

LAW FOR ACCESS TO PUBLIC INFORMATION OF BULGARIA

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

Chapter one.

GENERAL PROVISIONS

Section I.

Subject and scope

Subject

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

Public information and public sector information (Title suppl. – SG 49/07)

Art. 2. (1) Public information in the context of this law is every 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 subjects 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) Public sector information shall mean any piece of information provided on paper, electronic or other carrier, including information preserved as audio- or video recording, gathered or created by a public sector organisation.

(4) (Amend., SG 1/02; prev. text of para 03 – SG 49/07) This law 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 the 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 Law.

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

Art. 3. (1) (amend. – SG 104/08) This law shall apply for 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 law shall also apply for access to public information created and kept by:

1. public subjects other those under para 1, including the public sector institutions;
2. individuals and corporate bodies only regarding their activity financed by resources of the consolidated state budget and resources from the funds of the European Union 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 for the cases provided for in this Law.

(4) (new – SG 49/07) A public sector organisation shall be a state authority, body of local government or a public sector organisation as well as the associations thereof.

Subjects 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 conditions and by the order determined by this law, unless another law stipulates a special order 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 corporate bodies 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 good name of other persons, as well as against national security, public peace, health of the citizens and morality.

Basic 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. provision of equal terms of access to public information;
3. provision of lawfulness in seeking and obtaining public information;
4. defence of the right to information;
5. defence of the personal information;
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. providing 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 the 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) Not admitted shall be restriction of the right to access to public information and of re-use of public sector information, except when it is classified information or other protected secret in the cases stipulated by a law.

(2) The access to public information can be full or partial.

Exception from the purview of the law

- Art. 8. (amend. – SG 49/07) The provisions of this Law concerning the access to public information shall not apply to information which:
1. is submitted in connection with the administrative servicing of the citizens and of the corporate bodies;
 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.

Formal and official public information

Types of public information

Art. 9. (1) The public information created or kept by the bodies and their administrations is formal and official.

(2) (Amend., SG 45/02) In the cases stipulated by a law certain formal or official information can be declared classified information representing state or official secret.

Formal public information

Art. 10. Formal is the information contained in the acts of the state bodies and of the bodies of the local independent government for fulfilment of their authority.

Official public information

Art. 11. Official is the information which is collected, created and stored in connection with the formal 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 formal and official public information

Access to formal public information

Art. 12. (1) The access to formal information contained in normative acts shall be provided through their promulgation.

(2) The access to other formal information in the cases when it is stipulated by a law or by a decision of the body which has created it shall be provided through promulgation.

(3) The access to formal information in cases other than those under para 1 and 2 shall be free and shall be implemented by the order of this law.

(4) Upon request of an access to formal 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 official public information

Art. 13. (1) The access to official public information shall be free.

(2) The access to official public information can be restricted if it is:

1. related to the operative preparation of the acts of the bodies and it has no independent importance (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 held 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) The access to official public information may not be restricted in case of prevailing public interest.

Obligations for submission of public information

Art. 14. (1) The bodies shall inform about their activities through publication or announcement in other form.

(2) The bodies shall be obliged to announce information, collected or having become known to them in carrying out their activities if this information:

1. can prevent a threat for the life, health and safety of the citizens or of their property;
2. deny disseminated untrue information affecting substantial public interests;
3. represents or would represent a public interest;
4. must be prepared or submitted by virtue of a law.

Publication of current public information

Art. 15. (1) For the purpose of providing transparency of the activity of the administration and for a maximal facilitation of the access to public information every head of administrative structure in the system of the executive authority shall periodically publish current information containing:

1. description of his authority and data for the organisation, the functions and the responsibility of the administration headed by him;
2. a list of the issued acts in fulfilment of his authority;
3. description of the informational massifs and resources used by the respective administration;
4. the name, the address and the office hours of the units in the respective administration responsible for acceptance of applications for submitting access to information.

(2) (amend. - SG 24/06) Every head under para 1 shall work out an annual report for the received applications for access to public information which shall also include data for the refusals and the reasons for that. The annual report shall be a part of the annual reports under art. 62, para 1 of the Law for the administration.

Publishing on the Internet

Art. 15a. (new – SG 104/08) (1) The information under Art. 15 shall be published on the internet sites of the administrative structures in the system of the executive.

(2) In the "access to information" section of the internet sites under Para 1 shall be announced the information under Art. 15, Para 1, Item 4 and Para 2, the existing internal rules regarding the access to public information and the order for accessing the public registers kept by the administrative structures in the system of the executive.

Reporting (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 law shall be included in the report for condition of the administration, which shall be accepted 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 at the disposal for reference to the citizens in every administration in order to make references therein.

Section II.

Access to other public information

Access to public information related to the activity of other subjects obliged to provide it

Art. 17. (amend. – SG 104/08) (1) The access to public information, created, received or stored in relation to the activity of the obliged subjects under art. 3 shall be free.

(2) The information under para 1 representing a business secret and whose presentation or dissemination would lead to disloyal competition between entrepreneurs shall not be subject to submission, except in case of prevailing public interest.

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

Access to public information for the mass media

Art. 18. The public information for the mass media shall only be information regarding:

1. the persons participating in the management of the respective mass medium or exercise an effective control on its management or activity;
2. economically related persons participating in the management of other mass media which allows an effective control over their management or their activity;
3. the persons who are directly occupied 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 for guaranteeing the reliability and objectivity of the presented information;
5. the financial results of the owner of the mass medium and the dissemination of his production.

Purpose of the access to public information for the mass media

Art. 19. The access to the information under art. 18 shall be carried out by observance and balancing of the principles of transparency and economic freedom, as well as of protection of the personal information, the business secret and the confidentiality of the sources of the mass media, who require anonymity.

Section III.

Conditions and order of determining the expenses related to submission of public information

Free access and expenses related to submission of public information

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

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

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

Obligation for providing information in cases of filing application for access

Art. 21. The subjects under art. 3 shall be obliged to display at the place of filing applications the possible forms of providing access to public information, the due expenses and the ways of their payment.

Free corrections and supplements of the submitted information

Art. 22. Not paid shall be the additional expenses for correction and/or supplementing the submitted public information in the cases when it is incorrect or incomplete and this was requested by the applicant with motivation.

Revenue from providing access to public information

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

Chapter three.

PROCEDURES OF 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 verbal request.

(2) The application shall also be considered written in the cases when it is filed by electronic means under conditions determined by the respective body.

(3) If the applicant does not obtain access to a requested public information on the grounds of a verbal request or he considers the submitted information insufficient he can file a written application.

Contents of the application for access

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

1. full name, respectively the name and the headquarters 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 by an order determined by the respective body.

Forms of access to public information

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

1. review of the information - original or copy;
2. verbal information;
3. copies on paper;
4. copies on technical carrier.

(2) Used for access to public information can be one or more of the forms under para 1.

(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 determined.

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

Obligation for conforming with the preferred form of access

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

1. there is no technical capacity;
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 the 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 decision for providing or refusing access to the requested public information and shall inform in writing the applicant about their decision.

Specifying the application for access

Art. 29. (1) If it is not clear exactly what information is requested or if it is formulated generally the applicant shall be informed about that and shall have the right to specify the subject of the requested public information. The period under art. 28, para 1 shall begin on the date of specifying the subject of the requested public information.

(2) If the applicant does not specify the subject of the requested public information within 30 days the application shall be left without consideration.

Admissible extension of the period of providing access

Art. 30. (1) The period under art. 28, para 1 can be extended but by no more than 10 days if the information requested by the application is of large quantity and extra time is needed for its preparation.

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

Extension of the period in connection with the protection of the interests of third persons

Art. 31. (1) The period under art. 28, para 1 can be extended but by no more than 14 days when the requested public information regards a third person and his consent for its disclosing is needed.

(2) In the cases under para 1 the respective body shall be obliged to request the explicit written consent of the third person 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 conform precisely with the conditions under which the third person has given consent for disclosing the information regarding him.

(4) (amend. – SG 104/08) If a consent of the third person is not obtained within the period under para 1 or in case of an explicit refusal to give consent the respective body shall provide the requested public information in a size and in a way which do not disclose the information which relates to the third person.

(5) (amend. – SG 104/08) Not necessary shall be the consent of the third person in the cases when he is an obliged subject and the information regarding him is public information in the context of this law, and also in case of prevailing public interest for its disclosure.

Forwarding the application for access

Art. 32. (1) If the body does not have the requested information but knows about its location he shall forward the respective application within 14 days from its receipt informing the applicant about that. The notification shall obligatorily indicate the name and the address of the respective body or corporate body.

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

Notifying the applicant about lack of the requested public information

Art. 33. If the body does not have available the required information and he has no knowledge about its location he shall inform the applicant about that within 14 days.

Decision for providing access to public information

Art. 34. (1) The decision under art. 28, para 2 which provides access to the requested public information shall obligatorily indicate:

1. the degree of the provided access to the requested public information;
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 expenses 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) The decision for providing access to the requested public information shall be presented to the applicant against signature or it shall be sent by registered mail.

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

Providing access to the requested public information

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.

Abandoning the provided access by the applicant

Art. 36. If the applicant fails to appear within the period determined by art. 34, para 4 or he does not pay the determined expenses considered shall be abandoning by the applicant of the provided access to the requested public information.

Section III.

Refusal to provide access to public information

Grounds for refusal to provide access

Art. 37. (Amend., SG 45/02; amend. - SG 59/06, in force from 01.01.2007; amend. – SG 104/08) (1) Grounds for refusal to provide access to public information shall be present when:

1. the requested information is information or official secret in the cases stipulated by a law as well as in the cases under art. 13, para 2;
 2. the access affects the interests of a third person and he has not given his explicit written consent for disclosing 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 the decision for refusal to provide 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 the decisions and refusals of access to public information

Jurisdiction in cases of appeal of the decisions for the access or refusal of access

Art. 40. (1) (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 49/07) The decisions for providing access to public information or for refusal of access to public information shall be appealed before the administrative courts or before the Supreme Administrative Court in dependence of which body has issued the act, by the order of the Administrative procedure code.

(2) (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 39/11) 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 administrative courts by the order of the Administrative procedure code.

Competence of the Court on the 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 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) 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.

(2) Public sector organisations shall not be obliged to provide public sector information for re-use, if this requires its creating, gathering or processing or if it is related to an obligation to provide extracts from documents or other materials where this would involve disproportionate effort, going beyond a simple operation.

(3) Public sector organisations cannot be required to continue the production or gathering of certain type of information with a view to its re-use.

(4) Upon request by the applicant and where possible, public sector organisations shall provide the information requested through electronic means to a given e-mail or through other appropriate means for provision of the information in an electronic form.

Public Sector Information Which Shall Not Provided for Re-use

Art. 41b. (new – SG 49/07) Shall not be provided for re-use public sector information:

1. which contents are related to activity which fall outside the scope of the powers and the functions of the public sector organisations;
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. which is collected or produced by schools, high schools, scientific and research organisations. The state archive fund, libraries, museums, orchestras, operas, ballets, theatres and other scientific and culture organizations.

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 Law.

(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.

Facilities for Information Research

Art. 41d. (new – SG 49/07) Public sector organisations shall provide conditions for facilitated search of public sector information through various means of online access or in other appropriate manner.

Prohibition of Granting Exclusive Right of Re-Use

Art. 41e. (new – SG 49/07) (1) Concluding contracts regarding exclusive provision of public sector information shall be prohibited.

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

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) Public sector information shall be provided for re-use upon submitted written request thereof.

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

Payment

Art. 41g. (new – SG 49/07) (1) Public sector information shall be provided for re-use after payment of material costs related to the provision thereof, specified in a tariff adopted by the Council of Minister.

(2) The payment according to para 1 may not exceed the costs related to provision of public sector information.

(3) Upon submitted request the public sector organisations shall provide data concerning the manner of assessment of the costs under para 1,

(4) The amounts according to para 1 shall be deposited to the budget of the relevant public sector organisation.

Term for Provision of Public Sector Information

Art. 41h. (new – SG 49/07) (1) Public sector organisations shall process the submitted requests for re-use and shall answer the applicant within 14 days from the submission thereof.

(2) In those case where the requested information is of importance regarding 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 necessary for provision of the information within 14 days from the submission initial request.

Refusal of Provision of Public Sector Information for Re-use

Art. 41i. (new – SG 49/07) (1) Refusal of provision of public sector information for re-use

(1) Refusals of provision of public sector information for re-use shall be grounded.

(2) Refusal is possible in those cases where:

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

(3) Refusals under para 1 shall contain the factual and legal grounds for refusal, the date of taking the decision and the procedure for appeal thereof. In case of refusal on the grounds of intellectual property rights of third parties, in the negative decision shall be indicated the name of the holder of the said rights or the name of the person, from whom the public sector organisation has acquired these rights.

(4) May not serve as grounds for refusal the presence of personal data in the public sector information, requested for re-use, 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 of provision of 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 AND PUNITIVE PROVISIONS (NEW – SG 49/07)

Art. 42. (amend. – SG 49/07) (1) An official who, without a valid reason, does not announce a decision on an application for access to public information, unless subject to a more severe penalty, shall be fined by 50 to 100 levs.

(2) An official who does not fulfil a prescription of the court to provide access to requested public information, unless subject to a more severe penalty, shall be fined by 200 to 2000 levs.

(3) For failure to fulfil the obligations under art. 31, para 3 a fine of 50 to 100 levs shall be imposed for the individuals and a proprietary sanction of 100 to 200 levs for the corporate bodies.

(4) For not providing access to public information by the subjects under art. 3, para 2 they shall be punished by proprietary sanction of 100 to 200 levs.

Administrative penalty body

Art. 43. (amend. – SG 49/07) (1) The violations under this Law 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.

(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. under art. 42, 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;
4. under art. 42, para 4 - by the Minister of Justice or by an official authorised by him.

Applicable Law

Art. 44. The offences shall be established, the penalties shall be imposed, appealed and fulfilled by the order of the Law for the administrative offences and penalties.

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. "Material carrier of public information" is a text, plan, map, photo, image, diskette, audio or video cassette and the like;
2. "Personal data" is any information related to a natural person, which is identified or can be identified directly or indirectly through an identity number or through one or more specific characteristics related to his physical, physiological, genetic, psychical, psychological, economical, cultural or social identity.
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. "Public sector organisation" shall mean a legal person, which regardless of its merchant or production character, is established for meeting needs in the public interest and satisfying at least one of the following conditions:
 - a) 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. 7, Item 1 or 3 of the Law on the Public Procurement;
 - b) more than half of the members of its management or supervisory body are appointed by assignors under Art. 7, Item 1 or 3 of the Law on the Public Procurement;
 - c) it is subject to management control by assignors under Art. 7, Item 1 or 3 of the Law on the Public Procurement; management control is present when one person is able to exercise dominant influence on the activity of another person in any way. Public sector organization shall be also a health establishment – commercial company, of which more than 30 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.
5. "Manufacturing or trade secret" shall not be facts, information, decisions and data related to economical activity for which the rightholders 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.

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 LAW ON THE CREDIT INSTITUTIONS
(PROM. – SG 59/06)

§ 36. This Law 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 LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW FOR ACCESS TO PUBLIC INFORMATION
(PROM. – SG 49/07)

§ 16. This Law 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 Law, 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 Law 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 LAW OF THE NATIONAL ARCHIVE FUND
(PROM. - 57/07, IN FORCE FROM 13.07.2007)

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

Concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON ACCESS TO PUBLIC INFORMATION
(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 Law.

§ 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.