

# Public secrets

Spain lags far behind most of Europe in allowing taxpayers to see how their money is spent. By Richard Schweid.  
Photos by Lee Woolcock.

**W**ant to read the municipal inspection reports for your child's day-care centre? Or for your grandmother's nursing home? In the UK or the US, public access to such reports is guaranteed by law. Here, people are free to ask, but there is no legal reason for their requests to be honoured and most frequently they are not.

Want to know how many bombs enriched with depleted uranium the US Defense Department bought last year with taxpayers' money, and what companies they bought them from? It may require some time filing a request for the information and poring over records, but it is the right of every US citizen to demand, and be provided with, full disclosure about how public monies—federal or municipal—were spent. In Spain, it's nobody's business, and the Ministry of Defence will not even bother responding to such questions, even when they come from Spanish journalists.

"British journalists know, to the last penny, what it costs the treasury to pay for official cars, compensation to IRA suspects or the placement of cameras that measure the speed of cars," wrote Rosario G. Gómez in an *El País* article on May 3rd, 2008. "In Spain, to learn about waiting lists at hospitals is a titanic task, and the salary of a news anchor on public television is a state secret. The difference between the United Kingdom and Spain is a law that regulates the right of access to information."

## Luxembourg, Cyprus, Greece and Spain are the only four European countries still without a [public access] law...

Luxembourg, Cyprus, Greece and Spain are the only four Western European countries still without a law requiring any person, agency or business funded with public monies to make information about how that money is spent, and the results of those expenditures, available to its citizens. In Spain, that may be about to change. In a speech to the Inter-American Press Association on October 7th, 2008, President José Luis Rodríguez Zapatero promised that public access legislation would be voted on by Congress during the current legislative session. But, his Socialist party had already promised such legislation during the 2004 election campaign and again in the 2008 race, and it has yet to appear.

A damning report about Spanish governmental secrecy was issued in October 2008 by Access Info Europe, a non-profit group lobbying for passage of public-access legislation. The organisation tracked 40 requests made in 2007 to Spanish governmental bodies for information. Only 23 percent of these were answered positively. Forty-two percent were denied and 35 percent of them simply went unanswered, meaning that three of every four requests failed to elicit the solicited information. These covered a wide range of topics including things as basic as how many foreigners were expelled from Spain in 2007. The Interior Ministry refused to provide those statistics, commenting: "It's not advisable to provide individuals with this kind of information."

The difficulty of obtaining information about government spending on all levels here—from the local to the national—has serious

▼ The Spanish press and public are handicapped by lack of access to government data.





consequences for both the Spanish press and public. For journalists who aspire to act as the eyes and ears of the public, filling a watchdog role over how taxpayers' monies are spent, it is like being forced to work deaf and blind. Without access to these records it is virtually impossible to do any investigative reporting, and for this reason the Spanish press rarely breaks a story that is not leaked to them. When a public agency refuses to provide reporters with information, there is no recourse but to accept the refusal.

"You have no weapon against a 'No'," Giles Tremlett, Madrid-based correspondent for *The Guardian* told *Metropolitan*. "There's no way to get information that should be public. Here, there's a deep culture of information as power—if I have it, I have more power than you. This has disappeared from the corporate scene, but not from the administrative scene. Journalists and civil society need a tool that will oblige government to hand over information, a democratic tool that's useful for decisions that can be as basic to a democracy as who to vote for."

In fact, working journalists have long objected to the lack of public access laws in Spain, but until now the owners of the media have not pushed the government to create and accept legislation mandating access. Without demands from the highest echelons of corporate media, say observers, no changes are likely to be forthcoming. However, two days before Zapatero's speech to the Inter-American Press Association, in a sign such demands are surfacing, executives of the newspapers *ABC* and *El País* called for public access legislation, and an editorial in *El País* in late October called on Zapatero to honour his promise as soon as possible.

It's not just the press that needs a public access law. "It's no accident that countries with laws obligating administrations to work with greater degrees of transparency are precisely those countries with the lowest levels of corruption and the highest levels of citizen satisfaction," wrote journalist Soledad Gallego in *El País*, on May 4th, 2005.

Public access is, indeed, important to individuals as well as journalists, Helen Darbishire told *Metropolitan*. Originally from Britain and now living in Madrid, she is the executive director of Access Info Europe. She stressed that legislation must not only mandate access, but also needs to lay out just how the process will work, including strict timetables for the provision of information. In the UK, for instance, 20 days is the maximum for responding to requests.

"There are many examples of individuals filing requests because they're curious—they might want to see the plans for their child's new schools, to see how much is being spent on the gymnasium and how much on classrooms," she said. "If ordinary members of the public are to have a say in how things get done, you have to have public access."

Ask most Spaniards whether their country enjoys a free press, and they'll say yes, but the press here is far from free—it is muzzled by the absence of an effective tool for prying loose what should be public information from the people who are supposed to be serving the public. Is that about to change?

We can only hope. **M**

## Access denied...

Among public access requests turned down over the past two years were:

--A request to the Department of Defence asking how many Spanish troops had been treated for post-traumatic stress syndrome in the past four years and the annual cost of such treatment? It was denied on grounds that it did not constitute information classified as accessible to citizens.

--A journalist's request to the General Council of Judicial Powers for the numbers of disciplinary sanctions opened against magistrates in 2007. It was answered with a demand for the person soliciting the information to show his accreditation to see such information, and

to provide an explanation of the use to which it would be put.

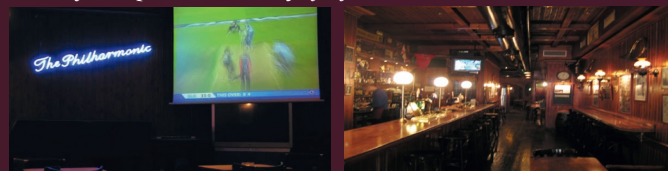
--A *Metropolitan* request to the Mossos d'Esquadra for statistics on how many crimes in Catalunya were committed with firearms in 2007. A spokesman responded that these figures were only available internally, and were not released to the public. "We don't want to frighten people, because they may not understand the numbers," he added.

--The Ayuntamiento of Madrid returned a letter asking for the costs associated with placing an ad in *El País* congratulating King Juan Carlos on his 70th birthday. The envelope in which the letter was sent was marked 'Declined'.

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