44th Annual Meeting & workshop ICA/SIO

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Commissioner

United Nations, New York, United States of America
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DAI. Right to Access to information
DPDP. Right of protection of personal data
Background to locate the past and recent application of the exercise of these rights.

The current guarantee of the protection of personal data in a context of the opening of information.

The effective protection of ARCO rights.
Lack of rule of law

Discrimination

Impunity

Nepotism

Exclusive policies

Violence

Public debt

Corruption

Interest conflict
"... by refusing to accede to the petition of the complainant, the Ministry of Finance and Public Credit is not failing to comply with the aforementioned legal provision, since the best way to publicize the data of the public debt is not to provide the information to a particular; Furthermore, if the precept establishes that this publicity must keep a certain order in time, it is clear that providing the data to the petitioner would break that obligation, since it would be subject to the will of the complainant and not to the law."
Private communications espionage
"While there could be blank pages that were displayed inside a Pandora’s box never opened, the effect was the same: the interlocutor felt spied and naked before those who imagined recordings of his private life, his lovers, his little or great perversions, their deals and contracts under water-those that are not even told to the wife-perhaps a child out of marriage or an accident where someone was killed, bad habits and services. No one was reluctant to bow to the possibility that those sins and blames were opened in front of a judge who saw, recorded and classified everything.

Improper treatment of personal data

..."One of the favorite phrases of Fernando Gutiérrez Barrios in front of one of his interlocutors was: "I know more about you than yourself.
"OR:
"- Here I have things that your mind has probably deleted.
"OR:
"I have seen many files in my life and this has left me wanting to wash my eyes "

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Old political regime in Mexico

- Private life exposed and subject to illicit treatment.
- Public information inaccessible to society.
Constitutional reform of 2014
New General Law on Transparency and Access to Public Information

Requests for access to public information
Fully public information: budgets, regulations, decrees, etc.

Information that the individual has provided and reproduces an act of authority: construction license, property tax bill, clinical records.

Information by the individual in a format designed by the authority: tax declaration, manifestation of assets of a public servant, format to request the expedition of a license.

Exclusively for an individual: petition directed by the individual to the authority.
The same personal data, different level of protection
Exposition of public information that is intended to affect

1. The investigation of the White House of the President of the Mexican Republic, the public version of the investigation carried out by the Secretariat of Public Function, testing the nationality of the president.

2. The resistance of public servants to publicize their salaries. The writs of amparos of the officials of the Judicial Power of the State of Mexico about incomes and benefits.

3. The case of Inai, on diseases that caused the death of people incarcerated in social rehabilitation centers.
Government payroll

The name of the public server

Signature in contracts

Official photo

Official communications

Official income
Political Parties
The personal images that government agents must protect

use of personal data by new responsible
Effective protection of ARCO rights

Requests for ARCO rights

- The Challenge consists to make people is that more awareness that they own this right
- The use of their ARCO rights to limit the exercise of public power
SARCOEM
Security measures

• It has information that is encrypted with algorithms, which was developed by Infoem staff.
• A security code is generated for the citizen, with which you can download your information.
• It has a security protocol https://
• It has security keys for viewing the files sent between the obliged subject and the citizen.
ICDPPC Global Privacy & Data Protection Awards 2017

State of Mexico Transparency, Public Information Access and Personal Data Protection Mexico

‘Use of Online Tools’ Category Finalist
System of Access, Rectification, Cancellation and Opposition of Personal Data of the State of Mexico (SARCOEM)

John Edwards, ICDPPC Chair
September 2017
Conclusion

The most important challenge is that the protection of personal data does not end up annulling the right of access to public information and that both rights are harmonized to consolidate the limits and controls on the exercise of public power, stopping their improper use.
Institute of Transparency, Access to Public Information and Protection of Personal Data of the State of Mexico and Municipalities

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