



RESPONSES TO INFORMATION REQUESTS (RIRs)

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MEX102738.E

Mexico: The National Workers' Housing Fund Institute (Instituto del Fondo Nacional de la Vivienda para los Trabajadores, INFONAVIT); the information it keeps and who can access it.
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The National Workers' Housing Fund Institute (Instituto del Fondo Nacional de la Vivienda para los Trabajadores, INFONAVIT) is a government housing assistance agency designed to help Mexican workers purchase homes (Texas N.d.). Mexican employers have an obligation to register themselves and their workers with INFONAVIT and to contribute the equivalent of five percent of each worker's daily wage to his or her account at the Institute (INFONAVIT n.d.c). Registered workers become members of INFONAVIT and can apply for a mortgage from the Institute (INFONAVIT n.d.a).

According to a deputy department head (*subjefe de oficinas*) of Infonatel, the telephone assistance service of INFONAVIT, the Institute keeps [translation] "information that any institution that grants mortgages would keep" on their members (INFONAVIT 23 Jan. 2008). According to the Liaison Office (Unidad de Enlace) of INFONAVIT, this information includes the home address and the place of work of the member (INFONAVIT 26 Feb. 2008). The INFONAVIT Guidelines on Transparency and Access to Information (*Lineamientos de Transparencia y Acceso a la Información*) state that information containing personal data will be treated as confidential unless the person concerned authorizes its release (INFONAVIT 25 Apr. 2007, Art. 15). However, Article 18 states that under some circumstances, the consent of the member is not required for the release of personal information (*ibid.*, Art. 18). For example, information may, among other things, be released under court order; for medical reasons if authorization cannot be obtained; to third parties contracted by INFONAVIT, in which case the information can only be used in a manner that is consistent with the intended purpose for which it was released; and under [translation] "other circumstances as established by law" (*ibid.*).

Article 28 of the Guidelines states that a request for access to information can be made in writing to INFONAVIT or through the Federal Institute for Access to Information (Instituto Federal de Acceso a la Información, IFAI) by an individual or his or her representative (*ibid.*, Art. 28). The same Article states that a request for personal data on a member must contain a clear description of the documents requested, the name of the requester, the Federal Tax Registration Number (Registro Federal de Causantes, RFC), and if available, the Social Security Number (Número de Seguridad Social, NSS) (*ibid.*, Art. 28).

According to the INFONAVIT website, personal information can be obtained via fax, electronic mail or in person (INFONAVIT n.d.b). The following information was obtained from the Liaison Office in relation to the information that can be accessed through these means:

[Translation]

A worker who is a member of INFONAVIT can access information using his or her Social Security Number (Número de Seguridad Social, NSS). The worker can verify his or her prequalification status and account balance amount, as well as follow up on his or her credit application. A mortgage holder must have the mortgage number, which he or she can use to consult the mortgage balance and make payments. (18 Feb. 2008)

According to the Liaison Office, confidential information can be accessed only by the members themselves, after presenting official identity documents, which causes the Liaison Office to conclude that the chances of fraudulent use of registration numbers are [translation] "very slim" (INFONAVIT 18 Feb. 2008). The source adds that it is not possible to obtain information on the member's employment through these means (*ibid.*). According to the Liaison Office of INFONAVIT, it is not possible to change registration numbers (NSS or RFC) (*ibid.*).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Instituto del Fondo Nacional de la Vivienda para los Trabajadores (INFONAVIT). 26 February 2008. Secretaría General. Gerencia de Transparencia y Acceso a la Información. Correspondence from the Liaison Office (Unidad de Enlace).

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Texas. N.d. Office of the Texas Comptroller. "INFONAVIT: Worker Housing in Mexico." <<http://www.window.state.tx.us/border/ch07/worker.html>> [Accessed 13 Feb. 2008]

Additional Sources Consulted

Oral sources: Officials at the Instituto Federal de Acceso a la Información Pública (IFAI) and the Secretaría de la Función Pública did not have information on INFONAVIT practices and referred the Research Directorate back to INFONAVIT.

Internet sources, including: Factiva.

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