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## Corporate Governance and Regulatory Compliance Practice Group Newsletter



### **New provisions regulating the creation, implementation and operation of the Electronic Dossier for procedures and services and good selection practices in inspections, verifications and home visits.**

On June 13, 2020, the “General guidelines for the operation of the Electronic Dossier for procedures and services” and the “Guidelines on good strategic selection practices for inspections, verifications and home visits” were published in the Federal Official Gazette (DOF).

The most relevant provisions contained in the General Guidelines for the operation of the Electronic Dossier for procedures and services are:

- » They establish the operational framework and general bases for the creation, application and implementation of the Electronic Dossier for Procedures and Services referred to in the Quality Infrastructure Law.
- » The Entities subject to these Guidelines (Federal Public Administration and its local equivalents, Federal and local authorities from the three government branches, Autonomous Constitutional Bodies and jurisdictional bodies that are not part of Federal Judicial Power) will be responsible for the integration, administration, protection and update of the electronic documents contained in the Electronic Dossier.
- » The National Commission for Regulatory Improvement (CONAMER) will make available to both bounded

entities and individuals a technological tool that will securely facilitate access, consultation and data transmission from the Electronic Dossier.

- » The means, forms and mechanisms for integrating the Electronic Dossier, as well as the types of electronic documents that will be included in it, and that may be available to individuals who can prove their legal interest for such purpose, are established.
- » The rules, mechanisms and technological solutions for the transmission of information contained in the Electronic Dossier are established, as well as its physical and technical characteristics regarding security measures, in order to avoid any type of damage and/or alteration of its content.
- » It is established that the Electronic Dossier will have a process management system for the digital resolution of various Procedures and Services.
- » It is expected that the complete implementation of the Dossier could take up to 5 years.

On the other hand, in regard to the Guidelines on good strategic selection practices for inspections, verifications and home visits, we consider that the most relevant provisions are that:

- » Their purpose is to establish the criteria for good strategic selection practices regarding inspections, verifications and home visits, in accordance with the provisions contained in the Promotion of Citizen Confidence Law published on January 20, 2020, in the Federal Official Gazette, and the minimum content of any general policy issued by a member of the Federal Public Administration.
- » They set out the basic elements that must be taken into account, to carry the correct analysis of evidence for the strategic selection, at the time the inspection, verification or home visit is taking place.
- » "Associated Risk" is defined and it is established how it must be determined for each inspection, verification or home visit.
- » The procedure for determining the "Regulated parties" who shall be subject to inspection, verification or home visit, is laid down.
- » These guidelines indicate that the bounded entities must submit to the regulatory improvement procedure their own general policy on inspections, verifications and home visits, which must contain the minimum elements established, and must take into account the good practices established for such purpose.

The guidelines regarding the implementation of the Electronic Dossier for Procedures and Services, are of great benefit to individuals who are subject to administrative procedures being carried out by various government agencies.

Individuals will be provided with a tool to ensure that such procedures are carried out correctly and in accordance with the corresponding formalities.

However, one of the main risks is that the personal information of these individuals may remain exposed to the public.

On the other hand, the guidelines on good practices for inspection and verification provide individuals or "regulated parties" greater protection, by regulating the general policies through which the authorities are able to carry out these proceedings, thus avoiding overreach or abuse during the exercise of their authority when carrying out such inspections, verifications and home visits.

Our team of experts is prepared to assist you in the analysis of these new regulations if needed.

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Both provisions entered into force on July 14, 2020.

The purpose of these guidelines is to lay down the minimum rules with which the respective authorities (bounded entities) must comply, in order to implement better regulation on these matters and provide greater legal certainty to individuals involved in procedures carried out by the authority.

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