

## Emergency measures derived from Covid-19: Brazilian Senate approves the postponement of Brazilian Data Protection Regulation

By Aline Zinni and Larissa Martins

Last Friday, the Brazilian Senate deliberated about the Bill of Law no. 1,179/2020, which sets forth the Emergency and Transitory Legal Regime of relations in private law, based on the new Coronavirus (Covid-19) pandemic.

Among its sections, there are two specific provisions that change the scenario of privacy and data protection in Brazil: the postponement of the effectiveness of Law no. 13,709/2020 (the Brazilian Data Protection Regulation – “LGPD”) to January 2021 and the application of the administrative sanctions to August of the same year. Originally, both would be applicable as of August 2020.

It is important to highlight that the entry into force of the LGPD before the application of administrative sanctions grants more time for the Public Sector to set up the Brazilian Data Protection Authority (“DPA”), but it does not exonerate the companies from complying with the regulation. That is because data subjects and other entities, such as Public Prosecutor’s Office and Consumer Defense Organizations, will be able to act (as they already do) in defense of privacy and data protection.

The Bill of Law was approved by the Brazilian Senate and now it will be submitted to the Brazilian House of Representatives. Afterwards, it needs to be delivered to the President for his final approval. Considering the emergency of the situation, all these procedures should take place soon. Therefore, it is important that companies and public entities continue to move forward with their compliance projects.

The Senate measure reflects the current scenario in which all the attention is focused in the combat of the virus Covid-19 and the identification of best economic and commercial practices worldwide. Furthermore, maintaining the entry into force of the LGPD could harm companies that are willing to comply with the regulation since it represents additional dedication and expenses. On the other hand, it also means that Brazil will be one of the few countries without a specific legislation regarding data protection, which impacts its competitiveness.

It is worth mentioning that other Bills of Law – independent from the current pandemic situation – are already being discussed in the Brazilian Congress, aiming for the postponement of the effectiveness of the LGPD for its full application in August/2021.

Our Digital Law team is monitoring the Brazilian Bills of Law and other news regarding data protection. If you would like to receive further information, please do not hesitate to contact us at [digital@kasznarleonardos.com](mailto:digital@kasznarleonardos.com).