

Law and Legal Status of Records

Code: 42108
ECTS Credits: 10

Degree	Type	Year	Semester
4312208 Archival and Records Management	OB	1	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

Name: Marta Franch Saguer
Email: Marta.Franch@uab.cat

Use of Languages

Principal working language: catalan (cat)

Teachers

Montserrat Iglesias Lucía

Prerequisites

There are no prerequisites for taking this module.

Objectives and Contextualisation

The training line of Introduction to Law:

The legal concepts of Public Law are an approximation. In it, the student intends to familiarize and incorporate into their knowledge all those essential concepts and procedures for the operation of the public sector.

The result that we must achieve throughout the course is that it has a resource to understand the principles of operation of the public sector and the purposes that justify it.

It is especially necessary that you have knowledge of the administrative procedure so that you can know the content of the administrative file.

The training line Law and legal system of the documents:

It intends to illustrate the students on the foundations and bases of the legal system, in order to be able to study in depth the legal regime applicable to archives and documentation, both public and private, as well as the liability regime.

Competences

- Argue critically and demonstrate ethical and social commitment to and respect for diversity and multiculturalism.
- Carry out team work in interdisciplinary ways.
- Demonstrate an understanding of the bases of law and the legal system applicable to documents in public and private organisations.

- Update and recycle knowledge through continuous training.
- Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.

Learning Outcomes

1. Apply the legal system affecting documents.
2. Argue critically and demonstrate ethical and social commitment to and respect for diversity and multiculturalism.
3. Carry out team work in interdisciplinary ways.
4. Describe the concepts and regulations of administrative law.
5. Explain regulations on archives and documentation.
6. Identify the administrative procedures of public administration.
7. Recognise and identify responsibilities regarding documentation.
8. Recognise intellectual-property legislation.
9. Recognise the structure and organisation of public administration.
10. Update and recycle knowledge through continuous training.
11. Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.

Content

Training Line: Introduction to Law:

1. Concept of Administrative Law

2.1 Origin

2.2 General principles

2. Public Sector

2.1 Classes

2.2 Structure and bodies

2.3 The concept of organ, elements and classes. The competition Deconcentration Delegation, assignment of management, substitution, substitution and avocation. Regime applicable to collegiate bodies

2.4 The citizen and his rights

2.5 Electronic functioning of the public sector

3. Administrative acts

3.1 Elements, requirements and characteristics

3.2 The notification, and the publication of administrative acts

3.3 Obligation to resolve. The alleged acts: estimates and dismissals

3.4 Nullity and nullity of administrative acts: causes and consequences

3.5 Limits to disability

4. The general and special administrative procedure

4.1 General and special

4.2 Principles

4.3 Phases: initiation, ordering, instruction and completion

Responsible statement and prior communication

4.4 Execution

4.5 Review of administrative acts

5. Administrative and contentious-administrative resources

5.1 Administrative resources:

5.1.1.Replacement proposal

5.1.2 Height

5.1.3 Extraordinary review

5.2 Contentious-administrative appeal

Formative line: Law and legal regime of the document

Block 1:

Public intervention in the regime of documents

Block 2:

Private intervention in the regime of documents

Block 3:

Legal Responsibilities

Methodology

The methodology will involve 1 theoretical explanation by the teacher.This explanation will always lead to the concretion in practical assumptions.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
L1 Teaching in the classroom	45	1.8	4, 6, 9, 11
L1 practical activities in the classroom	28	1.12	4, 6, 9, 11
L2. Teaching in the classroom	42	1.68	1, 5, 7, 8

Type: Supervised

L2. Tutorials	10	0.4	10, 1, 7, 8
---------------	----	-----	-------------

Type: Autonomous

L! L2. Study and elaboration of practical activities	80	3.2	1, 2, 7, 8, 11, 3
--	----	-----	-------------------

Assessment

L1 Introduction to law The evaluation will involve three different types of tests and all of them can be evaluated:

· Classwork and assistance (3) ·

Case studies (2 or 3) ·

Final exam

The maximum note that can be obtained in the recovery of the L1 is a 5.

The student must obtain a minimum of 5 in the average of the two lines of training, to be able to pass the module.

L2.Law and Legal System of Documents:

Throughout the course there will be 3 theoretical tests that will have a weight of 20% each on the final grade of the training line. As well as different training tests that will involve 40% of the final mark of the training line as a whole. It is necessary to obtain at least 3.5 out of 10 of the average theoretical tests to be able to add the mark obtained to the practices.

The note that can be obtained at the maximum recovery of L2 is 5.

The student must obtain a minimum of 5 in the average of the two lines of training, to be able to pass the module

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
L1 Individual practices	20	15	0.6	4, 6, 9, 11
L1 examen	35	1.5	0.06	4, 6, 9, 11
L1 practical cases in classe	10	6	0.24	10, 4, 9, 11, 3
L2. 1rst. Theoretical tests	20	2	0.08	1, 5, 7, 8
L2. 2N. Theoretical tests	20	2	0.08	1, 5, 7, 8
L2. 3rst. Theoretical tests	20	2	0.08	1, 5, 7, 8
L2. Practical tests	40	15	0.6	1, 5, 2, 7, 8, 11, 3
Theoretical test 2	35	1.5	0.06	4, 6, 9, 11

Bibliography

L1:

Santamaría Pastor, Juan Principios de Derecho Administrativo General. Tomo I y II 2018

Gamero. E y Fernández, S " Manuel Básico de Derecho Administrativo". Ed. Tecnos, 2018.

<http://virtual.eapc.cat/>

Esquemas de procedimiento administrativo / Josep Ramón Fuentes Gasó, Judith Gifreu i Font (directores). - Valencia : Tirant lo Blanch,

L2:

ALVAREZ ALVAREZ, José Luís (1989). *Estudios sobre el Patrimonio Histórico Español y la Ley de 25 de junio de 1985*. Madrid : Civitas.

BARRIUSO (2007) BARRIUSO RUIZ, C (2007). *Administración Electrónica*. Madrid : Dykinson.

BERCOVITZ RODRÍGUEZ-CANO, Rodrigo (coord.) (2007). *Comentarios a la Ley de Propiedad Intelectual : Real Decreto Legislativo 1/1996, de 12 de abril, por el que se aprueba el Texto Refundido de la Ley de Propiedad Intelectual, regularizando, aclarando y armonizando las disposiciones legales vigentes sobre la materia*. Madrid : Tecnos.

CERRILLO, Agustí i PONCE, Juli, Coord., *Transparència, accés a la informació pública i bon govern a Catalunya (Comentaris a la Llei 19/2014)*, Editorial UOC i Escola d'Administració Pública de Catalunya, 2015

COTINO, Lorenzo i VALERO, Julián (coord) 2010). *Administración electrónica*. València : Tirant lo Blanc.

DAVARA, Miguel Ángel (2008). *Manual de derecho informático*. Cizur Menor : Aranzadi.

DUPLÁ del MORAL, Ana (2001 vol. LI , núm. 1). "La utilización de Servicios privados en los archivos de las administraciones públicas", *Boletín ANABAD*

FERNÁNDEZ RAMOS, Severiano (1997). *El derecho de acceso a los documentos administrativos*. Madrid : Marcial Pons.

FERNÁNDEZ RAMOS, Severiano (2002). "Legislación y sistemas de archivos de las administraciones públicas" a Los sistemas de archivos de las Comunidades Autónomas, Toledo : Junta de Comunidades de Castilla-La Mancha.

GAMERO CASADO, E./ VALERO TORRIJOS, J. (Coords.) (2008) Comentario sistemático a la Ley 11/2007, de 22 de junio, de acceso electrónico de los ciudadanos a los servicios públicos. Cizur Menor : Aranzadi.

GUICHOT (2005) GUICHOT, Emilio (2005). *Datos Personales y Administración Pública*. Cizur Menor : Aranzadi.

GUICHOT (2009) GUICHOT, Emilio (2009). *Publicidad y privacidad de la información administrativa*. Cizur Menor : Thomas Cívitas.

MAGÁN (2001) MAGÁN PERALES, José M. (2001) *La circulación ilícita de bienes culturales*. Valladolid : Lex Nova.

MATAS, Josep (2009). "Accés amb reserves: llums i ombres de la normativa d'accés a la informació pública" a Lligall, Barcelona (2009), vol. 29, p. 13-38.

MATEU ESCODA, Mercè i Joan DOMINGO BASORA (2002 núm. 19). "Anàlisi arxivística sobre l'organització i l'accés a la documentació dels alts càrrecs polítics de la Generalitat de Catalunya i en comparació d'altres països" Lligall.