

DATA PRIVACY BRASIL RESEARCH ASSOCIATION

Annual Report

2020

DataPrivacyBR
RESEARCH



••• Association's fact sheet

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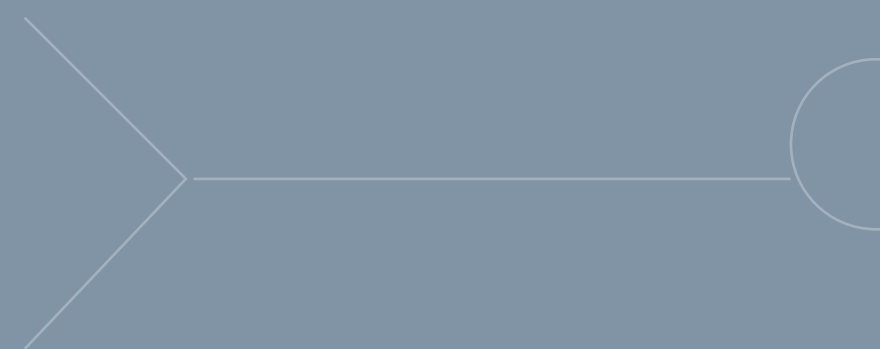
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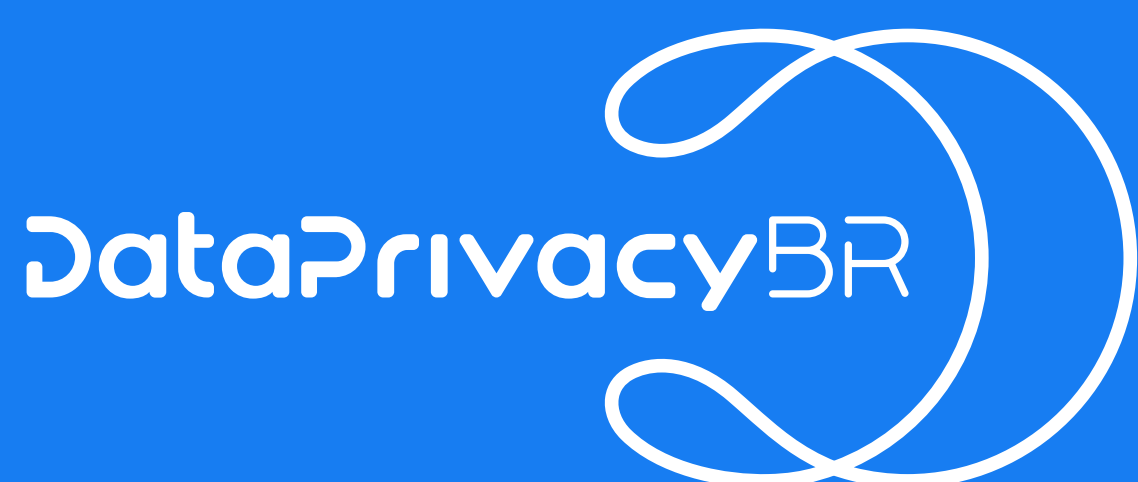


What is Data Privacy Brasil

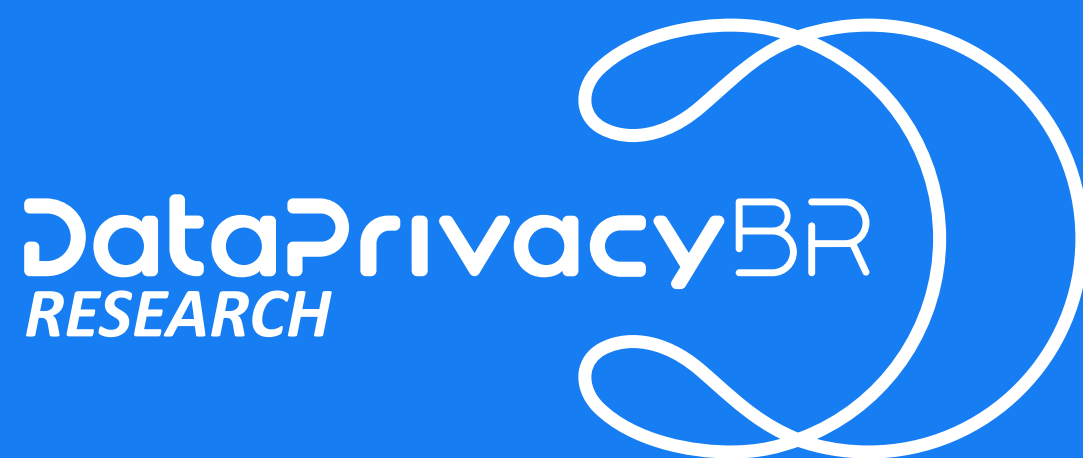
Data Privacy Brasil is the intersection space of two twin initiatives: Data Privacy Ensino Ltda., founded in 2018; and Data Privacy Brasil Research Association, a non-profit association which became official in 2020.

While the school was created in order to provide training, the Association extended its scope from teaching to research. Together, these two axes of action strengthen each other: scientific research supplies the reflections and trends brought into the classroom with data and method. In this cycle of mutual strengthening, Data Privacy Brasil keeps setting paths to build a culture of personal data protection in the country.

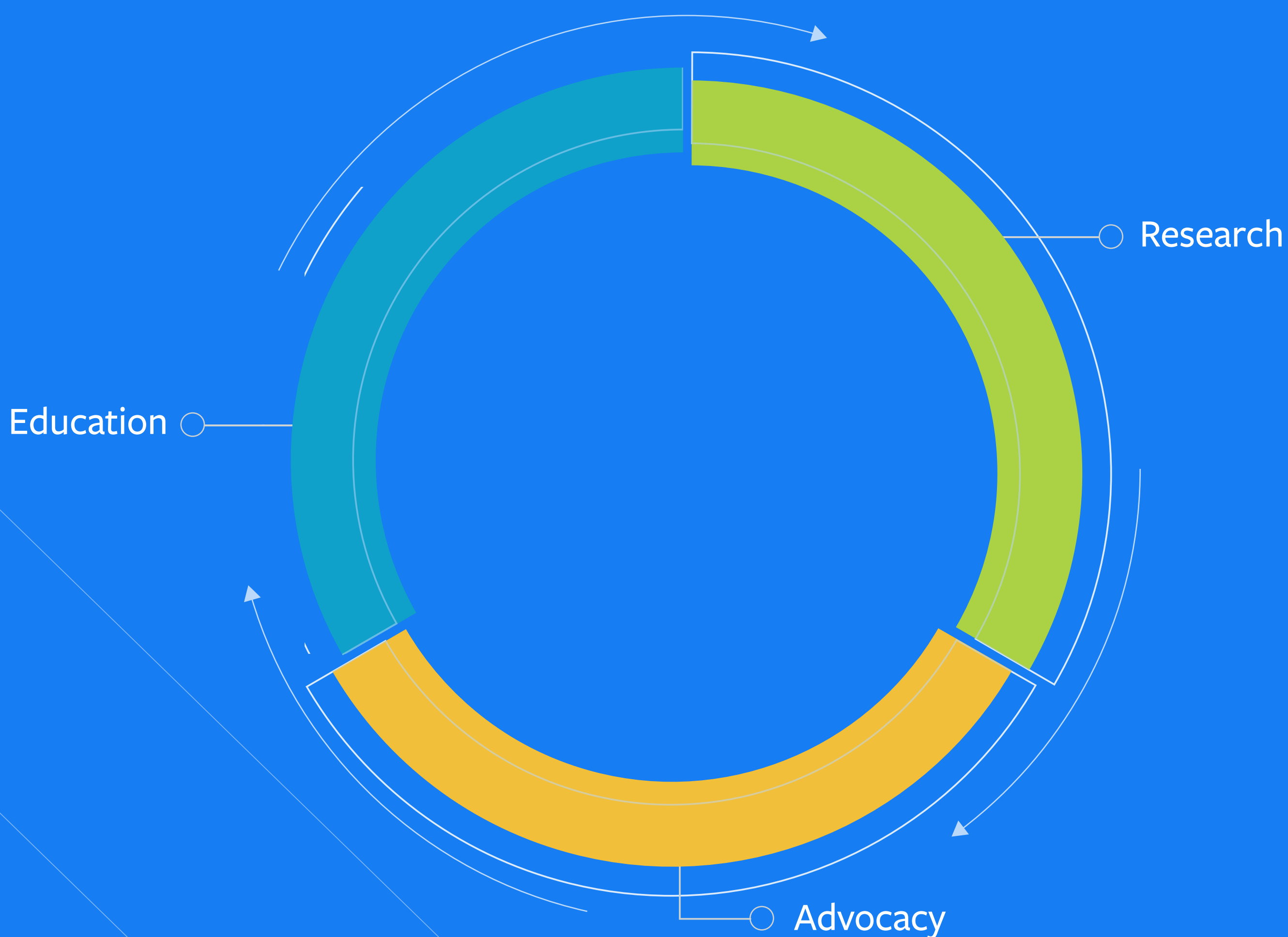
Since both entities share an intersecting space, there is a common social network structure to represent both school and research association, including [Instagram](#), [YouTube](#) and [Twitter](#). This is a way to strengthen and enhance the scope of the work of both organizations and reinforce the symbiosis between the two legal entities.



Focused on education and training, for profit.
Created in 2018.



Focused on research and advocacy, non -profit.
Created in 2020.



••• About us

Data Privacy Brasil Research Association

We are a non-profit organization focused on the development of research and advocacy initiatives related to privacy, data protection, and their intersections with other fundamental rights.

Based on empirical and theoretical research, we develop our projects and produce relevant content - which seeks to contribute to the construction and dissemination of knowledge, as well as to help regulators, judges, congressmen, and decision-makers in the public and private sectors. The organization's commitment to the democratic debate goes beyond the production and democratization of relevant content: more than just producing materials, we want to dialogue and contribute to the construction of public and regulatory policies. ∨



Data Privacy Brasil Research Association

» We recognize the value, and the need, of looking back at the past, documenting and shedding light on the paths we have taken so far. With equal importance, we also comprehend that scientific work needs doses of vanguard, and action. We understand that research cannot be restricted to university circles: for this reason, our research is directed towards the advocacy of public policies and building a strong culture of personal data protection. We believe that this work should be synergetic, with priority on open data and multisectoral debates. »



Data Privacy Brasil Research Association

» With an **Ethical and Transparent Funding policy**, and valuing diversity and equity among our members, we have grown since we became a formal Association in March 2020. Currently, we have more than 20 associates from all over Brazil, more than half of whom are women. We have also made an anti-racist commitment, for the coming years, with the preparation of new policies. We believe in the power of collective work, based on respect and on the plurality of ideas and diversity of experiences.

Our main funders include international philanthropies such as the Ford Foundation, Open Society Foundations, and AccessNow, as well as companies, especially in the technology sector.



••• Letter from the executive board



Since enactment of the Brazilian Civil Rights Framework for the Internet, in 2014, we have seen in Brazil a deepening of the set of rules on digital rights and the expansion of civil not-for-profit entities dedicated to understanding the impact of new technologies on society.

With the enactment of the General Personal Data Protection Act (LGPD), which required an arduous struggle, which intensified between 2015 and 2018 with the prominent role of Rights in Network Coalition, the possibility of effectively building a culture of personal data protection in Brazil was opened. On the one hand, citizens now have a modern legal repertoire for the full exercise of their citizenship in a scenario where more and more decisions about them, from the granting of credit or a social benefit to the misinformation phenomenon, are calibrated based on their data. On

• • • Letter from the executive board

» the other hand, public authorities and the private sector face the great challenge of adapting their activities to this new regulatory framework. This means reviewing the practices already in place and designing new public policies, as well as products and services, in line with the LGPD and other data protection regulations.

Despite these huge victories, especially the enactment of the LGPD, we are still in the process of building a data protection culture. There is still a long way to go to make privacy a pillar of Brazilian democracy and of the digital economy that is being built in the country.

It is from this background that Data Privacy Brasil Research Association - the first Brazilian NGO focused on the privacy agenda - was created, with the aim of strengthening the culture of personal data protection through qualified research. Our first project was the "Personal Data Privacy and Protection Observatory," launched in January 2020 and supported by Google and Facebook. The Observatory presented society with an unprecedented documentary about the backstage of the LGPD and, above all, the lesson in democracy that was the process of construction and approval of this law. In addition, we have also developed a biweekly newsletter, with an unprecedented curatorship in Brazil. Our second project was a cooperation with the Brazilian Network Information Center (NIC.br) to assess the impact of ten years of the "CGI.br Privacy Seminar", in a qualitative and thorough research. Our third project was the formulation of a strategic cooperation with the Public

• • • Letter from the executive board

» Defender Offices of Rio de Janeiro and São Paulo to assist them in building data governance programs. In all, more than one thousand and five hundred (1,500) Public Defenders will be affected - directly or indirectly - by this initiative, which has the important support of the Ford Foundation.

With the emergence of the COVID-19 pandemic, we formulated the project “Data and the Virus”, which was supported by AccessNow and resulted in a technical report (“Privacy and Pandemic”), a book with articles by researchers from all over the country (“Privacy, Pandemic and Democracy”) and our participation in the Federal Supreme Court (STF) in the paradigmatic “IBGE case”, in which the Court recognized personal data protection as a fundamental right. These results have been condensed into two academic publications: one international, in the European Data Protection Law Review journal and the second, national, in the traditional Fundamental Rights & Justice journal.

At the same time, we obtained support from the Open Society Foundations for the project “New Frontiers of Digital Rights”, which positioned us in the field of public security and allowed us to participate directly in the formulation of the General Personal Data Protection Act Draft for criminal investigations and public safety (the “Criminal LGPD”). We created a team of political scientists, journalists, and jurists to investigate, in depth, the use of technologies in public security in Brazil and the risks to fundamental freedoms and rights. ✓

• • • Letter from the executive board

» In the second half of 2020, we started a new project, also with the support from the Open Society Foundations, in cooperation with the Center for Analysis of Liberty and Authoritarianism (LAUT) and the Personal Data Protection Commission of the Brazilian Bar Association/Section of Rio de Janeiro (OAB/RJ). In this cooperative work, we assess the impacts of “techno-authoritarianism” in Brazil and the possibilities of defense of rights before the Judiciary in a scenario of abusive data sharing and new technologies used by the Governmental Authorities. We had immediate international repercussions, both in the MIT Technology Review and on the Austrian public radio.

Finally, we are constantly thinking about intergenerational ethics and the world of our children. With Alana Institute, we started a project on children’s rights and privacy. We took part in the United Nations (UN) public consultation on a new charter of rights for children in the digital age, created the “Privacy and Children Newsletter” and conducted a survey on commercial exploitation of children in internet applications.

Today, we are no longer just a Brazilian organization and started our regional activities, in cooperation with other countries in the American continent. We have been accepted as part of the Civil Society Council of the Organization for Economic Cooperation and Development (OECD’s “CSISAC”) and are a member of the Civil Society Forum of the Ibero-American Network for Personal Data Protection (RIPD). In addition, we have ✓

• • • Letter from the executive board

» publications with the Future of Privacy Forum (USA), organized a panel at the Computers, Privacy and Data Protection (CPDP) Conference, and submitted papers to several international conferences.

For the next two years, we will continue our work on three lines of research: (i) governance and regulation, (ii) asymmetry and powers, and (iii) digital platforms and markets. Each one of them opens up the possibility of different types of research and advocacy, considering that the protection of personal data will increasingly intersect with other areas and have an even greater importance in civic life and democracy.

The protection of personal data is a fundamental right that cannot be left only on paper. Our mission is to make this right material, reinforce the grammar of other fundamental rights, and build a true culture of personal data protection in Brazil.

Bruno R. Bioni
Executive director

Rafael A. F. Zanatta
Executive director

+415
insertions in
the **national and
international
media**

+40
hours of debates
spread over
35 *livestreams*

+60
publications including
e-books, newsletters,
academic articles, opinion
articles, research reports,
technical notes, reports,
among others

+80
participations in
events in Brazil
and around
the world

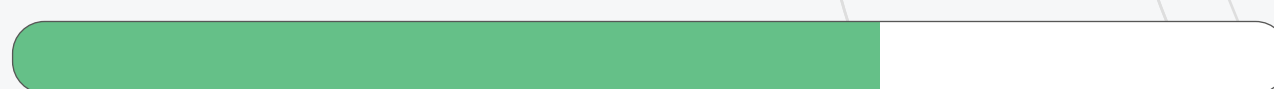
+25
hours of content
produced in
**40 podcasts
episodes**

••• Major institutional achievements of the NGO

- Creation of the Independent Reviewers Group to enforce the Ethical and Transparent Funding Policy
- Creation of an Advisory Board with equal gender treatment and a multi-stakeholder structure, composed of representatives from academia, business, and organized civil society
- Increase in donations from philanthropic institutions, which make up more than 80% of the funds raised in 2020
- Attendance in the Civil Society Forum of the Ibero-American Network for Personal Data Protection
- Attendance in the Information Society Advisory Board of the Organization for Economic Cooperation and Development (OECD)
- Obtaining of Equivalency Determination (ED) from NGO Source and TechSoup
- Attendance in the annual meeting of the Law & Society Association (USA), presenting activities developed by the NGO throughout the year
- Organization of a panel at the Computers, Privacy and Data Protection (CPDP) Conference in Brussels
- Training on anti-racist practices with Pluraliza

Antitrust and regulation in the Brazilian digital economy

PROJECT IN PROGRESS



In Brazil, the antitrust legislation in force is outdated and does not contemplate the economic advances of the 21st century. In the midst of the Coronavirus pandemic, a situation that has accelerated the plunge into the digital environment, the strengthening of competition among corporations and the establishment of fairer market practices are even more essential.

In this sense, we seek to foster the antitrust debate in Brazil, and encourage policies of decentralization of the digital economy, based on the role of personal data in the development of these activities. To achieve this goal, the project has been developed through multiple approaches: the development of robust research on data-driven mergers and, finally, the dissemination of relevant content on the subject to a wider audience, including through translation of materials on the subject, and the creation of a course for the legal community.

TEAM



Rafael Zanatta
Coordinator



Marina Kitayama
Researcher



Lucas Griebeler da Motta
Consultant

MAIN ACHIEVEMENTS

● Research on data-driven mergers with Lucas Griebeler Motta (University of Chicago)

From August to December 2020, we conducted a survey led by researcher Lucas Griebeler da Motta, of the University of Chicago, on data-intensive mergers and acquisitions and the degree of cooperation of Antitrust Authorities with Personal Data Protection Authorities.

The research analyzed the following cases: (i) Facebook/Instagram; (ii) Google/Waze; (iii) Facebook/WhatsApp; (iv) Apple/Shazam; and (v) Google/Fitbit, and will be published in the first quarter of 2021.

● Concentration on data economy: the Google - FitBit case

We attended the event held by the Brazilian Consumer Defense Institute (Idec), on September 11. The debate, broadcast live, addressed the issues related to [the acquisition of fitness company FitBit by Google](#).

MAIN ACHIEVEMENTS

● Google, the bigwig

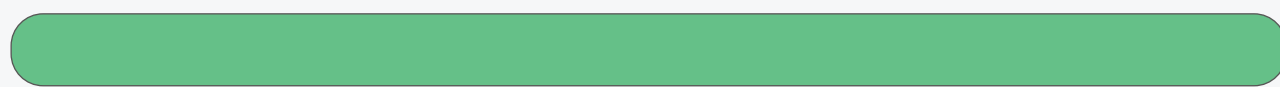
We have produced, in a partnership with journalist João Paulo Vicente, a [special episode of the Dadocracia \(“Datacracy”\) podcast about the Google case](#), which is being sued for monopoly by the U.S. government in a lawsuit filed by the Department of Justice.



••• Activities and projects

CGI.br books (PHASE 01)

PHASE COMPLETED



Telling stories also implies looking at its players - created in 2010, the “Seminar on Privacy and Personal Data Protection” of the Brazilian Internet Steering Committee (CGI.br) reached its 11th edition in 2020. Our goal with this project is to show the importance of the event as one of the most relevant forums for the coordination of the privacy and personal data protection agenda in the country.

Given its reference value for the community as a policy space, the question arises as to how, in fact, this space contributes to the Brazilian conjuncture of privacy and data protection. The Seminar’s legacy includes contributions to the Civil Rights Framework for the Internet and its regulatory decree, to the General Data Protection Act, and on topics such as cryptography and Artificial Intelligence.

To measure and evaluate this impact, we first identified the Seminar panelists, categorizing them by sector (government, business, academic, or third sector), and mapped their speeches. More than one hundred and thirty-two (132) hours of video were analyzed, which covered all the panels of the ten years of the event. ✓✓

» Once the speech analysis was completed, we classified the speeches between propositional speeches, which presented a new reflection, or concepts and practices that were little applied in the Brazilian context until then; or reactive, when the comments presented standpoints about situations that have already mobilized national opinion. The criterion was established based on the parameters: national academic production; explanatory notes and minutes of CGI.br meetings; news and opinion articles in the Brazilian media; bills; and two public consultations held on the Brazilian General Data Protection Law (LGPD). More details about the findings of this research can be seen below.

TEAM



Bruno Bioni
Coordinator



**Jaqueline
Trevisan Pigatto**
Project Leader



Thaís Aguiar
Researcher

MAIN ACHIEVEMENTS

● 11th Seminar on Privacy and Personal Data Protections

In the [“Multistakeholderism and the Privacy Seminar: a decade of debates”](#) panel we presented a brief overview of the Seminar’s history and the research results.

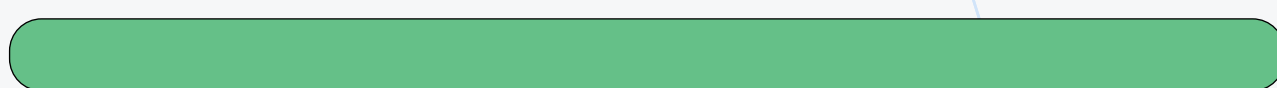
We identified that the Seminar space moves through interdiscursive communication: a cycle in which the reactions to the ideas proposed in the panels stimulate the debate, moving it forward based on the resumption of reflections and concepts already worked on. Thus, the content of the event serves as input for new positions, besides creating a space for reflection and formation of a critical substrate, which also serves public consultations, academia, and other social spheres.

Throughout these ten years, the multi-sectoral nature of the Seminar also stands out as a remarkable characteristic. Among the anticipation of issues, such as the difficulty of establishing an independent Data Protection Authority; and decisive moments of critical scenarios, such as the Snowden case; the Seminar served as a point of connection and knowledge production.



The data and the virus

COMPLETED PROJECT



Sars-CoV-2 arrived in Brazil in March this year - a situation unprecedented in history. Beyond the health problem we face throughout 2020, the uses of technology - and data - to confront the virus also have unprecedented doses.

At the risk of setting dangerous precedents regarding privacy and the protection of personal data, a project that would think through the legitimate use of these technologies and data-based solutions was necessary.

From April to June 2020, we maintained monitoring on the use of personal data in the fight against COVID-19. From public applications, such as "CoronaSUS"; to contact tracing technologies, we analyze the uses and risks of these tools in the Brazilian territory, mainly with regard to the protection of personal data and privacy.

As a result of this work, we produced a report with recommendations for public and private players on the sharing of personal data for the purpose of fighting COVID. We also organized a collective publication with a series of essays on the topic; We actively participated in the trial of the "IBGE case", which affirmed data protection as an autonomous fundamental right; and we



» also produced eight reports bringing together all the findings of the national and international monitoring.

TEAM



Rafael Zanatta
Coordinator



Bruno Bioni
Coordinator



Mariana Rielli
Researcher



Gabriela Vergili
Researcher



Iasmine Favaro
Researcher



Clara Keller
Consultant
(Revision)



Carolina Pain
Consultant
(Communication)



Diego Salmen
Consultant
(Press agency
services)

MAIN ACHIEVEMENTS

● Participation in the judgment of ADI 6.387 by the Federal Supreme Court

In the capacity of Amicus Curiae, we made an [oral argument in favor of the recognition of data protection as an autonomous fundamental right](#).

This argument was accepted by the STF and the case, which addressed MP 954/2020 and the sharing of personal data collected by telecom operators with the Brazilian Institute of Geography and Statistics (IBGE), became emblematic.



MAIN ACHIEVEMENTS

● **Privacy and Pandemics: recommendations for the legitimate use of data to fight COVID-19**

The [report, published April 25, 2020](#), contained our nine practical recommendations, drawn from a set of ten principles (and eight sub-principles), for formulating data sharing policies to fight COVID-19, which respect the right to privacy and the protection of personal data. The document also warns of potential abuses by public and private sectors, which were already underway at the time.

● **The data and the virus: legal tensions surrounding the adoption of technologies to fight COVID-19**

[We published an article](#) in the special issue of the Brazilian Journal of Fundamental Rights & Justice, volume 14. In addition to presenting the main findings of the research project “The Data and the Virus”, the document analyzes the Brazilian context, showing how the pandemic has affected the data protection framework in the country.

MAIN ACHIEVEMENTS

● Reports on “The data and the virus”

We publish [eight reports](#) about the main news related to the use of personal data in the fight against Sars-CoV-2.

● E-book “The data and the virus”

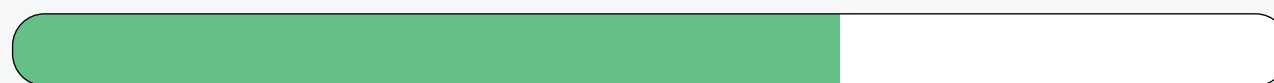
We have made available an [e-book with essays that question the technological changes caused by the pandemic around the world](#) - particularly those involving the use of personal data. The texts are the result of a contest held in May 2020.



••• Activities and projects

Childhood and data

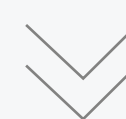
PROJECT IN PROGRESS



Talking about childhood and adolescence when we think about the future may sound cliché, but it is necessary and urgent. We are witnessing the first generations of children being born and raised within a connected world, and who, despite being “digital natives,” are often not ready to deal with the myriad of implications of such scenarios. To guarantee rights, and promote their full development in an increasingly connected era, it is necessary to understand what happens online, the risks and opportunities, especially in relation to the processing of their data.

With the entry into force of the LGPD, which has a specific section on the topic, debates on the interpretation of the law in concrete cases of the use and sharing of children and adolescents’ data have gained strength, as well as it became increasingly clear that this group should also stand as leading players in the study of the topic. The discussions must also be subject to analysis of legal and political developments, as they also affect us.

This project, developed in partnership with Alana Institute, conducts research on children’s and adolescents’ data protection, the problems of advertising targeted at children and teenagers, and



» the way digital platforms have monetized childhood.
We seek to answer the following question: which
economic policies are behind the screens?

TEAM



Rafael Zanatta
Coordinator



**Júlia Fernandes
de Mendonça**
Researcher



Thaís Aguiar
Researcher



Jonas Valente
Consultant

MAIN ACHIEVEMENTS

● UN Public Consultation on Children's Rights in the Digital Age

On November 15, 2020, we sent

[contributions to the United Nations Committee on Children's Rights](#). When

addressing privacy and protection of personal data of children and adolescents, we have also made a comment and proposed three recommendations on the subject.

● Childhood and Privacy Bulletin

Starting from September 2020, we produced eight bi-weekly newsletters highlighting policy developments on child and adolescent privacy and data protection around the world, as well as academic texts and other news on the subject.

● 5th Symposium on Children and Adolescents on the Internet

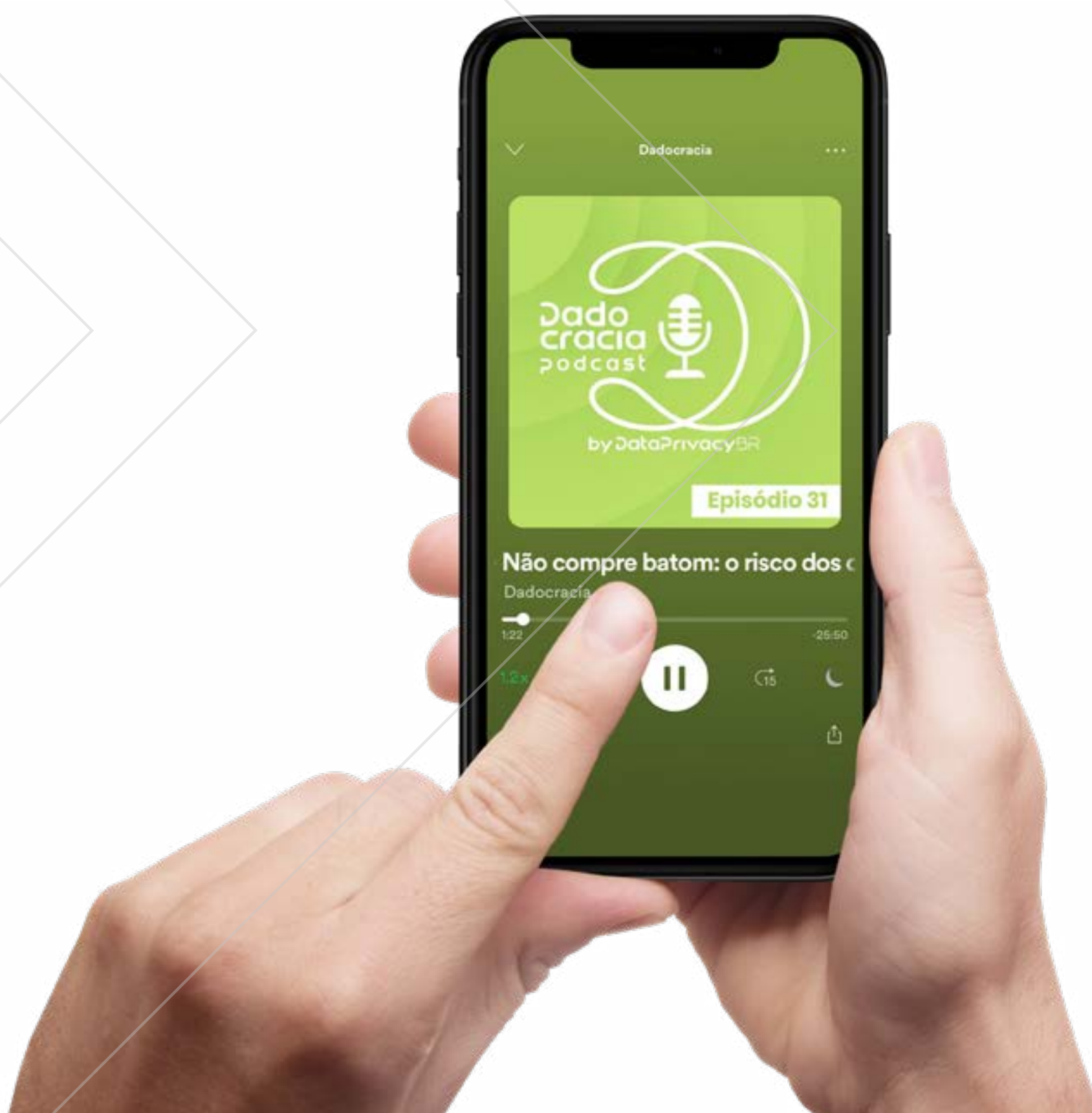
We took part in the event on November 16, 2020, in the panel ["Debate on practices -](#)

[How to protect personal data of children and adolescents in schools: limits, actions and responsibilities"](#).

MAIN ACHIEVEMENTS

● Don't buy "Baton": the risks of processing children's and adolescents' data

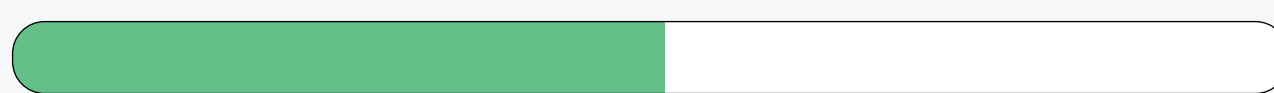
In partnership with the **Privacy Observatory**, we transported the topic to podcast format. [Episode 31 of "Dadocracia"](#) brought an overview of the webinar on child and adolescent data protection held in October. The event, entitled ["LGPD and Children and Adolescents: from legal bases to Children's Rights"](#), discussed the problems and dangers of advertising targeted at children, the difficulties that schools face in adapting to online learning platforms, and the legal bases for the use of children's data.



••• Activities and projects

New Frontiers of digital rights

PROJECT IN PROGRESS



The use of new technologies within the field of public safety is no longer a novelty. Sophisticated resources have become part of the daily routine of criminal investigations and questions about their legitimate use are in vogue within the legal field.

If there were already many questions about the reliability of evidence through photo recognition, today we have other features that make us doubt even more of the integrity of image-taking dynamics. The same applies to the use of the most varied types of cameras, or consultations in social networks, as well as the dangers of facial recognition. All this falls within the scope of the project, which investigates the uses of technologies based on personal data for public safety purposes and, from this context, seeks to influence the creation and consolidation of standards and policies that ensure legitimacy and balance to these uses.

Furthermore, in the midst of technological advances and the dangers that hover over criminal control, the context of the pandemic cannot be ignored. Throughout 2020, fighting COVID-19 was used as a justification by several governmental agencies for the acquisition of various surveillance



» and related technologies. This project also seeks to identify the size of the legacies of the pandemic for digital surveillance in Brazil.

TEAM



Bruno Bioni
Coordinator



Rafael Zanatta
Coordinator



**Daniela Dora
Eilberg**
Project Leader



Brenda Cunha
Researcher



Gabriela Vergili
Researcher



Pedro Saliba
Researcher



Eduardo Goulart
Consultant



Aiuri Rebello
Consultant

MAIN ACHIEVEMENTS

● International Seminar of the Jurists' Commission

Since early 2020, we have been cooperating with the Jurists' Commission, responsible for preparing the Data Protection Draft Bill for public safety and criminal investigation (also known as "Criminal LGPD"). We were an active voice within the [webinar seminar held by the House of Representatives](#) on July 6, 8, and 10, 2020.



MAIN ACHIEVEMENTS

● COVID-19 tracking and fighting technologies

In September 2020, we produced an [audiovisual material](#) with information about the main technologies used to measure social isolation and make digital contact tracing. The video, which is presented by journalist Luiza Pollo, breaks down the use of data by different methods and models used around the world for controlling agglomerations.

● Personal data, public safety and criminal prosecution

For this [live broadcast](#), we invited Nathalie Fragoso (InternetLab) and Heloisa Estellita (member of the Jurists' Commission) to discuss the protection of personal data within the context of criminal investigations.



MAIN ACHIEVEMENTS

● Technical Note on the draft bill of Data Protection Act for public security and criminal investigation

In dialogue with the Committee of Jurists, we proposed reflections and recommendations for the draft bill. [The technical note](#), composed by research and expert's evaluations, was sent to the Committee and published on our networks on November 27, 2020. We also held a [live broadcast](#) about the topic, the event was attended by two jurists of the Committee: Jacqueline Abreu and Laura Schertel Mendes.



MAIN ACHIEVEMENTS

● **Regulating facial recognition in the public sector: evaluation of international experiences**

In partnership with the Igarapé Institute, in June 2020, we published a paper presenting international approaches and strategies for the regulation of facial recognition systems in the public sector. Besides looking at three foreign countries, the publication also analyzed the Brazilian context, mapping existing projects and laws on the subject in the country.

••• Activities and projects

Observatory on Privacy and Data Protection

PERMANENT PROJECT



The General Data Protection Act (LGPD) came into effect in Brazil in September 2020. Its birth, however, is linked to achievements that precede its validity. The Observatory on Data Privacy and Protection arises, then, from the need to document and understand this history, as well as to promote its dissemination to a wider public, which can benefit from the lessons brought by the multisectoral construction of the law. ∨



» Looking to the past is, however, only part of the task of consolidating a broad culture of personal data protection. Thus, today, the project also contemplates - in addition to preserving the memory of the LGPD - the monitoring and analysis of the news related to the various players involved in this ecosystem: from national data protection authorities around the world, to the academic community, to the Legislative and Judiciary branches, which constantly move the game pieces and change the regulatory landscape of privacy and protection of personal data. »



» This scenario is drawn and deepened every two weeks by the [Observatory Bulletin](#), but also by initiatives such as the series [“LGPD in motion: key implementation issues”](#), which brings together experts from different sectors to discuss and advance understandings on sensitive/political issues of the law, or the production of analysis documents on specific issues that deserve to be highlighted, such as the legal basis of lawful interest. The Observatory on Privacy is a permanent project, whose focus will always be aligned with the state of the art of the debate in Brazil and in the world.

TEAM



Bruno Bioni
Coordinator



Mariana Rielli
Project Leader



Iasmine Favaro
Researcher



Thaís Aguiar
Researcher

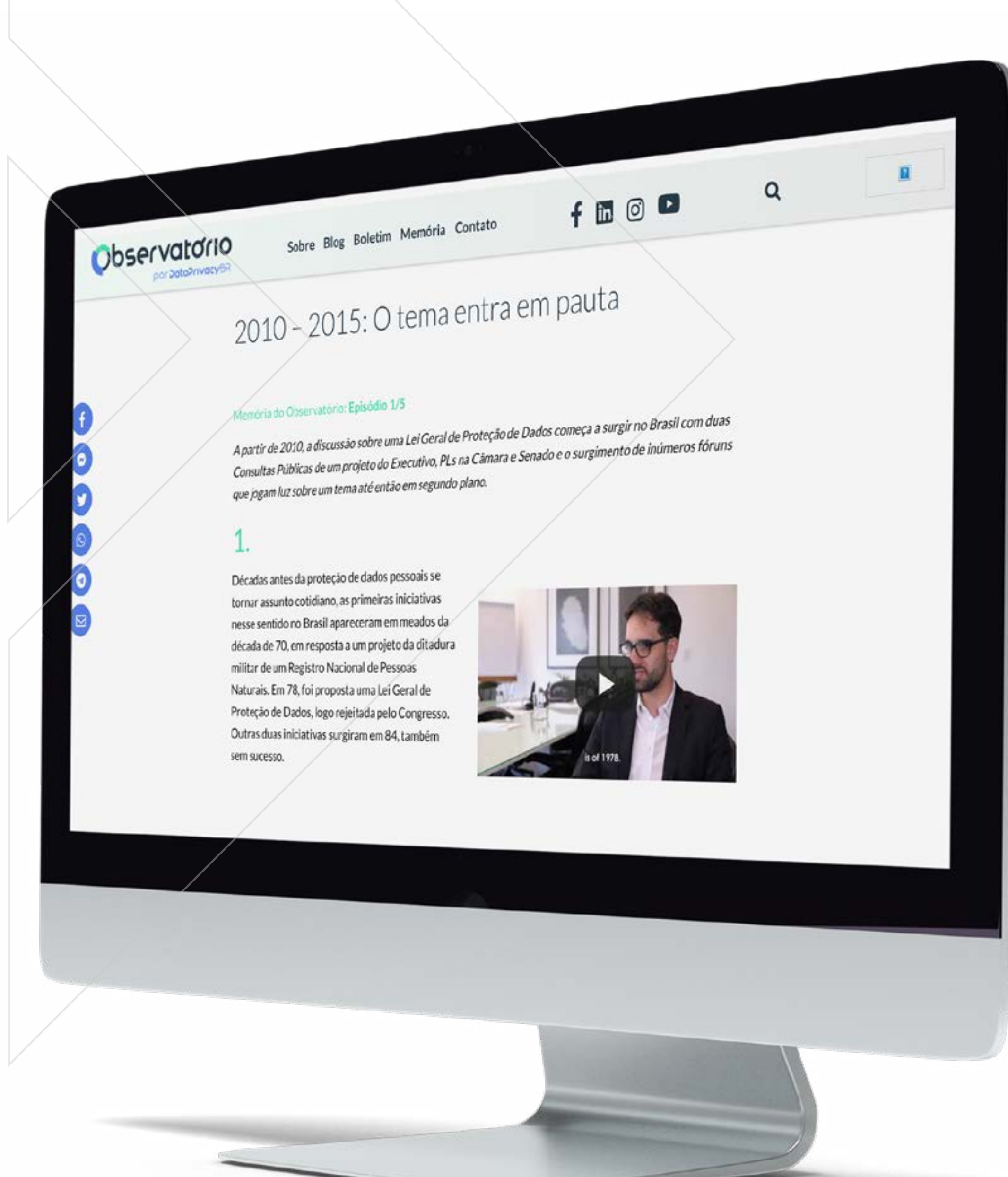


Marcelo Soares
Consultant

MAIN ACHIEVEMENTS

● Memory of the LGPD

We have gathered, in an [audiovisual timeline](#), dates, facts, important events, and interviews from players directly involved in the construction - and approval - of Law no. 13.709/2018 (LGPD).



MAIN ACHIEVEMENTS

● **Newsletter - The Observatory Bulletin**

Every two weeks, we produce and distribute a newsletter that gathers the main events within the data protection universe. Our curatorship covers the actions of Data Protection Authorities around the world, academic texts, data from the Brazilian Legislative and Judiciary branches. In 2020, the Bulletin had twenty-nine (29) issues published.

● **Contributions to the Public Consultation of the Brazilian Strategy for Artificial Intelligence**

We have sent to the Federal Senate, through Public Consultation, a dossier on Artificial Intelligence. The document, which delves into the topic and its regulatory and ethical challenges, raises questions about discrimination, transparency policy, and accountability, and places the protection of personal data as a guiding principle for regulating the use of this technology. The material was also made available to the general public as an [ebook](#), with four texts on the subject, with unpublished translation.

MAIN ACHIEVEMENTS

● Participation in Facebook's Privacy Working Group

The Privacy Working Group is a group of experts invited by Facebook to discuss, in bimonthly meetings, the company's initiatives to improve privacy and data protection on its platform. In view of the Observatory's works and academic expertise of our members, we were invited to join the group in 2020.

● 2020 LSA Annual Meeting: Rule and Resistance

We presented the actions developed by the Observatory in the article "Stronger Together? Tactical Alliances and Conflicts Between Activists and Private Firms in the Drafting of the Brazilian Data Protection Law (2017-2018)", which was part of the panel on "Technology, Citizenship and Governance" of the Law & Society Association.

MAIN ACHIEVEMENTS

● Technical Note on PL 2630/2020

In the criminal sphere, the discussion about fakes news and misinformation has grown. On July 27, we published [a technical note](#) analyzing the risks to civil liberties and fundamental rights found in Bill 2.630/2020, known as the “Fake News Bill”.



MAIN ACHIEVEMENTS

● LGPD in Motion

For purposes of addressing sensitive, or even controversial, topics involving the General Data Protection Law, we organized [a series of webinars entitled “LGPD in Motion”](#). Throughout four debates, we addressed topics such as [the regulation of automated decisions](#); [the international transfer of data](#); [LGPD and children and adolescents data](#); and [the legal basis of LGPD contract performance](#).

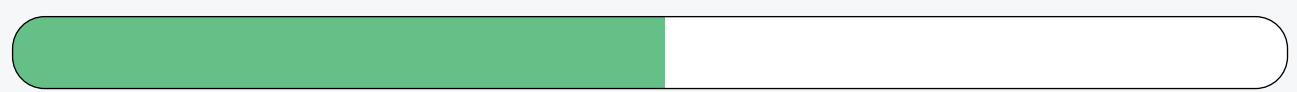
● Data Protection in Elections: Privacy and Democracy

In partnership with InternetLab and Digital Freedom Institute, we published the report on privacy and elections. The topic proved to be of urgency after the Cambridge Analytica case, a scandal that highlighted how the processing of personal data in the electoral context can impact democracy. [The document](#) is the result of a study group composed of members from both entities, and discussed topics such as violations of personal data in elections, application of LGPD in this context, as well as electoral compliance and accountability.

••• Activities and projects

The role of Public Defenders in the protection of personal data in Brazil

PROJECT IN PROGRESS



Building a culture of personal data protection also requires the action of public agencies that are active in the protection of rights, such as the Public Defender Offices.

Thinking about how the subject can be mobilized on a daily basis by these agencies, we signed an agreement with the two largest Brazilian Public Defender Offices - Rio de Janeiro and São Paulo.

The proposal came from a double perception: First, because of the massive amount of personal data used by the Public Defender Offices, especially of the most vulnerable population they serve. Second, because they are strategic agencies for promoting the right to data protection in the broadest sense. In light of this, the project seeks to train the Public Defender Offices on the topic of data protection, in addition to monitoring their adjustment to the LGPD, with the ultimate goal that this collective learning process will revert into institutional practices of promoting this fundamental right, both within the Public Defenders' offices themselves, and beyond their internal functioning, through the strategic defense of the protection of personal data. ✓✓



The role of Public Defenders in the protection of personal data in Brazil

» The project consists of two phases: offering training courses on LGPD and protection of personal data, and monitoring the creation of a data governance program for partner Public Defender offices. Materials reporting the experiences of the initiative will also be released, so that they can serve as support for other Public Defender offices in the whole country.

TEAM



Bruno Bioni
Coordinator



Rafael Zanatta
Coordinator



Marina Kitayama
Researcher

MAIN ACHIEVEMENTS

● Personal Data Protection and the role of the Public Defenders Offices

We held [a webinar](#) to launch the project, held on September 2nd, to inaugurate the agreement with the Public Defender offices of the States of São Paulo and Rio de Janeiro. The event addressed the training course and how the Public Defender Offices can act within the principles of personal data protection, as well as was attended by the General Public Defender Offices of the partner states and had a speech from Professor Maria Tereza Sadek, a reference in the topic of Access to Justice.

● Public Defender Offices and protection of personal data

In its first phase, the project held a training course with public defenders and public servers from the five regions of the country. From September to November, the course had eleven meetings that covered theoretical content, case studies, and even a simulation of the implementation of a data governance program in the Public Defender Offices. The Data Privacy Brasil School opened a special class with seventy (70) students, all members of the Public Defender Offices, for a sixty (60) hour training course.

To make the content of the classes close to the reality of the agencies, sixteen interviews were conducted with public defenders and other public servers before the start of the course.



MAIN ACHIEVEMENTS

» Thus, the case studies and activities were tailored to address the most sensitive points regarding data protection within the day-to-day operations of these institutions.

● “Data Protection in the Public Sector” e-book

We prepared the chapter “The challenge posed by LGPD to Public Defenders in Brazil” for the book organized by the Centro de Estudos de Direito Municipal (CEDIM) of the Attorney General’s Office of Porto Alegre (RS).

● Creation of data protection committees and monitoring of activities

After the start of the second phase of the project, Data Privacy Brasil Research Association has been following the meetings of the committees responsible for preparing the data governance program of the partner Public Defender Offices. The goal of this stage is, in addition to providing assistance to the agencies, to identify the main challenges they face, and to find possible solutions. The findings of this phase should be further consolidated into support materials for other Brazilian Public Defender Offices.

MAIN ACHIEVEMENTS

● Algorithmic injustices: data used in illegal arrests

Data from the Criminal Defense Coordinator's Office of the Public Defender Office of the State of Rio de Janeiro pointed out that fifty-eight (58) cases of photographic recognition resulted in unjust charges and arrests. In partnership with the public agency, we carried out [a webinar](#) to discuss the use of facial recognition technologies in public safety.



MAIN ACHIEVEMENTS

● Public Defender's Office: new challenges

On May 20, 2020, we attended the event organized by the Federal Public Defender's Office. Our speech took place within the panel "Access to Justice and New Technologies: perspectives and challenges".

● Reflections on the General Data Protection Act and the activities of the Public Defender Offices

We attended the [online event](#) organized by the National School of the Federal Public Defender's Office, held on August 28, 2020.

● The impacts of LGPD on the public sector

Online [event organized by Neoway](#), held on September 30, 2020. The debate addressed how the new law can be used to improve government services, making them more efficient.

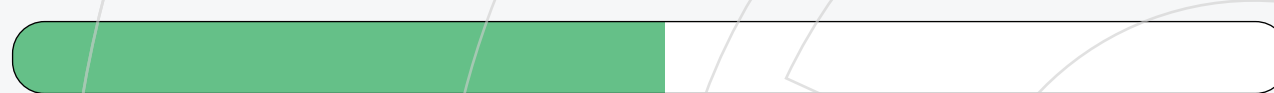
● LGPD and access to Justice, from theory to practice

We attended the online event organized by the Preparatory School of the Public Defender's Office, the Escola Superior da Defensoria Pública, of the State of Ceará, held on December 4th.

••• Activities and projects

Techno-authoritarianism in Brazil

PROJECT IN PROGRESS



The maintenance and strengthening of individual rights and guarantees in a democratic rule of law is a constant exercise. New technologies open up new horizons, but also bring with them new risks due to the growing sharing and aggregation of personal databases by public and private entities. Their intensive use in the development of authoritarian structures, whether by the state or by corporations, is a reality and a risk that we must be aware of as civil society.

Combining knowledge from various fields - law, communication, history, and anthropology -, this project seeks to monitor, identify, and advocate the potential threats to civil liberties and fundamental rights that are related to the use and sharing of personal data.

TEAM



Rafael Zanatta
Coordinator



Clarissa Gross
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Estela Aranha
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Bruna Martins Santos
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João Paulo Vicente
Media
Coordinator



Izabel Nuñez
Project Leader



Aline Herscovici
Researcher



Helena Secaf
Researcher

MAIN ACHIEVEMENTS

● MIT Tech Review podcast

Interview for the [MIT Tech Review “Deep Tech” podcast](#). We talked about how the Brazilian government has taken decisions in the direction of techno-authoritarianism. Founded in 1899, the MIT Technology Review is an independent media vehicle focusing on technology.

● Profile of personal data protection authorities: civilian or military?

In October, when the recommended names that would make up the National Data Protection Authority (ANPD) were announced, we carried out a study analyzing the profiles of these authorities around the world. When comparing 20 countries, among them Germany, the US, Saudi

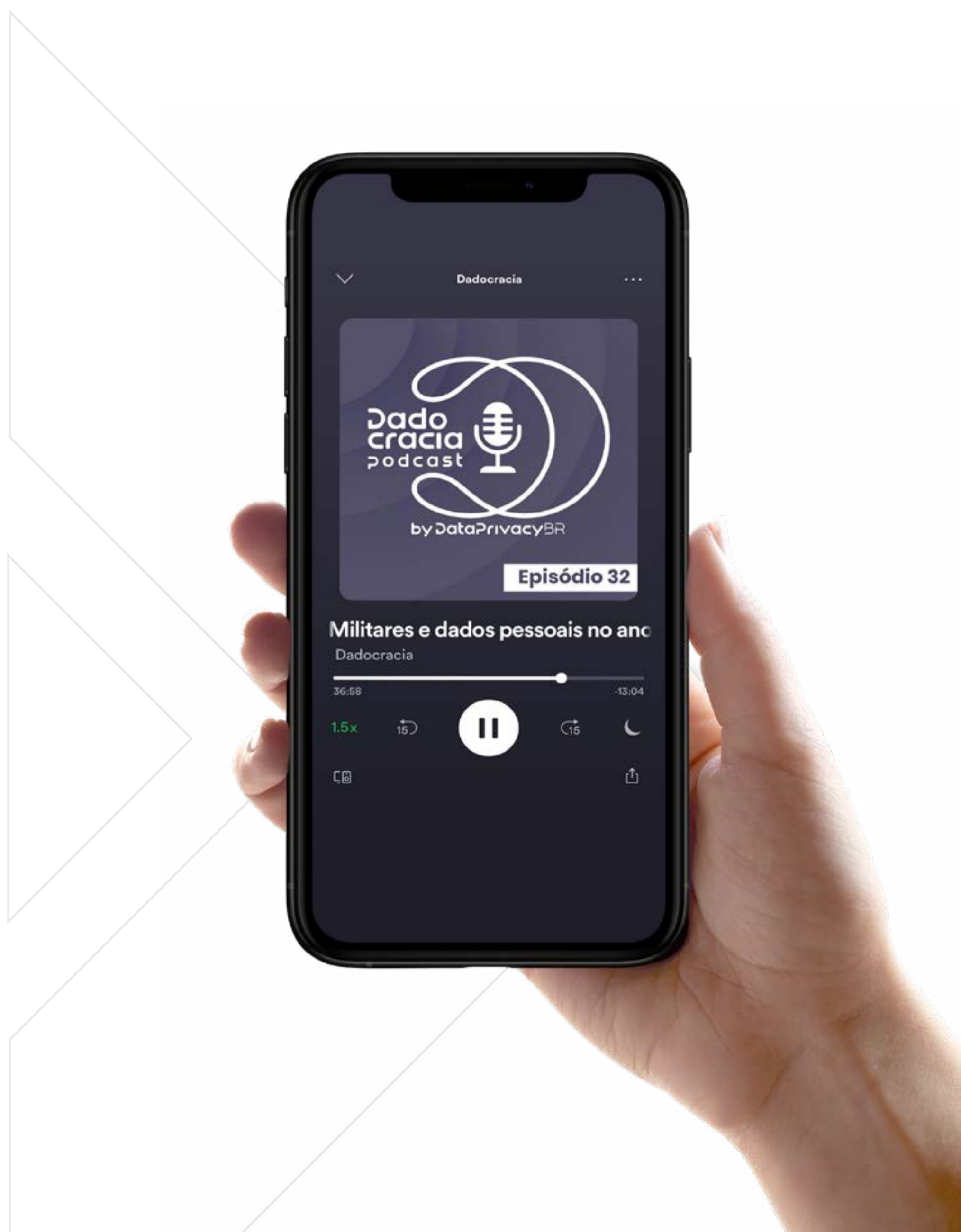
Arabia, China, and Russia, we shed light on the military composition of the Brazilian Data Protection Authority. Three of the five appointees were related to military institutions. The study had a wide repercussion in the media, and was been mentioned in more than 170 articles published across the country.



MAIN ACHIEVEMENTS

● Military and personal data in the 1970s

With João Paulo Vicente, we produced [an episode](#) about the Brazilian military government's attempts to implement a unified civil registry. We interviewed historian Marcelo Vianna and professor Ivan da Costa Marques. They drew parallel lines between Renape and the Citizen's Base Register and discussed the use of technologies from an authoritative perspective.



••• Activities and projects

Other publications

As experts, in addition to numerous media appearances, we also cooperate with other publications focused on personal data protection and privacy topics.

● **Consumer Rights: 30 years of the CDC**

The book, launched to celebrate the 30th anniversary of the Code of Consumer Defense and Protection (CDC), contains contributions from our executive board. Bruno Bioni, with Daniel Dias, wrote about the civil liability regime under the LGPD. Rafael Zanatta talked about consumer discrimination in light of the Brazilian General Data Protection Act.

● **Personal Data Protection Treaty**

Launched by Forense publishing house in November 2020, the book has the executive coordination of Bruno Bioni. Divided into three parts, the work features 35 essays on the LGPD.

● **Understanding the concept of anonymization and anonymized data**

In early 2020, the article written by Bruno Bioni was part of issue 53 of "Cadernos Jurídicos" of the Escola Paulista de Magistratura (EPM). The issue, published in March, discussed digital law and protection of personal data.

••• A look into the future

2020 was an atypical year. Globally, the Sars-CoV-2 pandemic has mobilized the use of technologies to combat the new virus; moving to the national scenario, some highlights were the entry into force of the LGPD, and, now, the structuring of ANDP.

The next year should follow the path that its predecessor opened: either in discussions about the protection of personal data or in the consolidation of a data protection culture.

In this context, we want to proceed with **producing qualified knowledge** on the subject, bringing our research into public debate. We also wish to **reinforce the grammar of fundamental rights in Brazil**, assisting in the **creation of a strong personal data protection culture**.

To this end, we understand that **international cooperation** is necessary. Taking our local roots as a starting point, we can expand the debate - broadening the discussion through a careful look at the specific aspects of each territory, and working in partnership with entities from other countries in Latin America.

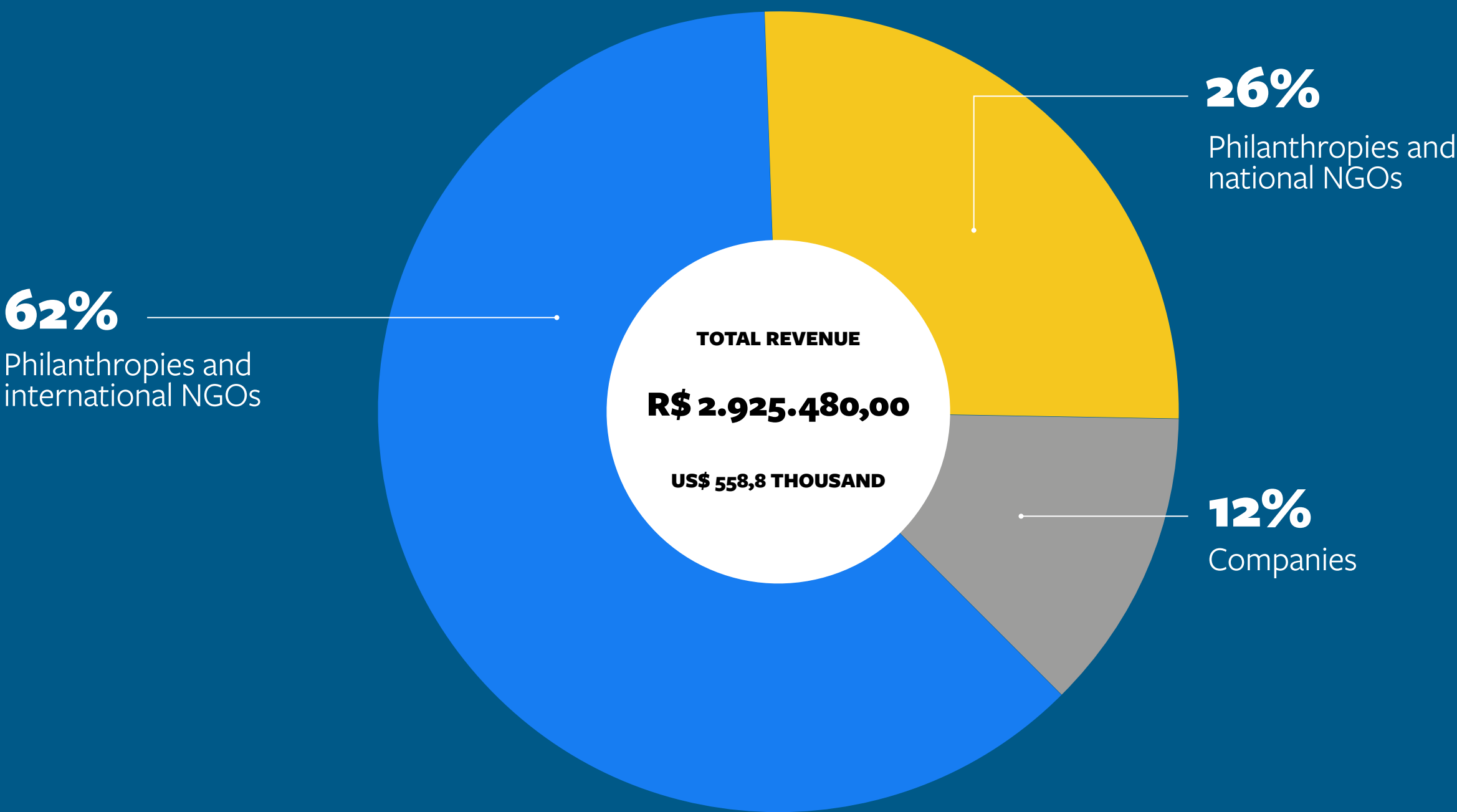
When seeking to **reduce inequalities**, it is also important that we look at our own home, strengthening and **improving internal policies** that will be a mirror of the changes with which we want to contribute.

In 2021, we commit to continue thinking - and building - collectively, the path towards the consolidation of digital rights in Brazil.

Sources of revenue

In 2020, more than half of the funds raised came from international NGOs and philanthropic entities.

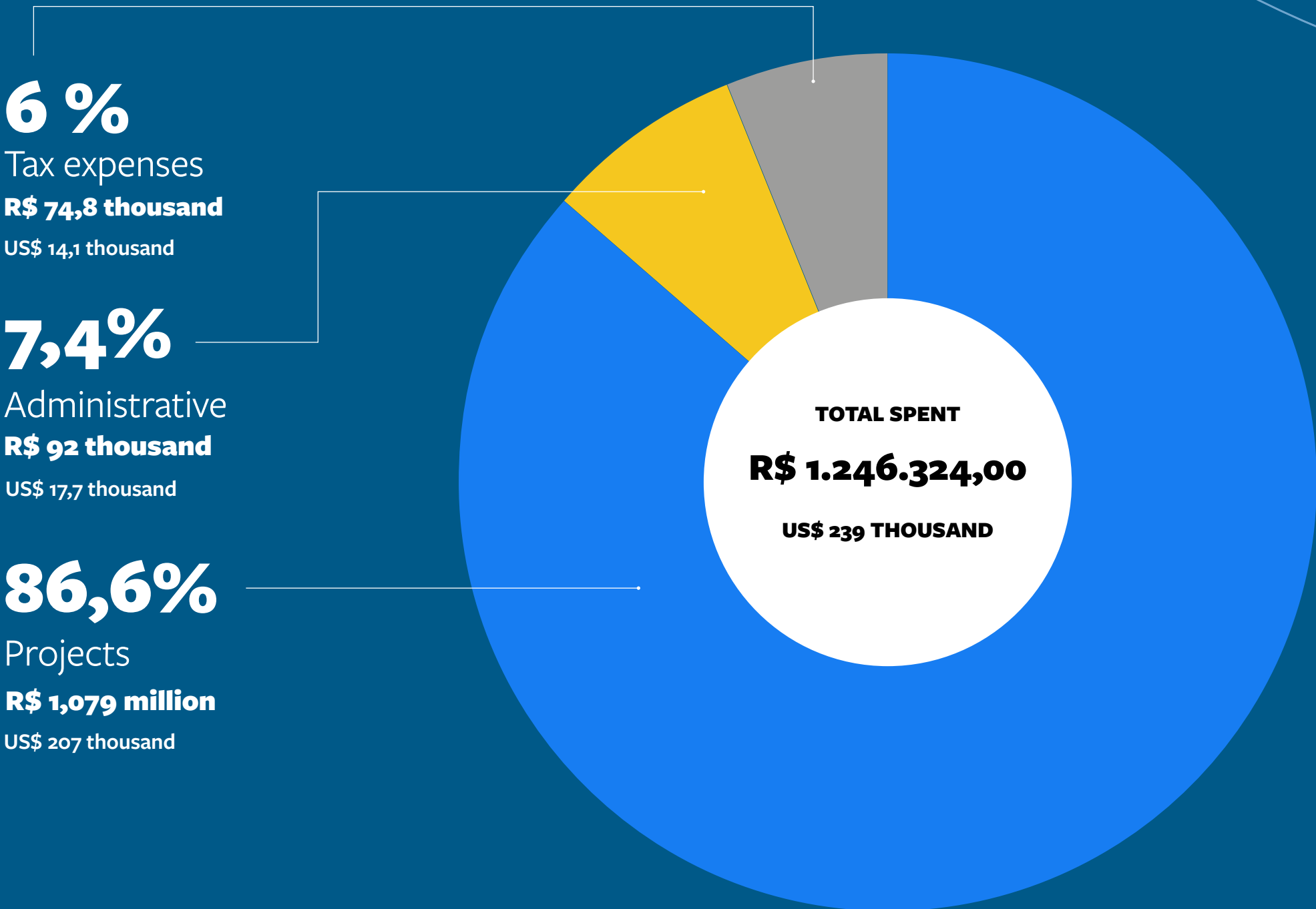
DISTRIBUTION PER TYPE OF SUPPORTER



Allocations of resources

Throughout this year, most of the funds raised were directly invested in eight projects, most of which effectively started in the second half of 2020..

USE OF FUNDS/EXPENSES



FINANCIAL RESULT

FINAL BALANCE		
FINANCIAL REVENUE	R\$ 2.925.480,00	US\$ 558.888,00
FINANCIAL EXPENSE	R\$ 1.246.324,00	US\$ 239.006,00
TOTAL	R\$ 1.679.156,00	US\$ 319.882,00

••• Governance

Our roots are laid on Data Privacy Brasil School - an organization with which we share the purpose of producing content that helps in the thoughts about complex issues involving technologies and fundamental rights.

We fine-tune with the School, in intersection spaces to coordinate projects and exchange information. Bruno Bioni, founder of the School, is part of the Association's Executive Board; while Renato Monteiro Leite, also a founder of the School, integrates our Advisory Board.

At the same time, we have a completely separate legal structure and our own governance structure. We have financial consultancy from company Triven, which provides technical advice (CFO as a service), and we are in the process of creating an Audit Committee that can review the financial reports of the organization starting in 2021. The Executive Board is also accountable to the Advisory Board, which evaluates the organization's health and strategic planning every six months.

In addition to this structure, described in more detail below, the Association is also governed by its own policies, which dictate the conduct to be adopted, as well as the governance processes for obtaining funding and handling cases of harassment or discrimination. These policies were developed by the entire team, simultaneously with the formalization of the Association itself, and are an essential part of the foundation that supports all our actions. In the first case, the **Ethical Funding and Transparency Policy** describes the general principles of

• • • Governance

» the Association for receiving financial contributions and specifies, according to each type of funding source (public, private and philanthropic), the conditions that must be respected in any funding initiative. The core of the policy is the unrestricted commitment to the independence and autonomy of the NGO in the development of its research.

This policy also establishes a condition for accepting contributions whose value exceeds two hundred thousand reais (R\$200,000.00). They must be submitted to review by a Group of Independent Reviewers, who will analyze whether the proposal fits the ethical standards of the organization, as well as the principles that guide its actions. The second policy, **Anti-discrimination and Anti-harassment**, was created out of the realization that nongovernmental organizations are not free from structural oppressions that are commonly reflected in the work environment. Thus, it is necessary not only to remain attentive to avoid such situations from arising, but also to create concrete mechanisms to deal with them, should they occur.

Thus, in addition to providing definitions on harassment and discrimination in the workplace, the policy also creates a Committee that is responsible for managing an informal complaint system and a formal employee complaint system, as well as establishing gradual sanctions to be applied according to the severity of the case. The policy takes into account cases where the hypothetical violation comes from one or more directors, who are also subject to all of its provisions. ✓✓

» We also understand that these policies should not remain static, but rather evolve with time and with the growth of the NGO. In this sense, we are committed to the constant development and improvement of all our internal policies.

The structure responsible for monitoring the performance of our activities, and our institutional commitments, is made up of:

ADVISORY BOARD

With a multi-sectoral background, the body brings together representatives from academia, activism, and the private sector. With a strategic role in our mission, long-term role and expectations, the Board acts in consultancy on new projects, funding, and ethics.

The Advisory Board meets every six months to validate the strategic planning, and to mentor on financial issues and focus on the activity. The Board can be contacted to assess and give an opinion on complex cases in the Anti-Harassment Committee.

GROUP OF INDEPENDENT REVIEWERS

Created based on an ethical and transparent funding policy, the group is responsible for defining principles and guidelines for fundings in excess of two hundred thousand reais (R\$200,000.00). This body is also responsible for transparency and conflict of interest resolution mechanisms. ∨ ∨

» The independent review is paid and performs in a double review format. In the case of divergent reviewers, the possibility of a third review is opened. In case of two negative opinions, the donation must be rejected by the Executive Board.

EXECUTIVE BOARD

Our managing body is responsible for managing the organization. Besides being formal representatives of the NGO, the executive directors are responsible for the financial, procedural, human resources, and research coordination aspects of the Association.

TEAM

Our team is composed of research coordinators, researchers, journalists, interns, specialized consultants, project coordinators, and general project coordinator. The team is responsible for the research, our core business as an NGO.



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