



## Proposal decree reforming and adding various provisions to the General Health Law, regarding the Protection of Personal Data and regulation of the use of Artificial Intelligence (AI).

On September 27, the Science and Technology Commission of the Chamber of Deputies issued a positive opinion regarding the initiative with a draft decree that reforms and adds various provisions to the General Health Law, regarding the Protection of Personal Data, and regulation of the use of Artificial Intelligence (AI) presented in July by deputies of the Parliamentary Groups of the PAN, Morena, PRI and Movimiento Ciudadano.

According to the explanatory memorandum of the draft decree: "the modifications to the General Health Law seek to promote knowledge and observance of the regulation to which personal health and genetic data, also known as sensitive data, are subject, so that its treatment strictly observes the legal provisions on the matter. This, in a context where artificial intelligence systems represent a great opportunity to improve medical care,

but also a series of risks, among which is inappropriate use of sensitive personal data.

The specific draft decree seeks:

Reform section VIII Bis of article 7; section I of article 17 Bis; the second paragraph of article 103 Bis 3 and article 109 Bis; and a section I Bis is added to article 6; a second and third paragraph to article 53 Bis, of the General

Health Law, to read as follows:

- Article 6. The National Health System has the following objectives:

I. Provide health services to the entire population and improve their quality, addressing priority health problems and factors that condition and cause damage to health, with special interest in the promotion, implementation and promotion of care actions integrated preventive nature, in accordance with the age, sex and risk factors of the people;

**I Bis. Promote the protection and adequate treatment of sensitive personal data in the possession of individuals and obligated subjects, both in physical and digital media, in terms of applicable legislation;**

II. to XII. ...

- Article 7. The coordination of the National Health System will be in charge of the Ministry of Health, corresponding to:

I. to VIII. ...

VIII Bis. Promote the incorporation, use and exploitation of Information and Communications Technologies in Health services, as well as the promotion of the protection **and processing of sensitive personal data in the development and use of artificial intelligence systems in the field of health;**

IX. to XV. ...

Article 17 Bis. ...

...

I. Carry out the evaluation of health risks in matters of its competence, particularly on the use of artificial intelligence systems in the field of health; **as well as identify and evaluate the risks to human health** generated by sites where hazardous waste is handled;

II. to XIII. ...

- Article 53 Bis. Health service providers, for the purposes of identifying users of health services, including beneficiaries of social security organizations, may implement biometric records and other means of electronic identification.

**Developers and suppliers of artificial intelligence systems intended for use in the health field have the obligation to incorporate mechanisms that guarantee the protection of sensitive personal data; as well as registering their systems with the federal health authority.**

**The Secretariat will establish the corresponding regulatory provisions on the development and use of artificial intelligence systems that represent a serious risk to human health.**

- Article 103 Bis 3. Any study on the human genome must have the express acceptance of the person subject to it or their legal representative in terms of the applicable legislation.

In the management of information, **sensitive personal data must be protected** and the confidentiality of the genetic data of any group or individual, obtained or conserved for the purposes of diagnosis and prevention, research, therapeutics or any other purpose, must be safeguarded, except in cases where there is court order.

- Article 109 Bis. It is the responsibility of the Ministry of Health to issue the regulations to which the electronic registration information systems used by the institutions of the National Health System must be subject, in order to guarantee the interoperability, processing, interpretation and security of the information **and sensitive personal data** contained. in electronic clinical records.

The initiative with a draft Decree was sent to the Health Commission for study.

The incorporation of topics such as artificial intelligence and protection of personal data in the health sector is an important contribution to our legislation regarding technological innovation and the protection of personal data in Mexico.

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