

## Mexico

| 1. Fair  |   |
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| <b>Regulatory framework</b>                                      | Disclosure requirements are centralized in the 2002 <i>Ley Federal de Responsabilidades Administrativas de los Servidores Publicos</i> (LFRASP -Federal Law of Administrative Responsibilities of Public Servants). Secondary legislation also exists in the form of several agreements for the regulation and implementation of the LFRASP.  |
| <b>Outreach to public officials about disclosure requirement</b> | Guidelines and information for public officials on who, what, when and how to disclose and the legal framework are available on a user-friendly asset declaration website: <a href="http://declaranet.gob.mx/">http://declaranet.gob.mx/</a> . Other official websites also providing this information are: <a href="http://normateca.ife.org.mx/internet/normaCONTRALORIA/normaCONTRA_temas02.asp">http://normateca.ife.org.mx/internet/normaCONTRALORIA/normaCONTRA_temas02.asp</a> and <a href="http://www.asf.gob.mx/Section/98 Formato de Declaracion de Situacion Patrimonial">http://www.asf.gob.mx/Section/98 Formato de Declaracion de Situacion Patrimonial</a> .   |
| <b>Type of information disclosed</b>                             | Content of disclosure focuses on both financial and business interests.<br><br>Filers are required to disclose the following: <ul style="list-style-type: none"> <li>• <b>Properties:</b> Movable and immovable properties (including personal residence)</li> <li>• <b>Investments and Liabilities:</b> Stocks and securities, and business relationships with financial institutions</li> <li>• <b>Incomes:</b> Value and source of incomes</li> <li>• <b>Positions:</b> High-level positions, including pre-tenure activities.<br/>No regulation appears to regulate disclosure of unpaid positions.</li> <li>• <b>Gifts and funded travels:</b> Gifts</li> <li>• <b>Other:</b> N/A</li> </ul>   |
| <b>Other relevant information</b>                                | Regarding the public officials, some of them are considered as Politically Exposed Persons (PEP's) by the regulatory framework on Anti Money Laundering and Financing of Terrorism (AML/CFT). As a result, it establishes specific measures that institutions must carry out regarding this category. According to the legal framework on AML/CFT matters, entities must be provided with information enabling them to determine if its PEP's (public officials) customers have a living standard commensurate with the perceived income.   |
| 2. Transparent   |   |
| <b>Public accessibility of disclosed information</b>             | The public can access information on most officials' academic and work details (institution, qualifications and responsibilities) through an online database: <a href="http://servidorespublicos.gob.mx/paginas/servidores_publicos/pag_busqueda.jsf">http://servidorespublicos.gob.mx/paginas/servidores_publicos/pag_busqueda.jsf</a> .<br><br>While this information is automatically published, to access other details, such as financial information for example, the official must have previously granted consent to its publication. There is an itemized selection of consent options to choose from, in which the official decides what the public can or cannot see. For example, the official can consent to public availability of disclosed liabilities but not of immovable assets. |

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|  | <p>The disclosures of members of the Executive (President included) are accessible through the Presidential Office website: <a href="http://www.presidencia.gob.mx/declaracion-patrimonial/">www.presidencia.gob.mx/declaracion-patrimonial/</a>.</p> <p>The exceptions to the online publication are: MPs, officials from the National Electoral Institute (INE) and the Supreme Court. In order to access the disclosure forms of this group of servants, first a written request must be filed with the relevant institution (Parliament, INE or Supreme Court, respectively). Following the application, consent must be obtained from the public official, who can decide whether to grant full or partial access to their disclosure form.</p> |
| <b>Public access to information concerning disclosure system functioning</b> |  |
| <b>Other relevant information</b>  |  |
| <b>3. Targeted at senior leaders and those in at-risk positions</b>          |  |
| <b>Legislative</b>   | The definition of public officials required to disclose includes members from both Chambers of the Legislative Assembly.   |
| <b>Executive</b>   | The President of the State (who is also Chief of Government), Ministers and their deputies must disclose.  |
| <b>Judiciary</b>   | Members of higher courts, plus other judges and prosecutors are subject to declarations.   |
| <b>Other</b>   | <p>Heads of government agencies/departments and above, as well as federal police officers, are required to disclose.</p> <p>Tax and custom officials, procurement agents and officials of the Financial Authorities are required to disclose their assets, liabilities, income source, income amount, paid outside positions, and previous employment. The disclosed information is publicly available online or in print.</p>   |
| <b>Risk-based approach to the disclosure requirement</b>                     | The law indicates that officials involved in managing and auditing public federal funds must also submit declarations.   |
| <b>Other relevant information</b>  | <p>Please note, this analysis is only applicable to federal public officials i.e. not at sub-national (state or municipal) level.</p> <p>Regarding the public officials, some of them are considered as Politically Exposed Persons (PEP's) by the regulatory framework on Anti Money Laundering and Financing of Terrorism (AML/CFT). As a result, it establishes specific measures that institutions must carry out regarding this category.</p>   |
| <b>4. Supported with adequate resources</b>                                  |  |

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| <b>Main agency/agencies involved in disclosure</b> | <p><b>Legislative:</b> <i>Auditoría Superior de la Federación</i> (ASF) is located within the Chamber of Deputies but is functionally independent. It receives disclosures from officials in the legislative branch i.e. the MPs.</p> <p><a href="http://www.asf.gob.mx/Section/98 Formato de Declaracion de Situacion Patrimonial">http://www.asf.gob.mx/Section/98 Formato de Declaracion de Situacion Patrimonial</a></p> <p>ASF provides guidance to public officials under its purview regarding their financial disclosures. It covers audits on public funds. Within the ASF the <i>Dirección General Jurídica</i> is in charge of receiving disclosures.</p> <p><b>Executive:</b> <i>Secretaría de la Función Pública</i> (SFP) an office of the federal executive branch receives the disclosure forms from all other public officials not listed previously.</p> <p><a href="http://www.funcionpublica.gob.mx/index.php/ua/sracp/dgrsp.html">www.funcionpublica.gob.mx/index.php/ua/sracp/dgrsp.html</a></p> <p>SFP provides guidance to public officials under its purview regarding their financial disclosures. It additionally carries out controls, coordinates audits of public federal funds and determines public procurement policy.</p> <p>Within SFP, the <i>Dirección General de Responsabilidades y Situación Patrimonial</i> (SFP) is in charge of receiving disclosures.</p> <p><b>Judiciary:</b> The <i>Dirección General de Responsabilidades Administrativas y de Registro Patrimonial</i> is located within the Supreme Court. It receives the financial disclosures from public officials of the Supreme Court.</p> <p><a href="http://www.scjn.gob.mx/Transparencia/Documents/Organigrama/Met_y_Obj/Objetivo_RESPONSABILIDAD_ADES.pdf">www.scjn.gob.mx/Transparencia/Documents/Organigrama/Met_y_Obj/Objetivo_RESPONSABILIDAD_ADES.pdf</a></p> <p>The Supreme Court receives and follows up on complaints about Supreme Court officials from the public.</p> |
| <b>Other entities</b>                              | <p>The Comptroller General of the <i>Instituto Nacional Electoral</i> (INE), located in the INE (an autonomous institution itself) receives disclosures from public officials of the INE only. The Comptroller holds technical and management independence</p> <p><a href="http://normateca.ife.org.mx/internet/normaCONTRALORIA/normaCONTRA_temas02.asp">http://normateca.ife.org.mx/internet/normaCONTRALORIA/normaCONTRA_temas02.asp</a></p> <p>The INE provides guidance to public officials under its purview regarding their financial disclosures. The INE also carries out audits, controls, and supervises the finances and resources of the INE.</p>  |
| <b>Other relevant information</b>                  |   |

| <b>5. Useful</b>                       |  |
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| <b>Frequency of filing requirement</b> | All public officials subject to disclosure requirements must submit a financial declaration on assuming and leaving office, as well as update their disclosure on an annual basis if necessary.  |
| <b>Validation &amp; verification</b>   | The SFP (Executive branch) and ASF (Legislative) check the submitted disclosure forms to ensure they are complete without omissions. The SFP additionally reviews the content of forms on ad-hoc basis. In other words, examination are run upon request, complaint or |

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|                                      | suspicion of illicit enrichment. As for the ASF, the practice of running such verifications remain more uncertain.                              |
| <b>Uses of disclosed information</b> | Disclosure forms can be made directly available and used as evidence by public prosecutors and judicial authorities involved in investigations. |
| <b>Other relevant information</b>    |   |

## 6. Enforceable

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| <b>Types of applicable sanctions</b>                             | <p>Administrative sanctions apply for non-submission and submission of false or incomplete information.</p> <p>For non-submission, officials may be suspended from work (15 to 30 days). For false or missing information, the suspension ranges from 3 days to 3 months.</p> <p>If a case is deemed sufficiently serious, an official can be removed from the position and banned from public office (1 to 5 years).</p>                         |
| <b>Mechanism and entities responsible for enforcing measures</b> | <p>The SFP and the Comptroller General (from INE) can present a formal complaint to the Public Ministry for rules violation of an officer under their purview.</p> <p>Upon investigation, the SFP (Executive) has the power to demand that the concerned public official prove the legitimate origin of their fortune.</p> <p>For ASF or the Supreme Court there is no indication of specific sanctions or procedures related to disclosures.</p> |
| <b>Other relevant information</b>                                |   |