

PERU

LAW OF TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION

Amendment to Law No 27806

(Note from the Peruvian Press Council: text is integrated in accordance to the modifications indicated in the Modified Law of Transparency and Access to Public Information, promulgated on February 4, 2003¹)

TITLE 1 GENERAL REGULATIONS

Article 1

Scope of the Law

The present law must promote the transparency of acts of State and regulate the fundamental right of access to information cited in section 5 of Article 2 of the Political Constitution of Peru. The right of access to information of Congressmen of the Republic is outlined in the Political Constitution of Peru and the Regulations of Congress.

Article 2

Public Administration Entities

For the purpose of the present Law, Public Administration entities are understood as the ones mentioned in Article 1 of Preliminary Law number 27444, Law of General Administrative Procedures.

Article 3

Principle of Public Disclosure

All activities and regulations of the entities that are part of the following law are subject to the Principle of Public Disclosure. Officials responsible for releasing information in their jurisdiction should plan an adequate infrastructure with organization, systematization, and publishing of information referred to in this Law.

As a consequence:

1. All information owned by the State is presumed public with the exception of exemptions established in article 15 of the present Law.
2. The State will adopt basic measures that guarantee and promote transparency in the activities of Public Administration entities.
3. The state is obliged to submit the information requested by the people in accordance to the Principle of Public Disclosure.

The public entity will designate an official responsible for releasing the requested information.

Article 4

Responsibilities and Sanctions

All Public Administration entities are required to follow what is established in the present law.

The officials or public servants who do not follow the regulations in this law will be sanctioned for committing a major offense, possibly being criminally denounced by the commission of the Abuse of Authority as referenced in Article 377 of the Penal Code.

Compliance with this law should not generate reprisals against the officials in charge of releasing the requested information.

¹ Modifies “articles” 2, 5, 6, 8, 9, 11, 15, 16, 17, 18 and the first transitory amendment, Complementary and Final dispositions and articles 15·A, 15·B and 15·C from Law Number 27806 related to Transparency and Access to Public Information

TITLE II TRANSPARENCY ONLINE

Article 5

Publication of Public Department Websites

Government branches will progressively establish, according to their budget, the diffusion of the following information through the Internet:

1. General Information about that branch mainly including its issued regulations and communiqués, description, organization, organizational chart, procedures, legal framework, and the Unified Text of Administrative Processes (*Texto Unico Ordenado de Procedimientos Administrativos*) that governs the determined body, if applicable.
2. Budget information that includes data about executed budgets, investment projects, designated salaries and benefits of high ranking officials as well as all personnel and their wages.
3. The acquisitions of goods and services. The publication will describe transactions in detail – the promised amount, the suppliers and the quantity and quality of the goods and services that were acquired.
4. Official activities that involve or will involve high ranking officials of the respective branch, understood as the directors of that branch and the officials that rank below them
5. Additional information the department considers appropriate.

The aforementioned provisions do not exclude the obligations that are present in Title IV of this law related to the publication of information on public finances.

All public administrative entities must identify the official responsible for the development of the websites.

Article 6

Implementation

All government departments will be obliged to have websites functioning according to the following dates:

- a. Central Government Departments, autonomous and decentralized departments, on July 1, 2003
- b. Regional Governments have up to one year after taking office.
- c. Local Provincial Governments and decentralized provincial departments have up to one year at the start of a new municipal period, unless the technological and financial resources make it impossible for them to comply.
- d. Local District Governments have up to two years from the beginning of the new municipal period, unless technological and financial resources make it impossible for them to comply.
- e. Private entities that offer public services or execute administrative functions must comply by July 1, 2003.

The authorities in charge of designing the budget will take into account the aforementioned deadlines when assigning the corresponding resources.

TITLE III ACCESS TO PUBLIC INFORMATION OF THE STATE

Article 7

Legitimacy and Unmotivated Requirements (*Requerimiento Inmotivado*)

Every individual has the right to request and receive information from any branch of Public Administration. An explanation for the request is not required under any circumstance.

Article 8

Entities Required to Supply Information

The entities that are obliged to concede information are the ones specified in Article 2 of the present Law. These entities will identify, under the responsibility of their highest ranked representative, the official responsible for disclosing information mentioned in the present Law. If this official remains unnamed,

penal and administrative responsibilities will be given to the secretary general of the institution or whoever is in charge of the department.
State owned enterprises are also subject to the procedures established in this Law.

Article 9

Legal Entities from the Private Sector that Offer Public Services

Legal Entities from the private sector, as described in Article 1, clause 8 of the Preliminary Title of Law 27444, but who offer public services or who are responsible for any administrative duties in the public sector are obliged to inform about the characteristics, costs and administrative functions of the public services they perform.

Article 10

Access to Public Information

Public Administrative entities are obliged to release the information requested whether it is written documents, photographs, recordings, magnetic or digital devices or any other format, as long as this information was created and obtained by the entity and is under its possession or control.

Moreover, by the effects of this law, every type of documentation financed by the public budget based on decisions of an administrative nature is considered public information, including records of official meetings.

Article 11

Procedures

The access to public information is subject to the following procedures:

- a. All requests for information shall be directed to the official named by the Public Administrative entity to perform this task. In the case that no official was designated, the request would be directed to the official that has the relevant information or to his immediate superior.
- b. The Public Administrative entity to which the request was made shall respond within seven business days, a deadline that can be extended to five additional business days for exceptional cases when the requested information is unusually difficult to gather. In this case the department shall communicate in writing, before missing the original deadline, the reasons for extending the deadline; if this is not done the request would be considered denied.
In the case that the Department does not have the requested information but knows the location and destination of the information, the person soliciting the information shall be informed.
- c. Denying access to information is subject to the regulations in the second paragraph of Article 13 of the present law.
- d. If the aforementioned deadlines are not met, the requester shall consider his request denied.
- e. In the cases mentioned in clause C and D of the present article the requester shall consider his request denied and all administrative procedures exhausted, unless the request was submitted to a department subject to a higher department, in which case they can lodge an appeal to the decision.
- f. If the appeal is denied or the department supplies no response in ten business days, the requestor can consider all administrative procedures exhausted.
- g. Once all administrative procedures are finished, the solicitor who did not get the requested information, can choose to begin the legal phase of the administrative process in conformance with Law 27854 or start the constitutional process of Habeas Data, as established in Law 26301.

Article 12

Direct Access

Without prejudice to what is mentioned in Article 11, all Public Administrative entities shall allow requestors direct and immediate access to public information during business hours.

Article 13

Denial of Access

The Public Administrative entity that receives the information request cannot deny information based on the identity of the requestor.

The denial of information must be based on the exemptions mentioned in Article 15 of this law, and the reasons for denial along with the period of time in which this information will remain closed must be expressed in writing.

A request of information does not mean that the entities must create or produce information they do not have or that they are not obliged to have at the time of the request. In this case, the entity must inform the requestor that the requested information has been denied because it does not exist in the entity's possession. This law does not allow the requesters to demand an evaluation or analysis of the information by the entity.

If the request is not fulfilled or if the entity's response is ambiguous, it shall be assumed that the information is tacitly denied.

Article 14

Responsibilities

Any public official responsible for giving information that arbitrarily obstructs the access of the solicitor to the information requested or responds incompletely and hinders the following of this law will be held accountable to Article 4 of the present law.

Article 15

Exemptions to the Law: Secret Information

Access to Public Information does not include access to information classified as secret for national security reasons and whose disclosure could cause a threat to the territorial integrity and/or survival of the democratic system, neither the intelligence and counter intelligence activities of the CNI under the framework established by the Rule of Law situations that are expressed in this Law, according to article 163 of the Constitution of Peru whose fundamental goal is to guarantee the security of the people. As a consequence the exemptions cover only the following cases:

1. Information classified militarily, whether internally or externally:
 - a. Military Defense Plans against potential aggression from other states, logistics, reserves and mobilization and special operations along with memos and internal communications that are related to the aforementioned operations.
 - b. Intelligence and Counter Intelligence Plans and Operations
 - c. Technical and/or Scientific Developments relevant to National Security
 - d. Operational orders, logistics regarding military defense plans against potential aggression by other States, internal and/or external irregular forces, support operations in behalf of the Peruvian National Police, mobilization plans and special operations related to them.
 - e. Defense plans of military bases and other military installations.
 - f. Military material components, accessories, functions and locations whose descriptions could put at risk: military defense plans against other states, internal and/or external irregular militarized forces, operations of the Peruvian National Police, mobilization plans and special operations related to them.
 - g. Information about military personnel involved in National Security activities that could endanger the life and integrity of the people involved in the operations.
2. Information classified as internal or external intelligence:
 - a. Strategic and Intelligence Plans, and all information that could endanger their sources.
 - b. Reports that would damage Intelligence information if made public.
 - c. Official Intelligence Reports that if made public would negatively affect the exemptions established in part Article 15-A of the present law.
 - d. Information related to materials and the enlistment of personnel.
 - e. Intelligence and Counter Intelligence Strategic plans and activities of the organisms that form the National Intelligence System (SINA) and all the information that could put their sources at risk.
 - f. Information related to civil and military personnel that perform National Security activities that could put the life and integrity of the persons involved at risk.
 - g. Intelligence information related to what is mentioned in part 1 of article 15.

In any of the cases established in this article, the officials responsible for classifying the information are the heads of the department or the officials named by the head.

After secret information has been classified for five years, any individual can request this information, which will be released if the head of the respective department declares that this will not put the security of the people involved, the territorial integrity or the existence of the democratic regime at risk. If the request is denied, the head must explain in writing the reason(s) for retaining the information as classified and the estimated duration of its retention. The same previous rules apply for requesting an extension for the deadline of providing the information. The document declaring that the information will remain classified shall be given to the Council of Ministers, who can declassify the information. The requested document shall also be relayed to the ordinary commission mentioned in Article 36 of Law 27479 ten days after its pronouncement. The procedures established in this paragraph do not prohibit Congress from accessing the classified information at any time according to what Article 15-C of the present law establishes.

Article 15A

Exemptions to the Law: Reserved Information

The right of Access to Public Information is not exercisable when the information is classified as reserved. The following cases are related to this exemption:

1. Information whose declassification would endanger territorial integrity or the survival of the democratic regime due to national security reasons regarding the internal realm. Consequently all information that prevents and fights crime in the country is considered reserved only in the following cases:

- a. Plans of police and intelligence operations related to fighting terrorism, drug trafficking, criminal organizations, as well as memos and other communiqués that refer to them.
- b. Information that would jeopardize ongoing police investigations within the limits of the law, including reward systems, effective collaboration, witness protection and the interception of communications under the law.
- c. Defense and security plans of police stations, penitentiaries, local premises and areas for the protection of dignitaries as well as memos, communiqués and all information related to them.
- d. The movement of personnel that could endanger the life and integrity of the people involved or affect the integrity of citizens.
- e. Arms and logistical material used for special operations and plans for the security and defense of internal order.

2. For National Security reasons and for the efficiency and external actions of the state, all information in the realm of external relations of the state shall be considered classified if its disclosure would create a risk to the security and integrity of the territory and external national defense regarding international negotiations and/or the survival of the democratic system. The exemptions are the following:

- a. Elements of international negotiations that would damage the negotiation process or alter the adopted agreements if revealed shall not be published, at least during the negotiation process.
- b. Information that if released officially by the Foreign Relations Ministry would negatively affect diplomatic relations with other countries.
- c. Official information that refers to the external realm treatment of militarily classified information according to the established Article 15 Section 1. a) of the present law.

For the cases mentioned in this article, the people responsible for classifying the information are the heads of the corresponding department or the officials named by them. Once the cause for classification disappears the classified information becomes available to the public.

Article 15B

Exemptions to the Law: Confidential Information

The right to access to information shall not include the following:

1. Information that contains advice, recommendations or opinions produced as part of the deliberative or consulting process before the government makes a decision,

unless the information is public. Once that decision is made this exemption is terminated if the public entity chooses to make reference to the advice, recommendations and opinions.

2. Information protected by banking, tax, commercial, industrial, technological and stock-exchange secrecy, which is regulated, in part by Section 5 of Article 2 of the Constitution and the rest by other corresponding legislation.
3. Information related to on going investigations on the use of power sanctioned by the Public Administration, in which case the exclusion of access ends when the procedure reaches a resolution or six months after the procedure begins, regardless of the status of a resolution.
4. Information prepared or obtained by the Public Administration's legal advisors or attorneys whose publication could reveal a strategy to be adopted in the defense or procedure of an administrative or judicial process, or any type of information protected by professional secrecy that a lawyer must keep to serve his client. This exemption ends when the process finishes.
5. Personal information that constitutes an invasion of personal and family privacy when published. Personal health information is included under private matters. In this case only a judge can order the publication without prejudice to what is established in Section 5 of Article 2 of the Peruvian Constitution.
6. All material whose access is exempted by the Constitution of the Republic or a law approved by the Congress.

Article 15C

Regulation of Exemptions

The cases established in articles 15, 15A and 15B are the only ones that can limit the right of access to public information, and they should be interpreted in a restricted manner since they represent a limit to a fundamental right. No exemptions to the present law may be established by norm of a lesser scale.

The information noted in the exemptions of articles 15, 15A, and 15B is available to the Congress of the Republic, the Judiciary, the General Comptroller (*Contralor*) of the Republic and the Human Rights Ombudsman (*Defensor del Pueblo*).

Furthermore, Congress can only access this information through an Investigative Commission formed according to Article 97 of the Peruvian Constitution and the Commission must be established by Article 36 of Law Number 27479. For the Judiciary, in accordance with the norms that regulate its functions, only a judge can request information mentioned in these exemptions when that judge is exercising his jurisdiction in a determined case and needs specific information to get to the truth. The Comptroller (*Contralor*) has access to the information present in this article only when taking action within his specific field. The Human Rights Ombudsman (*Defensor del Pueblo*) has access to information when it is pertinent to his job for the defense of human rights.

Public officials responsible for the information referred to in articles 15, 15A and 15B must keep the information private and shall be held responsible if this information is leaked.

The exercise of these Public Administrative entities lies within the framework and limitations established by the Peruvian Constitution.

The exemptions mentioned in Articles 15 and 15A include those documents generated relating to these subjects. Any information related to human rights violations or the Geneva Convention of 1949 under any circumstance, by any person, should not be considered classified information. None of the exemptions mentioned in this article can be used against what is established in the Peruvian Constitution.

Article 16

Partial Information

In the case where a document contains partial information mentioned in articles 15, 15A and 15B of the present law that is not subject to public access, the Public Administrative entity must release the available information in the documents.

Article 17

Applicable Costs

The individual(s) requesting the information shall solely bear the costs incurred to reproduce the required information. The total amount must be expressed in the Rules of Administrative Procedures (*Texto Unico de Procedimientos Administrativos—TUPA*) of each public entity. Any additional costs shall be considered a restriction on the right guaranteed by this law and will be subject to the corresponding sanctions.

Article 18

Preservation of Information

The state is responsible for creating and maintaining professional, public records to ensure that the right to information can be exercised properly. The Public Administration cannot destroy the information it possesses under any circumstance.

The Public Administrative entity must transfer all information under its control to the National Archive following the deadlines stipulated by the Law. The National Archive may destroy information that does not have public relevance as long as the act is according to the internal regulations of the National Archive, and it comes after a reasonable time period during which the information is not requested.

Article 19

Annual Report to Congress

The Council of Ministers shall give an annual report to Congress in which they will detail the information requests that were granted and denied.

Furthermore, the Council of Ministers must gather the aforementioned information from all public entities.

**TITLE IV
TRANSPARENCY FOR THE MANAGEMENT OF PUBLIC FINANCES**

Article 20

Purpose

Through the creation of mechanisms to access fiscal information, this title's fundamental purpose is to give maximum transparency to the management of public finances, so citizens can supervise the management of public finances and to ensure accurate accounting for the finances. The present Title uses the following terms:

- a) Public Finance Information: Related to budget, financial and account information of the Public Sector.
- b) Consumption Tax: Refers to exemptions to the tax base, authorized gross income deductions, fiscal credits deducted for taxes to be paid, tax rate deductions and deferred taxes.
- c) General Governor and Consolidated Public Sector: The definitions established in Law Number 27245, the Law of Fiscal Prudence and Transparency shall be used.

Article 21

Mechanisms for Publishing and Methodology

Information related to this norm can be published through the Public Administrative entities' websites, major local newspapers and other media according to the infrastructure of the municipality. Regulations will establish the mechanisms to disperse the information in those places where the number of inhabitants does not allow for publication through the media mentioned above.

The methodology and terms used in the elaboration of information shall be expressly published, in order to allow an appropriate analysis of the information.

When the present norm establishes that the information should be released on a trimester cycle, this information should be published within thirty days at the conclusion of the three-month period. For comparative purposes information from the last two periods will be published as well.

CHAPTER I PUBLISHING INFORMATION ON PUBLIC FINANCES

Article 22

Information that All Public Administrative Entities are Required to Publish

All departments of Public Administration shall publish the following on a trimester cycle:

1. Budget: revenues, expenditures, financing and operative results of conforming to valid budget classifications.
2. In-Progress Public Investment Projects: Total budget of the project, budget of the corresponding period, its progress rate and the cumulative budget
3. Employee Information: active and inactive personnel, number of officials, directors, professionals, technicians, aides, as long as the named employees are hired for more than three months in one year, without taking into account the working regime that they are subject to, their designated budget or the function they perform. The wage range by category and the total expenditure in remunerations, bonuses and any other remunerative information should be released as well, regardless of their ability to claim pension.
4. Information regarding the Selection Process for Contracting and Acquisitions: referential values, contractor's names, total contract prices, penalties, sanctions and final cost if available.
5. The progress made by performance indicators established by the institutional strategic plans or in other indicators to be applied to the entities that are subscribed to the negotiated agreement.

Public Administrative Entities must transfer the mentioned information to the Ministry of Economics and Finance, so it can be included in the ministry's website within five days after its publication.

Article 23

Information that the Ministry of Economy and Public Finance is required to publish

In addition to what is established in the previous article, the Ministry of Economy and Public Finance shall publish the following information:

1. The Balance of the Consolidated Public Sector within ninety days of the close of the fiscal period joined with the balances of the previous two periods.
2. Following a trimester cycle, Revenues and Expenditures of the Central Government and its decentralized dependencies specified in the Public Sector Budget Law as established in the Revenues, Expenditures and Financing Indexes, including: the earned, annual budget according to the following criteria: i. institutional identification, ii. functional classification (function/program), iii. By type of expense, iv. Financing source.
3. Debt Law, financial equilibrium and budget projects with a description of their motives within the first two business days of September including: general charts about the use, source and functional distributions by type of expense and institution at an itemized level.
4. Following a trimester cycle, detailed information about the balance and profile of the public external and internal debt concerted or guaranteed by the Consolidated Public Sector including: the type of creditor, the total amount, the due dates, the agreed on depreciation fee, capital and made as well as future interest payments.
5. The chronological chart of payments and amortizations made by each financing source following the trimester cycle, including: official credit operations, other deposits and balance of payments.
6. Information about Public Investment projects whose research or execution would have demanded resources greater than or equal to 1,200 tax units (*unidades impositivas tributarias*), following the trimester cycle including: the total budget for the project, the executed accumulated budget and the annual executed budget.
7. The Fiscal Stabilization Fund balance within thirty days of the close of the fiscal period.
8. The resulting evaluation of the conformity with the applied indicators, within ninety days after the close of the fiscal period.

Article 24

Information That the National Fund for the Financing of State Entrepreneurial Activities (*Fondo Nacional de Financiamiento de la Actividad Empresarial del Estado--FONAFE*) Is Required to Publish

FONAFE shall publish, in addition to what is established in article 21, the following information about the entities under its sphere of influence:

1. The consolidated budget, before December 31st of the previous year up to the start of the budget's execution period.
2. The balance, including the savings account, investments and financing – on the trimester cycle.
3. Audited state finances, within 120 calendar days of the close of the fiscal period.
4. The measurement indicators to be applied when the convention on measurement is held.
5. Results of the evaluation in conformity with the applied indicators, within ninety days after the close of the fiscal period.

Article 25

Information That the Office of Provisional Standards (*Oficina de Normalizacion Previsional—ONP*) Is Required to Publish

In addition to what is established in article 21, the ONP, as a Technical Secretary of the Consolidated Reserve Fund (*Fondo Consolidado de Reserva Previsional--FCR*), shall publish the following:

1. The state's financiers that close fiscal exercise of the Consolidated Reserve Fund (FCR) and of the National Public Savings Fund (*Fondo Nacional de Ahorro Publicos--FONAHPU*), before March 31st of each year.
2. Information referring to the situation of active financiers of the FCR and the FONAHPU, placed in financial and non-financial entities and in multilateral organizations where the deposited resources of the aforementioned funds are found, including administrative costs, interest rates and earned interest per trimester.

Article 26

Information that the High Council for State Contracts and Acquisitions (*Consejo Superior de Contrataciones y Adquisiciones del Estado—CONSUCODE*) is required to publish

Every trimester the CONSUCODE shall publish information about acquisitions and contracts completed by public administration entities whose referential value is greater than or equal to fifty Tax Units (*unidades impositivas tributarias*.) In this case, the information should be disaggregated by item, if applicable, detailing the processing number, the referential value, the supplier or contractor, the total on the contract, the approved valuation (if that is the case), the contracted deadline, the effective exercised deadline and the final cost.

**CHAPTER II
FISCAL TRANSPARENCY IN THE BUDGET, THE MACROECONOMIC FRAMEWORK AND THE
ACCOUNTING FOR ACTIONS**

Article 27

Information on Fiscal Impact

1. In conjunction with the Laws for the Budget, Financial Equilibrium and Internal and External Debt, the Executive Branch must present to Congress an estimate of the effects that the use of the Tax Expense (*Gasto Tributario*) will have on economic and social sectors as well as each region, according to its type.
2. Furthermore, all projects of the law that modify the Tax Expense (*Gasto Tributario*) shall be accompanied by an annual estimation of the modification's effects on the public budget as well as its regional, social and economic effects, according to its type.

Article 28

Additional Information on the Multi-annual Macroeconomic Framework

In addition to what is established in Article 10 of Law 27245, the Law of Fiscal Prudence and Transparency, the multi-annual macroeconomic setting shall contain the following information:

1. An analysis of fiscal risks of substantial variation in the supposed macroeconomics, containing an indication on the contingent ways to deal with these.
2. A complete record of exonerations, subsidies and other types of Tax Expense (Gasto Tributario) maintained by the public sector including an estimated fiscal cost for each item, as well as a total cost estimate for each region and social and economic sector, according to its character.

Article 29

The Consistency of the Multi-annual Macroeconomic Framework with Budgets and Other Annual Laws

1. The explanation behind the Annual Budget Law shall include a chart consistent with the Multi-annual Macroeconomic Framework, disaggregated investments, expenses and the economic result for the combined entities under the sphere of influence of the Annual Budget Law of the rest of the entities that make up the Consolidated Public Sector.
2. The explanation behind the Annual Debt Law shall include the sustainability of its compatibility with the deficit and the consequent increase in debt predicted by the Multi-annual Macroeconomic Framework.

Article 30

Responsibility with Respect to the Multi-annual Macroeconomic Framework

1. The Declaration of Principles for Fiscal Policy that is referred to in Article 10 of Law 27245 shall be approved by the Minister of the Economy and Finance, in accordance with the Ministerial Resolution.
2. All modification to the Multi-annual Macroeconomic Framework that implies alteration to the established parameters of Law 27245 should be completed in conformity to what is established in Article 5 of the aforementioned Law and subject to previously adopted ways to make corrections.

Article 31

The Transfer of Accounts of the Annual Budget and Debt Laws

1. Before the last business day of the month of March of every year the Central Reserve Bank of Peru shall send to the General Comptroller of the State and the Minister of Economics and Finance the evaluation for the completion of the jobs outlined in the Macroeconomic Framework of the previous year, covering the macro fiscal rules established in Law 27245. This report, in conjunction with the evaluation of the budget referred to in Law 27209, shall be sent to Congress by the last day of April.
2. Within fifteen days of sending the report, the Minister of Economics and Finance shall defend before all of Congress the Declaration of Completion in accordance with what is established in Law 27245. The Declaration shall contain an analysis of increases in gross debt and variations on deposits while making explicit the evolution of endorsements, debt exchange and pension obligations as well as the deviation in rates of the previous record.
3. At the same time, the Minister shall report on the completion of the budget's allocations, emphasizing the functional classifications and all sources of indebtedness, as well as the grants endorsed by the Republic.

Article 32

Pre-Election Report

At least three months before the established general elections date, the President of the Cabinet shall publish a review of what was accomplished during his or her administration and shall provide predictions on the financial, economic and social situation of the next five years. The review shall contain an analysis of future investments already guaranteed as well as other financial obligations, whether or not they are contingent and/or included in the budget.

Article 33

Elaborations and Enlargements to the Budget

1. Before December 15th of the year before entering into service, the Public Administration entities whose budget does not form part of the Republic's General Budget shall approve theirs by the corresponding body established by the norms in place.
2. All enlargements of the budget or limits on indebtedness established in the corresponding Law shall include a review per trimester to accompany the information referred to in the previous Article, listing all budget enlargements and analyzing the implications of this against the Budget and the Macroeconomic Framework.

TRANSITORY, COMPLEMENTARY AND FINAL PROVISIONS

Article 1

The Public Administration will have 150 days after the publishing of the present Law to prepare its functions in accord with the obligations of these norms. Within this timeframe the provisions of Supreme Decree No 018-2001-PCM and Urgent Decree No 035-2001 and all the norms that regulate freedom of information will be enforced. Nonetheless, Articles 8, 11 and 17, referencing the public entities required to inform, the procedure and the respective reproduction cost, will be in effect the day after this law is published. The Executive Branch, through the respective Ministries and the National Intelligence Council as the supreme organism of the National Intelligence System (*Sistema de Inteligencia Nacional—SINA*), will elaborate the regulations of the present law to be approved of by the Council of Ministers and published within 90 days of the approval of this Law.

Article 2

Unified Text (*Texto Unico Ordenado*)

The Executive Branch is authorized to publish by Supreme Decree the Unified Text of Law 27806, the Law of Transparency and Freedom of Information within thirty days after the present law is approved.

Article 3

Repeal Provisions

Abolish all norms that contradict the present law.

Lima

Promulgated February 4, 2003

Signed by Congress January 13, 2003.