



The World Bank
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Survey on Transparency in Chile

Definitions of common terms used in this questionnaire:

- *MPs*: members of the lower house/chamber of the national/federal parliament.
- *Financial disclosure laws*: laws that require MPs to disclose their assets and liabilities.
- *Business activities' disclosure laws*: laws that require MPs to disclose secondary employment and business activities in the private sector, such as membership in a company's board of directors, or being an officer or advisor in a company.
- *Family members' individual interests*: Business activities and assets and liabilities owned separately by the MP's family, such as non-marital assets. We only consider assets and interests owned independently by an MP's family member, assets jointly owned are not considered.
- *Post-tenure agreements*: employment agreements and/or business transactions that an MP enters into after completing his parliamentary term, such as an agreement to work for a certain company after completing their parliamentary term.



[Chile]
Lower House of Parliament – [Camara de Diputados]

A. DISCLOSURE

If your country requires Members of Parliament (MPs) in the lower house to disclose their financial and/or business interests, please use the blank disclosure form to supplement the law when completing this section.

Disclosure requirement and frequency	DB 2008	Contributor
1. Are MPs required to disclose during their mandate their:		
Assets and liabilities?	Yes	[]
Business activities (sources of income, secondary employment, positions in private firms)?	Yes	[]
2. When are MPs required to submit a disclosure form?		
Upon taking and leaving office	Yes	[]
Upon taking office	No	[]
Annually	No	[]
Once every X years (please specify how often)	Yes, every four years	[]
3. Are MPs required to disclose <u>changes</u> in assets or business activities prior to disclosure deadline (e.g., within 4 weeks of any change)?	No	[]
Applicable law(s) and comments: Art. 5C Ley Organica Constitucional del Congreso No.18.918, 1990; Ethics Code of the Parliament, Art.7.i; Reglamento para la declaración patrimonial de bienes de la ley 20.088, 2006, Arts. 4 and 11 Please note that there are two types of disclosures. Art.5C of the Ley Organica and Art.7 of the Ethics Code of the Parliament require the submission of an interests' disclosure form. And the Reglamento of Law 20.088 requires an asset disclosure. According to the Ethics Code, Art.7, MPs have to disclose any change in their business interests within 60 days of the change. In the FD case, they have to submit the disclosure upon leaving office or every four years (art.11 of the reglamento), updating is voluntary (Reglamento para la declaracion patrimonial de bienes de la ley 20.088, art.12). Please note that ever since 1986 (regulated in 1990) MPs have to declare their Business Interests. In 2006, law 20088 added the obligation of also making a financial disclosure.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

AI. DISCLOSURE OF ASSETS & LIABILITIES

Report of Assets and Liabilities	DB 2008	Contributor
4. Are MPs required to disclose the following assets and liabilities:		
Personal residence	Yes	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		



o Value <i>and</i> exact location of the property	No	[]
o Exact location	Yes	[]
o Total value without the exact location	No	[]
o Not specified	No	[]
Non-financial, non-movable assets (e.g., other real estate)	Yes	[]
<i>Details: Disclosure of exact location vs. monetary value</i>		
o Value <i>and</i> exact location of the property	No	[]
o Exact location	Yes	[]
o Total value without the exact location	No	[]
o Not specified	No	[]
Non-financial, movable assets (e.g., jewelry, vehicles)	Yes	[]
<i>Details: Disclosure of description vs. monetary value</i>		
o Value <i>and</i> description of the asset	No	[]
o Description of the asset	Yes	[]
o Total value without descriptions	No	[]
o Not specified	No	[]
Stock holdings and other securities	Yes	[]
<i>Details: Disclosure of name vs. monetary value</i>		
o Value of stock <i>and</i> name of company in which they hold stocks	Yes	[]
o Name of company in which they hold stock	No	[]
o Total value of stock, without the name of the company	No	[]
o Not specified	No	[]
<i>Details: Disclosure of all vs. certain types of stocks</i>		
o All stock ownership	Yes	[]
o Stock ownership in certain types of companies (e.g., in specific industries)	No	[]
o Stock above a certain threshold	No	[]
▪ Please specify the threshold	No	[]
Interest-bearing financial investments (e.g., bonds, savings accounts)	Yes	[]
o Value of investment <i>and</i> name of company in which investment is held	Yes	[]
o Name of company in which investment is held	No	[]
o Total value of investment, without the name of the company	No	[]
o Not specified	No	[]
Liabilities (e.g., loans, credits, mortgages)	Yes	[]
o Name of lender <i>and</i> value of liability	Yes	[]
o Name of lender only	No	[]
o Total value of liability, without the name of the lender	No	[]
o Not specified	No	[]
Applicable law(s) and comments: Reglamento para la declaracion patrimonial de bienes de la ley 20.088, 2006, Arts. 4 to 11 Please note that the specific value of movable and non-movable assets is disclosed on a voluntary basis. The space is indicated in the form but it specifies that is voluntary.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		



[]

AII. BUSINESS ACTIVITIES DISCLOSURE

In the questions below, please answer “yes” only if there is an *explicit* requirement to disclose specific items.

Report of income, secondary employment, and business activities	DB 2008	Contributor
5. Are MPs required to disclose the <u>value</u> of their current income?	No	[]
6. Are MPs required to disclose <u>all</u> sources of income?	yes	[]
o Only some categories of income (i.e. paid secondary employment)	no	
7. Are MPs required to disclose <u>paid</u> secondary employment?	Yes	[]
8. Are MPs required to disclose <u>unpaid</u> secondary employment?	Yes	[]
9. Are MPs required to disclose if they hold the following positions in companies:		
Membership in boards of directors?	Yes	[]
o All types of board membership	Yes	[]
o In certain types of companies (e.g., in specific industries)	No	[]
o Only if the position is paid	No	[]
Positions as officers (e.g., CEO, CFO)?	Yes	[]
o All types of positions	Yes	[]
o In certain types of companies (e.g., in specific industries)	No	[]
o Only if the position is paid	No	[]
Positions as advisors (e.g., financial, legal, auditor)?	No	[]
o All types of advisory work	No	[]
o In certain types of companies (e.g., in specific industries)	No	[]
o Only if the position is paid	No	[]
Applicable law(s) and comments:		
Art. 5C Ley Orgánica Constitucional del Congreso No.18.918, 1990; Ethics Code of the Parliament, Art.7.i; Reglamento para la declaración patrimonial de bienes de la ley 20.088, 2006, Art. 10; Decreto 99/2000 arts. 1-6 (for the specific positions please see art. 6.a when it mentions if they participate in the administration.)		
MPs do no report their income. You can see their salary as an MP in the Parliament's website.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		
[]		

A.III. EXPENSES DISCLOSURE

Report on Expenses Disclosure	TA2009	Your answer
9i. Are MPs required to disclose any kind of expenses?	No	[]
Applicable law(s) and comments:		
The regulations are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]



<i>If NO, please cite the applicable law(s): []</i>
Contributor's Comments: []

AIV: FAMILY MEMBERS' DISCLOSURE

Report of family members' interests	DB 2008	Contributor
10. Are MPs required to disclose their family members' <u>independently owned</u> interests (as opposed to joint assets or interests)?	Yes	[]
11. Which family members are covered by the disclosure requirement?		
o Spouse	Yes	[]
o Minor children	No	[]
o Other, please specify	No	[]
12. Are family members required to complete the same disclosure form as MPs?	Yes	[]
Applicable law(s) and comments: Reglamento para la declaración patrimonial de bienes de la ley 20.088, 2006, Art. 9 Please note that the MP only has to declare the individual assets of the male spouse.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

What did you use to complete sections AI and AII?	DB 2008	Contributor
Blank disclosure form	Yes	[]
Laws	Yes	[]
Applicable law(s) and comments:		
Comments: []		

AV. PUBLIC AVAILABILITY OF MPs' DISCLOSURE FORMS

Public Availability of MPs' Disclosure Forms	DB 2008	Contributor
11. <u>By law</u>, are filled out disclosure forms accessible by the public?	Yes	[]
12. <u>In practice</u>, does the public have access to the filled out disclosure forms?	Yes	[]
At a registrar where the public can request forms in person	No	[]
On the internet	Yes	[]
o Please specify the address: http://www.camara.cl/transparencia/listado.asp	Yes	[]
Disclosures can be obtained from other sources	No	[]
o Please specify the source	No	[]



13. Are filled out disclosure forms only available to the public under certain conditions?	No	[]
With the express consent of the MP	No	[]
Other	No	[]
o Please specify	No	[]
14. Does the <u>law</u> specify that only a summary of the disclosure is accessible by the public?	No	[]
15. <u>In practice</u>, does the public have access to the entire disclosure, as opposed to a summary?	Yes	[]
Applicable law(s) and comments: Reglamento para la declaración patrimonial de bienes de la ley 20.088, 2006, Art. 21 BD is also public (Art.5C, Ley Organica Constitucional del Congreso No. 18918, 1990) The law does not specify that the disclosures should be published, however, upon conversation with the Ethics Commission Director he confirmed they are changing this part of the legislation. The reform should be approved by September 2007.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

B. RESTRICTIONS ON DOING PRIVATE BUSINESS

In some countries, disclosure of business interests is not required, but there are restrictions on doing business in the private sector. Such provisions may be found in the constitution, election laws, standing orders of the parliament, anticorruption laws, conflict of interest or incompatibility laws, and ethics laws among others. Please consider all of the above sources of law to answer the questions.

Restrictions on business activities	DB 2008	Contributor
16. During tenure, are MPs prohibited from:		
Owning stock of private companies?	No	[]
o Do MPs have to place their stockholding into a trust fund for the duration of their term in office	No	[]
o Are MPs restricted from owning certain types of stocks (e.g., in certain industries)	No	[]
o Are MPs restricted from owning stocks above a certain threshold	No	[]
▪ Please specify threshold	No	[]
Being members of boards of directors in companies?	Yes	[]
o In <i>all</i> types of company	No	[]
o In certain types of companies (e.g., in specific industries)	Yes	[]
o Are there restrictions on being a member of boards of directors only if the position is paid	No	[]
Being officers (CEO, CFO) in companies?	Yes	[]
o In <i>all</i> types of company	No	[]
o In certain types of companies (e.g., in specific industries)	Yes	[]
o Are there restrictions on being an officer only if the position is paid	No	[]
Being an advisor to companies (e.g., financial, legal, auditor)?	Yes	[]
o In <i>all</i> types of company	No	[]



○ In certain types of companies (e.g., in specific industries)	Yes	[]
○ Are there restrictions on being an advisor only if the position is paid	No	[]
17. Are there other restrictions on activities in the private sector?	Yes	[]
18. Can restrictions on business activities in the private sector be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	No	[]
Applicable law(s) and comments:		
Constitution Art. 60 As for art.60 of the constitution, representatives are forbidden to participate in contracts with the State, practice as lawyer in cases against the State, be Director of Banks or a Sociedad Anonima, and/or exercise positions of similar hierarchy in this type of activities.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments:		
[]		

C. DOING BUSINESS WITH THE GOVERNMENT

Provisions regulating doing business with the government may be found in the constitution, standing orders of the parliament, or public procurement laws. Please consider all these laws when answering this section.

Doing business with the government	DB 2008	Contributor
19. Are MPs required to disclose doing business with the government?		
Are MPs required to disclose signing contracts with the government (e.g., through participation in privatizations, state- led auctions, contract provisions)?	No	[]
○ Contracts in which they participate <u>directly</u> by themselves	No	
○ <u>indirectly</u> through third parties related to them or where they are involved	No	
○ With <u>all</u> government agencies	No	[]
○ Only with <u>certain</u> agencies (e.g., only if the contract is with parliament) or under certain conditions	No	[]
20. Are MPs prohibited from doing business with the government?		
Are MPs restricted from signing a contract with the government (e.g., through participation in privatizations, state-led auctions)?	Yes	[]
○ With <u>all</u> government agencies	Yes	[]
○ Only with certain agencies (e.g., if the contract is with parliament) or under certain conditions	No	[]
Are MPs restricted from being a government contractor (e.g., where an MP provides services or goods to the government directly or via third parties)?	Yes	[]
○ For all government agencies	Yes	[]
○ Only for certain agencies (e.g., if the contract is with parliament) or under certain conditions	No	[]
21. Can restrictions on business relations with the government be lifted by a third party, such as the Speaker of the Parliament or the Comptroller?	No	[]
Applicable law(s) and comments:		
Constitution, Art. 58-60, Codigo de Etica Parlamentaria, Art. 8.e		



The law(s) identified above is (are) the applicable one(s):	[]
<i>If NO, please cite the applicable law(s):</i> []	
Contributor's Comments:	[]

D. OTHER RESTRICTIONS AND DISCLOSURE REQUIREMENTS

Restrictions on holding two public offices	DB 2008	Contributor
22. Do MPs face restrictions on holding another public office during tenure (e.g., being a mayor or a judge at the same time as being an MP)?	Yes	[]
Applicable law(s) and comments: Constitution Art. 57		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		[]
Voting Rules	DB 2008	Contributor
23. Disclosure on voting – Do MPs have to disclose the existence of a personal interest before voting in Parliament?	No	[]
o Upon disclosing the existence of a personal interest, are MPs allowed to vote?	No	[]
24. Restrictions on voting –Does the law prohibit the MP voting in Parliament on matters in which he has a personal interest, without <i>explicitly</i> requiring the MP to disclose that interest?	Yes	[]
Applicable law(s) and comments: Codigo de Etica Parlamentaria, Art.7.h Ley Organica Constitucional del Congreso No.18.918, Art. 5B The restriction mentions that MPs can't promote or vote in matters that interest them but it does not mention that they should do a disclosure.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		[]
Post-tenure Rules	DB 2008	Contributor
25. Disclosure of post-tenure agreements – Are MPs required to disclose post-tenure agreements (e.g., employment agreements and/or business transactions that they will enter after completing their parliamentary term)?	No	[]
26. Restrictions on post-tenure agreements – Are MPs restricted from working in certain positions for a given period of time following the end of their term in office?	No	[]
Applicable law(s) and comments: The laws are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		



Contributor's Comments: []		
Rules on Gifts	DB 2008	Contributor
27. Disclosure on receiving gifts		
o Are MPs required to disclose gifts they receive?	No	[]
o Is this disclosure public?	No	[]
o Are MPs required to disclose gifts above a certain value?	No	[]
▪ Please specify the value in local currency	No	[]
28. Restrictions on receiving gifts		
o Are MPs restricted from receiving gifts?	No	[]
o Do MPs have to pay for gifts in order to keep them?	No	[]
o Can MPs receive gifts up to a certain value?	No	[]
▪ Please specify the value in local currency	No	[]
Applicable law(s) and comments: The laws are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments: []		
Rules on Travel	TA2009	Your answer
29. Are MPs required to disclose their sponsored travel?	N	[]
<i>Details: Disclosure of identity of sponsor vs. monetary value</i>		
o Value and identity of the sponsor	N/A	[]
o Identity of the sponsor	N/A	[]
o Total value without identity of the sponsor	N/A	[]
o Not specified	N/A	[]
30. Is this disclosure publicly available?	N	[]
Applicable law(s) and comments: Please note this section was only filled according to the Blank Disclosure Form.		
Your Comments / Any missing laws?: []		

E. DISCLOSURE REGISTRAR

This section requests information about the government agency which maintains the completed financial and business interest disclosure forms. The registrar may also check the completeness of the disclosure forms. The registrar may also publish the data on how many MPs complied/failed to comply with their obligation to disclose ("compliance data"). This section inquires about the profile and activities of the registrar.

Existence and profile of registrar	DB 2008	Contributor
29i. Is there an agency in charge of maintaining the completed disclosure forms for MPs?	Yes	[]
Does the registrar check the forms for completion?	No	[]



What forms does the registrar keep?		
<input type="radio"/> Assets and liabilities	Yes	[]
<input type="radio"/> Business activities (income, secondary employment, business activities)	Yes	[]
30i. In addition to maintaining disclosures of MPs, does the registrar maintain the disclosure forms of:		
Ministers (cabinet members)?	No	[]
Judges?	No	[]
Civil servants?	No	[]
31. Profile of registrar		
	DB 2008	Contributor
Name	Secretario General de la Camara de Diputados	[]
Contact information	Tel: +562 674 7800	[]
Website	http://www.camara.cl/	[]
Applicable law(s) and comments:		
Reglamento para la Declaracion Patrimonial de Bienes de la Ley Num. 20.088, Art.14 Both the FD and BD are kept in the Secretaria General de la Camara de Diputados. In the BD case, they do it at a local notary and then send copy to the Secretaria General (Art. 5C, Ley Organica del Congreso).		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		
[]		

Activities of the registrar	DB 2008	Contributor
32. <u>By law</u>, does the registrar have to publish data on whether MPs complied/failed to comply with their obligation to disclose?	No	[]
Applicable law(s) and comments:		
There is no obligation to publish compliance data on asset disclosure forms. However, according to Art.5C of the Ley Organica del Congreso, the Secretaria General has the obligation of publicizing those MPs that did not submit the interests disclosure. However, since all MPs submitted their disclosure forms there was no need for publishing the names (this was confirmed over phone conversation with the Parliament).		
Contributor's Comments:		
[]		
33. <u>In practice</u>, are compliance data available?	No	[]
What types of compliance data are available?		
<input type="radio"/> General statistics (compliance rates or percentages)	No	[]
<input type="radio"/> Publication of names of MPs who complied/did not comply	No	[]
With what frequency are compliance data reports published?		
<input type="radio"/> On a regular basis (please specify how often)	No	[]
<input type="radio"/> Other (please specify)	No	[]
What is the source of compliance data?		
<input type="radio"/> Government website (please specify)	No	[]
<input type="radio"/> Other (please specify):	No	[]
34. Are there penalties for failure to submit completed disclosure forms?	Yes	[]



○ Please specify what kind of penalties : A fine	Yes	[]
Applicable law(s) and comments:		
For BDs, Non-compliance is sanctioned by resolution of the Ethics Committee of the Assembly. Those resolutions are public. Ley Organica 20088, Art. 3 (5(d))		
Reglamento para la Declaracion Patrimonial de Bienes de la Ley Num.20088, parrafo 7. No penalties were mentioned in the laws for failure to submit an interests disclosure form.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		
[]		

F. DATA INTEGRITY BODY

This section asks you to provide information about whether the content of the filled out disclosure forms is verified.

Existence and functions of a data integrity body/agency	DB 2008	Contributor
35. Is there a body/agency that checks the content of the disclosure forms?	No	[]
Does the body/agency check the content of the forms:		
○ of all MPs?	No	[]
○ of a random sample of MPs?	No	[]
○ each submission period to verify that all information is accurate (e.g., by verifying the content against other records such as tax records, bank statements)?	No	[]
○ by comparing the content of the forms upon taking and leaving office to discover irregular increases?	No	[]
○ to ensure that MPs activities are not incompatible with their mandate?	No	[]
36. Does the body/agency check the content of the forms only if there is a complaint?	No	[]
Applicable law(s) and comments:		
The laws are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s):</i> []		
Contributor's Comments:		
[]		
37. Details about the data integrity body		
	DB 2008	Contributor
Name		[]
Contact information		[]
Website		[]
38. What forms does the body check?		
Assets and liabilities forms	No	[]
Business activities forms	No	[]
39. Does the agency check the disclosure forms of other government officials?		[]



Ministers (cabinet members)	No	[]
Judges	No	[]
Civil servants	No	[]
Applicable law(s) and comments: The laws are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

Activities of the data integrity body/agency	DB 2008	Contributor
40. <u>By law</u>, is the body required to publish the results of checking the content of the forms?	No	[]
Applicable law(s) and comments: The laws are silent on this matter.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		
41. <u>In practice</u>, are results of the integrity body's activities in relation to checking the content of disclosure forms available?	No	[]
o General statistics are published (e.g., the content of 10% the disclosure forms was checked)	No	[]
o Other (please specify)	No	[]
How often are content checking results published?		
o On a regular basis (please specify how often)	No	[]
o Other (please specify)	No	[]
Where are content checking results published?		
o Government website (please specify)	No	[]
o Other (please specify)	No	[]
42. Are there penalties for submitting false information in the disclosures?	Yes	[]
o Please specify what kind of penalties	A fine	[]
Applicable law(s) and comments: Reglamento para la Declaracion Patrimonial de Bienes de la Ley, Parrafo 7, art. 25.		
The law(s) identified above is (are) the applicable one(s):		[]
<i>If NO, please cite the applicable law(s): []</i>		
Contributor's Comments: []		

G. SALARY DATA

Please provide the base salary for MPs in your country



Amount [] Currency [] Per (month/year) []	
Applicable law(s) and comments:	
The law(s) identified above is (are) the applicable one(s):	[]
<i>If NO, please cite the applicable law(s):</i> []	
Contributor's Comments: []	



H. REFORMS

Reforms in laws on financial disclosure or business activities		
	Yes	No
Are you aware of any changes that occurred between January 2003 and now to the laws and regulations the will affect answers to this survey?	<input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform came into force []		
Are you aware of any changes expected by June 1, 2008 to the laws and regulations that will affect answers to this survey?	<input type="checkbox"/>	<input type="checkbox"/>
If your answer is Yes , please briefly describe: 1) the goal of the reform [] 2) its major characteristics [] 3) the date the reform will come into force []		

Thank you for checking the completeness of this file!

Please return the completed survey to:

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or
 Ivana Rossi
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