



## **BULLETIN**

### **LAW 1755 OF 30 JUNE 2015**

#### **“WHEREBY THE FUNDAMENTAL RIGHT TO PETITION IS REGULATED AND A TITLE IS REPLACED IN THE ADMINISTRATIVE AND CONTENTIOUS ADMINISTRATIVE CODE”**

On 30 June 2015 the Congress of the Republic issued Law 1755 of 2015, which regulates exercise of the Right to Petition not only before Authorities but also before Private Institutions and Organizations.

In light of the above, from issuance of Law 1755 of 2015 private entities are required to observe the rules regarding enforcement of the right to petition, regardless of their private capacity, which means they will have to process all respectful petitions submitted by citizens, whether in exercise of a general or particular interest requiring a prompt and complete response in substance in connection with requests seeking acknowledgment of a right, action by the entity or an officer, resolution of a legal situation, provision of a service, request for information, consultation, examination and request of documents and the filing of complaints, reports and claims.

It is worth noting that petitions must be processed without exception on the understanding that any respectful petition involves exercise of the right to petition established under Article 23 of the Political Constitution, even if this is not expressly stated and exercise of the same will not be conditioned on acting by means of an attorney in fact.

Among the relevant aspects of Law 1755 of 2015, we highlight the following, which should be taken into account at the time of processing any petition made:

#### **➤ *Terms for Giving a Reply to the Petitions:***

As a general rule, petitions must be resolved within fifteen (15) day from filing. Notwithstanding the above, if the petition relates to a document request, such petition must be processed within ten (10) days from receipt, on the understanding that if the requested documents are not provided within the aforesaid term, existence of the same is accepted and the company may not refuse to provide such documents under any circumstance, being under obligation of delivering the same within three (3) days from any new request.

In those cases where it is not possible to process the petition within the term mentioned above, notice of such situation must be given to the petitioner before expiration of the aforesaid term by clearly stating the reasons why such response will not be issued and providing the date on which a clear and substantial response will be given to the petition, which date may not be more than twice the term originally provided under the law.

#### **➤ *Formalities for filing and Delivery of the Petition***

Any petition should at least contain the following:

- ✓ Specification of the addressee.
- ✓ Full Name of the petitioner, stating the identification document, address for service and capacity in which the same is acting.
- ✓ Object of the petition.
- ✓ Reasons for the Petition.
- ✓ List of documents (if applicable)
- ✓ Signature of petitioner

Petitions may be filed orally provided there is record of such filing or in writing, clarifying that the same may be filed by any adequate means for communication or data transfer purposes (email, fax, etc.).



If filing of any documentation by the petitioner is required for processing purposes, notice must be given within ten (10) days from receipt of the need to complete the petition in a maximum term of one (1) month by retaining record of such notice or petitioner's refusal to provide the same.

➤ ***Incomplete Petitions and Withdrawal of the Petition***

In the event the petitioner is required to complete his/her petition and such petitioner fails to do so, it will be understood that the petition has been withdrawn. Likewise, the petitioner may withdraw at any time such petition, which will not imply that the petition may not be subsequently filed again.

➤ ***Disrespectful, Obscure Petitions or Relating to Private Information***

In case of receiving a petition that is disrespectful the same may be rejected or if the same is not clear, the petition must be returned within ten (10) days from filing in order to be clarified by the petitioner.

If a request for confidential information is made, privacy of information can only be claimed in those cases expressly provided under the Political constitution and the law.

No entity may refuse to receive respectful petitions under penalty of being assessed sanctions and fines to be defined by the competent authority.

Please do not hesitate to contact us, should you have questions or comments in connection with application of Law 1755 of 2015 and generally processing of rights to petition. We further remain at your disposal to advise you in preparation of responses, petitions, filing and follow-up in connection with the same.

**Sanclemente Fernández Abogados S.A.**

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