

Fulfillment of the obligations under APIA by the Bodies of the Executive Power

(Report on sociological survey)



Sofia 2001

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Introduction

The Access to Public Information Act (APIA) was promulgated on 7 July 2000 in The State Gazette, No. 55. It regulates a fundamental right of citizens, i.e. the right of access to information. As the experience of other countries with similar legislation has shown, there exist several preconditions for this right to be exercised. In the first place, this is the administrative capacity of the relevant institutions to provide real access to the records they generate and store. The second precondition is the need for dissemination of educational materials (manuals on the rights and obligations provided by law). Thirdly, these are the lists of restricted information with the legal grounds for the restriction attached thereof. Fourthly, this is the requirement for the head of the respective institution to monitor the observance of statutory procedures, which makes judicial control a remedy of last resort.

The Bulgarian law has introduced some obligations of the bodies of executive power to create conditions for effective exercise of citizens' rights. The creation of such conditions makes these institutions better functioning and providing better service to the public.

The Access to Information Programme (AIP) published and disseminated a manual for citizens several months after the adoption of APIA. AIP worked jointly with other non-governmental organisations, preparing manuals for the public administration and journalists. It continued to conduct training and help citizens, journalists and NGOs use the procedures provided by APIA, offering them legal assistance free of charge. The groups of problems with the implementation of the law become visible from the cases referred to us. Some cases are appealed in court. Court judgements will contribute to introducing greater clarity as to some provisions of the law. As to the obligations of the bodies under APIA, administrative officials are required not only to know the contents of the law but also to undertake certain action for its implementation.

Access to Information Program was conducted a pilot survey of the fulfilment of the obligations under Art.15 of APIA by the bodies of executive power in December 2000. Its findings outlined the stage reached by the public administration in the fulfilment of its statutory obligations. Furthermore, the findings of the pilot survey contributed to the preparations for a deeper-going survey.

We thought that we could compare the findings of the survey to "the annual summary of the reports on the bodies and their administrations, containing the information under Art.15, as well as other information relating to the implementation of this Act", which the Minister of Public Administration is required to publish under Art.16 of APIA.

Eighteen months since the adoption of the law are sufficient time for the heads of institutions related to the provision of conditions for effective implementation of the law to undertake real action. At the same time, citizens on their part have also started seeking information under APIA. We hope that the findings of the survey will be useful to institutions in the development of strategies and specific plans for resolving the outstanding problems.

Objectives and Methodology

The objective of the survey *Fulfilment of the Obligations under APIA of the Bodies of Executive Power* is the outline the condition, preparedness and problems in the course of the implementation of APIA.

The survey covers all central bodies of executive power and their regional subdivisions, as set out in the Public Administration Act and enumerated in the register of administrative structures. As well as the bodies of central government, the survey covers the 100 largest Bulgarian municipalities out of a total of 262. The reason for this manner of selection is that access to public information is more actively sought in relatively larger communities. Still, 50 % of the 100 selected municipalities have population of less than 32,000 inhabitants, which gives the opportunity for observations in smaller communities, too.

We approached 363 institutions with the request to be interviewed. There were conducted 303 interviews and in the other cases there was either an implied or an explicit refusal to reply.

Visited Institutions	Community			Total Number of Interviews	Refusals
	Sofia	Regional Centre	Small Town		
Ministries, Government Commissions, Government Agencies, Others	35			17	18
Executive Agencies	22			17	5
Regional Administration	2	26		27	1
Municipal Administration	6	27	72	97	8
Regional Subdivisions of the Executive Power	4	169		145	28
Total				303	60

Interviewers had the task of interviewing officials designated to provide access to information by the heads of institutions responsible for providing access to information under APIA. Respondents at various positions were interviewed. Most typically, they were directors of institutions (28.6 %), PR officers (26.9 %), general secretaries (15.9 %), other experts (10.3 %) and legal counsels (5.3 %). Docho Mikhailov, Gergana Jouleva, Anton Andonov, Alexander Kashamov, Ivailo Kolev, Fanny Davidova and Krassimira Nikolova took part in the preparation of the survey. Docho Mikhailov and Gergana Jouleva worked on the report, acknowledging the contribution of Alexander Kashamov, Fanny Davidova and Anton Andonov with their comments and recommendations on its content.

Interviews were conducted on the basis of standardised questionnaires by the coordinators of the Access to Information Programme (AIP) throughout the country and representatives of the Agency for Socio-Economic Analyses (ASEA) in Sofia. The survey was conducted from 25 September to 30 October 2001.

The report is structured into four chapters. The first chapter deals with the interpretations and knowledge of APIA. The second chapter puts this knowledge in

the context of the specific organisational preparedness and the overall condition of institutions. The third chapter is focused on the specific practices under APIA, and the fourth chapter summarises the recommendations given by the interviewed officials.

Situation of the Interview

One of the obligations of the bodies under Art.15 of APIA is to indicate the name, address, telephone number and working hours of the unit in charge of receiving applications for access to public information. The efforts of our interviewers to identify the unit or officials responsible under APIA seemed more like “investigation” rather than receiving information that the bodies of executive power have the obligation to publish.

In 46.1 % of the institutions, interviewers identified the person responsible under APIA without any special consultations with other administrative officers. The least “investigative” efforts to identify the officials responsible under APIA were needed in the case of regional administrations, and the greatest effort had to be made in the case of central government institutions and executive agencies. As a result of those “investigations”, it took more than one day to identify the respondent in 25.9 % of the cases. It took two visits on the average in order to do the interview. The longest time was needed in the case of central government institutions (2.33 visits) and the shortest time was needed in the case of municipal administrations (1.63 visits). A total of 34.2 % of all institutions requested clarifications on the questionnaire. That happened most frequently in the case of the regional subdivisions of the executive power (RSEP).

In most cases (60.1 %), respondents did not fill in the questionnaire in the presence of the interviewer. More closed in that respect turned out to be central government bodies and executive agencies (82.4 %), while the most open institutions were municipal administrations (52.7 %). Still, the interviewers gave a positive subjective assessment of the attitude of officials to the interview: 50.5 said that they had been received very well, 44.0 % reported that they had been received well and only 5.2 % of interviewers stated that the officials had treated them badly.

Interpretations of APIA

Respondents were given 10 categories of information. They had to assess whether those categories came under the definition of “public information” under APIA or not. The questions were not intended to check their knowledge of the law but rather to establish the degree of openness. In our opinion, this scope depends primarily on the knowledge of the statutory provisions, as well as the general attitudes of openness of the institution. Therefore the aim of the questions was not so much to identify which institutions knew the law and which did not as to clarify the interpretations hindering the incompetent and restrictive application of the law.

The Problem of Internal Information

The first issue relating to the knowledge of the law is which categories of information fall within the scope of APIA and which remain outside. The officials were requested to interpret a number of categories of information and then they were asked practical questions whether such information had to be interpreted within the meaning of APIA or not. The answers should not be perceived as a competence test at least because the law is rather new and officials have not gained sufficient practical experience. On the other hand, the interpretation of a given piece of information as pertaining to the

purview of APIA or not is a sign of the level of knowledge of the law and the attitude to allow greater or smaller openness of the institution.

Most frequently, interviewed officials interpret as relevant to the scope of APIA those categories of information that may be summarised as *address and reference information and the information they are required to publish under Art. 15 of APIA*. For example, when asked *which categories of information they should provide under the Access to Public Information Act and which categories they are not required to provide access to*, typically officials answer that they should provide information about *the address and telephone number of the official responsible under APIA* (93.9 %), and *the description of the structure and functions of the institution* (93.3 %). They often describe as public information also some *types of reference information* such as *instructions on the application of a given legal instrument (act)* (75.7 %) and *information concerning completed tender procedures* (72.6 %). The obligations under Art. 15 of APIA of heads of administrative structures include also the publishing from time to time of “a list of the acts issued within the scope of its powers”. Pursuant to Art. 10 of APIA, acts of state or local self-government bodies are public by nature and the access to them is free.

However, the findings of the survey come to indicate that only 69.2 % of the institutions specify *the list of acts* as falling within the purview of APIA. The acts themselves seem even more secret – 59.1 % of the institutions recognise them as included in the scope of APIA. One is impressed that the more *internal* the information about the activities of institutions becomes, the less frequently it is perceived as *subject to APIA* and the more inaccessible it becomes for citizens. The more questions pertain to the day-to-day internal workings of the surveyed institutions, the more frequently respondents say that the respective category of information does not belong to the scope of APIA. For example, only 44.6 % of respondents find the information contained in *statements of findings* of the institutions to be examples of public information, whereas the minutes from meetings are perceived as public information by a mere 29.7 % of the institutions. The level of openness is even lower in the case of expert meetings (29.3 %). The bottom of this rating includes such categories of information like exchanged letters with other government institutions (23.0 %) and business trip orders (21.3 %). The smallest number of respondents (12.4 %) think that internal administrative orders are cases of public information under APIA.

The logic in the interpretation of APIA as a whole is that the information which is the most closely related to the internal organisation of institutions is perceived as the least belonging to the domain of public information.

This logic in the “reading” of APIA can be seen in the answers as to which categories of information **are not subject to the provisions of APIA**. Here business trip orders occupy the first place (59.8 %) followed by internal administrative orders (57.0 %), i.e. again, those categories of information that refer to the internal life of institutions to the greatest extent.

Judgmental Aspects of the Public Nature of Information

APIA makes it clear that the public administration may judge whether to grant access to information or not only in the cases of administrative information about the preparatory work relating to acts and information that has no significance in itself. Art. 13 gives an exhaustive list of the types of such information, i.e. opinions and

recommendations prepared by or for the respective body, statements and advice, as well as opinions and positions in connection with ongoing or prospective negotiations. The need for discretionary decisions to grant access to such documents is not a weakness of the law. In their decisions, officials should be guided by the principle of the prevailing public interest in becoming aware of such information. After the issuance of an act, all preparatory materials should be granted access to, unless they refer to other interests protected by law. Such decisions, however, are associated with the attitudes of serving the general public and the principle of openness underlying the work of institutions.

The answers “it depends” account for 23.1 % on the average for the fifteen types of information included in the survey. Most frequently institutions give non-committing answers when the information relates to *exchange of letters with other government institutions* (49.7 %) and minutes drawn at expert meetings (43.1 %), meetings (42.2 %) and statements of findings (30.8 %).

These findings are indicative of the high level of discretionary powers given to institutions in making a decision on an application for obtaining access to information under APIA. On the other hand, the flexibility in the interpretation of provisions *per se* may be a sign of competence. Such good-intentioned interpretation of the findings would mean that the answer “it depends” would imply that most institutions would rather grant access to *letters exchanged with other institutions* than refuse to grant such access.

However, there exist certain categories of information whose public nature is quite definite. For example, it would be very difficult to say “it depends” when asked about the public nature of information concerning a public procurement tender. Pursuant to the Public Procurement Act, institutions are required to submit all the information related to the public procurement procedure to the Public Procurement Register which is accessible to the general public. Nevertheless, 13.2 % of the institutions reply “it depends” to the question whether the information related to public procurement tenders should be provided access to under APIA. There exist even 2.7 % of the institutions that would say “it depends” even when asked about the name and office telephone number of the person responsible for receiving applications under APIA.

In general, the answer “it depends” features in the answers to the applications for access to information all too often. This is particularly alarming for such categories of information like *orders* (30.2 %) and *acts* (30.2 %), which represent official public information subject to publishing.

Box 1: Acts of Government Bodies

Acts of government bodies are divided into statutory, general and individual administrative instruments. In accordance with the definition under Art. 2, para 1 of the Administrative Procedures Act, individual administrative acts are those issued by the competent authorities in order to generate rights or obligations or those affecting rights or legitimate interests of individual citizens or organisations, as well as refusals to issue such acts. However, the public administration is often used to excluding certain types of acts (e.g. the so-called “internal administrative/departmental acts, business trip orders, appointment or dismissal orders) from the category of administrative acts.

The contradictory interpretation of the provisions of APIA can be seen also in the answers to the straightforward question *”Have you ever had practical difficulties due to vague or ambivalent provisions of APIA?”* One in three interviewed officials on the average (31.3 %) confirm that they have experienced such difficulties. Most typically these difficulties are encountered by officials at regional subdivisions of the executive power (RSEP – 30.2 %) and central government institutions (46.7 %). It happens most rarely to executive agencies (23.5 %) and municipal administrations (29.5 %). We tend to believe that the municipal administration is faced with less difficulties due to the better knowledge of the law, which is not typical of executive agencies.

The complaints about contradictory wording of the law come most frequently from respondents who are either experts or heads of departments and least frequently from general secretaries. Officials who have undergone some training in the field of APIA tend to be more critical of the consistency of the provisions of APIA (36.2 %) in comparison to those who have not been trained (30.2 %). These findings suggest that more competent officials (in terms of APIA) perceive the law as more contradictory in its wording. The further analysis comes to prove this assumption – respondents who are more critical of the law (7.16¹) give more correct answers to a kind of test² as to which specific inquiries constitute applications within the meaning of APIA and which inquiries are excluded from the scope of APIA.

IN accordance with the provisions of APIA, information is considered to be official when included in the acts issued by the bodies in the course of exercising their powers. Undoubtedly, the access to such information is unrestricted. The findings of the survey reveal that the acts of institutions are interpreted as falling within the scope of APIA by only 59.1 % of respondents, while 9.6 % firmly believe that no access should be granted to them.

The specific comments of the interviewed officials with regard to the lack of clarity in the law are most typically related to the following observations:

1. Vague definition of the term “administrative secret” and unclear distinction between “administrative” and “state” secret. Respondents say that “the provisions of Art. 11 are too latitudinarian and fail to specify the types of administrative information and their protection”. Comments refer most frequently to the lack of clarity of Art. 9, para 2, and Arts. 12, 13 and 14.

Box 2: Access to Administrative Information

The access to administrative information is free and the definition of the term “administrative public information” is sufficiently clear in Art. 11 of APIA. This definition does not require any distinction to be drawn between “state secret” and “administrative secret”. Restricted information, i.e. the information constituting state or administrative secret, is only the information declared to constitute state or administrative secret by law. The discretionary powers under Art. 13 do not relate to information constituting administrative or state secret.

2. There exists no precise and exhaustive definition of the term “personal data”

Box 3: Personal Data

The definition of the term “personal data” is given in para 1 of the Additional Provision of APIA. Since the definition is quite vague and it introduces the concept of “personal data of

¹ Average level according to the scale for practical knowledge from 1 to 20.

² Question 3 in the Annex.

legal entities”, it is only understandable that it might confuse respondents.

3. The definition of the term “public information” is too general. One of the respondents has made the comment that “Art. 2, para 1 includes anything you might be asked”.

Box 4: Public Information

It is true that the definition of the term “public information” is quite unclear but this does not refer to that part of the definition which says that any person is entitled to ask information from institutions, where the access to such information is not restricted by law and the information exists on a material carrier, i.e. it is far from being “anything you are asked”.

4. There exists no clear distinction between APIA and the Administrative Servicing of Individuals and Legal Entities Act (ASILEA)

Box 5: APIA and ASILEA

The distinction between APIA and ASILEA is clear enough when linked to the definition of the term “administrative service” under Art. 3 of ASILEA and to the interest of the applicant for access to information and documents. The interest of the applicant in the respective piece of information is irrelevant to the application of APIA, while ASILEA requires proof of such interest.

5. Lack of clarity about the payment of oral information given under Art. 20, para 2 of APIA (Order No. 10 of the Ministry of Finance dated 10 January 2001)
6. Unclear time limits. Some respondents say it is not clear whether the 14-day time limits refer only to the decision or the preparation of the information itself.

Box 6: Time Limits

The 14-day time limits refer to the delivery of the decision to grant or to refuse to grant access to information. The actual submission of the requested documents is to take place within a month after reception of the decision to grant access to information.

Generally speaking, the majority of respondents (73.7 %) support the idea of developing special manuals that would explain the provisions of APIA. The conviction in the need for such aids, which will facilitate the implementation of the law, is particularly strong among ministries and government commissions (93.3 %). The organisation most frequently mentioned as provider of training under APIA is the Access to Information Programme.

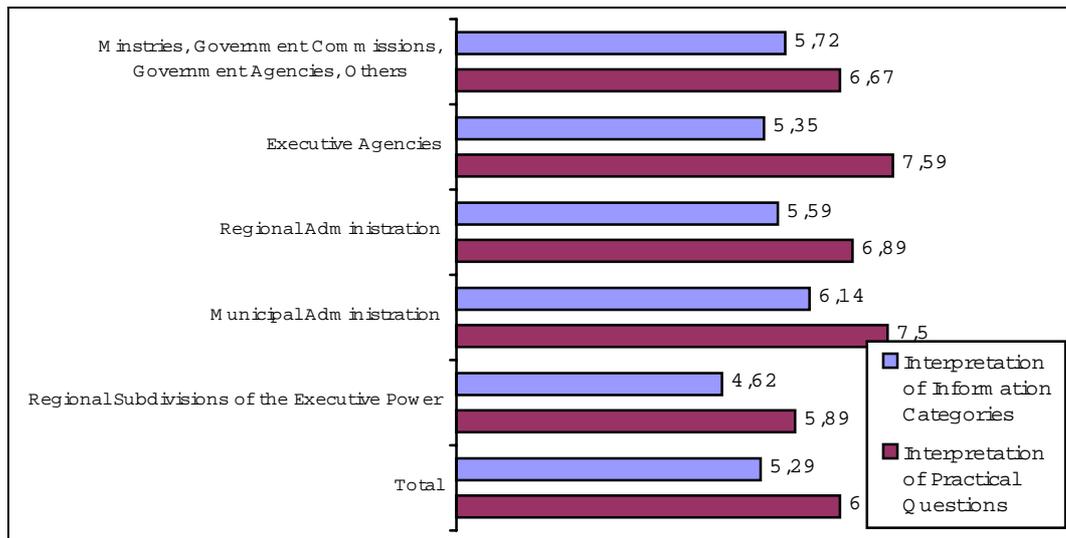
Factors Influencing the Interpretation of APIA

According to the average levels of a scale with eight categories³ of information (Diagram 1), it is the municipal administration to interpret these categories as public

³ These categories imply the least ambiguous cases and they are as follows: acts of institutions, letters exchanged with other institutions, instructions on the implementation of a statutory act, information about completed tenders, description of the structure of the administration, list of the issued acts,

information within the meaning of APIA most frequently, unlike the regional subdivisions of the executive power. For example, 92.7 % of the representatives of municipal administrations say that the information about completed tender is public as compared to 76.5 % among executive agencies and only 53.5 % of regional subdivisions of the executive power (RSEP). As a matter of fact, tax officers account for the majority of the answers given by this group of respondents.

Diagram 1: Average Levels of Scales for Interpretation of Categories and Practices



Similar is the distribution of the answers “it depends” to the questions whether a given category is to be interpreted as public information.

Quite a sizeable number of institutions give different interpretations of the issue whether acts constitute public information. This is particularly typical of representatives of executive agencies (41.2 %) and RSEP (35.3 %) and it is least common among municipal administrations (19.8 %). As mentioned earlier, APIA does not imply the judgmental answer “it depends” concerning acts of institutions because they are clearly cases of public information.

Other factors that influence the “interpretation” of information within the purview of APIA are the size of the community, the position of the respondent, the fact whether the official has undergone any training in the field of APIA or not, as well as the overall organisation and condition of the respective institution. For example, the least positive answers are given by general secretaries (5.69⁴) and officials working in small communities (6.04). Institutions that keep registers of applications tend to consider the enumerated categories of information as public information within the meaning of APIA (5.5) more frequently than those which do not keep such registers (5.22). Respondents who report that they have undergone at least some training in the field of APIA (5.37) give more positive interpretation of the categories of information than those who have not been exposed to training (5.32).

It is curious to note that the interpretation of provisions is associated with the attitude of respondents to interviewers in the conduct of the survey. For example, if the

description of information arrays and name and address of the person responsible for receiving applications.

⁴ Average levels according to the scale.

interview was conducted immediately (in the course of one visit), 5.5 on the average out of the eight categories were defined as public information under APIA. When interviewers had to visit the institution eight times in order to receive the questionnaire filled in, the average number of “categories of public information” was reduced to three. **In this sense, the interpretation of the law is directly related to the general attitude of openness and the internal organisation of institutions.**

Criteria for Classification of Inquiries under APIA

We requested respondents to give their interpretation as to whether certain hypothetical specific inquiries would qualify as applications under APIA or not. The selection of those typical specific inquiries was based on the information submitted to the Access to Information Programme (AIP) about cases of refusal to grant access to information. Some of those inquiries could not qualify as applications under APIA but they derived from institutional practices, i.e. they were typical of the interests of the group of persons seeking information. When we prepared the questionnaire, we included questions related to the access to specific documents, as well as cases requiring the comment or opinion of the respective official.

Thus the specific questions were, for example, “*What is the budget of your institution?*”, “*Who has financed the business trip of a specific official?*”, “*Request for attendance of the meetings of a committee/commission*” and some other similar questions, a total of 20 questions. They were used to build a specific “test”⁵ to measure the rigidity of practical interpretations concerning applications under APIA.

This “interpretation test” implies the existence of several criteria for positive interpretation of APIA: (i) all specific inquiries, which presuppose access to **public information on a material carrier**, should be recognised by the respondents as pertaining to APIA; (ii) inquiries related to **public information that may have been put in a specific document, although not necessarily, for various reasons** should be classified with the answer “it depends”; and (iii) inquiries related to **forecasts, explanations and reasons, which have not been documented** should be recognised by respondents as “going beyond” the scope of APIA. (It should be noted at this juncture that some institutions, e.g. Ministry of Foreign Affairs or Ministry of Interior, could possibly refuse to grant access to some information under APIA but one way or the other respondents had the task of classifying inquiries within the meaning of APIA).

Respondents do not apply these criteria to the categories of information. For instance, the way of financing of a business trip of an official can certainly be classified as pertaining to the scope of APIA because each business trip is based on an order issued by the head of the institution, specifying the source of funding. Nevertheless, only 53.2 % of respondents find such inquiries to be included in the scope of APIA, 26.1 % believe that such inquiries go beyond the scope of APIA, and 16.3 % answer “it

⁵ The 20 specific questions in section B3 presuppose different types of correct answers. For instance, the answer “yes” is correct when the application implies yes-or-no interpretation of the issue whether the information falls within the scope of APIA or not (e.g. “Request for obtaining a copy of a document”). In other cases, the correct answer is coded as “it depends” when the question is of the open-end type (e.g. a question as to why a certain official has been dismissed). The third type of correct answers is “no” when inquiries definitely go beyond the scope of APIA (e.g. asking for reasons in case of repair and refurbishing of the premises). All correct answers are coded with “1” and all wrong or missing answers are coded with “0”. Thus the maximum level of correct answers according to the scale of practical knowledge will range between 0 and 1.

depends”. Most of these undoubtedly public inquiries (according to the test) are interpreted as cases of public information by approximately one half of the respondents. A positive exception is the question “*Is property X owned by the municipality?*”. 70.8 % of the respondents perceive it as relevant to APIA. The question “*What is the budget of your organisation?*”, too, is quite often regarded as pertaining to the scope of APIA (63.4 %). However, there are some extremely low levels, e.g. the question “*What are the salaries in your institution?*” Although there exist numerous documents on salaries of government employees, only 29.4 % of respondents find such questions to be relevant to the scope of APIA.

Then what are the interpretation and structure of the specific practical knowledge? In other words, what are the underlying principles that guide respondents in deciding whether an inquiry will qualify as application for access to public information or not? The factor analysis⁶ reveals that the existing interpretation is based on a **mixture of emotional and objectified criteria**. The 20 specific inquiries to be assessed are put together into seven different groups, which is indicative of seven different criteria or ways of deciding whether an inquiry is relevant to APIA or not.

The classification of inquiries under APIA is based primarily on emotional criteria. The first one⁷ can be seen in the fact that inquiries, which seem *caustic or awkward* from the perspective of the institution, are put into a separate category (factor). These are questions of the type “*Why has the institution repaired its building?*”, “*Why has financed the business trips?*”, “*Why has X been dismissed?*”. The general meaning of the second group (factor) is somewhat opposite to the first one. It includes *easier and good-intentioned* questions about any damage caused to the institution, its budget, strategy, etc. Thus the first two criteria seem emotionally charged, one with positive connotations and the other one with negative connotations with regard to the institution.

The third group of questions seems more objectified than emotional. It includes inquiries about *the internal life of the institution*. They relate to salaries or requests for obtaining copies of internal documents or for attending meetings at the institution. The fourth group is also based on a rather objectified criterion. These are inquiries that seek *explanations and forecasts* from the institution. The other three groups again build on objectified criteria for deciding whether an inquiry will be considered relevant to APIA or not. These criteria cover requests for *comments* or questions about *the interaction with other institutions* or *time limits*.

Respondents as a whole make distinctions on the basis of their assessment of the contents of the inquiry rather than through making reference to the provisions of APIA. Initially, officials assess whether the inquiry is positive or negative to the institution and then they decide what the subject-matter is, e.g. whether it concerns the internal life of the institution, whether it relates to other institutions, whether it requests comments or indication of time limits, etc.

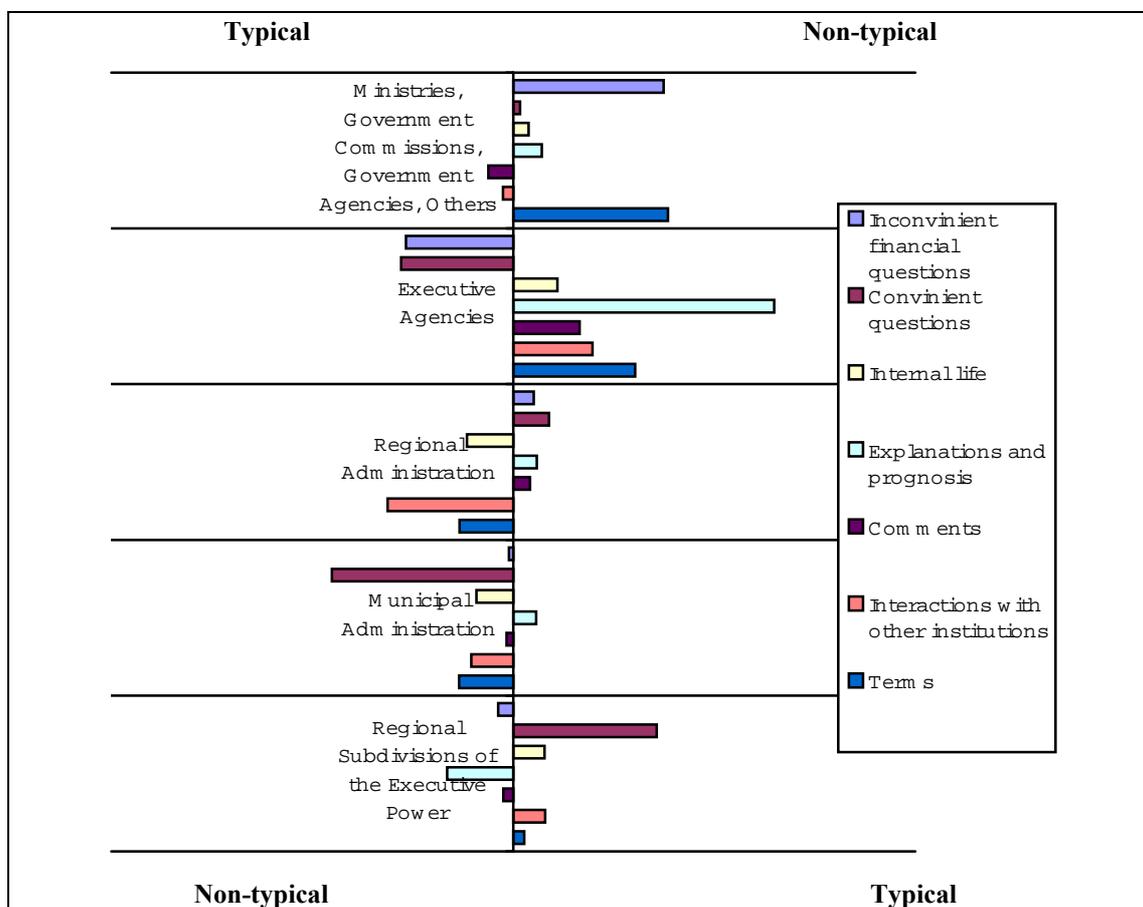
⁶ A multi-dimensional statistical analysis, reducing N variables (questions) to a smaller number of summarised categories by putting together several questions with similar answers. The name of the factor is determined by the general meaning of the questions with the greatest “weight” or “share” in defining the factor as a separate dimension. In this particular case, the factor analysis (the analysis of the main component parts with subsequent varimax rotation) has singled out seven independent factors (groups), explaining 58.6 % of the total dispersion. The relatively small share of the dispersion explained with a quite large number of factors testifies to rather unstructured knowledge. The component structure is attached in the Annex.

⁷ See the component structure of practical knowledge in the Annex.

Diagram 2 presents⁸ the ways, in which the various institutions perceive the tentative practical inquiries. On right-hand side of the diagram gives the types of perception of the respective institution, while the left-hand side presents the untypical perceptions of the institution.

Generally, institutions perceive and interpret practical inquiries in quite different ways. Central government institutions, for example, tend to perceive inquiries as “awkward financial issues” or questions “about time limits”. Executive agencies see such inquiries as requests for “explanations”, while regional subdivisions perceive inquiries as a sign of interest in “forecasts”. The seven ways of perceiving inquiries are least typical of municipal administrations, which have their own (perhaps more competent) way of perception.

Diagram 2: Types of Perception of Inquiries by Institutions



The overall perspective of officials in the assessment of inquiries is emotional or objectified and it has little to do with good knowledge of the existing legislation.

Officials seem to perceive inquiries as ill-intentioned interest in a specific matter rather than as a formal procedure leading to a decision to grant access to information or to refuse to grant access.

Diagram 3: Interpretation Practices

⁸ Diagram 2 presents the projection of the factor weights in the various institutions.



Emotional and objectified perceptions and categorisations of inquiries are all too natural and human. We could not possibly expect officials to think only in the terms of APIA. At the same time, however, the ways in which officials assess inquiries are indicative of insufficient knowledge of the law. In fact, a number of officials at the visited institutions admitted that “they had to read the law before filling in the questionnaire”. It should be remembered that officials know the law best in its practical implementation. When applications under APIA are only occasional (the number of applications will be discussed further down), it is only natural to detect rudimentary knowledge of the law. As is seen in Diagram 3, positive interpretations are more typical of institutions which have gained experience, i.e. those which have received applications under APIA over the last twelve months.

Preparedness of Institutions for Implementation of APIA

The conclusion that officials have insufficient knowledge of the provisions of APIA would be both inappropriate and useless if drawn outside the context of the situation in which institutions find themselves.

Training and Advice

The findings of the survey reveal that only 16.7 % of the respondents have undergone some training in the field of APIA. The largest percentage is observed in regional administrations (25.9 %) and municipal administrations (24.5 %), which is indirect evidence of the competence and openness of municipal administrations. Officials from central government institutions and executive agencies have been least exposed to training (5.9 %).

The training of officials correlates to a better overall condition of institutions as far as APIA is concerned. For instance, institutions with trained officials more often designate a person responsible for the implementation of APIA and they keep a register of applications (including registers in a computer format). In the final analysis, institutions with trained officials have received more applications for granting access to information (which even at this point suggests that the number of applications is an “interpreted” rather than a mathematical quantity).

At the same time, only 25.3 % of the interviewed institutions use any written instructions or manuals to distinguish between applications under APIA and other requests or complaints. This happens most frequently in municipal administrations (38.3 %) and regional administrations (29.6 %) and least frequently in central government institutions (17.6 %). These findings confirm the higher quality of implementation of APIA at the local level. In smaller communities as a whole (30.8 %), officials tend to use written instructions on the implementation of the law more frequently than officials in Sofia (20.9 %) or regional centres (23.9 %).

What do officials do when they encounter difficulties in the application of APIA? A total of 47.6 % seek advice in connection with applications under APIA. Most typical is this search for advice in central government institutions and least common it is in municipal administrations. This seems natural as municipal administrations tend to use written instructions more often than central government institutions do.

Advice is most frequently sought with a legal counsel (53.5 %) and less frequently with the head of the institution (20.8 %). These findings could be interpreted as seeking expert assistance rather than an administrative (political) decision on the respective application. In this sense, the proper implementation of the law perhaps calls for greater qualifications and competence rather than good will on part of the leadership of institutions.

Officials Designated under APIA

A total of 61.4 % of the institutions have designated an official to deal with the applications for granting access to information. Such officials are most frequently designated at regional administrations (70.4 %) and least frequently at ministries (41.2 %). Still, it follows that the designation of such an official is in response of citizens' search for information. Therefore one can observe that officials are designated more often at institutions receiving a greater number of applications for granting access to information (84.4 %).

Officials responsible for the implementation of APIA are typically designated by a written order (53.44 %). It is not uncommon, however, to have them designated at an oral order (26.4 %) or in another manner (20.2 %). "Oral" appointments are most typical for regional administrations (33.3 %) and least typical respectively for central government institutions (16.7 %). It is interesting to note that oral appointments generally imply a lower level of organisation of activities under APIA. For example, institutions that keep computer registers of applications have officials designated under APIA with a written order much more frequently (68.8 %). The correlation between the search for information and the administrative preparedness of institutions is confirmed by the findings of the survey. The availability of applications depends on the designation of officials and the manner of their appointment – where no applications are served, respondents believe that the official has been designated to be responsible for applications under APIA with an oral order (27.0 %).

In the context of the limited resources available to institutions, it is only understandable for most officials designated under APIA to perform other functions as well. Only 11.4 % of the institutions have appointed officials specially for processing applications under APIA. Naturally, such officials are few at places where no applications have been served (3.0 %). Officials appointed specially for work with applications under APIA are most typical for ministries (16.7 %) and least typical for municipal administrations (6.1 %). This might be associated with the greater financial capabilities of central government institutions, although they do not process more applications than local administrations⁹.

It seems that officials designated under APIA have a lot of other duties and they are not overburdened with applications. This, however, does not imply that these officials make the decision to grant access to information or not when an application is served. The decision is made most frequently by the head of the institution (83.6 %). This is

⁹ See the number of applications by institutions below.

indicative of partial authorisation only. The extent to which designated officials are in a position to make decisions on their own can be interpreted also as a sign of the internal democracy within the institutions. The highest level of discretion exists again at municipal administrations, where designated officials make decisions to grant access to information or not independently in 13.8 % of the cases. This happens most rarely at executive agencies (6.7 %) and RSEP (6.2 %), where the respective head of the institution makes decisions. It is interesting to note that institutions that have not received any applications for granting access to information so far tend to answer more frequently that decisions are (will) be made by the head of the institution (88.0 %). Of course, this could be explained also with the fact that institutions, which have not received any applications so far, have designated officials under APIA less frequently than the other institutions.

The existence of an official designated under APIA is of particular importance for the competent provision of services to citizens. Filling in the questionnaire in the survey was a kind of an exercise for serving an application under APIA. It turned out that respondents occupied very different positions – heads of departments, experts, legal counsels, general secretaries, PR officers, deputy directors, etc. Answers are very different, depending on the position of the respondent. For example, 56.0 % of interviewed directors believe that a question about the reasons for the dismissal of an officials will fall within the scope of APIA as compared to only 32.5 % of interviewed legal counsels/experts. Such substantial discrepancies exist with regard to almost all questions, including the questions about the number and nature of applications or the revenues from applications to the institutions. The reason for these discrepancies could be found in the fact that respondents occupy different hierarchical positions in their institutions. Generally, people occupying different positions interpret the law differently. Therefore a stricter regulation of the obligations under APIA would substantially enhance the level of competence.

Places for Review/Reading of Information under APIA

63 % of the institutions have designated a special place/desk for receiving applications under APIA. This is most typically the case at regional administrations (77.8 %) and RSEP (65.7 %). Such places are most uncommon at central government institutions (50.0 %). In almost all cases (97.8 %), however, the same place is used for receiving other applications as well. The place designated for serving applications under APIA only are most typical at regional administrations.

Much less institutions have designated a special place for review/reading information. A total of 64.6 % of the institutions have designated such places, most of them RSEP (73.0 %) and municipal administrations (63.0 %). Again practices under APIA are of crucial importance. Where applications under APIA have been received places for review/reading information are most common (76.6 %).

The places for review/reading of information are located most typically at special premises (56.6 %). Less frequently information is read at information departments (33.1 %), archives (5.7 %) or libraries (4.6 %) (libraries hardly exist in most institutions). It is interesting to note that different institutions have found different solutions for the places where information is made available for review/reading. For instance, ministries and government commissions (83.3 %) and regional administrations (53.8 %) offer access to information mainly at their information departments, while municipal administrations and RSEP have provided special premises (perhaps these are municipal information and service centres).

Practices of Institutions under APIA

The Access to Public Information Act provides for the obligation of all heads of administrative structures of the executive power to publish up-to-date information on a regular basis, including a description of the powers and information about the organisation and functions of the administration; a list of the acts issued by the respective body; a description of information arrays and resources; and the name, address, telephone number and working hours of the unit responsible for receiving applications for granting access to information.

Information under Art. 15

The creation of conditions for fulfilment of the obligations of executive power bodies under APIA should be viewed in the overall context of the administrative reform in Bulgaria. One of the legal instruments creating conditions for the implementation of APIA and the other reform-related laws is the Regulation on the Terms and Conditions for Keeping the Register of Administrative Structures and Acts of Executive Power Bodies¹⁰. The Regulation determines the content of the register of administrative structures and acts of executive power bodies, the terms and conditions for maintaining the register, and the access to the information therein. It provides information about all bodies of executive power and administrative structures, as all as the statutory, general and individual administrative acts within the meaning of Art. 2 of the Administrative Procedures Act¹¹.

Publishing of Information under Art. 15						
	Institution					Total
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	
Description of the structure and functions of the administration	88,2%	85,7%	73,1%	83,0%	73,4%	78,4%
List of the acts issued by the institution	62,5%	76,9%	41,7%	61,5%	35,4%	48,8%
Description of information arrays	50,0%	15,4%	30,4%	41,2%	39,5%	38,3%
Name, address, telephone number and working place of the official responsible for receiving applications	53,3%	30,8%	58,3%	62,2%	57,9%	57,2%

As is seen in Table 2, institutions have published mostly *descriptions of the structure and functions of the administration* (78.4 %) and least frequently *descriptions of information arrays* (38.3 %).

Generally speaking, central government institutions and municipal administrations tend to publish information under Art.15 more often than other institutions. Particularly rare are cases of executive agencies publishing information arrays (15.4

¹⁰ Adopted with Decree No. 89 of the Council of Ministers dated 26 May 2000; promulgated in The State Gazette, No. 44 of 30 May 2000.

¹¹ The register is public and it is available on the Internet – www1.government.bg/ras.

%) and details of contact persons under APIA, whereas regional administrations lag behind in publishing the lists of their acts (41.2 %).

The practices of publishing information under Art. 15 of APIA are directly related to the overall condition and competence of institutions. Institutions which have undergone some training in the field of APIA and have designated an official responsible for applications under APIA and maintain registers of applications tend to publish information under Art. 15 more often than the others.

Revenues under APIA

Box 7: Costs for Providing Access to Information

The access to public information is free of charge under APIA. Applicants need to cover only the material costs for the provision of access to information. These costs are refunded in accordance with the rates specified in Order No. 10 of the Minister of Finance dated 10 January 2001, promulgated in The State Gazette, No. 7 of 23 January 2001.

In most cases (43.0 %), institutions provide access to information entirely free of charge. This is particularly true of executive agencies (43.8 %) and RSEP (54.0 %). Costs for the provision of access to information are most frequently refunded at ministries (70.6 %) and regional administrations (72.0 %).

Costs are refunded mainly in accordance with an order issued by the Ministry of Finance and much more rarely an internal administrative order (3.0 %).

The question about the revenues of the institution from the provision of access to information after the entry of APIA into force seems to be very difficult for respondents. Only six out of 187 institutions stating that they have generated revenues under APIA have specified the amounts received from July 2000 to September 2001. Four municipal administrations have generated revenues ranging from BGN 10 to BGN 45. The revenues of the Council of Ministers are “about BGN 100”, while the Government Securities Commission has specified revenues of BGN 7,762. The other 181 institutions stating that they have generated revenues under APIA have failed to specify any amounts.

Registers of Applications under APIA

Although APIA does not explicitly require maintenance of a register of applications for granting access to information, applications are always entered into the general register of the administration (Art. 28, para 1 of APIA).

As mentioned earlier, institutions keeping registers of applications under APIA give more positive interpretations of the law and find themselves in a better organisational condition. A total of 61.8 % of interviewed institutions state that they keep such registers. Most of them are ministries and government commissions (71.4 %) and least are regional administrations (51.9 %). As a whole, registers are more frequently maintained in Sofia (62.2 %) than in regional centres (65.1 %) and especially smaller towns (52.3 %).

Respondents qualify the maintenance of registers as professional, insofar as registers are kept at all. For instance, 93.2 % of institutions keeping registers enter details about the type of information requested, 89.8 % keep track of decisions to grant access and

refusals, 86.6 % record the form of the inquiry/application, and over 95 % make such entries as date, details of the applicant, etc.¹²

But on the other hand, as is seen in Table 3, 27.6 % of the institutions stating that they keep registers cannot specify the number of applications received. The share of such “wishful” answers is reduced to only 24.2 % for institutions keeping electronic registers.

Table 3			
	Do you keep a register of applications?		Total
	Yes	No	
Institutions stating the number of applications, including zero	72.4%	60.0%	67.6%
Institutions failing to state the number of applications, including zero	27.6%	40.0%	32.4%

Only 28.1 % of registers are electronic. Electronic registers are available at 50 % of ministries, government commissions and regional administrations, 22.3 % of RSEP, and 27.3 % of executive agencies. Similar is the level at municipal administrations, where electronic registers of applications under APIA are kept in 27.4 % of the cases.

The availability of electronic equipment is not a sufficient condition in itself for the existence of electronic registers. This is confirmed by the finding of the survey that institutions, which have undergone training in the field of APIA, have twice more computer registers (46.2 %) as compared to those which have not been exposed to training (23.9 %).

Forms under APIA

Pursuant to the provisions of APIA (Art. 35, para 2), a record is to be drawn upon provision of access to public information, which is to be signed by the applicant and the relevant official. There exists no statutory form of such records. However, the record must contain a description of the documents made available.

The existence of record forms to certify the provision of access to information is quite uncommon. Such forms are used in only 15.4 % of the institutions. They are most common in executive agencies (21.4 %) and least common in ministries and government commissions and agencies (9.1 %).

These practices correlate with the other activities that presuppose more competent and better organised services under APIA. Forms exist more frequently among institutions that have undergone training (21.3 %), institutions that have designated an official responsible for applications under APIA (20.0 %) and mostly institutions that maintain computer registers of applications (29.3 %).

Number of Applications and Refusals under APIA

Officials find it most difficult to answer the seemingly simple question about the number of applications under APIA received over the period from the effective date of the law in July 2000 to September 2001. Even when respondents asked for some

¹² See the distribution in section B27 of the Annex.

more time to re-read the law in order to fill in the questionnaire, they said they were not sure whether the number of applications had to include practices related to the provision of administrative services, complaints, requests, proposals, etc.

The number of institutions, which received applications under APIA from July 2000 to September 2001, is not very clear either. As is seen in Table 4, 38.1 % have not received any applications under APIA, while those that are sure they have received such applications are only 25.4 %. It is a matter of guess-work as to the other 36.5 % to know whether they have received any applications under APIA or not.

	Institution							Total
	Central Government Institutions	Government Agencies	Government Commissions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	
No applications have been received		33.3%	33.3%	41.2%	37.0%	46.9%	34.8%	38.1%
Applications have been received	28.6%	16.7%	33.3%	5.9%	37.0%	26.0%	25.5%	25.4%
No answer	71.4%	50.0%	33.3%	52.9%	25.9%	27.1%	39.7%	36.5%

Unfortunately, there is no way to know the exact total number of applications under APIA. For example, in the case of municipal administrations, reported figures range from two or three (in most cases) to 21,000. Similarly, most central government institutions report that they have received either no applications or one or two applications, while a government commission reports 4,664 applications. Equally substantial discrepancies exist in the countryside. The information from Regional Health Insurance Funds, for example, varies from zero to 1,200 applications. In the case of employment offices, most of them report no applications under APIA, while the few offices that have received applications report numbers within the very wide range from 70 to 11,507 applications.

Somewhat greater consistency can be observed in the numbers reported by regional administrations and Regional Directorates of Interior, although some variations exist there as well. Regional administrations specify four to 48 applications, while RDI report three to 130 applications.

As a whole, the number of applications is not monitored systematically. This is mainly due to the simple reason that such applications are not served at all. The rare cases of such applications do not call for any special efforts to work systematically with them. On the other hand, there is serious lack of preparedness with regard to APIA. Respondents say that they need special training. The confusion becomes particularly big because in most cases no registers are kept for applications under APIA separate from complaints and other requests for administrative services. There is lack of clarity with regard to the distinction between inquiries under APIA from requests under other laws and with regard to the implementation of APIA itself.

Applications under APIA: Percentage Distribution by Institutions						
Percentage of Applications	Institution					Total
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	
Oral	16.7%	5.9%	11.1%	5.2%	7.1%	7.6%
Written	38.9%	5.9%	33.3%	24.0%	23.4%	24.4%
E-mail	11.1%		3.7%	1.0%	3.5%	3.0%
Applications regardless of the format ¹³	38.9%	5.9%	40.7%	27.1%	29.1%	29.0%

Still, the available data can provide grounds for some general observations concerning the distribution of applications by type. As is seen in Table 5, registered applications are most frequently given in writing (24.4 % of the institutions have registered such applications) and served to regional administrations (33.3 %) and central government bodies (38.9 %).

In accordance with Table 5, a total of 29 % of the institutions have registered any applications (written, oral or electronic). At the same time, when answering another question, a smaller number of institutions (25.4 %) say that they have received applications for granting access to information. These discrepancies come to indicate once again the uncertainty of institutions in categorising applications under APIA.

Decisions and Refusals

In reply to registered applications for granting access to information, the administration has to obligation to send a decision in writing to grant access or a refusal to grant access to the applicant within 14 days.

Number of Decisions on Applications						
	Institution					Total
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	
Decisions made forthwith: number	672.00	12.00	90.00	443.00	331.00	1550.00
Decisions made within 14 days: number	4133.00	8.00	85.00	287.00	13239.00	17762.00
Decisions made after 14 days: number	0	2.00	6.00	3.00	11.00	22.00
Total number of decisions	4805.00	22.00	181.00	733.00	13581.00	19334.0
Registered	4690.00	22.00	189.00	21740.00	16746.00	43399.00

¹³ The total number of registered applications is calculated on the basis of the “or” method, i.e “whatever” applications.

applications						
Applications with no answer	155.0	0	7.0	21007.0	3165.0	24065.0

Table 7 Percentage of Decisions out of the Total Number of Applications						
	Institution					Total
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	
	% of registered applications	% of registered applications	% of registered applications	% of registered applications	% of registered applications	% of registered applications
Decisions made forthwith: number	14.33	54.55	47.62	2.04	2.65	3.57
Decisions made within 14 days: number	88.12	36.36	44.97	1.32	1.71	40.93
Decisions made after 14 days: number	0	9.09	3.17	.01	.02	.05

Decisions are typically sent within 14 days (41 %). Executive agencies and regional administrations claim most frequently that they make decisions forthwith. Municipal administrations seem slower. It should be noted, however, that the great number of applications (remaining without any reply) is due to one single municipality, which has reported over 21,000 applications.

More substantial is the general discrepancy between the number of applications and the number of decisions related to them. Respondents say that 43,399 applications have been received and the number of decisions is 19,334, which accounts for 44 % of all applications.

A total of 2.4 % of the institutions have imposed penalties for delayed granting of access to information. Regional administrations are not only faster but also more rigid in imposing penalties for delay, i.e. 9.5 % of regional administrations have imposed penalties as compared to no central government institution and 1.4 % of municipal administrations.

6.6 % of the institutions¹⁴ have refused to grant access to information on at least one of the specified grounds. Central government institutions refuse to grant access most frequently (22.2 %), making reference primarily to Art. 13, para 2 of APIA. The small number of central government institutions makes the share of these grounds insignificant – 1.3 % in the total distribution by types of refusal.

¹⁴ Number of refusals on *any* grounds.

Table 8

Institutions Which Have Issued Refusals: Percentage Distribution

Percentage of Institutions ¹⁵	Institution					Total
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	
Refusals on grounds of state secret	0	0	0	0	0	0
Refusals on grounds of administrative secret	5.6%			3.1%	2.1%	2.3%
Refusals on grounds of personal data protection				2.1%	2.1%	1.7%
Refusals on grounds of affecting interests of third parties			3.7%	4.2%	2.1%	2.6%
Refusals on grounds of Art. 13, para 2 of APIA	22.2%					1.3%
Refusals on other grounds	5.6%					.3%
Refusals: total	22.2%		7.4%	8.3%	4.3%	6.6%

Generally speaking, refusals refer to “affecting the interests of third parties” (2.6 %). This type of refusal is most typical for municipal administrations (4.2 %) and regional administrations (3.7 %). Grounds of “administrative secret” are invoked most frequently by central government institutions (5.6 %) and municipal administrations (3.1 %).

Box 8: Restricted Access to Information

Special attention should be paid to the results related to institutions without any refusals to grant access to information on grounds of “state secret”. The cases of refusal collected and systematised at AIP (475 cases after the entry of APIA into force) do not include any refusal to grant access on grounds of “state secret”. This fact calls for some explanation.

In the first place, the List of the Categories of Information Constituting State Secret is adopted with an Act of Parliament¹⁶. It includes some abstract categories of information. Citizens, however, are not aware of the number and type of specific secret (classified) documents at the institutions and the time-frame of classification¹⁷.

Therefore individual citizens are not in a position to request access to information, the content of which is totally unknown to them. This is one of the possible reasons for the lack of any refusals “invoking state secret”. In countries with developed practices for granting access to public information, the list of classified documents includes information about the title of such documents, as well as the grounds and time-frame for their classification.

Another explanation of the lack of refusals on grounds of “state secret” may be sought in the fact that the existing List of Facts, Information and Objects Constituting State Secret classifies information in the following spheres: defence, public order, public sector in the economy, foreign policy and aeronautic safety. These spheres are governed by a small

¹⁵ Number of institutions which have issued refusals on any grounds.

¹⁶ List of the Facts, Information and Objects Constituting State Secret of the People’s Republic of Bulgaria issued by the Speaker of the National Assembly, promulgated in The State Gazette, No. 31 of 17 April 1990; amended, No. 90 of 6 November 1992; amended, No. 99 of 8 December 1991; amended No. 108 of 10 December 1999; amended, No. 55 of 7 July 2000.

¹⁷ Currently, the Bulgarian legislation does not provide any specific time-frame for classification of documents. There exist some orders, part of them being unknown to the general public, issued by specific bodies of the executive power to declassify documents pertaining to a specific period of time.

number of institutions, whose activities are almost entirely classified, i.e. Ministry of Defence, Ministry of Interior, Ministry of Foreign Affairs. The other bodies of executive power generate and keep much less information constituting state secret (e.g. Ministry of Transport).

The general lack of knowledge of these few “secret” institutions is an additional obstacle to formulating requests for granting access to information. It should be remembered that these institutions work with citizens very rarely. Therefore citizens have much less contacts with them and cannot formulate their interest in the activities of these institutions¹⁸.

Since only part of the information can be protected on grounds of “state secret”, there exists “the right of partial access to information”. The Bulgarian APIA, too, recognises the right of partial access. Current practices observed by AIP show that the partial access is still unknown to the public administration. In some cases, however, citizens request access to public information contained in a document or a set of documents with both unrestricted information and restricted information constituting administrative secret.

Recommendations Given by Respondents

Recommendations Concerning the Legal Framework

- Give clearer definitions of the terms “public information”, “official and administrative public information”, “full and partial access to public information”;
- Give a clearer definition of the scope of “administrative information” and “public interest”;
- Prepare regulations on the implementation of APIA, specifying and defining in detail the obligations of institutions, as well as the types of information and ways of providing access;
- Make a clearer distinction between information for the purposes of administrative services and public information under APIA;
- Have institutions decide which administrative information should be restricted under APIA;
- Achieve consistency between APIA and the Classified Information Act;
- Regulate the provision of information to the mass media on an ongoing basis;
- Adopt a personal data protection law;
- Introduce penalties for officials hampering the access to information;
- Update and publish the environmental protection bill and the draft regulation on the terms and procedures for collecting environmental information and the right of access to such information;

Recommendations Concerning the Strengthening of the Administrative Capacity for Implementation of APIA

- Write instructions on the interpretation of APIA and the distinction between applications under APIA and other applications or complaints;

¹⁸ It is interesting to check cases where such interest is formulated, i.e. the issue of granting access to information about the circumstances relating to the death or injuries of conscripts in the army.

- Publish a list of the information constituting state secret;
- Develop forms of documents in connection with the implementation of the law;
- Introduce standard forms for applications and registers of applications;
- Establish a register of applications, replies and refusals and the grounds for each case;
- Develop, test and introduce software for registration of applications under APIA;
- Introduce one-stop-shop services;
- Protect institutions providing access to information; *journalists are sometimes trying to manipulate us*;
- Have the Minister of Public Administration publish annual information under Art. 16 on the implementation of APIA;
- Establish a central register of applications similar to the public procurement register and make it available on the Internet;
- Provide for longer time limits because of the slow structures of some institutions and the possibility for the information to be found elsewhere;

Recommendations Concerning Training

- Develop brochures and other information materials to guide citizens and officials about the nature and form of the requested information and the ways to attack ill-grounded refusals to grant access;
- Conduct training on the application of APIA;
- Hold seminars and workshops to share good practices and improve the performance of institutions;
- Give greater publicity to APIA among the general public, using also mass media.

1. Which categories of information should be granted access to and which should be restricted under APIA in your opinion?

YES Answers	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Internal administrative orders	12,5%	35,3%	14,8%	16,7%	6,5%	19,0%	9,0%	17,9%
Business trip orders	13,3%	47,1%	25,9%	28,4%	13,8%	31,7%	16,0%	30,3%
Minutes from meetings of expert commissions	23,5%	17,6%	37,0%	40,4%	23,2%	23,3%	27,8%	37,9%
Acts of the institution (for which you work)	77,8%	58,8%	59,3%	79,2%	43,9%	70,5%	49,7%	77,6%
Letters exchanged with other government bodies	17,6%	17,6%	23,1%	24,5%	23,2%	20,9%	23,8%	22,4%
Institutions on the application of statutory acts	76,5%	58,8%	73,1%	85,7%	73,0%	72,1%	74,5%	82,8%
Information about completed tenders	86,7%	76,5%	85,2%	92,7%	53,5%	78,0%	63,7%	92,5%
Minutes from meetings	6,3%	17,6%	29,6%	49,5%	20,4%	14,3%	25,7%	51,5%
Statements of findings	31,3%	47,1%	51,9%	62,0%	33,8%	36,6%	38,7%	65,2%
Development programmes and plans of the institutions	76,5%	82,4%	96,3%	97,9%	71,9%	76,7%	79,5%	98,5%
Permits to build issued to a third party	25,0%	50,0%	25,9%	34,0%	15,5%	37,8%	19,0%	33,3%
Description of the structure and functions of the administration	100,0%	88,2%	92,6%	100,0%	89,1%	93,2%	91,0%	100,0%
List of the acts issued by the administration	87,5%	82,4%	70,4%	83,3%	55,6%	83,3%	60,0%	85,1%
Description of information arrays	75,0%	62,5%	73,1%	64,1%	45,6%	65,9%	53,8%	59,4%
Name, address and office telephone number of the official responsible for receiving applications	94,1%	94,1%	88,9%	94,6%	94,2%	93,0%	94,1%	93,8%

2. Which of the following questions of citizens to your institution would you define as pertaining to the scope of APIA?

YES Answer	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
How long will it take for your institution to make decision X?	66,7%	68,8%	77,8%	68,8%	75,0%	69,8%	73,9%	68,2%
Will the head of your institution visit the city of X next month?	17,6%	23,5%	46,2%	31,9%	40,3%	19,5%	38,6%	34,8%
What is the 2001 budget of your institution?	64,7%	81,3%	55,6%	85,4%	47,1%	73,8%	53,2%	85,1%
Why did your institution make the decision X dated ...?	44,4%	56,3%	57,7%	66,0%	54,0%	53,5%	56,2%	60,6%

YES Answer	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Why has your institution repaired its building?	37,5%	50,0%	55,6%	59,6%	58,0%	48,8%	56,7%	57,6%
Who has financed the business trip of your official to country X?	18,8%	75,0%	51,9%	56,3%	53,7%	46,3%	53,8%	55,2%
What damage has been caused to assets of your institution?	26,7%	75,0%	57,7%	59,8%	45,0%	53,8%	48,3%	59,4%
Please provide a copy of penalty order X of your institution.	58,8%	56,3%	53,8%	45,3%	25,0%	54,8%	32,6%	40,9%
How will you comment decision X of your institution dated ...	31,3%	23,5%	18,5%	39,6%	43,1%	26,8%	39,9%	37,3%
What is the long-term strategy of your institution?	77,8%	82,4%	92,6%	93,8%	81,4%	81,8%	82,5%	98,5%
Is property X owned by the municipality?	64,3%	70,6%	63,0%	89,6%	59,1%	70,0%	62,5%	92,5%
Please provide a copy of the report of Department X for last year.	47,1%	64,7%	51,9%	59,6%	40,3%	55,8%	44,7%	59,1%
Please allow me to attend the meeting of Commission X.	5,9%	11,8%	14,8%	19,8%	12,1%	9,3%	14,2%	17,9%
What are the reasons for the dismissal of X officials from your institution?	50,0%	47,1%	50,0%	49,0%	47,5%	52,4%	47,3%	44,8%
Please explain the provisions of the law on ...	70,6%	47,1%	59,3%	55,8%	87,0%	59,5%	78,7%	55,2%
What are your forecasts on the implementation of Plan X of your institution?	35,3%	52,9%	44,0%	55,2%	60,9%	40,5%	55,6%	61,2%
Would you comment on the event X of yesterday?	11,8%	17,6%	29,6%	32,6%	38,4%	16,3%	37,2%	31,8%
What are the salaries of the employees at your institution?	17,6%	31,3%	46,2%	40,6%	20,0%	28,6%	25,9%	38,8%
What are the contents of letter X by Ministry Y to your institution?		12,5%	25,9%	25,5%	14,4%	7,3%	18,5%	22,7%
What is the current stage of the negotiations between your institution and Ministry X and what decisions have been made so far?	11,8%	18,8%	44,4%	36,5%	27,9%	16,7%	31,2%	37,3%

3. Have you ever had practical difficulties due to unclear or ambiguous provisions of APIA?

	Institution					Community		
	Central	Executive	Regional	Municipal	RSEP	Sofia	Regional	Small Town

	Government Institutions	Agencies	Administration	Administration			Centre		
Yes	46,7%	23,5%	33,3%	29,5%	30,2%	31,7%	31,5%	30,0%	3
No	53,3%	76,5%	66,7%	70,5%	69,8%	68,3%	68,5%	70,0%	6

4. Have you ever participated in training in the field of APIA?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Yes	5,9%	5,9%	25,9%	24,5%	11,1%	7,0%	16,8%	23,1%	1
No	94,1%	94,1%	74,1%	75,5%	88,9%	93,0%	83,2%	76,9%	8

5. Do you use written instructions or guidelines to distinguish between applications under APIA from other applications or complaints?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Yes	17,6%	29,4%	29,6%	38,3%	14,9%	20,9%	23,9%	30,8%	2
No	82,4%	70,6%	70,4%	61,7%	85,1%	79,1%	76,1%	69,2%	7

6. Have you ever sought advice in connection with applications under APIA?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Frequently	23,5%	5,9%	8,0%	5,3%	4,5%	11,9%	6,0%	3,0%	0
Sometimes	23,5%	17,6%	32,0%	23,2%	24,6%	19,0%	28,4%	15,2%	2
Rarely	11,8%	5,9%	12,0%	25,3%	13,4%	14,3%	12,6%	31,8%	1
No	41,2%	70,6%	48,0%	46,3%	57,5%	54,8%	53,0%	50,0%	5

7. Whom do you usually ask for advice?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Head of the institution	13,3%	16,7%	10,0%	13,3%	29,7%	12,1%	25,4%	14,8%	2
Legal counsel	60,0%	58,3%	70,0%	62,7%	42,6%	57,6%	48,6%	63,0%	5
Both	20,0%	25,0%	20,0%	22,7%	25,7%	27,3%	24,6%	20,4%	2
Another person	6,7%			1,3%	2,0%	3,0%	1,4%	1,9%	

8. Has your institution designated an official to deal with applications for granting access to information?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Yes	41,2%	47,1%	70,4%	60,6%	64,2%	41,9%	69,4%	51,5%	6
No	58,8%	52,9%	29,6%	39,4%	35,8%	58,1%	30,6%	48,5%	3

9. IF YES: How has this official been designated?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
By a written order	33,3%	42,9%	55,6%	58,6%	51,2%	33,3%	52,4%	63,9%	5
By an oral instruction	16,7%	28,6%	33,3%	25,9%	26,7%	33,3%	27,0%	22,2%	2
In another way	50,0%	28,6%	11,1%	15,5%	22,1%	33,3%	20,6%	13,9%	2

10. Does this official have other responsibilities as well, e.g. public relations, other applications, etc.?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes	83,3%	90,0%	90,0%	93,9%	84,2%	85,0%	88,1%	93,0%
No	16,7%	10,0%	10,0%	6,1%	15,8%	15,0%	11,9%	7,0%

11. Who makes the decisions on granting access to information or refusing to grant access under APIA?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
The official responsible for applications	7,7%	6,7%	7,7%	13,8%	6,2%	5,4%	8,4%	13,8%
The head of the institution	69,2%	86,7%	88,5%	73,6%	91,5%	83,8%	86,5%	74,1%
Another official	23,1%	6,7%	3,8%	12,6%	2,3%	10,8%	5,1%	12,1%

12. Is there a special place/desk for serving applications under APIA?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes	50,0%	56,3%	77,8%	58,7%	65,7%	53,7%	69,0%	50,8%
No	50,0%	43,8%	22,2%	41,3%	34,3%	46,3%	31,0%	49,2%

13. Are other applications received at the same desk?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes	100,0%	100,0%	95,2%	96,3%	98,9%	100,0%	98,4%	93,8%
No			4,8%	3,7%	1,1%		1,6%	6,3%

14. Is there a special place for review/reading of information?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes	42,9%	57,1%	48,1%	63,0%	73,0%	48,6%	71,0%	55,6%
No	57,1%	42,9%	51,9%	37,0%	27,0%	51,4%	29,0%	44,4%

15. IF YES: Where is it located?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Library	16,7%	14,3%		1,8%	4,4%	11,8%	4,1%	2,9%
Archives		14,3%	15,4%	7,1%	3,3%	11,8%	5,7%	2,9%
Information Department	83,3%	14,3%	53,8%	37,5%	26,4%	41,2%	31,7%	32,4%
Other premises		57,1%	30,8%	53,6%	65,9%	35,3%	58,5%	61,8%

16. Is information under Art. 15 of APIA being published?

YES Answer	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Description of the structure and functions of the administration	88,2%	85,7%	73,1%	83,0%	73,4%	85,0%	76,7%	78,5%
List of acts	62,5%	76,9%	41,7%	61,5%	35,4%	63,2%	43,0%	54,0%
Description of information arrays	50,0%	15,4%	30,4%	41,2%	39,5%	28,9%	41,6%	35,0%
Name, address, telephone number and working place of the official responsible for applications	53,3%	30,8%	58,3%	62,2%	57,9%	40,5%	62,8%	50,9%

17. Do you find it necessary to have special manuals published for citizens in this sphere?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes	93,3%	46,7%	80,0%	77,4%	71,1%	71,1%	73,1%	76,6%
No	6,7%	53,3%	20,0%	22,6%	28,9%	28,9%	26,9%	23,4%

18. How are rates for payment of the provision of access to information determined?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
The information under APIA is provided entirely free of charge	29,4%	43,8%	28,0%	34,1%	54,0%	37,5%	48,8%	28,8%
At an order of the Ministry of Finance	47,1%	18,8%	36,0%	22,4%	12,9%	30,0%	17,6%	23,7%
At an internal administrative order			4,0%	5,9%	1,6%		3,5%	3,4%
There exist no special rates	23,5%	37,5%	32,0%	37,6%	31,5%	32,5%	30,0%	44,1%

19. IF such rates exist, what are the revenues of your institution from the provision of information under APIA?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
No revenues	27,8%	41,2%	40,7%	37,5%	38,3%	34,1%	39,3%	38,8%

20. Do you keep a register of applications?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes	71,4%	60,0%	51,9%	57,8%	66,4%	62,2%	65,1%	52,3%
No	28,6%	40,0%	48,1%	42,2%	33,6%	37,8%	34,9%	47,7%

21. IF YES: What information is entered into the register?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Type of information sought	100,0%	100,0%	84,6%	94,1%	92,2%	95,8%	93,3%	90,6%	9
Form of inquiry (oral, e-mail, written)	100,0%	85,7%	85,7%	85,4%	85,7%	81,0%	88,3%	84,4%	8
Date of application	100,0%	100,0%	100,0%	98,1%	95,1%	100,0%	96,4%	97,0%	9
Date of the decision on the application	100,0%	87,5%	100,0%	98,1%	92,4%	90,9%	95,3%	97,0%	9
Type of decision – refusal or decision to grant access	100,0%	87,5%	84,6%	93,9%	86,8%	86,4%	89,3%	93,5%	8
Form of access to information	80,0%	50,0%	91,7%	84,8%	78,6%	66,7%	82,1%	83,3%	8
Date of providing access to information	100,0%	100,0%	100,0%	97,9%	94,9%	100,0%	96,2%	96,7%	9
Details of the applicant: (address)	100,0%	88,9%	100,0%	95,8%	94,7%	95,5%	95,2%	96,7%	9

22. Is the register computerised?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Yes	50,0%	27,3%	47,6%	27,4%	22,3%	41,4%	27,9%	19,6%	2
No	50,0%	72,7%	52,4%	72,6%	77,7%	58,6%	72,1%	80,4%	7

23. Have you got a standard form for the records certifying the provision of access to information?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Yes	9,1%	21,4%	19,2%	16,1%	14,4%	12,1%	17,5%	9,8%	1
No	90,9%	78,6%	80,8%	83,9%	85,6%	87,9%	82,5%	90,2%	8

24. How many application for granting access to information under APIA did you receive from the effective date of APIA in July 2000 to September 2001 (total number)?

	Institution					Community			
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town	
Total	4690.00	22.00	189.00	21740.00	16746.00	4713.00	17045.00	21641.00	43
Oral	770.00	14.00	69.00	475.00	9299.00	784.00	9389.00	456.00	10
Written	1888.00	8.00	129.00	21216.00	7435.00	1897.00	7654.00	21135.00	30
E-mail	3735.00	.00	1.00	50.00	31.00	3735.00	32.00	50.00	3

25. What is the total number of refusals to grant access to information?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Total number of refusals	20.00	.00	1.00	20.00	30.00	20.00	41.00	10.00
On grounds of state secret	.00	.00	.00	.00	.00	.00	.00	.00
On grounds of administrative secret	2.00	.00	.00	5.00	9.00	2.00	11.00	3.00
On grounds of personal data protection	.00	.00	.00	8.00	44.00	.00	45.00	7.00
On grounds of affected interests of third parties	.00	.00	2.00	5.00	17.00	.00	24.00	.00
On grounds of Art. 13, para 2 of APIA	12.00	.00	.00	.00	.00	12.00	.00	.00
On other grounds	3.00	.00	.00	.00	.00	3.00	.00	.00

26. Has any official been imposed a penalty for non-observance of the time limits for making a decision on an application under APIA since its effective date?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes			9,5%	1,4%	2,1%		2,9%	2,0%
No	100,0%	100,0%	90,5%	98,6%	97,9%	100,0%	97,1%	98,0%

27. Does our institution have responsibilities under APIA?

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Yes	83,3%	100,0%	100,0%	97,4%	91,6%	92,3%	92,6%	98,1%
No	16,7%			2,6%	8,4%	7,7%	7,4%	1,9%

28. Position of the Respondent

	Institution					Community		
	Central Government Institutions	Executive Agencies	Regional Administration	Municipal Administration	RSEP	Sofia	Regional Centre	Small Town
Deputy Director of Directorate	11,1%	17,6%		7,3%	11,3%	13,6%	8,9%	7,5%
Public Relations	44,4%	11,8%	52,0%	24,0%	24,1%	25,0%	30,5%	17,9%
General Secretary	11,1%	29,4%	12,0%	35,4%	1,4%	22,7%	6,3%	38,8%
Director	5,6%	11,8%	16,0%	17,7%	43,3%	6,8%	36,3%	20,9%
Senior Expert	5,6%	17,6%	8,0%	10,4%	10,6%	11,4%	11,1%	7,5%
Legal Counsel	16,7%	5,9%	8,0%	5,2%	3,5%	15,9%	2,1%	7,5%
Officer	5,6%	5,9%	4,0%		5,7%	4,5%	4,7%	