



Teaching Guide

Teaching Guide				
Identifying Data				2019/20
Subject (*)	Legal Aspects of Access to Information		Code	710G02020
Study programme	Grao en Información e Documentación			
Descriptors				
Cycle	Period	Year	Type	Credits
Graduate	2nd four-month period	Second	Obligatory	6
Language	Spanish			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito Público			
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Lecturers	Herce Maza, José Ignacio	E-mail	ignacio.herce@udc.es	
Web				
General description	The subject seeks to know the eminently legal aspects of access to information. It is intended that the student acquires some knowledge that will be necessary for their professional development and for this it is essential to familiarize with the legal terminology with which so far, have not had a relationship.			

Study programme competences

Code	Study programme competences
A1	Coñecemento da natureza da información e dos documentos, dos seus diversos modos de produción e do seu ciclo de xestión, dos aspectos legais e éticos do seu uso e transferencia, e das fontes principais de información en calquera soporte, e ao longo do tempo.
A6	Coñecemento da realidade nacional e internacional en materia de políticas e servizos de información e das industrias da cultura
B1	Que os estudantes demostrasen posuir e comprender coñecementos nun área de estudo que parte da base da educación secundaria xera, e adoitan encontrarse a un nivel que, se ben se apoia en libros de texto avanzados, inclúe tamén algún aspecto que implican coñecementos procedentes da vangarda do seu campo de estudo.
B2	Que os estudantes saiban aplicar os seus coñecementos ao seu traballo ou vocación dunha forma profesional e posúan as competencias que adoitan demostrar por medio da elaboración e defensa de argumentos e a resolución de problemas dentro da súa área de estudo.
B3	Que os estudantes teñan a capacidade de reunir e interpretar datos relevantes (normalmente dentro da súa área de estudo) para emitir xuízos que inclúan una reflexión sobre temas relevantes de índole social, científica ou ética.
B4	Que os estudantes poidan transmitir información, ideas, problemas e solución a un público tanto especializado como non especializado
B5	Que os estudantes desenvolverán aquelas habilidades de aprendizaxe necesarias para emprender os estudos posteriores cun alto grao de autonomía
B6	Capacidade de análise e de síntese aplicada á xestión e organización da información
B7	Capacidade da xestión da información relevante
B8	Capacidade de uso e adaptación de diversas técnicas de comunicación oral e escrita cos usuarios da información
C3	Desenvolverse para o exercicio dunha cidadanía aberta, culta, crítica, comprometida, democrática e solidaria, capaz de analizar a realidade, diagnosticar problemas, formular e implantar solución baseadas no coñecemento e orientadas cara o ben común
C5	Valorar críticamente o coñecemento, a tecnoloxía e a información dispoñible para resolver os problemas a os que deben de enfrontarse
C6	Asumir como profesional e cidadán a importancia do aprendizaxe ao longo da vida
C7	Valorar a importancia que ten a investigación, a innovación e o desenvolvemento tecnolóxico no avance socioeconómico e cultural da sociedade
C8	Aprender a aprender
C9	Resolver problemas de forma efectiva
C10	Aplicar un pensamento crítico, lóxico e creativo
C11	Traballar de xeito autónomo con iniciativa
C12	Traballar de xeito colaborativo
C13	Comportarse con ética e responsabilidade social como cidadán e como profesional
C14	Comunicarse de xeito efectivo nun contorno de traballo



C15	Capacidade de organización e planificación do traballo propio
C16	Capacidade de integración en equipos multidisciplinares
C17	Recoñecemento da diversidade y multiculturalidade no ámbito do exercicio profesional
C18	Capacidade para a adaptación a cambios no contorno
C19	Capacidade de dirección e liderazgo

Learning outcomes			
Learning outcomes		Study programme competences	
	A1	B1	C3
	A6	B2	C5
		B3	C6
		B4	C7
		B5	C8
		B6	C9
		B7	C10
		B8	C11
			C12
			C13
			C14
			C15
			C16
			C17
			C18
			C19

Contents	
Topic	Sub-topic
I. The Legal Order	ITEM 1. THE LEGAL ORDER 1. What is the Law? First approximation. 2. The Spanish Constitution of 1978. The constitutional bases of information and documentation. Fundamental rights 3. The sources of community law. 4. Sources of state law: 4.1. Laws 4.2. The delegated legislation: Decree-Law and Legislative Decree 4.3. The regulations
II. THE ADMINISTRATIVE LAW AND THE ADMINISTRATIVE PROCEDURE. SPECIAL REFERENCE TO 39/2015 ACT.	1. The legal regime of the Public Administration: introduction to 40/2015 Act. 2. administrative acts 3. Classification of administrative activity. 4. Control of administrative activity. 5. Administrative procedure



III. THE DOCUMENTATION	1. The concept of documentation 2. Documentary production and the legal regime of conservation obligations: 2.1. The documentary entry: administrative public records. 2.2. The preservation of documents and public records: living documents and files, semi-active files and files (intermediate files) and files and inactive documents (historical files). 2.3. The language of the documents: legal regime, with special reference to the Autonomous Community of Galicia. 2.4. The specialties of the local management of documents and files. 2.5. The conservation of documents and private files: associations, companies and individuals: article 49 and 52 LPHE.
IV. TRANSPARENCY AND RIGHT OF ACCESS TO DOCUMENTS, FILES AND PUBLIC RECORDS	1. Introduction: the transparency of the Public Administration. 2. Legal regime of active advertising. 3. Legal regime of the right of access to public information. 4. The limits of access to public information. 5. Special regimes.
V. THE PROTECTION OF PERSONAL DATA IN INFORMATION MANAGEMENT	1. The evolution of the protection of personal data: from Article 18.4 CE to Law 15/1999. 2. The scope of protected data 3. Data subject to special regimes. 4. The rights of citizens: access, rectification, challenge and cancellation. 5. Levels of security in data storage. 6. The regulatory role of the Data Protection Agency.
VI. ACCESS TO INFORMATION AND CRIMINAL LAW	1. The protection of personal data in the criminal process. 2. Crimes against privacy and privacy.

Planning				
Methodologies / tests	Competencies	Ordinary class hours	Student's personal work hours	Total hours
Workbook	A1 A6 B1 B2 B3 B4 B5 B6 B7 C3 C6 C7	0	20	20
Supervised projects	A6 B1 B2 B3 B4 B5 B6 B7 B8 C3 C6 C7 C8 C9 C10 C11 C13 C14 C15 C18	3	6	9
Objective test	A6 B1 B2 B3 B4 B5 B6 B7 C3 C6 C7 C12 C16 C17	2	30	32
Case study	A6 B1 B2 B3 B4 B5 B6 B7 C3 C5 C6 C7 C19	3	0	3
Guest lecture / keynote speech	A1 A6 B1 B2 B4 B5 B7 C3 C9 C10 C15 C19	30	30	60
ICT practicals	A6 B1 B2 B3 B4 B5 B6 B7 C3 C6 C7	2	4	6
Personalized attention		20	0	20
(*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.				

Methodologies



Methodologies	Description
Workbook	Reading of legal texts of various kinds chosen by the students among those indicated by the professor.
Supervised projects	The students will have the collaboration of the professor in the development of the works, all of them of eminently juridical character, in which the approach to the reality is fundamental.
Objective test	Exam at the end of the semester to assess the global knowledge of the subject that students have acquired. It will consist of some questions to be solved and a series of questions about the contents treated.
Case study	Methodology where the subject faces the description of a specific situation that raises a problem that has to be understood, valued and solved by a group of people through a discussion process.
Guest lecture / keynote speech	It is essential for the correct educational development of the student. The most important aspects of the syllabus will be studied.
ICT practicals	The aim is to learn how to use databases of a legal nature in order to solve problems of an essentially practical nature.

Personalized attention	
Methodologies	Description
Case study Workbook Supervised projects ICT practicals	Readings: between the teacher and the student they will choose the most recommended and correct readings in order to obtain the objectives of the course. Magisterial session: the assistance in the master sessions is fundamental and in them the teacher will try to clarify concepts and answer those doubts that each one of the students presents. Tutored works: a follow-up will be made to each student of the work, subject to choose, content and its development. Initial activities: In the first days, students will be taught to learn a basic legal vocabulary for a subsequent follow-up of the subject, in which the resolution of each student's doubts is fundamental. Practices through ICT: students must learn to manage legal databases for the subsequent resolution of cases.

Assessment			
Methodologies	Competencies	Description	Qualification
Objective test	A6 B1 B2 B3 B4 B5 B6 B7 C3 C6 C7 C12 C16 C17	Answer to questions related to the subject taught. The student will perform a written test in which he will have to answer a test type test on the subjects studied.	30
Case study	A6 B1 B2 B3 B4 B5 B6 B7 C3 C5 C6 C7 C19	Answer to evidence about the case study.	10
Workbook	A1 A6 B1 B2 B3 B4 B5 B6 B7 C3 C6 C7	Students must submit a summary of the readings made.	10
Supervised projects	A6 B1 B2 B3 B4 B5 B6 B7 B8 C3 C6 C7 C8 C9 C10 C11 C13 C14 C15 C18	The clarity of ideas in the presentation of the works, the methodology used and the definition of the object as well as the conclusions will be valued.	20
ICT practicals	A6 B1 B2 B3 B4 B5 B6 B7 C3 C6 C7	Use of ICT for the preparation of supervised works and that is fundamental for its presentation and presentation.	10
Guest lecture / keynote speech	A1 A6 B1 B2 B4 B5 B7 C3 C9 C10 C15 C19	The attendance to the classes is fundamental for the adequate formative development of the student. Therefore, attendance and participation in the sessions will be taken into account.	20

Assessment comments

**Second opportunity:**

The student in second chance must pass an objective written test in which he will have to answer a test type test on the subjects studied as well as solve several practical cases.

Sources of information

Basic	- Miguel Sánchez Morón (2018). Derecho Administrativo (parte general). Tecnos - María Jesús Gallardo Castillo (2016). Los procedimientos administrativos en la Ley 39/2015 análisis y valoración de la reforma. Tecnos - Miguel Ángel Sendín García (2009). Régimen jurídico de los documentos. Comares - Severiano Fernández Ramos (2014). Transparencia, acceso a la información pública y buen gobierno. Aranzadi - Severiano Fernández Ramos (2014). Transparencia, acceso a la información pública y buen gobierno. Aranzadi - VV.AA (2019). Manual de protección de datos. Dykinson
Complementary	

Recommendations**Subjects that it is recommended to have taken before**

Fundamentos de teoría e xestión da información/710G02073

Subjects that are recommended to be taken simultaneously

Bibliography and Information Sources/710G02014

Archiving/710G02017

Subjects that continue the syllabus**Other comments**

(*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.