collected or generated by a public sector organization.

(4) (New, SG No. 97/2015, in effect since 12.01.2016 (*)) The information under item 3 shall be also maintained in electronic format.

(5)(Amended, SG No. 1/2002, previous (3), SG No. 49/2007, previous (4), SG 97/2015, in force since 12.01.2016) This act shall not apply to the access to personal data.

Re-use of public sector information

Art. 2a. (New, SG No. 49/2007; amended SG No. 82/2023, in force since 29.09.2023) (1) Re-use of public sector information shall be the use of:

1. public sector information, including information containing spatial data, for commercial or non-commercial purposes other than the original purpose for which it was created and collected within the scope of the powers or functions of a public sector body;
2. research data for commercial or non-commercial purposes, provided that such data were generated and collected through public funding and have been made publicly available by the researchers, research organizations, or research funding organizations.

(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 for providing access to public information

(Title amended, SG No. 49/2007; supp. SG No. 82/2023, in force since 29.09.2023)

Art. 3. (1) (Amended SG No. 104/2008) This act shall apply to access to public information that is created by or held by 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 par. 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; Repealed SG No. 82/2023)

(4) (New, SG No. 49/2007; Amended – SG No. 97/2015 in force since 12.01.2016; Repealed SG No. 82/2023)

Entities required to provide public sector information for re-use

Art. 3a (New, SG No. 82/2023, in force since 29.09.2023) (1) This law applies to the reuse of public sector information created or held by the following public sector organizations:

1. state authorities, their territorial units, territorial executive authorities, and local government bodies in the Republic of Bulgaria;

2. public-law organizations;

3. organizations conducting scientific research and organizations funding scientific research, including higher education institutions for the research data referred to in Art. 41a².

(2) Public sector organizations are required to make public sector information available for re-use, except in the cases provided for in this Act.

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 par. 1 in the Republic of Bulgaria.

(3) Legal entities shall enjoy the right under par. 1 too.

(4) (New, SG No. 49/2007) Persons under par. 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. (Amended – SG No. 97/2015 in force since 2016) personal data protection;

6. guaranteed the security of the society and the state.

(2) (New, SG No. 49/2007; amended – SG No. 82/2023, in force since 29.09.2023) The basic principles governing the creation, storage and 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;
5. (New, SG No. 82/2023, in force since 29.09.2023) open by design and by default.

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 state or another protected secret in the cases provided for by a law.

(2) (Amended, SG No. 82/2023, in force since 29.09.2023) Access to public information and the provision of public sector information for re-use 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 par. 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 par. 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 head 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. (Amended – SG No. 97/2015, in force since 12.01.2016) list of the acts issued within

the scope of its powers and the texts of the issued normative and general administrative acts issued by the body;

3. (Amended – SG No. 82/2023, in force since 29.09.2023) description of the data volumes, the datasets and resources created and stored by the respective administration;

4. (Amended – SG No. 97/2015, in force since 12.01.2016) the name, the address, the e-mail address, the telephone number and the working hours of the respective administration's office which is responsible to receive the access to public information applications;

5. (New, SG No. 97/2015, in force since 12.01.2016) the statute and the internal rules relating to the provision of administrative services to citizens;

6. (New, SG No. 97/2015, in force since 12.01.2016) strategies, plans, programs and activity reports;

7. (New, SG No. 97/2015, in force since 12.01.2016) information on the budget and the financial reports of the respective administration, which should be published under the Public Finance Act;

8. (New, SG No. 97/2015, in force since 12.01.2016) information on the public procurement procedures, which should be published in the buyer's profile under the Public Procurement Act;

9. (New, SG No. 97/2015, in force since 12.01.2016) drafts of normative acts together with the motives reports, respectively – the report and the results of the public consultation of the draft;

10. (New, SG No. 97/2015, in force since 12.01.2016) notifications for initiation of the proceeding for the issuance of a general administrative act under art. 66 of the Administrative Procedure Code, including the basic considerations for the issuance of the acts and the forms and periods for participation of the persons concerned;

11. (New, SG No. 97/2015, in force since 12.01.2016) information on exercising the right of access to public information, on the procedure on re-use of information, on the fees under art. 41g and on the formats in which the information is held;

12. (New, SG No. 97/2015, in force since 12.01.2016) notices of the competitive procedures for civil servants' positions;

13. (New, SG No. 97/2015, in force since 12.01.2016; amended SG No. 82/2023, in force since 29.09.2023; SG No. 16/2026) information subject to publication under the National Audit Office Act;

14. (New, SG No. 97/2015, in force since 12.01.2016) information which is public under the Classified Information Protection Act and the administrative acts on its implementation;

15. (New, SG No. 97/2015, in force since 12.01.2016) information under art. 14, par. 2, items 1–3;

16. (New, SG No. 97/2015, in force since 12.01.2016) the information provided more than three times under the procedure laid down in Chapter Three;

17. (New, SG No. 97/2015, in force since 12.01.2016) other information (which should be published) under a law.

(2) (Amended, SG No. 24/2006; Amended – SG No. 97/2015, in force since 12.01.2016) Every head of administrative structure under par. 1 shall prepare an annual report on the applications for access to public information and on the re-use of public sector 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, par. 2 of the Administration Act.

(3) (New, SG No. 97/2015, in force since 12.01.2016) The bodies under art. 3, par. 2, item 1 shall publish on a regular basis up-to-date information on their activity, corresponding to the information under par.1, items 1, 4, 5, 6, 8, 11, 15, 16 and 17.

(4) (New, SG No. 97/2015, in force since 12.01.2016) Public sector organizations, including public libraries, including university libraries, archives and museums, shall publish all conditions concerning the provision of information for reuse on their Internet site and on the portal under art. 15d.

Publication on the Internet

Art. 15a. (New, SG No. 104/2008) (1) (Amended – SG No. 97/2015, in force since 12.01.2016) Information under Art. 15 shall be published on the Internet sites of the administrative structures within the system of the executive power and of the subjects under art. 3, par. 2, item 1.

(2) (Amended – SG No. 97/2015, in force since 12.01.2016) In the *Access to information* subsection of the Internet site under par. 1 shall be published the data under art. 15, par. 1, items 4 and 11 and the annual reports under par. 2, the existing internal rules on access to information, the tariffs on the expenses for provision of access to information under art. 20, par. 2 and for re-use of public sector information under art. 41g, the procedure for access to the public registers, held by the administrative structures within the system of the executive power

(3) (New, SG No. 97/2015, in force since 12.01.2016; amended – SG No. 82/2023, in

force since 29.09.2023) Every head of an administrative structure under art. 15, par. 1 shall publish in the “Access to Information” section of the websites referred to in par. 1 on an annual basis an updated list of the categories of information, subject to mandatory publication online concerning the sphere of activity of the respective administration as well as the formats in which it is available.

(4) (New, SG No. 97/2015, in force since 12.01.2016) The information under art. 15 shall be published, respectively shall be updated, within three working days of the adoption of the respective act or of the creation of the respective information, and, if the act should be promulgated – within three working days of the promulgation, unless a law provides otherwise.

Publication in open format

Art. 15b. (New, SG No. 97/2015, in force since 12.09.2016; amended – SG No. 82/2023, in force since 29.09.2023) (1) Every public sector organization plans on an annual basis the gradual publication on the Internet in an open format of the data volumes, datasets and resources, which it holds, the access to which is free.

(2) The executive power bodies shall include in their annual objectives for the activity of the respective administration under art. 33 of the Administration Act objectives related to ensuring the gradual publication on the Internet of the data volumes and resources under par. 1.

(3) (Amended, SG No. 50/2016, in force since 01.07.2016; SG. 15/2022, in force since 22.02.2022) The Council of Ministers shall adopt on an annual basis a list of data sets to be published in open format on the internet after suggestion of the Minister of Electronic Government.

(4) (New, SG No. 82/2023, in force since 29.09.2023) The Minister of Electronic Government may require executive authorities to publish on the Open Data Portal public sector information created and stored by them in a machine-readable open format, specifying a deadline by which the information must be published.

(5) (New, SG No. 82/2023, in force since 29.09.2023) Within the timeframe set by the Minister of Electronic Government, the public sector organization to which the request for information under par. 4 is addressed shall publish it in a machine-readable open format on the portal under Art. 15d.

(6) (New, SG No. 82/2023, in force since 29.09.2023) When developing, upgrading, or implementing information systems or registers, public sector organizations shall implement application programming interfaces (APIs) to ensure free public access to electronic documents, information and data in a machine-readable open format for the purposes of publication on the portal under Art. 15d.

Access to public information platform

Art. 15c. (New, SG No. 97/2015, in force since 1.06.2017) (1) The Administration of the Council of Ministers shall establish and maintain a platform for access to public information.

(2) The platform shall provide an opportunity for submitting applications for access to information.

(3) (Amended SG, No. 17/2019; amended SG, No. 82/2023, in force since 31.12.2023) Every obliged subject under art. 3, par. 1 shall publish on the platform under par. 1:

1. decisions and public information in response to requests submitted through the platform;
2. decisions and public information in machine-readable format in response to requests submitted electronically to the email address specified in art. 15, par. 1, item 4, unless the requester has expressly requested that the request, decision and information not be published on the platform.

(4) (New, SG No. 82/2023, in force since 29.09.2023) The publication of the documents and information under par. 3 shall be carried out in compliance with the requirements for the protection of personal data.

(5) (Previous par. 4 – SG No. 82/2023, in force since 29.09.2023) In case of refusal to grant access to public information the decision shall be handed over in compliance with art. 39 by the respective obliged subject under art. 3, par. 1.

Open data portal

Art. 15d. (New, SG No. 97/2015, in force since 12.01.2016) (1) (Amended SG, No 50/2016, in force since 01.07.2016) The Ministry of Electronic Government shall establish and maintain a portal for open data.

(2) Public sector organizations shall publish on the portal under par. 1 the information under art. 15b access to which is free.

(3) The procedure and means of publishing information under par. 2 shall be determined by ordinance adopted by the Council of Ministers.

Reporting

(Title 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.

Reports on re-use of information

Art. 16a. (New, SG No. 97/2015, in force since 13.01.2016; amended – SG No. 50/2016, in force since 01.07.2016; amended – SG No. 82/2023, in force since 29.09.2023) (1)

The Ministry of Electronic Government prepares an annual summary report on the state of public sector information re-use and the impact of high-value datasets.

(2) Public sector organizations shall submit annually, by electronic means, to the Ministry of Electronic Government the information necessary for the preparation of the summary report referred to in par. 1.

(3) The report referred to in par. 1 shall be published on the website of the Ministry of Electronic Government.

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 par. 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 par 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. (Amended – SG No. 97/2015, in force since 12.01.2016) The access to the information under art. 18 shall be exercised with compliance with and with balance of the principles of transparency and economic freedom, as well as of personal data protection, commercial secrecy and the secret of the sources of the mass media that wished to remain secret.

Section III

Conditions and procedure for determining the costs for the provision of public information

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

- Art. 20. (1) The access to public information shall be free of charge.
- (2) The expenses incurred for granting access to public information shall be recovered in accordance with tariffs determined by the Minister of Finance, and shall not exceed the actual costs incurred.
- (3) A justification of the expenses under art. 2 shall be made to the applicant upon his/her request.

Informational obligations upon filing of application for access

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

Free of charge corrections and amendments to the disclosed information

Art. 22. No additional expenses shall be charged for corrections and/or addendum to the granted public information in cases where the information is incorrect or incomplete and

this has been requested by the applicant on stated grounds. Revenues from granting of access to public information

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

Chapter Three

Procedure for Granting Access to Public Information

Section I

Access to Public Information Request

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) (Amended – SG No. 97/2015, in force since 12.01.2016 and in force since 01.06.2017, regarding the words “or through the platform for access to public information”; amended – SG No. 85/2017) The application shall be deemed written also in cases where it is sent electronically to the e-mail address under art. 15, par. 1, item 4 or through the access to public information platform under art. 15c. In these cases, a signature is not required in accordance with the requirements of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23.06.2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.08.2014, p. 73) and the Electronic Documents and Electronic Certification Services Act.

(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. (Amended – SG No. 82/2023, in force since 29.09.2023) the preferred form of access to

the requested information, except when the request is submitted through the Public Information Access Platform;

4. (Amended – SG No. 82/2023, in force since 29.09.2023) the address for correspondence with the applicant or consent to use an account in the Secure Electronic Delivery System pursuant to art. 26, par. 2 of the Electronic Governance Act;
 5. (New, SG No. 82/2023, in force since 29.09.2023) the applicant's refusal to publish on the Public Information Access Platform their request submitted via email under art. 15, par. 1, item 4, as well as the decision and the public information provided in response thereto.
- (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. (Amended – SG No. 97/2015, in force since 12.01.2016) examination of the information - original or copy or via a publicly accessible public register;
 2. verbal explanation;
 3. (Amended – SG No. 97/2015, in force since 12.01.2016) copy on a material medium;
 4. (Amended – SG No. 97/2015, in force since 12.01.2016) copy sent electronically or Internet address where the data are stored or published;
 5. (New, SG No. 82/2023, in force since 29.09.2023) publication of the information on the Public Information Access Platform.
- (2) Access to public information may be granted in one or more of the forms par. 1.
- (3) Where the preferred form of access to public information is the one described in par. 1, item 4, the technical parameters for the recording of the information should be defined.
- (4) (New, SG No. 82/2023, in force since 29.09.2023) When the request is submitted via the Public Information Access Platform, the form for providing access to public information shall be as specified in par. 1, item 5.
- (5) (Previous par. 4 – SG No. 82/2023, in force since 29.09.2023) 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;

4. (New, SG No. 82/2023, in force since 29.09.2023) it is requested through the Public Information Access Platform.

(2) (Amended – SG No. 82/2023, in force since 29.09.2023) In the cases provided under par. 1, items 1-3, access shall be granted in a form decided by the respective agency and in the cases provided under par. 1, item 4 – by publication on the Public Information Access Platform.

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 par. 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, par. 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, par. 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, par. 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, par. 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; Amended – SG No. 97/2015, in force since 12.01.2016) When within the period under par. 1 the third party expressly refuses to give his/her 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 par. 1, the time period set in art. 28, par. 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, par. 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) (Amended – SG No. 97/2015, in force since 12.01.2016) 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 or sent by e-mail, when the applicant has requested that the information be provided by e-mail and has indicated an e-mail address.

(4) The time period described in par. 1, item 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.

(3) (New – SG No. 97/2015, in force since 12.01.2016) When the applicant has requested that the information be provided by e-mail and has indicated an e-mail address for the receipt, the body shall send to the indicated e-mail address the decision for granting of access along with a copy of the information or with the Internet address where the data are stored. In these cases the record under par. 2 shall not be drawn and expenses for providing access shall not be paid.

(4) (New – SG No. 97/2015, in force since 12.01.2016) If the applicant has changed the e-mail address without notifying the obliged body or has indicated an incorrect or a non-existent address, the information shall be considered received on the date of its sending.

Refusal of the applicant of the granted access

Art. 36. (1) (Previous text of art. 36 – SG No. 97/2015, in force since 12.01.2016) If within the time specified in art. 34, par. 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.

(2) (New – SG No. 97/2015, in force since 12.01.2016) Paragraph 1 shall not apply when the application is submitted via the platform for access to public information or electronically.

Section III

Refusal to Grant Access to Public Information

Grounds for a refusal 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, par. 2;
2. (Amended – SG No. 97/2015, in force since 12.01.2016) the access is of a nature to affect third party's interests and the third party has expressly refused to give its 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 par. 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. (Amended – SG No. 82/2023, in force since 29.09.2023) A decision refusing access to public information shall be handed over to the applicant against his/her signature or sent by registered mail, or is sent to the account specified by the applicant in the Secure Electronic Delivery System maintained by the Ministry of Electronic Government as a module of the e-Government Portal within the meaning of the Electronic Governance Act.

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; SG 77/2018, in force since 01.01.2019; SG No. 82/2023, in force since 29.09.2023) The decisions for granting access to public information or for refusals to grant access to public information may be appealed before the relevant administrative court, under the provisions of the Administrative Procedure Code. When deciding on the issue of costs, the existence of evidence of abuse of rights is taken into account.

(2) (Amended, SG No. 24/2006, SG No. 39/2011; SG No. 77/2018, in force since 01.01.2019) The decisions of the persons under art. 3, par. 2 to grant access to public information or to refuse to grant access to public information may be appealed before the relevant administrative court in accordance with the Administrative Procedure Code.

(3) (New – SG SG 77/2018, in force since 01.01.2019) The ruling of the administrative court is not subject to appeal.

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 par. 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, par. 1, item 1, the court may, in closed hearing, request from the body the necessary evidences.

(4) (Amended, SG No. 45/2002) In cases under par. 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)

Conditions for the provision of public sector information for re-use

Art. 41a (New, SG No. 49/2007; Amended – SG No. 97/2015, in force since 13.01.2016)

(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 organization and in open, machine-readable format along with the respective metadata. The provision of the data in open machine-readable format shall be carried out in accordance with the objectives under art. 15b. The format and metadata in these cases shall comply with the official open standards.

(2) (Amended – SG No. 97/2015, in force since 12.01.2016) Public sector organizations shall not be obliged to provide information for re-use if the provision requires the creation, or adaptation of that information, or if it is related to the provision of parts of documents or other materials, which would require disproportionate efforts beyond the usual operation/procedure.

(3) (Supplemented – SG No. 82/2023, in force since 29.09.2023) Public sector organizations shall not be obliged to continue the creation or collection of certain type of information for its re-use by another public sector organization or any other person.

(4) (Amended – SG No. 97/2015, in force since 12.01.2016; amended – SG No. 82/2023, in force since 29.09.2023) At an applicant's request and at given the possibility for that, the requested information shall be provided electronically:

1. by publishing on the Open Data Portal;
2. via a qualified electronic registered mail service;
3. through the Secure Electronic Delivery System under art. 26, par. 2 of the Electronic Governance Act, maintained by the Ministry of Electronic Governance as a module of the Electronic Governance Portal within the meaning of the Electronic Governance Act;
4. to the email address or by other appropriate means for providing the information in electronic form.

(5) (New – SG No. 97/2015, in force since 12.01.2016; supplemented – SG No. 82/2023, in force since 29.09.2023) With the ordinance under art. 15d, par. 3 shall be determined the standard conditions (standard licenses) for re-use of public sector information in open format, for commercial or non-commercial purposes. These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.

(6) (New – SG No. 97/2015, in force since 12.01.2016) Public sector organizations shall provide information for re-use without conditions or may impose conditions within the standard conditions determined by the ordinance under art. 15d, par. 3.

(7) (New – SG No. 97/2015, in force since 12.01.2016) Information, being object to intellectual property rights, in which libraries, including university libraries, museums and archives hold rights of use, shall be provided for re-use, if such re-use is authorized by the rightholder.

(8) (New – SG No. 97/2015, in force since 12.01.2016) Re-use of information from archives – documents from the National Archival Fonds, shall be carried out under the conditions and procedures under Chapter Six of the Law on the National Archival Fonds and under this act.

Provision of Dynamic Data

Art. 41a¹. (New, SG No. 82/2023, in force since 29.09.2023) (1) Public sector organizations shall provide dynamic data for re-use using appropriate application programming interfaces (APIs) immediately after acquiring the data, and where applicable, in the form of a downloadable dataset.

(2) Where the provision of dynamic data for re-use immediately upon its acquisition would exceed the financial and technical capabilities of the public sector organization, thereby imposing a disproportionate burden, such dynamic data shall be made available for re-use within a reasonable timeframe or subject to temporary technical restrictions that do not unduly impair the exploitation of its economic and social potential.

Provision of Research data and High-Value Datasets

Art. 41a². (New, SG No. 82/2023, in force since 29.09.2023) (1) Public sector organizations, research organizations and research funding organizations shall make publicly funded research data constituting high-value datasets available in an open, machine-readable format with free access.

(2) Publicly funded research data may be re-used for commercial or non-commercial purposes when it is already publicly available through an institutional or thematic registry. This type of data shall be structured by the entities referred to in par. 1 and shall comply with the established standards and rules pursuant to the ordinance under art. 1d, par. 3.

(3) High-value datasets are available for free download in accordance with art. 41g in a machine-readable format, are provided via an application programming interface (API) and, where applicable, are provided in the form of a downloadable dataset.

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

Art. 41b. (1) (New, SG No. 49/2007; previous text of art. 41b – SG No. 97/2015, in force since 12.01.2016; amended SG No. 17/2019; amended SG No. 82/2023, in force since 29.09.2023) Shall not be provided for re-use the public sector information:

1. (amended – SG No. 97/2015, in force since 13.01.2016) the content of which is related to an activity which falls outside the power and functions of the public sector organizations according to a law, statutes or an act assigning the public task;
2. (New, SG No. 82/2023, in force since 29.09.2023) held by public organizations engaged in commercial activities, where the information was created or collected outside the scope of the provision of public services;
3. (Previous par. 2 – SG No. 82/2023, in force since 29.09.2023) which is the object of intellectual property rights of a third person;
4. (Previous par. 3 – SG No. 82/2023, in force since 29.09.2023) which is collected or created by public radio- and TV operators or their regional centers;
5. (amended – SG No. 97/2015, in force since 12.01.2016; amended and previous par. 4 – SG No. 82/2023, in force since 29.09.2023) other than the data specified in art. 41a² property of schools, universities (except university libraries), scientific and research organizations, including organizations established for the transfer of research results and cultural organizations except libraries, museums and archives.
6. (new – SG No. 97/2015, in force since 12.01.2016; previous par. 5 – SG No. 82/2023, in force since 29.09.2023) which is classified information;
7. (new – SG No. 97/2015, in force since 12.01.2016; previous par. 6 – SG No. 82/2023, in force since 29.09.2023) containing statistical secret, collected and kept by the National Statistical Institute or a statistical authority;
8. (new – SG No. 97/2015, in force since 12.01.2016; previous par. 7 – SG No. 82/2023, in force since 29.09.2023) containing production or trade secret or professional secret according to a law;
9. (new – SG No. 97/2015, in force since 12.01.2016; previous par. 8 – SG No. 82/2023, in force since 29.09.2023) for the obtaining of which the applicant should prove a legal interest according to a law;
10. (new – SG No. 97/2015, in force since 12.01.2016; previous par. 9 – SG No. 82/2023, in force since 29.09.2023) which is parts of documents containing only logos, crests and insignia;
11. (new – SG No. 97/2015, in force since 12.01.2016; amended SG No. 17/2019; previous par. 10 – SG No. 82/2023, in force since 29.09.2023) containing personal data the re- use of which amounts to an inadmissible access and inadmissible processing according to the requirements for their protection;
12. (new – SG No. 82/2023, in force since 29.09.2023) which relates to documents subject to industrial property rights.

(2) (New – SG No. 97/2015, in force since 12.01.2016) In the cases under par. 1 for re-use shall be provided only this part of the information to which access is not restricted.

(3) (New – SG No. 97/2015, in force since 12.01.2016) When the public interest overrides the public sector organization shall provide for re-use information containing production or trade secret.

(4) (New – SG No. 97/2015, in force since 12.01.2016) In the cases under par. 3 the public sector organization may prohibit the re-use for commercial purposes or in a way which could lead to unfair competition or otherwise restrict competition within the meaning of Title Two of the Protection of Competition Act.

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 par. 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; Amended – SG No. 97/2015, in force since 13.01.2016; amended and supplemented – SG No. 82/2023, in force since 29.09.2023) (1) Public sector organizations shall ensure conditions for easy searching of public sector information by maintaining and publishing lists of key documents and the corresponding metadata through various online access mechanisms and in machine-readable format or by other appropriate means. Where possible, public sector organizations shall ensure conditions for multilingual document search and provide the possibility of aggregating metadata.

(2) (New, SG No. 82/2023, in force since 29.09.2023) Public sector organizations shall provide practical mechanisms to facilitate the effective re-use of public sector information, including by providing information on re-use rights and offering assistance and guidance.

(3) (New, SG No. 82/2023, in force since 29.09.2023) The Minister of Electronic Government or persons authorized by him shall facilitate access to datasets by providing a single access point and by gradually making available appropriate datasets held by public sector organizations, with respect to public sector information made available for re-use, as well as to data held by public sector organizations in formats that are accessible, easily discoverable and reusable by electronic means.

Prohibition for provision of an exclusive right of re-use

Art 41e (New, SG No. 49/2007) (1) (Amended – SG No. 82/2023, in force since 29.09.2023) Signing contracts for exclusive provision of public sector information is prohibited, as well as contracts which, without expressly providing for the exclusive supply of public sector information, aim to or may result in restricting the re-use of public sector information by entities other than the third party, part of the contract.

(2) Signing contracts under par 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.

(3) (New – SG No. 97/2015, in force since 12.01.2016) The conclusion of a contract under par. 1 shall be admissible when the provision of the exclusive right relates to digitization of cultural resources, where the period of implementation of the contract shall not exceed 10 years, and if exceptionally it exceeds 10 years, the duration of the contract shall be reviewed during the 11th year after its entry into force and every seven years thereafter.

(4) (New – SG No. 97/2015, in force since 12.01.2016) The stipulations of the contract under par. 3 related to the provision of exclusive rights shall be made public. The public sector organizations shall provide data on the manner and the criteria by which has been determined the contractor under this contract.

(5) (New – SG No. 97/2015, in force since 12.01.2016) The contract under par. 3 shall include the right for the public sector body to obtain free of charge a copy of the digitised cultural resources.

(6) (New – SG No. 97/2015, in force since 12.01.2016) After the end of the use of the exclusive rights under the contract under par. 3 the copy under par. 5 shall be available for re-use.

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) (Amended – SG No. 97/2015, in force since 12.01.2016) Public sector information shall be provided for re-use after the submission of

a written request. The request shall be deemed written in cases where it is sent electronically to the e-mail address under art. 15, par. 1, item 4 or on the portal under art. 15d.

(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.

(3) (New, SG No. 82/2023, in force since 29.09.2023) When a request is submitted through the portal referred to in art. 15d, public sector organizations shall publish the requested information on the portal.

Payment/Fees

Art. 41g (New, SG No. 49/2007; Amended – SG No. 97/2015, in force since 12.01.2016; Amended – SG No. 82/2023, in force since 29.09.2023)

(1) Access to public sector information for re-use shall be granted free of charge or after payment of a fee which shall be limited to the marginal costs incurred for their reproduction and provision of the information, as well as the anonymization of personal data and the measures taken to protect trade or business secrets.

(2) (New, SG No. 82/2023, in force since 29.09.2023) The re-use of research data and high-value datasets under art. 41a² is free of charge.

(3) (Previous par. 2, amended – SG No. 82/2023, in force since 29.09.2023) The principle for determining the fee according to par. 1 shall not apply to the fees collected:

1. by public sector organization which under the act assigning the public task are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks; the requirement for generating revenue shall be determined in advance and shall be published electronically;
2. for the re-use of public sector information for which the public sector organization concerned is required to generate sufficient revenue to cover a substantial part of the costs relating to the collection, production, reproduction and dissemination of the information, under a law or the common administrative practice; the requirement shall be determined in advance and shall be published electronically;
3. by libraries, including university libraries, museums and archives;
4. Where the free provision of high-value datasets by public sector organizations that are required to generate revenue to cover a significant portion of their costs associated with the performance of their public functions would have a substantial impact on their budget;
5. For research data for which intellectual property rights are held by third parties.

(4) (Previous par. 3, amended – SG No. 82/2023, in force since 29.09.2023) In the cases referred to in par.3, item 1, the public sector organization shall calculate the total fees depending upon the categories and the amount of data provided for re-use according to objective, transparent and verifiable criteria to be laid down in a methodology adopted by

the Council of Ministers. The total income of the public organization from supplying and allowing re-use of information over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and dissemination, storage and, where applicable, anonymization of personal data, as well as the measures taken to protect trade or business secrets, together with a reasonable return on investment calculated in line with the applicable to the organization accounting principles.

(5) (Previous par. 4, amended – SG No. 82/2023, in force since 29.09.2023) In the cases referred to in par.2, items 3, the total income from supplying and allowing re-use of information over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, storage and acquiring the rights for use of the information, and where applicable, the anonymization of personal data and measures taken to protect trade or business secrets, together with a reasonable return on investment calculated in line with the applicable to the public organization accounting principles.

(6) (Previous par. 5 – SG No. 82/2023, in force since 29.09.2023) The amount of the fees shall be determined as follows:

1. concerning the fees collected by a state body – by a tariff adopted by the Council of Ministers;
2. concerning the fees collected by another public sector organization – by the head of the organization;
3. concerning the fees collected by the municipalities – by the municipal council. These fees shall not exceed the fees under item 1.

(7) (Previous par. 6 – SG No. 82/2023, in force since 29.09.2023) The amount of the fees, the calculation basis for those fees, the factors taken into account in the calculation of those fees, as well as all additional circumstances, if there are any, shall be published, including electronically when a respective Internet site exists. Upon request, shall also be indicated the way in which such fees have been calculated in relation to the specific re-use request.

(8) (Previous par. 7 – SG No. 82/2023, in force since 29.09.2023) The sums of fees for re-use of information shall be added to the budget of the respective public sector organization.

(9) (Previous par. 8, amended – SG No. 82/2023, in force since 29.09.2023) The Council of Ministers shall review every three years the methodology under par. 4 based on the report under art. 16a, par. 1.

(10) (Previous par. 9, amended – SG No. 82/2023, in force since 29.09.2023) If the public sector organization does not determine the amounts of the fees under par. 6, item 2 and 3, the organization shall provide this information for re-use free of charge or after payment of a fee determined under the tariff under par. 6, item 1.

Time frames for granting access to public sector information

Art. 41h (New, SG No. 49/2007) (1) (Amended – SG No. 97/2015, in force since 12.01.2016) The head of the public sector organization or an official appointed by him/her shall consider the request under art. 41e within 14 days of its submission and shall issue a decision for provision or refusal to provide information for re-use, which shall be notified to the applicant.

(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 par. 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 applicant 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) (Amended – SG No. 97/2015, in force since 12.01.2016; amended – SG No. 82/2023, in force since 29.09.2023) The refusal under par. 1 shall contain the factual and legal grounds for the refusal, the date of the decision and the procedure for its appeal. When the refusal is grounded in art. 41b, par. 1, item 3 the public sector organization shall indicate the individual or legal entity which holds the rights, if it is known, or the individual or legal entity from which the public sector organization has received the information and the permission to use it. Libraries, including university libraries, museums and archives shall not be required to indicate these individuals or legal entities.

(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.

(5) (New, SG No. 82/2023, in force since 29.09.2023) The existence of rights over databases within the meaning of the Copyright and Related Rights Act, exercised for the purpose of restricting the re-use of public sector information requested under this chapter, shall not constitute grounds for refusal.

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) (Amended – SG No. 97/2015, in force since 12.01.2016) 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 or for re-use of information without exculpatory reason, shall be fined between 50 and 100 leva.

(2) (Amended – SG No. 97/2015, in force since 12.01.2016) If not subject to a harsher penalty, a civil servant who did not follow a court order to grant access to public information or to provide information for re-use shall be fined between 200 and 2000 leva.

(3) (Amended – SG No. 97/2015, in force since 12.01.2016, Amended – SG No. 50/2016, in force since 01.07.2016; Amended – SG No. 82/2023, in force since 29.09.2023) Any failure to meet the obligations under art. 14, 15, 15a, par.3, 15b, par. 2, 5 and 6, 15c, par. 3, art. 15d, par. 2 and art. 31, par. 3 shall be punished with a fine between 100 and 200 leva for physical persons or between 200 and 400 leva for legal entities.

(4) (Amended – SG No. 49/2007; Amended – SG No. 82/2023, in force since 29.09.2023) For failure to provide access to public information by the persons described in art. 3 par. 2, the punishment shall be a fine between 200 and 400 leva.

(5) (Amended – SG No. 97/2015, in force since 12.01.2016, Amended – SG No. 50/2016, in force since 01.07.2016; Amended – SG No. 82/2023, in force since 29.09.2023) For failure to provide information for re-use by the persons described in art. 3a, par. 1, item 2, the punishment shall be a fine between 100 and 400 leva.

Bodies entitled to impose sanctions

Art. 43. (Amended, SG No. 49/2007) (1) (Amended – SG No. 50/2016, in force since 01.07.2016; SG No. 15/2022, in force since 22.02.2022; Amended – SG No. 82/2023, in force since 29.09.2023) The violations under this act shall be found by:

1. officials of the Council of Ministers' administration, authorized by the Prime Minister –

- for violations of art. 15c, par. 3;
2. officials authorized by the Minister of Electronic Governance – for violations under art. 15b, par. 2, 5 and 6, and art. 15d, par. 2;
 3. officials designated by the Minister of Justice in the cases under art. 3, par. 2 or by the relevant authority in other cases – for violations not covered by items 1 and 2.

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

1. (Supp. – SG No. 82/2023, in force since 29.09.2023) under art. 42, par. 1, respectively – under art. 3a, par. 1, item 1 - by the respective agency under Art. 3, par. 1 or by an authorized official;
2. under art. 42, par. 2 – by the persons and the procedure set forth by art. 306 of the Administrative Procedure Code;
3. (Amended – SG No. 50/2016, in force since 01.07.2016; Amended – SG No. 82/2023, in force since 29.09.2023) under art. 42, par. 3 with regard to art. 14, 15, 15a and art. 31, par. 3 – by the relevant authority, and in cases where the obligated entity is one of those specified in art. 3, par. 2 or art. 3a, par. 1, items 2 or 3 – by the Minister of Justice or an authorized official;
4. (New – SG No. 50/2016, in force since 01.07.2016; amended – SG No. 15/2022, in force since 22.02.2022; supp. – SG No. 82/2023, in force since 29.09.2023) under art. 42, par. 3 with regard to art. 15b, par. 2, 5 and 6, and art. 15d, par. 2 - by the Minister of Electronic Government;
5. (Amended – SG No. 97/2015, in force since 12.01.2016, former item 4 - SG No. 50/2016, in force since 01.07.2016) under art. 42, par. 4 and 5 - by the Minister of Justice or an authorized official;
6. (New, SG No. 82/2023, in force since 29.09.2023) under art. 42, par. 3, regarding art. 15c, par. 3 – by the Prime Minister or by an official from the administration of the Council of Ministers authorized by him.

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, SG No. 17/2019) Within the meaning of this act:

1. (Amended – SG No. 97/2015, in force since 12.01.2016) “**Material medium**” shall be any paper, technical, magnetic, electronic or other medium independently of the type of the recorder content – text, plan, map, photography, audio, video or audio and video representation, file and other of this kind;

2. **Personal data** is the term within the meaning of Article 4, item 1 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27.04.2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 119, 4.05.2016, p. 1);

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. (Amended – SG No. 97/2015, in force since 12.01.2016) **Public law organization** shall be a legal person for which some of the following conditions are satisfied:

a) (amended – SG No. 13/2016, in force since 15.04.2016; amended – SG No. 82/2023, in force since 29.09.2023) 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, from contractors under Art. 5, par. 2, items 1- 14 of the Public Procurement Act by the Council of Ministers or a local government body;

b) (amended – SG No. 13/2016, in force since 15.04.2016; amended – SG No. 82/2023, in force since 29.09.2023) more than the half of the members of its management or oversight body are appointed by contractors under Art. 5, par. 2, items 1- 14 of the Public Procurement Act by the Council of Ministers or by a local government body;

c) (amended – SG No. 13/2016, in force since 15.04.2016) is subject to management control by contractors under Art. 5, par. 2, items 1- 14 of the Public Procurement Act by the Council of Ministers or a local government body; management control shall be when a person may exercise dominating impact upon the activities of another person, or;

d) (new, SG No. 82/2023, in force since 29.09.2023) more than 50% of the capital is owned by the state, a municipality or another public law entity.

Public law organization shall also be a medical institution – trade company, who has received more than 50% 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.

Public law organization shall also be a university library, a public library in the meaning of the Public Libraries Act, a museum or an archive the activity of which is financed by the state or municipal budgets.

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) (supp. SG No. 82/2023, in force since 29.09.2023) improves/facilitates the transparency and accountability of bodies under Art. 3, par. 1, respectively – art. 3a, par. 1, items 1 and 2 with regard to the decisions they make;

c) (supp. SG No. 82/2023, in force since 29.09.2023) guarantees the lawful and purposeful fulfillment of the legal obligations of bodies under Art. 3 or 3a;

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) (supp. SG No. 82/2023, in force since 29.09.2023) 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 or 3a.

6. (Supp. SG No. 82/2023, in force since 29.09.2023) **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 or 3a.

7. (new – SG No. 97/2015, in force since 12.01.2016) **Machine-readable format** shall be an electronic data format structured so that, without converting in another format, software applications can identify, recognize and extract specific data, including individual statements of fact, and their internal structure

8. (new – SG No. 97/2015, in force since 12.01.2016) **Open format** shall be an electronic data format that is platform-independent and software-independent regarding the re-use of the content and is made available to the public without any restriction that impedes the re-use of documents;

9. (new – SG No. 97/2015, in force since 12.01.2016) **Open data portal** shall be a unified, central, public web-based information system which ensures publishing and management of information for re-use in open, machine-readable format together with the respective metadata. The portal shall be built in a way that allows the complete extraction of the published information or parts thereof.

10. (new – SG No. 97/2015, in force since 12.01.2016) **Official open standards** shall be a standard which shall be laid down in written form, detailing specifications for the requirements on how to ensure software interoperability.

11. (new – SG No. 97/2015, in force since 12.01.2016) **University** shall be a school in the meaning of art. 17 of the Higher Education Act.

12. (new – SG No. 97/2015, in force since 12.01.2016) **Metadata** shall be the data, describing the structure of the information – subject to re-use.

13. (new – SG No. 97/2015, in force since 12.01.2016) **Internet address** shall be a uniform resource identifier or uniform resource locator.

14. (new – SG No. 97/2015, in force since 12.01.2016) **Access to public information platform** shall be a unified, central, public web-based information system which provides the opportunity to request access to and to publish public information.

15. (new – SG No. 97/2015, in force since 12.01.2016) **Archives** are the central state archives and the regional state archives regarding the state archives from the National Archives Fund kept by them under art. 6, par. 1, item 1 of the Act on the National Archives Fund, as well as the public institutions under art. 6, par. 1, item 2 and 3 of the Act on the National Archives Fund regarding the archives and archival collections kept by them under art. 33, par. 1, items 1, 6-8 and par. 2 of the Act on the National Archives Fund.

16. (new – SG No. 82/2023, in force since 29.09.2023) **Reasonable return on investment** shall be a percentage of the total amount of fees, excluding those necessary to recover eligible costs, which does not exceed the base interest rate of the Bulgarian National Bank by more than 5%.

17. (new – SG No. 82/2023, in force since 29.09.2023) **Standard license** shall be a set of predefined terms and conditions for re-use in digital format, compatible where possible with standardized public licenses available online.

18. (new – SG No. 82/2023, in force since 29.09.2023) **Dynamic data** shall be information in digital form that is updated frequently or in real time, particularly due to its variability or rapid obsolescence; data generated by sensors, as well as environmental, traffic, satellite and meteorological data are typical examples of data considered dynamic.

19. (new – SG No. 82/2023, in force since 29.09.2023) **Research data** shall be information in digital form, distinct from scientific publications, which is collected or generated in the course of research activities and is used as evidence in the research process or is generally accepted within the research community as necessary to validate the findings and results of the research.

20. (new – SG No. 82/2023, in force since 29.09.2023) **High-value datasets** are the public sector information whose re-use is associated with significant benefits for society, the environment and the economy, in particular due to its suitability for creating value-added services, applications and new high quality and decent jobs, as well as due to the number of potential users of value-added services and applications created on the basis of these datasets. High-value datasets are part of the thematic categories defined by the European Commission, such as geospatial data, Earth and environmental observation data, meteorological data, as well as statistical data, data on companies and company ownership, and mobility data.

21. (new – SG No. 82/2023, in force since 29.09.2023) **Anonymization** is the process of converting documents into anonymous documents that cannot be linked to an identified natural person or a natural person who can be identified, or the process of converting personal data into anonymous data in such a way that the data subject cannot be identified or can no longer be identified. The technical requirements for the anonymization process are set forth in the ordinance under art. 7d, par. 6 and art. 12, par. 4 of the Electronic Governance Act.

22. (new – SG No. 82/2023, in force since 29.09.2023) **Third party** shall be a natural or legal person other than a public sector organization that is the owner of information created, stored and disseminated by it.

23. (new – SG No. 82/2023, in force since 29.09.2023) **Application Programming Interface (API)** means an automated software layer or component through which an information system provides online access to its functionality, including the receipt or transmission of data to other information systems or software applications.

24. (new – SG No. 82/2023, in force since 29.09.2023) **Open by design and default** is a principle whereby public sector organizations ensure the accessibility of public sector information at every stage of the creation, storage and provision of information, except where the provision of information would infringe upon the rights of third parties.

25. (new – SG No. 82/2023, in force since 29.09.2023) **Information repository** shall be the collection of general-purpose datasets within a given information system.

26. (new – SG No. 82/2023, in force since 29.09.2023) **Dataset** shall be a collection of information consisting of various elements that form a single meaningful unit and can be processed as such by a machine. Datasets may contain an unlimited number of resources with the same structure.

27. (new – SG No. 82/2023, in force since 29.09.2023) **Resource** shall be a subset of a dataset with a unified structure and a defined scope, implemented as a single document.

28. (new – SG No. 82/2023, in force since 29.09.2023) **Public services** are the services referred to in § 1, item 12 of the Supplementary provisions of the Electronic Governance Act.

29. (new – SG No. 82/2023, in force since 29.09.2023) **Spatial data** shall be the data within the meaning of art. 6, par. 1 of the Spatial Data Access Act.

§ 1a. (New, SG No. 82/2023, in force since 29.09.2023) This law implements the provisions of Directive (EU) 2019/1024 of the European Parliament and of the Council from 20.06.2019 on open data and the re-use of public sector information (OJ L 172, p.56, 26.06.2019)

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 item 2 of par. 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)

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The Act was adopted by the XXXVIII National Assembly on June 22, 2000 and was stamped with the official seal of the National Assembly.

**Transitional and Final Provisions
TO THE ADMINISTRATIVE PROCEDURE CODE**

(PROMULGATED – SG. No. 30/ 2006, IN FORCE SINCE 12.07.2006)

§ 142. The Code shall enter into force three months after its promulgation in the State Gazette with the exception of:

1. Part Three, § 2, item 1 and § 2, item 2 – with regard to the revocation of Chapter Three, Section II “Appealing Through the Court,” § 9, item 1 and 2, § 11, item 1 and 2, § 15, § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, item 1 - 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, item 1 - 4, § 101, item 1, § 102, item 1, § 107, § 117, item 1 and 2, § 125, § 128, item 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, item 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the substitution of the work “district” with “administrative” and the substitution of the wording “Sofia City Court” with “Administrative Court – Sofia City,” which shall enter into force on March 1, 2007;
2. § 120, which shall enter into force on January 1, 2007;
3. § 3, which shall enter into force on the day of the promulgation of the Code in the State Gazette.

**Transitional and Final Provisions
TO THE CREDIT INSTITUTIONS ACT**

(PROMULGATED – SG. No. 59/ 2006, IN FORCE SINCE 01.01.2007)

§ 36. The act shall enter into force on the day of enforcement of the Treaty of Accession of the Republic of Bulgaria to the European Union with the exception of § 35, item 2, which shall enter into force on the day of the promulgation of the law in the State Gazette.

**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, par. 2 shall be terminated with their expiration, but not later than December 31, 2008.

§ 18. The bodies under art. 3, par. 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 ACT ON NATIONAL ARCHIVES FUND

(PROMULGATED – SG. No. 57/2007, IN FORCE SINCE 13.07.2007)

§ 23. The law shall enter into force on the day of its promulgation in the State Gazette.

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.

Additional Provisions
TO THE ACCESS TO PUBLIC INFORMATION AMENDMENT ACT

(PROMULGATED – SG. No. 97/2015, IN FORCE SINCE 12.01.2016)

§ 27. This act shall introduce the provisions of Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the Re-Use of Public Sector Information (OJ L 175, 27.6.2013).

Transitional and Final Provisions
TO THE ACCESS TO PUBLIC INFORMATION AMENDMENT ACT

(PROMULGATED – SG. No. 97/2015, IN FORCE SINCE 12.01.2016)

§ 28. The contracts for the exclusive provision of public sector information which have been signed till July 17, 2013, and which do not meet the requirements set forth by art. 41e, par. 2 – 5 shall be terminated with their expiration, but not later than July 18, 2043.

§ 29. The Council of Ministers:

1. shall adopt the Ordinance under art. 15d, par. 3 and the Tariff under art. 41g, par. 5, item 1 within 6 months since the promulgation of this act in the State Gazette;
2. shall establish the access to public information platform and shall provide the opportunity for submitting access to information requests in it till June 1, 2017.

§ 29. Municipal Councils shall adopt and promulgate the tariffs under art. 41g, par. 5, item 3 within six month after the promulgation of this act.

§ 31. The Administration of the Council of Ministers shall prepare the first report under art. 16a, par. 2 till July 18, 2017.

§ 32. (1) The executive power bodies shall publish within three months of the enforcement of this act the following:

1. information under art. 15, par. 1 and par. 4 in compliance with the requirements of art.15a, par. 2, with the exception of information about the fees under art. 41g, which shall be published within one month after the promulgation of the Tariff under art. 41g, par.5, item 1 or after the publication of the tariffs under art. 41g, par. 5, item 3;
2. the list under art. 15a, par.3.

(2) The public sector organizations, which are not executive power bodies, shall publish information under art. 15, par. 4 and the Tariff under art. 41g, par. 5, item 2 within six months after the enforcement of this act.

(3) The bodies obliged under art. 3, par. 1 shall provide an opportunity for submitting access to public information requests by the access to public information platform under art. 15c as of June 1, 2017.

§ 33. The provision of § 1, item 2 with regard to art. 2, par. 4 shall be applied to information created after April 1, 2016.

§ 34. This act shall enter into force one month after its promulgation in the State Gazette, with the exception of:

1. § 6 regarding art. 15d, par. 2 which shall enter into force nine months after the promulgation of this act in the State Gazette; and
2. § 6 regarding art. 15c and § 9 regarding the wording “or by the access to public information platform,” which shall enter into force on June 1, 2017.

Transitional and Final Provisions
TO THE PUBLIC PROCUREMENTS ACT

(PROMULGATED – SG. No. 13/2016, IN FORCE SINCE 15.04.2016)

§ 29. The act shall enter into force on April 15, 2016, with the exception of:

1. Art. 39, which enters into force on July 1, 2017, and with regard to central authorities for PURCHASES – ON January 1, 2017;
2. Art. 40:
 - a) Par. 1 and par. 3, items 1 – 4, and item 10 which shall enter into force on July 1, 2017;
 - b) Par. 3, item 5 – 9 which shall enter into force on January 2020;
3. Art. 41, par. 1 – with regard to the technical compatibility and connectedness, and par. 2 which shall enter into force on July 1, 2017;
4. Art. 59, par. 4 which shall enter into force on July 1, 2018;
5. Art. 67:
 - a) Par. 4 – with regard to the mandatory introduction of the Document (ESPD) in an electronic form which shall enter into force on April 1, 2018;
 - b) Par. 8, item 2, which shall enter into force on June 1, 2018;
6. Art. 97, which shall enter into force on January 1, 2017;
7. Art. 232, which enters into force on September 1, 2016;
8. § 26, par. 1 and § 27, which shall enter into force on the day of the promulgation of the law in the State Gazette.

Transitional and Final Provisions

TO THE ELECTRONIC GOVERNMENT AMENDMENT ACT
(PROMULGATED – SG. No. 50/2016, IN FORCE SINCE 01.07.2016)

§ 60. The act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. § 15, which shall enter into force on January 1, 2018;
2. § 18, item 2 and item 3, which shall enter into force on June 1, 2017.

Relevant Acts of the European Legislation

DIRECTIVE 2013/37/EU OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL OF 26 June 2013 amending Directive 2003/98/EC on the Re-Use of Public
Sector Information

DIRECTIVE 2003/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL OF 17 November 2003 on the Re-Use of Public Sector Information
(Consolidated version)

REGULATION (EEC) NO 2380/74 OF THE COUNCIL of 17 September 1974 adopting
provisions for the dissemination of information relating to research programmes for the
European Economic Community