



**Homeland
Security**

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Personal data protection in Mexico

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There are several regulations in Mexico aimed to protect private life -personal data information-: Constitution, Civil Codes, Banking and Tax laws, Intellectual Property Law, Consumer Protection Law (- Robinson Lists-) and others.

Since 2002, the Federal Freedom of Information Act (FOIA) also protects personal data collected by the government, and guarantees the related treatment, including access by individuals and the possibility to replace, rectify, complete or correct such information (habeas data).

Who is subject to the FOIA in Mexico?

- Only the Federal public sector which has the most important data bases in the country, including:
 - a) Executive -agencies-, Legislative and Judicial branches, and
 - b) Autonomous entities created by the Constitution

One of the main objectives of the FOIA is:

To guarantee the protection of personal data and to promote a culture concerning its treatment.

Information concerning an individual, identified or identifiable, among others:

- ethnical background and physical characteristics,
- emotional and family life,
- address and telephone number,
- patrimony, labor history,
- ideology and political opinions,
- religious or philosophical beliefs and convictions,
- health and mental conditions,
- sexual preferences, and
- other analogous that affect intimacy.

- What is the IFAI?
- It is the FOIA Institute -constituted by 5 commissioners-. It's competence exclusively regards the Executive Branch, which includes more than 240 Federal public agencies
- The IFAI has authority to make them comply with the law -regulation, supervision and dispute resolution-.

IFAI's tasks

- It resolves appeals presented by individuals when the requested information -public or personal data- is not obtained from Federal public agencies
- Guarantees access to personal data, including the possibility to replace, rectify, complete or correct such information (habeas data)
- Enacts, implements and supervises regulations related to personal data protection
- Reports compliance and recommends actions to improve and correct practices; to sanction, the IFAI works with to the Comptroller Ministry

What type of personal data does the Mexican Government possess?

- Information related to the compliance with laws and regulations: tax collection, population census, permits, authorizations, subsidies and credits.
- Also, health, financial, education and social assistance services, among others.

How do the Federal public agencies treat personal data?

- Personal data is obtained according to what government can do as specifically permitted by law, and cannot be disclosed or transferred except for the purposes or objectives for which it was collected.
- Therefore, direct marketing of personal data that the government has is NOT allowed in Mexico

Requests of personal data in Mexico

While receiving more than 126,988 requests of access to public information, from June 2003 up to date, Federal public agencies have also received:

- 10,896 requests of access to personal data, and
- 617 requests to rectify or correct personal data.

The number of appeals presented before the IFAI dealing with issues of personal data and confidential information is around 1,016 from 5, 564.

Requests and appeals have NO COST.

The IFAI has issued the following regulations:

- Guidelines regarding procedures to request access to public information and personal data. Regulation allows that requests and appeals may be presented through electronic means - Internet-. The obtaining of personal data is limited to individuals requesting so.
- Classified information regulations that protect personal data; therefore, this information is prevented from access by third parties when public information is requested and disclosed.
- Guidelines concerning the protection of personal data, including internationally recognized principles, and regulations regarding transmission, treatment and security of personal data.

New regulations comply with international standards

Personal Data Protection regulations comply with the internationally recognized principles such as: lawfulness, quality, access and correction, information, security, custody and consent.

The Law and regulations are based upon the OECD models, the European Directive and the principles of APEC.

According to regulations issued by IFAI:

- All personal data transfers shall be notified to IFAI; this includes information about the data provider - accountability- and the conditions of the transfer.
- Privacy notices are implemented to inform individuals that their personal data is protected, as well as the use that will be given to it.

- There are 755 different personal data bases in possession of the Federal public agencies.
- The law requires that public agencies maintain an active list of all personal data bases in their possession.
- The list is made public through a new computer tool created by IFAI through the Personal Data Protection Guidelines, for the Federal Government.
- These lists contain the name of the data base, as well as the different types of data included in each one.
- This System allows individuals to acknowledge -free of any charge- which of their personal data is in possession of the government and where, in order to exercise their right of access and correction of personal data.



"Persona" System: Computer tool developed by IFAI

http://persona.ifai.org.mx/persona/dispatchActionConsultaInitSDP.do;jsessionid=818C3053DD876E77E887440E9180C6 Ir



Instituto Federal de Acceso a la Información Pública SISTEMA PERSONA Público en General



Sistemas de Datos Personales

Sistemas de Datos Personales

- ◆ Consultas
- ◆ Guía de usuario

Criterios de la Búsqueda

Búsqueda por folio del sistema

Folio

Búsqueda por criterios

Dependencia:

Unidad Administrativa:

Nombre del Sistema:

Normatividad:

Clasificación del SDP:

Tipo de Datos:

CARACTERÍSTICAS PERSONALES

- Nombre
- Domicilio
- Teléfono particular
- Teléfono celular
- Correo electrónico
- Estado civil

CARACTERÍSTICAS PERSONALES

- Firma
- Firma electrónica
- RFC
- CURP
- Cumplimiento con el servicio militar
- Lugar de nacimiento

CARACTERÍSTICAS PERSONALES

- Estatura
- Peso
- Complexión
- Tipo de sangre
- ADN
- Huella digital

CARACTERÍSTICAS PERSONALES

- Color de piel
- Color de iris
- Color de cabello
- Señas particulares
- Origen étnico
- Origen racial

CARACTERÍSTICAS PERSONALES

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DATOS DE SALUD

- Estado de salud



- The Federal Government has reacted positively to the necessity of protecting personal data, and seeks to create a culture of protection thereof, through media campaigns, posters, etc.
- IFAI also seeks to pursue this task and exchange experiences through the participation in the Iberoamerican Net of Personal Data Protection, in very different international forums, such as the annual reunion of privacy commissioners, APEC, etc.

Thank you for your attention

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