

THE ROLE OF LIBRARIAN FACING 20.285 TRANSPARENCY ACT IN CHILE

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ABSTRACT

The transparency 20.285 law on access to public information is created so that all government agencies give clear and detailed information to all who need it, obviously under previous rules that protect both the agencies and people, so that they do not become repeat serious failures in the delivery of information.

For it is that it is essential to know as it unfolds, which are functions that must be met and that competencies are which must have the professional in charge of the informational exchange.

In this qualitative research, is an analysis of the librarian, focusing on the study of its role, functions and competencies necessary to carry out of ideal way what the law dictates.

KEYWORDS: LIBRARIAN AND TRANSPARENCY LAW - ACCESS TO PUBLIC INFORMATION - CHILE - JOB SKILLS - ROLE AND FUNCTIONS

INTRODUCTION

1.0 PRECEDENTS OF THE INVESTIGATION

1.1 Formulation of the Problem

The Law No. 20,285 on Access to Public Information was promulgated on 11 August 2008 by the President of the Republic, Michelle Bachelet, and came into force on 20 April 2009.

The purpose of this law is to change the way in which the State is related to citizens, that both are closest, together with improving the requirements around the accountability of public management. Because ultimately the transparency does not step to irregularities or corruption, as recurrent terms in this last time.

Regarded as one of the axes of probity and Transparency agenda, it is important part also of the Agenda for modernization of the State, since its main purpose is to open the information of public agencies to all persons. (Vivanco, Angela 2008)

The legislation regulates the following aspects:

- The principle of transparency in the public service.
- The right of all persons to have access to the information of State agencies.
- The procedures to exercise and protect that right.
- Exceptions to the release of the information.

Particular, the law defines the information that State agencies should be kept at the disposal of the public in their institutional sites, establish forms to request public information and creates the Council for transparency, an autonomous body that oversees compliance with the new regulations.

This law shall apply to ministries, the Intendancies, governorates, regional Governments, municipalities, the armed forces of order and public security agencies and utilities created for the fulfillment of the administrative function.

It will also be applicable to the provisions this Act expressly draw created by law public enterprises and companies of the State and companies in which it has shareholding interest exceeding 50% or more in the directory. According to the Government of Chile, the principle of transparency in the public service consists of respect and prudential advertising acts, resolutions, procedures and documents of the Administration, as well as those of its foundations, and in facilitating the access

of anyone to this information, through ways and means to establish the act together to safeguard the rights and duties of the State and the citizens is forming the Council for transparency.

Per all of the above, the present work aims to respond to a need for information, in this case an investigation that allow to reveal the role and the functions that performs the librarian facing the law of transparency 20.285 using qualitative data.

1.2.0. General objective

Analyze the role of the librarian in the institutions at the transparency law 20.285 on access to public information.

1.2.1. Specific Objective

- Knowledge of the role of the librarian takes place in institutions where the transparency law is present.
- Describe the functions performed by the librarian where governs the law of transparency.
- Define the competencies that should be against the law of transparency 20.285 librarian.

1.2.2. Justification of the research

Transparency is a principle that has been present in the Chilean legislation long before the current law on access to public information.

It is from the times of the formation of the State of Chile recognized the need to ensure compliance with the principle of administrative transparency and the information that generate public organs, function performed since 1927 the General Comptroller of the Republic.

But it is necessary to move forward on this issue and to achieve this the State must update address the needs of citizens, as born in Chile the transparency law 20.285 on access to public information, approved by the National Congress of Chile on 20 August of the year 2008.

1.3.0. Importance of research

Changes and transformations of the vision of the public against public organizations, are directly related to transparency and clarity with which they act, thus the institutions or bodies State to not hide anything, will be the best evaluated by citizenship.

Since it was set up the transparency law, Chile achieved a breakthrough with respect to the communication Estate-population, thus bringing information to all persons.

The importance of this research lies in that will also serve to publicize a new field which develops the information's, which opens thanks to this law, because it will be necessary to have information management specialists, role of the librarian, fully because it is who best known documentary work, managing files and organizational also has the knowledge and skills necessary to perform ideal way what the law requires in terms of information.

This research is valued also because:

- The transparency law offers law to any person to request and receive information of any organ of the administration of the State, contributing to equality, creating an atmosphere of tranquility between citizens and State.
- The right of access to public information is a recurring theme today, and part of regulations and proposals of the State of Chile.
- It will be a contribution to the knowledge on a topic little studied

1.4.0. Delimitation of the study

There is a qualitative research in organizations where governs the law of transparency. This examines the role, functions and competencies that plays the librarian facing the law.

1.5.0. State of the art

To develop this research it is necessary to review the literature that there is or has been written over the last 10 years, in order to make the State of the art, suitable to the theme forming this study. In this way are given to know different points of view with the authors, through a comprehensive literature review that goes from the year 2001 to the year 2011.

It is important to emphasize that all corresponding to the transparency law is relatively current, since it was adopted on 20 August of the year 2008, donning in full force on April 20, 2009.

In Chile, this last time have made great efforts around transparency, among which:

The 19.653 law called "Law of probity" (SIL, 1999) which includes 2 items added to the law 18.575 on Bases General of the administration of the State, which regulates:

- a) The general rule about the publicity of administrative acts;
- b) Establish the forms to request information;
- c) Reveal the grounds for refusal of delivery of documents or records;
- d) Regulate the opposition of third parties that such information be provided, and
- e) Finally, establishes a judicial mechanism of protection in favour of the applicant whose request has not been met.

it is also necessary to highlight the 19.880 Act of 2003, which establishes the bases of administrative procedures of the organs of the State and that complements the 19.653 law, specifically in what refers to publicity and transparency in the processing of administrative acts.

It is necessary to mention that according to BCN (2008) the transparency law 20.285 on access to public information is the result of a series of laws that were complimenting and improving over the years, where the organs of the State provide the informational needs of citizens, in order to deliver the requested public information in a timely manner.

To understand the context it is necessary to know that this law on access to public information, is considered to be one of the pillars of the Agenda of probity and transparency, is an integral part also of the Agenda of modernization of the State, since it has as its main objective information from public bodies open to all persons, promoting a system state nearest creating new spaces for participation and improving accountability of public management demands.

In short, the law defines the information that the agencies of the State must be kept available to the public in their institutional sites, establishes procedures for public information and creates the Council for transparency, an autonomous body that oversees compliance with the new regulations.

According to Guerrero (2008) a Government is transparent when it is placed in a public place or delivers to any person interested, information about its performance and internal procedures, on the management of its human, material and financial resources on the criteria with which makes decisions to spend or save, on the quality of the goods or services offered, on the performance of employees, but especially about the performance of its managers. Also, so need to know certain exceptions e.g. organisms constitutionally autonomous, as the General Comptroller of the Republic, the Central Bank, the public prosecutor's Office, the Constitutional Court and electoral justice, only have the obligation to comply with the provisions of transparency enabled, keeping available to the public in their institutional sites information pointing to them by law. Likewise, these organisms must generate their own internal mechanisms to manage requests for information that people could do them, but are not subject to the control of the Council for transparency.

Finally, it is important to emphasize what said Banisar (2006), and is that the implementation of the law on transparency, on access to public information, delivers a number of benefits for society, such as:

- Raise the level of political debate.
- Generates an investment climate more reliable.
- Improve the decision-making process.
- Eliminates asymmetries of information promoting the competitiveness of all economic actors.
- Generates obvious controls to corruption.
- The accountability covers three ways to prevent and correct the abuses of power:
 - Forced to open to public inspection (dimension information)
 - To explain and justify their acts (dimension argumentative).
 - Subjected appropriate legal sanctions.

All this contributes greatly to improving administrative policies and the social union between the citizens and the Government, placing Chile within the countries with less corruption.

2.0. METHODOLOGICAL APPROACH

This segment refers to the methodology used to conduct this research, so it describes the methodology of qualitative and following techniques: life stories, interview in depth and experience stories. Finally, it is represented and described the design of the research and their respective techniques.

2.1. Qualitative Methodology

This research uses qualitative techniques that allow to explore different perspectives on the issue to investigate and because each one provides the data needed to comply fully with the objectives of the study (Matus, 2006:65).

2.2. The research design

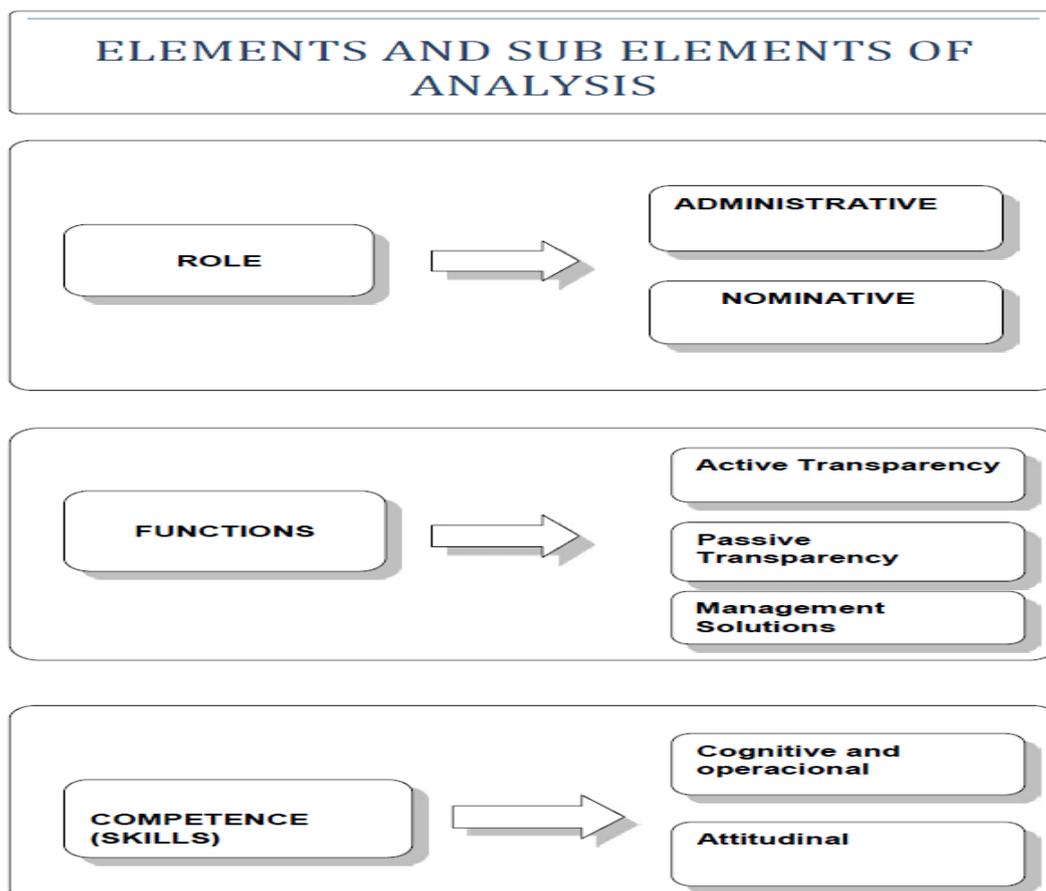
The idea of this research comes from the need for information and the mistrust that exists on public bodies and their operation, people want to find out more about what is done with the funds of all Chileans, and 20.285 transparency Act is created to meet this need for information. The beginning of the problem statement, attempted this to comply with three principles: (Matus, 2006:53).

- Simple
- Fertile
- Attainable

To run the research we selected three qualitative techniques: the history of life, the interview in depth and the stories of experience.

3.0. ANALYSIS OF THE RESULTS

This chapter analyses the results obtained through the application of research techniques used: interview in depth, experience and history of life stories. Martínez (1998:75), States that a descriptive category is "classified, conceptualize, or encoding, using a term or expression that is clear and unequivocal, the content or main idea of each thematic unit"



¹It was created on March 20, 2008 by Decree N° 30 of the Ministry General Secretariat of the Presidency.

²Quoted by Matus (2006:65)

³ Graphic source: own elaboration

Therefore, three elements of analysis, composed by subitems, which allow relating positively, the different topics covered in this research were used. Categories design, described in the following diagram³:

As you can see, these three categories of analysis are made up by different sub-categories, which are intended to give a higher specification and delimitation to each category.

The role playing category is subdivided into 2 sub-categories:

1. Administrative
2. Nominative

For the analysis of functions, determine 3 sub-categories of analysis, which allowed analyzing the tasks associated with the librarian in the institutions where governs the transparency law, in relation to the functions to be performed:

1. Active Transparency
2. Passive Transparency
3. Management Solutions

Finally, for the analysis of competences that requires the librarian in organizations governed by the Act 20.285, 2 subcategories were:

1. Cognitive and operational
2. Attitudinal

To achieve a better understanding of the analysis, acronym will be used to identify the various participants of the research techniques applied

3.1.0. Role

Many different jobs together, filled by people who, with a training and specific skills for each position, play the role assigned to them by the organization can be found at the enterprise.

The role of the Librarian that the law 20.285 is nominative and administrative, rather — in the workplace is designated them a "name" that title within the institution, in this case is "Documentary Adviser" in the area of the transparency law. The role that plays is of great importance, but more importantly are functions jointly carried out, which are very different from the name given by the professional.

3.1.1. Administrative Role

However, other professionals have assumed this role in many ways and they have come to work in institutions where governs the law of transparency for different circumstances and reasons. This study, through applied research techniques confirmed the role of the librarian and in relation to this, one of the participants noted the following:

"We must solve problems of users in terms of law, must serve public and delegate duties to our working group. As the word says we must manage the information we possess, make an order by type of institution and review what each person needs, and deliver the required information, if not personally, should be delegated to someone who does, either the Secretariat or another companion of the Working Group"(PAE1).

Therefore, it is important to note that librarians and archivists, are of great importance at the time of legislating on the Organization, management, retrieval and dissemination of public information, since both the archival and library Guild have the capacity, quality and professional ethics necessary to issue theories, standards, and guidelines on informational and documentary matters necessary to ensure transparency and access to government public information helping to ensure compliance with the law of transparency.

According to the above, the majority of participants highlights who came to work at these institutions with many doubts and little knowledge regarding the role they would play in these institutions, but that soon set the better to what the transparency law determines:

3.1.2 Nominative Role

³Based on three competencies applied by war, et. To the. (2005), for the librarian in the company.

⁴PAE1: Participant account of experience n°1

PAE2: Participant account of experience n°2

PAE3: Participant account of experience n°3

The participants of the experience and the life stories of the librarian accounts agree that the role within organizations is nominative, this means that the role is "the job title" in this case: Adviser responsible for the transparency Act, or documentary being responsible for organize, manage, and archive, (if it is) the information required by users:

"The institution I work (service of health Viña del Mar-Quillota) the role that performance is that of Advisor documentary, this charge was made especially for me, to put in place the transparency law" (PAE2).

3.2.0. Functions

The librarian-information professional, must exercise a critical role; so it is necessary to analyses and reorient its function according to the needs demanded by the consumers of information. The librarian within organizations with transparency 20.285 law, must comply with a series of functions, that make the professional grow and become essential in organizations where she governs.

One of the fundamental functions of the librarian is to make clear the principle of deed, i.e. the need to register in writing each procedure and their acts, unless their nature requires or permits another appropriate form of expression and consistency.

"The entire administrative procedure must be entered in a record, written or electronic, that the documents submitted by interested parties, third parties and other public bodies, with expression of the date and time of receipt, respecting his order shall be recorded" (IP).

3.2.1 Active Transparency

Active transparency is the obligation of the bodies and departments of the Central Administration of the State keep posted and permanent disposal of its relevant information so that citizens can know what you are doing, participate in public affairs, and control how the authorities behave.

This principle includes information that agencies are required to post their electronic sites:

- a) Acts and documents published in the Official Journal since 20/4/2009.
- b) Powers, responsibilities, functions, powers and the applicable regulatory framework (laws, regulations, instructions, circulars, decrees and resolutions). Organic standards of service, arranged hierarchically.
- c) Organizational structure: powers, functions and responsibilities of each unit: organization chart.
- d) Staff, contract which play by virtue of a contract of employment, and contracted individuals fees, with the corresponding remuneration ⁵

In terms of functions to perform the librarian working around the transparency Act and in this case as regards the active transparency are the following:

- a) The information must be updated monthly, within the first ten working days of each month.
- b) Should upload the full information.
- a) The information must have an easy mode and access.
- b) Use an exclusive banner: "Active transparency"
- c) Review and manage user's forms.
- d) Use specialized software, to find the requested information.

"I have to fulfill my duties and be prepared if the Council of transparency sent an inspector, otherwise I have to pay the fine coming out of my own salary" (PAE3).

The Council ⁶ is an autonomous body which aims to promote the transparency of the public function, overseeing compliance with the rules on transparency and publicity of the organs of the administration of the State information and guarantee the right of access to information.

"As Attorney of the Board of transparency should get to know all the laws, regulation of infringements and sanctions, reviewing documents, requests for reservation and claims of institutions or users alike, in addition to serving public requiring legal information of staff form" (HL).

⁵Law N°. 20.285, Transparency in the public service and access to the information of the administration of the State. Daily official 08/20/2008.

⁶Agency created to safeguard everything relating to the Law of Transparency 20.285

3.2.2 Passive Transparency

It corresponds to the right of each person to request and receive information from the institutions of the State, without the need to say why or for what are asking for it. A participant mentioned that

"I give you an example, any citizen can ask a public sharing about acts, resolutions, contracts, agreements, studies, records, and other types of documents or works which have been carried out with public budget" (PAE2).

The responsibilities of the people involved in the applications procedure for management of information (MIS) of the institution are⁷:

Lawyer or legal adviser/a:

It is in the claims management system (SMS) responsible for profile. With respect to the request for information received, made the pronouncement by a decision of admissibility, allocation, referral and if affect third parties. It is also, in the final stage of the procedure of management applications, to endorse delivery of response.

3.2.3 Solutions Management

Functions in terms of solutions management refers to help clarify any doubts that may have people requesting information by any means, whether by forms via the internet or talking with the users of the services personally.

"There are always people that they need our help, are almost always older people, who does not have much closeness with technology and require step by step explanations." (PAE1).

Authority must respond to all requests within a period of 20 working days, either delivering the requested information or refusing to do so, pointing out the legal grounds invoked. The term can only be extended once for another 10 working days when it is difficult to gather the information.

3.3.0. Competences (Skills)

The competence is the ability to successfully answer a complex demand or carry out an activity or task, according to performance criteria defined by the company or production sector ⁹ Through this research found different types of competencies for a competent job performance, the professional uses a combination of the following types of skills, applied to problems and situations of their work:

- Basic skills:

They are those that develop mainly in initial education and which include the knowledge and skills that enable progress in the educational cycle and integrate into society. Traditionally include basic skills the skills in the areas of language and communication, numerical application, solution of problems, interaction with others and growing management of information technologies.

- Competencies behavioural:

They are those skills and behaviors that explain performance highlights in the world of work or higher and which generally verbalize in terms of attributes or personality traits, as it is the case of achievement orientation, pro activity, the thoroughness, flexibility, innovation, etc.

- Functional competencies:

Often referred to as technical skills, they are those required to perform the activities that make up a work function, according to the standards and quality established by the company and/or by the productive sector.

3.3.1 Cognitive and Operational

Cognitive skills ¹⁰ refer to the theoretical knowledge that a librarian should possess to perform efficiently in place of work, including both general knowledge and knowledge of the library area. General knowledge, include meet and learn the current context of the transparency law in Chile, demands for information from people, who should be given the information and that documents can be delivered and to institutions or persons requiring them know.

It is important also for the professional mastery of technology, have high knowledge of software, technical knowledge of computers and internet.

1.3.2. Attitudinal Competencies

⁷Procedure transparency manual active 2009

MIS: Management of information solutions

SMS: System Management Solutions

⁸Summary of the law 20.285 on access to public information and its regulations, 2009.

⁹Definition of labour competency of "Theory and History" UTFSM, 2010

The Attitudinal competencies ¹¹ refer to the values and attitudes that possesses the librarian facing the labour and individual environment that surrounds it, is linked to the personal behavior of this professional, especially, reveals itself to confront conflicts in the place of work, but without forgetting that they are critical at all times to maintain coexistence within the institution, with the labor community.

According to the above, it can be inferred that the librarian should possess communication skills to be able to relate, in an optimal manner, its users. This implies some intrinsic qualities of every human being. Therefore, you must have a good management of oral and written expression, correct use of speech and chord vocabulary. You should know listening and understanding users and their requirements of information, acting with prudence, patience and will.

Closely related to these competences, the pro activity is ¹² and at work defines the person assertive driving goals and timely, safe, and personal challenges in their decisions, creative, optimistic in their approaches, able to overcome fears to create change, anticipate problems to provide solutions.

4.0. CONCLUSIONS AND SUGGESTIONS

This chapter corresponds to the last part of the research and it presents the conclusions drawn from the analysis of the results. Finally outlines some suggestions that are intended to contribute to the problem raised in the study.

4.1 Conclusions

On the analysis of the information gathered about the role, functions and powers of the librarian to the transparency law 20.285 on access to public information, the conclusions of this chapter are exposed. There is no doubt that free access to public information is a major issue on the agenda of most Governments in the world, even among Nations and societies more divergent, there is consensus that the freedom of information in public affairs is the key to remove the bad social habits such as bribes and corruption.

20.285 Transparency Act is a very important accomplishment, because everyone has the right to request and receive information of any organ of the State administration, in the form and conditions established by law. Access to information includes the right to access the information contained in acts, resolutions, minutes, records, contracts and agreements, as well as all information produced with public budget, any format or medium in which is contained, being very important to the way in which the librarian is related to the Act, whether delivering information to who needs it or ordering and keeping up-to-date documents from a public institution that requires transparent your information.

With the conviction that law 20.285 in conjunction with the Council for transparency, an autonomous body that oversees compliance with the new regulations, have been a great contribution to Chile as to improve social trust of the institutions and organizations of the public sector, all of this has been given because they have encouraged citizen participation, through advertising in radio, television and internet sites which allows to promote the functions of law, so that it serves, that kind of information can be or not ask, that work complies with the Council for transparency, under what circumstances you can resort to them, everything you need to know explained in clear and simple way.

The Government of Chile enacted the law on transparency of the public function and access to the information of the organs of the administration of the State. This new legislation allowed reducing significantly existing secret areas so far in the management of public administration. In fact, law requires all government agencies deliver information that any citizen you want to request, within a maximum of twenty days with what finally is putting into practice the principle established in the Constitution that "are public acts and resolutions of the organs of the State, as well as its foundations and the procedures used.

This study allowed checking in addition, that in places where it governs the transparency law, the librarian has managed to position itself in excellent shape. On the other hand, staff who serves in the aforementioned places, occupies that position of work determined by the needs of transparency of institutions at the time manage, review and provide the information required by the people. An example of this is that institutions that need to ensure transparent information made labor call specifically for the post of librarian.

It is important to emphasize that the role of the librarian in terms of transparency law there are two, the Advisory documentary and/or Manager of the law on transparency, the role in this case refers specifically to the name of the office with the librarian in the institutions where the law applies.

This study has revealed that the librarians within the institutions with active and passive transparency made a series of functions that correspond to the tasks of the public institutions that are inserted must therefore possess the necessary skills to fulfil the functions of active, passive transparency and the annexed to these. The above, implies that the staff that they have these institutions, many times, must comply with several obligations within them, as well as their own as documentary Adviser, as e.g. attend public, translate queries, explain questions and photocopy forms.

Most public institutions have knowledge about the competencies and capabilities of the librarian; consequently always require the services of this, because they are aware that there is no more appropriate professional for document management, search and delivery of information to the librarian. Therefore, it should be noted that the professional of the information meets a

¹⁰Adj. Relating to knowledge. RAE, twenty-second edition

¹¹Adj. belonging or relating to attitude (provision of mood). Attitudinal traits. RAE, twenty-third edition.

¹²The term was appointed by Stephen Covey in his work: the seven habits of highly effective people. Barcelona, Paidós Plural. 1989

prominent role within public institutions, knowledge and information management of those who are studying the career of librarianship.

Reveals itself, through this research, management and advisory information in terms of the transparency law, must be carried out by a librarian who has assimilated all the knowledge learned in his years of study, primarily claiming relationship with the Administration and management of technical processes, information, information sources, references-documentary analysis, Marketing, and human relations. As anyone who works where it governs the law of transparency, you must know and understand completely law 20.285, along with the needs of all persons who require information.

You must have the design and the basic conviction that the information needs of persons is a fundamental part of the transparency and probity in Chile, conceiving the free access to information as a primary source between the institution and the public which allows you to take an active role in today's society, for this must have a knowledge in particular file management and search of information that support the curriculum.

Finally, the librarian must have a great spirit of service and with a total mastery of technology, have high knowledge of software, technical knowledge of computer and internet, all these skills help the librarian to establish itself in the path of the law on transparency 20.285.

4.2 Suggestion

Then come some suggestions aimed at further improving work in institutions where governs the law of transparency.

- Hire a librarian as documentary or charge of the transparency law Advisor.
- Consider the powers referred to in this study, at the time of hire and evaluate staff.
- Providing more information on the law on transparency.

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