

Tozzini Freire.

ADVOGADOS



CYBERNEWS.

33rd Edition | 2023

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01 **Brazilian Context.**

ANPD's recently published Privacy Notice details how users' personal data is processed in its website

The Brazilian Data Protection Authority (ANPD) has published Resolution No. 9, approving its website's Privacy Notice. The document addresses in detail the data processing activities carried out on the website and the relationship between data subjects and ANPD.

The Privacy Notice also regulates the use of cookies, the type of data collected, the purposes, the data subjects affected, and how personal data is collected, stored, shared with third parties and deleted.

ANPD launches Public Inquiry to regulate Data Protection Officers

On November 7th, 2023, ANPD launched a public inquiry on the draft resolution related to the role of Data Protection Officers (DPOs). Society can contribute until December 7th, 2023, through the Participa+Brasil platform (only available in Portuguese).

The public inquiry aims to obtain contributions to the draft regulation on the role of the DPO, as provided for in Article 41 of the Brazilian Data Protection Law (LGPD). One of the roles of the DPO is to act as a communication channel between data controllers, data subjects and ANPD.



Safe Stadium Project: ANPD's Technical Note

ANPD has published a Technical Note on the Safe Stadium Project, which is a joint initiative by the Department of Justice and Public Security (MJSP), the Ministry of Sport (ME) and the Brazilian Football Confederation (CBF) to combat racism, violence and ticket scalpers in soccer stadiums and arenas through data sharing and the use of technologies such as facial recognition.

Aiming to map violations of the LGPD and draft risk mitigation measures, the ANPD raised a few matters and proposed some initiatives to MJSP and the participating sports practice entities to improve the Safe Stadium Project from a data protection perspective. Among those initiatives, ANPD recommended the need of written information about personal data sharing with the MJSP for public security purposes in places where tickets are sold (online, at stadium ticket offices or authorized resellers), in parking lots and around the stadiums, where surveillance cameras are placed.



Temporary committee on AI debates the effects of artificial intelligence on the fundamental rights of personal data subjects

The Federal Senate's Internal Temporary Committee on Artificial Intelligence in Brazil (CTIA in Portuguese) debated, with representatives from different areas, legal aspects of Artificial Intelligence (AI), its consequences for fundamental rights and its applications in technology.

Participants were in favor of innovation and stimulation of technology and raised concerns about regulation and the relationship with human activity. The President of the Artificial Intelligence Coordination of the Brazilian Association for Public Governance of Personal Data (govDADOS) said that "everything that can be automated will be".

02

Judicial Branch.

CNJ expands use of facial recognition to monitor sentence enforcement in Mato Grosso

On October 20th, the National Council of Justice (CNJ) announced the expansion of the Remote Presentation System through Facial Recognition (Saref), on a pilot basis. The system will be implemented in the justice system of the state of Mato Grosso, with tests in the district of Sorriso.

Saref is used to monitor compliance with open regime imprisonment and other non-custodial measures. For remote monitoring, an initial registration with photographs and data is required.

The platform uses Artificial Intelligence (AI) techniques for facial recognition and geolocation data retrieval. The Saref process is considered auditable and secure, enhancing efficiency in the judicial process.

This initiative is part of the Justice 4.0 Program, in partnership with the Federal Justice Council and the United Nations Development Program (UNDP). Remote presentation remains optional, with in-person attendance maintained for those without internet access.

MJSP creates Digital Rights Department to protect users in the cyber environment

The Department of Justice and Public Security (MJSP) has announced the creation of the Digital Rights Department, which will aim to assess and propose measures to make the cyber environment safer for users.

The Department will be responsible for the “De Boa na Rede” program, a virtual library that assists parents and guardians in protecting children and adolescents while they use the internet, with a special focus on social media.

Additionally, the Department will work on formulating, proposing, and implementing actions to protect digital rights in the digital environment, including policies to support and protect victims of digital crimes.

Other areas of focus include improving legislation related to data protection, collaborating with other government agencies, and representing the MJSP in national and international forums for discussions on the topic.

This initiative undertaken by the MJSP aims to address the challenges of digital transformation and ensure the defense of the legal order, rights, and constitutional guarantees in the digital environment.



Superior Court of Justice condemns bank for scam resulting from data leaks

The 3rd Panel of the Superior Court of Justice (STJ) unanimously ruled that financial institutions can be held liable for data leaks that result in scams against their customers. The central case involved a client who, after contacting her bank by email to obtain information about a loan, received a fake bill via WhatsApp, which she paid.

The São Paulo Court of Justice (TJSP) initially blamed exclusively the victim, dismissing the financial institution's liability.

However, justice Nancy Andrichi, rapporteur of the appeal, disagreed with this view and argued that there are situations in which financial institutions can be held liable.

According to the justice, in cases where fraudsters have access to personal registration data or sensitive personal data, causality cannot be established, as this information can be obtained from alternative sources. On the other hand, data relating to financial transactions is, for the most part, processed exclusively by financial institutions. Therefore, they have an obligation to store and process this data in accordance with the law, including the Brazilian Consumer Protection Code and the Brazilian General Data Protection Law.

In view of this scenario, the STJ concluded that the inadequate processing of personal banking data constitutes a failure in the service provision and, as such, means that the financial institution is liable for any damage caused to customers.

03

Authorities.

Senacon notifies Pharmacy Chain to clarify whether processing of consumers' sensitive personal data is in accordance with LGPD

On October 23rd, the National Consumer Secretariat (Senacon), an agency linked to the Department of Justice, has notified a Pharmacy Chain to provide clarifications regarding the improper processing of sensitive personal data of consumers, particularly related to health. The Pharmacy Chain has allegedly been collecting data without the consumers' consent and selling it to advertisers.

In response to these allegations, Senacon has launched an investigation to check the accuracy of the accusations and assess whether the Pharmacy Chain is in compliance with consumer and data protection laws.

The Pharmacy Chain will be required to clarify the procedures used for collecting personal data from consumers, how consent is obtained for such collection, and whether consumers are adequately informed, prior to data collection, about how their data is processed, as required by law.



General Guidance and Understanding.

ANPD publishes second analysis of Artificial Intelligence Bill

ANPD has published its second analysis and Technical Note on the Bill that aims at regulating the use of AI in Brazil.

According to the document, ANPD would be the central national regulatory authority on the subject, and an advisory council should be created in a similar fashion of the National Data Protection Council (CNPD).

In addition, the Executive Branch would be responsible for drafting, managing, updating, and implementing the Brazilian Strategy for Artificial Intelligence while ANPD would contribute to the process of drafting and implementing the Strategy.

Read the analysis here: [here](#). And the Bill [here](#).

Digital euro: ensuring the highest data protection and privacy standards

The European Data Protection Board (EDPB) and the European Data Protection Supervisor (EDPS) have issued a joint opinion about the proposed regulation on the Digital Euro as Central Bank's digital currency.

Besides recognizing that the proposed regulation is committed to data protection issues related to the Digital Euro – such as the existence of an offline modality to minimize personal data processing –, the document also highlights the need for better clarification, in the proposed regulation, about the responsibilities of the European Central Bank (ECB) and Payment Service Providers (PSPs) in relation to data protection, including the applicable lawful bases for data processing concerning the issuance, distribution, and use of the Digital Euro.



05

International Rulings.

US announces 'strongest global action yet' on AI safety

Joe Biden announces AI safety action plan as the “world’s largest action on AI safety.” The action is motivated by the fact that the rapid advance of AI systems could lead to increasingly impactful problems without a safety action plan.

The US plan includes guidelines for creating new safety and security standards for AI, protecting consumer data, helping to prevent algorithmic discrimination, creating appropriate AI practices in the justice system, among other areas.





CNIL imposes €600,000 fine on French company GROUPE CANAL+ for violating data subjects' rights

On October 12th, 2023, the French Data Protection Authority (CNIL) imposed a fine of €600,000 on GROUPE CANAL+, a French mass media company. The company failed to comply with its obligations under the European General Data Protection Regulation (GDPR), related to obtaining valid and prior consent from data subjects for commercial prospecting, and under the French Post and Electronic Communications Code (CPCE), related to commercial prospecting.

In addition to the failure to collect consent from data subjects, during the investigation, CNIL found several breaches of the data protection legislation, including violation of the right of access and exercise of other data subject rights, failure to notify CNIL of data breaches experienced by the company and failure to update its agreements to comply with the GDPR.

Newsletter content produced
by TozziniFreire's Cybersecurity
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