

APEC ECSG TECHNICAL ASSISTANCE SEMINAR:

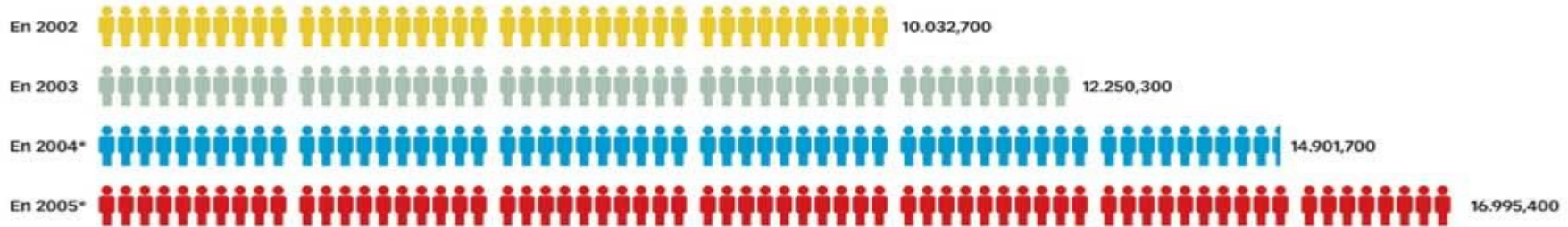
**DOMESTIC IMPLEMENTATION OF THE APEC PRIVACY
FRAMEWORK**

Legal Situation in Mexico

Perfil estadístico de los usuarios de internet en México

TOTAL DE INTERNAUTAS

 = 250,000 usuarios



(*) Datos previstos

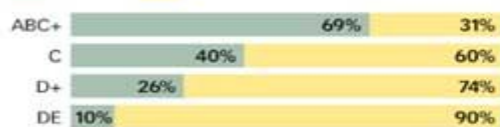
GÉNERO

Total de usuarios en 2004: 14.901,687 personas

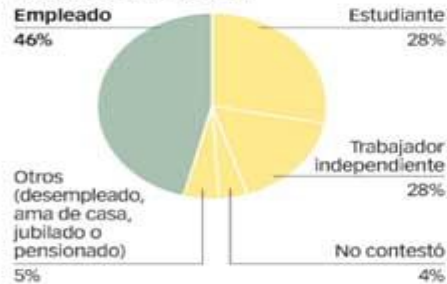


NIVEL SOCIOECONÓMICO

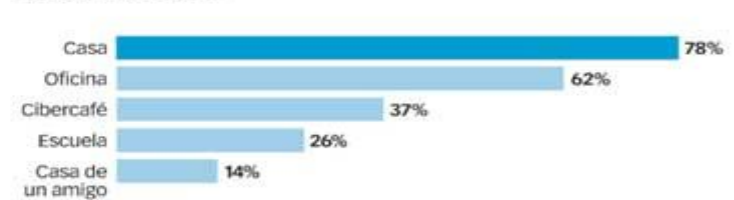
■ Usuario ■ No usuario



OCUPACIÓN PRINCIPAL

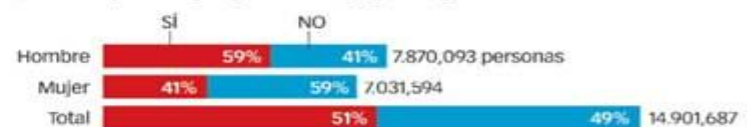


LUGAR DE ACCESO *



COMPRAS Y PAGOS

¿Has comprado algún producto o pagado algún servicio en internet?

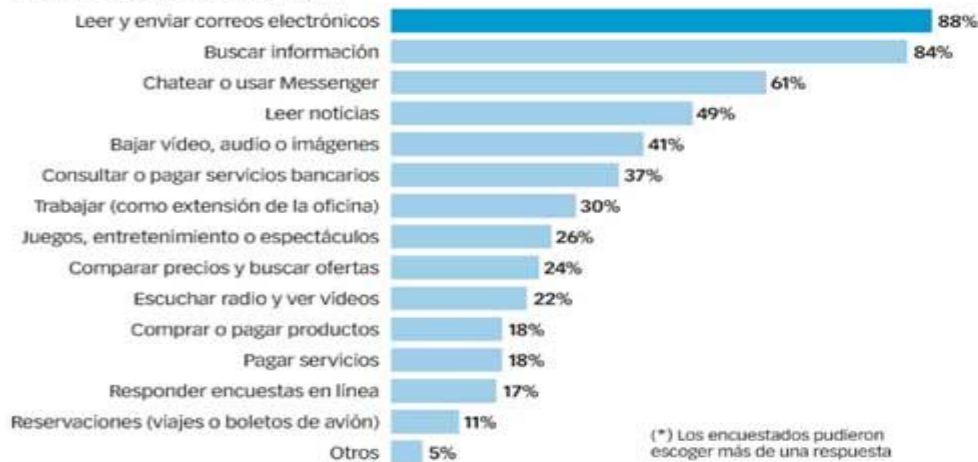


Productos adquiridos o servicios pagados en internet*

Los 10 porcentajes más altos durante los últimos doce meses



MOTIVO PARA USAR INTERNET *



(*) Los encuestados pudieron escoger más de una respuesta

Internet in Mexico

México is one of the twelve largest internet markets in the world*

- High growth of internet users (**Today, more than 15 millions**)
- The government BILLs looks for the internet use
 - Proyect e-Mexico, tax payments by internet, e-commerce legislation etc.
- The ISP's y and the credit institutions promote the use of internet
 - Growth of PC sellings (Prodigy)

LEGISLATIVE BACKGROUND IN MEXICO

- **Commercial Code 1884** - Telegraph
- **Civil Code 1928** - Telephone
- **Geography, Statics and Information Law – 1982** – Confidentiality and Access to Personal Data
- **Banking and Financial Laws 1990** – Electronic Means. Financial Secrecy
- **Consumer Protection Law 1992** – Distance Selling. Telemarketing.
- **Tax Laws 1998** – Electronic payments.
- **May 17th, 1999 (Federal Penal Code)**. Illegal access to equipments and systems
- **January 4th, 2000 (Acquisitions Law, and Public Works Law)**

Reforms in Electronic Commerce	29 mayo 2000
Administrative Procedure Law Tramitanet	May 30th 2000 January 12th 2002
Law for the regulation of credit reporting agencies	2001
NOM 151 SCFI 2002	June 4th 2002
Extend Security Infrastructure Circular Telefax 1/2002 Circular Telefax 19/2002 Circular Telefax 19/2002 bis	January 2nd 2002 July 5th 2002 July 11th 2002
Federal Law of Governmental Transparency and Access to Public information	2002
Reforms on Electronic Signature Issues Rules for the Commercial Code General Rules for Advance Electronic Signature AES	August 29th 2003 July 19th 2004 August 10th 2004
Reforms for the federal tax code From 1995 Tax payments via Internet with the use of AES Future services as: Receiving electronic information	January 5th 2004

CREDIT REPORTING AGENCIES

From this law (publish on January 15th 2002 and its rules March 18) we can highlight:

- ✓ FINANCIAL CREDIT
- ✓ OPT IN
- ✓ CONTROL OF COLLECTION, CONSERVATION AND PROCESSING OF THE INFORMATION
- ✓ UPDATE INFORMATION AND ACCESS FOR CORRECTION
- ✓ LIMITATION ON THE USE OF INFORMATION

BILL OF PERSONAL DATA PROTECTION FEDERAL LAW

- The BILL was presented by senator Antonio García Torres (PRI 2001)
- The BILL of personal data protection federal law was approved on the senate on April 30th 2002
- Main worries:
 - *OPT IN in every transmit or cession;*
 - *The authority can require the enterprises for the register or deliver of data bases (art. 19);*
 - *Prohibit the personal data flow to Countries or international organization that does not protect personal data at least at the same levels of Mexico (art. 13)*
 - **Object: Electronic Treatment of data.**
 - **Application: Every use even not by electronic means,**
 - **The rules will define requirements and security conditions related to the technology used**

FEDERAL DATA PROTECTION BILL CENTRAL BANK

- **NOT PRESENTED TO THE CONGRESS YET**

- *FEDERAL INSTITUTE FOR THE PROTECTION OF PERSONAL DATA*

- *INFORMATION SOCIETY*

- *OPT IN ONLY FOR SENSITIVE DATA (EXCEPT MEDICAL ASSISTANCE AND HEALTH SERVICES)*

- *PRINCIPLES:*

- RECOLLECTION OF ACCURATE DATA, NOT EXCESSIVE
- LEGAL MEANS FOR RECOLLECTION(E.G. RIGHT OF HONOUR)
- ACCURATE AND UP TO DATE DATA
- STORAGE OF DATA THAT ALLOWS THE PROTECTION, ACCESS AND CORRECTION
- DESTROY OF THE DATA RIGHT AFTER THE MAIN GOAL WAS REACH

SPAM

Situation in Mexico

- According to Barracuda Networks, in Mexico, 60% of the total messages are unsolicited ones
 - This situation can represent economic losses for US\$60,000 a year
- **Consumer Protection Federal Law (Art. 76 BIS, 17, 18 Y 18 BIS):**
 - Confidentiality with the information given by clients
 - Publicity to consumers (Opt Out),
 - Possibility of a Public register (Robinson lists),
 - Labelling

BILLS in the Representatives Chamber

- **PVEM:** LIC. JORGE LEGORRETA
 - Independent law

- **PRI:** LIC. JULIO CÉSAR CORDOBA
 - Reforms to 3 laws
 - Penal Code
 - Consumer protection law
 - Federal labor law



Objectives

- Dissuasive effects;
- Creation of legal remedies;
- Non creation of unnecessary expences for electronic commerce(Preservation of *Pre-Existing Business Relationship; PEBR Principle*);
- Procedual international cooperation means
- Set up of Criteria: *Limited Outright Ban, ADV Labeling, Anti-Fraud Provisions*

Penal Field

- APRIL 2005. BILL OF REFORMS TO THE PENAL CODE IN THE FIELD OF CYBER CRIME
(CONGRESS MEMBER. SHEYLA FABIOLA ARAGÓN)
 - INCLUDE THE CONCEPT OF DATA MESSAGE
 - LIABILITY OF THE ISP'S (COMMISSION DEVISES CONTROL)
 - CONFUSION: TRANSMIT OR DISTRIBUTION OF VIRUS VS. SENDING