DECREE No. 234

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR,

CONSIDERING:

I.   Que el artículo 101 de la Constitución de la República establishes that the economic order must respond essentially to the principles of social justice, with the end of guaranteeing that all inhabitants of the country enjoy a dignified human existence. Likewise, it establishes that the State will promote economic and social development through the increase of production, productivity and rational use of the resources.

II.   That artificial intelligence has emerged as one of the most disruptive and transformative technologies of the XXI century, due to its capacity to learn, adapt and take decisions, revolutionizing key sectors such as health, education, industry, finance and security, among others. No obstante, su expansion has also raised significant challenges in terms of ethics, security, privacy and equity.

III. Que, en este contexto, se hace necesario establizador un marco legal que fomente el desarrollo y uso de la intelligenia artificial, promoviendo su desarrollo e innovación, a la vez que se asegura su uso responsible, justo y seguro.

THEREFORE,

en uso de sus constitutional faculties ya initiative del presidente de la República, por medio de la ministra de Economía,

DECREES, the following:

LEY DE FOMENTO A INTELIGENCIA ARTIFICIAL Y TECNOLOGÍAS

CHAPTER I
General Provisions

Object

Art. 1.- The present law aims to contribute to the technological advance and economic growth of the country by encouraging the development, research and application of artificial intelligence or similar technologies, through the creation of an integral regulatory framework that allows managing the risks associated with the referred types of technologies and the generation of relevant safeguards so that developers, researchers and other people involved with artificial intelligence can perform their activities efficiently, always within the limits established in this law.

Purpose

Art. 2.- The present Law shall have finality:

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a) Foster a favorable environment in El Salvador for the development, investigation and implementation of models or technologies of artificial intelligence, guaranteeing adequate protections for companies or subjects that wish to operate in that sector.

b) Generar confianza en la ciudadanía sobre la utilizado de inteligenia artificial in sus actividades, promoting la rendición de cuentas, transparencia y equidad en los sistemas en los que operan estas y abordando los riesgos de biases, mal uso e información errónea en las mismas.

c) Integrar la educación en inteligenia artificial dentro del sistema educativo e incentivar al private sector a invertir en programas de capacitación sobre dicha materia dentro de sus organizaciones.

d) Promote that the activities that are carried out under the present law are carried out in a responsible manner with the environment, encouraging the use of renewable energy and supporting the research in energy efficiency technologies.

e) Foster the integration and application of artificial intelligence and similar technologies in public services, with the purpose of optimizing areas such as education, health, security, transport and others that are compatible with them and thus improve the quality of life of citizens and allow equitable access to the benefits of these technological advances.

f) Establishing El Salvador as a key actor in governance and global innovation in the field of artificial intelligence, aligning itself with the best practices and supporting transfrontier cooperation in research and deployment of said technology.

Scope of application

Art. 3.- The provisions of this Law are applicable to all natural or legal persons, regardless of their nature, degree of autonomy or constitutional regime, who carry out activities or provide services related to the development, investigation and application of technologies related to artificial intelligence, autonomous learning, generative models and others, as well as those who participate in the collection, storage, processing and application of data for the aforementioned activities.

Definitions

Art. 4.- Para los efectos de la presente ley, se entiende como:

a) **Artificial Intelligence or IA:** Systems or models capable of performing tasks that generally require human intelligence, such as perception, language processing, problem solving and learning, with the potential to operate autonomously or semiautonomously.

b) **Aprendizaje Automático o AA:** Un subconjunto de la IA que involuca algorithms y modelos statísticos que permanente a los sistemas mejorar su performance en tasks specificas basándos en la experiencia con datos, sin necessidad de reprogramación explicit para cada tarea.

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c) **Generative Models:** IA models designed to create new content, including, among others, text, images and audio, derived from patterns and training data.

d) **Datos de Dominio Abierto:** Data o contenido actual or previously accesible via the web or networks of public access, made available by the original owner, allowing its use without restrictions for the execution of the activities contemplated by the present law.

e) **Algorithm:** A set of rules or instructions designed to solve a problem or realize a task, which are frequently implemented in IA systems for making decisions and operations.

f) **Sandbox or test environment:** Virtual environment isolated in which simulations, tests or studies can be realized without affecting the information that forms part of the systems or technologies that are used.

g) **Bias:** Any systematic error in the results of an IA system that favors or disfavorezca in a disproportionate way to certain groups or individuals, based on characteristics such as gender, race or socioeconomic status.

h) **Explicable:** The capacity of an IA system to provide comprehensible and transparent explanations of its decision-making processes to interested parties.

i) **Decisión Impulsada por IA:** Una decision taken with a significant contribution from IA systems, either independently or in conjunction with human operators.

j) **Autonomous Systems:** Systems driven by AI capable of operating independently without direct human intervention, including robots, vehicles and decision-making tools.

k) **Training Data:** The set of data used to train AI systems, allowing them to learn patterns and make predictions or make decisions.

Ethical principles

Art. 5.- In the execution of all activities contemplated in the present law, the principles of equity, transparency, responsibility, informed consent, minimization of data, inclusion and non-discrimination must be respected.

Development, research and application of AI and similar technologies

Art. 6.- The State will create a favorable environment for technological progress, promoting innovation in technologies related to AI and others that are similar to these, for which it will do, at least, the following:

a) Promote the creation of IA laboratories, research centers and innovation centers within El Salvador, to provide resources, training and orientation to entities involved in technological advancement.

b) Foster the formation of technical alliances and cooperation agreements between public and private entities to share knowledge and collaborate in the development of AI and technologies. Todos los acuerdos celebrated for these fines will be subject to this law.

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CHAPTER II
Institutional Framework

National Agency for Artificial Intelligence

Art. 7.- Create the National Agency of Artificial Intelligence, which will hereinafter be denominated as "the Agency" or "the ANIA", as a deconcentrated institution, with functional and technical autonomy, assigned to the Presidency of the Republic, for the exercise of the attributions and competences stipulated by the present law and other applicable provisions.

The ANIA will be the rectoral authority in matters of promotion and development, Research and application of artificial intelligence and other similar technologies.

Agency Responsibilities

Art. 8.- The Agency will have the following attributions:

a) Coordinar y supervizar el complimentar de los sujetos obligados a las obligacións establizadas en la presente Ley, en aras de hacer las denuncias pertinentes a las institutions que los regulan, en caso los hubiera.

b) Establish programs of technical assistance and training to the population in general with respect to the activities contemplated in the present Law.

c) Coordinate the activities carried out by the state for the promotion of development, research and application of AI and similar technologies.

d) Conformar y administrar el Registro Nacional de Desarrollo, Innovación y Aplicación de IA, así como emitir la normativa que rija su funcción.

e) Collaborar con el Ministerio de Educación, Ciencia y Tecnología in the incorporation of education in artificial intelligence and similar technologies in all levels of the educational system, guaranteeing a global approach that integrates theoretical knowledge, technical competence and ethical considerations. This collaboration will focus on the development, deployment and responsible use of AI systems, promoting digital literacy, transparency and innovation, while preparing students and professionals to adapt to the changing technological landscape and its applications in the real world.

f) Provide technical assistance to public institutions for the incorporation of IA or similar technologies in their procedures or services.

g) Realizar una rendición de cuentas anual y promoter la maxima publicidad de la información relacionadas con sus actividades.

h) Las demás que sean necessarias to guarantee the correct application of the present law y demás dispositivos aplicables.

i) Fomentar las asociaciones público-privadas para impartir formación practica con herramientas y tecnologias estándar de la industria.

Organization

Art. 9.- The ANIA will have the maximum authority of an Executive Director and will be in contact with it estructura organizativa necessaria para desarrollar sus competencias.

Executive Management

Art. 10.- The Executive Director will exercise the functions of direction, coordination and supervision of ANIA. He will be appointed by the President of the Republic for a period of five years and may be reelected once, for an equal period.

El Presidente de la República nombrará también al respectiveo sublente del Director Ejecutivo de la ANIA, quien lo sustituirá en caso de muerte, renuncia, licencia, impossibidad de concurrir, cuando exista conflicto de interes or otra valida razón.

If por cualquier motivo se atrasare el appointment del Executive Director, continuerá en el cargo el titular del periodo anterior hasta que sea reelecto o se elija al nuevo funcionario.

Attributions of the Executive Director

Art. 11.- The Executive Director will have attributions:

a) Dirigir y ejercer la administración de la ANIA.

b) Authorize the technical and administrative organizational structure, the manuals and other administrative instruments, the proposed salary scale of the personnel, the annual operative plan, the processes and management systems; as well as the policies that ensure the functioning of the Agency.

c) Follow up and evaluate permanently the execution of the plans and programs that motivate the ANIA for the fulfillment of the purposes of the present Law and deliver the corresponding reports on them.

d) Resolve the requests for registration in the National Register of Development, Innovation and Application of IA of those subjects who dedicate themselves to the activities stipulated in article 3 of the present Law and who wish to access the safeguards that this contemplates.

e) Velar porque se complan los tratados, leyes y demás dispositivos legales vinculadas con el uso de inteligenia artificiali y demás similar technologies.

f) Proponer la subscription y ratificación o adhesion de tratados o convenios internationales que contributyan a los fines de la presente ley, en coordination con la secretaría de Estado competente.

g) Impulsar gestiones de cooperation internacional y donaciones en beneficio de la ANIA, conforme a la normative aplicable.

h) Proponer la contratación del personnel que se se quiera para la secución de las atribuciones de la ANIA; así como de servicios profesionales o técnicos specialized para efectura sus labores.

i) Look for good administration of resources and general functioning Agency.

j) Exercise the other functions and faculties that correspond to them, de acuerdo con la presente Ley y otras dispositivos aplicables.

Requirements for Executive Director

Art. 12.- Para ser Ejecutivo Director, must fulfill the following requirements:

a) Ser mayor de treinta años de edad.

b) Contar con experiencia laboral en desarrollo de IA o tecnologia afines.

c) Ser de recognisado honorabilidad y probidad.

d) Haberse desempeñado en forma destacatada en asuntos profesionales, de servicio public or academic.

Disabilities

Art.13.- Sons inhábiles para desempeñar el chargeo de Ejecutivo Director:

a) Los que no hubieren cumplido treinta años.

b) The president and vice president of the Republic, the appointees of the Presidency, the ministers and vice ministers of the State, the president and magistrates of the Supreme Court of Justice and the Chambers of Second Instance, the President and Magistrates of the Court of Accounts of the Republic, the holders of the Ministerio Público, the president and magistrates of the Supreme Electoral Tribunal and diplomatic and consular officials.

c) Spouses or parents within the fourth degree of consanguinity or second degree of affinity of the persons indicated in the previous letter.

d) Los declarados en concurso o quiebra que no hubieren sido rehabilitados.

e) Los que por cualquier causa sean legally incapable.

Causales de destitución del Executive Director

Art. 14.- The Executive Director can be dismissed from his office, por las causas siguientes:

a) Dejar de cumplir los requisites de su nombramiento o incurrir en las inhabilidades para the exercise of the same.

b) Incompatibilidad o conflicto de interes sobrevenidos en el ejercicio del cargo.

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c) Incapacidad física o mental que le imposibilite para el ejercicio del cargo.

d) Incomplimiento grave y comprobado de sus obligaciones y las funciones inherentes al cargo.

e) Prevalerse del cargo para ejercer influencias indebidas.

f) Haber perdido o sido suspendedido en sus derechos de ciudadano.

g) Haber sido condenado judicialmente por delitos dolosos.

The decision to dismiss the Executive Director will be adopted by the president of the Republic, con expresión de causa; garantizando sus derechos de audiencia y defensa.

CHAPTER III
Del Desarrollo, Investigación y Aplicación de la Inteligencia Artificial y Similar Technologies

Free participation

Art. 15.- Natural and legal persons, both national and foreign, shall have the freedom to carry out directly or participate in the development, investigation, training and implementation of AI and similar technologies within the Salvadoran territory, provided that they do not violate the provisions of this Law and other applicable legislation.

Registro y normative aplicable

Art. 16.- Los subjects who realize their activities using exclusively open domain data or their property and whose projects do not have the purpose of using these for commercial purposes or for public use in general, must only be registered in the National Register of Development, Innovation and Application of IA, in order to enjoy the safeguards that this Law provides.

When the activities of desarrollo, research and application of the AI are related to the functions of the public institutions or areas that are under the regulation and supervision of an administrative authority, the referred subjects must also comply with the technical security regulations established by the Cybersecurity Agency of the State, hereinafter "ACE", and other competent entities.

Para la emission de las norms mentioned in el inciso previous, must be respetarse los crícios técnicos que determine la ANIA para tales efectos.

Evaluación de riesgo de la IA and similar technologies

Art. 17.- La ANIA will establish an Integral Framework for Evaluation of Risks for IA and similar technologies that balance technological innovation with public security and social welfare. The requisites of compliance will be mandatory exclusively for those systems that manage data considered confidential, reserved or personal by the legislation in force.

De acuerdo con la valoración técnica que realice la ANIA, se establisharán los criterio specificos de seguridad que must be implemented by the competent institutions, los cuales serán incorporados en la normative corresponsible. This regulatory framework will be designed with the necessary flexibility to adapt and integrate new classifications and international security standards that will emerge in the future.

Decisiones de la IA or impulsadas por IA

Art. 18.- When you use the IA commercially or to access rights or services within the republic, you will be obliged to inform the user if the decision was adopted directly by the IA or was prompted by this.

The notification of the decision should contain comprehensible and transparent explanations of the process for adoption. Likewise, they must establish mechanisms to challenge said decisions before a competent natural person to confirm, modify or revoke the same.

The fulfillment of this article is an indispensable requirement to enjoy the safeguards granted by the present law.

Safeguards

Art. 19.- The subjects who are duly registered in the National Register of Development, Innovation and Application of IA, and who are in compliance with the applicable technical regulations, shall enjoy the following safeguards:

a) It should be avoided the imposition of precautionary or judicial measures that lead to limiting the use of Datos de Dominio Abierto in El Salvador for the purposes of research, technological development, automatic learning, artificial generative intelligence or legal innovations, as long as said use respects applicable intellectual property rights, the privacy of personal data and other applicable legislation.

b) The activities carried out for research, with experimental purposes or in sandbox or test environments will not generate any responsibility for the people who carry them out, even for the undesired consequences or errors that derive from them, provided that they are not deployed commercially nor interfere directly with the rights of their users.

c) No responsibility will be established for the developers and operators of AI or similar technologies for the direct or indirect consequences derived from the improper use of their tools by third parties, as long as they demonstrate reasonable efforts to guarantee compliance with the established standards of security, ethics and operability.

d) In case of exportation of technologies of IA or similar, no se attributirá responsibility for the use of these outside of the Salvadoran jurisdiction, siempre que comply with the legislation on exportation of El Salvador and the international agreements that concern them.

e) The IA models, including their weightings, training data and generated results, will not be subject to restrictive license conditions that limit innovation, competition or research, while the developers have rights to access and improve these technologies as long as they comply with applicable legislation on intellectual property, data privacy and ethical use. No private entity will be able to impose conditions that restrict improperly the reutilization, analysis or improvement of results generated by AI, except that said restrictions are expressly established by Salvadoran legislation.

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Responsabilidad en el ciclo de vida de la IA or similar technologies

Art. 20.- All interested parties involved in the life cycle of IA, including developers, implementers, providers of services and final users, are responsible for their respective roles to guarantee the ethical and responsible use of IA systems. The developers must design IA systems that comply with the established ethical and technical standards, while the implementers are responsible for their correct implementation and compliance with the security directives. The providers of services must maintain a secure infrastructure, and the final users must use the IA systems in a responsible manner within their scope.

Fomento de la sustainability environmental en el desarrollo de la AI

Art. 21.- The State will facilitate the use of renewable energy sources for the development, investigation and application of artificial intelligence and the operation of data centers and related infrastructure.

Use of personal data

Art. 22.- The use of personal data in the development, investigation and application of AI or similar technologies must be realized in accordance with the provisions of the Law for the Protection of Personal Data. Likewise, they must comply with the technical regulations issued for such effects and will be under the strict supervision of ANIA and ACE.

Intellectual property rights

Art. 23.- Toda propiedad intellectual, including patents, derechos de autor, marcas, secretos industriales, resultante de la investigation, desarrollo o innovación de la IA realizado del territorio de El Salvador, pertenecerá exclusivamenta la entity o persona desarrolladora.

En los proyectos collaborativos que involucren a varias entitas, los derechos de propiedad serán determinate por acuerdos contractuales previos entre las partes.

The proprietary algorithms, data sets and IA systems developed in El Salvador are protected by law and may not be disclosed or used without the explicit consent of the owner.

Protecciones internacionales para la IA

Art. 24.- The State will facilitate access to international protections of intellectual property applicable to AI or similar technologies, assisting developers in registering their innovations under global treaties such as the Treaty on Cooperation in Patent Matters (PCT) or others that are relevant.

CHAPTER IV
Final Provisions

Competence in the development of AI

Art. 25.- Ninguna entita privada, podra adoptar practicas que limiten unjustificadamente la libre competition en el desarrollo, commercialização o implementación de sistemas de Inteligencia Artificial en el territorio Salvadoreño.

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No discrimination en el desarrollo de la IA

Art. 26.- El Salvador recognizes the importance of artificial intelligence of open code and the free flow of knowledge related to AI for technological advancement, economic growth and national development.

Consequently, no restriction will be imposed on the use, modification, development or integration of models, sets of data, weights, algorithms or open code AI software, provided that such use complies with Salvadoran legislation and international agreements.

The frameworks and research initiatives in artificial intelligence must remain open to global collaboration, guaranteeing that developers, companies and institutions can use, contribute and benefit from AI innovations worldwide, including publicly available open source AI technologies.

Emission of security criteria and regulations related to registration

Art. 27.- The ANIA should issue the security technical criteria concerning the activities of development, investigation and application of the IA that are related to the functions of the public institutions or areas that are under the regulation and supervision of an administrative authority, in a maximum period of ninety days from the validity of this Law.

En el mismo plazo, deba emitir la normatire concerniente a la información a presentar y el trámite de inscripción en el Registro Nacional de Desarrollo, Innovación y Aplicación de IA.

Specialty

Art. 28.- The present law will have a special character in its application with respect to other laws, without prejudice to what is established in the Law of Cybersecurity and Security of Information and the Law for the Protection of Personal Data.

Validity

Art. 29.- The present decree will enter into force eight days after its publication in it Official Gazette.

DADO EN EL SALÓN DE HONOR DEL MINISTERIO DE RELACIONES EXTERIORES: Distrito de Antiguo Cuscatlán del

municipio de La Libertad Este, departamento de La Libertad, a los twentyséis días del mes de febrero del año dos mil veinticinco.

ERNESTO ALFREDO CASTRO ALDANA,
PRESIDENT.

SUECY BEVERLEY CALLEJAS ESTRADA,
PRIMERA VICE PRESIDENTA.

KATHERYN ALEXIA RIVAS GONZÁLEZ,
SECOND VICE PRESIDENT.

ELISA MARCELA ROSALES RAMÍREZ, PRIMERA
SECRETARIA.

REYNALDO ANTONIO LÓPEZ CARDOZA,
SECOND SECRETARY.

REINALDO ALCIDES CARBALLO CARBALLO,
THIRD SECRETARY.

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CASA PRESIDENCIAL: San Salvador, a los twentysiete días del mes de February de dos mil twentycinco.

PUBLISH,

NAYIB ARMANDO BUKELE ORTEZ,
Presidente de la República.

MORENA ILEANA VALDEZ VIGIL,
Ministra de Turismo, Encargada del Despacho del
Ministerio de Economía.

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