

THE YEAR OF THE RATIONAL IGNORANCE
(results from a sociological survey)

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THE YEAR OF THE RATIONAL IGNORANCE¹

Report on the survey „Fulfillment of the obligation under APIA by the Bodies of the Executive Power 2002“

„We need more specific rules on the procedure.“

„We don't care about your law. Leave us alone.“

(Quotes from officials interviewed during the survey period)

PREFACE

The Access to Information Programme presents the results from the survey „Fulfillment of the Obligations under APIA of the Bodies of the Executive power 2002“ held between Oct. 10 and Oct. 30, 2002.

The purpose of the survey was to outline the development in the field of APIA implementation during the last year.

A similar survey was also carried out in October 2001 when 303 institutions from the central, local and regional executive power filled in our questionnaires. The results from last years survey were disseminated to the bodies of the executive and legislative power.

The results from the survey of 2001 were used in justifying some of the amendments in the Access to Public Information Act, introduced to Parliament by a group of MPs from the majority. The results were also presented and discussed in the training seminars for officials held by *the Access to Information Programme* and other international organizations in 2002².

¹ The concept of „rational ignorance“ has been used by Mancur Olson to describe the situation, when the typical citizens choose not to be interested in issues of public importance. The efforts a typical citizen would use in getting familiar with such issues exceed the benefit for him/her and that is why people choose to be indifferent to matters that would concern the society as a whole. See: Olson Mancur, *Power and prosperity: outgrowing communist and capitalist dictatorships*, Basic Books, 2000 also in Bulgarian.

² These training seminars for officials from the central bodies of the executive power were held by Access to Information Programme and Article 19 between February 2001 and February 2002. In the period of February 2002 - June 2002 AIP and the American Bar Association - Central and Eastern European Law Initiative held one-day training seminars for officials from the territorial branches of the executive power, the municipal and the regional administration in all regional towns of Bulgaria.

The attempt to describe the condition of APIA implementation is ambitious enough and would not be possible without our experience of constant monitoring of the practices of granting public information by the Bulgarian public institutions. We have based all our interpretations and recommendations concerning new policies in this area on our past observations. Indeed, *the Access to Information Programme* has been monitoring these practices for nearly six years. There have been many cases, when positive developments in the freedom of information area have been initiated by us. In other cases „public servants“³ have developed positive practices themselves⁴.

This year our specialized survey was held among some additional institutions, obliged under the Access to Public Information Act. These were institutions that have administrative powers and their activities generate large public interest, like the National Health Insurance Fund, the Auditing Chamber, etc.

The aim of this survey also needs some clarification

Why would an NGO like *the Access to Information Programme* conduct such a survey for a second consecutive year, and later publish and disseminate the results?

The Bulgarian Access to Publish Information Act does not provide for a controlling body for its implementation. A refusal to grant access to information can be appealed directly in court. Having in mind the necessary efforts and the amount of time that a decision under APIA normally consumes, it is understandable why appealing turns out to be a luxury phase in realizing the right to access to information. This step is only taken by highly motivated citizens assisted by NGOs supporting court cases of high public interest.

The Bulgarian Access to Public Information Act has not provided for a specialized institution⁵ to consider and take decisions on appeals in a reasonable period of time and to make recommendations to state bodies in cases when information has been denied illegally. Such a specialized institution is very much needed in Bulgaria, especially considering the fact that all public authorities, including those of the legislative and judicial power, are obliged under the Bulgarian law.

³ In Bulgarian the term „public servant“ is translated as „state servant“. In this sense the act known to the English reader as the Bulgarian Civil Servants Act is actually called in Bulgarian the „State Servants Act“, a name that reveals its true meaning and sense in the tradition of the Bulgarian administration.

⁴ We would like to mention here Margarita Stamatova, the secretary of the municipality of Karnobat and its lawyer, who have created a registration form for APIA requests, as well as the Municipality Information Centers, especially in the town of Sliven, and many others.

⁵ According to the survey performed by David Banisar, Deputy Director of Privacy International - *Freedom of Information and Access to Government Records Around the World*, July 2002, from the 45 countries that have adopted access to public information laws, 27 have such an institution (Ombudsman, Information commissioner, Information Commission), <http://www.freedominfo.org/survey/>

At the same time the Bulgarian APIA does not provide for clear obligations for controlling the overall implementation of the law by the executive power. Article 16 of APIA obliges the Minister of State Administration to publish summarized information about the implementation of the act. The publishing of simple but contradicting data⁶, without any analyses and evaluation does not contribute to the improvement of the situation of the APIA implementation.

The second circumstance, which justifies the conducting of this survey, is related to the actual work of AIP in evaluating the access to information situation in Bulgaria from the viewpoint of the information seekers.

Even if the report of the Minister of the State Administration had included analyses and evaluation of the freedom of information situation, the conclusions in it would have been made from the viewpoint of the officials. The obligation of the bodies of the executive power under APIA are not their internal business only, but are rather a means for ensuring a more transparent administration and providing better services to the public⁷. This is why we consider the review of these obligations by an external user of public information to be an extremely important factor in creating an overall picture of the APIA implementation.

We hope that the results from this survey will be useful in forming new policies for improving the access to information situation in Bulgaria.

⁶ The „Report on the Condition of the Administration in 2001“, of April 2002 <http://www.government.bg/2565.html/> shows the number of filed requests in several bodies of the executive power. The sum of these numbers is much larger than the cited total number of requests to all institutions in 2001. This fact may have an explanation, but it is not present in the report itself.

⁷ The need for an „outsider“ perspective of the work of the officials under the Access to Public Information Act is emphasized in the 2002 special report of the Canadian Freedom of Information Commissioner *Response to the Report of the Access to Information Review Task Force: A Special Report to Parliament*, which can be found on <http://infocom.gc.ca/reports/>

METHODOLOGY

The survey was held in all central bodies of the executive power and their territorial branches, as defined by the Administration Act and listed in the Register of the Administrative structures.

Besides the bodies of the executive power, we interviewed officials from the 101 largest municipalities in Bulgaria by population.

The criteria for selection among the 263 Bulgarian municipalities were:

- The assumption that people in larger communities would typically seek information more actively than in smaller ones. All regional centers of Bulgaria and five of the municipalities of Sofia were chosen according to that criterion.
- Still 50% of the chosen municipalities have populations of less than 32,000 people giving us an opportunity to compare the results in smaller communities.
- The survey was held in the same municipalities as last year.

We believe that the group of institutions formed in the above way has given us the opportunity to outline some trends in the development of the access to information practices at the local level.

The expansion of the range of the participating institutions by including the bodies subject to public law entities (The National Health Insurance Fund, The National Social Insurance Fund, The Auditing Chamber, etc.) corresponds both to the large public interest of the activities of the mentioned institutions⁸, and to the standards introduced in Recommendation (2002)2 of the Committee of Ministers of the Council of Europe⁹.

⁸ Since its establishment AIP provides legal assistance in cases of information refusals by the bodies of the executive power. We have registered 889 such cases in our electronic database after the adoption of APIA. In 86 cases the refusals have been made by bodies subject to public law. Out of the fifty appeals that our lawyers have filed twelve are against bodies subject to public law.

⁹ For Recommendation (2002)2 see pp. 11-12 and footnote 17 below. According to it „public authorities“ shall mean both „government and administration at national, regional or local level“ and „natural or legal persons insofar as they perform public functions or exercise administrative authority and as provided for by national law“.

Our interviewers turned towards officials from 394 bodies of the executive power with a request to fill in the questionnaire. In 308 cases the officials agreed to participate in the survey, while in the other cases we received either a silent or an explicit refusal of the officials.

In 2001 16,5% of the institutions refused to participate in the survey, whereas in 2002 their number has increased to 21,8%.

Visited institutions	Community			Interviews held	Refusals
	Sofia	Regional town	Small town		
Ministries	18			8	10
State agencies	22			13	9
State commissions	15			8	7
Executive agencies	23			18	5
Regional administration	2	26		26	2
Municipal administration	5	26	73	96	8
Regional branches of the executive power (RBEP) ¹⁰				131	41
Others ¹¹	12			8	4
Total				308	86

The officials were interviewed by standardized questionnaires by the local coordinators of AIP in the country and by people hired by us in Sofia.

The interviewers had to find and give the questionnaires to officials that were appointed to review APIA requests. Most often the interviewed persons were directors of the institutions, deputy directors, or heads of a department (32%), public relations officers (17,5%), administrative secretaries (16%), experts (15%) or lawyers (11%).

The interviewers had yet another job, to describe in specialized reports how they had found the officials, how long it had taken them to receive the filled questionnaire, what had been the general attitude towards them and other things that had impressed them during their visits to the institutions. These reports have given us the opportunity to summarize the motives and reasons why the officials had refused to participate in the survey.

The interviewers reports also provide us with interesting material, which has helped us to understand the relationships between the officials and the citizens.

¹⁰ These were, for example, the Territorial Tax Directors, The Labour Bureaus, the Regional Police Departments, etc.

¹¹ The National Health Insurance Fund, The Auditing Chamber, Regional Agricultural Fund, The Institute of Hygiene and Epidemiology, The Electronic Media Counsel, The National Social Insurance Fund, The National Grain Service, etc.

In the first survey of 2001 we made an attempt to determine how prepared the officials were to review and decide on specific APIA applications. This preparedness presumed good knowledge of the regulations by the officials and qualifications accumulated by working with real requests. Neither prerequisite was present a year ago. This fact, in conjunction with the results from the APIA training seminars for officials from the whole country organized in January - June 2002 by AIP and the American Bar Association - Central and Eastern Europe Law Initiative (ABA/CEELI) suggested to us a simplification of the questionnaires.

The questions from this year's survey concern mainly information, which institutions should collect and process in relation to their obligations under Art. 15 and 16 of APIA. Our purpose was not to make life harder for the officials, so we limited the questions to those that assumed solely information already available to the interviewed persons.

The survey was held between October 10 and October 30, 2002.

The text of this report was written by Gergana Jouleva, while the statistical processing was provided by Nikolay Marekov. They would like to extend their thanks to Alexander Kashumov and Valentin Kossashki for their editorial remarks.

This report was made possible by the local coordinators of AIP in the country and by the interviewers in Sofia.

AIP would also like to thank all officials, who spared some of their time to receive the enquirers and answered the questions.

BACKGROUND OF SURVEY 2002

New regulations

The Access to Public Information Act was published in issue 55 of the State Gazette on July 7, 2002.

In 2002 two new laws, regulating the exemptions from the right to information access were adopted, namely the Personal Data Protection Act¹² and the Protection of Classified Information Act¹³.

Only a narrow group of experts and interested parties took part in the discussions of the two laws, regulating the exemptions from the right to public information access. No assessment was made of the administrative and financial preparedness to implement these acts¹⁴. All this, along with imprecise definitions and unprepared secondary legislation¹⁵ makes the regulations of these acts unclear and unknown both for the administration and the citizens.

The difficult verification of the basic term „personal data“ from the Personal Data Protection Act creates many problems in the implementation of the Access to Public Information Act. Information contained in documents, concerning third party interest and personal data cannot be easily distinguished from information, which should be available for public access, according to the definitions in PDPA¹⁶.

Similar problems have arisen and will arise because of the unfamiliarity with the Protection of Classified Information Act in conjunction with the implementation of APIA. The process of generating information classified as a „state secret“ (Art. 25 from PCIA) is quite clear. Such information should meet three criteria stipulated in PCIA:

- access to it [the information] would inflict danger or would jeopardize the interest of the Republic of Bulgaria,
- is connected with national security, defense, foreign policy or the protection of the constitutional order,
- is listed in the amendments .

Such information should be marked as secure.

¹² Personal Data Protection Act, Published in State Gazette (SG), issue 1 of January 01, 2002.

¹³ Protection of Classified Information Act, Published in State Gazette issue 45 of April 30, 2002.

¹⁴ The State Budget Act of Bulgaria for 2002, published in the State Gazette issue 111 of December 28, 2001 and amended with issue 28 of 2002, provided for no financing for the functioning of the Personal Data Protection Commission and the State Commission for the Protection of Information. Both commissions were formed months after the stipulated dates.

¹⁵ The secondary regulations of these two acts have or will be issued later than stipulated.

¹⁶ Compare Art. 35 para 2 item 2 of PDPA and Art. 31 of APIA.

The process of generating information, classified as an official secret (Art. 26 of PCIA) is far from the clarity of generating a state secret. The regulation of the mentioned article places the implementation of PCIA in the unclear future, introducing along with the harm test a criterion of „unfavorable effect on the interests of the state“. The act also leaves the obligation to the department heads to publish a list of categories of information that should be classified as an official secret and access to which should be restricted.

A crucial factor in the implementation of the above acts in conjunction with APIA is the preparedness of the officials to perform the harm test when classifying information.

New international documents

In February, 2002 a new Recommendation(2002)2 of the Committee of Ministers of the Council of Europe on the access to official documents was adopted¹⁷.

The Bulgarian Access to Public Information Act should be revised in its sections concerning the exemptions, so that it can conform to the Recommendation of the Council of Europe.

The Recommendation introduces the principle, that all member-states should guarantee the right of everyone to be granted access to information.

As an exception to this principle, part IV of the Recommendation clearly defines the cases when access to public information can be restricted. The exemptions must be:

- Set down precisely in law;
- Proportionate to the interest they protect;
- Necessary in a democratic society.

The significance of the latter principle is that access should be restricted only to special categories of information, the disclosure of which will or may harm interests, comprehensively listed in the Recommendation or the national laws respectively. The prevailing public interest test should be applied in conjunction with the principle of harm, estimating whether the public interest or the eventual harm from revealing information would be greater. These two principles should not be applied separately in a democratic society.

Although the principle of harm is indeed included in the definition of classified information in the PCIA, there is no single regulation, introducing the concept of prevailing public interest in conjunction with the principle of harm of a protected interest¹⁸. Introducing those two principles as interconnected is of crucial importance to the implementation of the law, especially in connection with the balance of interest and in answering the question whether the public interest in revealing some information is greater than the interest of restricting access to a document in question.

¹⁷ Recommendation (2002)2 of the Council of Europe concerning access to official documents of the Council of Europe, as well as the very important Explanatory Memorandum to the Recommendation can be found on the web page of the Council of Europe <http://cm.coe.int/site2/ref/dynamic/recommendations.asp> and on the web page of AIP http://www.aip-bg.org/eurolaw_bg.htm (in Bulgarian).

¹⁸ The Environmental Protection Act (Published in the State Gazette issue 91 of September 25, 2002) has made an unsuccessful attempt to introduce the principle of a prevailing public interest (Art. 20 item 4). The lack of a relation between the principle of harm and the public interest of obtaining environmental information is what makes the attempt unsuccessful and the provision practically inapplicable.

These two interconnected principles are significant when used to make specific decisions in a particular situation. Because the principle of prevailing public interest is not part of the Access to Public Information Act, obviously this should be noted when discussing the amending act to APIA in Parliament.

In May 2002 the Council of Europe concluded its survey on the conformity of the different national access to information laws and implementation practices in the member-states. NGOs, among which Access to Information Programme, were also invited to take part in the survey. The results from the survey were presented in a seminar at the end of November 2002. The purpose of the survey was to prepare and publish a handbook for the bodies of executive power within the member-states.

Old recommendations

The authors of the „2001 Regular Report on Bulgaria’s Progress Towards Accession“¹⁹ of the Commission of the European Communities point out that „the adoption of the Law on Access to Public Information is a positive step forward. This regulates the right of citizens and legal entities to gain access to information from state and local government bodies on matters of public interest. In case of refusal, appeals can be made to the courts. However, the act contains some ambiguous legal definitions, which will make use by the administration (especially at the local level) and interpretation by the courts difficult, so it needs clarification.“ Later in the text it is noted that „the Law on Access to Public Information is a positive step, but needs further clarification to ensure effective implementation. Further steps are needed to ensure an efficient, transparent and accountable public administration.“

The latter evaluation and the recommendation are repeated in the progress report of 2002²⁰.

We have summarized the recommendations given by the officials during the survey of 2001 in three major categories:

- Recommendations concerning the regulations and specifically the conformity of the provisions of APIA, PDPA, PCIA and the Environmental Protection Act;
- Recommendations for improving the preparedness for the implementation of APIA ;
- Recommendations for more training seminars and educational materials.

The recommendations given by the officials this year can be summarized in a similar way.

¹⁹ 2001 Regular Report on Bulgaria’s Progress Towards Accession, Commission of the European Communities, Brussels, November 13, 2002, SEC(2001) 1744, pp. 20, 31

²⁰ 2002 Regular Report on Bulgaria’s Progress Towards Accession, Commission of the European Communities, Brussels, October 9, 2002, SEC(2002) 1400, p. 24.

Accountability and control

As noted earlier, the only mechanism for accountability and control on the implementation of the APIA obligations are the annual reports, prepared by each head of an administrative structure according to Art. 15 item 2 of APIA. These reports become the empirical material for the summarized information prepared annually by the Minister of the State Administration.

A section on the access to public information is included in the „Report on the Condition of the Administration in 2001“²¹ prepared by the Minister of the State Administration in April 2002.

The report includes the following information:

- ▀ Number of filed requests - 15 000;
- ▀ Number of refusals - 309.

Indeed the Minister is not obliged to perform and publish analyses of the condition of access to information in Bulgaria, but we would be happy to see some information about the grounds for refusals, something that would presume some analyses of the current situation.

The Access to Information Programme has a rich experience in providing legal assistance in cases of information refusals. Our observations show that citizens are becoming more active in seeking information, a fact that leads to an increasing number of problems in the implementation of APIA regulations.

²¹ See: „Report on the Condition of the Administration in 2001“, April 2002, <http://www.government.bg/2565.html>

PRACTICAL DEVELOPMENTS

During the last two years 280 officials have attended the education seminars organized by *the Access to Information Programme*. Similar trainings were organized by the Institute for Public Administration and European Integration and by some associations of the municipalities in Bulgaria. On the training seminars organized by AIP officials shared the good practices and expressed their request for specialized constant training on the new regulations.

Attitude towards the interviewers

It is a right of every official to refuse to participate in a sociological survey. The refusals to participate in a survey, which assumes that most of the information is already available in the institution and concerns the obligations of the administration, suggest that the officials either neglect their duties under the law or are not aware of them. We have compared this type of behavior to the concept of „rational ignorance“ or „rational indifference“. This concept is described as choosing an indifferent behavior in connection with otherwise important political and social problems. The motives for this behavior are that the benefits for the typical users of learning about a problem are smaller than the efforts they have to put in to be informed. This idea is most often used when describing the social activities of citizens and their attitude towards politics, but we believe that the same concept can be used in explaining the attitude of the officials towards their obligations under APIA. In other words, there is not much sense in knowing the provisions of the act; there are neither awards, nor penalties. The attempts to understand and its provisions cost too much time and efforts and could even lead to administrative penalties. Besides that not everything in the implementation process depends on the officials themselves.

Question

Have you imposed a penalty on an official, who has refused to grant access to information?

Answer:

No, but we have imposed penalties on two officials as they had illegally granted access to information!

This is why, an official sticking to the principal of „*rational ignorance*“ had spent at least ten times more time in arguing why she would not participate in the survey, than if she had simply filled in the questionnaire.

In 2001 our interviewers had to perform an investigation to find the official for the interview (we believe this term was rightly used by Dotcho Mihailov²²). During the survey of 2002 the „investigator“ was considered by some officials to be an intruder.

Different tactics were used in order to repulse the „attacking enemy“

- ✦ Sending or redirecting the person to different departments;
- ✦ Looking for a non-necessary legitimacy;
- ✦ Using the provisions of APIA to refuse to participate;
- ✦ Requiring the registration of the questionnaire;
- ✦ Sending the interviewer to an official that was actually not there;
- ✦ Kind indifference and a charming refusal.

We asked the interviewers to rate in their reports how well had they been received by the officials. The table below shows summarized information about the general attitude of the officials towards people who had approached them for the survey.

What was the attitude towards you ?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Very good	33,3%	40,9%	14,3%	34,8%	33,3%	23,5%	17,9%	8,3%	23,1%
Good	38,9%	27,3%	71,4%	47,8%	44,4%	54,9%	59,5%	58,3%	54,1%
Normal	5,6%			4,3%	14,8%	13,7%	6,5%	25,0%	8,8%
Chilly	16,7%	18,2%	7,1%	8,7%	3,7%	6,9%	9,5%	8,3%	9,1%
Bad	5,6%	13,6%	7,1%	4,3%	3,7%	1,0%	6,5%		4,9%
Number of responses ²³ :	18	22	14	23	27	102	168	12	386

Of course, evaluations in the above table are subjective, but we must bear in mind that the interviewers had visited the institution as typical citizens asking for a service that should have been available.

²² See: Fulfillment of the Obligations under APIA by the Bodies of the Executive Power (Report on a sociological survey), AIP, Sofia, 2001.

²³ Shows the total number of answers to this question in absolute figures.

We have no other impartial indicators for what really happened during the survey, so let us turn towards the time spent by the interviewers in getting some form of an answer and the evaluation of the person of the overall attitude towards him/her. It is obvious that if the interviewer had to spend more time getting the official to participate in the survey and if there were many obstacles he/she had to overcome, his/her evaluation of the general attitude towards him/her would be worse. There is also a clear relationship between the evaluation of the attitude and the willingness of the officials to participate in the survey. We have tried to point out these relationships in the tables below.

What was the general attitude towards you?	Very good	Good	Normal	Chilly	Bad	Total
How many times did you visit the institution?	1,85	2,16	2,44	3,24	2,82	2,1
How many days did it take you to receive an answer?	3,11	3,56	4,07	6,5	3,69	3,71
Number of responses:	89	204	34	33	17	377

What was the general attitude towards you?	Very good	Good	Normal	Chilly	Bad	Total
The questionnaire was filled in	93,3%	83,7%	85,3%	45,7%	21,1%	79,5%
The questionnaire was not filled in	6,7%	16,3%	14,7%	54,3%	78,9%	20,5%
Total number of responses:	89	209	34	35	19	386

As seen from the table below our interviewers have spent the biggest amount of time to get a result from the central bodies of the executive power.

Institution	It took me more than 7 days to get some form of an answer	I visited the institution more than 3 times
Ministries	72,7%	70,6%
State agencies	35,0%	31,8%
State commissions	0,0%	25,0%
Executive agencies	10,5%	30,4%
Regional administration	14,8%	10,7%
Municipal administration	9,6%	3,9%
Regional branches of the executive power (RBEP)	7,9%	11,0%
Others	25,0%	33,0%

We had also asked the interviewers to include in their reports other things that impressed them when visiting the institutions. Again we must consider the fact that these answers were purely subjective, but we must also bear in mind that this survey was above all a process of communication between civil servants and citizens, where the latter are also tax-payers and voters.

Something else that impressed you

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Willingness to work	23,5%	15,8%		20,0%	18,8%	38,6%	22,8%	14,3%	25,0%
Interest in our work	5,9%	10,5%		6,7%		8,8%	4,3%	57,1%	7,5%
Lack of knowledge and bad organization	17,6%	5,3%	20,0%	26,7%	31,3%	5,3%	27,2%	28,6%	19,3%
Reluctance to work under APIA	41,2%	36,8%	20,0%	20,0%	6,3%	8,8%	21,7%		19,3%
Improved work since last year	5,9%		20,0%			14,0%	5,4%		6,6%
Good knowledge of APIA procedures		10,5%		20,0%	25,0%	5,3%	3,3%		6,6%
Bad knowledge of APIA procedures	5,9%	21,1%	40,0%	6,7%	18,8%	15,8%	15,2%		14,9%
Needless formalities						1,8%			0,4%
Require the legal grounds for access						1,8%			0,4%

Attitude towards the obligations under APIA

What is the condition of the administration regarding the implementation of the obligations under APIA according to the public authorities? The only official source of information that we have is the „Report on the Condition of the Administration in 2001“. The report includes some statistical data among which the conclusion that the „number of the institutions that implement the APIA has increased from 38 in 2000 to 84 in 2001“²⁴.

While in some ministries the number of requests is quite high (The Ministry of Justice - 161, The Ministry of External Affairs - 98), most municipal and regional administrations have registered no more than five APIA applications.

The Central Register of Special Pledges and the Center of Mass Privatization have registered the highest number of applications (9606 and 9444 respectively).

From the total number of requests (15000) only 309 have been refused access to information.“

Report on the Condition of the Administration in 2001, April 2002

The report does not explain what is meant by „an institution implementing APIA“, whether the institution itself feels obliged under the law, or they have actually received and handled APIA requests. At the same time the authors of the report make the conclusion that „in all structures [of the administration] there is a working mechanism for receiving APIA requests and granting access to the requested information.“²⁵, but there are no indicators for the existence of such a mechanism.

The report also does not suggest whether there are any problems with the implementation of APIA that can be solved with a well-conducted state policy. There is no explanation of the contradicting numbers in the report. For example the sum of APIA requests filed in the Center of Mass Privatization and the Central Register of Special Pledges in the Ministry of Justice is obviously more than 15,000, which is the number cited as the total number of requests in all institutions.

²⁴ See: „Report on the Condition of the Administration in 2001“, April 2002, <http://www.government.bg/2565.html>

²⁵ See: „Report on the Condition of the Administration in 2001“, April 2002, <http://www.government.bg/2565.html>

The Minister of the State Administration indeed gives some explanations on these ambiguities in answering a question of an MP from the minority on October 4, 2002. In its answer to the question about the Minister's obligations under Art. 16 of APIA²⁶ Minister Kalchev pointed out that:

- ✦ The act had been implemented for two years only and there are certain faults.
- ✦ The Minister has an obligation to include only summarized information in his report. The structure of the report is not defined in APIA and this is why the report itself looked like this.
- ✦ „Registering the APIA requests is not an explicit requirement under APIA and this is why not all institutions had kept a register “.

Art. 25 item 3 of APIA „Every filed application for access to public information shall be registered in accordance with the procedure adopted by the relevant agency.“

- ✦ The heads of the institutions view their efforts in keeping the electronic register of the administrative structures and acts of the executive power as work under the Access to Public Information Act.
- ✦ Most of the refusals to grant access to information come from the municipal and regional administrations.

Let us turn towards the obligations under APIA of the bodies of the executive power.

²⁶ Source: Express minutes One hundred fifty third session of Parliament, *Sofia, Friday, 4th of October 2002*, p. 36-39.

Citizens' orientation information

„Publication of current public information

Art. 15. (1) In order to achieve transparency of the administration's activities, and for the purpose of maximum facilitation of access to public information, every chief officer of an administrative structure within the system of the executive power shall publish on a regular basis up-to-date information containing:

1. description of his/her powers as well as data on the organizational structure, the functions and the responsibilities of the administration led by him/her.
2. list of the acts issued within the scope of its powers;
3. description of the data volumes and resources, used by the respective administration,
4. the name, the address, the telephone number and the working hours of the respective administration's office which is authorized to receive applications for access to public information.

(2) Every chief officer under sub-art. 1 shall prepare an annual report on the applications for access to public information, which shall contain among others data on the refusals made and the reasons therefore. This annual report shall be part of the annual reports under art. 61, sub-art. 2 of the Administration Act.

Duties of the Minister of the state administration

Art. 16. (1) The Minister of the State administration shall publish an annual summary of the reports on the bodies and their administrations, containing the information under art. 15., as well as other information relating to the implementation of this act.

(2) The Minister of State administration shall be responsible for distributing the summary. The information contained in the summary shall be made available in every administration for review by the citizens.“ (APIA)

The publishing of certain categories of information aims to assure transparency of the administration activity and to ease to a maximum extent the access to public information.

The Access to Public Information Act obliges every head of an administrative structure in the Executive power system to periodically publish current information, which consists of administrations competence, description of the structure and functions of the administration; list of the acts issued; information volumes and resources; the name, address, telephone number and working hours of the unit, which is responsible for handling applications and granting information access.

The Regulation on the Conditions and procedure for keeping the register of the administrative structure and acts of the executive power bodies²⁷, which was passed and published before the adoption of the Access to Public Information Act, determines the course, by which that can happen for parts of the information²⁸. The register is maintained as a unified electronic database. In his answer to a parliamentary enquiry, Minister Kalchev said that the data under art.15 „are an essential part of the Register of administrative structures and acts of the executive power bodies, which gives a clear picture about the structure of the executive powers and the issued acts“²⁹. The data in the register are indeed just a part of the data that is compulsory published, according to art.15. Moreover, the obligations, arising under an act could not be equal to the obligations provided by a regulation, which generally aims to describe the procedure of the obligation accomplishment. So, the obligations under the regulation are not the same as the ones under art.15 APIA.

The „list of the issued acts“ and the „description of the information arrays and resources“ remain outside the scope of the secondary regulation. Their publishing as a current public information stays as an obligation to every head of an administrative structure in the executive system.

Since the law does not provide sanctions for failure to comply with the obligations under art.15, till now a number of the institutions have not created a mechanism for publishing of the current information. The results of the answers to the question, whether the information under art.15 has been published, can be seen in the table below.

Art. 15 item 1 of APIA	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Description of the structure and functions of the administration	100,0%	76,9%	75,0%	55,6%	75,0%	80,0%	67,0%	100,0%	73,6%
List of issued acts and decisions	87,5%	46,2%	62,5%	44,4%	50,0%	67,0%	31,6%	71,4%	49,6%
Description of information structures	62,5%	38,5%	57,1%	27,8%	38,1%	48,4%	32,5%	42,9%	39,9%
Name, address, phone and workplace of the responsible person under APIA	50,0%	38,5%	50,0%	33,3%	50,0%	50,0%	45,6%	71,4%	47,2%
Number of responses:	8	13	8	18	20	95	115	7	284

²⁷ Passed by Decree of the Council of Ministers № 89 from 26.05.2000. publ., SG, v. 44 from 30.05.2000., amend. and suppl., v.83 from 30.08.2002., in force from 31.10.2002.

²⁸ The amendment of the Regulation on the Conditions and procedure for keeping the register of the administrative structure and acts of the executive power bodies, from year 2002 narrowed the span of the obligations in relation with the acts issued.

²⁹ Source: Express minutes One hundred fifty third session of Parliament, Sofia, Friday, 4th of October 2002, p. 36-39.

It is clear that the simplest of the obligations under art.15, p.1, p.1 are fulfilled by 73,6% of the interviewed administrative structures, though it has to be pointed out that 24 of the officials who took part in the survey did not answer this question.

Concerning the announcement of the unit, which is responsible for the acceptance of the access to information applications - an obligation arising under art.15, p.1, p.4 - 47,2% answered that this is done, while 26 did not answer the question. At the same time 66% of those who took part in the survey claim that their institution has appointed a certain official to deal with the access to information applications. The percentage is higher compared to last year's survey - 61,4%.

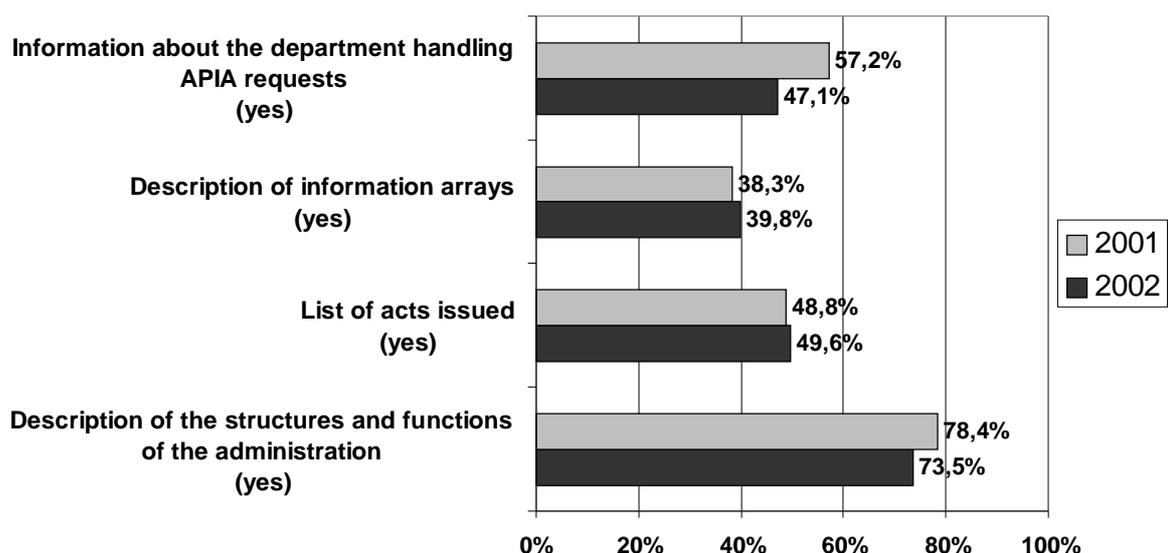
The announcement of a unit, that would accept the applications, does not require any specific resources and stands as a preliminary condition for the access to public information right implementation by the ones looking for information.

These data are as well confirmed by the questionnaire situation description given by our interviewers reports. According to them, 46% of the visited institutions had an appointed official and there were no problems finding him/her.

About 40% of the officials filled in the questionnaire in front of the interviewers.

If we compare the results of the 2001 survey and the results of the recent survey on the fulfillment of the obligations under art.15, we would get the following:

Is information under Art. 15 of APIA published



List of the issued acts and description of the information arrays and resources

The publishing of those lists and descriptions is also an obligation under art.15, p.1.

Without such information the seekers of information would be impeded to clearly formulate his/her request, which on the other hand would make it difficult for the officials to solve the unclear information requests.

The data, listed in the „electronic register“³⁰ as „acts“ does not in any way ease the search. The database, available now through the Internet, preconditions preliminary knowledge of the act, its number, kind, publishing date, etc. That database does not represent a list of acts, which would facilitate the consumers. There apparently were other criteria for structuring the information in the register, rather than to facilitate the seekers of public information or to fulfill the obligations of APIA.

³⁰ <http://www1.government.bg/ras>

ADMINISTRATIVE READINESS AND CAPACITY FOR APIA FULFILLMENT

Determination of a unit/official dealing with the applications

In order to apply a law, it is necessary to dispose of institutions, resources and mechanisms and most of all prepared and motivated officials.

The first and simplest condition is to authorize an official (or a certain unit at larger institutions), who would accept information access applications, be responsible for the active information access, and be aware of the normative base, regulating that sphere.

The determination of an official or unit, in larger administrative structures in the Executive power system, who would be responsible for the application's acceptance, is not only an obligation under the law, but would as well facilitate the work of the administration, in providing its services, because:

- The responsibility and the ruling of the process would be clear;
- Other officials won't waste time;
- The specialization and education of that officials would be more effective;
- The accounting and review of the obligations fulfillment by the authorized bodies under APIA would be easier.

Another equally important advantage of determining an official or unit is the facilitation for those who are looking for information.

Are there such officials appointed?

There is an obvious dependence between the number of interviewers visits to the institution and the way by which the official is authorized, especially if there is a written order for his/her authorization. It seems that when the individualization is more distinct and concrete, the interviewer loses less time. The verbal order is to a greater extent concrete, because it presents a direct order by the head, while the job characteristic formulates the obligations in a far more general way and the specialization itself is made by the official.

How was the official appointed?	Days to receive the questionnaire	Average number of visits to the institutions
Printed order	2,96	1,89
Verbal order	3,16	1,96
Job characteristics	3,65	2,25
Other	4,64	3,26

As it was already shown, the interviewer's task was to find and interview the officials who are responsible under APIA. Whether the interviewed are the ones who are obliged under APIA, or at a certain institution prevails the idea that the director is the one who would exhaustingly answer the questions and would be responsible for them, we could not know. It is a fact that compared to last years survey, the percentage of the experts has grown from 10,3% up to 20,4%, as well as the percentage of the lawyers - from 5,3% to 11,4%, while in the same time the number of the institution heads has declined from 28,6% to 20,1%.

Position of the interviewed person:

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP ¹	Other	
Director, mayor	12,5%	15,4%	12,5%	11,1%	16,0%	8,2%	32,8%	12,5%	20,1%
Deputy director		7,7%				3,1%	1,5%		1,9%
Head of a department		15,4%	37,5%	5,6%	4,0%	7,2%	11,5%	12,5%	9,7%
Adm. secretary		23,1%	25,0%	16,7%	16,0%	35,1%	0,8%	25,0%	15,9%
Expert	25,0%	15,4%		16,7%	24,0%	8,2%	16,0%	12,5%	14,0%
Registrar						4,1%	1,5%		1,9%
PR	62,5%	7,7%	12,5%		28,0%	15,5%	18,3%	25,0%	17,9%
Lawyer		7,7%		50,0%	8,0%	11,3%	8,4%	12,5%	11,4%
LASC ³¹ , RST ³²		7,7%			4,0%	7,2%	5,3%		5,2%
Anonymous							1,5%		0,6%
Other			12,5%				2,3%		1,3%
Number of responses:	8	13	8	18	25	97	131	8	308

³¹ LASC = Legal and Administrative Services for the Citizens.

³² RST = Registration and Services for the Taxpayers.

The average period that an official occupies a certain position is three years and two months, as the time period decreases for the central power and executive agencies bodies. The longest period for occupying a certain position is observed in the municipal administration and the executive power bodies (see the table below).

How long have you been working in this position (approx. number of months)?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Months (average)	19,3	21,5	25,6	14,9	16,2	44,1	44	49,9	38,2
Number of responses:	7	12	8	18	24	93	124	8	294

The survey results from the question whether there is a certain official, who would deal with the public information access applications, are close to the ones received last year.

Has your institution appointed an official to deal with APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	75,0%	38,5%	71,4%	55,6%	92,0%	73,7%	61,4%	28,6%	66,3%
No	25,0%	61,5%	28,6%	44,4%	8,0%	26,3%	38,6%	71,4%	33,7%
Number of responses:	8	13	7	18	25	95	127	7	300

On the one hand the percentage of those who gave positive answers has increased, compared to last year from 61,4% up to 66,3%, but on the other hand the ones who stated that this has happened by a written order has decreased - from 54,4% down to 48,8%. Whether the percentage has really decreased or part of the authorized officials have it as a part of their job characteristic, so it is not accepted as an written order, we could not know, as it is a matter of internal organization of the institution. More important indicators for the lack of development in that sphere are the results concerning the officials' authorization. The same as last year, we received the following results to the question whether the official could rule on the applications and who actually rules on them:

Who takes the decision whether to grant or to deny access to information under APIA?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
The appointed official	20,0%	7,7%	14,3%	6,7%		11,8%	8,3%	16,7%	9,1%
The director	60,0%	61,5%	57,1%	80,0%	92,0%	74,2%	88,4%	66,7%	80,7%
Lawyer		15,4%	28,6%	6,7%		8,6%	1,7%		5,3%
Committee				6,7%	4,0%	3,2%	0,8%	16,7%	2,5%
Other	20,0%	15,4%			4,0%	2,2%	0,8%		2,5%
Number of responses:	5	13	7	15	25	93	121	6	285

The 2001 survey showed the same results, concerning the coincidence of the official, who accepts the applications and the one who rules on them - 9,1%. Eventhough the common percentage does not change, the actual situation has changed. Untill last year only 7,7% of the officials from the ministries were accepting and taking decisions on the applications. Now, at the ministries the percentage has increased up to 20%. Just the opposite dependence is observed over district municipal administrations: here the percentage has fallen from 7,7% down to 0%, on the account of the head. The percentage of those who have pointed out the head as the one who takes decisions on the applications, has slightly decreased.

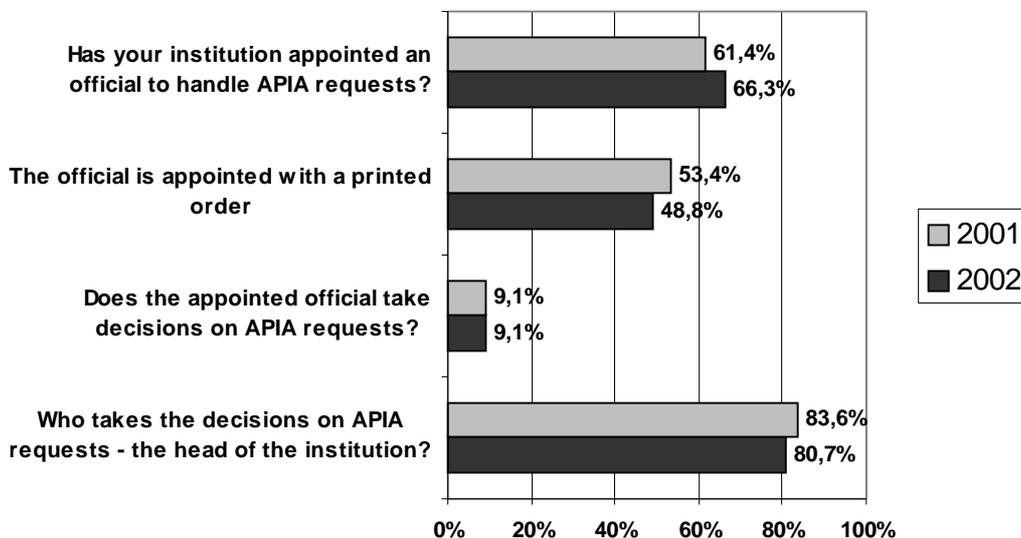
According to us, an explanation of those results could be found if they are compared to the results of the question: „Usually whom do you usually ask for advice, when handling the applications under APIA?“. Apparently, gaining practice on the law, especially when some of the denials are being appealed in front of the court, the necessity of a lawyer consultation is becoming tangible. The number of consultations with a lawyer has increased. The number of consultations with the head has increased as well. According to us, that fact is related to the understanding that there is a liability to be worn, concerning the applications. Those interpretations are inspired mostly by the AIP’s experience in consulting cases of denial and appealing denials of access to information in front of the court.

Whom do you usually ask for advice?

	Institution								Total
	Central Gov’t	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Head, director	42,9%	16,7%		14,3%	22,2%	28,2%	39,8%	28,6%	31,6%
Lawyer	28,6%	83,3%	100,0%	42,9%	72,2%	66,2%	52,7%	71,4%	60,5%
Colleagues	28,6%			28,6%		5,6%	6,5%		6,5%
APIA							1,1%		0,5%
AIP				14,3%	5,6%				0,9%
Number of responses:	7	6	6	7	18	71	93	7	215

The comparison with last years survey results can be seen in the table below.

Appointed official to handle APIA requests



There is another important circumstance that we should mark out as an indicator for the administrative capacity of the executive power bodies to fulfill the obligations under APIA. Those data give an explanation to the difficulties that our interviewers met while finding the responsible officials under APIA and to the impressions they shared, concerning the unprepared officials on APIA.

According to the interviewed, only 7,4% of the determined officials deal solely with the access to information applications. The remaining 92,6% have other obligations as well. Apparently the work under APIA is something additional and accidental for the registrar, the one who accepts the complaints and requests of the citizens and for the one who is responsible for the public relations; they see their work on APIA as something additional to their essential obligations.

Other duties of the appointed official?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Receives requests and complaints	75,0%	14,3%	40,0%	15,4%	35,0%	23,2%	18,2%		22,8%
PR		28,6%	20,0%	7,7%	40,0%	18,8%	35,1%		26,4%
Registrar				30,8%	10,0%	27,5%	16,9%	100,0%	20,3%
Lawyer		14,3%		23,1%		5,8%	3,9%		5,6%
Administrative secretary			20,0%	7,7%		2,9%	1,3%		2,5%
Administrative services	25,0%	28,6%	20,0%	7,7%	5,0%	18,8%	15,6%		15,7%
Other		14,3%		7,7%	10,0%	2,9%	9,1%		6,6%
Number of responses:	4	7	5	13	20	69	77	2	197

The determination of a unit or official under APIA happens as a result of the increased information search in the institution. That was an apparent trend throughout last year as well. The increased search for public information forces state bodies to create special units and to authorize an official under APIA. It could be stated out, that as a rule the stimulus comes from outside, especially if there is a court appeal of the access to information denials and the law provided procedure has not been followed.

In larger administrative structures, such as ministries, the unit determination has to be accompanied by a clear description of the whole process of accepting, directing and deciding on applications, i.e. an internal rule or instruction for the applications treatment is needed.

According to our observations and conversations with officials, we could say that the unpleasant results, like unmotivated (silent) denials, missing APIA deadlines³³, etc., are due namely to the lack of such a mechanism and thanks to the unpreparedness of the first unit that receives the requests, which is to meet the requirements of the APIA for the application's acceptance.

Apparently the officials who are authorized to deal with the applications do need some kind of instructions, education and consultations. By now only 37% of the interviewed stated to have used a written instruction, in order to distinguish the APIA applications from other requests. Nearly 70% of those use the AIP handbook „How to get access to information?“ (See appendix, table N°6).

³³ Through conversations with officials from the Ministry of the Economics and the Ministry of the Science and Education, it becomes clear that the longest process is the way, which the application has to pass, until it gets to the one who is in his competence to rule over it, especially if the application itself does not refer to the APIA. The latter is not a compulsory prerequisite under APIA.

Officials training

The 2001 survey showed that 16,7% of those interviewed have passed a training course. During 2002 the percentage of those who have passed through training has increased up to 41,4%. A substantial part of them - 75,8% have passed a one-day training arranged by the AIP and ABA/CEELI. One of the basic outlines pointed out by the officials who took part in the last year survey was the necessity of training and elucidation of the regulations of other acts, with which they deal in their everyday work. The generalized recommendations, from our meetings and trainings for the officials, show the necessity of specialized training, which would render an account of the specifics of the institution and the information arrays, preserved by it. (See appendix, tables N°3, 4 and 32).

Applications acceptance and registration unit/desk

Art. 25 item 3 of APIA „Every filed application for access to public information shall be registered in accordance with the procedure adopted by the relevant agency“.

Even though the registration is a must, every authority decides on its own how and where to perform that - through a common or through a special institution registry.

Of the officials interviewed in 2001 61,8% claimed they have an APIA applications registry. Our attempt to get some concrete data on the received applications showed that this was almost impossible, which indicated that if there were APIA applications at all, they had been enrolled in the common registry, in a way that makes their identification and counting difficult. That conclusion is confirmed by the answer results of the following questions:

Is there a special place/desk where people can file APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	75,0%	69,2%	87,5%	58,8%	92,0%	78,4%	73,4%	50,0%	75,3%
No	25,0%	30,8%	12,5%	41,2%	8,0%	21,6%	26,6%	50,0%	24,7%
Number of responses:	8	13	8	17	25	97	128	8	304

Are there any other requests filed on this desk/place?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	85,7%	90,9%	100,0%	92,3%	100,0%	95,0%	92,0%	100,0%	93,9%
No	14,3%	9,1%		7,7%		5,0%	8,0%		6,1%
Number of responses:	7	11	7	13	24	80	100	5	247

Do you keep a register of APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	42,9%	53,8%	42,9%	35,3%	82,6%	63,5%	55,2%	37,5%	57,8%
No	57,1%	46,2%	57,1%	64,7%	17,4%	36,5%	44,8%	62,5%	42,2%
Number of responses:	7	13	7	17	23	96	125	8	296

The data taken into such a register, if there is one at all, would facilitate the officials meeting the application deadlines, and they would aid the accounting and control over the applications operation.

The 2002 survey points out the fact that a lot of surplus data is collected. Even though the law and the handbooks, sent by the AIP to all the municipalities and state bodies, expressly state that no other data than the correspondence address should be required from the applicant, in some large municipalities we came across a Personal Identification Number and Tax Number requirement, as well as requirement of showing interest rationale and the aim of the search, which is totally repugnant with the international standards (see appendix, table № 23).

The computer and specialized software usage situation for the maintenance of the registry has not changed a lot. While in the 2001 survey 28,1% of the interviewed stated, that the registry, if there is one at all, is kept in a computer, in year 2002 29,6% state that they take the registry electronically (see appendix, table № 24).

Information granting forms

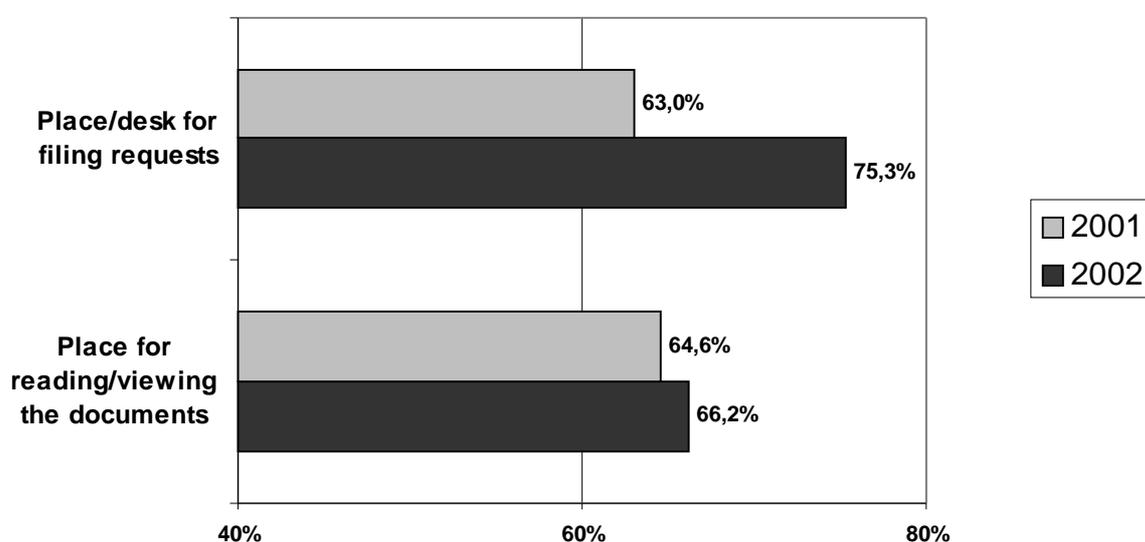
According to the APIA regulations (art.35, p.2), when information is operatively granted, a document signed by the requestor and the relevant official is prepared. Although there is no normatively affirmed form for those documents, APIA requires the inclusion of a description of the granted pieces of information.

The distribution of such documents, certifying the granting of the searched information is quite poor. According to data from the 2001 survey such forms existed only in 15,4% of the institutions, while the 2002 data show that 22,8% of the institutions use such forms.

Public information examination and reading room

An important condition for the implementation of the right to access to public information is the allotment of special premises or a room, where citizens could check the granted information and could decide whether they would like copies of some of the documents. Most of the institutions (66,2%) affirm that they have provided such a site. The registries, information units, conference rooms, and reception rooms are used for that purpose. The table below compares the results from the two surveys of 2001 and 2002.

Places for filing applications and reading



Number of applications, decisions and denial grounds

The officials that took part in last years survey found it very difficult to answer how many are all the received applications for access. The question was hard especially for the institutions that had not provided for APIA fulfillment. The general number of the received applications was 43,399. The comparison of the number of received applications to the number of solved applications showed that a great number of applications (24,065) have not been ruled over. When checking the surprising figures, given by small municipalities for applications received, it turned out that the officials did not distinguish between an administrative service request and an access to public information application.

In the 2002 survey there are not so many inconsistencies.

Total number of APIA requests:

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Total number of requests	4401	57	85	58	1085	6852	20313	6	32857
Verbal requests	1130		8	39	778	154	11424		12403
Written requests	1936	53	75	14	307	6709	8912	6	18012
E-mail requests	1355	4	2	5		1	12		13
Access provided immediately	1498		8	48	660	394	12882		13992
Access provided within 14 days	2683	53	77	7	180	534	6855	4	10393
Access provided after the 14-day term				1	1	6039	607	2	6650
Number of responses:	5	9	7	10	20	85	95	7	238

According to the generalized data 6650 of the applications were answered after the law provided 14 days term.

The number of verbal requests is very big - 12,403, but having in mind the stated above applications registry situation, apparently the problem with the verbal requests is not very clear to the ones who grant information. Such a conclusion could be drawn out just on the grounds of our interviewers experience. Obviously, the verbal request is not apprehended as an the initial step towards granting immediate access to public information to those who seek it in the available form, but rather as a conversation with an inquirer, a journalist press-conference, etc.

The sense of the verbal request, as part of the stipulated APIA procedure, is to facilitate the seekers of information. However, this for of requesting presumes a good management of the information, from the moment of its originating in the institution. This system should work well both for information which is apparently public by nature, and for documents, to which the access is restricted on clear grounds, and the restriction period and the responsibilities for the review after the expiration of this period are distinctly established. Obviously such a system does not exist throughout our institutions.

The lack of such a system and a system of regular officials training, as well as the „*rational ignorance*“ of the information seekers, makes some of the rights provided by the APIA look exotic.

Examples are:

- ▮ receiving information by verbal requests
- ▮ partial access to information
- ▮ other fine points of the information right exercising, for instance the granting of information in the form requested, including the rights of people who suffer from sight impediments or hearing/talking disabilities, „who could demand access in the form, meeting their communicative potentials.“ (art. 26, p. 4 APIA).

Referring to the access to information denial grounds, the 2002 survey results show that denials have increased their number as an absolute figure, but not as percentage (0,8%), which means that there are no more or less denials, but the records have improved. The 2001 survey results show that the number of the access denials is 1% of the number of the given access decisions. The decisions of the applications received represented 44% of the total number, stated by the officials.

There was an inconsistency between the total number of denials - 71 and the denials, made on a certain, law provided ground - 107.

A similar inconsistency between the total number of denials (273) and the denials, made on certain grounds (266) is observed as well in the 2002 survey results.

The decisions given over the received 32,857 applications represent 94% of that number, which shows a kind of accounting development.

If we compare those results to the 2001 survey results, we would get the following picture:

Grounds for refusals according to the answers	2001	2002
State secret	0	91
Official secret	16	97
Protection of personal data	52	27
Third party concerned	24	32
Art. 13 of APIA	12	2
Other grounds	3	17
Total	107	266

INSTEAD OF A CONCLUSION

In last years survey, instead of a conclusion we had systematized the recommendations of the officials, that took part in the survey. The recommendations of the officials that took part in the recent survey are substantially the same. That is why we decided to represent *the Access to Information Programme's* recommendations, referring to a certain merits which would improve the access to information state, under APIA.

RECOMMENDATIONS

1. Necessity of legislative changes

- ▣ Necessity of bringing the APIA in conformity to the principles, stated in the Recommendation (2002)2 of the Committee of Ministers of the member-states, concerning the access to official documents from Feb. 21, 2002.

The APIA, generally reverberates most of the principles, stated in Recommendation (2002)2. Changes are needed mostly, referring the clear and outlined approach towards the restrictions of the access to public information right, namely:

The right of everyone to get access to public information is the principle, the restrictions are the exceptions. That is why they have to be in the first place set down precisely in law, and secondly they should be proportionate to the aim of protecting lawful interests, and third - they should be necessary in a democratic society.

Access to public information could be denied only if the revealed information will harm or is likely to harm law protected interests, unless there is a prevailing public interest for its disclosure.

- ▣ It is necessary to clearly outline, by act, the body which will be responsible for the control and the implementation of the law.
- ▣ A clear regulation for a certain unit or official, responsible for the receiving and the ruling over the applications should be created.
- ▣ There is a need for more precise regulations and increasing the sanctions in cases of failure to comply with the obligations under the APIA.

2. Necessity of non-legislative changes

- ✎ The management of the informational arrays at the institutions should be improved. This presumes a review over the existing secret documentation, from the point of view of the Protection of Classified Information Act and Personal Data Protection Act, by strict abiding to the text of the regulation, regarding the harm, referring to the prevailing public interest, and observation of the restriction terms, provided by PCIA. That presumes clearly stated responsibilities for the officials or the unit, which perform the activity.
- ✎ There is a need for special efforts, directed towards following of the regulations of the APIA, referring to the APIA activity accounting, including an analysis of the problem, stated in the Minister of the State Administration report.
- ✎ The practice of introducing additional requirements, not provided by APIA, should be ceased.
- ✎ A separate registry for the APIA applications should be maintained.
- ✎ Transparency culture and accounting culture should be cultivated.

Apparently, the rights and the obligations under the APIA, represent the kernel of the relationship between the citizens in a democratic society. They are as well the foundation for the public participation in the process of decision taking and the process of building a transparent administration, working in service of the people.

3. Necessity of training and communication abilities, concerning APIA, PCIA and PDPA.

Besides legislation, there is one more approach for establishing a well-working administration under APIA - the practical one. There is a need for regular training both for communication skills for offering better services to the people, and on certain law provisions, regulating the freedom of information in Bulgaria.

APPENDIX

Table 1: Position of the interviewed person:

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP ¹	Other	
Director, mayor	12,5%	15,4%	12,5%	11,1%	16,0%	8,2%	32,8%	12,5%	20,1%
Deputy director		7,7%				3,1%	1,5%		1,9%
Head of a department		15,4%	37,5%	5,6%	4,0%	7,2%	11,5%	12,5%	9,7%
Administrative secretary		23,1%	25,0%	16,7%	16,0%	35,1%	0,8%	25,0%	15,9%
Expert	25,0%	15,4%		16,7%	24,0%	8,2%	16,0%	12,5%	14,0%
Registrar						4,1%	1,5%		1,9%
PR	62,5%	7,7%	12,5%		28,0%	15,5%	18,3%	25,0%	17,9%
Lawyer		7,7%		50,0%	8,0%	11,3%	8,4%	12,5%	11,4%
LASC ² , RST ³		7,7%			4,0%	7,2%	5,3%		5,2%
Anonymous							1,5%		0,6%
Other			12,5%				2,3%		1,3%
Number of responses ⁴ :	8	13	8	18	25	97	131	8	308

Table 2: How long have you been working in this position (approx. number of months)?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Months (average)	19,3	21,5	25,6	14,9	16,2	44,1	44	49,9	38,2
Number of responses:	7	12	8	18	24	93	124	8	294

Table 3: Have you participated in trainings on APIA?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	37,5%	15,4%	12,5%	44,4%	52,0%	44,3%	43,8%		41,4%
No	62,5%	84,6%	87,5%	55,6%	48,0%	55,7%	56,2%	100,0%	58,6%
Number of responses:	8	13	8	18	25	97	130	8	307

Table 4: If YES, who were the trainings organized by?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP		
AIP	33,3%	50,0%	100,0%	55,6%	64,3%	65,0%	92,7%		75,8%
IPAEI ⁵				11,1%	28,6%	7,5%			6,5%
Associations of municipalities						20,0%			6,5%
Lawyers		50,0%		11,1%		2,5%			2,4%
Self education	33,3%			11,1%	7,1%	2,5%	5,5%		5,6%
FLGR ⁶						2,5%			0,8%
Other	33,3%			11,1%				1,8%	2,4%
Number of responses:	3	2	1	9	14	40	55		124

¹ RBEP = Regional Branches of the Executive Power.² LASC = Legal and Administrative Services for the Citizens.³ RST = Registration and Services for the Taxpayers.⁴ Indicates the number of responses to this question in absolute figures.⁵ IPAEI = Institute for Public Administration and European Integration.⁶ FLGR = Foundation for Local Government Reform.

Table 5: Do you use written instructions or guidelines to distinguish APIA requests from other requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	25,0%	38,5%	25,0%	38,9%	36,0%	51,5%	29,8%		37,0%
No	75,0%	61,5%	75,0%	61,1%	64,0%	48,5%	70,2%	100,0%	63,0%
Number of responses:	8	13	8	18	25	97	131	8	308

Table 6: Who was the instruction/guidelines prepared by?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP		
Handbook of AIP	100,0%	60,0%	100,0%	87,5%	77,8%	62,5%	71,4%		69,7%
FLGR						8,3%			3,7%
Internal regulations						10,4%	11,4%		8,3%
APIA Regulations				12,5%	11,1%	2,1%	2,9%		3,7%
Lawyer		20,0%			11,1%	2,1%			2,8%
Central body						8,3%	11,4%		7,3%
Other		20,0%				6,3%	2,9%		4,6%
Number of responses:	2	5	2	8	9	48	35		109

Table 7: Have you ever sought advice in connection to APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Often	12,5%	7,7%	14,3%		12,0%	10,3%	7,8%		8,6%
Sometimes	25,0%	7,7%	42,9%	17,6%	44,0%	34,0%	25,8%	25,0%	29,0%
Rarely	37,5%	15,4%		11,8%	8,0%	20,6%	22,7%	25,0%	19,8%
No	25,0%	69,2%	42,9%	70,6%	36,0%	35,1%	43,8%	50,0%	42,6%
Number of responses:	8	13	7	17	25	97	128	8	303

Table 8: Whom do you usually ask for advice?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Head, director	42,9%	16,7%		14,3%	22,2%	28,2%	39,8%	28,6%	31,6%
Lawyer	28,6%	83,3%	100,0%	42,9%	72,2%	66,2%	52,7%	71,4%	60,5%
Colleagues	28,6%			28,6%		5,6%	6,5%		6,5%
APIA							1,1%		0,5%
AIP				14,3%	5,6%				0,9%
Number of responses:	7	6	6	7	18	71	93	7	215

Table 9: Has your institution appointed an official to deal with APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	75,0%	38,5%	71,4%	55,6%	92,0%	73,7%	61,4%	28,6%	66,3%
No	25,0%	61,5%	28,6%	44,4%	8,0%	26,3%	38,6%	71,4%	33,7%
Number of responses:	8	13	7	18	25	95	127	7	300

Table 10: If YES, how was he/she appointed?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Printed order	50,0%	42,9%	40,0%	54,5%	60,9%	52,8%	43,9%		48,8%
Verbal order	16,7%	57,1%	40,0%	36,4%	30,4%	38,9%	32,9%	100,0%	36,4%
Job characteristics			20,0%	9,1%	8,7%	4,2%	15,9%		9,6%
Other	33,3%					4,2%	7,3%		5,3%
Number of responses:	6	7	5	11	23	72	82	3	209

Table 11: Does this official have other duties?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	83,3%	100,0%	83,3%	85,7%	95,8%	93,6%	92,3%	100,0%	92,6%
No	16,7%		16,7%	14,3%	4,2%	6,4%	7,7%		7,4%
Number of responses:	6	7	6	14	24	78	91	3	229

Table 12: If YES, what are his/her other duties?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Receives requests and complaints	75,0%	14,3%	40,0%	15,4%	35,0%	23,2%	18,2%		22,8%
PR		28,6%	20,0%	7,7%	40,0%	18,8%	35,1%		26,4%
Registrar				30,8%	10,0%	27,5%	16,9%	100,0%	20,3%
Lawyer		14,3%		23,1%		5,8%	3,9%		5,6%
Secretary			20,0%	7,7%		2,9%	1,3%		2,5%
Administrative services	25,0%	28,6%	20,0%	7,7%	5,0%	18,8%	15,6%		15,7%
Other		14,3%		7,7%	10,0%	2,9%	9,1%		6,6%
Number of responses:	4	7	5	13	20	69	77	2	197

Table 13: Who takes decisions regarding the APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
The appointed official	20,0%	7,7%	14,3%	6,7%		11,8%	8,3%	16,7%	9,1%
The director	60,0%	61,5%	57,1%	80,0%	92,0%	74,2%	88,4%	66,7%	80,7%
Lawyer		15,4%	28,6%	6,7%		8,6%	1,7%		5,3%
Committee				6,7%	4,0%	3,2%	0,8%	16,7%	2,5%
Other	20,0%	15,4%			4,0%	2,2%	0,8%		2,5%
Number of responses:	5	13	7	15	25	93	121	6	285

Table 14: Is there a special place/desk where people can file APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	75,0%	69,2%	87,5%	58,8%	92,0%	78,4%	73,4%	50,0%	75,3%
No	25,0%	30,8%	12,5%	41,2%	8,0%	21,6%	26,6%	50,0%	24,7%
Number of responses:	8	13	8	17	25	97	128	8	304

Table 15: Are there any other requests filed at this desk/place?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	85,7%	90,9%	100,0%	92,3%	100,0%	95,0%	92,0%	100,0%	93,9%
No	14,3%	9,1%		7,7%		5,0%	8,0%		6,1%
Number of responses:	7	11	7	13	24	80	100	5	247

Table 16: Is there a place for reading/review of information under APIA?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	87,5%	61,5%	75,0%	50,0%	72,0%	60,4%	72,4%	37,5%	66,2%
No	12,5%	38,5%	25,0%	50,0%	28,0%	39,6%	27,6%	62,5%	33,8%
Number of responses:	8	13	8	18	25	96	123	8	299

Table 17: If YES, where is it?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Registry	42,9%	66,7%		16,7%	52,6%	25,4%	24,0%	50,0%	28,7%
Library	14,3%	11,1%	33,3%	25,0%		1,6%	5,2%		6,0%
Archive					15,8%	6,3%	4,2%		5,1%
Information Department	28,6%		33,3%	8,3%	5,3%	19,0%	17,7%	25,0%	16,7%
Reception room	14,3%		16,7%	25,0%	5,3%	3,2%	12,5%		9,3%
Lobby		11,1%				6,3%	8,3%		6,0%
Conference hall			16,7%	16,7%	10,5%	14,3%	8,3%		10,2%
Administrative services department					5,3%	15,9%	2,1%		6,0%
Cabinet				8,3%	5,3%	3,2%	9,4%	25,0%	6,5%
Other		11,1%				4,8%	8,3%		5,6%
Number of responses:	7	9	6	12	19	63	96	4	216

Table 18: How are the prices for providing access to information determined?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Free of charge	62,5%	53,8%	33,3%	17,6%	40,0%	28,0%	48,8%	37,5%	39,6%
Order No. 10 of the Minister of Finance	37,5%	23,1%	33,3%	35,3%	40,0%	36,6%	13,8%	12,5%	25,9%
Internal regulation					12,0%	7,5%	2,4%		4,4%
No rate available		23,1%	33,3%	47,1%	8,0%	28,0%	35,0%	50,0%	30,0%
Number of responses:	8	13	6	17	25	93	123	8	293

Table 19: Do you publish current information under art. 15 item 1 of APIA?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Description of the structure and functions of the administration	100,0%	76,9%	75,0%	55,6%	75,0%	80,0%	67,0%	100,0%	73,6%
List of issued acts and decisions	87,5%	46,2%	62,5%	44,4%	50,0%	67,0%	31,6%	71,4%	49,6%
Description of information structures	62,5%	38,5%	57,1%	27,8%	38,1%	48,4%	32,5%	42,9%	39,9%
Name, address, phone and workplace of the responsible person under APIA	50,0%	38,5%	50,0%	33,3%	50,0%	50,0%	45,6%	71,4%	47,2%
Number of responses:	8	13	8	18	20	95	115	7	284

Table 20: Where did you last publish information under art. 15 item 1 of APIA?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Web-site	85,7%	66,7%	71,4%	87,5%	21,4%	30,2%	14,5%	80,0%	34,5%
Board		11,1%			28,6%	9,5%	29,1%		16,1%
Media, press			14,3%	12,5%	14,3%	23,8%	36,4%		23,2%
Register of administrative structures					28,6%	17,5%			8,9%
Bulletin		11,1%				9,5%	5,5%		6,0%
Brochures					7,1%	4,8%	1,8%		3,0%
State Gazette	14,3%	11,1%	14,3%			1,6%	1,8%	20,0%	3,6%
Other						3,2%	10,9%		4,8%
Number of responses:	7	9	7	8	14	63	55	5	168

Table 21: Do you find it necessary to publish manuals containing such information?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	75,0%	53,8%	85,7%	64,7%	76,0%	73,7%	71,8%	50,0%	71,5%
No	25,0%	46,2%	14,3%	35,3%	24,0%	26,3%	28,2%	50,0%	28,5%
Number of responses:	8	13	7	17	25	95	124	6	295

Table 22: Do you keep a register of APIA requests?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	42,9%	53,8%	42,9%	35,3%	82,6%	63,5%	55,2%	37,5%	57,8%
No	57,1%	46,2%	57,1%	64,7%	17,4%	36,5%	44,8%	62,5%	42,2%
Number of responses:	7	13	7	17	23	96	125	8	296

Table 23: What kind of information do you enter in this register?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Kind of information requested?	100,0%	100,0%	100,0%	75,0%	83,3%	87,1%	83,6%	50,0%	85,0%
Request form?	100,0%	85,7%	100,0%	75,0%	83,3%	80,6%	73,1%	75,0%	78,4%
Request date?	100,0%	100,0%	100,0%	75,0%	100,0%	91,9%	95,5%	100,0%	94,6%
Decision date?	100,0%	100,0%	100,0%	75,0%	88,9%	90,3%	89,6%	100,0%	90,4%
Decision kind (grant or denial of request)?	100,0%	71,4%	100,0%	75,0%	83,3%	79,0%	80,6%	100,0%	80,8%
Form of access?	100,0%	57,1%	66,7%	75,0%	66,7%	69,4%	67,2%	50,0%	67,7%
Date of providing the information?	100,0%	85,7%	100,0%	75,0%	83,3%	88,7%	92,5%	75,0%	89,2%
Requestor's data?	100,0%	71,4%	66,7%	75,0%	100,0%	82,3%	85,1%	100,0%	85,0%
Other data?		14,3%	33,3%	25,0%	16,7%	17,7%	9,0%	25,0%	14,4%
Number of responses:	2	7	3	4	18	62	67	4	167

Table 24: Is the register computerized?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	50,0%	62,5%	25,0%	12,5%	50,0%	27,0%	22,8%	66,7%	29,6%
No	50,0%	37,5%	75,0%	87,5%	50,0%	73,0%	77,2%	33,3%	70,4%
Number of responses:	6	8	4	8	18	74	92	6	216

Table 25: Do you fill in a form certifying that a person has received access to information?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	14,3%	16,7%		15,4%	36,4%	32,2%	17,7%		22,8%
No	85,7%	83,3%	100,0%	84,6%	63,6%	67,8%	82,3%	100,0%	77,2%
Number of responses:	7	12	5	13	22	87	113	8	267

Table 26: Total number of APIA requests:

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Total number of requests	4401	57	85	58	1085	6852	20313	6	32857
Verbal requests	1130		8	39	778	154	11424		12403
Written requests	1936	53	75	14	307	6709	8912	6	18012
E-mail requests	1355	4	2	5		1	12		13
Access provided immediately	1498		8	48	660	394	12882		13992
Access provided within 14 days	2683	53	77	7	180	534	6855	4	10393
Access provided after the 14-day term				1	1	6039	607	2	6650
Number of responses:	5	9	7	10	20	85	95	7	238

Table 27: Have you imposed a penalty on an official, who has refused to grant access to information?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes						1,1%			0,4%
No	100,0%	100,0%	100,0%	100,0%	100,0%	98,9%	100,0%	100,0%	99,6%
Number of responses:	7	10	5	16	24	93	115	8	278

Table 28: How many times have you refused access to information during the last year? On what grounds?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Total number of refusals	183	1		5	8	55	18	3	273
State secret	91								91
Official secret	91	1			3	2			97
Personal data	1				1	23	2		27
Third party concerned				2	5	18	7		32
Art. 13 item 2 APIA				1		1			2
Other				2	1	4	7	3	17
Number of responses:	5	8	2	8	18	65	72	5	183

Table 29: Is your institution obliged under APIA?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	100,0%	84,6%	100,0%	94,1%	95,8%	90,1%	90,7%	83,3%	91,2%
No		15,4%		5,9%	4,2%	9,9%	9,3%	16,7%	8,8%
Number of responses:	8	13	7	17	24	91	118	6	284

Table 30: Have you had any problems arising from unclear regulations of the FOI legislation?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	42,9%	23,1%		35,3%	20,8%	21,8%	24,1%	42,9%	24,4%
No	57,1%	76,9%	100,0%	64,7%	79,2%	78,2%	75,9%	57,1%	75,6%
Number of responses:	7	13	4	17	24	87	112	7	271

Table 31: What are the unclear regulations?

	Institution					Total
	Central Gov't	Executive agencies	Municipal administration	Regional administration	RBEP	
Unclear definitions				33,30%	13,60%	18,00%
Problems due to lack of knowledge	50,00%	83,30%	50,00%	33,30%	27,30%	38,00%
Problems with the exemptions	50,00%	16,70%	50,00%	33,30%	59,10%	44,00%
Number of responses:	2	6	2	18	22	50

Table 32: Are there any recommendations you would like to make about the regulations and the future implementation of APIA?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Concerning the regulations		100,0%		30,0%	25,0%	36,6%	25,0%		30,8%
More education	100,0%		100,0%	60,0%	37,5%	22,0%	37,5%		33,7%
Improvement of the administrative capacity				10,0%	25,0%	7,3%	5,0%	100,0%	8,7%
Popularization of the legislation among citizens					12,5%	34,1%	32,5%		26,9%
Number of responses:	1	2	1	10	8	41	40	1	104

Table 33: How did you find the person to be interviewed (question to the interviewers)?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
I was directed by an official	72,2%	68,2%	66,7%	47,8%	22,2%	32,7%	25,1%	41,7%	34,9%
There was an official appointed	5,6%	9,1%		21,7%	55,6%	46,2%	59,1%	25,0%	44,6%
After a number of redirections	22,2%	22,7%	20,0%	26,1%	11,1%	4,8%	4,7%	33,3%	9,7%
By fax/mail/phone					11,1%	16,3%	5,8%		7,7%
I did not find him/her			13,3%	4,3%			5,3%		3,1%
Number of responses:	18	22	15	23	27	104	171	12	392

Table 34: Was the questionnaire filled out in your presence (question to the interviewers)?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	13,3%	35,3%	22,2%	50,0%	42,3%	41,0%	43,2%	36,4%	40,5%
No	86,7%	64,7%	77,8%	50,0%	57,7%	59,0%	56,8%	63,6%	59,5%
Number of responses:	15	17	9	22	26	100	146	11	346

Table 35: Did other people fill in the questionnaire (question to the interviewers)?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Yes	50,0%	11,1%	16,7%		18,2%	16,9%	15,3%	33,3%	16,5%
No	50,0%	88,9%	83,3%	100,0%	81,8%	83,1%	84,7%	66,7%	83,5%
Number of responses:	6	9	6	11	22	83	124	6	267

Table 36: What was the attitude towards you (question to the interviewers)?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Very good	33,3%	40,9%	14,3%	34,8%	33,3%	23,5%	17,9%	8,3%	23,1%
Good	38,9%	27,3%	71,4%	47,8%	44,4%	54,9%	59,5%	58,3%	54,1%
Normal	5,6%			4,3%	14,8%	13,7%	6,5%	25,0%	8,8%
Chilly	16,7%	18,2%	7,1%	8,7%	3,7%	6,9%	9,5%	8,3%	9,1%
Bad	5,6%	13,6%	7,1%	4,3%	3,7%	1,0%	6,5%		4,9%
Number of responses:	18	22	14	23	27	102	168	12	386

Table 37: How much time did it take you (question to the interviewers)?

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
How many days did you look for the interviewed person?	1,09	1,15	1,56	1,11	1,19	1,03	1,27	1,50	1,17
How many times did you visit the institution?	4,55	2,45	3,00	2,79	2,31	1,47	2,06	2,75	2,10
How many days did it take you to receive an answer?	9,00	6,15	1,89	3,11	3,81	3,25	3,38	5,38	3,72

Table 38: Something else that impressed you: (question to the interviewers)

	Institution								Total
	Central Gov't	State agencies	State commissions	Executive agencies	Municipal administration	Regional administration	RBEP	Other	
Willingness to work	23,5%	15,8%		20,0%	18,8%	38,6%	22,8%	14,3%	25,0%
Interest in our work	5,9%	10,5%		6,7%		8,8%	4,3%	57,1%	7,5%
Lack of knowledge and bad organization	17,6%	5,3%	20,0%	26,7%	31,3%	5,3%	27,2%	28,6%	19,3%
Reluctance to work under APIA	41,2%	36,8%	20,0%	20,0%	6,3%	8,8%	21,7%		19,3%
Improved work since last year	5,9%		20,0%			14,0%	5,4%		6,6%
Good knowledge of APIA procedures		10,5%		20,0%	25,0%	5,3%	3,3%		6,6%
Bad knowledge of APIA procedures	5,9%	21,1%	40,0%	6,7%	18,8%	15,8%	15,2%		14,9%
Needless formalities						1,8%			0,4%
Require the legal grounds for access						1,8%			0,4%

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(results from a sociological survey)

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