INTELLECTUAL PROPERTY & INFORMATION TECHNOLOGY

CLIENT ALERT

APRIL/2020

BILL OF LAW No. 1,179/2020 INTENDS TO ESTABLISH AN EMERGENCIAL AND TRANSITIONAL LEGAL REGIME, WHICH DETERMINES THE POSTPONEMENT OF THE ENTRY INTO FORCE OF THE GENERAL PERSONAL DATA PROTECTION LAW (LGPD)

Today, April 3, 2020, the Federal Senate approved Bill of Law No. 1,179/2020, which aims to establish the Emergency and Transitional Legal Regime for Private Law Legal Relations (RJET) during the Coronavirus pandemic (Covid-19).

The text of the Bill determines several measures to be taken within the scope of Brazilian Private Law, among them, the extension of the entry into force of the General Personal Data Protection Law (LGPD).

The original text of the LGPD determined that companies would have twenty-four (24) months to adapt, however, with the Covid-19 pandemic and the country's current economic situation, the Senate understood that several companies would not be able to adopt the necessary measures for the fulfillment of the obligations imposed by the LGDP, since the adequacy to the LGPD also involves the need to hire other companies responsible for the processing of personal data.

The text, approved today by the Plenary of the Federal Senate, changes article 65, II of the LGPD, modifying the entry into force of the Law to January 1st, 2021.

The Bill also determines that fines and other sanctions for companies that are not compliant with the LGPD will only be applied as of August 1st, 2021.

This means that, as of January 1st, 2021, lawsuits and complaints related to violations based on the LGPD may be proposed, however, the fines and sanctions provided for in the Law can only be applied by the National Data Protection Authority (ANPD) in August 2021.

PRACTICE AREA
Intellectual Property
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The Bill is still subject to approval by the House of Representatives, with or without amendments, as well as to presidential sanction for its conversion into law.

Our Intellectual Property & Information Technology area is attentive to the developments and remains available to clarify any questions regarding the subject.

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