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Council of Europe Group on Access to Information (AIG)

**Report submitted by Spain
pursuant to Article 14, paragraph 1
of the Council of Europe Convention
on Access to Official Documents (CETS No.205)**

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INTRODUCTION

Each Party that after 17 November 2022 submits its report containing full information on legislative and all other measures giving effect to the provisions of the Council of Europe Access to Official Documents (CETS n°205) (hereafter “the Convention”), in accordance with its Article 14, paragraph one, is requested to use this questionnaire as a basis for preparing its report.

The report must be provided within a period of one year following the entry into force of the Convention in respect of the Party concerned.

For further guidance on the meaning of any of the questions or the requested elements, the drafters of the report are invited to consult the text of the Convention and its Explanatory Report.

The Parties should submit their reports in one of the official languages of the Council of Europe, structuring them in two main parts, namely:

- i. General information regarding the preparation of the report;
- ii. Information on legislative and all other measures giving effect to the provisions of the Convention.

Relevant data, including statistics and results of surveys on access to official documents in practice, as well as any additional information that they may deem appropriate in this context, should be included in or appended to the report.

I - GENERAL INFORMATION

Please indicate:

a. The existence or not of a State body/agency responsible for the preparation of the report as well as the State bodies/agencies which contributed to the report by providing relevant information;

b. The involvement, participation or consultation with relevant non-state stakeholders including NGOs, civil society and any other relevant stakeholder in the ratification and subsequent implementation of the Convention.

This report is prepared by the Secretariat of State for the Civil Service based on Article 8 of Royal Decree 210/2024, of 27 February, which establishes the basic organic structure of the Ministry for Digital Transformation and the Civil Service, and which confers competences to the Secretariat of State for the Civil Service on the following matters:

(ñ) Fostering citizen service programmes and the management of the Transparency Portal of the General State Administration (Portal de la Transparencia) and the General Access Point (Punto de Acceso General).

(o) Promoting, coordinating and monitoring Open Government National action plans and initiatives aimed at the development of the principles of transparency, citizen participation, accountability and collaboration.

(p) Coordinating Transparency Information Units of the General State Administration in compliance with article 21 of Law 19/2013, of 9 December, on Transparency, Access to Public Information and Good Governance, as well as issuing guidelines for the promotion and encouragement of the right of access.

Since 2012, when the first Open Government National Plan for the period 2012-2014 was approved, Spain has opted for a more transparent, collaborative and ethical form of governance of public administrations, with clearer accountability. This form of governance has entailed greater citizen participation in the public affairs that interest them, resulting in the creation of the Spanish Multistakeholder Forum (Open Government Forum, Foro de Gobierno Abierto in Spanish) This multistakeholder forum, comprised of equal members from public administrations and civil society organisations, presents a space for dialogue on Open Government matters, setting the basis for co-creative processes, the development and evaluation of future national action plans, while laying out the governance reform objectives and priorities for Spain in the coming years.

Precisely, the Open Government Forum, through its working groups and Permanent Commission, identified main issues and objectives that would mark the reform priorities to elaborate and conduct the 4th Open Government Action Plan.

On this regard, it must be highlighted that on February 14, 2019, both the Sectorial Commission, a Spanish Public Administrations collaborative organ, and the Permanent Commission of the Open Government Forum approved the Framework Document to cocreate the IV Plan. The Framework Document established the overall objectives covered in the Plan, the criteria to participate in its design and the assessment and selection of citizens' proposals resulted of the previous public consultation.

According to the initial roadmap, adopted on 14 February 2019, the Directorate General for Public Governance launched a preliminary consultation process on the Transparency Portal so that both civil society organisations and citizenry could formulate initiatives for the 4th Plan. This consultation, that took place between 18 March and 10 April 2019, allowed to know what reform priorities were identified by citizens, opening their participation in projects to improve public administrations and promoting the proximity of the institutions to citizenry.

One main priority identified by citizens among the proposals resulted of the Public Consultation included in Transparency and Accountability was the ratification of the Council of Europe Convention on Access to Public Documents signed in Tromsø in 2009. This led to the inclusion, in 2020, of the ratification of the Convention as a commitment in the IV Open Government Plan in order to make Spain's promotion of transparency visible at the international level.

As indicated, this action, as well as the commitment in which it is inserted, is directly related to the demands of citizens, the Council for Transparency and Good Governance (CTBG,

hereinafter in its initials in Spanish), Public Administrations, doctrine and jurisprudence, and is relevant to the values of Open Government because transparency is one of its essential pillars through society's scrutiny of public information.

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General Technical Secretariats within Ministerial Departments, whose reports have served as a basis for the ratification of the Convention, and the Council of State, which reported on the procedure to be followed for the effective processing of the Convention have been involved in the sanction of the Convention.

The Spanish Law 19/2013, of 9 December on Transparency, Access to Public Information and Good Governance, which consists of a basic transparency regulation at state level that contemplates articles and provisions that are largely inspired by the content of the Council of Europe Convention on Access to Public Documents. The Spanish Council of State, on the occasion of the processing of the preliminary draft of the current in force Law 19/2013, of 9 December, issued a report ruling that the *'Law constitutes an important step forward in this area and establishes standards comparable to those existing in the rest of consolidated democracies, favouring the State's future accession to the multilateral initiatives adopted in this field and the signing of the already existing international instruments on the matter'*, which aligned the Spanish regulation to the Convention.

II - LEGISLATIVE AND OTHER MEASURES GIVING EFFECT TO THE PROVISIONS OF THE CONVENTION

Introduction

Spain's state Law on Transparency, Access to Public Information and Good Governance, Law 19/2013, of 9 December, contains the fundamental pillars of all political actions ought to include. This basic regulation has been developed by 16 Autonomous Communities based on their legal competences, adjusting the Law to their reality, but always respecting the content of the state regulation.

Law 19/2013, of 9 December, on Transparency, Access to Public Information and Good Governance, published in the Official State Gazette (BOE, in Spanish) of 10 December 2013, came into force one year after its publication, i.e. in 2014, with a three-fold scope. Firstly, the Law aimed to increase and reinforce transparency in public activity, which is articulated through active disclosure obligations for all public administrations and entities. Secondly, it is to recognise and guarantee access to information regulated as a right with a broad subjective and objective approach. Lastly, the Law establish the obligations to good governance that public officials must fulfil, as well as the legal consequences derived from non-compliance, which becomes a requirement of responsibility for all those who carry out activities of public relevance.

The Council of Europe Convention on Access to Public Documents inspired articles and provisions contained in Law 19/2013, of 9 December. Considering the articles and provisions that align with the Convention, the Spanish Council of State ruled that during the processing of the Law it *“constitutes an important step forward in this area and establishes standards comparable to those existing in the rest of consolidated democracies, favouring the State’s future accession to the multilateral initiatives adopted in this field and the signing of the already existing international instruments on the matter.*

Now that Spain has ratified the Convention on Access to Public Documents, it is necessary to review and, if necessary, adjust Spain's basic regulation on transparency and access to public information to some of the aspects contained therein. For this reason, the IV Open Government Plan of Spain included as a commitment bound to the Pillar of Transparency and Accountability the reform of the regulation on Law 19/2013, on Transparency, Access to Public Information and Good Governance, to facilitate compliance with the obligation of active disclosure and to favour the exercise of the right of access to information by interested parties with the maximum guarantees and always in the interests of ensuring the greatest possible transparency in the actions of public administrations. The IV Plan also aimed to reform the Law 19/2013 of 9 December to adapt it to the national and international context in this matter and to introduce those improvements needed and that were detected during its years of validity.

It is worth noting that the approval of the regulation on Law 19/2013, de 9 December, was not completed despite reaching a very advanced stage of processing that implied a reform of the Transparency Law itself and which, in some cases, left some aspects that had were in force without effect.

In order to fulfil this commitment and introduce improvements to Law 19/2013 of 9 December, on 28 January 2022 a working group linked to the Open Government Forum was set up, comprising an equal composition of six people representing all three levels of Public Administrations and other six representing civil society. The working group was coordinated by an academic and assisted by an official from the Directorate General of Public Governance who acted as secretary of the working group.

The meetings held by the working group debated six reports that included the analysis and proposals for the modification of the Preliminary Title, Title I, Title III and the first, third, fourth, sixth and eighth additional provisions of the Law. The working group examined in detail the proposals with the objective of building elements of consensus that would serve as a basis and orientation for subsequent legislative work. Notwithstanding the fact that the extent of the amendment of the law would be defined in the public consultation and hearing processes.

Given the extension of the material generated around the working sessions of this project, we provide the link where you can find all the papers, the minutes and the final document with the main conclusions of the working group: [Grupo Trabajo de Reforma Ley de Transparencia - Gobierno Abierto - Portal de la Transparencia de la Administración del Estado. España - Inicio](#)

Subsequently, and once the revision of the Law was completed, in compliance with article 133 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations, in relation to article 26. 2 of Law 50/1997, of 27 November, of the Government, a public consultation was carried out through the website of the defunct Ministry

of Finance and Civil Service. The public consultation aimed at improving the citizens' participation in the procedure for drafting regulation and served to gather the opinion of the most representative subjects and organisations potentially affected by the reform of the Law. This previous consultation included information on the problems to be solved with the new regulation, the need and convenience of approving it and the objectives to be met.

All the information obtained on this public consultation process is available at the following link: [3 Consulta pública previa - Participa - Gobierno Abierto - Portal de la Transparencia de la Administración del Estado. España - Inicio](#)

Prior to the development to the measures adopted to comply with the articles of the Convention, which are detailed from article 1 onwards, it is worth highlighting the Action Plan for Democracy (which will be referred to more specifically in the section dedicated to article 4), adopted by the Council of Ministers in September 2024. This plan deploys its actions in three axes:

1. Expanding and improving the quality of government information.
2. Strengthening transparency, plurality and responsibility of our ecosystem informative.
3. Strengthening transparency in the legislative and the electoral system.

Specifically, measure 1.1.1 refers to the “approval of the new Open Government Strategy and submission to the Cortes Generales of the Open Administration Bill”, the objectives of which are -among others- to expand obligations in terms of transparency, strengthen controls over public officials, especially in terms of conflicts of interest, and expand citizen participation and civil society collaboration in public affairs.

ARTICLE 1 - GENERAL PROVISIONS

Please provide information on the following:

1.1 The definition of “public authorities” as adopted in national legal and/or policy frameworks relating to access to official documents, including specifications and/or examples of authorities covered by this definition.1

1.2 The definition of “official documents” as adopted in relevant national legal and/or policy frameworks, including specific information as to whether this definition covers information stored electronically or in databases.

1.3 Do official documents transferred to archives remain within the scope of national legal and/or policy frameworks relating to access to official documents.

The subjective scope of the right of access as provided for in Article 1(2)(a) of the Convention under the concept of ‘public authorities’ is concordant with Article 2 of Law 19/2013, of 9 December, on Transparency, Access to Public Information and Good Governance, which includes the following subjects:

(a) The General State Administration, the Administrations of the Autonomous Communities and the Cities of Ceuta and Melilla and the entities that constitute the Local Administration.

(b) The managing bodies and common services of the Spanish Social Security, as well as the mutual insurance companies for accidents at work and occupational illnesses that collaborate with the Social Security.

(c) Autonomous bodies, State agencies, public enterprise entities and public law entities which, with functional independence or with a special autonomy recognised by law, are entrusted with regulatory or supervisory functions of an external nature in a specific sector or activity.

(d) Public law entities with their own legal personality, linked to or dependent on any of the Public Administrations, including public universities.

(e) Public law corporations, with regard to their activities subject to administrative law.

(f) His Majesty the King's Household, the Congress of Deputies, the Senate, the Constitutional Court and the General Council of the Judiciary, as well as the Bank of Spain, the Council of State, the Ombudsman, the Court of Auditors, the Economic and Social Council and similar autonomous institutions, in relation to their activities subject to administrative law.

(g) Mercantile companies in whose share capital the direct or indirect participation of the entities contemplated in this Article exceeds 50%.

(h) Public sector foundations provided for in the legislation on foundations.

(i) Associations set up by the administrations, bodies and entities envisaged in this article. The cooperation bodies provided for in Article 5 of Law 30/1992, of 26 November 1992, on the Legal System for Public Administrations and Common Administrative Procedure, are included to the extent that, due to their specific nature and lack of their own administrative structure, the provisions of this Title are applicable to them. In these cases, compliance with the obligations deriving from this Act shall be carried out by the Administration holding the secretariat of the cooperation body.

2. For the purposes of the provisions of this Title, Public Administrations are understood to be the bodies and entities included in letters a) to d) of the previous section.

As regards the objective scope of the right of access provided for in Article 1.2. b) of the Convention through the concept of 'public documents' which refers to all information recorded in any form, or drawn up or received, and held by public authorities', this paragraph is in line with that provided for in Spanish legislation, Article 13 of the Transparency Law, which defines public information as the contents or documents, whatever their format or medium, which are held by any of the subjects included in the scope of application of this title and which have been drawn up or acquired in the exercise of their functions.

Regarding access to official documents transferred to the archives, Law 19/2013 itself establishes in its first additional provision the regime that regulates their access, indicating that those matters that have a specific legal regime will be governed by their specific regulations in any case, and only with supplementary character by the Law on Transparency.

In relation to the above, there is an interpretative criterion of the Spanish Council for Transparency and Good Governance itself (CI/008/2015), on the application of this first additional provision of Law 19/2013 on special regulations on the right of access to public information, which in its section V makes special mention of the archives regime when it states the following:

'... The regimes mentioned in section three of its first additional provision -the specific regime of access to environmental legislation, contained in Law 27/2006, of 18 July, and that provided for in Law 37/2007, of 16 November, on the re-use of public sector information - are examples and may be considered in other sectors. These include those contained in Articles 23 to 32 of Royal Decree 1708/2011, of 18 November, which establishes the system of Archives of the General State Administration and the provisions which, in specific regulations, provide for reserved access when certain conditions are met (official secrets, statistical secrecy) and some others.'

Our current national legislative framework has specific regulations governing access to the documents and archives present in the Archive System of the National Government and its Public Bodies. Thus, Law 16/1985, of 25 June 1985, on Spanish Historical Heritage (LPHE), in its articles 49.2 and 57 establishes the procedure for accessing and consulting all those documents that constitute Spanish Documentary Heritage and in its Title IX.2 regulates administrative offences and their penalties when there is damage to Spanish Historical Heritage that is economically valuable. For its part, Royal Decree 1708/2011, of 18 November, which establishes the Spanish Archive System and regulates the Archive System of the General State Administration and its Public Bodies and its access regime, in Chapter IV and throughout articles 23 to 32, establishes the procedure for access to documents and archives.

Specifically, Article 23 states the following:

'1. Every person has the right of access to the documents held in the archives included in the scope of application of this rule, under the terms established in this chapter without prejudice to the exclusions and limitations provided for in the Constitution and the law.'

2. The purpose of this Chapter is to regulate the common procedure for access to the documents held in the archives of the General State Administration, as well as those of the public law entities linked to or dependent on it, which are not considered to be office or management archives (...).'

As for the second paragraph, and in relation to administrative or management files, it is important to note that the applicable legal regime would be that of our Transparency Act. On the other side, in all matters relating to information held in central, intermediate or historical archives, access would basically be regulated by the LPHE and Royal Decree 1708/2011, with Law 19/2013 itself operating only on a supplementary basis.

In any case, despite the existence of specific regulations on access to archive documents, it is possible to complain to the CTBG (STS 312/2022, of 10 March 2022).

Links to both documents are provided.

BOE-A-1985-12534 Ley 16/1985, de 25 de junio, del Patrimonio Histórico Español.

BOE-A-2011-18541 Real Decreto 1708/2011, de 18 de noviembre, por el que se establece el Sistema Español de Archivos y se regula el Sistema de Archivos de la Administración General del Estado y de sus Organismos Públicos y su régimen de acceso.

ARTICLE 2 – RIGHT OF ACCESS TO OFFICIAL DOCUMENTS

Please provide information on the following:

2.1 The legal and/or policy framework guaranteeing the right of access to official documents, including specific information on relevant domestic laws, regulations and policies recognising the right of access to official documents.

2.2 Specifications as to whether the right of access to official documents is guaranteed to everyone, including non-nationals of the Party.

2.3 Whether the Party guarantees the right of access to official documents irrespective of the use of the information received by those requesting access.

Article 105.b) of the Spanish Constitution stipulates that the law shall regulate citizens' access to archives and administrative records, except in matters affecting the security and defence of the State, the investigation of crimes and the privacy of individuals.

Based on this article, Law 19/2013, of 9 December, on Transparency, Access to Public Information and Good Governance in its article 12 refers to the right of access to public information and provides that all persons have the right to access public information, in the terms provided for in article 105.b) of the Spanish Constitution, developed by this Law. Likewise, and within the scope of their respective competences, the corresponding regional regulations shall apply.

This Law incorporates a broad reach to the right of access to public information, as all citizens - regardless their nationality or citizenship status - have the right to access public information under the terms set out in Article 105 b) of the Spanish Constitution and in this Law. In short there is universal recognition of the entitlement to the right of access.

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With regards to the motivation of the request for the exercise of the right of access, paragraph 3 of Article 17 of Law 19/2013, of 9 December provides that the applicant is not obliged to motivate his request for access to information. However, they may state the reasons for requesting the information, which could be taken into consideration when issuing the

decision. However, the absence of a motivation shall not in itself be grounds for refusal of the request.

ARTICLE 3 – POSSIBLE LIMITATIONS TO ACCESS TO OFFICIAL DOCUMENTS

Please provide information on the following:

3.1 Whether the Party has introduced limitations to the right of access to official documents, including specific information on such limitations, how they are precisely set down in law.

3.2. Whether the relevant legal and/or policy frameworks provide for limitations of the right of access to official documents which pursue aims not listed in Article 3(1), and if so, specifying which ones.

3.2 Specification as to why the limitations to the right of access to official documents are necessary and as to their proportionality to the aims listed in Article 3, paragraph 1.

3.3 Whether the Party's legal and/or policy framework contains provisions which only permit refusal of access to official documents in compliance with Article 3, paragraph 2.

3.4 How the Party ensures that an evaluation takes place of any overriding public interest in the disclosure of information contained in an official document that would harm or would be likely to harm any of the interests listed in Article 3, paragraph 1.

The limitations on the right of access to official files established in Article 3 of the Tromsø Convention are similar in content to the limits set out in Article 14 of the Spanish Law on Transparency, which establishes limitations on the right of access to public information when this would be detrimental to:

- (a) National security.
- (b) Defence.
- (c) Foreign relations.
- (d) Public security.
- (e) The prevention, investigation and punishment of criminal, administrative or disciplinary offences.
- (f) Equality of the parties in legal proceedings and effective judicial protection.
- (g) The administrative functions of supervision, inspection and control.
- (h) Economic and commercial interests.
- (i) Economic and monetary policy.
- (j) Professional secrecy and intellectual and industrial property.

(k) The guarantee of confidentiality or the secrecy required in decision-making processes.

(l) Protection of the environment.

Although the Spanish Law includes two limits to access that are not provided for in the Convention, namely professional secrecy and intellectual and industrial property, they may nevertheless be understood to be subsumed in the general list of the Convention and are also supported by European rules and case law on the matter.

On the other hand, in cases where the application of any of the limits provided for in Article 14 are not applicable to the totality of the information, partial access shall be granted after omitting the information affected by the limit, unless this would result in distorted or meaningless information. In this case, the applicant shall be informed that part of the information has been omitted.

It is to be noted that upon ratification of the Convention, Spain has entered two reservations to Article 3(1) of the Convention:

Reservation 1: Following a proposal by the National Statistical Institute, a reservation is introduced on the application of national legislation which includes among the possible limitations on access to public documents those necessary to protect 'statistical confidentiality'. The text of the reservation is as follows:

'Pursuant to Article 3.1 of the Convention, the Kingdom of Spain retains the right to limit access to public documents for the purpose of protecting statistical confidentiality under the terms provided for in national and European Union statistical legislation.'

Reservation 2: At the proposal of the Ministry of Finance, a reservation is made in order to safeguard the general principle of confidentiality of tax data, which prevents the transfer of such data to third parties by the tax administration holding such data. The text of the reservation is as follows:

'Pursuant to the provisions of Article 3.1 of the Convention, with the aim of protecting specifically the interests mentioned in letters c), e) and f), it is clarified that public documents containing information with tax implications obtained by the Spanish tax administrations in the performance of their duties are confidential and may not be transferred to third parties except in the cases provided for by law, in accordance with the provisions of Articles 34.1.i) and 95 of Spanish Law 58/2003, of 17 December, General Taxation Law.'

With respect to the weighting of the application of the limits to the right of access, Spanish law provides that it must be justified and proportionate to its object and purpose of protection and consider the circumstances of the specific case, especially the concurrence of an overriding public or private interest that justifies access.

Additionally, Article 3.1.f) of the Convention includes 'Privacy and other legitimate private interests' among the limits to access. In this regard, Law 19/2013, of 9 December, regulates in great detail the protection of personal data in its Article 15, which is fully adapted to European data protection regulations and establishes that if the information requested

contains personal data revealing ideology, trade union membership, religion or beliefs, access may only be authorised with the express written consent of the data subject, unless the data subject had manifestly made the data public prior to the request for access. If the information includes personal data concerning racial origin, health or sex life, includes genetic or biometric data or contains data relating to the commission of criminal or administrative offences which do not entail a public reprimand of the offender, access may only be granted with the express written consent of the data subject or with the consent of the data subject under a regulation having the force of law.

Access to information containing merely identifying data related to the organisation, functioning or public activity of the body shall generally be granted, except where the protection of personal data or other constitutionally protected rights prevails over the public interest in disclosure in the specific case, which prevents it.

Whenever the information requested does not contain specially protected data, the body to which the request is addressed shall grant access after a sufficiently reasoned weighing of the public interest in disclosure of the information and the rights of the data subjects whose data appear in the information requested. In particular, it shall weigh their fundamental right to the protection of data of a personal nature.

In carrying out the aforementioned weighing, the body shall take particular account of the following criteria:

- (a) The minimum prejudice to those affected derived from the lapse of the periods established in Article 57 of Law 16/1985, of 25 June 1985, on Spanish Historical Heritage.
- (b) The petitioners' justification of their request in the exercise of a right, their status as researchers and their motivation for the access in historical, scientific or statistical purposes.
- (c) The minimum prejudice to the rights of those affected in the event that the documents only contain data of a merely identifying nature.
- (d) The maximum guarantee of the rights of data subjects in the event that the data contained in the document may affect their privacy or security or relate to minors.

The provisions of the preceding paragraphs shall not apply if access is granted after the personal data have been dissociated to prevent the identification of the persons concerned.

Personal data protection regulations shall be applicable to the subsequent processing of data obtained through the exercise of the right of access.

Resolutions that deny access, those that grant partial access or access through a modality other than that requested and those that allow access when there has been opposition from a third party shall be reasoned and, in all cases, shall indicate the violation of the corresponding limit.

Resolutions that are issued in matters of access to public information may be appealed directly before the Contentious-Administrative Jurisdiction, notwithstanding the possibility of filing the optional complaint provided for in Article 24 before the Council for Transparency and Good Governance.

Reiterated failure to comply with the obligation to resolve within the deadline shall be considered a serious infringement for the purposes of the application to those responsible of the disciplinary regime provided for in the corresponding regulatory regulations.

ARTICLE 4 – REQUESTS FOR ACCESS TO OFFICIAL DOCUMENTS

Please provide information on the following:

4.1 Whether the Party's legal and/or policy framework on access to official documents guarantees that the applicant shall not be obliged to give reasons for having access to official documents.

4.2 Whether anonymous requests for access to official documents are authorised and if so, how the public authorities implement this in practice and how are the applicants informed about this possibility.

4.3 Measures taken to assess the necessity of the formalities applicable to requests for access to official documents or to periodically review such formalities.

Article 4 of the Convention provides that applicants are not obliged to give reasons for their requests. This provision of not needing to give reasons for the request is also contemplated in Spanish law in Article 17.3 of the Transparency Law. The Law provides that applicants are not obliged to give reasons for their request for access to information, however, they may state the reasons for requesting the information, which may be taken into account when issuing the decision. However, the absence of a statement of reasons does not in itself constitute grounds for rejecting the request.

Also in this same article, the Convention provides that States may grant anonymity to those who request it, except when identification is essential to process the request. For its part, the Spanish Transparency Law requires the identification of applicants in Article 17. In this regard, it has been understood that the Convention establishes this provision as optional.

Notwithstanding the above, the current Resolution of 5 April 2019 signed by the then Secretary of State for Civil Service enabled the exercise of the right of access to public information through the Transparency Portal of the AGE by means of a reference code, thus establishing an alternative and simpler system to identification through the CI@ve system, which was the only system available until then, in order to facilitate the exercise of the right of access, applying the principle of proportionality as a general principle in relations with citizens, requiring only the guarantees and security measures appropriate to the nature and circumstances of the different procedures and actions. associated with the exercise of the right of access to public information. The legal support for this system is found in the provisions contained in articles 9 and 10 of Law 39/2015, of 1 October, on the common administrative procedure of the Public Administrations.

The reference code access system can be used to exercise the right to information in its broadest sense (requesting information, consulting the status of the processing of an application, resolutions, making contributions, receiving notifications). It is based on the

exchange, in a secure environment, of a reference code or number that is automatically generated by an algorithm that uniquely relates a series of known and unique data for the interested party, through the Data Verification and Consultation Service, and the exercise of the right of access, and can be stored in the information system of the Transparency Portal.

The communication of the reference number or code necessary to exercise the right of access shall be made to the data subject through a secure channel, electronically or any other channel provided for this purpose. The communication contains the reference code or number and the expiry date of this, which is at least 90 days, and any other information considered necessary. Once the code is available, applicants can exercise their right of access to information through this system by entering the code and, in the case of a request for information, by filling in the corresponding form with the data at least as required by article 17.2 of Law 19/2013, of 9 December. Applicants can also access the status of their requests for public information, as well as other information.

The interested party may request, via the Transparency Portal or the means established, the disabling of the reference code or number sent, which will mean, from the moment that said disabling takes place, the impossibility of using said reference code or number to carry out the procedures or actions for which it was authorised. The interested party may modify the code or reference number provided to them, maintaining the validity originally assigned.

The data subject must accredit the voluntariness and consent to the use of the system as a means to exercise the right of access to information and express their unequivocal consent to the processing of personal data obtained, in accordance with the provisions of articles 6 and 7 of Regulation (EU) 2016/679, of 27 April, on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation). The body responsible for implementing and ensuring the functioning of the access system described above will be the State Secretariat for the Civil Service.

With respect to the formalities governing applications for access to official documents, the aforementioned Article 17 also provides that the application may be submitted by any means providing evidence of:

- (a) The identity of the applicant
- (b) The information requested
- (c) A contact address, preferably electronic, for the purposes of communication
- (d) The preferred method of access to the information requested.

In addition, applicants may address public administrations in any of the co-official languages of the State in the territory in which the administration in question is located.

ARTICLE 5 – PROCESSING OF REQUESTS FOR ACCESS TO OFFICIAL DOCUMENTS

Please provide information on the following:

5.1 Which public authority is competent to decide on a request for access to an official document? Which other authorities are consulted? How is a request for access to an official document processed when received by the public authority which does not hold the requested official document or is not authorised to process the request? Which public authority deals with such request?

5.2 Measures taken by public authorities to process requests for access to official documents and to provide assistance to a person requesting such access.

5.3 Measures taken by public authorities to ensure that requests for access to official documents are dealt with on an equal basis and that no distinction is made on the basis of the nature of the request or the status of the requestor.

5.4 Whether a maximum time limit is set by law, any other applicable policy framework or through practice for public authorities to reach a decision on a request for access to official documents, notify the applicant about the decision, make the document available if the decision is favourable, and inform the applicant about any possible delays.

5.5 Whether the competent public authority gives reasons in cases of refusal of access to official documents, wholly or in part, on its own initiative and whether it provides justification in writing to the applicant upon his/her request for explanations about the refusal.

Article 5(1) of the Convention provides that, within reasonable limits, the public authority shall assist the applicant in ‘identifying the public document requested’. Article 19 of the Spanish Transparency Law refers to processing. It contains a provision to this effect by stating that if the request refers to information that is not held by the subject to whom it is addressed, the latter shall forward it to the competent body, if known, and inform the applicant of this circumstance. Also, when the request does not sufficiently identify the information, the applicant shall be asked to specify it within ten days, stating that, if he or she fails to do so, he or she shall be deemed to have withdrawn the request, and the deadline for issuing a decision shall be suspended.

In the event that the information requested may affect the rights or interests of third parties, duly identified, they shall be granted a period of fifteen days in which to make the allegations they deem appropriate, which shall be notified to the applicant so that he may be informed, as well as of the suspension of the period for issuing a decision until the allegations have been received or the period for their presentation has elapsed.

The decision granting or denying access must be notified to the applicant and to the third parties concerned who have also requested it within a maximum period of one month from the receipt of the request by the body competent to decide. This period may be extended for another month if the amount or complexity of the information requested makes it necessary and after notifying the applicant.

In any case, decisions denying access, decisions granting partial access or access in a format other than that of the one requested, and decisions granting access when there has

been opposition from a third party must be reasoned and comply with the provisions of Article 5.6 of the Convention.

The regulation of the grounds for non-admission of requests provided for in Article 5.5 of the Convention is more open and open to interpretation than those contained in the Spanish Transparency Law, which are more precise, incorporating in Article 18 the specific grounds for non-admission of a request. In this sense, however, it is considered that the grounds for non-admissibility in the law could be re-adapted to the different grounds and other provisions of the Council of Europe Convention.

The grounds for inadmissibility of the Act and their possible correspondence with the provisions of the Convention are set out in detail:

- Information in the preparation process provided for in Article 18.1.a of the Law is to be traceable to Article 1.2.b of the Convention (it refers to the concept of public information; the information does not yet exist).
- The auxiliary or supporting information provided for in article 18.1.b is to be referable to art 1.2 b of the agreement (concept of public document referring to registered or archived information and art 70.4 law 39/2015 on the definition of administrative file).
- Information requiring reprocessing as provided for in Article 18.1.c of the Law is to be traceable to Article 1.2 b of the agreement (concept of public information) and Article 5.5 of the agreement (manifestly unreasonable request).
- Information which is not in the possession of the body provided for in Article 18.1 of the Law is deemed to fall within the scope of Article 5.2 of the Convention.
- Repetitive or abusive requests under Article 18.1.e) of the Law are deemed to be traceable to Article 5.5 of the agreement (manifestly unreasonable request).

ARTICLE 6 – FORMS OF ACCESS TO OFFICIAL DOCUMENTS

Please provide information on the following:

6.1 The form or format in which official documents are made available to the applicant once access to these documents is granted, and on whether the applicant has the possibility to choose the form of the document he/she wishes to consult;

6.2 How the public authority deals with requests to access official documents for which some of the information cannot be disclosed due to applicable limitations; whether the rest of the document is released; and whether the relevant decision of the public authority gives clear indications as to where and how much information is deleted and indicates the limitation justifying each deletion.

Article 6 of the Convention regulates the forms of access to public documents and partial access to information in a manner similar to that provided for in Articles 22.1 of the Spanish Transparency Law, which establishes that access to information shall preferably be by electronic means, except when this is not possible, or the applicant has expressly indicated

another means. When access cannot be given at the time of notification of the resolution, it must be granted, in any case, within a period not exceeding ten days. If the information has already been published, the decision may merely indicate to the applicant how to access it.

In cases where the application of any of the limits provided for in Article 14 does not affect the totality of the information, partial access shall be granted after omission of the information affected by the limit unless this results in distorted or meaningless information. In this case, the applicant is informed that part of the information has been omitted.

ARTICLE 7 – CHARGES FOR ACCESS TO OFFICIAL DOCUMENTS

Please provide information on the following:

7.1. Whether inspection of official documents on the premises of the public authority is ensured free of charge.

7.2 Whether the applicant can obtain a copy of the requested official documents free of charge. In the case that fees are charged, information on how they are calculated, whether tariffs are published and if so, how and where.

7.3 Whether fees are charged for access to official documents in archives.

The provisions on access charges contained in Article 7 of the Convention are similar to those of the Spanish rules contained in Article 22.4 of the Transparency Law, which establishes that access to information is free of charge. However, the issuance of copies or the transposition of information into a format different from the original may give rise to charges under the terms of Law 8/1989, of 13 April, on Public Fees and Prices, or, where applicable, in accordance with the applicable regional or local regulations. However, in practice, this provision is not applied.

As regards access to official documents held in central, intermediate and historical archives, the corresponding fee shall be charged in accordance with the provisions of their specific regulations, that is to say:

Article 31.3. “The issuance of certifications and copies and the transposition to formats other than the original may be subject to the prior payment of the fees that are legally established in the regulations on fees and public prices”.

However, in cases in which access to office files is requested and taking into account that the regulations governing access to this type of files is Law 19/2013 itself, the payment of any fee will not be applicable, being exempt in these cases.

As mentioned above when referring to access to official documents transferred to the archives, Title IX.2 of Law 16/1985 regulates administrative offenses and penalties when there is an injury to the Spanish Historical Heritage that is economically valuable.

In any case, detailed information is provided on the rules for access and consultation of documents in the state archives and on the system of public prices for the reproduction of documents in the following links:

<https://www.boe.es/eli/es/o/2011/04/25/cul1077>

<https://www.boe.es/eli/es/o/2011/02/09/def486>

<https://www.boe.es/eli/es/o/2014/07/25/jus1468>

[https://www.cultura.gob.es/dam/jcr:80238831-c596-4bc8-a835-442103ed4a52/normas-acceso-sala-nuevo%20\(2\).pdf](https://www.cultura.gob.es/dam/jcr:80238831-c596-4bc8-a835-442103ed4a52/normas-acceso-sala-nuevo%20(2).pdf)

ARTICLE 8 – REVIEW PROCEDURE

Please provide information on the following:

8.1 Whether the relevant legal and/or the policy framework provides for a review procedure, before a court or another independent and impartial body established by law, which is accessible by the person whose request for having access to official documents has been denied.

8.2 The type of decisions made by the court or the independent body, notably whether the latter is able to overturn decisions taken by public authorities which it considers to not comply with the applicable law/s, or to request the public authority in question to reconsider its position.

8.3 The duration in practice of the review procedure involving either reconsideration by a public authority or by the court or the independent body and whether fees are charged for it.

Article 8 of the Convention regulates the administrative remedies available in this regard. The regime established by the Spanish Transparency Law in Articles 23 and 24 complies with the provision of Article 8 of the Convention. It refers to the right to file an appeal before a court or independent body provided by law, which in this case is the Council for Transparency and Good Governance, an independent administrative authority in the field of transparency.

Thus, according to Article 24 of the Law, a complaint may be filed before the Council for Transparency and Good Governance against any express or presumed decision on access to public information, on an optional basis and prior to its challenge in contentious-administrative proceedings. The complaint shall be filed within one month from the day following the day of notification of the challenged act or from the day following the day on which the effects of administrative silence are produced.

The processing of the claim shall be in accordance with the provisions on appeals in Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations.

When access to information is denied based on the protection of the rights or interests of third parties, prior to the resolution of the claim, a hearing shall be granted to the persons who may be affected so that they may present their arguments as appropriate.

The maximum term for resolving and notifying the resolution shall be three months, after which time the claim shall be deemed to have been rejected.

The resolutions of the Council for Transparency and Good Governance are published, by electronic means and once they have been notified to the interested parties, after dissociation of the personal data contained therein. In addition, the President of the Council for Transparency and Good Governance notifies the Ombudsman of the resolutions issued in application of this article.

The competence to hear such complaints shall correspond to the Council for Transparency and Good Governance, except in those cases in which the Autonomous Communities attribute such competence to a specific body.

The claim provided for in the aforementioned Article 24 is considered as a substitute for administrative appeals in accordance with the provisions of Law 39/2015, of October 1, of the Common Administrative Procedure of Public Administrations.

ARTICLE 9 – COMPLEMENTARY MEASURES

Please provide information on the following:

9.1 Measures taken by public authorities to inform and raise awareness of the public about its right of access to official documents and how this right can be exercised.

9.2 Training (pre-service and during service) and any other measures taken to ensure that public authorities are aware of and knowledgeable about their duties and obligations concerning the implementation of the right of access to official documents.

9.3 Measures taken by public authorities to set up effective systems for the management and storage of official documents that they hold, including information on how such measures facilitate access to official documents.

9.4 Rules applied for the preservation and destruction of documents by public authorities.

The provisions of Article 9 of the Convention on public information, training, accessibility and preservation of documents are in line with the provisions contained in Article 5 and the seventh additional provision of the Spanish Transparency Law.

With the aim of improving the Spanish population's knowledge of the values of Open Government, the rights of citizens and the various ways in which they can exercise them, paying special attention to the most vulnerable groups and/or those affected by the digital divide, integrating citizen opinion in the design, implementation and evaluation of public policies, in partnership with Civil Society Organisations, the IV Open Government Plan, approved by the Open Government Forum on 29 February 2020, included in its commitment 8 the development of an Open Government Inclusive Communication Plan, which was financed with European funds from the Transformation and Resilience Recovery Plan at a total cost of 1. 1,054,240 and ran from 2022 to 2023. The campaigns were carried out with the following distribution: television: €91,962 (8.72% of the total), radio: €58,362 (5.54%), press: 147,121 (13.96%), magazines: 7,132 (0.68%), outdoor advertising: 265,993 (25.23%) and internet and social networks: 483,670 (45.88%).

The materials used in the campaigns consisted of advertising spots, posters and banners.

Two waves were carried out in both national and regional press and magazines, the first between 12 November and 31 December 2022, and the second wave between 6 and 19 February 2023.

The dissemination was carried out in four languages: Spanish, Catalan, Galician, Basque and English.

The content of the spots and posters focused on the following message: 'The Administration is Transparent. You have the right to know, to understand and to participate. Go to transparencia.gob.es'.

Throughout the years 2023 and 2024, the transparency portal has been improved by providing it with more content and functionalities for access to active publicity and various guides have been developed and published to facilitate access, such as the guide to exercise the right of access to public information in an easy-to-read version.

The information subject to transparency obligations is published in the corresponding electronic sites or web pages in a clear, structured and understandable manner for interested parties and in reusable formats. Additionally, all information can be easily and freely accessed and is available to persons with disabilities in a form provided by appropriate means or in formats that are accessible and understandable, in accordance with the principle of universal accessibility and design for all.

The storage system of the information follows the rules of archives and documentation regulations established in Royal Decree 1708/2011, of November 18, which establishes the Spanish Archive System and regulates the Archive System of the AGE and its Public Bodies and its access regime.

Royal Decree 1708/2011 (November 18) establishes the Spanish Archive System and regulates the Archive System of the General State Administration and its Public Bodies and its access regime. This Royal Decree's aims is to provide more flexible and dynamic tools

for the public administrations and agents involved, which enable communication and archival operations within a framework of inter-administrative cooperation. To this end, the Archival Cooperation Council is created, a specific collegiate body with an inter-administrative composition, responsible for channelling archival cooperation between the public administrations involved. The Royal Decree classifies the archives of the General State Administration Archive System according to the life cycle of the documents into four types: office or management archives, general or central archives of the ministries and public bodies dependent on them, intermediate archives and historical archives. It also promotes the standardisation of archival description processes, applying national and international description standards and guaranteeing citizens' access to public documents. It also establishes the procedure relating to conservation schedules, in terms of the time periods for access, transfer and, where appropriate, disposal of the documentary series held in each type of archive. It also ensures the integrity, authenticity, reliability, availability, confidentiality and conservation of the electronic documents and files received or stored, as established by the laws of common administrative procedure of public administrations (39/2015), in the National Security and Interoperability Schemes, and other development regulations.

Conservation schedules shall determine the phases of activity, semi-activity or administrative inactivity for each document series or grouping, and shall delimit the periods of permanence of the documents in each of the types of archive defined according to the cycle and deadlines for document transfers from the ministerial departments to the General Archive of the Administration.

The Higher Commission for the Classification of Administrative Documents (CSCDA) is the highest advisory body dedicated to the study and opinion of the classification and use of the documents of the General State Administration and its public bodies, as well as the integration of the documents in the archives and their access and administrative usefulness. It is attached to the General State Administration Archives Commission, by virtue of the provisions of art. 13.6 of Royal Decree 1708/2011, of 18 November.

The regime and procedure for the elimination of documents and, where applicable, conservation in a medium other than the original is regulated in Royal Decree 1164/2002, of 8 November and by Royal Decree 203/2021, of 30 March, which approves the Regulation on the action and operation of the public sector by electronic means, which requires the mandatory opinion of the CSCDA for the destruction of documents in a non-electronic medium, when authentic electronic copies have been generated.

The National Interoperability Scheme establishes a series of Technical Interoperability Standards which must be complied with by public administrations and which develop specific aspects of interoperability between public administrations and with citizens. These standards include the following as the most representative in relation to the management and storage of official documents, and the way in which these measures facilitate access to official documents, as well as for the conservation and destruction of official documents: the Catalogue of standards, Electronic document, Digitalisation of documents, Electronic file, Data intermediation protocols, List of data models, Electronic document management policy, Procedures for authentic copying and conversion between electronic documents and Data model for the exchange of entries between Registry Entities.

The different technical standards can be found at the following link: [https://administracionelectronica.gob.es/pae Home/pae Estrategias/pae Interoperabilidad Inicio/pae Normas tecnicas de interoperabilidad.html](https://administracionelectronica.gob.es/pae/Home/pae/Estrategias/pae/Interoperabilidad_Inicio/pae_Normas_tecnicas_de_interoperabilidad.html).

In accordance with the functioning and competencies of the High Commission for the Classification of Administrative Documents (CSCDA), the Permanent Commission shall study and submit to the Plenary the proposals for the elimination of documents or documentary series and, where appropriate, the preservation of their content in a medium other than the original on which they were produced. The Plenary shall give a favourable or unfavourable opinion on the series and/or documents. The Secretary of the CSCDA will then notify the certifications of the opinions to the proposing ministries/agencies of the National Government. Once the CSCDA has issued a favourable opinion on a deletion proposal, the Under-Secretary of the ministerial department or the President or Director of the public body in which the documents are held shall adopt the resolution he/she deems appropriate. If the decision authorises disposal, it shall be transferred to the body that adopted the initiative and shall be published in the Official State Gazette. The same shall apply when the decision provides for the conservation of the documents on a medium other than the original on which they were produced.

Requests for opinions and eliminations in application of a prior opinion by the Qualifying Commissions and Archival Coordination Working Groups shall be submitted by filling in the standard forms approved for this purpose, the links to which are shown below:

- Request for Opinion.
- Proposal for the elimination / substitution of the medium in application of a previous opinion.
- Study of Identification and Valuation of series
- Any elimination of documentation in the General State Administration will be carried out after approval by means of an opinion and its publication in the BOE, and the relevant Record of Elimination will be sent to the Permanent Secretariat of the CSCDA.
- Model Record of document elimination.

Since 2003, documents have been available that allow the application of a common methodology to facilitate both the processes of appraisal and disposal of documents and the collection and processing of the resulting information, with a view to its use by all interested parties: General criteria for the appraisal of General State Administration documents, Recommendations for the physical destruction of paper archive documents of the General State Administration (updated version approved at the plenary session of 18 June 2024), the Classification Table of Common Functions of the General State Administration, and the Recommendations for the logical erasure of electronic documentation and physical destruction of computer media of the General State Administration.

The main platform for the dissemination of Spanish Historical Documentary Heritage, created and managed by the Ministry of Culture, is the Portal of Spanish Archives (PARES): <https://pares.cultura.gob.es/inicio.html>.

It contains descriptive files and digitised images of the documentary collections conserved in the State Archives. No registration is required for access, and consultation is free and open to all citizens, both of the descriptive information on the documents and the images associated with them.

PARES offers two content search models: Search for documents and Search for authority records.

In general, access to the archives is free and open to all persons wishing to carry out research work, locate administrative records, educational, training and personal promotion activities, and is regulated by both state and regional regulations, based on the basic principles established in Law 16/1985, of 25 June, on Spanish Historical Heritage.

Royal Decree 1708/2011 (November 18) establishes the Spanish Archive System and regulating the Archive System of the General State Administration and its Public Agencies and its access regime. This regulation aims to facilitate the exercise of the right of access by citizens to archives and administrative documents, by clarifying the criteria established in the very diverse applicable legislation and by introducing a common, very simplified procedure for requesting access. In regulating the procedure, which aims to eliminate uncertainties and any opportunity for arbitrariness, the need to protect public and private interests in the terms recognised in the Constitution and the Laws is very present, which justify the existence of special requirements and conditions for access to documents that are not freely available for consultation and require authorisation. In particular, this regulation is respectful of the delicate balance that must be maintained between safeguarding the fundamental right to the protection of personal data - in accordance with current regulations (General Data Protection Regulation and Organic Law 3/2018, of December 5, on the Protection of Personal Data and Guarantee of Digital Rights) - and the right of access to documents and files. In order to proceed to the most accurate balance possible, the regulation distinguishes a variety of cases in relation to access to documents containing personal data and graduates, depending on the type of data, the age of the document, the circumstances of the case and the purpose of access, the conditions and requirements that must be met to lift access restrictions. It also regulates the right to obtain copies in accordance with the provisions of the common procedure law of the Public Administration, in its article 37 it states that "citizens have the right to access the records and documents that, forming part of a file, are in the administrative archives, whatever the form of expression, graphic, sound or image or the type of material support in which they appear, provided that such files correspond to procedures completed on the date of the request", while mentioning a variety of matters that are governed by their specific regulation, as is the case, for example, with environmental information, tax information or information relating to health data.

In general terms, access to the Archives and consultation of the documentary collections is free and open to the public, without prejudice to the fact that citizens must prove their identity, given that as custodians of the Spanish documentary heritage (PDE), the State Archives have the responsibility of protecting and safeguarding the documentary collections they hold for future generations.

To facilitate the transfer of files to the definitive archive, a specific application called Archive is available.

Archive is a web application for the definitive archive of electronic files and documents, which complies with the provisions in this regard in RD 4/2010, of January 8, which regulates the National Interoperability Scheme in the field of electronic Administration. It provides the necessary tools for the creation by a super-administrator of a system for the administration and management of multi-departmental Archive Centers, as well as the integration in Archive of the corresponding consumer applications and the management of the electronic documents and files sent by them. More information can be found at the following link:

<https://administracionelectronica.gob.es/ctt/verPestanaGeneral.htm?idIniciativa=archive>

Regarding training related to the application of the right of access to official documents, the annual training plans of the National Institute of Public Administration include training actions aimed at public employees and those responsible for the Information and Transparency Units.

Following the December 9, 2013 enactment of Law 19/2013, the National Institute of Public Administration implemented specific training programs in 2014 and 2015 to ensure that public employees of the General State Administration understood and complied with the law's provisions. This training has continued annually, focusing on a deeper understanding of Law 19/2013. The 2021-2024 training plan included instruction on the law's core principles (transparency, access to information, and good governance), the State Administration's Transparency Portal, techniques for promoting active advertising and open data, and data protection best practices. Details on these training initiatives are available at the following links:

<https://www.boe.es/boe/dias/2015/03/03/pdfs/BOE-A-2015-2276.pdf>

<https://www.inap.es/documents/10136/1711861/Programa+de+activities+2024/3cd3ddcc-6d58-9c57-d86b-35e40e591103>

<https://www.inap.es/documents/10136/1818260/Bis+II+Plan+de+formaci%C3%B3n+en+Go+bierno+Abierto.pdf/6d84ccc7-615c-2d55-c216-7426c57c4a74>

ARTICLE 10 – DOCUMENTS MADE PUBLIC AT THE INITIATIVE OF THE PUBLIC AUTHORITIES

Please provide information on the following:

10.1 Measures taken to encourage transparency by public authorities through the publication of official documents that they hold, notably information on the criteria used by public authorities to determine which documents they should publish proactively.

10.2 How these official documents are made public, in which format and whether any measures are taken to facilitate the public's understanding of these documents.

Consistent with Article 10 of the Convention, the broad provisions of active disclosure of the Spanish transparency Law provided for in Chapter 2 of Title I of Law 19/2013 and the Transparency Portal of the AGE are positively valued.

The Transparency Portal contains information published following the principles below:

- (a) Accessibility: it provides structured information on documents and information resources with a view to facilitating the identification and search for information.
- b) Interoperability: the information posted complies with the National Interoperability Scheme, approved by Royal Decree 4/2010, of January 8, as well as with the technical standards of interoperability.
- c) Reusability: it is encouraged that the information is published in formats that allow its reuse, in accordance with the provisions of Law 37/2007, of November 16, 2007, on the reuse of public sector information and its implementing regulations.

The information that is published proactively is indicated below:

1. Institutional, organizational and planning information.

The entities included in the scope of application can publish information on the functions they perform, the regulations applicable to them and their organizational structure. To this end, they include an updated organigram that identifies the persons in charge of the different bodies and their profile and professional trajectory.

The Public Administrations publish annual and multi-year plans and programs in which specific objectives are set, as well as the activities, means and estimated time for their achievement. Their degree of compliance and results are subject to periodic evaluation and publication, together with the measurement and assessment indicators, in the manner determined by each competent Administration.

Within the scope of the General State Administration, the general inspections of services are responsible for evaluating compliance with these plans and programs.

The parties listed in article 77.1 of the Organic Law on the Protection of Personal Data and Guarantee of Digital Rights shall publish their inventory of processing activities in application of article 31 of the aforementioned Organic Law.

2. Information of legal relevance.

The Public Administrations, within the scope of their competences, shall publish:

- (a) The Guidelines, instructions, agreements, circulars or responses to queries raised by individuals or other bodies to the extent that they involve an interpretation of the Law or have legal effects.
- b) Preliminary draft laws and draft Legislative Decrees whose initiative they are responsible for, when opinions are requested from the corresponding consultative bodies. If no opinion is requested, the publication shall be made at the time of their approval.

- c) The draft regulations for which they are responsible. When the request for opinions is mandatory, publication shall take place once these have been requested from the corresponding advisory bodies without this necessarily implying the opening of a public hearing.
- d) The reports and reports that make up the dossiers for the preparation of regulatory texts, in particular, the report of the regulatory impact analysis regulated by Royal Decree 1083/2009, of July 3.
- e) The documents that, in accordance with the sectorial legislation in force, must be submitted to a period of public information during their processing.

3.Economic, budgetary and statistical information.

Considering the legislative powers of the Autonomous Communities, the subjects included in the scope of application must make public, as a minimum, the information relating to the acts of administrative management with economic or budgetary repercussions indicated below:

(a) All contracts, indicating the object, duration, the amount of the tender and award, the procedure used for its conclusion, the instruments through which, where appropriate, it has been advertised, the number of bidders participating in the procedure and the identity of the successful bidder, as well as any modifications to the contract. Likewise, decisions to withdraw from or cancel contracts shall also be published. Information on minor contracts may be published on a quarterly basis.

Likewise, statistical data will be published on the percentage in budgetary volume of contracts awarded through each of the procedures foreseen in the public sector contract legislation.

In addition, statistical information shall be published on the percentage of participation in contracts awarded, both in relation to their number and in relation to their value, of the category of micro, small and medium-sized enterprises (SMEs), understood as such according to Annex I of Commission Regulation (EU) No. 651/2014 of 17 June 2014, for each of the procedures and typologies provided for in the legislation on public sector contracts. The publication of this information will be made semi-annually, starting one year after the publication of the rule.

(b) A list of the agreements signed, mentioning the signatory parties, their purpose, term, modifications made, the parties obliged to perform the services and, if applicable, the agreed economic obligations. Likewise, the management entrustments signed shall be published, indicating their purpose, budget, duration, economic obligations and the subcontracting carried out with mention of the awardees, the procedure followed for the award and the amount thereof.

(c) The subsidies and public aid granted, indicating their amount, objective or purpose and beneficiaries.

(d) The budgets, with a description of the main budgetary items and updated and comprehensible information on their state of execution and on compliance with the objectives of budgetary stability and financial sustainability of the Public Administrations.

(e) The annual accounts to be rendered and the reports on the auditing of accounts and audits by the external control bodies issued thereon.

(f) The remuneration received annually by the senior officers and senior managers of the entities included in the scope of application of this title. Likewise, the compensation received, if any, on leaving office shall be made public.

(g) Resolutions of authorization or recognition of compatibility affecting public employees, as well as those authorizing the exercise of private activity upon the termination of senior officials of the General State Administration or similar, in accordance with regional or local regulations.

(h) The annual declarations of assets and activities of the local representatives, under the terms set forth in Law 7/1985, of April 2, 1985, Regulating the Bases of the Local Regime. When the regulations do not establish the terms in which these declarations are to be made public, the provisions of the regulations on conflicts of interest in the sphere of the General State Administration shall apply. In any case, the data relating to the specific location of the real estate assets shall be omitted and the privacy and security of their owners shall be guaranteed.

(i) The statistical information necessary to assess the degree of compliance and quality of the public services that fall within their competence, under the terms defined by each competent administration.

The parties referred to in Article 3 must publish the information referred to in letters (a) and (b) of the first paragraph of this section in the case of contracts or agreements entered into with a Public Administration. Likewise, they must publish the information provided for in letter (c) in relation to the subsidies they receive when the granting body is a Public Administration.

Public Administrations shall publish the list of real estate owned by them or over which they hold any real right.

As additional information, a link is provided to the statistics on the right of access to information published on the Transparency Portal on a monthly basis. [El Portal en cifras - Más información - Portal de la Transparencia de la Administración del Estado. España - Inicio](#)

The site provides also the link to the denial resolutions and/or partial concessions by article 14, also published in the Transparency Portal in accordance with the obligation set forth in article 14.3 of the Law itself. [Resoluciones denegatorias - Derecho de acceso a la información pública - Portal de la Transparencia de la Administración del Estado. España - Inicio](#)

To conclude, a link is also provided within the Portal to the electronic headquarters for the formulation of requests for access to information through electronic means. [Solicite información - Derecho de acceso a la información pública - Portal de la Transparencia de la Administración del Estado. España - Inicio](#)

December 31, 2024