

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.

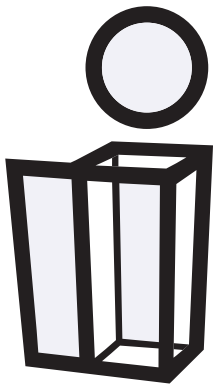
Tenth. The compelled bodies should, at the latest on the 1st of January, 2005, complete the organization and functioning of their administrative files, as well as the publication of the guide referred to in Article 32.

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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