

February 12<sup>th</sup>, 2014

## TRANSPARENCY REFORM

On February 7<sup>th</sup>, President Enrique Peña Nieto enacted the **Transparency Reform that will strengthen accountability throughout the country**. Citizens have the right to know how and what resources of the Mexican people are spent, how authorities make decisions and what the results are.



### KEY POINTS OF THE REFORM

#### AUTONOMY OF THE IFAI

The IFAI will have **constitutional autonomy**. It will be able to interpose unconstitutional actions against laws at any level or international treaties that, from its point of view, "violate the right of access to public information and protection of personal data".

#### 32 STATE AGENCIES

Creates **the basis to create autonomous local bodies**, guarantee the right of access to public information and protection of personal data in **all 32 states**.

#### NEW REQUIRED SUBJECTS

**Political parties, trade unions, trusts and any individual or entity that receives public funds will also be subject to transparency**. The IFAI will have power to attract and resolve any request for information

#### BUGS AND EXCEPTIONS

**IFAI resolutions shall be final and incontestable**, except for the challenge of a ruling to the Supreme Court by the legal adviser to the President's Office alleging that disclose certain information could affect national security.

#### RELATIONSHIP WITH OTHER INDEPENDENT AGENCIES

Other **independent agencies will be able to object the actions of the IFAI when they consider it interferes with their activities**. Institutions such as the central Bank, the Human Rights National Commission, the Federal Electoral Institute, the Federal Telecommunications Institute, the Federal Commission of Economic Competitiveness and the National Institute for Education can attend to the Supreme Court and start a constitutional controversy.

#### HIGHER NUMBER OF COMMISSIONERS

**The number of IFAI commissioners will be raised from five to seven**. To stay in office, the current five commissioners will have to request it to the Senate and be ratified by the votes of two thirds of the legislators.

#### NEW SELECTION PROCESS

**The Senate will emit the call for a commissioner selection process and the parliamentary groups will choose those they consider the most apt**. The new commissioners will need the votes of two thirds of the legislators. The President will have the faculty to object the appointment up to two times.

### WHY WERE CHANGES MADE WITHIN THE IFAI?

The amendments to the Federal Institute for Access to Information and Data Protection (IFAI) are aimed at creating an autonomous constitutional body that **guarantees the right to access information, the protection of personal data in the hands of individuals and transparency**. Among its new responsibilities, the IFAI is empowered to act as second instance before a possible unfulfillment of state institutions, to ensure the right to access information. Provide constitutional autonomy to this institution will allow for the interest of Mexicans to prevail over pressures, influences or special considerations.

### WHO WILL BE SUBJECT TO TRANSPARENCY LAWS?

The transparency Reform guarantees to make public information held by **any authority, entity, executive, legislative and judicial branches, autonomous bodies, political parties, trusts, natural and legal persons and unions**, which may be temporarily reserved only for reasons of public interest or national security. The reform is the answer to social demand to close opacity spaces and discretion in the exercise of public activity.

**HOW THE ACCESS OF INFORMATION WILL BECOME EASIER FOR CITIZENS?** It will be provided useful information to society through various **news outlets in order to provide new elements to the people for them to fully exercise their citizenship**. A well informed society will always be more participative and will be better able to contribute to the achievement of the great national goals.

#### Relevant facts...

The IFAI was created in 2012 and, until it was reformed, it was under the Federal Government.

It is expected that Congress defines the secondary laws to implement the reform on April 30<sup>th</sup>, at the least.

#### To know more...

[Press Release](#) of the Presidency of Mexico on the promulgation of the reform

[Press Release](#) of the Lower House on the approval of the reform

[Press Release](#) of the IFAI on the reform

