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EDITORIAL

In this edition of the Cybernews, we highlight the main news on data protection in April 2025. You may also find an analysis on the sustainable future of Artificial Intelligence (AI) related to ChatGPT and Studio Ghibli.

Firstly, Procon-SP imposed a fine of BRL 13.522 million on Banco Pan for making telemarketing calls to consumers that registered in the “Do Not Call” list. This measure highlights the importance of data protection and privacy, ensuring that consumers have the right to opt out of unwanted offers. The penalty reinforces the need for financial institutions to comply with regulations aimed at protecting citizens’ privacy.

Additionally, on April 24, 2025, brokerage firm XP notified its clients about unauthorized access to data from an external vendor on March 22, which resulted in the leakage of personal and financial information. While XP assures the security of clients’ funds,

lawsuits for damages may still be filed against it, with debate over the necessity of proving actual losses. Communication to clients was delayed compared to the notification given to the National Data Protection Authority (ANPD in Portuguese), raising questions about the company’s civil liability and potential sanctions under the General Data Protection Law (LGPD in Portuguese).

Moreover, on April 25, the Federal Supreme Court (SFT in Portuguese) discussed the Limits to the Police Chief’s Power of Request. Although the Reporting Justice voted to limit access to data and highlight the importance of respect for privacy and data protection, especially in light of the most recent legislation, such as the Civil Rights Framework for the Internet and LGPD, Justice Cristiano Zanin requested to see the record and the judgment was suspended.

DATA CENTERS

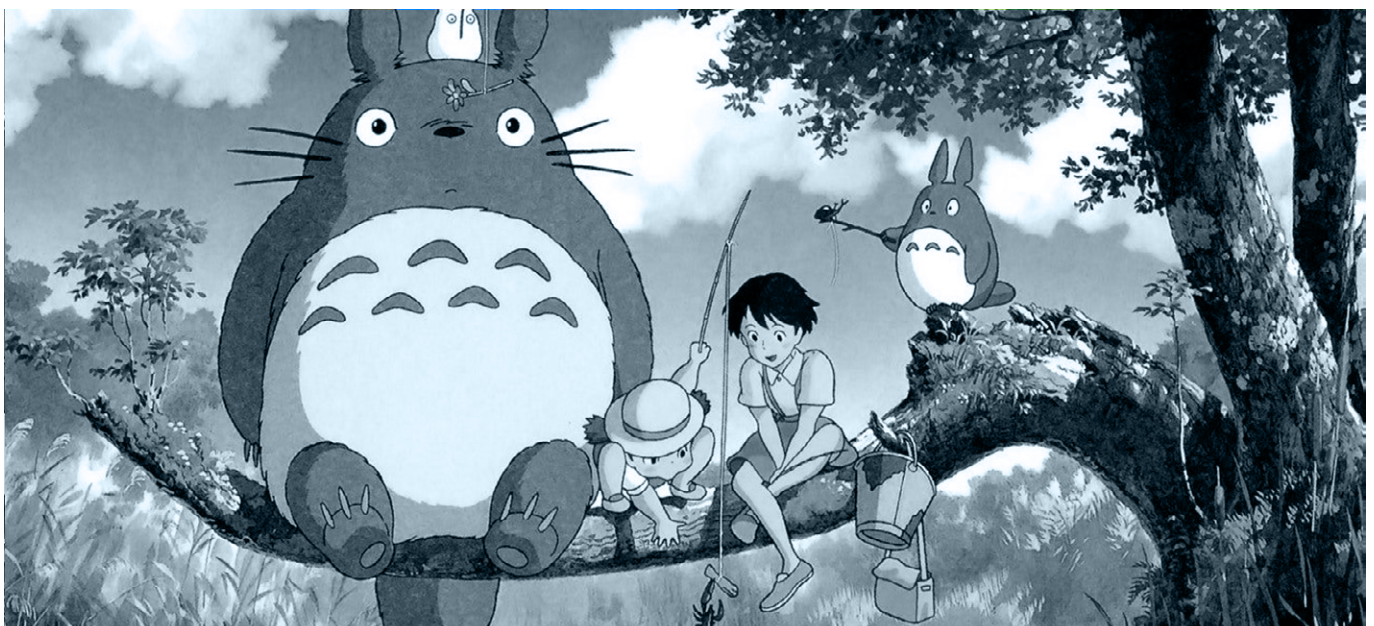
ChatGPT, Studio Ghibli, and the sustainable future of Artificial Intelligence

The recent popularity of AI-generated images in the style of Studio Ghibli, widely shared by ChatGPT users, reveals a collective fascination with technologies that combine creativity and innovation. However, as these tools become part of everyday life, urgent questions arise about their social and environmental impacts and the need for responsible regulation.

In Brazil, Bill No. 2,338/2023, also known as the Legal Framework for Artificial Intelligence Bill, represents a concrete attempt to address these challenges. The proposal, currently under consideration in the House

of Representatives, establishes guidelines for the ethical development and use of AI, based on principles such as the protection of fundamental rights, the centrality of the human person, transparency, non-discrimination, and sustainability. The latter is expressly provided for in Article 2, IV, of the Bill as one of the foundations of the National AI Policy, determining that the solutions developed must promote environmental preservation and energy efficiency.

The debate on sustainability is especially relevant when we consider energy



consumption associated with AI applications. For tools like ChatGPT to work, huge volumes of data and computational power are required, which, in turn, depend on large physical structures: data centers. Studies indicate that these processing centers consume between 1% and 2% of the world's electricity and account for a significant portion of carbon emissions. Additionally, the constant cooling of these servers contributes to the intensive use of water and energy resources, maximizing the environmental impact.

Despite these challenges, AI can also be part of the solution. When applied responsibly, it has the potential to optimize production chains, reduce waste, assist in forecasting climate events, and improve the use of natural resources. There already are promising initiatives for "green" data centers powered by renewable energy sources and equipped with intelligent thermal and energy management systems.

In this context, enthusiasm for AI's creative potential, as seen in images inspired by the Ghibli universe, must go hand in hand with critical thinking. The regulation proposed by Bill No. 2,338/2023 is an important step toward ensuring that technological development occurs with responsibility, transparency, and commitment to collective well-being. Its latest wording proposes that the development, implementation, and use of AI in Brazil be founded on environmental protection and ecological balance, as well as guiding principles of inclusive, sustainable growth focused on the protection of human and social rights, among others.

By incorporating the principle of sustainability, as well as the promotion of social rights and the centrality of the human being, the project recognizes that innovation should not be dissociated from its environmental and social impacts.

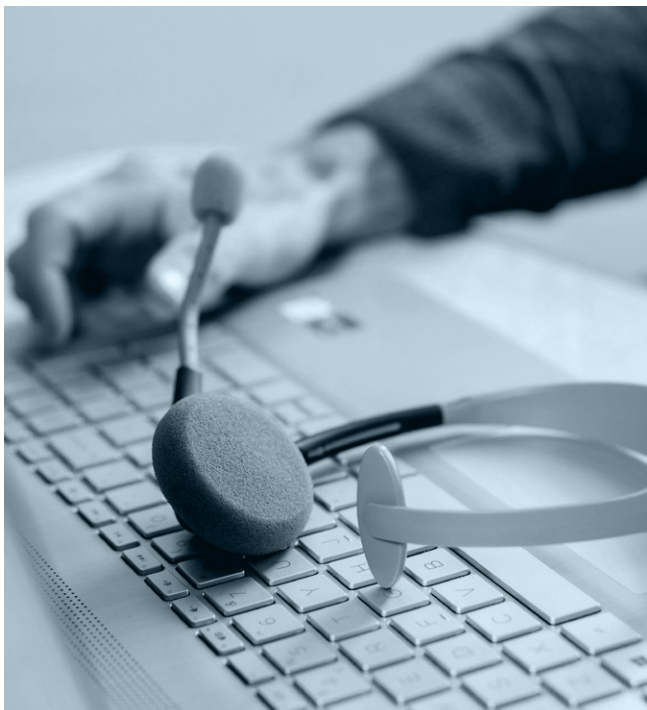


GENERAL NEWS

Procon imposes a fine of BRL 13.5 million on Banco Pan for unwanted calls

Procon/SP imposed a fine of BRL 13.522 million on Banco Pan for violating the “Do Not Call” list, which aims to protect the privacy of consumers that do not wish to be bothered with telephone offers for products and services.

According to Procon/SP, the penalty was imposed because the bank made telemarketing calls to several consumers 30 days after they registered their phone numbers in the list. Banco Pan still has the right to appeal.



The “Do Not Call” program already has over 3.5 million registered users. It is available on the Procon/SP website, and consumers should, whenever they are bothered, keep as much information and even documents about the call as possible, so that service providers can be identified, and appropriate sanctions can be imposed.

This measure highlights the importance of data protection and privacy, ensuring that consumers have the right to opt out of unwanted offers. The penalty reinforces the need for financial institutions to comply with regulations aimed at protecting citizens' privacy.

XP informs about data breach and is already being sued by clients

On April 24, 2025, brokerage firm XP notified its clients of an incident that occurred on March 22, 2025. On that day, a database hosted by an external vendor of the bank was accessed “without authorization,” which resulted in the leakage of information such as name, phone number, email, position, nationality, as well as data regarding clients’ financial products, account number at XP, and the balance for the month of March.

XP did not disclose how many clients were affected but assured that the clients’ funds and the company’s resources are safe and that there was no data leak allowing access to sensitive information. They stated that “no client accounts, funds, or XP’s internal systems were compromised.”

Clients have the option to file a lawsuit against the brokerage firm for data leakage and seek compensation. However, it is important to note that there is a controversy regarding the necessity of proving actual damage for compensation to be valid. In other words, the fact that a data leak happened is not enough; and clients must demonstrate that it has caused losses. This is a delicate issue that must be analyzed on a case-by-case basis.

However, the first lawsuit has already been identified, based on the factual narrative of the data breach and its consequences. In summary, the plaintiff claims to have felt harmed and distressed by the potential consequences that may arise from the leakage of their personal and banking data, such as robbery and kidnapping. In light of this, they seek compensation for pain and suffering in the amount of BRL 15,000.00 (fifteen thousand reais). The lawsuit is still pending with no decision rendered yet.

Additionally, there were discussions regarding XP’s delay in communicating the incident to clients. XP stated that it notified the National Data Protection Authority (ANPD) as soon as it became aware of the incident, but clients were informed only afterwards, as the company needed to investigate the case and understand its magnitude.

In light of this situation, questions arise regarding XP’s civil liability, potential administrative sanctions under the General Data Protection Law (LGPD), and even criminal consequences due to the breach of banking secrecy.

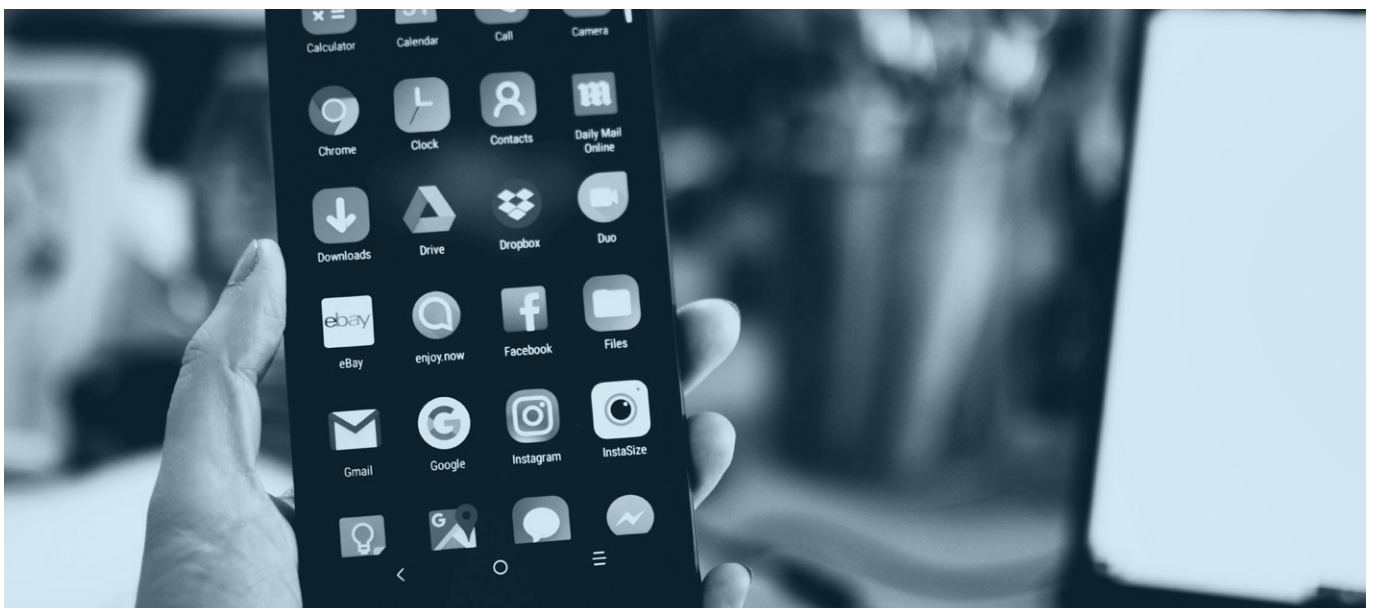
SFT discusses the limits to police chief's power of request

On April 25, Justice Cristiano Zanin requested a review, interrupting the judgment at the Federal Supreme Court (STF) of Direct Action for the Declaration of Unconstitutionality (ADI) No. 5,059, which discusses paragraph 2 of article 2 of Law No. 12,830/2013, and the possibility for police chiefs to request communication data without a court order.

The lawsuit was filed by the National Association of Cell Phone Operators (Acel), which argues that the current law allows the breach of data confidentiality without court order, violating fundamental rights to privacy and intimacy.

The rapporteur of the case, Justice Dias Toffoli, had already voted, stating that, as a rule, such requests should be limited to registration data. He emphasized that a court order is necessary for voice intercepts, telematics, call logs, terminal locations, and other sensitive data. However, there are exceptions provided for in the Code of Criminal Procedure for cases such as kidnapping and human trafficking, in which requests can be made without a court order.

This decision reinforces the importance of privacy and data protection, especially in light of recent legislation such as the Civil Rights Framework for the Internet and LGPD. The justice's understanding is based on court precedents of STF, which conditions access to much of this data on a specific court order.





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