



IAIS

INTERNATIONAL ASSOCIATION OF
INSURANCE SUPERVISORS

I. Constitution of the United States of Mexico

- All information concerning **private lives and personal information** is protected under the terms determined by law (Art. 6-II).
- A **federal body and other equivalent organizations** that are members of the **Federal Union**, all of which will be autonomous, specialized, impartial and have their own independent juridical status and patrimony, will be the **Guarantor Bodies**, within their fields of jurisdiction and among other concerns, shall be responsible for protecting personal data (Art. 6-VIII).
- The Federal Legislature will pass the laws on **financial intermediation and services** that will be valid throughout the nation (Art. 73-X).





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II. General Transparency and Access to Public Information Law

- The law assures the **protection of personal data held by Reporting Subjects**, in other words, in the possession of any authority, entity, body or organism of the Executive, Legislative and Judicial branches, as well as in the possession of any autonomous bodies, political parties, public trusts and funds, and generally any other person, whether physical, moral or syndicated, which receives and uses government funds or holds authority among the federation's entities and in municipalities' jurisdictions (Arts. 1 and 23).
- The law will create the **National Transparency, Access to Information and Personal Data Protection Institute (INAI, is the Spanish acronym)** governed by Federal Law; federal and states' law will determine the structure and functions of the guarantor bodies. (Arts. 3-XIII and 37).





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II. General Transparency and Access to Public Information Law

- By law, personal confidential information is that which concerns an identified or identifiable individual; its definition as such will not be subject to any temporary regime; and access to it will be allowed only to its rightful owners, representatives or authorized civil servants (Art. 116).
- This law establishes the Reporting Subjects must protect the personal data in their power and may allow access to confidential information only with the consent of the information's rightful owner(s) (Arts. 23, 68, 69 and 120).





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II. General Transparency and Access to Public Information Law

- It determines that the consent of the confidential information's owner will **not be required** when the information: is in the public registries; is of public nature by law; is disclosed by means of a court warrant; is disclosed for reasons of national security, public health, or to protect third party rights; or is conveyed among **Reporting Subjects** and between them and the subjects of international law, under the terms of international treaties and agreements (Art. 120).
- It determines that the **reporting Subject's competent body** shall classify the relevant information which its **Transparency Committee** may confirm, modify or revoke (Arts. 3-II, 131,137 and 158).





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II. General Transparency and Access to Public Information Law

- It establishes an appeal instance before the INAI for private individuals wishing to challenge a decision made by the relevant bodies and the Transparency Committee of Reporting Subjects concerning access and disclosure requests (Arts. 142 and following).
- It holds INAI's reviewed decisions are binding, final and not challengeable for Reporting Subjects. However, private individuals may appeal those decisions before the Federation's judiciary (Arts. 157 and 158).





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III. Federal Transparency and Public Information Access Law

- Applies to Reporting Subjects receiving and utilizing federal funds (Art. 1).
- It defines INAI's structure and roles (Arts. 17 to 51).
- It establishes the Transparency Committees' set up within the federal government and their roles (Arts. 64 and 65).





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IV. Federal Law regulating Private Individuals in Possession of Personal Data

- Mandatory throughout the nations (Art. 1).
- **Regulated subjects include** private individuals, and private, physical or moral entities **utilizing personal data**, including obtention, use, dissemination or storage (Arts. 2 and 3-XVIII).
- It obliges **Responsible Persons**, whether physical or moral, who decide on the treatment of personal data, to obtain such information without recourse to deceit; use them with the explicit consent of their owners, except for legal purposes; tell their owners that information is being obtained about them and with what purposes, by means of a **Privacy Notice**; establish and maintain security measures to protect all personal data, and to ensure its confidentiality (Arts. 3-I, IV to VI, XIV and XVIII, and 6 to 21).





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IV. Federal Law concerning Private Individuals in Possession of Personal Data

- It allows **Responsible Persons** to transfer personal data to national or foreign third parties without the consent of their owner when such transfer is made to entities holding the control, or are subsidiaries or affiliates under the shared control of the **Responsible Person**, or to the headquarters of any other company belonging to the **Responsible Person** operating under the same internal processes and policies. (Arts. 36 and 37-III).
- It establishes the **holders** of personal data enjoy the rights of access, correction, cancellation and opposition (Arts. 22 to 37).
- It sets forth a **procedure for protecting personal data**, to be carried out before **INAI**, at the request of the data owners, for reasons of infringement to this Law (Arts. 45 to 58).





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V. Financial Groups Regulation Law

- The Controlling Company and other Financial Entities belonging to a Financial Group may share information and documents relating to the operations and services undertaken by each such entity with their **clients** without for such reason there existing an infringement of the secrecy of information, as determined by special governing laws, when the nature of the shared documentation and information may imply the obligation of secrecy (Art. 113).





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VI. Financial Services Users' Protection and Defense Law

- The National Commission for the Protection and Defense of Financial Services' Users will create and keep updated a Registry of Users who do not wish their information to be used for marketing and advertising purposes (Arts. 2º-I, II and IV and 8º).
- Financial Institutions are forbidden to use the information contained in their clients databases for marketing or advertising purposes, and to send advertisements to those clients who have explicitly said they do not wish to receive it or who have registered themselves in the User's Registry (Arts. 2º-I, II and IV and 8º).
- Users may enroll free of charge in the Users' Registry to which Financial Institutions must refer (Arts. 2º-I, II and IV and 8º).





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VII. Insurance and Sureties Institutions Law

- Insurance Institutions may share information for purposes of strengthening the measures to prevent and identify acts, omissions or operations that may favor, support, help or lead to any kind of criminal association against their clients or the institution itself, without such exchange of information implying the infringement of the legal or contract-based confidentiality obligations (Art. 199).

