

FIFTH. Registry of sanctioned legal entities The Judiciary implements a

public computer registry for the registration of the measures imposed on legal entities, with express mention of the name, type of measure and duration of the measure, as well as the details of the jurisdictional body and date of the final judgment, without prejudice to submitting parts to the Public Registries for the corresponding registration, if applicable.

In the event that legal entities comply with the imposed measure, the judge, ex officio or at the request of a party, orders their removal from the registry, unless the measure is definitive.

The Judiciary may sign agreements with the State Procurement Supervisory Body (OSCE), among other institutions, to share the information contained in the registry.

The Judiciary, within a period of ninety business days from the publication of this Legislative Decree, issues the pertinent regulatory provisions that regulate the procedures, access, restrictions, operation of the registry and other aspects necessary for its effective implementation.

EIGHTH. Functions of the Superintendency of the Stock Market - SMV

Provide that the SMV is empowered to issue the technical report with the quality of institutional expertise, and that it constitutes a procedural requirement for the formalization of the preparatory investigation for the crimes contained in article 1 of this rule.

The report that analyzes the implementation and operation of the prevention models must be issued within 30 business days from receipt of the tax request that requires it."

REPEALING COMPLEMENTARY PROVISION

SINGLE.- Repeal Repeal

article 19, the Sixth Final Complementary Provision and the First Modifying Complementary Provision of Law No. 30424, Law that regulates the administrative responsibility of legal entities for the crime of transnational active bribery and article 8 of the Decree Legislative No. 1106, Legislative Decree to Effectively Fight Money Laundering and other crimes related to illegal mining and organized crime.

THEREFORE:

I order that it be published and fulfilled, informing the Congress of the republic.

Given at the Government House, in Lima, on the sixth day of January of the year two thousand and seventeen.

PEDRO PABLO KUCZYNSKI GODARD
Republic President

FERNANDO ZAVALA LOMBARDI
President of the Council of Ministers

María Soledad Pérez Tello
Minister of Justice and Human Rights

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LEGISLATIVE DECREE N° 1353

THE PRESIDENT OF THE REPUBLIC

HOW MUCH:

That, through Law No. 30506, "Law that delegates to the Executive Branch the Power to legislate on matters of economic reactivation and formalization, citizen security, fight against corruption, water and sanitation and reorganization of Petroperú SA", the Congress of the The Republic has delegated to the Executive Branch the power to legislate regarding the fight against corruption, for a period of ninety (90) calendar days; That, in this sense, literals a) and b) of paragraph 3 of article 2 of the aforementioned legal device establish that the Power

Executive is empowered to legislate on the fight against corruption in order to create the National Authority for Transparency and Access to Public Information, as well as approve measures aimed at combating corruption coming from any person, including measures to facilitate participation of citizens through mechanisms that allow for the timely and effective receipt of complaints about acts of corruption.

In accordance with the provisions of literal a) and b) of paragraph 3 of article 2 of Law No. 30506 and article 104 of the Political Constitution of Peru; With the approval vote of the Council of Ministers; Responsible for reporting to the Congress of the Republic; Has given the following Legislative Decree:

LEGISLATIVE DECREE THAT CREATES THE NATIONAL TRANSPARENCY AUTHORITY 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 Legislative Decree is to create the National Authority for Transparency and Access to Public Information, strengthen the Personal Data Protection Regime and the regulation of interest management.

Article 2.- Scope of application

The rules contained in this Legislative Decree are applicable to all entities indicated in Article I of the Preliminary Title of Law No. 27444, Law of General Administrative Procedure; as well as to state companies, natural persons and legal entities governed by private law, where applicable; and to the people included in Law No. 29733, Personal Data Protection Law.

Chapter II FROM THE NATIONAL TRANSPARENCY AUTHORITY AND ACCESS TO PUBLIC INFORMATION

Article 3.- Legal nature and powers of the Authority

The Ministry of Justice and Human Rights through the National Directorate of Transparency and Access to Public Information is the National Authority for Transparency and Access to Public Information, hereinafter the Authority.

The Authority is governed by the provisions of Law No. 27806, Law of Transparency and Access to Public Information, by this Law and the regulatory standards.

Article 4.- Functions of the Authority

The Authority has the following functions in matters of transparency and access to public information:

- Propose policies regarding transparency and access to public information.
- Issue directives and guidelines that are necessary for compliance with the standards in the area of its jurisdiction.
- Monitor compliance with regulations on the matter of transparency and access to public information.
- Respond to queries that entities or legal or natural persons make regarding the application of transparency standards and access to public information.
- Promote a culture of transparency and access to public information.
- Request, within the scope of its jurisdiction, the information it considers necessary from the entities, which are obliged to provide it, except for the exceptions provided for in the Law of Transparency and Access to Public Information.
- Prepare and present to the Congress of the Republic the annual report on requests for access to the

public information. This report is presented within the first quarter of each year and is published on the Authority's website.

8. Monitor compliance with the update of the Transparency Portal.
9. Others that are established in the regulatory standards.

Article 5.- Guidelines regarding classification and declassification of information

The sectors linked 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, prepare, jointly with the Authority, guidelines for classification and declassification of information that is considered confidential, secret or reserved. These guidelines are approved through Supreme Decree with the approval vote of the Council of Ministers, endorsed by the President of the Council of Ministers, the Minister of Justice and Human Rights and the Minister of Economy and Finance.

Article 6.- 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 to access to public information at the national level. As such, it is competent to resolve disputes that arise in such matters. It depends administratively on the Minister and has autonomy in the exercise of its functions.

Its operation is governed by the provisions contained in this Law and its complementary and regulatory rules.

Article 7.- Functions of the Court The Court has the following functions:

1. Resolve appeals against the decisions of the entities included in article I of the Preliminary Title of Law No. 27444, Law of General Administrative Procedure, in matters of transparency and access to public information. His decision exhausts the administrative route.
2. Resolve, as a final administrative instance, the appeals filed by public officials and servants sanctioned for non-compliance with the rules of transparency and access to public information in the terms established in the following article.
3. Resolve through binding technical opinion the cases in which there is a conflict between the application of Law 29733, Personal Data Protection Law and Law No. 27806, Law of Transparency and Access to Public Information.
4. Establish binding precedents when expressly stated in the resolution issued, in which case it must be published in the Official Gazette El Peruano and on its institutional portal.
5. Safeguard conflict of interest declarations.
6. The others established by the Regulations.

Article 8.- Application of sanctions to public servants

In the appeal cases provided for in paragraph 2 of article 7, the Court may confirm, revoke or modify in all its aspects the decision adopted by the entity in the administrative sanctioning procedure. The entity is obliged to comply with the Authority's decision and cannot resort to contentious-administrative channels to question it.

If the sanction imposed by the entity is dismissal or disqualification, the Court must rule through a report that constitutes pre-constituted evidence that will be sent to the Civil Service Court, so that it can resolve the appeal.

Article 9.- Scope of the appeal procedure for delivery of information

9.1 When resolving the appeal regarding the delivery of information, the Authority may confirm, modify or revoke the entity's decision. Within this procedure, the Court requests the entity to send its defenses. If the discharge is considered insufficient,

requests the submission of the information on which the appeal relates. If the appeal is declared founded, the Court orders the obligated entity to deliver the information requested by the administrator.

9.2 Within the framework of the administrative appeal procedure referred to in the previous paragraph, the assumptions established in articles 15, 16 and 17 of the Single Ordered Text of Law No. 27806, Law of Transparency and Access to Information, apply. Public, approved by Supreme Decree No. 043-2003-PCM, as well as the cases of exception to access to information regulated in special laws.

Article 10.- Confidentiality of information

10.1 The public servants of the Authority and the Court, under responsibility, have the obligation not to use the information they know for purposes other than the exercise of their functions.

10.2 When dealing with secret, reserved or confidential information, they have the obligation to take diligent care if they become aware of it in the exercise of their function. Likewise, they cannot make it public knowledge. These obligations extend for five (5) years after leaving the position or as long as the information remains secret, reserved or confidential.

Failure to comply with this duty is considered a serious offense, without prejudice to the civil or criminal liability that it entails.

Article 11.- Formation of the Court

The Court is made up of three (3) members appointed by Supreme Resolution for a period of four (4) years, following a public competition carried out in accordance with the provisions of the Regulations. At least one member must be a lawyer.

Article 12.- Requirements to be a Member of the Court

- 12.1 The members of the Court must meet the following minimum requirements:
1. Not be under 35 years of age.
 2. Have a professional degree or bachelor's degree with a master's degree.
 3. Not have a criminal or judicial record.
 4. 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.
 5. Have 10 years of accredited professional experience, of which at least 3 years must be in or with the public administration.
 6. Not be in a competitive situation, disqualified from contracting with the State or found guilty of an intentional crime incompatible with the exercise of the function.
 7. Not being registered in the Registry of Delinquent Food Debtors.
 8. Not have a conflict of interest with the subjects related to the exercise of their function.
- 12.2 In the event of expiration of the term of office, the member exercises functions until the replacement is appointed.

Article 13.- Duty of collaboration

In the exercise of the powers of the Authority and the Court, the entities, their civil servants and public officials, as well as natural or legal persons, are obliged to respond promptly and under responsibility to any of their requirements or requests.

Article 14.- Inhibition The

members of the Court, ex officio, refrain from participating in the procedures in which they identify that they are in any of the causes provided for in article 88 of Law No. 27444, Law of General Administrative Procedure, at the first opportunity in which they learn about the specific procedure in which there is any incompatibility that prevents their participation.

FINAL COMPLEMENTARY PROVISIONS

First.- Regulations

The Executive Branch, through Supreme Decree, with the approval vote of the Council of Ministers, approves the

Regulation of this Legislative Decree within a maximum period of ninety (90) calendar days counted from the day following publication in the Official Gazette El Peruano of this Legislative Decree.

Second.- Validity

This Legislative Decree comes into force the day after the publication of the Supreme Decree that approves its Regulations and the modification of the Regulations of Organization and Functions of the Ministry of Justice and Human Rights.

Third.- Appointment of members of the Court

The members of the Court are appointed within a period of no more than ninety (90) days from the date of entry into force of the modification of the Regulations of Organization and Functions of the Ministry of Justice and Human Rights.

Fourth.- Financing

The implementation of this Legislative Decree is financed from the institutional budget of the Ministry of Justice and Human Rights.

COMPLEMENTARY PROVISIONS AMENDMENTS

First.- Modification of Law No. 27806, Law of Transparency and Access to Public Information, in accordance with its Single Ordered Text, approved by Supreme Decree No. 043-2003-PCM

Modify articles 11 and 13 of Law No. 27806, Law on Transparency and Access to Public Information, in accordance with its Single Ordered Text, approved by Decree Supreme No. 043-2003-PCM, in the following terms:

"Article 11.- Procedure

Access to public information is subject to the following procedure:

a) Any request for information must be directed to the official designated by the Public Administration entity to carry out this work. If this has not been designated, the request is directed to the official who has the required information in his or her possession or to the immediate superior. The entity's departments have the obligation to forward requests to the official in charge.

b) The Public Administration entity to which the request for information has been submitted must grant it within a period of no more than twelve (12) business days, without prejudice to the provisions of paragraph h).

In the event that the Public Administration entity is not obliged to possess the requested information and to know its location or destination, it must redirect the request to the obligated entity or to the one that possesses it, and inform the applicant of said circumstance. .

c) The denial of access to information is subject to the provisions of the second paragraph of article 13 of this Law.

d) If there is no response within the period provided for in section b), the applicant may consider their request denied.

e) In the cases indicated in sections c) and d) of this article, the applicant, within a period of no more than fifteen (15) calendar days, may file an appeal before the Court of Transparency and Access to Public Information, the which must resolve said appeal within a maximum period of ten (10) business days, under responsibility. f) If the National Authority for Transparency and Access to Public Information does not resolve the appeal within the established period, the applicant may consider the administrative route exhausted.

g) Exceptionally, when it is materially impossible to comply with the deadline indicated in paragraph b) due to justified causes related to the proven and manifest lack of logistical or operational capacity or human resources of the entity or to the significant volume of the information requested, For one time only, the entity must inform the applicant of the date on which it will provide the requested information in a duly substantiated manner, within a maximum period of two (2) business days of receiving the request for information. Failure to comply with the deadline entitles the applicant to appeal to the National Authority for Transparency and Access to Public Information.

"Article 13.- Denial of access

The Public Administration entity to which request information may not deny it basing its decision on the identity of the applicant.

The denial of access to the requested information must be duly substantiated by the exceptions of articles 15 to 17 of this Law; and the period for which said impediment will be prolonged.

The request for information does not imply the obligation of Public Administration entities to create or produce information that they do not have or are not obliged to have at the time of making the request.

In this case, the Public Administration entity must communicate in writing that the denial of the request is due to the lack of data in its possession regarding the requested information.

This Law does not authorize applicants to require entities to carry out evaluations or analyzes of the information they possess. The processing of pre-existing data in accordance with what the regulatory standards establish does not qualify under this limitation, unless this involves collecting or generating new data.

Information may not be denied when it is requested that it be delivered in a certain form or medium, as long as the requester assumes the cost of the request.

When a Public Administration entity does not locate information that it is obliged to possess or safeguard, it must prove that it has exhausted the necessary actions to obtain it in order to provide a response to the requester.

If the information request has not been satisfied, the response has been ambiguous, or the preceding requirements have not been met, it will be considered that there was a refusal to provide it.

Second.- Incorporation of Title V to Law No. 27806, Law of Transparency and Access to Public Information, in accordance with its Single Ordered Text, approved by Supreme Decree No. 043-2003-PCM

Incorporate Title V to Law No. 27806, Law of Transparency and Access to Public Information, in accordance with its Single Ordered Text, approved by Supreme Decree No. 043-2003-PCM, in the following terms:

"TITLE V SANCTIONS REGIME

Article 34.- Scope of application This

sanctioning regime is applicable to actions or omissions that infringe the legal regime of transparency and access to public information, typified in this Title, in accordance with article 4 of this Law.

Article 35.- Types of sanctions

35.1 The sanctions that may be imposed for the infractions provided for in this sanctioning regime are the following: a) Written warning.

b) Suspension without pay for between ten and one hundred and eighty days.

c) Fine of no more than five tax units.

d) Dismissal.

e) Disqualification.

35.2 Legal entities under the private regime that provide public services or exercise an administrative function, by virtue of a concession, delegation or authorization from the State, are subject to the sanction of a fine, in accordance with the regulations on the matter.

Article 36.- Classification of infractions

The infractions are classified as minor, serious and very serious, which are classified through regulations, in accordance with the provisions of section 4) of article 230 of Law No. 27444, Law of General Administrative Procedure, by Supreme Decree endorsed by the Ministry of Justice and Human Rights.

Without prejudice to the sanctions that the competent authorities impose within the framework of their jurisdiction, they may order the implementation of one or more corrective measures, with the objective of correcting or reversing the effects that the offending conduct has caused or preventing it from occurring again. .

Article 37.- Responsibility

The responsibility of public officials and servants for failure to comply with obligations derived from the rules on transparency and access to public information is subjective.

Third.- Modification of articles 2, 3, 12, 14, 15, 18, 20, 21, 22, 25 and 27 of Law No. 29733, Personal Data Protection Law

Modify articles 2, 3, 12, 14, 15, 18, 20, 21, 22, 25 and 27 of Law No. 29733, Personal Data Protection Law, in the following terms:

“**Article 2. Definitions** For all purposes of this Law, it is understood as:

1. Personal data bank. Organized set of personal data, automated or not, regardless of the support, whether physical, magnetic, digital, optical or others that are created, whatever the form or modality of its creation, formation, storage, organization and access.

2. Privately administered personal data bank. Personal data bank whose ownership corresponds to a natural person or a legal entity governed by private law, as long as the bank is not strictly linked to the exercise of public law powers.

3. Public administration personal data bank. Personal data bank owned by a public entity.

4. Personal data. Any information about a natural person that identifies him or her or makes him or her identifiable through means that can reasonably be used.

5. Sensitive data. Personal data consisting of biometric data that by themselves can identify the owner; data referring to racial and ethnic origin; economic income; political, religious, philosophical or moral opinions or convictions; union membership; and information related to health or sexual life.

6 days. Business days.

7. Person in charge of processing personal data. Any natural person, legal entity governed by private law or public entity that alone or acting jointly with another carries out the processing of personal data on behalf of the owner of the personal data bank by virtue of a legal relationship that links it to it and delimits the scope of its action. It includes anyone who carries out the processing without the existence of a personal data bank.

8. Treatment order. Delivery by the owner of the personal data bank to a person in charge of processing personal data by virtue of a legal relationship that binds them. This legal relationship delimits the scope of action of the person in charge of processing personal data.

9. Public entity. Entity included in article I of the Preliminary Title of Law 27444, Law of General Administrative Procedure, or the one that takes its place.

10. Cross-border flow of personal data.

International transfer of personal data to a recipient located in a country other than the country of origin of the personal data, regardless of the medium on which they are located, the means by which the transfer was made or the treatment they receive.

11. Sources accessible to the public. Personal data banks of public or private administration, which can be consulted by any person, upon payment of the corresponding consideration, if applicable. The sources accessible to the public are determined in the regulations.

12. Sufficient level of protection for personal data. Level of protection that includes at least the recording and respect of the guiding principles of this Law, as well as technical security and confidentiality measures, appropriate according to the category of data in question.

13. Legal entity under private law. For the purposes of this Law, the legal entity not included in the scope of article I of the Preliminary Title of Law 27444, Law of General Administrative Procedure.

14. Anonymization procedure. Processing of personal data that prevents identification or does not make the owner of the data identifiable. The procedure is irreversible.

15. Dissociation procedure. Processing of personal data that prevents identification or does not make the owner of the data identifiable. The procedure is reversible.

16. Owner of personal data. natural person who owns the personal data.

17. Owner of the personal data bank. Natural person, legal entity under private law or public entity that determines the purpose and content of the personal data bank, its processing and security measures.

18. Transfer of personal data. Any transmission, supply or manifestation of personal data, of a national or international nature, to a legal entity governed by private law, to a public entity or to a natural person other than the owner of personal data.

19. Processing of personal data. Any technical operation or procedure, automated or not, that allows the collection, recording, organization, storage, conservation, elaboration, modification, extraction, consultation, use, blocking, deletion, communication by transfer or dissemination or any other form of processing that facilitates access, correlation or interconnection of personal data.”

“**Article 3. Scope of application** This Law applies to personal data contained or intended to be contained in personal data banks of public administration and private administration, whose processing is carried out in the national territory. Sensitive data are subject to special protection.

The provisions of this Law do not apply to the following personal data:

1. To the contents or intended to be contained in personal data banks created by natural persons for purposes exclusively related to their private or family life.
2. To the contents or intended to be contained in public administration data banks, only insofar as their processing is necessary for strict compliance with the powers assigned by law to the respective public entities, for national defense, public security, and for the development of activities in criminal matters for the investigation and repression of crime.”

“**Article 12. Value of principles** The actions of the owners and those in charge of processing personal data and, in general, of all those who intervene in relation to personal data, must comply with the guiding principles referred to in this Title. This list of guiding principles is indicative.

The aforementioned guiding principles also serve as an interpretive criterion to resolve issues that may arise in the application of this Law and its regulations, as well as a parameter for the elaboration of other provisions and to fill gaps in the legislation on the matter.

“Article 14. Limitations on consent for the processing of personal data

The consent of the owner of personal data is not required for the purposes of its processing, in the following cases:

1. When personal data are collected or transferred for the exercise of the functions of public entities within the scope of their powers.
2. When it involves personal data contained or intended to be contained in sources accessible to the public.
3. When it comes to personal data related to the patrimonial and credit solvency, in accordance with law.
4. When there is a rule for the promotion of competition in regulated markets issued in the exercise of the regulatory function by the regulatory bodies referred to in Law 27332, Framework Law of the Regulatory Bodies of Private Investment in Public Services, or whoever takes his place, as long as the information provided is not used to the detriment of the user's privacy.
5. When the personal data are necessary for the preparation, celebration and execution of a contractual relationship in which the owner of the personal data is a party, or when it involves personal data that derives

of a scientific or professional relationship of the holder and are necessary for its development or fulfillment.

6. When it involves personal data related to health and is necessary, in a risk circumstance, for the prevention, diagnosis and medical or surgical treatment of the owner, provided that said treatment is carried out in health establishments or by health sciences professionals, health, observing professional secrecy; or when there are reasons of public interest provided for by law or when they must be treated for reasons of public health, both reasons must be qualified as such by the Ministry of Health; or for carrying out epidemiological or similar studies, as long as appropriate dissociation procedures are applied.

7. When the processing is carried out by non-profit organizations whose purpose is political, religious or union and refers to the personal data collected from their respective members, which must be related to the purpose to which their activities are limited, not may be transferred without their consent.

8. When a procedure of anonymization or dissociation.

9. When the processing of personal data is necessary to safeguard the legitimate interests of the owner of personal data by the owner of personal data or by the person in charge of processing personal data.

10. When the processing is for purposes linked to the money laundering and terrorist financing prevention system or others that respond to a legal mandate.

11. In the case of economic groups made up of companies that are considered subjects obliged to report, in accordance with the rules that regulate the Financial Intelligence Unit, they may share information among themselves about their respective clients for the purposes of preventing money laundering, assets and financing of terrorism, as well as other regulatory compliance, establishing appropriate safeguards on the confidentiality and use of the information exchanged.

12. When the processing is carried out in a constitutionally valid exercise of the fundamental right to freedom of information.

13. Others that derive from the exercise of powers expressly established by Law."

"Article 15. Cross-border flow of personal data The owner and processor of

personal data must carry out the cross-border flow of personal data only if the recipient country maintains adequate levels of protection in accordance with this Law.

In the event that the recipient country does not have an adequate level of protection, the issuer of the cross-border flow of personal data must guarantee that the processing of personal data is carried out in accordance with the provisions of this Law.

The provisions of the second paragraph do not apply in the following cases:

1. Agreements within the framework of international treaties on the matter to which the Republic of Peru is a party.

2. International judicial cooperation.

3. International cooperation between intelligence agencies to combat terrorism, illicit drug trafficking, money laundering, corruption, human trafficking and other forms of organized crime.

4. When personal data is necessary for the execution of a contractual relationship in which the owner of personal data is a party, including what is necessary for activities such as user authentication, improvement and support of the service, monitoring the quality of the service, support for the maintenance and billing of the account and those activities that the management of the contractual relationship requires.

5. In the case of bank or stock transfers, in relation to the respective transactions and in accordance with the applicable law.

6. When the cross-border flow of personal data is carried out for the protection, prevention, diagnosis or medical or surgical treatment of its owner; or when necessary to carry out epidemiological or similar studies, as long as appropriate dissociation procedures are applied.

1. When the owner of the personal data has given prior, informed, express and unequivocal consent.

2. Others established by the regulations of this Law, subject to the provisions of article 12."

"Article 18. Right to information of the owner of personal data The owner of personal data has the right to be informed in a detailed, simple, express, unequivocal manner and prior to its collection, about the purpose for which his or her personal data will be processed. ; who the recipients are or may be, the existence of the data bank in which they will be stored, as well as the identity and address of the owner and, if applicable, of the person(s) in charge of processing your personal data; the mandatory or optional nature of your responses to the proposed questionnaire, especially with regard to sensitive data; the transfer of personal data; the consequences of providing your personal data and your refusal to do so; the length of time for which your personal data is kept; and the possibility of exercising the rights that the law grants you and the means provided for this.

If personal data is collected online through electronic communications networks, the obligations of this article may be satisfied by publishing privacy policies, which must be easily accessible and identifiable.

In the event that the owner of the data bank establishes a link with a person in charge of processing after consent, the actions of the person in charge remain under the responsibility of the Owner of the Data Bank, and must establish a personalized information mechanism for the owner of the data, personal information about said new data processor.

If, after consent, the transfer of personal data occurs due to a merger, portfolio acquisition, or similar cases, the new owner of the data bank must establish an effective information mechanism for the owner of the personal data about said new data processor. "

"Article 20. Right to update, include, rectification and deletion

The owner of personal data has the right to update, include, rectify and delete his or her personal data subject to processing, when they are partially or totally inaccurate, incomplete, when an omission, error or falsehood has been noticed, when they are no longer necessary, or pertinent to the purpose for which they were collected or when the period established for their processing has expired.

If your personal data had been previously transferred, the person in charge of processing personal data must communicate the update, inclusion, rectification or deletion to those who have been transferred, in the event that the processing is maintained by the latter, who must also proceed to the update, inclusion, rectification or deletion, as appropriate.

During the process of updating, inclusion, rectification or deletion of personal data, the person in charge of processing personal data arranges for it to be blocked, preventing third parties from accessing it. Said blockade is not applicable to public entities that require such information for the proper exercise of their powers, according to law, which must inform that any of the aforementioned processes are in progress.

The deletion of personal data contained in public administration personal data banks is subject to the provisions of article 21 of the Single Ordered Text of Law 27806, Law of Transparency and Access to Public Information, or whatever replaces it.

"Article 21. Right to prevent provision The owner of personal data has the right to prevent these from being provided, especially when this affects their fundamental rights. The right to prevent the supply does not apply to the relationship between the owner of the personal data bank and the person in charge of processing personal data for the purposes of their processing.

"Article 22. Right to object Whenever, by law, the contrary is not provided and when consent has not been given, the owner of personal data may oppose its processing when there are well-founded and legitimate reasons related to a specific personal situation. In the event of justified opposition, the owner or person in charge of processing personal data, as appropriate, must proceed to delete it, in accordance with the law.

“Article 25. Right to be compensated The owner of personal data who is affected as a result of non-compliance with this Law by the owner or by the person in charge of processing personal data or by third parties, has the right to obtain the corresponding compensation, in accordance with law”.

“Article 27. Limitations The owners and those in charge of processing personal data of public administration may deny the exercise of the rights of access, deletion and opposition for reasons based on the protection of rights and interests of third parties or when this may hinder judicial proceedings. or administrative in progress linked to the investigation into compliance with tax or pension obligations, to criminal investigations into the commission of misdemeanors or crimes, to the development of health and environmental control functions, to the verification of administrative infractions, or when so provided by law.”

Fourth.- Modification of the name of Title IV and article 28 of Law No. 29733, Personal Data Protection Law

Modify the name of Title IV and article 28 of Law No. 29733, Personal Data Protection Law, in the following terms:

**“TITLE IV
OBLIGATIONS OF THE OWNER AND THE MANAGER
PROCESSING OF PERSONAL DATA**

Article 28. Obligations The owner and the person in charge of processing personal data, as the case may be, have the following obligations:

1. Carry out the processing of personal data, only with prior informed, express and unequivocal consent of the owner of the personal data, except by authoritative law, with the exception of the cases set forth in article 14 of this Law.
2. Do not collect personal data by fraudulent, unfair or illicit means.
3. Collect personal data that is updated, necessary, relevant and appropriate, in relation to specific, explicit and lawful purposes for which it was obtained.
4. Do not use the personal data being processed for purposes other than those for which they were collected, unless there is an anonymization or dissociation procedure.
5. Store personal data in a way that the exercise of the rights of its owner is possible.
6. Delete and replace or, where appropriate, complete the personal data being processed when you are aware of its inaccurate or incomplete nature, without prejudice to the rights of the owner in this regard.
7. Delete the personal data being processed when they are no longer necessary or relevant to the purpose for which they were collected or the period for their processing has expired, unless an anonymization or dissociation procedure is involved.
8. Provide the National Authority for the Protection of Personal Data with the information related to the processing of personal data that it requires and allow access to the personal data banks that it manages, for the exercise of its functions, within the framework of a procedure administrative process requested by the affected party.
9. Others established in this Law and in its regulations.”

“Article 31. Codes of conduct 31.1 Entities representing the owners or those in charge of processing personal data, private administration, may develop codes of conduct that establish standards for the processing of personal data that tend to ensure and improve the operating conditions of the systems. of information based on the guiding principles established in this Law.

“Article 34. National Registry for the Protection of Personal Data. Create the National Registry for the Protection of Personal Data as an administrative registry in charge of the National Authority for the Protection of Personal Data.

Personal Data, with the purpose of registering in a differentiated manner, at the national level, the following:

1. Personal data banks of public or private administration, as well as the data related to them that are necessary for the exercise of the rights that correspond to the holders of personal data, in accordance with the provisions of this Law and its regulations.

The exercise of this function does not make it possible for the National Authority for the Protection of Personal Data to know the content of the personal data banks, except in the case of an ongoing administrative procedure.

2. Communications of cross-border flow of personal data.

3. The sanctions, precautionary or corrective measures imposed by the National Authority for the Protection of Personal Data in accordance with this Law and its regulations.

“Any person can consult in the National Registry for the Protection of Personal Data the existence of personal data banks, their purposes, as well as the identity and address of their owners and, if applicable, their managers.”

“Article 38.- Classification of infractions Infractions are classified as minor, serious and very serious, which are classified through regulations, in accordance with the provisions of section 4) of article 230 of Law No. 27444, Law of Administrative Procedure General, by Supreme Decree with the approval vote of the Council of Ministers.

Without prejudice to the sanctions that the competent authority imposes within the framework of its jurisdiction, it may order the implementation of one or more corrective measures, with the objective of correcting or reversing the effects that the offending conduct has caused or preventing it from occurring. again.

The administrators are objectively responsible for non-compliance with obligations derived from the regulations on the protection of personal data.

Fifth.- Modification of article 12 of Legislative Decree No. 1129, Legislative Decree that regulates the National Defense System. Modify article 12 of Legislative Decree No. 1129,

Legislative Decree that regulates the National Defense System, in the following terms:

“Article 12.- Access to information

The agreements, minutes, recordings, transcripts and in general, all information or documentation that is generated in the field of matters related to National Security and Defense, and those that contain deliberations held in sessions of the National Security and Defense Council, are “They are governed by the Law of Transparency and Access to Public Information, regarding its dissemination, public access and exceptions, as applicable.”

Sixth.- Modification of Law No. 28024, Law that regulates the management of interests in public administration

Amend articles 1, 7 and 16 of Law No. 28024, Law that regulates the management of interests in public administration, in the following terms:

“Article 1.- Object and purposes

This Law regulates the management of interests in the field of public administration, understood as a lawful activity of promoting one's own or third parties' legitimate interests, whether of an individual, sectoral or institutional nature in the public decision-making process, with the purpose of ensuring transparency in the actions of the State.

For the purposes of this Law, public administration is understood to be the entities referred to in Article I of the Preliminary Title of Law No. 27444 - General Administrative Procedure Law; including companies included in the business management of the State.

This Law does not include the jurisdictional functions of the Judiciary, the constitutionally autonomous organizations and the authorities and courts before which administrative processes are followed.

The right to petition is regulated according to what is established in its specific regulations.”

"Article 7.- Of the interest manager

An interest manager is defined as the natural or legal person, national or foreign, who carries out acts of management of his or her own interests or those of third parties, in relation to public decisions taken by public officials included in article 5 of this Law. ."

"Article 16.- Visit Registry

The public entities provided for in article 1 maintain Visitor Records in electronic formats in which information is recorded about the people who attend meetings or hearings with an official or public servant.

The information provided by the visitor to the public entity for the Visit Registry is an Affidavit.

The information contained in the Visit Registry and in the Official Agenda of each public official provided for in Article 5 of this Law must be published on the web portal of each entity.

Officials or public servants, referred to in Article 5 of the Law, who detect an interest management action by a person who has not recorded said matter in the Visit Registry, have the duty to record said omission in register."

**PROVISION
COMPLEMENTARY REPEAL**

Sole.- Repeal

Repeal articles 8, literal e) of article 10, 11, 12, 13, 14, 15, 19, 20 and 21 of Law No. 28024, Law that regulates the management of interests in public administration.

THEREFORE:

Command is published and complied with, informing the Congress of the republic.

Given at the Government House, in Lima, on the sixth day of January of the year two thousand and seventeen.

PEDRO PABLO KUCZYNSKI GODARD
Republic President

FERNANDO ZAVALA LOMBARDI
President of the Council of Ministers

María Soledad Pérez Tello
Minister of Justice and Human Rights

1471551-5

ERRATA

**LEGISLATIVE DECREE
N° 1290**

Through Official Letter No. 023-2017-DP/SCM, the Secretariat of the Council of Ministers requests the publication of Errata of Legislative Decree No. 1290, published in the edition of December 29, 2016.

DICE:

"THEREFORE:

Command is published and complied with, informing the Congress of the republic.

Given at the Government House, in Lima at twenty-eight days of the month of December of the year two thousand and sixteen.

PEDRO PABLO KUCZYNSKI GODARD
Republic President

FERNANDO ZAVALA LOMBARDI
President of the Council of Ministers

PATRICIA J. GARCÍA FUNEGRÁ
Minister of Health

SHOULD SAY:

"THEREFORE:

Command is published and complied with, informing the Congress of the republic.

Given at the Government House, in Lima at twenty-eight days of the month of December of the year two thousand and sixteen.

PEDRO PABLO KUCZYNSKI GODARD
Republic President

FERNANDO ZAVALA LOMBARDI
President of the Council of Ministers

PATRICIA J. GARCÍA FUNEGRÁ
"Minister of Health"

BRUNO GIUFFRÁ MONTEVERDE
Minister of Production

1471552-1

ERRATA

**LEGISLATIVE DECREE
N° 1305**

Through Official Letter No. 020-2017-DP/SCM, the Secretariat of the Council of Ministers requests the publication of Errata of Legislative Decree No. 1305, published in the edition from December 30, 2016.

DICE:

**"COMPLEMENTARY PROVISION
MODIFICATION**

Sole.- Modification of literal a) of article 32 of Law No. 27657

Modify literal a) of article 32 of Law No. 27657, which will be worded in accordance with the following text:

"Article 32.- Of Public Bodies The Public Bodies attached to the Ministry of Health are the following:

a) The National Institute of Health (INS), formed according to the functional structure approved by its Organization and Function Regulations.
(...)"

SHOULD SAY:

**"COMPLEMENTARY PROVISION
MODIFICATION**

Sole.- Modification of literal a) of article 32 of Law No. 27657

Modify literal a) of article 32 of Law No. 27657, which will be worded in accordance with the following text:

"Article 32.- Of Public Bodies The Public Bodies attached to the Ministry of Health are the following:

a) The National Institute of Health (INS), formed according to the functional structure approved by its Organization and Function Regulations."

DICE:

**"COMPLEMENTARY PROVISION
REPEAL**

Sole.- Repeal

The Fourth Final Complementary Provision of Legislative Decree No. 1161, Legislative Decree that approves the Law of Organization and Functions of the Ministry of Health, is repealed; Legislative Decree No. 1166, Legislative Decree that approves the formation and operation of the Integrated Primary Health Care Networks; and Law No. 28748, Law that creates the National Institute of Neoplastic Diseases - INEN as a Decentralized Public Organization

SHOULD SAY:

**"COMPLEMENTARY PROVISION
REPEAL**

Sole.- Repeal

The Fourth Final Complementary Provision of Legislative Decree No. 1161, Legislative Decree, is repealed