

Transparency in the activity of the different administrations and government agencies is a fundamental principle that must be respected in all democratic and pluralist societies. Therefore, the access to records is one of the basic democratic rights of any citizen, providing in addition, a source of information that helps to shape opinion and, at the same time, promotes integrity, efficiency and accountability of public authorities. As a result, the records must be accessible and only occasionally their access can be restricted in order to protect the security and defense of the State and the rights of people.

These principles are collected under the Council of Europe Convention on Access to Official Documents, as well as in the several freedom of information national laws. However our country lacks a specific regulation on this issue, even though recently we have some projects that aim to broaden and enhance transparency in the activity of government agencies as well as ensure the right of access to information and establish the performance parameters in which those responsible for the various public agencies should move.

Therefore, the Association of Archivists of Castile and León (ACAL) at its sixth Conference of Records –**The right to know and the duty of privacy: the access to records**– has raised the need to reflect on these aspects making up a new setting for the access to the information contained in records.

The Conference will be grouped according to three subjects, while transparency has been highlighted due to its novelty and topicality. The first important subject to address and reel off was connected with *the protection of data and files*. Although the personal data protection law and their regulatory development¹ have been in force for a while, ACAL had not dealt with this issue in depth, although some training courses have dealt with it.

We have tried to get a different perspective since the impact of such regulations when carrying out the various phases of archival and technical management of the documentary funds is a cause of special concern as well as the data

diffusion, especially what has been called universal diffusion in Web environments, such as the information systems. Therefore it is necessary to deepen the parameters in which us, professionals should move when we work in archive centers, as well as the measures to be taken to comply with the requirements of the regulations on data protection in the process prior to the diffusion of the aforementioned.

In connection with the above, specifically with the information diffusion, the universal diffusion on the Internet involves a series of connotations that provide greater complexity to the issue. The compilation of data on a particular person, possible thanks to new technologies, can lead to make up an idea of the personality of the individual, something that previously was impossible being greater therefore the risks to his or her privacy and intimacy.

In order to tackle these issues, we count on the presence of Carlos Garrido Falla, secretary-general of the department of attention to the citizen of the Spanish Data Protection Agency and at the same time member of the Rating Committee of Administrative Documents, in representation of the Agency; and Juan Carlos Suárez Quiñones, formerly Senior Judge in León (Spain) and currently Deputy Government Representative in León, who will give a more legal perspective.

A second subject, and perhaps the closest to us, the ones devoted to the world of the archives, besides being the most debated in all events dealing with the issue of access, is what we can call the *access to the information contained in records*. Our aim is to reflect once again on the legal regime of the right of access and the current casuistry, to analyze the general and departmental regulation governing the right of access and to focus in a special way in the Royal Decree regulating the Spanish Archives System and the access to them², in order to search for and study possible solutions to reconcile the right of access to information and the protection of the rights of people, as well as those issues regarding the official secrets, thus facilitating the daily work of the archivist.

In this sense, the presence of two renowned experts in the field has been considered to be essential. Blanca Desantes, Department Manager in the Deputy Direction of State Archives, will focus on the analysis of the long journey to the definitive text of the aforementioned Decree, and Daniel of Ocaña, in charge of the Constitutional Court records will analyze the necessary deliberation that should be carried out in order to reconcile the rights and interests in conflict when providing information to users.

The third and last subject devotes to the right to know and the *transparency in the activity of the different public administrations* and the performance of the public service staff. We will try to reel off the current situation in Spain, as well

as the different experiences in our surrounding countries. As mentioned above, the sessions devoted to this issue have increased as the Conference program was being prepared. Although we could say that the current national situation has changed somewhat compared to previous years, meaning that different projects are being discussed³, there is a long way to go. In short, all these texts have the same objective, that is to approach Administration to the citizen, as well as to strengthen and extend the transparency of public activity, guaranteeing the right of access to information concerning their actions, without forgetting the parameters of good governance in which all those in public charges should move, as well as the consequences of their non-compliance. All this is complemented by the establishment of organizations or agencies in charge of monitoring compliance with these provisions and the implementation of a portal enabling all citizens to access information.

The current status of Spain will be studied by Emilio Guichot Reina, lecturer in the Law School of the University of Seville, and the various initiatives, projects and experiences promoting transparency and access to information will be analyzed by Helen Darbshire, Executive Director of Access Info Europe. In the field of the State Administration, Esperanza Zambrano, Assistant Director-General of Policy Proposals and Parliamentary documentation of the Presidency's Department, will draw the general lines under construction today and the debate on the preliminary bill on Transparency, Access to Public Information and Good Governance.

We could not miss a perspective on the projects and situation in Castile and León, led by Marta López de la Cuesta, Director-General of Analysis and Planning of the Regional Government of Castile and León and José Ramón Alonso, Director-General of Cultural Policies, to conclude with the project of the Autonomous Region of Navarre, by Guzmán M. Garmendia Pérez Director-General of Open Government and New Technologies and Marta Pernaut Ojer, Director-General of Legal Affairs and Presidency of the Government of Navarre.

All this is complemented by a series of papers, fruit of the analysis and experiences of professionals bringing greater contents to the program, as well as the reflections of the members of roundtables, so that this event will be a forum trying to draw some conclusions that help the daily work of professionals, promoters of the information diffusion and, at the same time, protectors of the rights inherent to every citizen.

Notes

- ¹ - Organic Law 15/1999, of 13 December, of Personal Data Protection.
- Royal Decree 1720/2007, of 21 December, passing the development Regulation of the Organic Law of Personal Data Protection.
- ² - Royal Decree 1708/2011, of 18 November, establishing the Spanish Archives System and regulating the Archive System of the Public Administration and its government agencies and their accessing regime.
- ³ - Bill on transparency and citizens access to the public information, promoted by the previous term Government.
- Bill on Transparency, Access to Public Information and Good Governance, currently under debate and elaborated by the Presidency's Department.
- Transparency and Open Government Laws of the Autonomous Region of Navarre.