



General Personal Data Protection Law is sanctioned

Last Tuesday, August 14, 2018, President Michel Temer sanctioned Law no. 13.709/2018, the General Law for Protection of Personal Data in Brazil (LGPD).

The main objects of the Law are as follows:

To guarantee the right to privacy and protection of citizens' personal data, permitting greater control of their data, by means of transparent and secure practices, particularly with a view to ensure respect of fundamental rights and liberties.

- ✓ To establish clear rules regarding collection, storage, treatment and sharing of personal data among companies.
- ✓ To promote development: to encourage economic and technological development in a data-driven society.
- ✓ To guarantee free enterprise, free competition and consumer protection.
- ✓ To reinforce confidence: to increase citizens' confidence as to the collection and use of their personal data.
- ✓ To increase legal security as a whole in the use and treatment of personal data.

Certain provisions in the text suffered vetoes, such as the one that provided for the creation of a regulatory agency called the National Data Protection Authority (ANPD), which would be responsible for the issue of complementary rules and for monitoring the statutory obligations. Temer justified the veto on the grounds of a legal problem, but said that creation of the ANPD may be approved at a later date.

The Law is applicable to any individual personal or legal entity, irrespective of the means or the country where the data are located, provided that the collection or treatment of the data is carried out in the national territory, or further that the individual to whom the data relate is in the national territory.

There are a number of safety steps to be adopted, such as the creation or updating of privacy policies, the appointment of a person responsible for the protection of data, the mapping of the treatment of data, training, demonstrations of measures adopted, obligation of communication and development of a response plan regarding incidents, among others.

The various sanctions stipulated in the event of violation of the Law include a fine of up to 2% of the sales of the company or group in Brazil for the last fiscal year, limited to R\$ 50 million for each infraction.

Companies have 18 months to adjust to the new legislation, without exceptions.

In the event of doubt, we are at your entire disposal to provide any clarification or further information on the matter.

São Paulo, August 17, 2018.

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