

## BRAZILIAN LGPD BECOMES EFFECTIVE IN THE 2<sup>nd</sup> SEMESTER OF 2020

Newsletter

August 27, 2020

LGPD: The Brazilian General Data Protection Law to become effective in the beginning of the 2<sup>nd</sup> semester of 2020.

### Main points:

- (i) Voting in the Senate: On Aug 26, 2020, the Brazilian Federal Senate approved the conversion into law of Provisional Measure No. 959, of 2020 (“MP 959/2020”) and, among the voted provisions, it decided to reject the amendment to Art. 65 of Law No. 13,709, of 2018, as amended by Law No. 13,853, of 2019 (“General Data Protection Law” or “LGPD”) that extended extend the law’s general entrance into force to 2021.
- (ii) Previous Discussions: The voting and definition by the Brazilian Federal Senate took place after a long period of discussions, uncertainties and different proposals regarding the date of effectiveness of the LGPD, which included as alternatives August 2020, January 2021 and May 2021.
- (iii) Presidential Sanction: According to the General Secretariat of the Brazilian Federal Senate, the LGPD will enter into force upon presidential sanction of the final text of MP 959/2020, which is subject to a 15 business days term.
- (iv) Date of Effectiveness: Despite some discussions about LGPD’s immediate effectiveness, in other words, as of Aug 27, 2020, or if it is actually subject to the referred presidential sanction, the fact is that the entrance of the LGPD into force in the begging of the 2<sup>nd</sup> semester of 2020 seems is imminent.
- (v) Administrative Sanctions Effective only in August 2021: The effectiveness of LGPD’s provisions regarding imposition of administrative penalties (articles 52, 53 and 54) was maintained to August 2021.
- (vi) Consequences of LGPD’s Immediate Effectiveness: With LGPD’s effectiveness, companies are already required to comply with its provisions related to the processing of personal data, among other reasons, because the postponement of the effectiveness of the administrative penalties does not refrain the possibility of enforcement of such law by other authorities, such as consumer rights protection agencies.

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