



REPORT ON  
TRANSPARENCY,  
ACCES TO  
PUBLIC INFORMATION  
AND GOOD  
GOVERNANCE

JULY 2018

SÍNDIC

EL DEFENSOR  
DE LES  
PERSONES



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EXECUTIVE SUMMARY

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## REPORT ON TRANSPARENCY, ACCESS TO PUBLIC INFORMATION AND GOOD GOVERNANCE

On July 23rd, 2018, the Catalan Ombudsman submitted the third Annual Report on Transparency, Access to Public Information and Good Governance, corresponding to 2017.

In general terms, although progress has been made in the fulfilment of the Law in specific aspects (for example, 90 ethical codes adjusted to the parameters of the Law have been approved), the general perception is of a certain slowdown in its deployment. In this regard, it is necessary to strengthen collaboration and support actions between administrations, taking into account that the obligations are the same for all administrations, although capacities and resources are not the same.

### SUMMARY OF RECOMMENDATIONS

#### 6.1. Publicity

- Administrations must move forward in the incorporation of pending contents. The advances in the implementation of the Law will depend to a large extent on the capacity of the administrations to establish spaces of cooperation between them.
- Priority must be given to the publicity of the most relevant contents for the citizens so that the information on these services can be easily localized and the information published is complete, structured and understandable.
- The Administration must reinforce collaborative actions and support to the fulfilment of the obligations of publicity.
- Administrations must invest in structuring the platforms and interrelating the published contents, and incorporate guides and other elements that facilitate the understanding of the most complex information.

#### 6.1.2. Regarding the bound subjects

##### 6.1.2.1. Administration of the Generalitat (Catalan Government) and dependent entities

- It is necessary to publish the contents pending elaboration, such as service letters, which, although published, have not yet been adjusted to the content and legal requirements set by the Law, or a specific space for evaluation of the public services, the quality indicators of the services and the anonymous answers to the queries raised by citizens.
- It is necessary to improve the structuring and organization of the information and, very singularly, to publish it in widespread reusable format.
- The Administration of the Generalitat must ensure that dependent entities comply fully with the obligations of publicity

#### 6.1.2.2. *City councils and supramunicipal entities*

- Administrations must plan the compliance with the pending publicity obligations and the information published must be structured so that it is accessible and understandable to the public.
- Shortcomings in content must be addressed, which requires an effort to develop and disseminate these contents in a comprehensive and structured way. And in the case of municipalities with less population, compliance without a supportive action will not be possible, so cooperation with larger administration should be desirable.
- It corresponds to the territorial administrations to which the local instrumental entities are bound to ensure that they publish the necessary information so that citizens have a complete knowledge of these entities and their activity.
- The AOC portal, the most used in the municipalities, must be adapted from the initial format to one that allows complete compliance with the publicity obligations.

#### 6.1.2.3. *Cooperation bodies (associations and consortiums)*

- These entities must advance in compliance with the obligations of publicity, as they continue to have a general level of compliance with very low publicity obligations.

#### 6.1.2.4. *Statutory institutions and control bodies not integrated into the structure of the Administration of the Generalitat*

- It is necessary to improve the contents regarding economic, budgetary and patrimonial information, and regarding administrative structure, as well as the use of reusable formats, as in the rest of the bound subjects.

### 6.2. **Right of access to public information**

- Increased effort must be made to spread the right of access among citizens.
- It is necessary to articulate mechanisms of cooperation and collaboration to guarantee the right of access to all administrations.
- The request for access must be sent to the applicant with a reception notice with the data provided by law.
- In the notifications of access request resolutions all appeal procedures must be indicated.
- It is necessary to set quality standards in the information provided and the use of reusable formats.
- The minimum requirements for the communication of information without formal resolution must be established statutorily.
- In the regulatory deployment of the regulation of the right of access to public information, it is necessary: to evaluate the requirement of signature or electronic certificate to make an electronic application for access; to assess the feasibility of establishing a simplified

procedure; to delimit presumptively the assumptions of inaccurate requests and of inadmissibility of applications.

### 6.3. Register of interest groups

- Local entities must be integrated in the Register of interest groups of Catalonia or create one of their own.
- Senior officials and local elected officials must make their meetings with interest groups public.
- In the regulatory deployment of Decree Law 1/2017, it is necessary to assess the setting of a minimum content of the annotations in the agendas; extend the obligation to record meetings with interest groups to any public worker; review the update deadline regarding the activity data published in the registry, and establish some type of connection between the agendas and the reports of regulatory impact to record in the latter informal contacts and the documents provided by the interest groups.
- Publicity of the register and agendas and their functionality must be disseminated.
- Registry data needs to be accessible in reusable format to make it easier for citizens and civil society entities to track them.

### 6.4. Good governance: codes of conduct

- All administrations and bound subjects must approve a code of conduct complying with the provisions of Law 19/2014.
- The approval of the Ethical Code of the public service of Catalonia must be encouraged.

### 6.5. Good government: letters of services and regulatory quality

- The approval of service letters must be encouraged under the terms established in Law 19/2014.
- The evaluation of the norms in the scope of the local Administration must be extended.

### 6.6. Guarantee system

- The Committee of Guarantee of Access to Public Information must be provided with the appropriate resources to carry out its functions.
- The body set forth in article 89 of Law 19/2014 must be created.
- It is necessary to review the elements that make up the sanctioning regime.
- Limit individual responsibilities in the commission of infractions.

- Review the configuration of the infringing types, singularly with regard to the delimitation of the gradation of infractions.
- Guarantee the independence of those responsible for initiating and instructing the procedure; specially when the presumed responsible is a senior or elected official.



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