PODER LEGISLATIVO

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REGULATING PRIVATE INFORMATION

EL CONGRESO DE LA NACION PARAGUAYA SANCIONA CON FUERZA DE LEY

Article 1•.- Every person has the right to collect, store and process personal data for strictly private use.

Article 2.- Public sources of information are freely available to all. Every person has the right to access data contained in public records, including those created by Law No. 879 of 2 December 1981, Law No. 608 of 18 July 1995, and their amendments.

Article 3.- The collection, storage, processing and publication of personal data or characteristics for scientific, statistical, public opinion survey or market research purposes is lawful, provided that the publications do not identify the individuals or entities under investigation.

Article 4.- It is prohibited to publicise or disseminate sensitive data on individuals who are explicitly identified or identifiable.

Sensitive data is considered to be data relating to racial or ethnic origin, political preferences, individual health status, religious, philosophical or moral convictions, sexual intimacy and, in general, any data that may give rise to prejudice and discrimination or affect the dignity, privacy, domestic intimacy and private image of individuals or families.

Article 5•.- Data relating to specific individuals or legal entities that reveal, describe or estimate their financial situation, economic solvency or compliance with their commercial obligations may only be published or disseminated:

a) When those persons have given their express written authorisation to that effect; and,

b) In the case of information or ratings that state or private entities are required to publish or disclose in compliance with specific legal provisions.'

Article 6•.- The following may be published and disseminated:

a) Data consisting solely of first and last name, identity document, address, age, date and place of birth, marital status, occupation or profession, place of work and work telephone number;

§) In the case of data provided by the data subject themselves; and,

c) When the information is obtained in the exercise of their duties by judges, prosecutors, parliamentary committees or other authorities legally empowered to do so.

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Article 7.- Personal data on financial status, creditworthiness and compliance with commercial obligations that may be disseminated or published in accordance with this law shall be updated on an ongoing basis.

The obligation to update such data rests with the companies, individuals or entities that store, process and disseminate that information. Companies, individuals or entities that use their services are obliged to provide them with the relevant information so that the data they store, process and disseminate is constantly updated.

The updating of data and the provision of relevant information must be carried out within two working days of the moment they become aware of it, either directly from the company or through the data subject.

Article 8.- Any person may access information and data about themselves, their spouse, persons they can prove are under their guardianship or trusteeship, or their assets, held in official or private public records or in entities that provide information on financial solvency and asset status, as well as know how such information is used or its purpose.

Article 9.- Companies, individuals or entities that provide information on financial status, creditworthiness or compliance with commercial obligations shall not transmit or disclose data:

a) On overdue debts that have not been claimed in court when the delay is not more than ninety days;

b) After four years have elapsed since the registration of overdue debts not claimed in court, provided that there are no new defaults by the same debtor;

c) Three years after the obligations claimed in court have been cancelled by the debtor or legally extinguished;

d) Debts claimed in lawsuits in which the statute of limitations has expired or claims that have been rejected by the courts through final and enforceable judgments, provided that these facts have come to their knowledge through public information or from the parties concerned;

e) Five years after the date on which the general prohibitions on selling or encumbering assets were signed, and, in the event that they were re-registered, after five years following such re-registration;

f} Seven years after the date on which a final judgment determining financial obligations has been handed down, in cases where there is no evidence of compliance by the convicted person;

g) In the case of declaratory judgments of bankruptcy, seven years after they were handed down, or, if the bankrupt party has been rehabilitated, three years after that event;

h) Creditors' meetings after five years from the judicial resolution admitting it.

Companies or entities that provide information on the financial situation, economic solvency and breach of commercial commitments must implement computer mechanisms that automatically remove non-public data from their information systems, in accordance with the deadlines established in this Article.

Article 10.- Penalties shall be applied in the following cases:

a) Natural or legal persons who publish or distribute information on the financial situation, economic solvency or fulfilment of commercial obligations in violation of the provisions of this law shall be penalised with fines ranging, depending on the circumstances of the case, from three hundred **to seven hundred minimum wages** for unspecified work activities, fines that shall be doubled, tripled, quadrupled, and so on for each repeat offence.

In order for the doubling, tripling, quadrupling, etc. to occur, a prior complaint by the affected individual will be required.

b) Natural or legal persons who, despite being obliged to rectify or provide information for the rectification of data in accordance with the provisions of Article 7, fail to do so or do so outside the deadlines established therein, shall be punished with fines which, depending on the circumstances of the case, shall range from one hundred and fifty to five hundred minimum daily wages for unspecified work activities, fines which, in the event of a repeat offence, shall be increased in accordance with the guidelines established in section a);

c) If the extrajudicial claims referred to in Article 8 are not addressed without reason or legal basis, a fine shall be imposed on the entity reluctant to comply with its obligations, which, depending on the circumstances of the case, shall range from one hundred to two hundred minimum wages for unspecified work activities; and,

d) The court shall order the corresponding corrections or deletions to be made and may also order the final judgment to be published in full, in part or in summary form, at the expense of the responsible party.

The Civil and Commercial Court shall be competent to apply the fines in summary proceedings.

Fifty per cent (50%) of the total amount of the fines shall be paid by the offender, and the remainder shall be allocated to juvenile correctional institutions.

The application of this fine shall not prevent the affected person from bringing criminal proceedings or claiming compensation for damages.

Artículo 11.- This law shall enter into force six months after its publication, during which time companies, entities and individuals must adapt their operations, records, information systems and disclosure practices to its provisions.

Article 12.- Communicate to the Executive Branch.

Approved the Bill by the Honourable Chamber of Senators of the Nation, on the twelfth of December two thousand, and by the Honourable Chamber of Deputies on the twenty-eighth of December of the same year , and was enacted in accordance with the provisions of Article 207 de la Constitución Nacional.

Juan Darío Monges Espínola
Vicepresidente 1° en Ejercicio de la Presidencia
H. Cámara de Diputados

Juan Roque Galeano Villalba
President
H. Senate

Rosalino Andino Scavone
Secretario Parlamentario

Darío Antonio Franco Flores
Parliamentary Secretary

Asunción, **de** Enero of 2001

Let it be considered Law of the Republic, **published** and entered into the Official Register.

The President of the República
Republic

Luis Angel González Macchi

Silvio Gustavo Ferreira Fernández
Minister of Justicia y Labour
Justice