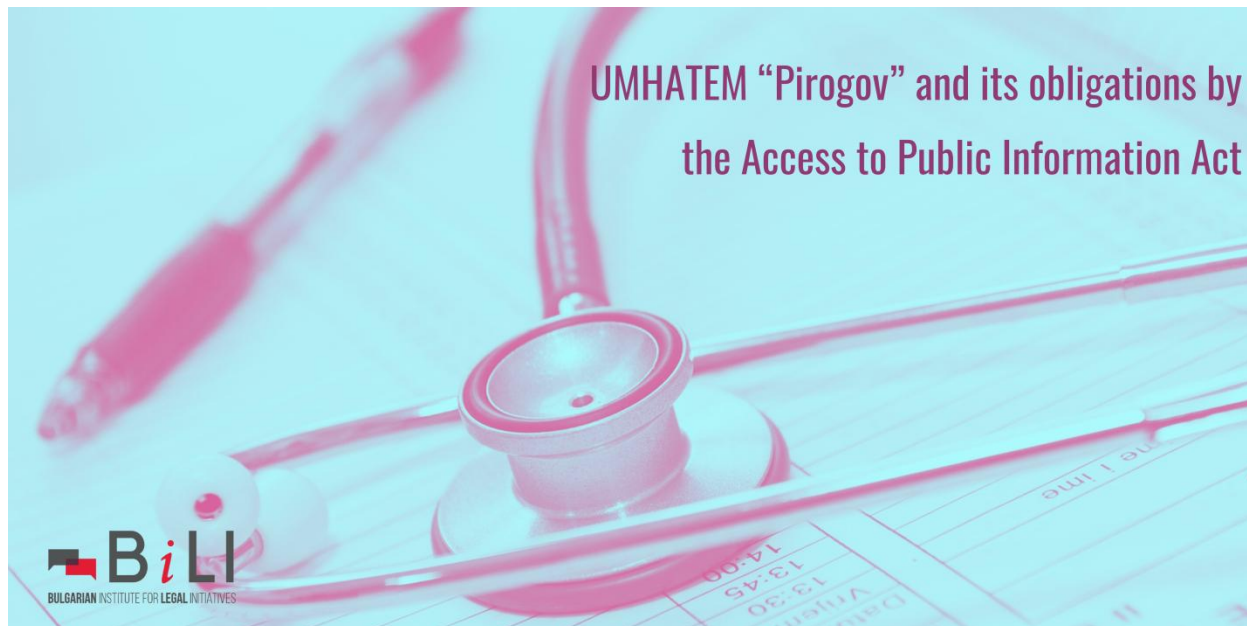


# BILI won the case against “Pirogov” Hospital



On June 23, 2021 Sofia City Administrative Court in a panel, chaired by Judge Tsvetanka Paunova, pronounced a decision by which sentenced University Multidisciplinary Hospital for Active Treatment and Emergency Medicine “Pirogov” to provide full access to public information, requested by the Bulgarian Institute for Legal Initiatives.

In the course of drafting the analysis: [“Transparency and effectiveness of public spending to address COVID-19 in Bulgaria. Corruption risks and measures in the fight against the pandemic. \(2021\)”](#) BILI actively used the Access to Public Information Act to gather raw data for various aspects of COVID-19 pandemic management from the relevant public institutions, including public hospitals. On 17 February 2021 BILI sent to UMHATEM “Pirogov” a request for access to public information, posing 8 questions, related to the spending of public resources throughout the epidemic situation in the country for the period between 13.03.2020 – 31.03.2021.

The concrete questions we asked “Pirogov” Hospital were:

1. How much and what kind of resources did the hospital receive to fight COVID-19 for the period from 13.03.2020 to 31.01.2021?
2. How many and what kind of hospital beds for treatment of COVID-19 were established in the hospital for the period from 13.03.2020 to 31.01.2021? How many of them are currently available?
3. How many beds are available in the intensive care department of the hospital? How many of them are equipped with respirators?
4. How many patients were registered in the hospital for the period from 13.03.2020 to 31.01.2021? How many of them were diagnosed with COVID-19 and how many of them treated from COVID-19?

5. How many patients died according to all nosological units and how many died from COVID-19 for 2019 and 2020?
6. Overall, how much funds are paid to the hospital by the National Health Insurance Fund via clinical trails for treatment of COVID-19 and for how many patients for the period from 13.03.2020 to 31.01.2021?
7. How many and what kind of personnel received additional remunerations in regard to the COVID-19 pandemic? What is the amount paid to every employee on “first line”? Please provide internal ruling or other documentation setting the additional remuneration in regard to COVID-19?
8. What kind of contracts did the hospital sign for delivery of goods and services based on Art. 13 of the Law on the Measures and Actions during the State of Emergency? For what kind of goods and services, with which natural persons/companies and what is the cost of each contract separately?

BILI did not receive any answer to the questions by “Priogov” Hospital, neither a written rejection with arguments against granting access to public information, nor anything else. BILI is among the Bulgarian CSOs which actively apply the instruments of the Access to Public Information Act (APIA) and throughout the years has filed claims for access to public information against various institutions. In the case with “Pirogov” Hospital we were also forced to defend our rights before the court. BILI was represented by Stefan Anguelov, attorney-at-law and part of “Access to Information” Programme’s legal team.

In its decision the court categorically considers that: *“The requested information indisputably has the features of public information in regard to Art.2, p.1 of the APIA”*. In the decision of the court is stated that:

*“The claim develops arguments that the appealed silent rejection is illegal as the specialized provision of Art. 38 of APIA stipulates an explicit requirement for written statement on the request, including in case of rejection (...). Non-delivering a statement on the request forms a silent rejection which contradicts to the norms of APIA and is subject to renouncement solely on this basis. In conclusion, the silent rejection to utter on the request, filed under the APIA, is inadmissible because the administrative unit is obliged to deliver explicit statement on the request and also to inform the claimant for its decision and on these grounds the same shall be revoked under Art. 146, p. 3 and p. 4 of the Administrative-Procedural Code and to oblige the administrative body to explicitly utter on the request with a motivated decision according to the rulings and terms of APIA.”*

According to the final decision of the court, the executive director of UMHATEM “Pirogov” shall reply to BILI’s request within 14 days.

On August 16, 2021 BILI received full access to public information by “Priogov” Hospital with detailed answers to all our questions.