005494

COMPTROLLER

GENERAL

Res. N° 380-2021-CG.- Approve list of entities public that will be incorporated into the Electronic System Registry of Affiliates of Income and Assets and Income Online in 2021 **005098**

Res. N° 381-2021-CG.- Approve the Directive "Provisions on the Processing and Evaluation of Declarations Sworn Income and Property and Income Authorities, Activities and Interests Online" and the Directive "Provisions on Contracts or Agreements and/or Agreements Counterpoint Granted "and Directive" Provisions for the use of the System for the Registry of Affiliates of Income and Assets and Income Online " **005096**

INSTITUTIONS

EDUCATIONAL

Res. N° 1308-R-UNCA 2021.- Authorize travel of authorities of the National University "San Luis Gonzaga" from Ica to Brazil, in order to sign specific agreements **005092**

NATIONAL JURY

OF ELECTIONS

Res. N° 775-2021-JNE.- Declare null Resolution N° 0000-2021-JNE, issued by the Plenary of the Supreme Electoral Organization of the JNE, and affect of the General Secretariat of the ONPE and ability of everything acted in the registration procedure requested by political organization **005093**

Res. N° 776-2021-JNE.- Declare null Agreement of Council that declared unfounded vacancy request filed against mayor of the Provincial Municipality of Huamalíes, and they have to return the acts so that a new pronouncement is issued **005098**

Res. N° 777-2021-JNE.- Convoke a citizen to be elected to complete the position of the Municipal Council of the District Municipality of Aucará, province and department from Lima **005912**

LAW No. 30096

THE PRESIDENT OF THE REPUBLIC

HOW MUCH:

The Congress of the Republic:
He has given the following Law:

THE CONGRESS OF THE REPUBLIC:
He has given the following Law:

COMPUTER CRIMES LAW

CHAPTER I

PURPOSE AND OBJECT OF THE LAW

Article 1. Purpose of the Law
The purpose of this Law is to prevent and punish illicit conduct that affects the

Article 6. Attack against the integrity of information systems
Whoever, through information technologies or communications, disables, totally or partially, a computer system, or prevents, hinders, or prevents its operation or the provision of its services, will be punished with imprisonment not less than three nor more than six years and with eighty years one hundred and twenty days fine.

CHAPTER III

COMPUTER CRIMES AGAINST SEXUAL DEMOCRACY AND FREEDOM

Article 7. Proposals to boys, girls and teens for sexual purposes by means of technological
The one who, through information technologies or communications, contact a minor under fourteen years of age to propose sexual relationships or lewd, or to carry out sexual activities with him, it will be repressed with a controlled sentence of no less than three nor more than six years and disqualification according to numerals 1, 2 and 4 of article 36 of the Penal Code.
When the victim is between fourteen and under Eighteen years old and half deception, the penalty will be not less than three nor more than six years old disqualification according to numerals 1 and 4 of article 36 of the Penal Code.

CHAPTER IV

COMPUTER CRIMES AGAINST PRIVACY AND THE SECRET OF COMMUNICATIONS

Article 8. Illegal data traffic
Anyone who creates, enters or erasures a database of data on a natural or legal person, identified or identifiable, to sustain traffic, will, if prosecuted, favor or provide information related to goods or services, or any other similar illicit activities, infer, financial or other ambiguous nature, coming to an harm, will be punished with imprisonment not younger than three and not older than five years.

Article 9. Interception of computer data
The one who, through information technologies or communications, intercepts computer data, processed or not, or signals or any kind of computer emissions, or transmits to a computer system or made within it, including emissions electromagnetic from a computer system that transports such computer data, will be repressed with a controlled sentence of no less than three and no more than six years.
The controlled sentence shall be no less than five years when the data intercepted is at least left one information classified as secret, reserved or confidential in accordance with the rules of the matter.
The controlled sentence shall be no less than eight years when the crime compromises the defense, security or national sovereignty.

CHAPTER V

CYBERCRIME AGAINST HERITAGE

Article 10. Computer fraud
The one who, through information technologies or communications, seeks for himself or for another a benefit to the detriment of a third party by the design, introduction, alteration, deletion, deletion, cloning of computer data or any interference or manipulation in the operation of computer systems, will be repressed with a controlled sentence of no less than three or more than eight years old and with sixty to one hundred twenty days fine.
The penalty will be deprivation of liberty not less than five nor more than ten years and sixty days fine to one hundred days fine when the patrimony of the destined State is affected for welfare purposes or social support programs.

the adequate prosecution of computer crimes, and develop protection and security programs;

QUARTER. Operational cooperation
In order to promote the exchange of information, joint investigation teams, joint operations and the mutual provisioning of communications and other corresponding activities. To give effect to this Law, the National Police of Peru, the Public Ministry and the Judicial Power in the framework of the Intersectoral Principle Law.

SIXTH. Security measures
The Secretariat of Government Digital and Information, (SEGDI) permanently promotes, in coordination with public sector institutions, strengthening your security measures in the protection of sensitive computer data and the integrity of your computer systems.

SEVENTH. Good practices
The Secretariat of Government Digital and Information promotes the exchange of good practices and exercises measures aimed at combating the phenomenon of massive attacks against IT infrastructures and establishes the necessary protocolar mechanisms, procedures and protocols for exchange of information and good practices.

EIGHTH. Multilateral agreements
The Peruvian State promotes the signing and ratification of multilateral agreements that guarantee cooperation mutual with other States for the persecution of Cybercrime.

NINTH. Terminology
For the purposes of this Law, it will be understood that in accordance with the Budapest Convention on the Cybercrime, Budapest, 23.ALXI.2001:

a) **By computer system:** all isolated devices or set of interconnected devices or related, provided that one or more of them, in accordance with a set of its elements, be of the automated treatment data while ensuring a program.
b) **By computer data:** all representation of facts, information or concepts expressed in a form that is susceptible to automated computing, including programs designed for a computer system to execute a function.

TENTH. Regulation and imposition of fines by the Supervisionary of Banking, Insurance and AFP
The Superintendency of Banking, Insurance and AFP (SBS) in exercise of its functions, taking into account characteristics, complexity and circumstances of the cases applicable to companies under their supervision that are affected by the crimes provided for in the articles 207-A of the Criminal Procedure Code, approved by the Legislative Decree 957.
The judge, within seventy two hours, puts in knowledge of the supervisory body of the sessions incurred in the crimes, taking into account characteristics, complexity and circumstances of the case particular, in order to apply the corresponding fine.

ELEVENTH. Regulation and imposition of fines by the Supervisory Agency for Private Investment in Telecommunications
The Supervisory Agency for Private Investment in Telecommunications establishes the scale of fines

taking into account the characteristics, complexity and circumstances of the cases applicable to companies that supervision that fail to comply with the obligation provided in numeral 4 of article 230 of the Code of Criminal Procedure, approved by Legislative Decree 957.
The judge, within seventy two hours, puts in knowledge of the OSIPTEL the sessions incurred by the company, taking into account the circumstances corresponding on the characteristics, complexity and circumstances of the particular case, in order to apply the corresponding fine.

SUPPLEMENTARY PROVISIONS MODIFICATIONS

FIRST. Modification of Law 27697, Law that grants power to the prosecutor for intervention and control of communications and private documents in case exceptional
Modify article 1 of Law 27697, Law that grants power to the prosecutor for intervention and control of communications and private documents in case exceptional, modified by Legislative Decree 991, in the following text:

" **Article 1. Framework and purpose**
The purpose of this Law is to develop legislatively, the constitutional power granted to the judges to know and control communications of people who are the subject of research. Communications and documents
You can only take out of liberty provided in the this Law in the following crimes:

1. Kidnapping.
2. Human trafficking.
3. Aggravated robbery.
4. Aggravated robbery.
5. Extortion.
6. Illicit drug trafficking.
7. Smuggling of migrants.
8. Illicit arms trafficking.
9. Attacks against national security and treason to the homeland.
10. Embezzlement.
11. Corruption of officials.
12. Bribery.
13. Tax and customs offenses.
14. Money laundering.
15. Computer crimes."

SECOND. Modification of Law 30077, Law against organized crime
Modify numeral 9 of article 3 of the Law 30077, Law against organized crime, in the following text:

" **Article 3. Offenses covered**
This Law is applicable to the following crimes:
...
9. Computer crimes provided for in criminal law."

THIRD. Modification of the Procedural Code Penal
Modify numeral 4 of article 230, numeral 3 of article 231 and numeral 1 of article 473 of the Criminal Procedure Code, approved by Decree Legislative 957, in the following text:

" **Article 230. Interception or recording or registration of communications or communications or other ways**
Communications
...
4. The communications of public services of telecommunications shall facilitate, within the term established in the order, the recordings of mobile phones and the intervention procedure, recording or recording of communications, as well as the information of the subscriber of the service holders, the registration numbers of the customer, phone line and equipment, traffic cells and internal protocol numbers, that has been arranged by resolution judicial, in real time and in an uninterrupted way,

the twenty four hours of the three hundred and sixty and five days of the year, under the warning of being liable to the responsibilities of law in case of refusal or delay. In the case of the telecommunications companies must keep secret about the thereafter, unless they are mentioned as witnesses to the process. The judge sets the term in attention to the characteristics, complexity and circumstances of the case particular.
Said communications will cease:
the compatibility and connection of your technology with the Technical Department of Intercepts of Communications from the National Police of Peru. Likewise, when for reasons of innovation technology dealers ceases their equipment or software, they will be obliged to immediately inform the Intercepts Intervention and Control of Communications the National Police of Peru.

a) Illegal association, terrorism, money laundering, computer crimes, against humanity. "

QUARTER. Modification of articles 162, 183-A and 323 of the Penal Code
Modify articles 162, 183-A and 323 of the Code Criminal, approved by Legislative Decree 635, in the following terms:

" **Article 162. Telephone interference**
Anyone who improperly interferes or listens to a telephone conversation or similar will be repressed with custodial sentence of not less than three nor more than six years.
If the agent is a public official, the privative penalty freedom shall be no less than four nor greater than eight years and disqualification according to article 36, subsections 1, 2 and 4.
The custodial sentence shall be no less than five nor other than eight years when the crime falls on information classified as secret, reserved or confidential in accordance with the rules of the matter.
The custodial sentence shall be no less than eight nor other than ten years when the crime compromises the defense, security or national sovereignty.

Article 183-A. Child pornography
The one who owns, possesses, manufactures, distributes, exhibits, offers, distributes, imports or exports by any medium objects, books, writings, images, videos or audios, or perform live shows of a pornographic nature, in which the people fourteen and under eighteen years of age are involved, will be repressed with a sentence not less than six nor more than ten years old and with one hundred twenty to three hundred and sixty days fine.
The penalty will be deprivation of liberty not less than ten nor other than twelve years and three fifty to three hundred sixty five days fine when:

1. The minor is under fourteen years of age.
2. The pornography is disseminated through information technology or communication.

If the victim is in any of the conditions provided for in the last paragraph of Article 173 or if the agent acts as a member of an organization dedicated to child pornography, the privative penalty of freedom will be not less than twenty years and fifty days fine.
If the is the case, the agent will be disqualified in accordance with numerals 1, 2 and 4 of article 36.

Article 323. Discrimination
Whoever, by himself or through third parties, discriminates against a or more people or group of people, or incites or publicly promotes discriminatory acts, based on race and ethnicity, nationality, religion, age, disability, language, identity ethnic and cultural, clothing, political opinion or other, sex or sexual orientation, with the object to nullify or impair recognition, enjoyment or exercise of the rights of the person, will be punished with no fewer custodial sentence two years or more than three or with benefit of community service from ninety to one hundred twenty days.
If the agent is a civil servant or public servant, the penalty will be no less than two years and fifty days and disqualification according to numerals 2 of article 36.
The same custodial sentence imbedded in the previous paragraph will be imposed if the discrimination is has materialized through acts of physical violence or injuries, or by means of IT technologies of the information or communications. "

SUPPLEMENTARY PROVISION REPEALS

ONLY. Repeal
Repeal number 5 of the second paragraph of the Article 207-A, Article 207-B, 207-C and 207-D of the Criminal Code.

Contact the Constitutional President of the Republic for enactment.

In Lima, on the twenty seventh day of September of two thousand and thirteen.

FREDDY QUEZADA RODRIGUEZ
President of the Congress of the Republic

MARIA DEL CARMEN OMONTE DURAND
First Vice President of the Congress of the Republic

TO THE CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

THEREFORE:

Contained in published and Fulfill.

Given at the Government House, in Lima, at twenty one October day of the year two thousand thirteen.

HUMALA TASSO, OLLANTA
Constitutional President of the Republic.

JUAN F. JIMÉNEZ MAYOR
President of the Council of Ministers

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Article 23. Lifting of bank secrecy
(...)
5. The companies or entities required with the lifting of bank secrecy, shall provide the maximum of thirty business days, the information corresponding or the minutes and documents, even no original, if so ordered, and all other link to the process that you determine by sworn or affirmed, in accordance with the responsibilities established by law. Judge fixes the term according to the characteristics, complexity and circumstances of the case in particular.

Article 473. Scope of the process and jurisdiction
1. The crimes that can be object of agreement without prejudice to other established by law, are the following:

005497

Believe Commission Multisectoral
in charge of preparing the proposal
of Sanitation Sector of
Small Mining and Mining
Handcrafted

SUPREME RESOLUTION
No. 240-2021-EM

Lima, October 21, 2021

CONSIDERING:

That, through Supreme Decree No. 032-2013-EM mechanisms are established to continue and strengthen the process of formalization of the small mining and artisanal mining activities, in the Law Legislative No. 1105 and Supreme Decree No. 006-2012-EM;

That, the Second Complementary Provision, Transitional and Final of Law No. 30734, 2015-EM, provides that a Supreme Resolution will create a Commission in charge of proposing the Strategy proposal Sanitation of Small Mining and Mining Artisan, which must report its activities to the Commission Multisectoral of the Sector, the Actions of Environmental Control and Mining and Development of the formalization process conformed by Decree Supreme No. 004-2017-EM, approved by Decree Supreme No. 056-2017-PCM;

That, for this reason, it is necessary to create a Multisectoral Commission of a temporary nature with the purpose to propose the proposal Sanitation Strategy of Small Mining and Mining Handcrafted, in accordance with the provisions of numeral 2.2 of the Law No. 29158 - Organic Law of the Executive Power, which provides that ministries can create multisectoral bodies to formally respond to supreme resolutions, endorsed by the President of the Council of Ministers and the heads of the sectoral ministry.

Being in accordance with the above and in accordance with the provisions contained in the Law No. 29158 - Organic Law of the Executive Power, the Law No. 29158 - Organic Law of the Ministry of Energy and Mines, the Supreme Decree No. 031-2007-EM, and the Supreme Decree No. 004-2017-EM and its modifications;