

10 YEARS
ACCESS TO INFORMATION
PROGRAMME



ACCESS TO INFORMATION
PROGRAMME
Sofia
2007

10 YEARS ACCESS TO INFORMATION PROGRAMME

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10 years access to information programme



*Gergana Jouleva,
Co-Founder and Executive Director of
Access to Information Programme*

Dear friends,

The past ten years have been extremely important not only for our organization and its establishment, development and recognition, but also for the whole community of freedom of information advocates around the world.

When we founded the organization

in 1996, there had not been many significant developments in the area of freedom of information, besides the initiatives of some international organizations such as ARTICLE 19, the practices of some leading democracies around the world, and the activities of some - mostly environmental - organizations.

In 1996 - a year scarred by hyperinflation, a political crisis and a desire for new changes - the organization's founders were convinced that systematized efforts in several directions were needed to improve access to information in Bulgaria. For this reason, we named the organization Access to Information Programme. We believed that focused attention and additional efforts were required to support new legal regulations, to encourage the exercise of the right to information, and to institute educational programs. We started with a team that, although small, had emotional energy and enthusiasm.

Ten years later, we have a staff that is twice as large as our original team, as well as a stable coordinators' network. We have also commented on over 3,000 cases, instigated over 100 court cases, published over 30 books, produced a radio show, and published a newsletter with an ever-increasing number of subscribers.

The results of one's work always depend on a changing environment; for the people who work and live within such a dynamic environment, change is often difficult to measure. Nevertheless, most of our results are measurable and include thousands of publications in local, regional and national media, as well as participation in over a thousand radio and television programs.

10 years access to information programme

Over the past ten years,

access to information has become „fashionable.”

There is not a single country in the region without a freedom of information law, a process which has gained momentum during the last ten years. Members of our team have participated in the debates over and the implementation of FOI legislation in Romania, Macedonia, Turkey, Serbia, Croatia, Bosnia and Herzegovina, Armenia, Georgia, Montenegro, etc.

In 2006, the Inter American Court of Human Rights recognized the right of access to information as a human right. The Council of Europe has been working on a Convention for access to official documents. All countries in the region have adopted access to information laws and acquired implementation experience.

Most intergovernmental organizations have adopted transparency regulations, which contain special procedures for access to the documents they create and hold.

This success is due to the constant efforts of organizations like the Access to Information Programme.

What are the foundations of and **the reasons for our successful work?**

- Precise and clear formulation of our goals and strategic activities;
- Constant advocacy for better legislation;
- Monitoring of practices;
- Legal assistance, including representation in court;
- Training sessions for both seekers and providers of information;
- Media campaigns about the importance of the right to information.

What have been the results of these activities over the years?

First, the adoption of the Bulgarian Access to Public Information Act in 2000 could be considered a result of our advocacy for the adoption of FOI legislation.

Second, the increasing number of people who exercise their rights under the law in Bulgaria is to a large extent due to our efforts to raise awareness about the legislation.

Third, our legal team has provided legal assistance in more than 3,000 cases and has provided court representation for clients in more than 100 cases, thus encouraging citizens to exercise their right to access to information.

Fourth, over the years, AIP and its coordinators have created 1,250 publications, including several handbooks on the use of the law and three books on FOI litigation.

Fifth, AIP and its coordinators have participated in 1,100 television and radio shows. In 2004, AIP started broadcasting its own radio show. People still remember the *Right to Know* show, which was broadcast on Radio New Europe.

Sixth, AIP members organized or participated in approximately 500 training seminars, conferences and round tables on freedom of information.

Seventh, the expertise of a single organization in the field of access to information led to the development of nongovernmental organizations' advocacy work in the region. In 2002, the International Freedom of Information Advocates Network was established at a conference in Sofia, a development which can be attributed in part to our work over the years.

Eighth, it was here in Bulgaria that September 28 was established as the *Right to Know Day* at the same conference mentioned above, held by the Access to Information Programme.

Ninth, the Access to Information Programme is an active member of several other networks, including the Network of Democracy Research Institutes and the European Civil Liberties Network.

Tenth, in recognition of its overall activities, AIP has received two highly prestigious *Templeton* awards in 2005.

All the founders of the Access to Information Programme, as well as the whole AIP team, its coordinators and partners can be proud of these results.

The Problems

The problems that we identified when the organization was established include:

- Citizens and legal persons did not have experience in searching for information from governmental institutions;
- Administrators did not disclose information on their own initiative and wanted detailed descriptions of their obligations in order to formally fulfill them;
- There were no internal rules within governmental institutions regulating the publication and disclosure of information;

10 years access to information programme

- The 1991 Constitution of the Republic of Bulgaria was adopted in the context of methods and habits characteristic of the communist regime on the part of the administration, citizens, journalists and civil organizations. The emerging practices of information seeking and provision replicated the *old regime* patterns, marked by dependency on personal contacts, arbitrariness on the part of officials and authoritarian practices in the relations between citizens and public officials.

Have we solved these problems? Has the environment really changed?

The Bulgarian access to information law is already outdated in comparison to international standards. Also, citizens' awareness about the FOI law has been decreasing. The administration continues to abstain from disclosing information by its own initiative and continues to follow formally the letter of the law. There are rules for the provision of information, but these are unclear and there is no control over their implementation.

The problems that we identified ten years ago have not yet been solved. There is still much to be done.

The Programme's Origins



In 1995, a group of sociologists, economists and lawyers began studying the existing freedom of information regulations and access to information practices in five Bulgarian municipalities. Discussions by the group and their research findings proved that there was a need for concerted and specialized professional efforts to both raise awareness of the right to information and to provide assistance to those who were ready to exercise this right.

The Programme's founding members came from diverse backgrounds, bringing different types of expertise and motivations to work with access to information issues. They included:

- A human rights lawyer and a corporate lawyer working with issues of access to public registries and other governmental information on a daily basis;
- Sociologists and journalists with professional experience with the scarce information supply from government bodies that presumably operated publicly; and
- last but not least, economists facing problems of poor statistical data, frequent changes of business regulation frameworks and misinterpretation of available data.

Some of the group's members had backgrounds in the environmental and dissident movements of the 1980s. The real merit of the group, however, was that they had an interdisciplinary view on the issues they started to address.

What were these issues, as they were identified in 1996? The group's assessment was as follows:

- a) „Citizens and legal entities do not have experience in requesting and using governmental information;
- b) Public servants and institutions on both the central and local level in most cases assume that their Constitutional duties should be legally established;
- c) Public institutions have internal regulations (instructions and rules) which are either outdated or mainly concern record-keeping procedures and modes of documentation;

1996



The Programme's Origins

- d) The 1991 Constitution was enacted in an „old regime” environment of routines and habits on the part of the administration, as well as citizens, journalists and civic organizations. Currently emerging practices (in 1995) of searching for and providing information were actually replicating the *old regime* patterns characterized by dependence on personal contacts, senior and junior officials' discretion, and on the background experience of both parties.”¹

While discussing how to respond to these challenges, the group decided to create a specialized organization to address them. Other developments helped to strengthen this resolve.

In early 1996, the President of Bulgaria, a philosopher and ex-dissident, Zhelyu Zhelev, in response to an advocacy campaign by a number of journalists' associations, laid a claim before the Constitutional Court requesting an interpretation of three articles of the constitution, including Article 41, which established the right to information.²

As expected, the decision of the Court reaffirmed the right of every citizen to seek and obtain information from governmental bodies **without the need for special justification** of his/her interest. The Constitutional Court reaffirmed the international standard that the right to information was a principle that could be restricted only in exceptional cases and only with the aim of protecting other legitimate interests.

The Constitutional Court's decision also stipulated that public administrators have the corresponding duty to provide the requested information. Furthermore, this duty must be stipulated and enforced by a law. Although of great importance, the Decision of the Constitutional Court was not popularized and remained practically inaccessible for non-professionals. Even the organizations that initiated the Constitutional Court Decision did not popularize it, but instead refocused on other priorities.

¹ Jouleva, Gergana, „Access to Information,” in *Why not?*, December 13, 1996.

² It should be noted that citizens do not have the right to address the Constitutional Court in Bulgaria.

The Programme's Origins



1996 was a year of economic hardships in Bulgaria, marked by double-digit monthly inflation, the collapse of major banks, closures of loss-making public enterprises, a 10% decline in the GDP, a 40% decline in living standards, etc.³

On October 23, 1996 eleven professionals, most of whom were involved in the survey and analysis mentioned above, established the Access to Information Programme as a private, independent, not-for-profit foundation.

The Mission

When establishing AIP, the founders believed that in Bulgaria's transitional constitutional and political system the citizenry lacked the means of controlling the government and venues for public participation. For this reason, reforms were uneven, their direction was unclear, and corrupt governments had free reign to loot the economy. In such a situation, the AIP founders believed that access to information was the most important precondition for citizens' control over and participation in government.

The mission of AIP was formulated as follows: „to facilitate implementation of Article 41 of the new Bulgarian Constitution, which establishes that 'everyone shall be entitled to seek, receive and impart information.'”

Since 1996, AIP has been pursuing its mission in the following areas:

- Advocacy for legislation in the field of access to information;
- Monitoring practices for seeking and obtaining information at the central, regional and local levels with the help of the AIP countrywide coordinators' network (all of whom are journalists);
- After the adoption of the access to information law, provision of legal assistance and court representation to citizens, journalists and NGOs in cases when public institutions refuse to provide access to information;

³ By the end of 1996 and in early 1997, the political and economic situation in Bulgaria deteriorated further; by February 1997 inflation had already reached already 242%. In November 1996, a new president was elected, Petar Stoyanov, who was affiliated with the then-opposition party UDF. In December, right before Christmas, the socialist cabinet of Jean Videnov resigned; however, his party insisted on forming a new cabinet, a move which motivated street protests (in December 1996 - January 1997) demanding new elections.

1996



The Programme's Origins

- On-going public campaigns about the importance of the right to be informed in democratic societies;
- Civic education of journalists, administrators and NGOs in the field of the right to information.

First Steps

Logically, the first activity of the newly born organization was a campaign on access to information. We had a rather broad set of objectives - to address the four findings formulated above as a result of the 1995 assessment of the access to information situation in Bulgaria. This idea was supported by the Netherlands Organization for International Development Cooperation (Novib) and gradually evolved into a partnership between the two organizations. These activities developed at full speed in 1997. However, before the actual start of the campaign, AIP used opportunities to publish in the bulletins of other NGOs, most notably in the widely read monthlies *Objective* (by the Bulgarian Helsinki Committee, BHC), *Why Not?* (by the foundation Creating Effective Grassroots Alternatives, CEGA), and the *IME Newsletter* (by the Institute for Market Economics).

At the beginning, the AIP team was rather small, consisting of a young lawyer, Alexander Kashumov; two journalists, Emmy Baruh and Nikolay Ninov; a sociologist, Lora Ivanova; and the author of these lines, a co-founder and the first chairperson of AIP, Gergana Jouleva.



The Basis of a Successful Campaign: AIP Coordinators

The accumulation and systematization of knowledge regarding what was happening in the sphere of access to information across the country was of vital importance for our public campaign. In 1997 we had no model law to provide us with the principles and criteria upon which to base our campaign. For this reason, we focused the campaign on specific cases in which public authorities had refused to provide information requested by citizens. Our previous experience clearly showed that we could have endless internal intellectual debates; however, the true challenge was to resolve issues that arose when real people seeking information for their own use faced real authorities.

In order to mobilize volunteer support for this campaign, we disseminated a manifesto in the media across the country, explaining what our organization's mission and aims were and urging journalists to send us cases in which governmental institutions and other organizations funded by taxpayer money had refused access to information to citizens and the media.

Twenty-five journalists from across the country responded and committed their time and efforts. Nikolay Ninov, a journalist from our small team, played a major role in stabilizing and developing the network, which was eventually established



as our network of local coordinators. The network was driven by mutual interest: on one hand, journalists sought information, not so much for their own use but rather as a means to follow what they thought might be of public interest; on the other hand, we needed to know what was

happening around the country outside the capital city of Sofia.



The Basis of a Successful Campaign: AIP Coordinators

In the beginning, our coordinators referred cases to us, prepared publications, distributed our legal comments in their regions, prepared public awareness materials and undertook activities on their own with the support of our group in Sofia. This is what they still do; eight of those original twenty-five people are still AIP coordinators.

Each month, our coordinators send us cases that require our legal assistance. Initially, these cases were reviewed by the small professional team of AIP lawyers, whose comments were then further discussed by a larger number of volunteer lawyers. After this review, the cases were sent back to all the coordinators, who popularized them in publications or among their colleagues. Citizens were provided with legal support and publications and were encouraged to continue to seek information. The number of cases that AIP handled grew steadily; as a rule, descriptions of the most interesting cases were published in the local media, along with our legal advice.

In the beginning, such cases were most often related to the violation of the right to seek, receive and disseminate information (such as, for example, the right to attend public meetings of elected bodies, to take pictures, etc.). Relatively few cases dealt with the right to access information collected and held by governmental bodies. Gradually, but especially after the adoption of APIA, the situation changed.



Legislative Advocacy



A review of the existing legislation and cases referred to us for legal help and assistance showed that:

- ❑ the obligation of public authorities to provide information had to be regulated by law (this conclusion was laid down in Decision №7 of the Constitutional Court from July 4, 1996, on Constitutional case №1/1996);
- ❑ the right to access information needed to be further popularized.

The cases of refused access dramatized the need for a freedom of information law in Bulgaria. They clearly demonstrated certain problems, such as the centralization of information, the subjectivism with which disclosure requests were met, the lack of unified procedures, and the need for public awareness about access procedures.

The importance of free access to information became a frequent topic in the media. In early 1998, the Bulgarian Government included an access to information law on its agenda, which generated constant interest in the working group within the Ministry of State Administration, which was in charge of introducing an access to information draft law. AIP actively sought contacts with the working group. We formed our own working group to make a comparative legal study and elaborate a

legislative concept

on access to information. We invited Meglena Kouneva, a lawyer from the legal department of the Council of Ministers to take part in the working group, along with two AIP founding members and lawyers, Yonko Grozev and Dimitar Totev. We had arguments and differences of opinion, but we worked towards a consensus about the text of a law that would allow citizens to most effectively exercise their rights to information access. We also saw the need for conducting a survey of lawyers and journalists, asking them what principles had to be included in a future access to information law. At every stage of our work, we sent materials to the Council of Ministers and the Bulgarian Parliament. We also made efforts to meet with governmental experts and lawmakers.



Legislative Advocacy

What were the intentions of the authorities?

For us, this was the toughest question to answer. In December 1998, in cooperation with Article 19 and the Bulgarian Helsinki Committee, we organized an international conference entitled *Access to Information - Bulgarian Legislation and International Standards*. We invited representatives from the working group of the Council of Ministers to participate in the conference and in the discussion of AIP's *Concept Paper on Freedom of Information Legislation in Bulgaria*. The experts attended the meetings, but as guests rather than participants, hence no discussions with them were possible. It was clear that even after the law was adopted, it would take a long period of time to gradually train the administration to comply with its obligations and for citizens to exercise their rights.



The draft law was released in a surprise move at a conference held on April 27, 1999, by the Bulgarian Media Coalition. Public discussion of the draft law was also announced before the law had been approved by the Bulgarian Government. An Internet address was given where the draft had been published and would be available for public discussion.

Public Discussions

Several opinions were published on the Government's web-site, which expressed the following conclusions:

1. The fact that the draft law was subject to public discussion before its approval by the Council of Ministers was evaluated positively.
2. There was approval of the principle expressed in the draft law that *legitimate interest* would not be required of either citizens or legal entities when requesting information.
3. Similarly, the public welcomed the introduction of concise administrative procedures for requesting information and for appealing denials.

There were, however, negative reactions to the lack of clarity in some of the draft provisions, such as:

1. Unclear definition of the types of information subject to legal regulation, and the unfounded inclusion of media among the organizations with an obligation to disclose some categories of information.

Legislative Advocacy



2. Unclear definition of the exceptions to disclosure. The draft law merely mentioned the concepts of *state secret* and *administrative secret* without defining the categories of information that would be subject to restriction, nor the interests that they would protect.
3. Unclear definition of some basic legal concepts.

Lawyers from AIP and the Bulgarian Helsinki Committee prepared an opinion on the draft; our views were made public at a press conference. Our aim was to act in a constructive way by suggesting specific texts and definitions of the basic legal concepts. We also held several meetings with representatives of local governments, journalists and NGOs. The written statements that resulted from these meetings were presented to the Council of Ministers.

In the end, the draft was approved by the Council of Ministers and did not include - with the exception of some insignificant provisions - the suggestions and recommendations we and other groups had made. A discussion took place, but without the participation of those who had presented the draft.

The Council of Ministers approved the draft on June 23, 1999, and submitted it to Parliament. There were two parliamentary committees in charge of the draft: the leading committee was the Human Rights Committee, while the other was the Legal Committee. In the meantime, we held meetings with journalists, representatives of local governmental bodies and NGOs in different cities. During those meetings, we presented the draft law and collected opinions about it, which we then sent to the parliamentary committees.

On September 22, 1999, AIP and the Bulgarian Media Coalition organized an international conference in Sofia on Freedom of Information in Bulgaria: the Draft Access to Public Information Law, Results from the Public Debate and Recommendations.





Legislative Advocacy

All recommendations by the participants were summarized in a memorandum that was presented to all members of the committees in charge. The international experts¹ participating in the conference prepared their own Memo on the Access to Information Law and sent it to the Members of Parliament. The Memo was translated into Bulgarian and disseminated through the media.²

The first reading of the draft took place in the morning of September 23, 1999, at a plenary session of the National Assembly. In the afternoon of the same day, a roundtable discussion on the draft was held under the chairmanship of the head of the Human Rights Committee. AIP and BHC lawyers presented the memorandum and the recommendations on the draft from the conference. Members of Parliament, international experts and journalists attended the roundtable.

An MP from the majority coalition introduced the NGO recommendations in the Legal Committee. Two other MPs from the minority and the majority coalitions also introduced their suggestions and recommendations on the draft.



In January 2000, the draft was included in the agenda of the Legal Committee. AIP representatives were invited to the working group meeting of the committee. On February 2, 2000, the MP who had introduced the proposals from the public discussions to the Legal Committee withdrew them from the committee, thus creating serious procedural problems. On the one hand, part of the Legal Committee disagreed with the draft law approved by the Government because of some of the critiques

that had been formulated in the course of the public discussion. On the other hand, the majority of the committee members approved the text proposed by the Government. For this reason instead of discussing the draft law, the Committee took a formal approach and withdrew the proposals: no proposals meant no problems to solve.

¹ Helen Darbishire of the Constitutional and Legal Policy Institute - Budapest; Erin Egan, Attorney, Covington & Burling - Washington; Robert Gillette of the Independent Media Commission - Sarajevo; Evan Ruth, Legal Officer, ARTICLE 19 - London; Ivan Szekely, Counsellor, Open Society Archives - Budapest.

² On October 1999, the Memo by international experts on the Bulgarian Access to Information Law was sent to Mabel Wisse Smith, Director of OSI Brussels, with a request to circulate it to relevant parties in Brussels by Helen Darbishire, Media Law Program Manager, OSI Budapest.

Legislative Advocacy



During its next session, the members of the Legal Committee decided to forward the draft law to a newly established committee called the Council for European Issues, asking for an opinion on the bill. The request for comments was turned down on the ground that the bill had nothing to do with European issues; rather, the Council had been established to harmonize Bulgarian legislation with the requirements of the European Union. In the end, the Legal Committee had no choice but to make a decision. Thus, in June 2000, the Legal Committee approved the draft for a second reading. Immediately, the Bulgarian Parliament adopted the law

without including most of the recommendations.

The Access to Public Information Act was published in the State Gazette on July 7, 2000.

A week after the adoption of the law, AIP was ready to launch an information campaign on the law through its coordinators' network. In the first week alone, AIP commented on the new law on 20 radio talk shows.



However, the campaign for better legislation continued. In 2001, AIP once again led public discussion about the draft laws on the Protection of Classified Information and Personal Data Protection. These two laws, regulating some of the exemptions to the right to information access, were adopted in early 2002.

Recommendation (2002)2 of the Committee of Ministers to member states of the Council of Europe on access to official documents also provided a good foundation for a campaign on international freedom of information standards.

In 2002, several MPs from the majority coalition introduced amendments to the Access to Public Information Act. AIP organized a roundtable to discuss the proposed amendments in light of the new Recommendation. Helena Jaderblom, a member of the working group on Recommendation (2002)2, took part in the roundtable and voiced her support for most of the proposed amendments. The draft law, however, did not reach second hearing in the National Assembly

Our campaign for the implementation of international freedom of information standards is ongoing. There are still efforts being made by different groups to introduce changes that are in conflict with the principles of APIA.

1999



Legal Help

From the very beginning of our work, the provision of free legal help to those who seek information has been one of the priorities of the Access to Information Programme. There were cases of citizens or journalists trying to obtain access to documents with the legal help of AIP even before the adoption of the Access to Public Information Act (APIA). However, these cases rarely brought about successful results due to the lack of special regulations for the provision of information.

Prior to the passage of the APIA, the search for information was mainly conceived of as a right of journalists and mostly as their right to attend press conferences. The administration was afraid to provide even routine documents. In 1999, journalists from the town of Stara Zagora made great efforts to obtain a list of names and positions of the officials from the Regional Governor's administration. The head of the Regional Governor's administration refused to provide the document in written form, explaining that journalists already knew who was who, hence there was no need for such a list. Documents containing *hot* information like inspection reports of the then-active State Financial Control Agency or findings and reports about violations by the construction control authorities were something journalists could only dream about or had to rely on personal acquaintances and contacts to get access to. Due to the

lack of rules and practices

officials preferred to provide information orally and semi-legitimately, while official provision of information was exotic. People seeking information continually faced questions such as: „What do you need it for?“, „In what capacity are you asking for such information?“, „How will you use the information?“, or „Why are you nagging me now?“

At the same time, requests for information were not uncommon. People were requesting documents about privatization tenders and bids or documents related to the bank crisis in the beginning of 1990s. In one case, a relative of a plane crash victim demanded documents about the incident. Another citizen requested all available documents relating to the 2000 tender for the creation of the Bulgarian coat of arms. However, even the simplest requests for information were denied on the grounds: „We have no procedure for supplying such information.“ In 1999, a citizen asked the Council of Ministers' press center: „What are the requirements and standards that Bulgaria should meet to become a member of NATO?“ The immediate response by the institution at the time was: „We would very much like to provide this information, but there is no procedure, thus we cannot do so.“ This latter case was brought to court; unfortunately, however, the court dismissed the complaint on the same grounds - lack of a procedure.

Legal Help



Before the adoption of the APIA, AIP lawyers advised information seekers to refer mainly to Art. 41 of the Constitution, which established the common right of citizens to seek, receive and impart information. We also looked for provisions scattered in other specialized laws, which obligated the administration to provide information. Unfortunately, at that time only the Environmental Protection Act contained a specific provision regarding this issue. Nevertheless, we encouraged citizens and journalists to submit written requests for information so that officials in public institutions would be forced to change the persistent culture of secrecy.

After the adoption of the APIA in 2000

regulations and procedures

for the provision of official documents were finally established. Although the administration was no longer legally able to refuse information, access was still difficult to obtain. The law had to be persistently used so that experience and practice could be accumulated and comprehensible procedures for the right of access to information could be established. It should be noted that requests for information also increased, since citizens could finally request information under the procedures of the law.

Citizens, journalists, NGOs, and business organizations started turning to AIP for legal assistance. We received cases by phone, in person in our office, through the countrywide coordinators' network, by e-mail and via the Internet forum on the AIP website. Systematization and analysis of all cases was made possible due to the creation of an electronic database, in which cases were recorded, described and commented upon. This database made it possible to follow not only the development of particular cases, but also to analyze and assess the existing practices of information seeking and provision in Bulgaria.

In some cases, AIP lawyers provide legal help in the initial phases of information seeking by giving legal advice and/or preparing requests for access to information. Very often the requestors find it difficult to identify the institution that holds the information or to precisely formulate their demands. Legal help is also provided in cases in which access to information has already been denied. In such cases, AIP lawyers initiate court proceedings against the institution that refused access. Thus

the number of informed requesters is increasing.

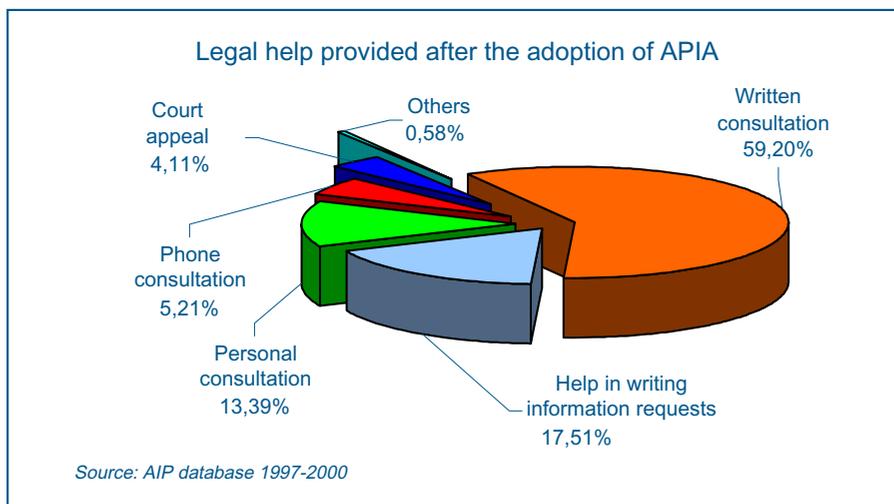
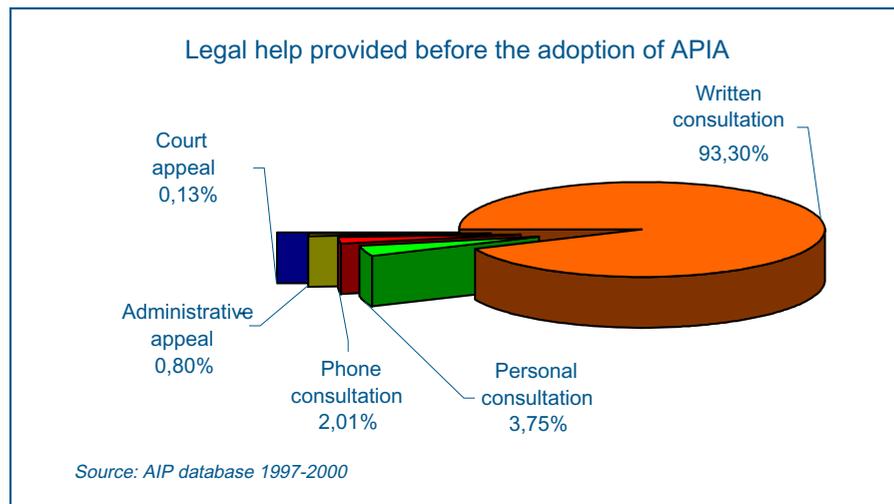
Many citizens continue to seek information on their own and often investigate issues of public importance. Armed with AIP's legal advice, citizens have gained the confidence to defend their rights in court. AIP's legal team has helped reporters



Legal Help

from leading Bulgarian media outlets obtain access to important documents related to sensitive public topics.

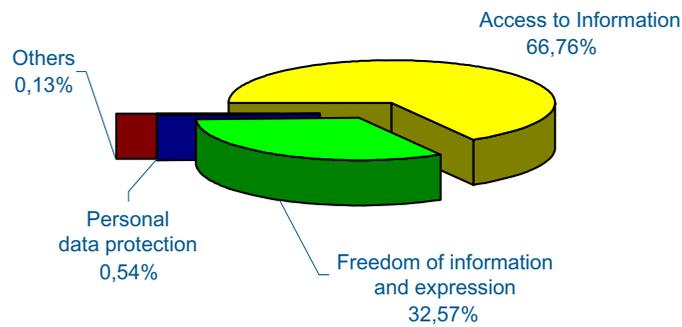
Non-governmental organizations are also among the most active information seekers. NGOs use APIA procedures in a variety of cases to obtain access to information. Sometimes they need the information for research work, while in other cases it is related to the monitoring of state bodies in a particular field, or for making analyses, preparing recommendations, or implementing projects. Cases in which NGOs want to exercise permanent monitoring and civil control over the work of state institutions or local administration in a specific area are not rare. Over the past ten years, AIP has provided legal consultation for more than 3,000 cases (746 cases before the adoption of the law and 2,533 after the adoption of APIA). More than 500 requests have been prepared by AIP legal team



Legal Help

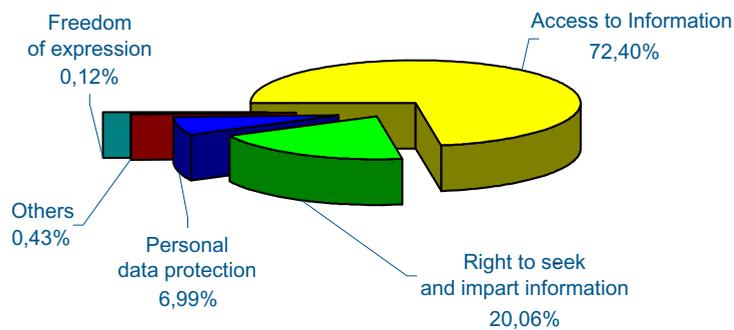


Legal qualification of cases before the adoption of APIA



Source: AIP database 1997-2000

Legal qualification of cases after the adoption of APIA



Source: AIP database 1997-2000



Advocacy for Implementation and Monitoring

After the adoption of the Access to Public Information Act, it became clear that AIP would have to continue its efforts to push for greater transparency in public institutions and to promote the disclosure of information to society. For these reasons, we identified the following new priorities:

- Monitoring the implementation of the law;
- Providing legal assistance to those seeking information or those who have been denied the information they needed;
- Public education and clarification of the right to access information;
- Continuing advocacy on freedom of information.

Although imperfect, the law established a procedure for accessing information, giving rights to citizens and defining the duties of public officials to provide information. This was a necessary step. However, the restrictions on access to information related to national security and the protection of privacy were contained in various minor government acts and were improperly regulated and sometimes contradictory.



*AIP representatives
in the Open Society Archives,
Budapest*

Before the adoption of APIA, AIP had already received and commented on 746 cases of refusals, 528 of which were related to the violation of the right to access information.



*First regional meeting
of NGOs working on
freedom of information
issues in Budapest,
2000*

These cases showed that not only did public authorities have to be pushed to implement the law, but also that the right to information had to be promoted before the public at large.

Advocacy for Implementation and Monitoring



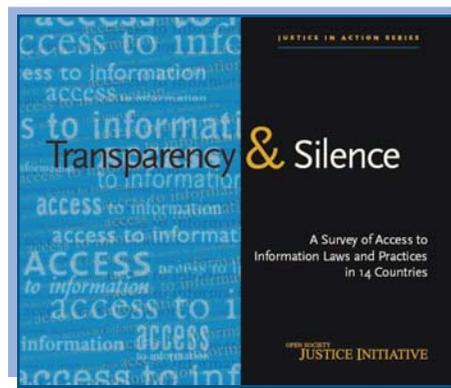
We started our public awareness campaign by publishing and distributing the following handbooks to a broad audience: *How to Get Access to Information* and *How to Apply the Access to Information Act*. We also wrote a chapter on access to information in the *Handbook for Journalists*, which was published by a group of media lawyers. The handbook for citizens was reprinted twice, while the handbook for the administration was reprinted once.

The Bulgarian Access to Public Information Act did not establish an institution to review the implementation of the law besides the courts. Such institutions, which can take the form of information commissions or information commissioners, do exist in some other countries. The lack of such an institution in Bulgaria has created an even greater necessity for independent civil control over the implementation of the law.

The first independent monitoring of the implementation of APIA was done by AIP in 2000. Since then we have been monitoring the implementation of the law using a number of methodologies.

In the first few years after the adoption of the law, it was important to know how public institutions implemented their obligations to publish information and whether the necessary infrastructure was in place, such as information officials, reading rooms, request registers, training sessions, and reports on the implementation of the law. Next, we focused on whether the authorities followed the procedures and also evaluated the quality of the information provided.

The results of our monitoring surveys have always been part of our annual reports on access to information in Bulgaria. In the six annual reports on access to information that we have published so far, we have undertaken a complete review of FOI legislation, implementation practices, cases of information seeking, refusals referred to AIP, and have presented a systematic overview of court practices.

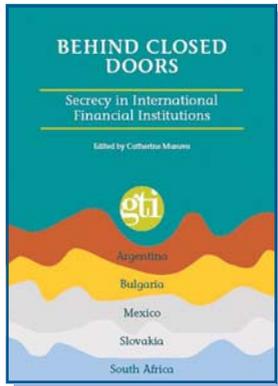


Comparative monitoring study of access to information procedures done in 14 countries in 2004

2000



Advocacy for Implementation and Monitoring



A study aimed at monitoring transparency in the International Financial Institutions done in 2005 in Argentina, Bulgaria, Mexico, Slovakia, and South Africa

From a practical point of view, the most important part of our campaign consists of the recommendations for changes in legislation, policies, and administrative practices in the field of freedom of information.



Report on Access to Information, Public Participation and Access to Justice on Environmental Matters in Bulgaria done in 2003

Резултати от мониторингово проучване на процедурите по достъп до информация през 2004 год.



Litigation



The Access to Information Programme decided to provide assistance in court cases immediately following the adoption of the Access to Public Information Act. Court appeals are the only means of control when the administration fails in the implementation of the law; therefore it is easy to understand why interest in FOI litigation increased. However, the most important reason for FOI litigation was the ambiguity of some of the provisions of the law, as well as the fact that many of AIP's proposals submitted during the public debate before the adoption of the APIA, which were based on international standards, were disregarded. Some proposals were taken into consideration but it was doubtful whether the administration truly understood their purpose and meaning. Therefore, we remained true to the principle of following people's actual problems. In 2000, the first three court cases concerning refusals of public information were initiated. By December 2006, the number of cases that were brought to the court with AIP assistance or support had reached 100.



Vassil Chobanov (journalist) and Alexander Elenkov (Supreme Administrative Court justice) present AIP's publication Access to Information Litigation in Bulgaria: Selected Cases, Volume 3

The litigation campaign

may be described as consisting of three successive phases. The first period was characterized by the testing of the law and the clarity of a number of its provisions, as well as exploring the possibilities for lodging complaints against silent refusals. The second phase was brought about by the need to clarify the relationship between the APIA and the Protection of Classified Information Act, adopted in 2002. The balance between access to information and the protection of personal data also emerged as an important practical issue. The third phase, which actually changed the media's attitudes towards the law, was litigation on behalf of journalists from different media.

The first wave of litigation showed that in our system, it was relatively difficult to foresee the main problem, making it necessary to watch all developments closely. For example, we expected that the definition of „public information” would be the most difficult problem. However, such a problem did not emerge during the first years of APIA implementation. Unexpectedly, however, the question of whether silent refusals could be challenged before the court emerged. The question arose



Litigation

after the judgments of two three-member panels of the Supreme Administrative Court stated that appeals against silent refusals under the APIA were inadmissible. The justices based their argument on the lack of a provision in APIA regulating cases in which an obliged body fails to respond within the prescribed time frame. We realized that such a problem

sets the implementation of the law at risk.

If the court had upheld such practices, this would have constituted a serious barrier to access to information requests. Who would respond in written form if they could remain silent and not be sued for that? Later, a five-member panel of the Supreme Court agreed that silent refusals were subject to appeal.

In the beginning, AIP provided exhaustive legal help in these cases. Later, we started providing only part of the defense, as part of our strategy to stimulate requesters to exercise their legal rights by themselves.

The second wave of litigation concerned the application of exemptions to access to information. In 2002, the Protection of Classified Information Act (PCIA) and the Personal Data Protection Act (PDPA) were adopted. The PCIA required governmental institutions to review all documents that had been classified before the adoption of the law, for the purpose of de-classifying as much information as possible. This requirement was disregarded for a long time, leading to cases of abuse of the classification of documents. Landmark cases from this period include AIP's case against the Council of Ministers for their refusal to provide a copy of the Rules for Protecting State Secrets in the People's Republic of Bulgaria (1980) and a case against the Minister of Finance, who refused access to the contract for customs reform with the British Consultancy Crown Agents. A panel of the Supreme Administrative Court repealed the first refusal in 2003. In June 2004, the Council of Ministers declassified 1,484 documents, including the above-mentioned Rules of 1980. The court proceedings against the Ministry of Finance triggered the review and de-classification of documents in the institution in October 2004. At the same time, the case revealed misuse of the PCIA, since access to the contract was refused on grounds that violated PCIA provisions.

Another problem that arose from the application of the access to information exemptions concerned the protection of personal data. Instead of blacking out such data in documents containing public information, officials preferred to refuse access to entire documents. This practice has not yet been changed.

Litigation



The third wave of litigation was characterized by **journalists' and media interest**

in FOI legal procedures. The first complaint submitted to the court was that of Alexey Lazarov, a journalist from the weekly *Capital*. He was refused access to the minutes of the first session of Simeon Saxe-Coburg-Gotha's Cabinet. Court proceedings were initiated in 2001 and ended with the repeal of the refusal as unlawful. Litigation for access to different types of information took place, including access to information about the official trips of ministers, decisions by the Minister of Education for additional admissions for high-school students, and contracts between the state and private companies. The reluctance to disclose former State Security Services documents also led to court proceedings. Hristo Hristov from the daily *Dnevnik* used some of the information that he received after a court decision in his favor in his documentary book *Kill the Tramp!*. Court proceedings were initiated by media or journalists from *Capital*, *Dnevnik*, *Trud*, *24 Hours*, *168 Hours*, *Sega*, *Novinar*, *Monitor*, *bTV*, *Darik Radio*, *Radio New Europe*, and the online *Every Day*.

Developments in litigation practices under the Access to Public Information Act were presented and analyzed in our three books *Access to Information Litigation in Bulgaria* (2002, 2004, and 2005).





The International Freedom of Information Advocates Network

By the end of 2001, forty-three countries had adopted national laws on freedom of information. In 2002, ten countries were in the process of adopting such legislation.

AIP accumulated experience in monitoring implementation and in litigation during the first two years after the adoption of APIA in Bulgaria. In the interest of sharing the lessons it had learned with advocacy groups from other countries, AIP organized an international Freedom of Information Litigation Workshop in Sofia on September 26-28, 2002. Representatives of NGOs working on FOI issues from Albania, Armenia, Bosnia and Herzegovina, Bulgaria, Georgia, India, Latvia, Macedonia, Mexico, Moldova, Romania, Slovakia, USA, Hungary, and South Africa, as well as representatives of international organizations, took part in the forum.

On the last day of the workshop, the Freedom of Information Advocates Network (FOIANet) was established with the primary aim of sharing experiences and advocating for the adoption and improvement of Freedom of Information laws on national and global levels.



Helen Darbishire, chair of the FOIANet Steering committee and Gergana Jouleva, member of the Steering Committee

The network currently has 90 members from six continents, (<http://www.foiadvocates.net/members.php>). Over 300 experts from non-governmental organizations, Information Commissioners' Offices, international organizations, and universities are part of its electronic discussion group. Members of the discussion group have written more than 500 messages on almost 100 subjects, including comments on draft laws, court decisions, comparative legal analyses, news, etc.

Over the past ten years, AIP has accumulated vast experience in access to information legislation and its implementation. The lessons learned have been presented by AIP experts at forums in Armenia, Argentina, Mexico, Nigeria, Chile, Macedonia, Moldova, Romania, Ukraine, Serbia, Montenegro, and Turkey.

The International Freedom of Information Advocates Network



Right to Know Day

In 2002, members of the global Freedom of Information Advocates Network decided to designate September 28 as the International Right to Know Day in order to promote and raise awareness of everyone's right to access government-held information (<http://www.righttoknowday.net>).



The Golden Key for an NGO, citizen, or journalist who has actively exercised their access to information rights



The Golden Padlock for an institution that does not fulfill its obligations under APIA

AIP celebrated the International Right to Know Day for the first time on September 28, 2003, with a press conference and an awards ceremony. Since then, AIP has given awards to citizens, NGOs, and journalists for their contribution to the sphere of FOI. In this way, we encourage citizens to exercise their right of access to information, as well as recognizing institutions that fulfill their obligations under the Access to Public Information Act, supporting the development of positive practices. Since many institutions still do not fulfill their obligations and violate citizens' right of access to public information, we also present negative awards.

2002



The International Freedom of Information Advocates Network



In 2006, more than 40 organizations in 30 countries observed the International Right to Know Day.



Two of the 2006 Golden Key recipients: Ms. Genka Shikerova, a journalist from bTV, was recognized for her investigation of illegal construction in the seaside Nessebar Municipality; and Mr. William Popov, recognized for his active use of APiA to obtain information from different institutions (including the President's Office, the Prime Minister's Office, ministers, and mayors) and for successful FOI litigation.

Training Sessions



Training sessions are an essential part of AIP's activities to raise awareness and promote the right of access to information. At the beginning of the implementation of APIA, neither seekers nor the obliged bodies were well-informed about this right. Public officials knew very little about the Access to Public Information Act (APIA), since the law had not been discussed with them beforehand. There was no political will for the implementation of the law, and in addition the APIA itself did not provide for the training of public officials. From the very beginning of the law's implementation, it became clear that there would be continually emerging problems with the interpretation of some of its provisions. For AIP, it was apparent that easy exercise of the public's right of access to information depended to a great extent on officials' knowledge of FOI legislation. Citizens, however, did not know their rights, nor were they aware of how the APIA could help them in their personal or community business. Thus, training sessions for both information seekers and information providers were necessary.



Since 2000, AIP has organized more than 170 training sessions. Approximately 7,500 representatives of NGOs, journalists, and public officials from central and local administration have taken part in these training sessions. The goal was to train NGOs not only to use APIA in their everyday work, but also to train citizens and other NGOs in how to exercise the right of access to information by themselves. Trainings for journalists have built trust in the law as a good weapon in the hands of investigative journalists. Reporters have become acquainted with the law's procedures, as well as with real cases of litigation by fellow journalists who have already won their battles for access to information. Training sessions for officials from the administration have resulted in a better understanding of the essence, meaning and spirit of the right to freedom of information. Participants have been introduced to fundamental principles and international standards in the area of freedom of information, as well as becoming acquainted with Bulgarian legislation and existing practices for the provision of access to information.



Training Sessions



The results of our efforts were not instantly discernible; however, there has been a lasting positive impact. Seekers of information have gained the self-confidence to exercise the rights guaranteed to them by the law, while information providers have gained confidence in releasing documents. Good administrative practices have been established as well.

Training sessions for information seekers and providers are part of the civil education process that AIP is engaged in to promote and facilitate the exercise of the right of access to information.



Media Campaigns



Constant coverage of freedom of information issues in printed and electronic media is among the priorities of AIP. For the past ten years, AIP's team and its coordinators across the country have released 1,250 publications and participated in **1,100 radio and television broadcasts**.

Since 2004, within the framework of the *Implementation of Freedom of Information in Bulgaria* project, undertaken in cooperation with VVMZ East European Investment Services B.V. (NL) and financially supported by the Programme for Social Transformation in Central and East Europe (MATRA) of the Netherlands Ministry of Foreign Affairs, AIP has been publishing a monthly FOI Newsletter. It is disseminated electronically and reaches more than 1,000 subscribers.

Analysis and recommendations for FOI legislation improvement are published in the newsletter's **Legislation Analysis** column.

From the Court Room presents a review of important FOI litigation and court decisions related to access to information.



Analysis of and recommendations for the improvement of FOI implementation practices are included in the column entitled **Practices Review**. In **Lawyer's Commentary** we provide answers to questions from citizens who are searching for information.

In **Request Experiences** we publish interesting cases related to the submission of requests for access to information.

The **FOI Advocates** column discusses interesting practices, as well as the development of FOI standards around the globe.

We also publish interviews with foreign and domestic experts on matters related to freedom of information.



Media Campaigns

To strengthen our media campaign and reach a wider audience, we started our own weekly radio show at the end of 2004. Until July 2005, analyses and critical evaluation of events related to access to information in Bulgaria were broadcast on Radio NET. In 2006, the *Right to Know* show was broadcast on Radio New Europe frequencies.

Since 1999, AIP has maintained a web site in Bulgarian and in English at

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

During the past year, nearly 3,000 people have visited our Internet site each month, most of them coming from Bulgaria (44%) and the USA (32%).



Templeton Awards



In 2005, the Access to Information Programme received two Templeton Awards for its efforts to make the Bulgarian government more transparent and accountable and for our research, opinions, and representation in court cases.

AIP was awarded first place for the Templeton Freedom Prize for Excellence in Promoting Liberty in the category of Ethics & Values.

Awards are presented by the Atlas Economic Research Foundation in the following categories: Free Market Solutions to Poverty; Ethics and Values; Social Entrepreneurship; and Student Outreach.

AIP was recognized among dozens of local and international nongovernmental organizations for promoting democratic principles and civil society values, and particularly for facilitating the exercise of the right to access information, for encouraging individual and public demand for government-held information through civil education in the area of the right to know, and for working for the transparency of government at central and local levels.



Gergana Jouleva receives the Templeton awards from Alexandro Chafuen, President and CEO of the Atlas Economic Research Foundation (left) and Leonard Liggio, Executive Vice President



„Freedom of access to information about government and government functions is of crucial importance for a free society ... A more open and transparent government will be the result of the activities of AIP,” a judge for the Ethics and Values Templeton Freedom Prize noted.



Templeton Awards



Recipients of the 2005 Templeton Freedom Prizes for Excellence in Promoting Liberty

In 2005, the Atlas Economic Research Foundation recognized AIP with one more Templeton Award. AIP was among the 15 winners of the 2005 Templeton Freedom Award Grants for Institute Excellence.

The Templeton Freedom Awards Program was launched by the Atlas Economic Research Foundation in 2003 with the purpose of recognizing promising organizations that contribute to the advancement of the principles of freedom, equality and responsibility. Among the recipients of Templeton Awards are Mother Teresa of Calcutta, the Reverend Billy Graham, dissident writer Alexander Solzhenitsyn and theoretical physicist Paul Davies.

These awards reflect international recognition of AIP's efforts in freedom of information advocacy and constitute an evaluation of its efficiency.





„Dear Ms. Jouleva, dear colleagues and friends,
It is a pleasure for me to congratulate you on the 10th anniversary of this important project of yours! I say „yours,” however I'd like to underscore that your work in the protection of the basic civil right to know and the right to be informed is actually work done in the name of democracy. I congratulate you for your courage, tenacity, patience, motivation, and for your success during these ten years. Thanks to your activity, citizens' opinions about the right of access to information have been accepted and imposed more quickly in Bulgaria. Everyone who has made even a step in this field can say - it was worth it! Your efforts provided civil society with an impetus to stop talking about access to information as something exotic and something that is happening elsewhere.

These ten years were marked by difficulties as well as achievements. Both difficulties and achievements strengthen one's character. For this reason, I congratulate you namely for your character, since it is good not only for personality but also for the cause. Strong citizens guarantee a strong state and you are on the citizen's side. Congratulations!”

Meglana Kouneva
Minister of European Affairs

„I wish to cordially congratulate you on the occasion of the 10th anniversary of the Access to Information Programme!

I'm taking the opportunity to express my respect for all that AIP has done for the improvement of institutional transparency, promotion of the search for information and the protection of citizens' rights to be informed about the activities of the authorities. For ten years you have been carrying out your important task of supporting the implementation of the right to information. In doing so, you have become an active advocate of democratic principles, as well as the principles of legal order and the constitutional state. I wish you to be as persistent and active in the implementation of this noble mission in the future!”

Prof. George Petkanov
Minister of Justice

Ten Years Advocacy for Access to Information



Ten Years Advocacy for Access to Information

„It is my pleasure, personally and on behalf of the State Commission on Information Security, to congratulate you on the occasion of your 10th anniversary. The recognition of access to information is not only a constitutional right but also a political responsibility. I'm taking the opportunity to assure you that the State Commission on Information Security will continue to work for the incorporation of European standards on access to information. I strongly believe that AIP will continue its mission as a guarantee in this process.”

Tzveta Markova
Chairperson of the State Commission on Information Security

„Access to information in Bulgaria is associated with your organization. Without AIP the law most likely would not have been adopted in 2000. Without your strictness, the state administration would not be so open to citizens and businesses. I am very happy that we are partners.”

Maria Divizieva
Deputy Minister of MSAAR

„Congratulations to the Access to Information Programme Foundation on its 10th anniversary, which coincides with Bulgaria's membership in the European Union. Access to Information is a cross-cutting issue and has relevance for society as a whole, as well as having a political meaning. It is about transparency and accountability. It is about the quality of society and democracy. The Access to Information Programme has a noble calling and must be proud of what it has accomplished so far.”

H.E. Willem van EE,
Ambassador of the Netherlands

„Ten years ago, the Access to Information Programme set support for the implementation of the right to access government-held information as a top priority. I strongly believe that this effort has substantially contributed to a more transparent and better-functioning democracy in Bulgaria - something that was acknowledged by the EU when it announced that Bulgaria will become a full member-state as of next year. Because such implementation of access to government-held information is a very difficult, long-lasting and expensive progress and project, we were very happy when the Netherlands Ministry of Foreign Affairs approved the project three years ago, which was set up with AIP and VVMZ to support the implementation of access to government information in Bulgaria. This project,



which is now nearing its end at the beginning of next year, has reached most of the project goals that were defined at the start of the project, thanks to the exceptional role of AIP. I want to thank AIP for its outstanding performance and enormous dedication to this project."

Laurens de Man,
Executive director, VVMZ

„We are happy that Bulgaria joined the family of countries with freedom of information laws as early as 2000. I would like to take the opportunity to congratulate AIP and their executive director for their excellent work and for their critical contribution to the improvement of interaction between citizens and the government. At the seminar on the Right to Information organized by UNDP in Oslo in May of this year, AIP in Bulgaria was recognized as one of the leading NGOs and advocates of the right to information around the world. Its work has had an important impact not only in Bulgaria but also in other countries, which I believe to really be a remarkable achievement. I wish you much success in the future!"

Lene Jespersen,
Deputy Resident Representative of UNDP to Bulgaria

„I have had the privilege working with AIP for eight years. The work of AIP in fighting for an access to information law here, followed by its role in the implementation of the law has been an important element in helping the democratic transformation in Bulgaria, which has contributed to EU membership. Groups like AIP sometimes lead the way and set standards, often even moving ahead of developed democracies. In Bulgaria AIP has developed a number of different strategies, including litigation strategies, training programs for public officials, and campaigns to raise public awareness. Monitoring is also one of their activities. The monitoring methodology that was developed in Bulgaria then has been used by a number of other organizations to create an international monitoring methodology, in which Chili performed very poorly and Bulgaria performed very well. This evidence was used by lawyers and played an important role in the recent decision of the Inter-American Court of Human Rights to recognize access to information as a human right."

Helen Darbshire
Executive director, Access Info Europe

Ten Years Advocacy
for Access to Information



Ten Years Advocacy for Access to Information

„Freedom of information is the most basic element in creating a strong democracy and is the most important thing allowing people participate in politics. There are always politicians who want to keep important information secret. The fight for freedom of information is an everyday fight; journalists should be alert as to what is going on. Bulgaria is a young democracy and soon will become a member of the EU. AIP has gotten a wonderful reputation over the last 10 years. I hope you can continue to your work. Thanks to your activity, journalists will be able to do their job, which is to remain close to the facts and the truth and nothing more than that.“

Edward Figee
VNG International Senior Advisor

„As the Access to Information Programme turns ten, we may say you are still a child. However, your history shows that you have been working as a very experienced adult. Since 1999 we have been working on different regional projects. I want to mention two events that were created by AIP in Bulgaria. Your organization was the first to celebrate Right to Know Day, which you then - let's use that word - „exported“ to all international organizations that are working on freedom of information. AIP's second contribution is your input in starting and establishing a network of organizations concerned with freedom of information. I wish you all the best and I'd like to be here again in another ten years.“

Illir Aliaj
Executive Director of the Center for the Development and Democratization of Institutions, Albania

„It was the need and the value of information that gathered us together in 1996. We were convinced that an informed society is a democratic society. Such a society could be demanding toward its institutions. An informed society should receive necessary information from the media, while the media should press the institutions. In this way citizens and institutions can have a dialogue and government can be transparent. The human factor was important here - the principles of Gergana Jouleva and her will to be what she is have united the team of AIP and have made it so significant.“

Juliana Methodieva,
Co-Founder of AIP, editor-in-chief of *Obektiv* magazine
BHC



„We can be very proud because AIP has surpassed all of our expectations about what could be achieved during these years. This anniversary is an opportunity to recall what we thought, what we wanted to do, what we expected to happen, and what actually happened. This is a time to estimate and reconsider the experience, which will help us in the future. Ten years ago when we discussed what was important and why this needed to be done, we were united by the conviction that information is power and that this power should be accessible in a democratic society. Beyond this, we clearly understood that to begin to function, the right to information should be incorporated in a legal text and should become part of a law. There were two ways to achieve this - adoption of a law by the Parliament or by virtue of the Constitution or international legislation.”

Yonko Grozev,
Center for Liberal Strategies, Co-Founder of AIP

„We cordially congratulate you on your 10th anniversary. With dedication, professionalism and aspiration for improvement you have made a name for yourselves as a pillar of the right of access to information. Thanks to your efforts we are witnessing more and more open, transparent, and accountable public institutions and increasingly informed and active citizens.

We wish you health and inventiveness, more effective work and satisfaction, a stimulating environment and a good mood! May you rely more on your partners and friends both in difficult and happy moments! We are with you!“

Ginka Capitanova
Executive Director, Foundation for Local Government Reform (FLGR)

„Most sincere greetings on the 10th anniversary of AIP! During these years you have successfully carried out your mission to improve the state of access to information in Bulgaria. As a municipality we are extremely glad to cooperate with and to receive your support. I hope this fruitful relationship will last so we can jointly help citizens when they look for and receive information.

I wish all of you at AIP health, many successes, and persistence in pursuing your mission, which is exceptionally valuable and vital for this society.“

Hasan Azis
Mayor of Kurdjali

Ten Years Advocacy
 for Access to Information



Ten Years Advocacy for Access to Information

„Ten years is quite a long time. You have fulfilled and defended your mission: to facilitate the implementation of access to information. Your campaign is indisputable proof that freedom of information is of significant importance for democratic society. Freedom of Information guarantees public trust in the authorities, and this trust is one of the main prerequisites for effective and successful governance. AIP has been working towards the establishment of the main democratic values - transparency, accountability, participation and respect for every Bulgarian citizen.

I wish you and your enthusiastic team ambitious new challenges and achievements.“

**George Georgiev,
Mayor of Tundza**

„You are custodians of the necessity for society and citizens to be informed and to actively participate in the life of public institutions. Access to information sharpens people's attention and facilitates the decision-making process when it comes to important problems. Your work is extremely useful and fruitful for the development of a democratic civil society. We are proud and grateful that Loukovit municipality has been nominated several times as an institution that gives the public at large the opportunity!“

**Petyr Ninchev
Mayor of Loukovit**

„I would like to cordially congratulate the whole team on the occasion of the 10th anniversary of AIP! Personally and on behalf of the officials of the Sliven municipality, I hope you continue to follow your noble mission in establishing the right of access to information. Your persistent advocacy for improvement of existing legislation and for its harmonization with European standards is laudable.

Thank you for your help in our activities to responsibly provide public information! Thank you for your support, assistance and for the very useful information materials. We use your experience in applying FOIA provisions; we will continue to rely on your assistance!

I am proud of the fact that you acknowledged us on Right to Know Day and that we received an honorable diploma. This is a great honor for the Sliven municipality!“

**Yordan Lechkov
Mayor of Sliven**



„The people from AIP are professionals and they are a team. I envy Gergana Jouleva for her wonderful team. AIP is one of the reasons why Bulgaria has created a good access to information environment; you are the engine, the locomotive, that pulls things forward.”

Hristo Hristov,
Journalist, *Dnevnik Daily*

Ten Years Advocacy for Access to Information



Publications

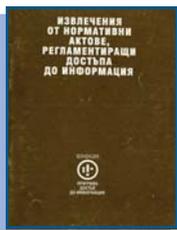
1997



We Have the Right to Know (in Bulgarian)

This brochure explains the constitutional right to information, including the decision of the Bulgarian Constitutional Court from 1996. Access to information legislation in other countries is also presented.

1998



Selected Passages from Laws Regulating Access to Information in Bulgaria (in Bulgarian)

This brochure contains excerpts from laws regulating access to information and related rights in Bulgaria. The brochure also contains parts of the U.S. Freedom of Information Act and the Government in the Sunshine Act.



The NEC Case (in Bulgarian)

This booklet presents analyses of how the classification of documents by the Bulgarian National Electricity Company (NEC) restricted access to information. NEC services were of poor quality, while the price of power did not match the expenses incurred. The NEC allocated subsidies to other public and private companies, while at the same time aiming at increased secrecy. This publication was provoked by NEC's request to be placed on the unpublished list of governmental agencies and other entities whose information should be classified as a state secret and protected by special security units.



Access to Information and Local Governance (in Bulgarian)

This brochure analyses the problems of access to information with respect to economic statistics, privatization, and fiscal matters. This publication explains the rights of citizens to participate in local council meetings, to access documentation from these meetings and to have access to local budgets.

Publications



Unemployment Programs (in Bulgarian)

This brochure was specially produced to respond to the demand for access to information about employment opportunities and the stability of the social and health insurance sectors after the economic crisis and inflation of social insurance funds in 1996.



Access to Information: Norms and Practices (in Bulgarian)

This book was published twice due to the great interest in its discussions, legal analyses, and comments on access to information cases. It also included excerpts from legislation regulating freedom of information, including the „List of Facts and Records Subject to Classification as a State Secret of the Republic of Bulgaria.”



Access to Information (in Bulgarian)

This was a report on a sociological survey of 56 lawyers and 60 journalists conducted through *face to face* interviews. The opinions of both groups about the basic principles and concepts to be included in a future access to information law are presented.



The Right of Access to Information o Concept on Legislation

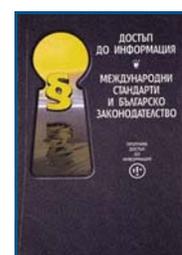
This publication presents detailed and well-grounded proposals by AIP experts related to the regulation of the right to information access in Bulgaria. The concepts elaborate the principles of a future law, including its purpose, who should have the right of information access, institutions that should be obliged to provide access, the scope and purpose of access to information, the exceptions to this right, and the mechanisms for providing information and for the protection of this right.



1999

Access to Information: International Standards and Bulgarian Legislation (in Bulgarian)

This publication presents practices in Bulgaria as well as foreign experiences that were discussed at an international conference held in Sofia on December 7-8, 1998. The book describes interesting practices from Australia, the Czech Republic, Great Britain, Hungary, and Sweden, and also includes the Johannesburg Principles that were presented by the director of the Europe program Article 19, an organization which co-organized the conference.





Publications



Access to Information and Local Media (in Bulgarian)

This brochure discusses problems faced by journalists in their everyday search for information. Some typical cases involving various local institutions (municipalities, court, police, customs, etc.) are presented and commented on by AIP lawyers.



Access to Information and Public Participation (in Bulgarian)

This book shares experience from the municipalities of Gabrovo, Razgrad, Russe, Shumen, Stara Zagora, Vidin, and Vratsa. Mayors, regional governors, NGOs, and journalists talk about existing information strategies and practices.

2000



Public Registers, a Handbook (in Bulgarian)

This handbook explains the procedures for accessing public registers kept by local government authorities, courts, and registry agencies and services provided by regional courts and the Sofia City Court. Attached is a table of services and access procedures.



Public Registers Situation

The report outlines the condition of public registers, both from the point of view of public authorities and from information seekers. It contains a systematic overview of the regulated registers in Bulgaria. The choice of the registers studied was aimed at facilitating public access to the greatest extent, which is why we chose the registers for which the demand for information was highest.



How to Get Access to Information, Handbook for Citizens

This handbook explains the procedures established by the newly adopted Bulgarian law for exercising the right to information. Answers to the following questions are provided: what is *public information*, who is obliged to provide access to information, how to request and receive information, what answers can seekers expect, and how can seekers appeal the decision of the administration.



Defining Defamation, Principles on Freedom of Expression and Protection of Reputation (translation from English)

These principles establish an appropriate balance between the human right to freedom of expression, guaranteed in UN and regional human rights instruments as well as in nearly every national constitution, and the need to protect individual reputations, which is also widely recognised by international human rights instruments and the law in countries around the world.

Publications



The Public's Right to Know, Principles on Freedom of Information Legislation (translation from English)

These principles, produced by Article 19, the Global Campaign for Free Expression, establish standards for national and international regimes which recognize the right to freedom of information. The nine principles are: maximum disclosure, obligation to publish, promotion of open government, limited scope of exceptions, processes to facilitate access, costs, open meetings, disclosure takes precedence, and protection for whistleblowers.



The Johannesburg Principles (translation from English)

The Johannesburg Principles on national security, freedom of expression and access to information were adopted on October 1, 1995, by a group of experts in international law, national security, and human rights in Johannesburg. The Principles are based on international and regional law and standards relating to the protection of human rights, evolving state practice (as reflected, inter alia, in judgments of national courts), and the general principles of law recognized by the community of nations.



2001

How to Apply the Access to Public Information Act, Local Administration Handbook

This handbook describes the obligations of local authorities to provide information, the procedures they have to follow, and possible cases in which access can be denied. The handbook includes a model of a decision for providing partial access to information.



Access to Information and Local Media - II (in Bulgarian)

The book contains summaries from eight discussions held by AIP in the towns of Blagoevgrad, Lovech, Montana, Pazardjik, Sliven, Targovishte, Varna, and Yambol. The book includes the „Guidelines and Recommendations On Police - Media Relations” adopted at a Police and Media Workshop held in Varna with police officers and journalists from Albania, Bulgaria and Macedonia.



The Current Situation of Access to Public Information in Bulgaria 2000, Report

The first annual report of the Access to Information Programme outlines the developments in access to information legislation and its implementation practices. The report focuses on the most important event for 2000: the adoption of the Bulgarian Access to Public Information Act. We also analyse the practices in use





Publications

before the adoption of the law, when citizens, journalists, and NGOs exercised their right to information using the provision of Art. 41 of the Bulgarian Constitution and other laws.



Problems in the Implementation of the Access to Public Information Act (in Bulgarian)

This booklet contains the minutes of a roundtable discussion with lawyers, university professors, judges and attorneys held in February 2001 in Sofia. The purpose of the roundtable was to outline the most important problems related to the implementation of the APIA, to suggest possible solutions and to discuss strategies for the protection of the right to information in court.



Fulfillment of the Obligations Under APIA by the Bodies of the Executive Power

This report outlines the implementation problems faced by public authorities and their preparedness to apply the law almost one year after its adoption. AIP and the Agency for Social Analyses conducted the survey and compiled the report, which covers the central bodies of executive power and their territorial departments, as defined by the Administration Act and as listed in the Register of Administrative Structures. We also studied the 100 largest Bulgarian municipalities by population.

2002



The Current Situation of Access to Public Information in Bulgaria 2001, Report



Access to Information Litigation in Bulgaria. Selected Cases.

This book presents some of the most significant access to information cases heard by the Bulgarian Supreme Administrative Court and includes full documentation on 11 cases. The introduction reviews the most important problems emerging from access to information litigation during the first years after the adoption of the APIA and outlines some of the obstacles to freedom of information in Bulgaria.



How to Get Access to Information, Handbook for Citizens Second edition, in Bulgarian

Publications



The Year of Rational Ignorance

This report presents the results of the sociological survey „Fulfillment of the Obligations under APIA by the Bodies of the Executive Power 2002.” It outlines developments in the implementation of the law during the previous years and covers the bodies of the executive and the 100 largest Bulgarian municipalities by population.



2003

The Current Situation of Access to Public Information in Bulgaria 2002, Report



I Have the Right to Know (in Bulgarian)

The brochure explains the concept of „personal data” and answers the following questions: who can collect personal data, what are our rights as data subjects, what rights we have when we provide our personal data, and who can we turn to when we believe our rights to personal data protection have been violated.



Access to Public Information: Norms and Practices of State Financial Control (in Bulgarian)

This book presents the minutes from the roundtable discussion „Access to Public Information: Norms and Practices of State Financial Control,” held in June 2003. The discussion is interesting for everyone who is interested in practical access to information from the institutions that control the spending of public funds in Bulgaria.



How to Get Access to Environmental Information

The structure of this handbook grew out of a review of specific cases referred to the Access to Information Programme between 1997 and 2003 and the lawsuits conducted since 2000. The text of the handbook reflects on questions raised during discussions of the EPA and the Aarhus convention with representatives from the Regional Inspectorates of Environment and Water, Basin Directorates, NGOs and other institutions working for the preservation of the environment. The handbook presents part of the litigation initiated under the Environmental Protection Act, as well as selected passages from laws regulating access to information about the environment, model information requests and appeals, and useful links and addresses.





Publications

2004



Access to Information in Bulgaria 2003. Report



Report on Access to Information, Public Participation and Access to Justice on Environmental Matters

This report, prepared using the methodology of the Access Initiative of the World Resources Institute, presents analysis of relevant legislation and assessment of characteristic cases. Experts from AIP and the „Borrowed Nature” Association evaluated the work of state institutions in four categories: provision of access to information; encouragement of public participation in the decision-making process; provision of access to justice on environmental issues; and attempts at building administrative capacity and the activeness of NGOs and citizens in exercising their rights.



Access to Information Litigation in Bulgaria: Selected Cases, Volume 2

The book presents important Supreme Administrative Court decisions on the Access to Public Information Act (APIA) from the end of 2002 until March 2004. The authors comment on problems related to the admissibility of complaints against silent refusals, the definition of the term „public information,” the formulation of requests and the exceptions from the right of access to information. The practices of refusal on the grounds of state, administrative, and commercial secrets are analyzed, as well as the exemption related to documents with no significance of their own. Ten court decisions on FOI cases of public interest were published, which are important regarding the interpretation of certain provisions of the APIA.



Freedom of Information - Training Manual for Public Officials

(Translation from English)

This manual is aimed primarily at public officials who recognize the need to improve their work in providing information in accordance with the best practices in the area. The first section of the manual explains the main freedom of information principles, while the second is intended particularly for officials who decide on access to information requests. In 2003-2004 a pilot version of the manual was used in training sessions for trainers and public officials in Albania, Bosnia and Herzegovina, Bulgaria, Moldova, and Rumania.

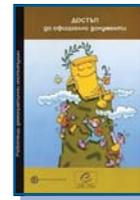
Publications



Access to Official Documents - Council of Europe Guide

(Translation from English)

The aim of this guide is to raise awareness among the general public and civil servants about the principles set out in Recommendation (2002)2 on access to official documents, adopted by the Committee of Ministers of the Council of Europe on February 21, 2002. The guide concerns only official documents held by public authorities, clarifying a series of practical questions and pointing to the action that public authorities may take in order to facilitate access.



How to Get Access to Information? Handbook

Third edition, in Bulgarian.

2005



The Current Situation of Access to Public Information in Bulgaria 2004. Report



How to Apply the Access to Public Information Act?

This manual for administrative officials contains basic international standards and principles of access to information legislation, as well as the procedures for providing access stipulated by the Bulgarian law. Practical recommendations and examples of accumulated good practices are addressed to the responsible information officials.



Access to Information Litigation in Bulgaria: Selected Cases, volume 3

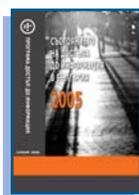
This book contains analyses of questions that have arisen during court practices and also contains all the documents filed in ten FOI cases. The publication of as many court documents as possible (including written defenses, court session minutes, etc.) is aimed at presenting the positions of the parties and the judgments that have led to the final court decisions.





Publications

2006



Access to Information in Bulgaria 2005, Report.

Access to Information in the Judicial System, Report
(in Bulgarian)

This report was prepared in cooperation with the Bulgarian Center for Not-for-profit Law and presents an analysis of legislation concerning access to judicial information from the point of view of the Bulgarian APIA, which incorporates international standards. A number of problems in this area could be solved by amendments to the Regulations for Court Administration in District, Regional and Appellate Courts, which encompass a considerable part of the administration of the judicial system.

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PROJECTS

Access to Information Campaign - 1997 -1998

Promotion of Freedom of Information Legislation - 1998 - 2001

Framework for Freedom of Information Legislation in Bulgaria -
June 1998 - January 1999

Legal Assistance for Local Media Journalists in Cases of Information Denial - October 1998 - September 1999

Facilitating the Cooperation Between the Local Administration and the Local NGOs in the Access to Information Area -
October 1998 - September 1999

Where and How to Exercise the Right to Information -
July 1999 - July 2000

Access to Information - Police and Media (cooperation with COLPI - Budapest and European Center - Tirana) -
December 1999 - November 2000

Legal Help for Journalists and NGOs in Cases of Refusals of Information - December 1999 - January 2001

Public Education About FOIA - cooperation with other members of Bulgarian Media Coalition (BMC) - January 2000 - December 2000

Practical Access to Democracy in Central and Eastern Europe. This is a regional project, funded by European Commission, with the leading role of Article 19 and partnership of nine NGOs from Albania, Bulgaria, Croatia, Montenegro and Romania - August 2000 - November 2002

Advocacy for the Implementation of APIA and Judicial Review -
December 2000 - January 2002

Campaign for Public Education About FOIA Legislation (cooperation with Bulgarian Media Coalition (BMC) - June 2001 - December 2001

Monitoring of the Implementation of Access to Public Information Act (APIA) and Civic Education - June 2001 - November 2002

Freedom of Information Litigation - September 2001 - September 2002

Training for the Administration on the Implementation of the Access to Public Information Act (APIA). The project is supported by ABA CEELI - USAID - January 2002 - July 2002

PROJECTS

Public Education Campaign About FOIA Legislation in cooperation with Bulgarian Media Coalition (BMC) - April 2002 - September 2002

Roundtable on Amendments to the Access Public Information Act - May, 2002

Legal Help and Advocacy for Freedom of Information - June 2002 - July 2003

The Right of Personal Data Protection - a Basic Human Right (Educational Campaign on Personal Data Protection Act (PDPA)) - January 2003 - October 2003

Freedom of Information Litigation - April 2003 - April 2004

Freedom of Information: a Matter of Public Interest. Regional project with leading role of Article 19 in cooperation with 6 NGOs from Albania, Bosnia and Herzegovina, Bulgaria, Moldova, and Romania - August 2003 - July 2004

Freedom of Information Monitoring Pilot Project. In cooperation with Open Society Justice Initiative - May 2003 - September 2003

Promotion of the International *Right to Know Day* - September 28 - August 2003 - September 2003

Assessment of the Access to Environmental Information - October 2003 - May 2004

Freedom of Information Monitoring Project 2004/Bulgaria. In cooperation with Open Society Justice Initiative - January 2004 - November 2004

Regional Conference Advocacy for Freedom of Information - Independent Monitoring - May 14 -15, 2004

Implementation of Freedom of Information in Bulgaria. With cooperation of VVMZ East European Investment Service B.V., NL - January 2004 - December 2006

Freedom of Information Litigation Project - December 2004 - December 2005

Freedom of Information Advocates Network - November 2005 - December 2006

PROJECTS

Freedom of Information Litigation Conference. Lessons Learned -
November 25-26, 2005

FOI Study Visit to Bulgaria for a Delegation from Montenegro -
March 19 - 25, 2006

Promotion of Open Government through FOI Legal Assistance and Litigation -
May 2006 - April 2008

Access to Information Monitoring for Anti Corruption 2006 -
(in cooperation with Open Society Justice Initiative) -
March - December 2006

Right to Know Day Public Awareness Campaign -
August 28 - September 30, 2006

Access to Information in the Judicial System -
March - December 2006

Strengthening NGOs in Their Search for Public Information -
December 2006 - May 2008

Increasing Government Transparency and Accountability through Electronic Access to Information -
March 2007- December 2008

FUNDING SOURCES

PHARE Programme – 2004 Civil Society Development

United Nations Development Programme

MATRA Programme of the Netherlands Ministry of Foreign Affairs /

VVMZ East European Investment Service B.N. (NL)

The Council of the European Union

Open Society Institute - Budapest

Open Society Justice Initiative

Charles Stewart Mott Foundation

Open Society Foundation - Sofia

World Resources Institute / The Access Initiative (TAI)

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of the Netherlands in Sofia**

The Council of the European Union / Stability Pact

ABA CEELI – USAID

The Human Rights and Governance Grants Program of the OSI

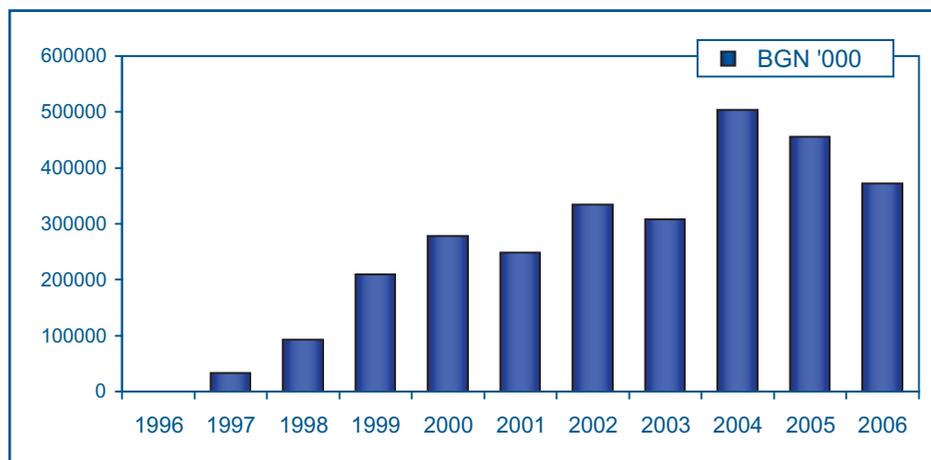
PHARE Democracy Microprojects

USIS – Sofia

IREX – USAID

**Netherlands Organization for International Development Cooperation
(Novib)**

Finances 1996 - 2006



FINANCIAL STATEMENT
of Access to Information Programme Foundation

	2001 BGN '000	2002 BGN '000	2003 BGN '000
Operating revenue			
Regulated activities	246	333	292
conditional donations (projects, grants)	246	333	292
unconditional donations	-	-	-
Business activities	3	1	16
Total:	249	334	308
Financial revenue			
Foreign currency exchange gains	17	13	-
Interest income	2	1	2
Total:	19	14	2
Total operating revenue:	268	348	310
Operating expenses			
Expenses on regulated activities			
Expenses on external services	(141)	(200)	(157)
Other expenses	(22)	(69)	(65)
Administrative expenses	(81)	(62)	(63)
Business activities expenses	(2)	(1)	(16)
Total:	(246)	(332)	(301)
Financial expenses			
Foreign currency exchange losses	(13)	(24)	(12)
Total:	(13)	(24)	(12)
Total expenses:	(259)	(356)	(313)
Income tax expenses	-	-	-
Result	9	(8)	(3)

FINANCIAL STATEMENT
of Access to Information Programme Foundation

	2004 BGN '000	2005 BGN '000	2006 BGN '000
Operating revenue			
Regulated activities	499	451	370
conditional donations (projects, grants)	499	419	365
unconditional donations	-	32	5
Business activities	5	5	7
Total:	504	456	377
Financial revenue			
Foreign currency exchange gains	2	8	5
Interest income	2	3	2
Total:	4	11	7
Total operating revenue:	508	467	384
Operating expenses			
Expenses on regulated activities			
Expenses on external services	(322)	(223)	(190)
Other expenses	(77)	(95)	(81)
Administrative expenses	(97)	(105)	(98)
Business activities expenses	(5)	(2)	(2)
Total:	(501)	(425)	(371)
Financial expenses			
Foreign currency exchange losses	(5)	(2)	(12)
Total:	(5)	(2)	(12)
Total expenses:	(506)	(427)	(383)
Income tax expenses	-	-	(1)
Result	2	40	(1)

10 years
Access to Information Programme

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