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## Transparency FAQs

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This document includes 20 frequently asked questions on transparency made by the general public to the Banco de España since the approval of the [Law on Transparency](#) (available only in Spanish). These FAQs are grouped into three sections according to their content.

### Section 1: General questions on transparency:

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- Q20. Can a Banco de España resolution denying access to the information be appealed?

## Section 1: General questions on transparency

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### Q1. What is transparency?

Transparency is a mechanism that provides citizens with information on how decisions affecting them are taken, how public funds are managed and the criteria under which institutions act. Transparency facilitates scrutiny of public activity.

### Q2. What does the Law on Transparency regulate?

Law 19/2013 of 9 December 2013 on transparency, access to public information and good governance (available only in Spanish) regulates:

- the information that public administrations and public entities must publish,
- how the general public can request information from public administration and public entities, and
- the good governance standards that public administrations and public entities must observe.

### Q3. How does the Law on Transparency affect the Banco de España?

The Banco de España is an institution subject to the Law on Transparency in relation to those activities that it pursues which are governed by administrative law. For these activities, it must:

- publish certain information on its Transparency Portal and
- respond to requests for information submitted by the general public.

## Section 2: Commitment to inform citizens & active publicity

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### Q4. What is active publicity?

Active publicity refers to the up-to-date information that institutions subject to the Law on Transparency must publish on a regular basis to ensure the transparency of their activity.

The Banco de España publishes on its [Transparency Portal](#) both this information and other content considered to be of interest for the general public.

### Q5. What is the Banco de España's Transparency Portal?

The [Transparency Portal](#) is the website where the Banco de España regularly publishes up-to-date relevant information with the aim of broadening and strengthening its transparency as a mechanism for facilitating scrutiny of its public actions.

On its Transparency Portal, the Banco de España publishes both the information that must be made available to the general public under the Law on Transparency and other content considered to be of interest for the general public.

## Q6. What information is published on the Banco de España's Transparency Portal?

The information published on the Banco de España's [Transparency Portal](#) is grouped as follows:

- **Institutional and planning information:** this section provides essential information on the Banco de España, what it does, how it is organised and how it works. Specifically, it includes information on:
  - Duties
  - Legal framework
  - Organisational structure
  - Governor and Deputy Governor agendas
  - Codes of conduct
  - Plans and schedules
  - Records of processing activities
  
- **Information of legal importance:** this section basically facilitates public scrutiny of the Banco de España's activity relating to the drafting of legal provisions, including:
  - Documents with legal effects
  - Documents subject to public consultation
  - Reports, technical applications and guidelines
  - Documents issued by international organisations
  
- **Economic information:** this section, which includes economic, budget and statistical information and the use of public funds, covers a large number of administrative management deeds with economic or budgetary effects, such as:
  - Contracts
  - Agreements
  - Management delegation agreements and concession contracts
  - Cultural and social work
  - Budget management
  - Annual accounts
  - Remuneration of members of the governing bodies and senior management
  - Conflicts of interest of public employees
  - Fixed assets and official vehicles
  - Historical and art heritage

### **Q7. I cannot find the information I am looking for in the Portal. What can I do?**

The Banco de España publishes on its [Transparency Portal](#) both the information that must be made available to the general public under the Law on Transparency and other content considered to be of interest for the general public.

If you cannot find the information you are looking for on the Portal, you can submit a request for access to public information of the Banco de España. The requirements are explained in [the Banco de España's Virtual Office](#) (available only in Spanish).

## **Section 3: Right of access to public information**

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### **Q8. What is the right of access to public information?**

It is the right of all persons to access public information under the terms provided for in Article 105 (b) of the Spanish Constitution, implemented by the Law on Transparency.

Public information means the contents or documents, whatever their format or medium, that are held by entities subject to the right of access to information and have been prepared or acquired in the performance of their duties.

### **Q9. What is considered public information of the Banco de España?**

Public information of the Banco de España means the contents or documents, whatever their format or medium, held by the Banco de España which have been prepared or acquired in the performance of its duties and activities that are subject to administrative law.

### **Q10. Who can request public information from the Banco de España?**

Any person may request public information.

### **Q11. How can I request public information from the Banco de España?**

You may exercise your right to access public information of the Banco de España by submitting a request for information. You can find more information about the process in [the Banco de España's Virtual Office](#) (available only in Spanish).

### **Q12. Do I have to identify myself when requesting information?**

Yes, your identity needs to be recorded in order to request access to public information of the Banco de España.

### **Q13. Do I have to explain the reasons for requesting the information?**

No, you are not required to state your reasons for requesting access to the information, although you may do so if you wish.

**Q14. What information can be requested from the Banco de España?**

The public may request from the Banco de España the contents or documents that it holds, whatever their format or medium, which have been prepared or acquired in the performance of its duties and activities that are subject to administrative law.

**Q15. Can access to the information requested be limited or denied?**

The right of access to information is subject to certain limits so as to protect other public or private interests or properties. Under the Law on Transparency, right of access may be limited when access to the information may harm, among others:

- the prevention, investigation and sanctioning of criminal, administrative or disciplinary offences;
- the administrative functions of monitoring, inspection and control;
- economic and commercial interests, economic and monetary policy;
- professional secrecy and intellectual and industrial property;
- the guarantee of confidentiality or secrecy required in decision-making processes; and
- the protection of third party personal data.

The Banco de España is also subject to a specific legal regime on secrecy, set out in Article 82 of Law 10/2014 of 26 June 2014 on the regulation, supervision and solvency of credit institutions. Under this regime, the activities it pursues in the performance of its duties are confidential and may not be disclosed, except in certain circumstances provided for in that law.

**Q16. How are the limits to the right of access applied?**

The limits must be applied restrictively, on a case-by-case basis, and taking into account both the public or private interest that would be harmed if the information were to be disclosed and the interest in the information being made public.

**Q17. Can partial access to the information be provided?**

Yes. Where a limit to the right of access does not apply to all the information requested, partial access is granted and information affected by the limit is not provided. The applicant must be told which part of the information requested is not provided.

**Q18. How is information accessed?**

The information is primarily accessed online, except when it is not possible or the applicant has expressed a preference for a means of communication.

**Q19. What is the deadline for granting or denying access to information?**

Applicants must be informed of the resolution adopted granting or denying access within one month of receipt of the request. This period may be extended by a further month if the volume or complexity of the information requested so requires.

If the deadline expires and no decision is notified, the request for access will be deemed to have been rejected.

**Q20. Can a Banco de España resolution denying access to the information be appealed?**

Yes. Only contentious-administrative appeals before the Contentious-Administrative Appeal Division of the National High Court may be lodged against such Banco de España resolution, within two months of the day following notification of the decision.