

Personal Data in possession of particulars



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In recent days, the general rulings of the **FEDERAL LAW FOR PROTECTION OF PERSONAL DATA IN POSSESSION OF PRIVATE PARTIES** were published within the Federations Official Gazette.

The Federal Law for Protection of Personal Data in Possession of Private Parties establishes the mechanism for the title holder of such data to have the right to protect their personal data before the Federal Institute of Information Access (IFAI), this in the event that the party responsible of such denies to render information regarding the data that it posses provided by the title holder, in addition to the right that the barer of such information has regarding its rectification and cancellation.

This law defines as Personal data, as any information concerning an identified or identifiable person. A few examples of this data could be names, domiciles, tax identification numbers, bank accounts, health records, fingerprints, etc.

This data is private and requires confidentiality; that is why the law's purpose is to regulate the legitimate control and information regarding the handling of such personal data possessed by private parties, to guarantee privacy and the right to choose which information should be communicated and to whom.

The non-compliance to the law may result in [penalties that range between \\$ 9'193,600.00 and \\$ 18'387,200.00 depending on the infringement](#), aside from the criminal responsibility that is provided for who provokes a security breach to the data bases under custody, or who seek illicit income with such information.

It is important to mention that the referred law is obligatory for all individuals and entities that in their daily activities obtain manage and use personal information (except for Credit Bureaus and in cases when it is exclusively for personal use without purposes of commercial divulging and utilization).

The main obligations that this the law bestows upon the responsible entities regarding personal data are the following:

- **Data Collection**

All responsible parties of such data must deliver a privacy notice to the barer of such, in which must be included the following: identity and domicile of the receiving party, the purpose and treatment of the data, the options and means that the receiving party offers to the bares to limit the use or disclosure of such data, the means to exercise rights regarding access, rectification, cancelation or claims.

- **Data Processing**

The treatment of personal data is only allowed for the purposes that are established within the privacy notice.

- **Data Transfer**

The manner of transfer of personal data, within the county and abroad, must be established within the privacy notice; in addition, it must also state that all of the obligations of the responsible party will be transferred to whom such data is transferred to.

Following all of the above, the transitory articles of the referred legislation state that by **July 6th 2011**, it is necessary that the private parties that handle personal data count with their correspondent privacy notice as well as the designation of the correspondent department or individual to handle the protection of such data, in order to attend requests regarding access, rectification, cancelation and opposition (ARCO) as well as to proceed to issue the correspondent privacy notices.

Furthermore with the recent publication of the rulings of the law, it is established that all responsible parties must comply with the **security measures within a maximum term of 18 months counted upon the date of enforceability of said rulings (December 22 2011)**, as well as the dispositions concerning consent forms to be obtained by the baring parties.

Nowadays, many of the activities we execute on and off line, either in a personal or professional manner, are accompanied with the disclosure of personal data.

This information has become on of the most important assets of the industry, being that its treatment, transfer and confidentiality has resulted as of great interest for its barer as well as for the receivers, for such its protection and regulation is absolutely necessary.

At Kreston IDM we may collaborate with you and your company to maintain its operation, avoiding situations that may affect it.

Contact our legal department it will be our pleasure to assist you.



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