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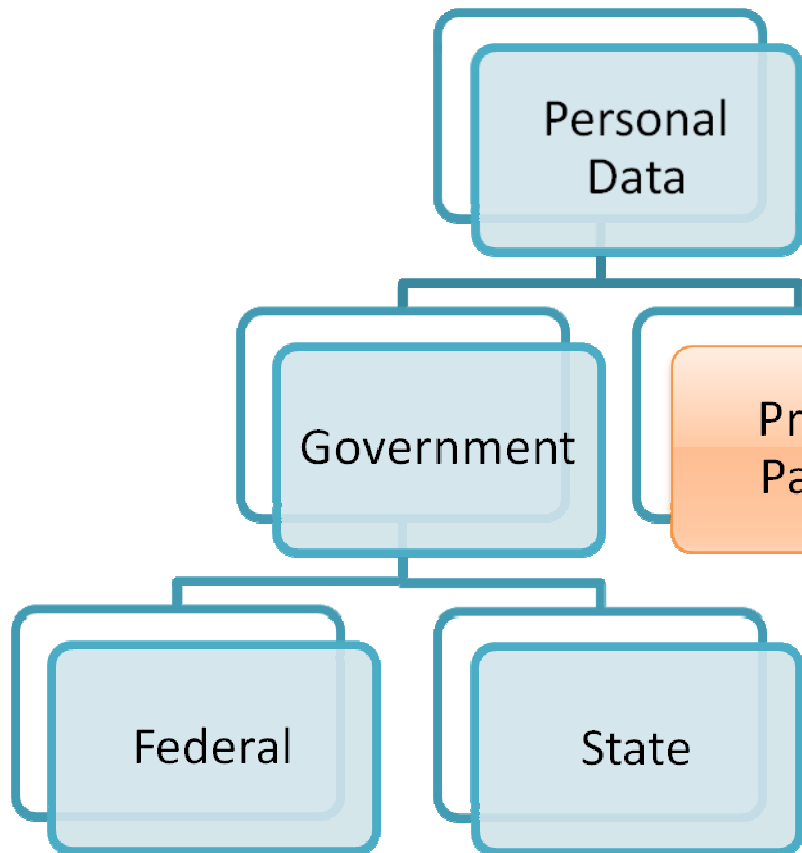
Privacy Notice and Binding Self-regulation

Regulation of the Mexican Federal Law for the
Protection of Personal Data held by Private Parties



Federal Law on Protection of Personal Data Held by Private Parties

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Law published on July 2010; Regulation to be published by July 2011

Objective: Regulate legitimate, controlled and informed processing of personal information, to ensure privacy and the right to self-determination of individuals.



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IFAI

- Enforce rights
- Dispute resolutions
- Verifications
- Sanctions

Ministry of the Economy

- Ease commercial exchange
- Guidelines for binding self-regulation
- Guidelines for privacy notices

Other Ministries

- Sectoral approaches (secondary regulations)

Collaboration between authorities



Premises agreed between SE and IFAI for the content of Regulations

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1. **Assessment** – We recognize that at this time there is a low culture for protecting personal data in both individuals and companies.
2. **Requirements** - We support not to establish any requirements or limitations than those already provided by Law.
3. **Self-regulation** - We encourage self-regulation to avoid unnecessary bureaucracy and to develop a culture with the approach of industry.
4. **Coordination**- We led a joint development work under the terms of the powers established by Law.

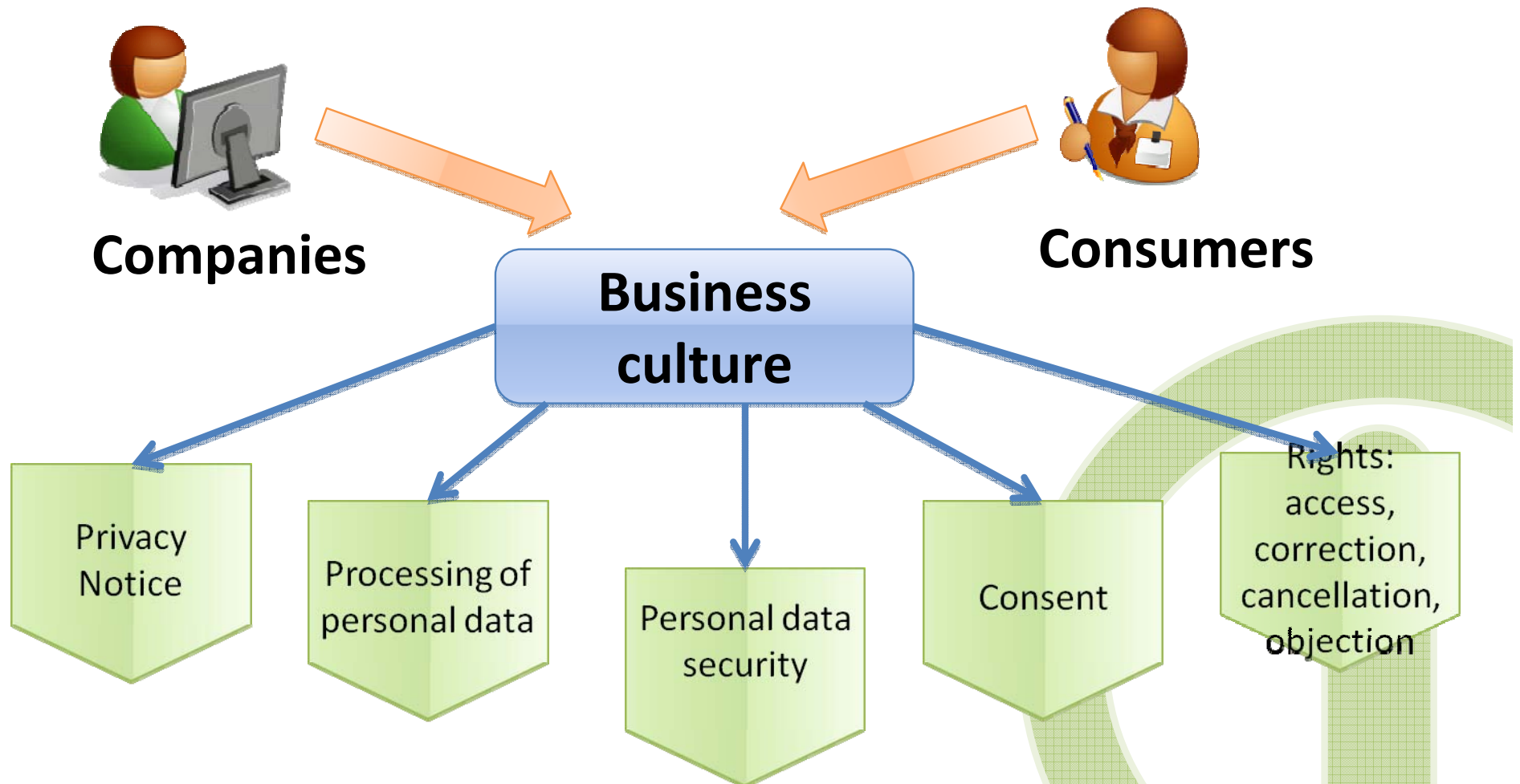




Business Culture regarding Personal Data Protection

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One of the main challenges faced by **businesses** and **consumers** in our country is the lack of culture Protecting Personal Data.

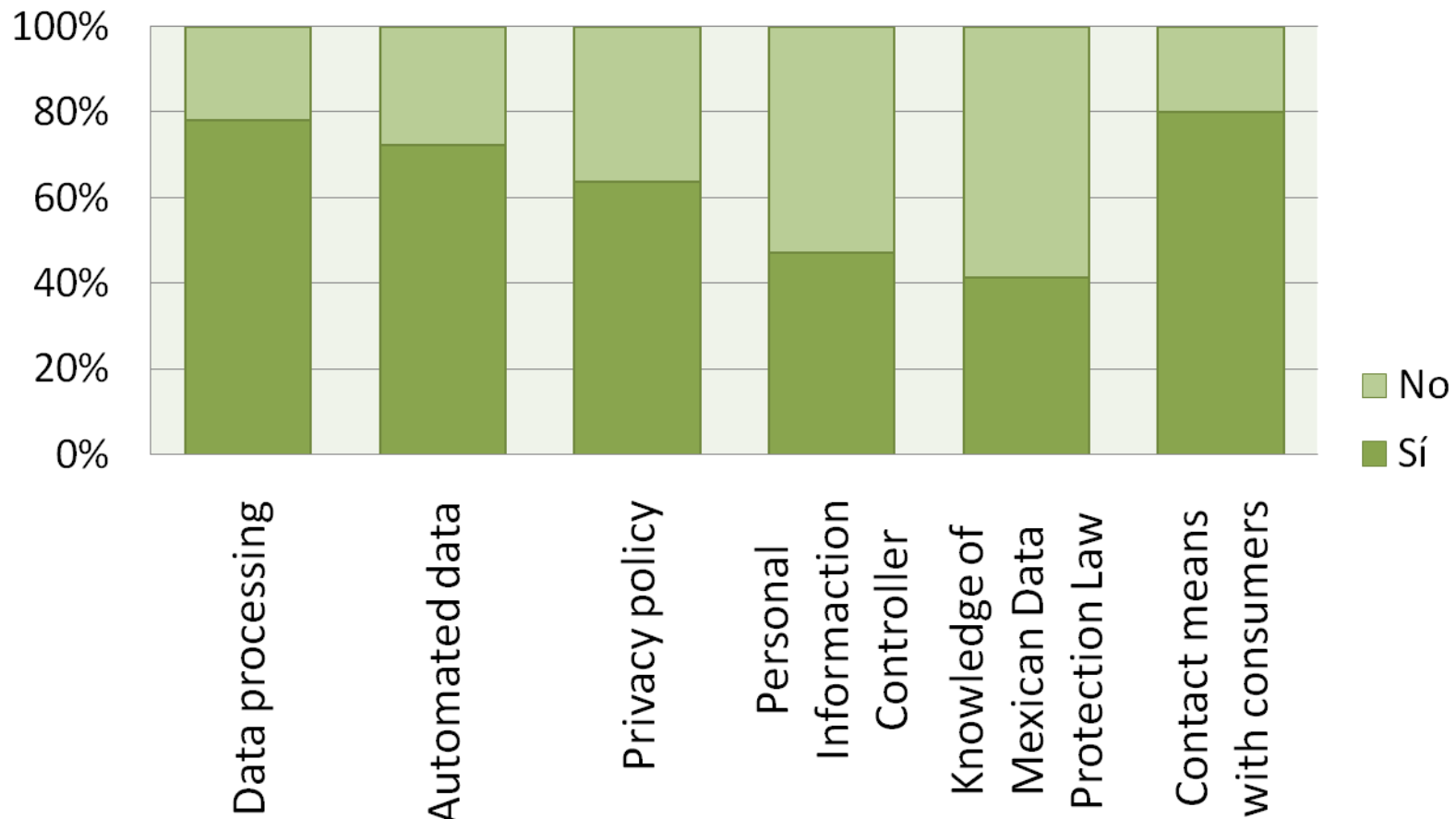




Business culture regarding Personal Data Protection

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Privacy culture in companies, survey results.

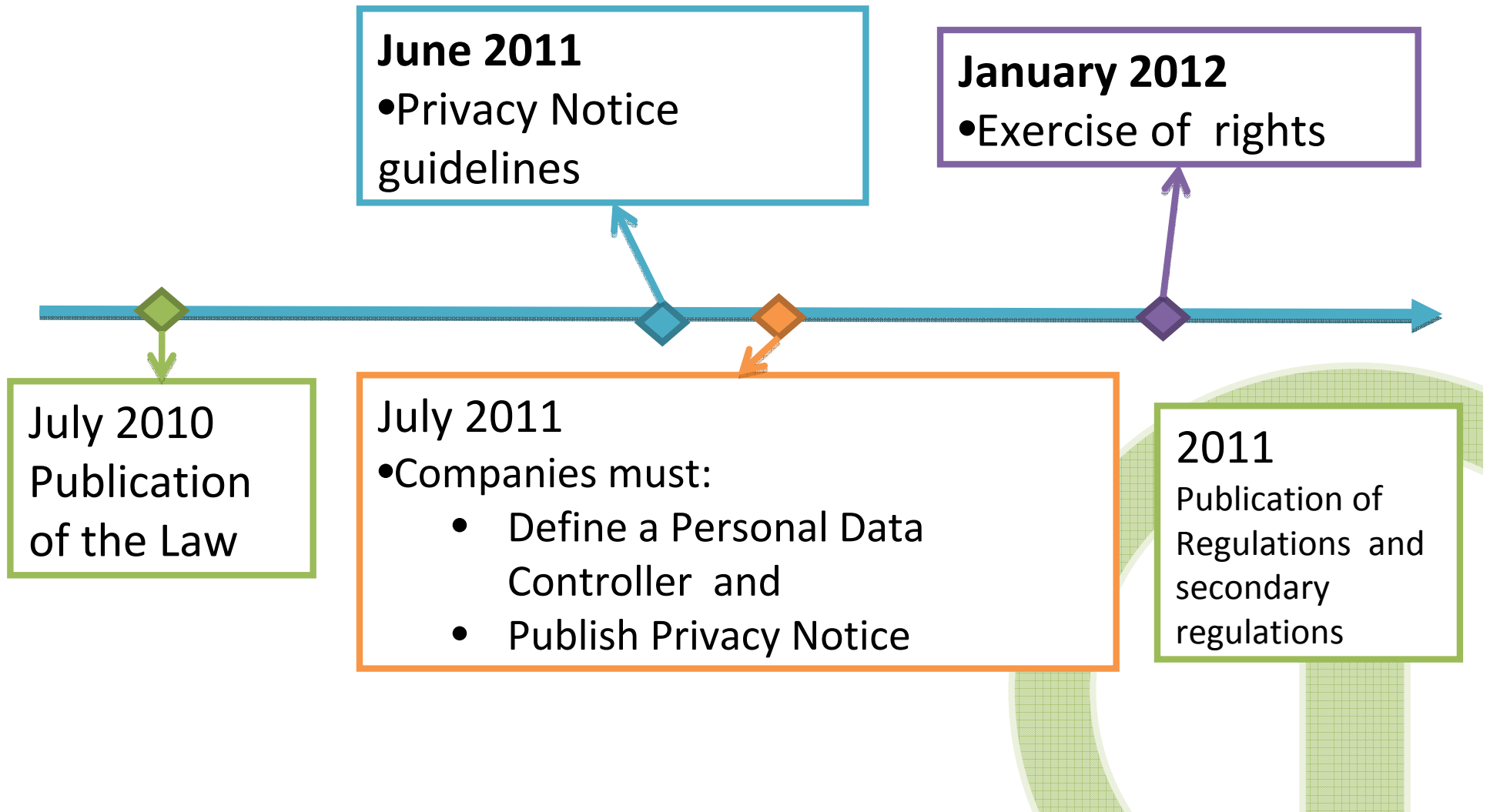


Source: Ministry of Economy Survey. February 2011. Participation of 155 SMEs



Timeline

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Privacy notice





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Ministry Responsibilities

In the field of Law FPDPPP the Ministry has, among others, the following powers:

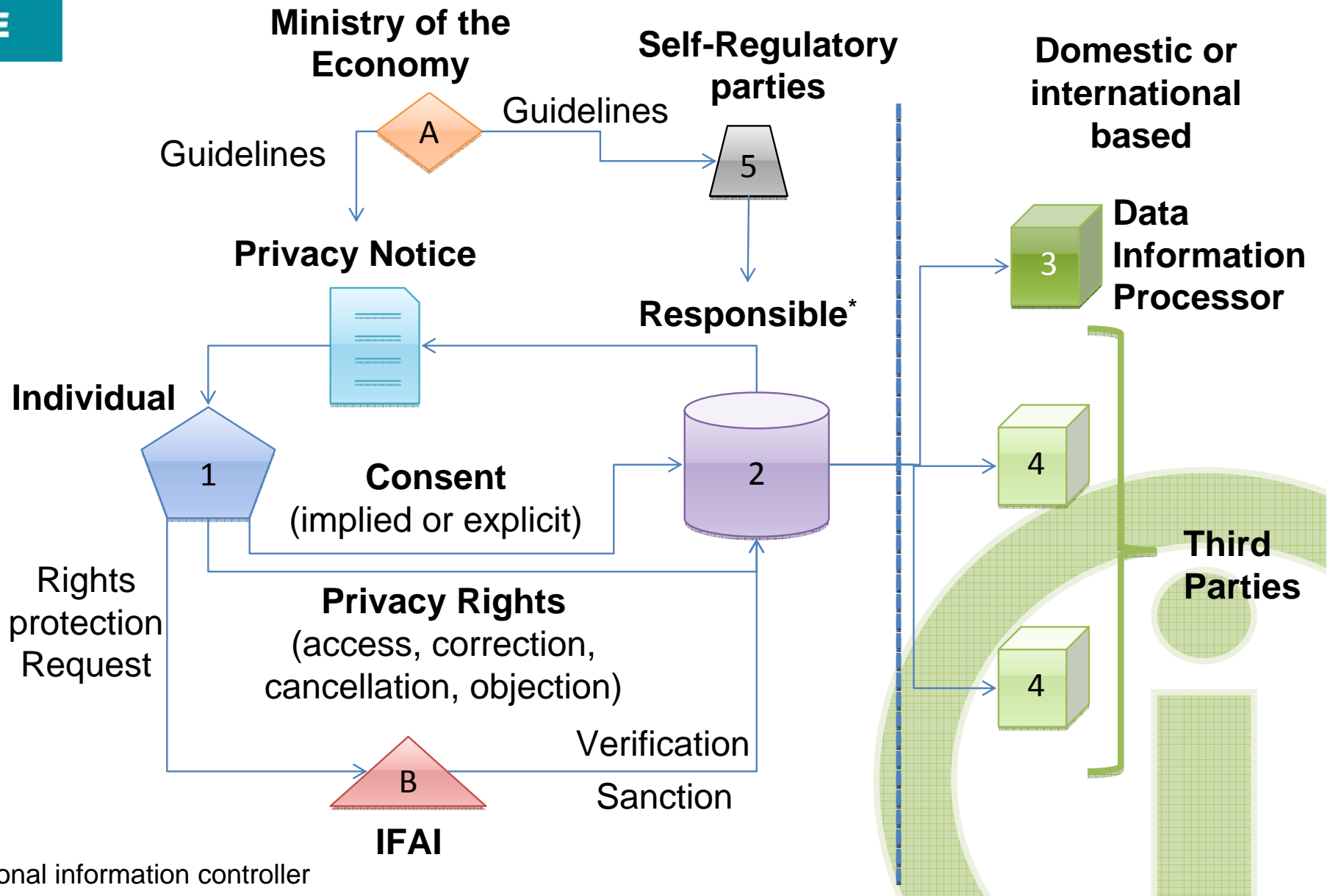
- To issue the appropriate **guidelines** for the content and scope of the **privacy notices** in collaboration with IFAI.
- To establish the necessary **parameters** for the proper development of the self-regulatory mechanisms and measures in collaboration with IFAI.





Consent and Accountability

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Privacy Notice Definition by law

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Document in physical, electronic or any other format, **generated by the data controller**, that is made available to the data owner **prior** to the **processing** of his/her personal data.

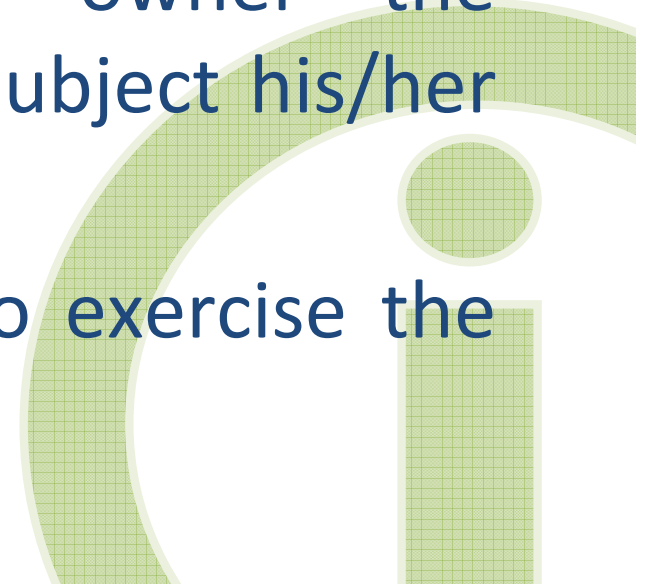




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Purposes of the Privacy Notice

- **Enhance** the level of trust between data controller and data owner in relation to the processing of his/her personal information.
- **Transparent** to the data owner the purposes and transfers are subject his/her personal data.
- **Inform** to the owner how to exercise the rights established by Law.

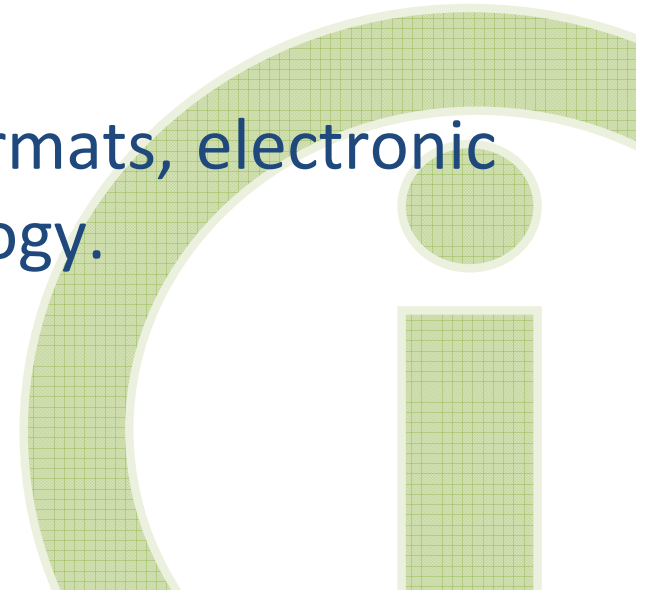




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Privacy Notice Characteristics

- It is written **concisely**.
- It contains the **relevant information** necessary to enable data owner to identify the main features of processing.
- It features a design and presentation to facilitate proper **understanding**.
- For **diffusion** can use physical formats, electronic or verbal means and any technology.





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Types of Privacy Notices

Privacy Notice

Available **before** processing of data.

Complete

Simplified

Art. 16 (...at least)

Art. 17

- **Identity** and domicile
- **Purposes**
- The options and means **to limit the use or disclosure;**
- Means for **exercising rights**
- Data **transfers;**
- The procedure and means to **notify changes** to the privacy notice,
- Establish treatment of **sensitive data**

- **Identity** and domicile
- **Purposes**
- Means to access complete privacy notice;
- Establish treatment of **sensitive data**

The option and the time the owner has to submit the exercise of rights





Law principles and privacy notice

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Principle	Link with privacy notice
Information	Released to the owner which personal data are collected and for what purposes
Consent	Tacit consent is obtained when it is available to data owner.
Purposes	Processing is limited to meeting the goals set out in Privacy Notice
Proportionality	The data concerned must be necessary, appropriate and relevant in relation to the purposes set out therein
Responsibility	The data controller must take steps to ensure that the notice is complied with by him/herself, data processors or third parties, even if they are outside the country



Law elements and privacy notice

Right	Link with Privacy Notice
ARCO	States the means for exercising rights.
Cancellation	When personal data became unnecessary for the purposes stated therein.
Revocation	States means and procedures to revoke consent.
Limit the use or disclosure	States the options and means to limit the use or disclosure of data.

Notice	Link with Privacy Notice
Privacy notice changes	Communicates procedures and means to disclosure changes.
Transfers	Where appropriate, states the data transfers to be made.
Sensitive data	For sensitive personal data, must expressly state that it is dealing with this type of data



Violations and fines related with Privacy Notices

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Violation

Fine

Omitting, in the privacy notice, any or all of the items referred to in Article 16 of the Law;

From 100 to 160,000 days of the Mexico City minimum wage.

Transferring data to third parties without providing them with the privacy notice containing the limitations to which the data owner has conditioned data disclosure;

From 200 to 320,000 days of the Mexico City minimum wage.



Compensatory measures - Cases

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The Data Controller may (with permission of IFAI) implement compensatory measures through **mass communication** when:

- Personal information was not obtained directly from the owner,
- It is impossible to make known the privacy notice,
- It requires disproportionate efforts according to the number of data owners, or the age of the data.





Compensatory measures - Examples

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Publication of the simplified privacy notice in:

- National or local newspaper
- Specialized journal
- Data Controller Webpage
- Radio spots
- Hyperlink on the Ministry or IFAI Websites, when the data controller does not have an own website

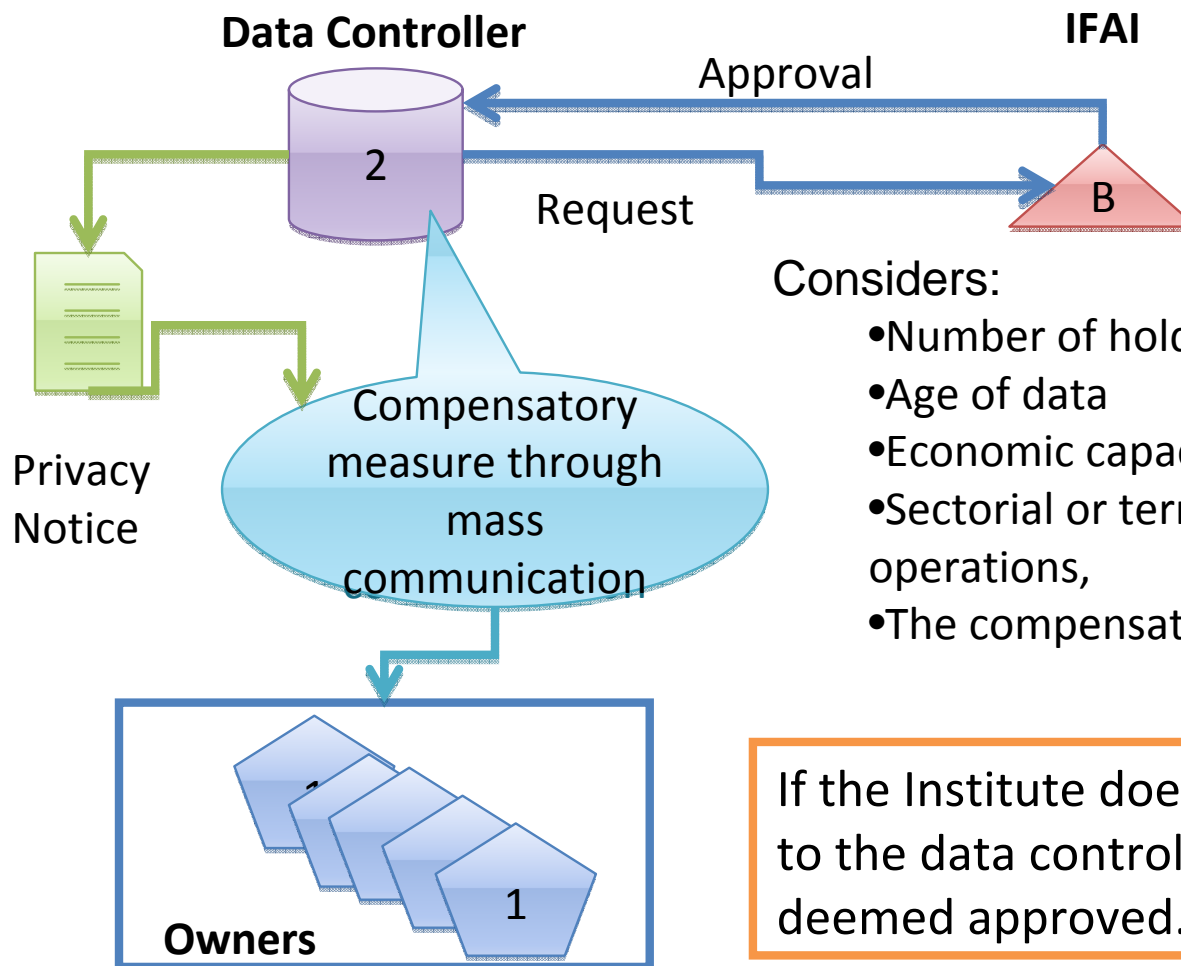




Compensatory measures - authorization

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- Compensatory measures may be implemented according to categories approved by the IFAI
- If not located in these categories will operate the following procedure:



Considers:


- Number of holders
- Age of data
- Economic capacity of data controller
- Sectorial or territorial of data controller operations,
- The compensatory measure to use

If the Institute does not give a response to the data controller's request, it is deemed approved.



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Example of simplified privacy notice



Aviso de privacidad de P&G

Alcance
Este aviso de privacidad se aplica a toda la información e incluye la información personal recopilada sobre usted por P&G (The Procter & Gamble Company y sus empresas afiliadas y subsidiarias)

La información que recopilamos

[Haga clic aquí](#) para obtener más información

- Recopilamos información sobre usted a partir de varias fuentes, que incluyen:
 - Información que recopilamos de usted de forma directa.
 - Información que recopilamos de usted cuando visita nuestro sitio, utiliza nuestros servicios o ve nuestros anuncios en línea.
 - Información que recopilamos sobre usted a partir de otras fuentes, como fuentes comercialmente disponibles.
- Toda la información que recopilamos sobre usted puede combinarse para ayudarnos a adaptar nuestras comunicaciones a usted y desarrollar productos y servicios de talla mundial.

Cómo usamos o compartimos la información

[Haga clic aquí](#) para obtener más información

- Utilizamos la información que recopilamos para brindarle los productos y servicios que solicita, para informarle acerca de otros productos y servicios ofrecidos por P&G y para administrar nuestros sitios y servicios.
- En general, no compartimos su información personal con terceros anunciantes, a menos que le hayamos solicitado y obtenido su consentimiento explícito.
- Podemos compartir su información:
 - Con terceros que nos proporcionan servicios, incluyendo aquellos que trabajan en nombre de P&G y nuestros socios comerciales, para enviarle comunicaciones conjuntas que esperamos sean de su interés.
 - Si una marca de P&G es vendida a otra empresa.
 - Para proteger y defender el derecho y la propiedad de P&G (incluyendo hacer cumplir nuestros términos y condiciones).
 - Cuando lo requiera la ley o las autoridades públicas.

Sus elecciones

[Haga clic aquí](#) para obtener más información

- Le damos a elegir la manera en la que nos comunicamos con usted.
- Puede dejar de recibir correos electrónicos o comunicaciones postales promocionales de una marca o programa de P&G en particular mediante este aviso de privacidad. Por favor [haga clic aquí](#) para seleccionar su país y conocer cómo completar su solicitud.
- Tomamos acciones para mantener la exactitud de su información personal. Puede ver, corregir o actualizar la información de contacto que proporcione a P&G.
- [Haga clic aquí](#) para seleccionar su país y conocer cómo acceder y actualizar la información de contacto que proporcionó a P&G.

Información importante

- P&G se compromete a trabajar con los consumidores para obtener una resolución justa sobre cualquier reclamo o inquietud relativa a la privacidad.
- P&G cumple con las leyes nacionales de protección de datos.
- Cooperamos con las autoridades nacionales de protección de datos si consideran que se ha originado un problema en relación con la privacidad.
- Participamos en el Programa de negocio acreditado del US Council of [Better Business Bureau's \(BBB\)](#).

Cómo contactarnos

[Haga clic aquí](#) para obtener más información

- Si tiene alguna pregunta [Haga clic aquí](#) para obtener direcciones de países específicos.
O escribanos a:
P&G Global Privacy Team
PO Box 599
Cincinnati, OH 45202
USA
- Si desea leer completa nuestra Declaración de privacidad del consumidor [haga clic aquí](#).
- Si desea leer nuestra Política Global de privacidad [haga clic aquí](#).
- [Haga clic aquí](#) para ver las respuestas a las preguntas más frecuentes.



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Binding Self-regulation





Binding Self-regulation schemes

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- Individuals or legal entities may establish agreements amongst themselves and with domestic or foreign civil or governmental organizations on self-regulatory schemes on the subject.
- Self-regulatory schemes may be translated into codes of ethics or good professional practice, trust seals or other mechanisms.





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Characteristics of self-regulation schemes

- Specific rules or standards to harmonize data processing performed by subscribers and facilitate the exercise of the rights holders.
- Contain mechanisms to:
 - Measure their effectiveness and consequences
 - Implement effective measures in case of breach.

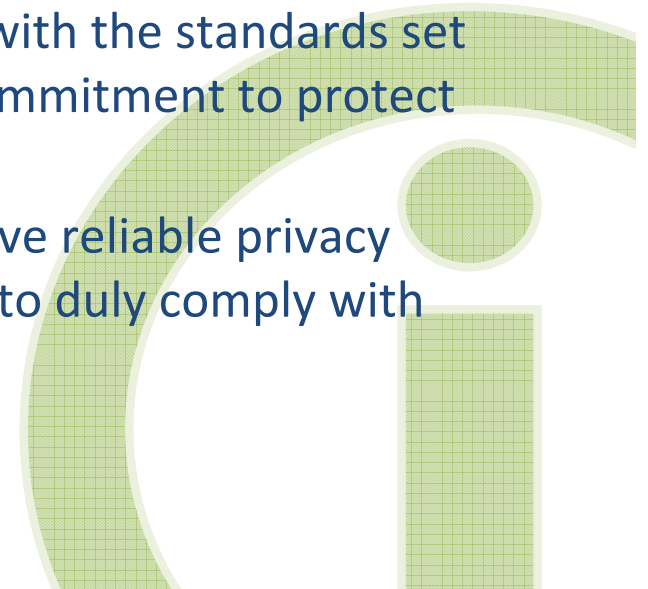




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Main Objectives (1/2)

- Establish quality processes and practices within the field of protection of personal data held by private parties that complement the standards set forth in the Law;
- Promote that the individuals or corporations set forth policies, process and good practices for the compliance with the principles of personal data protection, guaranteeing the privacy and confidentiality of personal data;
- Foster that the individuals or corporations in possession of personal data have certificates about their compliance with the standards set forth in the Law and show the Owners their commitment to protect personal data;
- Identify the individuals or corporations that have reliable privacy policies, as well as the work competence level to duly comply with their obligations in this regard;





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Main Objectives (2/2)

- Promote the Data Collector commitment to accountability and adoption of **internal policies** consistent with external criteria, as well as to host mechanisms to implement privacy policies, including tools, transparency, continuous internal supervision, risk assessment, external verification and systems remediation; and
- Harnessing **alternative mechanisms for resolving disputes** between Data Controllers, Owners and Third Parties, such as conciliation and medication.





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