

TRANSPARENCY, ACCESS TO INFORMATION AND PERSONAL DATA



ifai
Instituto Federal de Acceso
a la Información Pública

REGULATORY FRAMEWORK

TRANSPARENCY, ACCESS TO INFORMATION AND PERSONAL DATA

REGULATORY FRAMEWORK



GOVERNING BODY

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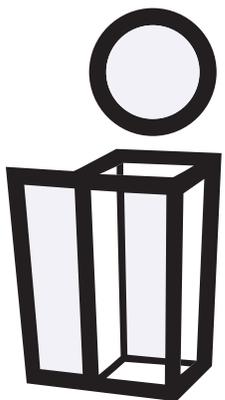
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INTRODUCTION

The Federal Institute of Access to Public Information (IFAI) presents this first edition of the regulatory framework that governs the right of access to government public information in Mexico.

It is an indispensable document for those who desire to study, understand, and especially, to exercise a fundamental right of modern life.

This right is developed and deployed in two essential dimensions. The first one derives from a democratic demand: that the government becomes a truly public space, for everybody without regard to privileges or station. The second one, from a civil demand: for a society and State capable of strict respect for personal data.

As of June 12, 2003, the Federal Law of Transparency and Access to Government Public Information forces the government to open its files. Now, every petitioner can request any document containing public

information from any federal institution, and to obtain it in a fast and simple manner. With this law, the Mexican government is required to submit information on its performance, the use of public resources and their results. Individuals can use all public information to better evaluate their government. In this manner, transparency contributes to the reduction of impunity and corruption.

In certain cases, defined by the Law as exceptions, the information under the custody of the Federal Government is privileged or confidential. For example, it is considered privileged when its disclosure jeopardizes national security or the life of any individual. Furthermore, the concept of confidential information is related to personal data, disclosure of which would undermine the right of privacy of individuals.

The new legislation was passed in 2002, as a result of the participation of civil society who submitted their own initiative to the





Congress. The Executive along with the legislators, also participated in its creation and it passed unanimously.

The Law created the IFAI as an independent organization with the necessary autonomy and authority to enforce the Law, review those cases in which the authorities deny access to information and determine whether the requested information is public, privileged or confidential.

Subsequently, the IFAI is putting this document which contains the following subjects:

- The Federal Law of Transparency and Access to Government Public Information;
- The regulations of the Law, applicable to Federal Public Administration departments and entities;
- The Decree that created the IFAI;
- The Access to Information Guide, a document created by the IFAI –and ordered by the Law– whose objective is to clearly explain the avenues that have been created to access information, and personal data, as well as correct inaccurate personal data;

- Printed samples of filled-out information request forms, especially detailing each of the steps, costs, and terms involved, is also included.

The Federal Law of Transparency offers fast and clear channels with which to exercise the Right of Access to Information, without restrictions, by anyone, and from any place –either through the Internet, by mail or personally at the Liaison Units– for any desired purposes. Neither the Law nor the IFAI can prejudge the juridical status of the individuals or their intentions as petitioners, though the IFAI it must try to characterize such information: should the government information be public, then anybody can have it.

The enactment of this Law and its associated legal framework represent a qualitative leap in the democratic construction of the country, because its essential subject no longer alludes to the forms of access to power and the national representation, but to the democratic quality of the exercise of the



INTRODUCTION

power. The Federal Law of Transparency is a “second generation” democratic reform, where the subjects of the type of government, the state of rights and accountability are placed on the front and center for the benefit of governed.

We believe that the legislation contains a regulatory framework the consequences of which will be experienced almost immediately, though especially in the short term, as it will generate a significant amount of change in the existing relationship between society and State, because now every decision, every omission, every action undertaken by public officers (institutional, administrative, budgetary, political, etc.) shall be subject to the scrutiny of any individual at any time. Dozens, hundreds and even thousands of observers will be attentive and will have all the necessary tools to request such information, thereby creating a new, demanding context for all public officers of Mexico

At the same time, the Law of Transparency will provide for a better informed public discourse,

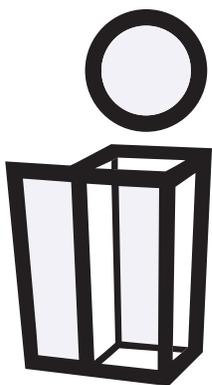
as it will be supported by common information and accessible to everybody, by a readily available, documented, and filed official data, in order to make judgments, state an opinion or to make a better informed decision.

Access to information, transparency, accountability, personal data protection, and the right to privacy are now on-going topics. They are inevitably a part of the current and future agenda of Mexico, to the benefit of its politics and culture.

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FEDERAL LAW OF TRANSPARENCY AND ACCESS TO PUBLIC GOVERNMENT INFORMATION

Published in the *Federal Official Newspaper* on June 11, 2002



PART ONE

COMMON PROVISIONS FOR COMPELLED BODIES

Chapter

General Provisions

Article 1

This law is mandatory for the government. Its purpose is to provide whatever is necessary in order to guarantee access, by any individual, to the information in the hands of any of the Powers of the Republic, any of the autonomous bodies and any other federal entity.

Article 2

All government information referred to this Law is deemed public and all individuals shall have access to said information based upon the provisions set forth in this Law.

Article 3

For the purposes of this Law, the following concepts shall mean:

- I. **Committees:** All information committees for each one of the departments and entities mentioned in Article 29 of this Law or the principals of those mentioned in Article 31;
- II. **Personal Information or Data:** All information concerning an individual, identified or identifiable, including their ethnic or racial origin, or related to their physical, moral or emotional characteristics, their personal and family life, residence, telephone number, patrimony, ideology, political opinions, religious or philosophical beliefs or convictions, physical or mental health, sexual preferences, or any other similar preferences that could have an impact on their intimacy;
- III. **Documents:** All files, reports, tests, certificates, resolutions, official letters, correspondence, agreements, policies, guidelines, memos, contracts, covenants, orders, notes, memoranda, statistics or any other registry or record that documents the exercise of the abilities or activities of the compelled agencies and public servants, regardless of the source or the issuance date. Documents may be found in any means such as written, printed, oral, visual, electronic, informative, or holographic;
- IV. **Departments and Entities:** Those mentioned in the Organic Law of Federal Public Administration, including the Presidency of the Republic, decentralized



bodies and the Attorney General's Office of the Republic;

V. Information: That contained in the documents created, obtained, acquired, transformed or kept by the compelled bodies for any title;

VI. Privileged Information: Any information temporarily subjected to any of the exceptions provided in Articles 13 and 14 of this Law;

VII. Institute: The Federal Institute of Access to Information created in Article 33 of this Law;

VIII. Law: The Federal Law of Transparency and Access to Public Government Information;

IX. Autonomous Constitutional Bodies: The Federal Electoral Institute, the National Commission of Human Rights, the Bank of Mexico, the universities and any other academic institutions of higher studies that have received autonomy by law, and any other organization established in the Political Constitution of the United Mexican States;

X. Regulation: The regulation related to the Federal Executive Power, the Federal Law of Transparency and Access to Public Government Information;

XI. Public Servants: Those mentioned in paragraph one of Article 108 of the Constitution and any other individuals that make use of or manage federal public resources.

XII. National Security: Actions aimed to protect the integrity, stability, and permanence of the Mexican State, democratic governability, external defense and domestic security of the Federation, aimed to the general well being of the society and enabling the achievement of the goals of the Constitutional State;

XIII. Personal Data System: The orderly set of personal data in the possession of a compelled agency;

XIV. Compelled Bodies:

- a) The Federal Executive Power, the Federal Public Administration, and the Attorney General's Office;
- b) The Federal Legislative Power, formed by the Chamber of Deputies and the Chamber of Senators, the Permanent Commission and any of its bodies;
- c) The Federal Judicial Power of the Federation and the Council of the Federal Judicature;
- d) Any autonomous constitutional body;
- e) Any federal administrative court, and
- f) Any other federal body.

XV. Administrative Units: Those that in accordance with the rules of each of the compelled bodies have information based upon the powers conferred to them.



Article 4

The following are the objectives of this Law:

- I. Provide whatever is necessary so that any one may have access to information by means of simple and fast procedures.
- II. Make public management transparent by means of spreading the information created by the compelled bodies;
- III. Guarantee the protection of personal data in custody of the compelled bodies;
- IV. Promote accountability to citizens, so that they are able to assess the performance of the compelled bodies.
- V. Improve the organization, characterization, and management of documents, and
- VI. Contribute to the democratization of Mexican society and the full enforcement of a State of right.

Article 5

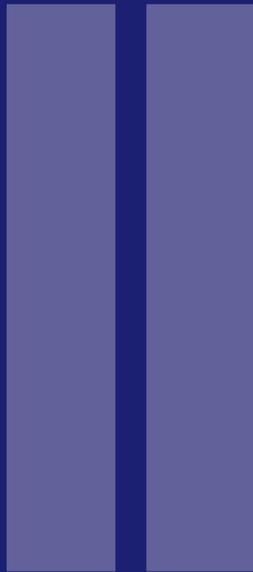
This Law is mandatory for all federal public servants.

Article 6

In the interpretation of this Law the principle of publicity of information in possession of the compelled bodies should be favored.



Chapter



Transparency Obligations

Article 7

Exception made for the information deemed by this Law as privileged or confidential, all compelled bodies shall have available and updated for the general public, based upon the Regulations and the guidelines issued by the Institute or the equivalent department mentioned in Article 61, the following information, among other:

- I. Its organizational structure;
- II. The powers of each one of the administrative units;
- III. The directory of public servants, from the level of department head or its equivalent;
- IV. The monthly wage per position, including the compensation system, according to the corresponding provisions;
- V. The address of the Liaison Unit, and the electronic address where requests for information can be sent;
- VI. The goals and objectives of the administrative units based upon their operative schedules;
- VII. Services rendered;
- VIII. Procedures, requirements and formats. In case they are registered before the Federal Registry of Procedures and Services or before the registry established for taxation purposes by the Tax Ministry, they shall be published as recorded.
- IX. Information on the allocated budget, as well as reports concerning its use, based upon the terms of the Federal Budget of Expenditure. For the case of the Federal Executive, said information shall be available for each department and entity at the Tax Ministry, which at the same time shall publish the economic situation, public finances and public debt, based upon the terms of said budget;
- X. The results of audits performed during the fiscal year of each compelled body and accordingly by the Comptroller and Administrative Development Ministry, internal comptrollers' offices or the Federal Superior Auditing Office, and, if it is the case, they should also include any necessary clarification.
- XI. The design, execution, allocated amounts, and criteria used for access to subsidy programs. As well as the list of beneficiaries of all social programs established by the Decree of the Federal Budget of Expenditure;
- XII. Licenses, permits and authorizations granted, specifying the name of the principals;
- XIII. Hiring agreements entered into based, upon the corresponding legislation detailing each:
 - a) Public works, goods acquired or leased, services rendered; in the case of studies or research the specific topic shall be stated;



- b) The amount;
- c) Name of the supplier, contractor, or the company or individual with whom the agreement was entered, and
- d) The terms of said agreements.

XIV. The regulatory framework corresponding to each compelled body;

XV. The reports that the compelled bodies must create by law;

XVI. If it is the case, the mechanism for citizens' participation; and

XVII. Any other piece of information that could be useful or that is considered relevant, besides those used statistically to answer the most common questions posed by the general public.

The information referred to in this Article shall be published in such a way that it is easy to use and be understood by the people, and that assures its quality, veracity, promptness and reliability. All bodies and entities shall adhere to the recommendations issued by the Institute.

Article 8

The Judicial Power of the Federation shall make public all sentences that have been decreed, the parties may object the publication of their personal data.

Article 9

The information contained in Article 7 shall be available for the general public by means of remote media or local electronic communication systems. All compelled bodies shall have available computing equipment so that the general public is able to obtain the information in a direct way or by means of hard copies. Furthermore, they shall offer support to the users that need it and provide all types of help regarding the procedures and services rendered.

The departments and entities shall prepare the automation, presentation and content of their information, as well as its integration on line, based upon the terms of the Regulations and guidelines issued by the Institute.



Article 10

The bodies and entities shall make public, directly or through the Juridical Council of the Federal Executive or the Federal Commission of Regulation Improvements, based upon the provisions of the Regulations, and at least 20 workdays prior to the date in which they are to be published or signed by the holder of the Federal Executive Power, the drafts and administrative provisions of a general nature mentioned in Article 4 of the Federal Law of Administrative Procedures, unless the Juridical Council of the Federal Executive or the Federal Commission of Regulation Improvements, accordingly determines that the publication of said information may compromise the results expected by law or it is an emergency situation, in conformance with that law.

Article 11

The reports presented by political parties and national political groupings before the Federal Electoral Institute, as well as the audits and verifications ordered by the Examining Commission of Public Resources of Political Parties and Groupings, shall be made public at the end of the corresponding examining procedure.

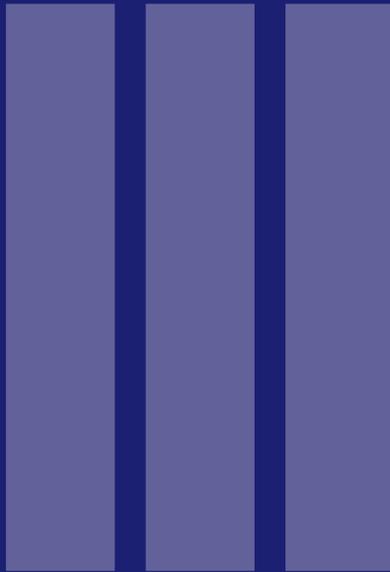
Any citizen may request from the Federal Electoral Institute information concerning the use of public resources given to political parties and national political groupings.

Article 12

Compelled bodies shall make public all information regarding the amounts of, and the people receiving for any reason public resources, as well as reports delivered by said people regarding the use and destination of said public resources.



Chapter



Privileged and
Confidential Information

Article 13

Any information that could cause any of the following situations shall be deemed as privileged:

- I. Endanger the national security or national defense;
- II. Undermine the negotiations or international relations, including any information that the states or other international organizations give to the Mexican government characterized as confidential;
- III. Damage the financial, economic or monetary stability of the country;
- IV. Risk the life, health, or safety of any person;
- V. Serious damage in the verification of law fulfillment, crime prevention or persecution, law enforcement, tax revenue, migration control, the procedural strategies of judicial or administrative processes, as long as the resolutions have not been decreed.

Article 14

The following shall also be deemed as privileged information:

- I. Information that due to an expressed statement of a given law is considered confidential, privileged, commercially privileged or state confidential;
- II. Commercial, industrial, fiscal, banking, fiduciary or any other secret, deemed as such by a legal provision;
- III. Preliminary findings;
- IV. Judicial files or files of administrative proceedings that are still under trial and have not been decreed;
- V. Responsibility proceedings of public servants, as long as the final administrative resolution has not been taken or the definitive jurisdictional decision has not been made; or
- VI. If it contains the opinions, recommendations, or points of view involved in a judicial process of public servants, as long as the process is still pending sentence, which shall be documented.

When the period of temporary restriction of information is finished or when the causes that originated the restriction of the information mentioned in Paragraphs III and IV of this Article have expired, the information should be made public, protecting only the confidential information contained therein.

In case of severe violation of fundamental rights or crimes against humanity the information found in the investigations may not be deemed privileged.



Article 15

Privileged information, according to Articles 13 and 14, may remain as such for a period of up to twelve years. Said information may be declassified when the causes that originated said characterization are terminated or when the reserve period has been completed. The availability of said information shall not be impaired by whatever is stated in other compelled laws.

The Institute, based upon the Regulations, or based upon the office mentioned in Article 61, shall establish the classification criteria for privileged or confidential information.

Exceptionally, compelled bodies may request from the Institute or the office in question, based upon Article 61, an extension of the reserve period, as long as they are able to prove that the causes that originated the reserve period are still in existence.

Article 16

The principals of the administrative units shall be responsible for the information classification in compliance with the criteria established in this Law, its Regulation and the guidelines issued by the Institute or the equivalent office mentioned in Article 61, accordingly.

Article 17

The administrative units shall create, every six months and for each topic, a list including all the files characterized as privileged or confidential. Said list shall indicate the administrative unit that generated the information, the date of the classification, the grounds, the reserve period, or, if it is the case, those portions of the documents that are privileged or confidential. This list shall never be deemed as privileged or confidential information.

The principals of said department or entity shall take all necessary measures to ensure the custody and conservation of privileged or confidential files.

At any time, the Institute shall have access to privileged or confidential information to determine its correct classification, declassification or decision of granting access to that piece of information.



Article 18

The following information shall be deemed as confidential information:

- I. Any given as such by any person to compelled bodies, based upon Article 19; and
- II. Personal data that require the approval of the persons in order to be disclosed, distributed, or commercialized based upon the terms of this Law.

The information found in public registries or sources that are publically available shall not be deemed confidential.

Article 19

When the involved parties deliver to the compelled bodies the information specified in Paragraph I of the previous Article, they shall state which documents contain confidential, reserved or commercially privileged information, as long as they have the right to reserve said information and based upon applicable provisions. In the case there is a request for access to information that contains confidential information, the compelled individuals shall disclose such, provided they have the approval of the owner of said confidential information.

Chapter

IV

Protection of Personal Data

Article 20

The compelled bodies shall be responsible for all personal data and they shall:

- I. Adopt adequate procedures to receive and respond requests for access and correction of data, as well as to train public servants and provide information about the policies to protect said data, based upon the guidelines established for that purpose by the Institute or by the equivalent office mentioned in Article 61;
- II. Use personal data only when adequate and necessary for the purposes that were obtained and they shall never abuse their use;
- III. To give to interested parties, as soon as personal data is being collected, a document in which the purposes of its use is established, based upon the guidelines established by the Institute or by the equivalent office mentioned in Article 61;
- IV. Make sure that all personal data is exact and updated;
- V. Replace, rectify or complete, as a duty, all incorrect or inexact, either partial or totally, personal data as soon as they realize the existence of said inaccuracies;
- VI. Adopt all necessary measures to guarantee the security of personal data and avoid its alteration, loss, or unauthorized conveyance or access.

Article 21

Compelled bodies shall not be able to spread, distribute or commercialize personal data contained in information systems developed for the performance of their duties, unless there is an express approval, in writing or in any other similar manner, from the parties whose information is being disclosed.

Article 22

In the following cases it shall not be necessary to seek the approval of the owners of the information in order to disclose it:

- I. DECREE. (Published in the *Federal Official Newspaper* on May 11th., 2004).
- II. Information needed for statistical, scientific or other general purposes provided by Law, as long as said information is not related to the personal data of the person to whom the information belongs.
- III. When the information is conveyed between the compelled bodies or departments and entities, as long as the information is only used for the performance of their duties.
- IV. When a court order is issued;
- V. When given to third parties because their services are being hired and they need the personal data of the people involved. Said third parties may not use the personal data



given to them for different purposes than those for which the information was given;

VI. In any other case provided by law.

Article 23

The compelled bodies that have, for any reason, personal data systems in their possession, shall inform the Institute or its equivalent office mentioned in Article 61, who shall keep an updated list of all personal data systems.

Article 24

Without prejudice of otherwise provided by law, only the interested parties or their representatives may request a Liaison Unit or its equivalent previously identified, personal data contained in their personal data systems. Said office shall deliver, within a period of ten workdays from the date of the request, the information requested or, if it is the case, shall inform them, in writing, that said personal data system does not contain the information they need.

The delivery of the personal data shall have no cost, and the interested party shall only pay for the courier expenses based upon applicable rates. However, if that same person requests

further information about the same personal data system within a period shorter than twelve months from the date of the previous request, the cost shall be determined based upon Article 27.

Article 25

The interested parties or their representatives may request, the Liaison Unit previously identified, or its equivalent, to modify the information contained in the personal data system. For said purpose, the interested party shall file a request of modification before the Liaison Unit or its equivalent, in which the personal data system in question and the modifications needed shall be stated, attached to all the documents that support said request. The office shall give the petitioner, within 30 days of the request, a letter certifying the carrying out of said modifications or, if it is the case, the reasons for which the information could not be modified.

Article 26

The appeal mentioned in Article 50 may be used against a negative response to a request for modification or correction of personal data. Said appeal may also be used in case the response is not received within the periods established in Article 24 and 25.



Chapter



Fees

Artículo 27

The fees to be paid in order to obtain information shall not exceed the amount of:

- I. The cost of materials used in the reproduction of the information; and
- II. The courier cost.

The applicable fees shall be established in the Federal Law of Fees.

All compelled bodies shall make their best efforts in order to reduce the costs of information delivery.



PART TWO

INFORMATION ACCESS IN THE FEDERAL EXECUTIVE POWER

Chapter

Liaison Units and
Information Committees

Article 28

The principals of each one of the departments or entities shall appoint a Liaison Unit which shall have the following functions:

- I. Collect and disseminate the information mentioned in Article 7, furthermore, it shall encourage the administrative units to update said information periodically;
- II. Receive and process the information requests, mentioned in Articles 24, 25 and 40;
- III. Assist interested parties in the creation of requests and, if necessary, give them information about the departments, entities or other bodies that may have the data they need;
- IV. Carry out all needed internal procedures of each department or entity, in order to deliver requested information, and make all necessary notifications as is needed;
- V. Propose to the Committee internal procedures that will ensure better efficiency in the management of requests for access to information;
- VI. Enable the number of public servants that are necessary for each department or entity to receive and duly process the requests for access to information;
- VII. Keep a record of all requests for access to information, and results and costs.
- VIII. Any other action needed to guarantee and facilitate information flow before the department or entity and interested parties.

Article 29

Each department or entity shall have a Committee of Information which shall have the following functions:

- I. Coordination and supervision of all actions taken by the department or entity related to the granting of information provided by this Law;
- II. Implementation, in compliance with the Regulations of the necessary procedures to ensure the highest efficiency in the processing of requests for access to information;
- III. Confirmation, modification or revoking of the information classification determined by the principals of the administrative units of the department or entity;
- IV. Performance, through the Liaison Unit, of all necessary procedures to locate the administrative documents where requested information is located;
- V. Implementation and supervision of specific classification criteria for the department or entity, and the proper maintenance of all administrative documents, as well as, file organization, based upon the guidelines issued by the Institute and by the National General Archive, as applicable;
- VI. Creation of a program in order to facilitate the gathering of the information of the department or entity, which shall be periodically updated and which shall include all necessary steps to be followed in order to have an organized archive; and



- VII. Create and send to the Institute, based upon the guidelines of the same, all necessary data for the creation of an annual report, as mentioned in Article 39.

Article 30

Each committee shall be formed by:

- I. One public servant appointed by the principal of the department or entity;
- II. The principal of the Liaison Unit; and
- III. The principal of the internal control body of each department or entity.

The committee shall make their decision by majority of votes.

Article 31

The Center of Investigation and National Security; the Drug Control Planning Center; the Intelligence Coordination Direction of the Preventive Federal Police; the Unit against Organized Crime; Presidential Secret Service; the Secret Service of the Army; the Secret Service of the Navy; or the administrative units in lieu of the above, shall not be subjected to the authority of the Committees mentioned in Article 29, and their functions are the sole responsibility of the principal of each administrative unit.

Article 32

The National General Archive shall be responsible for the creation, in coordination with the Institute, of the criteria to be used to catalogue, characterize and handle administrative documents, as well as for the organization of the archives of the departments or entities. Said criteria shall take into account international standards and best practices that already exist on that matter.

The principals of the departments and entities, based upon applicable provisions, shall make sure that the archives are functioning accordingly. Furthermore, they shall create and make available to the public a simple guide about their cataloguing and classification systems, as well as the organization of the archive.



Chapter



Federal Institute of Access to
Public Information (IFAI)

Article 33

The Federal Institute of Access to Public Information is a body that belongs to the Federal Public Administration. It has operative, budget and decision making autonomy, and it is the body in charge of promoting and disseminate the use of the right of access to information; deciding if a request of access to information is accepted or denied; and, protecting all personal data under the custody of the departments and entities.

Article 34

The Institute is formed by four commissioners, who shall be appointed by the Federal Executive. The Chamber of Senators may object to said appointments by a majority of votes, and, when the chamber is in recess, the Permanent Commission shall have the same voting right. In any case, the legislative office in question shall have thirty days to decide, and once that period has expired and no resolution has been issued, it shall be deemed as if there were no objection to the appointment made by the Federal Executive.

The commissioners should only be removed from their position if they have severely breached the provisions contained in the Constitution and in this Law, if they have carried out actions or omissions that have an impact in the Institute, or if they have been sentenced for a severe crime that deserves corporal punishment.

They shall remain in that position for a period of seven years, they may not be reelected, and while in office, they may not hold another job, position or commission, except in educational, scientific or charitable institutions.

The resolutions issued by the Institute, shall not be subordinated to any authority and it shall make its own decisions with full independence and shall have the human and material resources needed for the performance of its duties.



Article 35

In order to be a commissioner it is necessary to:

- I. Be a Mexican citizen;
- II. Have never been sentenced for the perpetration of a fraudulent crime;
- III. Be at least thirty five years of age at the time of the appointment;
- IV. Have performed outstandingly in professional, public or academic activities related to the subject matter of this Law; and
- V. Have not been secretary of state, head of an administrative department, attorney general, senator, federal or local deputy, head of a political party or association, governor of any state, head of government of the Federal District, within a period of one year before the appointment.

Article 36

The Institute shall be chaired by a Commissioner, who shall be the legal representative of the same. He or she shall remain in said position for a period of two years, and can be reelected once and shall be elected by the rest of the commissioners.

Article 37

The Institute shall have the following powers:

- I. To interpret this Law, from the administrative point of view, based upon Article 6;
- II. To know and decide on the appeals filed by the petitioners;
- III. To establish and review the classification, declassification and custody criteria to be used for privileged and confidential information;
- IV. To help the National General Archives in the creation and use of the criteria for cataloguing and conservation of documents, as well as in organizing the archives of the departments and entities;
- V. To supervise, and in case of non fulfillment, make recommendations to the departments or entities so that the provisions of Article 7 are fulfilled;
- VI. To help and advise the petitioners in their requests to access information;
- VII. To give technical support to the departments or entities in the creation and execution of their information programs as set forth in Paragraph VI of Article 29;
- VIII. To create the forms to be completed for the request of access to information, as well as those to be used for access and correction of personal data;
- IX. To establish guidelines and general policies for the management,



maintenance, safety and protection of personal data that are in the possession of departments and entities;

- X. To inform the internal control bodies of each department and entity, pursuant the last paragraph of Article 56, of probable infractions of this Law and its Regulations. The Institute shall be notified on any final resolution that the internal control bodies issue on such matters, and that have already been decreed, and the Institute shall make them public by means of its annual report;
- XI. To create the guide mentioned in Article 38;
- XII. To promote and, if applicable, carry out the training of public servants regarding access to information and protection of personal data matters;
- XIII. To spread among public servants and the general public the benefits of public management of information, as well as its responsibility for the good use and conservation of the same;
- XIV. To create and make public studies and investigations to disseminate and widen the knowledge about the subject matter of this Law;
- XV. To cooperate, regarding the subject matter of this Law, with other compelled bodies, federal entities, municipalities or its other bodies of access to information, by entering agreements or programs;
- XVI. To create its internal Regulations and other operational standards;

XVII. To appoint the public servants under its charge;

XVIII. To prepare an annual budget plan, which shall be sent to the Tax Ministry in order to be included in the Federal Budget of Expenditure; and

XIX. Any other power conferred by this Law, its Regulations and any other applicable provision.

Article 38

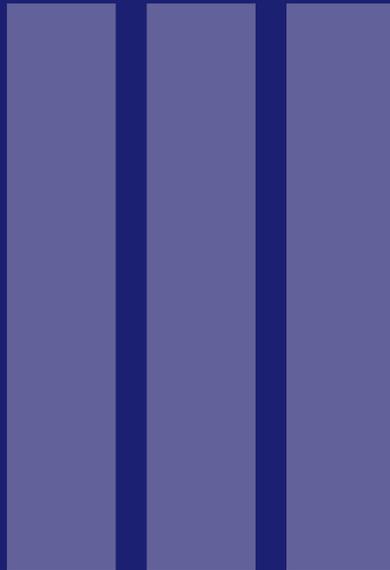
The Institute shall create a guide describing, in a clear and simple manner, the procedures to access information that are to be followed by the departments and entities.

Article 39

The Institute shall render an annual public report to the Hon. Congress about access to information, based upon the data supplied by the departments and entities, according to Articles 29, Paragraph VII. Said report shall include, at least, the number of requests of access to information filed before each department and entity, as well as the time of reply, number and result of cases under care of by the Institute, the current state of claims filed before the internal control bodies and the problems encountered during the fulfillment of the Law. For this purpose the Institute shall issue guidelines that it considers necessary.



Chapter



Access Procedure before
the Department or Entity

Article 40

Any person, or his/her representative may file, before the Liaison Unit, a request for access to information by means of a personal written document or by means of the forms that have been approved by the Institute. Said request shall include:

- I. Petitioner's name and domicile or address where the petitioner may be notified, such as e-mail; and the personal data of the petitioner's representative, if applicable;
- II. Clear and precise description of the documents being requested;
- III. Any other piece of information that could facilitate its location; and
- IV. The way in which the access to the information should be given is optional: this can be done verbally as long as it is only for consultation purposes or direct consultation, or simple or certified copies or a different type of means.

If the information supplied by the petitioner is not enough to locate the documents or if such information is incorrect, the Liaison Unit may, only once and within a ten day period after the presentation of the request, ask the petitioner to give more information or to correct the original information. This prerequisite shall interrupt the term mentioned in Article 44.

The Liaison Unit will help the petitioners in completing requests for access to information, especially in cases in which the petitioner is illiterate. In the case that the requested information does not belong to the department or entity to which it was

requested, the Liaison Unit shall duly advise the petitioner as to which department or entity is the correct one.

If the request has been filed before an administrative unit other than the Liaison Unit, the administrative unit shall advise the petitioner of the physical address of the corresponding Liaison Unit.

Under no circumstance, can the information delivery be conditioned on the statement of the reason for requesting it and neither shall it be necessary to prove the reason for interest in the information.

Article 41

The Liaison Unit shall be the bridge between the department or entity and the petitioner, since it is the body responsible for carrying out the notifications mentioned in this Law. Furthermore, it shall perform all necessary procedures in the department or entity in order to facilitate the access to information.

Article 42

The departments and entities shall only be obliged to deliver those documents that they have in their files. The obligation of granting access to information shall be deemed covered when the documents requested have been made available to the petitioner; or, by the issuance of simple or certified copies or any other means.



Access shall only be delivered in the manner in which the document in question allows it to be done, however, it shall be submitted either total or partially, according to the request.

In the case that the requested information has already been made available to the general public in hard copies, such as books, outlines, brochures, public files, available electronic formats, Internet, or any other method, the source of the information shall be supplied in writing, as well as the place and manner in which it can be accessed, reproduced or acquired.

Article 43

The Liaison Unit shall submit the request to the administrative unit that has or could have the information, with location, and classification ratification, after which it will inform the Liaison Unit on the access method and availability, in order to determine the cost, if applicable.

The administrative units may deliver documents with information classified as privileged or confidential, as long as it is possible to delete or eliminate the privileged or confidential portions in said documents. In such cases, those eliminated portions shall be summarized.

Article 44

The answer to the request shall be given to the petitioner as early as possible, and it shall not take longer than twenty workdays from the date the request was filed. Furthermore, the cost and manner in which the information is going to be delivered should be stated, paying close attention to the preferences stated in the request. Exceptionally, this term can be extended, up to twenty more workdays, as long as there are justifying reasons and those are provided to the petitioner.

The information shall be delivered within ten workdays after the date in which the Liaison Unit notified the availability of the same, and as long as the petitioner shows evidence of having paid the corresponding fees.

The Regulations shall establish the manner and terms in which the requests of access to information shall be handled internally.



Article 45

In case the principal of the administrative unit has classified the documents as privileged or confidential, the request shall be immediately returned to the Committee of the department or entity in question, along with an official document stating the reasons for the classification, and the Committee itself must decide if:

- I. The classification is confirmed or modified, and thereby denying access to said information; or
- II. The classification is revoked, thereby granting access to said information.

The Committee may have access to the documents found in the administrative unit. The resolution made by the Committee shall be submitted to the interested party within the term set forth in Article 44. In the case of a negative resolution, the Committee shall state the reasons and groundings for the decision and advise the petitioner what recourse may be used.

Article 46

When the documents are not found in the archives of the administrative unit, said unit shall send the request, along with an official letter, to the Committee. The Committee shall analyze the case and shall take all necessary steps to locate, in the department or entity, the requested document and shall decide accordingly. In case the document is not found, it shall issue a certification stating the non existence of said document and shall notify the petitioner, by means of the Liaison Unit, and within the term described in Article 44.

Article 47

All requests for access to information and replies, including, if applicable, the information delivered, shall be public. Furthermore, the departments and entities shall make available this information to the general public, whenever possible, by remote means or local electronic ones.

Article 48

Liaison Units are not obligated to handle offensive requests for access to information, when they have already delivered identical information to the same petitioner, or when the information is already public. In these cases, it shall only remind the petitioner as to where the information can be found.



Chapter

IV

Proceedings before
the Institute

Article 49

Any petitioner who has been notified, by means of a resolution of the Committee, of the denial to access information or the non-existence of the requested documents, may file, by themselves or through a representative, an appeal before the Institute or before the Liaison Unit that heard the case, within a period of fifteen workdays from the date of said notification. The Liaison Unit shall turn the case over to the Institute on the day following its reception.

Article 50

The appeal may also be filed if:

- I. The department or entity does not deliver to the petitioner the personal data requested, or does it in an incomprehensible format;
- II. The department or entity refuses to make modifications or corrections to personal data;
- III. The petitioner does not agree with the time, cost or manner of delivery; or
- IV. The petitioner considers that the information delivered is incomplete or does not correspond to the information described in the request.

Article 51

The appeal provided in Articles 49 and 50 shall also replace the one mentioned in Article 83 of the Federal Law of Administrative Procedures.

Article 52

The Institute shall correct any deficiencies found in the appeals filed by the interested parties.

Article 53

The absence of reply to a request for access to information within the term set forth in Article 44 shall be deemed as a positive one, and the department or entity shall be obliged to grant access to the information within 10 workdays, and shall pay for all the expenses resulting from the reproduction of the material, unless the Institute determines that the documents are privileged or confidential.

In order to fully comply with the provisions of the first paragraph of this Article, the Regulation shall implement an expedited procedure to correct those non-compliances from the departments and agencies regarding information delivery. For this effect, individuals can either present the evidence referred to in Article 17 of the Federal Law of Administrative Procedures issued by the corresponding Liaison Unit, or either it shall be sufficient to present



copy of the original request, showing the date on which it was filed before the department or entity. In this latter case, the procedure will insure that they have the opportunity to demonstrate their timely and proper reply to the petitioner.

Article 54

The appeal-making document shall include:

- I. The department or entity before which the request was filed;
- II. The name of the petitioner and the third interested party, if applicable, as well as the address or means by which the petitioner shall receive notifications;
- III. The date of the notification or when the petitioner knew about the contested act;
- IV. The act that is being contested and the list of petitions;
- V. A copy of the contested resolution, and if applicable, the corresponding notification; and
- VI. Any other element deemed as important to be filed before the Institute.

Article 55

Unless otherwise stated in Article 53, the Institute shall litigate the appeal based upon the following guidelines:

- I. Once the appeal has been filed, the President of the Institute shall send it to the Presenter Commissioner, who shall, within thirty workdays after the filing of the appeal, integrate the file and present a resolution draft to all the members of the Institute;
- II. All the members of the Institute shall determine when the hearings with the parties shall be discharged;
- III. During the proceeding, the burden-of-proof shall be applied in favor of the appellant, making sure that the parties are able to file, orally or in writing, the grounds and motivations for their arguments, and it shall allow them to file their allegations;
- IV. Initiatives and letters can be received electronically by means of a request made by the interested party;
- V. All Institute members shall definitely resolve, within twenty workdays from the presentation of the resolution draft; and
- VI. The resolutions made by all the Institute members shall be public.

When there is justified cause, all Institute members can increase, only once and up to an equal period of time, those terms set forth in Paragraphs I and V of this Article.

All privileged or confidential information which, if applicable, is requested by the Institute because it is indispensable for the resolution of the case, should be maintained as such and shall not be available in the file.



Article 56

The resolutions of the Institute can:

- I. Reject the appeal because it is contrary to law or supersedes it;
- II. Confirm the decision of the Committee; or
- III. Revoke or modify the decisions of the Committee and require the department or entity to allow the interested party to access the requested information or personal data; the information should be either re-classified or modified.

The resolutions, which should be in writing, shall state the time limit for their compliance and the procedures to insure their execution.

If the Institute does not resolve within the time limit established in this Law, the contested resolution shall be deemed as confirmed.

When the Institute determines, during the course of the procedure, that a public servant could have failed in their duties, the Institute should make it known to the internal control body of the department or entity in question, so that if applicable, the corresponding proceedings can be initiated.

Article 57

The appeal shall be rejected on the basis that it is contrary to law when:

- I. It is presented after the time limit stated in Article 49;
- II. The Institute was already aware of the respective appeal and had already resolved it definitely;
- III. A resolution that has not been issued by the Committee is contested; or
- IV. An appeal or means of defense has been filed by the appellant before the courts of the Federal Judicial Power.

Article 58

The appeal shall be superseded when:

- I. The appellant expressly withdraws the appeal;
- II. The appellant should die or, in the case of a corporation, it is dissolved;
- III. When the objection has been admitted, and there appears an unlawful motive under the terms of the present law; or
- IV. The department or entity responsible for the act or resolution which was contested modifies or revokes it, and the appeal is null and void.



Article 59

The resolutions of the Institute shall be definitive for the departments and entities. The petitioners can appeal before the Judicial Power of the Federation.

The courts shall have access to privileged or confidential information when it is indispensable for the resolution of the matter and it has been used in a trial. Said information should be maintained as such and shall not be available in the judicial file.

Article 60

The affected petitioner can request before the Institute to reconsider a resolution once a year has elapsed from the date on which the Institute issued the resolution confirming the decision of a Committee;

Said reconsideration must refer to the same request and must be resolved within a maximum of 60 days.



PART THREE

ACCESS TO INFORMATION FOR OTHER COMPELLED BODIES

Chapter One

Article 61

The Federal Legislative Power, through the Chamber of Senators, the Chamber of Deputies, the Permanent Commission, the Federal Superior Auditing Office, Judicial Power of the Federation through the Supreme Court of Justice of the Nation, Council of the Federal Judicature, the Administration Commission of the Federal Electoral Tribunal, the autonomous constitutional bodies and the administrative tribunals, within their respective competence, shall establish by means of rules or agreements of a general character, the bodies, criteria and institutional procedures to make available access to information to the people, in compliance with the principles and time limits established in this Law.

The issued provisions shall indicate, as applicable:

- I. The administrative units responsible for publishing the information referred to in Article 7;
- II. The Liaison Units or their equivalents;
- III. The Information Committee or its equivalent;
- IV. The classification and maintenance criteria and procedures for privileged or confidential information;
- V. The procedure for access to the information, including appeals, pursuant Article 49 and 50, and one of reconsideration under the terms of Article 60;
- VI. The procedures for access and correction of the personal data referred to in Article 24 and 25; and

VII. An internal unit responsible for enforcing the Law, for resolving appeals and other powers granted by this ordinance.

Article 62

The compelled bodies referred to in the previous Article shall render a yearly public report on those activities carried out to guarantee the access to information, following the guidelines set forth in Article 39, of which a copy is to be sent to the Institute.



PART FOUR

RESPONSIBILITIES AND SANCTIONS

Chapter One

Article 63

The following shall be causes of administrative misconduct of public servants, due to non fulfillment of the obligations set forth in this Law:

- I. To use, remove, destroy, hide, disable, divulge, or alter, totally or partially, and in an undue manner, information which is under their custody, and to which they have access or knowledge due to their job, position or commission;
- II. To act with negligence, deceit or bad faith in the substantiation of the requests for access to information or propagation of information to which they are obliged according to this Law;
- III. To intentionally deny non-privileged or non-confidential information as if it were privileged or confidential, according to the Law;
- IV. To deceitfully classify as privileged, any information that does not fulfill the characteristics described in this Law. The sanction will only be procedural when there is a previous resolution by the Committee, the Institute, or equivalent instance, regarding the classification criteria of this type of information as set forth in Article 61;
- V. To deliver information considered as privileged or confidential in compliance with the provisions of this Law;
- VI. To intentionally deliver the information described in a request for access in an incomplete manner; and

VII. To fail to provide the information when its disclosure has been ordered by the bodies referred to in previous Paragraph VI of this Article or by the Judicial Power of the Federation.

The misconduct referred to in this Article or in any other, derived from the non compliance of the obligations set forth in this Law, shall be sanctioned under the terms of the Federal Law of Administrative Responsibilities of Public Servants.

The violation stated in Paragraph VII or recurrence of the conduct mentioned in Paragraphs I to VI of this Article, shall be considered severe for effects of its administrative sanction.

Article 64

The administrative misconduct generated by the non fulfillment of the obligations referred to in the previous Article, are independent of those applicable of civil or penal order.



TRANSITORIES

First. This Law shall be in force the day after its publication in the Federal Official Newspaper, with the formalities described in the following Articles.

Second. The publication of the information referred to in Article 7 must be carried out, at the latest, one year after the Law is in full force and effect.

Third. The principals of the departments and entities of Public Federal Administration should designate the Liaison Units and the members of the Committees referred to in this Law, at the latest, six months after this ordinance is in force, and their functions are to begin simultaneously. Furthermore, they must notify the Comptroller's and Administrative Development Ministry, which must publish the list of the Liaison Units in the Federal Official Newspaper. The creation of the structures referred to in this provision should be done with the allocated human, material and budget resources; therefore, they should not imply additional expenses.

Fourth. The compelled bodies referred to in Article 61 should publish the corresponding provisions, at the latest one year after the Law is in full force and effect.

Fifth. The designation of the first five commissioners must be made three months after the Law is in force, at the latest. During the exercise of first period, three commissioners shall conclude their position in four years, and can be ratified for a new period of 7 years. The Executive shall indicate in his

designation the exercise period for each Commissioner.

Sixth. The Federal Executive shall issue the Regulations of this Law within the year after it comes in full force and effect.

Seventh. The Institute shall issue its internal bylaws within the year after the Law came in full force and effect.

Eighth. The interested parties can present their requests for access to information or for access and correction of personal data one year after the Law is in full force and effect.

Ninth. Except for what is provided in Article 53, Article 17 of the Federal Law for Administrative Procedures is not applicable to the present Law.

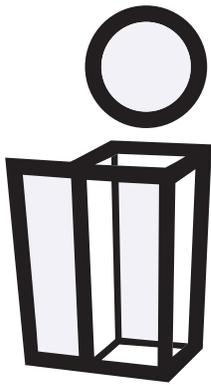
Tenth. The compelled bodies should, at the latest on the 1st of January, 2005, complete the organization and functioning of their administrative files, as well as the publication of the guide referred to in Article 32.

Eleventh. The Federal Budget of Expenditure for 2003 should establish the corresponding budget estimate in order to allow the adequate integration and functioning of the Institute.



In fulfillment of what is provided by Paragraph I of Article 89 of the Political Constitution of the United Mexican States, and for its due publication and observance, I issue this Decree at the Residence of the Federal Executive Power, in Mexico City, Federal District, on the tenth day of the month of June of the year two thousand and two.- **Vicente Fox Quesada**.- A flourish.- Government Ministry, **Santiago Creel Miranda**.- A flourish.





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REGULATIONS OF THE FEDERAL LAW OF TRANSPARENCY AND ACCES TO PUBLIC GOVERNMENT INFORMATION

Published in the *Federal Official Newspaper* of June 11, 2003



Chapter

General
Provisions

Article 1

These regulations have the purpose of regulating the provisions set forth in the Federal Law of Transparency and Access to Public Government Information, regarding the Federal Executive Power, its departments and entities and, generally, any other organization that is part of the Federal Public Administration.

Article 2

Aside from the definitions contained in Article 3 of the Federal Law of Transparency and Access to Public Government Information, for the effects of these regulations, the concepts listed below shall be understood as follows:

- I. **Classification:** Action by which it is determined that the information under the care of a department or entity is privileged or confidential;
- II. **File:** a set of documents;
- III. **Guidelines:** those administrative acts with a general character issued by the Full Institute and which have mandatory observance;
- IV. **Publication:** the reproduction by electronic or printed means of the information contained in documents to be disclosed to the public;
- V. **Recommendations:** opinions, proposals, suggestions, comments and other acts issued by the Institute;

VI. Public resources: human, financial and material resources available to a department, entity or any other federal organization and that is used to accomplish its objectives and produce goods, or provide services within its competence; and

VII. Enabled public servants: Public servants capable of receiving and processing requests for access to information, personal data and their correction, in administrative units other than the Liaison Unit of a department or entity.

Article 3

Petitioners can request from the departments and entities hard copies of the information available to the public by electronic means. For such effects, the departments and entities will observe the provisions set forth in Article 9 of this Code.



Article 4

Newly created departments and entities will have a term of six months from the date of their creation, pursuant to the corresponding juridical instrument, to comply with the obligations stated in the Law, this Regulation and the guidelines issued by the Institute. In the case of mergers, the combined entity must comply with the obligations that correspond to those that were merged.

Article 5

The departments and entities can establish collaboration mechanisms with each other or with the Institute to fulfill the obligations set forth in the Law, this Regulation and the guidelines issued by the Institute, particularly regarding transparency obligations, procedures for the access to information, personal data and its correction, as well as for the implementation and operation of the Liaison Units and Committees.

Article 6

The Institute will issue the necessary guidelines and recommendations to ensure and promote the fulfillment of the Law and this Regulation.

Article 7

The Federal Law of Administrative Procedures shall be applied as a supporting law in all of that is not against the Law.



Chapter



Transparency Obligations

Article 8

Departments and entities must make available to the public all information contained in article 7, according to the following:

- I. Each department and/or entity Liaison Unit shall be responsible for the public availability of the information;
- II. The information must be readily available from a general public accessible Internet website, visible from the department or entity's website homepage, indicating its update date, as well the Internet link to the Institute.
- III. The information must be presented in a clear and complete manner, insuring its quality, truthfulness, opportunity and reliability; and
- IV. The same Internet websites must provide the electronic addresses, postal addresses and telephone numbers of the Liaison Unity, the names of the enabled public officers and the name of the individual responsible for the mentioned site.

Information referred to in Article 7 of the Law can be classified pursuant Articles 26 and 27 of this Regulation.

Article 9

All departments and entities must create a physical area and appoint the necessary personnel to address and direct the public regarding access to information matters. Computers with access to the Internet must be available within this same space, so that petitioners can access the information published in the corresponding department or entity website, as well as to promote electronically the requests hereby referred to. Furthermore, necessary printing equipment must be therein available in order to allow the users to print the desired information, as found in the mentioned Internet site.

Article 10

Departments and entities shall update the information included in Article 7 of the Law, at least every three months, unless otherwise indicated in this Regulation and/or other legal provisions.

This information shall remain on the Internet website, at least, during its valid term.

The principals of the administrative units shall be responsible for submitting the corresponding modifications to the department or entity Liaison Unit.



Article 11

Petitioners shall inform the Institute about any refusal or inefficient service, as well as about any updating failure of an Internet site, as referred to in the previous paragraphs. The Institute shall issue recommendations to ensure and improve such services and will promote that the interested party receives the corresponding information.

Article 12

The information referred to in paragraphs I, II, V, VIII and XIV of Article 7 of the Law shall be updated within a term of no more than ten workdays from the date it was modified.

Article 13

The Directory of Public Servants mentioned in paragraph III of Article 7 of the Law shall include name, position, level of such position within the organization structure, telephone number, mail address and, if available, fax number and electronic address.

Article 14

Regarding information related to public servants remunerations, as stated in paragraph IV of Article 7 of the Law, departments and entities are responsible for the publication of the gross and net compensation rates, as well as the corresponding fringe benefits of the permanent staff, the staff of trust, and free-lance personnel. Furthermore, departments and entities shall disclose the total number of positions and free lancers, specifying the vacancies available per administrative unit.

Article 15

Those departments and entities subject to item A of the Third Chapter of the Federal Law of Administrative Procedures shall publish their procedures and forms by means of an Internet link from their site to the Federal Registry of Procedures and Services website. Those that are not subject to that Chapter must publish such forms on their own Internet websites and, whenever procedural, they must include elements that are equivalent to those mentioned in Article 69-M of the Federal Law of Administrative Procedures.

Fiscal procedures and forms shall be published in the registry thereby provided for, in this matter by the Tax Ministry.

The Mexican Institute of Social Security and the Institute of the National Housing Fund for Workers shall publish their procedures and fiscal formats in the Federal Registry of Procedures and Services of their own Internet websites.



Article 16

All information related to the departments and entities budget and reports on their execution, as mentioned in paragraph IX of Article 7 of the Law shall be disclosed by the Tax Ministry through its Internet website, and shall issue general provisions.

The period with which the public information must be updated cannot be shorter than the one used by the Federal Executive to report to the Congress in compliance with the Federal Expense Budget.

All departments and entities must include a link to the Tax Ministry, in which the mentioned information is deployed.

Article 17

For compliance with the provisions set forth in paragraph X of Article 7 of the Law, the Ministry of the Public Function and the internal control bodies of the departments and entities, within the field of their respective competence, shall disclose the following information:

- I. The number and type of audits to be performed during the respective budgetary exercise;
- II. Total number of observations derived from the audit results for each item subject to revision; and
- III. Regarding the follow-up of the audit results, the total number of clarifications made by the department or entity.

The described information must be published within thirty days from the closing date of each quarter.

The publication of all information related to the external audits performed to non-concentrated bodies and entities shall be deployed on their Internet websites, pursuant to the provisions of this Article.



Article 18

Internal control bodies must include the information referred to in the previous Article in the department or entity Internet website. The Ministry of the Public Function will have links to such websites from its own page.

The results of the audits, in regards to their publicity, must not contain information that can cause serious damage to the activities of verification and of fulfillment of the laws, related to presumed responsibilities or of another nature and in general those that are privileged or confidential in the terms of the Law and this Regulation.

Those audit observations that could cause harm to administrative or jurisdictional proceedings shall be disclosed once the issues are definitively resolved and the corresponding resolutions are enacted and cannot be appealed in any manner whatsoever.

Article 19

The departments and entities shall publish on their Internet websites within the first ten workdays of the month of July of every year, at the latest, the information related to incentives, supports and subsidies programs. This information must be updated every three months and contain, at least, the following elements

- I. Program name or denomination;
- II. The granting or administrating unit;
- III. The target or beneficiary population, as well as a corresponding log with the names of the individuals or the official name or denomination of the beneficiary corporations;
- IV. The granting criteria of the administrative unit;
- V. The term for which those were granted;
- VI. The amounts; and
- VII. Periodical results or reports on the progress of the programs.



Article 20

The departments and entities must publish on their Internet website the information related to grants, approvals, and licenses issued. Such information must contain, as a minimum:

- I. The identification of the granting administrative unit;
- II. The name of the individual or the official name or denomination of the corporation receiving a concession, approval or license;
- III. The purpose and term of the grant, approval or license, and
- IV. In the case of concessions, the procedure that was followed to grant it.

Article 21

Departments and entities must disclose on their Internet websites the information related to the undersigned contracts for purchases, leases, services, public works and related services, detailing in every case:

- I. The administrative unit that made the contract;
- II. The contracting procedure;
- III. The name of the individual or the official name or denomination of the corporation involved with the contract;
- IV. The date, purpose, amount and completion terms of the contract; and
- V. Contract modification agreements, if such is the case, detailing the elements mentioned in the previous paragraphs.

Article 22

The departments and entities, when transferring public resources to the states or municipalities, must make the delivered amounts public information, as well as those reports referred to in Article 12 of the Law.

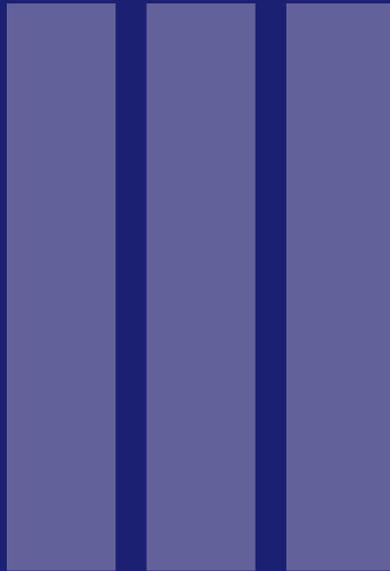


Article 23

The information referred to in paragraph XIV of Article 7 of the Law will include the regulatory framework applicable to the performance of the departments or entities, including the provisions that rule expenditures exercise and control.



Chapter



Publication of General
Administrative Law Drafts
and Provisions

Article 24

The departments and entities must publish on their Internet websites and at least twenty workdays prior to their date of publication or signature by the Federal Executive, the drafts of laws or administrative acts of general application such as regulations, decrees, agreements, official Mexican standards, circulars, forms, guidelines, criteria, methodologies, instruction documents, directions, rules, manuals, or provisions which have the purpose of setting specific obligations in lack of competence conditions and any other similar situation of the previous acts and with no exclusion in any case.

Article 25

The drafts mentioned in the previous Article and which are subject to the Third A Title of the Federal Law of Administrative Procedures shall be published through the Federal Commission of Regulation Updates Internet website. In this case, the mentioned Commission will issue a certification on the compliance of such obligation. The departments and entities shall request the treatment referred to in Article 10 of the Federal Commission of Regulation Updates, in terms of the Federal Law of Administrative Procedures.

The drafts of those laws or acts that are not subject to the Third A Title of the Federal Law of Administrative Procedures must be published on the individual department or entity Internet website; in the case of failing to do so and for

drafts of laws or acts that are intended to be submitted for the signature of the Federal Executive, the Juridical Council of the Federal Executive shall publish them in the terms of the previous Article.

The departments and entities shall request the special treatment stated in Article 10 of the Law to the Juridical Council of the Federal Executive. Regarding drafts of laws, the Juridical Council will consider the constitutional and legal terms, as well as the session terms of the Congress.

In the special treatment requests mentioned in this Article, the departments and entities must provide the justification of the emergency, or those that prove that the advanced disclosure could compromise the effects that are intended to be achieved by such provision.

General administrative acts derived from the administrative procedures related to disloyal international trade practices, as set forth in the Law of Foreign Trade, are free from the pre-disclosure obligation, as it is considered that the intended effects could be compromised.



Chapter

14

Information Classification

Article 26

The departments and entities administrative unit principals will classify the information when:

- I. The information is generated, obtained, acquired or transformed; or
- II. A request for access to the information is received, in the case of documents with no previous categorization.

Article 27

When classifying files and documents as privileged or confidential, the administrative unit principal must consider the damage possibly derived from the disclosure of those documents protected by Articles 13, 14, and 18 of the Law.

Article 28

The Institute will set the guidelines containing the criteria for the classification, declassification and custody of privileged and confidential information. The Committees shall establish specific criteria whenever the nature or specificity of the information or administrative unit demands so, provided a justification is submitted and as long as there is no contradiction with the guidelines issued by the Institute. Such criteria and justification must be published on the departments or entities Internet websites, within ten workdays after they are issued or amended.

Article 29

Notwithstanding the provisions contained in the last paragraph of Article 17 of the Law, the Institute can request a department or entity to submit a report on the contents of such privileged or confidential information. In case of insufficiency, the Institute can request the department or entity to submit information on those elements that could allow the corresponding classification.



Chapter



Privileged Information

Article 30

Files and documents classified as privileged or confidential must exhibit a statement indicating such classification, the classification date, its legal grounding, the period of the reserve, and the signature of the administration unit's principal.

Whenever a file includes both public and pri-ileged documents, those that are not privileged or confidential must be disclosed. If dealing with a document partially privileged or confidential, an redacted version of the document must be delivered. The copies of the delivered files or documents shall represent the corresponding public versions.

Article 31

The principals of the administrative units will create, pursuant the provisions included in Article 17 of the Law, an index of those files that are classified as privileged.

With the purpose of keeping such index duly updated, the administrative unit will submit it to the Committee within the first ten workdays of the months of January and July of each year, as needed. The Committee will have ten workdays for its approval; after such term, even with no determination from the Committee, it shall be deemed as approved.

Article 32

An index of those files that are classified as privileged or confidential shall be public information, subjected to the availability and access obligations set forth in the Law and this Regulation. Such index must contain:

- I. Topic title;
- II. The administrative unit which generated, obtained, acquired, transformed or keeps the information:
- III. Classification date;
- IV. Legal grounding;
- V. Reservation term; and
- VI. The privileged or confidential portions of those files or documents, when applicable.

Article 33

Privileged or confidential files shall be properly protected and preserved pursuant the guidelines issued by the Institute and, if such is the case, the specific criteria issued by the Committees. The department or entity principal must be knowledgeable about the latter ones and insure that they are fit for the mentioned purposes.



Article 34

Privileged or confidential information can be declassified:

- I. As of the due date of the reservation period;
- II. When the facts that caused the classification disappear;
- III. When so is determined by the Committee in terms of Article 45 of the Law; or
- IV. When so is determined by the Institute in terms of Articles 17 and 56, paragraph III of the Law.

Article 35

When under the judgment of a department or entity it is necessary to extend a file or document reservation period, the corresponding Committee must make the corresponding request to the Institute, duly grounded and motivated, at least three months prior to the due date of the reservation period.

In absence of a reply from the Institute within two months after the date of the reservation period extension request, it shall be considered as affirmative in fact and the document will continue to be considered as privileged for the requested period.

Article 36

Regarding Article 14 of the Law, those serious breaches of fundamental rights and crimes against humanity shall be considered, as established in the treaties ratified by the Senate of the Republic or in the resolutions issued by international organizations recognized by the Mexican State as competent, as well as in the applicable legal provisions.



Chapter

VM

Confidential Information

Article 37

Confidential information is not subject to due dates and remains as such indefinitely, except by express written consent of the holder of such information or by written order issued by a competent authority.

Article 38

Citizens who submit confidential information to departments and entities pursuant to the provisions set forth in Article 19 of the Law must indicate the documents or sections where such information appears, as well as the grounds of its confidentiality.

Article 39

For the effects of paragraph I of Article 22 of the Law, it shall be understood that the express consent of the information holder will not be required, whenever the life or integrity of the person involved is in serious risk.

Article 40

So that the departments or entities can authorize access to privileged or confidential information, it shall be necessary to obtain express consent from the individuals who own such information, by written document or equivalent authentication.

Article 41

When a department or entity receives a request for access to a file or to documents containing confidential information and the Committee considers such as pertinent, the department or entity can request the holder of the information to approve its delivery and will have ten workdays to reply to the corresponding notification. The silence of the individual shall be deemed as a refusal.

The Committee must allow access to the public versions of those files and documents referred to in the previous paragraph where the sections or portions of privileged information are deleted, even in those cases in which the individual has been requested to grant his/her consent, or when obtaining an express or implied refusal from such individual.



Chapter

VMI

Organization of files

Article 42

The National General Archives, in coordination with the Institute, will issue guidelines regarding the organization, preservation, and proper handling criteria of department and entity files.

Article 43

Whenever the type of information or of the administrative unit require so, the Committees shall establish specific criteria for the organization and preservation of the department or entity files, provided that the guidelines mentioned in the previous paragraph are not infringed. Such criteria and their justification must be published on the department and entity Internet Web Sites within ten workdays after those are issued or modified.

Article 44

Every document under the care of departments and entities shall be part of a filing system in compliance with the guidelines and criteria referred to in this Chapter; such system will at least include the entering process, the description for the general group, subgroup and record, file, preservation, use, and final disposition, among others that are significant.

Article 45

The acts and procedures that are in process before the administrative units of departments and entities, as well as the final resolutions they adopt, must have supporting documentation.

Article 46

In compliance with the guidelines referred to in Article 42 of this Regulation, the Committees will create a program containing a simple guide of the filing system of the department or entity, with the purpose to facilitate the location and the access of public information. Such guide shall be updated yearly and must include the necessary custody and preservation measures for such files. Furthermore, the Committees will supervise the application of the guidelines or criteria referred to in this Chapter.



Chapter

VMI

Personal Data Protection

Article 47

The procedures to access personal data in possession of departments and entities will guarantee the protection of individuals' rights, particularly regarding privacy, intimacy, as well as access to and correction of their personal data in compliance with the guidelines issued by the Institute and other applicable provisions for the handling, maintenance, safety and protection of personal data.

Article 48

Those departments and entities that have personal data systems must make available to the Institute and to the public, through their Internet Web Sites, the listing of such systems in which the objective of the system, the type of data thereby contained, the use, the administrative unit that handling such information, and the name of the responsible individual must be indicated. The Institute will maintain an updated public listing of those personal data systems made available to the Institute.



Chapter

IX

Information Reproduction
and Delivery Costs

Article 49

Regarding Article 27 of the Law, access fees shall be understood as reproduction and delivery costs for the requested information.

Article 50

In the case that the departments and entities have an electronic version of the requested information, they can deliver it to the petitioner free of charge or make it available through an Internet Web Site, informing the petitioner of the necessary data to access such information.

Article 51

The departments and entities shall reproduce the requested information by simple or certified copies, magnetic, optic, sound, visual, holographic or other media. In these cases, the petitioners shall be charged for rights, use or products, as applicable, and the corresponding payment must be made before reproducing the information.

Except for the case of certified copies, those costs mentioned in the previous paragraph cannot be higher than that of the materials used to reproduce the information. Such costs must be published on the Internet Web Sites of the departments and entities.

The costs for certified copies shall be determined according to the applicable legislation and, in the case of entities, the cost shall not be higher than those set for departments.

Article 52

Those departments and entities that provide information services with commercial value may charge for these services, in terms of the applicable juridical regulations.

For the consultation, procurement or reproduction by the departments and entities databases, with no privileged or confidential information, their commercial value shall be considered and property of the corresponding legal rights shall be respected.



Article 53

Except for certified copies and the provisions in the second paragraph of Article 24 of the Law, the reproduction of the information resulting from the reply to a request for access to personal data or their correction, shall be free of charge.

Article 54

Provided there is no justified obstacle to doing so, the departments and entities must address the petitioner's requests regarding the delivery means of the requested information, which can be done by certified mail or courier with acknowledged receipt, provided the petitioners have covered the corresponding service cost.

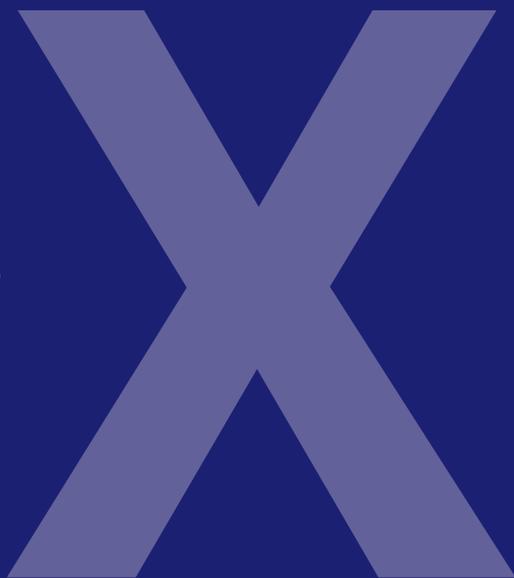
Article 55

The Institute and the Ministries of Treasure and Public Function will coordinate with each other to establish and continuously improve assistance to facilitate the delivery of information, reduce its costs and facilitate its payment, preventing the physical transportation of petitioners to the departments and entities, their facilities, representations and delegations.

The Institute shall be a collaborator with the Federal Treasury for the collection of the information reproduction and delivery costs as set forth in the Law and this Regulation.



Chapter



On the Liaison Units and the
Information Committees

Article 56

The principals of the Liaison Units will designate the enabled public servants for facilities, representations and delegations of the department or entity in question, which will aid individuals in completing their requests and, if applicable, will guide them through the department, entity or other body that could have the information they request.

Article 57

The committees shall be integrated by the principal of the internal control body, the principal of the Liaison Unit and a public servant appointed by the principal of the department or entity. The members of the Committees may only be replaced in their duties by public servants specifically appointed by the member principals of those, and the replacements must have the immediate inferior rank. Decisions must be made by majority of votes.

When an entity has no internal control body, the Ministry of the Public Function shall designate the public servant who will enable the Committee.

The Committees may include the public servants they consider necessary to counsel them or support them in their duties, and will attend the sessions with a voice but no vote.

Each Committee will establish the criteria for its performance, which must predict the frequency of their sessions, the public servant who shall be deemed as president of it and the manner to give follow up to their resolutions.

Article 58

The decentralized administrative bodies that have an internal control body must establish their own Liaison Unit and Committee.

When they have no internal control body, the principal of the decentralized administrative body and the Committee of the department to which the body is ascribed, will determine with mutual consent if their own Liaison Unit and Committee are required, in attention to the organizational structure, and to the type and amount of information it handles. If the determination is negative, the department or entity Liaison Unit and the Committee will also be those of the decentralized administrative body.

When one decentralized administrative body has no internal control body and the creation of their own Link Unit and Committee is found to be necessary, the principal of the department internal control body will become part of the corresponding Committee.

The Inter-ministry Commissions and the Advisory Council will fulfill the obligations prescribed by the Law, these Regulations and other applicable dispositions through the department Liaison Unit and the Committee of the department or entity that performs the duties of technical secretary or its equivalent.



Article 59

The changes made by the departments or entities with regards to the public servants that comprise the Liaison Units or the Committees, must be displayed on their Internet website within the immediate ten workdays after those decisions were made.

Article 60

The resolutions and criteria issued by the Committees shall be published and made known in the corresponding department or entity Internet website within the next ten workdays from their issuance date, notwithstanding that these were made available to the public through an exclusive system determined by the Institute for these purposes.

Article 61

The Committees must submit to the Institute, through the systems that for this purpose it establishes, within the first twenty workdays of the month of January of each year, all the information they have regarding:

- I. The number and type of information requests submitted and their results, including those in which it was not possible to find the information in the files.
- II. Time spent in replying to the requests.
- III. The status of the appeals promoted by the Institute before the internal control bodies; and
- IV. The difficulties observed in the fulfillment of the Law, these Regulations and other applicable dispositions.



Chapter

XI

Federal Institute of Access
to Public Information

Article 62

Notwithstanding the provisions of Article 37 of the Law, the Institute may:

- I. Design procedures and establish systems so that the departments and entities receive, process and resolve the requests of access to information, as well as to personal data and their correction.
- II. Establish systems so that the departments and entities can submit to the Institute resolutions, criteria, requests, consultations, briefings and any other information through electronic media, of which the transmission guarantees, given the case, the security, integrity, authenticity, reservation and confidentiality of the information and generates electronic registry of the dispatch and corresponding delivery.
- III. To perform visits or mandate that the departments and entities in order to assure the proper classification or declassification of information, or the procedure for granting access to the same.
- IV. Exercise other powers that the Law confer, these Regulations and other applicable dispositions.

Article 63

The Plenary Meeting of the Institute will designate a Liaison Unit and will integrate the Committee under the terms of the Law.

Article 64

The Institute will publish in the Official Federal Newspaper the guidelines and other administrative acts of a general character thereby issued.

The Institute will display on its Internet website the excerpts of their resolutions, including those on appeals, and any other information that it considers of interest.

Article 65

The Liaison Unit and the Institute's Committee will not have access to the following information:

- I. Information received from the departments and entities so that the Institute acknowledges, verifies or orders its classification or declassification according to the dispositions of the Law, these Regulations and other applicable provisions, and
- II. That contained in the appeals files, as long as they have not been resolved.



Chapter

XI

On Access to
Information Procedures

Article 66

Regarding Article 40 of the Law, access to information requests can be filed by personal document, by the forms created by the Institute for such purpose or by the system thereby established. Both the forms and the system must be available in the Liaison Units, facilities, representations and delegations that have enabled public servants, as well as in the departments, entities and Institute Internet Web Sites.

The petitioner can indicate which person or persons are authorized to file, if necessary, the appeals referred to in Articles 49 and 50 of the Law in his/her request document.

The requests for access to information can be presented personally or through a representative at the address of the corresponding department or entity Liaison Unit or in the address of its facilities, representations or delegations that have enabled public servants. Furthermore, such request can be filed by certified mail or courier with acknowledged receipt and electronically through the system thereby established by the Institute for such purpose. In any event, the Institute shall confirm or send to the petitioner a receipt clearly acknowledging the corresponding filing date.

Article 67

The representation referred to in Article 40 of the Law can be held by an authorized third party with power-of-attorney signed before two witnesses with no need of previous signature ratification or any other formality. The representation cannot be accepted when the access request is made by electronic means.

Article 68

Those petitioners must indicate when completing their request for access to information, the mechanism to be used for the corresponding resolution notification, pursuant Article 44 of the Law. Such notification can be:

- I. Personally or through a representative in the Liaison Unit address or in their facilities, representations and delegations that have enabled public servants;
- II. By certified mail or courier with acknowledged receipt, provided that in this latter case, the payment of the corresponding service is covered upon filing the request; and
- III. By electronic means through the system established by the Institute, in which case the petitioner must indicate that he/she accepts the same method to receive notifications. The department or entity must provide the petitioner with the password that allows him/her to access the system.



Whenever a petitioner files a request by electronic means through the Institute system, it shall be understood that he/she accepts that the notifications are made by the same system, except if it is indicated different manner to receive such notifications is preferred.

In case that the petitioner does not specify the manner in which he/she should be notified about the resolution or does not cover the payment for the courier service mentioned in paragraph II of this Article, the notification shall be delivered by certified mail or by public posting in a conspicuous place if an address is not specified.

This Article shall be applicable in the case of term extension notifications referred to in the first paragraph of Article 44 of the Law.

Article 69

Those Liaison Units receiving requests for access to information that are not in the possession of the corresponding department or entity, must assist and give orientation to petitioners, through the means indicated in the request and within the next five workdays, on those departments or entities that could have such information. In such cases, the individual's petition will not be considered as a request of access to information in compliance with the Law and this Regulation.

Article 70

Each department or entity Committee can set the internal terms and procedures to process the access requests, which must be discharged in a maximum term of the twenty workdays referred to in Article 44 of the Law, including the notification to the petitioner through the Liaison Unit. In failure to do so, such procedure will adhere to the following:

- I. Upon receipt of the request, the Liaison Unit must submit it to the administrative units that could have the information, within two workdays after receiving the request.
- II. In case that the information is available and public, the administrative unit must so notify so to the Liaison Unit, within fifteen workdays after receiving the request from the said Unit, indicating, if applicable, the reproduction and delivery costs, according to the various methods included in Articles 51 and 54 of this Regulation, or the source, place and manner in which the information can be obtained or reproduced, as well as the corresponding costs if the information is related to the assumptions mentioned in Articles 42, third paragraph of the Law, and 50 and 52 of the Regulation;
- III. In the case that the administrative unit determines that the requested information is privileged or confidential, both the access request and a document grounding and motivating the corresponding classification shall be submitted to the Committee, within eight workdays after receiving the request. The Committee can confirm, modify or revoke the mentioned classification, and for that purpose, the



Committee shall be able to access privileged or confidential files or documents. In any event, it will issue a grounded and motivated resolution;

IV. In case that the administrative unit determines that the requested information contains privileged or confidential documents, or if a document contains portions or sections with this type of information, both the access request and a document grounding and motivating the corresponding classification shall be submitted to the Committee, within the same term indicated above, as well as a reproduction of the public version of those documents that are not privileged or confidential or from which those portions or sections containing privileged or confidential information have been deleted. The Committee can confirm, modify or revoke the mentioned classification, and for that purpose, the Committee shall be able to access privileged or confidential files or documents. The Committee shall proceed pursuant to the provisions of Article 41 of this Regulation and issue a grounded and motivated resolution; and

V. In case that the administrative unit determines that the requested information is not in their possession, a report describing this fact and giving direction related to the possible location of the requested information must be submitted to the Committee within five workdays after receiving the request from the Liaison Unit. The Committee shall proceed in compliance with the provisions of Article 56 of the Law.

The Committees must issue those resolutions referred to in Articles 45 and 46 of the Law in the fastest possible manner.

Article 71

The Committees can decide to extend the term to reply to a request of access to information in compliance with the first paragraph of Article 44 of the Law. The notification submitted to the petitioner must explain in a grounded and motivated manner, the reasons that justify the said extension. Negligence or carelessness by the department or entity regarding the request discharge cannot be invoked as causes of the term extension.

Article 72

Those Committee resolutions that deny access to information or determine that the files or documents include privileged or confidential portions or sections, the corresponding classification must be grounded and motivated and must state that the petitioner can file an appeal before the Institute, and provide the corresponding form from the Internet Web Site from which the form can be obtained and file it through the Institute System, or furthermore, allow access to such system if so is requested.



Article 73

Notwithstanding the provisions of Article 50 of this Regulation, the costs and methods for the reproduction of the information must be specified, pursuant the provisions of Articles 51 and 52 of the same Regulation, serving whenever procedural, the petitioner's request.

If such is the case, the information can be made available to the petitioner by physical consultation at the department or entity, preferable and whenever possible, in the Liaison Unit address. If this is not possible, the Liaison Unit must make sure that the consultation is performed in the proper facilities.

Article 74

Within ten workdays after notification is made, the requested information must be available to the petitioner or representative in the Liaison Unit address or in their facilities, representations and delegations that have enabled public servants, or through an Internet Web Site or delivered in compliance with the provisions of Articles 50 and 54 of this Regulation, as applicable.

Whenever it is necessary to reproduce or deliver the information in the terms of this Article, the ten workdays term will start counting from the first workday after the petitioner has paid the corresponding costs.

Article 75

The petitioners will have a term of three months after the resolution of access to information is notified to use said resolution. Therefore, they must start the consultation as indicated or cover the reproduction or delivery costs accordingly. After such term, petitioner must file a new request for access to information with no liability for the department or entity.

Chapter

XIII

On Access Procedures and
Correction of Personal Data

Article 76

Articles 66 and 68 of this Regulation are applicable to the requests for access to personal data and its correction, with the variations referred to in this Article.

When filing their requests, the owners of the personal data or their representatives must demonstrate their personality in advance. The representation must have a legal standing in terms of the corresponding provisions. The above shall be applicable in the cases of resolution notifications according to paragraphs I and II of Article 68 of this Regulation, as well as its second paragraph.

The use of electronic means to file requests and receive notifications on the resolutions, shall be limited to those cases in which the petitioner has the certification of the electronic identification means referred to in Article 69-C of the Federal Law of Administrative Procedures.

The terms stated in Articles 24 and 25 of the Law cannot be extended and the provisions of the second paragraph of Article 66 of this Regulation will not be procedural.

Article 77

In the case that the terms and procedures applicable to the requests for access and correction of personal data are specified as services or procedures in compliance with paragraph VII and VIII of Article 7 of the Law, the owners of the personal data must file their requests according the indications contained therein.

Article 78

Each department or entity Committee can establish the terms and the internal procedure to process the requests for access to personal data, which shall be discharged within the term of ten workdays referred to in the first paragraph of Article 24 of the Law, including the notification to the petitioner through the Liaison Unit, and it will adhere to the following:

- I. Upon reception of the request, the Liaison Unit must submit the request of access to personal data to the administrative units that could have the corresponding information;
- II. In the case of availability of the petitioner's personal data, the administrative unit must submit it in a comprehensible format to the Liaison Unit, specifying the corresponding fee charge service, and the delivery cost of such information, if applicable, pursuant to Article 54 of this Regulation, unless it is being dealt with certified copies or if related to the provisions of second paragraph of Article 24 of the Law, so such information should be specified; and
- III. In the case that the administrative unit determines that the requested information is not available in its personal data system, a report of such circumstance must be submitted to the Committee, where the case shall be analyzed and the necessary measures shall be taken in order to locate the requested information. In case that the requested information is not found, the Committee will issue a resolution informing the petitioner about the inexistence of his/her personal data in the corresponding system.



Article 79

Each department or entity Committee can establish the terms and the internal procedure to process the requests for correction to personal data, which shall be discharged within the term of thirty workdays referred to in Article 25 of the Law, including the notification to the petitioner through the Liaison Unit, and it will adhere to the following:

- I. Upon receipt of the request, the Liaison Unit must submit it to the administrative units that could have the corresponding information
- II. In the case that personal data correction is procedural, the administrative unit must submit to the Liaison Unit a document indicating the modifications and specifying the gratuitousness of the process as well as the delivery cost of such information pursuant to Article 54 of this Regulation, unless the information is requested in certified copies or related to the provisions of the second paragraph of Article 24 of the Law, thereby specified as necessary.
- III. In case that the administrative unit determines that the requested correction of personal data is not possible, a document that grounds and motivates the reasons why those modifications are not procedural, must be submitted to the Committee. The Committee will determine if the modifications are possible pursuant the previous paragraph or issue a grounded and motivated resolution stating the total or partial inadmissibility of such corrections.

Article 80

The Committees' resolutions that determine the inexistence of personal data or the total or partial inadmissibility of its modifications, must be grounded and motivated and must indicate to the petitioner that he/she can file an appeal before the Institute, as well as to provide the petitioner with the corresponding forms, the Internet Web Site in which the forms can be obtained to be filed through the Institute system, or allow access to the said system, if so is requested.

Article 81

When the petitioner requests certified copies of his/her personal data or its correction, the resolution dates will start counting one day after having demonstrated that the corresponding costs have been covered.



Chapter



On Procedures before
the Institute

Article 82

Pursuant to the provisions of Article 51 of the Law, the appeal set forth in Articles 49 and 50 of the same, is procedural. This appeal shall be substantiated according to the Law, to this Regulation, and for the not foreseen, to the provisions of the Federal Law of Administrative Procedures.

Article 83

Regarding of Articles 26, 49 and 50 of the Law, appeals can be filed by personal document, by the forms determined by the Institute for such effects, or through the system indicated by the Institute. Both the forms and the system shall be available at the Liaison Units, their facilities, representations and delegations, that have enabled public servants, as well as in the department, entities and Institute Web Sites.

The filing of an appeal regarding the access to information procedures can be done personally or by a representative at the Institute's address or in the site previously authorized by the same, as well as in the corresponding department or entity Liaison Unit.

Such appeal can be delivered by certified mail or courier with acknowledged reception, and by electronic means through the Institute system; in any event, reception acknowledgment shall be submitted, confirmed or filed to the petitioner, clearly displaying the corresponding filing date.

For appeals of requests for access to information, it shall not be necessary to certify the identity of the interested party and the representation can be held in terms of Article 84 of this Regulation. The electronically filed appeals must be filed by the interested party and in such case, representation is inadmissible.

Regarding personal data, the owner of such personal data or his/her legal attorney must file the appeals. Furthermore, such appeal can be electronically filed, provided the petitioner has a certification of the electronic means of identification referred to in Article 69-C of the Federal Law of Administrative Procedures.

The term referred to in Article 55 of the Law shall start counting one day after the Institute receives the appeal.

Article 84

The representation referred to in Article 49 of the Law must be demonstrated by power of attorney signed before two witnesses, with no need of previous signature ratification or any other formality.

The representation can also be demonstrated by presenting the request for access to information that originated the contested resolution, in which the person that can file the procedural defense means has been expressly authorized to do so.



Article 85

In compliance with paragraph IV of Article 55 of the Law, when the appeal is electronically filed, the contested resolution must be attached to the same electronic documents and, if applicable, a copy of the corresponding notification. Optionally, such documents can be reproduced in hard copies and sent to the Institute.

Article 86

Those petitioners filing appeals must state how they desire to be notified on the corresponding resolutions, pursuant to Article 56 of the Law. Such notification can be made:

- I. Personally or through a representative at the Institute address;
- II. By certified mail or courier, with acknowledged receipt, provided in this latter case that, when filing the recourse, the cost for the corresponding service is covered; and
- III. Electronically, through the Institute system, in which case the petitioner must indicate his/her acceptance to use the same means to receive notifications, provided he/she is supplied with the necessary access elements.

When a petitioner files an appeal of revision electronically through the Institute system, it shall be understood that he/she accepts to use the same system to receive notifications, unless a different means for such purpose is specified.

When the petitioner does not specify the way in which he/she shall be notified on the resolution, or when the cost for courier service mentioned in paragraph II of this Article is not covered, the notification shall be delivered by certified mail, or by the system indicated by the Institute.

When the petitioner does not specify an address to receive notifications, these shall be delivered posted in a conspicuous place in a court of law.

This Article shall be applicable in cases of term extension notifications mentioned in the penultimate paragraph of Article 55 of the Law.

For those cases mentioned in paragraphs I and II of this Article, the notification of resolutions related to access to personal data or its correction can only be made to the individual owner of such personal data or his/her legal attorney, after demonstrating his/her credentials. Furthermore, such notification can be submitted electronically, provided the petitioner has the certification of electronic identification referred to in Article 69-C of the Federal Law of Administrative Procedures.



Article 87

If the appeal does not satisfy any of the prerequisites stated in Article 54 of the Law, and the Institute does not have the necessary elements for a remediation, the appellant shall be warned only once, and through the method of his/her choice in compliance with the previous Article, as to remediate such failures within a term of five workdays. Upon expiration of the corresponding term and without warning, the appeal shall be deemed as not complete.

The warning will interrupt the term that the Institute has to solve the appeal.

Article 88

When the appeal fulfills all prerequisites stated in Article 54 of the Law, the Institute will decree its acceptance and will issue report to the Committee that issued the contested resolution, so that in a term of seven workdays, it states whatever is within its rights.

Article 89

In the substantiation of the appeal referred to in Article 55 of the Law, the Institute, by means of the President Commissioner will process, resolve, and if necessary, will remediate the corresponding legal failures, on the appeals, without modifying the facts therein described.

For such effect, all types of evidence shall be accepted, except for confessions by authorities. The requests for information on administrative authorities regarding those facts contained in their files or thereby added documents are not included in this prohibition.

Article 90

Regarding paragraph II of Article 55 of the Law, the Institute Plenary Committee will determine, if applicable, the place, date and time to hold the hearing, indicating that within five days before its discharge, evidence can be offered and, if applicable, admitted and discharged during the hearing, that cannot be postponed and must be held whether the parties appear or not. Furthermore, the Institute can designate a representative for this purpose and shall determine, according to the type of the matter, whether the hearings will be public or private.

In the case of holding the hearing, the parties can present their allegations in written form or, if applicable, they shall be granted a reasonable term to express them. Minute shall be kept during the hearing.



Article 91

Those resolutions referred to in paragraph III of Article 56 of the Law must be implemented by all departments and entities in a term of no more than ten workdays, counting from the next working day after the resolution is notified to the Committee.

Article 92

In terms of Article 56 of the Law, if any department or entity refuses to disclose information related to the resolution of an appeal, or if the information is incomplete, or refuses to comply with a resolution or instruction, the Institute can:

- I. Communicate such fact to the corresponding internal control body for its immediate intervention;
- II. Appeal to the administrative unit principal's hierarchic superior for immediate intervention; or
- III. Disclose such circumstance to the public.

Article 93

Regarding Article 53 of the Law, individuals can request the Institute, as described in Article 83 of this Regulation, to intervene in order to verify the absence of reply from a department or entity regarding an access request according to the term set forth by Article 44 of the Law.

The Institute will enjoy the corresponding department or entity to demonstrate in a term of five workdays that a timely and correct reply was delivered to the petitioner. After demonstrating so, to the judgment of the Institute, the corresponding report shall be submitted to the petitioner by means of a resolution issued within the next 20 workdays after filing the intervention request. Otherwise, a resolution shall be issued, clearly stating the instruction given to the department or entity to submit the requested information within the next ten workdays after the notification date.

Article 94

In the case that the department or entity cannot demonstrate a timely and correct reply to the petitioner, and considers that the procedure is related to privileged or confidential information, such instance shall submit to the Institute a report of the grounds and motivations of the corresponding classification, in a term of the five workdays referred to in the previous Article.

If such report is insufficient regarding the corresponding classification, the Institute can summon the department or entity to supply elements that allow a proper solution within a term of five workdays, including the privileged or confidential information.

The Institute shall assess the classification in accordance with the previous paragraphs and, if applicable, within the next twenty workdays after the presentation of the intervention request, will issue a resolution, clearly stating the instruction given to the department or entity to submit the requested information or else to state that the documents of reference are privileged or confidential; if such is the case the resolution will instruct the department or entity to provide grounds and motivate the corresponding refusal. In both cases the instruction must be fulfilled within the next ten workdays after the notification date.

Article 95

Regarding Article 60 of the Law, petitioners can request the corresponding reconsideration before the Institute, by document in compliance with the prerequisites stated by Article 54 of the Law. The Institute must determine if the reasons that originated the resolutions prevail, or if reconsideration is possible, within a term not exceeding the provisions of Article 55 of the Law to resolve the appeal.



TRANSITORY

FIRST. This Regulation shall be in full effect and force the next day from its publication in the Official Federal Newspaper.

SECOND. The National General Archives, in coordination with the Institute, will issue guidelines containing the criteria referred to in Article 42 of the Regulation, in accordance with the timetable created by both institutions.

THIRD. The records on procedures and fiscal forms referred to in the Law and this Regulation must be available to the public on the Internet, no later than six months after the date in which this Regulation comes in full force and effect.

FOURTH. All departments and entities must adapt the information referred to in Article 7 of the Law in the terms set forth in Chapter II of the Regulation, within three months after it becomes in full force and effect.

FIFTH. In the case of Article 20 of this Regulation, all departments and entities can chose to publish copies of permits, licenses or concession titles electronically, when the information is before the date of force and effect of this Regulation. In any event, departments and entities must have a program to ensure that the information is available in the corresponding formats, within three years from the date of force and effect of this Regulation

SIXTH. Regarding Article 23 of the Law, departments and entities must notify the Institute on the listings of the personal data system that they have and publish the same on their Internet websites, no later than within the next three months from the date of force and effect of this Regulation

SEVENTH. The regime set forth by the Law and the Regulation shall be applicable to currently existing information. Such information shall be public and can only be characterized as privileged or confidential in those circumstances described in the mentioned laws.

EIGHTH. The creation of those indexes referred to in Article 32 of the Regulation must be completed within the first twenty workdays of January, 2004.

NINTH. Those administrative provisions that grant attributions to departments and entities in matters of transparency and access to public government information are annulled whenever those oppose the provisions of the Law and this Regulation.

TENTH. The Institute must comply with all obligations set forth in Chapters II and XI of this Regulation regarding the information that must be included on its Internet website, no later than three months after its enforcement date.

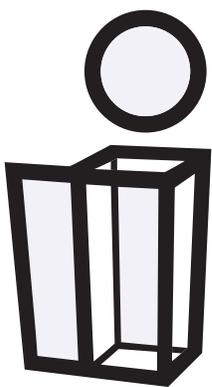
ELEVENTH. While the Congress approves those rights applicable to the access fees referred to in Article 27 of the Law, the Ministry of Treasure will establish, no later than five days after this Regulation comes into full force and effect, a simple and expedite procedure so that the departments and entities can collect the information reproduction costs.

The procedure will specify the maximum amounts that the departments and entities can charge and will tend to comply with the objectives set forth in Article 55 of the Regulation. Those reproduction modes for which access fees can be charged shall be those referred to in Articles 51 and 52 of the Regulation.



Given in the Residence of the Federal Executive Power in Mexico City, Federal District on the tenth day of the month of June of the year two thousand and three. **Vicente Fox Quesada**.- A flourish.- The Secretary of State, **Santiago Creel Miranda**.- A flourish.- The Secretary of the Public Function, **Eduardo Romero Ramos**.- A flourish.





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DECREE

for the Creation of the Federal Institute of Access to Public Information

Published in the *Federal Official Newspaper* on December 24th., 2002.



VICENTE FOX QUESADA, President of the United Mexican States, exercising the faculty that Article 89, fraction I, of the Political Constitution of the United Mexican States, bestows upon me; based on Articles 33, 34 and 36 of the Federal Law on Transparency and Access to Public Government Information; 14 and 15 of the Federal Law of State-Owned Corporations and 21, 37 and 45 of the Organic Law on Federal Public Administration, and

CONSIDERING

That through a Decree published in the Official Federal Newspaper on June 11, 2002, the Federal Law on Transparency and Access to Government Public Information, introduced by the Honorable Congress, was enacted and published.

That in the mentioned legal ordinance the Federal Institute of Access to Public Information was created, with operative, budgetary and decisive autonomy, fundamentally in charge of promoting the exercise of the right to access information; resolving the refusal of the requests for access to information and protecting personal details in the hands of government departments and entities.

That the Law itself expressly foresees that for the effects of its resolutions the Institute will not be subordinated to any authority, will adopt its decisions with full independence and will have the human and material resources for the fulfillment of its duties.

That the Federal Public Administration encompasses very diverse forms of administrative organization, which vary not

only with respect to their legal nature but also on their degree of autonomy, organizational rules, structures and budgetary treatment, amongst other elements.

That it is necessary to clarify that the legal nature of the body is one which allows full exercise of operative, budgetary and decisive autonomy to ensure its independence from other departments or entities of the same public administration; in particular for the quasi-jurisdictional duties that the institute carries out or those related to the negative resolutions to requests for access to information and personal data, as well as its power to have access to privileged or confidential information, at any given time, in order to determine its proper classification, declassification or the procedure to rule its access.

That the administrative decentralization, under its modality of non-sectored body, has among other advantages, the suppression of the hierarchical tie that characterizes the centralized and decentralized administrative units, in addition to providing the autonomy of measure and patrimony.

That with the precision to which the present Decree refers, in addition to the appointment requirements, permanence in the post and progression of the duty length periods as prescribed in the Law for the members of its body of directors, the Institute would be in the condition to perform its assigned duties, with independence, efficiency, objectivity and impartiality, without prejudice regarding its belonging to the public administration and to being subject to the budgetary limits approved by the Chamber of Deputies, I have seen fit to issue the following:



DECREE

Article 1

The Federal Institute of Access to Public Information is a decentralized, non-sectored body, with legal recognition and own patrimony, with legal address in Mexico City.

The institute will have operative, budgetary and decisive autonomy, under the terms of the Law that creates it and this Decree, without prejudice that in matters of expenditure, budget and accounting, will govern itself under the Budgetary, Accounting and Federal Public Expenditure Law, the Federation's Expenditure Budget of every fiscal year and the dispositions that emanate from these last two.

Article 2

The Institute will have as an objective the promotion and spreading of exercising the right of access to information; resolve on denials of access to information requests, and to protect personal data in the hands of government departments and entities.

Article 3

For the fulfillment of its objective, the Institute will have the powers set forth in the Federal Law of Transparency and Access to Public Government Information and the remaining applicable legal dispositions.

Article 4

Five Commissioners, including the President Commissioner, will integrate the highest directive body of the Institute. It will deliberate as a body and will undertake resolutions by majority of votes, in compliance with its Internal Regulations.

For the effects of its resolutions, the Institute Plenum will not be subordinated to any authority, and therefore will adopt the said decisions with full independence.

The Plenum will have, in addition to the powers set forth in the Federal Law of Transparency and Access to Public Government Information, the ones stated in Article 58 of the Federal Law of Government-Owned Corporations.

Article 5

The Principal Commissioner of the Institute, appointed by the Plenum, will exercise the legal representation of the entity and will have the faculties established in the Federal Law of Transparency and Access to Public Government Information, its Regulations, and the Internal Regulations of the Institute.



Article 6

The Institute will have Secretaries appointed by the Plenum, in compliance with the approved budget, and in charge of administrative, operational and substantiated activities of all procedures. The procedural faculties shall be distributed among the Secretaries, as well as all necessary competence empowerment for the organization and performance of the said body.

Furthermore, the Institute will have subordinated personnel and the necessary support for the efficient dispatch of its attributions, in compliance with its authorized budget.

Article 7

The patrimony of the institutions is integrated by:

- I. The resources yearly allotted by the Federation's Expenditure Budget, for its functions.
- II. The goods and properties allotted by the Federal Executive.
- III. The resources created by the exercise of the activities under its competence; and
- IV. Other resources, goods and rights it acquires through any legal title.

Article 8

With the objective of guaranteeing its budgetary and administrative autonomy, the Institute shall be considered as a semi-state entity with direct control, with no budgetary support.

Article 9

The Institute will have an Internal Comptroller, an internal control body that will fulfill its functions according to the specialized nature of the Institute and without interfering with the substantial decisions of the entity, pursuant to the corresponding legislation.

The Internal Comptroller, Principal of said body, as well as the holders of the auditing, complaints and responsibilities areas shall be appointed in terms of Article 37, fraction XII, of the Organic Law of Federal Public Administration and will exercise, in the area of their competence, the powers set forth in the appropriate ordinance, in the Federal Law of Semi-State Entities, in the Federal Law of Administrative Responsibilities of Public Servants and the other applicable dispositions.



Article 10

The Institute will have a surveillance body, with powers granted by the Federal Law of Semi-State Entities and other applicable dispositions. The duty of the Commissioner will fall on the Principal of the internal control body.

Pursuant to Article 33 of the Federal Law of Access to Public Government Information, the exercise of the attributes conferred to the Public Commissioner does not entail the evaluation of the performance of the substantial duties of the body or imply limitations or restrictions of any kind to the said duties. The Commissioner may only attend the sessions of the Plenum when it deals with matters related to the attributes referred to in Article 58 of the Federal Law of Semi-State Entities.

Article 11

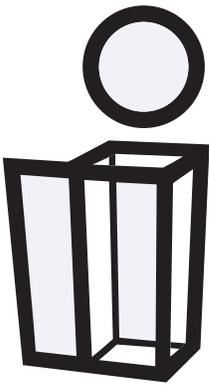
Article 123, Section B, of the Political Constitution of the United Mexican States, and its provisions, will rule the labor relations of the Institute public servants.

PROVISIONAL

SOLE. The present Decree shall be in full force and effect on the day after it is publication in the *Official Federal Newspaper*.

Given in the Residence of the Federal Executive Power, in Mexico City, on the twentieth day of the month of December two thousand two.- **Vicente Fox Quesada**.- Signed.- The Tax Minister, **Jose Francisco Gil Diaz**.- Signed.- Comptroller and Administrative Development Minister, **Francisco Javier Barrio Terrazas**.- Signed.





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ACCESS TO PUBLIC GOVERNMENT INFORMATION GUIDE



This brief *Access to Public Government Information Guide* explains how to request information from the government or how to review and correct your personal data. The Guide also tells you how to file an appeal from IFAI, when any organization of the Federal Public Administration denies access to information or when you are not happy with the response to your request.



I. What type of information does the Federal Executive Power have?

1. Public information

The information held by the government is public and must be available to any person.

The law mandates all government departments and entities to disclose certain information via Internet and to have it available to the public, without the need of a request. This information includes the organization chart of the entity or department, its faculties and the salaries of all the officials, the contracts those departments and entities sign with vendors, suppliers, and contractors and how they use their budgets, as well as subsidies, licenses, permits and authorizations these entities or departments grant, amongst other aspects of the public administration.

Only in exceptional cases can the access to government information be restricted. That is the case of **privileged and confidential information**. The next item briefly shows the exceptions.



Any school evaluation must be public.



2. Privileged and confidential information

Any information is considered as privileged or confidential when its disclosure could endanger the national security, damage the relationships with other countries, destabilize the national economy, endanger the life, safety or health of any person or prevent the enforcement of the law, among other assumptions (for example, the police forces of all over the world withhold some information about public security to better serve their societies). In Mexico, information can remain as privileged or confidential for a maximum period of 12 years, but it can become public before such term if the reasons for its classification disappear. In order to deny access to privileged or confidential information, the departments and entities must legally justify such classification and must provide evidence that its disclosure could fall in some of the exceptions set forth by the Law.

No authority can categorize as privileged or confidential any information related to grave violations of basic human rights, related to crimes against humanity, such as torture, or the “forced disappearance of people”.

The law also protects privacy rights. Confidential information means personal data, such as address, telephone number, patrimony, religious or political beliefs, and health status, among other private information that individuals provide to the government. In order to disclose it, the holder of such information must submit consent to do so; otherwise there is no reason for it to become public. Confidential information is also that expressly categorized as such by any individual and provided to governmental departments and entities.

The government can deny access both to privileged and confidential information. Nevertheless, petitioners, like yourself, can always call on IFAI for review, if the denial is not justified. It is the duty of IFAI to ensure for applicants, that such denial to access public information is properly grounded and motivated, so that the otherwise public government information can remain secret.

For those documents that contain portions of privileged or confidential information, the departments and entities are in the obligated to disclose a public version of such documents, omitting the privileged or confidential portions.



Law enforcement activities to prevent the trafficking of infants, is privileged information.

The medical record of a patient is confidential information.



II. Where and how can you have access to government information?

1. Departments and entities

The Law provides the criteria and procedures, which must be followed by the institutions of the Federal Public Administration in order to provide access to information. These government institutions, called departments and entities, include the Ministries of State and the government-owned companies such as PEMEX, IMSS and the IFAI itself.

The Federal Public Administration has more than 250 departments and entities, which are obligated to comply with the procedures depicted in this Guide.

2. Liaison Units and Information Committees

The ministries and public institutions have created Liaison Units and Information Committees. A Liaison Unit is responsible for:

- Filing access of information requests;
- Processing those requests, and
- Providing assistance to all petitioners for the completion of their requests.



Every Ministry and public institution has a Liaison Unit.

The Liaison Units are windows or modules where you can file your request for access to information, access your personal data or access it in order to correct .



Three members, including a public servant appointed by the principal of the department or entity, the Liaison Unit principal and the Internal Comptroller, integrate the Information Committee. These committees evaluate the classification criteria and reasoning to classify the information from the various offices in the departments and entities as public, privileged or confidential. The committee could decide to deny the disclosure of information or the proposed classification if it is not duly grounded, and can thus issue an order to disclose the information.

3. Procedures before departments and entities Liaison Units

a) Access to public information requests

In order to respond to your request, the departments or entities are under no obligation to create new information. Nevertheless, the Law provides they are obligated to provide public information already available in documents, and in their files. You can help expedite the process by describing the desired information as accurately as possible, and identifying the type of document that could contain such information.

If you want to know how much money a Secretary of State spent in the office-related trips he/she made, then you must request the information about the amount of money such Secretary spent, for instance, in his/her trips during the month of August. The department or entity will search for a document containing such specific information,

although it is possible it does not exist as such in any of the available documents. If that is the case, the department or entity from which you requested the information probably will respond that it needs more data in order to process your request, for example, the expense or itemization being dealt with.

But if from the very beginning you request documents such as invoices, sales tickets, expense vouchers and national and international travel tickets from the Secretary's office during the month of August of this year, the department or entity will certainly have those documents, because public institutions keep files on the travel allowances of their administrative units.

The more clear and specific your request is, the greater the opportunity you'll have that the department or entity will provide you with the information you are requesting, in the shortest time, and with the greatest detail.

If you have questions you can obtain guidance from IFAI over the phone, via Internet or personally. You can also ask the personnel of the department or entity's Liaison Unit for help.

If your request is for already published information in hard copies or electronic media, the Liaison Unit is obligated to tell you



If you wish to know how much money was spent by a Secretary in his/her official trips, you must request invoices, sales tickets and any other documents, which constitute the evidence of such expenses.



where and how you can consult, copy or obtain such information.

When the information you request cannot be found in the department or entity in which you file your information request, the Liaison Unit's personnel is obligated to tell you which department or entity has it, so that you can file a new information request.

The Liaison Unit has 20 workdays, counting from the day after receiving the request, to inform you if they have the information you requested and whether it is public, privileged or confidential. This communication is known as a "notification". In exceptions, the Liaison Unit can extend that period, but only once and up to 20 workdays.

b) Different ways to file your information request

If the information exists and is public, the Liaison Unit must submit it to you within ten workdays after the notification date. Before its delivery, you must pay the applicable reproduction and shipping expenses, if any.

You can file your information requests in three different ways: by mail, by Internet or directly in the corresponding Liaison Units. For this, you can check the address of the Liaison Units via Internet by logging in at: www.ifai.org.mx/textos/IFAI/quepuede/directoriounidades/unidades.htm.

Mail request

You or your representative can file information requests by personal written document, or by the use of those forms approved by IFAI and then sending them by mail to the corresponding Liaison Unit. The request must state:

- Your name and address;
- The particulars of your representative, if applicable;
- A clear and precise description of the documents you are requesting, as well as any other information to assist on its search; and
- Optionally, the format with which you wish to receive the information, such as direct consultation, plain copies, certified copies or any other means.



Who can file an information request?
You or your representative

If the information is available and public, the delivery time is due within 30 workdays (plus mail or courier delivery time) from the date of your request of access to information.

You can learn about the procedure and status of your request from the personnel in the Liaison Units or in the web page www.ifai.org.mx. The Liaison Unit is obligated to provide you with a folio number, which will appear in your acknowledged request receipt, and by using this number, you can check the procedure and status of your request on the Internet (www.ifai.org.mx).

Internet Request (SISI)

IFAI has designed a mechanism called Information Request System (SISI, is its acronym in Spanish). You can use SISI to file your access of information request electronically to any department or entity. Once filed, with the user code and password of your choice, SISI will generate an acknowledgment receipt containing a folio number that you can use to access and learn about the procedure and status of your request in the same media and at all times.



All federal departments and entities are obligated to use SISI. On the IFAI web page (www.ifai.org.mx) or on the web page of each department or entity, you will find a link to SISI, from which you shall be able to complete and send your access to information request.

Some of the advantages of using SISI are:

- You do not have to appear at a public office to file a request. Through SISI, you can do it from any computer with Internet access:

- You reduce the response time for notification of information availability;
- You can follow-up the procedure and status of your request at the web page **www.ifai.org.mx**. In order to do so, you must use the folio number that appears in the acknowledgment receipt the Liaison Unit handed to you personally;
- You can receive the information you requested from the department or entity via SISI;
- You can check the type of information the departments and entities have delivered to other petitioners;
- If the department or entity requires more data to process your request, you do not need to neither go in person to any public office, nor spend money to send clarifications by ordinary mail;
- You can get the payment receipt from Banco Bital for the reproduction and shipping costs (if you need plain copies, certified copies, 3.5 diskette, CD, etc). Once you have paid at any Banco Bital branch, you do not have to take any additional steps because Banco Bital will inform the department or entity, via SISI, that the payment was made, and as a result, the department or entity will send the information you requested, via registered mail.



SISI is the electronic media system used to handle information requests.



Filing a request at a public office

You or your representative can file an access to information request by directly appearing before the corresponding Liaison Unit. Public servants are obligated to process your request and to advise you on the most convenient way to file your request, either via SISl or by means of a letter or form.

If you choose electronic media (SISl), the Liaison Unit personnel must provide you with a computer with Internet access and advice, so you can complete the request yourself. Through SISl you can send an information request to any department or entity, regardless of the place from which you are doing it (for example, from the Secretary of Internal Affairs' Liaison Unit, you can file a request to the Secretary of Economy or the Secretary of Communications and Transportation).

c) Notification about the access of information request and, if applicable, payment for reproduction and shipping expenses

- If the information is public and can be disclosed via Internet, the notice will tell you how to get it, in which case there shall be no charge;
- If the information is public and can be reproduced in print or electronic media, the notification will inform you about the reproduction and shipping costs and on how you can get the corresponding bank payment receipt. With that receipt, you can go to any Banco Bital branch in the country and pay for the corresponding costs. Once you have paid, you don't have to take any additional actions because Banco Bital will inform the department or entity, via SISl,

that the payment was made, and the department or entity must send the information you requested, via registered mail, in the media of your choice (plain copies, certified copies, 3.5 diskette, CD, etc.)

- If the information is public and holds commercial value, like in the case of statistical information sold by INEGI, the notification will tell you how to get that information and its cost;
- If the documents includes sections or portions containing personal data or confidential information, the notification will state the legal grounds and reasons for the corresponding classification (it will explain the damage that the disclosure of such portions could cause), the subsequent period of concealment, and the applicable cost for reproduction and shipping, if any;
- If the information is considered privileged and/or confidential, the notification will state the legal grounds and reasons for the corresponding classification (it will explain the damage that the disclosure could cause, based upon the exception cases set forth by Law, such as national financial stability) and the corresponding period of concealment.



Under no circumstances, can a department or entity condition the delivery of information.

Whenever the requested information is public, it shall be available to the petitioner via Internet or sent via registered mail or courier in any of the following formats:

- 1) Hard copy,
- 2) Magnetic media (diskette), or
- 3) Optical media (CD-Rom)

- The notification shall also state whenever there are no documents available with the requested information.

d) Request for access to personal data

You (or your legal representative) can request information about your personal data in any department or entity, via ordinary mail or overnight delivery, via e-mail or on the Internet (www.ifai.org.mx), or do it personally in the Liaison Unit. In this request, you must state:

- Your name and address or any other means to receive notifications, like your e-mail address;
- The particulars of your representative, if applicable;
- A description of the data you are requesting, as well as any additional information to make it easier for the department or entity staff to locate such personal information;
- The means by which you want the information to be delivered, either verbally for consultation purposes, direct reference, simple or certified copies, copies or any other media; and
- Either you or your legal representative must show evidence of your legal standing at the time the data is delivered, in order to avoid other people to gain access to your personal data. Only the following documents are acceptable: valid passport, military service book, professional degree card, or voter registration ID.

Within a period of ten days after you have filed your request, the Liaison Unit will send you a notice, via registered mail, stating if your data is available in that department. If you requested certified copies of your data and/or in written format to be sent to an address by registered mail with notification, then your data shall be delivered within the next ten workdays from the payment date of the reproduction and/or shipping expenses.

If the data you requested is not available in the records of the department or entity where you requested it, then the Liaison Unit will advise you as to where you can find such information. You will receive this notification in written form via registered mail, five days after filing your application, with no charge whatsoever.

If you made any mistake in your request or if the department needs you to provide further information to locate your data, you will receive a notification of this situation via registered mail with acknowledged receipt. You shall have one month to correct or expand your request. Otherwise, your request shall be disposed of.



Either you or your legal representative can request access to information on your personal data directly from the corresponding department or entity.

The department or entity will respond to your request personally or through the representative, by certified mail, courier or electronic means (www.ifai.org.mx).



When the department from which you requested your personal information authorizes its delivery, you shall have three months from the date of the notification to cover the reproduction expenses and, if applicable, the shipping expenses of that information to the address you provided. After such term, the authorization will expire and you will have to file a new request.

If you filed your request to access your personal data via e-mail or Internet, all the notifications before the delivery of the data you requested shall be sent electronically. You must state the means by which you wish to receive your data no later than one month after you filed your request; otherwise, it will lose its effect and you will have to file a new request.

If you decide to appear personally before the Liaison Unit, the personnel on duty shall be obligated to advise and help you to complete the access to personal data request and allow you to use the available computers. You can also complete your request by hand, and they will ask you to specify both the reproduction media and the delivery means of the data you requested.

Keep in mind that regardless of the way you file your personal data request, you will have to show again an official ID to receive it, thus preventing other people from having access to your personal data. You will have to do so, even after having identified yourself personally when you filed the request at the Liaison Unit.

e) Written request to correct your personal data

Either you or your legal representative can request a modification of the information contained in any personal data system at the Link Unit. For that matter, you must file a modification request, stating the modifications you wish to make and provide documents in support of your petition at the Liaison Unit, which in turn must tell you, which personal data system contains the information you wish to correct. Either the Link Unit must present you with a notice containing the changes made in your file, within a period of thirty workdays after filing your request, or notify you on the reasons why such modifications were not applicable. This procedure is free of charge.

f) Clarification of request and services to view and correct personal data

If there is a previous request, or service to access or correct your personal data, like in the notices of address change filed in the Mexican Institute of Social Security or the Tax Ministry, you must use those mechanisms. The Liaison Units will explain what to do in those cases.



III.

Where can you go if the department or entity doesn't provide you with the requested information, or when they do not submit your personal data or when they do not correct it?

1. Appeal before the Federal Institute of Access to Public Information (IFAI)

IFAI has the necessary authority to revoke, modify or confirm the decision made by a department or entity regarding your access of information request. You can file an appeal at the IFAI, at the Liaison Unit where you filed your request, personally, or by means of your legal representative, when:

- The department or entity refuses to provide the information you requested or notifies you it does not exist;
- When you are not happy with the term, the shipping cost;
- When you consider that the delivered information is incomplete or does not correspond to the requested one;

IFAI also has the necessary authority as to revoke, modify or confirm the decision made by a department or entity regarding your request to access your personal data or its correction. You can file an appeal at the IFAI or the Link Unit in which you filed your request, personally or by means of your legal representative, at the department or entity:



The appeal is the legal instrument you can use when a department or entity denies access to information or your personal data. You must file the recourse at the IFAI.



- Does not deliver your personal data;
- When the data is delivered in an incomprehensible format;
- When the department or entity refuses to correct or modify your personal data.

You must file an appeal within fifteen workdays after the notification date. If you file it at the Liaison Unit, such entity must submit it to the IFAI by means of SISI no later than one day after its reception. If you have Internet access, either at your home, a public place or any other place, the simplest thing to do is to file the appeal through SISI, at IFAI's web page (www.ifai.org.mx)

The IFAI has fifty workdays to issue a ruling, and does it in two steps. During the first thirty workdays, IFAI reviews your case, prepares a file and a ruling file. Then, the IFAI Commissioners must rule on your case within the next twenty workdays (unless they request to extend the term for another twenty workdays). The committee plenum, with its five Commissioners, has powers to revoke or modify the denials of access to information, and to personal data or its correction. The plenary committee can also discard any appeal if it is considered opposed to law or, if such is the case, confirm the decision of the federal department.

The rulings issued by the IFAI are definite and departments and entities are in the obligation of performing in compliance of such. Nevertheless, one year after the date of the ruling, you can request IFAI to review your case. If so, the Institute must rule on your petition within a maximum of sixty workdays.



The Committee Plenum of the IFAI is integrated by five Commissioners and has operative, budgetary and decision-making autonomy.

2. Objection means before the Federal Judicial Power

From time to time, the Plenum of IFAI will determine that the access to information denial was justified (legally grounded and motivated), so the original decision made by the department or entity shall be confirmed; nevertheless, the Law does not close every door to the petitioner.

You can object rulings issued by IFAI before the Federal Judicial Power:

- On your own;
- Through an attorney, and
- Through the Public Defenders Office, of the Federal Judicial Power.



Your appeal will not be accepted if you file it more than fifteen workdays after the notification date.

The rulings issued by the IFAI are definite and all departments and entities are in the obligation to comply with them.

IV. What is the cost of access to information, to personal data and its correction?

1. Free of charge services

Whenever the necessary means are available, departments and entities will provide, through the Internet and free of charge, the requested public information.

The delivery of your personal information is free of charge if submitted in simple copies and if you choose to collect them personally at the Liaison Unit, or wherever you filed the initial request.

No department or entity is entitled to charge for document search and / or revision time to respond to your information requests, access to personal data or its correction. Furthermore, they cannot charge for the time invested in the document reproduction process.

You can use the computer terminals with access to Internet, free of charge, at the Social Affairs Center in IFAI (Av. México 151, Mexico City). Also, the Liaison Units must provide free use of computer terminals with access to Internet, to file your information requests and to access materials from the corresponding department or entity.



2. Services with cost

Departments and entities can charge for the cost of those materials that are necessary to reproduce the requested information. They also charge for the shipping expenses. The fees vary according to the reproduction format –simple or certified copy, electronic means (diskette), optical means (CD-ROM), audio, visual or other- and the shipment costs –registered mail or courier.

Whenever you request certified copies of your personal data or when such information is sent by certified mail, or both, the documents will not be delivered, until you have covered the applicable reproduction and / or delivery costs.

The costs of the certified copies are those provided in the applicable law.

When the requested information has commercial value, and its price authorized by law, departments or entities could charge you for that information. Such is the case, for instance, for publications issued by public departments such as the National Statistics, Geography and Information Institute (INEGI, is the acronym in Spanish) and the Public Treasury Technical Development Institute (INDETEC, in Spanish), from financial institutions such as the Foreign Trade Bank (BANCOMEXT, is its acronym in Spanish) and National Finance (NAFIN, is the acronym in Spanish), or from some of the universities and research centers, amongst others.

Except for the certified copies, the reproduction and correction of personal data shall be free of charge.



After receiving a positive access to information notification, you have a term of three months to retrieve it, to start your consultation or to cover the reproduction and shipping costs.

V. How and where you can request information about the Legislative and Judicial Powers, autonomous entities and the state governments?

The Law provides that the Legislative and Judicial powers, as well as any autonomous constitutional entities, such as IFE, Bank of Mexico and other public institutions with autonomy like UNAM, are obligated to establish their own criteria and procedures, so you can access their information. These criteria and procedures can differ, according to the institution.

You can address these entities to make consultations on:

- Their Liaison Units or equivalent;
- Their information committees or equivalent;
- Their access to information procedures, including their appeals;
- Their processes to access and correct personal data, and
- Their internal instances responsible for law enforcement and solutions to the appeals.

Some state governments have recently passed their own access to public government information laws and some others are in process of adopting similar laws.

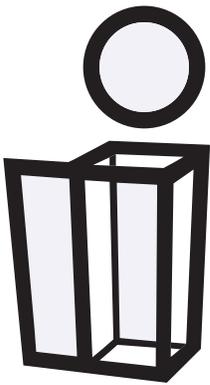


VI. Where can I learn more about the access to infor- mation rights, personal data protection and IFAI?

If you wish to learn more about access to information rights, personal data protection, access procedures or the IFAI's activities, we recommend to go to:

- Federal Law of Transparency and Access to Public Government Information, (LFTAIPG, is the acronym in Spanish);
- The LFTAIPG regulations for the Federal Executive Power;
- The LFTAIPG regulations for the Legislative and Judicial Powers and for the autonomous entities, and
- State Laws of Access to Information.

All this regulations are available at IFAI's web page: www.ifai.org.mx.



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APPENDIX A

Transparency Obligations





TRANSPARENCY

Article 7 of the Federal Law of Transparency and Access to Public Government Information states that all public institutions must disclose the following information to society:

I

Organizational chart;

II

Faculties of each administrative unit;

III

Directory of its public servants, from the Department Principals or equivalent;

IV

Monthly salary per position, including the bonus system, as established in the corresponding provisions;

V

The liaison unit's address, plus e-mail address where all requests for access of information can be received;

VI

The goals and objectives of the administrative units, as per their operational programs;

VII

The services they offer;

VIII

Procedures, requirements and forms. If registered in the Federal List of Procedures and Services or in the List established by the Tax Ministry for that matter, those must be published as registered;



OBLIGATIONS

IX

Information on budgetary allotments, as well as the corresponding fiscal reports, pursuant to the provisions set forth in the Federal Budget of Expenditures. Speaking about the Federal Executive Power, the Treasury Ministry will provide such information per department and entity. The Treasury Ministry will also report the economic situation, the public finance and the public debt, according to the provisions in the abovementioned Budget of Expenditures;

X

The findings of budget audits for all departments and entities, performed by either the Comptroller and the Ministry of Administrative Development, the internal comptrollers or the Federal Superior Audit and the corresponding clarifications, if applicable;

XI

The design, execution, amounts granted and access criteria to subsidy programs, as well as the list of beneficiaries of social programs established in the Federal Budget of Expenditures Decree;

XII

The granted licenses, permits or authorizations, also stating the names of the beneficiaries;

XIII

The contracts signed according to the provisions set forth in the applicable law, including the following details about every contract:

- a) Public construction works, purchased or leased goods and contracted services; regarding studies or research projects, the specific topic must be stated;
- b) The amount;
- c) The name of the supplier, contractor, individual or entity with which the contract was signed, and
- d) Term to complete the contract.





TRANSPARENCY

XIV

The regulatory framework applicable to each obligated body;

XV

The reports prepared by the obligated body, according to the provisions set forth in the law;

XVI

The citizens' participation mechanisms, if applicable; and

XVII

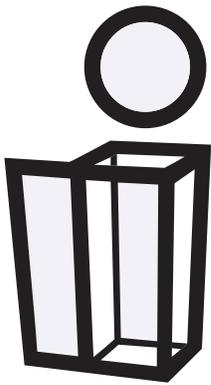
Any other useful or relevant information, besides those that are based upon statistical data, and answers the questions most frequently asked by the public.



OBLIGATIONS

The above mentioned information must be published in an easy-to-use and comprehensible manner for the people, ensuring its quality, accuracy, timing and reliability. All departments and entities must adhere to the recommendations issued by the Institute for this matter.





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APPENDIX B

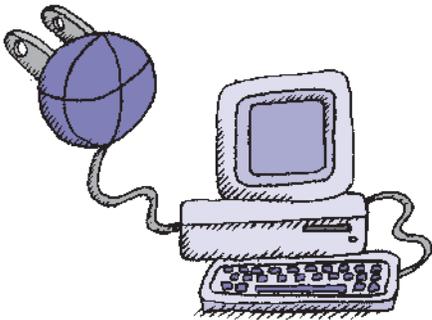
Terms and Costs





TERMS AND COSTS

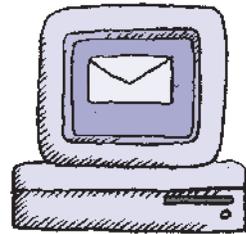
LEGAL TIME LIMITS FOR AN INFORMATION REQUEST



FILED REQUEST



• **20 workdays** to be notified about the public or confidential classification of the requested information.



POSITIVE NOTIFICATION.
THE INFORMATION IS
PUBLIC





- The Liaison Unit has **10 additional workdays** to deliver the information.



FOR SOME EXCEPTIONAL CASES:

- The Liaison Unit has **5 workdays** to inform that the information is not available in department. If such is the case, the Liaison Unit must advise the petitioner as to where he/she can find such information.
- The Liaison Unit has **5 workdays** to ask the petitioner to be more precise in

his/her application. If so, the petitioner has 30 days to provide details as for what does he/she needs.

- The Liaison Unit can request **20 additional workdays**, only once, as an extension, in order to find and compile the information.





TERMS AND COSTS

COSTS



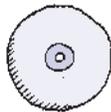
→ **1 PESO**
for each simple copy



→ **11 PESOS**
for each certified copy



→ **5 PESOS**
for a diskette



→ **10 PESOS**
for a CD

* plus shipping expenses

- The petitioner has **3 months** to cover the information reproduction and shipping expenses, after receiving the notification. After such term, the petitioner must start all over again.



ACCESS OR CORRECTION OF PERSONAL DATA



REQUEST OF ACCESS
TO PERSONAL DATA



- The Liaison Unit has **10 workdays** to deliver the requested personal data.



RESPONSE



PERSONAL DATA
CORRECTION REQUEST



- The Liaison Unit has **30 workdays** to provide evidence of the corrections made on the personal data.



RESPONSE

If the department does not produce the personal data, produces it in an incomprehensible format or denies making the corrections the petitioner demands, the petitioner can file an appeal.





TERMS AND COSTS

APPEALS



NEGATIVE NOTIFICATION

When the department or entity issues a negative response, the petitioner can file an Appeal.



- The petitioner has **15 workdays** to file and an appeal at IFAI, after receiving a negative notification.

* An Appeal can also be filed when:

- The petitioner receives a negative notification because of the privileged or confidential classification of such information;
- The information is incomplete;
- The information is not delivered according to the times specified in the law.





APPEAL AT IFAI*



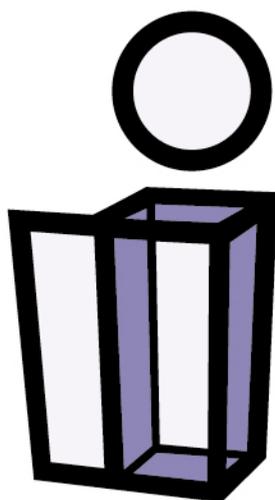
- IFAI has **50 workdays** to rule on the appeal.



RULING

FOR SOME EXCEPTIONAL CASES:

- IFAI can request **30 additional workdays**, only once, to complete the appeal file.
- IFAI can request **20 additional workdays**, only once, to definitively solve any ruling project.



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Instituto Federal de Acceso
a la Información Pública

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Col. Del Carmen Coyoacán, C. P. 04100,
Delegación Coyoacán, México, Distrito Federal.

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