

## Security, transparency and protection of data: the future of a necessary and uncertain balance (Document 147/2009)

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The present document, that turns around three fundamental, essential rights in any democratic society outpost (protection of data, security and transparency), tries to decipher some of the keys that form the tension between the exigencies of citizen security, the necessary implantation of a culture of the transparency and the respect to the right to the protection of data.

Transparency and protection of data are not contradictory either, but, like in the case of the security, it is precise to look for the necessary balance between both rights. The security and the protection of data protect exceptions to the access to the information, that they must be interpreted in agreement with the following principles:

- The access to documents constitutes the legal principle and the refusal possibility is the exception.
- The exceptions must be interpreted and be applied of strict form, “in the light of the principle of the right to the information and the principle of proportionality”.
- The decision on the access to the documents that contain personal data must be from a consideration of the rights and interests in game.
- The exceptions must be specifically predicted in the law.