


TozziniFreire.
ADVOGADOS

CYBERNEWS

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EDITORIAL

In this 1st edition of our Cybernews Newsletter in 2024, we bring you the main news from the end of 2023, which reveal a dynamic and decisive scenario for that year as regards personal data protection in Brazil.

In a context where this has become a central topic, recent developments in Brazil indicate a growing number of initiatives undertaken by government institutions.

As you will be able to see below, the Federal Prosecution Office (MPF) held a crucial debate on the protection of personal information at a national meeting, highlighting the relevance of the issue. São Paulo Regional Electoral Court (TRE-SP), on its part, held an event that focused on the General Data Protection Law (LGPD) and warned about the potential risks of artificial intelligence in political activities. The State Courts of Justice have also been taking actions, with the highlight being a court decision rendered by the State Court of Sergipe ordering an app to update the personal data in a user's register, in strict compliance with the LGPD. Meanwhile, the Brazilian Data Protection Authority (ANPD) has been outlining its strategic priorities until 2025, making efforts to ensure a safer and more transparent digital environment.

At TozziniFreire, we have been keeping track of these and other developments closely and reaffirm our commitment to keeping you updated through our Cybernews.



BRAZILIAN AUTHORITIES



MPF participates in debate on personal data protection at national meeting

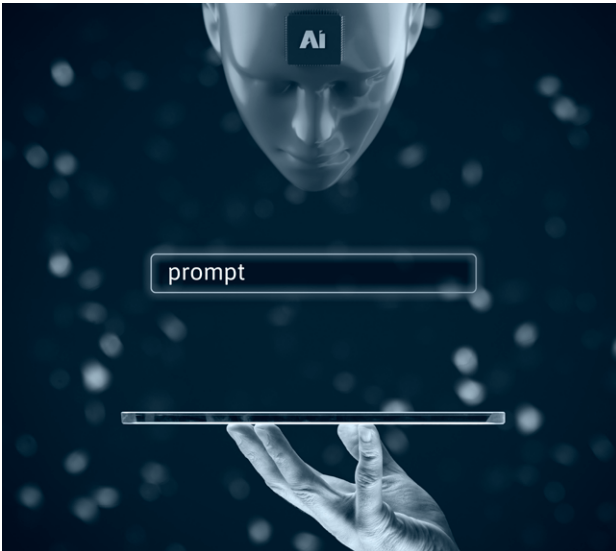
The Federal Prosecution Office (MPF) was present at the national meeting on personal data protection organized by Santa Catarina's Attorney General's Office. The event covered topics such as collective relief, administrative sanctions, and the rights of data subjects, with an emphasis on the General Data Protection Law (LGPD).

The College of Personal Data Officers of the Prosecution Office (CEDAMP) approved a technical study on the relation between

LGPD and the Prosecution Office's power of request, emphasizing that the legislation does not prevent this power, but establishes procedural conditions.

The president of CEDAMP also stressed the global importance of debating personal data protection in the face of technological progress.

JUDICIAL BRANCH



TRE-SP event highlights LGPD and warns about risks of AI in political activities

In November, the Electoral Regional Court of São Paulo (TRE-SP) held an event to train its employees on the General Data Protection Law (LGPD). Experts discussed measures to ensure the security of electoral information, including candidacy data, voter registration through biometrics, and staff recruitment.

The event emphasized the importance of documenting information handling according to institutional rules and

highlighted the need for access control to track queries on information available on transparency portals.

Professor Cleórbete Santos, former head of the Technology Division of the National Data Protection Authority (ANPD), stressed the importance of proper handling of personal data in government agencies. He also highlighted that personal data are an extension of personality, warning about the dangers of such information falling into the wrong hands.

Mr. Santos also drew attention to the use of Artificial Intelligence (AI) in political campaigns, particularly due to concerns about the spread of fake news. He mentioned the ongoing debate in the United States regarding the prohibition of AI use by political candidates.

During the event, Tatiane Rodrigues, from the Superior Electoral Court's Ombudsman's Office, explained the differences between personal and sensitive data, emphasizing the need to safeguard sensitive data to prevent embarrassment or discrimination. Serpro analyst, Daniel Cesar, discussed LGPD principles, highlighting the importance of questioning the need for mass collection of information to ensure privacy.

Judge orders App to update user registration data in compliance with LGPD



Judge Antonio Cerqueira de Albuquerque, of the 2nd Special Court of Aracaju, based on article 18 of the General Personal Data Protection Law, handed down a decision ordering a delivery App to update a consumer's registration within 15 days. The decision establishes a daily fine of R\$200, reaching a limit of R\$5,000 in the event of non-compliance.

In the context of the case, the plaintiff unsuccessfully tried to update his phone number on the app, even after administrative attempts. The company claimed to have made the update available via the e-mail address registered on the platform and offered the option of registering again with a different e-mail address.

The judge based his decision on the fact that the LGPD gives data subjects the right to request that their personal data be updated on any platform. As a result, the App was ordered to update the plaintiff's registration information.

ANPD

ANPD sets out its priority actions until 2025

On December 13, 2023, the Brazilian Data Protection Authority (“ANPD”) published the first Priority Themes Map (MTP, please access it [here](#)), which sets out the priority themes for purposes of studies and planning of enforcement activities for the 2024-2025 biennium. The themes are grouped into four areas of action and will be implemented during the following periods:

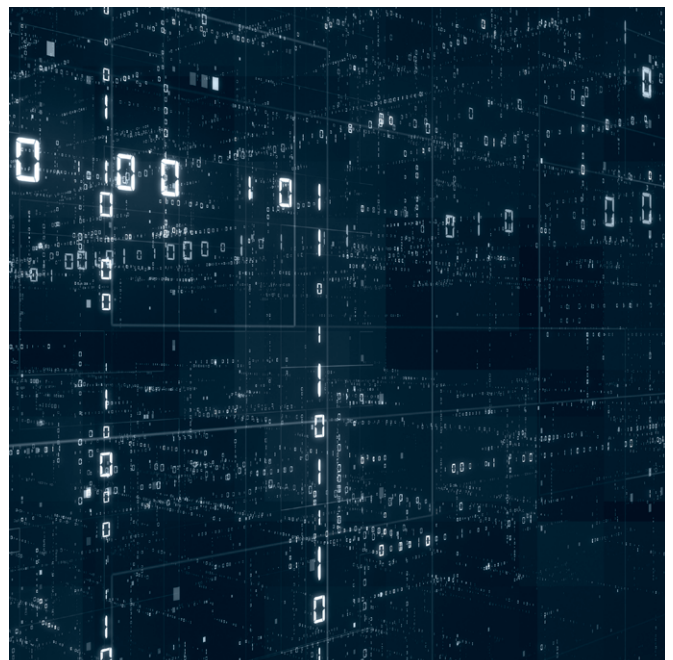
(i) Rights of data subjects (1st semester of 2024): undertaking enforcement actions, especially guidance and preventive actions, within the scope of data processing carried out by the Government, by digital platforms, and by the financial and telecommunications sector. In this regard, the authority is working on the possibility of a joint action with the Brazilian Central Bank (Bacen), the Brazilian Telecommunications Agency (Anatel) and the Brazilian Consumer Protection Agency (Senacon);

(ii) Processing of personal data of children and teenagers in the digital environment (2nd semester of 2024): conducting

enforcement actions to protect the rights of children and teenagers, as well as ensuring their best interests in the digital environment;

(iii) Artificial intelligence for facial recognition and personal data processing: (1st semester of 2025): identifying potential risks in the processing of personal data in facial recognition systems and ensuring compliance with the Brazilian Data Protection Law (“LGPD”) regarding the processing of biometric data; and

(iv) Data scraping and aggregators (2nd semester of 2025): verifying processing operations to identify any need for appropriate measures for compliance with the LGPD.





Following this publication, it is expected that ANPD will further intensify its enforcement activities in relation to the compliance with LGPD by processing agents, in a preventive, advisory or repressive way, such as through issuing sanctions and additional guidance.

Furthermore, we expect that ANPD will also continue to regulate more data protection-related issues and seek greater communication with other government

agencies in order to enhance and improve its enforcement activities. In view of this, the priority topics chosen by ANPD are in line with the preliminary studies and public inquiries that the authority has been conducting recently, as well as demonstrate its regulatory efficiency.



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