

INTRODUCTION

The Federal Institute of Access to Public Information (IFAI) presents this first edition of the regulatory framework that governs the right of access to government public information in Mexico.

It is an indispensable document for those who desire to study, understand, and especially, to exercise a fundamental right of modern life.

This right is developed and deployed in two essential dimensions. The first one derives from a democratic demand: that the government becomes a truly public space, for everybody without regard to privileges or station. The second one, from a civil demand: for a society and State capable of strict respect for personal data.

As of June 12, 2003, the Federal Law of Transparency and Access to Government Public Information forces the government to open its files. Now, every petitioner can request any document containing public

information from any federal institution, and to obtain it in a fast and simple manner. With this law, the Mexican government is required to submit information on its performance, the use of public resources and their results. Individuals can use all public information to better evaluate their government. In this manner, transparency contributes to the reduction of impunity and corruption.

In certain cases, defined by the Law as exceptions, the information under the custody of the Federal Government is privileged or confidential. For example, it is considered privileged when its disclosure jeopardizes national security or the life of any individual. Furthermore, the concept of confidential information is related to personal data, disclosure of which would undermine the right of privacy of individuals.

The new legislation was passed in 2002, as a result of the participation of civil society who submitted their own initiative to the





Congress. The Executive along with the legislators, also participated in its creation and it passed unanimously.

The Law created the IFAI as an independent organization with the necessary autonomy and authority to enforce the Law, review those cases in which the authorities deny access to information and determine whether the requested information is public, privileged or confidential.

Subsequently, the IFAI is putting this document which contains the following subjects:

- The Federal Law of Transparency and Access to Government Public Information;
- The regulations of the Law, applicable to Federal Public Administration departments and entities;
- The Decree that created the IFAI;
- The Access to Information Guide, a document created by the IFAI –and ordered by the Law– whose objective is to clearly explain the avenues that have been created to access information, and personal data, as well as correct inaccurate personal data;

- Printed samples of filled-out information request forms, especially detailing each of the steps, costs, and terms involved, is also included.

The Federal Law of Transparency offers fast and clear channels with which to exercise the Right of Access to Information, without restrictions, by anyone, and from any place –either through the Internet, by mail or personally at the Liaison Units– for any desired purposes. Neither the Law nor the IFAI can prejudge the juridical status of the individuals or their intentions as petitioners, though the IFAI it must try to characterize such information: should the government information be public, then anybody can have it.

The enactment of this Law and its associated legal framework represent a qualitative leap in the democratic construction of the country, because its essential subject no longer alludes to the forms of access to power and the national representation, but to the democratic quality of the exercise of the



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power. The Federal Law of Transparency is a “second generation” democratic reform, where the subjects of the type of government, the state of rights and accountability are placed on the front and center for the benefit of governed.

We believe that the legislation contains a regulatory framework the consequences of which will be experienced almost immediately, though especially in the short term, as it will generate a significant amount of change in the existing relationship between society and State, because now every decision, every omission, every action undertaken by public officers (institutional, administrative, budgetary, political, etc.) shall be subject to the scrutiny of any individual at any time. Dozens, hundreds and even thousands of observers will be attentive and will have all the necessary tools to request such information, thereby creating a new, demanding context for all public officers of Mexico

At the same time, the Law of Transparency will provide for a better informed public discourse,

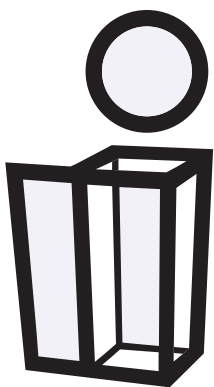
as it will be supported by common information and accessible to everybody, by a readily available, documented, and filed official data, in order to make judgments, state an opinion or to make a better informed decision.

Access to information, transparency, accountability, personal data protection, and the right to privacy are now on-going topics. They are inevitably a part of the current and future agenda of Mexico, to the benefit of its politics and culture.

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