



**PROGAM AND INSTITUTIONAL ACHIEVEMENTS OF
ACCESS TO INFORMATION PROGRAMME (AIP)**

January – December 2016

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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 2016, 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.

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The main achievements in these directions are:

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

The advocacy for access to information legislation, transparency and accountability of public bodies, in compliance with the international standards has been a strategic core activity of the AIP since the establishment of the organization.

After the promulgation of the Draft Law on the Access to Public Information Act (APIA) amendments in December 2015, the efforts of the AIP team were focused on different initiatives aiming at the clarification of the APIA amendments and modification of the methodology for the monitoring of its implementation.

Parallel to those activities, the AIP team was participating actively in legislative initiatives related to transparency, anti-corruption policies, and the balance between transparency and the protection of personal data.

The AIP experts prepared a [statement](#) on the Draft Law on Prevention of Corruption and Confiscation of Unlawfully Acquired Property within the public consultation launched on March 2, 2016. The statement was submitted to the Council of Ministers on March 16, 2016. The Head of AIP legal team Alexander Kashumov was invited by the working group which drafted the Bill to present the AIP critical remarks.

The AIP also took part in the debate on the draft amendments to the Electronic Communications Act, publishing and disseminating [comments](#) on the history of the debate and the recently proposed amendments in its monthly FOI Newsletter, [issue 5\(149\), 2016](#).

Members of the AIP team took part in all discussion meetings with interested parties regarding the draft Third Action Plan of Bulgaria within the [Open Government Partnership](#) initiative.

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On June 22, 2016, the AIP submitted its [statement](#) on the draft Third Action Plan of Bulgaria within the Open Government Partnership (1 July 2016 – 30 June 2018).

The AIP critical remarks on a proposed Draft Law on Prevention of Terrorism were covered by a number of media within May – December 2016, including the AIP statement on the extended possibilities for wiretapping and the security services, and other institutions, access to the electronic communications traffic data.

In May 2016, the AIP and the Commission for Prevention and Ascertainment of Conflict of Interest (CPACI) filed a joint [request](#) for an official statement to the Commission for Personal Data Protection with regard to the implementation of Art. 17, Para. 2 of the Law on Prevention and Ascertainment of Conflict of Interest regulating the publication of the conflict of interest declarations of public officials.

The Head of AIP Legal team was invited to a working group at the Ministry of Interior regarding amendments to the Penal Procedures Code and the Penal Code, including with the purpose of improving regulations related to the defamation and libel in line with the judgments of the European Court of Human Rights on cases against Bulgaria (including *Kasabova v Bulgaria*, led with the assistance of the AIP).

On September 2, 2016, the AIP Executive Director and the Head of AIP Legal Team took part in a [meeting](#) with the Chairperson, members and experts of the Water and Energy Regulatory Commission agreeing on cooperation with regard to enhancing the transparency of the institution.

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

The focus of the 2016 advocacy work was to raise awareness on the Access to Public Information Act amendments as of December 2015 and the following 2016, but also to take part in the debates on the connected legislation.

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Products: statements, publications, media debates, participation in working groups and parliamentary debates.

Necessary resources for the activity: Two lawyers from the AIP team and the AIP Executive Director are engaged in the monitoring of legislative initiatives, research of the 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 debates and the participation of the AIP team experts.

2. Monitoring of access to information provision practices

The monitoring of access to information provision practices is the second, but not by meaning, strategic activity of the AIP. It is based on the systematization of the cases referred to the AIP for legal aid; on the analyses of the court practices on litigated decisions for granting or refusing access to information; on the systematization of the reports from the AIP coordinators in the regional cities of Bulgaria; on the analyses of the government annual reports on the APIA implementation; on a specialized methodology for assessment of the active transparency of public bodies.

The cases referred to AIP for legal advice and consultation are registered in the AIP internal Information Management system with the corresponding legal comments. This register allows for the systematization of the cases under different indicators.

The systematization of the court practices under the Access to Public Information Act is being done all the time. Once a month a review of the court cases is published in the AIP monthly e-newsletter.

A review of the access to information practices in the country is made during the annual working meetings of the AIP team and the 27 coordinators from the regional cities in the country. These reports are taken into account in the preparation of the annual report on the access to information in Bulgaria.

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The AIP performs specialized and focused surveys on the Access to Public Information Act implementation since 2001. In 2010, AIP had a web based platform developed for assessment of the level of implementation of the obligations for proactive publication of specific categories of information on institutional web sites. Since then, the surveys are performed once a year. The results from the assessments are published on the AIP web site in Bulgarian¹ and in English.²

In 2016, within the period 10 March – 23 April,³ a team of AIP reviewed and evaluated 565 web sites of 565 executive bodies at a central, regional, and local level, and also public-law entities obliged to provide information and independent state bodies.

The assessment was made on the base of 118 (126 for municipalities) indicators, grouped in 3 sections, covering the standards for proactive publication. The team had to assess if the following information was available following the obligations of the institutions under Art. 15, Para. 1 and Para 2, and Art. 15a, Para 2 and Para. 3:

- 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 2016 audit, 565 electronic requests were filed for copies of the document that regulates the internal record management within the respective institution. The web based platform which is part of the internal Information Management System of the AIP allows for the visualization of the [results by indicators](#); [by institution](#); as well as the [statistics about the access to information request responses](#). The system also generates the [2016 Active Transparency Rating](#); the [2016 Active Transparency](#)

¹ http://www.aip-bg.org/surveys/2016_зодуна/103424/

² <http://www.aip-bg.org/en/surveys/2016/108511/>

³ In 2016, the audit started and ended later as usual, in view of the three months period provided by the APIA for preparation of the fulfillment of the obligations for proactive publication of information online.

Rating of the Municipalities; 2016 Active Transparency Rating of the Central Executive Power Bodies in Bulgaria.

Results from the assessment of the level of financial and budget transparency of the municipalities in Bulgaria are visualized by the **2016 Budget and Financial Transparency Map**.

The results from the annual audits help outline problems, allow to follow tendencies in the active transparency practices for several years.

The accessibility of the assessment indicators on the AIP web site and the possibility for different comparisons is an important advocacy tool for enhanced transparency of the institutions and has contributed to the active transparency of the institutions providing a working model to apply.



The results from the 2016 audit on institutional web sites and the 2016 Active Transparency Rating were presented on April 26, 2016 at the Press Club of the Bulgarian News Agency, Sofia and during the Access to Information Days in the cities of Yambol, Sliven, Smolyan, Stara Zagora, Targovishte, and Razgrad.

The analysis of the results from the audit was published in AIP Monthly FOI Newsletter⁴ and is a basis for the recommendations published in the AIP annual report “Access to Information in Bulgaria.”

This traditional report (16 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

⁴ [http://www.aip-bg.org/publications/Бюлетин/На границата на промените/107915/1000855634/](http://www.aip-bg.org/publications/Бюлетин/На_границата_на_промените/107915/1000855634/)
и [http://www.aip-bg.org/publications/Бюлетин/На границата на промените Втора част/103136/1000053166/](http://www.aip-bg.org/publications/Бюлетин/На_границата_на_промените_Втора_част/103136/1000053166/)

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legislative and executive bodies in Bulgaria for the improvement of access to information provision practices.⁵

The Access to Information in Bulgaria 2015 report was presented at a press conference held in the Bulgarian News Agency on April 5, 2016.

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. During the years, AIP has developed and elaborated its own internal information management system (IMS). Specific IMS modules facilitating the monitoring are the “Cases”, “Court Cases”, and “Surveys.”

The IMS allows for analytical statistics on the tendencies in the process of seeking information from public bodies.

The AIP tool for assessment of the proactive publication of information by public bodies is a particularly successful product. In 2016, the challenge was to modify and improve the assessment methodology in line with the new obligations of the institutions, and also considering the new obligation for publication of the information within three days after its creation.

The module structure of the IMS allows for easy visualization of the results from the annual assessment of the Internet sites of public bodies both in Bulgarian [http://www.aip-bg.org/surveys/2016 година/103424/](http://www.aip-bg.org/surveys/2016_година/103424/), and in English <http://www.aip-bg.org/en/surveys/2016/108511/>. The possibilities for visualizing the results by indicators, generation of different types of ratings, the comparative ratings for the past three years have increased the interest and the traffic to the “Surveys” section on AIP web site: <http://www.aip-bg.org/en/surveys/>.

⁵ http://www.aip-bg.org/publications/Годишни_доклади_за_състоянието_на_достъпа/

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The possibility that public bodies can check their results by indicators online is being highly appraised by the audited institutions. The media interest towards the Active Transparency rating is extremely high.

Products: A proactive transparency model; a snapshot of the level of proactive publication of information online by indicators and by institutions; a momentary Active Transparency Rating; a Map of Financial and Budget Transparency of the municipalities; Comparative Ratings of active transparency of institutions through the years; Analytical report on access to information encompassing the state of proactive publication of information, the legislation, problems with access to information seeking, the litigation under the APIA and including recommendations towards the legislative and executive bodies.

Necessary resources:

1. Four lawyers, who provide legal aid and register the legal consultations, the documents and the time spent in the IMS data base;
2. Lawyers, reviewing the legislation with regard to new legal obligations for proactive publication of information online;
3. Methodology analyst to include the new obligations in the system for monitoring and evaluation of the public bodies Internet sites;
4. Possibility for a contract with the system administrators from the Sveon company to update the system for monitoring and evaluation;
5. Researchers who review the institutional web sites, assessing them on the base of the indicators, processing the responses to the e-requests and the obtained information;
6. Team of experts to analyze the results from the monitoring of the access to information practices during the year, preparation, design and publication of the annual report "Access to Information in Bulgaria;"

3. Legal Aid

General Review

Provision of legal aid is a priority activity of the AIP. In 2016, in some cases the AIP 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.

There is a tendency of decreasing number of consulted cases – **296** for 2016, while the number in 2015 was 322, and in 2014 – **391**. The number of consultations provided to the referred cases remains high – **821** in 2016, a little more compared to 2015 when that number was **806**.

An emerging tendency is the higher number of cases pertaining to information sought from local self-government bodies in 2016, compared to previous years when information was mostly sought from central executive bodies.

A considerable number of cases have not been completed – 101. Out of the total 296 referred cases, 38 have continued as court cases.

An essential part of the legal aid provided by the AIP's legal team is the preparation of complaints to the court and court representation of requesters who have sought AIP assistance (more detailed information is presented in the next section of the report)

Number of Cases Referred for Legal Aid

The number of cases referred to AIP for legal aid within the period January – December 2016 is 296.⁶ Seekers have requested assistance in our office, by e-mail, or by phone.

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

⁶The number of provided consultations is higher – 821, since in some cases more than one consultation was provided.

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- The majority are related to practices of non-fulfillment of the obligations under the Access to Public Information Act by public bodies – **278** instances;
- Next largest group of cases is related to violations of the right of personal data protection granted by the Personal Data Protection Act – **8** instances;
- Cases related to violation of the fundamental right to seek, receive and impart information – **7** instances;
- Re-use of public sector information – **2** instances, etc.

Most Active Information Seekers

AIP experience shows that most frequently the APIA is used by citizens, journalists and nongovernmental organizations (NGOs). In 2016, the largest number of consultations was provided to citizens who sought the assistance of AIP in **122** instances. In **79** cases, NGOs asked for legal assistance, while **67** cases were referred to AIP by journalists and AIP coordinators (all of them journalists) from central and local media. In **14** cases, the legal team of AIP was approached for legal advice by public officials, in **6** – by business persons, etc.

Mostly Requested Public Bodies

The largest is the number of cases in which information seekers request information from the local self-government bodies (mayors and municipal councils) – **105** cases and from the central executive bodies – **79** cases.

Less frequently, information was sought from regional units of the central executive bodies – **29** cases; public-law bodies and organizations – in **23** cases, the judicial power bodies – **22**, etc.

There are **17** registered cases in the AIP data base with no corresponding institution. These are cases in which our team has been approached for a general advice on the law or on the litigation process.

Most Frequently Used Grounds for Refusal

In 2016, the number of registered silent refusals remains high – **31**. Out of the grounded refusals, the most are related to the third party interests' exemption – **15**, and the personal data protection – **12**. The number of refusals grounde on the third party interests' exemption has been decreasing. For comparison on 2015 their number was 24. This is mostly due to the changes in the provision of Art. 31 of the Access to Public Information Act (APIA) where the lack of response from the third party is considered a consent for the disclosure of the requested information, instead of a dissent as it was before.

The preparatory documents exemption under Art. 13, Para. 2 of the APIA gave grounds to six refusals, the state secret – to three, and the trade secret exemption – to two.

Most frequently sought information in 2016

During the year, the AIP team provided legal aid in cases which aimed to reveal different types of information, the most frequently sought being in the following areas:

Urban Planning and Road Infrastructure

The requested information is unconditionally public and is related to access to public registers of construction permits, displacement of illegal constructions, reports on the implementation of big infrastructure projects, including projects funded under EU programs, municipal urban development plans, and public procurement contracts for reconstructions of municipal property. This information should be easily accessible and in most of the cases should be available in the web sites of the public bodies.

Information on inspections and control activities

The requested information is related to reports from inspections carried out by the authorities, found violations and wrongdoings, audit reports, etc.

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Information on Public Money Spending

Citizens are considerably interested in the spending of public and budget money for the organization and holding of entertainment events, official trips, media services, legal and attorney services, municipal companies.

Transparent Administration

The number of requests seeking information related to more transparency of the work of the administration, to competitions held by the public body, to remunerations received by public officials under EU projects, etc.

Access to Information Related to the Protection of Animals

The majority of the municipalities have budget funded programs for overcoming problems with stray animals. In 2016, information was sought from the municipalities or from the municipal stray animals' shelters regarding the execution of those programs and the public money spendings on resolving those issues.

Information from Public Law Organizations

The seeking of information from municipal schools, hospitals, state universities, municipal Water and Sewage System companies has been increasing. The requestors demand information about money spent, general contract conditions, rules guaranteeing the safety of students, remuneration of the management.

Environmental Information

The information sought in this area related mainly to decisions or reports on environmental impact assessments, investment proposals and projects.

Information about the Managements of State and Municipal Property

Requests have been filed for access to contracts providing municipal property for use, for state property management, perform disposal transactions with real estate private state property, etc

Information about decision making process

Although the information related to the decision making process is subject to restrictions for a limited period of time, the law requires that the administration should consider the overriding public interest in the disclosure. Based on the cases referred to the AIP for legal aid, such a consideration and balancing between rights and interests is not being done. There are refusals to provide financial feasibility reports on Council of Ministers Decrees, preparatory documents related to the issuing of a mayor's order, transcripts from sessions of working groups, etc.

Information related to the Health, Life and Safety of Citizens

Information that would prevent danger for the health, life and property of citizens should be published in the Internet and the authorities which possess such information should use all possible information channels to disseminate it to the citizens. However, such information is still being refused after a filed request.

Litigation

Statistics

The AIP legal team continued providing legal help to citizens, NGOs and journalists supporting court cases against refusals of access to information. In 2016, the AIP legal team has prepared **66** complaints and written submissions to the courts, assisting information seekers (**23** in cases led by citizens, **18** – by NGOs, **25** – by journalists).

In 2016, the AIP legal team drafted a total of **49** complaints and appeals to courts. First instance complaints – **40** (Supreme Administrative Court – **5**, Administrative Court – Sofia City – **18**, Administrative Courts in the country – **2**), cassation appeals – **eight** and **one** appeal against rulings.

Out of the **40** complaints filed before first instance courts, **25** were against explicit refusals to provide the information sought, and **13** – against silent refusals.

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Two complaints were filed before first instance courts on cases which are not related to refusals of access to information. A complaint on behalf of a group of journalists against an Order by the Chairperson of the Supreme Administrative Court (SAC), approving *Internal Rules for the deletion of personal data in the published court decisions on the website of the court*. A complaint against a decision of the Personal Data Protection Commission finding violations in the creation of the web site zdoi.gkzj.org by Georgi Serbezov (City of Plovdiv) which contains the SAC court practices under the Access to Public Information Act (APIA).

In 2016, the AIP legal team provided representation in court on **54** court cases against refusals to provide access to information. In the same period, **17** written defenses were submitted to different courts on cases assisted by the AIP.

In the same period, different courts issued a total of **81** decisions and rulings on court cases where AIP provided legal aid (Supreme Administrative Court – **31**, Administrative Court – Sofia City – **25**, Administrative Court – Sofia District – **4**, Administrative Courts in the country – **21**). In **55** cases (68%), the courts ruled in favor of information seekers and in **20** cases (25%)– in favor of the administration. In **six** cases (7%), the court has ruled partly in favor of the requestor and partly in favor of the administration.

At the current moment, court hearings on **30** cases, assisted by the AIP, are scheduled (**22** in 2017 and **8** in 2018).

Detailed description of the 2016 litigation is published on:

<http://www.aip-bg.org/en/cases/2016/203690/>

and a review is published in the AIP e-newsletter for December 2016 (in Bulgarian):

http://www.aip-bg.org/publications/Бюлетин/Съдебни_дела/109417/1000889606/

Raised and Resolved Issues by the 2016 Litigation

Silent Refusals

The court repeals the silent refusals and returns the requests for issuing a decision. The practice is stable. The court decisions against the silence of the *Mayor of the Municipality of Elin Pelin, the Mayor of the Municipality of Yambol, the Mayor of the District of Lozenets in Sofia, the Mayor of the Municipality of Smolyan.*

Transparency of Public Procurements, Access to Contracts and Information about their Execution

A number of refusals to disclose contracts under which municipalities and other public bodies were contracting authorities have been repealed by the court as unlawful during 2016. The court ruled that the contract between the Municipality of Blagoevgrad and the “Lafka” chain for placing commercial construction in the centre of the city should be disclosed. The court decision was appealed by the mayor.

The Supreme Administrative Court delivered a final decision that the complete documentation related to the placement of movable constructions in the Boris’ Garden in Sofia should be provided.

The refusal of the Municipality of Pernik to provide a public procurement contract for limiting the stray dogs population was repealed, as well as the refusal of the Municipality of Kyustendil to provide information about a stray dogs’s shelter.

As a result of litigation, access was provided to the contract under the project “Integrated Project for the Water Cycle of the City of Yambol – construction of a City Sewage Treatment Plant, enhancement and reconstruction of the water pipeline network of the City of Yambol.”

The court repealed the refusal of the Emergency Center in the City of Sofia to provide access to the public procurement contracts for the maintenance of the ambulances. The case is pending before the Supreme Administrative Court after an appeal by the authority.

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The court also repealed the following refusals to provide access to: the reports on the execution of contracts of the National Company “Strategic Infrastructure Projects” with subcontractors; a contract signed by the Pirin National Park Directorate for “Development of a Pirin National Park Management Plan” for the period 2014 – 2023; and a contract for the update of the Nature Park Vitosha Management Plan for the period 2015 – 2024 signed by the Nature Park Vitosha Directorate. After the court decisions entered into force, the two contracts for the management of the Pirin and Vitosha parks were provided. The other cases are pending before the Supreme Administrative Court after submitted appeals by the authorities.

Transparency of the Legislative Process, Distribution of Public Funds, and Control within the State Administration

The court repealed the refusal of the Ministry of Finance to provide access to the financial feasibility reports to the draft laws for amendment to the tax laws. The court decision was appealed by the ministry.

The Supreme Administrative Court upheld with a final decision the repealing of the refusal of the Municipal Council in Bozhurishte to provide access to the memos of the Council.

With a final decision as of March 2016, the Supreme Administrative Court repealed as unlawful two Decrees of the Council of Ministers from the beginning of 2014 for the distribution of funds to the municipalities under a Public Investment Program “Growth and Sustainable Development of the Regions.” The court ruled that the decrees by which nearly 300 mln BGN had been distributed were adopted in violation of the requirements for transparency and public consultation.

With a final decision as of February 2016, the Supreme Administrative Court ruled as unlawful the refusal of the Government Information Service to provide reports of the chief Inspectorate on the management of the government residential complex “Boyana” and the compliance with the working hours within the Council of Ministers administration.

Transparency and Integrity of the Administration and High Government Officials

As a result of court decisions on two cases coming into force, the methodology for defining the salaries within the Bulgarian National Bank (BNB) and the amount of remunerations paid to Governor and the Deputy Governor of the BNB for 2014 -2015 was disclosed.

During 2016, 11 refusals of the Regional Directorates of the Ministry of Interior to provide the names of the Traffic Police directors were appealed. The court repealed the refusals in the majority of the cases (completely or partially). Most of the cases are pending before the second instance court – the Supreme Administrative Court.

In November 2016, the court repealed the refusal of the Sofia Municipality to provide access to a copy of the conflict of interests' declaration of the former deputy mayor of the Sofia Municipality and a current Chairperson of the Financial Supervision Commission Ms. Karina Karaivanova. The refusal of the Ministry of Culture to provide the documentation related to a completed competition for the position of a Director of a Theater.

Statements on Cases before the European Court of Human Rights

On March 24, 2016, the Grand Chamber of the European Court of Human Rights granted the request of Article 19, the AIP, and the Hungarian Civil Liberties Union to submit amicus curie in the case Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland (application no.931/13) and the statement was submitted on April 11, 2016.

On November 8, 2016, the Grand Chamber of the European Court of Human Rights delivered a judgment on the case Magyar Helsinki Bizottság v. Hungary (application no. 18030/11). The [judgment](#) held that Hungary had violated the Art. 10 of the European Convention on Human Rights by the refusals of several police departments to provide to the Hungarian Helsinki Committee information about the names of the ex officio appointed defenders in the trial and the number of assignments given to each lawyer. With its judgment the Grand Chamber ruled that the refusal to provide access to information held by public bodies and which is of significance to the public debate is a violation of the Convention. In 2015, a joint amicus curie on the case was submitted

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by the nongovernmental organizations Media Legal Defence Initiative, Freedom of Information Campaign, Article 19, the AIP and the Hungarian Civil Liberties Union.

Evaluation of the activity: The work of the AIP legal team deserves very high appraisal. The legal team, consisting of 4 experts – three attorneys-at-law and one in-house lawyer on employment contract, provides 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. 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 the transparency in the work of the institutions.

This core activity of AIP is partially funded. In 2016, we have introduced the practice of providing paid legal aid according to the minimum tariff for the provision of legal aid.

Products: The cases submitted for legal assistance and advice are being registered in AIP's Internal information management system together with the documents created in the process. Simultaneously, detailed records are kept of the cases where representation in court is provided. A review on the developments of court cases is published in the AIP monthly newsletter 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.

Necessary resources:

1. Four 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. They are regularly performed by the legal team.
3. Presentation of developments in the Bulgarian case-law in international networks is also part of the work of the lawyers in the legal team.
4. For carrying out this activity, a subscription for a legal software, internet access, subscriptions to some legal periodicals are needed.

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Securing the funds for the legal team who provides free legal aid to the requestors has become more and more problematic. The commitment of the legal team is related not only to the provision of legal aid in problematic cases, but also to the advocacy for legislation, and the trainings organized and held by the AIP.

4. Raising Awareness Campaigns, Trainings and Journalistic Investigations

Raising awareness on the Draft Law on Amendments to the Access to Public Information Act and enhancement of the active transparency of the public bodies in Bulgaria

One of the priorities of the AIP in 2016 was the raising awareness campaign on the amendments to the access to information legislation.

Conference [Access to Information – an Instrument for Achieving our Goals](#)

On January 29, 2016, the Access to Information Programme (AIP) held the national conference “Access to Information – an Instrument for Achieving Our Goals.” The conference was held in Sofia City Hotel and was dedicated to the amendments to the Access to Public Information Act (promulgated in the State Gazette on December 11, 2015). It also focused on products and campaigns produced by nongovernmental organizations as a result of their use of the Access to Public Information Act (APIA), public registers and open data. It was attended by over 50 representatives of NGOs from Sofia, Blagoevgrad, Berkovitsa, Varna, Burgas, Montana, and Pernik. Officials from the Council of Ministers presented government initiatives for more openness and transparency.

The conference was the concluding event of the project “[Enhancing the Capacity of Nongovernmental Organizations to Seek Public Information](#),” supported by a grant under the NGO Programme in Bulgaria under the Financial Mechanism of the European Economic Area 2009 – 2014 (www.ngogrants.bg).

Information Days in the Country

In 2016, the AIP organized and held Access to Information Days in the country within the project “Civil Center in Support of Transparency in Public Life,” supported by the America for Bulgaria Foundation. Within the Info Days, AIP experts presented the amendments to the APIA with regard to the proactive publication of information, the results from the annual assessment on the proactive transparency in each particular region, explained the right of access to information, presented the access to information litigation practices, provided on-spot legal help on specific cases. The interest towards the Info Days was big. A total of 164 representatives of the local and regional authorities, journalists, citizens and NGOs in the cities of Smolyan (May 13, 2016), Stara Zagora (May 18, 2016), Yambol (June 14, 2016), Sliven (June 15, 2016)m Targovishte (October 27, 2016), and Razgrad (October 28, 2016).⁷ The interest towards the Active Transparency Rating of the public bodies in the region was particularly high.

In 2016, the AIP offered paid trainings on the APIA amendments for public officials

The first training was held in collaboration with the RAABE Bulgaria on January 21, 2016 in Varna and targeted school and kindergarten principals from the city of Varna. The topic was *Application of the Access to Public Information Act in school, kindergarten and the supporting unit – procedures, obligations, and implementation.*

On March 23, 2016, the IAP experts held a one-day training on the **Application of the Access to Public Information Act** for officials from the Public Financial Inspection Agency (PFCA) in Sofia.

⁷ http://www.aip-bg.org/en/news/Information_Days_in_Smolyan_and_Stara_Zagora/20160520006353/
http://www.aip-bg.org/en/news/Information_Days_in_Yambol_and_Sliven/20160615003127/

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On April 7, 2016, a similar training was held for officials from the State Fund "Agriculture."

On June 9, 2016, a seminar on ***Application of the Access to Public Information Act*** was held in Sofia with officials from different departments of the Ministry of Interior and its structures.

On June 16, 2016 in Blagoevgrad, the AIP held a one-day seminar ***Application of the Access to Public Information Act*** for officials from the Ministry of Justice.

The beginning of a long-term with the State Energy Regulatory Commission started with a training for officials held on November 3-4, 2016 in Sofia. The training is part of a long-term cooperation between the AIP and the regulatory body in achieving greater accountability and transparency.

On December 14, 2016, a one-day training was held officials from the State Agency National Security in Sofia.

The interest toward the access to information issues is high. The AIP team has continued to offer paid trainings on the APIA amendments and the implementation practices.

As soon as the beginning of 2016, the AIP printed the updated fifth edition of the handbook "How to Get Access to Information."

Access to Information in Bulgaria Fundraising Campaign in the Indiegogo platform

<https://www.indiegogo.com/projects/28-september-right-to-know-day-awards-ceremony#/>.

The AIP launched a fundraising campaign in support of its mission to assist the exercise of the right to information in Bulgaria through the Indiegogo platform. For its 60 days (August and September 2016), the AIP campaign raised \$4,483 from 32 backers. The AIP is grateful to all who supported the campaign.

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Raising Awareness Campaign on the Right to Information – International Right To Know Day – 28 September

The initiative, launched 15 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 awards and anti-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.

14th Right to Know Day Awards Ceremony in Bulgaria



The Right to Know Day Awardees, 28.09.2016, Sofia

AIP presented the annual awards for contribution to the freedom of information on the International Right to Know Day. Nearly 80 FOI activists from Sofia and the country gathered at the Literature club Peroto (The Quill) in the National Palace of Culture – Sofia. Among the guests were partner NGOs, journalists, academia; officials from

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executive bodies and municipalities. The 2016 Right to Know Day Awards Jury selected the winners in six categories out of 41 nominations.⁸

Interviews with the awardees were published in the monthly AIP e-newsletter and disseminated in October 2016.⁹

Support for Journalistic Investigations

In 2016, the AIP launched a second round of the competition for investigative journalists. The support for the investigations is within the project Civil Center in Support of Transparency in Public Life supported with a grant from the America for Bulgaria Foundation.

AIP published the Invitation for Project Proposals on October 23, 2015 on its web site and the specialize Access to Information and Journalistic Investigations web site: http://www.ati-journalists.net/bg/investigations/Pokana_2015/203408/.

At a session held on December 16, 2015, the jury consisting of Alexander Kashumov, Boryana Dimitrova, Gergana Jouleva, Georgi Angelov, Irina Alexieva, Orlin Spasov, and Stoyan Radev, approved nine project proposals out of 18 received applications.

These were Doroteya Dachkova (Sega daily); Spas Spasov (correspondent of Dnevnik.bg and Capital weekly in Varna); Yovo Nikolov (Capital weekly); Krassen Nikolov (Mediapool); Polina Paunova (Mediapool); Blaga Georgieva – Baycheva (24 Hours daily); Martina Bozukova (Mediapool); Desislava Leshtarska (Capital weekly); Evelina Gecheva (Akademika.bg).

Journalists had three months to complete their investigations and have received financial and legal support from the AIP team, to complete their work.

⁸ <http://www.righttoknowday.net/en/ceremonies/207141/2016/>

⁹ http://www.aip-bg.org/publications/Бюлетин/Международният_ден_на_правото_да_знам_бе_честван_за_четирина/106476/1000694276/

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The topics of their investigations covered:

- *The results of EU funded projects aiming to assist the judicial system reform (Doroteya Dachkova);*
- *The expenses made by 10 Bulgarian municipalities for provision of media services (Spas Spasov);*
- *Illegal currency trading investigated by the former State Security Services (Yovo Nikolov);*
- *The financial inefficiency of the Commission on Forfeiture of Illegally Acquired Assets (Krassen Nikolov);*
- *The inefficiency of the information and media campaign run by the Central Election Commission before the local government elections and the national referendum held in October 2015 (Polina Paunova);*
- *Cases of criminals with final verdicts who have escaped prison and are hiding from law enforcement bodies in Bulgaria or abroad, as part of the series “Breakaway from Justice” (Blaga Georgieva – Baycheva);*
- *The huge increase of the costs for medicines as a result of relations and dependencies established between medical doctors, pharmaceutical companies, and patients’ organizations (Martina Bozukova);*
- *Have decisions establishing the need for environmental impact assessment issued by the Regional Inspectorate on Environment and Waters – Bourgas been harmful to the environment of the Black Sea coast (Dessislava Leshtarska);*
- *The lack of transparency and the conflict of interests behind the process of approving and printing school textbooks (Evelina Gecheva).*

Within their investigations, the nine journalists prepared and published 22 articles and series of articles in national and regional media, blogs, and social media. The publications were based on information obtained using the APIA and public registers with the core help of the AIP legal team. The articles are published in the section “Investigations” on the AIP specialized web site *Access to Information and Journalistic Investigations*:

<http://www.ati-journalists.net/bg/investigations/Razsledvania/205492/2016/>.

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Evaluation of the activity: The activities related to the raising of the awareness on the right to information and its exemptions and the permanent campaigns run by the AIP are an important instrument for encouraging the exercise of the right to information. The other core activities performed by the team and the results achieved in the monitoring, the advocacy, and the legal help serve as the base for the raising awareness campaigns. At the same time, the results achieved by the above activities would not be so visible without the campaigns and the raising awareness work done by the AIP team.

The International Right to Know Day campaign has a special impact. Extremely important for the improvement of the access to information are the Access to Information Days held by the AIP in different regions of the country.

The competitions for journalistic investigations held for a second year and the results of the investigations performed with the use of the APIA have contributed to the promotion of the right of access to information.

Products: A model for the celebration of the International Right to Know Day;

A model for the celebration of the European Data Protection Day;

Proven mechanism for running campaigns on access to information issues;

Publications on the base of journalistic investigations, demonstrating the possibilities that the APIA gives.

Necessary Resources:

1. A team of AIP 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, the 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 during the past several years.
3. Holding the Big Brother ceremony for the European Data Protection Day – preparation and holding. The ceremony had been financed from the AIP saved

resources. No external funding have been secured. That is why the ceremony was not held in 2016.

4. Finding resources for funding journalistic investigations.

5. Two lecturers from the AIP team took part in the paid trainings that the AIP held in 2016. It is requirable that funds are invested for the update and print of the handbook for the administration on how to apply the APIA that would consider the latest amendments to the law.

5. Media Participation, AIP Publications

MEDIA COVERAGE OF THE AIP ACTIVITIES¹⁰

The media coverage in 2016 amounts to 241, including the publications in the AIP Information Newsletter). Out of those, 169 are publications in national media, and 70 are in local and regional media.

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

- The Right to Know Day– 54 publications
- Active Transparency Rating and results from AIP assessment on institutional web sites– 44 publications
- The annual Access to Information in Bulgaria report – 13 publications
- Publications covering the implementation of the project *Civil Center for Support of Transparency in Public Life* – 23

¹⁰ http://www.aip-bg.org/publications/ПДИ_в_медиуме/

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In 2016, **12 issues of the Monthly FOI Newsletter** were issued and disseminated electronically to **2400 subscribers**. By type of publication, they included:

- Legal Commentaries – 10 articles (including the texts from the columns “Lawyer’s Coment” and “Commerntary”)
- News column – 59 news on access to information developments in the world
- The column “From the court room” contained 49 news on court cases, which were going on with the assistance of AIP
- Articles from AIP coordinators in the country – 9 texts published in the columns “From the Coordinators’Network,” “An Adventure with a Request”.

In 2016 (January 1 – December 15), the total number of unique visits to AIP profile in the [NGO Information Portal](#) was 178, making the AIP profile in the Portal one of the most frequently visited.

Access to Information Programme Publications 2016

In the beginning of 2016, the AIP issued the handbook “How to Get Access to Information”



How to Get Access to Information

Fifth Edition, AIP, 2016, Sofia

ISBN 978-954-9953-55-8

The text of the handbook is updated in line with the latest amendments to the Access to Public Information Act (APIA) as of December 2015.

The handbook is also available in an interactive form at: <http://www.aip-bg.org/howto/Наръчник/>



Access to Information in Bulgaria 2015¹¹

In 2016, the AIP prepared and published on its web site the annual report “Access to Information in Bulgaria 2015.”

Access to Information in Bulgaria 2015, Access to Information Programme, 2016, 85 pages.

ISSN 1314-0515 (online)

<http://www.aip->

[bg.org/publications/Годишни_доклади_за_състоянието_на_достъпа/](http://www.aip-bg.org/publications/Годишни_доклади_за_състоянието_на_достъпа/)



Public Participation and Access to Information (15 Years of the APIA, 37 Stories of NGOs)

The book presents cases of how nongovernmental organizations in Bulgaria seek information from the public authorities. Some of them are described in the form of an interview, others are described by the attorneys of the information seekers after they have received refusals on their access to information requests and litigation has started. Third

part of the stories are told by journalists, coordinators of AIP in the regional cities of the country. The stories are listed chronologically encompassing the period 2005 - 2015 so that the reader can follow and see if and what have changed during the past 10 years.

Translation in English is available: http://www.aip-bg.org/en/cases/37_NGO_Cases_2005_2015/202943/.

Public Participation and Access to Information (15 Years of the APIA, 37 Stories of NGOs), Access to Information Programme, 2016, 140 стр., ISBN 978-954-9953-52-7

¹¹ http://www.aip-bg.org/publications/Годишни_доклади_за_състоянието_на_достъпа/

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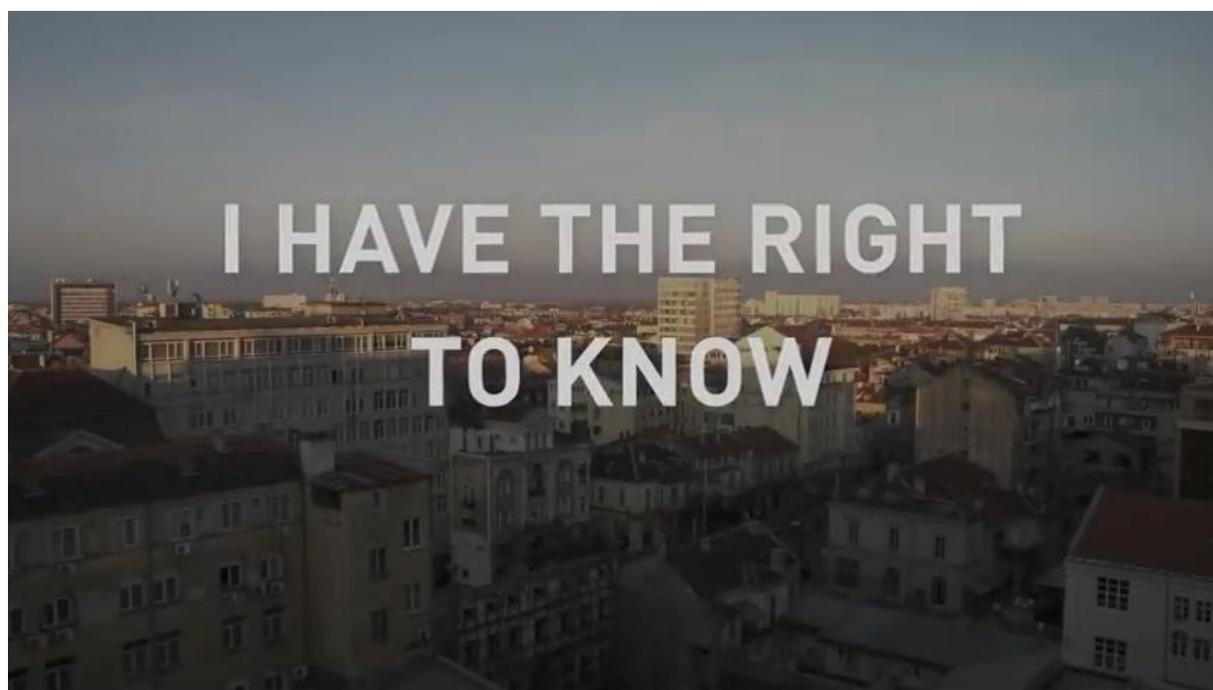
In the end of 2015, the educational movie „I Have the Right to Know”. It was first presented on January 29, 2016 at the conference “Access to Information – an Instrument for Achieving Our Goals.”

The official promotion of the movie was held on February 18, 2016 at the Center for Culture and Debate “Red House”.

The movie is available on the AIP web site and in youtube, also with English subtitles.

<http://www.aip-bg.org/en/video/play.php?id=109573> и

<https://www.youtube.com/watch?v=DF2vjYF91UQ>



I Have the Right to Know



Access to Information Programme Foundation

Subscribe 8

229 views

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Besides the Information Newsletter and the media publications and the AIP publications, the AIP uses other communication channels for its raising awareness campaigns and access to information advocacy as well.

Official web site of AIP www.aip-bg.org

The AIP maintains and updates regularly its main Internet site <http://www.aip-bg.org>. It is the best developed communication channel for ongoing campaigns, changes in the legislation, 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 related information is published online. We are doing our best all AIP publications to be available on the web page in Bulgarian and English (<http://www.aip-bg.org/en/>).

The web site is managed by a web based system part of the Internal Information Management System (IMS) of the 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.

The AIP uses two measurement tools for the statistics of its main web site.

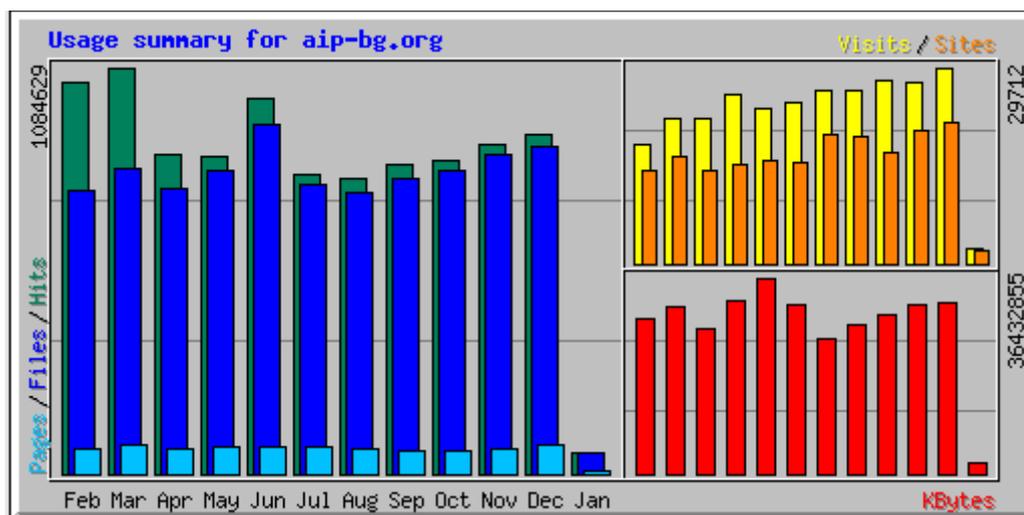
The traffic statistics given by Webalizer for 2016 show a considerable increase in the total number of visits: 292 926. For comparison, in 2015, the number was 175 550. The average number of monthly visits in 2016 was 24 410.

Larger number of hits is registered during months in which AIP published new resources or ran special campaigns – January – February – publication of the results from the second round of the competition for journalistic investigations and the educational movie “I Have the Right to Know”; April – the annual report **Access to Information in Bulgaria 2015** and the results from the Audit on institutional web sites; August and September – the fundraising campaign for the AIP activities through the Indiegogo platform; September and October – Right to Know Day Awards campaign for nominations and the awards ceremony (September 28).

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An increase in the number of hits is registered after each of the Access to Information Days held in six cities in May, June, and October 2016. Again, there is a high number of visits in days when posts were made on the AIP blog *Access Point*.

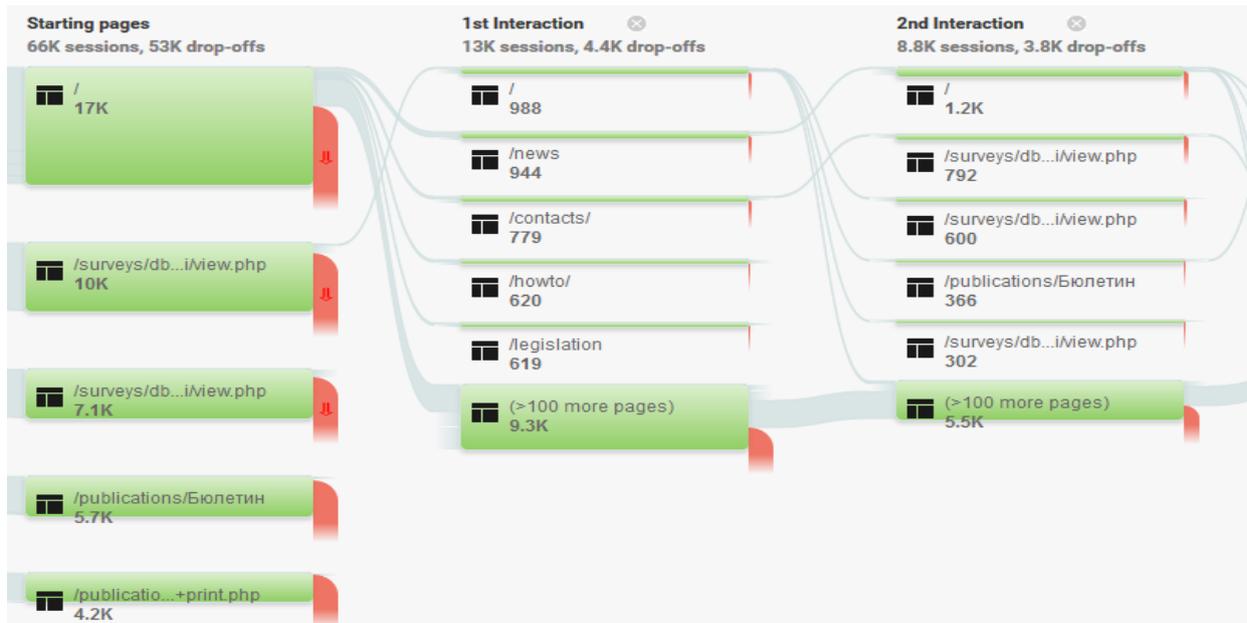
In 2016, the percentage of visits from foreign servers is 10 %. The largest number comes from the USA, UK, the Russian Federation, Germany, Italy, France, Ukraine.



Statistics for www.aip-bg.org (February 2016 – January 2017)

According to Google Analytics data, the number of visits for 2016 is 66,294 which is again a higher number compared to the previous year (with 7,108 visits more). The highest level of visits are to the sections "Surveys," "News," "Newsletter," "Legislation," "Cases."

ACCESS TO INFORMATION PROGRAMME ANNUAL REPORT 2016

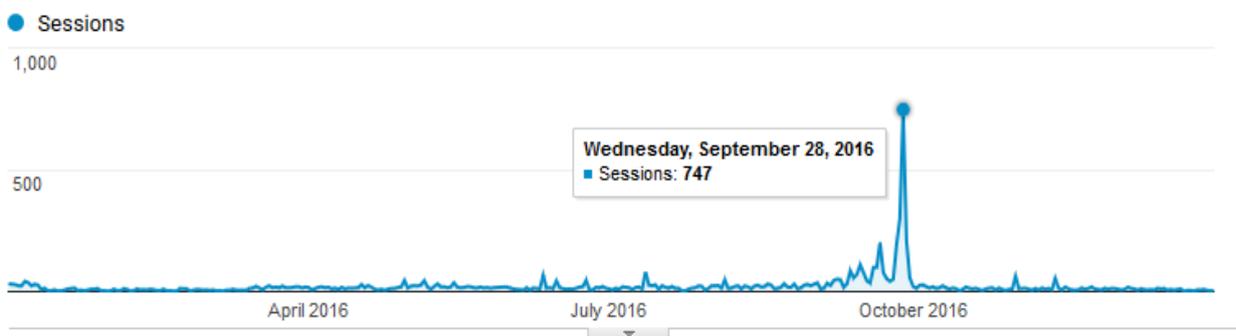


Google Analytics for www.aip-bg.org (January– December 2016)

Right to Know Day www.righttoknowday.net

AIP maintains and updates the web site for the International Right to Know Day – 28 September in English and Bulgarian.

The statistics of the Right to Know Day web site is measured by Google Analytics only. The total number of visits in 2016 is 7,876. A slight decrease in the visits is observed compared to 2015 when they were 8,827. The highest traffic to the web site is in September. In September 2016, the web site had 2,957 visits from 2,118 unique visitors. The highest interest from foreign servers is registered from the Russian Federation, the USA, UK, China, India.



Statistics for the www.righttoknow.net (January – December 2016)

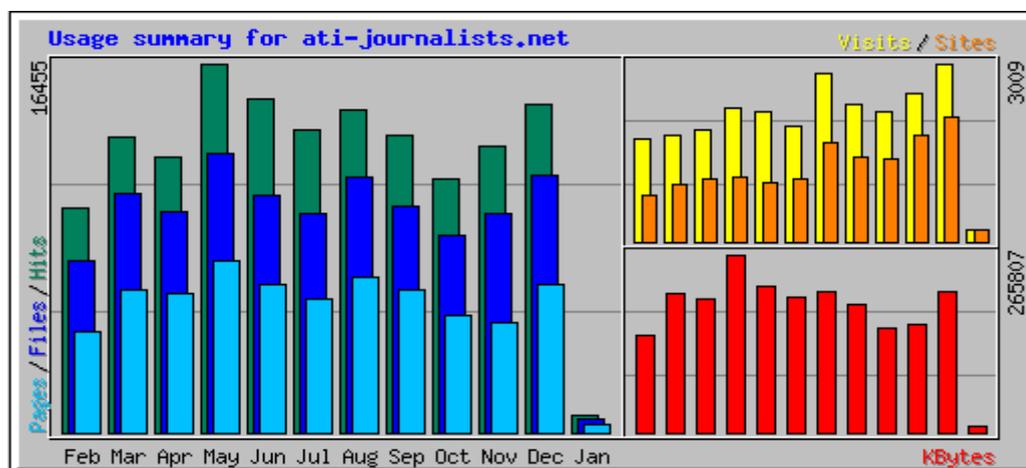
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Access to Information and Journalistic Investigations <http://www.ati-journalists.net/>

Considerable increase in the traffic to the web site is observed. The total number of the visits to <http://www.ati-journalists.net/> in 2016 is 26,945 compared to 18,038 in 2015.

In 2016, the investigations were published of the nine journalists who had received financial and legal support from the AIP within the project “Civil Senter in Support of Transparency in Public Life” supported by the America for Bulgaria Foundation:

<http://www.ati-journalists.net/bg/investigations/Razsledvania/205492/2016/>.



Statistics of the <http://www.ati-journalists.net/> (February 2016– January 2017)

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

The blog Access Point is an additional channel for communication of news and comments on important access to information issues. In 2016, AIP posted 5 items followed by 4 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 355 subscribers, predominantly journalists, NGOs and citizens.

Web Portal Public Registers

The Portal Public Registers www.publicregisters.info launched by AIP at the end of 2011, has gained even more popularity at the increase of open data users with the purpose to create added-value products for the public benefit. The portal 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 available public registers. Traffic is measured by Google Analytics only. 81,414 visits were registered in 2016, out of which 68,561 are unique visits. The visited pages are 127,653. A slight decrease in the traffic is observed in comparison to the previous year.

AIP in Facebook

The promotion of the AIP work is facilitated by Facebook. On its Facebook site, AIP refers links from its *Access Point* blog, from the Monthly FOI newsletter, news from the AIP web site, and publications in other media and partner organizations, events organized by the AIP. 946 people like it. In 2016, there were posts that attracted visits in the range 1,600 – 2,200.

<https://www.facebook.com/AIPbulgaria/posts/>.

Youtube Channel

AIP maintains its Youtube Channel

<https://www.youtube.com/channel/UCDoIAzPqxlqkgAKKVf5jBLA>. The purpose of the YouTube channel is to increase the popularity of AIP products and services and to extend the scope of the freedom of information campaign.

The educational movie “I Have the Right to Know” was added to the videos in the channel in 2016. The video has 508 views, while the subtitled video is viewed 213 times. Thus, the video resources have become 13, including the documentary “Media and Access to Information – Five Investigative Reporter Stories”, short videos containing legal comment and advice on specific access to information cases of investigative journalists, the 2014 Right to Know Day Awards Ceremony.

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Evaluation of the Activity: The communication of the results of the AIP work and the participation in media debates on issues related to access to information are also core activities of AIP. The activities related to the preparation of publications, the articles on the litigation, the participation in the public debate involves almost the whole of the AIP team. Moreover, three members of the team are monitoring and systematizing the publications in national and local media, and also translate the materials. This smaller second team prepares press releases and provides coverage of events, held by AIP. The activity encompasses a big range of tasks and requires the involvement and coordination of efforts of the whole team.

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

Necessary Resources

1. The maintaining of the web sites, preparation of the publications, the translation of materials, the monitoring of the networks of which AIP is a member and dissemination of information about the ongoing developments in the access to information areas requires the involvement of the three coordinators, as well as of the whole team of the AIP.
2. Financial securing for the preparation and 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 on a national, regional, and global level

AIP in the International Freedom of Information Advocates Network

The AIP was an initiator and one of the founders of the International Freedom of Information Advocates Network - FOIANet.¹²

¹² <http://foiadvocates.net/>

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The AIP Executive Director Gergana Jouleva has been a member of the Steering Committee of the FOIANet since the establishment of the network in 2002 till 2014.

Elections for a new FOIANet SC were held in October 2014 and the Head of AIP Legal Team Alexander Kashumov was elected a member of the Steering Committee. The first meeting of the newly elected SC was held in February 2015 in Madrid, Spain

In 2016, AIP has taken active part in the discussions within the FOIANet. AIP is one of its founders and its active member. The discussion list of the network contains 700 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.

In 2016, the AIP took part in 11 discussions on a variety of topics related to access to information advocacy and legislation issues raised from different parts of the world, disseminated information about campaigns, events, and the results from its activities 9 times, including via the Civil Society Discussion Group under the Open Government Partnership. The topics encompass:

- Do obliged bodies publish online the access to information requests they have received, as well as the names of the requestors;
- Are the National Olympic Committees obliged bodies under the access to information laws;
- Compiling a list of the different systems/portals/platforms, established by the government for filing access to information requests in the Internet;
- How are the national holidays in different countries counted against the time frames for the provision of information;
- What is the total number of access to/ freedom of information in the world;
- What are the tools used by the advocates to monitor and assess the access to information laws;
- The adoption of the freedom of information act in Argentina;
- Developments of Council of Europe Standards on the right to information, and more specifically comments on the ECHR Judgment as of November 8, 2016 on the case of the Hungarian Helsinki Committee v. Hungary.

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Cooperation with partner organizations and exchange of experience

On 16 – 18 February 2016, the AIP hosted a two –days training titled “Assessment of the Active Transparency of Public Institutions” with representatives of the Center for Civil Communications, Macedonia. The AIP team presented the history of the adoption and the implementation of the Access to Public Information Act in Bulgaria; the methodology and the results from the AIP audit on institutional web sites and the Active Transparency Rating; the work of the coordinators’ network of journalists in the regional countries, and the AIP raising awareness campaigns on the right to information.

In March 2016, Diana Bancheva, communications officer in the AIP, took part in the training Europe Lights Camera Liberty Workshop, organized by the ATLAS network, AIP being a member.

In April 2016, the head of the AIP legal team Alexander Kashumov took part in a conference dedicated to the freedom of expression held in Oxford, UK.

In September 2016, the head of the AIP legal team took part in the 4th conference “Freedom of Expression in the Digital Era,” organized by the Organization for Security and Cooperation in Europe, held in Vienna.

The head of the AIP legal team Alexander Kashumov took part in a conference organized by the European Court of Human Rights in Strasbourg, France in December 2016.

Diana Bancheva and Stephan Anguelov participated in the global summit within the Open Government Partnership initiative, held in Paris in December 2016.

Stephan Anguelov from the AIP team is the OGP Independent Reporting Mechanism national researcher for a second year.

Alexander Kashumov and Diana Bancheva participated in a conference dedicated to the 250th anniversary of the Freedom of Information Act of Sweden, organized by the Office of the Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe, held in Vienna in December 2016.

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AIP Coordinators' Network in the Country

On March 18, 2016 in Sofia, Access to Information Programme (AIP) held the annual meeting with the journalists of its country-wide coordinators' network. AIP Executive Director Gergana Jouleva presented key achievements from AIP advocacy activities in 2015. The 2016 goals and challenges before AIP and the coordinators' network were outlined.

The Head of AIP legal team Alexander Kashumov presented the 2015 amendments to the Access to Public Information Act and the AIP participation in the public debate and the discussions held at different responsible institutions, as well as the AIP statements on the Draft Public Procurements Act and the Draft Anti-corruption Act.

Darina Palova from the AIP legal team presented statistics and characteristics of the cases referred to AIP for legal help and consultation during 2014. Kiril Terziiski presented an overview of ATI litigation.

Diana Bancheva, AIP communications coordinator, presented statistics of the AIP web sites traffic, the *Access Point* blog

Stephan Anguelov from the AIP legal team presented findings and conclusions from the 2014-2015 IRM progress report on the implementation of the Second national action plan within the Open Government Partnership initiative (OGP).

Based on a number of interviews, the AIP coordinators, all of them journalists in the regional cities of Bulgaria, outlined the readiness of the local and regional public bodies to implement the new obligations for proactive publication of information introduced with the 2015 APIA amendments and the expressed necessity for trainings.

AIP presented the Coordinator of the Year award to Zdravka Maslyankova, AIP coordinator in Veliko Tarnovo.

In the period May – June and October 2016, the AIP coordinators Valentin Hadzhiev, Hristo Hristov, Diana Boncheva, Mariana Ivanova, Borislav Kurdov and Stela Kovacheva took up the organization of the Access to Information Days under the project “Civil Center for Support of Transparency in Public Life.” They provided the attendance of 164 representatives of regional and local administration, NGOs, citizens and journalists in the events held in Smolyan, Stara Zagora, Yambol, Sliven, Targovishte i Razgrad. The local media journalists and citizens received legal help and

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practical advice in seeking information from the public bodies within the Information Days.

In 2016, the journalists from AIP coordinators' network in the country published and broadcast about all AIP initiatives, campaigns, and events. They published about the results from the annual meeting of the coordinators and the AIP team in Sofia in March 2016, the updated 2016 Active Transparency Rating of the Institutions, results from the "Access to Information" Days, the nominations and the awardees of the Right to Know Day Awards.

In 2015, the coordinators wrote and initiated 57 publications.

Nine of them were published in the AIP Monthly FOI Newsletter – the most active were Todor Grozdev with 4 publications and Zdravka Maslyankova with 3 publications. The rest 48 publications were in local media where most active were Todor Grozdev – 8, and Emilia Dimitrova– 4.

Coordinators in the regions of Haskovo and Sliven were changed due to their other engagements. The coordinator for the region of Plovdiv is to be changed.

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 that AIP has been proud of. The 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. A coordinator of the network in the country who coordinates the work of the journalists in the country and monitors the media coverage;

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2. Two members of the AIP team to monitor the discussions in the networks and share AIP experience;
3. Funds for holding at least one meeting of the AIP team and the coordinators in the country to outline persistent problems and discuss strategies for their overcoming;
4. Funds for travel in the country and abroad when the participation in different types of forums is not covered by the organizers.

7. Institutional Achievements and Development

The AIP Team

The team which has completed this huge amount of work and achieved these significant results 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

Stephan Angelov, lawyer

Diana Bancheva, communications coordinator

Nikolay Ninov, coordinator of the countrywide network of journalists

Ralitza Katzarska, coordinator

Since July 2015, the AIP has signed a contract with Advice Plus Company for accounting service.

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Coordination and control

Every Monday, the AIP team plans their activities based on the operational monthly plan and ongoing project activities.

Review over the legal help provided by the AIP is carried out via regular statistical reports from the internal Information Management System.

The AIP undergoes an audit for verification of the annual financial report of the organization.

The Access to Information Programme submits its annual report to the Central Register of Public-Benefit NGOs under the Ministry of Justice.

The AIP is managed by the Board and the Executive Director. The Board is setting forth the annual priorities of the AIP foundation and approves of the annual reports and the budget of the organization.

The members of the Board

Gergana Jouleva, PhD– Executive Director

Dimitar Totev – Chairperson

Alexander Kashumov

Luba Rizova

Mariana Milosheva-Krushe

Pavlina Petrova

Petko Georgiev

Yordanka Gancheva

Neven Dilkov

In 2016, the Board of AIP held two regular sessions.

On March 25, 2016, 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

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AIP Bylaws, called by the AIP Executive Director Gergana Jouleva. The Board approved the Annual report of AIP for 2015 presented by the Executive Director Gergana Jouleva; approved the budget and the main activities for 2016.

On May 11, 2016, in absentia meeting of the Board was held in compliance with Art. 12, Para. 12 of the AIP Bylaws, called by the AIP Executive Director Gergana Jouleva with regard to the decision for the extension of the executive director contract. The Contract was extended with a Board decision.

On December 16, 2016, 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 heard the report on the results achieved during 2016 presented by the Executive Director. The draft 2016 financial report was presented and the draft-budget for 2017. The 2017 budget deficit is high. It was agreed that the possibilities for applying for funds were very limited and the organization should start providing consultant services. The possibilities for fundraising by providing paid trainings and paid legal aid were discussed.

The AIP 20th Anniversary

The Access to Information Programme celebrated its 20th Anniversary on October 21, 2016. The event was under the auspices of the President of the Republic of Bulgaria Mr. Rossen Plevneliev and was held in the Sofia Hotel Balkan. Among the guests who delivered greeting speeches at the ceremony were the Constitutional Justice Mr. Konstantin Penchev, the Minister of Justice Ms. Ekaterina Zaharieva, the Ambassador of the Kingdom of Netherlands Mr. Tom van Oorschot, Mr. Lenko Lenkov, representative of the America for Bulgaria Foundation, Ms. Ekaterina Boncheva, member of the Committee for Disclosing the Files of the Former Security Services. Greetings were sent by the National Ombudsman, the Public Financial Inspection Agency, State Agency "National Security", Open Society Institute – Sofia, etc.

Projects

During 2016, AIP has implemented the following projects:



Civil Center for Support of Transparency in Public Life

Period: June 10, 2013 – June 10, 2014

Donor of the Project: America for Bulgaria Foundation

Project Goals:

1. To advocate for better access to information legislation, especially with regard to the proactive disclosure of public information on the base of systematic monitoring of legislation and implementation practices;
2. To advocate for improvement of proactive disclosure of public information and implementation of active transparency standards, especially related to budget and financial openness, public procurement, distribution of EU funds, city development plans;
3. To support seekers of access to government held information, especially in cases of overriding public interest;
4. To raise public awareness and disseminate knowledge on the right to information;
5. To support investigative journalism for enhancing government accountability and transparency;
6. To cooperate and network for increased government accountability and transparency at all levels;
7. To strengthen AIP position and develop its capacity as a Civil Center for Support of Transparency.

Activities:

1. Advocate for better FOI legislation on the base of permanent monitoring on ATI related and secondary legislation, submit comments and recommendations and engage in public debate
2. Monitoring of access to information implementation practices, Annual audit on 535 institutional web sites, launch of the Active Transparency Rating and formulation of recommendations in the annual report Access to Information in Bulgaria
3. Provision of legal help, including representation in court, to access to information seekers in cases of overriding public interest
4. Raising awareness on the right of access to information, encouraging active exercise and public debate on problematic transparency and accountability issues
5. Support investigative journalism by awarding investigations on government transparency and accountability
6. Cooperation with national and international partners and networks to exchange experience and advocate for enhanced government transparency and accountability.

Enhancing the Capacity of Nongovernmental Organizations to Seek Public Information



Period: May 2015 - February 2016

Supported under the NGO Programme in Bulgaria under the Financial Mechanism of the European

Economic Area 2009 – 2014

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The AIP held trainings for NGOs in the country focusing on the most recent APIA amendments and provided legal help in cases of information seeking and its refusal. Online training materials were developed – an educational movie, syllabuses, updated edition of the handbook “How to Get Access to Information.” Target groups of the project were NGOs and the journalists from the AIP coordinators’ network, all of them journalists in the 27 regional cities.

Main objective of the project: Capacity building for NGOs for advocacy and monitoring

Specific goals:

- Establishment and use of mechanisms for sharing knowledge on NGO’s participation in the policy making at a local, national and European level.
- Building and using capacity for monitoring, advocacy, and impact on public policy at a local, national and European level;
- Trainings on advocacy and watchdogging for organizations located in isolated geographical regions.

Main activities:

1. Organization and holding of trainings for NGOs and active civil groups in 6 cities
2. Provision of legal help for effective exercise of the right to information and the use of the Access to Public Information Act procedures by NGOs
3. Organization and holding of a National conference “The Access to Information – a Tool for Achieving our Goals” in Sofia
4. Preparation of access to information training and raising awareness materials
5. Capacity building of the AIP coordinators’ network in the country
6. Promotion and media coverage of the project activities

Results:

1. 6 trainings held for representatives of NGOs and civil society groups in the cities of Bourgas, Varna, Plovdiv, Blagoevgrad, Montana, and Sofia
2. 100 representatives of NGOs and civil society groups aware of access to information international standards, the most recent amendments to the Access to Public Information Act (APIA) and trained to use the APIA procedures

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3. Legal help provided, including representation in court, in 150 cases of NGOs and active citizens
4. Enhanced capacity of AIP legal experts
5. Access to information cases of NGOs popularized in 8 monthly FOI newsletters disseminated electronically to 2,400.
6. A National conference “The Access to Information – a Tool for Achieving our Goals” organized and held in Sofia
7. Updated, printed and online available handbook “How to Get Access to Information?”
8. Educational movie “I have the Right to Know”
9. A training workshop with the AIP coordinators – 27 journalists in the regional cities of the country organized and held in the city of Veliko Tarnovo



Access to Information and Public

Communications - Learning by Practice

1 September 2016 – 31 May 2017

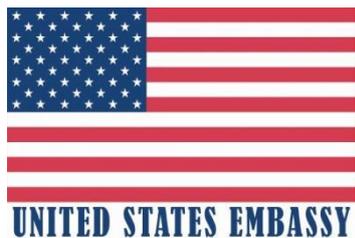
The project goal is to enhance the knowledge and skills of students in the Public Communications and Information Sciences program in the New Bulgarian University to seek and use public information for the purposes of their future professions as reporters, investigative journalists and PRs for different institutions and causes.

Activities:

1. Development of a program for a practical course "Access to Information" for students in the Public Communications and Information Sciences program of the New Bulgarian University
2. Holding a two-months course "Access to Information" with students in the Public Communications and Information Sciences program of the New Bulgarian University
3. Development of internship program for students in the Public Communications and Information Sciences program of the New Bulgarian University to complete interbship at the Access to Information Programme

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4. Three-months internship for NBU students at the Access to Information Programme
5. Organization and holding of a concluding seminar to present the results of the project before a wider audience in the New Bulgarian University.



Freedom of Information Speaker Program – Bulgaria 1 – 30 November 2016

The project goal was to share the US experience on FOIA implementation with high level government officials, the media self-regulatory bodies of the media in Bulgaria.

Activities:

1. Presentation of the APIA and the accumulated implementation practices by the experts from the AIP team before the US FOI expert.
2. Organizing and holding of the conference “Access to Information – Challenges after the Legislative Amendments. The experience of the USA and Bulgaria” in Sofia on November 15, 2016 in Grand Hotel Sofia with representatives of executive bodies.
3. Meeting of the US FOI expert with the government coordinator of the Open Government Partnership initiative.
4. Meeting of the US expert with journalists
5. Meeting of the US expert with members of the Journalism Ethics Commission.
6. A lecture by the US FOI expert before students in journalism and PR from the New Bulgarian University.

Since July 2015, AIP has been partnering with the Center for Liberal Strategy under the project “[Rise and Fall of the Corporate Commercial Bank](#),” supported with a grant by the America for Bulgaria Foundation.

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The AIP budget is project based. In 2016, the revenue was at the amount of **450,284.00 BGN**. The expenses amounted at **на 478,816.00 BGN**. In 2016, the AIP started providing paid trainings for public officials. The revenues from that activity were **6,681.69 BGN**. In 2016, the AIP started to provide paid legal aid. The revenues from that activity were **3,410.22 BGN**. The money raised within a fundraising campaign in support of the access to information in Bulgaria amounted at **8,116.90 BGN**.

The secured funds as of December 31, 2016 till June 30, 2017 are at the amount of **165,979.00 BGN**.

12.01.2017

Gergana Jouleva

Sofia

Executive Director of AIP

The AIP report for 2016 was approved at a regular session of the Board of AIP held on March 6, 2017.