



**Homeland
Security**

The following document was received by the DHS Privacy Office as part of the Privacy Office Workshop Series.

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Instituto Federal de Acceso a la Información Pública

IFAI: Access to Information and Accountability

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Privacy Office Workshop Series

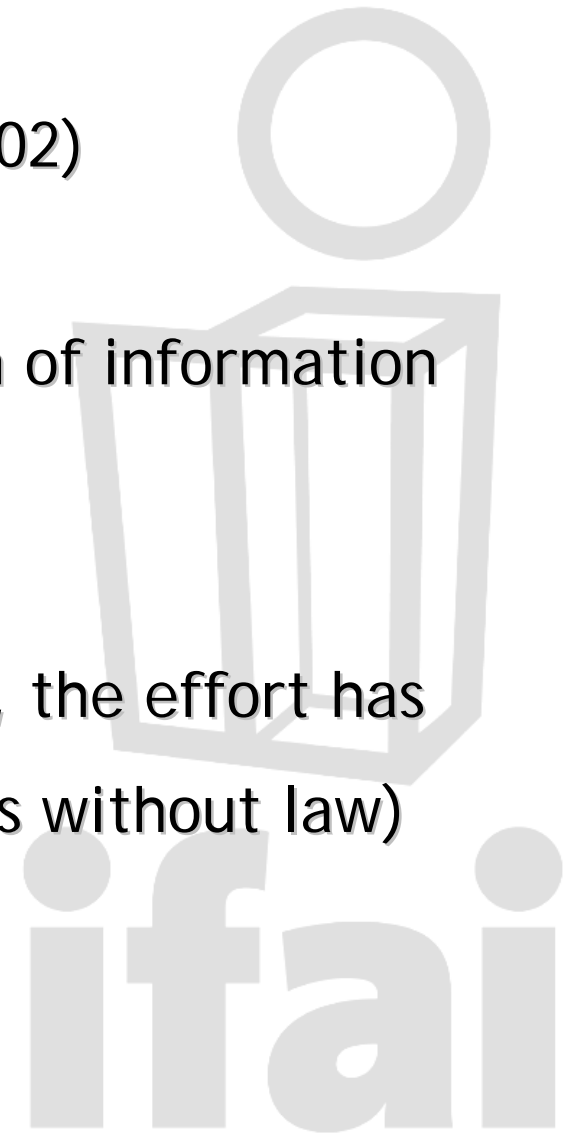
Transparency and Accountability:

The Use of Personal Information within the Government



Transparency and Access to Government Information

- Unanimous Congressional approval (2002)
- Regulation of two civil rights: freedom of information and privacy rights
- Since the approval of the Federal Law, the effort has spurred at the state level (just 4 states without law)



The Transparency Law

Objectives:

- Simple and fast procedures of access
- Transparency in public affairs
- Protection of personal data
- Promotion of accountability to citizens
- Set rules for archives
- Foster democracy and the Rule of Law

Main characteristics:

- Government information on the Internet (mandatory)
- Establishes classification of information
- Access to and protection of **personal data**
- Organization of Archives
- No need to show an ID nor justify your requests
- Universal, free and easy access
- Existence of an Administrative Court (enforcement and appeals)
- Requesters can appeal to the Judicial Power

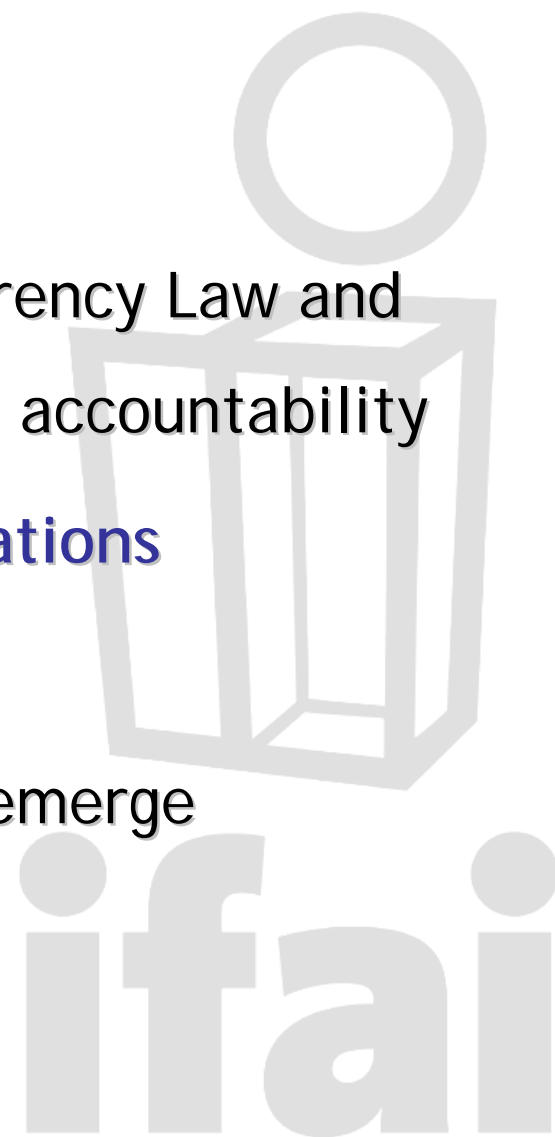




The Federal Institute for Access to Information: IFAI

Main tasks:

- Disseminate **benefits** of the Transparency Law and enhance culture of transparency and accountability
- Enforcement of **transparency obligations**
- Enforcement of **privacy rights**
- Adjudicates **appeals** when conflicts emerge



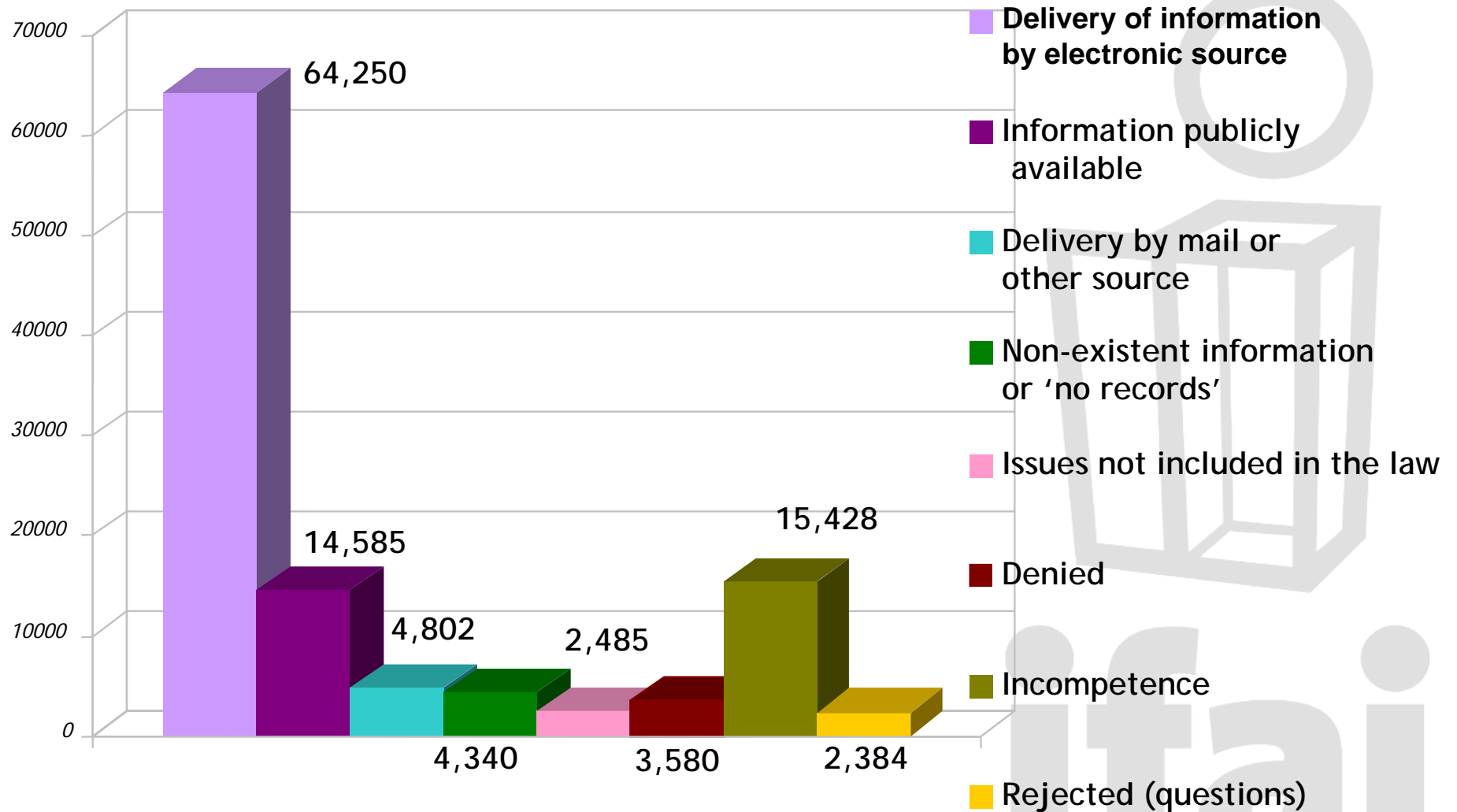
Transparency obligations

- Directory, organizational structure, tasks, services
- Salaries and benefits of public officials
- Budget, public finances
- Contracts, procurement, concessions, permits, authorizations
- Subsidies, citizen participation mechanisms
- Audit results
- Legal framework (regulations)

Main tasks:

- Guarantee that sensitive information, such as personal data in custody of the federal government, is protected.
- Guidelines for protecting personal data and releasing it to its rightful owner when requested.





- ❏ From 2003 to mid-March 2006, **government agencies** under IFAI's jurisdiction received **124,421 requests**
- ❏ In **76%** of the cases, requesters obtained information
- ❏ The percentage of appeals to requests is **4%**
- ❏ As of mid-March 2006, **90%** of appeals have been solved (4,755)

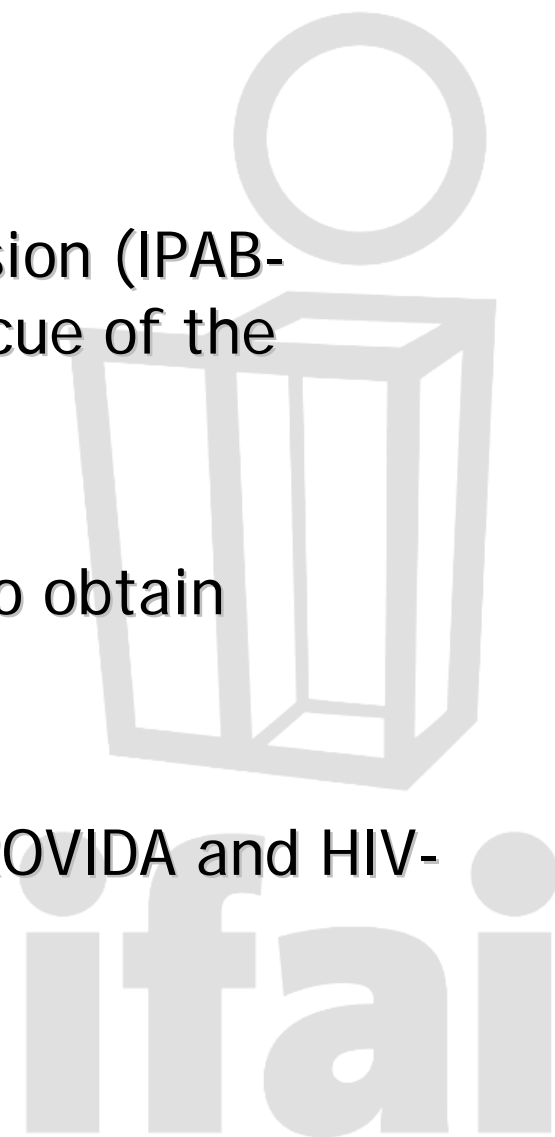
58% of total appeals have gone to the core of the issue

(Confirm, revoke or modify appeals)

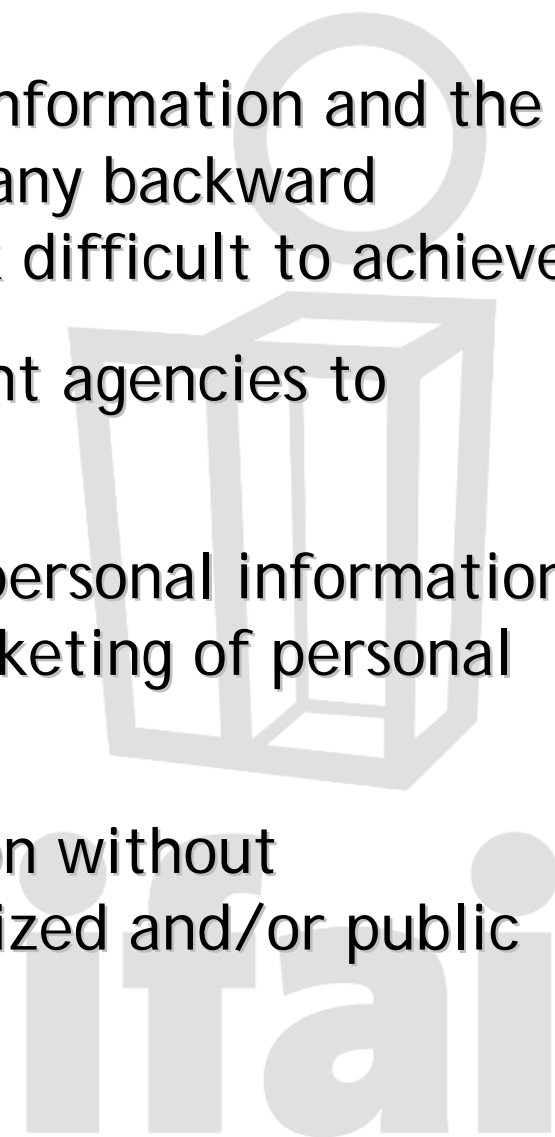
- 🗑 In 74% of these appeals, IFAI's resolution has been to disclose some or all the disputed information (2,024 cases)
- 🗑 In the remaining 26%, the answer of the agencies has been confirmed (712 cases)

Social benefits of access to public information: Successful stories

- **Savings and Loans Security Commission (IPAB-Fobaproa):** accountability in the rescue of the banking system
- **Medical files:** right of the patients to obtain information about themselves
- **Public resources accountability:** PROVIDA and HIV-AIDS cases



- Consolidate the right of access to public information and the efforts to promote transparency, making any backward movement of the current legal framework difficult to achieve
- Collaboration and support with government agencies to improve their work in transparency
- Guarantee the best standards to protect personal information (avoid unlawful dissemination and/or marketing of personal data)
- Guarantee the access to public information without undermining the right of privacy (summarized and/or public version of documents)



- Reduces Corruption (procurement) through Transparency rules and practices
- Improves Government efficiency
- Enhances legitimacy and confidence in Government
- Encourages society to demand information in search of better solutions to community problems

