Access to Public Information Act

Promulgated, SG No. 55/7.07.2000, amended, SG No. 1/4.01.2002, effective 1.01.2002, SG No. 45/30.04.2002, SG No. 103/23.12.2005, amended and supplemented, SG No. 24/21.03.2006, amended, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 59/21.07.2006, effective as from the date of entry into force of the Treaty of Accession of the Republic of Bulgaria to the European Union - 1.01.2007, amended and supplemented, SG No. 49/19.06.2007, amended, SG No. 57/13.07.2007 effective 13.07.2007, amended and supplemented, SG No. 104/5.12.2008, amended, SG No. 77/1.10.2010, SG No. 39/20.05.2011, amended and supplemented, SG No 97/11.12.2015, effective 12.01.2016, amended, SG No. 13/16.02.2016, effective 15.04.2016, amended and supplemented, SG No. 50/1.07.2016, effective 1.07.2016, amended, SG No. 85/24.10.2017, amended and supplemented, SG No. 77/18.09.2018 effective 1.01.2019, amended, SG No. 17/26.02.2019, SG No. 15/22.02.2022, effective 22.02.2022

Text in Bulgarian: Закон за достъп до обществена информация

Chapter One
GENERAL DISPOSITIONS

Section I
Subject-matter and Scope

Subject-matter of Act

Article 1. (Supplemented, SG No. 49/2007) This Act regulates the social relations pertaining 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
(Heading supplemented, SG No. 49/2007)

Article 2. (1) Within the meaning given by this Act, "public information" shall be any information pertaining to public life in the Republic of Bulgaria and enabling members of the public to form their own opinion regarding the operation of the entities obligated under the law.

(2) Any information referred to in Paragraph (1) shall be public regardlessof the type of physical data medium thereof.

(3) (New, SG No. 49/2007, amended and supplemented, SG No. 97/2015 effective 12.01.2016) "Public sector information" shall be any information materialized on a physical medium, stored inter alia as a document, sound or visual recording, and collected or created by a public sector body.

(4) (New, SG No. 97/2015, effective 12.01.2016) Any and all information as per Paragraph (3) shall also be maintained in electronic form.

(5) (Amended, SG No. 1/2002, renumbered from Paragraph (3), SG No 49/2007, renumbered from Paragraph (4), SG No. 97/2015, effective 12.01.2016) This Act shall not apply to access to personal data.

Re-use of Public Sector Information

Article 2a. (New, SG No. 49/2007) (1) "Re-use" of public sector information shall be the use of such information for commercial or non-commercial purposes other than the initial purpose for which the said information was created within the powers or functions of a public sector organization.

(2) The provision of public sector information to a public sector body in

connection with the implementation of the powers or functions thereof shall not constitute re-use within the meaning given by this Act.

Obligated Entities

(Heading amended, SG No. 49/2007)

Article 3. (1) (Amended, SG No. 104/2008) This Act shall apply to access to any public information which is created or is stored by the State bodies, the local units thereof or the bodies of local self-government in the Republic of Bulgaria, hereinafter referred to as "the public authorities".

(2) (Amended, SG No. 104/2008) This Act shall furthermore apply to access to any public information which is created and stored by:

1. public legal entities other than those referred to in Paragraph (1), including the bodies governed by public law;

2. natural and legal persons, solely in respect of any activities performed thereby which are financed by resources of the consolidated State budget and by resources from funds of the European Union or provided by the European Union under projects and programmes.

(3) (New, SG No. 49/2007, amended, SG No. 104/2008) The public sector bodies shall be obligated to make public sector information accessible for re-use, except in the cases provided for in this Act.

(4) (New, SG No. 49/2007, amended, SG No. 97/2015, effective 12.01.2016) "Public sector body" shall mean the entities as per Paragraph (1) and Paragraph (2), Item 1.

Holders of Right of Access to Public Information
and of Right to Re-use Public Sector Information

(Heading supplemented, SG No. 49/2007)

Article 4. (1) Every citizen of the Republic of Bulgaria shall enjoy a right of access to public information under the terms and according to the procedure established by this Act, unless another law establishes a specialprocedure for seeking, obtaining and disseminating any such information.

(2) In the Republic of Bulgaria, any foreigner and any stateless person shall enjoy the right under Paragraph (1).

(3) The right under Paragraph (1) shall furthermore be enjoyed by any legalperson.

(4) (New, SG No. 49/2007) The persons referred to in Paragraphs (1), (2) and (3) shall enjoy a right to re-use public sector information.

Exercise of Right of Access to Public Information

Article 5. (Amended, SG No. 49/2007) The exercise of the right of access to public information and to re-use public sector information may not be prejudicial to the rights and reputation of other persons, or to national security, public order, public health and morals.

Fundamental Principles

Article 6. (1) (Redesignated from Article 6, SG No. 49/2007) The following fundamental principles shall apply upon exercise of the right of access to public information:

1. openness, truthfulness and comprehensiveness of the information;
2. ensuring access to public information on equal terms;
3. ensuring legality in seeking and obtaining public information;
4. protection of the right to information;
5. (amended, SG No. 97/2015, effective 12.01.2016) protection of personal data;
6. safeguarding the security of society and the State.

(2) (New, SG No. 49/2007) The following fundamental principles shall apply upon exercise of the right to re-use public sector information:

1. ensuring a possibility for multiple re-use of public sector information;
2. transparency upon provision of public sector information;
3. non-discrimination upon provision of public sector information;
4. non-restriction of free competition.

Permissible Restrictions to Right of Access to Public Information and to Re-use Public Sector Information
(Heading supplemented, SG No. 49/2007)

Article 7. (1) (Amended, SG No. 45/2002, SG No. 59/2006, SG No. 49/2007) The right of access to public information and to re-use public sector information shall not be abridged, except where the said information is classified information or another protected secret in the cases provided for by a law.

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

Exemption from Scope of Application of Act

Article 8. (Amended, SG No. 49/2007) The provisions of the law regarding the access to public information shall not apply to any information which:

1. is provided in connection with administrative services to members of the public and legal persons;
2. (amended, SG No. 57/2007) is held in the National Archival Collections of the Republic of Bulgaria.

Section II
Official and Administrative Public Information

Types of Public Information

Article 9. (1) Public information, which is created and stored by the public authorities and the administrations thereof, shall be either official information or administrative information.

(2) (Amended, SG No. 45/2002) In the cases provided for by a law, particular official or administrative information may be declared classified information constituting a state or an official secret.

Official Public Information

Article 10. "Official information" shall be any information which is contained in the acts of the state bodies and of the bodies of local self- government [issued] in the course of exercise of the powers thereof.

Administrative Public Information

Article 11. "Administrative information" shall be any information which is collected, created and stored in connection with any official information, as well as in connection with the operation of the public authorities and of the administrations thereof.

Chapter Two
ACCESS TO PUBLIC INFORMATION

Section I
Access to Official and Administrative Public Information

Access to Official Public Information

Article 12. (1) Access to any official information, which is contained in statutory instruments, shall be ensured by means of promulgation of the said instruments.

(2) Access to any other official information, where so provided by a law orby decision of the creating authority, shall be ensured by means of promulgation.

(3) Access to any official information other than such covered under Paragraphs (1) and (2) shall be unrestricted and shall be obtained according to the procedure established by this Act.

(4) When requested to grant access to any official information which has been promulgated, the competent public authority shall be obligated to citethe publication where the said information has been promulgated, the issue and the date of publication.

Access to Administrative Public Information

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

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

1. is related to the internal preparation of the acts of the public authorities and has no relevance of its own (opinions and recommendations developed by or for the public authority, observations and advice);

2. contains opinions and positions adopted in connection with present or future negotiations conducted by the public authority or on behalf thereof,as well as data pertaining to such opinions and positions, and has been prepared by the administrations of the relevant public authorities.

(3) (Amended, SG No. 45/2002) The restriction under Paragraph (2) shall be inapplicable upon the lapse of two years after the creation of any such information.

(4) (New, SG No. 104/2008) Access to administrative public information may not be restricted if there is an overriding public interest.

Obligation to Disclose Public Information

Article 14. (1) The public authorities shall inform the public of the operation thereof by means of publication or announcement in another form.

(2) The public authorities shall be obligated to announce any information collected or obtained thereby in the performance of the operation thereof, where the said information:

1. may avert a danger to the life, health and safety of members of the public or of the property thereof;

2. denies any untrue information which has been disseminated and which affects significant public interest;

3. the disclosure thereof is or could be in the public interest;

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

Publication of Up-to-Date Public Information

Article 15. (1) For the purpose of ensuring transparency of the operation of the administration and of best facilitating access to public information, each head of an administrative structure within the system of the executive branch of government shall periodically publish up-to-date information containing:

1. a description of the powers of the said head and particulars of the organization, functions and responsibilities of the administration headed thereby;

2. (supplemented, SG No. 97/2015, effective 12.01.2016) a list of the acts issued in the exercise of the powers of the said head and the texts of the statutory and general administrative acts issued by the relevant structure;

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

4. (supplemented, SG No. 97/2015, effective 12.01.2016) designation, address, electronic mail address, telephone number and opening hours of the unit in the relevant administration which is in charge of accepting applications for granting access to information;

5. (new, SG No. 97/2015, effective 12.01.2016) rules of organisation and internal regulations pertinent to the provision of administrative services to the public;

6. (new, SG No. 97/2015, effective 12.01.2016) strategies, plans, programmes and activities reports;

7. (new, SG No. 97/2015, effective 12.01.2016) information regarding the budget and financial statements of the administration, to be made public in accordance with the Public Finance Act;

8. (new, SG No. 97/2015, effective 12.01.2016) information about any public procurement procedures identified as publishable in the buyer's account in accordance with the Public Procurement Act;

9. (new, SG No. 97/2015, effective 12.01.2016) drafts for statutory acts together with the rationale therefor or, resp., the report and results of the public hearings of the draft;

10. (new, SG No. 97/2015, effective 12.01.2016) notifications of the start of proceedings for the issuance of a general administrative act in accordance with Article 66 of the Administrative Procedure Code, including the principal considerations in support of the issuance of such act and the forms and time limits for participation of any interested parties in such proceedings;

11. (new, SG No. 97/2015, effective 12.01.2016) information about the exercise of the right of access to public information, the terms and procedure for re-use of information, the fees as per Article 41g and the formats in which such information is maintained;

12. (new, SG No. 97/2015, effective 12.01.2016) announcements of competitive procedures for the hiring of civil servants;

13. (new, SG No. 97/2015, effective 12.01.2016) any publishable information in accordance with the Conflict of Interest Prevention and Ascertainment Act;

14. (new, SG No. 97/2015, effective 12.01.2016) any public information in accordance with the Protection of Classified Information Act and the bylaws regarding its implementation;

15. (new, SG No. 97/2015, effective 12.01.2016) information as per Article 14 Paragraph (2) Items 1-3;

16. (new, SG No. 97/2015, effective 12.01.2016) any information that has been made available more than three times in accordance with Chapter Three;

17. (new, SG No. 97/2015, effective 12.01.2016) any other information as defined by law.

(2) (Amended, SG No. 24/2006, supplemented, SG No. 97/2015, effective 12.01.2016) Each head referred to in Paragraph (1) shall prepare an annual report on the applications for access to public information and on any instances of re-use of information from the public sector as received, including particulars of the refusals of any such applications and on the reasons for the said refusals. Any such annual report shall form part of the annual reports referred to in Article 62 (1) of the Administration Act.

(3) (New, SG No. 97/2015, effective 12.01.2016) The entities as per Article 3 Paragraph (2), Item 1 shall periodically post updated information about their activity conforming to the information as per Paragraph (1), Items 1, 4, 5, 6, 8, 11, 15, 16 and 17.

(4) (New, SG No. 97/2015, effective 12.01.2016) Public sector bodies, including public libraries etc., including libraries of schools of higher learning, archives and museums, shall publish all terms and conditions for the provision of information for re-use in their own websites and in the portal as per Article 15d.

Publication on the Internet

Article 15a. (New, SG No. 104/2008) (1) (Supplemented, SG No. 97/2015, effective 12.01.2016) The information covered under Article 15 herein shall be published on the Internet sites of the administrative structures within the system of the executive

branch of government and of the entities as per Article 3 Paragraph (2), Item 1.

(2) (Amended, SG No. 97/2015, effective 12.01.2016) The data referred to in Article 15 Paragraph (1) Items 4 and 11 and the annual reports as per Paragraph (2), the existing internal rules regarding access to public information, the expenditure rates for provision of access to information as per Article 20 Paragraph (2) and for re-use of public sector information as per Article 41g, procedure for access to the public registers kept by the administrative structures within the system of the executive branch of government shall be announced in a designated Access to Information Section on the websites referred to in Paragraph (1).

(3) (New, SG No. 97/2015, effective 12.01.2016) Each head of an administrative structure as per Article 15 Paragraph (1) shall make public on an annual basis a list of the categories of information publishable on the Internet regarding the areas of operation of the relevant administration as well as the formats in which such information is accessible.

(4) (New, SG No. 97/2015, effective 12.01.2016) The information as per Article 1 shall be published, resp. updated, within three to five working days from the date of adoption of the relevant act or the generation of the relevant piece of information, and where an act is subject to promulgation, within three working days from the date of its promulgation, unless otherwise prescribed in a law.

Publication in open format

Article 15b. (New, SG No. 97/2015, effective 12.01.2016) (1) Every public sector body shall plan, on an annual basis, the staged publication on the Internet, in open format, of the free access information resources maintained by itself.

(2) The bodies of the executive branch of government shall include in the annual goals for the operation of the relevant administration, as per Article 33a of the Administration Act, goals pertinent to the staged publication on the Internet of the information resources as per Paragraph (1).

(3) (Supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No 15/2022, effective 22.02.2022) The Council of Ministers shall, on a proposal by the Minister of e-Government, adopt, on an annual basis a list of sets of data to be published in open format on the Internet.

Platform for access to public information

Article 15c. (New, SG No. 97/2015, effective 1.06.2017) (1) The Administration of the Council of Ministers shall create and maintain a platform for access to public information.

(2) Said platform shall enable the submission of applications for access to information.

(3) (Amended, SG No. 17/2019) Every entity under obligation as per Article 3 Paragraph (1) shall publish on the platform as per Paragraph (1) any applications submitted via said platform, the decisions adopted in respect thereof, and the public information supplied subject to the requirements for protection of personal data in respect of the data.

(4) In the event of denied access to public information the decision denying such access shall be handed to the applicant in accordance with Article 39 by the entity under obligation as per Paragraph (3), Item 1.

Open data portal

Article 15d. (New, SG No. 97/2015, effective 12.01.2016) (1) (Amended, SG No 50/2016, effective 1.07.2016, SG No. 15/2022, effective 22.02.2022) Ministry of e-Government shall create and maintain an open data portal.

(2) (Effective 12.09.2016 - SG No. 97/2015) Public sector bodies shall publish in the portal as per Paragraph (1) the information as per Article 15b to which access is free.

(3) The procedure and manner of publication of said information as per Paragraph (2) shall be determined by an ordinance to be adopted by the Council of Ministers.

Accountability

(Heading supplemented, SG No. 24/2006, amended, SG No. 77/2010)

Article 16. (Supplemented, SG No. 24/2006, amended, SG No. 77/2010) (1) The consolidated information on the public authorities and the administrations thereof, containing the particulars covered under Article 15 herein, as well as other information relevant to the application of this Act shall be included in the Administration Status Report which in turn shall be adopted by the Council of Ministers.

(2) The consolidated information referred to in Paragraph (1) shall be published annually on the Council of Ministers' website. The said information must be available for public inspection on the premises of each administration.

Accountability of re-use of information

Article 16a. (New, SG No. 97/2015, effective 12.01.2016) (1) (Amended, SG No 50/2016, effective 1.07.2016, SG No. 15/2022, effective 22.02.2022) Ministry of e-Government shall prepare, once every three years, a summary report regarding the availability of information for re-use, made available by public sector bodies; the terms and conditions of its availability and the practices of redress. Public sector bodies shall submit to the administration of the Council of Ministers annual reports about such circumstances.

(2) Said summary report shall be made public and shall be submitted to the European Commission.

Section II
Access to Other Public Information

Access to Public Information Pertaining to Activities of other Entities Obligated to Disclose It

Article 17. (Amended, SG No. 104/2008) (1) Access to any public information, which is created, received or stored in connection with the activities of the entities obligated under Article 3 herein, shall be unrestricted.

(2) Any information referred to in Paragraph (1), which constitutes a trade secret and the disclosure or dissemination whereof would lead to unfair competition among merchants, shall not be subject to disclosure except in the cases of an overriding public interest.

(3) The entities obligated under Article 3 herein, when refusing access to public information on the grounds of Paragraph (2), shall be obligated to specify the circumstances which lead to unfair competition among merchants.

Access to Public Information on Mass Media

Article 18. Public information regarding the mass communication media shallbe limited to information concerning:

1. the persons who participate in the management of the relevant mass communication medium or who exercise effective control over the management or operation thereof;

2. any economically connected persons who participate in the management of other mass communication media as well, which allows them to exercise effective control over the management or over the operation of the said media;

3. the persons who are directly engaged in the mass communication medium and who participate in the development of editorial policy;

4. the statements made regarding the public objects of the mass

communication medium, as well as the principles or internal mechanisms applied by the mass communication medium to guarantee the truthfulness and objectivity of the information reported;

5. the financial results of the owner of the mass communication medium, andthe distribution of the products thereof.

Purpose of Access to Public Information on Mass Media

Article 19. (Amended, SG No. 97/2015, effective 12.01.2016) Access to any information covered under Article 18 herein shall be exercised while applying and reconciling the principles of transparency and of economic freedom, as well as respecting the protection of personal data, trade secrecy, and non-disclosure of the identity of the sources of the mass communication media who provide information on condition of anonymity.

Section III
Terms and Procedure for Assessment of Costs of Disclosure of Public Information

Access at No Charge and Costs of Disclosure of Public Information

Article 20. (1) Public information shall be accessible at no charge.

(2) The costs incurred for disclosure of public information shall be paid according to standard specifications determined by the Minister of Finance which may not exceed the costs incidental to materials as incurred for the said disclosure.

(3) Information on assessment of the costs referred to in Paragraph (2) shall be provided to an applicant upon request.

Obligation to Inform upon Submission of Application for Access

Article 21. The entities covered under Article 3 herein shall be obligated to announce, on the premises where applications are submitted, the possibleforms of obtaining access to public information, the costs due, and the modes of payment of the said costs.

Free Corrections and Amplification of Information Disclosed

Article 22. The additional costs of any correction and/or amplification 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 amplification.

Proceeds from Granting Access to Public Information

Article 23. The proceeds from granting access to public information shall be credited in revenue to the budget of the competent public authority.

Chapter Three
PROCEDURE FOR GRANTING ACCESS TO PUBLIC INFORMATION

Section I
Request for Access to Public Information

Application or Oral Enquiry for Access

Article 24. (1) Access to public information shall be granted acting on a written application or an oral enquiry.

(2) (Amended, SG No. 97/2015, effective 12.01.2016, with respect to the words "or via the public information access platform", effective 1.06.2017, amended, SG No. 85/2017) Any application shall be considered to have been submitted in writing also when sent electronically to the electronic mail address as per Article 15 Paragraph (1), Item 4, or via the public information access platform as per Article 15c. In such cases, no signature shall be required in accordance with the requirements of Regulation (EU) No. 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 28.8.2014) and of the Electronic Document and Electronic Trust Services Act.

(3) Should an applicant be not granted access to any public information requested upon an oral enquiry, or should any such applicant consider the public information disclosed thereto insufficient, the said applicant may submit a written application.

Contents of Application for Access to Information

Article 25. (1) Any application for access to public information shall state the following particulars:

1. the forename, patronymic and surname or the corporate name and registered office of the applicant, as the case may be;
2. a description of the information requested;
3. the preferred form of access to the information requested;
4. address for correspondence with the applicant.

(2) Any application, which does not state any of the particulars covered under Items 1, 2 and 4 of Paragraph (1), shall be left without consideration.

(3) Any application for access to public information shall be subject to mandatory registration according to a procedure established by the competent public authority.

Forms of Granting Access to Public Information

Article 26. (1) Access to public information shall be granted in any of thefollowing forms:

1. (supplemented, SG No. 97/2015, effective 12.01.2016) inspection of the information in the original form or in a copy, or via a register accessible to the general public;
2. oral response to an enquiry;
3. (amended, SG No. 97/2015, effective 12.01.2016) copies on a physical data medium;
4. (amended, SG No. 97/2015, effective 12.01.2016) copies supplied by electronic means or an internet address where such data are stored or being published.

(2) One or more of the forms covered under Paragraph (1) may be employed for access to public information.

(3) Where the preferred form of granting access to public information is the one referred to in Item 4 of Paragraph (1), the technical parameters for recording the information shall furthermore be specified.

(4) Any sight-, hearing- or speech-impaired persons may request access in aformat compatible with the communicative faculties thereof.

Obligation to Comply with Preferred Form of Access

Article 27. (1) The public authorities shall be obligated to comply with the preferred form in which access to public information is requested except in the cases where:

1. the said form is technically impracticable;
2. the said form involves an unjustified increase in the costs of disclosure;
3. the said form leads to a possibility of wrongful processing of the said

information or to infringement of intellectual property rights.

(2) In the cases covered under Paragraph (1), the information shall be disclosed in a form determined by the competent public authority.

Section II
Consideration of Applications and Granting Access to Public Information

Consideration of Applications for Access

Article 28. (1) Any application for access to public information shall be considered as soon as practicable, and in any case not later than fourteen days after the date of registration of the application.

(2) Within the time limit referred to in Paragraph (1), the public authorities or persons expressly designated thereby shall make a decision to grant or to refuse access to the public information requested and shall notify the applicant in writing of the decision thereof.

Specification of Application for Access

Article 29. (1) Should it be unclear exactly what information is requested,or should the application be formulated in rather general terms, the applicant shall be notified and shall have the right to specify the subjectof the public information requested. The time limit referred to in Article 28 (1) herein shall begin to run from the date of specification of the subject of the public information requested.

(2) Should the applicant fail to specify the subject of the public information requested within thirty days, the application shall be left without consideration.

Permissible Extension of Time Limit for Granting of Access

Article 30. (1) The time limit referred to in Article 28 (1) herein may be extended, by not more than ten days, where the information requested in theapplication is voluminous and the retrieval thereof requires additional time.

(2) The notification referred to in Article 29 (1) herein shall state the reasons for extension of the time limit wherewithin access to the public information requested will be granted.

Extension of Time Limit to Protect Third Parties' Interests

Article 31. (1) The time limit referred to in Article 27 (1) herein may furthermore be extended, by not more than fourteen days, where the public information requested pertains to a third party and the consent thereof hasto be obtained for disclosure of the said information.

(2) In the cases under Paragraph (1), the competent public authority shallbe obligated to request the express written consent of the third party within seven days after registration of an application under Article 24 herein.

(3) In making a decision under Article 28 (2) herein, the competent public authority shall be obligated to comply strictly with the conditions whereunder the third party has granted consent to disclosure of the information pertaining to the said third party.

(4) (Amended, SG No. 104/2008, SG No. 97/2015, effective 12.01.2016) Should the third party deny consent within the time limit referred to in Paragraph (1), the public authority concerned shall provide the public information requested up to an extent and in a manner precluding the disclosure of any information as may affect the interests of said third party.

(5) (Amended, SG No. 104/2008) Consent from the third party shall not be necessary in the cases where the said party is an obligated entity and the information pertaining to the said third party is public information within the meaning given by

this Act, as well as where there is an overriding public interest in disclosure of the said information.

Redirection of Application for Access

Article 32. (1) Should the public authority do not possess the requested information but is aware of the location thereof, within fourteen days after receipt of the application the said authority shall redirect the saidapplication to the proper addressee, notifying the applicant. Any such notification shall mandatorily state the designation and address of the competent public authority or legal person.

(2) In the cases covered under Paragraph (1), the time limit referred to in Article 28 (1) herein shall begin to run from the time of receipt of theredirected application by the competent public authority.

Notification of Unavailability of Public Information Requested

Article 33. Should the public authority do not possess the information requested and be unaware of the location thereof, the said authority shall notify the applicant within fourteen days.

Decision to Grant Access to Public Information

Article 34. (1) Any decision referred to in Article 28 (2) herein, whereby access to public information requested is granted, shall mandatorily state:

1. the extent of access ensured to the public information requested;
2. the period of time wherewithin access to the public information requested is granted;
3. the premises whereon access to the public information requested will be granted;
4. the form wherein access to the public information requested will be granted;
5. the costs incidental to the granting of access to the public informationrequested.

(2) The decision may name any other public authorities, organizations or persons which or who possess more comprehensive information.

(3) (Supplemented, SG No. 97/2015, effective 12.01.2016) The decision to grant access to the public information requested shall be delivered to the applicant against signature or shall be dispatched by registered mail with return slip, or by electronic means, provided that the applicant has so requested and has supplied an electronic mail address.

(4) The period of time referred to in Item 2 of Paragraph (1) may not be shorter than thirty days reckoned from the date of receipt of the decision.

Granting Access to Public Information Requested

Article 35. (1) Access to public information shall be granted after paymentof the prescribed costs and upon presentation of documentary proof of payment.

(2) A memorandum on the granting of access to public information shall be drafted and signed by the applicant and by the competent officer.

(3) (New, SG No. 97/2015, effective 12.01.2016) In cases where the applicant has requested electronic access to the required information and has supplied an electronic mail address for receipt of such information, the authority shall dispatch to said electronic mail address the decision the decision to grant access to such information together with a copy of the information itself or the electronic address where it can be obtained. In such cases, no memorandum as per Paragraph (2) is to be drawn up and no cost shall be payable for the delivery of such information.

(4) (New, SG No. 97/2015, effective 12.01.2016) In cases where the applicant has changed his her electronic mail address without notifying the authority, or has

supplied a wrong or non-existent address, the requested information shall be deemed to have been received as of the day of its being sent.

Relinquishment by Applicant of Access Granted

Article 36. (1) (Previous text of Article 36, SG No. 97/2015, effective 12.01.2016) Should an applicant fail to present himself or herself within the period fixed under Article 34 (4) herein, or should the applicant fail to pay the prescribed costs, the said applicant shall be presumed to have relinquished the access granted thereto to the public information requested.

(2) (New, SG No. 97/2015, effective 12.01.2016) Paragraph (1) shall not apply in cases where the application was submitted via the public information access platform or by electronic means.

Section III
Refusal of Access to Public Information

Grounds for Refusal of Access

Article 37. (Amended, SG No. 45/2002, SG No. 59/2006, SG No. 104/2008)(1) Access to public information may be refused on any of the following grounds:

1. the information requested is classified information or another protected secret in the cases provided for by law, as well as in the cases covered under Article 13 (2) herein;

2. (amended, SG No. 97/2015, effective 12.01.2016) such access affects the interests of a third party, and said party has explicitly denied consent to disclosure of the public information requested, except in the cases of an overriding public interest;

3. the public information requested has been disclosed to the applicant during the last preceding six months.

(2) In the cases covered under Paragraph (1), partial access shall be granted solely to such part of the information to which access is not restricted.

Contents of Decision to Refuse Access

Article 38. Any decision to refuse access to public information shall statethe grounds of fact and law for refusal under this Act, the date of making the decision, and the procedure for appeal against the said decision.

Delivery of Decision to Refuse Access

Article 39. Any decision to refuse access to public information shall be delivered to the applicant upon signed acknowledgement, or shall be dispatched by mail with advice of delivery.

Section IV
Appeal of Decisions and of Refusals of Access to Public Information

Cognizance upon Appeal of Decisions Regarding Access or Refusal of Access

Article 40. (1) (Amended, SG No. 30/2006, SG No. 49/2007, SG No. 77/2018, effectiv 1.01.2019) Any decision to grant access to public information or to refuse access to public information shall be appealable before the relevant Administrative Court according to the procedure established by the Administrative Procedure Code.

(2) (Amended, SG No. 30/2006, SG No. 39/2011, SG No. 77/2018, effectiv 1.01.2019) Any decision to grant access to public information or to refuse access to public information by any entity covered under Article 3 (2) herein shall be appealable before the relevant administrative court according to the procedure established by the

Administrative Procedure Code.

(3) (New, SG No. 77/2018, effective 1.01.2019) The decision of the administrative court shall not be a subject to cassation contestation.

Competence of Court Considering Appealed Decisions

Article 41. (1) In the cases where the court establishes legal non-conformity, the court shall revoke the decision appealed in whole or inpart, ordering the public authority to grant access to the public information requested.

(2) In the cases covered under Paragraph (1), access to the public information requested shall be granted according to the procedure established by this Act.

(3) Upon appeal of a refusal of access to public information in pursuance of Item 1 of Article 37 (1) herein, the court may, sitting in camera, demand the public authority to adduce the requisite evidence substantiatingthe said refusal.

(4) (Amended, SG No. 45/2002) In the cases referred to in Paragraph (3), the court shall pronounce on the legal conformity of the refusal and on theplacement of a security marking.

Chapter Four
(New, SG No. 49/2007)
PROCEDURE FOR RE-USE OF PUBLIC SECTOR INFORMATION

Section I
Provision of Public Sector Information for Re-use

Conditions for Provision of Public Sector Information for Re-use

Article 41a. (New, SG No. 49/2007) (1) (Amended, SG No. 97/2015, effective 12.01.2016) Public sector information shall be provided in the format and in the language in which it was collected, resp. created, as the case may be, or in another format at the discretion of the public sector body, as well as in an open, machine-readable format, together with the relevant metadata. The provision of data in an open, machine-readable format shall take place in accordance with Article 15b. The format of metadata in such cases shall conform to the official open standards.

(2) (Amended and supplemented, SG No. 97/2015, effective 12.01.2016) Public sector bodies shall not be obligated to provide information for re-use where this requires the creation or adaptation of such information or where this involves the provision of extracts from documents or other materials where this would involve a disproportionately large effort that goes beyond the limits of a routine operation.

(3) Public sector bodies shall not be obligated to continue the creation or collection of a certain type of information for the needs of the re-use of such information.

(4) (Amended, SG No. 97/2015, effective 12.01.2016) Upon request by the applicant and where possible, the information requested shall be made available through electronic means at the supplied electronic address or in other appropriate manners for provision of the information in electronic form.

(5) (New, SG No. 97/2015, effective 12.01.2016) The ordinance as per Article 15d, Paragraph 3, shall determine the standard terms and conditions for re-use of public sector information and for the publication of public sector information in open format for commercial or non-commercial use. Such terms and conditions may not impose undue restrictions on the possibilities for re-use or restrict competition.

(6) (New, SG No. 97/2015, effective 12.01.2016) Public sector bodies shall provide information for re-use unconditionally or subject to certain conditions set by them, within the framework of the standard terms and conditions determined by the ordinance as per Article 15d, Paragraph 3.

(7) (New, SG No. 97/2015, effective 12.01.2016) Information constituting a piece of intellectual property which libraries, including ones of schools of higher learning, museums and archives, are authorised to use, shall be provided for re-use solely subject to an authorisation by the owner of the intellectual rights thereupon.

(8) (New, SG No. 97/2015, effective 12.01.2016) The re-use of information from documents archived at the National Archive shall take place subject to the terms, conditions and procedure as per Chapter Six of the National Archive Stock Act and in compliance with this Act.

Public Sector Information which Is Not Provided for Re-use

Article 41b. (New, SG No. 49/2007) (1) (Previous text of Article 41b, SG No. 97/2015 effective 12.01.2016) The following public sector information shall not be provided for re-use:

1. (supplemented, SG No. 97/2015, effective 12.01.2016) whereof the content is related to activities falling outside the scope of the powers and functions of public sector bodies as determined by a law, rules of organisation or statutes and/or an act whereby a public procurement contract is awarded;

2. whereto a third party holds an intellectual property right;

3. which has been collected or created by public-service radio and television broadcasters or regional centres thereof;

4. (amended, SG No. 97/2015, effective 12.01.2016) which is the property of schools, higher learning establishments (except the libraries thereof), scientific research bodies, including ones created for the dissemination of the products of scientific research, and of cultural organisations, with the exception of libraries, museums or archives;

5. (new, SG No. 97/2015, effective 12.01.2016) constituting classified information;

6. (new, SG No. 97/2015, effective 12.01.2016) containing a statistical secret collected or stored by the National Statistical Institute or another statistical body;

7. (new, SG No. 97/2015, effective 12.01.2016) containing an industrial or trade secret or a professional secret within the meaning of a law;

8. (new, SG No. 97/2015, effective 12.01.2016) for the obtainment of which the applicant must prove their legal interest in accordance with a law;

9. (new, SG No. 97/2015, effective 12.01.2016) constituting parts of documents that only contain emblems, coats pf arms or insignia;

10. (new, SG No. 97/2015, effective 12.01.2016, amended, SG No. 17/2019) containing personal data the re-use of which would constitute inadmissible access to, or inadmissible processing of, personal data subject to the requirements for their protection.

(2) (New, SG No. 97/2015, effective 12.01.2016) In cases as per Paragraph (1), only that part of the information access to which is not restricted shall be provided for re-use.

(3) (New, SG No. 97/2015, effective 12.01.2016) In case of an overriding public interest, the public sector body shall provide for re-use information containing industrial or trade secrets.

(4) (New, SG No. 97/2015, effective 12.01.2016) In cases as per Paragraph (3), the public sector body may forbid the re-use of such information for commercial purposes or in a manner as would lead to unfair competition or otherwise restrict competition within the meaning as per Section Two of the Protection of Competition Act.

Provision of Public Sector Information to Public Sector Bodies

Article 41c. (New, SG No. 49/2007) (1) Public sector information shall be provided for re-use to public sector bodies under the terms and according to the procedure established by this Act.

(2) If public sector information is requested for re-use by a body referred to in Paragraph (1) in connection with the implementation of any activities which are beyond the powers or functions of the said body, the same conditions and payment shall apply.

Means of Facilitating Search for Information

Article 41d. (New, SG No. 49/2007, amended, SG No. 97/2015, effective 12.01.2016) Public sector bodies shall ensure conditions facilitating the search for public sector information by maintaining and publishing lists of basic documents and the relevant metadata through various mechanisms of online access or in another appropriate manner. Where possible, said public sector bodies shall enable multi-lingual file search.

Prohibition of Exclusive Arrangements for Re-use

Article 41e. (New, SG No. 49/2007) (1) It shall be prohibited to conclude contracts granting exclusive rights for the provision of public sector information.

(2) Conclusion of a contract referred to in Paragraph (1) shall be permissible solely in the cases where the provision of a service in the public interest cannot be ensured in another manner. The validity of the reason for conclusion of such a contract shall be reviewed once every three years by the public sector body which is a party to the said contract.

(3) (New, SG No. 97/2015, effective 12.01.2016) The conclusion of a contract as per Paragraph (1) is allowed when the granting of an exclusive right of re-use involves the digitisation of cultural resources where the term of validity should not exceed 10 yours, and if in exceptional cases it does exceed 10 years, the term of validity of the contract must be revised in the 11th year after its coming into force, and once every 7 years thereafter.

(4) (New, SG No. 97/2015, effective 12.01.2016) The provisions of the contract as per Paragraph (3) related to the granting of exclusive rights shall be made public. The public sector bodies shall provide information about the manner and eligibility criteria for selecting the contractor under said contract.

(5) (New, SG No. 97/2015, effective 12.01.2016) The contract as per Paragraph (3) must include the entitlement of the public sector body to receive a copy of the digitised cultural resources.

(6) (New, SG No. 97/2015, effective 12.01.2016) Following termination of the exclusive rights under the contract as per Paragraph (3), the copy as per Paragraph (5) may be made available for re-use.

Section II
Procedure for Provision of Public Sector Information for Re-use

Request for Re-use of Public Sector Information

Article 41f. (New, SG No. 49/2007) (1) (Supplemented, SG No. 97/2015, effective 12.01.2016) Public sector information shall be provided for re-use subject to a written request. Such a request shall be deemed to have been submitted in writing also in cases where it was sent electronically to the electronic mail address as per Article 15 Paragraph (1), Item 4, or to the portal as per Article 15d.

(2) Where the request has been submitted through electronic means, public sector bodies shall be obligated to reply through electronic means as well. In such case, conformation of the receipt of the reply shall not be required.

Payment of fees

Article 41g. (New, SG No. 49/2007, amended, SG No. 97/2015, effective 12.01.2016) (1) Public sector information shall be provided for reuse free of charge or for a fee

that cannot exceed the cost of reproduction or provision of said information.

(2) The principle as per Paragraph (1) shall not apply to fees collected:

1. by public sector bodies which, by force of their public assignment are mandated to generate revenue for covering a significant part of the expenditures pertinent to the performance of such assignment; the duty of generating revenue shall be determined in advance and published electronically;

2. for re-use of information with respect to which the public sector body is mandated to generate sufficient revenue for covering a significant part of the expenditures pertinent to the collection, production, reproduction and dissemination of information, in accordance with a law or an established administrative practice; the duty of generating revenue shall be determined in advance and published electronically;

3. by libraries, including those of schools of higher learning, museums and archives.

(3) In cases as per Paragraph (2), Items 1 and 2, the public sector body shall calculate the general fees depending on the categories and the quantities of data provided for re-use, in accordance with objective, transparent and verifiable criteria determined by a methodology approved by the Council of Ministers. The aggregate revenue of a public sector body from provision and authorisation of the re-use of information in the course of the respective accounting period must not exceed the cost of collection, production, reproduction and dissemination of such information, plus a reasonable return on the investment, as calculated in accordance with the principles applicable for the relevant public sector body.

(4) In cases as per Paragraphs (2) and (3) the aggregate revenue from provision and authorisation of the re-use of information in the course of the respective accounting period must not exceed the cost of collection, production, reproduction, dissemination, storage, or acquisition of rights for the use of the information, plus a reasonable return on the investment, as calculated in accordance with the principles applicable for the relevant public sector body.

(5) The amount of fees charged shall be determined:

1. for fees collected by a government agency, by force of a tariff adopted by the Council of Ministers;

2. for fees collected by another public sector body, by its head;

3. for fees collected by municipalities, by the municipal council; the thus set fees cannot exceed those as per Item 1.

(6) The amount of fees, the basis for their calculation, the factors considered as well as all additional conditions, if any, shall be made public, including by electronic means, provided the relevant body has a website. Upon request the relevant body must also identify the method used in calculating such fees, in relation to a specific application for re-use.

(7) Proceeds from fees charged for re-use of information shall be remitted to the budget of the relevant public sector body.

(8) The Council of Ministers shall review once every three years the methodology as per Paragraph (3) on the basis of the report as per Article 16a Paragraph (1).

(9) Failure by a public sector body to set the amount of fees as per Paragraph (5), Items 2 and 3 shall result of said body being obligated to provide such information free of charge or subject to payment of a fee as determined by the tariff as per Paragraph (5), Item 1.

Time Limit for Provision of Public Sector Information

Article 41h. (New, SG No. 49/2007) (1) (Amended, SG No. 97/2015, effective 12.01.2016) The head of the public sector body or an official designated by him/her shall review the application as per Article 41f within 14 days from receipt thereof and shall make a decision to provide or deny information for re-use] the applicant shall

then be advised of said decision.

(2) In the cases where the information requested is relevant for a specified period of time, public sector bodies must provide such information within a reasonable time wherewithin the said information has not lost its topical relevance.

(3) In the cases where the request for re-use of public sector information is complex and more time is needed to provide such information, the timeframe referred to in Paragraph (1) may be extended by up to fourteen days. In such case, the applicant shall be notified of the time required for provision of the information within fourteen days after receipt of the request.

Refusal to Provide Public Sector Information for Re-use

Article 41i. (New, SG No. 49/2007) (1) Any refusal to provide public sector information for re-use shall be reasoned.

(2) Provision may be refused where:

1. a law prohibits the provision of the information requested;

2. the request is not responsive to the conditions covered under Article 41f herein.

(3) (Amended, SG No. 97/2015, effective 12.01.2016) A refusal referred to in Paragraph (1) shall state the factual and legal grounds for denial of information, the date of the decision and the procedure for appeal of the said decision. Where such a refusal is issued on the basis of Article 41b Paragraph (1), Item 2, the public sector body must identify the individual or legal entity, where known, who is the owner of the rights, or the entity from which the public sector body has received the information and the authority to use it. Libraries, including ones of higher schools of learning, museums and archives, are under no obligation to identify such entities.

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

Cognizance and Appeal

Article 41j. (New, SG No. 49/2007) Any refusal to provide public sector information for re-use shall be appealable before the administrative courts or before the Supreme Administrative Court, depending on the authority which issued the act, according to the procedure established by the Administrative Procedure Code.

Chapter Five
(New, SG No. 49/2007)
ADMINISTRATIVE PENALTY PROVISIONS

Administrative Violations and Sanctions

Article 42. (Amended, SG No. 49/2007) (1) (Supplemented, SG No. 97/2015, effective 12.01.2016) Any public official who, without valid reason, fails to rule on an application for access to, or re-use of, public information within the statutory time limit, shall be liable to a fine of BGN 50 to BGN 100, unless a more severe penalty is provided by law.

(2) (Supplemented, SG No. 97/2015, effective 12.01.2016) Any public official who disobeys a court order to grant access to public information or to provide information for re-use as requested, shall be liable to a fine of shall be liable to a fine of BGN 200 to BGN 2,000, unless a more severe penalty is provided by law.

(3) (Supplemented, SG No. 97/2015, effective 12.01.2016, SG No. 50/2016 effective 1.07.2016) Failure to fulfil the obligations as per Articles 14, 15, 15a, Paragraph 3, Article 15d, Paragraph 2, Articles 15b, 15c and Article 31, Paragraph (3) shall carry a fine of BGN 50 to BGN 100 for individuals or a pecuniary sanction of BGN 100 to BGN 200 for legal entities.

(4) Any failure by the entities covered under Article 3 (2) herein to grant access to public information shall be punishable by a pecuniary penalty of BGN 100 or exceeding this amount but not exceeding BGN 200.

(5) (New, SG No. 97/2015, effective 12.01.2016, supplemented, SG No. 50/2016, effective 1.07.2016) Failure to provide information the entities referred to in Article 3, Paragraph 2 for re-use shall carry a pecuniary sanction of BGN 50 to BGN 200.

Authority Imposing Administrative Sanctions

Article 43. (Amended, SG No. 49/2007) (1) (Supplemented, SG No. 50/2016, effective 1.07.2016, amended, SG No. 15/2022, effective 22.02.2022) Violations under this Act shall be ascertained by the officials designated by the Minister of Justice in the cases covered under Article 3 (2) herein or by the relevant body of power in the rest of the cases. Violations under Article 15d, Paragraph 2 shall be ascertained by the officials authorised by the Minister of e-Government.

(2) Penalty decrees shall be issued as follows:

1. under Article 42 (1) herein: by the relevant body of power referred to in Article 3 (1) herein or by an employee empowered thereby;

2. under Article 42 (2) herein: by the persons referred to and according to the procedure established by Article 306 of the Administrative Procedure Code;

3. (supplemented, SG No. 50/2016, effective 1.07.2016) under Article 42, Paragraph 3 regarding Articles 14, 15,15a, 15b, Article 15c, Paragraph 3 and Article 31, Paragraph 3 herein: by the relevant authority, and in the cases where the obligated entity is among those covered under Article 3 (2) herein, by the Minister of Justice or by an employee empowered thereby;

4. (new, SG No. 50/2016, effective 1.07.2016, amended, SG No. 15/2022, effective 22.02.2022) under Article 42, Paragraph 3 regarding Article 15d, Paragraph 2 herein: by the Minister of E-Government or by officials authorised by him;

5. (supplemented, SG No. 97/2015, effective 12.01.2016, renumbered from Item 4, SG No. 50/2016, effective 1.07.2016) under Article 42 (4) and (5) herein: by the Minister of Justice or by an official authorised by him/her.

Law Governing

Article 44. Violations shall be ascertained, and sanctions shall be imposed, appealed against and executed according to the procedure established by the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISION

§ 1. (Amended, SG No. 1/2002, SG No. 103/2005, amended and supplemented, SG No. 49/2007, amended, SG No. 104/2008) Within the meaning given by this Act:

1. (Amended, SG No. 97/2015, effective 12.01.2016) "Physical data medium" shall mean any paper, technical, magnetic, electronic or other data medium irrespective of the type of content recorded thereupon, whether text, plan, map, photograph, audio, visual or audio-visual image, file etc.

2. (Amended, SG No. 17/2019) "Personal data" shall be the concept as defined in Article 4(1) of Regulation (EU) 2016/679 of the European Union 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) (OJ, L 119/1 of 4.5.2016).

3. "List of the acts issued in the exercise of the powers of an administrative structure within the system of the executive branch of government" shall be a structured set of all statutory instruments, general and individual administrative acts issued by the respective administrative authority.

4. (Amended and supplemented, SG No. 97/2015, effective 12.01.2016) "Body

governed by public law" shall be a legal entity in respect of which any of the following conditions is fulfilled:

(a) (amended, SG No. 13/2016, effective 15.04.2016) more than one-half of the income thereof for the last preceding budget year is financed by the State budget, by the budgets of Public Social Insurance or of the National Health Insurance Fund, by the municipal budgets or by any contracting authorities referred to in Items 1 - 14 of Article 5(2) of the Public Procurement Act;

(b) (amended, SG No. 13/2016, effective 15.04.2016) more than one-half of the members of the management or supervisory body thereof are designated by any contracting authorities referred to in Items 1 - 14 of Article 5(2) of the Public Procurement Act;

(c) (amended, SG No. 13/2016, effective 15.04.2016) is subject to managerial control on the part of any contracting authorities referred to in Items 1 - 14 of Article 5(2) of the Public Procurement Act; managerial control shall be in place where one person may exercise a dominant influence on the activity of another person in any manner whatsoever.

(Amended, SG No. 13/2016, effective 15.04.2016) "Body governed by public law" shall furthermore be any commercial-corporation medical-treatment facility, whereof more than 50 per cent of the income for the last preceding year are for the account of the State budget and/or the municipal budget and/or the budget of the National Health Insurance Fund.

A body governed by public law is also the library of a school of higher learning, a public library within the meaning of the Public Libraries Act, a museum or archive funded from the national or a municipal budget;

5. Any facts, information, decisions and data related to economic activity, whose non-disclosure is in the interest of the holders but there is an overriding public interest in the disclosure thereof, may not constitute an "industrial or trade secret". Until proven otherwise, there shall be an overriding public interest in disclosure where any such information:

(a) enables citizens to form an opinion and to participate in current discussions;

(b) facilitates the transparency and accountability of the entities referred to in Article 3 (1) herein regarding the decisions made thereby;

(c) guarantees the legally conforming and expedient fulfilment of the legal obligations of the entities referred to in Article 3 herein;

(d) discloses corruption and abuse of power, mismanagement of state or municipal property or other legally non-conforming or inexpedient acts or omissions by administrative authorities and officials in the respective administration, whereby state or public interests, rights or legitimate interests of other persons are affected;

(e) disproves disseminated untrue information affecting significant public interests;

(f) is related to the parties, the subcontractors, the subject matter, the price, the rights and obligations, the terms and conditions, the time limits and the sanctions specified in any contracts whereto an entity obligated under Article 3 herein is one of the parties.

6. "Overriding public interest" shall be in place where disclosure of corruption and of abuse of power, enhancement of the transparency and accountability of the entities referred to in Article 3 herein is sought through the information requested.

7. (New, SG No. 97/2015, effective 12.01.2016) "Machine-readable format" is an electronic data format structured in such a way as to allow, without being transformed into another format, for software applications to be identified, recognised and for specific data to be retrieved therefrom, including separate facts and their internal structure.

8. (New, SG No. 97/2015, effective 12.01.2016) "Open format" is an electronic data format that does not necessitate the use of a specific platform or specific

software for the re-use of its content and has been made available to the public without restrictions as would prevent the re-use of information.

9. (New, SG No. 97/2015, effective 12.01.2016) "Open data portal" is a single, central, public, web-based information system that enables the publication and management of re-usable information in an open, machine-readable format together with the relevant metadata. The portal is structured in a way allowing the retrieval of the published information in whole or in part.

10. (New, SG No. 97/2015, effective 12.01.2016) "Official open standard" is a standard that is established in written form and describes the specifications and requirements of ensuring software interoperability.

11. (New, SG No. 97/2015, effective 12.01.2016) "Higher school of learning" is any school within the meaning as per Article 17 of the Higher Education Act.

12. (New, SG No. 97/2015, effective 12.01.2016) "Metadata" are data describing the structure of the re-usable information.

13. (New, SG No. 97/2015, effective 12.01.2016) "Internet address" is unified resource identifier or a unified resource locator.

14. (New, SG No. 97/2015, effective 12.01.2016) "Public information access platform" is a single, central, public, web-based information system that enables application for access to, and publishing of, public information.

15. (New, SG No. 97/2015, effective 12.01.2016) "Archives" are the central and regional state archives with respect to the archive units of the National Archive Repository stored in them in accordance with Article 6, Paragraph (1), Item 1 of the National Archives Stock Act, as well as public institutions as per Article 6, Paragraph (1), Items 2 and 3 of the National Archive Repository Act with respect to archives and archive collections stored in them in accordance with Article 33, Paragraph (1) Item 1 and Items 6 - 8, and Paragraph (2) of the National Archives Stock Act.

FINAL PROVISION

§ 2. This Act shall supersede:

1. State Council Decree No. 1086 dated 12 July 1977 on Handling of Critica Articles ([promulgated in the] State Gazette No. 56 of 1977);

2. Articles 14 and 19 and Item 2 of Article 57 (1) of the Proposals, Alerts, Complaints and Petitions Act (promulgated in the State Gazette No. 52 of 1980, amended in No. 68 of 1988).

ACT

to Amend and Supplement the Access to Public Information Act
(SG No. 49/2007)

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Supplementary Provision

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

Transitional Provisions

§ 17. The contracts granting exclusive rights for the provision of public sector information, concluded prior to the entry into force of this Act, which do not comply with the requirements referred to in Article 41e (2) of the Access to Public Information Act, shall be terminated upon the expiry of the term of validity thereof but not later than the 31st day of December 2008.

§ 18. Within six months after the entry into force of this Act, the entities referred to in Article 3 (1) of the Access to Public Information Act shall be obligated to designate

officials of the relevant administration who shall be directly responsible for the provision of public, as well as to allocate an appropriate place for reading of the information provided.

TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement the Access to Public Information Act
(SG No. 104/2008)

§ 8. The obligation to publish on the Internet under Article 15a shall be fulfilled by the heads of administrative structures within the system of the executive branch of government within one year after the entry into force of this Act.

§ 9. The heads within the system of the executive branch of government, obligated under Article 15, shall provide financial resources for the fulfilment of the obligation referred to in Article 15a and the training of personnel within the said system.

ACT to Amend and Supplement the Access to Public Information Act
(SG No. 97/2015, effective 12.01.2016)

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Additional Provision

§ 27. This Act transposes the provisions of Directive 2013/37/EU of the European Parliament and of the Council amending Directive 2003/98/EC on the Re-use of Public Sector Information (OJ, L 175/1, June 27, 2013).

Additional and Final Provisions

§ 28. Any and all contracts on the exclusive provision of public sector information entered into prior to July 17, 2013, which do not satisfy the requirements ad per Article 41e, Paragraphs 2 - 5, shall be terminated with the expiry of their term of validity, but not later than July 18, 2043.

§ 28. The Council of Ministers shall:
1. within 6 months from the promulgation of this Act in State Gazette, adopt the ordinance as per Article 15d, Paragraph (3) and the tariff as per Article 41g, Paragraph (5), Item 1;
2. not later than June 1, 2017, create the public information access platform and enable the submission of applications via said platform.

§ 30. The municipal councils shall, within 6 months from the promulgation of this Act, adopt and make public the tariffs as per Article 41g, Paragraph (5), Item 3.

§ 31. The administration of the Council of Ministers shall prepare the first report as per Article 16a, Paragraph (2), not later than July 18, 2017.

§ 32. (1) The authorities of the executive branch shall, not later than three months from the entry into force of this Act, make public the following:
1. the information as per Article 15, Paragraph (1) and Paragraph (4), subject to compliance with the requirements as per Article 15a, Paragraph (2), with the exception of the information regarding fees as per Article 41g, which shall be made public within one month from the promulgation of the tariff as per Article 41g, Paragraph (5), Item 1, or the publication of the tariff as per Article 41g, Paragraph (5), Item 3;
2. the list as per Article 15a, Paragraph (3).
(2) Public sector bodies other than authorities of the executive branch shall make public the information as per Article 15, Paragraph (4) and the tariff as per Article 41g, Paragraph (5), Item 2, within 6 months from the entry into force of this Act.
(3) The entities under obligation as per Article 3, Paragraph (1) shall, as from June 1, 2017, enable the submission of applications for access to public information

via the public information access platform as per Article 15c.

§ 33. The provision of § 1 Item 1 regarding Article 2, Paragraph (4) shall apply to information generated after April 1, 2016.

§ 34. This Act shall enter into force one month from its promulgation in State Gazette, with the exception of:

1. Paragraph 6 regarding Article 15d, Paragraph 2, which shall enter into force 9 months from its promulgation in State Gazette, and

2. Paragraph 6 regarding Article 15c and § 9 regarding the words "or via the public information access platform", which shall enter into force on June 1, 2017.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Electronic Government Act

(SG No. 15/2022, effective 22.02.2022)

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§ 15. The following amendments shall be made in the Access to Public Information Act (promulgated, SG No. 55/2000, amended, SG Nos. 1 and 45 of 2002 SG No. 103/2005, SG Nos. 24, 30 and 59/2006, SG Nos. 49 and 57 of 2007, SG No 104/2008, SG No. 77/2010, SG No. 39/2011, SG No. 97/2015, SG Nos. 13 and 50 of 2016, SG No. 85/2017, SG No. 77/2018 and SG No. 17/2019):

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3. Everywhere in the Act the words "State Agency for E-Government" shall be replaced with "Ministry of E-Government".

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