

[Translation by Carlota McAllister]

## FEDERAL TRANSPARENCY AND ACCESS TO PUBLIC GOVERNMENT INFORMATION LAW

### FIRST SECTION STIPULATIONS COMMON TO SUBJECTS COMPELLED BY THE ACT

#### Chapter I General Stipulations

**Article 1.** This Law is public in nature. Its purpose is to provide that which is necessary to guarantee the access of all persons to the information held by the Government Powers of the Union, the autonomous constitutional bodies or those with legal autonomy, and any other federal entity.

**Article 2.** All government information to which this Law refers is public, and private persons will have access to this information as the Law stipulates.

**Article 3.** For purpose of this Law the following definitions will apply:

- I. **Committees:** The Information Committees of each of the agencies and entities mentioned in Article 29 of this Law or the head of those mentioned in Article 31;
- II. **Personal information:** The information concerning a physical person, identified or identifiable, including that concerning his ethnic or racial origin, or referring to his physical, moral or emotional characteristics, his sentimental and family life, domicile, telephone number, patrimony, ideology and political opinions, religious or philosophical beliefs or convictions, his physical or mental state of health, his sexual preferences, or any similar information that might affect his privacy;
- III. **Documents:** Files, reports, studies, acts, rulings, official letters, correspondence, decisions, directives, circulars, contracts, agreements, instructions, notes, memoranda, statistics or indeed any other record that documents the exercise of functions or activity of the subjects and public servants compelled by the Law, without regard to their source or date of manufacture. The documents may be in any form: written, printed, sound, visual, electronic, computer data or holographic;
- IV. **Agencies and entities:** Those indicated in the Constitutional Federal Public Administration Law, including the President of the

Republic, and decentralized administrative institutions, such as the Office of the Attorney General of the Republic;

- V. **Information:** That contained in the documents that subjects compelled by the Law generate, obtain, acquire, transform or preserve under any title;
- VI. **Classified Information:** That information temporarily covered by one of the exemptions outlined in Articles 13 and 14 of this Law;
- VII. **Institute:** The Federal Institute of Access to Information established in Article 33 of this Law;
- VIII. **Law:** The Federal Transparency and Access to Public Government Information Law;
- IX. **Autonomous constitutional bodies:** The Federal Electoral Institute, the National Commission for Human Rights, the Bank of Mexico, the universities and other superior educational institutions to which the law grants autonomy as well as any others named in the Political Constitution of the United States of Mexico;
- X. **Regulations:** The Regulations of the Federal Transparency and Access to Public Government Information Law that govern the Federal Executive Power;
- XI. **Public Servants:** Those mentioned in the first paragraph of the Constitution's Article 108 and all other persons who manage or distribute public federal resources;
- XII. **National Security:** Actions designed to protect the integrity, stability and permanence of the Mexican State, the democratic governability, external defense and internal security of the Federation, and which are aimed at promoting the general well-being of society and furthering the goals of the constitutional State;
- XIII. **Personal information system:** The ordered entirety of the personal information possessed by a subject compelled by the Law.
- XIV. **Subjects compelled by the Law:**
  - a) The Federal Executive Branch, the Federal Public Administration and the Office of the Attorney General of the Republic;

- b) The Federal Legislative Branch, comprised of the House of Deputies, the Senate, the Permanent Commission and all other bodies;
- c) The Federation's Judicial Branch and the Council of Federal Judicature;
- d) The autonomous constitutional bodies;
- e) The federal administrative tribunals, and
- f) Any other federal body.

**XV. Administrative units:** Those which, according to the rules governing each of the subjects compelled by the Law, hold information in accordance with the functions that correspond to them.

**Article 4.** The aims of this Law are to:

- I. Provide that which is necessary so that all persons have access to information through simple and expeditious procedures;
- II. Make public administration transparent by disclosing the information generated by subjects compelled by the Law;
- III. Guarantee the protection of the personal information possessed by subjects compelled by the Law;
- IV. Encourage accountability to citizens, so that they may evaluate the performance of subjects compelled by the Law;
- V. Improve the organization, classification and handling of documents, and
- VI. Contribute to the democratization of Mexican society and the full operation of the Rule of Law.

**Article 5.** It is obligatory for federal public servants to observe this Law.

**Article 6.** In interpretations of this Law, the principle of publicity of information possessed by subjects compelled by the Law must be favored.

## **Chapter II**

### **The obligations of transparency**

**Article 7.** With the exception of classified or confidential information as stipulated in this Law, the subjects compelled by the Law must, under the terms of the Regulations and guidelines that the Institute or an equivalent instance as specified in Article 61 produces, put at the public's disposition and keep up to date the following information:

- I. Their constitutional structure;
- II. The powers of each administrative unit;
- III. A directory of their public servants, from the level of the head of the department or his equivalent and below;
- IV. The monthly remuneration received for each position, including the system of compensation as established in the corresponding dispositions;
- V. The address of the liaison section, as well as the electronic address where requests for information can be received;
- VI. The aims and objectives of the administrative units according to their operational schemes;
- VII. The services they offer;
- VIII. Their procedures, requisites and forms. When these are inscribed in the Federal Register of Procedures and Services or in the Register established by the Secretariat of the Treasury and Public Credit for tax purposes, they must be published exactly as they are registered;
- IX. Information concerning the budget assigned to each agency, as well as reports about its disbursement, in the terms established by the Budget for the Federation's Expenses. In the case of the Executive Branch, this information will be made available for each agency and entity by the Secretariat of the Treasury and Public Credit, which will also inform the public about the economic situation, public finance and the public debt in the terms established by the budget;
- X. The results of the audit of any subject compelled by the Law completed, as appropriate, by the Secretariat of the Comptroller and Administrative Development, internal comptrollers or the Federation's Superior Auditor, and, in such cases, the corresponding explanations;

- XI.** The design and execution of subsidy programs as well as the amounts allocated to them and criteria for access to them.
- XII.** All concessions, permits or authorizations granted, with their recipients specified.
- XIII.** All contracts granted under the terms of the applicable legislation detailing for each contract:
  - a)** The public works, goods acquired or rented, and the contracted service; in the case of studies or research the specific subject must be indicated;
  - b)** The amount;
  - c)** The name of the provider, contractor or the physical or moral person to whom the contract has been granted, and
  - d)** The periods within which the contracts must be completed.
- XIV.** The norms applicable to each subject compelled by the Law.
- XV.** The reports that each subject must generate, according to the law.
- XVI.** Mechanisms for citizen participation in cases where they exist, and
- XVII.** Any other information that may be useful or considered relevant, in addition to information based on statistical surveys that is responsive to the public's most frequently asked questions.

The information to which this article refers must be made public in such a form as to facilitate its use and comprehension by individuals, and ensure its quality, veracity, timeliness and trustworthiness. The agencies and entities must refer to the recommendations made by the Institute in this regard.

**Article 8.** The Judicial Branch of the Federation must make public any sentence that has produced rulings or that has been executed; the interested parties may object to the publication of their personal information.

**Article 9.** The information referred to in Article 7 must be made available to the public by remote and local electronic means. The subjects compelled by the Law must place computer equipment at the disposal of interested persons so that they may obtain information directly or by printing it out. They must also give

support to users who need it and lend every type of assistance possible with regard to the procedures and services they are providing.

The agencies and entities must handle the automation, presentation and content of their information, as well as putting it online, in the terms laid out in the Regulations and the guidelines put forth by the Institute.

**Article 10.** The agencies and entities must make public, either directly or through the Office of the Legal Counsel of the Executive Branch or the Federal Commission for Regulatory Improvement – in the terms established by the Regulations and at least 20 days in advance of the date when they will be published or given to the head of the Executive Branch to sign – the bills and general administrative arrangements to which Article 4 of the Federal Administrative Procedure Law refers, in accordance with that Law, unless, in the judgment of counsel or the Federal Commission for Regulatory Improvement, as the case may be, their publication could compromise the effects the provision is designed to obtain, or in emergency situations.

**Article 11.** The reports presented by political parties and national political groups to the Federal Electoral Institute, as well as any audits and inspections ordered by the Commission for Auditing the Resources of Parties and Political Groups, should be made public as soon as they are completed.

Any citizen may request from the Federal Electoral Institute information regarding the use of public resources received by the political parties and national political groups.

**Article 12.** Subjects compelled by the Law must make public all information regarding the amounts and the recipients of any public resources they give out for any reason, as well as the reports recipients give them on the use and destination of said resources.

### **Chapter III**

#### **Classified and confidential information**

**Article 13.** Information is categorized as classified if its disclosure could:

- I.** Compromise national security, public security or national defense;
- II.** Impair ongoing negotiations or international relations, including that information which other states or international organisms give as confidential to the Mexican State;
- III.** Harm the country's financial, economic or monetary stability;

- IV. Put the life, security or health of any person at risk, or
- V. Severely prejudice the verification of observance of the laws, the prevention or prosecution of crimes, the imparting of justice, the collection of taxes, immigration control operations, or procedural strategies in judicial or administrative processes that are ongoing.

**Article 14.** The following will also be considered exempted information:

- I. That which by an Law's express disposition is considered confidential, classified, commercial classified or government confidential;
- II. Commercial, industrial, tax, bank, and fiduciary secrets, or others so considered in legal provisions;
- III. Prior investigations;
- IV. Judicial files or administrative procedures that have taken the form of a trial, when there has been no ruling;
- V. Liability proceedings against public servants, when an administrative ruling or a definitive jurisdictional ruling has not been made, or
- VI. That which contains the opinions, recommendations or points of view that are part of a public servant's deliberative process, until that time when a final decision is adopted, which itself must be documented.

When the period of classification is over or the causes that gave rise to the classification of the information, referred to in clauses III and IV of this Article, no longer exist, said information may be made public, with the exception of whatever confidential information it may contain.

Information may not be classified when the investigation of grave violations of fundamental rights or crimes against humanity is at stake.

**Article 15.** Information categorized as classified according to Articles 13 and 14 may retain this categorization for a period of up to twelve years. This information may be declassified when the causes which gave rise to its classification no longer exist, or when the period of classification is over. The availability of this information will be without prejudice to what other laws may establish in this respect.

The Institute, in conformity with the Regulations or the equivalent instance as referred to in Article 61, will establish the criteria for the classification and declassification of information.

Exceptionally, subjects compelled by the Law may request the Institute or the instance established according to Article 61, whichever applies, to extend the period of classification, as long as the causes that gave rise to its classification persist.

**Article 16.** The heads of the administrative units will be responsible for classifying information according to the criteria established in this Law, its Regulations and the guidelines established by the Institute or the equivalent instance referred to in Article 61, whichever applies.

**Article 17.** Every semester, the administrative units will produce an index of the files they have identified as classified, organized by subject headings. This index must indicate the administrative unit that generated the information, the date of its classification, the reason, the length of time it will be classified and, when relevant, which parts of the documents are classified. In no instance shall the index itself be considered classified information.

The head of each agency or entity must take the necessary measures to ensure the custody and preservation of the classified files.

At any moment, the Institute may have access to classified or confidential information in order to determine the category to which the information belongs, whether it is properly classified, declassified or the procedure by which access should be granted.

**Article 18.** The following will be considered confidential information:

- I. That which private individuals have turned over to the subjects compelled by the Law under this title, in accordance with Article 19, and
- II. Personal information that requires an individual's consent before being disclosed, distributed or commercialized as stipulated in this Law.

Information found in public records or in sources to which the public has access will not be considered confidential.

**Article 19.** When private individuals turn over information referred to in division I of the preceding Article to subjects compelled by the Law, the former must indicate which documents contain confidential, classified or commercial classified information, as long as they have the right to classify information according to the

applicable provisions. When a request for access that includes confidential information is made, the subjects compelled by the Law will disclose it only with the express consent of the individual to whom that confidential information belongs.

## **Chapter IV**

### **Protection for personal information**

**Article 20.** The subjects compelled by the Law will be responsible for personal information, regarding which they must:

- I.** Adopt appropriate procedures for receiving and responding to requests for information and for correcting information, as well as train public servants and make available information about their policies for protecting such information, in accordance with the guidelines established by the Institute or equivalent instance envisioned in Article 61;
- II.** Handle personal information only when it is appropriate, pertinent and not excessive for the purposes for which it has been obtained;
- III.** Place at the disposition of individuals, from the moment in which personal information is received, a document in which the purposes of its handling are laid out, in the terms of the guidelines established by the Institute or equivalent instance referred to in Article 61;
- IV.** Endeavor to keep personal information exact and up to date;
- V.** Substitute, rectify or complete, as one of their assigned functions, personal information that may be incorrect, wholly or partially, or incomplete, the moment they are made aware of this situation, and
- VI.** Take the measures necessary to guarantee the security of personal information, and avoid its alteration, loss, transfer or unauthorized access.

**Article 21.** The subjects compelled by the Law may not disclose, distribute or commercialize the personal information held in the information systems they have developed in the exercise of their functions, unless the individuals to whom the information refers have given their express consent, in writing or by a similar authenticated means.

**Article 22.** The consent of individuals will not be required to supply personal information in the following cases:

- I. Those necessary for medical prevention or diagnosis, the provision of medical assistance or the conduct of health services, when authorization cannot be obtained;
- II. Those necessary for statistical, scientific, or general interest reasons as envisioned in the law, following a procedure that makes it impossible to associate the private individual with the information that refers to him;
- III. When the information is transferred between the subjects compelled by the Law or between agencies and entities, as long as it is used for the exercise of powers proper to the same;
- IV. When a judicial order to this effect exists;
- V. When it is transferred to third parties who are contracted to perform a service that requires handling personal information. Said third parties may not use personal information for purposes other than those for which the information was transferred to them, and
- VI. In other cases established by law.

**Article 23.** Subjects compelled by the Law that possess, for any reason, systems of personal information must so inform the Institute or the equivalent instances referred to in Article 61, which will maintain an updated list of systems of personal information.

**Article 24.** Without prejudice to what other laws determine, only interested parties or their representatives may request, upon accreditation, that information about themselves that is used in a system of personal information be supplied to them. The liaison section must deliver the corresponding information within a period of ten working days from the time the request is presented and in a form the person making the request can understand; alternatively, it will communicate in writing to the person making the request that that system of personal information does not contain the information to which he refers.

Delivery of personal information will be free of charge; the individual will be asked to cover only the costs of sending it according to the applicable tariffs. Nonetheless, if the same person makes a new request of the same system of personal information within a period of less than twelve months from the time of the last request, the costs will be determined according to what Article 27 establishes.

**Article 25.** Interested persons or their representatives may, upon accreditation, seek from the liaison section or its equivalent to have information about

themselves that is contained in any system of personal information altered. For this purpose, the interested party must deliver to the liaison section or its equivalent a request for alteration that indicates which modifications should be made and provides documentation to support the request. Within a period of 30 working days from the time the request is made, the liaison section must deliver to the person making the request a communication noting that the modifications have been made or informing him, with grounds and motives, of the reasons why the modifications were not made.

**Article 26.** Faced with a refusal to deliver or correct personal information, the appeal referred to in Article 50 will be lodged. It will also be lodged in cases where a response is not received within the time limits referred to in Articles 24 and 25.

## **Chapter V**

### **Fees for access**

**Article 27.** The costs of obtaining information may not be greater than the sum of:

- I. The cost of the materials used in reproducing the information, and
- II. The cost of sending it.

The applicable fees must be established in the Federal Duties Law.

The subjects compelled by the Law must endeavor to reduce the costs of delivering information as much as possible.

## **SECOND SECTION**

### **ACCESS TO INFORMATION IN THE FEDERAL EXECUTIVE BRANCH**

#### **Chapter I**

##### **Liaison sections and information committees**

**Article 28.** The heads of each of the agencies and entities will designate a liaison section with the following functions:

- I. To collect and disclose the information referred to in Article 7, as well as facilitate its periodic updating by the administrative units;
- II. To receive and process the requests for access to information referred to in articles 24, 25 and 40;

- III. To help individuals prepare requests and, when necessary, direct them to the agencies or entities or other bodies that may have the information requested;
- IV. To carry out, in each agency or entity, the necessary internal paperwork for delivering requested information and notifying individuals;
- V. To propose to the Committee internal procedures that will ensure the greatest efficiency in handling requests for access to information;
- VI. To train, in each agency or entity, the public servants necessary for receiving and processing requests for access to information;
- VII. To keep a record of requests for access to information, their results and costs, and
- VIII. All else necessary to guarantee and facilitate the flow of information between the agency or entity and the individuals requesting it.

**Article 29.** In each agency or entity an Information Committee will be formed, with the following functions:

- I. To coordinate and supervise the actions toward providing the information of each agency or entity, as envisioned in this Law;
- II. To establish procedures to ensure the greatest efficiency in the handling of requests for access to information in accordance with the Regulations;
- III. To confirm, modify or revoke the classification of information made by the heads of the administrative units of the agency or entity;
- IV. To carry out, through the liaison section, the actions necessary to locate the administrative documents in which the requested information exists;
- V. To establish and supervise the application of the agency's or entity's specific criteria in the matter of categorizing and preserving administrative documents, as well as the organization of archives in accordance with the guidelines put out by the Institute and the General Archive of the Nation, as appropriate;

- VI. To develop a program to facilitate access to information from the agency or entity, which must be periodically updated, and which includes the necessary measures for organizing the archives, and
- VII. To develop and send to the Institute, in accordance with the guidelines the latter emits, the information necessary to produce the annual report referred to in Article 39.

**Article 30.** Each Committee will be composed of:

- I. A public servant designated by the head of the agency or entity.
- II. The head of the liaison section.
- III. The head of the internal oversight body of each agency or entity.

**Article 31.** The Center of National Investigation and Security, the Center of Planning for Drug Control, the Directorate of Intelligence Coordination of the Federal Preventive Police, the Presidential Staff, the General Staff of the Secretariat of National Defense, and the General Staff of the Navy, or the administrative units that are substituted for them, will not be subject to the authority of the Committees referred to in Article 29, and the Committee's functions will be the exclusive responsibility of the heads of these administrative units.

**Article 32.** It will fall to the General Archive of the Nation to develop, in coordination with the Institute, the criteria for cataloging, categorizing and preserving administrative documents, as well as organizing the archives of the agencies and entities. Said criteria will take the best international standards and practices in these matters into account.

The heads of the agencies and entities must ensure that the archives function adequately, according to the applicable provisions. Likewise, they must develop and put at the public's disposition a simple guide to their systems for categorizing and classifying, as well as to the archive's organization.

## **Chapter II**

### **Federal Institute for Access to Public Information**

**Article 33.** The Federal Institute for Access to Public Information is a body of the Federal Public Administration which is independent in its operations, budget and decision-making and charged with promoting and publicizing the exercise of the right of access to information, ruling on the denial of requests for access to information and protecting personal information held by the agencies and entities.

**Article 34.** The Institute will be made up of five commissioners, who will be named by the Executive Branch. The Senate may reject the nominees through a majority vote; when it is in recess, the Permanent Commission will have the same power, also through a majority vote. In either case, the legislative body will have thirty days to act. If this period elapses without action on the part of the legislators, it will be understood that there is no objection to the Executive Branch nominee.

The commissioners may only be removed from their functions when they commit serious or repeated violations of the provisions found in the Constitution and in this Law, when their actions or failures to act affect the Institute's prerogatives, or when they have been convicted of a felony that merits imprisonment.

They will remain in office for six years, without the possibility of re-election, during that time they may not hold any other employment, assignment or commission, except in institutions of learning, science or charity.

For purposes of its rulings, the Institute will not be subject to any authority, will make its decisions with full independence, and will be provided with the necessary human and material resources for carrying out its functions.

**Article 35.** The following requirements must be fulfilled to be a commissioner:

- I. Candidates must be Mexican citizens;
- II. They must not have been convicted of any crime of fraud;
- III. They must be at least thirty-five years of age on the day of their appointment;
- IV. They must have performed outstandingly in the professional activities – in public service or the academy – related to the matters addressed in this Law, and
- V. They must not have been a cabinet secretary, head of an administrative department, Attorney General of the Republic, senator, federal or local deputy, director of a political party or political association, nor governor of any state or head of the government of the Federal District during the year prior to the day of their nomination.

**Article 36.** The Institute will be presided over by one commissioner, who will legally represent the entity.

**Article 37.** The Institute will have the following functions:

- I.** To interpret this Law as an administrative regulation, according to Article 6 of the Constitution;
- II.** To accept and settle appeals brought by individuals requesting information;
- III.** To establish and oversee the application of criteria for categorizing, declassifying and preserving classified and confidential information.
- IV.** To assist the General Archive of the Nation in developing and applying criteria for cataloging and preserving documents, as well as organizing the archives of the agencies and entities.
- V.** To monitor and, in the event of non-compliance, make recommendations to the agencies and entities for complying with Article 7;
- VI.** To provide individuals with guidance and advice regarding requests for access to information.
- VII.** To provide technical support to the agencies and entities for developing and carrying out their information programs as established by section VI of Article 29.
- VIII.** To develop forms for requesting access to information as well as access to and correction of personal information.
- IX.** To establish guidelines and general policies for handling, maintaining, securing and protecting personal information held by the agencies and entities.
- X.** To alert the internal oversight body of each agency and entity of suspected infractions of this Law and its Regulations, in conformity with the last paragraph of Article 56. In the event that the internal oversight bodies issue final decisions that result in rulings, they must notify the Institute, which in turn must make them public through its annual report;
- XI.** To develop the guide referred to in Article 38;
- XII.** To promote and, when required, carry out the training of public servants in matters of access to information and protection of personal information.

- XIII. To broadcast the benefits of the public management of information to public servants and private citizens, as well as explain their responsibility to use the information properly and to preserve it;
- XIV. To develop studies and investigations intended to publicize and broaden awareness of the substance of this Law;
- XV. To cooperate with respect to matters addressed by this Law with other subjects compelled by the Law, federal entities, municipalities, or their bodies of information access by means of the creation of agreements or programs;
- XVI. To develop its own internal regulations and other norms of operation;
- XVII. To designate public servants to fill its positions;
- XVIII. To prepare a proposed annual budget, which will be sent to the Secretariat of Treasury and Public Credit so that it may be integrated into the Budget for the Federation's Expenses.
- XIX. All else conferred by this Law, its Regulations and any other applicable agreement.

**Article 38.** The Institute will prepare a guide that will describe, in a clear and simple manner, the procedures for access to information held by the agencies and entities.

**Article 39.** Based on the data given to it by the agencies and entities as indicated in Article 29, section VII, the Institute will provide an annual public report to the Honorable Congress of the Union concerning access to information, in which shall be included, at a minimum: the number of requests for access to information presented to each agency and entity and their results; agency response time; the number and outcome of matters attended to by the Institute; the status of denunciations brought before the internal oversight bodies; and any difficulties encountered in carrying out the Law. The Institute will emit the guidelines it considers necessary to do this.

### **Chapter III**

#### **Regarding procedures within an agency or entity**

**Article 40.** Through the liaison section, any person or his representative may submit a request for access to information either by writing a letter or using the forms approved by the Institute. The request must contain:

- I. The name of the person making the request and his domicile or other place where he can receive notification, such as electronic mail address, in addition to general information concerning his representative, where relevant;
- II. A clear and precise description of the documents being requested;
- III. Any other facts that may make the information easier to locate in order to facilitate the search, and
- IV. The requester may choose the form in which he prefers access to the information be granted; it may be verbally, as long as it is needed for the purpose of providing guidance to the requester, by means of direct consultation, simple copies, certified copies, or other means.

If the details given by the person making the request are insufficient for locating the document or they contain errors, the liaison section may require, on one occasion within ten working days after the presentation of the request, that other elements be added or information be corrected.

The liaison sections will help individuals to prepare their requests for access to information, especially in cases when the person making the request cannot read or write.

When the information sought does not fall within the purview of the entity or agency to which the request for information was presented, the liaison section must duly orient the individual as to which entity or agency is responsible.

If the request is presented to the administrative entity rather than its liaison section, the entity has the obligation to indicate to the requester the physical location of the liaison section.

In no case will the delivery of information be conditioned on a motive or justification for its use, or a demonstration of any particular interest in the information sought.

**Article 41.** The liaison section will be the link between the agency or entity and the person making the request, since it is responsible for making all the notifications referred to in this Law. It must also carry out all the actions within the agency or entity necessary to facilitate access to information.

**Article 42.** The agencies and entities will only be required to provide documents found in their archives. The obligation to provide access to information will be understood as discharged when the documents are placed at

the disposition of the person making the request for his consultation in the site where they were found, or when they are dispatched as simple copies, certified copies, or by any other means.

Access will be granted only in the form permitted by the document in question, but it will be provided in whole or in part, at the request of the person seeking access.

In the event that the information sought by a person is already publicly available in printed form, such as in books, abstracts, booklets, published archives, in electronic formats available on the Internet, or in any other medium, the requester must be alerted in writing as to the source, location and form in which said information can be consulted, reproduced or acquired.

**Article 43.** The liaison section will turn the request over to the administrative unit that has or may have the information, so that the latter may find it, verify whether or not it is classified, and communicate to the former whatever access procedures are involved and the form in which the information is available, in order to determine the cost, where relevant, of providing it.

The administrative units may provide documents that contain classified or confidential information, as long as the documents in which the information is found permit the withholding of the classified parts or sections. In such cases, the parts or sections that have been withheld must be indicated.

**Article 44.** The interested party must be notified of the response to his request in the shortest possible time, which cannot be in any case be longer than twenty working days, counted from time of the presentation of the request. The cost and the form in which the information will be delivered, moreover, will be specified. This time limit may be extended for a period of up to equal length when justifiable reasons exist, as long as the person making the request is notified.

The information must be delivered within ten working days after the day the liaison section gives notice of its availability, and once the person making the request has demonstrated that he has paid the corresponding fees.

The Regulations will establish the form and terms of the internal procedures for requests for access to information.

**Article 45.** In cases where the head of the administrative unit has categorized the documents as classified or confidential, the request must immediately be sent, together with an official letter containing the elements necessary to ground and justify classification, to the Committee of the agency or entity, which must decide whether:

- I. It confirms or modifies the classification and denies access to the information.
- II. It revokes the classification and allows access to the information.

The Committee may have access to any documents found in the administrative unit. Notice of the Committee's decision will be made to the interested party within the time limit established in Article 44. When the decision is negative, the reasons that ground and justify the classification of the information must be given, and the route to lodging an appeal with the Institute must be indicated.

**Article 46.** When the documents are not found in the administrative unit, the administrative unit must send the request for access and the official letter in which it is expressed to the Committee of the agency or entity. The Committee will analyze the case and take the appropriate measures to find the requested document in the agency or entity and thus settle the matter. In cases where it cannot be found, the Committee will draw up a resolution that confirms the non-existence of the requested document and notify the person making the request, through the liaison section, within the time limit established in Article 46.

**Article 47.** Requests for access to information and responses to them, including the information delivered in such cases, will be public. Likewise, the agencies and entities must place this information at the public's disposition, when possible by remote or local electronic means.

**Article 48.** The liaison sections will not be obliged to process offensive requests for access, when they have delivered information that is substantively identical in response to a request from the same person or when the information is already publicly available. In such cases they must indicate to the person making the request the place where the information can be found.

#### **Chapter IV**

##### **Concerning procedures before the Institute**

**Article 49.** When a person making a request has been notified, following a Committee's resolution, that access to information is denied or that the requested documents do not exist, he may lodge an appeal with the Institute or through the liaison section where his request was accepted within fifteen working days of the date of notice, by himself or through a representative. The liaison section must send the matter to the Institute the day after receiving it.

**Article 50.** The appeal may also proceed under the same terms when:

- I. The agency or entity does not deliver requested personal information, or does so in an incomprehensible form;

- II. The agency or entity refuses to make modifications or corrections to personal information;
- III. The requester disagrees with the time, the cost or the manner in which information is delivered, or
- IV. The requester considers the information provided incomplete, or that it does not correspond to the information called for by the request.

**Article 51.** The appeal envisioned in Articles 49 and 50 will proceed in place of that established in Article 83 of the Federal Administrative Procedure Law.

**Article 52.** The Institute will compensate for any deficiencies found in the appeals brought by private individuals.

**Article 53.** Lack of response to a request for access within the time limit indicated in Article 44 will be understood as an acceptance of the request, and the agency or entity is still required to provide access to the information within a time period no greater than ten working days, covering all costs generated by the reproduction of the responsive material, except when the Institute determines that the documents in question are classified or confidential.

In order to guarantee full compliance with what is established in the first paragraph of this Article, the Regulations will create an expedited process to make up for the failure of agencies or entities to provide information. To this end, private individuals may present written proof as referred to in Article 17 of the Federal Administrative Procedure Law, expedited by the corresponding liaison section, or indeed it will be sufficient to present a copy of the request in which appears the date of its presentation before an agency or entity. In this case, the procedure will ensure that said agencies have the opportunity to prove that they responded in a timely and appropriate manner to the individual.

**Article 54.** The brief that lodges the appeal must contain:

- I. The agency or entity where the request was made;
- II. The name of the person making the appeal and of any interested third parties, as well as his domicile or the place he indicates for receiving notices;
- III. The date on which he was notified or made aware of the action he is protesting;
- IV. The action that is being appealed and the petitioner's arguments;

- V. A copy of the resolution at issue and, in cases where they exist, of corresponding notices, and
- VI. Any other elements he considers fit to submit to the Institute's judgment.

**Article 55.** Except under the conditions outlined in Article 53, the Institute will hear the appeal according to the following guidelines:

- I. Having received the appeal, the President of the Institute will turn it over to the Commissioner designated to speak for the case, who must make up a file about the case and present a plan for its resolution to the Plenum of the Institute within thirty working days of the filing of the appeal;
- II. The Plenum of the Institute may decide to hold hearings with the parties in the case;
- III. During the procedure, a presentation of the complaint must be made on behalf of the appellant, and the ability of both parties to present, orally or in writing, the arguments that justify and give rise to their claims must also be ensured as well as their ability to properly formulate their allegations;
- IV. If the interested party so requests, the motions and documents pertaining to the case may be received electronically;
- V. The Plenum will rule on the case definitively within twenty working days of the presentation of the plan for resolution, and
- VI. The resolutions of the Plenum will be made public.

When there is justifiable cause, the Plenum of the Institute may extend the time limit established in divisions I and II once, for a period of up to equal length.

Classified or confidential information requested by the Institute as indispensable to ruling on the matter must be maintained as such and will not be available in the file.

**Article 56.** The Institute's resolutions may:

- I. Throw out the appeal as inadmissible or stay it;
- II. Confirm the Committee's decision, or

- III.** Revoke or modify the Committee's decisions and order the agency or entity to allow the individual access to the requested information or personal information, to re-categorize the information, or to modify the personal information.

The rulings, which must be made in writing, will establish time limits for compliance and procedures to ensure it.

If the Institute does not rule within the time limit established by this Law, the ruling that was appealed will be understood as confirmed.

When the Institute determines in the course of the proceeding that a public servant may have incurred liability, it must so inform the internal oversight body of the agency or entity responsible for that public servant so that this body can initiate, if necessary, the appropriate liability procedure.

**Article 57.** The appeal may be rejected as inadmissible when:

- I.** It is presented after the time limit indicated in Article 49 has passed;
- II.** The Institute has already heard such an appeal and definitively ruled on it;
- III.** The resolution being appealed was not made by a Committee, or
- IV.** An appeal or a defense prepared by the person making the appeal is being processed before the courts of the Federal Judicial Branch.

**Article 58.** The appeal will be stayed when:

- I.** The person making the appeal expressly desists;
- II.** The person making the appeal dies or, in the case of moral persons, is dissolved;
- III.** When the appeal is admitted, any of the causes of inadmissibility as defined in the present Law arises, or
- IV.** The agency or entity responsible for the action or ruling being challenged modifies or revokes it in such a way as to render the appeal without effect or cause.

**Article 59.** The Institute's rulings will be final for the agencies and entities. Private persons may challenge them before the Federation's Judicial Branch.

The courts will have access to classified or confidential information when it is indispensable for ruling in the matter and has been offered in the hearing. Such information must maintain its classified nature and will not be made available in the judicial file.

**Article 60.** Once one year has passed since the Institute issued a resolution that confirmed a Committee decision, the individual affected may request before the same Institute that it reconsider its ruling. The review must refer to the original request and be resolved in a time period no greater than 60 working days.

### **THIRD SECTION ACCESS TO INFORMATION FROM OTHER SUBJECTS COMPELLED BY THE ACT**

#### **Sole Chapter**

**Article 61.** The Federal Legislative Branch, through the Senate, the House of Representatives, the Permanent Commission and the Federation's Superior Auditor; the Judicial Branch of the Federation, through the Supreme Court of Justice of the Nation, the Council of the Federal Judiciary, and the Commission for the Administration of the Federal Electoral Tribunal; the autonomous constitutional bodies and the administrative tribunals will establish in their respective domains the institutions, criteria and institutional procedures for granting private persons access to information according to regulations or agreements of a general nature that comply with the principles and deadlines established in this Law. Accordingly, the dispositions established must designate:

- I.** The administrative units responsible for making public the information referred to in Article 7;
- II.** The liaison sections or their equivalent;
- III.** The information committee or its equivalent;
- IV.** The criteria and procedures for categorizing and preserving classified or confidential information;
- V.** The procedures for access to information, including a review and appeal process according to Articles 49 and 50, and the right to request the reconsideration of a ruling as defined by Article 60;
- VI.** The procedures for access to and correction of personal information as referred to in articles 24 and 25, and

- VII. An internal instance responsible for applying the Law, ruling on appeals, and assuming the other powers this ordinance grants.

**Article 62.** The subjects compelled by this Law to which the previous Article refers will prepare an annual public report on the activities they have conducted for guaranteeing access to information, along the lines established in Article 39, a copy of which must be provided to the Institute.

## **FOURTH SECTION RESPONSIBILITIES AND SANCTIONS**

### **Sole Chapter**

**Article 63.** Public servants will be administratively liable for failure to comply with the obligations established in this Law, in the event they committ the following acts:

- I. Using, removing, destroying, concealing, failing to use, disclosing or unduly altering, in whole or in part, information in their custody, to which they have access or of which they have knowledge due to their employment, assignment or commission;
- II. Acting negligently, fraudulently or in bad faith when hearing requests for access to information or when disclosing information as obliged by this Law;
- III. Intentionally denying information that is not categorized as classified or confidential in the terms defined by this Law;
- IV. Fraudulently classifying information that does not fulfill the characteristics indicated by this Law. The sanction will only proceed when there exists a prior ruling by the Committee, the Institute, or the equivalent instances envisioned in Article 61 with respect to the classification criteria of this type of information;
- V. Delivering information considered classified or confidential in accordance with the dispositions of this Law;
- VI. Intentionally providing incomplete information in response to a request for access, and
- VII. Not turning over information that has been ordered to be provided by the bodies referred to in the preceding division IV or by the Judicial Branch of the Federation.

The liability to which this Article refers or any other derived from the failure to comply with the obligations established in this Law will be sanctioned in the terms of the Federal Law of Administrative Responsibilities of Public Servants.

The infraction envisioned in division VII of this Article, or the repeated occurrence of conduct as outlined in divisions I to IV of this Article, will be considered serious for purposes of administrative sanction.

**Article 64.** The administrative liabilities generated by the failure to comply with the obligations referred to in the previous article are independent of the civil or penal liabilities that may follow.

## **T R A N S I T O R Y**

First. This Law will take effect the day after its publication in the Official Diary of the Federation, in the forms established in the following articles.

Second. The making public of the information referred to in Article 7 must be complete at the latest one year after the Law takes effect.

Third. The heads of the agencies and entities of the Federal Public Administration must designate the liaison section and the members of the Committees referred to in this Law at the latest six months after this ordinance takes effect, and within this same period they must begin functioning. Once they have done so, the agencies must notify the Secretariat of the Comptroller and Administrative Development which, in turn, must publish the list of units in the Official Diary of the Federation. The structures to which this provision refers must be set up with the human, material and budgetary resources already allocated, and should thus require no additional expenditures.

Fourth. The subjects compelled by the Law as referred to in Article 61 must publish the corresponding dispositions no later than one year after the Law takes effect.

Fifth. The nomination of the first five commissioners should take place no later than three months after the Law takes effect. During the first period of tenure, three of the commissioners will conclude their posts in four years, and they may be ratified for an additional period of seven years. The President will indicate at the time of his nominations the period of tenure for each commissioner.

Sixth. The chief of the Federal Executive Branch will draw up the Regulations of this Law within one year after it takes effect.

Seventh. The Institute will draw up its internal regulations within one year after the Law takes effect.

Eighth. Individuals may present requests for access to information or access to and correction of personal information one year after the Law takes effect.

Ninth. With the exception of the dispositions contained in Article 53, Article 17 of the Federal Administrative Procedure Law will not be applicable to the present Law.

Tenth. The subjects compelled by the Law must, by 1 January 2005 at the latest, complete the organization of their administrative archives and make them function, as well as publish the guide referred to in Article 32.

Eleventh. The Budget for the Federation's Expenses for the year 2003 must establish a corresponding budget line to allow for the adequate integration and functioning of the Institute.