

Centre for Information Policy Leadership (CIPL) and  
Centro de Direito, Internet e Sociedade of Instituto Brasileiro de Direito Público (CEDIS-IDP)

### **Webinar 1**

## **Implementing the legal bases for processing under the LGPD and other data protection laws: legitimate interests and consent**

Via Zoom—in English with simultaneous translation to Portuguese

Wednesday, 17 March 2021

From 10:00 AM to 12:00 PM (Brasília) | From 1:00 PM to 3:00 PM (London)

### **AGENDA**

CEDIS-IDP and CIPL invite you to the first 2021 webinar organised as part of our [joint Effective LGPD project](#), which explores topics related to the effective implementation and regulation under the new Brazilian data protection law (*Lei Geral de Proteção de Dados* – LGPD).

Under the LGPD, data processing can only occur if it is based on at least one of several legal bases for processing (Arts. 7, 8 and 10). The new Brazilian data protection authority (*Autoridade Nacional de Proteção de Dados* – ANPD) plans to start working on guidance on this topic in H2 2022, according to its [2021-2022 work plan](#). This webinar will explore the key practical challenges that organizations face when determining which legal basis to rely upon for their data processing activities, with a focus on legitimate interests and consent.

#### **10:00 AM      Opening Remarks**

- ❖ **Laura Schertel**, Lawyer, Professor and Director of CEDIS-IDP
- ❖ **Danilo Doneda**, Lawyer, Professor and Director of CEDIS-IDP
- ❖ **Bojana Bellamy**, President, CIPL

#### **10:15 AM      Brazilian and international experiences in interpreting and implementing legitimate interests and consent**

- ❖ Moderator: **Nathalie Laneret**, Director of Privacy Policy

Provocateurs:

- ❖ **Miriam Wimmer**, Director, ANPD
- ❖ **Marcela Matiuzzo**, Partner, VMCA Advogados
- ❖ **Paula Vargas**, Director, Privacy Policy & Engagement, Latin America, Facebook
- ❖ **Orrie Dinstein**, Chief Privacy Officer, Marsh & McLennan Companies
- ❖ **Sarah Saucedo**, Senior Counsel, Privacy and Data Protection, Mastercard
- ❖ **Pablo Segura**, Data Privacy Director, MercadoLibre
- ❖ **Teresa Patraquim da Conceição**, Head of Privacy Team – International, Novartis
- ❖ **Alexandre Pinheiro**, Legal Vice-President and Compliance Officer, Sonda Group – Brazil
- ❖ **Walquiria Favero**, Legal Superintendent – Compliance and Privacy, Dasa

Questions for discussion:

- Is there a hierarchy between the legal bases for processing under the LGPD?
- What is the relationship between legitimate interests and accountability (e.g. risk assessments, enhanced transparency, enhanced protection to individuals)?
- What is the process for organizations to determine the legal bases they rely upon? What internal stakeholders should be involved in the decision-making? What are the key challenges and areas where larger and smaller organizations need clarity from the ANPD?
- How can legitimate interests help organizations undertake daily and common data processing activities (e.g. fraud prevention, managing business contacts)? Provide examples.
- How can legitimate interests help organizations use personal data for innovative, future-proof data processing as well as new technologies and unforeseen data processing (e.g. training voice assistants and bots)? Provide examples.
- How do organizations undertake legitimate interest assessments? Provide examples of how your organization undertakes the balancing test and the elements considered in such test (e.g. whose legitimate interests are considered, mitigating measures, risk methodology)?
- How can organizations obtain valid consent (i.e. freely-given, informed, unambiguous, related to a specific purpose)? How can organizations allow individuals to withdraw their consent and evidence that such consent was obtained? Provide examples of your organizational procedures for obtaining and managing consent.
- What are the ANPD's initial views concerning legal bases for processing? Why has the ANPD planned to provide guidance on legal bases only in H2 2022, and will the ANPD work on this topic in the meantime? What will be the public consultation process and when will it happen?
- How can organizations work with the ANPD to support in the development of such guidance (e.g. respond to the public consultation, special roundtables to provide evidence and share experiences)? What is the best way from the ANPD perspective for organizations to engage on this and other data protection topics?

**11:45 AM**      **Questions and Answers**

**12:00 PM**      **End of webinar**