

ACCESS TO PUBLIC INFORMATION ACT

Prom. SG. 55/7 Jul 2000, amend. SG. 1/4 Jan 2002, amend. SG. 45/30 Apr 2002, amend. SG. 103/23 Dec 2005, amend. SG. 24/21 Mar 2006, amend. SG. 30/11 Apr 2006, amend. SG. 59/21 Jul 2006, amend. SG. 49/19 Jun 2007, amend. SG. 57/13 Jul 2007, amend. SG. 104/5 Dec 2008, amend. SG. 77/1 Oct 2010, amend. SG. 39/20 May 2011, amend. and suppl. SG. 97/11 Dec 2015, amend. SG. 13/16 Feb 2016, amend. and suppl. SG. 50/1 Jul 2016, amend. SG. 85/24 Oct 2017, amend. and suppl. SG. 77/18 Sep 2018, amend. SG. 17/26 Feb 2019

Chapter one. GENERAL PROVISIONS

Section I. Subject and scope

Subject

Art. 1. (suppl. – SG 49/07) This Act regulates the public relations connected to the right of access to public information, as well as to the re-use of public sector information.

Public Information and Public Sector Information (Title suppl. – SG 49/07) (Title suppl. – SG 49/07)

Art. 2. (1) Within the meaning of this Act “Public information” shall be any information related to the public life in the Republic of Bulgaria, and enabling the citizens to form their own opinion on the activity of the bodies obliged according to the law.

(2) The information under para 1 shall be public regardless of the type of its material carrier.

(3) (new – SG 49/07, amend. and suppl. – SG, 97/2015, in force from 12.1.2016) Public sector information shall mean any piece of information provided on material media, including information preserved as a document, audio- or video recording, gathered or created by a public sector organisation.

(4) (new - SG, 97/2015, in force from 12.1.2016) The information under Para. 3 shall also be maintained in electronic mode.

(5) (Amend., SG 1/02; prev. text of para 03 – SG 49/07, former Para. 4 - SG, 97/2015, in force from 12.1.2016) This Act shall not apply to access to personal data.

Re-use of Public Sector Information

Art. 2a. (new – SG 49/07) (1) Re-use of public sector information shall mean use for commercial or non-commercial purposes, other than the initial one, for which the said information has been created within the framework of the powers or functions of a public sector organisation.

(2) The provision of public sector information to a public sector organisation in relation to performing its powers or functions shall not be considered re-use within the meaning of this Act.

Obliged bodies (Title amend. – SG 49/07)

Art. 3. (1) (amend. – SG 104/08) This Act shall apply to access to the public information created or kept by the state bodies, their territorial units and the bodies of the local independent

government in the Republic of Bulgaria, called hereinafter "the bodies".

(2) (amend. – SG 104/08) This Act shall also apply to access to public information created and kept by:

1. public entities other those under para 1, including the public sector institutions;
2. natural and legal persons only regarding their activity financed by resources of the consolidated state budget and resources from European Union Funds or provided from projects and programmes of the European Union.

(3) (new – SG 49/07; amend. – SG 104/08) The public sector organisations shall be obliged to provide public sector information for re-use, except in the cases provided for in this Act.

(4) (new – SG 49/07, amend. – SG, 97/2015, in force from 12.1.2016) Organizations from the public sector shall be the subjects under Para. 1 and Para. 2, p. 1.

Holders of the Right to Access to Public Information and the Right to Re-Use Of Public Sector Information (Title suppl. – SG 49/07)

Art. 4. (1) Every citizen of the Republic of Bulgaria shall have the right to access to public information under the terms and according to the procedure determined by this Act, unless another Act stipulates a special procedure of seeking, obtaining and dissemination of such information.

(2) In the Republic of Bulgaria the foreigners and the persons without citizenship shall exercise the right under para 1.

(3) All legal entities shall exercise the right under para 1 as well.

(4) (new – SG 49/07) The persons referred to in paras 1, 2 and 3 shall be entitled to re-use of public sector information.

Exercising the Right to Access to Public Information and Re-use of Public Sector Information (Title amend. – SG 49/07)

Art. 5. (amend. – SG 49/07) The exercising of the right to access to public information and of re-use of public sector information cannot be directed against the rights and the reputation of other persons, as well as against national security, public peace, health of the citizens and morality.

Main Principles

Art. 6. (1) (prev. text of Art. 06 – SG 49/07) The basic principles in exercising the right to access to public information shall be:

1. openness, reliability and completeness of the information;
2. ensuring equal terms of access to public information;
3. ensuring lawfulness in seeking and obtaining public information;
4. protection of the right to information;
5. (amend. – SG, 97/2015, in force from 12.1.2016) personal data protection;
6. guaranteeing the security of the public and the state.

(2) (new – SG 49/07) The main principles of provision of public sector information for re-use are:

1. ensuring an opportunity of multiple re-use of public sector information;
2. transparency at providing public sector information;
3. prohibition of discrimination at provision of public sector information;
4. prohibition of restriction of free competition.

Admissible Restrictions of the Right to Access to Public Information and of Re-use of Public Sector Information (Title suppl. – SG 49/07)

Art. 7. (1) (Amend., SG 45/02; amend. - SG 59/06, in force from 01.01.2007; amend. – SG 49/07) Any restriction on the right to access to public information and of re-use of public sector information, except where the said information it is classified information or another protected secret in the cases provided for by law, shall not be permitted.

(2) Access to public information may either be full or partial.

Exception from the Scope of Application of the Act

Art. 8. (amend. – SG 49/07) The provisions of this Act concerning the access to public information shall not apply to information which:

1. is submitted in connection with administrative services to citizens and of legal entities;

2. (amend. – SG 57/07, in force from 13.07.2007) is stored in the National Archive Fund of the Republic of Bulgaria.

Section II.

Official and Administrative Public Information

Types of Public Information

Art. 9. (1) Public information created or kept by the bodies and their administrations shall be either official or administrative information.

(2) (Amend., SG 45/02) In the cases provided for by law certain official or administrative information may be declared classified information constituting state or official secret.

Official public information

Art. 10. Official shall be any information contained in the acts of state bodies and of bodies of the local self-government in the course of performance of their powers.

Administrative public information

Art. 11. Administrative is the information which is collected, created and stored in connection with the official information, as well as on occasion of the activity of the bodies and their administrations.

Chapter two.

ACCESS TO PUBLIC INFORMATION

Section I.

Access to Official and Administrative Public Information

Access to Official Public Information

Art. 12. (1) Access to official information contained in statutory instruments shall be provided through their promulgation.

(2) Access to other official information in the cases when it is provided for by an act or by a decision of the body which has created it shall be provided through promulgation.

(3) Access to official information in cases other than those under para 1 and 2 shall be

unrestricted and shall be provided according to the procedure established by this Act.

(4) Upon request for access to official information which is promulgated the respective body shall be obliged to announce the publication where it has been promulgated, the issue and the date of issuance.

Access to Administrative Public information

Art. 13. (1) Access to administrative public information shall be unrestricted.

(2) Access to administrative public information may be restricted where the said information:

1. is related to the operative preparation of the acts of the bodies and it has no relevance of its own (opinions and recommendations worked out by or for the body, statements and consultations);

2. contains opinions and positions in connection with present or forthcoming negotiations conducted by the body or on his behalf, as well as information related to them, and which has been prepared by the administrations of the respective bodies.

(3) (Amend., SG 45/02) The restriction under para 2 cannot apply upon expiration of 2 years from the creation of such information.

(4) (new – SG 104/08) Access to administrative public information may not be restricted in case of prevailing public interest.

Obligation to Disclose Public Information

Art. 14. (1) The bodies shall inform the public of their activities through publication or announcement in another form.

(2) The bodies shall be obliged to disclose information, collected or having become known to them in carrying out their activities, where the said information:

1. can prevent a threat to life, health and safety of citizens or of their property;

2. denies disseminated untrue information which affects significant public interests;

3. represents or would represent a public interest;

4. must be prepared or disclosed by virtue of a law.

Publication of Up-To-Date Public Information

Art. 15. (1) For the purpose of ensuring transparency of the activity of the administration and in order to facilitate best the access to public information, each head of an administrative unit the executive authorities system shall regularly publish up-to-date information, containing the following:

1. description of the powers of the particular head and data for the organisation, the functions and the responsibility of the administration headed by him/her;

2. (suppl. – SG, 97/2015, in force from 12.1.2016) a list of the issued acts in fulfilment of the powers of the head and the texts of the issued by the body normative and general administrative acts;

3. a description of the data files and resources used by the respective administration;

4. (suppl. – SG, 97/2015, in force from 12.1.2016) name, address, e mail address, telephone N and office hours of the units in the respective administration in charge of acceptance of applications for providing access to information.

5. (new – SG, 97/2015, in force from 12.1.2016) Rules of procedure and internal rules, related to provision of administrative services of citizens;

6. (new – SG, 97/2015, in force from 12.1.2016) strategies, plans, programmes and reports on the activity;

7. (new – SG, 97/2015, in force from 12.1.2016) information about the budget and financial reports of the administration, which shall be published under the Act on Public Finances;

8. (new – SG, 97/2015, in force from 12.1.2016) information about conducted public procurement, defined for publication in the buyer’s profile under the Public Procurement Act;

9. (new – SG, 97/2015, in force from 12.1.2016) drafts of normative acts with the motives or – the report and results of the public discussion of the draft;

10. (new – SG, 97/2015, in force from 12.1.2016) notification for opening of procedure on issuing a general administrative act under Art. 66 of the Administrative Procedure Code, including the basic considerations on the issue of the act and the forms and terms of participation of interested persons in the procedure;

11. (new – SG, 97/2015, in force from 12.1.2016) information about exercising the right to access to public information, the procedure and conditions for re-use of information, the fees under Art. 41g and the forms, in which the information is maintained;

12. (new – SG, 97/2015, in force from 12.1.2016) announcements for competitions for civil servants;

13. (new – SG, 97/2015, in force from 12.1.2016) information, subject to publication under the Act on Prevention and Finding Conflict of Interests;

14. (new – SG, 97/2015, in force from 12.1.2016) information, which is public under the Protection of Classified Information Act and the acts on its implementation;

15. (new – SG, 97/2015, in force from 12.1.2016) the information under Art. 14, Para. 2, p. 1 – 3;

16. (new – SG, 97/2015, in force from 12.1.2016) the information, provided more than 3 times under Chapter Three;

17. (new – SG, 97/2015, in force from 12.1.2016) other information, defined by an act.

(2) (amend. - SG 24/06, suppl. - SG, 97/2015, in force from 12.1.2016) Every head under para 1 shall work out an annual report on the received applications for access to public information and for re-use of information of the public sector, which shall also include data for the refusals and the reasons for that. The annual report shall be a part of the annual reports referred to in Art. 62, para 1 of the Administration Act.

(3) (new - SG, 97/2015, in force from 12.1.2016) The persons under Art. 3, Para. 2, p. 1 shall periodically publish updated information about their activity, corresponding to the information under Para. 1, p. 1, 4., 5, 6, 8, 11,15,16 and 17.

(4) (new - SG, 97/2015, in force from 12.1.2016) The organizations of the public sector, including public libraries, including libraries of higher schools, archives and museums shall publish all the conditions for provision of the information for re-use on their internet site and on the portal under Art. 15.

Publishing on the Internet

Art. 15a. (new – SG 104/08) (1) (suppl. - SG, 97/2015, in force from 12.1.2016) The information under Art. 15 shall be published on the internet sites of the administrative structures in the system of the executive authorities and the subjects under Art. 3, Para. 2, p. 1.

(2) (amend. – SG, 97/2015, in force from 12.1.2016) In the section “Access to information” section of the internet sites under Para 1 shall be announced the information under Art. 15, Para 1, Item 4 and 11 and the annual reports under Para 2, the existing internal rules regarding the access to public information the norms for the costs for provision of access to information under Art. 20, Para. 2 and re-use of information of the public sector under Art. 41g, the procedure for accessing the public registers kept by the administrative structures in the system of the executive authorities.

(3) (new - SG, 97/2015, in force from 12.1.2016) every head under Art. 15, Para. 1 shall annually announce an updated list of the categories information, subject to publication in internet about the area of activity for the relevant administration, as well as the forms in which it is accessible.

(4) (new - SG, 97/2015, in force from 12.1.2016) The information under Para. 15 shall be published or updated within the term of up to 3 days from adoption of the relevant act or form creating the relevant information, and if the act is published – within the term of up to 3 working days from the publication, unless an act provides otherwise.

Publication in Open Format

Art. 15b. (new - SG, 97/2015, in force from 12.1.2016) (1) every organization of the public sector shall annually plan subsequent publication on internet an open form of the information databases and resources, which maintains, the access to which is free.

(2) The bodies of the executive shall include in the annual objectives for the activity of the relevant administration under Art. 33a of the Administration Act objectives, related to provision of subsequent publication on the internet the information database and resource under Para. 1.

(3) (suppl. – SG 50/16, in force from 01.07.2016) The Council of Ministers shall annually, on the proposal of the Chairperson of the State Agency "Electronic government", adopt a list of data sets to be published in open format on the Internet.

Platform for Access to Public Information

Art. 15c. (new -- SG, 97/2015, in force from 12.1.2016) (1) The administration of the Council of Ministers shall create and maintain a platform for access to public information.

(2) The platform shall provide possibility for submission of application for access for information.

(3) (amend. - SG 17/19) Every obliged subject under Art. 3, Para. 1 shall publish on the platform under Para. 1 the submitted through the platform applications, the decisions on them and the provided public information of in accordance with the requirements of the protection of personal data of the applicant.

(4) In case of refusal for provision of access to public information, the decision shall be handed under Art. 39 by the relevant obliged subject under Art. 3, Para. 1.

Portal for Open Data

Art. 15d. (new – SG, 97/2015, in force from 12.1.2016) (1) (amend. – SG 50/16, in force from 01.07.2016) The State Agency "Electronic government" shall create and maintain a portal for open data.

(2) (in force from 13.9.2016) The organization of the public sector shall publish on the portal under Para. 1 the information under Art. 15b, the access to which is free.

(3) The procedure and way for publication of the information under Para. 2 shall be defined by an ordinance, adopted by the Council of Ministers.

Accountability (Title suppl. - SG 24/06; title amend. - SG 77/10)

Art. 16. (amend. - SG 77/10) (1) The summarised information about the bodies and their administrations, containing the data under art. 15, as well as other information related to the implementation of this Act shall be included in the Administration Status Report, which shall be adopted by the Council of Ministers.

(2) The summarised information shall be published on the internet site of the Council of Ministers. This information must be available for the citizens in the premises of each administration in order to make references therein.

Accountability on re-use of information

Art. 16a. (new – SG, 97/2015, in force from 12.1.2016) (1) (amend. – SG 50/16, in force from 01.07.2016) The State Agency "Electronic government" shall draw up very three years a report on the availability of information for repeated use, provided by the organizations of the public sector, the conditions in which it is provided and the practices for legal defence. The organizations of the public

sector shall annually submit to the Council of Ministers Administration reports on these circumstances.

(2) The report shall be announced in public and shall be provided to the European Commission.

Section II.

Access to Other Public Information

Access to Public Information Related to the Activity of Other Bodies Obligated To Provide

It

Art. 17. (amend. – SG 104/08) (1) Access to any public information, which is created, received or stored in relation to the activity of the obliged bodies under art. 3, shall be unrestricted.

(2) The information under para 1 constituting a business secret the presentation or dissemination of which would lead to unfair competition between entrepreneurs shall not be subject to disclosure, except in case of prevailing public interest.

(3) When denying access to public information on the grounds of Para 2, the bodies obliged under Art. 3 shall indicate the circumstances leading to unfair competition between the merchants.

Access to Public Information on Mass Media

Art. 18. Public information for the mass media shall be limited to information regarding:

1. the persons who participate in the management of the respective mass medium or exercise effective control on its management or activity;

2. economically connected persons participating in the management of other mass media which allows them to exercise effective control over the management or the activity of the said mass media;

3. the persons who are directly engaged in the mass media and participate in the formation of the editorial policy;

4. statements made for the public goals of the mass medium, as well as the principles or the internal mechanisms applied by the mass medium to guarantee the reliability and objectivity of the reported information;

5. the financial results of the owner of the mass medium and the distribution of the production.

Purpose of the access to public information on mass media

Art. 19. (amend. – SG, 97/2015, in force from 12.1.2016) The access to the information under art. 18 shall be carried out while observing and balancing the principles of transparency and economic freedom, as well as of protection of personal data, the business secret and the confidentiality of the sources of the mass media, which provide information on condition of anonymity.

Section III.

Terms and Procedure for Determining the Costs of Providing Public Information

Free Access and Costs of Providing Public Information

Art. 20. (1) Access to public information shall be free of charge.

(2) The costs incurred for provision of public information shall be paid according to standards determined by the Minister of Finance which cannot exceed the material expenses related to the disclosure.

(3) Presented upon request on the part of an applicant shall be information for determining the costs under para 2.

Obligation to Inform upon Submission of Application for Access

Art. 21. The bodies under Art. 3 shall be obliged to announce at the place where applications are submitted the possible forms of providing access to public information, the costs due and the manner of their payment.

Free Corrections and Supplements of the Submitted Information

Art. 22. The additional costs of any correction and/or supplements of public information disclosed shall not be paid in the cases where the said information is inaccurate or incomplete and the applicant makes a reasoned request for such correction and/or supplement.

Income from Providing Access to Public Information

Art. 23. The income from providing access to public information shall be received by the budget of the competent body.

Chapter three.

PROCEDURES FOR PROVIDING ACCESS TO PUBLIC INFORMATION

Section I.

Request for Providing Access to Public Information

Application or Verbal Request for Access

Art. 24. (1) Access to public information shall be provided on the grounds of a written application or a verbal request.

(2) (amend. – SG, 97/2015, in force from 12.1.2016, (*), amend. - SG 85/17) The application shall also be considered written in the cases when it is filed by electronic mode at the e mail address under Art. 15, Para. 1, p. 4 or through the platform for access to public information under Art. 15c. In these cases no signature is required under the requirements of the Regulation (EU) № 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28 August 2014) and of the Electronic Document and Electronic Trust Services Act.

(3) If the applicant is not granted access to any public information requested upon an verbal request or if the applicant considers the public information disclosed thereto insufficient, the latter may submit a written application.

Contents of Application for Access

Art. 25. (1) The application for providing access to public information shall contain:

1. full name, respectively the name and the registered office of the applicant;
2. description of the requested information;
3. the preferred form of access to the requested information;
4. the address for correspondence with the applicant.

(2) If the application does not contain the data under para 1, item 1, 2 and 4 it shall be left without consideration.

(3) The applications for access to public information shall be subject to obligatory registration according to a procedure determined by the respective body.

Forms of access to public information

Art. 26. (1) The forms of access to public information shall be:

1. (suppl. – SG, 97/2015, in force from 12.1.2016) review of the information – in its original form or in a copy, or through a public commonly accessible register; ;
2. verbal response to an enquiry;
3. (amend. – SG, 97/2015, in force from 12.1.2016) paper copies on material media;
4. (amend. – SG, 97/2015, in force from 12.1.2016) copies, provided electronically or internet address, where the data are stored or published.

(2) One or more of the forms under para 1 may be used for access to public information.

(3) If the preferred form of access to public information is the one under para 1, item 4 the technical parameters of recording the information shall also be specified.

(4) Persons with impaired sight or impaired hearing can request access in a form corresponding to their communicative abilities.

Obligation to Comply with Preferred Form of Access

Art. 27. (1) The bodies shall be obliged to comply with the preferred form of access to public information except in the cases where:

1. it is not technically possible;
2. it is connected with ungrounded increase of the expenses related to the access;
3. it leads to a possibility of unauthorised processing of this information or to violation of copyrights.

(2) In the cases under para 1 access to the information shall be provided in a form determined by the respective body.

Section II.

Considering Applications and Providing Access to Public Information

Considering the Applications for Access

Art. 28. (1) The applications for access to public information shall be considered as soon as possible but not later than 14 days after the date of registration.

(2) Within the period under para 1 the bodies or persons explicitly appointed by them shall take a decision for providing or refusing access to the requested public information and shall notify in writing the applicant about their decision.

Specifying the application for access

Art. 29. (1) In those cases where it is not clearly specified what information is requested or if it is formulated rather general terms, the applicant shall be informed notified thereof and shall have the right to identify the subject of the requested public information. The time limit under art. 28, para 1 shall begin on the date of specifying the subject of the requested public information.

(2) If the applicant fails to specify the subject of the requested public information within 30 days, the application shall be left without consideration.

Admissible Extension of the Time Limit for Providing Access

Art. 30. (1) The time limit under Art. 28, para 1 can be extended but by no more than 10 days if

the information requested by the application is extensive and its preparation requires additional time.

(2) The notification under Art. 29, para 1 shall indicate the reasons for the extension of the time limit during which access shall be provided to the requested public information.

Extension of the Time Limit in connection with the protection of the interests of third persons

Art. 31. (1) The time limit under Art. 28, para 1 can be extended but by no more than 14 days when the requested public information pertains to a third party and their consent is required for disclosure thereof.

(2) In the cases under para 1 the respective body shall be obliged to request the explicit written consent of the third party within 7 days from the registration of the application under Art. 24.

(3) In its decision under Art. 28, para 2 the respective body shall be obliged to comply strictly with the conditions under which the third party has given consent to disclose the information regarding the said third party.

(4) (amend. – SG 104/08, amend. – SG, 97/2015, in force from 12.1.2016) If in an explicit discontent of the third party within the term under Para. 1, the respective body shall provide the requested public information up to an extent and in a manner that do not allow disclosing the information concerning the interests of the third party.

(5) (amend. – SG 104/08) Consent from the third party shall not be required in the cases where the third party is an obliged body and the information regarding them is public information within the meaning of this Act, and also in case there is prevailing public interest in disclosure thereof.

Forwarding the Application for Access

Art. 32. (1) If the body does not have the requested information but is aware of its location they shall forward the respective application within 14 days from its receipt, notifying the applicant thereof. The notification shall obligatorily indicate the name and the address of the respective authority or legal person.

(2) In the cases under para 1 the time limit under art. 28, para 1 shall begin from the moment of receiving the application forwarded by the respective body.

Notifying the Applicant that the Public Information Requested is not Available

Art. 33. If the body does not have available the information requested and is not aware of its location they shall notify the applicant thereof within 14 days.

Decision for Providing Access to Public Information

Art. 34. (1) The decision under Art. 28, para 2 with which is provided access to the requested public information shall obligatorily state:

1. the extent of access provided to the public information requested;
2. the period during which the access to the requested public information will be provided;
3. the place where access to the requested public information will be provided;
4. the form in which access to the requested public information will be provided;
5. the costs related to the access to the requested public information.

(2) The decision can also indicate other bodies, organisations or persons who have available more complete information.

(3) (suppl. – SG, 97/2015, in force from 12.01.2016) The decision for providing access to the

requested public information shall be presented to the applicant against signature or it shall be dispatched by mail with advice of delivery, or shall be sent electronically, where the applicant has requested the information to be provided electronically and has indicated an e-mail address.

(4) The period of time under para 1, item 2 cannot be shorter than 30 days from the date of receiving the decision.

Providing Access to Public Information Requested

Art. 35. (1) Access to public information shall be provided upon payment of the determined expenses and presentation of a payment document.

(2) Written records shall be made for the provision of access to public information which shall be signed by the applicant and by the respective official.

(3) (new – SG, 97/2015, in force from 12.1.2016) Where the applicant has requested the access to information to be provided electronically and has indicated an email address for receiving, the body shall submit to the indicated e mail address the decision for provision of access with a copy of the information or the internet address in which the data are stored. In these cases the protocol under Para. 2 shall not be drawn up under Para. 2 and no costs on the provision shall be paid.

(4) (new – SG, 97/2015, in force from 12.1.2016) if the applicant has changed the e-mail address without notifying the body or has indicated untrue or non-existing address, the information shall be considered as received from the date of its sending.

Denial of Provided Access by the Applicant

Art. 36. (1) (Former text of Art. 36 – SG, 97/2015, in force from 12.1.2016) If the applicant fails to appear within the period determined by Art. 34, para 4 or does not pay the determined costs, the said applicant shall be presumed to have denied the access provided to the requested public information.

(2) (new – SG, 97/2015, in force from 12.1.2016) Para. 1 shall not apply where the application has been submitted through the platform for access to public information or electronically.

Section III.

Refusal of Access to Public Information

Grounds for Refusal of Access

Art. 37. (Amend., SG 45/02; amend. - SG 59/06, in force from 01.01.2007; amend. – SG 104/08) (1) Access to public information may be refused on any of the following grounds:

1. the requested information is classified or constitutes another protected secret in the cases stipulated by law as well as in the cases under Art. 13, para 2;

2. (amend. – SG, 97/2015, in force from 12.1.2016) the access affects the interests of a third party and it has explicitly refused the provision of the requested public information, except in case of prevailing public interest;

3. the requested public information has been submitted to the applicant during the preceding 6 months.

(2) In the cases under para 1 partial access shall be provided only to that part of the information the access to which is not restricted.

Contents of Decision to Refuse Access

Art. 38. The decision for refusal to provide access to public information shall point out the legal

and factual grounds for refusal according to this law, the date of adoption of the decision and the order of its appeal.

Presentation of the decision for refusal of access

Art. 39. The decision for refusal of access to public information shall be presented to the applicant against signature or it shall be sent by registered mail.

Section IV.

Appeal of Decisions and Refusals of Access to Public Information

Jurisdiction in Cases of Appeal of Decisions for Access or Refusal of Access

Art. 40. (1) (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 49/07, amend. - SG 77/18, in force from 01.01.2019) The decisions for providing access to public information or for refusal of access to public information shall be appealed before the relevant administrative court by the order of the Administrative procedure code.

(2) (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 39/11, amend. - SG 77/18, in force from 01.01.2019) The decisions for providing access to public information or refusal of access to public information of the subjects under art. 3, para 2 shall be appealed before the relevant administrative court by the order of the Administrative procedure code.

(3) (new - SG 77/18, in force from 01.01.2019) The decision of the administrative court is not subject to a cassation appeal.

Competence of the Court on Appealed Decisions

Art. 41. (1) In the cases when the court establishes unlawfulness it shall revoke entirely or partially or shall change the appealed decision, obliging the body to provide access to the requested public information.

(2) In the cases under para 1 access to the requested public information shall be provided by the order of this law.

(3) In case of appeal of a refusal of access to public information pursuant to Art. 37, para 1, item 1 the court, in a closed session, can request from the body the necessary proof of that.

(4) (Amend., SG 45/02) In the cases under para 3 the court shall rule on the lawfulness of the refusal and of the marking by security visa.

Chapter four.

PROCEDURE FOR RE-USE OF PUBLIC SECTOR INFORMATION (NEW – SG 49/07)

Section I.

Provision of Public Sector Information for Re-Use (new – SG 49/07)

Terms of Provision of Public Sector Information for Re-Use

Art. 41a. (new – SG 49/07) (1) (amend. – SG, 97/2015, in force from 12.1. 2016) Public sector information shall be provided in any format or language in which it has been gathered, respectively created or in any other format which the public sector organisation considers appropriate and in an open machine readable format with the relevant metadata. The provision of the data in an open machine readable format shall be carried out in compliance with the purposes under Art. 15b. The format and the metadata in these cases shall comply with the official open standards.

(2) (amend. and suppl. – SG, 97/2015, in force from 12.1.2016) Public sector organisations shall not be obliged to provide information for re-use, where this requires creation, collection or processing thereof or where this is related to provision of extracts from documents or other materials where this would involve disproportionate effort, going beyond the usual operation.

(3) Public sector organisations shall not be obliged to continue the production or collection of certain type of information with a view to its re-use.

(4) (amend. – SG, 97/2015, in force from 12.1.2016) Upon request by the applicant and where possible, public sector organisations shall provide the information requested through electronic means to a given e-mail address, or through other appropriate means for provision of the information in an electronic form.

(5) (new – SG, 97/2015, in force from 12.1.2016) The ordinance under Art. 15d, Para. 3 shall define standard conditions for re-use of information of the public sector and for publication of information of the public sector in an open format for business or non-business purposes. These conditions shall not impose unnecessary restrictions over the possibilities for re-use or restrict the competition.

(6) (new – SG, 97/2015, in force from 12.1.2016) The organizations of the public sector shall provide for re-use the information unconditionally or in conditions, defined by them within the frames of the standard conditions, provided by the ordinance under Art. 15d, Para. 3.

(7) (new – SG, 97/2015, in force from 12.1.2016) Information, which is subject to intellectual property, for which libraries, including high school, museums and archive libraries have the right to use, shall be provided for re-use of such is permitted by the holder of the rights.

(8) (new – SG, 97/2015, in force from 12.1.2016) Re-use of information of archives – documents for the National archive fund shall be carried out while observing the conditions and procedure of Chapter Six of the Act on the National Archive Fund and of this act.

Public Sector Information which shall not be Provided for Re-use

Art. 41b. (new – SG 49/07, former text of Art. 41b-SG, 97/2015, in force from 12.1.2016) The following public sector information shall not be provided for re-use:

1. (suppl. – SG, 97/2015, in force from 12.1.2016) the contents of which are related to activity falling outside the scope of the powers and the functions of the public sector organisations, under an act rules of procedure or statute, and/or an act for public procurement task;

2. which is subject to intellectual property rights of third parties;

3. which is collected or produced by public radio or television operators or their regional centres;

4. (amend. – SG, 97/2015, in force from 12.1.2016) ownership of schools, higher schools (with the exception of libraries of higher schools) schools, high schools, scientific and research organisations, including organizations, established for dissemination of results from scientific research activity and of cultural organizations, with the exception of libraries, museums and archives.

5. (new – SG, 97/2015, in force from 12.1.2016) representing classified information;

6. (new – SG, 97/2015, in force from 12.1.2016) containing statistic secret, collected and stored by the National statistical institution or by a statistical body;

7. (new – SG, 97/2015, in force from 12.1.2016) containing production or trade secret or professional secret in the meaning of an act;

8. (new – SG, 97/2015, in force from 12.1.2016) for receiving of which the applicant must prove legal interest according to an act;

9. (new – SG, 97/2015, in force from 12.1.2016) representing parts of documents, which contain only emblems, badges and insignia;

10. (new – SG, 97/2015, in force from 12.1.2016, amend. - SG 17/19) containing personal data,

whose re-use represents an inadmissible access or inadmissible processing of personal data in accordance with the requirements for its protection.

(2) (new – SG, 97/2015, in force from 12.1.2016) In the cases under Para. 1 for repeated use, only that part of information shall be provided, to which access is restricted.

(3) (new – SG, 97/2015, in force from 12.1.2016) In overriding public interest the organization of the public sector shall provide for re-use information, containing production or trade secret.

(4) (new – SG, 97/2015, in force from 12.1.2016) In the cases under Para. 3 the organization of the public sector may ban the re-use for trade purposes or in a way, which would lead to disloyal competition or another restriction of the competition in the meaning of Part Two of the Protection of Competition Act.

Provision of Public Sector Information to Public Sector Organisations

Art. 41c. (new – SG 49/07) (1) Public sector information shall also be provided for re-use to public sector organisations under the terms and following the procedure of this Act.

(2) If public sector information is requested for re-use by an organisation under para 1 in relation to carrying out activities which fall outside the scope of its public powers and tasks, the same charges and other conditions shall apply.

Facilitation Means for Information Research

Art. 41d. (new – SG 49/07, amend. –amend. – SG, 97/2015, in force from 12.1.2016) Public sector organisations shall ensure conditions to facilitate the search of public sector information, by maintaining and publishing lists of basic documents and the relevant metadata through various means of online access and in machine-readable format, or in other appropriate manner, In case of possibility, the organization of the public sector shall provide conditions for multi-lingual search of documents.

Prohibition of Granting Exclusive Right of Re-Use

Art. 41e. (new – SG 49/07) (1) It shall be prohibited to conclude contracts granting exclusive rights for provision of public sector information.

(2) A contract pursuant to para 1 may be concluded only in those cases where this is required for the provision of a service in the public interest, which cannot be ensured in other way. The validity of the reason for concluding such a contract shall be reviewed once every three years by the public sector organisation, party to it.

(3) (new – SG, 97/2015, in force from 12.1.2016) signing a contract under Para. 1 shall be admissible, where the provision of exclusive right to re-use is connected with digitalization of cultural resources, in which the term of action shall not exceed 10 years, and if upon exception it exceeds 10 years, the term of the contract shall be reconsidered in the 11th year after its enforcement and in every 7 years.

(4) (new – SG, 97/2015, in force from 12.1.2016) The provision of the contract under Para. 3, related to provision of exclusive rights shall be announced in public. The organizations of the public sector shall provide data about the way and criteria, in which the contractor has been selected under this contract.

(5) (new – SG, 97/2015, in force from 12.1.2016) The contract under Para. 3 shall obligatory include the right of the public sector organization to receive free copy of the digitalized cultural resources.

(6) (new – SG, 97/2015, in force from 12.1.2016) After termination of the use of exclusive right under the contract under Para. 3, the copy under Para. 5 shall be provided for repeated use.

Section II.

Procedure for Provision of Public Sector Information for Re-Use (new – SG 49/07)

Request for Re-Use of Public Sector Information

Art. 41f. (new – SG 49/07) (1) (suppl. – SG, 97/2015, in force from 12.1.2016) Public sector information shall be provided for re-use upon submitted written request thereof. The request shall be considered as written also in the cases, where it is made electronically at the address of the e-mail under Art. 15, Para. 1, p. 4 or on the portal under Art. 15d.

(2) In case the request is submitted through electronic means, the public sector organizations shall be obliged to reply by electronic means as well. In such cases confirmation of the receipt of the reply shall not be required.

Payment

Art. 41g. (new – SG 49/07, amend. – SG, 97/2015, in force from 12.1.2016) (1) Public sector information shall be provided for re-use free, or after payment of a fee, which shall not exceed the maximum costs of the reproduction and provision of the information.

(2) The principle of defining the fee, indicated in Para. 1 shall not apply to the fees, collected:

1. by organization of the public sector, which under the act on awarding public task are obliged to realize revenues for covering a substantial part of the costs, related to fulfilment of the public task; the obligations for realization of revenues shall be defined preliminary and shall be published electronically;

2. for re-use of information, in relation to which the public sector organization is obliged to realized sufficient revenues in view to covering a substantial part of the costs, related to collection, production, reproduction and dissemination of the information, under this act or an established administrative practice; the obligations shall be defined preliminary and shall be published electronically;

3. from libraries, including higher school, museum and archive libraries.

(3) In the cases under Para. 2, p. 1 and 2 the public sector organization shall calculate the general fees, depending on the criteria and quantity of data, produced for repeated use, in compliance with objective, transparent and accountable criteria, defined by methods, adopted by the Council of Ministers. The total revenues of the public organization from provision and permitting re-use of information for the relevant accountancy period shall not exceed the costs of collection, production, reproduction and dissemination with a reasonable return of the investment, calculated in compliance with the applicable accountancy principles for the public organization.

(4) In the under Para. 2, p. 3 the total revenues from provision and permitting re-use of information for the relevant accountancy period shall not exceed the costs of collection, production, reproduction, dissemination, storage and acquiring rights for use of the information with a reasonable return of the investment, calculated in compliance with the applicable accountancy principled by the public organization.

(5) The amount of the fees shall be defined:

1. for the fees, collected by a state body – with a tariff, adopted by the Council of Ministers;

2. for the fees, collected by another organization of the public sector – by the head of the organization;

3. for the fees, collected by the municipalities – by the municipal council, where the defined fees shall not exceed the fees under p. 1.

(6) The amount of the fees, on the basis of which they are calculated, the factors during the calculation, taken in consideration, as well as all additional conditions – if any – shall be published

including electronically – if there is an internet site. Upon request, the way in which they are calculated shall also be pointed out in relation to the concrete request for a repeated use.

(7) The sums of fees for re-use of information shall come to the budget of the relevant public sector organization.

(8) The Council of Ministers shall review every 3 years the methods under Para. 3 on the basis of the report under Art. 16a, Para. 1.

(9) If a public sector organization fails to define an amount of the fees under Para. 5, p. 2 and 3, the organization shall provide this information for re-use free or after payment of a fee, defined by the tariff under Para. 5, p. 1.

Time Limit for Provision of Public Sector Information

Art. 41h. (new – SG 49/07) (1) (amend. – SG, 97/2015, in force from 12.1.2016) The head of the Public sector organisations, or a person, authorized by him shall consider the request under Art. 41f within 14 day term from its receiving and shall decide on provision or refuse for prevision of the information for repeated use, which shall be messaged to the applicant.

(2) In those cases where the requested information is relevant for a certain period of time, the public sector organisations shall provide it within reasonable term, so that the information does not lose its significance.

(3) In those case where the request for re-use of public sector information is complex and the provision of the said information requires more time, the term under para 1 may be extended by 14 days. In such cases the applicant shall be notified of the time required for provision of the information within 14 days from the receipt initial request.

Refusal to Provide of Public Sector Information for Re-use

Art. 41i. (new – SG 49/07) (1) Refusals to provide public sector information for re-use shall be reasoned.

(2) Provision may be refused in those cases where:

1. a law prohibits the provision of the information requested;
2. the request does not meet the requirements laid down in Art. 41f.

(3) (amend. – SG, 97/2015, in force from 12.1.2016) The refusal under Para. 1 shall contain the factual and legal ground for refusal, the date of the decision and the procedure of its appeal. Where the refusal under Art. 41b, Para. 1, p. 2, the public sector organization shall indicate the natural or legal person, who holds the rights, if he is known, or the person, from whom the public sector organization has received the information and the permit to use it. The libraries, including the higher school, museums and archive libraries shall not be obliged to indicate these persons.

(4) The presence of personal data in the public sector information requested for re-use may not be grounds for refusal in those cases where the said information constitutes or is part of a publicly accessible register.

Competent Courts and Appeal

Art. 41j. (new – SG 49/07) Refusals to provide public sector information for re-use shall be subject to appeal before the administrative courts or before the Supreme Administrative Court depending on the body which has issued the act pursuant to the Administrative Procedure Code.

Chapter five.

ADMINISTRATIVE PENALTY PROVISIONS (NEW – SG 49/07)

Administrative Violations and Penalties

Art. 42. (amend. – SG 49/07) (1) (suppl. – SG, 97/2015, in force from 12. 1. 2016) An official who, without a reasonable excuse, does not rule on an application for access to public information, or for re-use of information unless subject to a more severe penalty, shall be liable to a fine amounting from BGN 50 to BGN 100.

(2) (suppl. – SG, 97/2015, in force from 12.1.2016) An official who does not comply with a court order to provide access to requested public information, or provides information for repeated use, unless subject to a more severe penalty, shall be liable to a fine amounting from BGN 200 to BGN 2000.

(3) (suppl. – SG, 97/2015, in force from 12.1.2016, suppl. – SG 50/16, in force from 01.07.2016) Any failure to fulfil the obligations under Art. 14, 15, 15a, para. 3, 15b, 15c, 15d, para. 2, and Art. 31, para 3 be punishable by a fine amounting from BGN 50 to BGN 100 regarding natural persons and a proprietary sanction fine amounting from BGN 100 to BGN 200 regarding legal persons.

(4) Any failure to provide access to public information by the subjects under Art. 3, para 2 they shall be punishable by pa proprietary sanction amounting from BGN 100 to BGN 200.

(5) (New - SG, 97/2015, in force from 12.1.2016, suppl. – SG 50/16, in force from 01.07.2016) On failure of the subjects under Art. 3, para. 2 to provide information for re-use, a property sanction from BGN 50 to 200 shall be imposed.

Administrative Penalty Body

Art. 43. (amend. – SG 49/07) (1) (suppl. – SG 50/16, in force from 01.07.2016) The violations under this Act shall be ascertained by officials, appointed by the Minister of Justice in the cases referred to in Art. 3, para 2 or by the respective authority in the rest of the cases. Violations of Art. 15d, para. 2 shall be established by officials authorized by the Chairperson of the State Agency "Electronic government".

(2) The penal decrees shall be issued, as follows:

1. under art. 42, para 3 - by the respective authority referred to in Art. 3, para 1or by an official empowered by him;

2. under art. 42, para 2 – by the persons and the procedure pursuant to Art. 306 of the Administrative Procedure Code;

3. (suppl. – SG 50/16, in force from 01.07.2016) under Art. 42, para 3 regarding Art. 14, 15, 15a, 15b, Art. 15c, para. 3 and Art. 31, para. 3 - by the respective body, and in the cases when the obliged subject is one of those under art. 3, para 2 - by the Minister of Justice or by an official authorised by him/her;

4. (new – SG 50/16, in force from 01.07.2016) under Art. 42, para. 3 regarding Art. 15d, para. 2 – by the Chairperson of the State Agency "Electronic government" or by officials authorized by him/her;

5. (suppl. – SG 97/2015, in force from 12.1.2016, previous item 4 – SG 50/16, in force from 01.07.2016) under art. 42, para 4 and 5 - by the Minister of Justice or by an official authorised by him/her.

Applicable Law

Art. 44. The offences shall be established, the penalties shall be imposed, appealed and fulfilled by the order of the Administrative Offences and Sanctions Act.

Additional provisions

§ 1. (amend. – SG 1/02, in force from 01.01.2002; amend. – SG 103/05; revoked, new – SG 49/07; amend. – SG 104/08) In the context of this law:

1. (amend. – SG, 97/2015, in force from 12.1.2016) "Material carrier" is any paper, technical, magnet, electronic or other media, notwithstanding of the type of the recorded contents - a text, plan, map, photo, audio, visual or audio-visual image, file and the like;

2. (amend. - SG 17/19) "Personal data" is the concept in the sense of Art. 4, point 1 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OB, L 119/1 Of 4 May 2016).

3. "List of issued acts in performance of the competences of an administrative structure in the system of executive" is a structured aggregate of all issue normative, general and individual administrative acts issued by a certain administrative authority.

4. (amend. and suppl. – SG, 97/2015, in force from 12.1.2016) "Public organisation" shall mean a legal person, fro which some of the following conditions are fulfilled:

a) (amend. - SG 13/16, in force from 15.04.2016) more than half of its income for the preceding budget year is financed by the state budget, the budgets of state public insurance or of the National Health Insurance Fund, by the municipal budgets or by assignors under Art. 5, Para 2, Item 1 - 14 of the Public Procurement Act;

b) (amend. - SG 13/16, in force from 15.04.2016) more than half of the members of its management or supervisory body are appointed by assignors under Art. 5, Para 2, Item 1 - 14 of the Public Procurement Act;

c) (amend. - SG 13/16, in force from 15.04.2016) it is subject to management control by assignors under Art. 5, Para 2, Item 1 - 14 of the Public Procurement Act; management control is present when one person is able to exercise dominant influence on the activity of another person in any way.

(amend. - SG 13/16, in force from 15.04.2016) Public sector organization shall be also a health establishment – commercial company, of which more than 50 percent of the revenue for the preceding year are at the expense of the state and/or municipal budget and/or the budget of the National Health Insurance Fund.

A public organization is also a library of higher schools, public library in the meaning of the Public Libraries Act, museum or archive, whose activity is funded by the state budget or by the municipal budgets.

5. "Manufacturing or trade secret" shall not be facts, information, decisions and data related to economical activity for which the right holders have interest in keeping a secret, but there is a prevailing public interest for its disclosure. Unless proved otherwise, there is a public interest for its disclosure when it:

a) allows the individuals to form opinion and participate in current discussions;

b) facilitates the transparency and accountancy of the subjects under Art. 3, Para 1 regarding the decisions taken by them;

c) guarantees the lawful and expedient performance of the legal obligations by the subjects under Art. 3;

d) discloses corruption and misuse of authority, poor management of state or municipal property or other illegal or non-expedient acts or omissions of administrative authorities and officials in the relevant administrations affecting state or municipal interests, rights or legal interests of other persons;

e) denies disseminated unreliable information affecting important public interests;

f) is related to the parties, subcontractors, subject-matter, price, rights and obligations,

conditions, time limits, sanctions established in contracts to which one of the party is an obliged subject under Art. 3.

6. “Prevailing public interest” shall be present when the requested information is intended to reveal corruption or misuse of authority, increasing the transparency and the accountancy of the subjects under Art. 3.

7. (new – SG, 97/2015, in force from 12.1.2016) “Machine readable format” is an electronic format for data, which is structures in a way, in which without reforming in another format, allows software application to identify, recognize and take specific data, including certain facts and their internal structure.

8. (new – SG, 97/2015, in force from 12.1.2016) “Open format” is an electronic format for data, which imposes use of specific platform or specific software for re-use of the contents and has been provided to the public without restriction, which would hinder re-use of information.

9. (new – SG, 97/2015, in force from 12.1.2016) “Portal for open data” is a unified, central, public web based information system, which provides publication and management of information for re-use in an open, machine-readable format with the relevant metadata. The portal is built up in a way, which allows a thorough use of the public information or parts of it.

10. (new – SG, 97/2015, in force from 12.1.2016) “Official open standard” is a standard, established in a written form and describes the specifications for the requirements how to provide software operative compatibility.

11. (new – SG, 97/2015, in force from 12.1.2016) “Higher school” is a school in the meaning of Art. 17 of the Higher Education Act.

12. (new – SG, 97/2015, in force from 12.1.2016) “Metadata” are the data, describing the structure of information – subject to repeated use.

13. (new – SG, 97/2015, in force from 12.1.2016) “Internet address” is a unified identifier of resources or unified locator of resources.

14. (new – SG, 97/2015, in force from 12.1.2016) “Platform for access to public information” is a unified, central, public web based information system, which provides declaring of access to publication of public information.

15. (new – SG, 97/2015, in force from 12.1.2016) “Archives” are central state archives and regional state archives in relation to the stored by them state archives of the National archive fund under Art. 6, Para. 1, p. 1 of the Act on the National Archive, as well as public institutions under Art. 6, Para. 1, p. 1 and 3 of the Act on National Archive Fund in relation to the stored by them archives and archive collections under Art. 33, Para. 1, p. 1, 6 – 8 of the Act on the National Archive Fund.

Concluding provisions

§ 2. This law revoked:

1. Edict No 1086 for the work with critical publications (SG 56/1997);

2. Art. 14, 19 and Art. 57, para 1, item 2 of the Law for the proposals, signals, complaints and applications (prom., SG 52/1980; amend., SG 68/1988).

The law was adopted by the 38th National Assembly on June 22, 2000 and was affixed with the official seal of the National Assembly.

Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4§ 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions TO THE CREDIT INSTITUTIONS ACT

§ 36. This Act shall enter into force from the date of entering into force of the Treaty of Accession of the Republic of Bulgaria to the European Union except § 35, Item 2 which shall enter into force from the day of promulgation of this Law in the State Gazette.

Concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ACCESS TO PUBLIC INFORMATION ACT

(PROM. – SG 49/07)

§ 16. This Act shall introduce the provisions of Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information.

§ 17. The contracts for exclusive provision of public sector information concluded prior to the entry into force of this Act, which fail to meet the requirements laid down in Art. 41e, para 2 shall be terminated at the time their validity period expires, however, not later than 31 December 2008.

§ 18. Within six months from the entry into force of this Act the persons referred to in Art. 3, para 1 shall be obliged to appoint officials from the respective administration who shall be directly responsible for provision of public information, as well as for arranging appropriate place for reading the provided information.

Transitional and concluding provisions TO THE NATIONAL ARCHIVE FUND ACT

(PROM. - 57/07, IN FORCE FROM 13.07.2007)

§ 23. The Act shall enter into force from the day of its promulgation in the State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ACCESS TO PUBLIC
INFORMATION ACT

(PROM. – SG 104/08)

§ 8. The obligation for publishing in the internet shall be performed by the heads of administrative structures in the system of executive or persons determined by them within one year from entry into force of this Act.

§ 9. The heads in the system of executive obliged under Art. 15 shall secure financially the performance of the obligation under Art. 15a and the training of its employees.

Additional provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON ACCESS TO PUBLIC
INFORMATION

(PUBL. – SG, 97/2015, IN FORCE FROM 12.1.2016)

§ 27. This act shall introduce the provision of Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013, amending directive 2003/98/EC on the re-use of public sector information(OJ, L 175/1 of 27 June 2013).

Transitional and concluding provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON ACCESS TO PUBLIC
INFORMATION

§ 28. The signed by 17 June 2013 contracts for exclusive provision of information by the public sector, which do not meet the requirements of Art. 41e, Para. 2 –5 shall be terminated with the expiry of their term, but not later than 18 July 2043.

§ 29. The council of Ministers:

1. within 6 month term from publication of this act in the State Gazette shall adopt the ordinance under Art. 15d, Para. 3 and the tariff under Art. 41g, Para. 5, p. 1;
2. within the term up to 1 June 2017 shall create a platform for access to public information and shall provide possibility for submission of applications through it.

§ 30. The municipal councils, within 6 month term from the publication of this act shall adopt and publish the tariffs under Art. G, Para. 5, p. 3.

§ 31. The Council of Ministers administration shall draw up the first report under Art. 16a, Para. 2 within the term up to 18 July 2017.

§ 32 (1) The executive bodies, within the term of up to 3 months from the enforcement of this act shall publish:

1. information under Art. 15, Para. 1 and 4 while observing the requirements of Art. 15a, Para. 2 with the exclusion of the information on the fees under Art. 41g, which shall be published within the term of up to 1 month after publication of the tariff under Art. 41g, Para. 5. p. 1 or the publication of the tariff under Art. 41g, Para. 5, p. 3;
2. the list under Art. 15a, Para. 3.

(2) The public sector organizations , which are not executive bodies, shall publish the information under Art. 15, Para. 4 and the tariff under Art. 41g, Para. 5, p. 2 within 6 month term from the enforcement of this act.

(3) The obliged subjects under Art. 3, Para. 1 of 1 June 2017 shall provide possibility for

submission of applications for access to public information through a platform for access to public information under Art. 15c.

§ 33. The provision of §1. p. 2 about Art. 2, Para. 4 shall apply to the information, created after 1 April 2016.

§ 34. The act shall come into force one month after its publication in the State Gazette with the exception of:

1. Para. 6 in reference to Art. 15e, Para. 2, which shall be enforced 9 months after the publication of this act in the State Gazette, and

2. Para. 6 in reference to Art. 15c and § 9 about the words: “or through the access platform to public information” which shall be enforced from 1 June 2017.

Transitional and concluding provisions TO THE PUBLIC PROCUREMENT ACT

(PROM. – SG 13/16, IN FORCE FROM 15.04.2016)

§ 29. This Act shall enter into force on April 15, 2016, with the exception of:

1. Article 39, which shall enter into force on July 1, 2017 and – regarding the central purchasing bodies - from January 1, 2017;

2. Article 40:

a) Para 1 and Para 3, item 1-4 and item 10, which shall enter into force from July 1, 2017;

b) Para 3 item 5-9, which shall enter into force from January 1, 2020;

3. Article 41, Para 1 - on technical compatibility and connectivity, and para 2, which shall enter into force from July 1, 2017;

4. Article 59, Para 4, which shall enter into force on July 1, 2018;

5. Article 67:

a) Para 4 - concerning the mandatory representation of ESPD in electronic form, which shall enter into force on April 1, 2018;

b) Para 8, item 2, which shall enter into force on June 1, 2018;

6. Article 97, which shall enter into force on January 1, 2017;

7. Article 232, which shall enter into force on September 1, 2016;

8. § 26, Para 1 and § 27, which shall enter into force from the day of promulgation of the Act in the State Gazette.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 50/16, IN FORCE FROM 01.07.2016)

§ 60. This Act shall enter into force on the day of its promulgation in the State Gazette, except for the provisions of:

1. paragraph 15, which shall enter into force on January 1, 2018;

2. paragraph 18, items 2 and 3, which shall enter into force on June 1, 2017.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.