

Provisional Measure postpones the effective date of the Brazilian Data Protection Law

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The Provisional Measure n. 959/2020, enacted on April 29th by the President of Brazil, established guidelines regarding the granting of benefits for the Brazilian population due to the Coronavirus pandemic (Covid-19). However, the biggest news was brought by its Article 4: the postponement of the effectiveness of Law n. 13,709/2018 (Brazilian Data Protection Law – “LGPD”) for May 3rd, 2021. The postponement does not affect the provisions regarding the National Data Protection Authority and the National Council for Data and Privacy Protection, both created in December 2018.

The postponement of the effectiveness of the law was already being discussed in the Brazilian Congress through Bills of Law, with the main objective to ensure that the public and private institutions are able to focus their efforts in the fight against the current pandemic.

In this scenario, private and public institutions were granted with an “additional deadline” for the compliance with the LGPD, but that should be used with caution. This is because Brazil still waits for the effective creation of the National Data Protection Authority, maintaining the national and international uncertainty about data protection operations.

The best practice would be to keep moving forward with compliance projects, using this additional deadline as a period of tests and for correction of the implemented measures. One more reason to keep the compliance projects going is the fact that some consumerist organizations and the Brazilian Prosecutor’s Office are already invoking the articles of the LGPD to support their claims in cases involving data protection.

Our Digital Law team is monitoring the news regarding data protection. If you want to receive more information, please do hesitate to contact us at digital@kasznarleonardos.com.