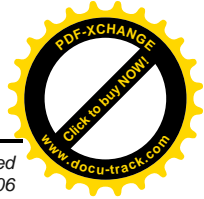


## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



### FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

New Law published in the Official Gazette of the Federation on June 11, 2002

#### CURRENT VERSION

Last amendment published in the Official Gazette of the Federation on June 6, 2006

At the margin a printed seal with the Mexican coat of arms and the inscription: United Mexican States – President's Office.

I, **VICENTE FOX QUESADA**, President of the United Mexican States, hereby informs to the Mexican people that the Congress has addressed to me the following:

#### EXECUTIVE ORDER

"THE CONGRESS OF THE UNITED MEXICAN STATES HEREBY ENACTS:

### THE FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

#### TITLE ONE COMMON PROVISIONS FOR THE DISCLOSING PARTIES

##### Chapter I General Provisions

**Article 1.** This Act is public in nature. It was designed to issue the required provisions to guarantee access by every person to the information in possession of the Federal Congress, autonomous constitutional instrumentalities or those having legal autonomy as well as any other federal entity.

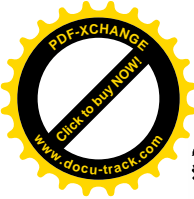
**Article 2.** All governmental information included by this Act is of a public nature and private entities are allowed to have access thereto in the terms consigned herein.

**Article 3.** For purposes of this Act the following terms shall have the following meanings:

**I. Committees:** Information Committees of each departments and agencies consigned in Article 29 hereof or the heads of those consigned in Article 31 hereof;

**II. Personal data:** The Information related to an individual, identified or identifiable, among others, that related to his/her ethnic origin or race or related to his/her physical, moral or emotional characteristics, his/her affective and familiar life, address, telephone number, property, ideology and political opinions, beliefs or religious or philosophical convictions, his/her physical or mental health, sexual preference or any other affecting their privacy;

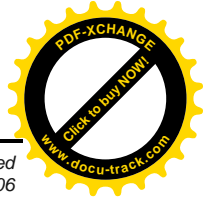
**III. Documents:** The files, reports, studies, certificates, resolutions, official communications, correspondence, directives, circulars, contracts, agreements, notes, memoranda, statistics or any other record evidencing the exercise of the authority or activity of the disclosing parties and their government officials, regardless of their source or date of issuance. Documents may be kept in any recording means, whether written, printed, sonic, visual, electronic or holographic;



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**IV. Departments and agencies:** Those included in the Organic Law of the Federal Public Administration, including the President's Office, decentralized administrative entities and the Attorney General's Office;

**V. Information:** The information contained in the documents issued, obtained, acquired, transformed or kept by the Disclosing parties under any title;

**VI. Privileged information:** Information temporarily subject to the exceptions consigned in Articles 13 and 14 hereof;

**VII. Institute:** The Federal Access to Information Institute created in terms of Article 33 hereof;

**VIII. The Act:** The Federal Transparency and Access to Governmental Public Information Act;

**IX. Autonomous constitutional entities:** The Federal Electoral Institute, the National Human Rights Commission, the Central Bank, universities and other higher education institutions that have been conferred autonomy by the law as well as any other entity consigned in the Federal Constitution of the United Mexican States;

**X. Regulations:** The Regulations, with respect to the Federal Executive, of the Federal Transparency and Access to Governmental Public Information Act;

**XI. Government officials:** Those described in Article 108, first paragraph, of the Federal Constitution as well as those individuals handling or using federal public funds;

**XII. National security:** All actions designed to protect the integrity, stability and preservation of the Mexican State, the democratic governability, the external defense and internal security of the Federation aimed at the general welfare of society allowing the pursuit of the purposes of the constitutional State;

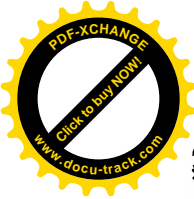
**XIII. Personal data system:** Systematized personal data in possession of a disclosing party;

**XIV. Disclosing parties:**

- a) The Federal Executive, the Federal Public Administration and the Attorney General's Office;
- b) The Legislative Branch comprised by the House of Representatives, the Senate, the Permanent Commission as well as any instrumentalities thereof;
- c) The Judicial Branch and the Federal Judiciary;
- d) Autonomous constitutional entities;
- e) Federal administrative courts, and
- f) Any other federal entity.

**XV. Administrative units:** Those units which, in compliance with the rules and regulations of each of the disclosing parties, may keep information related to the powers conferred thereto.

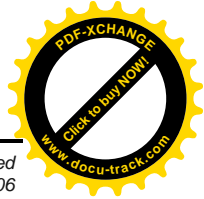
**Article 4.** The objectives of this Act are:



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



- I. To provide whatever may be necessary so that every person may have access to information through simple and expeditious procedures;
- II. To promote the disclosing of public administration tasks through dissemination of the information issued by the respective disclosing parties;
- III. To guarantee the protection of the personal data kept by the disclosing parties;
- IV. To promote the rendering of accounts to citizens so that they may evaluate the performance of the disclosing parties;
- V. To upgrade the organization, classification and handling of documents;
- VI. To contribute to the democratization of Mexican society and the existence of a rule of law.

**Article 5.** This Act is mandatory for federal government officials.

**Article 6.** The interpretation of this Act and the Regulations thereof, as well as the provisions of a general nature described in Article 61 hereof, shall privilege the principle of maximum dissemination and availability of the information in possession of the disclosing parties.

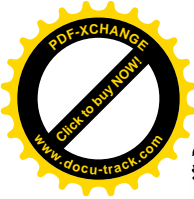
The right to access public information shall be interpreted in terms of the Federal Constitution of the United Mexican States; the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the American Convention on Human Rights; the Convention on the Elimination of All Forms of Discrimination against Women, as well as any other international instruments subscribed and ratified by the Mexican State and the interpretation thereof by specialized international entities.

*Amended article OGF on June 6, 2006*

### Chapter II Transparency Obligations

**Article 7.** Except for privileged or confidential information as described herein, the disclosing parties shall be required to make available to the public and to update, in terms of the Regulations and guidelines issued by the Institute or the equivalent instrumentality consigned in Article 61 hereof, among others, the following information:

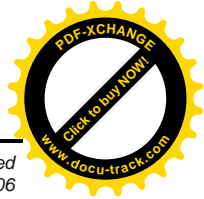
- I. Their organizational chart;
- II. The authority conferred upon each administrative unit;
- III. The directory of government officials at head of department level or equivalent levels;
- IV. The monthly salary by position, including compensation systems, as prescribed in the respective provisions;
- V. The address of the liaison unit, including e-mail to address requests for information;
- VI. The goals and objectives of each administrative unit based on their operational programs;



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

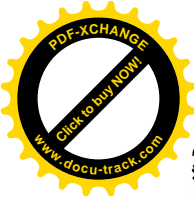
*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



- VII.** The services offered by said unit;
- VIII.** The procedures, requirements and forms. If the later are on record in the Federal Registry of Procedures and Services or the Fiscal Registry established by the Department of Finance and Public Credit, they shall be published exactly as registered;
- IX.** The budget allocated and information on its application in terms of the Federal Expenditure Budget. With respect to the Federal Executive, said information shall be provided for each department and agency by the Department of Finance and Public Credit, which department shall also inform on the economic situation, public finance and public debt in the terms consigned in the budget itself;
- X.** The results of the disclosing party's budget audits conducted, as the case may be, by the Comptroller General's Office, the internal comptrollerships or the Federal Auditor's Office and, if applicable, the clarifications raised;
- XI.** The design, execution, amounts allocated and criteria to access subsidized programs. Beneficiary lists of social programs under the Executive Order providing for the Federal Expenditure Budget.
- XII.** The concessions, permits or authorizations granted, including the names of the holders thereof;
- XIII.** The contracts entered into pursuant to applicable legislation, including in each case:
- a) Public works, goods procured or leased and services contracted; in case of studies or research, the specific issue must be included;
  - b) Amount;
  - c) Name of the supplier, contractor or individual or corporation the contract was entered into with.
  - d) Date of performance as agreed in the contract.
- XIV.** The legal framework applicable to each of the disclosing parties;
- XV.** The reports issued by the disclosing parties in compliance with the Act;
- XVI.** Citizen participation mechanisms, if any, and;
- XVII.** Any other information which may prove useful or pertinent; in addition to that which, based on statistical information, may answer frequently asked questions of the public.

The information consigned in this Article must be published in such a form that it may be easily handled and understood by the individuals, ensuring its quality, truthfulness, opportunity and reliability. Departments and agencies must bear in mind the recommendations made by Institute.

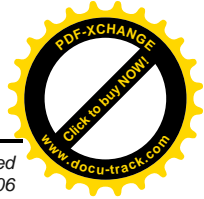
**Article 8.** The Federal Judicial System shall publish executory judgments and the parties may oppose to the publication of their personal data.



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**Article 9.** The information consigned in Article 7 shall be made available to the public through remote or local electronic communication means. The disclosing parties shall make available to the interested parties computer equipment so that the latter may access the information directly or as hard copies. In addition, said disclosing parties are required to give support to the users who shall so require and full assistance with respect to the procedures or services rendered.

Departments and agencies are required to prepare the automation, presentation and contents of their reports as well as the uploading thereof to the internet in the terms prescribed by the Regulations and the guidelines issued by the Institute.

**Article 10.** Departments and agencies shall publicize, either directly or through the Legal Advisory of the Federal Executive or the Federal Commission for Regulatory Enhancement in the terms set forth in the Regulations, and at least 20 days in advance to the date scheduled for publication or the submission for subscription by the Federal Executive, the drafts of bills and administrative provisions of a general character consigned in Article 4 of the Federal Law of Administrative Procedure, except if at the discretion of the Legal Advisory of the Federal Commission for Regulatory Enhancement, their publication may jeopardize the effects intended by said provision or in case of emergency pursuant to said Act.

**Article 11.** The reports submitted by national political parties and political associations to the Federal Electoral Institute and the audits and reviews ordered by the Public Funds Auditing Commission of the Political Parties and Associations must be publicized upon completion of the respective auditing procedure.

Any citizen may request the Federal Electoral Institute to provide information on the use of public funds allocated to national political parties and associations.

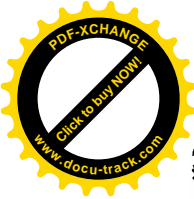
**Article 12.** The disclosing parties must publish all information related to the amounts and recipients of public funds for whatever reason, as well as the reports rendered by said recipients on the use and destination of said resources.

### Chapter III Privileged and Confidential Information

**Article 13.** Privileged information shall be that information the dissemination of which may:

- I. Compromise the national security, the public security or the national defense;
- II. Impair the development of negotiations or international relations, including confidential information submitted by other states or international organizations to the Mexican State;
- III. Damage the Mexican financial, economic or monetary stability;
- IV. Jeopardize the life, security or health of any person, or
- V. Cause a severe damage to law enforcement activities, crime prevention or prosecution, the administration of justice, tax collection, migratory control operations, procedural strategies in judicial or administrative actions, as long as their resolutions shall have not become final and conclusive.

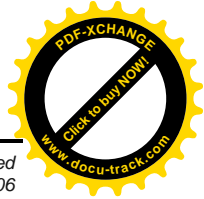
**Article 14.** The following information shall also be considered privileged information:



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



- I. That information which may be treated as confidential, privileged, privileged commercial information or governmental confidential information under a specific legal provision;
- II. Commercial, industrial, fiscal, bank or fiduciary secrets or any other information considered as such pursuant to a legal provision;
- III. Criminal investigations;
- IV. Judicial or administrative-law cases prosecuted in the form of lawsuits, as long as they shall have not become final and conclusive;
- V. Public officer liability proceedings, as long as no final and conclusive administrative-law or jurisdiction ruling has been issued;
- VI. Information containing opinions, recommendations or points of view that are not part of the deliberation process of government officials, as long as a final decision has not been issued, which decision shall be duly substantiated.

Whenever the privilege treatment period or the causes originating the privileged information contemplated by sections III and IV hereof shall have terminated, said information may be made known to the public, provided that the confidential information contained thereby is protected.

The privileged character of information may not be invoked in case of a patent violation of fundamental rights or crimes against humanity.

**Article 15.** Information classified as privileged in terms of article 13 and article 14 above, may have such character for a period of twelve years maximum. This information may be declassified upon termination of the causes giving rise to said classification, or lapse of the privileged treatment period. The availability of said information shall be without prejudice of the provisions set forth to the effect by other laws.

The Institute, based on its Regulations, or the equivalent instance referred to in Article 61 below, shall set forth the criteria for classification and declassification of privileged information.

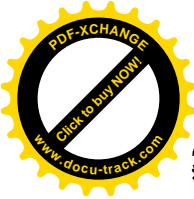
Exceptionally and pursuant to Article 61 below, the disclosing parties may request from the Institute or the respective instance, as the case may be, the extension of the period for privileged treatment, provided it is proven that the causes giving rise to said classification still prevail.

**Article 16.** The heads of administrative units shall be in charge of classifying the information based on the criteria contemplated by this Act and its Regulations, as well as the guidelines issued by the Institute or the equivalent instance contemplated by Article 61 below, as the case may be.

**Article 17.** Administrative units shall prepare on a semi-annual basis and by categories, a list of cases classified as privileged. Said list shall include: the administrative unit that generated the information, date of classification, grounds, privileged treatment period and, if applicable, the portion of the documents to be treated as privileged information. Said list shall under no circumstance be considered privileged information.

The head of each department or agency shall adopt the required measures to keep and protect classified files.

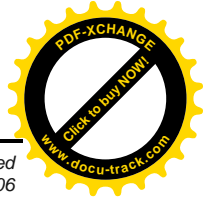
The Institute shall have access at all time to privileged or confidential information to determine its classification, declassification or the authorization to be accessed.



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**Article 18.** Confidential information shall be that information:

- I. released as such by private entities to the disclosing parties in terms of the provisions of Article 19, and
- II. Personal data subject to the private entity's consent for dissemination, distribution or commercialization in terms hereof.

The information available in public records or in sources that may be accessed by the public are not considered confidential information.

**Article 19.** In case of delivery by private entities to the disclosing parties of the information consigned in section I of the preceding Article, the former shall indicate which documents contain confidential, privileged information or privileged commercial information, provided that they are entitled to confer said information a privileged character in terms of applicable provisions. In case there shall be a request to access records that include confidential information, the disclosing parties shall furnish it, subject to the express consent of the private entity holding said confidential information.

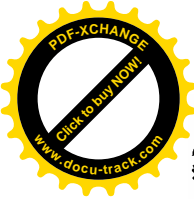
### Chapter IV Protection of personal data

**Article 20.** The disclosing parties shall be liable for personal data and in connection therewith they shall:

- I. Implement the required procedures to receive and resolve the requests for accessing and correcting data, to train government officials and provide information on their policies in connection with the protection of said data in terms of the guidelines issued by the Institute or the equivalent instances consigned in Article 61 hereof;
- II. Handle personal data as long as they are adequate, appropriate and moderated in connection with the purposes for which they were obtained;
- III. Make available to private entities, at the time of obtaining personal data, a document stating the purposes for its treatment, in terms of the guidelines issued by the Institute or the equivalent instance consigned in Article 61;
- IV. Do their best so that personal data are accurate and updated;
- V. Substitute, correct or complete, on a mandatory basis, personal data that are inaccurate in full or in part, or incomplete, as soon as the disclosing parties are aware of this situation;
- VI. Implement the required measures to warrant the safety of personal data and prevent their alteration, loss, transfer or unauthorized access.

**Article 21.** The disclosing parties shall not communicate, distribute or commercialize the personal data contained in the information systems developed in the discharge of their duties, unless they rely on the express written consent or a similar authentication means, of the private parties referred to by said information.

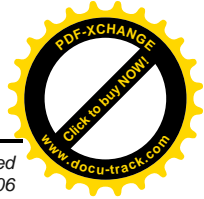




## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

Last Amendment Published  
in the Federal Official Gazette on June 6, 2006



**Article 22.** No consent of private entities shall be required to provide personal data in the following cases:

**I.** (Repealed)

*Section repealed as per Official Gazette of the Federation on May 11, 2004*

**II.** If required for statistical, scientific or reasons of a general interest as provided by the law, after a procedure whereby the personal data may not be associated to the private entity they refer to;

**III.** If they are exchanged between disclosing parties or between departments and agencies, provided that the same are used in the exercise of their respective authority;

**IV.** If required by court order.

**V.** If provided to third parties in case a service is contracted that requires personal data. Said third parties may not use the personal data for purposes other than those for which they were transmitted, and

**VI.** In the other cases provided by the law.

**Article 23.** The disclosing parties in possession, under any title, of personal data systems, shall give notice to the Institute or the equivalent instances as provided by Article 61 hereof, who shall have an updated list of said personal data systems.

**Article 24.** Without prejudice of the provisions set forth in other laws, only interested parties or their representatives may request to a liaison unit or its equivalent, prior identification, personal data contained in a personal data system. Said unit is required to deliver, within a ten business day term from the date on which the request is made, in a user-friendly format, the respective information. Otherwise, it shall inform in writing that said personal data system does not contain the data related to the applicant.

The release of personal data shall be cost-free and the applicant shall only pay the respective mailing expenses according to applicable rates. Notwithstanding the above, if the same applicant shall make a further request in connection with the same system of personal data within a period of less than twelve months from the last request, the cost shall be determined in terms of the provisions of Article 27 hereof.

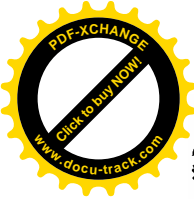
**Article 25.** Interested parties or their representatives may request from liaison units or its equivalent, prior identification, the amendment of the data contained in any personal data system. To the effect, the interested party must submit to the liaison unit or the equivalent entity a request for amendment designating personal data systems, amendments to be made and shall enclose the relevant documents supporting their request. The liaison unit or its equivalent shall deliver to the applicant, within a thirty business days term from the date of the request, a communication describing the amendments or the reasons why said amendments were not admissible and shall provide the grounds for said decision.

**Article 26.** In case a request for delivery or correction of personal data is rejected, the writ of review contemplated by Article 50 hereof may be filed. This writ of review shall also apply if an answer is not given within the terms prescribed in Articles 24 and 25.

### Chapter V Access Fees

**Article 27.** The costs for having access to the information may not exceed the sum of:

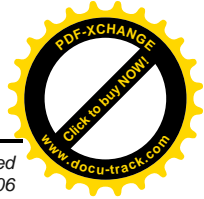




## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



- I. The cost of the materials employed in the reproduction of the information, and
- II. The mailing cost.

Applicable fees shall be those consigned in the Government Service Charges Law.

The disclosing parties shall use their best efforts to reduce the costs related to the delivery of the information.

### **TITLE TWO ACCESS TO THE INFORMATION HELD BY THE EXECUTIVE BRANCH**

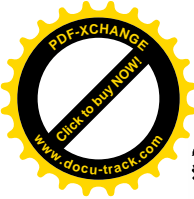
#### **Chapter I Liaison units and information committees**

**Article 28.** The heads of each of the departments and agencies shall designate the liaison units who shall perform the following functions:

- I. To collect and disseminate the information described in Article 7 hereof, and see and to cause the periodical updating of said information by administrative units;
- II. To receive and process the requests for information described in articles 24, 25 and 40 hereof;
- III. To assist private entities in the completion of the request and, as the case may be, to furnish them with information on the departments or agencies or any other instrumentalities that may have the information requested;
- IV. To take care of the internal procedure for each department or agency as may be required to deliver the requested information, and to give proper notice to the private entities;
- V. To submit to the Committee internal procedures to ensure a higher efficiency in the processing of the access to information requests;
- VI. To train such government officials of the department or agency as may be required to receive and process access to information requests;
- VII. To keep record of the requests for access to information as well as their results and costs, and
- VIII. Such other additional functions as may be required to ensure and expedite the flow of information between the department or agency and private entities.

**Article 29.** An Information Committee shall be created in each department or agency and shall have the following functions:

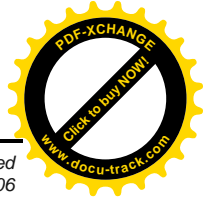
- I. To coordinate and supervise the actions of the department or agency aimed at providing the information subject matter of this Act;
- II. In compliance with the Regulations, to instrument a procedure ensuring an efficient processing of the requests to access information;



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**III.** To confirm, amend or revoke the classification of the information made by the heads of administrative units of the department or agency;

**IV.** To execute, through the liaison unit, the required task to locate the administrative documents containing the information requested;

**V.** To design and supervise the application of specific criteria for the department or agency in the classification and keeping of administrative documents, as well as the organization of files in observance of the guidelines issued by the Institute and the National Archives, as the case may be;

**VI.** To design a program to simplify the securing of information from the department or agency which shall be updated periodically, including a file organization system.

**VIII.** To design and provide to the Institute, based on the guidelines issued by the latter such data as may be required for the preparation of the annual report consigned in Article 39 hereof.

**Article 30.** Committees shall be comprised by the following members:

- I.** A public officer designated by the head of the department or agency;
- II.** The head of the liaison unit, and
- III.** The head of the body in charge of the internal control of each department or agency.

The Committee shall adopt its decisions by a majority vote.

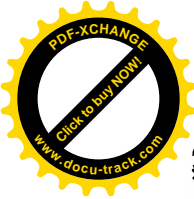
**Article 31.** The National Security Investigation Center; the Drug Control Planning Center; the Intelligence Coordination Division of the Preventive Federal Police; the Organized Crime Unit, the Presidential Staff, the National Defense Staff and the Navy Staff or the substitute administrative units, shall not be subject to the authority of the Committees contemplated by Article 29 hereof, and their functions shall be the sole responsibility of the head of the respective administrative unit.

**Article 32.** The National Archives shall design, in coordination with the Institute, the criteria for listing, classifying and filing of administrative documents, as well as the organization of archives by department or agency. Said criteria shall take into consideration the best international standards and practices.

The heads of departments and agencies, shall ensure, in compliance with applicable provisions, an adequate archive functioning. They shall also design and make available to the public an accessible explanation of its listing and classifying systems, as well as the organization of their archives.

### Chapter II Federal Institute of Access to Public Governmental Information

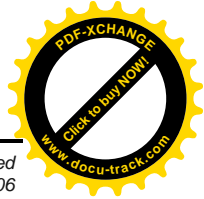
**Article 33.** The Federal Institute of Access to Public Information is a body of the Federal Public Administration with operational, budgeting and decision-making autonomy, in charge of promoting and disseminating the right to access public information, issuing resolution on denial of requests for access to information, and protecting personal data in possession of departments and agencies.



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**Article 34.** The Institute shall be comprised by five commissioners to be designated by the Executive Branch. The Senate may oppose to said appointments by a majority vote and, if in a recession period, by the Permanent Commission, by majority vote also. At all events, the legislative body shall be given a thirty-day term to issue its resolution. If no resolution is issued after termination of said term, the designation made by the President shall be deemed accepted.

Commissioners may not be removed from their functions unless they shall incur in a severe or repeated infringement of the provisions set forth in the Federal Constitution or this Act or if as a result of their acts or omissions, the Institute attributions may be affected. Commissioners may also be removed in case they are sentenced due to a severe crime deserving corporal punishment.

Commissioners shall discharge their positions during a seven year term without possibility of re-election and during said period they shall not be allowed to hold any other position nor be entrusted any other commission except for teaching, scientific or charity institutions.

The Institute shall not be subordinated to any authority for issuance of its resolutions and its decision shall be adopted with full independence. The Institute shall have such human and material resources as required for the performance of its duties.

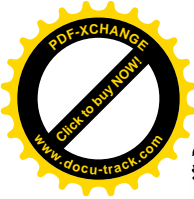
**Article 35.** The following requirements must be met by Commissioners:

- I. To be a Mexican national;
- II. Not to have been convicted for the commission of a fraudulent offense;
- III. To be at least thirty-five years old at the time of designation;
- IV. To have a flawless record in the professional, public service of academic activities related to the subject matter hereof; and
- V. Not to have been a Secretary of State, Head of an administrative department, Attorney General, Senator, Federal or Local Representative, president of a political party or association, a State Governor or Head of the Government of the Federal District during the year immediately preceding his/her designation.

**Article 36.** The Institute shall be presided over by a Commissioner who shall be act as its legal representative. He shall discharge his duties during a two-year term which may be renewed once, and shall be elected by the commissioners.

**Article 37.** The Institute shall have the following attributions:

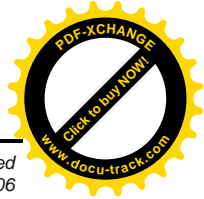
- I. To interpret this Act in the administrative sphere in terms of Article 6.
- II. To hear and issue a ruling on the writs of review filed by applicants;
- III. To design and review the criteria for classification, declassification and custody of privileged and confidential information;
- IV. To act as coadjutor of the National Archives in the preparation and application of criteria for listing and keeping of documents, and for the organization of the departmental and agency files.



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**V.** To supervise, and in case of non-performance, issue recommendations to the departments and agencies for enforcement of the provisions of Article 7 hereof;

**VI.** To provide counseling to private entities about their requests for access to information;

**VII.** To provide technical support to departments and agencies in the formulation and implementation of their information programs in terms of Article 29, section VI, hereof;

**IX.** To set forth the general guidelines and policies for the handling, maintenance, safety and protection of the personal data kept by departments and agencies;

**X.** In terms of Article 56 last paragraph hereof, to inform the internal control body of each department and agency, of the alleged infringement of this Act and its Regulations. The resolution issued to the effect by internal control bodies which shall be final and conclusive and shall be notified to the Institute for publication in its annual report;

**XI.** To formulate the guide consigned in Article 38 hereof.

**XII.** To promote and, if applicable, carry out the training of government officials in access to information and personal data protection.

**XIII.** To publicize among government officials and private entities the benefits of public handling of information, as well as their responsibility in the sensible use and preservation thereof;

**XIV.** To prepare and publish studies and research to publicize the knowledge on the subject matter of this Act;

**XV.** To cooperate in connection with this Act, with the other disclosing parties, the states, municipalities and their bodies giving access to information through the execution of agreements or implementation of programs;

**XVI.** To prepare its Internal Regulations as well as any other operating directives;

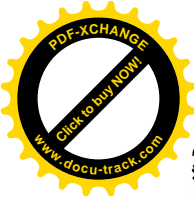
**XVII.** To designate the government officials to be in charge of the Institute;

**XVIII.** To prepare its annual budget plan to be submitted to the Department of Finance and Public Credit for inclusion in the Federal Budget, and

**XIX.** Any other attributions conferred thereto by this Act, its Regulations or any other applicable provision.

**Article 38.** The Institute shall prepare a guide describing, in a clear and easy manner, the procedure to have access to the information in possession of the departments and agencies.

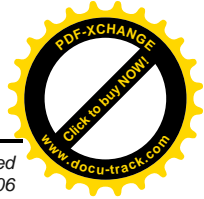
**Article 39.** The Institute shall submit an annual public report to the Federal Congress on the information accessed, based on the data presented by the departments and entities contemplated in Article 29, section VII hereof. This report will include at least the number of requests for access to information filed with each department and agency; the results obtained; the time of reply; the number and results of the matters brought to the Institute; the status of the claims filed before the control internal



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



bodies as well as the difficulties encountered to enforce the Act. To the effect, the Institute shall issue such guidelines as it may deem convenient.

### **Chapter III** **Procedure before the department or agency**

**Article 40.** Any person or his/her legal representative may file with the liaison unit a request for access to information by means of a writing that may be free or in the form approved by the Institute. The request shall contain:

- I. The applicant's name and his/her address or any other means to receive notices like an e-mail, as well as the general data of his/representative, as the case may be;
- II. A clear and accurate description of the documents requested;
- III. Any other information that may help in the location of the information;
- IV. Alternatively, the mode to access the information which may be expressed orally, provided it is for guidance by means of direct inquiry, certified copies, photostatic copies or any other means.

If the details provided by the applicant shall prove insufficient to locate the documents or are mistaken, the liaison unit may ask the applicant, just once and within the ten business day period following the filing of the request, to contribute other elements or correct the data. This requirement will interrupt the term prescribed in Article 44 hereof.

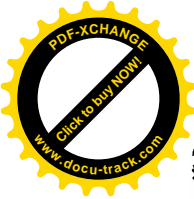
The liaison units will assist the private parties in the formulation of the request for access to information, specifically when the applicant is an illiterate. If the information requested is not the competence of the department or agency to which the request for access of information was submitted, the liaison unit shall inform to the private entity regarding the competent department or agency.

If the request is made before an administrative unit other than the liaison unit, the former shall be required to inform to the private entity the exact location of the liaison unit.

Under no circumstance shall the release of information conditioned to grounding or justifying its use and no interest whatsoever will be proven either.

**Article 41.** The liaison unit shall be the link between the department or agency and the applicant, and shall be responsible for the notifications consigned herein. It shall also carry out the required procedures in said department or agency in order to allow the access to information.

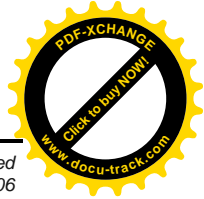
**Article 42.** The departments and agencies are required to release the documents found in their archives. The obligation to provide access to information shall be deemed complied with if the



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



documents are made available to the applicant for enquiry in their place of location or if photocopies or certified copies or any other means, are issued.

Access to the information will be allowed only in the form prescribed by the relevant document, but it will be released in full or in part, at the request of the applicant.

In case the information requested by the person is already available to the public as printed matter, i. e. books, synopsis, leaflets, public archives, electronic forms available in the internet or any other means, the applicant will be informed of the source, place and the form to inquiry, reproduce or get said information.

**Article 43.** The liaison unit will send the request to the administrative unit having or that may have the information so that said unit may locate, confirm its classification and inform to the liaison unit if the access is allowed and the form in which the information is available in order to determine the cost thereof, if applicable.

Administrative units may deliver documents containing information classified as privileged or confidential, provided that the parts or sections related to the classified information may be deleted from said documents. In any such case, the deleted parts or sections must be indicated.

**Article 44.** The reply to a request shall be notified to the interested party as soon as possible, but never in excess of twenty business days from the date on which the request is made. In addition, the cost and method for delivery of the information will be stated and the requests shall be taken care of to the greatest extent possible. Exceptionally this term may be extended up to an equivalent period if there shall be a reason justifying said extension of the term, provided the applicant is notified accordingly.

The information shall be released within ten business days from the date on which the liaison unit notifies the availability of said information, provided that the applicant presents evidence of the respective payment of dues.

The Regulations contain the method and terms of the internal processing of access to information requests.

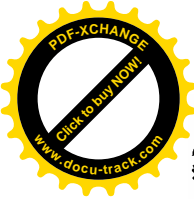
**Article 45.** In case the documents are classified as privileged or confidential by the head of the administrative unit, the request together with official communication wherein the classification is duly grounded in fact and law, will be immediately sent to the Committee of the respective department or agency. The Committee shall resolve:

- I. If it confirms or amends the classification and denies the access to the information, or
- II. If it revokes the classification and allows the access to the information.

The Committee may have access to the documents located in the administrative unit. The Committee's resolution shall be notified to the interested party within the term prescribed by Article 44 above. In the event of denial, the reasons for classification of the information shall be grounded in law and fact and the applicant shall be informed of the remedy he/she may file before the Institute.

**Article 46.** If the documents are not available in the archives of the administrative unit, the unit shall send the request and the official communication to the Committee of the relevant department or agency. The Committee shall analyze the case and take the required measures to locate the document requested in the department or agency and resolve accordingly. If the document is not available, the

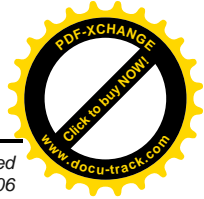




## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



Committee shall issue a resolution confirming the inexistence of the document requested and shall give notice to the applicant through the liaison unit within the term prescribed by Article 44 above.

**Article 47.** The requests for access to information and the answers given to said requests, including, as the case may be, the information released, shall be public. In addition, departments and agencies shall make available this information to the public through remote or local means of electronic communication whenever possible.

**Article 48.** The liaison units shall have no obligation to process offensive requests for access to information if they have released information substantially identical in reply to a request of the same person or if the information is already made available to the public. In this case, the applicant will be informed of the place in which the information may be found.

### Chapter IV Proceedings before the Institute

**Article 49.** The applicant receiving a notice that the Committee has resolved to deny access to the information or that the requested document is inexistent, may file, on his/her own or through a representative, a writ of review with the Institute or the liaison unit that heard the matter within fifteen business days from the date of notification. The liaison unit shall turn the matter to the Institute on the day following the receipt thereof.

**Article 50.** The above writ of review shall also apply if:

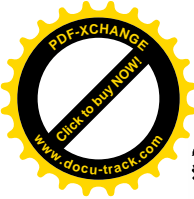
- I. The department or agency shall fail to deliver the personal data subject matter of the request or shall do it in an unintelligible form;
- II. The department or agency shall refuse to effect the amendments or corrections of the personal data;
- III. The applicant shall not accept the time, cost or delivery form, or
- IV. The applicant considers that the information delivered is not complete or does not correspond to the information requested.

**Article 51.** The writ of review contemplated in articles 49 and 50 shall be used instead of the remedy consigned in Article 8 of the Federal Law of Administrative Procedure.

**Article 52.** The Institute shall supply any deficiencies of the remedies filed by private entities.

**Article 53.** The failure to answer a request for access to information within the term provided by Article 44 hereof shall be construed as an affirmative answer and the department or agency shall be required to allow the access to the information within a term not to exceed 10 business days after payment of the costs derived from the reproduction of the material, unless the Institute shall determine that the documents in question contain privileged or confidential information.

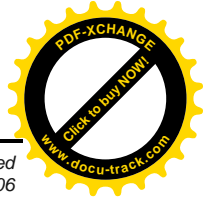
In order to give full compliance to the provisions of the first paragraph hereof, the Regulations shall set forth an expeditious procedure to cure the non-delivery of the information requested by the departments or agencies. To the effect, the private entities may submit the evidence contemplated by



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



Article 17 of the Federal Law of Administrative Procedure issued by the respective liaison unit or deliver a copy of the request containing the date of filing before the department or agency. In the latter case, the procedure shall ensure that said liaison unit shall be allowed to prove that it answered the request made by the private party in due time and form.

**Article 54.** The writ of review shall state:

- I. The department or agency the request was made to;
- II. The name of the appellant and the third party in interest, if any, as well as the address or means designated for the receipt of notices;
- III. The date on which the appellant was notified or informed of the governmental action being contested;
- IV. The action being contested and the specific claim;
- V. A copy of the resolution being contested and, as the case may be, the respective notification, and
- VI. Any other elements the appellant wishes to be heard by the Institute.

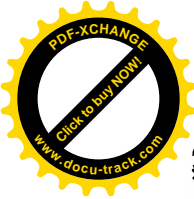
**Article 55.** Except for the provisions set forth in Article 53 hereof, the Institute shall substantiate the writ of review pursuant to the following procedure:

- I. After receipt of the writ of review, the President of the Institute shall transmit it to the authoring Commissioner, who shall, within a thirty-day term from the date of filing of the writ of review, gather the relevant information and submit a draft of resolution to the consideration of the Institute in a plenary session;
- II. The Plenary Session shall decide if a hearing will be held with the parties;
- III. During the proceedings, an amendment of deficient pleadings will be effected in favor of the petitioner, making sure that the parties shall ground in fact and in law their petition, in oral or written form, and present their allegations;
- IV. Motions and writings may be received through electronic means prior request by the interested party;
- V. A Plenary Session shall issue a final and conclusive decision within twenty business days from the date on which the draft for resolution was submitted, and
- VI. The resolutions issued by a Plenary Session shall be made available to the public.

The Plenary Session may extend the term for cause only once and up to a period equivalent to the terms set forth in sections I and V hereof.

The privileged and confidential information, if any, requested by the Institute which, according to said Institute is indispensable to decide on the issue, shall be given a confidential treatment and shall not be available in the file.

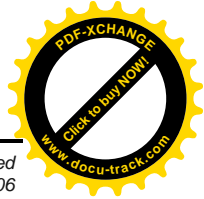
**Article 56.** The resolutions issued by the Institute may:



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



- I. Cause the dismissal or stay of the appeal;
- II. Confirm the decision of the Committee; or
- III. Revoke or amend the decisions of the Committee and instruct to the department or agency to allow the private entity to have access the information or personal data as requested; to reclassify the information or to amend such data.

The resolutions shall be in writing and shall provide for terms for compliance and proceedings to enforce their execution.

If the Institute shall not issue a decision within the term prescribed by the Act, the action being contested shall be deemed confirmed.

If the Institute shall determine during the pursuit of an action that a public officer has incurred in liability, it shall give notice to the internal control entity of the department or agency in charge so that it may, if applicable, initiate the respective proceedings to hold him/her liable.

**Article 57.** The appeal shall be dismissed and reputed of inadmissibility if:

- I. It is filed after lapse of the term prescribed by Article 49 hereof;
- II. The Institute has previously heard the respective appeal and has issued a final and conclusive decision;
- III. A decision is appealed which was not issued by a Committee; or
- IV. An appeal or cause of action filed by the appellant is currently in process with the courts of the Federal Judicial Power.

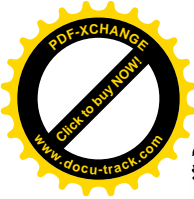
**Article 58.** The appeal shall be stayed if:

- I. If the petitioner expressly withdraws the appeal;
- II. If the petitioner shall pass away, or in the case of corporations, the petitioner shall be dissolved;
- III. If subsequent to the admission of the appeal, there shall appear grounds for inadmissibility in terms hereof; or
- IV. The department or agency to which the action being contested is attributable shall contest or revoke it so that the cause of action becomes invalid or devoid of subject matter.

**Article 59.** The resolutions issued by the Institute shall be final and conclusive for the departments and agencies. Private entities may appeal them before the Federal Judicial Power.

Courts shall have access to the privileged or confidential information if indispensable to decide on the matter and if said information is offered as evidence in an action. Said information shall be given a confidential treatment and shall not be available in the judicial file.

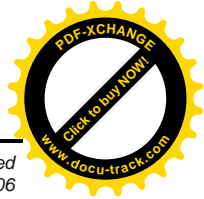
**Article 60.** After lapse of a one-year from the resolution of the Institute confirming a decision of a Committee, the private entity may request the reconsideration of said resolution by the Institute.



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



Said resolution shall refer to the same request and be resolved within a maximum term of 60 business days.

### TITLE THREE ACCESS TO INFORMATION HELD BY OTHER DISCLOSING PARTIES

#### Sole Chapter

**Article 61.** The Federal Legislative Branch, through the Senate, the House of Representatives, the Permanent Commission and the Federal Auditor's Office; the Federal Judicial Branch, through the Supreme Court of Justice, the Federal Judiciary and the Administrative Commission of the Federal Electoral Institute; the constitutional autonomous bodies and administrative-law courts within the sphere of their competence, shall establish, by means of regulations or resolutions of a general character, the bodies, criteria and institutional procedures enabling the access by private entities to information in terms of the principles and terms consigned herein.

The provisions issued shall designate, as the case may be:

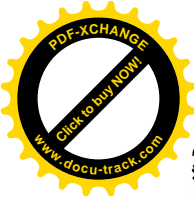
- I. The administrative units in charge of publishing the information consigned in Article 7 hereof;
- II. The liaison units or their equivalents;
- III. The reporting Committee or its equivalent;
- IV. The criteria and procedures for classification and maintenance of privileged or confidential information;
- V. The procedure to access information, including writs of review, in terms of articles 49 and 50, and motions for reconsideration, in terms of Article 60.
- VI. The proceedings for access and amendment of personal data consigned in articles 24 and 25 hereof, and
- VII. The internal entity in charge of enforcing the Act; decide on the appeals as well as any other power and authority granted by this Act.

**Article 62.** The disclosing parties referred to in the preceding Article shall prepare, on an annual basis, a public report of the actions taken to warrant the access to information in observance of the guidelines prescribed by Article 39 hereof, and shall send a copy of said report to the Institute.

### TITLE FOUR LIABILITIES AND PENALTIES

#### Sole Chapter

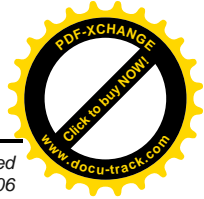
**Article 63.** The following shall constitute grounds for administrative liability derived from the default by government officials of the obligations contemplated by this Act:



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**I.** To use, appropriate of, destroy, hide, damage, disclose or alter, totally or partially and in an unlawful manner, the information in their custody, to which said government officials may have access by reason of their employment, position or commission.

**II.** To act negligently, fraudulently or in bad faith in the processing of the requests for access to information or in the dissemination of the information that constitutes their duties pursuant to this Act;

**III.** To deny intentionally information that has not been classified as privileged or confidential pursuant to this Act;

**IV.** To classify fraudulently as privileged information, such information that does not meet the characteristics prescribed herein. The penalty shall not apply unless there is a previous resolution on the classification criterion of this type of information by the Committee, the Institute or the equivalent entities contemplated by Article 61;

**V.** To release information classified as privileged or confidential hereunder;

**VI.** To release intentionally incomplete information as derived from a request for access, and

**VII.** Fail to release the information ordered by the entities consigned in section IV above or the Federal Judicial Branch.

The liability consigned in this Article or any other liability derived from the default in the performance of the obligations set forth herein, shall be penalized in terms of the Federal Law of Administrative Liabilities for Government Officials.

The infringement set forth in section VII hereof or incurring in recidivism in connection with sections I to VI hereof shall be reputed as serious offenses for purposes of an administrative-law penalty.

**Article 64.** Administrative liabilities caused by the default of the obligations contemplated by the preceding Article are independent from the civil or criminal liability involved.

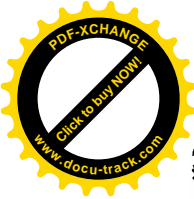
### TRANSIENT PROVISIONS

**First.** This Act shall become effective on the day following its publication in the Official Gazette of the Federation, subject to the provisions consigned in the following articles.

**Second.** The publication of the information set forth in Article 7 hereof shall be completed at the latest one year after the date of effectiveness of the Act.

**Third.** The heads of the departments and agencies of the Federal Public Administration shall appoint the liaison unit and the members of the Committees consigned in this Act at the latest within six months from the date of effectiveness of this statute, and their functions shall commence within the same term. In addition, a notice shall be given to the Department of the Comptrollership and Administrative Development so that it may publish the list of units in the **Official Gazette of the Federation**. The organization of the structures contemplated by this provision shall be made with the assigned human and material resources and budget and further expenses shall be incurred.

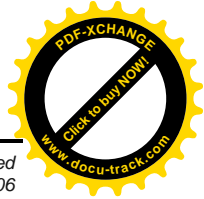
**Fourth.** The disclosing parties described in Article 61 hereof shall publish the respective provisions within one year from the date of effectiveness of this Act.



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



**Five.** The designation of the first five commissioners shall take place at the latest three months after the date of effectiveness hereof. In the first period of incumbency, three of the commissioners shall discharge their duties during four years and may be ratified for a new period of seven years. The President shall indicate in his appointment, the period of incumbency for each of the Commissioners.

**Six.** The President shall issue the Regulations of this Act within one year from the date of effectiveness hereof.

**Seven.** The Institute shall issue its internal regulations within one year from the date of effectiveness of the Act.

**Eight.** Private parties may submit their requests for access to information and for correction of personal data within one year from the date of effectiveness of this Act.

**Nine.** Except for the provisions of Article 53, Article 17 of the Federal Law of Administrative Procedure shall not apply to this Act.

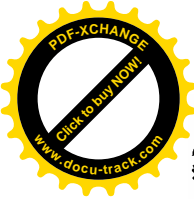
**Ten.** The disclosing parties shall conclude the organization of their administrative records at the latest on January 1, 2005, at which time they shall have published the guidelines contemplated by Article 32 hereof.

**Eleven.** The 2003 Federal Expenditure Budget shall include the respective bracket to allow the adequate structuring and operation of the Institute.

México, Federal District, April 30, 2002. Deputy **Beatriz Elena Paredes Rangel**, President.- Senator **Diego Fernández de Cevallos Ramos**, President.- Deputy **Adrián Rivera Perez**, Secretary.- Senator **Yolanda González Hernandez**, Secretary.- Flourishes.”

In compliance with the provisions of Article 89, section I, of the Federal Constitution of the United Mexican States, I issue this Executive Order for due publication and observance in the Presidential Residence in the City of México, Federal District, on the tenth day of June in the year two thousand two.- **Vicente Fox Quesada**.- Flourish.- The Secretary of the Department of the Interior, **Santiago Creel Miranda**.- Flourish.

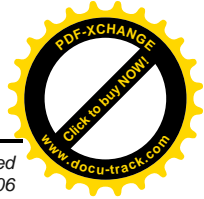




## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



### TRANSIENT PROVISIONS OF THE EXECUTIVE ORDER AMENDMENT

**EXECUTIVE ORDER** repealing Article 22, section I, of the Federal Transparency and Access to Governmental Public Information Act.

Published in the Official Gazette of the Federation on May 11, 2004

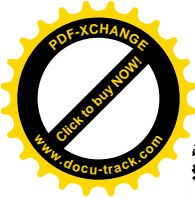
**SOLE ARTICLE.-** Article 22, section I, of the Federal Transparency and Access to Governmental Public Information Act is hereby repealed.

### TRANSIENT PROVISION

**SOLE.** This Executive Order shall become effective on the day following its publication in the **Official Gazette of the Federation.**

México, Federal District, March 23, 2004. Senator **Enrique Jackson Ramírez**, President.- Deputy **Juan de Dios Castro Lozano**, President.- Senator **Rafael Melgoza Radillo**, Secretary.- Deputy **Ma. de Jesús Aguirre Maldonado**, Secretary.- Flourishes."

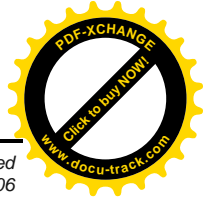
In compliance with the provisions of Article 89, section I, of the Federal Constitution of the United Mexican States, I issue this Executive Order for due publication and observance in the Presidential Residence in the City of México, Federal District, on the fourth day of May in the year two thousand four.- **Vicente Fox Quesada.-** Flourish.- The Secretary of the Department of the Interior, **Santiago Creel Miranda.-** Flourish.



## FEDERAL TRANSPARENCY AND ACCESS TO GOVERNMENTAL PUBLIC INFORMATION ACT

House of Representatives of the Federal Congress  
Office of the Secretary General  
Secretariat of Legislative Services  
Documents, Information and Analysis Center

*Last Amendment Published  
in the Federal Official Gazette on June 6, 2006*



### **EXECUTIVE ORDER repealing Article 6 of the Federal Transparency and Access to Governmental Public Information Act.**

Published in the Official Gazette of the Federation on June 6, 2006

**SOLE ARTICLE.-** Article 6 of the Federal Transparency and Access to Governmental Public Information Act is hereby amended to read as follows:

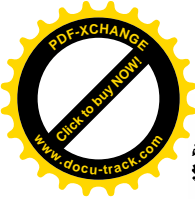
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#### **TRANSIENT PROVISION**

**SOLE.** This Executive Order shall become effective on the day following its publication in the Official Gazette of the Federation.

México, Federal District, April 25, 2006. Deputy **Marcela González Salas P.**, President.- Senator **Enrique Jackson Ramírez**, President.- Deputy **Patricia Garduño Morales**, Secretary.- Senator **Sara I. Castellanos Cortes**, Secretary.- Signatures.”

In compliance with the provisions of Article 89, section I, of the Federal Constitution of the United Mexican States, I issue this Executive Order for due publication and observance in the Official Presidential Residence in the City of México, Federal District, on the thirtieth day of May in the year two thousand six.- **Vicente Fox Quesada**.- Signature.- The Secretary of the Department of the Interior, **Carlos María Abascal Carranza**.- Signature.



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