REPUBLIC OF BULGARIA
ECONOMIC AND SOCIAL COUNCIL
111 Tsarigradsko shose Blvd., Sofia 1784
Tel. 02/939 80 11, email: office@esc.bg

Ref. No. Z-RD-03-149
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APPROVED: [signature]
ZORNITSA ROUSSINOVA
PRESIDENT OF THE ESC

[Seal: Economic and Social Council, Republic of Bulgaria]

RULES
FOR PROVIDING ACCESS TO PUBLIC INFORMATION OF THE ECONOMIC AND SOCIAL COUNCIL

Translation of the Bulgarian document bearing the above reference and approval.

CHAPTER I
GENERAL PROVISIONS

Article 1. These Rules govern the internal procedures for:

1. receiving, registering, allocating and examining written applications for the provision of public information under the Access to Public Information Act (APIA) received by the administration of the Economic and Social Council (ESC);

2. organising the work of, and cooperation between, the administrative units within the ESC administration in connection with the provision of access to public information.

Article 2. (1) The President of the ESC shall, by order, authorise a member of staff, referred to in these Rules as the "APIA Officer", to be directly responsible for providing access to public information and public sector information for re-use. The President's order authorising the APIA Officer shall set out the Officer's duties and reporting responsibilities and designate a deputy APIA Officer to act in the Officer's absence.

(2) The officer referred to in paragraph 1 shall be entitled to:

1. submit for signature by the President all correspondence concerning clarification of requests, extension of the time limit for providing access, notification that the ESC administration does not hold the information requested, or referral of the request to the relevant authority or legal person pursuant to Article 32(1) of the APIA.

(3) The officer authorised under paragraph 1 shall be assisted by staff of the Economic and Social Activities Directorate and the Administrative and Legal, Financial and Accounting and General Services Directorate in preparing draft decisions on applications for access to public information and draft documents under paragraph 2 of these Rules, and in conducting legal representation in proceedings instituted following appeals against decisions granting or refusing access to public information.

CHAPTER II
RECEIPT, REGISTRATION AND ALLOCATION OF APPLICATIONS FOR ACCESS TO PUBLIC INFORMATION REGISTERED WITH THE ESC ADMINISTRATION

Article 3. Proceedings for providing access to public information shall commence upon registration of a written application or an oral request in accordance with the terms and procedure laid down in the APIA and these Rules.

Article 4. (1) Applications shall be registered in the ESC administration's document management system.

(2) Applications shall be submitted in free-text form.

Article 5. Applications may be submitted by any of the following means:

(1) On paper, by:

1. personal submission to the registry of the ESC administration at 111 Tsarigradsko shose Blvd., 3rd floor, Sofia 1784;

2. a licensed postal operator/courier service.

(2) Electronically, to the following email address: office@esc.bg.

(3) Through the Access to Public Information Platform (APIP) under Article 15c of the APIA.

Article 6. (1) All applications under the APIA received by the ESC administration shall be registered on the day of receipt or on the next working day if received on a non-working day or after the end of working hours on a working day.

(2) Where an application is submitted electronically and an email address is provided, the applicant shall be notified of its registration number in the ESC administration's document management system on the day of registration, on the day of receipt or on the next working day if received on a non-working day or after the end of working hours on a working day. Replies to electronic applications shall be sent to the email address from which the application was received.

(3) Where an application is submitted in person at the ESC premises or electronically, the member of staff receiving it shall inform the APIA Officer.

(4) Where an application is submitted through the APIP, the platform shall automatically generate a unique registration number for the application received, and the applicant shall be notified of its registration. The APIP shall automatically forward the application on the same day to the ESC document management system, where it shall be assigned a registration number.

(5) Oral requests under the APIA shall be received by a member of staff, who shall register them in the presence of the APIA Officer; the request shall be recorded in a record drawn up using the template (Annex No. 1). The record shall be registered in the ESC document management system.

(6) All additional documents received or created in connection with an application already registered shall be registered under that application's registration number.

CHAPTER III

EXAMINATION OF APPLICATIONS FOR ACCESS TO PUBLIC INFORMATION

Article 7. (1) Following registration of the application/record, the President of the Council shall refer it to the APIA Officer, who shall allocate it to the directorates referred to in Article 2(3), according to the subject matter of the request, and set a time limit for providing the information/opinion and preparing a draft reply.

(2) The directorate within whose remit the information requested in the application falls shall prepare and submit to the APIA Officer the written information/opinion and draft reply within the time limit specified in the letter/instruction under paragraph 1, together with the information requested by the applicant, except where the time limit for providing access is extended under Articles 30(1), 31(1) and 41h(3) of the APIA.

Article 8. Where the same information has been provided three times, upon a subsequent request for access to it the APIA Officer shall, within three days of issuance of the decision granting access, forward the information for publication on the ESC website.

CHAPTER IV
PREPARATION OF DECISIONS GRANTING OR REFUSING TO PROVIDE PUBLIC INFORMATION

Article 9. A decision to provide public information shall be prepared by the staff referred to in Article 7(2) of these Rules and attached to the APIA Officer's memorandum to the President of the Council, on the basis of the reasons set out in the competent unit's opinion and the information supplied and/or collected. The decision must contain the particulars specified in Article 34(1) of the APIA.

Article 10. A decision refusing access to public information shall be prepared by the staff referred to in Article 7(2) of these Rules, cleared by the APIA Officer and signed by the President of the Council, on the basis of the reasons set out in the competent unit's opinion and the information supplied and/or collected. The decision must contain the particulars specified in Article 38 of the APIA.

Article 11. (1) Decisions on access to public information and a copy of the information, as well as correspondence addressed to the applicant, shall be sent by staff responsible for registry correspondence by post with acknowledgement of receipt where the preferred form of access specified in the application is the provision of copies on a physical medium. This shall be noted in the footer of the decision.

(2) Where the applicant has indicated that access to public information is to be provided electronically, the decision and a copy of the information shall be sent to the applicant by the member of staff who received the application.

(3) Where the application does not specifically indicate a preferred form of access to information, the reply shall be sent by the same means as the application for access to public information was received: by post with acknowledgement of receipt or electronically.

Article 12. (1) In each individual case, the APIA Officer shall propose to the President of the Council either that the information requested be provided or that a decision refusing access to public information be issued where any of the grounds specified in Article 37 of the APIA apply.

(2) Where the information requested falls partly within the scope of one or more restrictions on access to information, partial access shall be granted to the part of the information not covered by the restriction(s).

(3) In the cases referred to in Article 37 of the APIA, the APIA Officer shall specify in the report the precise ground for refusing to provide the information requested and shall give reasons for the refusal of access to public information.

(4) A refusal decision must be served on the applicant against signature or sent by post with acknowledgement of receipt.

(5) Where it is unclear precisely what information is requested, or where the request is formulated in very general terms, the applicant shall be notified and shall be entitled to clarify the subject matter of the public information requested pursuant to Article 29(1) of the APIA. In such a case, the time limit for deciding on the application shall run from the date on which the subject matter of the public information requested is clarified. If the applicant fails to clarify the subject matter of the public information requested within 30 days, the application shall be left without examination.

(6) The time limit under Article 28(1) of the APIA may be extended by no more than 10 days pursuant to Article 30(1) of the APIA where the volume of information requested in the application is substantial and additional time is required for its preparation.

(7) Where the authority does not hold the information requested but has information as to its location, it shall forward the application concerned within 14 days of receipt and notify the applicant in accordance with Article 32(1) of the APIA. The notification must state the name and address of the relevant authority or legal person.

Article 13. (1) The time limit for deciding on the application may be extended by no more than 14 days in accordance with Article 31 of the APIA where the public information requested concerns a

third party and that party's consent is required for its disclosure. In such cases, the APIA Officer must seek the third party's express written consent within seven days of registration of the application.

(2) In the decision, the President of the Council shall strictly comply with the conditions under which the third party has consented to the disclosure of information concerning that party.

(3) Where a third party expressly withholds consent, the APIA Officer shall provide the public information requested to an extent and in a manner that does not disclose information affecting the third party's interests.

(4) A third party's consent shall not be required where that party is an entity subject to obligations under the Act and the information concerning it constitutes public information within the meaning of the Act, or where there is an overriding public interest in disclosure, pursuant to Article 31(5) of the APIA.

CHAPTER V
FORMS IN WHICH PUBLIC INFORMATION IS PROVIDED

Article 14. (1) Access to public information shall be provided in the form specified by the applicant from among those provided for in Article 26(1) of the APIA.

(2) Access to public information may be provided in one or more of the forms under Article 26(1) of the APIA.

Article 15. Access to public information shall be provided in a form other than that requested where the requested form is technically unavailable or its use would lead to an unjustified increase in the cost of provision, unlawful processing of the information, or infringement of copyright.

CHAPTER VI
PROVISION OF PUBLIC SECTOR INFORMATION FOR RE-USE

Article 16. (1) Public sector information shall be provided for re-use following receipt of a written request, in accordance with the procedure and rules laid down in Articles 41a to 41k of the APIA. A request shall be deemed to be in writing where it is made in accordance with Article 5 of these Rules.

CHAPTER VII
PROCEDURE FOR APPEALING AGAINST A DECISION GRANTING OR REFUSING ACCESS

Article 17. (1) Appeals against decisions granting or refusing access to public information and public sector information for re-use shall be received and registered on the day of receipt in the ESC administration's document management system. Where an appeal is received by post or courier, the envelope bearing the postmark shall be retained.

(2) The appeal shall immediately be referred to the Director of the Administrative and Legal, Financial and Accounting and General Services Directorate and to the APIA Officer, who shall coordinate the compilation of the case file and its dispatch to the court within three days, and the conduct of legal representation in the proceedings.

CHAPTER VIII
ADMINISTRATIVE PENAL LIABILITY

Article 18. Administrative offences shall be established, and penalties imposed, appealed against and enforced, in accordance with the Administrative Offences and Penalties Act.

FINAL PROVISIONS

§ 1. Matters not regulated by these Rules shall be governed by the provisions of the APIA, the Ordinance on the Standard Conditions for the Re-use of Public Sector Information and its Publication in an Open Format, the Administrative Procedure Code, the Administrative Offences and Penalties Act and the Code of Civil Procedure.

§ 2. These Internal Rules shall enter into force on the date on which the President of the ESC signs the order approving them.

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Annex No. 1

RECORD
of the provision of access to public information/information for re-use

pursuant to application with incoming registration No. .....

and

Decision No. .....

Today, ..., this record was drawn up pursuant to Article 35(2) of the APIA, certifying implementation of Decision No. ..... / .....202.... concerning the provision of access to information/information for re-use.

The applicant ..... /

(name of the individual applicant as stated in the identity document)

.....

(name, Unified Identification Code (UIC) and registered office of the legal-entity applicant)

represented by .....,

(name as stated in the identity document and position of the legal representative / name as stated in the identity document of the authorised representative of the legal-entity applicant)

acting as:

[ ] legal representative of the applicant

[ ] authorised representative of the applicant

correspondence address: .....,

telephone: .....,

email address: .....,

was granted access to the following information (specify registration numbers, dates and other particulars identifying the document(s)/information concerned, and the form in which it is provided):

.....

.....

IMPORTANT! Pursuant to Article 36(1) of the APIA, failure by the applicant to appear within the time limit specified under Article 34(4) of the APIA shall constitute a waiver by the applicant of the access granted to the public information requested. In such cases, the record shall be signed by two members of the ESC administration's staff and the reason shall be stated.

This record shall be drawn up in two identical copies: one for the applicant and one for the ESC administration.

Applicant: Staff member:

Legal representative:

Authorised representative of the applicant:

....

(signature) (signature)

....

(first name, surname, position, directorate, department)

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