

April 23, 2021

Litigation and Alternative Dispute Resolution Practice Group Newsletter



National Registry of Mobile Phone Users.- Amendment of the Federal Telecommunications and Broadcasting Law

On April 16, 2021, the Decree amending several provisions of the Federal Telecommunications and Broadcasting Law (the "Amendment") was published in the Federal Official Gazette, which came into force the day after its publication.

The main objective of the Decree is the creation of a National Registry of Mobile Phone Users (the "National Registry") as an integral part of the Public Telecommunications Registry, which the Federal Telecommunications Institute is in charge of.

The National Registry consists of a database with information of the holders of mobile telephone lines with the aim of collaborating with the competent authorities in matters of security and justice related to the commission of crimes. The Amendment indicates that the National Registry will contain, with regard to each user, full name, denomination or business name, official identification number (CURP), photograph, biometric data of the owner or legal representative of the entity, address, and other information.

It is important to mention that in terms of the fourth transitory article of the Decree, those mobile telephone

lines acquired prior to its entering into force must be registered by the obligated parties within a period of two years, counted from its date of publication. In the case of new users, the registration must be carried out after a period of 6 months from the date on which the Federal Telecommunications Institute issues the regulatory provisions.

The Amendment includes pecuniary and non-pecuniary penalties, based on the updated calculation, of up to \$1,344,300.00 pesos, and in some cases even three times the undue profit obtained in case of using and taking advantage of the information, documents or vouchers of the National Registry.

We consider that the Decree violates multiple human rights recognized in the Political Constitution of the United Mexican States and in some treaties to which our country is a party, so concessionaires, authorized parties and users may file a constitutional remedy against these new provisions, derived from it coming into force.

Our Administrative and Constitutional litigation team specialized in the promotion and processing

of all types of constitutional remedies against legal amendments and against any type of general provisions in administrative matters. We are at your service to assist you in relation to legal alternatives that allow you to anticipate and, where appropriate, counteract the effects of the Amendment.

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Litigation and Alternative Dispute Resolution Practice Group

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