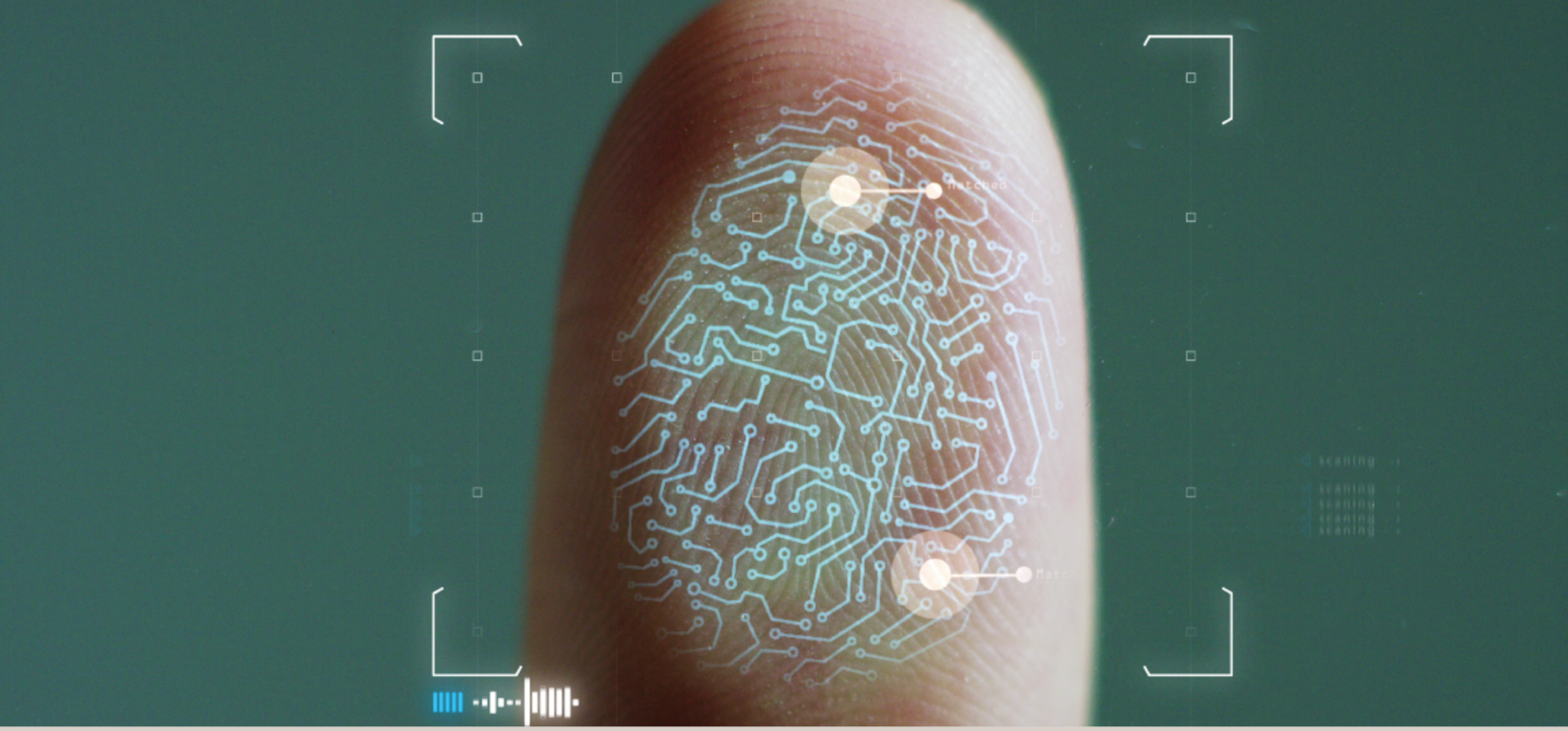

SENADO DE LA REPÚBLICA
ESTADOS UNIDOS MEXICANOS
LXIV LEGISLATURA

Guide to the ARCO Rights

Transparency Committee of the
Mexican Senate

ARCO RIGHTS

ACCESS, RECTIFY, CANCEL OR OPPOSE THE PROCESSING OF YOUR PERSONAL DATA

Only you, as the owner of such information or, if applicable, your representative may request it.

The submission of the application may be done in the form of a freely written document, or using the electronic formats and means issued by the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI for its acronym in Spanish).

Below we explain the procedure to follow with the presentation and the attention of an application for ARCO rights in the Mexican Senate:

A. Application Requirements.

1. *Submit the application to the Transparency Unit of the Mexican Senate, in case this Chamber possesses the personal data, with the following information:*

General information. All requests for the exercise of ARCO rights must contain the following:

- Name of the owner of the personal data.
- Documents that certify the identity of the owner.
- When appropriate, name of your representative and documents to prove its identity and personality.
- Address or any means to receive notifications.
- Clear and precise description of the personal data that you want to rectify, cancel or oppose its processing.
- Description of the right to be exercised or of what the owner requests.
- When appropriate, documents or information that facilitate the location of personal data, including the area responsible for the treatment.

Specific Information. In addition to the general information indicated above, depending on the right you wish to exercise, you must include the following information in the application:

Right of ACCESS: the modality in which you prefer that the requested personal data be reproduced.

Right of RECTIFICATION: the modifications you request to be made to your personal data, for which, you can provide the documents that support the request.

Right of CANCELLATION: the causes that motivate the request to have your personal data deleted from the Mexican Senate archives, registers or databases.

Right of OPOSITION: the causes or situation that lead you to request the end of the processing of your personal data, as well as the harm or damage that would be caused to you if said processing continued; or, you must indicate the specific purposes for which you wish to exercise this right.

It is important to take into account that, if the application does not have the information described above, this Mexican Senate may request the missing information by means of a requirement, which will be issued within a maximum period of 5 business days from the day after the submission of the application, and you will have 10 business days, after receiving it, to provide the required information, otherwise your application will be considered as not submitted.

When you submit your request, by whatever means, an acknowledgement will be issued stating the date of receipt of said request.

2. *Prove the identity of the owner and, if applicable, that of his representative, as well as the personality of the latter.*

The application must be accompanied by a simple copy of an official identification of the owner of the personal data, as well as his representative's, in case he or she is the one who submits the request.

Among the valid official Ids are: voter registration card, passport, military card, professional license, driver's license and immigration documents.

The representative's personality, if applicable, can be accredited by any of the following options:

1. Simple power of attorney signed before two witnesses, attaching a simple copy of their official identifications.
2. By means of a public instrument (document signed by a Notary Public); or
3. by testifying in front of the Transparency Unit accompanied by your representative.

It is important to bear in mind that the identity of the owner and his or her representative, as well as the personality of the latter, must be duly accredited prior to the exercise of the rights in question, if appropriate, by submitting the original documents before indicated or a certified copy of them, for their comparison.

---

3. *Take into account the following rules of representation in case of request related to personal data of minors, persons in a state of interdiction or disability declared by law, and deceased persons.*

To exercise ARCO rights of this group of holders, in addition to submitting the application with the information described in section 1, the following documents must be provided, as the case may be:

Minors: If the parents exercise parental authority and are who submit the application

- Document that proves the identity of the minor.
- The minor's birth certificate.
- Official ID of the father or mother that pretends to exercise their right.
- Letter in which it is stated, under protest of truth, that the father or the mother is the one who exercises parental authority over the minor, and is not within any of the legal reasons of suspension or limitation of parental authority.

If a person other than the parents is the one who exercises parental authority, and is who submits the application:

- Document that proves the identity of the minor.
- The minor's birth certificate.
- Legal document proving the possession of parental authority.
- Official ID of who submits the application and who holds parental authority.
- Letter that states, under protest of truth, that you exercise parental authority of the child, and that are not within any of the legal reasons of suspension or limitation of parental authority.

When a guardian is who exercises parental authority:

- Document that proves the identity of the minor.
- The minor's birth certificate.
- Legal document that proves guardianship.
- Official ID of the guardian.
- Letter that states, under protest of truth, that you exercise guardianship of the child, and are not within any of the legal reasons of suspension or limitation of guardianship.

For requests for ARCO rights of persons in state of interdiction or legal incapacity:

- Document that certifies the identity of the owner of the personal data.
- Official ID of the guardian.
- Letter stating, under protest of truth, that you exercise guardianship, and are not within any of the legal reasons of suspension or limitation of guardianship.

For requests for ARCO rights of deceased persons:

- Death certificate of the personal data's owner.
- Documents that prove the legal interest of the person intending to exercise the right.
- Official ID of who requests to exercise the ARCO rights.

Legal interest will be understood as the subjective right derived from a law that allows a person to act on behalf of another person who, due to his or her situation, finds it impossible to do it on his or her own. This, in order to request the effective exercise of ARCO rights.

Those who can claim it are among others: the executor, the heirs, the legatees or any person that has been previously designated by the owner of the data to exercise the ARCO rights in his or her name, which will be accredited with a simple copy of an agreement of delegation of powers, passed before the faith of notary public or subscribed before two witnesses.

In the event that the owner is a minor, the legal interest will be accredited with a copy of the death certificate, the identifications of the minor and who exercised parental authority and / or guardianship, as well as a letter in which the petitioner states, under protest of truth, that he or she was not within any of the legal reasons of suspension or limitation of parental authority or guardianship.

In both cases, a letter must be included stating the reasons for requesting access, rectification, cancellation or opposition of the data of the deceased.

B. Deadlines and procedure for handling requests for the exercise of ARCO rights.

Once the application has been submitted and has complied with the requirements described above, the Transparency Unit will do the following:

- Within a period of 20 business days, counted from the day following the reception of the request, it must inform you whether or not the exercise of the requested right is applicable. This period may be extended by 10 business days when there are justified causes.

- If the right's exercise proceeds, the Transparency Unit will take the necessary actions to make it effective, within a period of 15 business days, counted from the day after the previous response was notified.

The exercise of ARCO rights will be simple and free, charges may only be made regarding the costs of reproduction, certification of documents or sending of information. However, it will be delivered free of charge, when it involves the delivery of no more than 20 simple sheets.

Finally, when the provisions applicable to certain processing of personal data establish a specific procedure to request the exercise of ARCO rights, you will be informed of the existence thereof, within a period not exceeding 5 days following the submission of the application, in order to decide if you exercise your rights through the specific procedure, or through the procedure described above.

C. Transparency Unit.

The unit will help and guide you at all times in the preparation of your application; as well as in your obligations. In addition, in case of having any disability, it will attend you according to your particular situation, providing the information you require to exercise your ARCO rights.

D. Nonconformity.

Finally, you should know that if you are dissatisfied with the response of this Mexican Senate to your request for ARCO rights, you may file an appeal for review before the INAI, within 15 business days following the notification of the response.

MESA DIRECTIVA

Sen. Martí Batres Guadarrama
Presidente

Sen. Mónica Fernández Balboa
Vicepresidenta

Sen. María Guadalupe Murguía Gutiérrez
Vicepresidenta

Sen. Jorge Carlos Ramírez Marín
Vicepresidente

Sen. Antares Guadalupe Vázquez Alatorre
Secretaria

Sen. Verónica Delgadillo García
Secretaria

Sen. Nancy de la Sierra Arámburo
Secretaria

Sen. María Antonia Cárdenas Mariscal
Secretaria

Sen. Verónica Noemí Camino Farjat
Secretaria

Sen. José Luis Pech Várguez
Secretario

Sen. María Guadalupe Saldaña Cisneros
Secretaria

COMITÉ DE TRANSPARENCIA

Mauricio Farah Gebara
Presidente

Luis Daniel Ávila Rojas
Integrante

Andrés Lozano Lozano
Integrante

Abelardo Martín Miranda
Integrante

Mario López García
Integrante

Marco Antonio Soto Caballero
Secretario Técnico

Senado de la República
Secretaría Técnica del Comité de Transparencia
Av. Paseo de la Reforma 135, Of. 14, PB del Hemicilco.
Col. Tabacalera, Alcaldía de Cuauhtemoc, Ciudad de México
Tel. 5345 3000 Ext. 4304
https://transparencia.senado.gob.mx/comite-transparencia