

# Analysis and Reflections on the Right to Privacy and Intimacy, Your Need Inclusion and Definition in the Political Constitution of the United Mexican States

**María Del Rocío García Sánchez\***

School of Law-Acapulco of the Autonomous University of Guerrero, Mexico

**Kenya Hernandez Vinalay**

School of Law-Acapulco of the Autonomous University of Guerrero, Mexico

**Noemí Ascencio López**

School of Law-Acapulco of the Autonomous University of Guerrero, Mexico

## Abstract

A fundamental point that occupies us in the present analysis is that contents are framed within the dimensions of the right to intimacy, and to privacy since in this respect there is no clear definition in the Political Constitution of the United Mexican States and the Supreme Court of Justice of the Nation does not clarify both terms either. The improvements in the quality of life that have been reported and the new ways of promoting the dignity of people have found in communication technologies new ways of attacking personal rights by those who use these new media for illicit purposes. They are more difficult attacks to investigate, prosecute and punish given the current technological characteristics and that have generated new phenomena that disrupt the intimacy and privacy of people. Therefore, one of the central themes of this discussion is in the proper definition and limits of intimacy and privacy. Both are fundamental and indispensable rights in the development of the people embodied in the Political Constitution of the United Mexican States. Consequently, it is necessary that these two rights are clearly recognized and defined in the Mexican Constitution and a secondary legislation is created that regulates its limits in a timely manner, considering that intimacy is the reserved or more particular part of the thoughts, affections or issues the interior of a person, which appears in a restrictive sphere that belongs to the most personal nucleus of the individual, while privacy is the right that people have to maintain and confidentially reserve files; records, personal or public databases, but also, privacy would depend on the cultural, political and social context in which one lives, that is, there are countries that are characterized by authoritarian governments with strong restrictions in many personal areas, such as free access to the Internet, freedom of the press, freedom of assembly, free formation of social organizations and freedom of worship.

**Keywords:** Human rights; Privacy; Intimacy and dignity.



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## 1. Introduction

The awareness of respecting the rules so that society could live in harmony has made it necessary for the law to have evolved and religious norms have been separated from moral and legal ones. Law is a social product, that is, it has originated as a result of human coexistence, through a complex of historical, political, economic, religious factors, etc.

Thus, the purpose of the right is to maintain stable coexistence among men. It may be written rules that are acquired and whose purpose is to regulate the life of man in society called positive law. Positive rights are rights that impose obligations to act in a certain way and that are reinforced by the law; they are statutes created by the human being organized in political entities, such as the State.

Positive rights are differentiated from natural rights (such as equality and freedom) which, as the name implies, are determined by nature and are considered universal, they are rights that have been a constant aspiration since the human being exists, which postulates the existence of rights founded or determined in human nature, prior, superior and independent of written law.

Documentary background of human rights surely there are many, however, the first signs that can be considered as precedents of what we know today as the Universal Declaration of Human Rights, we can mention the following:

- Cyrus's Cylinder (539 BC) the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon, but his next actions were those that marked a significant advance for man. Some rights recognized in the Cyrus Cylinder are the liberation of slaves, all people had the right to choose their own religion and established racial equality. These and other decrees were engraved on a clay cylinder in the Akkadian language with cuneiform script.
- The Laws of Solon (c. 638 BC-558 BC) involved a large number of reforms aimed at alleviating the situation of the peasantry besieged by poverty and debts that sometimes led to their enslavement.

- The Code of Hammurabi (1739 BC) by the king of Babylon Hammurabi, is one of the oldest sets of laws that have been found and set various rules of daily life, particularly judicial functioning: justice was imparted the courts and the king could be appealed; the failures should be expressed in writing; the penalties: they appear inscribed a whole scale of penalties according to the crimes and crimes committed. The base of this scale is the Law of Tali6n. The hierarchy of society: there were three groups, free men, serfs or subalterns and slaves; the prices: the doctors' fees vary according to whether a free man or a slave is cared for. Wages: vary according to the nature of the work carried out, among other aspects.
- The Law of the XII Tables (454-450 a.C.) of Roman law, which establish numerous principles on property, contracts, responsibility, etc., but does not really establish limits to state activity in front of citizens. In addition to the *homine libero exhibit*, exhibiting and popular character, which serves various authors to establish the origin of protective institutions of human rights.
- In the feudal State of the Middle Ages (the predominant political system in Western Europe of the middle centuries of the Middle Ages between the ninth and fifteenth centuries) there were so-called liberties, in the form of grants or written agreements between feudal princes, that is, between the high knightly nobility, the clergy or the cities sometimes even among the peasants.
- The English Magna Carta of 1215 granted by Juan Sin Tierra of England, considered the most remote antecedent of human rights in the West, which established certain guarantees, personal liberties and, in turn, limitations on taxes for all those under his command.
- Bill of Rights (Bill of Rights) of 1627 specified the legislative powers of the English Parliament against the monarchy, constituted a shield against the abuses and abuses of the monarchy, in this case of King Charles I of England, and established the freedom of elections of parliamentarians, included some guarantees such as the right of petition, closed cruel or excessive penalties and protected personal assets against excessive fines.
- The Habeas Corpus Law of 1679, appears during the reign of Charles II, as a set of provisions designed to protect some of the rights of English subjects. This is the document known as the Law of Habeas Corpus or Act to complete the liberties of the subjects, empowered the judges to examine the legality of the arrest warrants already executed and the cause of them, that is, guaranteed freedom against the risks of Arbitrary arrests and repressions.
- The Declaration of Independence of the US of July 4, 1776, in that statement, affirms that all men are born equal and that the creator has given us rights such as freedom, life and the pursuit of happiness, all of this guaranteed and protected for a government elected by the people and for the common good and social peace;
- The Declaration of the Rights of Man and Citizen of France in 1789 specified that the representatives of the French people, constituted in a national assembly, considering that ignorance, oblivion or contempt for the rights of man are the only causes of the Public calamities and the corruption of governments, have resolved to expose, in a solemn declaration, the natural, inalienable and sacred rights of man.

In this context, we can say that human rights have progressed as societies have evolved, so we have that human rights include civil, political, social, economic and cultural rights as well as collective rights of peoples to self-determination, equality, development, peace and a clean environment.

Thus we have that the first human rights denominated first generation, includes civil and political rights were recognized in a historical context of the liberal revolutionaries of the seventeenth and eighteenth centuries. The individual liberties and the rights of political participation were the claims against the absolutist monarchies that motivated these revolutionary movements in different parts of the world, consecrating these demands as authentic rights which are spread internationally.

These rights are related to the concept of State of Law, which means that in any political system that respects basic freedoms nobody is above the law. They are linked to the principle of freedom and in this group are human rights, the right to life and physical integrity, to think and express themselves freely, to meet with anyone who wishes, to move freely, to participate in the government of the own country, not to be detained without legal reason, to be judged with guarantees of impartiality, to have privacy and good reputation, to private property, and so on.

The second generation is constituted by economic, social and cultural rights. These rights are intended to give real support to the rights of the first generation, because it is difficult to exercise civil and political rights if there is no minimum income, protection against disease or a minimum cultural level. They arise as a result of the rise of different workers' movements and the emergence of parties of socialist ideology in the nineteenth and twentieth centuries. In this stage, the State of Law passes to a higher stage, that is, to a social State Social of Law where a welfare state is demanded that imposes programs, actions and strategies for the benefit of the people.

The human rights of the second generation are linked to the principle of equality, which meant the search for measures for everyone to access the basic goods necessary to take part in social security and cultural life. They demand the intervention of the public powers, through public services and benefits such as the right to education, health care, protection against unemployment, a decent wage, rest and leisure, a dignified retirement, to enjoy cultural assets, etc.

In response to the problems and needs that humanity required in the decade of the 1960s, the rights of the third generation were recognized based on the principle of international cooperation and assistance. The third generation of human rights is recognized to increase and promote social progress and raise the standard of living of all peoples in a context of respect and mutual collaboration among the different nations of the international community.

In this group, human rights were recognized as the right to self-determination, to economic and political independence, to national and cultural identity, to peace, to peaceful coexistence, to understanding and trust, to international and regional collaboration, to international justice, to the solution of food, demographic, educational and ecological problems, to a healthy environment, to the use of advances in science and technology, and so on.

In this context, we can see that human rights have emerged as society has evolved, as the needs of a society have been presented, therefore its recognition has become required.

It is pertinent now to expose some concepts of human rights to understand their meaning and importance in the development of societies.

Pérez Luño affirms that human rights are a set of faculties and institutions that at each historical moment specify the requirements of human dignity, freedom and equality, which must be positively recognized by legal systems at the national and international levels (Pérez, 2005).

For Antonio Truyol and Serra human rights are *the fundamental privileges that man possesses for the fact of being, by his own nature and dignity. They are rights that are inherent to it and that, far from being born of a concession of the political society, they must be consecrated and guaranteed by it* (Truyol (2000).

For his part, Díaz Muller defines human rights as *those principles inherent in the dignity that man needs to achieve his ends and to give the best of himself to society, those minimum recognitions without which the existence of the individual or the collective would lack of meaning. They consist in the satisfaction of the person's moral and material needs* (Muller, 1992).

For Pedro Niken, the notion of human rights corresponds to the dignity of the person before the State. *Public power must be placed at the service of the human being: it can not be used lawfully to offend inherent attributes of the person but to be a vehicle for it to live in society in harmonious conditions with its dignity* (Luño, 2005).

The cited authors expose their definitions referring to a fundamental factor of human rights, the inherence to human dignity. That is to say, human rights do not depend on their recognition by the State, nor are they concessions; either do they depend on the nationality of the person or the culture to which they belong, they are universal rights that correspond to all people, inherent in human nature.

On human dignity, Humberto Nogueira Alcalá offers a clear definition, which is easy to understand: *The dignity of the person is the distinctive feature of human beings with respect to living beings, that which constitutes the person as an end in itself, preventing it from being considered an instrument or means for another purpose, in addition to endowing it with the capacity for self-determination and realization of the free development of the personality. From the dignity of the human person radiates freedom and equality as basic principles that will be concretized in human rights* (Alcalá, 2003).

The concept of human dignity has acquired a juridical character: a) by being incorporated as the foundation of various international instruments; b) when considering it in Article 1 of the Political Constitution of the United Mexican States as the basis and foundation of the rights and freedoms of individuals, and c) being an essential and guiding element in the interpretation of constitutional judgments.

Human dignity is the recognition of special value that the individual has, of being respected and valued as an individual and social being, with its particular characteristics and conditions, by the mere fact of being a person.

A characteristic of our times is the presence of information and communication technologies, for this reason it is also necessary to consider their repercussion and transcendence in the exercise of freedoms. Therefore, the rapid advance of new technologies demonstrates that human rights related to freedoms and equality will never be a concluded issue, since along with these advances and technological advances have generated new phenomena that disrupt freedom, privacy, intimacy and equality of human beings.

This new reality obliges us to consider the emergence of new freedoms such as seeking and receiving information, protection of intimacy, privacy and the emergence of new ethical paradigms. Currently, this right to information is necessarily linked to the use and access to technology, with equal opportunities, respect for the freedom of all people and respect for the privacy and privacy of individuals. These rights, as well as the right to honor and to one's own image, are fundamental rights of the person; they are personal goods of unquestionable value, which emanate from the personality of the individual. The individual has the right to demand their protection in view of a fuller exercise of the right to life that includes the right to enjoy life, which entails the right to respect intimacy, privacy, image and honor of the people.

In this sense, a fundamental value of people is respect for intimacy and personal privacy, therefore, it has been important for the right to protect it and establish measures to prevent its violation as well as to try to repair the damage. In this way, the so called right to intimacy and right to privacy arises, as a fundamental human right by virtue of which one has the faculty to dispense or deny other persons the knowledge of certain events in the life of each person only this one is concerned, but it is necessary to clearly establish the definition of each of these rights, which they understand and their limits.

## 2. Literature Review

Respect for fundamental rights is an essential condition of the Rule of Law, especially those rights that refer to people's freedoms and their security because they allow the development of a full life. Among these rights to which we refer in this article are the right to privacy and intimacy as two different rights that deserve more explicit regulation that avoid violations of these rights. Technological advances developed in recent decades and their

manifestations in the information society, favor intrusions in private life and intimacy, so it is necessary to establish and define both the right to privacy and the right to intimacy in the Political Constitution of Mexico and create the relevant secondary legislation that regulates these rights.

We conducted a review of the literature and could realize that in Mexico the right to privacy is established in the Political Constitution of the United Mexican States, but without establishing a concept and without mentioning the right to intimacy. In the doctrinal review we could realize that both privacy and intimacy are usually exposed as synonyms. For its part, the highest Mexican Court, the Supreme Court of Justice of the Nation considers that there is an implicit protection of the right to privacy but using the terms privacy and intimacy as synonyms, a situation that may generate regulatory insufficiency and leaving open possibilities of lack of punishment in case of violations of these rights.

The right to respect for intimacy, privacy, honor, and self-image are already considered fundamental human rights, established by various international instruments signed and ratified by Mexico, such as:

- The Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948 (article 12, ... *no one will be subjected to arbitrary interference in his **private life** ...*)
- The International Covenant on Civil and Political Rights of 1966 (article 17, ... *no one shall be subject to arbitrary interference **in his private life**, ... and article 19, ... freedom of expression, states that the exercise of this right entails duties and responsibilities This may be subject to certain restrictions set by law and necessary to ensure respect for the rights or **reputation of others**, as well as to protect national security, public order, public health or morals. );*
- The American Convention on Human Rights of 1969 (Article 11, ... *every person has the right to respect their honor and recognition of their dignity and that therefore they should not be subject to arbitrary or abusive interference with their **private life**, family, home correspondence, or shall suffer unlawful attacks on their **honor or reputation**, also establishes the right of the person to be protected by law against such interference or attacks, and Article 13 ... freedom of thought and expression determining that there should be prior censorship, but that the exercise of these rights will be subject to subsequent responsibilities, which must be expressly set by law and which should aim to ensure, among other issues, respect for the rights **or reputation** of others).*
- The 1989 Convention on the Rights of the Child (article 16 ... *no child will be subjected to arbitrary or unlawful interference with **his privacy**, family, home or correspondence, or unlawful attacks on his **honor or reputation**; the child is also entitled to the protection of the law against such interference and attacks.*)

For its part, in the Political Constitution of the United Mexican States, in article 6, in relation to freedom of expression, it is established that: *The manifestation of ideas will not be subject to any judicial or administrative inquisition, except in the case that attack on **morality**, the rights of a third party, provoke a crime, or disturb public order; the right of reply shall be exercised in the terms provided by law. The right to information will be guaranteed by the State.*

[...]TO...

II. The information that refers **to private life and personal data** will be protected in the terms and with the exceptions established by law (Federal, 2019).

Article 7 of the same supreme law establishes that: *the freedom to write and publish writings on any subject is inviolable. No law or authority can establish prior censorship, or require bail to authors or printers, or restrict the freedom of the press, which has no limits other than respect for **private life**, morals and public peace. [... ] (Federal, 2019).*

While Article 16 states that: *No one can be molested **in his person, family, home, papers or possessions**, but by virtue of a written order from the competent authority, which merges and motivates the legal cause of the procedure.*

*Everyone has the right to protection of their **personal data**, access, rectification and cancellation of them, as well as to express their opposition, in the terms set by law, which will establish the exceptions to the principles governing the data processing, for reasons of national security, public order, public health and safety regulations or to protect the rights of third parties.*

[...] Every search warrant shall state the place to be inspected, the person or persons to be apprehended and the objects sought, to which only diligence should be limited [...]. .].

**Private communications** are inviolable. The law will penalize any act that violates the freedom and **privacy** of the same, except when they are contributed voluntarily by any of the individuals participating in them. [...] In no case shall communications be admitted that violate the duty of confidentiality established by law.

Only the federal judicial authority [...] may authorize the intervention of any **private communication**. To do this, the competent authority must establish and motivate the legal causes of the request, expressing in addition, the type of intervention, the subjects of the same and their duration. The federal judicial authority can not grant these authorizations when it comes to matters of an electoral, fiscal, mercantile, civil, labor or administrative nature, nor in the case of the communications of the detainee with his defender.

[...] The administrative authority may conduct home visits only to ensure that sanitary and police regulations have been complied with [...] following the formalities [...] prescribed for searches.

The correspondence that under cover circulates by the couriers will be free of all registry, and its violation will be punished by the law (Federal, 2019).

Investigation questions.

How to ensure the protection of intimacy and privacy when there is no legal provision that defines these rights of the individual?



### 3. Materials and Methods

The present work was carried out under an inductive-deductive method in which a documentary review of the national legislation about the definition of the right to privacy was made, as well as the inclusion and definition of the right to intimacy, which allowed obtaining reasoning gradual and progressive to be able to describe, analyze, explain and conclude through the deduction that these are two rights related to human freedoms that allow the development of people but that are different aspects and inherent to human nature, which are necessary to establish clearly defined in our magna letter.

### 4. Results and Discussion

As noted, in the aforementioned international legal framework, mention is made of privacy, honor or privacy without establishing a difference between any of the terms used, nor does it refer to intimacy.

For its part, in the national legal framework, both articles 6 and 7 of the constitution refer to private life as a restriction on freedom of expression, and as a consequence, what is sought to be protected is freedom of expression but establishing it as one of its limits private life. While Article 16 reflects the prohibition of acts of annoyance by the State except in the cases provided for in the same article, what is clearly established is the inviolability of private communications.

To refer to human rights we must consider two fundamental ideas that characterize them:

1. The inherent dignity of the human person, that is, human rights, seek the defense of that dignity.
2. The establishment of limits to power, human rights being one of the traditional limits to the absolute power of States.

The right to privacy, honor, self-image and intimacy are inherent rights of the human person since for man to develop he must be free to exclude or deny other people the knowledge of certain aspects of the life of each person that only concerns her.

In this sense, the Mexican supreme law refers to privacy, not intimacy. For its part, the Supreme Court of Justice of the Nation considers that there is an implicit protection of the right to privacy but using the terms privacy and intimacy as synonyms (Anonymous, 2008).

To consider that constitutionally there is a real protection of the right to intimacy when estimating it as an integral part of privacy, is incorrect.

In article 1915 of the Mexican Federal Civil Code (Federal, 2019) it establishes the possibility of repairing the damage when a person suffers in their feelings, affections, beliefs, decorum, honor, reputation, private life, physical configuration and appearance, or in the consideration that others have of themselves. The provision also adds that it will be presumed that there was moral damage when the liberty or physical or mental integrity of the persons is infringed or unlawfully impaired, when the victim has been affected in his decorum, honor, reputation or consideration.

Said article establishes that when the feelings, affections, beliefs, decorum, honor, reputation, private life, decorum, honor, reputation or consideration are affected, the damage must be repaired. However, it does not define and define what privacy is and what intimacy is.

The technological advances developed in recent years in the information society, make possible interference in our privacy and intimacy, so it is necessary to regulate in our country, both constitutionally and in secondary legislation these rights, to provide the due protection, according to the times that we have had to live.

Accordingly and following the concepts that some authors expose about privacy and privacy, we will try to establish the difference between intimacy and privacy.

The Dictionary of the Spanish Language (DRAE) defines intimacy as the intimate and reserved spiritual zone of a person or of a group, especially of a family and privacy as the area of private life that one has the right to protect from any interference (Española, 2019).

Intimacy is an ontological feature of the person whose legal relevance is evident, because it is, as we have shown, a very important aspect in the development of the personality that directly affects coexistence, since this would be impossible among people who project their life since the permanent alteration (Perez, 2001).

Intimacy protects the sphere in which the most singularly reserved facets of the person's life are developed, the address where he performs his daily life, the communications in which he expresses his feelings; it is the part of a person's life that is not to be observed from the outside, and affects the person himself; It is the right that people have to be able to exclude people from knowledge of their personal lives, that is, their feelings and behaviors such as: their moral and religious values, their sexual and romantic tendencies, their ideological orientations, etc.

Privacy or private life encompasses all those manifestations that are set apart from the public projection of the individual, the role that each one is called to represent in society, by virtue of which certain contacts or relationships with third parties are imposed on us (Arenas, 1998).

Privacy constitutes everything that is not public; a set of facets of his personality that, separately considered, may lack intrinsic significance but, coherently linked together, throw as precipitate a portrait of the personality of the individual that he has the right to keep reserved, such as: the right to the inviolability of correspondence, of private communications, of one's own image, of honor, of information privacy, of not participating in collective life and of voluntarily isolating oneself, etc.

Luis Manuel C. Méjan defines intimacy as: *Intimacy is the set of circumstances, things, experiences, feelings and behaviors that a human being wants to keep reserved for himself, with the freedom to decide who gives access to it, according to the purpose that pursues, that imposes*

*to all the others the obligation to respect and that only can be forced to reveal in justified cases when the purpose pursued by the unveiling is legal (Carrer, 1996).*

How to arrange the protection of intimacy and privacy when there is no constitutional provision that defines these rights of the individual? What comprises the private sphere and the intimate sphere of the individual?

We consider that the right to intimacy can be appreciated as something interior, deep of being; it is an individual field in which people decide their way of being and being; as that which guarantees its owner the development of his life and conduct without interference in interference that may come from the authorities or third parties and as such conduct does not offer public order to morals and good customs. Privacy is a fundamental right that in recent times has acquired surprising relevance, due to technological advances in information technology and communications that make us increasingly vulnerable to undue interference in aspects of our lives that should remain foreign to strangers.

The right to privacy includes aspects such as the reservation or confidentiality of public or private files, registers or databases that are intended to prevent dissemination or disclosure and respect for the purpose of protecting against intrusion by private or private information of each person; privacy can be very relative because its action is determined by the different social, political and economic regimes that exist and by the phenomena and situations of private life.

Conflicts may arise between human rights if they are not clearly defined and established in positive law. A situation of conflict arises when, when exercising a fundamental right, it can be confronted with a position of conflict to that of the exercise with the owner of another fundamental right, who must yield and who must continue.

In a situation of conflict, the solution may be to prefer one right and exclude the other, that is, to put one of the rights in conflict over the other. For this it is necessary to find the mechanisms that justify the favoring of one right in detriment of the other. The main solution mechanism used by those who start from a conflictive vision of human rights is the weighing of rights

Weighting is the way to resolve the collisions that may arise between them and the principles or reasons that play in the opposite direction. The weighting leads to a requirement of proportionality that implies establishing an order of preference relative to the specific case. It is therefore a mobile hierarchy that does not lead to the declaration of invalidity of one of the constitutional rights or rights in conflict, but to the preservation of both, although inevitably before each conflict it is necessary to recognize primacy to one or the other.

Increasingly, the thesis is accepted that modern legal systems are composed of two basic types of rules: rules and principles. These two types of standards are applied through two different procedures:

- a. the subsumption, and
- b. the weighting

While the rules are applied by means of subsumption, the principles are applied by weighting. For this reason, weighting has become a basic methodological criterion for legal application, especially for the legal application of fundamental rights.

The idea that in case of conflict between the right to private life, intimacy and the right to inform, the superiority of the right to inform should be recognized in principle, as long as the right to information is exercised in accordance with the requirements that establishes the law and obeys a public interest

However, this can not happen with the right to intimacy because it includes basic values necessary for a person to enjoy their privacy in the space that each person reserves to develop in a dignified manner.

How to protect the individual against interference by individuals or the authority itself in their privacy?

Therefore, it is necessary to refer to iuspositivism, a position that holds that human rights exist insofar as they are recognized by the State through constitutional or international norms.

Undoubtedly, that human rights are embodied in positive law is desirable, but no less desired would be the fact that the legislator does not lose sight of the following aspects to delimit what implies the boundary between privacy and privacy.

Below is a comparative table in which the concept, characteristics and aspects that include both privacy and intimacy for a better clarity on the subject are presented.

	Privacy	Intimacy
<b>Concept</b>	It is the right that people have to maintain and confidentially reserve files, records, personal or public databases.	It is the right that people have to be able to exclude people from the knowledge of their personal lives, that is, their feelings and behaviors
<b>characteristics</b>	It is an inherent trait of people. It is an aspect that has the purpose of protecting people against interference with the private information of each person. In some cases it may be relative when its action is determined by the different social, political and economic regimes that exist.	It is an inherent trait of people. It is a very important aspect in the development of the personality. It protects the sphere in which the most singularly reserved facets of a person's life develop.
<b>Aspects that comprise</b>	Information related to files, records, personal or public database. The cancellation or rectification of data. The security of data. The inviolability of the address,	The moral and religious values of people. Sexual and amorous tendencies. Its ideological or religious orientations. The hidden aspects of family life, and health conditions etc
<b>Aspects that can be violated</b>	When an intrusion is generated in the sphere of confidentiality, files, records, personal or public database, address, etc. When partial, incomplete, fractional, false or erroneous personal data are disclosed.	When embarrassing facts of a private nature that affect the image of the person are disclosed. When facts that form a false image before public opinion are disclosed. When personal communications between spouses, doctor and patient are revealed.

## 5. Conclusion

The right to respect for privacy, honor and reputation are considered as fundamental human rights, established in the Universal Declaration of Human Rights and by various international instruments. These are rights that constitute fundamental values of the human being, which is why the law has considered it important to protect them and dictate measures to avoid their violation as well as to try to repair the damages caused. They are rights whose purpose is to protect the freedoms of the human being, are rights that glimpse and relates to several specific rights that tend to avoid foreign intromissions or external interference in these reserved areas of the human being. However, the conceptualization and limits of the right to privacy and the right to intimacy are not established and defined.

The need to avoid that any activity of access to information is not translated into the invasion of the most personal sphere of the person, their intimacy or their privacy is necessary to establish, define and define in the Political Constitution of the United States of Mexico the concepts of right to privacy and right to intimacy.

It is also necessary to create secondary legislation that establishes the limits of these rights by implementing in a timely manner what is considered privacy and intimacy, which regulates everything related to the collection, handling, use and information of sensitive data, inviolability of communications of all kinds, also establishing the security measures and corresponding sanctions for violating these rights and establishing in a precise manner the procedure for the repair of the damage caused and the necessary measures to restore the affected in their image and reputation.

The need to have more information from public and private entities is nowadays an urgent need, especially when at present the use of new information and communication technologies allows processing and transmitting large amounts of information; However, this right must be harmonized with respect for privacy and intimacy, so as not to cause harm of any kind.

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