

INFORMATIVE - DIGITAL LAW

DIGITAL NEWSLETTER



7th EDITION

*Check out the latest
news in this edition*



ALMEIDA
ADVOGADOS

This is the newsletter our Digital Law Team prepared, aiming to concentrate on the main news and most relevant discussions on digital issues that took place in October and November. Enjoy!



EUROPEAN UNION APPROVES CYBER RESILIENCE ACT

Regulation 2024/2847, known as Cyber Resilience Act, will come into force in December of this year and determines the mandatory cyber security requirements for products with digital elements, such as connected cars or smartwatches. This regulation highlights the European movement to create standards to achieve the phenomenon known as the Internet of Things (IoT), which is reaching an ever-increasing number of goods. The aim is to create legal parameters so that these products are designed with certain security standards, avoiding vulnerabilities and threats to their users.

Among the various requirements established, it is worth noting that the regulation lays down obligations for manufacturers of products with digital elements, such as protecting the confidentiality and integrity of stored data, as well as identifying and documenting any vulnerabilities that may exist. Importers' main obligation is to ensure that the products they place on the market meet essential cybersecurity requirements. On the other hand, distributors have a legal duty to make sure that both manufacturers and importers of their products are complying with the obligations of the Cyber Resilience Act.

The need to comply with these requirements is reinforced by the provision for sanctions for possible non-compliance, such as the imposition of fines on an amount that may vary depending on the infraction. As of December, companies supplying products with digital elements located in the European Union must draw up compliance plans to meet the new requirements.

ANPD TO EVALUATE PROJECT THAT WANTS TO SCAN THE IRISES OF BRAZILIANS

The project under analysis by the ANPD is called “World” and aims to scan people's irises to enable a global identification mechanism. One of the project's creators is Sam Altman, who was also one of the creators of ChatGPT. The main goal of the project is to create a way of attesting to people's humanity, a need that is directly linked to a scenario of strong growth of artificial intelligence, in which mimicking human interactions is becoming increasingly possible.

The ANPD is concerned about how this set of data will be processed. It should be remembered that this data can be classified as sensitive data, according to the LGPD, as it allows the identification of an individual based on their biological characteristics. In this regard, the agency requested more information about the project, to ascertain whether the data processing complies with national legislation. Those responsible for the project claim that the image extracted from the iris is only used for verification purposes and is discarded immediately afterwards. They also argue that technology could be an important tool to fight against fraud.

FIRST JUDGMENT WRITTEN USING IA IS PUBLISHED BY TJMG

The tool was used to write the summary of the ruling in IRDR No. 1.0000.22.157099-7/002, published on November 12. The initiative was carried out by Desembargador Edésio Fernandes Judicial School and was led by the team from the Executive Directorate for Document Information Management (Dirged), which used the ChatGPT tool, from OpenAI, and the NotebookLM search and annotation tool, from Google, to help prepare the summary, in Plain Language, of the 44-page decision.

FRAUD INDICATOR POINTS TO 27% GROWTH IN E-COMMERCE FRAUD

Fraud attempts in e-commerce increased by 27.35% in October 2024, according to the Equifax BoaVista Fraud Indicator. The average value of fraudulent transactions reached R\$422.90, representing a 4.4% increase compared to the previous year. With the use of anti-fraud tools, the sector avoided losses estimated at R\$1.1 billion.

Mobile devices were the main targets, corresponding to 6.36% of cases. Geographically, São Paulo, Minas Gerais and Rio de Janeiro led the way in terms of the number of occurrences (22.61%), while northern states such as Acre, Amapá and Roraima had only 927 records.

JUDGE CLEARS BACKLOG WITH ARTIFICIAL INTELLIGENCE

Judge Alexandre Freire Pimentel, a member of the Special Court and a member of the 1st Panel of the 1st Regional Chamber of Caruaru of the Pernambuco Court of Justice, has brought his office's backlog to zero with the help of artificial intelligence tools, such as a chatbot and generative technology.

Since implementing these solutions in July 2023, the judge has eliminated 3,094 lawsuits, significantly optimizing the procedural process. The use of this technology has not only accelerated the distribution of cases but also enabled more efficient communication between lawyers and the judiciary, demonstrating how innovation can transform the management of legal demands.

UN FUND SECURITY BREACH EXPOSES EMPLOYEE AND VICTIM DATA

A security breach in a database linked to the UN Fund to End Violence against Women has exposed thousands of confidential documents, including personal and financial information of staff and victims.

This vulnerability, which allowed unrestricted access to sensitive data, not only puts the safety of the individuals involved at serious risk, but also raises questions about the relevance and credibility of the organizations in charge.

NORTH KOREAN HACKERS USE FAKE JOB INTERVIEWS TO SPREAD MALWARE

Security researchers have discovered an ongoing campaign by North Korean hackers who use fake interviews as a strategy to spread malware. These attackers disguise themselves as job recruiters, leading developers to install malicious software packages, such as those containing the BeaverTail malware. This type of infostealer is designed to steal sensitive information, such as data from cryptocurrency wallets and credit card information. The technique used includes code obfuscation to hide the presence of the malware, demonstrating the sophistication and adaptability of these groups.

GLOBAL OPERATION AGAINST INFESTEALERS

An operation coordinated by international security agencies, led by the Dutch National Police, resulted in the dismantling of two notorious infostealers: Redline and Meta. The operation, known as “Operation Magnus”, had full access to the servers used by these infostealers, revealing the magnitude of the threat they pose to digital security.

REGULATORY RADAR

ANPD STARTS PUBLIC CONSULTATION FOR ARTIFICIAL INTELLIGENCE AND DATA PROTECTION REGULATORY PROJECT

To enable the analysis of the regulatory project's compliance with the LGPD, guiding questions for the consultation were created and divided into four blocks, namely the principles of the LGPD, legal hypotheses, rights of data subjects, good practices and governance. Based on these questions, the regulatory authority hopes to be able to gather expert contributions from social organizations or other bodies that work with AI and data protection, as well as being able to identify possible risks associated with the use of AI.

SUPREME FEDERAL COURT (STF) HOLDS PUBLIC HEARING TO DISCUSS REGULATION OF BETS

The hearing was called following the filing of ADI 7721, which aims to challenge the constitutionality of Law 14.790/2023, whose provisions involve the lottery modality of fixed-odds betting, popularly known as “bets”. The purpose of the hearing was to hear testimony from members of the public and civil society, especially on the issues of mental health, taxation, advertising, economic effects and other social consequences of the new regulatory framework.

Also, in the context of the ADI 7721 debate, the STF plenary decided to suspend, throughout the country, any advertising of this type of gambling that targets children and adolescents, in addition to confirming a determination for the federal government to apply measures that limit the use of funds from social programs, such as Bolsa Família.

ANPD OPENS PUBLIC CONSULTATION FOR THE 2025/2026 REGULATORY AGENDA

The National Data Protection Authority (ANPD) has opened public consultation for preparation of its Regulatory Agenda. This initiative aims to collect contributions from society on the priority issues that will guide the Authority's actions in the coming years. The participation of society is fundamental to ensure that regulations meet the needs and concerns of the sector, promoting greater legal certainty and predictability in relations with regulated agents.

The Regulatory Agenda is an important instrument that provides transparency and efficiency to the ANPD's work. The Authority periodically publishes reports that monitor the progress of the defined initiatives. According to the General Coordinator for Standardization, "social participation helps to monitor the most sensitive and urgent issues for society, which may be subject to regulation." It is essential that companies engage in this debate, contributing to the construction of a regulatory environment that favors data protection and innovation.

ANPD SETS RECORD WITH 14 INVESTIGATIONS IN A SINGLE DAY

The National Data Protection Authority (ANPD) set a record with 14 investigations in a single day, marking a significant turning point in data protection in Brazil. This increase in regulatory activity reveals not only the vulnerability of Brazilian companies to the challenges of the digital age, but also a change in focus by the ANPD, which has moved from an awareness-raising phase to a stricter stance on monitoring and protecting personal data.

ANPD ADOPTS INTERNAL POLICY FOR PERSONAL DATA PROTECTION

The National Data Protection Authority (ANPD) has implemented an Internal Policy for Personal Data Protection. The aim of this policy is to consolidate good practices among all employees and ensure that current legislation, especially the General Data Protection Act (LGPD), is strictly complied with. With clear guidelines, the ANPD seeks to promote transparency and accountability, establishing that personal data can only be processed in accordance with the legal hypotheses specified in the LGPD, ensuring that only necessary information is collected and stored securely.

In addition, the new policy highlights the importance of including specific data protection clauses in contracts and agreements with third parties. The role of the ANPD Officer is reinforced, assigning responsibilities so that immediate managers adopt data protection practices in their routines and maintain a constant dialog on information security.

ANBIMA LAUNCHES CYBERSECURITY MANUAL FOR FINANCIAL INSTITUTIONS

Brazilian Association of Financial and Capital Markets Entities (ANBIMA) has published the manual “Guidelines for Cybersecurity in Business Continuity Management”, aimed at strengthening the resilience of financial institutions in the face of cyber threats. With cyber-attacks consolidating their position as the sixth largest cause of business crises globally, the need for effective strategies has become urgent. The document provides guidance on creating contingency plans, highlights the importance of continuous training and suggests the formation of multidisciplinary committees for more efficient crisis management.

This guide not only offers practical guidelines, but also emphasizes the need for transparent communication during incidents and the exchange of information between institutions to improve security policies.

LEGISLATIVE RADAR

PL 4.095/2024

Regulates the use, validation, and transmission of Digital Medical Certificates from the digital platform 'Atesta CFM', developed by the Federal Council of Medicine (CFM), for the validation and automatic transmission of medical certificates issued in the national territory.

PL 4.094/2024:

Establishes the National Program for the Collection, Recycling and Disposal of Electronic Equipment, with the aim of reducing the environmental impact caused by the improper disposal of electronic waste, promoting the selective collection, recycling and sustainable disposal of electronic devices throughout the country.

PL 3.998/2024

Establishes the mandatory digital issuance of medical certificates, linked to the doctor's and patient's Individual Taxpayer Registry (CPF).

PL 4.445/2024

Amends the Child and Adolescent Statute and the Brazilian Civil Rights Framework for the Internet to provide for mechanisms to protect children and adolescents in the use of social networks and age-based content rating on digital platforms.

PL 4089/2024

Provides for the protection of consumer rights in the use of products and services that use Artificial Intelligence (AI), establishing guidelines to ensure transparency, fairness and respect for user privacy.

PL 3936/2024

Proposes that the ownership of patents for inventions developed with the aid of Artificial Intelligence should always be attributed to the human author. In addition, patent applications must include a report detailing the use of AI, classifying the degree of assistance provided. This change aims to protect the rights of inventors and promote transparency in innovation practices, creating a fairer environment.

PL 5695/2023

Proposes the inclusion of a criminal offence in the Maria da Penha Law to criminalize the manipulation of photos, videos and sounds with artificial intelligence to commit violence against women, establishing a penalty of imprisonment of one to two years and a fine. This measure aims to combat the growing use of these technologies in acts of gender violence, reinforcing the protection of women and the state's response to new forms of aggression.

PL 1845/2024

Proposes changes to the Brazilian Civil Rights Framework for the Internet, expanding the information that internet providers must store for the purpose of investigating digital crimes, including the obligation to record the logical port used for connections. This change aims to facilitate the identification of devices involved in illegal activities, responding to the increase in cybercrime and strengthening the authorities' investigative capacity.

SUBSTITUTE PL 5130/2016

Proposes the exclusion of the prohibition or temporary suspension of the activities of internet access providers as a form of sanction based on the new wording of articles 7, 12, 13 and 15 of the Marco Civil da Internet.

B3 CIRCULAR LETTER 154/2024-PRE

Informs criteria, conditions and deadlines of the Financial Incentive Program for the Bitcoin Future Contract.

PL 4400/2024

Amends Law No. 9,610, of 1998, the Copyright Law, to regulate related rights regarding multimedia content, generated by a highly realistic algorithm, of an identifiable performer's voice or image, and which simulates their participation in an audiovisual work or phonogram.

PL 4356/2024

Establishes the Law on Transparency in Digital E-Commerce Platforms and makes other provisions.

PL 4308/2024

Regulates stablecoins, offering a definition, establishing the cyber risks linked and obligations attributed to issuing institutions.

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