

Mexico – Data Privacy

The Constitution of Mexico provides privacy rights to all individuals. On July 5, 2010, México enacted a federal law regarding personal data protection (*Ley Federal de Protección de Datos Personales en Posesión de los Particulares*, the “Data Protection Act”) that sets out the legal framework governing third-party personal information in the hands of private parties (including employers). The Data Protection Act is a federal statute and is therefore, applicable in the entire country. The Data Protection Act governs the manner in which private parties obtain, use, disclose and store (jointly, “treat”) personal data from third parties.

For purposes of the Data Protection Act, personal data is defined as any information concerning an individual whether identified or identifiable. In addition, the Data Protection Act specifically regulates certain types of personal data: (i) “sensitive personal data” (e.g. personal data that if misused could cause discrimination or impose a risk to the owner); and (ii) “financial data”.

Collection and Processing of Personal Data	
<i>Compliance Alternatives</i>	<p>Any Treatment of personal data is subject to the express or tacit consent of its owner. Notwithstanding, financial data may only be treated with the express consent of the owner and the treatment of sensitive data must always be consented by the owner through a physical or electronic signature or authentication method. Such consent may be at all times revoked, but without giving retroactive effects to such revocation.</p> <p>No consent will be necessary in the following cases (a) Treatment of personal data is provided by law; (b) The data is available from public sources; (c) Personal data is previously disassociated from the owner; (d) The treatment has the purpose of complying with obligations derived from a legal relationship between the owner and the recipient; (e) There is an emergency situation that could possibly affect a person or its assets; (f) For medical or sanitary reasons; or (g) Treatment of personal data is ordered by a resolution from a competent authority.</p> <p>Data Protection Rules are not applicable to business cards (e.g. (i) surnames and last names; (ii) the functions performed or positions held; (iii) physical domicile; (iv) e-mail address; and (v) telephone and fax numbers).</p>
<i>Disclosure/ Registration</i>	<p>In all cases, and notwithstanding if consent for the treatment of personal data is required, the recipient must inform the owner of the information it is receiving and the purposes for which such information is being obtained, through the privacy notice. The privacy notice, that may be in written, electronic or other forms, and which shall indicate, at least, the identity and domicile of the recipient, the purposes of the treatment of personal data, the options and manners in which the owner may limit the use or disclosure of personal data, the manner in which the owner may access, rectify, cancel or challenge the treatment of its personal data, the manner in which changes to the privacy notice will be notified to the owners and, in the case of sensitive data, a specific mention thereof.</p> <p>The treatment of personal data must be limited to the purposes set out in the privacy notices. In case, the recipient intends to use such personal data for other purposes, a new consent will have to be obtained. When the personal data ceases to be necessary for the achievement of the purposes set out in the privacy notice, such personal data will have to be cancelled. In regards to any default regarding contractual obligations, the recipient will have to eliminate such information after seventy two months counted as of the date in which the relevant default occurred.</p> <p>Within the treatment of personal data underlies a reasonable expectancy of privacy.</p>
<i>Other Requirements</i>	<p>The recipient of personal data must establish and maintain security, administrative, technical and physical measures to protect such personal data from being damaged, lost, altered, and destroyed and from any undue access, disclosure or misuse, and which shall be, at least, the same measures it uses for its own information.</p>

This summary is intended to reflect local law and practice as at 1 May 2013. Please note, however, that recent amendments and legal interpretations of the local law may not be included in these summaries. In addition, corporate governance, administration, and option plan design facts that are specific to your company may impact how the local laws affect the company's equity based compensation plans. With these matters in mind, companies should not rely on the information provided in this summary when implementing their stock plans.

Transfer of Personal Data

<i>Compliance Alternatives</i>	When the recipient intends to transfer personal data to third parties, whether foreign or national, it shall inform such third parties of the terms of the privacy notice and the purposes to which the owner of the personal data limited its use, disclosure and storage. Treatment of such personal data shall be made in accordance with the privacy notice, in which the owner must authorize such transfer. The third party recipient will assume the same obligations as the original recipient. Consent to the transfer of personal data will not be required when: (a) The transfer of personal data is set forth in a law or in an international treaty to which México is a party; (b) The transfer is necessary for medical or sanitary purposes; (c) The transfer is made among entities controlled by the same entity (affiliates, subsidiaries, holding companies) or any other entity within the same group as the recipient that operates under the same internal processes and policies; (d) The transfer is necessary under an agreement entered into or to be entered into in the interest of the owner by the recipient and a third party; (e) The transfer is necessary or legally required for the protection of a public interest or for legal enforcement; (f) The transfer is necessary for the recognition, enforcement or defense of rights in a judicial procedure; and (g) The transfer is necessary for the maintenance or fulfillment of a legal relationship between the owner and the recipient.
<i>Other Requirements</i>	None applicable.

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