



TIMBRE
DEL ESTADO

CLASE 8.^a



OK0189042

**TO THE COMISSION OF
TRANSPARENCY OF GALICIA**
Ombudsman Office of Galicia
Rúa do Hórreo 65
15700 Santiago de Compostela

[1] [2] **GENERAL REGISTRY OF THE
COPY GALICIAN REGIONAL GOVERNMENT**
REGISTRY OF THE DISTRICT OFFICE
OF LALIN
PONTEVEDRA
Date 29/05/2017 13:14:50
INCOMING REGISTER NUMBER 5151 /
RX 1397282

COMPLAINT REGARDING ACCESS TO PUBLIC INFORMATION

The entity "O OURIOL DO ANLLÓNS" FRIENDS OF THE FORESTS, registered in the National Registry of Associations with number 612359, Section 1; with email amigoseamigasdosbosques@hotmail.com, and address for notifications at Barrio do Campo 17, Door 3, 2nd floor A, Silleda (Pontevedra), telephone number 686211010, acting on behalf of and in representation Ms. María José Varela Velo, with ID number 47.356.238-C,

EXPOSES

1. On the 20th of April 2017 the "O OURIOL DO ANLLÓNS" FRIENDS OF THE FORESTS ASSOCIATION registered a request dated on the same day in the General Registry of the Galician Regional Government (Registry of the District Office of Lalín), with incoming register number 3853 / RX 1006261, initiating a public information access procedure, requesting that the Deputy Directorate-General of Mineral Resources provides full digital copy of the 1999 "Inventory of Abandoned Old Mining Works", of its 2008 updated version, of the 1999 "Inventory of Underground Abandoned Mining Works of the Provinces of Lugo and Coruña" (1999), of the General Collaboration Agreement between the Regional Ministry of Economy and Industry, the Regional Ministry of the Environment, Territory and Infrastructures and the Galician Association of Excavators signed on the 12th of January 2010, and the 1999 "Study for the Urgent Check and Risk Assessment of the Deposits of Mining Tailings and Mining Waste Tips of the Autonomous Community of Galicia". The request was made under the provisions of *Act 1/2016, of 18th of January, of transparency and good governance, and Act 27/2006 of 18 July, which governs rights regarding access to information, public participation and access to justice in matters concerning the environment (that incorporates Directives 2003/4/EC and 2003/35/EC)*.

2. Article 27.4 of the above mentioned Law 1/2016 establishes that "*The resolution that provides or rejects access must be notified, to the requesting person and the affected third parties that had requested to be notified, as soon as possible, and, at the latest, in the maximum time limit of one month after the request has been received by the competent body that is to resolve the request*". Although this Association has no means to verify the date in which its request registered on 20th

of April 2017 has been received, it is considered that the maximum time limit of a month has already passed and that, therefore, this Association's right to access is being violated, together with the provisions of *Act 1/2016, of the 18th of January, and Act 27/2006, of the 18th of July*, as well as Article 13.d) of *Act 39/2015, of October 1st, on common administrative procedure of public administration*, and Article 12 of *Act 19/2013, of 9th of December, on transparency, access to public information, and good governance*, and the rest of the legal system.

For all these reasons, I hereby

REQUEST

First.- That with this notice, the present complaint to the Commission of Transparency of Galicia is deemed to have been filed against the actions on the part of the Deputy directorate-general for Mineral Resources of the Galician Regional Government.

Second.- That the Deputy directorate-general for Mineral Resources, in compliance with the applicable law, is urged to immediately provide this Association with a copy in digital format of the requested public information.

In Santiago de Compostela, 29th of May of 2017

[3] [4]

MARÍA JOSÉ VARELA VELO
Legal Representative

Translator's notes:

[1] Stamp indicating "COPY".

[2] Sticker that contains the incoming register data of the document with a barcode.

[3] Illegible signature of María José Varela Velo

[4] Seal of "O Ouriol do Anllóns" Friends of the Forests.

IOLANDA MATO CREO,

Official Certified Translator appointed by the Directorate-General of Language Policy, Regional Government of Galicia, with registration number 0121, and professional address in Froxán 4, Lousame 15212 (A Coruña), **HEREBY CERTIFIES** that the preceding text is a true and faithful translation of the original document written in Galician language. A sealed copy of the original document is attached.

In witness thereof, I sign and seal this Certified Translation in Froxán, 16 July 2017.

Seal and Signature



A handwritten signature in black ink, appearing to read "Iolanda Mato Creo".

Á Comisión da Transparencia de Galicia

Valedor do Pobo
Rúa do Hórreo 65
15700 Santiago de Compostela

COPIA

REXISTRO XERAL DA XUNTA DE GALICIA
REXISTRO DÁ OFICINA COMARCAL DE LALÍN
PONTEVEDRA

ENTRADA 5151 / RX 1397282

Date 29/05/2017 13:14:10



QUEIXA EN MATERIA DE ACCESO Á INFORMACIÓN PÚBLICA

A entidade AMIGOS E AMIGAS DOS BOSQUES "O OURIOL DO ANLLÓNS" co número 1º/612359 do Rexistro nacional de asociacións, con email: amigoseamigasdosbosques@hotmail.com, e con domicilio a efectos de notificacións en Barrio do Campo 17, Portal 3, 2ºA, Silleda (Pontevedra), teléfono 686 211010, e no seu nome e representación Dª María José Varela Velo con DNI. N.º 47.356.238-C,

EXPÓN

1. Que en escrito con data 20 de abril de 2017, entregado no mesmo día no Rexistro Xeral da Xunta de Galicia (Rexistro da Oficina Comarcal de Lalín), con número de entrada 3853 / RX 1006261, a ASOCIACIÓN AMIGOS E AMIGAS DOS BOSQUES "O OURIOL DO ANLLÓNS" iniciou un procedemento de solicitude de acceso á información pública, requerindo á Subdirección Xeral de Recursos Minerais copia íntegra en formato dixital do "Inventario de Antigos Labores Mineiros Abandonados" de 1999, da súa actualización de 2008, do "Inventario de labores mineiras abandonadas subterráneas das provincias de Lugo e Coruña" de 1999, do Protocolo xeral de colaboración entre a Consellería de Economía e Industria, a Consellería de Medio Ambiente, Territorio e Infraestruturas e a Asociación de Escavadores de Galicia de 12 de xaneiro de 2010, e do "Estudio para o recoñecemento de urxencia e valoración de riscos das balsas mineiras e escombeiras da Comunidade Autónoma de Galicia" de 1999. A solicitude foi cursada ao abeiro da Lei 1/2016, do 18 de xaneiro, de transparencia e bo goberno, e da Ley 27/2006, de 18 de julio, por la que se regulen los derechos de acceso a la información, de participación pública y de acceso a la justicia en materia de medio ambiente (incorpora las Directivas 2003/4/CE y 2003/35/CE).

2. O art. 27.4 da citada Lei 1/2016, marca que "A resolución en que se conceda ou denegue o acceso deberá notificarse, á persoa solicitante e aos terceiros afectados que así o soliciten, o antes posible e, como más tarde, no prazo máximo dun mes desde a recepción da solicitude polo órgano competente para resolver." Aínda que esta Asociación non ten xeito de verificar a data de recepción da solicitude que entrou en rexistro o dia 20 de abril de 2017, considérase que xa transcorreu o prazo máximo dun mes e que, por tanto, se está vulnerando o dereito de acceso desta Asociación e as disposicións da Lei 1/2016, do 18 de xaneiro, e da Ley 27/2006, de 18 de julio, así como o Art. 13.d) da Lei 39/2015, do Procedemento Administrativo das Administracións Públicas e o Art. 12 da Ley 19/2013, de 9 de diciembre, de transparencia, acceso a la información pública y buen goberno y el resto del Ordenamiento Jurídico.

Por todo o exposto,



16.07.17

SOLICITA

Primeiro.- Que con este escrito se considere presentada a presente queixa ante a Comisión da Transparencia de Galicia contra a actuación por parte da Subdirección Xeral de Recursos Minerais da Xunta de Galicia.

Segundo.- Que se inste á Subdirección Xeral de Recursos Minerais da Xunta de Galicia a entregar de forma inmediata a esta Asociación copia en formato dixital da información pública requerida en cumprimento da lexislación vixente.

En Santiago de Compostela, 29 de maio de 2017,



MARÍA JOSÉ VARELA VELO

Representante Legal



16.07.17