

DIGITAL LAW

DIGITAL NEWSLETTER



11th EDITION

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news in this edition*



ALMEIDA
ADVOGADOS

This is the newsletter created by our Digital Law Team, aiming to gather the most relevant news and discussions from March. Enjoy your reading!



SENATE ESTABLISHES PARLIAMENTARY FRONT TO ENHANCE DIGITAL LEGISLATION

In March, the Federal Senate established the Parliamentary Front for Cybersecurity and Cyber Defense. This initiative, originating from the Commission on Communication and Digital Law (CCDD), aims to propose legislative measures to strengthen data protection and digital security in Brazil. The priority actions include the creation of a regulatory agency to coordinate responses to cyberattacks and the development of an updated legal framework for data protection matters.

AFTER JUDICIAL ERROR, CNJ STUDIES INTEGRATING BIOMETRIC DATA INTO ARREST WARRANTS

In March 2025, the National Council of Justice (CNJ) initiated studies to integrate biometric data into the National Arrest Warrant Database (BNMP) to improve the identification of individuals and prevent wrongful arrests. This initiative was motivated by the case of an individual wrongfully detained in Petrópolis (RJ), after being mistaken for another person with a similar name, due to inconsistencies in judicial records. The proposal includes using biometric information - such as photographs, fingerprints, and signatures already collected by the Superior Electoral Court (TSE) - to ensure greater accuracy in the execution of arrest warrants.

SÃO PAULO COURT AUTHORIZES ACCESS TO APP DATA TO LOCATE DEBTOR

The 17th Chamber of the São Paulo Court of Justice has authorized an educational institution to access data from digital platforms to locate a debtor of overdue school tuition fees since 2014. The decision overturned a lower court ruling that had denied the request, arguing that searches should only be carried out through conventional judicial systems available to the Judiciary. The appellate judge emphasized that, given the current technological reality, it is common for individuals to use online services, making it feasible to obtain information through these platforms. The court decision sets a new precedent regarding the disclosure of telematic data between digital platforms and their users.

CYBERSECURITY: APTS ACCOUNT FOR 43% OF SEVERE CORPORATE INCIDENTS IN 2024

The annual Kaspersky report revealed that in 2024, 25% of global enterprises were affected by Advanced Persistent Threats (APTs), representing a 74% increase compared to 2023. APTs accounted for more than 43% of high-severity incidents detected, impacting various sectors, except telecommunications. This type of threat involves continuous infiltration techniques, often executed by specialized groups.

NIST PUBLISHES GUIDELINES FOR DIFFERENTIAL PRIVACY ASSESSMENT

In March 2025, the U.S. National Institute of Standards and Technology (NIST) released final guidelines for differential privacy assessment, presented in Special Publication 800-226. This method safeguards privacy by allowing data analysis while introducing statistical noise, thereby preventing the exposure of individual information. The new guidelines provide practical recommendations for implementing this technique, assisting organizations in understanding its challenges and applying it effectively.

REGULATORY RADAR

ANPD SELECTS CONSULTANT FOR AI REGULATORY SANDBOX

The ANPD has announced the results of the selection process for the Artificial Intelligence regulatory sandbox project, appointing the University of São Paulo (USP) as the official consultant. The regulatory sandbox is a controlled environment that enables technological innovation experiments under regulatory supervision, aiming to balance technological advancement with personal data protection.

ANPD DENIES DATA PROTECTION ADEQUACY ASSESSMENT REQUESTED BY MINISTRY OF CULTURE

The ANPD has denied the Ministry of Culture's (MinC) request to evaluate the adequacy of data protection measures implemented by the World Intellectual Property Organization (WIPO) under Brazil's General Data Protection Law (LGPD). The MinC had signed a memorandum of understanding with WIPO to use an online platform for copyright arbitration cases, which involves the processing of personal data. The ANPD justified the denial due to the complexity of the required analysis and resource limitations, highlighting that the absence of this evaluation does not prevent the international transfer of data, provided that the mechanisms established under Article 33 of the LGPD are observed.

ANPD PARTICIPATES IN INTERNATIONAL DATA PROTECTION MEETING

On March 19th and 20th, 2025, the ANPD attended the 63rd Bureau Meeting of Convention 108, held in Paris by the Council of Europe. Convention 108, established in 1981 by the Council of Europe, was the first legally binding international treaty dedicated to personal data protection. Recognizing the need for modernization in response to technological advancements and contemporary challenges, the treaty was updated in 2018, resulting in Convention 108+. The meeting gathered international authorities to discuss developments in data protection and the continued modernization of Convention 108+, that seeks to strengthen global cooperation on the matter.

LEGISLATIVE RADAR

PL 1.195/2025

Amends Provisional Measure 2.200-2/2001, which establishes the Brazilian Public Key Infrastructure - ICP-Brasil, to standardize the use of the blockchain tool.

PL 1.199/2025

Amends Law 12.965/2014 (Brazilian Civil Rights Framework for the Internet), to provide for the liability of internet application providers in cases of monetization and boosting of content that incites crimes against the Democratic Rule of Law State.

PL 1.212/2025

Provides for restrictions on the use of online gambling advertisements throughout the national territory.

PL 1.050/2025

Amends Law 8.078/1990 (Consumer Protection Code) in order to prohibit the requirement of facial biometric authentication or facial photographic registration as the only method for identification and signature in the conclusion of consumer contracts.

PL 1.070/2025

Provides for the allocation of resources from the National Fund for Children and Adolescents to support public policies to combat digital addiction and the resulting disorders in children and adolescents.

PL 1.012/2025

Provides for the mandatory implementation of facial recognition systems in interstate bus terminals to reinforce public security and combat organized crime.

PL 790/2025

Provides for combating the spread of fake news on digital platforms and communication vehicles, ensuring that those responsible for spreading untruths are penalized, by guaranteeing the right of response of those offended automatically, without having to resort to the judiciary, including in the case of content disseminated anonymously, with communication platforms being held responsible, in addition to PL 2630/2020.

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