

To the Members of the 40th National Assembly of the Republic of Bulgaria

Dear Member of the Bulgarian National Assembly:

The undersigned organisations and individuals, members of the International Freedom of Information Advocates Network (<http://www.foiadvocates.net>), are writing to express our grave concern over proposed amendments to the Bulgarian Access to Public Information Act, which we understand have been passed by the National Assembly at the first reading. These amendments, if adopted, would seriously undermine the current access to information system in Bulgaria, and would breach established European standards in this area, as well as Article 41 of the Bulgarian Constitution, guaranteeing the right to information.

We are, in particular, concerned with the following proposed changes to the current system:

- Requesters would be required to prove a legal interest in the information they wish to access.
- Public bodies would no longer be required to provide partial access when only some of the information in a requested document is confidential.
- The time limit for responding to requests would effectively be doubled, going from 14 calendar days to 20 working days.
- The rule limiting fees charged to actual costs would be replaced by one allowing any fee “not considerably exceeding actual costs”.

These changes run directly counter to Recommendation No. R(2002)2 of the Committee of Ministers of the Council of Europe to member states on access to official documents, which states explicitly that:

- requesters should not be required to give reasons for their requests (Clause V(1));
- partial access should be granted (Clause VII(2));
- information should be provided promptly (Clause VI(3)); and
- fees should be both reasonable and not exceed the actual costs (Clause VIII(2)).

The right to access information held by public bodies is a fundamental human right, a central underpinning of democracy and core requirement of good governance and public accountability. We call on you as a member of the Bulgarian National Assembly to ensure that Bulgaria respects its international and constitutional obligations by refusing to pass the proposed amendments to the Access to Public Information Act.

May 21, 2007

List of organizations and individuals opposing the amendments to the Bulgarian Access to Public Information Act, which were passed by the National Assembly at the first reading on May 10, 2007:

1. Access Info Europe (Spain)
2. Advocacy and Training Resource Center (Kosovo)
3. APADOR-CH (Romanian Helsinki Committee)
4. ARTICLE 19 (United Kingdom)
5. Asociación de la Prensa Uruguay (Uruguay)
6. Asociación por los Derechos Civiles (Argentina)
7. Austere, Linda (Latvia)
8. Belgrade Center for Human Rights (Serbia)
9. British Columbia Freedom of Information and Privacy Association (Canada)
10. The Campaign for Open Government (Canada)
11. Center for Advanced Legal Studies, Belgrade (Serbia)
12. Center for Civic Education, Vrsac (Serbia)
13. Centre for Development and Democratization of Institutions (Albania)
14. Center for Free Access to Information (Bosnia and Herzegovina)
15. Center for Independent Journalism (Romania)
16. Center for Peace and Democratic Development - CAA (Serbia)
17. Center for Promotion of Freedom of Expression and Access to Information "Acces-info" (Moldova)
18. Citizen and Democracy Association (Slovakia)
19. Civic Council, Kraljevo (Serbia)
20. Civic Initiatives, Belgrade (Serbia)
21. Civil Association of Hungarians in Serbia "Argus", Novi Sad (Serbia)
22. Commonwealth Human Rights Initiative (Ghana)
23. Commonwealth Human Rights Initiative (India)
24. DELNA – Transparency International Latvia
25. Due Process of Law Foundation (United States)
26. Forum Iuris, Novi Sad (Serbia)
27. Freedom of Information Center (Armenia)
28. Freedom of Information Coalition (Ghana)
29. Freedom of Information Coalition (Sierra Leone)
30. Fundación Poder Ciudadano (Argentina)
31. Fundacion Pro Acceso (Chile)
32. Fund for an Open Society (Serbia)
33. Georgian Young Lawyers' Association (Georgia)
34. Goldberg, David (Scotland)
35. Hungarian Civil Liberties Union (Hungary)
36. Instituto de Estudios Sociales y Legales del Uruguay - IELSUR (Uruguay)
37. Independent Journalism Center (Moldova)
38. Jamaicans for Justice (Jamaica)
39. Laboratory for the Analysis of Corruption & Transparency of the National Autonomous University of Mexico
40. Lawyers' Committee for Human Rights - YUCOM (Serbia)
41. Lebanese Transparency Association (Transparency International Lebanon)
42. McDonagh, Maeve (Ireland)

43. Media Institute of Southern Africa - MISA (Namibia)
44. Media Rights Agenda (Nigeria)
45. Montenegrin Helsinki Committee for Human Rights (Montenegro)
46. Movement for Freedom of Information (Israel)
47. National Security Archive (United States)
48. NGO Coalition on Free Access to Information (Serbia)
49. Open Society Justice Initiative (United States)
50. Open Society Institute (Macedonia)
51. Privacy International (United Kingdom)
52. Proética – Transparency International (Peru)
53. PRO MEDIA (Macedonia)
54. Resource Center, Negotin (Serbia)
55. Right to Know Coalition of Nova Scotia (Canada)
56. Roberts, Alasdair (Canada)
- 57.** SHVIL - Transparency International (Israel)
58. Southeast Asian Press Alliance
59. "Sretenje", Pozega (Serbia)
60. Statewatch (United Kingdom)
61. Sustentia (Spain)
62. The People's Parliament, Leskovac (Serbia)
63. Toplica Center for Democratization and Human Rights, Prokuplje (Serbia)
64. Transparency International Bosnia and Herzegovina
65. Transparency International Croatia
66. Transparency International/ Secretariat (Germany)
67. Transparency Serbia (Serbia)
68. Youth Initiative for Human Rights (Serbia)