



***Permanent Mission of Brazil to the United Nations Office  
and other International Organizations in Geneva***

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (Special Procedures Branch) and has the honor to present herewith attached comments of the Government of Brazil with regard to communication **AL/BRA/3/2020**.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, August 10<sup>th</sup> 2020

Office of the High Commissioner of Human Rights  
Special Procedures Branch

## **AL/BRA/3/2020**

### General Law on Protection of Personal Data – GLPPD

The General Law on Protection of Personal Data – GLPPD (Law No. 13709/2018) was adopted in August 2018. It was expected to take effect 18 months after its official publication (in February 2020). However, in December 2018, a Provisional Measure (869/2018) - later converted into Law (13853/2019) – postponed the deadline for the law would to take effect to 24 months after its publication - that is, in August 2020 - with the exception of the articles referring to the creation of the National Data Protection Authority (NDPA), which entered into force on December 28, 2018. Later, the deadline was changed again. Law 14010/2020 determined that Articles 52, 53 and 54 of the Law, related to the application of administrative sanctions, would only come into force on August 1<sup>st</sup> 2021. Provisional Measure 959/2020 established that the remaining articles of the Law were to take effect on May 3<sup>rd</sup> 2021. If this Measure is not converted into Law it will lose its power and the deadline returns to the one previously established (August 14<sup>th</sup> 2020). This postponing of some articles did not affect the creation of the National Data Protection Authority (NDPA), which was established by Law 13853/2019 (including Article 55-A in the GLPPD). Now it is necessary determine its composition and structure by decree. Subsequently, the members shall be submitted to the Senate for approval.

### São Paulo's subway/Facial recognition

With regard to the facial recognition system in São Paulo's subway system ("Metrô/SP"), object of the present communication from the Special Rapporteurs:

- The issue is being discussed in a suit filed by the Public Defender's Office of the State of São Paulo (DP/SP), last February, in partnership with the Brazilian Institute of Consumer Protection, and the non-Governmental organizations Intervozes and ARTICLE 19, and with the support from "Coletivo de Advocacia de Direitos Humanos" (Human Rights Advocacy). The objective of the suit is to gather information from "Metrô/SP" regarding the use of the facial recognition cameras acquired from Engie Ineo Johnson Consortium.
- The suit was filed at the 1st Court of Public Treasury under No. 1006616-14.2020.8.26.0053.
- "Metrô / SP" filed a dispute on 28 April 2020, which also needs to be responded by the relevant stakeholders.
- Deadlines to present information have been extended due to COVID-19 - (which expired on June 5 for the DP/SP (you will find attached a table with all procedural stages until the consultation up to June 10, 2020);
- It is important to highlight the National Secretariat for Public Security, a federal-level body linked to the Ministry of Justice and Public Security, currently does not own or use of facial recognition technologies;
- The application of facial recognition technologies is still under study under the project entitled "Big Data and Intelligence Artificial ". In order to avoid constraints or injustices, in case of a positive final evaluation of the development and use of such technologies, they will not replace traditional forms of identification required by Law and will only be used and a complementary tool to support work of the Police.