



1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
(801) 328-3600
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MEXICO DATA PRIVACY

NEW DATA PRIVACY LAW IN MEXICO

by: C. Gabriel Sánchez

In the course of counseling with clients to discuss the challenges of doing business in Mexico, it became apparent to me how much has changed there. The Mexican government is progressively adopting increasingly more rigid and strict laws and regulations in order to protect its citizens. A good example of this trend is the recent Federal Law for the Protection of Personal Data, or in Spanish, “La Ley Federal de Protección de Datos Personales en Posesión de Particulares” (the “New Privacy Law”), which became effective on July 6, 2010. U.S. companies doing business in Mexico should become familiar with the New Privacy Law in order to avoid violations which could result in penalties of up to 1.5 million dollars or imprisonment of up to three years.

The New Privacy Law, among other things, addresses the following issues:

- The manner by which both public and private entities may collect, manage, disclose and transfer personal data;
- The introduction of a government entity responsible for overseeing the implementation of the New Privacy Law;
- The definition of “sensitive” personal data which, according to the New Privacy Law, is understood to mean data relating to an individual’s race, medical condition, or religious beliefs, etc; and
- The individual’s consent before his or her personal information may be processed by a third party.

Compliance with the New Privacy Law by U.S. companies doing business in Mexico is important and will prevent potential administrative and/or criminal penalties. If you require further guidance regarding compliance with this law, Kirton & McConkie stands ready to assist. Please contact Gabriel Sanchez at gsanchez@kmclaw.com for more information.

BIOGRAPHY

Gabby Sanchez

Mr. Gabriel Sánchez lived and worked in Mexico as a practicing attorney, having received his professional law license in Mexico in 2001. Mr. Sanchez came to the International Practice Section of Kirton and McConkie in 2003, where he has been working closely with American corporations doing business in Latin America. Mr. Sanchez is licensed to practice only in México.