

Brazilian Senate rejects the postponement of the LGPD

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It has been two years since the Brazilian General Data Protection Law (LGPD) was enacted. Such law will enable greater control by Brazilians over their personal data, as well as have considerable impact over individuals' and companies' routines. Therefore, the correct date of its entry into force is a relevant issue.

Last Wednesday (26) a controversy in the Brazilian Congress, between the Senate and the House of Representatives, caused the anticipation of the date in which the LGPD would enter into force, which was supposed to be December 2020.

The inexistence of an active National Data Protection Authority (BNDPO) was highlighted during the Senate's session. The Senate's president stated that the Congress should not be prevented from performing its functions just because the federal government has not fulfilled its duty of implementing an active BNDPO. This morning President Jair Bolsonaro issued the Decree No. 10.474/2020, approving the BNDPO's structure and executive functions, which will enable the operationalization of the BNDPO.

Yesterday, in an official report about an online publication entitled "Senate decides that the LGPD will enter into force as of tomorrow", the Senate clarified that the LGPD "will only entry into force after the other provisions in MP 959/2020 are sanctioned or rejected by the President". However, there are different interpretations about the rules applicable to provisional measures. It is likely that further discussion will take place in the next hours.

Despite the pending clarification as to the exact date in which the LGPD will entry into force, it is important to highlight that the sanctions thereof are enforceable only as of August 1st, 2021.

Our Digital Law team is closely monitoring the news regarding data protection in Brazil. If you would like to receive further information, please do not hesitate to contact us at digital@kasznarleonardos.com.