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PARAGUAYAN LAWS

Law No. 1682 / REGULATES PRIVATE INFORMATION

WRITTEN BY [MARIELA](#) MONDAY, SEPTEMBER 23, 2013 22,723 VIEWS

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Description

Law No. 1682 | Private information is regulated (INFORMCONF)

LAW No. 1,682

THAT REGULATES PRIVATE INFORMATION

THE CONGRESS OF THE PARAGUAYAN NATION SANCTIONS WITH THE FORCE OF

LAW

**Article 1 .-** Everyone has the right to collect, store and process personal data for use strictly private.

**Article 2.-** Public sources of information are free for everyone. Everyone has the right of access to data that are recorded in public records, including those created by [Law No. 879](#) of 2 December 1981, [Law No. 608](#) of July 18, 1995, and its amendments.

**Article 3.-** The collection, storage, processing and publication of data or characteristics is lawful, personal, which are carried out for scientific, statistical, survey and polling purposes of public opinion or Market research, provided that the people or entities investigated are not identified in the publications.

**Article 4.-** It is prohibited to publicize or disseminate sensitive data of people who are explicitly individualized or individualizable.

Sensitive data are those referring to racial or ethnic belonging, political preferences, status individual health, religious, philosophical or moral convictions; sexual intimacy and, in general, those that promote prejudice and discrimination, or affect the dignity, privacy, domestic intimacy and private image of individuals or families.

**Article 5.-** The data of individualized natural or legal persons that reveal, describe or estimate their financial situation, financial solvency or the fulfillment of its commercial obligations, may be published or disseminated only:

- a) When those persons have granted express authorization in writing for this purpose; Y;  
b) In the case of information or qualifications that state or private entities must publish or give to know in compliance with specific legal provisions.

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

- a) The data consisting only of name and surname, identity document, address, age, date and place of birth, marital status, occupation or profession, place of work and occupational telephone number;  
b) In the case of data requested by the affected party; Y,  
c) When the information is collected in the exercise of their functions, by judicial magistrates, scales, parliamentary commissions or by other authorities legally empowered for that purpose.

**Article 7.-** The personal data on the patrimonial situation, the economic solvency and the fulfillment of commercial obligations that according to this law may be disseminated or published.  
The obligation to update said data weighs on the companies, persons or entities that store, process and they spread that information. The companies, people or entities that use their services have the obligation to provide them with the relevant information so that the data that they store, process and disclose, is are permanently updated.

The updating of the data and the provision of the pertinent information must be carried out within the two business days following the moment they come to your knowledge directly from the company or through the affected.

**Article 8.-** Any person may access the information and data that about himself, about his spouse, on people who prove to be under his / her guardianship or curatorship, or on his / her assets, act in official records or private of a public nature or in entities that provide information on economic solvency and situation patrimonial, as well as knowing the use made of them or their purpose.

**Article 9.-** The persons, persons or entities that provide information on the patrimonial situation, the economic solvency or compliance with commercial obligations will not transmit or disclose data:

- a) On overdue debts not claimed in court when the default is not more than ninety days;  
b) Four years after the registration of overdue debts not claimed in court, provided that no new breaches of the same debtor are recorded;  
c) After three years from the moment in which the judicially claimed obligations have been canceled by the debtor or legally extinguished;  
d) On debts claimed in lawsuits in which the application or lawsuits have expired that were rejected by the courts by final and enforceable sentences, provided that those facts had made known to you by public information or by those affected themselves;  
e) Five years after the general prohibitions to sell or tax were signed assets, and, in the event that they were re-registered, after the five years following that re-registration;  
f) Seven years after the date on which the final judgment was issued determining obligations patrimonial, in which its compliance by the convicted person does not appear;  
g) Regarding bankruptcy declarations after seven years of its issuance, or, if the rehabilitation of the bankrupt, after three years of that fact; Y,  
h) On judgments to summon creditors after five years of the judicial resolution that admits it.

The companies or entities that provide information on the financial situation, the financial solvency and the non-compliance with commercial commitments must implement computer mechanisms that in a way automatically delete non-publishable data from your information system, as the deadlines are met established in this Article.

**Article 10.-** Sanctions will be applied in the following cases:

- a) Individuals or legal entities that publish or distribute information on the financial situation, economic solvency or compliance with commercial obligations in violation of the provisions of this law will be sanctioned with fines that will range, according to the circumstances of the case, between three hundred and seven hundred minimum wages for various unspecified work activities, fines that will be doubled, they will triple, quadruple, and so on for each repeat offense.

For the duplication, triplication, quadruplication, etc. to occur, the prior claim of the individual will be required affected.

- b) Natural or legal persons who, despite being obliged to rectify or provide information so that rectify data in accordance with the provisions of Article 7, do not do so or do so outside the deadlines there established, will be sanctioned with fines that, according to the circumstances of the case, will range between one hundred fifty-five hundred minimum wages for various unspecified work activities, fines that, in case of recidivism, they will be increased in accordance with the guideline established in section a);

- c) If the extrajudicial claims referred to in Article 8 were not attended without reason or without legal basis, A fine will be applied to the entity reluctant to comply with its obligations, which, in accordance with the circumstances of the case, it will oscillate between one hundred and two hundred minimum wages for various work activities not specified; Y,

- d) The court will order the corresponding rectifications or deletions to be made, and may order also that the final judgment is published in total, partial or summarized form, at the expense of the person responsible.

The Civil and Commercial Court will be competent for the application of the fines, in summary proceedings. Fifty percent (50%) of the total amount of the fines will correspond to the affected party, and the rest will be intended for juvenile correctional institutions.

The application of the fine will not prevent the affected person from promoting criminal action or actions to claim the Compensation for damages.

**Article 11.-** This law shall enter into force six months after its publication, during which time the companies, Entities and individuals must adapt their operations, records, information systems and Of disclosure.

**Article 12.-** Communicate to the Executive Power.

Approved the Bill by the Honorable Chamber of Senators of the Nation, on December 12 of the year two thousand and by the Honorable Chamber of Deputies, on December twenty-eight of the year two thousand, remaining sanctioned the same, in accordance with the provisions of Article 207, numeral 1) of the National Constitution.

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