

Law 20575

ESTABLISHES THE PRINCIPLE OF PURPOSE IN THE PROCESSING OF DATA PERSONAL

MINISTRY OF ECONOMY, DEVELOPMENT AND TOURISM; UNDER SECRETARIAT OF ECONOMY AND SMALL-SIZED COMPANIES

Publication Date: 17-FEB-2012 | Promulgation Date: 14-FEB-2012  
Version Type: Unique From: 17-FEB-2012  
Short Url: http://bcn.cl/2eq39

LAW NO. 20,575

ESTABLISHES THE PRINCIPLE OF PURPOSE IN THE PROCESSING OF PERSONAL DATA

Bearing in mind that the H. National Congress has approved the following bill, initiated in a Motion of the Deputies Messrs. Felipe Harboe Bascuñán; Pedro Browne Urrejola; Juan Luis Castro González; Joaquín Godoy Ibáñez; Carlos Abel Jarpa Wevar; Pablo Lorenzini Basso; Marco Antonio Nunez Lush; Ricardo Rincón González; Joaquín Tuma Zedan, and Mrs. Alejandra Sepúlveda Orbenes.

Bill:

"Article 1º.- Regarding the treatment of personal data of character economic, financial, banking or commercial referred to in Title III of the Law No. 19,628, on Protection of Private Life, the principle must be respected of purpose in the processing of personal data, which will be exclusively the evaluation of commercial risk and for the credit process.

The communication of this kind of data can only be made to the merchant established, for the credit process, and the entities that participate in the commercial risk assessment and for that purpose alone.

In no case may this information be required in the selection processes personal, pre-school, school or higher education admission, medical care of urgency or postulation to a public position.

Article 2.- For the purposes of this law, it is understood that they are distributors of information of an economic, financial, banking or commercial nature, people natural or legal that directly carry out the treatment, communication and commercialization of data on economic obligations, in accordance with the provided in current legislation and with full respect for the rights of the data holders.

Article 3.- Those responsible for the data banks and distributors of the records or personal data banks referred to in this law must, in the development of its activity, implement the principles of legitimacy, access and opposition, information, data quality, purpose, proportionality, transparency, non-discrimination, limitation of use and security in the treatment of personal data, an issue that should be considered by the judge as a antecedent to determine if there was due diligence in the treatment of personal information. It will correspond to the distributor or person responsible for the records or data banks prove before the judge that he complied with the obligations imposed by this article and that he acted with due diligence in the treatment of

the respective data.

The distributors of the records or databases of an economic nature, financial, banking or commercial, must have a system of registration of the access and delivery of these records, identifying the name of the person who has required, the reason, date and time of the request, as well as the person responsible for the delivery or transfer of information. The holders of commercial information They will have the right to request the information every four months and free of charge recorded in said system during the last twelve months.

Article 4.- The distributors of the records or personal data banks of an economic, financial, banking or commercial nature, they must designate a natural person in charge of data processing, so that the holders of data can come before him for the purposes of enforcing the rights that recognizes Law No. 19,628, on Protection of Private Life.

Article 5.- In the event that the owner of the personal data of the economic, financial, banking or commercial, requires submitting information contained in the records or data banks referred to in this law for purposes other than the risk assessment in the credit process, you may request the responsible for these a certification for special purposes, which must deliver it considering only the overdue and unpaid obligations that recorded in it.

Article 6.- Violations of the rules of this law will be known and sanctioned in accordance with the provisions of Law No. 19,628, on Protection of Private Life.

Article 7.- Modify Article 17 of Law No. 19,628, on Protection of Private Life, in the following terms:

a) Insert, in its first paragraph, after the word "users", the following final sentence: ", and the information related to obligations of economic, financial, banking or commercial nature as soon as they have been re-negotiated, renegotiated or new, or these are in some way earring".

b) Add, in its second paragraph, after the word "gas", following: "; debts contracted with concessionaires cannot be communicated of highways due to the use of its infrastructure ".

Article 8.- Add, in article 141 of the decree with force of law No. 1, of 2006, of the Ministry of Health, which establishes the consolidated, coordinated and systematized of Decree Law No. 2,763, of 1979, and of Laws Nos 18,933 and 18,469, the following final paragraph, new:

"However, health providers will not be able to consult systems of commercial information of any kind, not even with the consent of the patient, for purposes of conditioning or restricting urgent care. ".

Transitory dispositions

Article one.- The provisions of the second paragraph of article 3 of this

law, will enter into force after a period of six months, counted from its publication in the Official Gazette.

Article two.- Those responsible for the records or data banks personal data that process information of an economic, financial, banking or referred to in Title III of Law No. 19,628, on Protection of Private Life, they will not be able to communicate the data related to said obligations when they have become enforceable before December 31, 2011 and are unpaid, provided that the total unpaid obligations of the holder who communicates the registry or data bank on the date of publication in the Official Gazette of this law is less than \$ 2,500,000 for principal, excluding interest, readjustments or any other item.

In the case of the previous paragraph, you will not be able to provide information to the owner of the data, or communicate the fact that he has been benefited with those provisions. "

And since I have seen fit to approve and sanction it; therefore be enacted and be put into effect as the Law of the Republic.

Santiago, February 14, 2012.- SEBASTIÁN PIÑERA ECHENIQUE, President of the Republic.- Pablo Longueira Montes, Minister of Economy, Development and Tourism.- Felipe Larraín Bascuñán, Minister of Finance.- Cristián Larroulet Vignau, Minister Secretary General of the Presidency.- Jaime Mañalich Muxi, Minister of Health.

What you transcribe for your knowledge.- Kind regards to you, Christian Delso Sepúlveda, Undersecretary (S) of Economy and Smaller Companies.