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Newsletter
Cybernews.

7th Edition | 2024

This is an informative newsletter
produced by the **Cybersecurity & Data Privacy**
practice of TozziniFreire Advogados.

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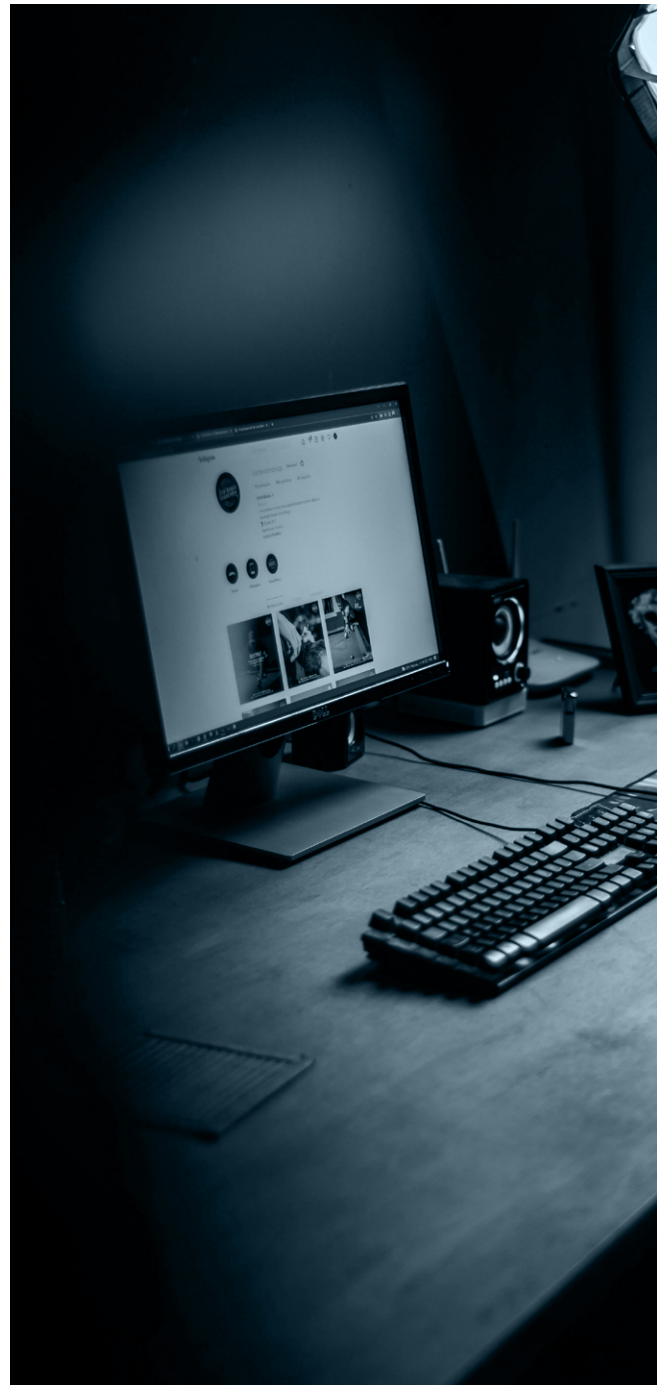
EDITORIAL

In this edition of the Cybernews, we highlight the main news stories that permeated the digital and data protection landscape in July 2024.

In recent months, Brazil has faced three significant incidents related to data security and transparency, highlighting vulnerabilities in different sectors. The Central Bank revealed a data leak of more than 39,000 Pix keys, managed by 99Pay, exposing registration information, although without compromising sensitive data.

Moreover, the Brazilian National Institute of Social Security (INSS) dealt with the exposure of sensitive data of millions of beneficiaries, due to flaws in access control to the Unified Benefit Information System (SUIBE).

Finally, the Federal Regional Court of the 2nd Region banned a supermarket from failing to comply with its equal pay policy, forcing it to publish transparency reports as required by the Ministry of Labor and Employment. These events underline the importance of rigorous security and transparency measures to protect personal data and promote equality in the country.



GENERAL NEWS

INSS beneficiaries' sensitive data is exposed and accessed without control

Millions of INSS beneficiaries' data were exposed due to flaws in the access control of the SUIBE, used to store information on benefits granted. The discovery led to the system being shut down in May, interrupting the production of Social Security statistics.

The president of the INSS, Alessandro Stefanutto, confirmed the identified vulnerability and, although there is no concrete evidence of a leak, complaints indicate misuse of the data for fraudulent actions (such as offering payroll loans).

It was clarified that External users, including servers from other ministries, accessed the system without double authentication or using a VPN. The INSS is implementing measures to correct these issues and improve the security, now requiring the use of a digital certificate for access.

Brazilian Central Bank reports data leak of more than 39,000 Pix keys

The Brazilian Central Bank (Bacen) reported on July 10th a security incident involving personal data of more than 39,000 Pix keys, managed by 99Pay, a digital wallet belonging to the 99 group.

According to the Bacen, the data exposed did not include sensitive information such as passwords, financial transactions or account balances, but only registration data.

The affected users will be notified exclusively through their financial institution's application or internet banking, ruling out the use of other means of communication such as messages, phone calls, SMS or e-mail.

The case is under investigation by the Bacen, which will apply the necessary sanctioning measures in accordance with current regulations.

99Pay expressed its regret at what had happened, stating that the incident had been resolved and that no sensitive data was compromised, and that the company has already contacted the affected users to provide clarification and support.

BRAZILIAN LEGISLATION

ANPD developments: a more effective data ecosystem

During the months of June and July of this year, the Brazilian Data Protection Authority (ANPD) adopted a series of measures to strengthen its performance and facilitate access to data protection in Brazil.

The role of ANPD as the responsible body for ensuring, implementing, and supervising the application of the Brazilian Data Protection Law (LGPD) and other area rules is key to establish a solid and effective data protection system in the country. Such institutional strengthening also contributes to positioning Brazil as a nation committed to data protection practices before other nations and international authorities.

Among the new actions taken by the authority are the following:

- **Publication of DPO Regulation** – [Resolution CD/ANPD No. 18/2024](#) was published on July 17 and is effective immediately from the date of its publication. The new regulation, which rules the performance of the data protection officer (DPO) and establishes complementary rules on the indication,

definition, and attributions of such figure. It also confirms that the appointment of the DPO must be formalized by the processing agent by means of a formal act. Among other obligations, the DPO should be able to communicate clearly, precisely, and in Portuguese. The data processing agents must disclose and keep updated the identity and contact information of the DPO, publicly and in a prominent and easily accessible position on the website or other available channels, especially those usually used for communicating with the data subjects.

- **Launch of a new service to receive requests from data subjects** – The ANPD, together with the Ministry of Management and Innovation in Public Services (MGISP), launched a platform accessible by the GOV.br (a platform that unifies the federal government's digital channels) for petitions and complaints of violations of the LGPD. This new portal seeks to facilitate the access and exercise of rights by data subjects, especially when they are unable to reach data controllers

or there is an alleged violation of Brazilian personal data protection legislation. As of July 8, 2024, data subjects must fill out the form available on the service page “[Open application related to the LGPD](#)” to submit requests to the ANPD.

- **New composition of the National Council for Data Protection and Privacy (CNPD)**

– [Through decrees published at the end of June](#), the president of the Republic appointed 36 members to CNPD, which has positions reserved for civil society organizations; scientific, technological and innovation institutions; trade union confederations; entities representing the business sector; and entities representing the labor sector. The role of the CNPD as an advisory body is essential to ensure the representativeness of the interests of all layers of society, especially because the CNPD is responsible for preparing studies, promoting debates and public hearings on the protection of personal data and privacy.

- **Public Consultation for Regulatory Project on Children and Adolescents** –

Aiming to better regulate the processing of personal data of children and adolescents, ANPD opened a specific call for comments for this topic, including discussions on the best interest of the minor; the consent provided by parents and guardians; the collection of data by games and internet applications; and the transparency of processing operations.

Moreover, through [a proposal presented by Eduardo Gomes regarding PL No 2.338/2023](#), which regulates the use of artificial intelligence (AI) in Brazil, ANPD may be the coordinating body of the National System for Regulation and Governance of Artificial Intelligence (SIA). If PL No 2.338/2023 is approved with this proposal, AI systems will become part of the ANPD’s regulatory scope and, in such case, ANPD will have as goals valuing and reinforcing the regulatory, sanctioning, and normative powers of the sectoral authorities.



JUDICIARY

Justice orders RJ supermarket to publish salary transparency report

The Federal Regional Court of the 2nd Region (RJ and ES), to combat wage inequality between men and women, suspended a decision that exempted a supermarket in Rio de Janeiro from publishing a salary transparency report, as required by the Ministry of Labor and Employment.

The supermarket had obtained an injunction not to make employee data available on its website, social networks, or to the federal government via the *Emprega Brasil* Portal. The company argued that disclosing the data would be unconstitutional because it would not protect employees' personal data.

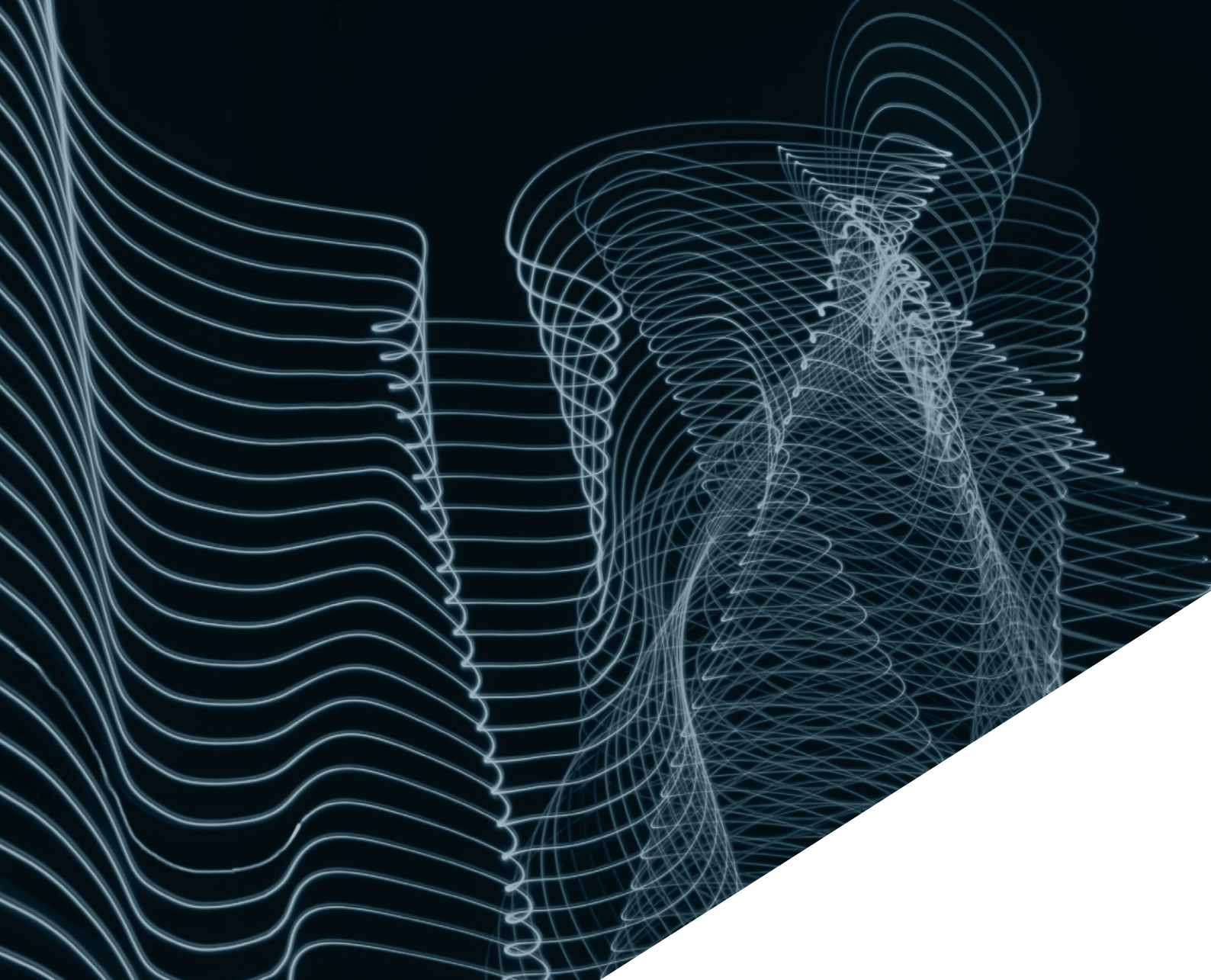
However, the Federal Attorney General's Office (AGU) appealed and argued that the Equal Pay Law (Law No 14.611/2023), Decree No 11.795/2023 and MTE Ordinance No 3.714/2023 follow the LGPD and are essential to promoting equal pay. The appeal was granted by the Federal Court.

The Court ruled that the provision of information to the Ministry of Labor and Employment, employees and the public,

through the disclosure of Transparency Reports, does not violate the principles of intimacy and privacy, much less imply a violation of personal data.

The AGU continues to closely monitor actions related to the Equal Pay Act to ensure the implementation of this public policy.





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