



ACCESS TO INFORMATION PROGRAMME

A registered non-profit organization in Sofia, Bulgaria,
Reg. #13 849/97, Sofia City Court
9 Slavianska St. 3 Floor, 1000 Sofia
tel./fax 980 54 84; tel. 989 49 44; E-mail: aip@omega.bg;

MEMORANDUM OF THE PARTICIPANTS IN THE SEMINAR ACCESS TO INFORMATION - PRACTICES AND LOCAL REGIME

The seminar was organised by the 'Access to Information Program' Foundation
Stara Zagora - 25. 06. 1999

This paper contains the recommendations to the authors of the Access to Public Information Bill, as commonly agreed on by the members of the Gabrovo local government, NGO representatives and journalists having worked together in the 'Access to Information - Practices and Local Regime' seminar.

I. GENERAL CRITICISM

1. Definitions and Notions Used in the Bill

The Access to Public Information Bill (APIB) introduces ambiguous notions and terms for which neither the Bill, nor any other existing Bulgarian legislation offers a definition: ‘information of public significance’, ‘public life’, ‘office secret’ (different acts of law assign to this definition a different content and it remains unclear what this is content under the APIB).

Recommendation:

We recommend that ambiguous definitions be either removed from the Bill or defined within its context.

2. Persons, Obligated Under the Bill


Besides obligating the authorities of the state power, APIB extends this coverage to persons, which are outside that system. As the purpose of such legislation is to ensure publicity of the government, obligating persons outside the scope of the state government to disclose information under this Bill is lacking in rationale.

Recommendation:

We recommend that the sole persons obligated under the APIB be the authorities of the state power, their administrations, and the public budget-funded enterprises.

3. The Lack of Legal Restrictions over the Right of Access to Information

AIPB does not draw a clear and precise distinction among accessible information and such, as is subject to protection through the institute of the secret. The Bill does mention the institutes of state and office secret, yet fails to clearly delineate their size and scope. Restrictions to the right of access to information should be rendered unambiguously and precisely to ensure effective implementation of the future Access to



Public Information Act. The Act should by all means embrace the following tenet: ‘All information held by the bodies, obligated under this Act shall be accessible, except for such, as is subject to the explicit limitations enumerated in this Act’.

Recommendation:

A whole new chapter in the APIB should be dedicated to the limitations imposed on the right to access information.

We recommend that the legislators make a concrete and clear listing of all limitations to the access right, delimit their scope and prevent other acts of law or the administration from adding to their number.

4. Possibilities of Control

APIB does not provide for administrative control, an omission we see as a major flaw.

Whilst the Bill sets forth provisions for court control, their formulation raises a number of questions which remain unanswered. For example, as APIB requires all authorities of the state power to disclose information, that duty is enforceable on the courts too. Yet it remains unclear which institution would appeals concerning the refusal of the Supreme Administrative Court to disclose information be addressed to. Nor is it clear which court would refusals of the legislature to disclose information be appealed before.

Recommendation:

We recommend the legislators to draw a provision permitting appeal of a refusal to disclose information before a higher standing administrative authority.

We further recommend that the legislators specify the hypothetical cases in which court control is rendered practically impossible.

A list of the participants in the seminar:

1. Hristina Kovacheva - FLGR
2. Yordan Sirakov - LGI
3. Nedyalka Filipova - 'Trud' Newspaper
4. Rossitsa Vulyovska - 'Trud' Newspaper
5. Tanya Ivanova - Radio 'Domino'
6. Tatyana Gancheva -Stara Zagora municipal press centre
7. Roumen Anguelov
8. Mariana Stoilova
9. Silvana Nalbantova - Radio 'Stara Zagora'
10. Anton Vassilev - AIP, Haskovo, Haskovo regional T.V. centre
11. Atanas Stoychev - 'Monitor' Newspaper
12. Margarita Neycheva - head of 'Civil Status' department, Stara Zagora
13. Zhelyana Grudeva - head of department Centre for Information to Citizens, Stara Zagora
14. Evgeniy Zhelyazkov - secretary of the Stara Zagora municipality
15. Radka Dobрева - regional information centre for European integration, Stara Zagora
16. Major Kirko Kirkovsky - officer for information - Stara Zagora
17. Hristina Miteva - OSF Club
18. Matey Bonev - 'Standart' Newspaper
19. Petya Nikolova - 'Gulubovsky Vesti' Newspaper
20. Katya Kilikchieva - secretary of Kazanluk municipality
21. Yonka Georgieva
22. Rostislav Velichkov - 'Vereya Cable' Ltd
23. Irena Nedkova - 'Augusta Trajana'
24. Zhivko Tanev

- 
25. Mariana Stoycheva - OSF Club
 26. Daniella Miteva - regional administration Stara Zagora
 27. Stanimira Dimova - T.V. Stara Zagora
 28. Nikolay Ninov - AIP
 29. Fanny Davidova - AIP
 30. Alexander Kashumov - AIP
 31. Konstantin Palikarsky - COLPI
 32. Marina Karakonova - AIP