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Puente Escobar, Agustín (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **La Agencia Española de Protección de Datos como garante del derecho fundamental a la protección de datos de carácter personal** (The Spanish Data Protection Agency as a guarantee of the fundamental right to the protection of personal data) (Orig. es)

In: *Azpilcueta*. 20, 13-41

Abstract: The text deals with the Spanish Data Protection Agency: its nature, its legal status and its independence. It also covers the framework of powers of data protection, the structure, organisation and functions of this authority and new powers regarding the regulation of electronic communications.

Key Words: Spanish Data Protection Agency. Functions of the Data Protection Agency. Spanish Data Protection Agency (AGPD) and powers in the regulation of electronic communications.

Lucas Murillo de la Cueva, Pablo (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **El derecho a la autodeterminación informativa y la protección de datos personales** (The right to informative self-determination and the protection of personal data) (Orig. es)

In: *Azpilcueta*. 20, 43-58

Abstract: The right to informative self-determination or to personal data protection is recognised in the EU Charter of Fundamental Rights. Since 2000, the Constitutional Court expressly considers it as a fundamental right; in the author's opinion the same conclusion could be implicitly made from former Art. 18.4 EC.

Key Words: Right to informative self-determination. Data protection. Charter of fundamental rights and data protection. Case law and data protection.

Bacaria Martrus, Jordi (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **Protección de datos de carácter personal en la Administración Electrónica** (Protection of personal data in e-Government) (Orig. es)

In: *Azpilcueta*. 20, 61-82

Abstract: The use of websites in the public sector and electronic relations with citizens involve new processing of their data and require a regulatory update on privacy and data protection to ensure the public authorities comply with their legal imperative and especially to encourage trust among citizens.

Key words: Personal data protection on the Internet. e-Government. Spanish Law on Information Society Services (LSSI). Websites. e-commerce communications.

Chaveli Donet, Eduard (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **La protección de datos personales en Internet** (Protection of personal data on the Internet) (Orig. es)

In: *Azpilcueta*. 20, 83-100

Abstract: This article covers the main practical problems raised by the adaptation of a website to the Spanish Data Protection Law (LOPD) as well as the IP address, the e-mail, the cookies... and whether they are considered to be personal data, the specialities that the LOPD imposes on companies that operate on the Internet and international data transfers.

Key Words: Personal data protection on the Internet. Websites. IP address and personal data. E-mail and personal data. Cookies and personal data. International data transfers.

Soler Lorent, Jesús (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **Protección de datos en Internet. Aplicación del reglamento** (Data protection on the Internet. Application of the regulations) (Orig. es)

In: *Azpilcueta*. 20, 101-112

Abstract: The constant introduction of new technologies involves their application in all information systems. Here we discuss how data protection should be applied in a new environment like the Internet and, more specifically, in the application of the Regulation on Security Measures, Royal Decree 994/1999, of 11th June.

Key words: Personal data protection on the Internet. Obligation of legislation of data protection on the Internet. Royal Decree 994/1999, of 11th June. Regulation on Security Measures. Application of the Regulation on Security Measures.

Endemaño Aróstegui, José M^a (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **La Agencia Vasca de Protección de Datos: competencias y perspectivas** (The Basque Data Protection Agency: powers and perspectives) (Orig. es)

In: *Azpilcueta*. 20, 115-127

Abstract: Law 2/2004, of 25th February, on personal data files of public ownership and the creation of the Basque Data Protection Agency. The following text sets out the functions that this Institution will perform and the necessary actions to be carried out to ensure its effective setting up.

Key Words: Basque Data Protection Agency. Law 2/2004, of 25th February, on personal data files. Functions of the Basque Data Protection Agency. Future perspectives for the Basque Data Protection Agency.

Lucas Murillo de la Cueva, Enrique (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **La proyección de la distribución de competencias en las funciones de la Agencia Vasca de Protección de Datos** (The projection of the distribution of powers in the functions of the Basque Data Protection Agency) (Orig. es)

In: *Azpilcueta*. 20, 129-139

Abstract: The projection of distribution of authority and its impact on the functions of the Basque Data Protection Agency requires the review of concepts such as the role of the Organic Law in Art. 18.4 EC, Sentence 290/2000, the basic conditions of 149.1.1 EC, the titles of competence of the Statute of Autonomy and the scope of the Basque Data Protection Law.

Key words: Data protection and the State of Autonomous Communities. Right to informative self-determination and reserve of the Organic Law. Sentence 290/2000. Art. 149.1.1 EC and data protection. Law 2/2004, of 25th February, on personal data files. Basque Data Protection Agency. Functions of the Basque Data Protection Agency.

González Murua, Ana R. (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **Procedimientos y acciones en materia de Protección de Datos. Especial referencia a las Agencias Autonómicas** (Procedures and actions regarding Data Protection, with special reference to agencies in the Autonomous Communities) (Orig. es)

In: *Azpilcueta*. 20, 141-155

Abstract: This text covers the procedures and actions regarding data protection, essentially claims and formal complaints. Starting from the task of the Spanish Data Protection Agency, we focus on the Autonomous Authorities with the most experience (the Autonomous Community of Madrid) and the most recent (Catalonia) as references for the new Basque Agency.

Key Words: Claims and formal complaints regarding data protection. Spanish Data Protection Agency and claims and formal complaints. Data Protection Agency of the Autonomous Community of Madrid. Catalan Data Protection Agency.

López de Foronda Vargas, Faustino (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **Los Defensores del Pueblo y la Protección de Datos** (Ombudsman and Data Protection) (Orig. es)

In: *Azpilcueta*. 20, 157-171

Abstract: This paper analyses the role of Ombudsmen as institutions to guarantee the right to data protection as well as relations between Ombudsmen (particularly the State Ombudsman and Ararteko the Basque Ombudsman) and the State and Autonomous Community Data Protection Agencies and the Ombudsmen's most relevant actions in this area.

Key Words: Ombudsman and data protection. Ombudsmen and Data Protection Agencies. Ararteko (Basque Ombudsman) and data protection. Actions by the Ombudsmen regarding data protection.

Jiménez Villarejo, Carlos (Eusko Ikaskuntza. Miramar Jauregia. Miraconcha, 48. 20007 Donostia – San Sebastián): **Ante el terrorismo, profundización democrática** (In the light of terrorism, an in-depth democratic approach) (Orig. es)

In: *Azpilcueta*. 20, 181-198

Abstract: As from the ascertainment of terrorism as an ever more internationalised phenomenon, this exhibition analyses the risks for democracy represented by the forms of confronting it that endanger the regime of rights and guarantees, and that in practice extend a certain "state of exception". From this perspective, this analysis will focus on the penal reforms introduced in 2003 and still currently maintained in the judicial response in various levels, from the criteria for interpreting laws to the position on the process of execution of the sentences imposed on people convicted for crimes of terrorism and, finally, a study on the Law on Political Parties and its judicial application.

Key Words: Democracy. Guarantees. Exceptions. Terrorism. Judges. Sentences. Parties. Elections.

Lamarca Pérez, Carmen (Univ. Carlos III. Fac. de Derecho. Madrid, 126. 28903 Getafe): **Legislación penal antiterrorista: análisis crítico y propuestas** (Criminal antiterrorist Legislation: critical analysis and proposals) (Orig. es)

In: *Azpilcueta*. 20, 199-214

Abstract: In the legislation in force, terrorism is defined by two elements: belonging to an armed group and having a political purpose. Its form of exteriorization takes the form of carrying out crimes such as killings, kidnappings or threats and other more specific crimes such as collaboration and apology of terrorism. The aggravating treatment for terrorism is combined with a strategy of accentuation for those who repent.

Key Words: Terrorism. Armed gang. Political aim. Collaboration with armed gang. Apología. Repentant.

Muñagorri Laguía, Ignacio (UPV/EHU. Fac. de Derecho. Dpto. Derecho Público. Manuel Lardizabal, 2. 20018 Donostia – San Sebastián): **Privación de libertad y derechos fundamentales: notas sobre la tortura** (Deprivation of liberty and fundamental rights: notes on torture) (Orig. es)

In: *Azpilcueta*. 20, 215-226

Abstract: From Article 55.2 of the Spanish Constitution and its development in the Code of Criminal Procedure, we set out the suppositions of long-term incommunicado detention, as well as incommunicado custody. From the restrictions to the rights of the detainee entailed in the incommunicado detention, we set out a legal construction of the non-right. In these cases, the right, even fundamental rights (Art. 17.2 EC), is denied by the right itself. The denial of this right is shown as a legal precaution that reaffirms the right from the legal non-right.

Key Words: Constitution. Terrorism. Arrest. Prison without sentence. Incommunicado detention. Torture. Legal non-right.