

Access to public information

INTERNAL REGULATIONS FOR GRANTING ACCESS TO PUBLIC INFORMATION IN INFORMATION SERVICES JSC

approved by Order No RD 16-233 of 04.06.2020

CHAPTER ONE GENERAL PROVISIONS

Article 1. (1) These Regulations shall set out the organization and the procedure for the implementation of the provisions of the Law on Access to Public Information (LAPI) by Information Services JSC.

(2) Providing access to public information stored in Information Services JSC, in a manner other than regulated in the LAPI and these Regulations, is not admissible.

Article 2. (1) For the purposes of these Regulations, "Public Information" shall mean any information related to public life in the Republic of Bulgaria and enabling citizens to form an opinion on the business of Information Services JSC.

(2) The Internal Regulations shall apply only for the purpose of granting access to public information that is created and stored by Information Services JSC.

(H) These Regulations shall not apply to:

1. public information that has been duly disclosed;
2. classified information constituting a state secret within the meaning of the Law on Protection of Classified Information;
3. information constituting a trade or business secret, the disclosure or dissemination of which would lead to unfair competition between traders;
4. information containing personal data pursuant to § 1, item 2 of the Law on Access to Public Information;
5. information provided in connection with servicing the Company's customers and counterparties;
6. information stored in the National Archive Fund of the Republic of Bulgaria;
7. information, access to which is restricted pursuant to the provisions of article 13, paragraph 2 of the LAPI, up to and not exceeding 2 years;
8. information that is provided under another legal act.

(4) Access to official public information shall be restricted when:

1. It is related to the operational preparation of the acts of the CEO of Information Services JSC and of the Board of Directors and has no independent significance (opinions and recommendations prepared by or for the management body, positions and consultations);
2. It contains opinions and positions in connection with current or upcoming negotiations, as well as information related thereto and prepared by Information Services JSC.

Article 3. The purpose of these Regulations is to satisfy the right of every citizen of the Republic of Bulgaria and all legal entities to have access to public information in accordance with the law and on the basis of the following principles:

1. openness, reliability and completeness of information;

2. ensuring a level playing field for access to public information;
3. ensuring the lawfulness of seeking and receiving public information;
4. protection of the right to information;
5. data protection;
6. ensuring the security of society and the state.

Article 4. Subjects of the right of access to public information are:

1. any citizen of the Republic of Bulgaria, unless a special procedure is provided for in another law;
2. foreign citizens and stateless persons in the Republic of Bulgaria;
3. all legal entities.

Article 5. The exercise of the right of access to public information may not jeopardize the rights and reputation of others, as well as the national security, public order, the health of citizens and morals.

CHAPTER TWO RECEPTION, REGISTRATION AND PROCEDURE FOR EXAMINATION OF THE APPLICATIONS FOR ACCESS TO PUBLIC INFORMATION

Article 6. The submitted applications for access to public information, the decisions and the refusals shall be filed in the Registry office of Information Services JSC.

Article 7. (1) The CEO shall draft an annual report on the basis of the registered applications for access to public information, including data on the refusals made and the reasons thereof. (Annex 5)

(2) The report referred to in paragraph 1 shall be submitted to the Board of Directors of Information Services JSC by 30 April of the next calendar year.

Article 8. (1) The processing, storage and decision-making under article 28 of the LAPI regarding written applications or oral requests for granting access to public information, submitted pursuant to article 24 of the LAPI, shall be carried out by officials designated by decision of the CEO of Information Services JSC in connection with the specific application.

(2) Decisions to grant or to refuse access to public information shall be coordinated with the head of the Legal Department and the head of the structural unit within whose competence the requested information falls.

(3) In the course of preparation of the decision to provide or to refuse to provide the requested information, the employees of Information Services JSC shall assist the persons authorized by the decisions of the CEO, as well as shall provide additional clarifications and information necessary for the processing of the received applications.

(4) The Direction Human Resources and Administration shall, in consultation with the CEO, arrange for the publication of public information which is not required to be disclosed by law but which is of interest to the general public.

(5) The Direction Human Resources and Administration shall arrange for the timely publication and maintenance of the up-to-date information under article 15 of the LAPI on the official website of the Company.

Article 9. Access to public information shall be granted upon application, which may be written or oral, pursuant to article 24 of the LAPI.

Article 10. (1) The written applications for granting access to public information shall be submitted to the Registry office of Information Services JSC and shall be registered in the company's filing system

according to the established procedure. (Appendix No 1)

(2) Applications received by Information Services JSC at the e-mail address of the Company indicated for communications shall also be considered as written, when all the data of the applicant are indicated, in accordance with paragraph 5.

(3) Oral requests for access to public information shall be received by an employee who shall submit them in writing, register them in the filing system, and submit them to the CEO for resolution. (Appendix No 2)

(4) Where the application is submitted electronically to the company's e-mail address, it shall be registered in the filing system. If the application is received on a weekend or a holiday, the registration shall be carried out on the first business day following receipt of the application.

(5) The application for granting access to public information shall contain the following data:

1. full name and registered office of the applicant;
2. a description of the information requested;
3. the preferred form for providing access to the requested information;
4. address for communication with the applicant, telephone, e-mail.

Article 11. All registered applications for granting access shall be forwarded by the CEO of Information Services JSC to the Head of the Legal Department and the officials referred to in article 8, paragraph 1 in order to assess the admissibility and validity of the received request for access to public information and to prepare a draft decision.

Article 12 (1) Within seven days upon receipt of the application, the official(s) to whom the application for access to public information has been assigned shall prepare a proposal for a decision to provide public information or to refuse such provision, which shall be submitted to the Head of the Legal Department and the head of the structural unit within whose competence the requested information falls, for coordination.

(2) When preparing the proposal for a decision, the official(s) shall proceed based on the information stored in Information Services JSC and its classification, in accordance with the LAPI, the lawfulness of the provision or the restriction of access.

(3) Where the requested information is not held by Information Services JSC but there is evidence of its location, the official(s) shall specify where the application should be forwarded to as appropriate.

Article 13. The assessment of the admissibility of the request for access to public information shall be carried out by verifying whether the received application for granting access to the information contains all particulars referred to in article 10, paragraph 5:

1. in case the application does not specify the preferred form for granting access to the requested information, the applicant shall be instructed to specify the preferred form of access to public information within three days upon receipt of the notification letter. The notification letter prepared for the applicant shall be submitted for agreement by a lawyer from the Legal Department;
2. if the application does not contain the applicant's full name, a description of the information requested and applicant's address for communication, it shall be rejected;
3. if it is not clear from the application exactly what information is requested or if such information is formulated in very general terms, a draft letter shall be prepared to the applicant informing him of the need to specify the subject matter of the information requested. The draft notification letter to the applicant shall be submitted to a lawyer of the Legal Department for a coordinating signature;
4. if the applicant does not specify the subject matter of the requested public information within 30 days upon receipt of the notification, the application shall be rejected.

Article 14. Where the application meets all the conditions laid down in the LAPI and the information requested is public, the official(s) shall proceed to the examination of the application on its merits:

1. if the official considers that the information requested is public information and the application is justified, he/she shall draft a decision granting access to public information;
2. where the public information requested relates to a third party and their consent is required, the official(s) shall prepare a draft letter to the third party within 7 days upon registration of the application. The letter to the third party shall explicitly request the third party's written consent to the provision of the information. The draft notification letter to the third party shall be submitted for signature by a lawyer of the Legal Department:

2.1. if the third party consents to the provision of information relating to him/her, the official (s) shall prepare a draft decision granting access to the requested public information, complying exactly with the third party's conditions;

2.2. if Information Services JSC does not obtain the consent of the third party within 14 days upon registration of the application or receives an explicit refusal, the employee shall prepare the information in a volume and in a manner that does not disclose information that affects the interests of the third party.

Article 15 (1) A decision shall be taken, not later than 14 days after the date of registration of the application, on whether to provide or refuse to provide the requested public information.

(2) Where the information requested in the application is in large quantity and additional time is required for its preparation, the period referred to in paragraph 1 may be extended, but by no more than 10 days.

(3) In the decision (Annex 4 a) granting access to the requested public information, the following particulars must be indicated:

1. the extent to which access to the requested public information is ensured;
2. the period within which access to the requested public information is granted, however not less than 30 days from the date of receipt of the decision;
3. the place where access to the requested public information shall be granted;
4. the form in which access to the requested public information shall be granted;
5. the cost of providing access to the requested public information;
6. other bodies, organisations or individuals who have more complete information, may also be identified.

(4) The prepared draft decision granting/refusing the requested public information shall be submitted for coordination by a lawyer in the Legal Department and by the head of the structural unit within whose competence the requested information falls. The draft decision shall be submitted to the CEO for signature.

(5) A copy of the decision shall be sent to the applicant by post with return receipt receipt or shall be delivered to him against signature, or shall be sent by electronic means where the applicant has requested the information to be provided to him by electronic means and has indicated an e-mail address.

CHAPTER THREE GRANTING ACCESS TO PUBLIC INFORMATION

Article 16. (1) Access to public information shall be free of charge and only the costs incurred for its preparation and provision shall be paid.

(2) The costs of provision of public information shall be paid by the applicant depending on the form of provision and in accordance with the norms determined by an order of the Minister of Finance issued on the basis of article 20, paragraph 2 of the LAPI.

(3). Where the applicant fails to appear within the period specified in the decision or fails to pay the costs specified, there shall be a waiver by the applicant of access to the public information requested.

Article 17 (1) Access to public information shall be granted in the form preferred by the applicant.

(2) Forms for granting access to public information:

1. review of information - original or copy;
2. oral report;
3. copies on tangible media.

(3) The information shall be provided in the form requested by the applicant unless:

1. there is no technical capability to that effect;
2. it is associated with an unjustified increase in the cost of provision;
3. leads to the risk of unauthorized processing of this information or to copyright infringement.

Article 18. (1) Access to public information shall be granted upon presentation of a proof of payment of the legally recognised costs for its preparation, except in the case of provision of public information by electronic means.

(2) Payment of the material costs due shall be made to the company's bank account upon receipt of the decision on access to public information.

(3) For the provision of access to public information, with the exception of the cases of provision of public information by electronic means, a protocol shall be drawn up in two copies (Annex No 4), which shall be signed by the applicant and an employee of the Information Services JSC's Registry office. One copy shall be handed over to the applicant, and the other copy together with the application and the decision on granting access shall be submitted for storage in the archives of the Registry office of Information Services JSC.

(4) The decision shall be sent electronically where the applicant has requested the information to be provided electronically and has specified an e-mail address. In this case, a copy of the information or the Internet address at which the data is contained shall be sent together with the decision.

CHAPTER FOUR REFUSAL OF ACCESS TO PUBLIC INFORMATION

Article 19. Access to public information shall be refused on the following grounds:

1. the requested information is classified or other proprietary information in the cases provided for by a regulation or internal act of the company, as well as in the cases where the official information relates to the operational preparation of the acts of the CEO of Information Services JSC and of the Board of Directors and does not have independent significance (opinions and recommendations prepared by or for the management body, opinions and consultations) or contains opinions and positions in connection with current or upcoming negotiations, as well as information related thereto;
2. the access affects the interests of a third party and the third party has expressly refused to provide the requested public information, except in the cases of overriding public interest;
3. the requested public information has been provided to the applicant in the previous 6 months.

Article 20. (1) The decision to refuse access to public information shall contain the legal and factual

grounds for such refusal pursuant to the LAPI, the date of adoption of the decision and the procedure for appeal thereof. (Annex No 5 a)

(2) The prepared draft decision to refuse access to the requested public information shall be submitted for consultation with a lawyer from the Legal Department and the head of the structural unit within whose competence the requested information falls. The draft decision shall be submitted to the CEO for signature.

(3) A copy of the decision shall be sent to the applicant by post with return receipt requested or shall be delivered to him against signature.

CHAPTER FIVE APPEALS AGAINST DECISIONS AND REFUSALS TO GRANT ACCESS TO PUBLIC INFORMATION

Article 21. Decisions to grant/refuse access to public information shall be appealed through the CEO of the company before the relevant administrative court pursuant to the provisions of the Administrative Procedure Code.

CHAPTER SIX MAKING PUBLIC SECTOR INFORMATION AVAILABLE FOR RE-USE

Article 22 (1) Applications for the provision of information from the public sector for re-use shall contain the particulars set out in article 10, paragraph 5 of these Regulations, and the applicant may use the model form attached hereto (Annex No 3).

(2) The provisions of Chapter Four of the LAPI shall apply to the provision of public sector information for re-use.

ADDITIONAL PROVISIONS

§1. For the purpose of these Regulations:

1. "Duly disclosed information" means the information promulgated or published in the Commercial Register and on the Company's website;
2. The amount of the "Costs for the preparation of the information" shall be determined by Order of the Minister of Finance based on article 20, paragraph 2 of the LAPI.
3. "Heads of structural units" shall mean the directors of directions, directors of branches and heads of independent departments in Information Services JSC.

FINAL PROVISIONS

§1. These Regulations were adopted on the basis of article 3, paragraph 2, item 1 of the Law on Access to Public Information.

§2. The provisions of the Law on Access to Public Information and the Regulations for the clerical activity in Information Services JSC shall apply to all unsettled matters herein.

§3. Supervision of the implementation of the Internal Regulations shall be assigned to the Director, Administration and Human Resources, Direction of Human Resources and Administration.

§4. These Internal Regulations were approved by Order No RD-16-233 of 04.06.2020 of the CEO of „Information Services " JSC and shall come into force on the date of the order.

§5. The following annexes form an integral part of these Regulations:

1. [Annex No 1 to article 10, paragraph 1 - written application for access to public information;](#)
2. Annex 2 to article 10, paragraph 3 - protocol for the receipt of an oral request for access to public information;
3. [Annex No 3 to article 22, paragraph 1 - request for the provision of public sector information for re-use;](#)
4. Annex No 4 to article 18 - Protocol for granting access to public information.
5. Annex No 4a to article 15, paragraph 2 - Decision for granting access to public information.
6. Annex No 5 to article 7 - annual report on the received applications for access to public information in accordance with the provisions of article 15, paragraph 2 of the Law on Access to Public Information.
7. Annex No 5a to article 20, paragraph 1 - decision for refusal to provide public information.