

## Advisor II of the Firm is appointed Vice Minister of Public Security

MINISTERIAL RESOLUTION  
No. 2008-2019-IN

Lima, December 10, 2019

CONSIDERING:

That the public position of trust of Advisor II of the Vice-Ministerial Office of Public Security of the Ministry of the Interior is vacant ;

That, for service reasons, it is necessary to designate the person to assume the aforementioned position of trust;

With the approval of the General Office of Human Resources Management and the General Office of Legal Advice;

In accordance with the provisions of Law No. 29158, Organic Law of the Executive Branch; Law No. 27594, Law that regulates the participation of the Executive Branch in the appointment and designation of public officials; Legislative Decree No. 1266, Law of Organization and Functions of the Ministry of the Interior; and, the Integrated Text of the Regulation of Organization and Functions of the Ministry of the Interior, approved by Ministerial Resolution No. 1520-2019-IN.

IT IS RESOLVED:

**Unique Item.** - Appoint Mr. Carlos Humberto Mesías Reyes to the trusted public position of Advisor II of the Vice-Ministerial Office of Public Security of the Ministry of the Interior.

Register, communicate and publish.

CARLOS MORAN SOTO  
Minister of the Interior

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## JUSTICE AND HUMAN RIGHTS

### Single Ordered Text of Law No. 27806, Transparency and Access to Information Law Public information

Supreme decret  
N° 021-2019-JUS

THE PRESIDENT OF THE REPUBLIC

CONSIDERING:

That, through Law No. 27806, Law of Transparency and Access to Public Information, the transparency of State acts is promoted and regulates the fundamental right of access to public information enshrined in paragraph 2 of article 5 of the

Political Constitution of Peru;

That, through Law No. 27927, Law that modifies the Law No. 27806, Transparency and Access to Information Law Public, several articles are modified and incorporated into the Law No. 27806;

That, with Supreme Decree No. 043-2003-PCM, the Single Ordered Text of Law No. 27806, Law of Transparency and Access to Public Information, is approved;

That, by Law No. 29239, Law on control measures for chemical substances susceptible to use for the manufacture of chemical weapons, subsection f) is incorporated into numeral 1 of article 16 of the Sole Text Ordered from Law No. 27806;

That, with Legislative Decree No. 1106, Decree Legislative to effectively combat money laundering and other crimes related to illegal mining and organized crime, numeral 5 of article 17 and article 18 of the Single Ordered Text of Law No. 27806 are modified;

That, through Law No. 29973, General Law of the Person with Disabilities, numeral 2 of article 5 of the Single Ordered Text of Law No. 27806 is modified;

That, with Legislative Decree No. 1353, Decree Legislative that creates the National Authority of Transparency and Access to Public Information, strengthens the Personal Data Protection Regime and the regulation of interest management, several articles are modified and incorporated into the Single Ordered Text of the Law No. 27806;

That, with Legislative Decree No. 1416, Decree Legislative that strengthens the Transparency Court and Access to Public Information, literal e) of article 11 of the Single Ordered Text of Law No. 27806 is modified;

That, through Law No. 30934, Law that modifies the Law No. 27806, Transparency and Access to Information Law Public, regarding transparency in the Judicial Branch, the Public Ministry, the National Board of Justice, the Constitutional Court and the Academy of Judiciary, several articles are incorporated into Law No. 27806, modified by Law No. 27927 and Legislative Decree No. 1353;

That, the Second Final Complementary Provision of Law No. 30934, enables the Executive Branch to adapt the Single Ordered Text of Law No. 27806, approved by Supreme Decree No. 043-2003-PCM;

That, according to the Sixth Provision Final Complementary to the Single Ordered Text of the Law No. 27444, Law of General Administrative Procedure, approved by Supreme Decree No. 004-2019-JUS, the entities of the Executive Branch are empowered to compile in the respective Single Ordered Text the modifications made to legal or regulatory provisions of general scope corresponding to the sector to which they belong with the purpose of compiling all the regulations in a single text and its approval is produced by supreme decree of the corresponding sector, and must have the prior favorable opinion of the

Ministry of Justice and Human Rights;

That, considering that the modifications made include the repeal of three articles of the TUO of the Law No. 27806, which entails a modification of the numbering of the articles, as well as a variation in the internal referral of the regulations, it is considered pertinent to approve a new Single Ordered Text of Law No. 27806;

In accordance with the provisions of paragraph 8) of article 118 of the Political Constitution of Peru, Law No.

29158, Organic Law of the Executive Branch and Law No. 30934, Law that modifies Law No. 27806, Law on Transparency and Access to Public Information, regarding transparency in the Judiciary, the Public Ministry, the National Board of Justice, the Constitutional Court and the Academy of Judiciary;

DECREE:

**Article 1.- Approval of the Single Ordered Text of Law No. 27806, Law of Transparency and Access to public information**

Approve the Single Ordered Text of Law No. 27806, Law of Transparency and Access to Public Information, which consists of six (6) titles, two (2) chapters, forty (40) articles; and, three (3) Transitional, Complementary and Final Provisions.

**Article 2.- repeal**

The Single Ordered Text of Law No. 27806, Law of Transparency and Access to Public Information, approved by Supreme Decree No. 043-2003-PCM, is repealed as of the validity of this rule.

**Article 3.- publication**

Order the publication of this Supreme Decree in the official newspaper El Peruano, in the Institutional Portal of the Peruvian State ([www.peru.gob.pe](http://www.peru.gob.pe)) and in the Institutional Portal of the Ministry of Justice and Human Rights ([www.gob.pe/minjus](http://www.gob.pe/minjus)), on the same day of publication of this standard.

**Article 4.- Endorsement**

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

Given at the Government House, in Lima, ten days later of the month of December of the year two thousand and nineteen.

**MARTIN ALBERTO VIZCARRA CORNEJO**  
Republic President

**ANA TERESA REVILLA VERGARA**  
Minister of Justice and Human Rights

**SINGLE ORDERED TEXT OF LAW N° 27806,  
LAW OF TRANSPARENCY AND ACCESS TO  
Public information**

**TITLE I**

**general disposition**

**Article 1.- Scope of the Law**

The purpose of this Law is to promote the transparency of State acts and regulate the fundamental right of access to information enshrined in numeral 5 of article 2 of the Political Constitution of Peru.

The right of access to information of the Congressmen of the Republic is governed in accordance with the provisions of the Political Constitution of Peru and the Regulations of Congress.

(Text according to article 1 of Law No. 27806)

**Article 2.- Public Administration Entities**

For the purposes of this Law, Public Administration entities are understood to be those indicated in Article I of the Preliminary Title of Law No. 27444, Law of General Administrative Procedure.

(Text according to article 2 of Law No. 27806, modified according to article 1 of Law No. 27927)

**Article 3.- principle of advertising**

All activities and provisions of the entities included in this Law are subject to the principle of publicity.

The officials responsible for providing the information corresponding to the area of their competence must provide an adequate infrastructure, as well as the organization, systematization and publication of the information referred to in this Law.

Consequently:

1. All information held by the State is presumed public, except for the exceptions expressly provided for by article 15 of this Law.

2. The State adopts basic measures that guarantee and promote transparency in the actions of Public Administration entities.

3. The State has the obligation to deliver the information requested by people in application of the principle of publicity.

The public entity will appoint the official responsible for delivering the requested information.

(Text according to article 3 of Law No. 27806)

**Article 4.- Responsibilities and Sanctions**

All Public Administration entities are obliged to comply with the provisions of this standard.

Officials or public servants who fail to comply with the provisions referred to in this Law will be punished for the commission of a serious offense, and may even be criminally denounced for the commission of the crime of Abuse of Authority referred to in article 377 of the Penal Code. .

Compliance with this provision may not give rise to retaliation against the officials responsible for delivering the requested information.

(Text according to article 4 of Law No. 27806)

**TITLE II**

**TRANSPARENCY PORTAL**

**Article 5.- publication on the portals of public agencies**

The Public Administration entities will progressively establish, according to their budget, the dissemination through the Internet of the following information:

1. General data of the Public Administration entity that mainly includes the provisions and **communications issued, its organization, organizational chart**, procedures, the legal framework to which it is subject and the Single Ordered Text of Administrative Procedures, which regulates it, if applicable.

2. Budget information that includes data on executed budgets, investment projects, **salary items and benefits of senior officials and staff in general, as well as their salaries** and the percentage of people with disabilities of the total staff working in the entity, with precision of their employment situation, positions and remuneration level.

(Text modified according to the Twelfth Complementary Provision Modifying Law No. 29973)

3. The acquisitions of goods and services they make. The publication will include details of the amounts committed, suppliers, quantity and quality of goods and services purchased.

4. **Official activities that will be carried out or** carried out by the senior officials of the respective entity, understood as such to the holders of the same and the positions of the subsequent level.

5. Additional information that the entity considers relevant.

The provisions of this article do not exempt from the obligation referred to in Title IV of this Law regarding the publication of information on public finances.

The public entity must identify the official responsible for the development of the Internet portals.

(Text according to article 5 of Law No. 27806, modified according to article 1 of Law No. 27927)

**Article 6.- Implementation deadlines**

Public entities must have portals in Internet within the deadlines indicated below:

a) **Central Government Entities, autonomous and decentralized organizations, as of July 1, 2003.**

b) **Regional Governments, up to one year after** your installation.

c) **Entities of Provincial Local Governments and deconcentrated organizations at the provincial level, up to one year from the beginning of the new municipal period, unless technological and/or budgetary possibilities make their installation impossible.**

d) **Entities of the District Local Governments, up to two years from the beginning of the new municipal period, unless technological and/or budgetary possibilities make their installation impossible.**

e) Private entities that provide public services or exercise administrative functions, until July 1, 2003.

The authorities in charge of formulating the budgets will take these deadlines into account in the allocation of the corresponding resources.

(Text according to article 6 of Law No. 27806, modified according to article 1 of Law No. 27927)

**TITLE III**

**ACCESS TO PUBLIC INFORMATION OF THE STATE**

**Article 7.- Legitimation and requirement unmotivated**

Every person has the right to request and receive information from any entity of the Administration

Public. In no case is an expression of cause required for **the exercise of this right.**

(Text according to article 7 of Law No. 27806)

#### Article 8.- Entities obliged to report

The entities required to provide information are those **indicated in article 2 of this Law.**

**These entities will identify, under the responsibility** of their highest representative, the official responsible for providing information requested under this Law. **In the event that this person has not been designated, the administrative and criminal responsibilities will fall on the general secretary of the institution or whoever does so. their**

times.

State companies are subject to the information access procedure established in this Law.

(Text according to article 8 of Law No. 27806, modified according to article 1 of Law No. 27927).

#### Article 9.- legal entities subject to the private regime that provide public services

**Legal entities subject to the private regime described in paragraph 8) of Article I of the Preliminary Title of Law No. 27444 that manage public services or exercise administrative functions of the public sector under any modality are required to report on the characteristics of the public services that they provide. provides, its rates and the administrative functions it performs.**

(Text according to article 9 of Law No. 27806, modified according to article 1 of Law No. 27927)

#### Article 10.- Public access information

Public Administration entities have the obligation to provide the required information if it **refers to that contained in written documents, photographs, recordings, magnetic or digital media, or in any other format, provided that it has been created or obtained by them or that is in your possession or under your control.**

Likewise, for the purposes of this Law, any type of documentation **financed by the public budget that serves as the basis for a decision of an administrative nature, as well as the minutes of official meetings,** is considered public information .

(Text according to article 10 of Law No. 27806)

#### 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 ten (10) business days,** without prejudice to the provisions of paragraph g).

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 paragraphs c) and d) of **this article, the applicant may file the appeal before the Court within a period of no more than fifteen (15) calendar days, also if it has been presented before the entity. who issued the contested act,**

This must be submitted to the Court in accordance with the provisions of the Single Ordered Text of Law No. 27444, approved by Supreme Decree No. 004-2019-JUS. The Court of Transparency and Access to Public Information **resolves said appeal within a maximum period of ten (10) business days, under responsibility.**

(Text modified according to the Sole Provision Complementary Modifying Legislative Decree No. 1416)

f) If the Court 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.**

(Text according to article 11 of Law No. 27806, modified according to the First Complementary Provision Modification of Legislative Decree No. 1353)

#### Article 12.- Direct access

**Without prejudice to the provisions of the previous article, Public Administration entities will allow applicants direct and immediate access to public information during public service hours .**

(Text according to article 12 of Law No. 27806)

#### Article 13.- Denial of access

The Public Administration entity from which information is requested may not deny it based on 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.**

(Text according to article 13 of Law No. 27806, modified according to the First Complementary Provision Modification of Legislative Decree No. 1353)

#### Article 14.- Responsibilities

The public official responsible for providing information that arbitrarily obstructs the access of the

applicant to the required information, or provides it incompletely or in any way hinders compliance with this Law, will be subject to the **scope of Article 4 of this Law.**

(Text according to article 14 of Law No. 27806)

#### Article 15.- Exceptions to the exercise of the right

The right of access to public information may not be exercised with respect to information expressly classified as secret, which is based on reasons of national security, in accordance with article 163 of the Political Constitution of Peru, which also has as its fundamental basis guarantee the security of people and whose disclosure would cause risk to the territorial integrity and/or subsistence of the democratic system, as well as with respect to the intelligence and counterintelligence activities of the DINI within the framework established by the Rule of Law based on the situations expressly contemplated in this Law.

Consequently, the exception only includes the following cases:

#### 1. Classified information in the military field, both on the internal and external front:

a) Military defense plans against possible aggression from other States, logistics, reserve and mobilization and special operations as well as internal communications and communications that expressly refer to them.

b) Military intelligence and counterintelligence operations and plans.

c) Technical and/or scientific developments specific to the national defense.

d) Operational, logistical and related orders, related to military defense plans against possible aggression from other States or from internal and/or external militarized irregular forces, as well as operations in support of the National Police of Peru, mobilization plans and special operations relating to them.

e) Defense plans for military bases and installations.

f) War material, its components, accessories, operability and/or location whose characteristics would put at risk military defense plans against possible aggression from other States or internal and/or external militarized irregular forces, as well as operations in support of the National Police of Peru, mobilization plans and special operations related to them.

g) Information of Military Personnel who carry out National Security activities and that may put the life and integrity of the people involved at risk.

#### 2. Classified information in the field of intelligence on both the external and internal front:

a) Strategic and intelligence plans, as well as information that puts its sources at risk.

b) Reports that, if made public, would harm intelligence information.

c) Those official intelligence reports that, if made public, would have a negative impact on the exceptions contemplated in section a) of article 15 of this Law.

d) Information related to the enlistment of personnel and material.

e) The strategic intelligence and counterintelligence activities and plans of the organizations that make up the National Intelligence System (SINA), as well as the information that puts its sources at risk.

f) Information of civil or military personnel who carry out National Security activities and that may put the life and integrity of the people involved at risk.

g) Intelligence information that contemplates any of the assumptions contained in article 15 paragraph 1.

In the cases contained in this article, those responsible for the classification are the owners of the respective sector or specifications, or the officials designated by them.

After five years of the classification referred to in the previous paragraph, any person

may request information classified as secret, which will be delivered if the owner of the respective sector or document considers that its disclosure does not put at risk the safety of people, territorial integrity and/or

survival of the democratic system. Otherwise, you must expressly justify in writing the reasons for postponing the classification and the period you consider that you should continue to be classified. The same rules apply if a new extension for a new period is required. The document that substantiates that the information continues to be classified is brought to the attention of the Council of Ministers, which can declassify it. Said document is also brought to the attention of the ordinary commission referred to in article 36 of Legislative Decree No. 1141, Legislative Decree for Strengthening and Modernization of the National Intelligence System – SINA and the National Intelligence Directorate – DINI, within of ten (10) days following its pronouncement. The provisions of this paragraph do not prevent the Congress of the Republic from accessing classified information at any time in accordance with the provisions of article 18 of this Law.

(Text according to article 15 of Law No. 27806, modified according to article 1 of Law No. 27927, and articles 7 and 36 of Legislative Decree No. 1141)

The Law of the National Intelligence System - SINA and the National Intelligence Directorate - DINI indicates the period of validity of the secret classification, regarding the information produced by the system; and the procedure to declassify, renew and/or modify it. The classification is reviewed every five years by the National Security Council.

(Text incorporated according to the Fifth Provision Complementary to Law No. 28664)

#### Article 16.- Exceptions to the exercise of the right: Reserved information

The right of access to public information cannot be exercised with respect to information classified as reserved. Consequently, the exception only includes the following cases:

1. Information that, for reasons of national security in the field of internal order, whose disclosure would cause a risk to the territorial integrity and/or the survival of the democratic system. Consequently, information whose purpose is to prevent and repress crime in the country and whose disclosure may hinder it is considered reserved and includes only:

a) Police and intelligence operations plans, as well as those aimed at combating terrorism, illicit drug trafficking and criminal organizations, as well as the letters, parts and communications that expressly refer to them.

b) Information that impedes the course of investigations in their police stage within the limits of the law, including reward systems, effective collaboration and witness protection, as well as the interception of communications protected by law.

c) The security and defense plans for police facilities, penitentiary establishments, public premises and those for the protection of dignitaries, as well as the letters, parts and communications that expressly refer to them.

d) The movement of personnel that could put the life and integrity of the people involved at risk or affect public safety.

e) The weapons and logistical material involved in special operations and security and defense plans for internal order.

f) The information contained in the Reports of activities with toxic chemical substances and their precursors listed in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; the information contained in the Reports on the production facilities of chemical substances

defined organic; information related to national inspections and inspections carried out by the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons; the information concerning the production processes in which toxic chemical substances and their precursors from Lists 1, 2 and 3 of said Convention intervene; and information concerning the use of toxic chemical substances and their precursors in Schedules 1 and 2 of said Convention.

(Text incorporated according to the Sole Provision  
Complementary Modification of Law No. 29239)

**2. For reasons of national security and the effectiveness of the State's external action, classified information in the field of the State's external relations** will be considered to be any information whose disclosure would cause a risk to the security and territorial integrity of the State and national defense. In the external sphere, to the course of international negotiations and/or the survival of the democratic system. These exceptions are the following:

a) Elements of international negotiations that, if revealed, would harm the negotiating processes or alter the agreements adopted, will not be public, at least during the course of the negotiations.

b) Information that, when officially disclosed by the Ministry of Foreign Affairs, could negatively affect diplomatic relations with other countries.

c) Official information referring to the treatment on the external front of information classified in the military field, in accordance with what is stated in subsection a) of numeral 1 of article 15 of this Law.

d) Financial or legal advisory contracts to carry out public debt operations or debt administration of the National Government; that if revealed, would harm or alter the financial markets, will not be public at least until they are finalized.

(Text modified according to the First Provision  
Complementary and Transitory of Law No. 28563)

In the cases contained in this article, those responsible for the classification are the heads of the corresponding sector or the officials designated by them. Once the cause that motivated the classification disappears, the reserved information is publicly accessible.

(Article incorporated according to article 1 of Law No. 27927)

The Law of the National Intelligence System - SINA and the National Intelligence Directorate - DINI indicates the validity period of the intelligence information produced by the system and classified as reserved, in the cases of numerals 1 literals a, c and d; and 2 literal c, of this article. It also regulates the procedure to declassify, renew and/or modify it. The classification is reviewed every five years by the National Security Council.

(Text incorporated according to the Sixth Provision  
Complementary to Law No. 28664)

**Article 17.- Exceptions to the exercise of the right: Confidential information**

The right of access to public information may not be exercised with respect to the following:

1. Information that contains advice, recommendations or opinions produced as part of the deliberative and consultative process prior to making a government decision, unless said information is public. Once the decision has been made, this exception ceases if the Public Administration entity chooses to make express reference to those advice, recommendations or opinions.

2. Information protected by banking, tax, commercial, industrial, technological and stock market secrecy that

They are regulated, some by section 5 of article 2 of the Constitution, and the others by the relevant legislation.

3. Information linked to investigations in progress related to the exercise of the sanctioning power of the Public Administration, in which case the exclusion of access ends when the resolution that ends the procedure is approved or when more than six (6) months have passed since that the administrative sanctioning procedure was initiated, without a final resolution having been issued.

4. Information prepared or obtained by legal advisors or lawyers of Public Administration entities whose publicity could reveal the strategy to be adopted in the processing or defense in an administrative or judicial process, or any type of information protected by professional secrecy. That the lawyer must keep with respect to his client. This exception ends when the process concludes.

5. Information referring to personal data whose publicity constitutes an invasion of personal and family privacy. Information referring to personal health is considered to be included within personal privacy.

In this case, only the judge can order the publication without prejudice to the provisions of paragraph 5 of article 2 of the Political Constitution of the State.

For its part, this reservation does not operate when the Superintendency of Banking, Insurance and Private Pension Fund Administrators requires information regarding the assets and income of public officials, or when it requires other pertinent information for the fulfillment of the functions of the Financial Intelligence Unit of Peru - UIF-Peru.

(Text modified according to the Third Provision  
Complementary Modification of Legislative Decree No. 1106)

6. Those matters whose access is expressly excepted by the Constitution or by a Law approved by the Congress of the Republic.

(Article incorporated according to article 1 of Law No. 27927)

The Law of the National Intelligence System - SINA and the National Intelligence Directorate - DINI establishes the term of validity of the intelligence information produced by the system and classified as confidential, referred to in paragraph 1 of this article, provided that refers to national security issues. It also regulates the procedure to declassify, renew and/or modify it.

The classification is reviewed every five years by the National Security Council.

(Text incorporated according to the Seventh Provision  
Complementary to Law No. 28664)

**Article 18.- Regulation of exceptions**

The cases established in articles 15, 16 and 17 are the only ones in which the right of access to public information can be limited, so they must be interpreted restrictively as they are a limitation on a fundamental right. No exception to this Law can be established by a rule of lower hierarchy.

The information contained in the exceptions indicated in articles 15, 16 and 17 are accessible to the Congress of the Republic, the Judiciary, the Comptroller General of the Republic; the Ombudsman and the Superintendent of Banking, Insurance and Private Pension Fund Administrators.

For these purposes, the Congress of the Republic only has access through an Investigative Commission formed in accordance with article 97 of the Political Constitution of Peru and the Commission established by article 36 of Legislative Decree No. 1141, Legislative Decree of Strengthening and Modernization of the National Intelligence System - SINA and the National Intelligence Directorate - DINI. In the case of the Judicial Branch, according to the rules that regulate its operation, only the judge in the exercise of his jurisdictional powers in a given case and whose information is essential to reach the truth,

You may request the information referred to in any of the exceptions contained in this article. The Comptroller General of the Republic has access to the information contained in this article only within a control action of his specialty. The Ombudsman has access to information within the scope of his powers to defend human rights.

The Superintendent of Banking, Insurance and Private Pension Fund Administrators has access to the information whenever it is necessary to fulfill the functions of the Financial Intelligence Unit of Peru - UIF-Peru.

Public officials who have in their possession the information contained in articles 15, 16 and 17 have the obligation to ensure that it is not disclosed, and are responsible if this occurs.

The exercise of these public administration entities is framed within the limitations established by the Political Constitution of Peru.

The exceptions indicated in points 15 and 16 include the documents generated on these matters and those related to the violation of human rights or the 1949 Geneva Conventions carried out in any circumstance, by any person, will not be considered classified information. . None of the exceptions indicated in this article can be used against what is established in the Political Constitution of Peru.

(Text modified according to the Third Provision Complementary Modification of Legislative Decree No. 1106 and article 36 of Legislative Decree No. 1141)

#### Article 19.- Partial information

In the event that a document contains, in part, information that, in accordance with articles 15, 16 and 17 of this Law, is not publicly accessible, the Public Administration entity must allow access to the information available in the document. .

(Text according to article 16 of Law No. 27806, modified according to article 1 of Law No. 27927)

#### Article 20.- Applicable rate

The applicant who requires the information must pay only the amount corresponding to the costs of reproducing the requested information.

The amount of the fee must appear in the Single Text of Administrative Procedures (TUPA) of each Public Administration entity. Any additional cost will be understood as a restriction on the exercise of the right regulated by this Law, applying the corresponding sanctions.

(Text according to article 17 of Law No. 27806, modified according to article 1 of Law No. 27927)

#### Article 21.- Conservation of information

It is the responsibility of the State to create and maintain public records in a professional manner so that the right to information can be fully exercised. In no case may the Public Administration entity destroy the information it possesses.

The Public Administration entity must send the information in its possession to the National Archives, within the deadlines stipulated by the Law on the matter. The National Archive may destroy information that has no public utility, when a reasonable period of time has elapsed during which said information has not been required and in accordance with the regulations by which the National Archive is governed.

(Text according to article 18 of Law No. 27806, modified according to article 1 of Law No. 27927)

#### Article 22. Annual report to the Congress of the Republic

The National Authority for Transparency and Access to Public Information sends an annual report to the Congress of the Republic in which it reports on the requests for information answered and not answered.

For the purposes indicated in the previous paragraph, the National Authority for Transparency and Access to Information

Public Information is responsible for gathering the information referred to in the previous paragraph from all Public Administration entities .

(Text according to article 19 of Law No. 27806 and article 4 of Legislative Decree No. 1353)

### TITLE IV

#### TRANSPARENCY ABOUT THE MANAGEMENT OF THE Public finances

##### Article 23.- Object

The fundamental objective of this title is to provide greater transparency in the management of Public Finances, through the creation of mechanisms to access fiscal information, so that citizens can exercise supervision over Public Finances and allow adequate accountability. of counts.

This title uses the terms indicated below :

a) Public finance information: that information referring to budgetary, financial and accounting matters of the Public Sector.

b) Tax Expense: refers to exemptions from the tax base, authorized deductions from gross income, tax credits deducted from taxes payable , deductions from tax rates and deferred taxes.

c) General Government and Consolidated Public Sector: The definitions established in Legislative Decree No. 1276, Legislative Decree that approves the Fiscal Responsibility and Transparency Framework of the Non-Financial Public Sector, will be used.

(Text according to article 20 of Law No. 27806)

##### Article 24.- Publication Mechanisms and Methodology

The publication of the information referred to in this standard may be carried out through the Internet portals of the entities, or through the newspapers with the greatest circulation in the localities, where they are located, as well as through other means according to the infrastructure of the town. The regulations will establish the disclosure mechanisms in those localities in which the number of inhabitants does not justify publication by said means.

The methodology and denominations used in the preparation of the information must be expressly published, in order to allow an appropriate analysis of the information.

When this standard provides that the information must be disclosed quarterly, it must be published within thirty (30) calendar days following the end of each quarter, and will include, for comparison purposes, the information from the two previous periods.

(Text according to article 21 of Law No. 27806)

### CHAPTER I

#### PUBLICATION OF INFORMATION ON PUBLIC FINANCE

##### Article 25.- Information that must be published by all Public Administration Entities

Every Public Administration Entity will publish, quarterly, the following:

1. Your Budget, specifying: income, expenses, financing, and operating results in accordance with current budget classifiers.

2. Public investment projects in execution, specifying: the total project budget, the budget of the corresponding period and its level of execution and the accumulated budget.

3. Information on your personnel specifying: active personnel and, if applicable, passive personnel, number of officials, directors, professionals, technicians, assistants, whether they are appointed or contracted for a period greater than three

**(3) months within a year, regardless of the labor regime to which they are subject, or the name of the budget or position they hold; salary range by category and the total expense of salaries, bonuses, and any other remunerative concept**, whether pensionable or not.

4. Information contained in the Registry of contracting and acquisition selection processes, **specifying: the reference values, names of contractors, contract amounts, penalties and sanctions and final cost, if applicable.**

**5. The progress made in the performance indicators established in the institutional strategic plans or in the indicators that will be applied to them, in the case of entities that have signed Management Agreements.**

Public Administration Entities are obliged to send the aforementioned information to the Ministry of Economy and Finance, so that it can include it on its internet portal, within five (5) calendar days following its publication.

(Text according to article 22 of Law No. 27806)

**Article 26.- Information that must be published by the Ministry of Economy and Finance**

The Ministry of Economy and Finance will publish, in addition to what is established in the previous article, the following information:

1. The Balance of the Consolidated Public Sector, within **ninety (90) calendar days of the end of the fiscal year, together with the balances of the two previous years.**

2. **The income and expenses of the Central Government and Decentralized Instances included in the Public Sector Budget Law, in accordance with the current Income, Expense and Financing Classifiers, quarterly, including: the annual and accrued budget, according to the following criteria (i) institutional identification; (ii) functional classifier (function/program); (iii) by generic expense; and (iv) by financing source.**

3. The projects of the Law on Indebtedness, Financial Balance and Budget and its explanatory reasons, within the first two (2) business days of September, including: the general tables on use and sources and functional distribution by generic of the expenditure and institutional, at the document level.

4. **Detailed information on the balance and profile of the external and internal public debt arranged or guaranteed by the Consolidated Public Sector, quarterly, including: the type of creditor, the amount, the term, the agreed amortization rate, the capital and the interest paid and accrued.**

5. **The schedule of disbursements and amortizations carried out, by each financing source, on a quarterly basis, including: official credit operations, other deposits and balance sheets.**

6. Information on public investment projects whose studies or execution would have required resources equal to or greater than one thousand two hundred (1,200) Tax Units, quarterly, including: the total budget of the project, the accumulated executed budget and the annual executed budget.

7. **The balance of the Fiscal Stabilization Fund (FEF) within thirty (30) calendar days of the end of the fiscal year.**

8. The results of the evaluation obtained in accordance with the applied indicators, within **ninety (90) calendar days following the end of the fiscal year.**

(Text according to article 23 of Law No. 27806)

**Article 27.- Information that must be published by the National Activity Financing Fund**

**State Business Administration (FONAFE)**

FONAFE will publish, in addition to what is established in article 25, the following information about the entities under its scope:

1. The budget in consolidated form, before **December 31 of the year prior to the beginning of the budget execution period.**

2. **The Balance Sheet, as well as the Savings, Investment and Financing Account, quarterly.**

3. The audited Financial Statements, within **one hundred twenty (120) calendar days of the end of the fiscal year.**

4. The management indicators that will be applied, **when Management Agreements have been concluded.**

5. The results of the evaluation obtained in accordance with the applied indicators, within **ninety (90) calendar days following the end of the fiscal year.**

(Text according to article 24 of Law No. 27806)

**Article 28.- Information that must be published by the Pension Normalization Office (ONP)**

**The ONP, as Technical Secretariat of the Fund**

Consolidated Pension Reserve (FCR), will publish, in addition to what is established in article 25, the following:

1. **The Financial Statements at the end of the fiscal year of the Consolidated Pension Reserve Fund (FCR) and the National Public Savings Fund (FONAHPU), before on March 31 of each year.**

2. Information regarding the situation of the financial assets of the FCR and the FONAHPU, placed in the financial and non-financial entities and in multilateral organizations where the resources of the aforementioned Funds are deposited, as well as the administration costs, the rates of interest, and accrued interest, quarterly.

(Text according to article 25 of Law No. 27806)

**Article 29.- Information that must be published by the State Procurement Supervisory Body (OSCE)**

The OSCE will publish, quarterly, information on acquisitions and contracting carried out by Public Administration Entities, whose reference value has been equal to or greater than fifty (50) Tax Units. For this purpose, the information must be disaggregated by Pliego, when applicable, detailing: the process number, the reference value, the supplier or contractor, the amount of the contract, the approved valuations, if applicable, the contractual term, the effective execution period, and the final cost.

(Text according to article 26 of Law No. 27806)

## Chapter II

### OF FISCAL TRANSPARENCY IN THE BUDGET, THE MACROECONOMIC FRAMEWORK AND Pay accounts

**Article 30.- Information on Fiscal Impact**

1. Together with the Budget Law, the Financial Balance Law and the Internal and External Debt Law, the Executive Branch will send to Congress an estimate of the effect that the destination of the Tax Expenditure will have, by regions, economic and social sectors, according to his, her nature.

2. **Likewise, any bill that modifies Tax Expenditure must be accompanied by an annual estimate of the impact that said measure would have on the public budget and its effect by regions, economic and social sectors, according to its nature.**

(Text according to article 27 of Law No. 27806)

**Article 31.- Consistency of the Multiannual Macroeconomic Framework with the budgets and other Annual Laws**

1. The explanatory memorandum of the Annual Budget Law will include a table of consistency with the Multiannual Macroeconomic Framework, disaggregating income, expenses and economic results for all entities within the scope of the Annual Budget Law.

Budget, of the rest of the entities that make up the Consolidated Public Sector.

2. The explanatory statement of the Annual Debt Law will include the support of its **compatibility with the deficit and the consequent increase in debt** foreseen in the Multiannual Macroeconomic Framework.

(Text according to article 29 of Law No. 27806)

#### Article 32.- Pre-electoral report

The Presidency of the Council of Ministers, **no less than three (3) months in advance of the date** established for the general elections, will publish a **review of what was accomplished during its administration** and will present its projections on the economic, **financial and social situation of the next five (5) years**. The report must also include the analysis of the investment commitments already assumed for the coming **years, as well as the financial obligations, including** contingent and others, whether or not included in the Budget.

(Text according to article 32 of Law No. 27806)

#### Article 33.- Preparation of budgets and budget extensions

1. Public Administration entities whose **budget is not part of the General Budget** of the Republic must approve it no later than December 15 of the year prior to its entry into force, by the corresponding body established in the current regulations.

2. Any budget increase, or the debt ceilings established in the corresponding Law, will be included in a quarterly report that will accompany the **information referred to in the preceding article, listing all budget increases and analyzing** their implications on the guidelines. of the Budget and the Macroeconomic Framework.

(Text according to article 33 of Law No. 27806)

### TITLE V

#### Sanctions regime

(Title incorporated according to the Second Provision Complementary Modification of Legislative Decree No. 1353)

#### Article 34.- Scope of application

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

(Article incorporated according to the Second Provision Complementary Modification of Legislative Decree No. 1353)

#### 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 incorporated according to the Second Provision Complementary Modification of Legislative Decree No. 1353)

#### 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 incorporated according to the Second Provision Complementary Modification of Legislative Decree No. 1353)

#### 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.

(Article incorporated according to the Second Provision Complementary Modification of Legislative Decree No. 1353)

### TITLE VI

#### TRANSPARENCY IN THE JUDICIAL POWER, THE PUBLIC MINISTRY, THE NATIONAL BOARD OF JUSTICE, THE CONSTITUTIONAL COURT AND THE ACADEMY OF THE MAGISTRATE

(Title incorporated according to the sole article of the Law N° 30934)

#### Article 38.- Scope of application

The present legal regime of transparency applies to all institutions that make up the justice system: Judiciary, Public Ministry, National Board of Justice, Constitutional Court and Academy of Judiciary.

(Article incorporated according to the sole article of the Law N° 30934)

#### Article 39.- Transparency obligations

The entities that are part of the justice system are required to publish on their respective transparency portals, at least, the following information:

1. **The resume of the judge or prosecutor, of the members of the National Board of Justice, of the Constitutional Court and of the Board of Directors of the Academy of Judiciary.** This publication includes basic information about your academic training and work experience, disciplinary sanctions imposed, assets according to your sworn declaration of income and assets and income, sentences, resolutions **or opinions issued or in which you have participated** as a member of a collegiate.

2. The sworn declaration of interests of judges, **prosecutors and, in general, members of the justice system** that allow them to know whether or not they are involved in situations in which their personal, **work, economic or financial interests could be in conflict. with the fulfillment of the duties and functions of the position.**

3. All judicial rulings, **tax rulings and systematized jurisprudence that are easily accessible by subject**, with a summary in simple and friendly language, in accordance with the guidelines and directives established by the **Ministry of Justice and Human Rights, through the National Authority of Protection of Personal Data, and in coordination with the Judiciary and the Public Ministry.**

4. The list of interviews and visits that **judges and prosecutors have and, in general, members of the National Board of Justice, the Constitutional Court and the Academy of Judiciary, with an indication of the matter that motivated them.**



5. The annual reports of the entities that make up **the justice system on the activities carried out within** the framework of their powers.

6. The reports prepared by the control offices of the Judiciary and the Public Ministry or those that act in their place.

7. The selection and appointment, **ratification and disciplinary processes of judges and prosecutors by** the National Board of Justice.

8. Detailed and useful information for the generation of **public policies on the matter.**

9. Access to the National Registry of Lawyers Sanctioned for Professional Malpractice, created by Legislative Decree 1265 and its regulations approved by Supreme Decree 002-2017-JUS.

(Article incorporated according to the sole article of the Law N° 30934)

#### Article 40.- Supervision of the National Authority Transparency and Access to Information

The National Authority for Transparency and Access to Information will be in charge of supervising compliance with the transparency obligations contained in this law.

(Article incorporated according to the sole article of the Law N° 30934)

#### transitory dispositions, COMPLEMENTARY AND FINAL

**first.-** The Public Administration will have a **period of one hundred and fifty (150) days from the publication of this Law to condition its operation in accordance with the obligations that arise from its regulations.** The provisions of Supreme Decree No. 018-2001- will govern within this period.

PCM, Emergency Decree No. 035-2001 and all the regulations that regulate access to information. However, **articles 8, 11 and 20 referring to entities** obliged to inform, the procedure and the cost of **reproduction respectively, come into force the day** after the publication of this Law. The Executive Branch, through the Ministries respective and the National Intelligence Council, in its capacity as the governing body of the highest level of the National Intelligence System (SINA), will prepare the regulations of this Law, which will be approved by the Council of Ministers and **published within a period not greater than ninety (90) days** from the effective date of this Law.

(Text according to the section of the Provisions Transitory, Complementary and Final of Law No. 27806, modified according to article 1 of Law No. 27927)

**Second.-** State entities that have approved procedures regarding access to information must adapt them to what is stated in this Law.

(Text according to the section of the Provisions Transitory, Complementary and Final of Law No. 27806)

**Third.-** All regulations that are established are repealed. oppose this Law.

(Text according to the section of the Provisions Transitory, Complementary and Final of Law No. 27806)

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## Twenty-ninth List of Civil, military and police beneficiaries of the Economic Reparations Program

MINISTERIAL RESOLUTION  
N° 0462-2019-JUS

Lima, December 10, 2019

**SEEN, Official Letter No. 3739-2019-JUS/CMAN-SE, from the Executive Secretariat of the Multisectorial Commission of High Level in charge of monitoring the actions and policies of the State in the areas of Peace, Reparation Collective and National Reconciliation - CMAN; the Craft No. 2910-2019-JUS/OGPM-OPRE, of the General Office of Planning, Budget and Modernization, and the Report No. 1284-2019-JUS/OGAJ, from the General Legal Advice Office of the Ministry of Justice and Rights Humans, and;**

CONSIDERING:

That, Law No. 28592, Law that creates the Comprehensive Plan of Reparations – PIR, aims to establish the Framework **Regulations for victims of violence that occurred during the period from May 1980 to November 2000;**

**That, as provided in article 38 of the Regulation of Law No. 28592, approved by the Supreme Decree No. 015-2006-JUS, taking into account the lists referred to in article 42 of the aforementioned norm, the Reparations Council determines and identifies the beneficiaries of the Economic Reparations Program**

(PRE);

**That, article 2 of Supreme Decree No. 051-2011-PCM, modifies article 37 of the aforementioned Regulation, stating that the granting of reparations will be carried out gradually and progressively once they are approved, by Ministerial Resolution of the**

President of the Council of Ministers, the procedures and payment modalities that must govern the Economic Reparations Program (PRE);

**That, article 3 of Supreme Decree No. 051-2011-PCM determines that the amount of economic compensation for a victim of sexual rape, victim of permanent physical or mental disability, missing victim or deceased victim, amounts to the amount of S/ 10,000.00 (Ten Thousand with 00/100 Soles), issuing the guidelines in the case of the presence of the surviving spouse or common-law partner with other relatives of the missing or deceased victims;**

That, by Supreme Decree No. 102-2011-PCM, the High Level Multisectorial Commission is assigned in **charge of monitoring the actions and policies of the State in the areas of Peace, Collective Reparation and National Reconciliation - CMAN to the Ministry of Justice and Human Rights (MINJUSDH);**

That, in the context of the assignment of the CMAN to the MINJUSDH, Ministerial Resolution No. 0149 is issued **2012-JUS, by which the procedures and payment modalities are modified for the implementation of the Economic Reparations Program (PRE), approved with Ministerial Resolution No. 184-2011-PCM, considering, among other aspects, that the executing agency of the PRE is the Ministry of Justice and Human Rights through its Executing Unit: General Administration Office, specifying that the MINJUSDH approves the corresponding disbursements through ministerial resolutions;**

That, by Supreme Decree No. 012-2016-JUS, published on September 8, 2016, the **process of determining and identifying civil, military and police beneficiaries of the Reparations Program was reestablished**

**Economic, whose applications have been submitted as of January 1, 2012, in accordance with the provisions of article 38 of Supreme Decree No. 015-2006-JUS, Regulation of Law No. 28592, Law that creates the Plan Comprehensive Repairs;**

That, through Official Letter No. 3739-2019-JUS/CMAN- SE, dated **December 3, 2019, the Executive Secretary of the CMAN sends Report No. 2037-2019-CMAN, which points out that in accordance with established procedures, the draft of the Twenty-Ninth List of civil, military and police beneficiaries of the Economic Reparations Program (PRE) has been prepared, which includes a total of 243 nominal beneficiaries with a total of 244 damages to be repaired, specifying personal data and the Unique Victim Registration Code – RUV, among others; Therefore, it requests the issuance of the corresponding Ministerial Resolution that approves the aforementioned Lists. The total economic reparation amounts to S/ 415,391.64 (Four Hundred and Fifteen Thousand Three Hundred**