

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

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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 to 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

XII

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.

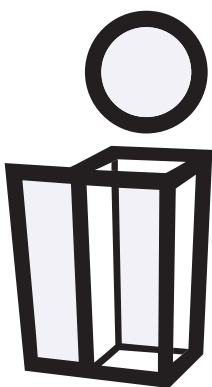
ELEVENTH. While the Congress approves those rights applicable to the access fees referred to in Article 27 of the Law, the Ministry of Treasure will establish, no later than five days after this Regulation comes into full force and effect, a simple and expedite procedure so that the departments and entities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