



# General Act of Transparency and Access to Public Information



Instituto Nacional de Transparencia, Acceso a la  
Información y Protección de Datos Personales



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**Commissioner**

Instituto Nacional de Transparencia, Acceso a la Información  
y Protección de Datos Personales (INAI)

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# INDEX

TITLE ONE	
GENERAL PROVISIONS	13
Chapter I	
Purpose of the Law	15
Chapter II	
General Principles	21
Chapter III	
The Regulated Entities	25
TITLE TWO	
RESPONSIBLE OF TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION	27
Chapter I	
The National System of Transparency, Access to Information and Protection of Personal Data	29
Chapter II	
Guarantor Agencies	33
Chapter III	
Transparency Committees	39
Chapter IV	
Transparency Units	41
Chapter V	
Advisory Council of Guarantor Agencies	43
TITLE THREE	
NATIONAL TRANSPARENCY PLATFORM	45
Single Chapter	
National Transparency Platform	47

TITLE FOUR	
TRANSPARENCY AND OPEN GOVERNMENT CULTURE	49
Chapter I	
Promotion of Transparency and The Right of Access to Information	51
Chapter II	
Proactive Transparency	53
Chapter III	
Open Government	55
TITLE FIVE	
TRANSPARENCY OBLIGATIONS	57
Chapter I	
General Provisions	59
Chapter II	
Common Transparency Obligations	63
Chapter III	
Specific Transparency Obligations of Regulated Entities	71
Chapter IV	
The Specific Obligations of Individuals or Legal Entities Who Receive and Use Public Resources or Exercise Acts of Authority	83
Chapter V	
Specific Obligations on Energy Matters	85
Chapter VI	
Verification of Transparency Obligations	87
Chapter VII	
Complaint for Breach of The Obligations of Transparency	89

TITLE SIX	
CLASSIFIED INFORMATION	93
Chapter I	
General Provisions for The Classification and Declassification of Information	95
Chapter II	
Privileged Information	99
Chapter III	
Confidential Information	101
TITLE SEVEN	
PROCEDURES FOR ACCESS TO PUBLIC INFORMATION	103
Chapter I	
Procedure of Access to Information	105
Chapter II	
Access Dues	111
TITLE EIGHT	
APPELLATE AND REVIEW PROCEDURES	113
Chapter I	
Motion for Review Before the Guarantor Agencies	115
Chapter II	
Appeal for Reconsideration With the Institute	121
Chapter III	
Attraction of Motions for Review	127
Chapter IV	
Motion for Review on National Security	131
Chapter V	
DMotion for Review of Jurisdictional Issues of the Supreme Court of Justice	133
Chapter VI	
Compliance	135
Chapter VII	
Interpretation Criteria	137

TITLE NINE	
ENFORCEMENT MEASURES AND SANCTIONS	139
Chapter I	
Enforcement Measures	141
Chapter II	
Penalties	143
Transitory	149





# PRESENTATION

May 4th, 2015 marks a landmark moment for transparency and accountability in Mexico due to the enactment of the General Law on Transparency and Access to Public Information.

This Law, which was elaborated in accordance to the guidelines of the 2014 constitutional amendment, constitutes a great achievement for society. When it comes into force, the National Institute for Transparency, Access to Information and Personal Data Protection (INAI) will be consolidated as an autonomous, independent and public institution with new powers, a larger list of regulated entities and the ability to monitor the proper implementation of the constitutional mandate that stipulates that all individuals and legal entities that receive public monies must be accountable to the public in an open manner.

The General Law will allow us to set the foundations to assure that all Mexicans have the same regulatory base that guarantees the exercise of this right on equal conditions, without restrictions, incorporating the gender perspective and without any discrimination. All this by harmonizing local laws with the General Law and standardizing principles, criteria and proceedings for their analysis and deliberation across the country.

But above all, this Law will allow us to carry out the important task of building a National System for Transparency that puts the right of access to information at the service of all citizens as a fundamental element to promote their participation in public affairs.



In this context, I present to you the General Law on Transparency and Access to Public Information, a regulatory framework that is a major breakthrough in the road of transparency, accountability and the fight against corruption in Mexico's history. I am sure that this document will contribute to disseminate among citizens the importance of the right of access to information as a dynamic and useful instrument to encourage accountability and to fight against corruption; to increase the knowledge among disclosing parties about the new rules and obligations on transparency set forth by this Law; as well as to promote that civil society, academic institutions, oversight bodies and individuals, whose participation and commitment made possible the enactment of this Law, deepen their analysis of its content and foster a debate that will lead us to strengthen the right of access to information in our country.

Ximena Puente de la Mora  
Commissioner President

## **GENERAL ACT OF TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION**

**DECREE by means of which the General Act of Transparency and  
Access to Public Information is issued.**

On the margin a seal with the national coat of arms, reading:  
United Mexican States.- Presidency of the Republic.

**ENRIQUE PEÑA NIETO**, President of the United Mexican  
States, let it be known to its inhabitants:

That the Honorable Congress of the Union has sent to me  
the following

### **DECREE**

“THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES  
DECREES:

**Single Article.-** The General Act of Transparency and Access  
to Public Information is issued.

## **GENERAL ACT OF TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION**





**TITLE ONE**  
**GENERAL PROVISIONS**

**TITLE ONE**





# Chapter I

## Purpose of the Law

**Article 1.** This Act is of public order and generally observed throughout the Republic, it is regulation of Article 6th of the Constitution of the United Mexican States, on transparency and access to information.

Its purpose is to establish the principles, general rules and procedures to ensure the right of access to information held by any authority, entity, body or agency of the Legislative, Executive and Judicial branches, autonomous bodies, political parties, trusts and public funds, as well as any individual, legal entity or union who receives and uses public resources or performs acts of authority of the Federation, the States and the municipalities.

**Article 2.** The purposes of this Act are:

- I. Distribute powers between the Guarantor Agencies of the Federation and the Federal States, regarding transparency and access to information;
- II. Set the minimum basis governing the procedures in order to ensure the right of access to information;
- III. Establish consistent procedures and conditions in the exercise of the right of access to information through simple and expeditious procedures;



- IV. Govern the legal remedies and procedures for bringing actions of unconstitutionality and constitutional controversies by the Guarantor Agencies;
- V. Lay the foundations and public interest information to be disseminated proactively;
- VI. Regulate the organization and functioning of the National Transparency System, Access to Information and Protection of Personal Data, and establish the foundations of coordination among its members;
- VII. Promote, encourage and disseminate the culture of transparency in the exercise of public functions, access to information, public participation and accountability, through the establishment of public policies and mechanisms that ensure the publication of information that is timely, verifiable, understandable, current and complete, which is distributed in the most appropriate and accessible formats to the public and considering at all times the social, economic and cultural conditions of each region;
- VIII. Promote citizen participation in public decision-making in order to contribute to the consolidation of democracy, and
- IX. Establish mechanisms to ensure compliance and effective implementation of enforcement measures and relevant penalties.

**Article 3.** For purposes of this Act, the following shall apply:

- I. **Reasonable Adjustments:** Amendments and adaptations necessary and appropriate not imposing a disproportionate or undue burden, when needed in a particular case, in order to ensure that persons with disabilities enjoy or exercise, on equal circumstances, of human rights;
- II. **Areas:** Instances which have or may have the information. In the case of the public sector, they will be those which are provided for in the internal regulations, the respective charter or equivalent instruments;
- III. **Commissioner:** Each of the members of the Institute sitting en banc and the Guarantor Agencies of the States and the Federal District;
- IV. **Transparency Committee:** Instance referred to Article 43 of this Act;



- V. **National Council:** Council of the National Transparency, Access to Information and Protection of Personal Data as referred to in Article 32 of this Act;
- VI. **Open Data:** Digital public data that are available online and can be used, reused and redistributed by anyone interested and which have the following features:
- ) **Accessible:** Data are available for the widest range of users, for any purpose;
  - b) **Comprehensive:** They contain the subject they describe in detail, with the corresponding metadata;
  - c) **Free:** Can be obtained without any consideration in exchange;
  - d) **Non-discriminatory:** Data are available for anyone, without need of registration;
  - e) **Timely:** They are updated periodically as they are generated;
  - f) **Permanent:** They are kept in time; to this end, historic versions for public use will remain available with suitable identifiers therefor.
  - g) **Basic:** They come from the source with the highest level of disaggregation possible;
  - h) **Machine readable:** They should be structured wholly or partly, to be processed and interpreted by electronic devices automatically;
  - i) **In open formats:** They shall contain the set of technical and presentation features corresponding to the logical structure used to store data in a digital file, which technical specifications are publicly available, do not pose a difficulty of access, and their application and reproduction are not conditioned to the payment of any consideration;
  - j) **Free use:** They cite the source as the only requirement to be used freely;
- VII. **Documento:** Records, reports, studies, minutes, resolutions, official letters, correspondence, agreements, directives, guidelines, circulars, contracts, agreements, instructions, notes, memoranda, statistics or any other record that documents the exercise of the powers, functions



and competences of the regulated entities, Public Servants and members, regardless of their source or date of production. Documents may be in any media, whether written, printed, audio, visual, electronic, computer or holographic;

- VIII. **Federal States:** The component parts of the Federation are the States of Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico, Michoacan, Morelos, Nayarit, Nuevo Leon, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosi, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatan, Zacatecas and the Federal District;
- IX. **Record:** Documentary unit consisting of one or more archival documents, ordered and related to the same subject, activity or process of the regulated entities;
- X. **Open Formats:** Set of technical and presentation characteristics the of information corresponding to the logical structure used to store data comprehensively and that facilitate digital processing, which specifications are publicly available and allow unrestricted access for use by users;
- XI. **Accessible Formats:** Any alternate form or way giving access to information applicants, as viable and as comfortable as that of people without disabilities or other difficulties in accessing any printed text and/or any other conventional format in which the information can be found;
- XII. **Information of Public Interest:** It refers to information that is relevant and beneficial to society and not just of individual interest, the disclosure of which is useful for the public to understand the activities carried out by the regulated entities;
- XIII. **Institute:** The National Institute of Transparency, Access to Information and Data Protection;
- XIV. **Act:** The General Act of Transparency and Access to Public Information;
- XV. **Federal Law:** The Federal Act of Transparency and Access to Public Government Information;

- XVI. **Guarantor Agencies:** Those with specialized constitutional autonomy in terms of access to information and protection of personal data in terms of Articles 6th., 116, section VIII and 122, paragraph C, FIRST BASE, Section V, paragraph ñ) of the Constitution of the Mexican United States;
- XVII. **National Platform:** The National Transparency Platform referred to Article 49 of this Act;
- XVIII. **Public Servants:** Those mentioned in the first paragraph of Article 108 of the Constitution of the United Mexican States and the equivalent of the Federal States and municipalities that establish the Constitutions of the States and the Charter of the Federal District;
- XIX. **National System:** The National System of Transparency, Access to Information and Data Protection;
- XX. **Transparency Unit:** Instance referred to Article 45 of this Act; and
- XXI. **Public Version:** Document or Record, which provides access to information by removing or omitting classified parts or sections.

**Article 4.** The human right of access to information includes requesting, researching, disseminating, seeking and receiving information.

All the information generated, obtained, acquired, processed or held by the regulated entities is public and accessible to anyone under the terms and conditions set forth in this Act, in international treaties to which the Mexican State is a party, the Federal Act, the laws of the States and the regulations applicable in their respective jurisdictions; only exceptionally it may be classified as temporarily restricted for reasons of public interest and national security, in the terms provided by this Act.

**Article 5.** It may not be classified as confidential any information that is related to serious human rights violations or crimes against humanity, in accordance with national law or international treaties to which the Mexican State is a party.

No person shall be subject to judicial or administrative investigation for the purpose of exercising the right of access to information, and this right may not be restricted by direct and indirect methods or means.

**Article 6.** The State shall ensure effective access of any person to information held by any authority, entity, body or agency of the Legislative, Executive and Judicial branches, autonomous bodies, political parties, trusts and public funds, as



well as any individual, legal entity or union who receives and uses public resources or performs acts of authority of the Federation, the States and the municipalities.

**Article 7.** The right of access to information or classification of the information shall be interpreted under the principles established in the Constitution of the United Mexican States, international treaties to which the Mexican State is a party and this Act.

In the enforcement and interpretation of this Act shall prevail the principle of maximum disclosure, as provided in the Constitution of the United Mexican States, in international treaties to which the Mexican State is a party, as well as the binding resolutions and rulings issued by specialized national and international bodies, favoring at all times the broadest protection for people.

In the case of interpretation, the criteria, findings and opinions of national and international organizations on transparency may be taken into account.

# Chapter II

## General Principles

### Section One

#### Guiding principles of the Guarantor Agencies

**Article 8.** Agencies guaranteeing the right of access to information shall govern their operation according to the following principles:

- I. **Certainty:** Principle that provides security and legal certainty to individuals, since it allows knowing if the actions of the Guarantor Agencies abide by law and ensures that the procedures are fully verifiable, accurate and reliable;
- II. **Effectiveness:** Obligation of the Guarantor Agencies to effectively protect the right of access to information;
- III. **Impartiality:** Quality that Guarantor Agencies should have regarding their actions to be alien or foreign to the interests of the parties in dispute and resolve them without unduly favoring any of them;
- IV. **Independence:** Quality that Guarantor Agencies should have to act without submitting to any interest, authority or person whatsoever;
- V. **Legality:** Obligation of the Guarantor Agencies to adjust their actions, that ground their decisions and actions in the rules;
- VI. **Máxima Publicidad: Maximum Publicity:** All information in possession of the regulated entities shall be public, complete, timely and accessible, subject to a clear regime of exceptions that should be



- defined besides being legitimate and strictly necessary in a democratic society;
- VII. **Objectivity:** Obligation of the Guarantor Agencies to adjust their performance to the budgets of law to be applied when analyzing the specific case and solve all the facts, regardless of personal considerations and criteria;
- VIII. **Professionalism:** Public Servants who work in Guarantor Agencies must hold its action to technical, theoretical and methodological knowledge to ensure efficient and effective performance in the exercise of public functions that are entrusted thereto, and
- IX. **Transparencia: OTransparency:** Obligation of the Guarantor Agencies to publicize the discussions and actions related to their powers and give access to the information they generate.

## Section Two

### Principles on Transparency and Access to Public Information

**Article 9.** In the exercise, processing and interpretation of this Act, those corresponding to the Federation, of the States and other applicable regulations, the regulated entities, the Institute and the Guarantor Agencies must abide by the principles outlined in this section.

**Article 10.** It is the obligation of the Guarantor Agencies to grant the necessary measures to ensure access to information for all people on an equal basis with others.

Any discrimination that undermines or annuls the transparency or the access to public information held by the regulated entities is prohibited.

**Article 11.** All information in possession of the regulated entities shall be public, complete, timely and accessible, subject to a clear regime of exceptions that should be defined besides being legitimate and strictly necessary in a democratic society.

**Article 12.** All public information generated, obtained, acquired, processed or held by the regulated entities is public and will be accessible to anyone, for which

reason all the means, actions and efforts available on the terms and conditions established by this Act, the Federal Act and those corresponding to the States, as well as other applicable rules should be enabled.

**Article 13.** In the generation, publication and delivery of information, it should be ensured that it is accessible, reliable, verifiable, truthful, timely, and that it addresses the needs of the right of access to information of every person.

The regulated entities shall seek, at all times, that the information generated has a simple language for everybody and shall endeavor, as far as possible, its accessibility and translation into indigenous languages.

**Article 14.** Guarantor Agencies, within the scope of their powers, must address any deficiencies in order to ensure the right of access to information.

**Article 15.** Everyone has the right of access to information without discrimination on any grounds.

**Article 16.** The right of access to information will not be conditional upon the applicant showing any interest or justifying its use, nor it may be conditioned on grounds of disability.

**Article 17.** The right of access to information is free and only a charge may be required based on the reproduction and delivery mode requested.

In no case the Reasonable Adjustments to be made for access to the information of applicants with disabilities, will be at a cost to them.

**Article 18.** The regulated entities shall document any act resulting from the exercise of their powers, duties or functions.

**Article 19.** It is presumed that the information should exist if it refers to the powers, functions and duties that the legal systems applicable award to regulated entities.

In cases where certain powers, functions or duties have not been exercised, the answer should be encouraged in terms of the causes that motivate the absence.

**Article 20.** In case of refusal of access to information or the lack thereof, the obligor must demonstrate that the requested information is include in one of the exceptions contained in this Act or, where appropriate, demonstrate that the information does not refer to any of its powers, duties or functions.



**Article 21.** All proceedings concerning the right of access to information must be substantiated in a simple and expeditious manner, in accordance with the rules of this Act.

**Article 22.** In the process of access, delivery and publication of information, the necessary conditions for it to be accessible to any person in accordance with article 1. of the Constitution of the United Mexican States will be fostered.



## Chapter III

### The Regulated Entities

**Article 23.** The regulated entities who are obliged to make transparent and ensure effective access to their information and protect personal data held thereby are: any authority, entity, body or agency of the Legislative, Executive and Judicial branches, autonomous bodies, political parties, trusts and public funds, as well as any individual, legal entity or union who receives and uses public resources or performs acts of authority of the Federation, the States and the municipalities.

**Article 24.** In order to fulfill the objectives of this Act, the regulated entities shall comply with the following obligations, as applicable, according to their nature:

- I. Create the Transparency Committee, the Transparency Units and monitor their proper operation according to their internal regulations;
- II. Designate in the Transparency Units the heads who shall report directly to the head of the regulated entity and who preferably have experience in this field;
- III. Provide ongoing and specialized training to the staff that is part of the Transparency Committees and Units;
- IV. Establish and keep their file and document management systems, in accordance with applicable regulations;
- V. Promote the generation, documentation and publication of information on open and accessible formats;

- VI. Protect and safeguard classified or confidential information;
- VII. Report to the Guarantor Agencies on actions of implementing the regulations on the subject, under the terms they determine;
- VIII. Service the requirements, observations, recommendations and criteria, on transparency and access to information, made by the Guarantor Agencies and the National System;
- IX. Promote the use of information technologies to ensure transparency, the right of access to information and the accessibility thereto;
- X. Comply with the resolutions issued by the Guarantor Agencies;
- XI. Publish and update the information on the transparency obligations;
- XII. Proactively disseminate information of public interest;
- XIII. Address the recommendations of the Guarantor Agencies, and
- XIV. Any other resulting from other applicable regulations.

**Article 25.** The regulated entities are responsible for compliance with the obligations, procedures and responsibilities under this Act, the Federal Act and those of the Federal States, under the terms set thereby.

**Article 26.** Trusts and public funds, considered government-owned entities, shall comply with the obligations established in the laws that the previous article refers to by themselves, through their own areas, transparency units and transparency committees. In the case of trusts and public funds that have no organizational structure and, therefore, are not considered a government-owned entity, as well as public mandates and other similar contracts, they shall comply with the requirements of this Act through the administrative unit responsible for coordinating its operation.

**TITLE TWO**  
**RESPONSIBLE OF TRANSPARENCY**  
**AND ACCESS TO PUBLIC INFORMATION**

**TITLE TWO**





# Chapter I

## The National System of Transparency, Access to Information and Protection of Personal Data

**Article 27.** The purpose of this Chapter is to regulate the organization and functioning of the National Transparency System, Access to Information and Protection of Personal Data, and establish the foundations of coordination among its members.

**Article 28.** The National System is comprised of the organic and coordinated set of its members, procedures, instruments and policies, in order to strengthen the accountability of the Mexican State. Its purpose is to coordinate and evaluate the actions relating to cross public policy on transparency, access to information and protection of personal data, and to establish and implement criteria and guidelines, in accordance with the provisions of this Act and other applicable regulations.

**Article 29.** The National System will be formed from the coordination that takes place amongst the various bodies which, by virtue of their fields of competence, contribute to the effectiveness of transparency at the national level in the three levels of government. This joint and integrated effort will contribute to the generation of quality information, the management of information, the processing of it as a means to facilitate understanding and evaluation of public management, promoting the right of access to information and dissemination of a culture of transparency and accessibility, as well as to effective oversight and accountability.

**Article 30.** They are part of the National System:



- I. The Institute;
- II. The Guarantor Agencies from the States;
- III. The Superior Audit Office;
- IV. The General Archive of the Nation, and
- V. The National Institute of Statistics and Geography.

**Article 31.** The National System has the following functions:

- I. Establish guidelines, instruments, objectives, indicators, targets, strategies, codes of best practices, comprehensive, systematic, continuous and measurable models and policies, designed to meet the objectives of this Act;
- II. Promote and implement actions to ensure accessibility for vulnerable groups to exercise, on an equal footing, the right of access to information;
- III. Develop and establish common national programs for the promotion, research, diagnosis and dissemination in matters of transparency, access to information, protection of personal data and open government in the country;
- IV. Set the criteria for the publication of the indicators that allow regulated entities to be accountable for meeting their objectives and results;
- V. Assist in the development, promotion and dissemination among the regulated entities of the criteria for the systematization and conservation of files that allow public information to be efficiently located in accordance with the regulations on the subject matter;
- VI. Establish guidelines for the implementation of the National Platform of Transparency in accordance with the provisions of this Act;
- VII. Establish policies regarding the digitization of public information in possession of the regulated entities and the use of information technologies and the implementation of Reasonable Adjustments, to ensure full access thereto;
- VIII. Design and implement policies for the generation, updating, organization, classification, publication, dissemination, preservation

- and accessibility of public information in accordance with applicable regulations;
- IX. Promote citizen participation through effective mechanisms in the planning, implementation and evaluation of policies in this area;
  - X. Establish programs of professionalization, updating and training of Public Servants and members of the regulated entities on transparency, access to public information and protection of personal data;
  - XI. Issue agreements and resolutions for the general operation of the National System;
  - XII. Approve, implement and evaluate the National Program of Transparency and Access to Information;
  - XIII. Promote the exercise of the right of access to public information all over Mexico;
  - XIV. Promote the effective coordination of the bodies that make up the National System and follow up their actions established for this purpose, and
  - XV. Any others arising from this Act.

In developing the criteria referred to in section IV, at least one representative of each of the members of the National System shall participate, as well as a representative of the National Council of Accounting Harmonization, foreseen in Article 6 of the General Act of Government Accounting, which may speak and may submit written comments to the criteria, which will be considered, but shall have no binding force. Once the National Council approves the criteria, they will be mandatory for all entities.

**Article 32.** The National System will have a National Council, composed of the same members and will be chaired by the President of the Institute.

Guarantor Agencies will be represented by their head or, in the absence thereof, by a Commissioner of the guarantor agency designated by the Plenary of the same.

The other members will be represented by their representatives or an alternate who shall have minimum level of Director General or the like, who will have the same powers as the representatives.



**Article 33.** The National Council may invite, based on the nature of the matters to be discussed, people, institutions, representatives of the regulated entities and representatives of civil society for addressing matters at the meetings of the National System. In any case, the regulated entities have the right to ask to be invited to these meetings.

**Article 34.** The National Council may operate in Plenary or in committees. The Plenary will meet at least every six months, convened by its Chairman or one half plus one of its members. The convener shall prepare the agenda of the matters to be discussed.

The quorum for meetings of the National Council shall be composed of half plus one of its members. Decisions shall be taken by a majority of the members present.

The President of the National Council will also be empowered to promote at all times the effective coordination and operation of the National System.

**Article 35.** Members of the National Council may propose resolutions or internal regulations that allow the better functioning of the National System.

**Article 36.** The National System shall have an Executive Secretary appointed by the Plenary of the Institute and shall have the following powers:

- I. Implement and monitor the agreements and resolutions of the National Council and its President;
- II. Report regularly to the National Council and its President about its activities;
- III. Verify compliance with programs, strategies, actions, policies and services adopted by the National Council;
- IV. Prepare and publish reports of the National Council, and
- V. Collaborate with members of the National System to strengthen and ensure efficient coordination mechanisms.



## Chapter II

### Guarantor Agencies

**Article 37.** The Guarantor Agencies are autonomous, specialized, independent, impartial and collegiate bodies, with legal personality and own assets, with full technical and management autonomy, ability to decide on the exercise of their budget and determine their internal organization, responsible for ensuring, within the scope of their competence, the exercise of the rights of access to information and protection of personal data in accordance with the principles and foundations established by Article 6th. of the Constitution of the United Mexican States, as well as the provisions of this Act and other applicable provisions.

The Federal Law and those of the States will determine the structure and functions of the Guarantor Agencies, as well as integration, tenure, requirements, selection procedure, incompatibility regimes, excuses, resignations, licenses and substitutions of the members of said Guarantor Agencies in accordance with the provisions of this Chapter.

**Article 38.** The Congress of the Union, the Congresses of the States and the Federal District Legislative Assembly, in order to ensure a collegiate and autonomous integration of the Guarantor Agencies, shall provide in its composition an odd number and its members will be referred to as Commissioners. They shall, at its conformation, favor the experience in access to public information and protection of personal data, and ensure gender equality. The term of office will not exceed seven years and will be conducted in a phased manner to ensure the principle of autonomy.

In procedures for the selection of Commissioners transparency, independence and participation of the society should be ensured.

**Article 39.** Commissioners may only be removed from office under the terms of Title IV of the Constitution of the United Mexican States and will be subject to impeachment.

**Article 40.** Guarantor Agencies will have the administrative structure required for the management and performance of their duties.

The Congress of the Union, the Congresses of the States and the Federal District Legislative Assembly shall provide adequate and sufficient budget to Guarantor Agencies for the effective functioning and implementation of this Act, federal and state laws as appropriate, in accordance with the laws on budget and fiscal responsibility.

**Article 41.** The Institute, in addition to that stated in the Federal Act and the following article, shall have the following powers:

- I. Interpret, within the scope of its powers, this Act;
- II. Hear and decide on the motions for review brought by individuals against decisions of the regulated entities at the federal level in terms of the provisions of Chapter I of Title VIII of this Act;
- III. Hear and resolve the appeals for reconsideration brought by individuals, against the resolutions issued by the Guarantor Agencies of the States that determine the reserve, confidentiality, lack or refusal of information in terms of the provisions of Chapter II, Title VIII of this Act;
- IV. Hear and decide on its own motion or at the request of the Guarantor Agencies of the States the motions for review which, due to their interest or importance, so warrant, in terms of the provisions of Chapter III of Title VIII of this Act;
- V. Lead and coordinate the National Transparency System;
- VI. File, when approved by the majority of the Commissioners, unconstitutionality actions against federal, state and Federal District laws, as well as international treaties signed by the Federal Executive Branch and approved by the Senate, which violate the right of access to information.

- VII. Promote, when approved by the majority of the Commissioners, the constitutional controversies in terms of Article 105, section I, paragraph I) of the Constitution of the United Mexican States;
- VIII. Establish and implement enforcement measures and penalties, as applicable, in accordance with the provisions of this Act;
- IX. Sign cooperation agreements with Guarantor Agencies of the States or regulated entities, in order to monitor compliance with this Act and promote best practices in the field;
- X. Prepare and submit an annual report of activities and the overall assessment in terms of access to public information in the country, as well as the exercise of his performance and submit it to the Senate, in the second half of January, and make it public, and
- XI. The other powers conferred by this Act and other provisions in the matter.

**Article 42.** Guarantor Agencies will have, within its jurisdiction, the following powers:

- I. Interpreting the legal systems that apply to them and that derived from this Act and the Constitution of the United Mexican States;
- II. Hear and decide on the motions for review brought by individuals against decisions of the regulated entities at the federal level in terms of the provisions of Chapter I of Title VIII of this Act;
- III. Impose enforcement measures to ensure compliance with its determinations;
- IV. Submit grounded request to the Institute for it to know about the motions for review that due to their interest and significance so warrant;
- V. Promote and disseminate the right of access to information;
- VI. Promote a culture of transparency in the education system;
- VII. Train Public Servants and provide technical support to the regulated entities on transparency and access to information;
- VIII. Establish proactive transparency policies addressing the economic, social and cultural conditions;



- IX. Sign agreements with regulated entities that promote the publication of information within the framework of proactive transparency policies;
- X. Sign cooperation agreements with individuals or parts of society when their activities or products are of public interest or social relevance;
- XI. Subscribe cooperation agreements with other Guarantor Agencies to fulfill their responsibilities and promote best practices in the field;
- XII. Promoting substantive equality;
- XIII. Coordinate with the competent authorities so that the procedures for access to information, as well as the remedies, contemplate having the necessary information in indigenous languages and Accessible Formats, to be substantiated and treated in the same language and, where appropriate, the necessary Reasonable Adjustments be provided for disabled people;
- XIV. Ensure accessibility conditions for vulnerable groups to be able to exercise, on an equal footing, their right of access to information;
- XV. As appropriate, bring actions of unconstitutionality against laws enacted by local legislatures and the Legislative Assembly of the Federal District, which violate the right of access to public information and protection of personal data;
- XVI. Prepare and publish studies and research for disseminating and expanding knowledge on the subject of access to information;
- XVII. Inform the competent authority of the probable liability for breach of the obligations under this Act and other applicable provisions;
- XVIII. Identify and implement, as appropriate, sanctions, in accordance with the provisions of this Act;
- XIX. Promote the participation and cooperation with international organizations, in the analysis and best practices on access to public information;
- XX. Guarantor Agencies, in the exercise of their powers and for the fulfillment of the objectives of this Act, shall promote the principles of open government, transparency, accountability, citizen participation, accessibility and technological innovation;

- XXI. Guarantor Agencies may make recommendations to the regulated entities to design, implement and evaluate open government actions that guide the internal policies in this area, and
- XXII. Any other powers conferred by this Act and other provisions in the matter.





## Chapter III

### Transparency Committees

**Article 43.** Each regulated entity will put together a collegiate Transparency Committee comprising an odd number of members.

The Transparency Committee shall adopt its resolutions by majority vote. In case of a tie, the Chairman shall have the casting vote. Its meetings may be attended, as guests, those who its members deem necessary, who will have a voice but no vote.

The Transparency Committee members may not depend hierarchically to each other, nor two or more of these members may meet in one person. When the case is presented, the head of the regulated entity will have to appoint the person who will substitute the subordinate.

The Transparency Committee members will have access to information in order to determine its classification, according to the standards previously set by regulated entities to guard or safeguard information.

The Center for Investigation and National Security; the National Center for Planning, Analysis and Information for Combating Crime; the Federal Center for Protection of Persons; the Directorate of Intelligence Coordination of the National Security Committee; the Deputy Attorney General Office Specialized in the Investigation of Organized Crime; Financial Intelligence Unit; the Presidential General Staff, the General Staff of National Defense, the General Staff of the Navy, the investigating Authority of the Federal Competition Commission and the Federal



Telecommunications Institute or the administrative units replacing them will not be subject to the authority of the Transparency Committees which this article refers to, being their functions the sole responsibility of the head of the entity or administrative unit.

The classification, declassification and access to information produced or under custody of the intelligence and investigation agencies shall observe the terms provided in this Act and the safety and safeguard protocols established therefor.

**Article 44.** Each Transparency Committee shall have the following functions:

- I. Establish, coordinate and supervise, in terms of the applicable provisions, the actions and procedures to ensure greater efficiency in the management of applications on access to information;
- II. Confirm, amend or revoke the determinations concerning extension of the deadline to respond, information classification and declaration of absence or incompetence made by the heads of the Areas of the regulated entities;
- III. Order, where appropriate, the relevant Areas to generate the information that derived from its powers, functions and duties must be in their possession or subject to proof of the impossibility of its generation, expose, duly grounded, the reasons for which, in the particular case, they not exercised these powers, duties or functions;
- IV. Establish policies to facilitate obtaining the information and exercising the right of access to information;
- V. Promote training and updating of Public Servants or members appointed to Transparency Units;
- VI. Establish training programs on transparency, access to information, data access and protection for all Public Servants or members of the regulated entity;
- VII. Collect and send to the Guarantor Agency, in accordance with the guidelines they issue, the data necessary for preparing the annual report;
- VIII. Request and authorize the extension of the period of confidentiality of information that Article 101 of this Act refers to, and
- IX. Any other resulting from other applicable regulations.



# Chapter IV

## Transparency Units

**Article 45.** Regulated entities shall appoint the head of the Transparency Unit, who shall have the following functions:

- I. Collect and disseminate the information referred to in Chapters II, III, IV and V of Title V of this Act and the corresponding Federal Act and of the States and promote that the Areas periodically update it, as per the applicable regulations;
- II. Receive and process applications for access to information;
- III. Assist individuals in making requests for access to information and, if necessary, direct them to the relevant regulated entities in accordance with applicable regulations;
- IV. Perform the internal procedures necessary for serving the requests for access to information;
- V. Notify applicants;
- VI. Propose the Transparency Committee the internal procedures that ensure greater efficiency in the management of requests for access to information, in accordance with applicable regulations;
- VII. Propose the qualified personnel that is necessary to receive and process requests for access to information;



- VIII. Keep a record of requests for access to information, answers, results, reproduction and mailing costs;
- IX. Promote and implement proactive transparency policies ensuring their accessibility;
- X. Promote transparency and accessibility within the regulated entity;
- XI. Inform the competent authority of the probable liability for breach of the obligations under this Act and other applicable provisions; and
- XII. Any other resulting from other applicable regulations.

The regulated entities will promote agreements with specialized public institutions that could assist them to deliver the answers to requests for information, in the indigenous language, braille or any appropriate accessible format, more efficiently.

**Article 46.** When any Area of regulated entities refused to cooperate with the Transparency Unit, it will notify the superior so that an order is sent perform without delay the necessary actions.

When the denial to cooperate persists, the Transparency Unit will inform the competent authority so that it starts, if necessary, the respective responsibility procedure.

# Chapter V

## Advisory Council of Guarantor Agencies

**Article 47.** Guarantors Agencies will have an Advisory Board, which will be composed of directors who are honorary and for a period not to exceed seven years. The Federal Act and those of the States will include provisions regarding the integration, performance, transparent appointment procedures, timing of office and its renewal.

The integration of the Advisory Board should ensure gender equality and inclusion of people with experience in the matter of this Act and in human rights, from civil society organizations and the academia.

**Article 48.** Advisory Councils will have the following powers:

- I. Provide opinions on the annual work program and its implementation;
- II. Provide opinions on the draft budget for the following year;
- III. Know the report of the Guarantor Agencies on budget allocated to programs and the use of the budget, and issue the relevant observations;
- IV. Issue non-binding opinions, upon request of the Guarantor Agencies or on its own initiative, on matters relevant to transparency, access to information, accessibility and personal of data;



- V. Issue technical opinions for continuous improvement in the exercise of the fundamental functions of the Guarantor Agencies;
- VI. Review the adoption of general criteria on substantive matters, and
- VII. Analyze and propose the implementation of programs, projects and actions related to transparency and access to information and accessibility.

**TITLE THREE**  
**NATIONAL TRANSPARENCY PLATFORM**

**TITLE THREE**



# Single Chapter

## National Transparency Platform

**Article 49.** Guarantor Agencies will develop, manage, implement and put into operation the electronic platform that allows compliance with procedures, obligations and provisions outlined in this Act for regulated entities and Guarantor Agencies, in accordance with the standards established by the National System, based on the accessibility needs of users.

**Article 50.** The National Transparency Platform will consist of at least the following systems:

- I. System of applications of access to information;
- II. Remedies management system;
- III. System of transparency obligations portals, and
- IV. Communication system between Guarantor Agencies and regulated entities.

**Article 51.** Guarantor Agencies shall promote the publication of Open and Accessible data.

**Article 52.** The National System shall establish the necessary measures to ensure the stability and security of the platform, by promoting the standardization of processes and simplicity of use of the system by users.







**TITLE FOUR**  
**TRANSPARENCY AND OPEN**  
**GOVERNMENT CULTURE**

**TITLE FOUR**





# Chapter I

## Promotion of Transparency and The Right of Access to Information

**Article 53.** Regulated entities shall cooperate with relevant Guarantor Agencies to train and update, permanently, all their Public Servants regarding the right of access to information, through the means they consider appropriate.

In order to create a culture of transparency and access to information among the people of the United Mexican States, the Guarantor Agencies should promote, in collaboration with educational and cultural institutions in the public or private sector, activities, workshops, exhibitions and competitions relating to transparency and access to information.

**Article 54.** Guarantor Agencies, within their respective powers or through the coordination mechanisms established for that purpose, may:

- I. Propose to the competent educational authorities to include content on the social importance of the right of access to information in the plans and curricula of preschool, primary, secondary, regular education and training of basic education teachers in their respective jurisdictions;
- II. Promote, among public and private institutions of secondary and higher education, inclusion, within their curricula, curricular and extracurricular academic activities, social issues that consider the importance of the right of access to information and accountability;



- III. Promote that libraries and specialized institutions in the field of archives have a public information module installed, to facilitate the exercise of the right of access to information and consultation of the information derived from transparency obligations envisaged in this Act;
- IV. Propose, among the public and private institutions of higher education, the creation of research, broadcasting and teaching centers on transparency, right of access to information and accountability;
- V. Establish, among the public education institutions, agreements for the development and publication of materials that promote the culture of the right of access to information and accountability;
- VI. Promote, in coordination with federal, state and municipal authorities, the participation of citizens and social organizations in workshops, seminars and activities aimed at disseminating the issues of transparency and right of access to information;
- VII. Develop training programs for users of this right to increase their exercise and use, favoring members of vulnerable or marginalized sections of the population;
- VIII. Promote strategies that make accessible to the various sectors of society the means to exercise the right of access to information, commensurate with their socio-cultural context, and
- IX. Develop, with the help of digital community centers and public, university, government and specialized libraries, programs for the advice and guidance of its users in the exercise and use the right of access to information.

**Article 55.** In order to fulfill the obligations under this Act, obligated entities may develop or adopt, individually or in concert with other regulated entities, best practices schemes aimed at:

- I. Raising the level of compliance with the provisions of this Act;
- II. Harmonizing access to information by sector;
- III. Facilitate the exercise of the right of access to information of the people; and
- IV. Ensure the accessibility of information.

## Chapter II

### Proactive Transparency

**Article 56.** Guarantor Agencies will issue proactive transparency policies, in view of the general guidelines defined for it by the National System, designed to encourage regulated entities to disclose additional information to that provided as minimum in this Act. The purpose of these policies will be, among others, promoting the reuse of information generated by the regulated entities, considering the demand of society, identified based on previously established methodologies.

**Article 57.** Information published by the regulated entities, as part of the proactive transparency policy, will be disseminated in the media and formats that are most suitable for the audience to which it is addressed.

**Article 58.** The National System will issue the criteria for evaluating the effectiveness of the proactive transparency policy, considering as a base, the reuse made by society of such information.

The information published as a result of the transparency policies should enable the generation of useful public knowledge, in order to reduce asymmetries of information, improve access to procedures and services, streamline decision-making of authorities and citizens and should have a clear purpose focused on the needs of certain specific or specifiable sectors of society.



# Chapter III

## Open Government

**Article 59.** Guarantor Agencies, within the areas of their powers will contribute, with the regulated entities and representatives of civil society in the implementation of mechanisms of collaboration for the promotion and implementation of policies and mechanisms for open government.







TITLE FIVE

**TITLE FIVE**  
**TRANSPARENCY OBLIGATIONS**





# Chapter I

## General Provisions

**Article 60.** The laws on transparency and access to information at the federal and state level, will establish the obligation of the regulated agencies to make available to individuals the information referred to in this Title in the appropriate Internet sites of regulated entities and through the National Platform.

**Article 61.** The technical guidelines issued by the National System will establish the formats for publishing the information in order to ensure that the information is accurate, reliable, timely, consistent, comprehensive, current, accessible, understandable, verifiable.

These guidelines shall provide for the standardization in the presentation of the information referred to in this Title by the regulated entities.

**Article 62.** Information regarding the transparency obligations should be updated at least every three months, unless this Act or other regulatory provisions establish a different term. The National System will issue the criteria for determining the minimum time the information must remain available and accessible, based on the qualities thereof.

The publication of information must indicate the regulated entity responsible for generating it, and the date of the last update.



**Article 63.** Guarantor Agencies, ex officio or at the request of individuals, will verify compliance of the regulated entities with the provisions of this Title.

Complaints from individuals may be done at any time, in accordance with the procedure set forth in this Act.

**Article 64.** The homepage of the Internet portals of the regulated entities will have a shortcut link to the site where the public information referred to in this Title is found, which should have a search engine.

The information on transparency obligations should be published with gender and disability perspectives, when appropriate to its nature.

**Article 65.** Guarantor Agencies and regulated entities will establish measures to facilitate access and search for information for people with disabilities and will ensure that the information published is accessible in a targeted manner to people who speak an indigenous language.

Therefore, by themselves or through the National System, they should promote and develop progressively, policies and programs aimed at ensuring the accessibility of information to the maximum extent possible.

Uniformity and standardization of information will be promoted through the issuance of guidelines and formats by the National System.

**Article 66.** The regulated entities shall make available to interested persons computer equipment with Internet access, allowing individuals to consult information or use the system of requests for access to information at the offices of the Transparency Units. The foregoing is without prejudice to using alternative media in disseminating the information, when they result in certain populations more easily accessible and understandable.

**Article 67.** Information published by the regulated entities, in terms of this Title, is not government propaganda. The regulated entities, even within the electoral process, from the beginning of the primaries and until the conclusion of the electoral process, must keep information accessible on the website of transpare

**Article 68.** The regulated entities are responsible for personal information in their possession and, in connection therewith, they shall:

- I. Adopt appropriate procedures to receive and respond to requests to access, amendment, correction and opposition to the processing of data, where it is appropriate, as well as to train Public Servants and to

- release information about their policies regarding protection of such data in accordance with applicable regulations;
- II. Process personal data only when they are adequate, relevant and not excessive in relation to the purposes for which they were obtained or that treatment is made in exercise of the powers conferred by law;
  - III. Make available to individuals, from the moment when personal data is collected, the document establishing the purposes for processing it in accordance with applicable regulations, except in cases where the processing of data is made in exercise of the powers conferred by law;
  - IV. Ensure that personal data is accurate and updated;
  - V. Replace, amend or supplement, ex officio, personal data that may be inaccurate, either in whole or in part, or incomplete at the time they are made aware of this situation, and
  - VI. Take the necessary steps to ensure the security of personal data and avoid its alteration, loss, transmission and unauthorized access.

The regulated entities may not disseminate, distribute or market personal data contained in the information systems, developed in the exercise of their functions, except with the express consent, in writing or by a similar means of authentication, of individuals whom the information refers to in accordance with applicable regulations. The foregoing is without prejudice to the provisions of Article 120 of this Act.

**Article 69.** Individuals, without prejudice to be considered regulated entities under this Act, shall be liable for personal data in accordance with applicable law for the protection of personal data held by individuals.





## Chapter II

### Common Transparency Obligations

**Article 70.** The Federal Act and those of the States will contemplate that regulated entities make available to the public and regularly update it in the respective electronic means, according to their powers, duties, functions or corporate purpose, as appropriate, the information, at least of the issues, documents and policies that are indicated below:

- I. The regulatory framework applicable to the regulated entity, which should include laws, codes, regulations, decrees of creation, administrative manuals, operating rules, standards, policies, among others;
- II. Its complete organizational structure, in a format that allows linking each part of the structure, powers and responsibilities that correspond to each Public Servant, provider of professional services or a member of the regulated entities, in accordance with the applicable provisions;
- III. The powers of each Area;
- IV. The goals and objectives of the Areas under their operational programs;
- V. The indicators related to issues of public interest or social significance that according to their functions, they should establish;



- VI. The indicators that give account of its objectives and results;
- VII. The directory of all Public Servants, from the level of department head or equivalent, or lower level, when customer service is provided; they manage or apply public resources; carry out acts of authority or render professional services under the scheme of staff, fees and Full-time employees. The board shall include at least the name, title or assigned position, job level in the organizational structure, date when office is taken, phone number, address for official correspondence and email address;
- VIII. The gross and net pay of all Public Servants either full-time or staff, of all payments, including salaries, benefits, bonuses, premiums, commissions, allowances, extra payments, incentives, income and compensation systems, noting the frequency of such remuneration;
- IX. Entertainment expenses and per-diem, as well as the purpose and report to the relevant commission;
- X. The total number of positions and full-time personnel and staff, specifying the total number of vacancies, by job level, for each administrative unit;
- XI. Contracts for professional services on fees, stating the names of the service providers, contracted services, the amount of fees and the contract term;
- XII. The information in Public Version of the wealth declarations of Public Servants as determined, in the systems enabled therefor, in accordance with applicable regulations;
- XII. The information in Public Version of the wealth declarations of Public Servants as determined, in the systems enabled therefor, in accordance with applicable regulations;
- XIII. The address of the Transparency Unit, in addition to the email address where requests for information can be received;
- XIV. The calls for tenders for public office and the results thereof;
- XV. The information on subsidy programs, incentives and grants, including information about transfer, services, social infrastructure and subsidy programs, which should contain the following:



- a) Area;
  - b) Name of the program;
  - c) Term;
  - d) Design, objectives and scope;
  - e) Physical goals;
  - f) Estimated target population;
  - g) Amount approved, modified and exercised, as well as your budget programming schedules;
  - h) Requirements and procedures for access;
  - i) Citizen complaint procedure or disagreement;
  - j) Enforcement mechanisms;
  - k) Evaluation mechanisms, evaluation reports and tracking of recommendations;
  - l) Indicators with name, definition, calculation method, unit of measure, dimension, measurement frequency, name of the databases used for the calculations;
  - m) Forms of social participation;
  - n) Coordination with other social programs;
  - o) Link to the operating rules or equivalent Document;
  - p) Periodic reports on the implementation and results of the evaluations undertaken, and
  - q) List of beneficiaries which shall contain the following information: name of the individual or company name of legal entities beneficiaries, amount, resource, benefit or support given to each, territorial unit, where appropriate, age and sex;
- XVI. The general conditions of work, contracts or agreements governing labor relations of the staff or full-time personnel, as well as public financial resources, in kind or donations, that are delivered to the unions and are exercised as public resources;



- XVII. Curricular information, from the level of department head or equivalent, to the head of the regulated entity and, where applicable, administrative sanctions that may have been applied thereto;
- XVIII. The list of Public Servants with final administrative sanctions, specifying the cause of the sanction and disposition;
- XIX. The services provided indicating the requirements to access them;
- XX. Procedures, requirements and forms offered;
- XXI. The financial information about the allocated budget, as well as the quarterly reports of the spending, in terms of the General Law of Government Accounting and other applicable regulations;
- XXII. Information concerning the public debt, in terms of the applicable regulations;
- XXIII. The amounts earmarked for expenditure on social communication and government advertising, broken down by type of media, suppliers, contract number and concept or campaign;
- XXIV. The audit reports of the audits for the budget year of each regulated entity carried out and, where appropriate, the corresponding clarifications;
- XXV. The result of the opinion of the financial statements;
- XXVI. The amounts, criteria, calls and list of individual or legal entities who, for whatever reason, are assigned or allowed to use public funds or, in the terms of the applicable provisions, carry out acts of authority. Also, the reports delivered by said parties on the use and allocation of these resources;
- XXVII. Concessions, contracts, agreements, permits, licenses or authorizations granted, specifying the holders thereof, having to publish their purpose, name or legal name of holder, term, type, terms, conditions, amount and amendments thereto, and if the procedure involves the use of goods, services and/or public resources;
- XXVIII. Information on the results of direct award procedures, restricted invitation and tender of any kind, including the Public Version of the

relevant Record and contracts entered into, which must contain, at least, the following:

- a) Public tenders or restricted invitation procedures:
  - 1. The call or invitation issued and the legal bases applied to carry it out;
  - 2. The names of the participants or guests;
  - 3. The awarded bidder and the reasons for it;
  - 4. The applicant Area and responsible for its implementation;
  - 5. Calls and invitations issued;
  - 6. The opinions and award decision;
  - 7. The contract and, where appropriate, its annexes;
  - 8. Monitoring and supervision mechanisms, including, where appropriate, urban and environmental impact studies, as appropriate;
  - 9. The budget item, in accordance with the classifier by purpose of the expenditure, if applicable;
  - 10. Origin of the resources specifying whether they are federal, state or municipal, as well as the type of participation fund or respective contribution;
  - 11. The amendment agreements which, if any, are signed, stating the purpose and date of execution;
  - 12. Reports of physical and financial progress of the works or services procured;
  - 13. The completion agreement, and
  - 14. The settlement;
- b) Direct awards:
  - 1. The bid submitted by the participant;
  - 2. The reasons and legal basis applied to carry it out;
  - 3. The authorization of the exercise of the option;



4. Where appropriate, the quotes considered, specifying the names of the suppliers and the amounts;
  5. The name of the individual or legal entity awarded;
  6. The applicant administrative unit and responsible for its implementation;
  7. The number, date, amount of the contract and the delivery or performance of services or works;
  8. Monitoring and supervision mechanisms, including, where appropriate, urban and environmental impact studies, as appropriate;
  9. Progress reports of the works or services procured;
  10. The completion agreement, and
  11. The settlement;
- XIX. The reports that by law are generated by regulated entities;
- XXX. The statistics generated in exercise of their powers, functions or duties with the greatest possible breakdown;
- XXXI. Report of programmatic or budgetary progress, balance sheets and financial statement;
- XXXII. Chart of suppliers and contractors;
- XXXIII. The coordination arrangements for consultation with the social and private sectors;
- XXXIV. The inventory of movable and immovable property in possession and ownership;
- XXXV. The recommendations issued by public agencies of the Mexican Government or international agencies guarantors of human rights and the actions that have been carried out in that regard;
- XXXVI. Decisions and rulings that are issued in processes or procedures followed in the form of trial;
- XXXVII. Mechanisms for citizen participation;
- XXXVIII. Programs offered, including information on the population, objective

- and destination, as well as the procedures, response times, requirements and forms to access them;
- XXXIX. The minutes and resolutions of the Transparency Committee of the regulated entities;
  - XL. All assessments and surveys made by the regulated entities to publicly funded programs;
  - XLI. Los estudios financiados con recursos públicos;
  - XLI. Studies financed by public resources;
  - XLII. The list of pensioners and retired persons and the amount they receive;
  - XLIII. Income received for any reason stating the name of those responsible to receive, manage and exercise it, as well as its destination, indicating the purpose of each of them;
  - XLIV. Donations made to third parties in cash or in kind;
  - XLV. The chart of drawdowns and document archive guide;
  - XLVI. The minutes of ordinary and extraordinary meetings, as well as the opinions and recommendations issued, where appropriate, by the advisory boards;
  - XLVII. For statistical purposes, the list of applications to telecommunications concessionaires and service providers or Internet applications for the intervention of private communications, access to the registry of communications, and real-time geographic location of communication equipment, containing only the purpose, the time scope and legal grounds of the request and, if applicable, a statement that has the appropriate judicial authorization, and
  - XLVIII. Any other information that is deemed useful or relevant, in addition to the one that, based on statistical information, answers the questions most frequently asked by the public.

The regulated entities shall inform the Guarantor Agencies and verify that they are published in the National Platform, about which are the items that are applicable to their websites, in order for them to verify and approve, with grounds, the list of sections applicable to each regulated entity.





## Chapter III

### Specific Transparency Obligations of Regulated Entities

**Article 71.** In addition to what is stated in the previous article of this Act, regulated entities of the Executive Branch at federal, state and municipal level, shall make available to the public and update the following information:

- I. For the Federal Executive Branch, the executive branches of the States, the Executive Branch of the Federal District and the municipalities:
  - a) The National Development Plan, the state development plans or the General Development Program of the Federal District, as appropriate;
  - b) The expenditure budget and the distribution formulas of the resources allocated;
  - c) The list of expropriations enacted and enforced to include, at least, the date of expropriation, the address, the public interest and occupations surface;
  - d) The name, corporate name and federal taxpayer registration key of taxpayers to whom any tax credit would have been canceled or remitted, and the respective amounts. Furthermore, statistical information on the exemptions foreseen in the tax provisions;
  - e) The names of people who are enabled to act as commercial notaries and public notaries, as well as their contact details,



information related to the process of granting of the license and the sanctions that would have been applied;

- f) The detailed information contained in urban development plans, territorial and ecological planning, land types and uses, building licenses granted by municipal governments, and
- g) Administrative provisions, directly or through the competent authority, with the term of advance foreseen in the provisions applicable to the regulated entity concerned, unless its disclosure could compromise the effects to be achieved with the provision or in dealing with emergency situations, in accordance with those provisions.

II. Additionally, in the case of municipalities:

- a) The content of municipal gazettes, which shall include the resolutions and agreements adopted by municipalities, and
- b) The minutes of council meetings, attendance controls of the members of the City council to the meetings and the votes of the council members on the initiatives or agreements.

**Article 72.** In addition to what is stated in the previous article of this Act, regulated entities of the Federal Executive Branch, the executive branches of the States, and the Legislative Assembly of the Federal District, shall make available to the public and update the following information:

- I. Legislative Agenda;
- II. Parliamentary Gazette;
- III. Agenda;
- IV. The Journal of Debates;
- V. Stenographic versions;
- VI. The attendance of each of the plenary sessions and the Committees;
- VII. The bills or decrees, points of agreement, the date when received, the Committees they were sent to, and the opinions which, if any, are provided thereon;



- VIII. The laws, decrees and agreements approved by the legislative body;
- IX. Calls, minutes, agreements, attendance lists and votes of the commissions and committees and Plenary sessions, identifying the sense of the vote, by show of hands, and by legislator, in the roll-call vote and the result of vote by citation+++, as well as individual votes and reservations of opinions and agreements under consideration;
- X. Final decisions on impeachments and declarations of admissibility;
- XI. The public versions of the information provided at the public hearings, hearings and the procedures for appointment, ratification, election, re-election or any other;
- XII. The personal service contracts stating the name of the service provider, purpose, amount and term of the agreement with government agencies, Commissions, Committees, Parliamentary Groups and schools or research bodies;
- XIII. The interim report of the budget year on the use and allocation of financial resources of government agencies, Commissions, Committees, Parliamentary Groups and schools or research bodies;
- XIV. The results of studies or research of economic, political and social nature undertaken by the legislative study or research centers, and
- XV. The register of lobbyists, in accordance with applicable regulations.

**Article 73.** In addition to what is stated in Article 70 of this Act, regulated entities of the Federal Executive Branch and of the executive branches of the States shall make available to the public and update the following information:

- I. Court precedents and final judgments published in the Judicial Weekly Magazine of the Federation or the respective Gazette of each administrative court, including isolated and jurisprudential thesis;
- II. The public versions of the judgments that are of public interest;
- III. Stenographic versions of public sessions;
- IV. That related to processes by which judges and justices are appointed, and
- V. The list of agreements that are published daily.



**Article 74.** In addition to what is stated in Article 70 of this Act, the autonomous bodies shall make available to the public and update the following information:

- I. National Electoral Institute and local electoral agencies of the States:
  - a) The lists of political parties, political or civil associations and organizations registered before the electoral authority;
  - b) The reports submitted by political parties or political or civil associations and groups;
  - c) Electoral geography and cartography;
  - d) The registration of candidates for elective offices;
  - e) The list of radio stations and television channels, transmission patterns, spots versions of electoral institutions and political parties;
  - f) The amounts of public funding from ordinary, campaign and specific activities granted to political parties, political and civil associations and groups, and other political associations, as well as private funding authorized amounts and caps for campaign expenses;
  - g) The methodology and reports on the publication of sample surveys, exit polls and quick counts funded by the electoral authorities;
  - h) The methodology and report of the Preliminary Electoral Results Program;
  - i) The total counts of elections and public participation processes;
  - j) Results and validity declarations of the elections;
  - k) Postal and telegraphic privileges assigned to the political party for the performance of their duties;
  - l) Information on votes of Mexicans living abroad;
  - m) Opinions, reports and resolutions on loss of registration and settlement the assets of national and local political parties, and
  - n) Media monitoring;
- II. National and State human rights protection agencies:
  - a) The list and the public versions of the recommendations issued, the recipient or authority that recommended them and the current status, including, where appropriate, the minutes of hearings of the heads who refused to accept the recommendations;

- b) Complaints and accusations filed with the respective administrative and criminal authorities, stating the procedural stage they are in and, where applicable, the sense in which they were resolved;
  - c) The public versions of the settlement agreement, with the consent of the complainant;
  - d) List of precautionary, interim or equivalent measures ruled once the Record is completed;
  - e) All information in its possession related to acts constituting serious violations of human rights or crimes against humanity, once so determined by the competent authority, including, where appropriate, the actions of reparation, victim assistance and no repetition;
  - f) Information related to the actions and results of defense, promotion and protection of human rights;
  - g) The minutes and stenographic versions of advisory board meetings and the opinions issued;
  - h) The results of the studies, publications or researches carried out;
  - i) Prevention and promoting programs on human rights issues;
  - j) The status of human rights in the prison system and social rehabilitation of the country;
  - k) Follow-up, assessment and monitoring, on equality between women and men;
  - l) Coordination programs and actions with relevant agencies to promote compliance with treaties to which the Mexican State is a party, on Human Rights, and
  - m) The general guidelines of the performance of the National Commission of Human Rights and recommendations of the Advisory Council;
- III. Guarantor Agencies of the rights of access to information and data protection:



- a) The list of observations and resolutions issued and follow each of them, including the answers given by the regulated agencies to applicants in compliance with the resolutions;
- b) The guiding criteria arising from its resolutions;
- c) The minutes of the plenary sessions and the stenographic versions;
- d) The results of the evaluation upon compliance with this Act by the regulated entities;
- e) Studies supporting the resolution of the motions for review;
- f) Where appropriate, the judgments, final sentences or judicial suspensions arising against its resolutions, and
- g) The number of complaints, accusations and motions for review addressed to each of the regulated entities.

**Article 75.** In addition to what is stated in Article 70 of this Act, the autonomous public higher education institutions shall make available to the public and update the following information:

- I. Study plans and programs offered by the system, either on campus or open, with the areas of knowledge, professional profile of who attends the curriculum, length of program subjects, their value in credits;
- II. All information related to administrative procedures;
- III. The remuneration of teachers, including performance incentives, level and amount;
- IV. The list of licensed teachers or sabbatical;
- V. The list of scholarships and grants they provide, as well as procedures and requirements for obtaining them;
- VI. Calls for competitive examinations;
- VII. Information regarding the selection process of the boards;
- VIII. Results of faculty evaluations, and
- IX. The list of institutions incorporated and entry requirements.

**Article 76.** In addition to what is stated in Article 70 of this Act, local and national political parties, national political groups and legal entities incorporated as civil associations established by citizens seeking to nominate an independent

candidate, as applicable, shall make available to the public and update the following information:

- I. The register of members or activists of political parties, which shall contain only: surname, given name, date of affiliation and state of residence;
- II. The agreements and resolutions of the governing bodies of political parties;
- III. Participation agreements between political parties civil society organizations;
- IV. Contracts and agreements for the purchase or rental of goods and services;
- V. The minutes of the meetings of political parties;
- VI. Those responsible for the internal financial bodies of political parties;
- VII. Social organizations supporting or similar to a political party;
- VIII. The amounts of the ordinary and extraordinary fees paid by their members;
- IX. The private funding amounts authorized, and a list of the names of the contributors linked to the amounts contributed;
- X. The list of contributors to political campaigns and primaries;
- XI. The minutes of the constituent assembly;
- XII. Electoral jurisdiction where they participate;
- XIII. The time allocated to them on radio and television;
- XIV. Their basic documents, electoral platforms and government programs, as well as the mechanisms to name their directive organs in the corresponding areas;
- XV. The directory of national, state, municipal, Federal District bodies and, where appropriate, regional, delegation and district agencies;
- XVI. The chart of remunerations paid to members of the agencies referred to in the preceding section and other party officials, which should be linked to the directory and organizational structure; and anyone who receives income from the political party, regardless of the role they play inside or outside the party;



- XVII. The curriculum with recent photograph of all pre-candidates and candidates for elective office, with the position to which they are applying, the electoral district and the state;
- XVIII. The curriculum of the leaders at national, state and municipal levels;
- XIX. Conventions for front, coalition or merger entered into, or of electoral participation undertaken with national political groups;
- XX. Calls issued for the election of their leaders or the nomination of their candidates for elective office and, where applicable, the appropriate registry;
- XXI. Those responsible for the internal processes of evaluation and selection of candidates for elective office, according to their internal regulations;
- XXII. Reports on the expenditure of the regular public funding received for training, promotion and development of women's political leadership;
- XXIII. The decisions of the supervisory bodies;
- XXIV. The amounts of public funding granted monthly, in any form, to their national, state, municipal and Federal District bodies, as well as discounts relating to sanctions;
- XXV. The statement of financial and equity position; the inventory of real estate it owns, as well as annexes which form part of the above documents;
- XXVI. Resolutions issued by their disciplinary bodies at any level, once they become final and conclusive;
- XXVII. The names of their representatives before the competent electoral authority;
- XXVIII. The control and supervision mechanisms applied to the internal processes of selection of candidates;
- XXIX. The list of foundations, associations, research or training centers or institutes. or any other receiving financial support from political parties, as well as the amounts allocated for that purpose, and
- XXX. The decisions rendered by the competent electoral authority regarding the reports of income and expenses.

**Article 77.** In addition to what is stated in Article 70 of this Act, any trusts, public funds, mandates or any similar contract shall make available to the public and keep updated and accessible, as applicable to each contract, the following information:

- I. The name of the Public Servant and of the person or entity representing the trustor, the fiduciary and the trustee;
- II. The administrative unit responsible of the trust;
- III. The total amount, the use and allocation of trust assets, distinguishing public contributions and source of funds, subsidies, donations, transfers, surplus, investments made and contributions or grants they receive;
- IV. The total balance at the end of the fiscal year, without prejudice to other reports to be submitted under the terms of the applicable provisions;
- V. The amendments, if any, suffered by contracts or incorporation deeds of the trust or the public fund;
- VI. The list of beneficiaries, where applicable;
- VII. Reasons for incorporation or termination, if applicable, of the trust or public fund, specifying, in detail, the financial resources allocated for this purpose, and
- VIII. Works, acquisitions and services agreements involving public funds in the trust, and the fees derived from services and transactions undertaken by the lending institution or trust.

**Article 78.** Administrative and judicial labor authorities shall make publicly available and keep up to date and accessible, the following information on the unions:

- I. The documents of the registration of trade unions, which shall include, among others:
  - a) Address;
  - b) Registry Number;
  - c) Trade Union Name;
  - d) Name of the members of the executive committee and commissions exercising oversight functions;
  - e) Effective Date of the Executive Committee;
  - f) Number of Members;



- g) Workplace to which they belong, and
  - h) Central to which they belong, if any;
- II. Records;
  - III. The Union Charter;
  - IV. The list of members;
  - V. The meeting minutes;
  - VI. The internal labor regulations;
  - VII. Collective agreements, including the chart of remunerations, agreements and general working conditions, and
  - VIII. All documents in the Record of union registration and collective bargaining agreements.

Administrative and judicial labor authorities must issue copies of the documents in the files of the Records of the registrations to applicants that require them, in accordance with the procedure for access to information.

As regards the documents in the Record of registration of the associations, it will only be classified as confidential information, the addresses of workers listed in the lists of members.

**Article 79.** The unions that receive and use public resources should keep current and accessible, in in print for direct consultation and in the respective Internet sites, applicable information regarding Article 70 of this Act, the one mentioned in the previous article and the following:

- I. Contracts and agreements between unions and authorities;
- II. The directory of the Executive Committee;
- III. The list of members; and
- IV. The detailed account of public financial resources, in-kind, goods or donations they receive and the detailed report of the use and the final destination of public resources.

As regards the documents in the Record of registration of the associations, it will only be classified as confidential information, the addresses of workers listed in the lists of members.

The regulated entities allocating public resources to the unions, should enable a space on their websites for them to fulfill their obligations of transparency



and have the technological infrastructure for the use and access to the National Platform. The union shall be responsible at all times for publishing, updating and accessibility of information.

**Article 80.** In order to determine the additional information that all required subjects must publish, the Guarantors Agencies must:

- I. Request the regulated entities that, in observing the guidelines issued by the National System, submit a list of information which may be of public interest;
- II. Review the list that sent by the regulated entity based on the functions, duties and powers granted thereto by the applicable regulations, and
- III. Determine the list of information that the regulated entity shall publish within the obligation of transparency.





## Chapter IV

### The Specific Obligations of Individuals or Legal Entities Who Receive and Use Public Resources or Exercise Acts of Authority

**Article 81.** Guarantor Agencies, within their respective powers, will determine where the individuals or legal entities receiving and using public resources or undertake acts of authority, shall comply with the obligations of transparency and access to information directly or through the regulated entities assigning to them those resources or, in the terms of the applicable provisions, performing the acts of authority.

The regulated entities shall send to the competent Guarantor Agencies a list of individuals or legal entities to which, for any reason, they allocated public funds or, in the terms established by the applicable provisions, exercise acts of authority.

In order to decide on the fulfillment of what is stated in the preceding paragraph, the Guarantor Agencies will take into account if a governmental function is performed, the level of public funding, the level of regulation and government involvement, and whether the government participated in its creation.

**Article 82.** In order to determine the information to be made public by the individuals or legal entities that receive and use public funds or perform acts of authority, the relevant Guarantor Agencies shall:

- I. Request the individuals or legal entities that, in observing the guidelines issued by the National System, submit a list of information which may be of public interest;
- II. Review the list sent by the individual or legal entity to the extent they

receive and use resources or perform acts of authority as granted by the applicable regulations, and

- III. Determine the obligations of transparency that they must meet and the deadlines therefor.

# Chapter V

## Specific Obligations on Energy Matters

**Article 83.** In addition to the information specified in Article 70 of this Act, the regulated entities of the energy sector should ensure maximum transparency of information relating to contracts, allotments, permits, partnerships, corporations and other acts that the State subscribes or grants to individuals, productive State enterprises, subsidiaries and affiliates or entered into between them regarding the planning and control activities of the national electricity system; the transmission and distribution of electricity; exploration and extraction of hydrocarbons, through mechanisms that ensure their dissemination and public consultation, which shall include at least the bases, rules, revenues, costs, cost limits, compensations, contributions and payments made and procedures to be carried out for this purpose.

This is in compliance with the obligations of transparency foreseen under the Federal Act and the provisions of the laws of Hydrocarbons; Electricity Industry; Income from Hydrocarbons; the Coordinated Regulatory Bodies in the Energy Sector; the National Agency for Industrial Safety and Environmental Protection of the Hydrocarbon Sector; Petroleos Mexicanos and the Federal Electricity Commission, in this matter.



# Chapter VI

## Verification of Transparency Obligations

**Article 84.** The determinations issued by Guarantor Agencies should establish the requirements, recommendations or comments made and the terms and deadlines by which regulated entities must meet them. Failure to comply with the requirements formulated, will be grounds for applying the enforcement measures, without prejudice to penalties that may apply.

**Article 85.** Guarantor Agencies will monitor that transparency obligations published by the regulated entities comply with the provisions of Articles 70 to 83 of this Act and other applicable provisions.

**Article 86.** Monitoring actions referred to in this Chapter, shall be made through virtual verification. This monitoring will take place from the results of the verification to be carried out informally by the Guarantor Agencies to the Internet portal of the regulated entities or the National Platform, either randomly, by sampling, and regularly.

**Article 87.** The purpose of the verification shall be to review and verify the proper compliance with the obligations of transparency in terms of the provisions of Articles 70 to 83 of this Act, as appropriate, of each regulated entity and other applicable provisions.

**Article 88.** The verification performed by Guarantor Agencies within their respective powers, shall be subject to the following:

- I. Verify that the information is complete, published and updated in a timely manner;
- II. Issue an opinion which may determine that the regulated entity observes the provisions of this Act and other provisions, or otherwise, determine that there is non-compliance with the provisions of the Act and other applicable regulations, in which case it shall make the requirements to proceed to the effect that the regulated entity remedies the inconsistencies detected within a period not exceeding twenty days;
- III. The regulated entity shall inform the Guarantor Agency on compliance with the requirements of the report, and
- IV. The Guarantor Agencies will verify compliance with the resolution once the term has elapsed and if they consider that the requirements of the report were met, a compliance approval will be issued.

Guarantor Agencies may request additional reports to the regulated entity as necessary in order to obtain the evidence it deems necessary to carry out the verification.

When the Guarantor Agencies consider that there is a total or partial non-compliance of the ruling, they will notify, through the Transparency Unit, the superior of the Public Servant responsible for implementation, to the effect that in no more than five days, the requirements of the report are complied with.

Should Guarantor Agencies consider that there remains a total or partial non-compliance of the resolution, within a period not exceeding five days, they will inform the Plenary so that, if necessary, it imposes enforcement measures or penalties, as established by this Act.



# Chapter VII

## Complaint for Breach of The Obligations of Transparency

**Article 89.** Any person may complain before the Guarantor Agencies due to the lack of publication of the transparency obligations laid down in Articles 70 to 83 of this Act and other applicable provisions, in their respective areas of competence.

**Article 90.** The complaint procedure is comprised of the following stages:

- I. Filing the complaint before the Guarantor Agencies;
- II. Request by the Guarantor Agency of a report from the regulated entity;
- III. Resolution of the complaint, and
- IV. Execution of the resolution of the complaint.

**Article 91.** The complaint of breach of the obligations of transparency must meet, at least, the following requirements:

- I. Name of the regulated entity denounced;
- II. Clear and precise description of the failure denounced;
- III. The complainant may attach the evidence it deems necessary to support the non-compliance denounced;
- IV. In case the complaint is filed in writing, the complainant must indicate the address in the corresponding jurisdiction or the e-mail address to receive notifications. If the complaint is filed by electronic means, it



shall be deemed to be accepted that notifications are made by the same means. If no home address or email address or address out of the respective jurisdiction is stated, notifications, even the personal ones, will be served through the bulletin boards of the Institute or Guarantor Agency of the States or the Federal District, as applicable, and

- V. The name of the complainant and, optionally, his/her profile, only for statistical purposes. This information will be provided by the complainant voluntarily. The data on the name and the profile may not be a requirement for the admission and processing of the complaint under any circumstance.

**Article 92.** The complaint may be submitted as follows:

- I. By electronic means:
  - a) Through the National Platform, or
  - b) Via e-mail, addressed to the email address set for that purpose.
- II. In writing, physically submitted, to the Transparency Unit of the Guarantor Agencies, as appropriate.

**Article 93.** The Guarantor Agencies shall make available to individuals the corresponding complaint format, so that they, if they choose, can use it. Likewise, individuals may opt for a free writing, as provided in this Act.

**Article 94.** Guarantor Agencies, in the scope of their powers, must decide on the admission of the complaint within three days following its receipt.

Guarantor Agencies, in the scope of their powers, must notify the regulated entity of the complaint within three days following its admission.

**Article 95.** The regulated entity must submit to the relevant Guarantor Agency, a report with justification on the facts or reasons for the complaint within three days following the above notification.

Guarantor Agencies, in the scope of their powers, can perform virtual checks as appropriate, as well as request additional reports requiring from the regulated entity in order to gather the evidence it deems necessary to resolve the complaint.

In the case of supplementary reports, the regulated entity must respond to them within three days following the notification.

**Article 96.** The Guarantor Agencies, in the scope of their powers, must resolve the complaint within twenty days following the end of the period during which the regulated entity must submit its report or, where applicable, the supplementary reports.

The resolution must be founded and justified, and must invariably rule on the compliance of the publication of the information by the regulated entity.

**Article 97.** The Guarantor Agencies, in the scope of their powers, must notify the resolution to complainant, within three days following its issuance.

The resolutions issued by Guarantor Agencies, referred to in this Chapter, are final and unassailable for regulated entities. The individual may challenge the decision by way of a writ of amparo, under the terms of applicable legislation.

The regulated entity shall comply with the decision within fifteen days as from the day following that on which it is notified thereof.

**Article 98.** Once the term stated in the previous article has elapsed, the regulated entity will inform the relevant Guarantor Agency on the compliance with the resolution.

The Guarantor Agencies, as appropriate, will verify compliance with the resolution; if they consider that the resolution was complied with. A compliance approval will be issued and the closing of the Record will be ordered.

When the Guarantor Agencies of the States or the Federal District, as applicable, consider that there is a total or partial non-compliance of the resolution, they will notify, through the Transparency Unit of the regulated entity, the superior of the Public Servant responsible for implementation, to the effect that in no more than five days, the resolution is complied with.

**Article 99.** If the Institute or the Guarantor Agencies, as appropriate, consider that the total or partial breach of the resolution remains, within a period not exceeding five days after the notice of non-compliance to the immediate superior of the Public Servant responsible thereof, a notice of non-compliance will be issued and the Plenary will be informed so that, where appropriate, it impose the enforcement measures or determinations that may be applicable.





TITLE SIX

**TITLE SIX**  
**CLASSIFIED INFORMATION**



# Chapter I

## General Provisions for The Classification and Declassification of Information

**Article 100.** Classification is the process by means of which the regulated entity determines that the information in its possession updates any of the assumptions of secrecy or confidentiality, in accordance with the provisions of this Title.

The assumptions of secrecy or confidentiality laid down in the laws should be consistent with the bases, principles and provisions established in this Act and in no case they may contravene it.

The heads of the Areas of the regulated entities will be responsible for classifying the information in accordance with the provisions of this Act, the Federal Act and that of the States.

**Article 101.** Documents classified as privileged will be public when:

- I. The causes that gave rise to their classification expire;
- II. The term for classification expires;
- III. There is resolution of a competent authority determining that there is a cause of public interest that prevails over the confidentiality of the information, or
- IV. The Transparency Committee considers appropriate to declassify it in accordance with the provisions of this Title.



Information classified as privileged, under Article 113 of this Act, may remain as such up to a period of five years. The confidentiality period shall run from the date on which the document is classified.

Exceptionally, regulated entities, with the approval of the Transparency Committee, may extend the confidentiality period up to one additional five-year period, provided they justify the causes that gave rise to its classification remain, by applying a harm test.

For the cases provided by section II, in the case of information which disclosure would cause the destruction or disabling of strategic infrastructure for the provision of public goods or services, or refers to the circumstances described in section IV of Article 113 of this Act and that, in the opinion of a regulated entity, it is necessary to extend the confidentiality period of the information again; the respective Transparency Committee shall submit the relevant request to the competent Guarantor Agency, duly grounded and motivated, applying the harm test and noting the confidentiality period, with at least three months prior to the expiration of said period.

**Article 102.** Each Area of the regulated entity shall prepare an index of the Records classified as privileged by the Area responsible of the information and topic.

The index should be developed and published semiannually in Open Formats on the day following their creation. This index must indicate the Area that created the information, the name of the Document, whether it is complete or partial confidentiality, when the privileged period starts and ends, its justification, the term of the confidentiality period and, where appropriate, the Document parts that are classified and if their are in an extension period.

In no case will the index be considered as privileged information.

**Article 103.** In cases where access to information is denied for any of the cases regarding classification, the Transparency Committee shall confirm, modify or revoke the decision.

In order to motivate the classification of the information and extension of the confidentiality period, the reasons, grounds or special circumstances leading the regulated entity to conclude that the particular case fits the assumption provided by the statute invoked as grounds must be stated. In addition, the regulated entity shall, at all times, apply a harm test.

In the case of the information that updates the classification assumptions, the term it is subject to confidentiality must be stated.



**Article 104.** In applying the harm test, the regulated entity must justify that:

- I. The disclosure of the information represents a real, demonstrable and identifiable risk of significant harm to the public interest or national security;
- II. The harm risk that the disclosure would mean exceeds the public interest of being disseminated, and
- III. The limitation is consistent with the principle of proportionality and is the least restrictive means available to avoid harm.

**Article 105.** The regulated entities shall apply, in a restrictive and limited way, the exceptions to the right of access to information under this Title and must prove their suitability.

The burden of the proof in justifying any denial of access to information, due to the updating any of the confidentiality assumptions, will correspond to the regulated entities.

**Article 106.** The classification of information will take place at the time that:

- I. A request of access to information is received;
- II. It is determined by decision of the competent authority, or
- III. Public versions are generated to comply with transparency obligations under this Act.

**Article 107.** Documents that are partially or wholly classified shall bear a legend indicating that status, the date of classification, the legal basis and, where appropriate, the confidentiality period.

**Article 108.** Regulated entities may not issue general or particular agreements that classify documents or information as confidential. The classification may be established in whole or in part according to the content of the Document information and should be consistent with the updating of the assumptions set out in this Title as classified information.

In no case may Documents be classified before the information is generated.

The classification of privileged information shall be based on a case-by-case basis, by applying the harm test.

**Article 109.** The general guidelines issued by the National System regarding the classification of privileged and confidential information and for making public versions will be mandatory for the regulated entities.



**Article 110.** Classified documents shall be duly safeguarded and maintained in accordance with applicable laws and, where appropriate, the guidelines issued by the National System.

**Article 111.** When a Document contains privileged or confidential parts or sections, regulated entities for purposes of meeting a request for information shall prepare a Public Version in which the parties or sections classified are crossed out, indicating their content in a generic way and providing the grounds for such classification.

**Article 112.** The information contained in the transparency obligations cannot be omitted in the public versions.

## Chapter II

### Privileged Information

**Article 113.** The information may be classified as privileged if its publication:

- I. Jeopardizes the national security, the public security or the national defense and has a genuine purpose and demonstrable effect;
- II. May adversely affect the conduct of negotiations and international relations;
- III. Is delivered to the Mexican State expressly as confidential by other subjects of international law, except in the case of serious human rights violations or crimes against humanity under international law;
- IV. It may affect the effectiveness of the measures taken with regard to the country's monetary, foreign exchange or financial system policies; it could jeopardize the stability of the financial institutions susceptible to be considered of systemic risk or the country's financial system; it would jeopardize the security in the provision of local currency into the country, or may increase the cost of financial transactions carried out by the regulated entities of the federal public sector;
- V. May endanger the life, safety or health of an individual;
- VI. Obstructs the activities of verification, inspection and auditing relating to compliance with laws or affects the collection of contributions;

- VII. Obstructs the prevention or prosecution of crime;
- VIII. Which contains the opinions, recommendations or views that are part of the deliberative process of Public Servants, while a final decision is made, which must be documented;
- IX. Obstructs the procedures for holding Public Servants liable, while the administrative decision has not been issued;
- X. Affects the rights of due process;
- XI. Violates the management of judicial Records or administrative procedures carried out in the form of trials, while they become final and conclusive;
- XII. It is contained within the investigations of facts established by law as crimes and dealt with the Public Prosecutor, and
- XIII. Which, by express provision of a law, have such character, provided they are consistent with the bases, principles and provisions laid down in this Act and not contravene it; as well as those provided for in international treaties.

**Article 114.** The reasons for secrecy provided for in the preceding article shall be grounded, through the application of the harm test referred to in this Title.

**Article 115.** The privileged character may not be invoked when:

- I. It relates to serious human rights violations or crimes against humanity, or
- II. It is information related to corruption in accordance with applicable law.

## Chapter III

### Confidential Information

**Article 116.** It is considered confidential information that which contains personal data relating to an identified or identifiable person.

Confidential information will not be subject to any time frame and may only be accessed by holders thereof, their representatives and Public Servants entitled thereto.

It is considered as confidential information: banking, trust, industrial, commercial, tax, securities and mail secrets, whose ownership corresponds to individuals, subjects of international law or regulated entities when it does not involve the use of public resources.

**Article 117.** Regulated entities established as trustors, fiduciaries or trustees in trusts involving public funds may not qualify, for that single assumption, the information relating thereto, as a bank or trust secret, without prejudice to other grounds for classification provided in this Act.

**Article 118.** Regulated entities established as users or as a banking institution in operation involving public funds may not qualify, for that single assumption, the information relating thereto, as a bank secret, without prejudice to other grounds for classification provided in this Act.

**Article 119.** Regulated entities established as taxpayers or taxation authorities may not classify information on the use of public resources as tax secret.

**Article 120.** For regulated entities to allow access to confidential information they need to obtain the consent of the holders of that information.

The consent of the holder of the confidential information shall not be required when:

- I. The information is contained in public records or publicly available sources;
- II. It is public by law;
- III. There is a court order;
- IV. For reasons of national security and general health, or to protect the rights of third parties, its publication is required, or
- V. When it is shared between regulated entities and between them and the subjects of international law, in terms of the treaties and interagency agreements, provided the information is used to exercise the powers of those subjects.

For purposes of section IV of this article, the Guarantor Agency must apply the public interest test. In addition, it must substantiate a clear connection between the confidential information and a subject of public interest, and the proportionality between the invasion of privacy caused by the disclosure of the confidential information and the public interest of the information.

# TITLE SEVEN

## TITLE SEVEN PROCEDURES FOR ACCESS TO PUBLIC INFORMATION





# Chapter I

## Procedure of Access to Information

**Article 121.** Transparency Units of the regulated entities shall ensure the measures and accessibility so that every person may enforce the right of access to information through information requests, and shall assist the applicant in the preparation thereof, in accordance with the bases established in this Title.

**Article 122.** Any person by himself or through his representative may request access to information with the Transparency Unit, through the National Platform, at the office or offices designated for this purpose, via email, mail, courier, telegraph, verbally or by any means approved by the National System.

**Article 123.** In the case of requests for access to information formulated through the National Platform, a folio number will be automatically assigned, with which applicants can track their requirements. In other cases, the Transparency Unit will have to record and enter the access request in the National Platform and must send the acknowledgment of receipt to the applicant, indicating the date of receipt, the corresponding folio and applicable response times.

**Article 124.** In order to submit a request, no other requirements may be required than:

- I. Name or, if necessary, general data of his/her representative;
- II. Address or means for receiving notifications;

- III. The description of the requested information;
- IV. Any other information that facilitates its search and eventual location, and
- V. The preferred mode to be granted the access to information, which may be verbal, provided it is for guidance purposes, by direct consultation, by issuing simple or certified copies or the reproduction through any other means, including electronic.

Where appropriate, the applicant shall state the accessible format or the indigenous language in which the information is required according to what is stated in this Act.

The information in sections I and IV will be provided by the applicant as an option and, in no case, may be a mandatory prerequisite for the admissibility of the application.

**Article 125.** Particularly when the application is submitted electronically through the National Platform, it will be understood the applicant accepts that the notifications will be made by that system, except if he/she states a different means for purposes of notifications.

In the case of applications received in other media, in which the applicants do not provide an address or means to receive the information or, failing that, it was not possible to practice a notification will be notified by courts in the office of Unit Transparency.

**Article 126.** The terms of all notices under this Act shall start on the day following their delivery.

When the deadlines set by this Act are in days, these are understood as business days.

**Article 127.** Exceptionally, when grounded and motivated, as determined by the regulated entity, in cases where the requested information already in their possession involves analysis, study or processing of Documents which delivery or reproduction exceeds the technical capacity the regulated entity to comply with the request within the time limits for such purposes, direct consultation Documents, except classified information, may be made available to the applicant.

In any case its simple or certified copy shall be provided, as well as the reproduction by any means available in the premises of the regulated entity or, where appropriate, provided by the applicant.

**Article 128.** When the details provided to locate the documents are inadequate, incomplete or erroneous, the Transparency Unit may require the applicant, only once and within a period not exceeding five days, counted from the filing of the application, so that, in a term of up to ten days, indicates other elements or corrects the data provided or either, specifies one or more information requirements.

This request shall interrupt the period for response referred to in Article 132 of this Act; therefore, it shall to run again the next day of its response by the private party. In this case, the regulated entity will carry out the request in the terms in which the request for additional information was solved.

The application shall be deemed not filed when applicants do not address the request for additional information. In the case of partial requirements not solved, the request will be considered filed with regard to the content of information that was not part of the request.

**Article 129.** The regulated entities shall grant access to the Documents found in their archives or that are required to document in accordance with its powers, duties or functions in the format in which the applicant states, among those existing formats, according to the physical characteristics information or the place it is located, when possible.

In the event that the information requested consists of databases the delivery of it in Open Formats must be favored.

**Article 130.** When the information requested by the applicant is already publicly available in printed materials such as books, compilations, brochures, public records, in electronic formats available on the Internet or any other means, the applicant will be informed through the means required of the source, the place and how such information can be consulted, reproduced or acquired within a period not exceeding five days.

**Article 131.** The Transparency Units shall ensure that requests are sent to all relevant areas that have the information or should have it according to their powers, functions and duties, in order to conduct a thorough and reasonable search for the requested information.



**Article 132.** The response to the request shall be notified to the person concerned in the shortest possible time, not exceeding twenty days, counting from the day following the submission of the request.

Exceptionally, the term referred to in the previous paragraph may be extended for ten more days, provided there are reasonable grounds, which must be approved by the Transparency Committee, by issuing a decision to be notified to the applicant before its expiration.

**Article 133.** Access will be provided either delivered or sent, as applicable, depending on the mode chosen by the applicant. When the information cannot be delivered or sent in the selected mode, the regulated entity shall provide one or more modes of delivery.

In any case, it should provide the grounds for the need for other modes.

**Article 134.** The regulated entities shall establish the way and terms they will internally process requests regarding access to information.

The development of public versions, which reproduction or sending mode may have a cost will apply once the respective payment is cleared.

Given the lack of response to a request in the term provided, and if access is admitted, reproduction and mailing costs will borne by the regulated entity.

**Article 135.** The Transparency Unit will make available the information requested, for a minimum period of sixty days, counted from the date the applicant makes the corresponding payment, where appropriate, which must take place no later than within thirty days.

Once those terms have elapsed, regulated entities will terminate the request and shall, if appropriate, proceed to destroy the material in which the information was reproduced.

**Article 136.** When Transparency Units determine the gross incompetence by the regulated entities within the scope of their powers, to meet the demand for access to information, they shall inform the applicant, within three days of receipt of the request and in case of being able to determine it, indicate the applicant which are the competent entities.

If the regulated entities are competent to partially meet the demand for access to information, they should answer with regard to such part. Regarding the information on which it is incompetent, it will proceed as noted in the previous paragraph.

**Article 137.** In the event that the regulated entities consider that the Documents or the information must be classified, they will observe the following:

The Area shall forward the application, and a writ setting out the grounds for classifying the information to the Transparency Committee, which must resolve either:

- a) Confirming the classification;
- b) Modifying the classification and granting full or partial access to information, and
- c) Revoking the classification and granting access to information.

The Transparency Committee can access the information in the possession of the relevant Area, which classification is sought.

The Transparency Committee resolution shall be notified to the person concerned within the response term to the request as set forth in Article 132 of this Act.

**Article 138.** When the information is not in the archives of the regulated entity, the Transparency Committee shall:

- I. Examine the case and take the necessary measures to locate the information;
- II. Issue a decision confirming the absence of the Document;
- III. Order, whenever practically possible, that the information is generated or restored if it had to exist, to the extent it derived from the exercise of its powers, duties or functions, or that, prior proof of the impossibility of its generation, provides the reasons duly grounded for which in such particular case it did not exercise those powers, duties or functions, to be notified to the applicant through the Transparency Unit, and
- IV. Notify the internal control body or equivalent of the regulated entity who, if appropriate, must start the procedure of administrative responsibility as applicable.

**Article 139.** The Transparency Committee's resolution confirming the absence of the requested information will contain the minimum elements that allow the applicant to be certain that a thorough search criteria was used, besides indicating the circumstances of time, manner and place that generated the absence concerned and will identify the Public Servant responsible for having it.

**Article 140.** Individuals and legal entities receiving and using public resources or undertaking acts of authority, shall be responsible for meeting deadlines and terms for granting access to information.



## Chapter II

### Access Dues

**Article 141.** Should any cost to get the information exist, it will be paid in advance to delivery and may not exceed the sum of:

- I. The cost of the materials used in reproducing the information;
- II. The shipping cost, if any;
- III. Payment for the certification of Documents, as appropriate.

Fees of dues should be established in the Federal Duties Act, which will be published on the websites of the regulated entities. In their determination, they must consider that the amounts allow or facilitate the exercise of the right of access to information, it will also establish the obligation to set a single and exclusive bank account for the applicant to make full payment of the cost of the information requested.

The regulated entities to whom the Federal Duties Act does not apply shall establish fees that should not be higher than those provided for in the Act.

The information shall be provided without cost, if it involves the delivery of no more than twenty simple sheets. Transparency Units may exempt payment of reproduction and mailing in addressing the socio-economic circumstances of the applicant.







**TITLE EIGHT**  
**APPELLATE AND REVIEW PROCEDURES**

**TITLE EIGHT**



# Chapter I

## Motion for Review Before the Guarantor Agencies

**Article 142.** The applicant may file, by himself or through his representative, directly or electronically, a motion for review before the appropriate Guarantor Agency or before the Transparency Unit that heard about the request within fifteen days following the date of service of the response, or the expiration of the notification term.

In the event it is filed before the Transparency Unit, it must refer the motion for review to the Guarantor Agency concerned no later than the day following receipt.

**Article 143.** The motion for review will proceed against:

- I. Classification of the information;
- II. The statement of inexistent information;
- III. The statement of incompetence by the regulated entity;
- IV. The delivery of incomplete information;
- V. The delivery of information that does not match the request;
- VI. The lack of response to a request for access to information within the time limits established by law;



- VII. The notification, delivery or availability of information in a different form or format than that requested;
- VIII. The delivery or provision of information in an incomprehensible and/or format not accessible to the applicant;
- IX. Costs or delivery times of information;
- X. The lack of processing an application;
- XI. The refusal to allow direct consultation of the information;
- XII. The lack, deficiency or inadequacy of the grounds and/or motivation in the response, or
- XIII. The guidance to a specific procedure.

The answer provided by regulated entities resulting from the decision to a motion for review that is admitted for the reasons outlined in sections III, VI, VIII, IX, X and XI is likely to be challenged again, by petition for review, before the relevant Guarantor Agency.

**Article 144.** The motion for review shall contain:

- I. The regulated entity where the application was filed;
- II. The name of the applicant or his representative uses and, where appropriate, the necessary third party, as well as the address or means indicated for receiving notifications;
- III. The response file number of the application for access;
- IV. The date when the reply to the applicant was notified or when he had knowledge of the act in question, or of submission of the application, in case of lack of response;
- V. The act that is being challenged;
- VI. The reasons or motives of disagreement, and
- VII. The copy of the reply at issue and, where appropriate, of the corresponding notification, except in case of response to the application.

Additionally, the evidence and other elements considered appropriate to be considered by the Guarantor Agency may be attached.

In no case will it be necessary that the private party ratifies the motion for review filed.

**Article 145.** If the motion for review does not meet any of the requirements set forth in the previous article and the Guarantor Agency concerned has no elements to correct them, the appellant will be warned, on one occasion, and through the means chosen thereby to receive notifications, in order to remedy the omissions within a period not exceeding five days, counting from the day of notification of the warning, being warned that in case of failure to comply, the motion for review will be dismissed.

The warning will have the effect of interrupting the period that Guarantor Agencies have to solve the motion, which will begin to run from the day following its release.

No warning may be issued by the name provided by the applicant.

**Article 146.** The Guarantor Agency will decide the motion for review within a period not exceeding forty days, from the date of admission of the same, in the terms established in the respective law, which period may be extended only once for a period and up twenty days.

During the procedure, the amendment of the complaint will apply in favor of the appellant, without changing the facts, making sure that the parties may submit oral or written arguments, which duly ground their claims.

**Article 147.** At all times, the Commissioners should have access to classified information to determine its nature as required. Access will be granted in accordance with the standards previously set by regulated entities to guard or safeguard information.

**Article 148.** Secret or confidential information that, where appropriate, is consulted by the Commissioners, for being indispensable to resolve the matter, shall be held in confidence and will not be available on the Record, except in cases in which declassification of such information ensues and will continue under the aegis of the regulated entity where it originally was or when required, for being serious human rights violations or crimes against humanity, in accordance with national law and international treaties to which Mexico is a party.

**Article 149.** The Guarantor Agency, in resolving the motion for review should apply a public interest test elements based on suitability, necessity and proportionality, when there is a collision of rights.

For these purposes, the following definitions apply:

- I. **Suitability:** The legitimacy of the law adopted as the preferred, which is suitable for achieving a constitutionally valid purpose or suitable to achieve the intended purpose;
- II. **Need:** The lack of a less detrimental alternative means to the openness of information to satisfy the public interest, and
- III. **Proportionality:** The balance of harm and benefit to the public interest, so that the decision made represents a bigger benefit than the damage it could cause to the population.

**Article 150.** The Guarantor Agencies will resolve the motion for review according to the following:

- I. Once the motion for review is lodged, the President of the Guarantor Agency shall send it to the corresponding Commissioner speaker, who shall proceed to its analysis to order its admission or dismissal;
- II. Once the motion for review is admitted, the Commissioner speaker shall put together a Record and make it available to the parties, so that, within a period of seven days, they express what they deem appropriate;
- III. Within the period referred to in Section II of this Article, the parties may offer all types of evidence or arguments except the confessional by the regulated entities and those that are contrary to law;
- IV. The Commissioner speaker may decide to hold hearings with the parties during the substantiation of the motion for review;
- V. Once the term stated in section II of this Article has elapsed, the Commissioner speaker shall order the closing of the trial;
- VI. The Guarantor Agency is not obliged to meet the information submitted by the regulated entity once the closing order is decreed, and
- VII. Once the closing order is decreed, the Record will go to resolution, within a period not exceeding twenty days.

**Article 151.** The resolutions of the Guarantor Agencies may:

- I. Discard or dismiss the remedy;
- II. Confirm the response of the regulated entity, or
- III. Revoke or amend the response of the regulated entity.

The resolutions shall establish, where appropriate, the periods and terms for compliance and procedures to ensure their implementation, which shall not exceed ten days for delivery of information. Exceptionally, the Guarantor Agencies, prior due grounds, may extend this time limit if the case so requires.

**Article 152.** In the resolutions the Guarantor Agencies may point out to the regulated entities that the information to be provided be considered as an obligation of transparency in accordance with Chapter II of Title V, entitled “Common Transparency Obligations” in this Act, taking into consideration the relevance of the information, the impact of the requests thereon and repetitive sense of the resolutions.

**Article 153.** Guarantor Agencies shall notify the parties and publish the decisions, no later than the third day following their approval.

The regulated entities shall inform the Guarantor Agencies concerned of the compliance with their resolutions within a period not exceeding three days.

**Article 154.** When the Guarantor Agencies determine during the substantiation of the motion for review that there might be a probable liability for breach of the obligations under this Act and other applicable provisions in the matter, they must inform the internal control office or the competent body so that it starts, if necessary, the corresponding liability procedure.

**Article 155.** The remedy will be dismissed as inadmissible if:

- I. It is time-barred for the time limit laid down in Article 142 of this Act having expired;
- II. Any remedy or means of defense filed by the appellant is being processed with the Judiciary Branch;
- III. None of the cases provided for in Article 143 of this Act is updated;
- IV. The warning in the terms set out in Article 145 of this Act has not been complied with;
- V. The accuracy of the information provided is contested;

- VI. It is a consultation, or
- VII. The appellant expands its application in the motion for review, only in respect of new content.

**Article 156.** The motion for review will be dismissed, in whole or in part, when, once admitted, any of the following assumptions are updated:

- I. The appellant desists;
- II. The appellant dies;
- III. The regulated entity responsible of the act amends or revokes it in such a way that the motion for review has no further subject matter, or
- IV. Once the motion for review is admitted, a ground of inadmissibility appears on the terms of this Chapter.

**Article 157.** The resolutions of the Guarantor Agency are binding, final and unassailable for regulated entities.

Only the Legal Advisor of the Government may file a motion for review before the Supreme Court of Justice, under the terms laid down in Chapter IV entitled “Motion for Review on National Security,” in this Title, only in the case that such decisions may put national security at risk.

**Article 158.** Individuals may challenge the decisions or resolutions of the Guarantor Agencies before the Judicial Branch of the Federation.



## Chapter II

### Appeal for Reconsideration With the Institute

**Article 159.** In the case of resolutions to the motions for review of Guarantor Agencies of the States, individuals may choose to resort to the Institute or to the Judicial Branch of the Federation.

**Article 160.** An appeal for reconsideration is admissible against the resolutions issued by the Guarantor Agencies of the States that:

- I. Confirm or modify the classification of the information, or
- II. Confirm the absence or refusal of information.

It is construed as denial of access to information the lack of resolution of the Guarantor Agencies of the States within the specified time frame.

**Article 161.** The appeal for reconsideration must be submitted within fifteen days after the notice of the resolution is known or that the term for it to be issued has elapsed, through the electronic system to be established by the Institute or in writing, to the Institute or the Guarantor Agency having issued the resolution.

In the event of an appeal for reconsideration in writing to the Guarantor Agency of the State, it shall so inform the Institute on the day following its receipt, accompanied by the contested decision, through the National Platform.

Regardless of the means by which the appeal for reconsideration is brought, the corresponding Record must be in the National Platform.



**Article 162.** The appeal for reconsideration shall contain:

- I. The regulated entity where the application was filed;
- II. The decision number of the motion for review of the contested decision;
- III. The Guarantor Agency that issued the decision being challenged;
- IV. The name of the appellant and, where applicable, the necessary third party as well as the respective addresses or means for receiving notifications;
- V. The date it was notified of the contested decision;
- VI. The act that is being challenged;
- VII. The reasons or motives of disagreement, and
- VIII. The copy of the decision being challenged and, where appropriate, of the corresponding notification.

The appellant may attach the evidence and other elements considered appropriate to the consideration of the Guarantor Agency.

**Article 163.** Once the Institute receives the appeal for reconsideration, it shall examine their admissibility and, where appropriate, will require the elements it deems necessary from the Guarantor Agency responsible.

**Article 164.** If the appeal for reconsideration does not meet any of the requirements set forth in Article 162 of this Act and the Institute has no elements to correct them, the appellant will be warned in a term not exceeding five days, on one occasion, and through the means chosen thereby to receive notifications, in order to remedy the omissions within a period not exceeding five days, counting from the day of notification of the warning, being warned that in case of failure to comply, the appeal for reconsideration will be dismissed.

The warning will have the effect of interrupting the period that the Institute has to solve the appeal for reconsideration, which will begin to run again from the day following its release.

No warning may be issued by the name provided by the applicant.

**Article 165.** The Institute will solve the appeal for reconsideration within a period not exceeding thirty days, which may be extended only once and for a similar period.

If the appeal for reconsideration is filed due to lack of resolution in terms of the second paragraph of Article 160 of this Act, the Institute will give notice, within a

period of three days, counted from the date the appeal for reconsideration was received, to the Guarantor Agency of the relevant State, for claiming what serves its interests within five days.

Once the answer is received, the Institute shall issue its decision within a period not exceeding fifteen days. If no response is received from the Guarantor Agency of the State or it does not conclusively prove that it issued a resolution or does not establish, duly grounded, at the discretion of the Institute, that it relates to privileged or confidential information, the Institute will decide in favor of the applicant.

**Article 166.** During the procedure the amendment of deficient pleadings shall be applied, without changing the facts, in favor of the appellant and shall ensure that the parties may present arguments and evidence to duly ground their claims and present their allegations.

**Article 167.** In any case, the Commissioner speaker of the Institute shall have access to classified information in order to determine its nature.

Confidential or proprietary information that, where appropriate, is consulted by the Commissioner speaker of the Institute, for being indispensable to resolve the matter, should be kept in confidence and will not be available on the Record, except in cases in which the declassification of such information occurs, continuing under the aegis of the regulated entity where it was originally.

**Article 168.** Once the appeal for reconsideration is admitted, notice thereof will be served to the Guarantor Agency involved, so that within a period of ten days it provides its justified report.

The appellant may represent what it deems convenient and provide the elements it considers relevant, within ten days of notification of the acceptance of the appeal for reconsideration. Once this period elapses, the closing order will be declared and the Record will pass to resolution.

The appellant may request an extension of the term, before the closing order, up to a period of ten additional days to manifest what it deems convenient.

**Article 169.** After the closing order and until before issuing the resolution, only the supervening evidence and the request for extension to Guarantor Agencies and regulated entities will be admitted.

If there is a necessary third party, it will be notified of the admission of the appeal for reconsideration so that, within a period not exceeding five days, accredits its capacity and pleads what serves its interests.

**Article 170.** The resolutions of the Institute may:

- I. Discard or dismiss the appeal for reconsideration;
- II. Confirm the resolution of the Guarantor Agency, or
- III. Revoke or amend the resolution of the Guarantor Agency, or

The decision shall be notified to the appellant, the regulated entity, the Guarantor Agency responsible and, where applicable, the necessary third party, through the National Platform.

**Article 171.** When the Institute determines during the substantiation of the appeal for reconsideration that there might be a probable liability for breach of the obligations under this Act and other applicable provisions in the matter, it must inform the the competent authority so that it starts, if necessary, the corresponding liability procedure.

**Article 172.** In cases where through the appeal for reconsideration the decision in the motion for review is amended or revoked, the Guarantor Agency designated as responsible and who was the one who issued the decision under appeal, shall issue a new decision, following the guidelines that were set to resolve the reconsideration, within fifteen days from the day following that on which it was notified or knew of the decision ruled.

Exceptionally, given the special circumstances of each particular case, the Guarantor Agencies, with due grounds, may request the Institute an extension of time for issuing the new resolution, which must be made no later than five days before expiration of the time allowed for compliance with the resolution, to the effect that the Institute rules on the merits of it within three days of the request.

**Article 173.** Once the new resolution is issued by the Guarantor Agency responsible of the State, as appropriate, pursuant to the judgment of the appeal for reconsideration, it shall promptly inform it, through the National Platform of the Institute, and the relevant regulated entity, through its Transparency Unit for compliance purposes.

**Article 174.** The regulated entity, through the Transparency Unit, must comply with the new resolution that has been notified by the Guarantor Agency pursuant to the judgment of the appeal for reconsideration within a period not exceeding ten days, unless it provides for a different term for compliance. In the very act in which notification is made to the regulated entity, it will be required to report on compliance to be given to the resolution in question.

**Article 175.** Once the resolution referred to in the previous article is fulfilled by the regulated entity, it shall inform the Guarantor Agency of the States or the Federal District, as appropriate, regarding compliance, which must be done within the period referred to in the previous article.

**Article 176.** It will correspond to the Guarantors Agencies of the States and the Federal District, within their competence, to track and monitor the due compliance by the respective regulated entity of the new resolution issued as a result of the appeal for reconsideration in terms of Chapter IV of this Title.

**Article 177.** The enforcement measures provided for in this Act will be applicable for purposes of compliance with resolutions that relate to appeals for reconsideration. These enforcement measures should be established in the resolution itself.

**Article 178.** The appeal for reconsideration will be dismissed as inadmissible if:

- I. It is time-barred for the time limit laid down in Article 161 of this Act having expired;
- II. Any remedy or means of defense filed by appellant is being processed before the Judicial Branch or, where appropriate, by the necessary third party, against the contested measure before the Institute;
- III. None of the cases provided for in Article 160 of this Act is updated;
- IV. When the claim of the appellant goes beyond the grievances initially brought before the relevant Guarantor Agency;
- V. The Institute is not competent, or
- VI. Any other hypothesis of inadmissibility under this Act is updated.

**Article 179.** The appeal for reconsideration will be dismissed when, once admitted, any of the following assumptions are updated:

- I. The appellant expressly withdraws the action;
- II. The appellant dies;
- III. The regulated entity responsible of the act amends or revokes it in such a way that the appeal for reconsideration has no further subject matter, or
- IV. Once the appeal for reconsideration is admitted, a ground of inadmissibility appears on the terms of this Chapter.

**Article 180.** The resolution of the Institute shall be final and unappealable for the Guarantor Agency and the regulated entity in question.

Individuals may challenge the decisions or resolutions of the Institute before the Judicial Branch of the Federation



## Chapter III

### Attraction of Motions for Review

**Article 181.** The Plenum of the Institute, when approved by a majority of its Commissioners, ex officio or at the request of the Guarantor Agencies, may exercise the power of attraction of those motions for review pending resolution, which due to their interest and significance so warrant.

The Institute will establish mechanisms that allow identifying the motions for review filed with the Guarantor Agencies involving interest and importance to be known.

The appellants may inform the Institute of the existence of motions for review it should know ex officio.

**Article 182.** For the purposes of the exercise of the power of attraction referred to in this Chapter, the Institute will provide the grounds that the case is of such relevance, novelty or complexity, that its resolution may substantially affect the solution to ensure future cases to effectively protect the right of access to information.

In cases where the Guarantor Agency of the State is the regulated entity under appeal, it must notify the Institute within a period not exceeding three days after the appeal is lodged. The Institute will attract and resolve these motions for review, as provided in this Chapter.

**Article 183.** The reasons issued by the Institute for exercising the power of attraction of a case, will only constitute a preliminary study to determine if the case meets the constitutional and legal requirements of interest and importance, according to the previous rule; therefore, it will not be necessary for them to be part of the analysis of the merits.

**Article 184.** The Institute will issue general guidelines and criteria of mandatory compliance for determining the motions for review of interest and importance it will be required to know, as well as internal procedures for processing them, based on the maximum limits set for the motion for review.

**Article 185.** The power for attraction conferred to the Institute shall be exercised in accordance with the following rules:

- I. When it is done ex officio, the Plenum of the Institute, when approved by the majority of its Commissioners, may exercise the attraction at any time, while the motion has not been resolved by the competent Guarantor Agency, for which it shall notify the parties and require the Record from the appropriate Guarantor Agency, or
- II. When the request for attraction is made by the Guarantor Agency of the State, it will have a period not exceeding five days, except as provided in the last paragraph of Article 182 of this Act, to request the Institute to analyze and, if necessary, exercise the power of attraction on the matter brought before it.

After this period the respective Guarantor Agency to make the request for attraction shall be considered as expired.

The Institute shall have a period not exceeding ten days to determine whether to exercise the power of attraction, in which case it shall notify the parties and request the Record of the relevant motion for review.

**Article 186.** The request to attract the motion for review shall interrupt the period that local Guarantor Agencies to resolve it. The count will continue as from the day following that on which the Institute has notified the determination not to attract the motion for review.

**Article 187.** Prior to the decision of the Institute on the exercise of the power of attraction referred to in the previous article, the Guarantor Agency of the State



to whom the original knowledge of the matter may concern, must exhaust the analysis of all aspects which study is preliminary to the merits, except in the case of importance and significance derived from the merits of the action.

If the Plenum of the Institute, when approved by a majority of its Commissioners, decides to exercise its power of attraction, it shall endeavor on the knowledge or the merits of the case subject matter of the motion for review that is attracted.

The Commissioner(s) that would have voted against exercising the power of attraction will not be prevented from ruling on the merits.

**Article 188.** The resolution of the Institute shall be final and unappealable for the Guarantor Agency and the regulated entity in question.

At all times, individuals may challenge the decisions or resolutions of the Institute before the Judicial Branch of the Federation.





# Chapter IV

## Motion for Review on National Security

**Article 189.** The Legal Advisor of the Federal Government may file a motion for review on national security directly before the Supreme Court of Justice if it considers that the resolutions issued by the Institute put the national security at risk.

The motion must be filed during the seven days following the one when the Guarantor Agency notifies the decision to the regulated entity. The Supreme Court of Justice shall determine, immediately, if necessary, to suspend the execution of the order and within five days of initiating proceedings will decide on admission or inadmissibility.

**Article 190.** In the writ of the motion, the Legal Advisor of the Federal Government shall indicate the resolution being challenged, the grounds and reasons on which it considers that it puts national security at risk, as well as the necessary evidence.

**Article 191.** The privileged or confidential information that, if any, is requested by the Supreme Court of Justice for being indispensable to resolve the matter, shall be held in confidence and will not be available on the Record, except in cases provided for in Article 120 of this Act.

At all times, the Justices must have access to classified information in order to determine its nature, as required. Access will be granted in accordance with the standards previously established for the receipt and safeguarding of information from the entities.



**Article 192.** The Supreme Court of Justice will resolve with full jurisdiction, and in no event shall revoi apply.

**Article 193.** If the Supreme Court of Justice confirms the sense of the contested decision, the regulated entity shall comply and provide the information laid down in Article 196 of this Act.

Should the resolution be revoked, the Institute shall act in the terms established by the Supreme Court of Justice.

# Chapter V

## Motion for Review of Jurisdictional Issues of the Supreme Court of Justice

**Article 194.** In applying the provisions of this Act, relating to information of jurisdictional matters of the Supreme Court of Justice, a specialized committee on access to information comprising three ministers must be created.

To resolve the motions for review related to information of jurisdictional issues, the committee will abide by the resolution principles, rules and procedures set out in this Act and shall have the powers of the Guarantor Agencies.

**Article 195.** Jurisdictional issues shall be those that are related to the exercise of the constitutional role of law enforcement jurisdiction of the Supreme Court of Justice, under the terms required by Federal Act.





## Chapter VI Compliance

**Article 196.** The regulated entities, through the Transparency Unit, will strictly comply with resolutions of the Guarantor Agencies and should inform them about their compliance.

Exceptionally, given the special circumstances of the case, regulated entities may request the Guarantor Agencies, duly grounded, an extension of time to comply with the resolution.

Such request must be submitted no later than within the first three days of the time allowed for compliance, so that the Guarantor Agencies may resolve on the admissibility thereof within five days.

**Article 197.** Once the term stated in the previous article has elapsed, the regulated entity will inform the relevant Guarantor Agency on the compliance with the resolution.

The Guarantor Agency will verify ex officio the quality of the information and, at the latest the day after receiving the report, will notify the appellant so that, within five days, he he declares what is deemed convenient. If within the prescribed period the appellant represents that the compliance does not correspond to that ordered by the Guarantor Agency, he shall state the specific reasons therefor.

**Article 198.** The Guarantor Agency must decide, within a period not exceeding five days, of all causes declared by the appellant and the outcome of verification



undertaken. If the Guarantor Agency considers that the resolution was complied with, it shall issue a compliance approval and the closing of the Record will be ordered. Otherwise, the Guarantor Agency will:

- I. Issue a non-compliance order;
- II. Notify the immediate superior of the responsible party to comply, to the effect that, within a period not exceeding five days, the resolution is complied with, and
- III. Determine the enforcement measures or penalties, as appropriate, to be imposed or actions to be implemented in accordance with the provisions of the next Title.



## Chapter VII

### Interpretation Criteria

**Article 199.** Once the judgments in the motions brought to its competition are final, the Institute may issue interpretation criteria it deems appropriate and that are derived from the decision in such matters.

The Institute may issue guiding criteria for local Guarantor Agencies, to be established by repetition after solving three similar cases consecutively in the same sense, by at least two thirds of the Plenum of the Institute, derived from decisions that have become final and conclusive.

**Article 200.** The criteria shall consist of a concept, a text and the court order(s) that have caused them, where appropriate.

All criteria issued by the Institute shall contain a control code for proper identification.





TITLE NINE

**TITLE NINE**  
**ENFORCEMENT MEASURES AND SANCTIONS**





# Chapter I

## Enforcement Measures

**Article 201.** Guarantor Agencies, within the scope of their powers, may impose on the Public Servant responsible to comply with the resolution, or members of trade unions, political parties or the individual or company responsible, the following enforcement measures to ensure compliance with its determinations:

- I. Public admonition, or
- II. Fine of one hundred fifty to five hundred times the general minimum wage in force in the geographical area concerned.

The Federal Act and those of the States shall establish the criteria to qualify the enforcement measures, according to the seriousness of the offense and, where appropriate, the economic conditions of the offender and recidivism.

Failure of the regulated entities will be posted on the websites of transparency obligations of Guarantor Agencies and considered in the assessments made thereof.

In case the non-compliance of the determinations of Guarantor Agencies involves the alleged commission of a crime or of the conducts outlined in Article 206 of this Act, the respective Guarantor Agency shall report the facts to the competent authority.

The enforcement measures of an economic character may not be paid with public funds.



**Article 202.** If, despite the implementation of enforcement measures provided for in the previous article, the determination is not complied with, such compliance will be requested to the immediate superior so that within five days he instructs its compliance without delay. Should the non-compliance continue, the enforcement measures specified in the preceding Article shall apply on the immediate superior.

Once the term has elapsed, without having been complied, the appropriate penalties will be determined.

**Article 203.** The enforcement measures referred to in this Chapter shall be imposed by the Guarantor Agencies and executed by themselves or with the support of the competent authority in accordance with procedures established by the respective laws.

Fines set by the Institute and the Guarantor Agencies will become effective before the Tax Administration Service or the Secretariats of Finance of the Federal States, as appropriate, through the procedures prescribed by law.

**Article 204.** The Federal Act and those of the States should establish mechanisms and terms for notification and execution to the Guarantor Agencies of the enforcement measures to be applied within a maximum period of fifteen days after the enforcement measure is notified.

**Article 205.** In addition to the enforcement measures provided for in this Chapter, the laws on the matter may establish any others deemed necessary.

## Chapter II

### Penalties

**Article 206.** The Federal Act and those of the States will set forth as penalty causes for breach of its obligations under the terms of this Act, at least the following:

- I. The lack of response to requests for information within the time specified in the applicable regulations;
- II. Acting with negligence, willful misconduct or bad faith in the substantiation of requests regarding access to information or by not disseminating information concerning the transparency obligations under this Act;
- III. Not meeting the deadlines under this Act;
- IV. Using, removing, disclosing, hiding, altering, mutilating, destroying or rendering useless, totally or partially, without legitimate cause, according to a relevant authority, the information in the custody of the regulated entities and their Public Servants or to which they have access or knowledge by reason of their employment, office or commission;
- V. Delivering incomprehensible, incomplete information, in an inaccessible format or a mode of shipment or delivery different from the one requested by the user in his request for access to information, responding without proper grounds as established by this Act;

- VI. Not updating the information corresponding to the transparency obligations within the terms set forth in this Act;
- VII. Intentionally or negligently declaring the lack of information when the regulated entity should generate it, derived from the exercise of its powers, duties or functions;
- VIII. Declaring the lack of information when it wholly or partly exists in its archives;
- IX. Not documenting with intent or negligence, the exercise of its powers, duties, functions or acts of authority in accordance with applicable regulations;
- X. Performing acts to intimidate those seeking information or inhibit the exercise of the right;
- XI. Intentionally denying information not classified as secret or confidential;
- XII. Classifying as confidential, intentionally or negligently, the information without it meeting the characteristics indicated in this Act. The penalty shall apply when there is a prior ruling by the Guarantor Agency, which is final;
- XIII. Not declassifying information as secret when the reasons that gave rise thereto no longer exist or have expired, when the Guarantor Agency determines that there is a cause of public concern that persists or no extension is requested by the Transparency Committee;
- XIV. Not meeting the requirements laid down in this Act, issued by the Guarantor Agencies, or
- XV. Not complying with the resolutions issued by the Guarantor Agencies in the exercise of their functions.

The Federal Act and those of the States shall establish the criteria to qualify the penalties, according to the seriousness of the offense and, where appropriate, the economic conditions of the offender and recidivism. Likewise, they shall include the type of penalties, procedures and terms for implementation.

The penalties of an economic character may not be paid with public funds.

**Article 207.** The behaviors referred to in the previous article shall be sanctioned by the Guarantor Agencies, as appropriate and, where appropriate, in accordance



with their competence will notify the competent authority to impose or execute the relevant penalty.

**Article 208.** Responsibilities resulting from the administrative procedures associated with the violation of the provisions of section 206 of this Act are independent from any civil, criminal or other type that may arise from the same facts.

These responsibilities shall be determined independently, through the procedures provided in applicable laws and the penalties, if any, imposed by the competent authorities, will also be executed independently.

To this end, the Institute or the Guarantor Agencies may report to the competent authorities any act or omission in violation of this Act and provide the evidence they consider relevant, in terms of applicable law.

**Article 209.** Defaults on transparency and access to information from the political parties, the Institute or competent Guarantor Agency shall notify, as appropriate, the National Electoral Institute or the local public electoral bodies of the States involved, for them to solve what is conducive, without prejudice to the sanctions provided for political parties by the applicable law.

In the case of probable violations related to trusts or public funds, trade unions or individuals or legal entities receiving and using public resources or carrying out acts of authority, the Institute or the competent Guarantor Agency must notify the internal control body of the regulated entity related thereto, whenever they are Public Servants, in order for them to enforce the administrative procedures that may apply

**Article 210.** In those cases where the alleged offender has the quality of Public Servant, the Institute or the Guarantor Agency must submit to the competent authority together with the corresponding report, a record in which all the elements that sustain the alleged administrative responsibility are contained.

The authority hearing the case shall report the conclusion of the proceedings and, where appropriate, the execution of the penalty to the Institute or the Guarantor Agency, as appropriate.

**Article 211.** In the case of suspected offenders from regulated entities that do not have the quality of Public Servant, the Institute or the Guarantor Agencies of the States, will be the authorities empowered to know and address the penalty procedure under this Act; and shall carry out the actions leading to the imposition and execution of the penalties.

**Article 212.** The procedure referred to in the preceding article will begin with the notification made by the Institute or the Guarantor Agencies of the States to the alleged offender, on the facts and allegations that led to the initiation of the procedure and will grant them a term of fifteen days submit the evidence and state in writing what they deem appropriate. Otherwise, the Institute or the relevant Guarantor Agency will immediately resolve with the elements of evidence available thereto.

The Institute or the corresponding Guarantor Agency, will admit the evidence it deems appropriate and will proceed address it; and once having a conclusion, whatever it might be, it shall notify the alleged offender of the right they have to, if deemed necessary, submit their claims within five days of notification.

Once the evidence and other items of evidence have been analyzed, the Institute or the corresponding Guarantor Agency, shall provide the final judgment, within thirty days of the date on which the infringement procedure started. Such decision shall be notified to the alleged offender and, within the ten days of the notification, the corresponding resolution will be published.

When there is good cause by non-delegable decision adopted by the Plenum of the Institute or the relevant Guarantor Agency, it may extend once only and up to a period equal to the same resolution period.

**Article 213.** The respective standards of the Institute and of the Guarantor Agencies of the States, shall detail all circumstances required on the form, terms and time frames referred to in the penalty procedure provided in this Act, including the submittal of evidence and allegations, hearings, the closing order and enforcement of sanctions. In any case, it will be supplementary to this penalty procedure anything provided for in the laws on administrative procedure of the legal order concerned.

**Article 214.** Violations of the provisions of this Act by regulated entities who do not have the quality of Public Servant shall be punished with:

- I. The warning, on one occasion, for the regulated entity to fulfill its responsibility immediately, under the terms provided in this Act, in the cases provided for in sections I, III, V, VI and X of Article 206 of this Act.

If once the warning is made, the obligation is not forthwith met, under the terms provided in this Act, regarding the cases mentioned in this section, a fine of one hundred fifty to two hundred and fifty days of general minimum wage in force in the geographical area in question shall apply;

- II. Fine of two hundred fifty to eight hundred days of minimum wage in force in the geographical area in question, in the cases provided for in sections II and IV of Article 206 of this Act, and
- III. Fine of eight hundred to one thousand five hundred days of minimum wage in force in the geographical area in question, in the cases provided for in sections VII, VIII, IX, XI, XII, XIII, XIV and XV of Article 206 of this Act.

An additional fine of up to fifty days of general minimum wage in force in the geographical area concerned, per day, to whom persists in the infringements referred to in the preceding paragraphs shall apply.

**Article 215.** In case the non-compliance of the determinations of Guarantor Agencies involves the alleged commission of a crime, the respective Guarantor Agency shall report the facts to the competent authority.

**Article 216.** The individuals or companies that receive and use public funds or carry out acts of authority must provide the information required to allow the regulated entities as appropriate, to meet their obligations of transparency and to meet the corresponding requests of access.





# Transitory

**One.** This Act shall enter into force on the day following its publication in the Official Gazette of the Federation.

**Two.** Any provision that contravenes the principles, bases, procedures and rights recognized by this Act is hereby repealed, without prejudice to the provisions of the following Transitory provisions.

**Three.** While the general law on personal data held by regulated entities is not issued, the federal and local regulations on the subject matter shall continue in full force, in their respective fields of application.

**Four.** The Institute shall issue the necessary guidelines for the exercise of its powers, in accordance with the provisions of this Act, within six months following the entry into force of this Decree.

**Five.** The Congress, the Legislatures of the States and the Federal District Legislative Assembly, will have a term of up to one year from the date of entry into force of this Decree, to harmonize laws, as established in this Act. Once this period has elapsed, the Institute shall have jurisdiction to know on the remedies to be submitted in accordance with this Act.

**Six.** The Institute may exercise the powers of review and attraction referred to in the Act, after one year of the entry into force of this Decree.



**Seven.** The terms in force in the regulations on the subject matter may not be reduced or increased in the Federal and State regulations in detriment of applicants of information.

**Eight.** The regulated entities will join the National Transparency Platform, in the terms established by the guidelines referred to in section VI of Article 31 of this Act.

While the guidelines referred to in the following paragraph come into force, the regulated entities shall maintain and update on their websites the information in accordance with the Federal Act of Transparency and Access to Public Government Information and the laws in force on transparency of the States.

The President of the National Council, within a period not exceeding one year from the entry into force of this Decree, shall publish in the Official Gazette of the Federation the agreement by which the National System approves the guidelines governing the form, terms and time periods in which the regulated entities shall comply with the obligations of transparency, referred to in Chapters I to V of Title V of this Act.

The new obligations laid down in Articles 70 to 83 of this Act not covered by the Federal Act of Transparency and Access to Public Government Information and the transparency laws of the States in force shall be applicable only in respect of the information generated as from the entry into force of this Decree.

**Nine.** The information that until the date of entry into force of this Decree is kept in electronic systems of the Guarantor Agencies will form part of the National Transparency Platform, as per the guidelines that, for that purpose, issues by the National System of Transparency, Access to Information and Protection of Personal Data.

**Ten.** Notwithstanding that the information generated and kept is considered public in accordance with the provisions of this General Act, and that the procedures, principles and foundations thereof will apply; while the National System issues the guidelines, mechanisms and criteria for determining appropriate actions to take, those municipalities with less than 70,000 inhabitants shall comply with the transparency obligations in accordance with their budgetary possibilities.

The above, without prejudice to the fact that these municipalities will continue to comply with the reporting requirements referred to in the General Government Accounting Act and the provisions derived therefrom, within the time limits, terms and conditions provided in the law and in the provisions referred to.

These municipalities may request the Guarantor Agency of the corresponding State to disseminate, secondarily, via the Internet the corresponding transparency obligations.

**Eleven.** The National Council of the National System of Transparency, Access to Information and Protection of Personal Data should be installed no later than sixty calendar days from the entry into force of this Decree, following a call to this effect issued by the Institute, having to inform and notify the Senate thereof.

**Twelve.** The National System of Transparency, Access to Information and Protection of Personal Data should issue the guidelines referred to in this Act and publish them in the Official Gazette of the Federation, no later than one year from the entry into force of this Decree.

**Thirteen.** For the purpose of compliance with the general and specific obligations that are covered by this Act, each House of Congress shall, before or on August 30, 2015, approve a program of administrative reorganization that must include, as minimum, the rules and criteria for programmatic, budgetary, accounting and organizational standardization of the parliamentary groups; the obligations of the Houses and of the parliamentary groups as regulated entities regarding the resources that through them are assigned to the legislators; fiscal and budgetary treatment of income, benefits, support and resources, in cash or kind, received by legislators for the legislative and management function; the terms of employment of staff allocated to parliamentary groups, committees and legislators, as well as rules on the use, custody, administration and disposal of public resources which do not have the status of per diem or labor considerations, including those relating to the access modes. Generic and specific obligations of the Houses of Congress will become effective as the administrative reorganization programs are implemented.

Mexico City, April 16, 2015.- Sen. **Miguel Barbosa Huerta**, President.- Dip. **Julio César Moreno Rivera**, President.- Sen. **Lucero Saldana Perez**, Secretary.- Dip. **Sergio Augusto Chan Lugo**, Secretary.- Scrawls.”

In compliance with the provisions of Section I of Article 89 of the Political Constitution of the United Mexican States, and for its due publication and observance, I issue this Decree at the Residence of the Federal Executive Branch in Mexico City, Federal District on the fourth day of May, two thousand and fifteen.- **Enrique Peña Nieto**.- Signed.- The Minister of the Interior, **Miguel Angel Osorio Chong**.- Scrawl.

*General Act of Transparency and Access to Public Information*

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