

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 SISI or by means of a letter or form.

If you choose electronic media (SISI), the Liaison Unit personnel must provide you with a computer with Internet access and advice, so you can complete the request yourself. Through SISI 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 SISI,

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.

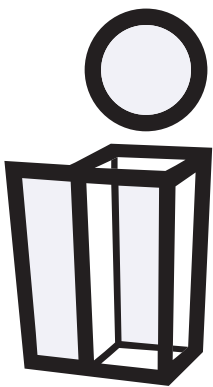


VI. Where can I learn more about the access to infor- mation rights, personal data protection and IFAI?

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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