

MEMORANDUM TO CLIENTS

INFORMATION TECHNOLOGY AND TELECOMMUNICATION

May 17, 2016

PRESIDENTIAL DECREE REGULATES THE
BRAZILIAN INTERNET ACT

DRAFT BILL ON PERSONAL DATA PROTECTION IS
SUBMITTED TO CONGRESS

SENATE'S BILL No. 330 ON PERSONAL DATA
PROTECTION ADVANCES

President Dilma Rousseff signed Decree No. 8.771, of May 11, 2016, ("Decree"), regulating certain aspects of the Brazilian Internet Act (Law No. 12,965/2014).

The Decree regulates: (i) exceptions to net neutrality; (ii) criteria for the provision to public authorities of user registration data from internet application users; (iii) safety requirements for the storage of personal data collected by connection and application providers; and (iv) monitoring of possible violations of the rules stipulated in the Internet Act.

Among the topics regulated by the Decree, we highlight the following:

- More detailed criteria as to the exceptions to the net neutrality principle, as well as essential technical requirements for the adequate provision of internet services and applications;

- Prohibition of conduct that violates public and unrestricted access to the internet, as well as actions that prioritize data packets due to commercial agreements or that prioritize applications offered by the company in charge of transmitting data, commutation or the routing of an internet connection, including companies that belong to the same economic group;
- Definition of criteria for the provision of user registration data to government authorities, as well as establishing guidelines regarding security standards that must be adopted by connection and application providers holding personal data or carrying out data processing activities. The Internet Governance Committee (“Comitê Gestor da Internet – CGI.br”) is now responsible for issuing technical security regulations;
- Determination that connection and application providers must store the least amount of personal data, private communications and connection and application access logs. Moreover, internet providers are obligated to erase this data after the expiration of the term during which the storage is permitted or upon the purpose for which the data collection was intended being fulfilled;
- Determination that entities of the government collaborate on the supervision and inspection of the rules imposed by the Brazilian Internet Act and the Decree.

This Decree will come into force on June 10, 2016.

Draft Bill on Personal Data Protection

President Dilma Rousseff submitted to Congress on May 12, 2016 the Draft Bill on Personal Data Protection, which was subject to recent public consultation.

Federal Senate’s Bill No 330

The Senate’s Commission on Environment, Consumer Protection and Inspection and Control approved, on May 10, 2016, Bill No. 330 progressing the bill through the Senate’s legislative procedure. The reporter of the bill in the Senate is Senator Aloysio Nunes Ferreira.

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The purpose of this memorandum is to inform our clients about important changes and developments in the area of law. We remain at the reader's disposal for any additional information that may be desired regarding the subject matter herein.

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