

having confirmed the progress made by the country and the political commitment to overcome the deficiencies detected in 2008.

1565834-4

**They approve the Regulations of the Decree Legislative No. 1353, Legislative Decree that creates the National Authority for Transparency and Access to Public Information, strengthens the Data Protection Regime**

**Personal and interest management regulation**

**SUPREME DECREE  
N° 019-2017-JUS**

THE PRESIDENT OF THE REPUBLIC

CONSIDERING:

That, through Legislative Decree No. 1353, the National Authority for Transparency and Access to Public Information is created, strengthening the Regime of Protection of Personal Data and the regulation of interest management;

That, the First Final Complementary Provision of said norm, establishes that the Executive Branch, through Supreme Decree and counting on the approval vote of the Council of Ministers approves the Regulations of the Decree Legislative No. 1353, within a maximum period of ninety (90) calendar days counted from the day following its publication in the Official Gazette El Peruano;

That, the Second Final Complementary Provision of Legislative Decree No. 1353 establishes that said norm comes into force the day after the publication of the Supreme Decree that approves its Regulation, as well as the modification of the Regulation of Organization and Functions of the Ministry of Justice and Rights Humans;

That, the Third Complementary Provision Modifying Legislative Decree No. 1353 establishes that violations of Law No. 29733, Personal Data Protection Law, are classified by regulation, by Supreme Decree with the approval vote of the

Minister council;

That, it is necessary to regulate the Legislative Decree No. 1353 as well as establishing infractions to the Law No. Law No. 29733, Personal Data Protection Law, in order to facilitate the operation of the aforementioned regulations and promote greater efficiency and effectiveness in the procedures in charge of the Authority and the Court that contribute to the citizen interest of promoting that the exercise of the right of access to public information, the protection of personal data and the supervision of the obligations of the Administration Entities

Public in terms of transparency Public is carried out free of charge, quickly and effectively;

In accordance with the provisions of section 8) of the article 118 of the Political Constitution of Peru;

With the approval vote of the Council of Ministers;

DECREE:

**Article 1.- Approval**

Approval of the Regulations of Legislative Decree No. 1353, Legislative Decree that creates the National Authority for Transparency and Access to Public Information, strengthens the Personal Data Protection Regime and the regulation of interest management.

**Article 2.- Dissemination**

This Supreme Decree and the Regulation approved in the preceding article will be published in the official newspaper El Peruano, on the Peruvian State Portal ([www.peru.gob.pe](http://www.peru.gob.pe)) and on the Institutional Portal of the Ministry of Justice and Human Rights. ([www.minjus.gob.pe](http://www.minjus.gob.pe)).

**Article 3.- Endorsement**

This Supreme Decree is endorsed by the Minister of Justice and Human Rights.

Given in the Government House, in Lima, at fourteen days of the month of September of the year two thousand and seventeen.

PEDRO PABLO KUCZYNSKI GODARD

Republic President

MARÍA SOLEDAD PÉREZ TELLO

Minister of Justice and Human Rights

**REGULATION OF THE LEGISLATIVE DECREE  
N° 1353 - LEGISLATIVE DECREE THAT CREATES THE  
NATIONAL AUTHORITY OF TRANSPARENCY AND  
ACCESS TO PUBLIC INFORMATION,  
STRENGTHENS THE PROTECTION REGIME OF  
PERSONAL DATA AND THE REGULATION OF THE  
INTEREST MANAGEMENT**

**CHAPTER I**

**GENERAL DISPOSITION**

**Article 1.- Object**

The purpose of this Regulation is to regulate the application of Legislative Decree No. 1353, Legislative Decree that creates the National Authority for Transparency and Access to Public Information, strengthens the Personal Data Protection Regime and the regulation of interest management.

**Article 2.- National Authority for Transparency, Access to Public Information and Protection of Personal Data**

The General Directorate of Transparency, Access to Public Information and Protection of Personal Data, is the line body in charge of exercising the National Authority of Transparency, Access to Public Information and Protection of Personal Data. It depends hierarchically on the Vice-Ministerial Office of Justice.

**Article 3.- Court of Transparency and Access to Public Information**  
The Court of Transparency

and Access to Public Information is a decision-making body of the Ministry of Justice and Human Rights that constitutes the last administrative instance in matters of transparency and the right of access to information. public information at the national level. It depends on the Ministerial Office and has autonomy in the exercise of its functions.

**CHAPTER II**

**FROM THE TRANSPARENCY AUTHORITY,  
ACCESS TO PUBLIC INFORMATION AND  
PERSONAL DATA PROTECTION**

**Article 4.- Requirements to be General Director of Transparency, Access to Public Information and Protection of Personal Data** The person who holds the position of General

Director must meet the following minimum requirements:

1. Not having criminal and judicial records.
2. Not having been sanctioned with dismissal or dismissal.
3. Not be suspended or disqualified from the exercise of public office by a final administrative decision or judicial ruling with the quality of res judicata.
4. Have 10 years of accredited professional experience.
5. Experience in management, in the public or private sector.
6. Not being in a competition situation, disqualified from contracting with the State or convicted of an intentional crime incompatible with the exercise of the function.
7. Not be a director, manager or representative of legal entities judicially declared bankrupt, or be a person declared insolvent.
8. Have practiced their profession under standards of integrity.

**Article 5.- Vacancy of the General Director of Transparency, Access to Public Information and Personal data protection**

They are causes for vacancy of the position of Director General the following:

1. Death
2. Judicial declaration of permanent disability
3. Resignation
4. Application for elected office
5. Having been convicted by a final sentence for the commission of a crime incompatible with the exercise of the function
6. Removal

**Article 6.- Duty of collaboration**

6.1 Public Administration entities, their civil servants and public officials, as well as any natural or legal person, are obliged to respond promptly and, under responsibility, to the requirements or requests for information made by the Authority or the Court, in the exercise of its functions; without prejudice to the provisions of paragraph 6 of article 4 of Legislative Decree No. 1353.

6.2. The requirements or requests made by the Authority or the Court are attended to within a maximum period of seven (7) business days and in the means requested.

6.3. The Authority is empowered to sign inter-institutional collaboration agreements with national or international public or private entities, in order to promote mechanisms that allow the exchange of information or other actions inherent to the fulfillment of its functions.

**Article 7.- Absolution of queries**

7.1 The Authority answers questions about the application and interpretation of the provisions on Transparency, Access to Public Information and Protection of Personal Data within a maximum period of fifteen (15) days.

7.2 The Authority may require additional information from the applicant to support their request, which must be processed within a maximum period of ten (10) business days. During this period, the period indicated in the previous paragraph is suspended. If the administrator does not comply with the Authority's requirement, the process concludes and the request is filed.

7.3 When answering queries, the criteria of application and interpretation of the Authority are binding for the entire Public Administration, when expressly indicated, being mandatory for those administered, for which such criteria are published on the Ministry's web portal. of Justice and Human Rights.

**Article 8.- Supervision Procedure for the standards of Transparency and Access to Public Information**

8.1. The results of the supervision activity are disseminated by the Authority periodically, which should make it possible to establish proposals for the adoption of public policies in the matters within its jurisdiction.

8.2 The Authority carries out training, technical assistance and monitoring actions for the proper implementation of the Standard Transparency Portals as well as to guarantee the right of access to public information in Public Administration Entities.

**Article 9.- On the classification and declassification of information**

9.1 The Authority calls on the sectors that have information subject to the exceptions established in articles 15, 16 and 17 of the Single Ordered Text of Law No. 27806, Law of Transparency and Access to Public Information, for the preparation of the guidelines to those who

refers to article 5 of Legislative Decree No. 1353, in accordance with the schedule that for these purposes is approved by Ministerial Resolution.

9.2 The specific guidelines for the classification and declassification of information that is considered confidential, secret or reserved are prepared by the sectors, jointly with the Authority. For the approval of the guidelines, in accordance with the provisions of article 5 of Legislative Decree No. 1353, a prior report from the Authority is required.

9.3 The Authority prepares standard guidelines to be approved by Regional and Local Governments, in accordance with its internal regulations.

**CHAPTER III**

**ABOUT THE COURT OF TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION**

**Article 10.- Court of Transparency and Access to Public Information**

10.1. The Court is the last administrative instance in matters of transparency and the right to access to public information at the national level. What is resolved by the Court is mandatory and constitutes binding precedent in matters of transparency and access to public information, provided that this circumstance is indicated in the same resolution, in which case it must be published in accordance with the Law.

10.2. In addition to the functions indicated in article 7 of Legislative Decree No. 1353, the Court has the following functions:

- 1) Propose improvements to the regulations regarding transparency and access to public information.
- 2) Formulate your Internal Regulations for approval of the Ministry of Justice and Human Rights.
- 3) Resolve, as a final administrative instance, the appeals filed by the legal entities referred to in article 9 of the Single Ordered Text of Law No. 27806 sanctioned for non-compliance with this legal device.

**Article 11.- Of the Commission for the selection of members**

11.1 By Ministerial Resolution of the Ministry of Justice and Human Rights, the Selection Commission is formed and the bases of the Public Competition for the appointment of regular and alternate members of the Court of Transparency and Access to Public Information are approved. The Court is made up of no less than one (1) woman or one (1) man, for holders and substitutes.

11.2 The Selection Commission is made up of three (3) members, who carry out the assignment ad honorem:

1. One (1) representative of the Ministry of Justice and Human Rights, who presides;
2. One (1) member proposed by the High Level Anti-Corruption Commission who must come from civil society; and,
3. One (1) representative of the National Civil Service Authority – SERVIR

11.3 The Selection Commission invites representatives of civil society organizations specialized in transparency and access to public information; as well as the Ombudsman's Office; the Comptroller General of the Republic so that they can participate as observers.

11.4 The Selection Commission is installed within two (02) business days following the date of publication of the Ministerial Resolution that forms it and calls the Public Tender within three (03) business days following the date on which it has place its installation.

11.5 The Selection Commission has a Technical Secretary, appointed by the Minister of Justice and Human Rights. The Technical Secretariat provides the technical and administrative support necessary to carry out the public tender.

11.6 The acts of the Selection Commission have the quality of acts of internal administration in accordance with the provisions of article 1, paragraph 1.2, paragraph 1.2.1 of the Sole Text of Law No. 27444, Law of General Administrative Procedure approved by Supreme Decree No. 006.-2017-JUS, therefore it is not appropriate to file any administrative appeal against them.

**Article 12.- Stages and general rules of the public competition** The Public Competition for

the appointment of regular and alternate members of the Court has the following stages:

1. Convocation

a) The Selection Commission makes the call for the Public Tender, through a notice to be published, one time only, in the Official Gazette El Peruano and in any other newspaper of national circulation. On the same date, the call is disseminated through the electronic portal of the Ministry of Justice and Human Rights.

b) The call notice contains the general requirements to apply, the closing date of the application stage and the place where the curriculum vitae and the required documentation must be sent. c) The deadline to apply is ten (10) business days counted from the day following the date of publication of the call notice, in accordance with the provisions of the process bases. Once this period has expired, the application stage for the Public Tender closes.

d) At the end of the deadline for submitting applications and in order to determine the list of suitable applicants, the Selection Commission verifies that the applicants meet the required requirements and are not immersed in causes of incompatibility. Once the verification is completed, the Selection Commission publishes the list of suitable applicants on the institutional portal of the Ministry of Justice and Human Rights.

e) If the existence of any incompatibility or non-compliance with some of the requirements established in Article 12 of Legislative Decree No. 1353 is subsequently verified by a suitable applicant, the Selection Commission declares him or her ineligible at any stage of the public competition. withdrawing your application.

2. Evaluation

a) The evaluation stage has three phases: knowledge test, curricular evaluation and personal interview. These phases are eliminatory, with those applicants who have obtained the highest qualifications in the previous phase moving on to the next phase. The criteria for the distribution and assignment of scores are established in the Public Tender Rules.

b) The knowledge test is carried out with applicants who have submitted their application within the established deadline. This evaluation is carried out within a maximum period of five (05) business days, counting from the day after the last day to submit the application. c) The purpose of the Curricular Evaluation is to evaluate compliance with the requirements established in

article 12 of Legislative Decree No. 1353, as well as the supporting documentation, in accordance with the contest rules, presented by each of the applicants declared as suitable for the knowledge test.

This evaluation is carried out within a maximum period of ten (10) business days, counting from the day after the publication of suitable applicants.

d) The bases of the process establish the assignment of scores taking into account the professional, academic qualification and accredited experience. Only the ten (10) applicants with the highest weighted qualification, between the knowledge evaluation and the curricular evaluation, move on to the personal interview phase, considering the composition rules of the Court established in the first paragraph of article 11 of Legislative Decree No. 1353. e) Once the curricular evaluation is completed, the selection commission publishes for two (02) business days in the

electronic portal of the Ministry of Justice and Human Rights, the list of the ten (10) applicants mentioned in the previous paragraph, in alphabetical order, indicating the full name of the applicant and their National Identity Document number.

f) Within the period indicated in the previous section, suitable applicants are evaluated through a psychological examination, the results of which serve as input for the selection commission in the personal interview stage.

g) The selection committee summons the applicants for a personal interview. The interviews are carried out within a period of no more than three (03) business days, counted from the day after the deadline established in section e). h) Once the personal interview stage is completed, the selection

commission publishes for two (02) business days on the institutional portal of the Ministry of Justice and Human Rights, the list of the six (06) applicants who achieved the best scores, in order. alphabetically, indicating the full name of the applicant and their National Identity Document number.

i) If the objection made against one of the applicants indicated in subsection h) of section 2 of this article is appropriate, the immediate next applicant is designated, according to the score obtained, provided that he or she meets the minimum required. To do this, the composition rules of the Court established in article 11 of Legislative Decree No. 1353 are considered.

3. Selection

a) Once the evaluation stage is completed, the selection commission informs the Minister of Justice and Human Rights of the list of selected applicants. Communication must be made within a maximum period of two (02) business days from the date of conclusion of the personal interview stage.

Once the list of selected applicants has been delivered, the work of the Selection Commission concludes without the need for an express declaration.

b) By Ministerial Resolution, the three (3) regular members and three (3) substitute members of the Court of Transparency and Access to Public Information are appointed.

**Article 13.- Performance of the position and remuneration**

13.1 The members of the Court receive per diems for the performance of their position, with a maximum of four (4) paid sessions per month, even when additional sessions are held.

13.2 The amount of the diet is set in accordance with current regulations.

**Article 14.- Causes for abstention**

The members of the Court refrain from participating in procedures in which they identify that they are in any of the causes provided for in article 97 of the Sole Text of Law No. 27444, Law of General Administrative Procedure, approved by Supreme Decree No. 006-2017-JUS, following the rules provided therein.

**Article 15.- Recusal** The members

of the Court may be challenged by the parties.

The challenge is formulated before the Court and is based on any of the causes of abstention.

In the same document, the means of proof are offered, except for the statement of the challenged, which is inadmissible.

When the challenged member, with reason, accepts the origin of the cause, he excuses himself from continuing to intervene. In the same act, he orders that the file be sent to the substitute member who will replace him.

If he does not accept the challenge, he prepares a reasoned report and sends it to the Minister of Justice and Human Rights for a resolution. The recusal process does not suspend the procedure, but the challenged member must refrain from carrying out any act that puts an end to the procedure.

The decision on the recusal is unchallengeable.

**Article 16.- Substitutions**

The call for Public Competition includes the selection of substitute members. The substitute member replaces the titular member in cases of abstention, recusal or justified absence, when required.

The amount and number of per diems received for participation in Court sessions is subject to the regulations on the matter.

**TRANSITIONAL FINAL PROVISIONS**

**First.- Selection process of the General Director of Transparency, Access to Public Information and Protection of Personal Data** Until the Ministry of Justice and Human Rights completes its incorporation into the regime of Law No.

30057, Civil Service Law, the selection process of the General Director of Transparency, Access to Public Information and Protection of Personal Data is subject to a competition carried out by an evaluation commission, in accordance with the guidelines that for such effect are approved by Ministerial Resolution, which must be issued within a period of no more than fifteen (15) business days from the entry into force of this Regulation. The Ministry of Justice and Human Rights carries out the necessary actions for the formation, installation and operation of this commission.

The appointment of the General Director of Transparency and Access to Public Information is carried out by Ministerial Resolution, for a period of four (4) years, who exercises functions until the appointment of the replacement.

**Second.- Evaluation Commission of the General Director of Transparency, Access to Public Information and Protection of Personal Data**

The selection of the General Director of Transparency, Access to Public Information and Protection of Personal Data referred to in the First Transitory Final Provision is carried out by an evaluation commission made up of:

1. The Vice Minister of Justice.
2. The Vice Minister of Human Rights and Access to Justice.
3. The General Secretary.

The evaluation commission has a Secretariat Technical, in charge of the Human Resources Office.

**COMPLEMENTARY PROVISIONS  
AMENDMENTS****First.- Incorporate articles 15-A, 15-B, and 16-A to Title III of the Regulations of the Law of Transparency and Access to Public Information, approved by Supreme Decree No. 072-2003-PCM**

Incorporate articles 15-A, 15-B and 16-A into the Title III, relating to the Procedure for access to information, of the Regulation of the Law of Transparency and Access to Information Public Information, approved by Supreme Decree No. 072-2003-PCM, in the following terms:

**"Article 15-A.- Processing of requests for information**

15-A.1 In accordance with subsection a) of article 11 of the Law, the entities' departments forward the requests for information they receive to the official in charge within the same day of their presentation, plus the term of the distance, for territorially deconcentrated agencies.

15-A.2 In accordance with the second paragraph of subsection b) of article 11 of the Law, the entity that is not competent forwards the request to the obligated entity or to the one that possesses the information within a maximum period of two (2) business days, plus the distance term. Within the same period, the prosecution is notified to the applicant, which may be in writing or by any other electronic or telephone means, as long as it is left

proof of said act. In this case, the period to respond to the request is computed from receipt by the competent entity.

15-A.3 Failure to comply with the obligation to prosecute within the established deadlines entails administrative liability, and the obligated official must take into consideration the deadline for delivery of the requested information, in accordance with subsection b) of article 11 of the Law.

15-A.4 Officials and entities use electronic means to process requests, in those geographical areas where they have access to the necessary technological means.

**Article 15-B.- Lack of logistical, operational and personnel capacity**

15-B.1 For the purposes of the provisions of subsection g) of article 11 of the Law, the following criteria are taken into consideration:

1. A lack of logistical capacity constitutes the lack or insufficiency of the means required to reproduce the requested information.
2. A lack of operational capacity constitutes the lack of means for sending the requested information, such as correspondence service, computer support, internet line, among others that are used for this purpose.

3. The cause of lack of human resources applies when the request for access to public information must be attended to by an entity or body that does not have sufficient personnel for immediate attention or within the deadline, considering the volume of the information requested, without substantially affecting the continuity of the public service or function of its jurisdiction.

16-B.2 The indicated conditions must be included in any management instrument or internal administration act dated prior to the request, which accredits the administrative efforts initiated to address the deficiency.

15-B.3 The indicated conditions do not limit the applicant's right to directly access the required documentation or information.

15-B.4 Logistical or operational limitations may constitute violations of the right of access to public information if they extend for a period that, in the opinion of the Court or the Authority, is unreasonable.

**Article 16-A.- Denial of access and processing of pre-existing data**

The information contained in emails or electronic messaging applications of public officials is not publicly accessible.

Likewise, in accordance with article 13 of the Law, the processing of pre-existing data operates with respect to information contained in an electronic database, or when the entity has the obligation to manage the information in an electronic database, safeguarding the exceptions provided for in Articles 15, 16 and 17 of the Single Ordered Text of Law No. 27806, Law of Transparency and Access to Public Information.

This processing consists of the presentation of the information under any form of classification, grouping or similar that allows its use."

**Second.- Incorporate Title VII into the Regulations of the Law on Transparency and Access to Public Information, approved by Supreme Decree No. 072-2003-PCM, on the sanctioning procedure in the following terms:****"TITLE VII SANCTIONING PROCEDURE****CHAPTER I****OF THE GENERAL PROVISIONS**

**Article 28.- Prescription** The prescription rules are governed in accordance with the provisions of Law No. 30057, Civil Service Law, and its General Regulations.

**Article 29.- Graduation of the sanction**

For the imposition of a sanction for violation of the regulations of transparency and access to public information, the criteria established in the principle of reasonableness provided in paragraph 3 of article 246 of the Single Text of Law No. 27444, Law of General Administrative Procedure, approved by Supreme Decree No. 006-2017-JUS, and what is stated in article 87 of Law No. 30057, Civil Service Law, as applicable.

**Article 30.- Principles of the sanctioning procedure**

The sanctioning procedure regarding transparency and access to public information is governed by the principles of sanctioning power described in Law No. 30057, Civil Service Law and its General Regulations.

**Article 31.- Procedure**

Conduct that violates the rules of transparency and access to public information is processed in a file different from that corresponding to other disciplinary offenses, even if it involves the same offender.

Administrative acts that impose a sanction for violation of the rules on transparency and access to public information may be the subject of an administrative appeal before the Court.

The deadline for filing the challenge is fifteen (15) business days, and must be resolved within thirty (30) business days. The administrative act that resolves the appeal exhausts the avenue

administrative.

The filing of the challenging means does not suspend the execution of the contested act.

The appeal is filed when the challenge is based on a different interpretation of the evidence produced, it involves questions of pure law or there is new instrumental evidence. It is addressed to the same authority that issued the act that is being challenged so that it can elevate the action to the hierarchical superior.

The appeal is without suspensive effect.

If the sanction imposed by the entity is dismissal or disqualification, the Court sends the appeal to the Civil Service Court, so that it may resolve the appeal in accordance with its jurisdiction, accompanying the report referred to in the second paragraph of article 8. of Legislative Decree No. 1353.

**CHAPTER II****SANCTIONS IMPOSED ON THE ENTITIES  
PUBLIC****Article 32.- Very serious infractions**

The following constitute very serious infractions:

1. Subtract, destroy, lose, alter and/or mutilate, totally or partially, information held by the State or requests for access to public information.
2. Issue directives, guidelines and other internal administration provisions or orders that contravene the legal regime of transparency and access to public information, including those issued by the Authority in the exercise of its functions; or, that have the effect of non-compliance with the obligations contained in said regime.
3. Prevent or hinder officials responsible for transparency and access to public information from fulfilling their obligations in these matters.
4. Sanction or adopt reprisals of any kind against officials responsible for transparency and access to public information, for complying with their obligations.
5. Refusing to comply with what is ordered by the Authority in the exercise of its functions.
6. Deny requests for access to information without expressing motivation, with apparent motivation or departing from binding precedents, and binding jurisprudential doctrine of the Constitutional Court;

as well as binding precedents and binding advisory opinions.

**Article 33.- Serious infractions**

The following behaviors constitute serious infractions:

1. Refuse to receive requests for access to information.
2. Prevent or hinder the exercise of functions of the Authority.
3. Unjustifiably fail to comply with legal deadlines to respond to requests for information.
4. Unreasonably extend the deadline for processing information in the cases referred to in subsection g) of article 11 of the Law.
5. Respond to requests for information by delivering outdated, incomplete and inaccurate information.
6. Not updating the information contained in the transparency portals for agreements within the deadlines established by current regulations; or update it in an incomplete, inaccurate or unintelligible manner.
7. Not incorporating the procedure for access to public information in the Single Text of Administrative Procedures (TUPA) of the entity.
8. Failure to adopt measures to designate the official responsible for providing requested information and/or for developing and updating the institutional Internet portal.
9. Demand different or additional requirements than those contemplated by law to respond to requests for information.
10. Approve or make additional charges that are not related to the cost of reproducing the information.
11. Not responding to requests for access to public information.
12. Unjustifiably prevent direct access to the requested information.
13. Deny information by improperly attributing it to it as classified as secret, reserved or confidential.
14. Classify as secret, reserved or confidential information, violating the provisions of the Law and the classification guidelines established in accordance with article 5 of Legislative Decree No. 1353.
15. Failure to comply with the obligation to collaborate with the Authority.
16. Failure to send, within the established period, the information requested by the Authority.
17. Unjustifiably fail to comply with the deadlines and actions established in article 13 of this Regulation.

**Article 34.- Minor infractions.**

The following behaviors constitute minor infractions:

1. Failure to process requests for access to public information referred to in paragraph a) of article 11 of the Law.
2. Lack of communication of the use of the term referred to in subsection g) of article 11 of the law.
3. Failure to comply with the obligation to preserve the information held by the Public Entity, in accordance with the provisions of article 21 of the Law and its Regulations.

**Article 35.- Of the sanctioning procedure**

35.1 The sanctioning procedure is the responsibility of each entity. The phases of the procedure and the authorities in charge of it are those established in the General Regulations of Law No. 30057, Civil Service Law, approved by Supreme Decree No. 040-2014-PCM.

35.2 The procedure is initiated ex officio by the investigating authority, which originates from its own initiative or as a consequence of a superior order, reasoned request from other bodies or due to a complaint from a citizen.

**Article 36.- Sanctions against civil servants**

In case of violation of the rules of the Law or of this Regulation, the entity applies the following sanctions to civil servants, in accordance with article 29 on the graduation of the sanction:

1. Minor infractions are punished with a written reprimand or an unpaid suspension of between ten (10) and thirty (30) days.
2. Serious infractions are punished with an unpaid suspension of between thirty-one (31) days and one hundred twenty (120) days.
3. Very serious infractions are punished with suspension without pay of between one hundred twenty-one (121) days and one hundred eighty (180) days, or dismissal and disqualification for up to 2 years.

In the event of a repeat offense in the commission of two (02) minor infractions, in the same year, the third minor infraction is punished as a serious infraction.

In the event of a repeat offense in the commission of two (02) serious infractions, in the same year, the third serious infraction is punished as a very serious infraction.

**Article 37.- Sanction to former civil servants** Disassociation from the entity in which the offending servant or official provided services does not prevent the imposition of the sanction against him.

In case of violation of the rules of the Law or of these Regulations, the Entity applies the following sanctions to former civil servants, in accordance with article 29 on the graduation of the sanction:

1. Minor infractions are punished with a written reprimand or a fine of up to one (1) tax unit (UIT).
2. Serious infractions are punishable with a fine of no less than one (1) tax tax unit (UIT) up to five (5) tax tax units (UIT).
3. Very serious infractions are punished with a fine of no less than three (3) tax units (UIT) up to five (5) tax units (UIT) plus disqualification for up to 2 years.

**Chapter III****Sanctioning procedure for legal entities****Article 38.- Sanctioning procedure for legal entities**

In accordance with paragraph 35.2 of article 35 of the Law, legal entities are subject to a fine.

The sanctioning procedure includes the instructional and sanctioning phases. The instruction phase is in charge of the line body of the Authority that establishes the Regulations of Organization and Functions of the Ministry of Justice and Human Rights. The sanctioning phase is in charge of the Authority.

The deadlines and structure of the procedure comply with what is established by article 35 of this Regulation.

**Article 39.- Very serious infractions** The following constitute very serious infractions:

1. Subtract, destroy, misplace, alter and/or mutilate, totally or partially, requests for access to information that are required to be delivered in accordance with article 9 of the Law, and that are not published.
2. Issue regulations, directives, instructions or orders that contravene the legal regime of access to information or that have the effect of non-compliance with the obligations contained in said regime to which it is obliged.
3. Sanction or adopt retaliation of any kind against employees responsible for access to public information, for complying with their obligations.
4. Refuse or omit to comply with what is ordered by the Authority and the Court in the exercise of their functions.

5. Deny requests for access to information without express motivation or with apparent motivation.

**Article 40.- Serious infractions**

They constitute serious infractions:

1. Refuse to receive requests for access to the information.
2. Prevent or hinder the exercise of functions of the Authority.
3. Unjustifiably fail to comply with legal deadlines to respond to requests for information.
4. Respond to requests for information by delivering outdated, incomplete and inaccurate information.
5. Demand different or additional requirements than those contemplated by Law to respond to requests for information.
6. Approve or make additional charges that are unrelated to the cost of reproducing the information, if applicable.
7. Not responding to requests for access to public information.
8. Deny information by improperly attributing it to it as classified as secret, reserved or confidential.
9. Failure to send, within the established period, the information requested by the Authority.

**Article 41.- Minor infractions.**

The following conduct constitutes a minor infraction:

1. Failure to comply with other obligations derived from the legal regime of transparency and access to public information, which are not sanctioned as serious or very serious infractions.

**Article 42. Administrative sanctions**

In case of violation of the rules of the Law or this Regulation, the Authority applies the following fines:

1. Minor infractions are sanctioned with up to one (1) tax unit (UIT).
2. Serious infractions are punishable with a fine of no less than one (1) tax unit (UIT) and up to three (3) tax units (UIT).
3. Very serious infractions are punished with a fine of no less than three (3) tax units (UIT) and up to five (5) tax units (UIT)."

**Third.- Incorporation of Chapter IV of Violations to Title VI of Violations and Sanctions to the Regulation of Law No. 29733, Personal Data Protection Law**

Chapter IV of Infringements of Title VI is incorporated into the Regulation of Law No. 29733, Personal Data Protection Law, approved by Supreme Decree No. 003-2013-JUS, in the following terms:

**TITLE VI INFRACTIONS AND SANCTIONS****CHAPTER IV****INFRINGEMENTS****Article 132.- Violations**

Violations of Law No. 29733, Personal Data Protection Law, or its Regulations are classified as minor, serious and very serious and are punishable with a fine in accordance with article 39 of the aforementioned Law.

**1. They are minor infractions**

- a) Process personal data in breach of the security measures established in the regulations on the matter. b) Collect personal data that is not necessary, relevant or appropriate in relation to the specific, explicit and lawful purposes for which it needs to be obtained.

c) Not modify or rectify the personal data being processed when it is known to be inaccurate or incomplete.

d) Do not delete the personal data being processed when they are no longer necessary, relevant or appropriate for the purpose for which they were collected or when the period for their processing has expired. In these cases, the infringement is not established when the anonymization or dissociation procedure is carried out. e) Failure to register or update in the National Registry the acts established in article 34 of the Law.

f) Process personal data in violation of the provisions of the Law and its Regulations.

### 2. These are serious infractions:

a) Not addressing, preventing or hindering the exercise of the rights of the owner of personal data in accordance with the provisions of Title III of Law No. 29733 and its Regulations.

b) Process personal data without the free, express, unequivocal, prior and informed consent of the owner, when it is necessary in accordance with the provisions of Law No. 29733 and its Regulations. c) Process sensitive personal data in breach of the security measures established in the

regulations on the matter.

d) Collect sensitive personal data that is not necessary, relevant or appropriate in relation to the specific, explicit and lawful purposes for which it needs to be obtained.

e) Use lawfully obtained personal data for purposes other than those for which it was collected, unless anonymization or dissociation procedure is involved.

f) Obstruct the exercise of the supervisory function of the Authority.

g) Breach the obligation of confidentiality established in article 17 of Law No. 29733.

h) Not registering or updating in the National Registry the acts established in article 34 of Law No. 29733, despite having been required to do so by the Authority within the framework of a sanctioning procedure.

### 3. They are very serious infractions:

a) Process personal data in violation of the obligations contained in Law No. 29733 and its Regulations, when this prevents or attacks the exercise of other fundamental rights.

b) Collect personal data through fraudulent, unfair or illicit means.

c) Provide false documents or information to the Authority.

d) Not cease the improper processing of personal data when there is a prior request from the Authority as a result of a sanctioning procedure or a trilateral protection procedure.

e) Failure to comply with the corrective measures established by the Authority as a result of a trilateral protection procedure.

**Article 133.- Graduation in case of recidivism** In case of recidivism in the commission of two (02) minor infractions, in the same year, the third minor infraction is sanctioned as a serious infraction.

In the event of a repeat offense in the commission of two (02) serious infractions, in the same year, the third serious infraction is punished as a very serious infraction.

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## They cancel due to resignation, the title of Lima Notary

MINISTERIAL RESOLUTION  
Nº 0228-2017-JUS

Lima, September 12, 2017

SEEN, Report No. 182-2017-JUS/CN/ST, of the Technical Secretary of the Council of Notaries, the Office No. 1072-2017-JUS/CN/P, of the Presidency of the Council of Notaries and Report No. 997-2017-JUS/OGAJ, of the General Office of Legal Counsel;

### CONSIDERING:

That, by letter dated June 16, 2017, Mr. JAIME ALEJANDRO MURGUÍA CAVERO presents to the College of Notaries of Lima, his resignation as Notary of Lima, requesting it be made effective on July 27, 2017;

That, in accordance with Resolution No. 032-2017-CNL/JD, dated June 26, 2017, of the College of Notaries of Lima, the resignation formulated by the Notary of Lima JAIME ALEJANDRO MURGUÍA CAVERO is accepted, effective as of July 27, 2017;

That, through Official Letters No. 977-2017-CNL/D and 1167-2017-CNL/D dated June 26, 2017 and August 4, 2017, respectively, the College of Notaries of Lima sent to the Presidency of the Council of Notaries the necessary documents to carry out the procedure corresponding to the cessation and cancellation of title of the aforementioned notary, among which is the legalized resignation letter and the Closing Certificate of the Notarial Registries;

That, with Official Letter No. 1072-2017-JUS/CN/P, received on August 22, 2017, the Presidency of the Council of the Notariat sent Report No. 182-2017-JUS/CN/ST, from the Technical Secretariat of the Council of Notaries, which reports on the limited resignation and its acceptance by the College of Notaries of Lima, for which it proposes the cancellation of the title of the aforementioned notary;

That, in accordance with the provisions of literal b) of article 21 of Legislative Decree No. 1049, modified by Legislative Decree No. 1232, Legislative Decree that modifies various articles and Transitory and Final Complementary Provisions of Legislative Decree No. 1049, Legislative Decree of the Notaries; The notary ceases due to resignation, so having said cause, it is necessary to issue the Ministerial Resolution canceling the notary title;

That, numeral 17.1 of article 17 of the Single Ordered Text of Law No. 27444, Law of General Administrative Procedure, approved by Supreme Decree No.

006-2017-JUS, establishes that the authority may provide in the same administrative act, that it is effective prior to its issuance, only if it is more favorable to those administered and provided that it does not harm fundamental rights or good faith interests legally protected by third parties. and that the alleged fact justifying its adoption existed on the date to which the effectiveness of the act is intended to be retroactive;

In accordance with the provisions of the Single Ordered Text of Law No. 27444, Law of General Administrative Procedure, approved by Supreme Decree No. 006-2017-JUS; Legislative Decree No. 1049, Legislative Decree of the Notaries, modified by Legislative Decree No. 1232, Legislative Decree that modifies various articles and Transitory and Final Complementary Provisions of Legislative Decree No. 1049, Legislative Decree of the Notaries; Law No. 29809, Law of Organization and Functions of the Ministry of Justice and Human Rights; and Supreme Decree No. 013-2017-

JUS, which approves the Regulation of Organization and Functions of the Ministry of Justice and Human Rights;

### IT IS RESOLVED:

**Article 1.-** Cancel, due to resignation, the title of Notary of Lima granted to Mr. JAIME ALEJANDRO MURGUÍA CAVERO, effective as of July 27, 2017.

**Article 2.-** Send a copy of this Resolution to the Council of Notaries, the College of Notaries of Lima and the interested party, for the corresponding purposes.

Register, communicate and publish.

MARÍA SOLEDAD PÉREZ TELLO  
Minister of Justice and Human Rights

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