



## 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                                                                                                                                                                                                                                                                                                          |        |                      |           |
| Coordinador         | Santos Pita, Manuela del Pilar                                                                                                                                                                                                                                                                                           | E-mail | m.p.santos@udc.es    |           |
| 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                                                                             | <p>ITEM 1. THE LEGAL ORDER</p> <p>1. What is the Law? First approximation.</p> <p>2. The Spanish Constitution of 1978. The constitutional bases of information and documentation. Fundamental rights</p> <p>3. The sources of community law.</p> <p>4. Sources of state law:</p> <p>4.1. Laws</p> <p>4.2. The delegated legislation: Decree-Law and Legislative Decree</p> <p>4.3. The regulations</p> |
| II. THE ADMINISTRATIVE LAW AND THE ADMINISTRATIVE PROCEDURE. SPECIAL REFERENCE TO 39/2015 ACT. | <p>1. The legal regime of the Public Administration: introduction to 40/2015 Act.</p> <p>2. administrative acts</p> <p>3. Classification of administrative activity.</p> <p>4. Control of administrative activity.</p> <p>5. Administrative procedure</p>                                                                                                                                              |



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|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| III. THE DOCUMENTATION                                                      | <ol style="list-style-type: none"> <li>1. The concept of documentation</li> <li>2. Documentary production and the legal regime of conservation obligations: <ol style="list-style-type: none"> <li>2.1. The documentary entry: administrative public records.</li> <li>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).</li> <li>2.3. The language of the documents: legal regime, with special reference to the Autonomous Community of Galicia.</li> <li>2.4. The specialties of the local management of documents and files.</li> <li>2.5. The conservation of documents and private files: associations, companies and individuals: article 49 and 52 LPHE.</li> </ol> </li> </ol> |
| IV. TRANSPARENCY AND RIGHT OF ACCESS TO DOCUMENTS, FILES AND PUBLIC RECORDS | <ol style="list-style-type: none"> <li>1. Introduction: the transparency of the Public Administration.</li> <li>2. Legal regime of active advertising.</li> <li>3. Legal regime of the right of access to public information.</li> <li>4. The limits of access to public information.</li> <li>5. Special regimes.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| V. THE PROTECTION OF PERSONAL DATA IN INFORMATION MANAGEMENT                | <ol style="list-style-type: none"> <li>1. The evolution of the protection of personal data: from Article 18.4 CE to Law 15/1999.</li> <li>2. The scope of protected data</li> <li>3. Data subject to special regimes.</li> <li>4. The rights of citizens: access, rectification, challenge and cancellation.</li> <li>5. Levels of security in data storage.</li> <li>6. The regulatory role of the Data Protection Agency.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                         |
| VI. ACCESS TO INFORMATION AND CRIMINAL LAW                                  | <ol style="list-style-type: none"> <li>1. The protection of personal data in the criminal process.</li> <li>2. Crimes against privacy and privacy.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| 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<br>Workbook<br>Supervised projects<br>ICT practicals | <p>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.</p> <p>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.</p> <p>Tutored works: a follow-up will be made to each student of the work, subject to choose, content and its development.</p> <p>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.</p> <p>Practices through ICT: students must learn to manage legal databases for the subsequent resolution of cases.</p> |

| Assessment                     |                                                                            |                                                                                                                                                                                         |               |
|--------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Methodologies                  | Competencies                                                               | Description                                                                                                                                                                             | Qualification |
| Objective test                 | A6 B1 B2 B3 B4 B5<br>B6 B7 C3 C6 C7 C12<br>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<br>B6 B7 C3 C5 C6 C7<br>C19                              | Answer to evidence about the case study.                                                                                                                                                | 10            |
| Workbook                       | A1 A6 B1 B2 B3 B4<br>B5 B6 B7 C3 C6 C7                                     | Students must submit a summary of the readings made.                                                                                                                                    | 10            |
| Supervised projects            | A6 B1 B2 B3 B4 B5<br>B6 B7 B8 C3 C6 C7<br>C8 C9 C10 C11 C13<br>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<br>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<br>B7 C3 C9 C10 C15<br>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 |
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## 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

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Basic</b>         | <ul style="list-style-type: none"><li>- Miguel Sánchez Morón (2018). Derecho Administrativo (parte general). Tecnos</li><li>- María Jesús Gallardo Castillo (2016). Los procedimientos administrativos en la Ley 39/2015 análisis y valoración de la reforma. Tecnos</li><li>- Miguel Ángel Sendín García (2009). Régimen jurídico de los documentos. Comares</li><li>- Severiano Fernández Ramos (2014). Transparencia, acceso a la información pública y buen gobierno. Aranzadi</li><li>- Severiano Fernández Ramos (2014). Transparencia, acceso a la información pública y buen gobierno. Aranzadi</li><li>- VV.AA (2019). Manual de protección de datos. Dykinson</li></ul> |
| <b>Complementary</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

### 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.