

Jurisdiction	Guatemala
Date	April 26, 2022
Law Firm	Lexincorp
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Questionnaire

I. Law concerning protection of personal information

- i. Does your country have a general law concerning the protection of personal information in the private sector at the present or in the near future? **No.**
- ii. Does your country have a general law concerning protection of personal information in the public sector at the present or in the near future? **No.**
- iii. Does your country have laws concerning protection of personal information which apply in individual (specific) sectors at the present or in the near future? (If yes, please describe outline.) **No.**

The Constitutional Court has established that while this regulatory absence persists, any use of personal data carried out in the country must meet the following requirements to be valid and legitimate in accordance with the parameters of protection of fundamental rights.

- o According to a completely defined purpose.
- o Personal information obtained legitimately.
- o Voluntarily provided by the person whose data is going to be used.
- o With the consent of the interested party.
- o With a purpose compatible with the one for which they were obtained.
- o Implementation of adequate controls that allow the determination of the veracity and updating of the same.
- o Right to rectification in case of erroneous or inadequate update.
- o Right to exclude information or data that the owner considers sensitive or whose disclosure may result in damage to their privacy or honor.

Where all of the answers to the question of I.(i), (ii) and (iii) is “no”, please skip to IV.

II. The basic information of the regulation concerning protection of personal information.

- i. Please fill in the blanks below about all the law concerning personal information

mentioned at I.(please add a reply column as necessary,)

The title of the law :

URL (please provide the URL officially posted by the government, English page is preferred, if available) :

Effective Date :

① The definition of "Personal Information"	
② The scope in which the law applies	
③ The territorial scope	

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- ii. If there are any special instructions about the laws, please describe them.

III. OECD Privacy Principles

- i. If there are any provision of law which embody each OECD Privacy Principle in your country, please describe the outlines.

<https://www.oecd.org/sti/ieconomy/oecdguidelinesonthe protectionofprivacyandtransborderflowsofpersonaldata.htm>

(a) Collection Limitation Principle

(b) Data Quality Principle

(c) Purpose Specification Principle

(d) Use Limitation Principle

(e) Security Safeguards Principle

- (f) Openness Principle
 - (g) Individual Participation Principle
 - (h) Accountability Principle
- ii. If there are any sectors in which any laws exclude the application of each OECD Privacy Principle, please describe the outline.
- (a) Collection Limitation Principle
 - (b) Data Quality Principle
 - (c) Purpose Specification Principle
 - (d) Use Limitation Principle
 - (e) Security Safeguards Principle
 - (f) Openness Principle
 - (g) Individual Participation Principle
 - (h) Accountability Principle

IV. Data Localization and Government Access

In your country, are there any systems having an impact on the rights of data subjects such as comprehensive government access to personal data or Data Localization? If yes, please describe them. [No](#).

V. The Data Protection Authority

If there is the data protection authority, please write down the name and address of the authority. [In Guatemala, there is no specific regulatory body within the Guatemalan legal system that regulates the protection of personal data.](#)