



**KEY ACHIEVEMENTS OF  
ACCESS TO INFORMATION PROGRAMME (AIP)  
FOR THE PERIOD JANUARY – DECEMBER 2013**

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

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 2013, 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.
7. Institutional achievements and development.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

### **Contents**

1. Advocacy for better legislation on the right of access to information and its exemptions .....	4
2. Monitoring of access to information provision practices of obliged bodies .....	11
3. Legal help in cases of access to information seeking and refusal, including representation in court .....	15
4. Raising awareness campaigns and trainings on the Access to Public Information Act, Personal Data Protection Act and the Classified Information Act.....	30
5. Participation in public debates on access to information and freedom of expression issues.....	36
6. Cooperation with partner organizations on a national, regional, and global level ..	46
7. Institutional achievements and development.....	50

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

### 1. Advocacy for better legislation on the right of access to information and its exemptions

AIP has continued its advocacy work for better legislation on freedom of information by preparing and submitting of statements and opinions, by participating in public debates on proposed legislative amendments.

The main recommendations with regard to the access to information legislation, which AIP formulated on the base of analysis of the effective legislation and the existing implementation practices in its annual report *Access to Information in Bulgaria*, were the following<sup>1</sup>:

- The government shall undertake steps for the signing and ratification of the European Convention on Access to Official Documents.
- The following amendments to the Access to Public Information Act (APIA) shall be drafted and introduced:
  - To authorize a specific public body to supervise, coordinate and control the APIA implementation activities and the imposing of sanctions;
  - To list exhaustively and clearly the grounds for refusals in Art. 37 omitting the vague protection of third party's interests;
  - To precise and unify the standards for proactive disclosure of information and to provide for sanctions for non-compliance;
  - To assign the officials responsible for finding and sanctioning non-compliance with the APIA in a way that they shall not coincide with and shall not depend on the officials subject to sanctioning;

---

<sup>1</sup> [http://store.aip-bg.org/publications/ann\\_rep\\_eng/2012.pdf](http://store.aip-bg.org/publications/ann_rep_eng/2012.pdf)

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

- To extend the scope of administrative sanctions under the APIA so that they would cover not responding in the legally prescribed form.
- The scope of the *List of the State Secret* appended to Art. 25 of the Protection of Classified Information Act to be narrowed so that the information collected by special surveillance means for the purposes of criminal proceedings, as well as the reports on general data about the application of special surveillance means, not to be subject to classification as state secret.
- To establish that the public body responsible for the supervision and coordination of the APIA implementation activities shall issue an instruction for the unification of the requirements for proactive publication of information under Art. 15 and Art. 15a of the APIA and of the internal APIA implementation rules.
- To introduce in the Public Procurement Act an obligation for creating and maintaining of registers of public procurement contracts on the web sites of the contracting authorities.
- To introduce amendments to the Art. 26 of the Law on the Normative Acts which would provide for:
  - A minimum of one month, instead of the current 14 days, for public consultation on drafts of legislative acts;
  - An obligation for publication of statements and opinions presented during the internal deliberation process and by interested parties and groups as part of the public consultation;
  - An obligation for grounded response to proposals which are dismissed and their publication in the Internet.
- To amend Art. 143 of the Administrative Procedure Code in order to provide for a possibility of waiver of administration's legal fees after establishing public interest in the court proceedings.
- Recommendations related to the internal rules for the implementation of the access to public information act were made, which establish conditions for easier exercise of the access to information right, distribution of functions within the administration regarding the proactive publication of information and the processing of the requests, the internal control of the work with requests.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

In 2013, AIP continued to prepare statements on draft laws and to take part in working groups on issues related to access to information and transparency. The statements are published on AIP web site section: <http://www.aip-bg.org/en/legislation/legalopinions/2013/>.

### **AIP statement on the provision of access to information by e-mail**

During the annual audit on institutional web sites, performed by AIP within January – February 2013, some administrations questioned if the Access to Public Information Act provided for the provision of access to information by e-mail and in electronic form. The AIP team prepared and disseminated among the institutions a statement on the topic. As a result of the disseminated statement and the correspondence with a number of administrations which had raised the question, the requested documents were sent by e-mail.

### **Draft Regulations for Journalists Access to the Premises of the National Assembly**

At the initiative of the Press Center of the National Assembly, on February 5, 2013, an internal discussion on draft Regulations for Journalists Access to the Premises of the National Assembly was held. The Head of AIP legal team, Alexander Kashumov, was invited to take part in the discussion.

### **Statement on Four Draft Laws in the Security Sector**

Alexander Kashumov took part in the public debate on 4 draft laws on amendments in the Security Sector Legislation which were held in the Parliamentary Committee on Internal Security and Public Order within the period January – February 2013. As a result of the debates, a number of provisions were substantially changed to achieve more transparency and accountability in the Security Sector. A written statement was submitted to the Committee regarding the draft law on military intelligence on February 2013.

**Statement on and participation in the debates on the draft amendments to the Public Disclosure of Senior Public Officials' Financial Interests Act introduced right before the dissolving of the 41<sup>st</sup> National Assembly**

On March 2013, AIP co-organized and took part with other nongovernmental organizations in a press conference "Why the Boards of NGOs should not submit asset declarations to the National Audit Office?" The campaign was run in order to oppose proposed amendments to the Public Disclosure of Senior Public Officials' Financial Interests Act introduced by a group of members of the parliamentary Order, Law and Justice Party. The amendments aimed to ungrounded extend the scope of persons obliged to submit asset declarations by introducing ambiguity in the term "public figures." Gergana Jouleva, Alexander Kashumov, and Fany Davidova took part in the public and media campaign on the issue.

**Statement on amendments to the Regulations for the Activities and the Organization of the 42<sup>nd</sup> National Assembly**

At the invitation of the deputy chairperson of the National Assembly, Maya Manolova, for participation in a public consultation regarding the drafting of Regulations for the Activities and the Organization of the 42<sup>nd</sup> National Assembly, AIP Executive Director presented AIP statement on the draft. The public discussion was held on May 27, 2013. AIP sent its written statement on May 29, 2013 to the secretary of the ad-hoc committee on amending the Regulations, Tereza Stancheva.

Fany Davidova took part in the next public discussion, held on June 4, 2013.

**Statement on a Draft Partnership Agreement of the Republic of Bulgaria, outlining the help of EU structural and investment funds for the period 2014 – 2020**

On August 7, 2013, Access to Information Programme submitted it's Statement on a Draft Partnership Agreement of the Republic of Bulgaria, outlining the help of EU structural and investment funds for the period 2014-2020. AIP recommendations

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

focus on proposed texts within the horizontal Strategic Priority 4: Good Governance and Access to Quality Public Services. The recommendations reflected AIP statement presented in the annual report “Access to Information in Bulgaria” regarding the increase of government transparency:

- to establish an independent body of power (Information Commissioner);
- to establish separate specialized departments/officials to be responsible for the implementation of the obligations for the provision of access to information and the proactive and timely publication of information;
- unification of the procedure for accepting and responding to electronic access to information requests;
- the heads of administrative structures to pay special attention to the implementation of the obligations under Art. 26, Para. 2 of the Law on Normative Acts with regard to the online publication of all drafts of normative acts, together with the respective grounds and motives, the date of the publication and the deadline for public consultation on the drafts, as well as the results from the public consultations and the submitted opinions and statements.

AIP also proposes that amendment of the Art. 26 of the Law on Normative Acts so that it would provide for:

- one month instead of 14 days for public consultation on draft normative acts;
- obligation for publication of the statements presented during the deliberation process, as well as the statements presented by interested persons and groups;
- obligation for a grounded response to filed proposals which are not to be adopted and its online publication.

On September 19, 2013, Gergana Jouleva, Stephan Anguelov, and Alexander Kashumov were invited to discuss AIP recommendations at a meeting with officials from the “EU Funds Programming Directorate” at the Council of Ministers, responsible for the drafting of the Partnership Agreement.

**The Access and Disclosure of Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Armed Services Act (The Dossiers Law)**

AIP joined the campaign against the repealing of § 12 of the Supplementary Provisions to the Dossiers Law introduced by a group of MPs from the Bulgarian Socialist Party and the Movement for Right and Freedoms. A press conference was held on October 3, 2013. On October 29, 2013, the Round table "The Challenges of Disclosing the Dossiers in Bulgaria" was held in the National Assembly. AIP Head of Legal team Alexander Kashumov presented AIP statement. On November 26, 2013, the issue was discussed at the international conference "Eastern Europe Transition Through the Documents of the Communist Secret Services" organized by the Committee for Disclosing the Dossiers where Alexander Kashumov presented a report.

**Proposed Amendments to the Law on Prevention and Establishment of Conflict of Interests**

AIP was invited to take part in the public discussion on the draft amendments to the Law on Prevention and Establishment of Conflict of Interests. Kiril Terziiski and Stephan Anguelov took part in the sessions on October 24 and November 26, 2014 respectively.

**Draft Law on amendments to the Ministry of Interior Act**

The AIP team prepared a statement on a draft law on amendments to the Ministry of Interior Act.

Comments on the draft law were presented by Alexander Kashumov at a public debate held on December 3, 2013 in the Sofia University "St. Kliment Ohridski", organized by the students – participants in the street protests ongoing at that time in Sofia.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

**Evaluation of the activity:** The work of AIP team related to monitoring and advocacy for better legislation of access to information, transparency and accountability of government is a core and strategic activity.

The political developments in 2013 and the number of legislative initiatives, introduced in most of the cases unexpectedly, required prompt reaction, participation of AIP team in discussions and media debates. At the same time, the legislative initiatives of the former government and the previously planned amendments to the legislation did not happen. The latter relates above all to the drafting process for amending the APIA, provided as a measure in the Operational Plan of the Bulgarian government within the global Open Government Partnership Initiative.

**Products:** statements, publications, media debates

**Necessary resources for the activity:** Three lawyers from the AIP team are engaged in the monitoring of the legislative initiatives, survey of European and foreign legislation, preparation of statements, their presentation in working groups, parliamentary committees and media participation. The AIP communications coordinator is involved in the promotion of the statements and the systematization of the media coverage of the public debate participation of AIP team experts.

## ***2. Monitoring of access to information provision practices of obliged bodies***

The systematization of the access to information seeking and provision practices is based on:

- Systematization of cases referred to AIP for legal help. Statistics from AIP IMS module “Cases” is an indicator for the APIA implementation and problematic issues in the freedom of information (FOI) area. (Please refer to Attachments – Statistics from AIP Internal Information Management System – IMS). Analysis of the cases, referred for legal help and consultation in 2013 is made in part three of the current report;
- Systematization and analysis of court practices on cases when administrative decisions for refusals to provide access to information were appealed – also presented in part three of the report;
- Assessment of the active transparency of the institutions.

In 2010, AIP had a web based platform developed for auditing the level of implementation of the obligations for proactive publication of specific categories of information on institutional web sites. The audits are part of the internal IMS of AIP. After the end of the assessment of the Internet sites, the results are published on AIP web site.<sup>2</sup>

In 2013, within the period 7 – 25 January, a team of Access to Information Programme reviewed and evaluated 489 web sites of 490 executive bodies at a central, regional, and local level, and also public-law entities and 7 independent state bodies.

The assessment was made on the base of 40 – 43 indicators, grouped in 3 sections, covering the standards for proactive publication. The team had to assess if the following information was available:

---

<sup>2</sup> <http://www.aip-bg.org/en/surveys/>

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

- Institutional – legal basis, functions, services, information resources, data sets;
- Organizational structure, contacts;
- Operational information – decisions, strategies, plans, activities;
- Financial and other transparency – budget and financial reports, contracts, conflict of interest declarations; etc.;
- The availability and the content of the Access to Information sections.

Within the audit, 490 electronic requests were filed for a copy of the last public procurement contract signed by the institution in 2012 were

The IMS allows for the visualization of the [results by indicators](#), [by institutions](#), as well as [statistics of the responses](#) to the e-requests. The accessibility of the assessment indicators and the possibility for different comparisons given by AIP web site is an important advocacy tool for more transparent institutions and has an educational effect on the administration.

In order to visualize the development in the transparency of the public bodies, AIP launched an updated [2013 Active Transparency Rating](#). The level of transparency was evaluated on the base of 40 (43 for the municipalities) indicators which automatically received quantitative assessment. The possible total was 78.5 points. The web based and online accessible platform for the assessment of the transparency gives the possibility for different comparisons by the type of the assessed institutions.

[Active Transparency Rating of the Municipalities in Bulgaria.](#)

[Active Transparency Rating of Central Government Bodies in Bulgaria](#)

## ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013



The results from the 2013 audit on institutional web sites and the 2013 Active Transparency Rating were presented at a press conference held at the Bulgarian News Agency on February 27, 2013 and at the Information Days held in the cities of Pleven, Lovech, Vratsa, and Montana.

The analysis of the results from the audit was published in AIP Monthly FOI Newsletter: <http://www.aip-bg.org/publications/Бюлетин/Граждански одит на онлайн публикуването/106685/1000864573/> and is part of AIP annual report “Access to Information in Bulgaria.”

This traditional report (13 reports have been issued since the adoption of the APIA in 2000) presents systematized results from the monitoring of the implementation practices during the past year, analysis of the legislative changes and the litigation on the APIA implementation. The report also contains recommendations towards the legislative and executive bodies in Bulgaria for the improvement of access to information provision practices.<sup>3</sup>



Access to Information Programme presented its annual report “Access to Information in Bulgaria 2012” on March 28, 2013 at the Bulgarian News Agency.

---

<sup>3</sup> [http://store.aip-bg.org//publications/ann\\_rep\\_eng/2012.pdf](http://store.aip-bg.org//publications/ann_rep_eng/2012.pdf)

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

[http://www.aip-  
bg.org/en/news/AIP\\_presented\\_the\\_Annual\\_Report\\_Access\\_to\\_Information\\_in\\_Bul/  
20130328008173/](http://www.aip-bg.org/en/news/AIP_presented_the_Annual_Report_Access_to_Information_in_Bul/20130328008173/)

**Evaluation of the Activity:** The monitoring of the access to information provision practices is a core and strategic activity of AIP. During the years the methodology and the tools for monitoring and systematization of results have been developing. The monitoring of the access to information provision practices is interlinked with another strategic activity of AIP – the legal help. During the years, AIP has developed and perfected its own information system. Specific modules for the monitoring are the “Cases”, “Court Cases”, and “Surveys.” The separate data bases in the IMS related to AIP everyday work are unique. The product is web based. The annual reports “Access to Information in Bulgaria” give a complete picture of the developments in the area and outline the problems, as well as the possible solutions for their overcoming.

**Products:** A snapshot of the level of proactive publication of information online by indicators and by institutions, a momentary Active Transparency Rating, analytical report on the state of the access to information presenting the active transparency, the legislation, problems with access to information seeking, the litigation under the APIA and recommendations towards the legislative and executive bodies.

### **Necessary resources:**

1. Five lawyers, who provide legal help and systematize the consultations, the documents and the time spent in the data base;
2. Review of new legal obligations for online publication reflected in the system for monitoring and evaluation of the public bodies Internet sites.
3. System administrators from the company Sveon update the system for monitoring and evaluation;

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

4. 10 researchers who review 535 web sites, assessing them on the base of 75 indicators, downloading and uploading documents in the IMS, processing the responses to the e-requests and the obtained information

5. The analysis of the results from the monitoring of the practices during the year is prepared by 5 experts and published in AIP annual report “Access to Information in Bulgaria.”

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

Provision of legal help is among the priorities in Access to Information Programme activities. In 2013, in some cases Access to Information Programme provided legal assistance at the initial stage of seeking information, when the legal team provided advice and/or prepared a request for access to information. In another category of cases legal help was provided following an already issued refusal of access to public information.

An essential part of the legal assistance provided by AIP’s legal team is the preparation of complaints to the court and representation in court of requesters who sought the organization’s assistance (further information in the next section).

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

The number of cases referred to AIP for legal help within the period January – December 2013 is 405<sup>4</sup>. 19 were referred from AIP coordinators in the country. In the rest, the information seekers have requested assistance in our office, by e-mail, or by phone.

---

<sup>4</sup>The number of consultations is twice higher – 853, since in some cases more than one consultation was provided.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

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

- The majority are related to practices of non-fulfillment of the Access to Public Information Act obligations by public bodies – 325 instances;
- Next largest group of cases is related to violations of the right of personal data protection granted by the Personal Data Protection Act – 48 instances;
- In a few cases, we have given legal advice with regard to violation of the fundamental right to seek, receive and impart information – 25 instances;
- Cases related to freedom of expression – 3 instance, etc.

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

AIP experience shows that most frequently the APIA is used by citizens, journalists and nongovernmental organizations (NGOs). In 2013, again the largest number of consultations was provided to citizens who had sought the assistance of AIP - 207 instances. In 103 cases, journalists and AIP coordinators (all of them journalists) from central and local media asked for legal assistance, while 54 cases were referred to AIP by NGOs.

### **From Which Public Bodies Do Information Seekers Mainly Request Information?**

The number of cases in which information seekers request information from the central executive power bodies and the local self-government bodies (mayors and municipal councils) is the largest - 135 and 101 cases respectively.

Less frequently, information was sought from the judicial power bodies – 27, public-law organizations – 25, regional units of the executive power bodies – 25, independent government bodies – 14, etc..

### **Most Frequently Used Grounds for Refusal**

In 2013, again the number of registered silent refusals is high – 30. Out of the grounded refusals, the most are related to the third party interests' exemption – 21, and the personal data protection – 12. The preparatory documents exception under

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

Art. 13, Para. 2 of the APIA gave grounds to 10 refusals and the trade secret exemption – to 4.

### **Specific Characteristics**

We have observed an increase in the number of cases referred for legal help – 405 for 2013, compared to 311 for 2012. We have also observed an increase in the number of consultations on cases – 853 for 2013. In 2012, 643 consultations were given in 311 cases.

In 2013 there was an increase in the number of journalists who turned to us for legal advice. In 2012 this was the case 67 times, while in 2013 – 103.

In 2013, a lot of institutions did not respond to access to information requests (the so called silent refusals). The number of refusals grounded on the third party's interests is also high.

During the last few years, the number of cases referred to AIP by email is steadily increasing. The number of written consultations provided by e-mail in 2010 was 137, in 2011 they were 219, in 2012 – 251, while in 2013 – 282.

### **Types of legal help**

In 2013 AIP continued providing pro bono legal assistance in the following areas:

3.1. Consultations on access to information cases – on the phone or in AIP's office – 314 and 253 respectively;

3.2. Written consultations: 286.

### ***3.3. Filing complaints to administrative courts and representation in court***

The AIP legal team continued providing legal help to citizens, NGOs and journalists supporting court cases against refusals of access to information. In 2013 the AIP legal team has prepared 95 complaints and written submissions to the courts, assisting information seekers (51 in cases led by citizens, 22 – by NGOs, 22 – by journalists).

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

In 2013 AIP legal team drafted a total of 76 complaints and appeals to courts. First instance complaints – 70 (Supreme Administrative Court – 3, Administrative Court – Sofia City – 42, Administrative Court – Sofia District – 1, other Administrative Courts in the country – 24), cassation appeals – 3 and appeals against rulings – 5.

Out of the 70 complaints filed before first instance courts, 49 were against explicit refusals to provide the information sought, and 21 – against silent refusals.

In 2013 AIP legal team provided representation in court on 57 court cases against refusals to provide access to information. In the same period were prepared 17 written submissions to different courts.

In the same period different courts issued a total of 70 decisions and rulings on court cases where AIP provided legal assistance (Supreme Administrative Court – 35, Administrative Court – Sofia City – 22, Administrative Court – Sofia District – 1, other Administrative Courts in the country – 12). In 51 cases the courts ruled in favor of information seekers, supported by AIP, and in 19 cases – in favor of the administration.

### **Access to Information Court Cases Organized by Topic**

#### **The “public information” concept**

By a decision of 16 January 2013, the Supreme Administrative Court (SAC) upheld a decision of the Administrative court – Sofia District (ACSD) of June 2012 repealing the refusal by the mayor of Elin Pelin Municipality to provide information concerning the procedure for approving the expansion of the airfield in the village of Lesnovo. The court notes that in this case is requested information on issuing and approving a detailed spatial development plan, an environmental impact assessment and other documents concerning the designation of a real-estate and expansion of an airfield, i. e. concerning a construction affecting the public life in the village of Lesnovo. The

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

information in the documents sought would allow the citizens, including the requester to form their opinion on the activities of state and local government bodies<sup>5</sup>.

### **Obligated subjects**

By a decision<sup>6</sup> of 28 May 2013, the Supreme Administrative Court (SAC) upheld a first instance decision<sup>7</sup> finding Toplofikatsia – Sofia EAD (the central heating provider company) to be an obliged subject under the APIA as a public law organization. The justices motivated that conclusion by the facts that Sofia Municipality is the sole owner of the company's capital and exercises management control, since it determines the company's management and supervisory bodies.

By a decision<sup>8</sup> of 24 October 2013, the ACSC repealed a refusal by the director of the Bulgarian Air Traffic Services Authority state-owned enterprise to provide information on the business trips of the managerial staff of the company in 2012. The court held that the state-owned enterprise is a legal entity (company), which by virtue of law carries out state functions in the provision of air navigation services in the civil airspace of the Republic of Bulgaria, therefore it is a subject obliged to provide information under the APIA as a body, subject to public law.

By a decision<sup>9</sup> of the 25 November 2013 the ACSC found that "Chistota-Iskar" EOOD is a subject obliged to provide information under the APIA as a public law organization, since, following the company's statute, it performs activities in order to satisfy the general interest - collection and disposal of municipal waste in landfills or other facilities for disposal, cleaning of streets and other public areas, etc. Also, more than half of the members of the company's management body are determined by the Sofia Municipality, which is a contracting authority within the meaning of Article 7 item 1 of the Public Procurement Act.

---

<sup>5</sup> Decision no. 704/16.01.2013 of the SAC, Fifth Division, on a. c. no. 9351/2012

<sup>6</sup> Decision no. 7228/28.05.2013 of the SAC, Fifth Division on administrative case no. 11081/2012, judge-rapporteur Marieta Mileva

<sup>7</sup> Decision no. 2598/14.05.2012 of the ACSC, Second Division, 38th panel on administrative case no7193/2011

<sup>8</sup> Decision no. 6434/24.10.2013 of the ACSC, Second Division, 34th panel on administrative case no. 4829/2013

<sup>9</sup> Decision no. 7289/25.11.2013 of the ACSC, Second Division, 30th panel on administrative case no. 8103/2013

**Overriding Public Interest in Increasing Transparency in Public Financing**

In 2013 several courts found existence of overriding public interest in increasing the transparency of public financing and on these grounds repealed refusals to provide information in several court cases, where AIP provided legal assistance to the information requesters.

By a decision<sup>10</sup> of 19 February 2013, the ACSC repealed the Ministry of Environment and Water (MOEW) refusal to provide access to information on the project “Technical assistance for the establishment of a system for integrated waste management in the Yambol region”, financed under Operational Programme Environment 2007 – 2013. The court held that there was overriding public interest in providing the information since it concerns allocation and spending of funds from the EU and the state budget.

By a decision<sup>11</sup> of 1 March 2013, the SAC upheld a decision of the ACSC of June 2011 repealing a refusal by the Ministry of Economy, Energy and Tourism (MEET) to provide information concerning the Russo – Bulgarian cooperation in the energy sector and the Nuclear Power Plant “Belene” project. The Justices held that there was overriding public interest of disclosure under the APIA, since the information sought aims at increasing transparency on the obliged subject’s activities.

By a decision<sup>12</sup> of 31 October 2013 the ACSC repealed the refusal of the Chief Secretary of the Ministry of Physical Education and Sports (MPES) to provide information concerning the financing of sports clubs in the federations of sport shooting, archery and volleyball. The court held that the administrative body had wrongfully decided that the lack of consent by the affected third parties gave sufficient grounds for a refusal. The court noted that the affected third party’s lack of consent to provide the information does not give absolute and sufficient grounds to refuse access to the information sought and that another condition is the lack of overriding public interest in providing the information. In this case, in view of the nature of the requested information it should be held that, despite the refusal of the affected third parties, the requested public information should be provided, because

---

<sup>10</sup> Decision no. 1151/19.02.2013 of the ACSC, 25th panel, on a. c. no. 3773/2012

<sup>11</sup> Decision no. 2932/01.03.2013 of the SAC, Fifth Division, on a. c. no. 11256/2011

<sup>12</sup> Decision no. 6604/31.10.2013 of the ACSC, Second Division, 39th panel on a. c. no. № 456/2013

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

of the presence of an overriding public interest within the meaning of § 1, item 6 of the AP APIA, since provision of the information requested will increase the transparency and accountability of the obliged bodies.

### **Overriding Public Interest and Trade Secret**

By a decision<sup>13</sup> of 9 April 2013, the SAC repealed a decision of the Administrative court – Targovishte as well as the refusal of the Targovishte Municipality mayor to provide a copy of the contract for sale of a municipal real-estate property (a former market place) to a private company. The court notes that the APIA provides a presumption of overriding public interest of disclosure when the information sought 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 Article 3 of the APIA. Thus, the mayor, respectively the officials empowered by her/him, had the obligation to provide the information or to establish the lack of overriding public interest. There is no reasoning on the lack of such an interest in the municipality secretary's decision, upon whom rests the burden of proof of rebutting the statutory presumption. Therefore, under the statutory presumption of the APIA, which failed to be rebutted in this case, it should be held that there is overriding public interest of disclosure of the requested public information.

By a decision<sup>14</sup> of 26 April 2013, the SAC upheld a decision of the ACSC of April 2012 repealing the National Customs Agency's refusal to provide information on customs warehouses with mounted measuring instruments for excisable goods. The SAC Justices noted that they share the first instance court arguments of the existence of overriding public interest of disclosure, since the information concerns directly the transparency and accountability of the Agency. The information sought does not affect third parties' interests because it does not disclose any trade secret or information on the companies' professional activities. Furthermore, the requested information is created by the obliged subject under a legal requirement and this is why the explicit third parties' consent is not necessary for its disclosure.

---

<sup>13</sup> Decision no. 4904/9.04.2013 of the SAC, Fifth Division, on a. c. no. 825782012

<sup>14</sup> Decision no. 5915/26.04.2013 of the SAC, Fifth Division, on a. c. no. 7650/2012

### **Overriding Public Interest and Accountability**

By a decision<sup>15</sup> of 3 July 2013, the ACSC repealed the Ministry of Finance (MF) refusal to provide access to information on the supplementary remuneration (bonuses) of the civil servants in the ministry and its subordinate structures. According to the court, in a time of financial and economic crisis there is overriding public interest in the disclosure of this information, especially considering the contradictory statements made by the Prime Minister and the Minister of Finance on this issue.

By a decision<sup>16</sup> of 15 November 2013 the Administrative Court – Lovech repealed the refusal of the Lovech Municipality mayor to provide a copy of the service book a municipal vehicle. The court held that there was an overriding public interest in disclosing the information sought as the requester would, thus, be able to form an opinion on the lawful drafting of documents relating to the vehicle's exploitation by the municipal administration. Disclosure of the vehicle's service book will increase the accountability and transparency of the municipality's activity in accordance with the aims of the APIA.

### **Personal Data Protection and Access to Information**

By a decision<sup>17</sup> of the 8 January 2012, the SAC upheld a decision of the ACSC of November 2012 repealing the Ministry of Labour and Social Policy refusal to provide information on the supplementary remuneration (bonuses) received by civil servants in the ministry. The court held that the requester (Dinka Hristova – “Sega” newspaper) seeks information not on how much every individual civil servant in the ministry has received, but whether supplementary remunerations have been paid and under what conditions. Furthermore, the Justices note that the information requested is public and if it were requested for each individual, there is overriding public interest of its disclosure.

---

<sup>15</sup> Decision no. 4446/03.07.2013 of the ACSC, Second Division, 23rd panel on a. c. no. 1397/2013

<sup>16</sup> Decision no. 118/15.11.2013 of the AC - Lovech, 4<sup>th</sup> panel, on a. c. no.135/2013

<sup>17</sup> Decision no. 178/08.01.2013 of the SAC, Fifth Division, on a. c. no. 2150/2012

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

By a decision<sup>18</sup> of 4 February 2013, the SAC repealed a decision of the Administrative court – Yambol as well as the refusal of the Municipal Elections Commission – Yambol to provide the originals of the protocols of the sectional elections commissions of the local elections held on 23 October 2013 in 103 sections on the territory of the Yambol Municipality, as well as copies of selected protocols after review. The SAC Justices held that the names of officials do not amount to protected personal data. According to Article 19, paragraph 1 of the Elections Code the elections commissions members, including those of sectional elections commissions, have the status of public officials in the performance of their functions, so that the spelling of their names in the established by the commissions protocols identifies them as officials – members of the respective collective body and not as individuals. Therefore, with the provision of the original protocols will not be disclosed any personal data.

By a decision<sup>19</sup> of 16 May 2013, the SAC repealed a first instance decision, as well as the Ministry of Finance refusal to provide information on the declarations of the independent members of parliament showing to which party they have directed their party subsidies. The court held that according to the Constitutional court case-law, the protection of personal data of the MPs is far more lowered compared to that of other citizens and the public interest in disclosure overrides.

By a decision<sup>20</sup> of 19 June 2013, the SAC repealed a first instance decision, as well as the president of the Municipal Council of Varna refusal to provide information on the amount of remunerations received as supplementary remuneration (bonuses) by the managers and supervisors of the municipal companies in Varna. The court held that the information is regarding the amounts of funds received by municipality-owned companies and that it will give the opportunity to form one's opinion on the

---

<sup>18</sup> Decision no. 1619/04.0202013 of the SAC, Fifth Division, on a. c. no. 3265/2012

<sup>19</sup> Decision no. 6681/16.05.2013 of the SAC, Fifth Division on administrative case no. 13332/2012, judge-rapporteur Diana Dobrova

<sup>20</sup> Decision no. 8926/19.06.2013 of the SAC, Fifth Division on administrative case no. 11623/2012, judge-rapporteur Iliana Slavovska

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

way of spending municipal funds which is not personal data of the persons who received those funds.

By a decision<sup>21</sup> of 2 July 2013, the ACSC repealed a Sofia Municipality refusal to provide information on the remunerations and bonuses, received by the employees of the municipal enterprise "Ecoravnovesie". The court held that the information is regarding specific positions rather than the persons who occupy them, so it does not constitute personal data. The judge noted that the amount of the remuneration received is not related to privacy and protection of personal life, but is an objective fact.

By decision<sup>22</sup> of 10 July 2013, the SAC repealed a refusal of the Minister of Interior to provide information on whether the actual Prosecutor General – Sotir Tzatzarov had received an award (a pistol) by the ministry at the time when he was president of the District Court – Plovdiv. The court held that information on awards given to persons in high state office by state institutions is not protected personal data but the interest in disclosure overrides.

By a decision<sup>23</sup> of 8 November 2013 the SAC upheld the decision of the ACSC repealing the Ministry of Justice refusal to provide information on the supplementary remuneration (bonuses) received by the institution's staff in 2011.

By a decision<sup>24</sup> of 2 December 2013 the ACSC repealed a refusal by the Ministry of Interior (Mol) to provide information on the visits of Delyan Peevski (MP and media mogul) in the Ministry during the time in office of the actual and the previous cabinets. The court found the existence of overriding public interest in the disclosure of the information, since it relates to a public subject – Member of Parliament. The information does not concern personal data of the MP, since the disclosure of the number and purpose of his visits in Mol would not amount to disclosure of personal data.

---

<sup>21</sup> Decision no. 4401/02.07.2013 of the ACSC, Second Division, 41st panel on administrative case no. 4734/2013

<sup>22</sup> Decision no. 10398/10.07.2013 of the SAC, Fifth Division on administrative case no. 2551/2013, judge-rapporteur Emanoil Mitev

<sup>23</sup> Decision no. 14745/08.11.2013 of the SAC, Fifth Division on a. c. no. 1042/2013

<sup>24</sup> Decision no. 7522/02.12.2013 of the ACSC, Second Division, 32<sup>nd</sup> panel, on a. c. no. 9332/2013

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

### **Preparatory Documents**

By a decision<sup>25</sup> of 29 January 2013 the SAC upheld a decision of the Administrative Court – Haskovo repealing a refusal by the Haskovo Municipality mayor to provide a copy of the report on an inspection by the Public Financial Inspection Agency (PFIA) in the municipality. The Justices held that they fully share the reasoning of the first instance court that the Harmanli Municipality did not prove that the requested information is related to the preparatory work on acts of the administrative bodies, and has no significance in itself, nor did it prove that the information contains opinions and statements related to on-going or prospective negotiations to be led by the administrative body or on its behalf, as well as any data relating thereto.

By a decision<sup>26</sup> of 10 June 2013, the ACSC repealed a refusal by the Ministry of Regional Development and Public works to provide information on OLAF's final report on the possible irregularities in the execution of the project "Water's way," co-financed by the European Regional Development Fund (ERDF) Cross Border Cooperation Programme Romania - Bulgaria 2007-2013. The ministry had refused access with the argument that this information related to the preparatory work on the bodies' acts and had no significance in itself. The court held that the refusal had not specified the final acts for the preparation of which the information had been used, therefore the stakeholders had no way of obtaining information on the content of the report. The decision also stated that the findings of the report cannot be modified by the authority to whom they were sent. They have significance in themselves and access to them should be provided.

By a decision<sup>27</sup> of 14 June 2013, the ACSC repealed a refusal by the president of the Sofia City Court (SCC) to provide information on the delayed criminal and civil cases at the time of 18 February 2013. In particular, these are cases where the court sentence was declared, but reasons not yet provided or a decision was not delivered. The SCC refusal was given with the argument that the information sought had a

---

<sup>25</sup> Decision no. 1364/29.01.2013 of the SAC, Fifth Division on a. c. no. 3435/2012

<sup>26</sup> Decision no. 3858/10.06.2013 of the ACSC, Second Division, 32nd panel on administrative case no. 739/2013

<sup>27</sup> Decision no. 4010/14.06.2013 of the ACSC, Second Division, 41st panel on administrative case no. 3156/2013

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

preparatory character and has no significance in itself. The court held that the requested information has significance in itself, since the final decisions on disciplinary responsibility of judges are not issued by the president of the court. The judge noted that in past years the SCC had provided similar data. In this regard, the court stated that it is not consistent with the principle of equality that once access to the same information is free and in other cases is limited on the grounds that the information is preparatory in nature and has no significance in itself.

By a decision<sup>28</sup> of 8 August 2013, the ACSC repealed the Ministry of Environment and Water (MOEW) Chief Secretary refusal to provide access to the legal analysis of the concession of the Bansko Ski Zone. The court held that there is overriding public interest in providing this information as it concerns the exploitation and construction of large areas in the national park (Pirin).

### **Access to Information – Access to Documents**

By a decision<sup>29</sup> of the 17 April 2013, the SAC upheld a decision of the ACSC repealing a refusal by the Ministry of Economy, Energy and Tourism (MEET) to provide information concerning a ministry's opinion according to which the actions of the physicist Georgi Kotev, former employee in the Nuclear Power Plant "Kozloduy", and the Association of free speech "Anna Politkovskaya" supporting him, cost the state budget 2 million BGN, spent on maintaining the positive image of the Bulgarian nuclear energy industry. According to the court panel the physical bearer of the information, in this case the respective document – a letter from the director of Directorate "Energy industry security" in the MEET – is not something requested for its material substrate, but for the information it contains. Therefore, it is irrelevant how exactly the information is described, its provision is due.

### **Silent Refusals**

The case-law on silent refusals under the Access to Public Information act remains stable. Under the APIA case-law the sole procedure that an obliged subject should

---

<sup>28</sup> Decision no. 5430/08.08.2013 of the ACSC, Second Division, 29th panel on administrative case no. 2496/2013

<sup>29</sup> Decision no. 5374/17.04.2013 of the SAC, Fifth Division, on a. c. no. 7662/2012

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

follow, after receiving a valid request for access to information, is issuing a reasoned decision for provision or refusal of access to the information requested and providing written notification to the applicant of this decision.

By a decision<sup>30</sup> of 28 February 2013, the SAC upheld a decision of the Administrative court – Haskovo repealing a silent refusal by the mayor of Harmanli Municipality to provide information about the amounts of sums (fees, travel, stay and other expenses) paid by the municipality for legal services to law offices for the period 2009 – 2012, as well as about court cases, where the municipality has used the services of attorneys for the same period. The court stated that in any case a silent refusal is unlawful under the APIA.

By a decision<sup>31</sup> of 8 April 2013, the Administrative court – Veliko Tarnovo repealed a silent refusal by the Rector of the University of Veliko Tarnovo to provide information on the “Water’s way – nature and culture sightseeing routes for sustainable tourism” project, under which the University is a leading partner. Concerning the rector’s argument that the application is repetitive and that is why it was left without consideration, the court held that since the law provides the opportunity to file a new request for information already obtained under the sole condition – expiry of a certain time limit, a fortiori it should be assumed that there is no obstacle to a second request on the part of the same applicant if the original one was not satisfied, regardless of the fact that the refusal was explicit or silent.

By a decision<sup>32</sup> of 19 April 2013, the ACSC repealed a silent refusal of the Council of Ministers to provide information on all flights reservations made by the CoM with the Aviosquad 28 (the government airline operator) for the period 1 January 2010 – 15 August 2012. The court held that a silent refusal under the APIA is unlawful and on that ground alone it is subject to repeal.

---

<sup>30</sup> Decision no. 2907/28.02.2013 of the SAC, Fifth Division, on a. c. no. 8208/2012

<sup>31</sup> Decision no. 112/08.04.2013 of AC – Veliko Tarnovo on a. c. no. 56/2013

<sup>32</sup> Decision no. 2603/19.04.2013 of the ACSC, 22nd panel, on a. c. no. 451/2013

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

By a decision<sup>33</sup> of 5 August 2013, the ACSC repealed a silent refusal by the director of State Fund Agriculture to provide information on the candidates trained in the Rural Development Programme in the period 10.05.2010 – 31.01.2013. More specifically, the information sought was on the cost of that training, a copy of the list of companies which provided consultations, the number of consultations and the amount paid for them. The court held that the director should have issued an explicit decision on the request, since under an order of the Minister of Agriculture and Foods of 2007, the State Fund Agriculture is the sole Paying agency in Bulgaria for the Rural Development Programme.

By a decision<sup>34</sup> of 23 October 2013 the ACSC repealed a silent refusal of the mayor of Elin Pelin Municipality to provide information concerning the tax that parents of children entering kindergarten had to pay to the municipality.

By a decision<sup>35</sup> of 28 October 2013, the ACSC repealed a silent refusal of the president of the Bulgarian Science Fund to provide information on the results of a call for proposals procedure in the priority area "Cultural and historical heritage" and specifically on the evaluation and ranking of all submitted projects, as well as on the reasons for approving or rejecting projects.

By a decision<sup>36</sup> of 7 November 2013 the Administrative Court – Sliven repealed a silent refusal by the Chairman of the Municipal Council – Nova Zagora to provide information on the procedure through which citizens can declare their interest in participating in the municipal council sessions.

By a decision<sup>37</sup> of 27 December 2013 the Administrative Court – Veliko Tarnovo repealed a silent refusal by the Rector of the University of Veliko Tarnovo to provide information on the public procurement calls and the contracts concluded under the project "Joint risk monitoring in emergency situations in the border region of the Danube river", where the University is a partner organization.

---

<sup>33</sup> Decision no. 5372/05.08.2013 of the ACSC, Second Division, 29th panel on administrative case no. 3404/2013

<sup>34</sup> Decision no. 975/23.10.2013 of the AC – Sofia District, 7<sup>th</sup> panel, on a. c. no. 749/2013

<sup>35</sup> Decision no. 6480/28.10.2013 of the ACSC, Second Division, 24th panel on administrative case no. 3042/2013

<sup>36</sup> Decision no. 92/07.11.2013 of the AC – Sliven on a. c. no. 67/2013

<sup>37</sup> Decision no. 668/27.12.2013 of the AC – Veliko Tarnovo, 7<sup>th</sup> panel, on a. c. no. 1004/2013

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

**Evaluation of the activity:** The work of the AIP legal team on cases submitted to the organization for legal advice and representation in court on cases concerning decisions on access to information in 2013 increased. The legal team, consisting of 5 – three attorneys-at-law and two in-house lawyers on employment contracts, provided legal assistance and advice in cases which require research into specific activities, review of large amounts of documentation and orientation what information is needed by the client. Bearing in mind that the legal team is also committed to preparing opinions on draft legislation and participating in media debates on specific topics related to legislation or other issues concerning institutions' transparency, there is an obvious need to discuss more stringent criteria for the provision of pro bono legal assistance.

**Products:** In AIP's Internal information system are being registered the cases submitted for legal assistance and advice and recorded the documents created in the process of providing legal assistance. Simultaneously, detailed records are kept of the cases where representation in court is provided. Each month in the newsletter is published a summary of the developments of court cases in the section "From the courtroom" or an article related to certain specific cases submitted for legal assistance and advice. Every six months a systematization of the litigation practices is being prepared. Regular reviews of case-law are being prepared and disseminated through the international freedom of information advocates network. AIP prepared and published five books analyzing case-law under the access to information legislation.

### **Necessary resources:**

1. This activity involves five lawyers who provide legal assistance, three of them prepare complaints, written defenses and provide representation in court.
2. Systematization and analysis of case-law are specific activities entailing additional effort and skills.
3. Presentation of developments in the case-law in international networks is also part of the work of the legal team.
4. For carrying out this activity are needed a subscription for a legal software, internet access, subscriptions to some legal periodicals.

***4. Raising awareness campaigns and trainings on the Access to Public Information Act, Personal Data Protection Act and the Protection of Classified Information Act***

One of the priority activities of AIP is the campaign for improvement of the legislation and the practices for proactive publication of information online. The civil audit on active transparency, performed by AIP team every year, and the audit results show deficiencies in the legal framework and in the organization of the process of online publication by the institutions, the lack of common standards in this regard.

**Campaign for Active Transparency**

In 2013, AIP has run a campaign for the improvement of the content of the Internet sites of public bodies from the point of view of the existing standards regarding the proactive publication of information and the effective legal obligations.

Audit results were used as one of the criteria for the evaluation of the nominations for the “Golden Key” award in the category “Institution which has best organized the provision of access to information to the citizens,” which AIP presents at the International [Right to Know Day Awards Ceremony, held on 28 September](#).

The analysis of the results was disseminated via the International Freedom of Information Advocates Network. The audit and the rating were also covered by the international portal Freedominfo.org and the Network for Democracy Research Institutes.

AIP has already updated the indicators for assessment of the active transparency of the institutions for 2014. Due to the increased interest of partners from abroad, advocates for freedom of information, AIP has translated the audit module – in order to launch the results and the rating in English as well.

The main purpose of the campaign is the initiation of a debate on necessary amendments to the legislation in line with the developing standards for the proactive publication.

### Pitaigi.bg Campaign

In the summer of 2013, AIP supported the initiative of the Obshtestvo.bg Foundation by signing an agreement for cooperation in the development of a web platform for the submission of electronic access to information requests and the publication of the obtained information. The platform is developed on the bases on mySociety's Alavately by adaptation for the needs and conditions in Bulgaria with the help of AIP. The platform has several purposes: to popularize the use of the APIA among younger people; to assist the advocacy campaigns of NGOs, when the publicly available or provided information is not enough; to give one more tool for measuring transparency. Similar platforms based on the British experience are the AsktheEU.org and the one developed in Croatia.

### PERSONAL DATA PROTECTION CAMPAIGN – THE BIG BROTHER ANTI – AWARDS



On January 28, 2013, AIP and the Internet Society – Bulgaria presented the Big Brother anti-awards at a ceremony at the National Press club of the Bulgarian News Agency. The anti-awards are given to government institutions, private companies, or individuals, who have done the most to invade personal privacy.

The 2013 Big Brother Awards Ceremony in Bulgaria was held on the European Data Protection Day. The date 28 January marks the adoption of Convention 108 of the Council of Europe for the protection of individuals with regard to automatic processing of personal data in 1981. AIP supported the Brussels Privacy Declaration drafted at the Conference “Computer, Privacy and Data Protection, held on 23-25 January 2013 in Brussels. The text of the declaration is available here: <http://brusselsdeclaration.net>.

The nominations for the anti-awards, the recipients and the grounds for the selections were published in AIP Monthly FOI Newsletter, January 2013

AIP maintains special “Personal Data” section on its web site with the purpose to inform about the developments of European standards and regulations in the area.

### INTERNATIONAL RIGHT TO KNOW DAY – 28 SEPTEMBER

The initiative, launched 12 years ago at an international conference organized by AIP in Sofia, has been recognized and celebrated all over the world.

The format which AIP has chosen to celebrate the International Right to Know Day – a ceremony for presenting positive and negative awards, has become an example for partners from abroad and has proved its impact for the promotion of the right of access to information in Bulgaria. Every year, the ceremony gathers friends of the Right to Know from the country – journalists, representatives of public bodies, citizens, NGOs.

### 11<sup>th</sup> Right to Know Day Awards Ceremony in Bulgaria



AIP presented the annual awards for contribution to the freedom of information on the International Right to Know Day for 11<sup>th</sup> year. The ceremony was opened with the song “Breathe,” dedicated to the event which was held on September 28, 2013 at the Press Club of the Bulgarian News Agency. 90

representatives of NGOs, state administration, journalists, lawyers, partners, colleagues and friends of AIP attended the ceremony. A special guest was Toby McIntosh, the editor of the global portal Freedominfo.org.

The 2013 awards were given in six categories. The jury had to select the winners out of 39 nominations received through the updated Right to Know Day web site:

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

[www.righttoknowday.net](http://www.righttoknowday.net). Interviews with all awardees were published in AIP FOI Newsletter for October.

### **AIP – Civil Center for Support of Transparency**

In June 2013, AIP started the implementation of the project supported by the America for Bulgaria Foundation – “Access to Information Programme – Civil Center for Support of Transparency.”<sup>38</sup> Within the project, AIP organized and held “Access to Information” Days in Pleven, Lovech, Vratsa, and Montana. Within the Information Days, a team of AIP presents the standards for proactive transparency, raise awareness on the right to information, presents the developments in the litigation under the access to information legislation, provides on-spot legal help on specific access to information cases. The interest towards the Information Days is big. The holding of Information Days in 6 more cities is planned for 2014.



*17 October 2013 Access to Information Day – City of Pleven*

---

<sup>38</sup> [http://aip-bg.org/projects/america%20for%20bulgaria/aip\\_civil%20center\\_en.htm](http://aip-bg.org/projects/america%20for%20bulgaria/aip_civil%20center_en.htm)

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**



**18 October 2013 Access to Information Day – City of Lovech**



**12 November 2013 Access to Information Day – City of Vratsa**



*13 November 2013 Access to Information Day – Montana*

**Evaluation of the activity:** The activities for raising awareness on the right to information and its exemptions which AIP performs are an important instrument for the awareness on and the exercise of the right to information. The other core activities of the team and the results of their performance are the base for the raising awareness and the campaigns. On the other hand, the results from the monitoring, the advocacy, and the legal help would not be so visible without the campaigns and the raising awareness work done by the AIP team.

With a special impact are The International Right to Know Day and the Big Brother Anti-awards.

Extremely important for the improvement of the access to information are the civil trainings organized and held by AIP during the years – for the administrations, for journalists, NGOs, and citizens.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

**Products:** A model for the celebration of the Right to Know Day  
A model for the celebration of the European Data Protection Day  
Developed training programs and materials for different target groups  
Proven mechanism for running campaigns on access to information issues.

### **Necessary Resources:**

1. AIP team and the coordinators' network in the country for the preparation and holding of the Right to Know Day Awards Ceremony.
2. Financial resource for the ceremony. During the years, AIP has tried to secure funding for the organization and the holding of the ceremony. The Right to Know Day Awards Ceremony has been financially supported by the America for Bulgaria Foundation for the past several years.
3. The Big Brother Anti-awards – preparation and holding. Up to now, the ceremony has been funded by AIP savings.
4. The training programs are implemented within ongoing projects but are a product that could be developed as a business activity of the AIP.

### ***5. Participation in public debates on access to information and freedom of expression issues***

The 2013 debates related to the transparency, access to information and the personal data protection encompassed different sectors of government and public life. The AIP experts participated in discussions on proposed amendments to the the Public Disclosure of Senior Public Officials' Financial Interests Act, the Law on Access and Disclosing the Documents of the Former State Security Services, The Prevention and Establishment of Conflict of Interests Act, the Special Surveillance Means Act, Draft Partnership Agreement of the Republic of Bulgaria, outlining the help of EU structural and investment funds for the period 2014-2020. AIP took part in the public and expert debate on the draft laws on the National Security, the National Security Service, the Military Intelligence, and the National Intelligence Services; in the discussions for necessary parliamentary control over the special security services

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

and the use of special surveillance means; in the debate and the campaign for publicity of the conflict of interest declarations of the magistrates; in the Darik Radio initiative for drafting a Good Government Chart of Bulgaria for the period 2013 – 2018 and the following discussions in the radio; etc.

### **Transparency of information related to the National Referendum on the Construction of the Nuclear Power Plant Belene**

AIP took part in the debate for the availability and publicity of documents, on the base of which Bulgarian citizens should have form their opinion on the question set forth by the first national referendum in the Bulgarian democratic history. On January 7, 2013, AIP filed two requests for access to the impact assessment reports on the Nuclear Power Plant Belene project – to the National Assembly and to the Ministry of Energy, Economics and Tourism. The lack of availability of these impact assessment reports related to the construction of the Nuclear Power Plant Belene raised the issue whether an informed opinion could be formed before participating in the first referendum in the democratic history of Bulgaria held on January 27, 2013. It turned out from the received responses that no information had been prepared for the purposes of the referendum, while the information prepared in 2005 was not available. AIP blog posts, newsletter articles and experts statements on the topic were reprinted in different media. We launched a special section on the web site: [Referendum 2013](#)

### **Transparency of the past and challenges before the disclosure of the former State Security and Intelligence Services personal files in Bulgaria**

The debate on the disclosure and announcing of affiliation to the former State Security and Intelligent Services was on the public agenda again. At the end of September 2013, a group of Members of Parliament submitted a proposal for amendments to the repealed § 12 of the Access and Disclosure of Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

Services of the Bulgarian National Armed Services Act. The obligation for preliminary publication and public consultation on the draft was not fulfilled. The proposed amendment aimed at the protection of high officials from the National Intelligence Services and Military Information Service by not announcing their affiliation to former State Security and Intelligence Services. AIP joined the holding of a press conference on October 3, 2013 to present its position on the significance of the disclosure of the files of the former communist secret services for understanding the past but also as a guarantee for greater integrity of high government officials of the present. On October 29, 2013, AIP Executive Director Gergana Jouleva and AIP Head of Legal team Alexander Kashumov took part in the Round table "The Challenges of Disclosing the Dossiers in Bulgaria", organized by the Konrad Adenauer Foundation in Sofia where a number of renowned political figures, archive researchers, academics, as well as the members of the Committee for Disclosing the Dossiers expressed their position in defense of the complete disclosure of the files of the former State Security Services.

AIP Head of Legal Team Alexander Kashumov was among the panelists of the international conference "Eastern Europe Transition Through the Documents of the Communist Secret Services", organized by the Committee for Disclosing the Documents on November 26, 2013.

A review of the legislative developments with regard to the disclosure of the documents of the communist Secret Services was prepared by AIP Head of Legal Team Alexander Kashumov and disseminated via AIP monthly FOI Newsletter, November 2013 issue

AIP has continued its cooperation by participating in debates and consultations, held by the Committee for Disclosing the Documents of the Former Communist Secret Services, State Archives Agency, the Parliamentary Committee for Fighting Corruption and Conflict of Interests, the Council on Electronic Media, the Parliamentary Committee for Interaction with Civil Organizations and Groups, the Ministry of Environment and Waters, Council of Ministers, the President's Office, etc.

**MEDIA COVERAGE OF THE ACTIVITIES OF AIP IN 2013** <sup>39</sup>

Transparency, accountability, and access to information, including AIP statements on urgent issues, were covered by 471 publications, radio and TV broadcasts in national, regional and local media, compared to 367 – in 2012.

Out of these 344 are in national media, 113 – in local media (85 in online media, 33 in printed media, 4 radio stations and 4 TVs), and 14 – in foreign media.

Representatives of AIP team took part in 40 radio broadcasts and 35 TV broadcasts.

The topics which attracted mostly the media interest and resulted in the highest number of publications and interviews from AIP team are:

- Right to Know Day – 66 publications
- Personal data – 53 publications
- Legislation – 52
- Litigation – 46 publications
- Active Transparency Rating – 42 publications
- Annual report Access to Information in Bulgaria 2012 – 30 публикации
- Publications covering the implementation of the project “AIP – Civil Center for Support of Transparency” – 23

In 2013, 12 issues of the Monthly FOI Newsletter were issued with a total of 91 articles:

The column “[From the court room](#)” contained 45 news on court cases, which were going on with the assistance of AIP

The “[News](#)” column – 56 news related to the access to information developments

The column “[Comment by the Lawyer](#)” – 6 articles

---

<sup>39</sup> <http://www.aip-bg.org/en/publications/mediareactions/>

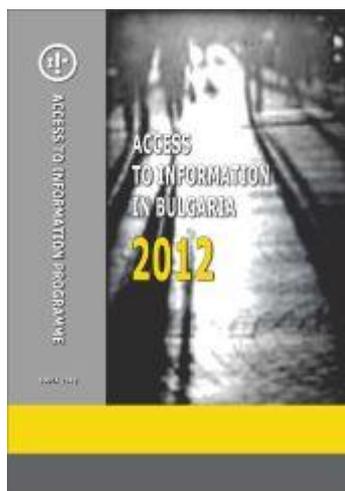
## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

In 2013, AAIP coordinators contributed 20 articles to the Newsletter – in the columns “From the Coordinators Network,” “Request Adventures,” “Paradoxes,” „Outstanding,” as well as overviews of the information days held by AIP in the country within the project “AIP – Civil Center for Support of Transparency.”

In 2013, AIP disseminated via the [NGO Information Portal](#) 34 news, related to freedom of information advocacy, analysis of the legislation and the level of the active transparency, results from the access to information litigation.

On December 11, 2013, AIP was recognized as one of the six organizations, which had most actively published information about their work in the NGO Portal of Bulgaria.

### **Access to Information Programme Publications 2013**



#### **Access to Information in Bulgaria 2012**

In 2013, AIP prepared, published, and disseminated the annual report “Access to Information in Bulgaria 2012” (1,000 copies in Bulgarian, disseminated to state bodies, members of parliament, NGOs, and media). The report was translated in English and disseminated to all partner organizations within the International Freedom of Information Advocates Network.

Access to Information in Bulgaria 2012, Access to Information Programme, 2013, 124 pages.

ISSN 1314-0515 (online)

ISSN 1313-065X (print)

ISSN 1314-0523 (online)

[http://store.aip-bg.org/publications/ann\\_rep\\_eng/2012.pdf](http://store.aip-bg.org/publications/ann_rep_eng/2012.pdf)

### **Internet Sites of AIP**

The Internet site of AIP (<http://www.aip-bg.org>) is regularly updated. It is the best developed communication channel for 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 of AIP and the content is managed by a web based system part of the Internal Information Management System of AIP. It allows for an easier navigation among the rich content of the information and training materials, but also for integration and visualization of audit and survey results.

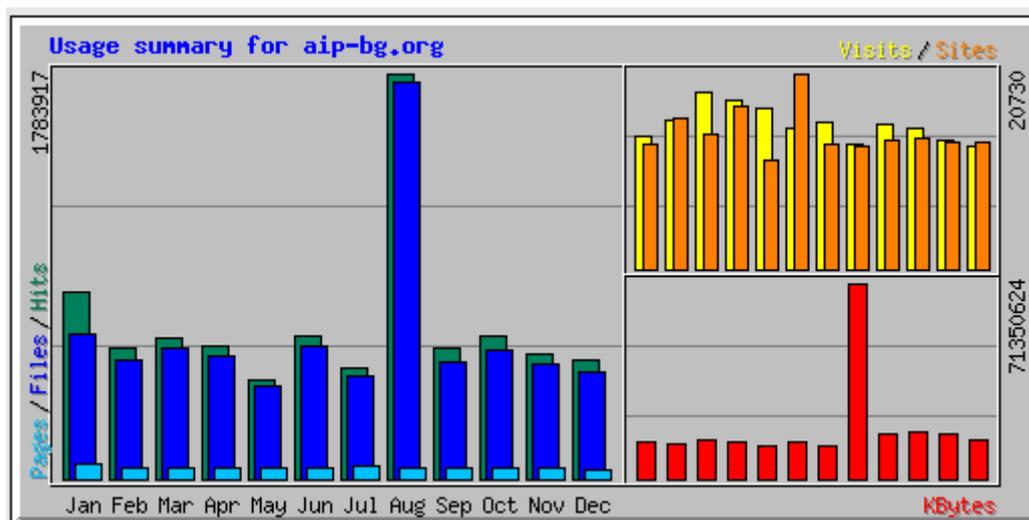
Results from the audit on institutional web sites performed by AIP within 7 - 25 January 2013 are available on the web site (also in English): <http://www.aip-bg.org/en/surveys/2014/101401/>.

The traffic statistics for the 2013 shows that the number of visits to [www.aip-bg.org](http://www.aip-bg.org) is: 184,4174 (average of 15,348 visits per month, which is an increase with 1,300 per month compared to 2012). Larger number of visits is registered during months in which AIP ran special campaigns – March – presentation of the results from the institutional web sites survey; April – presentation of the annual report “Access to Information in Bulgaria 2012”; May – the online petition in support of the call for investigation of the life threats towards the journalist Hristo Hristov and his family (385 supported the call); September and October – Right to Know Day Awards campaign for nominations and the awards ceremony.

The highest number of visits is registered in days when blog posts were made.

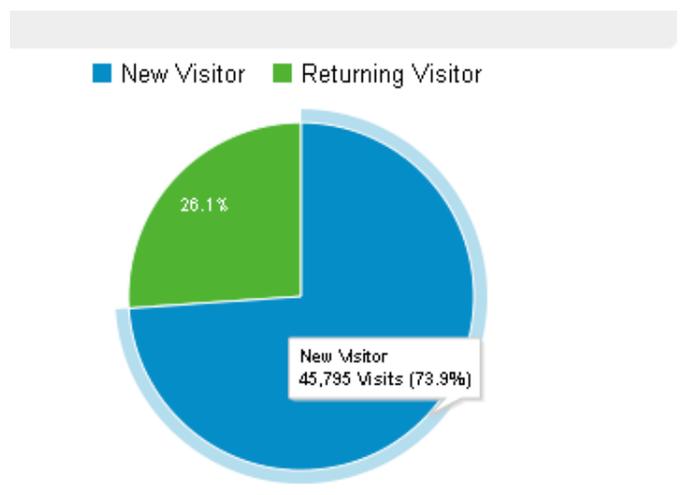
Out of the visits from foreign servers (average of 41 % of all), the largest number comes from the USA, UK, the Russian Federation, Germany, the Netherlands, Sweden, France, Ukraine, Canada.

## ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013



Statistics for [www.aip-bg.org](http://www.aip-bg.org) (January – December 2013)

The new web platform of [www.aip-bg.org](http://www.aip-bg.org) allows for the integration of Google Analytics whose data are slightly different from the general statistics in view of the marketing purposes of GA. It, however, shows that the portion of the new visits of the web site is 73.9%. Also, a total number of visits 62,010, out of which 46,852 are unique visits and 16,175 are returning visitors.



Google Analytics [www.aip-bg.org](http://www.aip-bg.org) (January– December 2013)

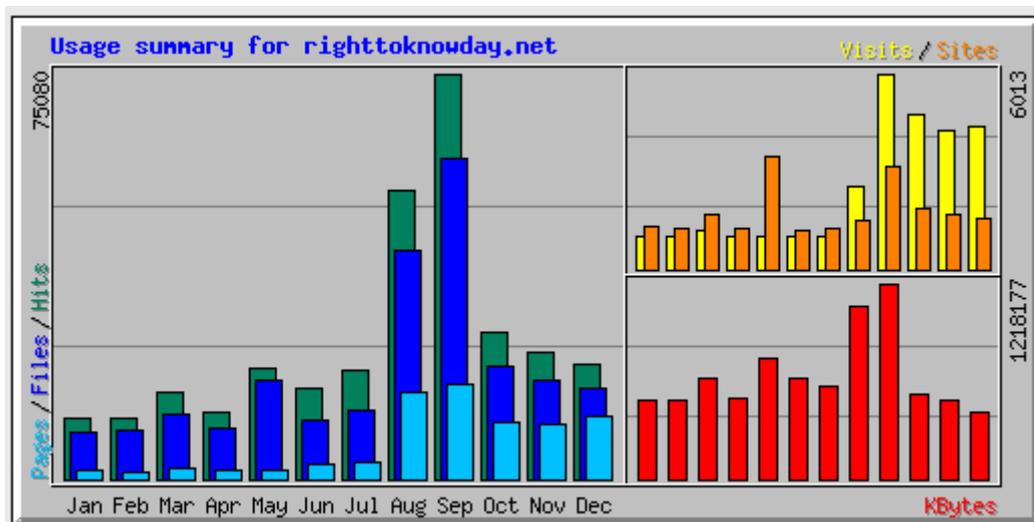
## ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013

[www.righttoknowday.net](http://www.righttoknowday.net)

In 2013, AIP launched an updated web site for the International Right to Know Day – 28 September. The web site has a new design, and its dynamic content allows for easy and fast sending of nominations for the Right to Know Day Awards in all categories. The functional update was achieved by integrating a new module in AIP IMS, making the management of the content web based.

The updated web site [www.righttoknowday.net](http://www.righttoknowday.net) allows for a chronological review of all past [ceremonies in Bulgaria](#), all [receptients of the awards](#) in the different categories with a lot of [pictures](#), [videos](#) and the [documentary “28 September – Right to Know Day.”](#) The web site contains all promotional materials accompanying the campaign - the poster, the leaflet, the magnet, short videos from the 2009 and 2010 ceremonies, the initiatives of the International Freedom of Information Advocates Network in which AIP has also taken part: <http://www.righttoknowday.net/en/promotion/>.

The peak in the visits of this web site is September – 6,013 unique visits for 2013. The average monthly visits for the year are 2,446 which are with 1,626 more than 2012: <http://www.righttoknowday.net/en/>.

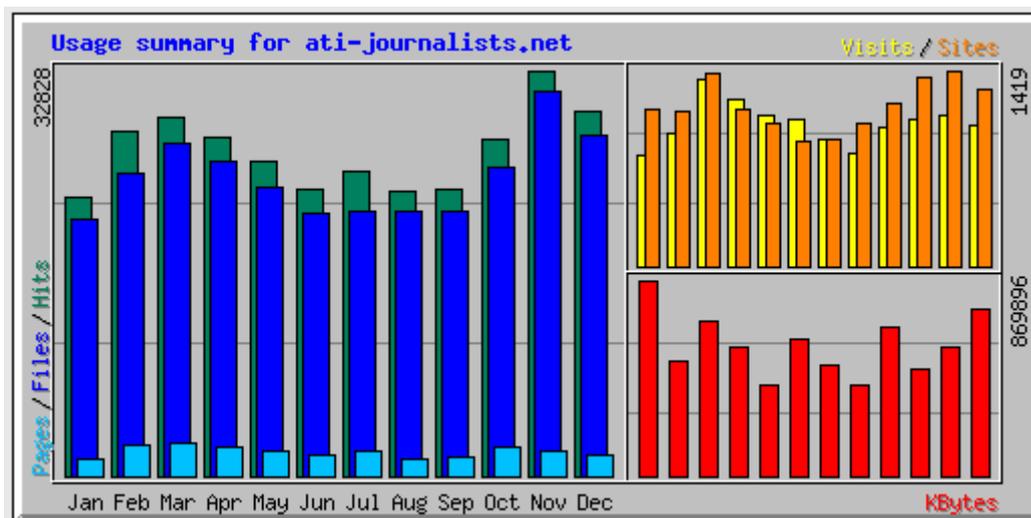


Statistics for the [www.righttoknow.net](http://www.righttoknow.net) (January – December 2013)

<http://www.ati-journalists.net/>

## ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013

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 popularity of the web site is increasing. The average number of monthly visits for 2013 is 1,035. For comparison, the number for 2012 was 689.



Statistics of the <http://www.ati-journalists.net/> (January– December 2013)

### Access Point blog

<http://blog.aip-bg.org/>

The blog Access Point is additional channel for increasing the efficiency of AIP permanent campaign for the improvement of access to information in Bulgaria. In 2013, AIP posted 22 items followed by 19 comments by users. Some of the posts were reprinted by popular media and resulted in a debate on issues of public interest. The posts are automatically sent to a subscription list. At the moment, it contains 350 subscribers, predominantly journalists, NGOs and citizens.

### Web Portal Public Registers

[www.publicregisters.info](http://www.publicregisters.info)

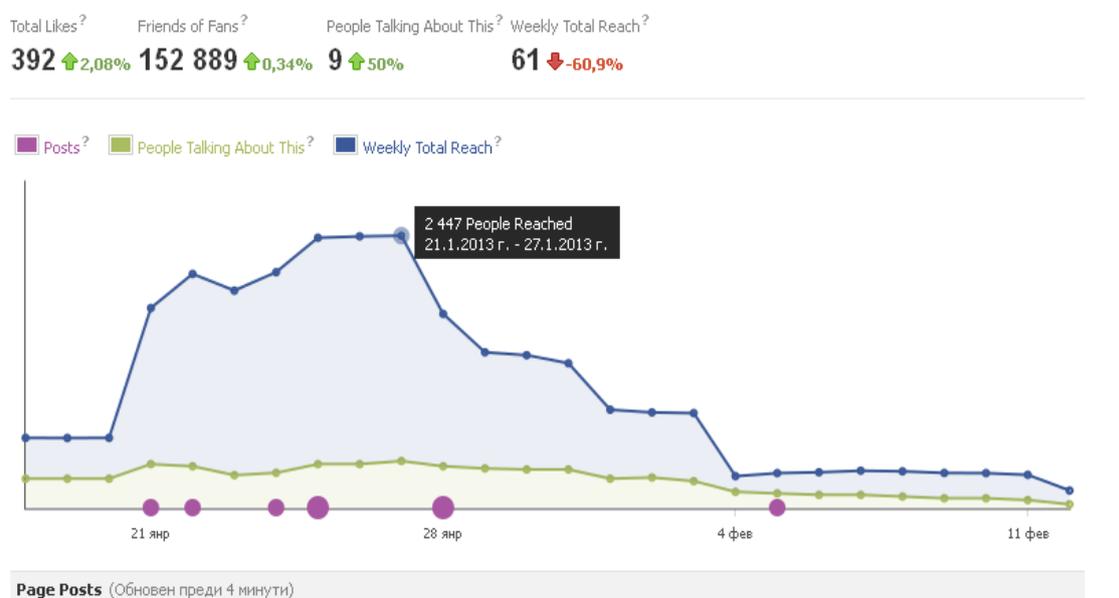
On November 30, 2011, AIP launched the web portal *Public Registers*, which contains the results from a survey on the public registers in Bulgaria. It also incorporates the results from the review of the content and the format of the online

## ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013

available public registers. 45,650 visits were registered in 2013, out of which 38,048 are unique visits. The visited pages are 93,354. The web portal requires constant maintaining and update. For such an activity, AIP needs additional funding.

### AIP in Facebook

On its Facebook site, AIP refers links from the Access Point blog, from the Monthly FOI newsletter, news from the AIP web site, and publications in other media and partner organizations. 567 people like it. Visits per month vary from 50 to 2,400 when new posts are made.



Facebook statistics for AIP page (January– December 2013)

**Evaluation of the Activity:** The communication of the results of AIP work, the participation in media debates on issues related to access to information is also a core activity of AIP. The team who performs this work also has to be financially secured.

**Products:** Blog, Newsletter, three web sites, publications in Bulgarian and English

## **Necessary Resources**

1. Maintaining of the web sites, publications, translation of materials, monitoring of the networks of which AIP is a member and dissemination of information about the ongoing developments in the access to information areas – the whole team is involved in the performance of this activity;
2. Financial securing for the issuing of the AIP Monthly FOI Newsletter
3. Funds for the preparation and the issuing of the annual report “Access to Information in Bulgaria” in Bulgarian and English.

## ***6. Cooperation with partner organizations on a national, regional, and global level***

### **Exchange of Experience**

AIP has continued its work and cooperation with a number of organizations and networks: [The International Freedom of Information Advocates Network](#), [Statewatch](#), [Access Info Europe](#), [the Network of Democracy Research Institutes](#), [ECAS](#), [Freedominfo.org](#), [Global Integrity](#), [the Open Government Partnership Civil Society Group](#), [Freedom of Information Center in Armenia](#), [Institute for Development of Freedom of Information – Georgia](#), [Bulgarian Helsinki Committee](#), [Bulgarian Center for Not-for-profit Law](#), [Bulgarian Institute for Legal Initiatives](#), [the NGOs Center in Razgrad](#) and a lot more.

AIP Executive Director Gergana Jouleva was invited as a key expert in the Council of Europe project Integration of European Standards in the Ukrainian Media Environment in the access to information direction. Her presentation [Main Directions of AIP Advocacy for Access to Information](#) is available in the YouTube Channel of the Medial Law Institute - Ukraine.

Alexander Kashumov's analysis The Use and Misuse of Telephone Taps and Communications Data by Bulgarian Intelligence was featured in the Quarterly

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

Newsletter of Statewatch: <http://www.statewatch.org/analyses/no-225-bulgaria-tel-tap.pdf>.

AIP Executive Director Gergana Jouleva and AIP Head of Legal team Alexander Kashumov took part in the 8th International Conference of Information Commissioners held on 17-20 September 2013 in Berlin, Germany. National FOI commissioners and ombudsmen from all over the world took part, as well as representatives of distinctive nongovernmental organizations. Issues significant for the implementation and the exercise of the right of access to information were discussed, a central topic being the balance between the right to information and the right to personal data protection.

AIP experience in advocacy for access to information was presented at conferences, seminars and trainings in Armenia, Belgium, UK, Germany, Georgia, Poland, Romania, Serbia, and Ukraine.

### **International Freedom of Information Advocates Network (FOIANet)**

AIP Executive Director Gergana Jouleva is a member of the Steering Committee of the FOIANet and took part in the three sessions held in 2013 on strategies for the development of the network, approval of organizations for membership, and proposals related to the Internet site of the network and the coverage of the International Right to Know Day.

In 2013, AIP has taken active part in the discussions within the ([FOIANet](#)). AIP is one of the founders of the FOIANet and its active member. The discussion list of the network contains 400 members (organizations and individuals) from around the world. Besides for exchange of news and coverage of different campaigns, the network provides a valuable possibility for discussions and consultations among its members by e-mail communication.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

In 2013, AIP disseminated news about 7 events related to its advocacy work, and took part in 12 discussions set forth in the FOIANet. Among the topics were:

- Issues related to the access to information and new technologies.
  - ✓ Ways of proof that an electronic access to information request was received;
  - ✓ Survey on the use of web platforms for filing access to information requests;
  - ✓ Laws on electronic access to information – regulation of e-requests and the proactive publication of information online.
- Discussions on the application of different access to information laws, with regard to the exemptions to the right of access to information.
  - ✓ Possibilities of access to audio-records of the government sessions;
  - ✓ How is the issue about the obligations for publication and free access to the laws and the official acts of the state bodies regulated in different states;
  - ✓ Access to information about public officials remunerations with regard to the personal data protection;
  - ✓ Access to contracts for natural resources exploitation.
- Different models for oversight of the proper implementation of the access to information laws in the world.
- Discussions on the development of international access to information standard, more specifically those set forth by the Council of Europe.
  - ✓ The ECHR Judgment on the case of Youth Initiative for Human Rights V. Serbia (Application No. 48135/06) resulted in a wide reaction in the [FOIANet](#).
  - ✓ The PACE Resolution which adopted the Global Principles on National Security and the Right to Information (Tshwane Principles) was discussed.
- Exchange of opinions and experience on the methodologies for evaluation which the FOI advocates use.
  - ✓ Discussion on the methodology for evaluation of the national access to information laws;

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

- ✓ The framework for assessment of the proactive publication of information by state bodies, where AIP shared its methodology for evaluation of the implementation of the obligations for proactive publication of information under the APIA.

**Evaluation of the Activity:** Cooperation on a national and international level has always been an important part of AIP work. The establishment of the coordinators' network in the country, the initiation of the FOIANet are achievements AIP has been proud of. AIP takes part in different coalitions in pursuit of its mission to assist the increase of government accountability, transparency and the conditions for the exercise of the right to information.

**Products:** Network of coordinators in the country, international Freedom of Information Advocates Network, membership in different European organizations – advocates for enhanced transparency, dissemination of information about the access to information in Bulgaria; participation in European and international advocacy campaigns, increase of the recognition of the organization and sharing of experience by participation in different forums, conferences, trainings, and seminars.

### **Necessary Resources**

1. 2 members of AIP team to monitor the discussions in the networks and share AIP experience.
2. Funds for travel in the country and abroad when the participation is not covered by the organizers.

## ***7. Institutional achievements and development***

### **Team**

The team which has achieved all this is:

Gergana Jouleva, PhD, Executive Director of AIP

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

Darina Palova, attorney-at-law

Kiril Terziiski, attorney-at-law

Fany Davidova, lawyer

Stephan Angelov, lawyer

Diana Bancheva, communication coordinator

Nikolay Ninov, coordinator of the countrywide network of journalists

Ralitza Katzarska, coordinator

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

### **The Coordinators' Network**

AIP works with a network of coordinators/journalists since its establishment. The coordinators assist on a voluntary basis the work of the Sofia team by publishing about all initiatives of the organization, run local campaigns, assist the AIP for the organization of access to information events, prepare publications for local and regional media and AIP Newsletter.

On February 15, 2013, AIP held its annual meeting with the coordinators from the journalistic network in the country in Hotel Rila, Sofia. The annual activities report of AIP for 2012 had been sent out to the coordinators in advance in preparation of its discussion. AIP Executive Director, Gergana Jouleva, presented the key achievements of AIP for 2012, and outlined the goals of AIP and its coordinators' network for 2013.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

One of the accents of the meeting was the forthcoming work on the APIA amendments as part of the measures provided by the National Operational Plan within the Global Open Government Partnership Initiative. Of particular interest was the 2013 audit on institutional web sites results performed in January, presented by Gergana Jouleva, as well as the updated 2013 Active Transparency Rating of Institutions. The audit results and the 2013 rating were presented at a press-conference held on February 27, 2013 in the Bulgarian News Agency.

Alexander Kashumov, Head of AIP legal team, presented problems and tendencies related to the access to information legislation – necessary amendments to the APIA, changes in the access regime to the Trade Register, draft laws on national security services, the Special Surveillance Means Act, access of the Prosecutor's Office to traffic data, official secret. Darina Palova and Fany Davidova, both from AIP legal team, outlined the characteristics of the cases referred to AIP for legal help during 2012. Kiril Terziiski, attorney-at-law in AIP legal team, made a review of the most important developments of the Access to Public Information Act litigation in 2012. Diana Bancheva, AIP communication officer, presented the changes in functionality and content of AIP web sites, the Access Point blog.

At the meeting, AIP presented the sixth Coordinator of the Year award. Nikolai Ninov, coordinator of the journalists' network, presented the nominations and the selection criteria. The award was given to Krastina Marinova, AIP coordinator in Varna for her active cooperation with civil groups in the City of Varna with regard to access to information issues and covering their initiatives in 2012.

In 2013 again, AIP coordinators, all of them journalists, were active in publishing in AIP monthly FOI newsletter, and in local media in which they covered the annual report Access to Information in Bulgaria in 2012, the 2013 Active Transparency Rating, and the International Right to Know Day campaign.

In 2013, AIP coordinators Ivanka Vateva, Tsvetan Todorov, Iva Antonova and Lyubomir Yordanov organized the Information Days within the project "AIP – Civil Center for Support of Transparency," providing for the attendance of 220

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

representatives of regional and local administration, NGOs, citizens and journalists. The local media journalists and citizens received legal help and practical advice in seeking information from the public bodies within the Information Days.

In 2013, the coordinators wrote and initiated 137 publications.

20 of them were published in AIP Monthly FOI Newsletter – the most active were Krastina Marinova, Ivanka Vateva and Tsvetan Todorov. The rest 117 publications were in local media where most active were again Tsvetan Todorov– 16 and Ivanka Vateva – 12, but also Iva Antonova – 11 texts and Lyubomir Yordanov – 10.

In 2013, AIP coordinators collected and sent nominations for the different categories of the Right to Know Day Awards, disseminated leaflets and posters, published about the 2013 Right to Know Day Award Ceremony, connected citizens with AIP for legal help.

19 cases of access to information refusals were sent to AIP legal team from the coordinators in 2013.

The coordinator in Targovishte was changed due to a work changes. The new coordinator Borislav Kurdov was presented to the team and the network by Nikolay Ninov at the 15 February meeting in Sofia.

AIP is managed by 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

Yordanka Gancheva

Neven Dilkov

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

In 2013, the Board of AIP held two sessions and one discussion.

**On March 28, 2013**, in Sofia, in the office of AIP (76 Vasil Levski Blvd, floor 3, apt. 3), was held a regular session of the Board 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 for 2012 presented by the Executive Director Gergana Jouleva; accepted the budget and the main activities for 2013 by increasing the efforts for finding possibilities for AIP participation in international projects

**In May 2013**, an online discussion was held among the Board members about the signing of a contract with a consulting company for technical assistance in the preparation of project proposals to the European Commission. A contract was signed.

**On December 20, 2013**, in Sofia, in the office of AIP (76 Vasil Levski Blvd, floor 3, apt. 3), was held a regular session of the Board in compliance with Art. 12, Para. 8 of the Bylaws, called by the AIP Executive Director Gergana Jouleva. The Board discussed main directions in the work of AIP for 2014, reviewed and adopted the draft-budget for 2014.

### **Development of the Internal Information Management System**

Since the beginning of 2010, AIP has 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 technologies to provide services like: legal help, self-education materials; the blog of the organization, etc.

In 2012, the new module Audit on Institutional Web sites 2013 was incorporated in the IMS integrating updates and improvements in the statistics and cross-checks.

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

In 2013, the team worked on the upgrade of the module “Audit on institutional web sites 2014” by considering the new obligations for publication of information related to the Public Finances Act. The statistical reports were upgraded. The module was prepared for launch in English.

### **Projects**

During 2013, AIP has implemented the following projects:



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

**Period:** 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



**Legal Support of Demand for Public Information -  
Building on the Achieved Results and Stabilizing  
Positive Practices**

May 1, 2012 – April 30, 2015

**Project Goals:**

To facilitate the demand for public information by providing legal help in cases and stabilizing the court practice for enforcement of overriding public interest amendments to the APIA in Bulgaria by:

1. Supporting citizens, journalists and NGOs who seek public information, especially in cases of high public interest;
2. Helping people get access to justice in ATI cases;
3. Addressing the courts in cases when information of high public interest is refused;
4. Addressing the courts in cases when information is refused by public bodies operating by public funds (state and municipalities money and EU funds);
5. Systematization ATI litigation practices;
6. Sharing results from ATI litigation with lawyers;
7. Using the results of legal assistance in public campaign for more accountable government;
8. Spreading out the positive results of the AIP experience in national and global networks.

**Project Activities:**

1. 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;
2. Filing applications and submissions to the administrative courts;
3. Representing ATI cases in courts;
4. Systematizing of the litigation practices;
5. Permanent media campaign on ATI cases and practices through publications in FOI Newsletter, central and local media, AIP blog, FOIANetwork mailing list, on the website;

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

6. Presenting results from litigation on a national conference before lawyers and other interested parties;
7. Cooperation with partner organizations.

**Donor of the Project:** Open Society Institute



**Access to Information – Civil Center for Support of Transparency**

**Period:** June 10, 2013 – June 10, 2014

### **Project Goals:**

1. To increase active government transparency and accountability in several directions:
  - Budget and financial openness
  - Public procurement
  - Distribution of EU funds
  - City development plans
2. To raise public awareness on online available public information, government data sets and public registers;
3. To disseminate knowledge among active users/ journalists on how to use online available public information and government data sets as a tool for investigation and reporting and push for greater transparency and accountability of government;
4. To advocate for improvement of active disclosure of public information and implementation of active transparency standards.

### **Activities:**

1. Monitoring of access to information provision practices, identifying problematic areas and providing recommendations for improvement

## **ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013**

2. Annual Audit on 535 institutional web sites with regard to active disclosure of public information on the base of developed AIP methodology
3. Raising awareness on access to information legislation and implementation practices and triggering public debate on problematic issues
4. Strengthening AIP country-wide network of coordinators, all of them journalists
5. Dissemination of experience and exchange of knowledge on FOI monitoring and advocacy for greater transparency in national and international partners and networks

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

### **Coordination and Oversight**

Every 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 Information Management System.

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.

### **Awards and recognition**



In 2013, AIP was recognized with 2 awards – the symbol of the National Audit Office for contribution to greater publicity and transparency of institutions

## ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2013

and an award for the highest number of publications in the Information NGO Portal of Bulgaria, given by the Bulgarian Center for Not-for-profit Law.



27.02.2014

Sofia

Gergana Jouleva

Executive Director of AIP