STANDARD SUMMARY · CERT.GT

Ley de Acceso a la Información Pública (Access to Public Information Law)

Version 1.0 · Reviewed Oct 11, 2026 · TLP:CLEAR · For: Public entities and any organization that manages State funds or information.

The Ley de Acceso a la Información Pública (Access to Public Information Law, Decree 57-2008) guarantees every person's right to access information held by the State and, at the same time, protects the personal data that public entities keep. Guatemala does not have a general data protection law, so this is the main legal reference on personal data in the public sector.

Who is bound by it

- The branches of the State, municipalities, and autonomous and decentralized entities.
- Private entities that receive or manage public funds, with respect to those funds.
- The law calls all of them “sujetos obligados” (obligated parties).

Types of information

Public	Everything held by the obligated parties. The general rule is maximum disclosure.
Public by default	Information that must be published without anyone asking for it: structure, budget, contracts, salaries, among other things.
Reserved	Information that is temporarily restricted on a ground provided for in the law and by means of a resolution.
Confidential	Information that is not handed over: personal data, sensitive data and secrets protected by other laws.

Personal data and sensitive data

- Personal data: data relating to an identified or identifiable person.
- Sensitive data: data that touches on a person's private life, such as ethnic origin, health, beliefs, sex life, or financial or family situation.
- The obligated parties may not use the data for purposes other than those for which it was collected.
- They may not disclose or sell it without the express written consent of the data subject.
- They must adopt measures to protect the files and systems where it is kept.

Hábeas data

- Every person may find out which of their data appears in public files and what it is used for.
- They may ask for it to be corrected, updated or deleted.
- The entity must have a procedure for handling these requests.

How information is requested

- Each obligated party must have a Unidad de Información Pública (Public Information Unit) that receives and processes the requests.
- The request may be verbal, written or electronic, and you do not have to justify what you want the information for.
- The response deadline is ten days, which may be extended by another ten in justified cases.
- The Procuraduría de los Derechos Humanos (Human Rights Ombudsman's Office) is the regulatory authority for the law.

What it means for information security

- Classify information from the moment it is created: public, reserved or confidential.
- Before publishing a document, check that it does not contain personal or sensitive data; publish a version that leaves it out.
- Protect the databases that hold personal data: role-based access, encryption, query logs and backups.
- Have a procedure for responding when personal data is exposed by mistake.
- Train the staff of the Unidad de Información Pública in handling sensitive data.

Disclaimer

- This summary is for guidance and does not cite articles; it is not a substitute for reading the law or for legal advice.
- The law provides for administrative and criminal liability for non-compliance; check the text to learn what it is.

Official text

Decree 57-2008 of the Congreso de la República (Congress of the Republic). Check the text currently in force in the Diario de Centro América (the official gazette) or at congreso.gob.gt.

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