



# **REGULATION on the organization and functioning of the institution of the Ararteko**

**aRarteko**

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# **REGULATION on the organization and functioning of the institution of the Ararteko\***

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In order to develop the second additional provision of Act 3/1985 of 27 February establishing regulating the institution of the Ararteko, the Ararteko approved the Regulation on its organization and functioning, published in the Official Gazette of the Basque Country on 4 July 1997.

Over the time elapsed since that Regulation came into force, the institution has become firmly established, has opened up new areas of work, and has increased its size in parallel to the increase in services it provides Basque

society. Furthermore, its structure must be suited to the requirements of the most modern and efficient institution possible that purports to work based on the standard of providing the best possible quality of public service.

Consequently, the need has been observed to pass a new regulation to update the regulation currently in force. The Ararteko has therefore decided to approve the Regulation on the organization and functioning of the institution of the Ararteko, and has ordered its publication in the Official Gazette of the Basque Country.

# Chapter I

## General provisions

### ■ Article 1. Purpose

The present regulation aims to regulate the organization and functioning of the institution of the Ararteko to perform its legally attributed functions.

### ■ Article 2. Nature and functions of the Ararteko

1. The person occupying the position of Ararteko directs the institution or Office of the Ararteko and is the Basque Parliament's High Commissioner, appointed to defend the rights under Title I of the Constitution and safeguard them as provided by law, ensuring compliance with the principles of democratic order set forth in article 9 of the Basque Country's Statute of Autonomy.
2. In order to fulfil this mission or purpose, the Ararteko is attributed with the functions entrusted though article 9 of the Basque Country's Statute of Autonomy and Act 3/1985 of 27 February establishing and regulating the institution of the Ararteko.
3. The Ararteko's essential function is to safeguard the rights of persons in the Autonomous Community of the Basque Country in the face of abuses of authority and/or power, irregularities, negligence, and, in general, improper action on the part of the Basque public administration, as provided for in the legal system by interpreting the provisions in the most favourable way possible for exercising and safeguarding these rights.
4. Furthermore, the institution of the Ararteko shall evaluate public policy so that it properly fulfils the values, principles and objectives of democratic and social rule of law and attends to the actual situations and needs of the individuals in Basque society and safeguards non-discrimination and real, effective equality for them all.
5. The Office of the Ararteko shall also promote and defend human rights and their underlying values as well as a culture of respect for these rights.
6. In exercising the functions attributed to it, the Ararteko shall oversee the Basque public administration's action and policies and report on its activities to the Basque Parliament.

### ■ Article 3. Statute

1. The election of the persons for the position of Ararteko and Deputy Ararteko shall be carried out as provided for in Act 3/1985 of 27 February establishing and regulating the institution of the Ararteko.
2. In exercising his or her position, the Ararteko shall enjoy the inviolability and immunity set forth in article 26.6 of the Basque Country Statute of Autonomy for members of Basque Parliament as provided for by Act 26/1985 of 6 November in addition to all of the other safeguards set forth in the said Act.
3. The Ararteko shall not be subject to any imperative mandate in exercising his or her functions.
4. The previously mentioned rules shall also apply to the Deputy Ararteko in exercising his or her functions.

5. The Ararteko is solely accountable to the Basque Parliament for his or her work and the Deputy Ararteko is accountable to the Ararteko for his or her work.
6. The Basque Parliament shall issue an official document to provide accreditation for the persons in the positions of Ararteko and Deputy Ararteko.
7. At the beginning and at the end of their mandates, the persons holding the positions of Ararteko and Deputy Ararteko shall declare their equity.

### ■ Article 4. The main office

1. The main office of the institution is in Vitoria-Gasteiz.
2. In addition, there are two territorial offices in Bilbao and Donostia-San Sebastian whose main function is to inform and attend to citizens and facilitate their lodging complaints or filing other documents.

## Chapter II

# Organization

### ■ SECTION ONE.

#### On the bodies of the Ararteko

#### ■ Article 5. Bodies

1. In order to fulfil its mission, the Ararteko is structured with the following bodies:
  - a) Ararteko
  - b) Deputy Ararteko
2. In exercising his or her functions, the Ararteko shall be assisted by a Coordination Board.
3. Furthermore, the Ararteko may establish commissions or boards to cover any sectors deemed necessary to perform his or her duties.

### ■ SECTION TWO.

#### On the Ararteko

#### ■ Article 6. Purview

1. In addition to the basic purview established in the Act regulating the institution of the Ararteko, the Ararteko has the following purview:
  - a) represent the institution
  - b) appoint or dismiss the Aeputy Ararteko after obtaining agreement from the Basque Parliament's Human Rights and Citizens' Requests Committee.
  - c) maintain a direct relationship with the Basque Parliament through its Speaker.
  - d) maintain a direct relationship with the Lehendakari (President) and other members of the Basque Government as well as with the Speakers of the General Assemblies of the three Historical Territories and with the mayors of the three provincial capitals.
  - e) maintain a direct relationship with the President of the High Court of Justice and the High Public Prosecution of the Autonomous Region.
  - f) maintain a direct relationship with the persons holding the positions of Ombudsperson in Spain and in its Regions.
  - g) call and set the agenda for meetings of the Coordination Board and preside over its deliberations
  - h) oversee the functioning of the institution

- i) establish the staff and the organizational chart within the framework of the available budget
  - j) proceed to appoint and dismiss the institution's temporary staff
  - k) exercise disciplinary powers
  - l) approve the draft budget and order it to be sent to the Basque Parliament; establish guidelines for budgetary implementation and present the annual budget settlement
  - m) direct and oversee the internal functioning and approve the instructions needed to best organize services
  - n) make ex officio decisions on action and extraordinary or feature reports to be published which may be commissioned on a case by case basis to those deemed appropriate given the subject matter involved.
  - o) present the annual report and any other extraordinary reports before the Basque Parliament.
  - p) conclude agreements or specific cooperation or internship agreements with public or private organizations.
  - q) disseminate the institution's work, functions and reports and engage in any initiatives that enhance this dissemination.
  - r) any other functions set forth in this regulation as well as those that are not expressly attributed to any other body,
2. The person directing the institution of the Ararteko shall be assisted by several advisors who may direct or coordinate given departments or areas and shall freely appoint and dismiss them and determine their functions.

Furthermore, the Ararteko shall be able to establish a press and information bureau as well as any other body he or she deems necessary for performing his or her functions.

### ■ SECTION THREE. On the deputy Ararteko

#### ■ Article 7. Appointment, dismissal and responsibilities

1. As provided for in article 8 of the Act regulating the institution of the Ararteko, it is incumbent on the Ararteko to appoint and dismiss the Depute Ararteko.
2. The Deputy Ararteko shall take office before the Speaker of the Basque Parliament and the Ararteko and take oath to faithfully perform his or her functions.

#### ■ Article 8. Purview

The Deputy Ararteko shall have the following functions:

1. Assist the Ararteko
  - a) Upon delegation by the Ararteko, exercise his or her functions when there is a vacancy, temporary leave or physical inability.
  - b) Work with the Ararteko in relations with the Basque Parliament both on the presentation of the annual and extraordinary reports and on appearances before the Human Rights and Citizens' Requests Committee in presenting these reports.
2. Assist the Ararteko in the institution's tasks in the terms set forth in the Regulating Act and the criteria established therein. The Ararteko shall be able to delegate in the Deputy to perform certain tasks of his or hers as prescribed by law.
3. Intervene in processing the lodging of complaints regarding relations with City and Town councils, with the exception of the provincial capitals, in formalizing the closing of cases, and in any other functions assigned to him or her by the Ararteko.
4. Perform the functions stipulated in the internal regime and the assigned coordination of the Ararteko's areas and commis-



sions and, where applicable, delegated to him or her by the Ararteko.

5. Formulate proposals to the Ararteko in order to open investigations or perform research on the functioning of the public administration or the improvement of the quality of services provided by the Ararteko.

## ■ Article 9. Statute

What is provided for in the articles of Act 3/1985 of 27 February establishing and regulating the institution of the Ararteko regarding election, prerogatives and incompatibilities shall apply to the Deputy.

## ■ SECTION FOUR. On the coordination board

### ■ Article 10. Nature and composition

1. The Coordination Board shall be the consultation and advisory body for the Ararteko in the institution's internal functioning.
2. It shall be presided over by the Ararteko. The Deputy Ararteko, the Secretary General, the Director of Social Relations, Studies and Modernization, Director of the Children and Youth Rights Department, Director of Budgetary Management, Finance and Administration, Director of the Cabinet and Director of Communications shall be members.
3. Neither the number of women or of men shall be lower than 40% of the Board of Coordination overall.

### ■ Article 11. Functioning

1. The Coordination Board shall meet whenever the Ararteko deems necessary.
2. The agenda shall be set by the Ararteko.
3. The secretary general shall act as secretary of the Board and shall take the minutes of the meetings and reflect decisions.
4. For information purposes, when duly called, the persons in the institution that the

Ararteko determines shall attend the meetings.

## ■ Article 12. Functions

The Coordination Board shall have the following functions:

1. Establish the annual plan, the implementation and gestation of the action it contains, i.e. reports, forums, scholarships, inspection visits and so forth, in addition to the institution's strategic issues.
2. Advise on institutional relationships, monitor the institution and its work, and analyse issues of particular significance or interest.
3. Foster the modernization and on-going improvement of the Ararteko.
4. Provide advice on actions taken ex officio or to foster enhancement.
5. Evaluate initiatives to participate in different forums, in meetings to coordinate between ombudspersons and bi-lateral meetings with ombudspersons.
6. Obtain knowledge and deliberate on:
  - a) the annual report: content, methodology and procedure for drafting, formatting and layout of the report, its presentation before the media and the public, etc.
  - b) extraordinary reports: in addition to the abovementioned issues for the annual report, determine subjects for reports and appoint the person/s to be responsible for coordinating and monitoring the report.
  - c) proposals for cooperation agreements
7. Research grants: establish the objectives for grants, determine the composition of the evaluating panel, and appoint the person/s to be responsible for coordinating and monitoring the research.
8. Be informed of and inform about the organization and planning of activities needed to raise awareness about the institution.

9. Be informed of and inform about the approval of the draft budget of the Ararteko as well as everything relating to the budget settlement.
10. Deliberate on the proposals for works, services and supplies, and the awarding of contracts without prejudice to the competences of the Procurement Board as provided for in the Ararteko Regulation.
11. Inform and provide consultancy on the draft reform of the present Regulation.
12. Provide consultancy to the Ararteko on any and all issues he or she deems opportune to put to its consultation.

## ■ SECTION FIVE.

### On the committees and sectorial councils

#### ■ Article 13. Delegated Committee

The Board may establish Delegated Committees to better perform the institution's work. Their composition, functions and functioning shall at all times be determined by the present Regulation.

#### ■ Article 14. Working Committees

Working Committees may also be established. Likewise, their composition, functions and functioning shall be determined by internal rules.

#### ■ Article 15. Sectorial Councils. Council for Childhood and Youth

Sectorial Boards may be established with the participation of social organizations, experts or persons interested. In any event, the Council for Childhood and Youth shall be established with the participation of persons under the age of 18.

#### ■ Article 16. Compensation for members of Sectorial Councils

Those designated by the Ararteko to be on Sectorial Councils shall receive compensation for their travel expenses and per diems. The amount shall be set in the rules on compensation for service applicable to staff serving the Basque Parliament.

## Chapter III

# Organization

### ■ SECTION ONE.

#### Administrative bodies

#### ■ Article 17. Structure

The following administrative bodies shall be established in the institution of the Ararteko in order to best fulfil its mission:

1. General Secretariat
2. Directorate for Social Relations, Research and Modernization
3. Children and Youth Rights Department
4. Directorate for Budgetary and Financial Management and Administration

#### ■ Article 18. General issues regarding structure

1. Appointments and dismissals for persons in charge of these bodies, who shall be temporary staff, shall be made freely by the Ararteko and in any event shall leave their positions as provided for in article 40 of the law establishing and regulating the institution of the Ararteko.

2. There shall be no hierarchical relationship between the different bodies and they shall all fall under the Ararteko. The internal functioning of the institution of the Ararteko shall conform to a horizontal organizational and functioning system in which collaboration, cooperation, teamwork and responsibility shall prevail.
3. The persons occupying the positions of secretary general and director of social relations shall coordinate the tasks of the advisors involved with their assigned functions.
4. The persons occupying the positions of secretary general and directors shall perform the functions and institutional relations as determined by the Ararteko through internal decisions in compliance with the present regulation.

#### ■ Article 19. General Secretariat

The General Secretariat, under the direction of the secretary general, shall provide at least the following functions for the institution of the Ararteko:

1. Direct the management of complaints and consultations and foster their processing.
2. Manage the human resources in the institution of the Ararteko in those functions specifically attributed to it.
3. Management of procurement, the legal regime for contracts, and presiding over the Procurement Board
4. Direction of the General Registry
5. Area coordination under the terms this task is assigned
6. Direction of the territorial offices for citizens' information

#### ■ **Article 20. Directorate for Social Relations, Research and Modernization**

The Directorate for Social Relations, Research and Modernization, under the Ararteko's supervision, shall perform at least the following functions:

1. Coordination of relations with social organizations
2. Coordination of areas under the assigned terms, and direction and driving of annual action plans
3. Coordination of reports and research assigned by the Ararteko
4. Direction of services delegated to it.
5. Direction of modernization and quality, driving and implanting action for innovation and on-going improvement of the institution of the Ararteko both internally and vis-à-vis citizens.

#### ■ **Article 21. Children and Youth Rights Department**

The Director of this department, under the supervision of the Ararteko, shall manage all of the institution's policies relating to minors, children and youth, basically ensuring:

1. Handling complaints and consultations regarding minors

2. Management of the Childhood and Youth Board
3. Collaboration with associations, institutions and platforms working on childhood
4. Dissemination of children's rights including children and adolescents
5. Coordination of reports and research on minors

#### ■ **Article 22. Directorate of Budgetary and Financial Management and Administration**

The Directorate of Budgetary and Financial Management and Administration shall perform at least the following functions:

1. Budgetary and financial management, including the preparation of the preliminary draft budget, budget accounting and settlement, and tasks involving accounting and cash.
2. Management and organisation of the institution's civil servants in the assigned areas.
3. Management of the administration of the assigned procurement and services areas.
4. Management of the necessary maintenance tasks in the offices and facilities of the institution of the Ararteko.

### ■ **SECTION TWO.** **Bodies directly supporting the Ararteko**

#### ■ **Article 23. Members**

To effectively perform his or her functions, the Ararteko shall have a direct support team made up of:

1. A Cabinet Director
2. A Communications Director

#### ■ **Article 24. Cabinet directorate**

The cabinet directorate shall provide support to the Ararteko and perform at least the following:

1. Assist the Ararteko in public speeches, events, meetings and so forth and performing protocol functions.
2. Relations that the Ararteko has with institutions, administrations and social organizations
3. Relations that the Ararteko has with his or her counterpart Ombudspersons as well as the organizations, instances and forums involved in coordination or interaction with them and with other counterpart institutions.

### ■ **Article 25. Communications directorate**

The Directorate of Communications shall lend support to the Ararteko at least in the following areas:

1. Management of media information
2. Management of the institution's internal information
3. Relations with the media and with the communications offices or directorates of institutions, administrations or social organizations.

### ■ **SECTION THREE. On advisors**

#### ■ **Article 26. Advisors and Coordinating and Area Advisors**

1. In addition to the advisors occupying the previously defined structure and support positions, the institution of the Ararteko, under the direct supervision of the Ararteko, shall have a team of advisors.
2. Two types of advisors shall be established according to their responsibilities: coordi-

nating advisors and area advisors. They shall examine and process the matters assigned to them, as determined by the Ararteko. The coordinating advisors shall be responsible for the areas of the institution of the Ararteko as assigned by the Ararteko, and area advisors shall be assigned to areas that the Ararteko designates.

3. In addition, the three citizens' offices shall be headed by office heads who shall have the same status as the area advisors and provide attention to any persons who so request, provide information on the Ararteko's purview and provide orientation on how to lodge complaints or make suggestions before the institution.

### ■ **SECTION FOUR. On the Ararteko's secretariats and services**

#### ■ **Article 27. Secretaries or personal secretaries**

Both the Ararteko and the Deputy Ararteko shall have a personal secretary. The positions of secretary general and the directorate head may also have support staff.

#### ■ **Article 28. Ararteko services**

The institution of the Ararteko shall have at least the following services for the effective performing of its assigned functions: Documentation, Research and Library Service, Information Systems Service, Translation and Proofreading Service, Administrative Advisor Support Team Service, Accounting Service, Budgetary, Financial Management and Staff Service, Usher Service and Driver Service.

## Chapter IV

# On the institution's staff

### ■ Article 29. Composition

As provided for in the Act, the Ararteko's staff shall include temporary personnel of confidence, advisors freely appointed by the Ararteko, and by Basque Parliament staff seconded as per instructions by the Ararteko.

### ■ Article 30. Temporary Personnel

1. The Ararteko service personnel occupying job positions considered to be of confidence and special advisors shall have the same regime established for members of the Basque Parliament as provided for in the Basque Parliament's Parliamentary Administration Staff and Legal Regime, and shall be subject to the rights, obligations, incompatibility regime and responsibilities provided therein.
2. Persons working in temporary positions of confidence shall perform their tasks with absolute independence and impartiality and according to the criteria established by the Ararteko.

3. The Ararteko shall perform the selection of the temporary personnel serving the Ararteko freely according to principles of merit and capabilities.
4. When personnel from other public administrations join the services of the Ararteko, they shall have the status set forth in article 39 of the Act establishing and regulating the institution of the Ararteko and in article 62.1 I) of Act 6/89 on the Basque Public Function.

### ■ Article 31. Basque Parliament Staff

1. The remaining personnel in the institution of the Ararteko shall be Basque Parliament Staff seconded to the Ararteko. The rights and duties, incompatibility regime and responsibilities, as well as conditions governing remuneration in the respective bodies as set forth in the Parliamentary Administration Statute on Personnel the Legal Regime and shall apply to them.
2. The Basque Parliament Staff shall perform tasks according to the list of job positions.

### ■ Article 32. On the disciplinary regime for Basque Parliament Staff

1. Basque Parliament Staff seconded to the institution of the Ararteko shall be sanctioned as provided for in the disciplinary regime in the Parliamentary Administration Statute on Personnel the Legal Regime according to the Basque Public Function Act and as provided for in the said Statute.
2. The functions entrusted to the top legal expert and the Bureau of the Parliament shall be performed by the General Secretary and the Ararteko, respectively.
3. Should the corresponding disciplinary sanction be separation from service, the sanction shall only be able to be imposed by the Bureau of the Basque Parliament, or, when applicable, by the parliamentary body declared competent by the Parliamentary Administration Statute on Personnel the Legal Regime.
4. Decisions adopted within the disciplinary regime, of which the following shall be appealable:
  - a) those made by the Secretary General before the Ararteko
  - b) those made by the Ararteko before that same body
5. The appeal shall be lodged within a maximum of one month as of the day following the notification of the decision.
6. An administrative appeal may be lodged against decisions made by the Ararteko to settle disciplinary claims according to legislation in that jurisdiction.

7. Additionally, on areas regulated by this article, the Administrative Procedure Act shall also apply.

### ■ Article 33. Obligations of the staff of the institution of the Ararteko

1. All persons assigned to serve the Ararteko shall be subject to the obligation of maintaining strict reservations on the issues processed by the institution. Failure to comply with this obligation shall be sanctioned according to the provisions in this regulation as well as any other legislation applying to the job position in question.
2. The Ararteko staff as a whole shall perform work, loyally to the institution's objectives and functions, independently and with impartiality as well as with due diligence and principles of proper administration in their dealings with the persons to whom they are providing a service.
3. The Ararteko staff shall actively participate in all of the actions carried out by the institution to bring about on-going improvement and modernization of the services provided to Basque citizenry.

### ■ Article 34. Accreditation

The Ararteko shall extend to all of the staff of the institution of the Ararteko a personal, non-transferable document accrediting them as Ararteko staff to be able to appear before any body or civil servant of the public administration for the purposes set forth in Act 3/1985 of 27 February.

## Chapter V

# On the functioning of the Ararteko

### ■ Article 35. Operating Regime

1. The functioning of the Ararteko in performing his or her duties, shall align with what is set forth in Act 3/1985 of 27 February, to the provisions in this Regulation, and to the decisions or instruments handed down by the Ararteko in performing his or her duties.
2. The lodging of a complaint before the Ararteko and its subsequent admission when applicable shall in no event suspend the deadlines set forth in the legislation to appeal, both administratively or through the judiciary, or the execution of the decision or other document affected. Citizens must be notified of this at all times when filing a complaint.
3. The authentications of Ararteko documents shall occur by the signature of the Ararteko him or herself or the person in who he or she delegates, and shall be accompanied by the institution's seal and logo.

### ■ Article 36. Official Languages

1. The Ararteko's notifications and communications addressed to citizens shall be written in the co-official language of that citizen's choice.
2. The Ararteko's notifications and communications addressed to institutions and administrations whose main offices are in the Basque country shall be written in both of the co-official languages.
3. In the Ararteko's offices for tending to the public and in its oral communications, the public's right to use any of the two official languages shall be safeguarded.

### ■ Article 37. Regime for action

1. The Ararteko's actions shall be carried out according to the principles of concision, simplification, taken with informal, expeditious means and without pre-established procedures written into rules, with the exception of what is provided for in the Regulating legislation.



2. The Ararteko shall register and acknowledge receipt of all of the complaints presented, and shall be able to either admit them or not, in which case it must notify the person interested in writing explaining the grounds on which it was not admitted and providing information on how to avail oneself of one's rights. In all cases, a document attesting to having presented the complaint shall be provided.
3. The Ararteko shall also take an interest, when applicable, in correcting the formulation of the complaint or the presentation of additional documentation whenever it deems necessary. Should the individual filing the complaint not respond to the requirement, the complaint shall lapse.
4. Admitting or rejection thereof and investigation and resolution of complaints shall be done as provided by legislation and will fully independent criteria.
5. Processing of ex-officio action shall be substantially identical to that of complaints presented by a party, without prejudice of the specific aspects of each type of action.
6. The opening of ex-officio action shall not be subject to any preclusive deadline.
7. Requests for information addressed to public authorities shall clearly and succinctly express the details to which a reply is to be provided.
8. As provided for in the Act regulating the Ararteko, the heads of the institution's bodies and its accredited staff shall be able to take any action they deem necessary before the authorities and civil servants to clarify the matters under investigation.

### ■ Article 38. Access to administrative files

The Ararteko's single person bodies and service staff shall access public administration files and documents for the purpose of investigating and obtaining copies and certificates of these documents.

### ■ Article 39. Reserved documents

1. Only the Ararteko and, when applicable, the Deputy shall have knowledge of the contents of documents officially classified as secret or 'reserved'.
2. These documents shall be duly guarded under the direct responsibility of the Ararteko.
3. The Ararteko shall make the appropriate provisions to maintain the 'reserved' classification of the internal documents.
4. In the written responses to the person presenting the complaint or request for information from the institution, the Ararteko shall assess the reasonableness and proportionality of making reference to reserved documents in the institution's reports and decisions.

### ■ Article 40. Registry and archive

1. The Secretary General shall be responsible for a General Registry section where entry of all documents in writing addressed to the Ararteko shall be registered as having entered and all documents issued as having exited.
2. In addition, there shall be a section of the Archive where all of the institution's documents shall be guarded and measures shall be adopted to protect them and protect the personal data.

## Chapter VI

### Financial regime

#### ■ Article 41. Budget of the Ararteko

1. The budget of the institution of the Ararteko shall be integrated as an independent section of the Basque Parliament budget.
2. The structure of the Ararteko's budget shall adhere to that of the Basque Parliament.
3. Approval of the Ararteko budget shall be incumbent on the Ararteko after hearing considerations of the Coordination Board and it shall undergo the process provided for in the rules regulating the Basque Parliament draft budget.
4. It is incumbent on the Ararteko to approve the settlement of the budget after hearing considerations of the Coordination Board and having sent the budget to Basque Parliament.

#### ■ Article 42. Authorization of expenses, transfers of credits and inclusion of carryover

1. It shall be incumbent on the Ararteko, either directly or in the person in whom he

or she delegates, to authorize and make expenditures, recognise obligations, authorise budgetary documents reflecting income and expenses, and order payments.

2. For the transfer of credits from one budgetary chapter and heading to another, the rules in place for the Basque Parliament shall be applied.
3. The institution of the Ararteko shall be able to include any carryover from previous budgets in the budget of the following financial year.
4. The Ararteko shall be able to delegate his or her competences in authorizing expenses and ordering payments in the Deputy.

#### ■ Article 43. Accounting and comptrollership

The accounting and comptrollership regime to be applied in the institution of the Ararteko shall be the that in force in the Basque Parliament.

## Chapter VII

### On procurement

#### ■ Article 44. Procurement Regime

The general regime for contracting and acquiring goods and services needed for the Ararteko to perform its functions shall be set forth in Act 30/2007 of 30 October on Public Sector Procurement.

#### ■ Article 45. Procurement Board

1. There shall be a procurement board in the Ararteko to perform the functions to help award contracts as provided for in the regulations.
2. The following members shall belong to the procurement board:
  - a) a chair, exercising as a general secretary
  - b) automatic members, who occupy positions in the Directorate of Budgetary and Financial Management and Administration and the Directorate of Social Relations, Studies and Modernization.
  - c) two members appointed by the Ararteko
  - d) a voting secretary-member appointed by the Ararteko among the institution's legal advisors. This person shall provide legal counsel to the secretary of the Board.
  - e) when contracting computer goods and services, an additional member shall sit on the Board appointed by the Ararteko, according to his or her special knowledge of the material.
3. Through a grounded decision, as a contracting body, the Ararteko shall be able to differ from the recommendation made by the Board.
4. Before formulating its proposal, the Procurement Board may request any and all technical reports it deems necessary related to the contract.
5. The person acting as the secretary of the Procurement Board shall be in charge of monitoring the proceedings and instructions as well as the justification, archiving and follow-up of all documents regarding preparation, call for tenders, awards, formalization, implementation and termination of contracts. Furthermore, he or she

shall provide information on specifications of specific administrative clauses and act as legal advisor for any and all incidents

that may occur among the cases that the Board deals with in performing its functions.

## Chapter VIII

### Further matters

#### ■ Article 46. Use of means of conciliation

Within the framework of legislation in force, the Ararteko shall be able to propose to the department, body or entity in question, forms of conciliation or agreement that facilitate the swift positive resolution of complaints.

#### ■ Article 47. Reports to administrations. Recommendations of best practice.

The Ararteko shall be able to address to the administrations being overseen reports it deems advisable regarding their functions and make recommendations on best practice both in exercising their competence vis-à-vis citizenry and in their relations with the Ararteko itself.

#### ■ Article 48. Relations with Ombudspersons of Spain and its Regions

In exercising its own competences, the Ararteko shall coordinate its functions with the

Ombudsperson of Spain and the analogous institutions in Spain's Regions under the terms provided for in Act 36/1985 regulating the relations between the Ombudsperson of Spain and similar institutions in the Regions, in the legislation regulating each one of those Ombudsperson's institutions, and in the agreements signed for their coordination and collaboration.

#### ■ Article 49. Signing of agreements

The Ararteko shall have the power to sign cooperation agreements with analogous institutions, public administrations and institutions or private organizations and entities on the activities carried out within its purview.

#### ■ Article 50. Awarding scholarships and grants

Within his or her purview and according to budgetary provisions, the Ararteko shall be able to award scholarships and grants for performing tasks deemed of interest to the Institution.

## Additional provisions

### ■ One. Regulatory development

The person occupying the position of Ararteko shall have all of the powers to adopt decisions and the necessary instructions to carry out what is established in this regulation.

### ■ Two. Determining gender in naming the bodies

In applying this regulation, single-person bodies shall always be mentioned using the gender corresponding to the person occupying the position.

### ■ Three. Equality and non-discrimination policies

In the daily performing of its functions, the institution of the Ararteko, the Ararteko him or herself and his or her deputy and all of the staff working in the institution shall apply mainstreamed gender equality and non-discrimination policies cutting across all action and shall be active agents to foster these policies.

### ■ Four. Respect for the environment

In the ordinary functioning of the institution of the Ararteko, policies of environmental improvement and energy efficiency shall be applied.

### ■ Five. Technological Accessibility

In performing its tasks of the institution of the Ararteko, citizens' access to technology shall be fostered to apply the principles set forth in Act 11/2007 of 22 June on the citizens' electronic access to public services.

### ■ REPEALING PROVISION

The 23 June 1997 Regulation on the organization and functioning of the institution of the Ararteko is hereby repealed.

### ■ FINAL PROVISION

The present regulation shall be published in the Official Gazette of the Basque Country and shall enter into force on the day after its publication.





**[www.ararteko.eus](http://www.ararteko.eus)**