

Centre for Information Policy Leadership (CIPL) and  
Instituto Brasiliense de Direito Público (IDP) Joint Workshop

## **LGPD – Implementation and Harmonization with International Data Protection Regimes**

IDP Brasilia  
SGAS II St. de Grandes Áreas Sul 607 - Brasília, DF, 70200-670  
Brasilia, Brazil

Wednesday, 25 September 2019 | 8:30 – 17:00

### **AGENDA**

**8:30 Registration**

**9:00 Opening Remarks**

- ❖ Bojana Bellamy, President, CIPL
- ❖ Laura Mendes, Professor, IDP
- ❖ Danilo Doneda, Lawyer and Professor, IDP

**9:10 Opening Keynote**

- ❖ Rep. Orlando Silva, Brazil National Congress

**9:15 Opening Keynote – Brazil's new data protection law: countdown towards compliance**

- ❖ Justice Ricardo Cueva, Superior Court of Justice

**9:45 Session I – Key issues in implementing the LGPD: Operationalizing accountability and compliance through comprehensive organizational privacy management programs**

*The LGPD includes an “accountability” requirement pursuant to which organizations must implement comprehensive privacy management programs that enable compliance with this law and that can demonstrate the effectiveness of such a program (Article 6, X and Article 50, § 2º, I). In addition, the LGPD provides that organizations “may formulate rules for good practice and governance”, which include implementing a risk-based privacy management program as specified in the law (Article 50). Experienced privacy experts and practitioners will explain the important role of this accountability requirement in global data protection and what it means in practice, and will share their experiences and practical examples of how to give effect to accountability within an organization through privacy compliance and management programs. Finally, the panelists will also address the role of risk and privacy impact assessments (Article 38), touch on the role of the controller-processor relationship (Article 39), as well as discuss formal accountability schemes, such as global corporate rules, certificates and codes of conduct (Article 33).*

- ❖ Moderator: Bojana Bellamy, President, CIPL
- ❖ Sarah Saucedo, Senior Counsel, Privacy & Data Protection, Mastercard
- ❖ Damien Kieran, Global Data Protection Officer, Legal Director and Associate General Counsel, Twitter
- ❖ Sarah Godley, Senior Vice President of Privacy, Americas, Teleperformance
- ❖ Orrie Dinstein, Global Chief Privacy Officer, Marsh & McLennan Companies, Inc.
- ❖ Vitor Moraes de Andrade, Lawyer, LTSA Advogados
- ❖ Marcel Leonardi, Counsel, Pinheiro Neto

**10:45**      **Break**

**11:10**      **Session II – Key issues in implementing the LGPD: Bases for processing and operationalizing consent and legitimate interest**

*The LGPD sets forth the specific circumstances under which personal data may be processed (Article 7). In this session, the panelists will focus on two of these circumstances – processing with the consent of the data subject and the “legitimate interest” of the controller or third party (Article 7, I and IX; Article 10), both of which raise unique problems with respect to their implementation in practice. Thus, the panelists will discuss data processing contexts where consent may be appropriate and practicable, as well as effective ways to operationalize it. The panelists will also discuss the issue of “consent fatigue” and why it is important to limit consent to situations where it is truly effective and meaningful for individuals. They will also discuss the important processing ground of “legitimate interest”, the balancing of benefits and risks it entails, the proper role of this processing ground, and how to operationalize it for specific data processing activities. The panelists will also discuss how legitimate interest-based processing relates to the risk-based approach to privacy under the LGPD (Article 38).*

- ❖ Moderator: Danilo Doneda, Lawyer and Professor, IDP
- ❖ Daniel Arbix, Head of Legal – Brazil, Google
- ❖ Antonio Muñoz Marcos, Data Protection Technical Director, Telefónica
- ❖ Pablo Segura, Data Privacy Senior Manager, Mercado Livre
- ❖ Vanessa Butalla, Legal Director for Experian/Serasa
- ❖ Ana Paula Bialer, Partner, Bialer e Falsetti Advogados

**12:10**      **Lunch**

**13:20**      **Session III – Key issues in implementing the LGPD: The Impact on big data, AI and machine learning, other emerging technologies and automated decision making**

*The panelists will explore how various provisions of the LGPD interact with modern and emerging technologies and applications. The provisions and issues to be examined in this context will include rules relating to automated decision-making (Article 20), sensitive data (Article 11), consent (Article 7, I), legitimate interest (Article 7, IX), deletion rights (Article 17, IV and VI), purpose specification and compatible/incompatible purposes (Article 6, I), necessity (Article 6, III), transparency*

*(Article 6, VI), anonymization (Article 12), children's data (Article 14), scientific research (Article 7, IV, Article 11, I, c and Article 13), and processing personal data to the detriment of data subjects (Article 21). The panelists will highlight areas of potential tension between data protection principles and the effective application of modern technologies and business practices. They will also offer ways to minimize these tensions through both sensible interpretations of these principles and various accountability measures available under the LGPD.*

- ❖ Moderator: Laura Schertel Mendes, Professor, IDP
- ❖ Andriei Guerrero Gutierrez, Government Relations and Regulatory Affairs Manager, IBM
- ❖ Flavia Mitri, Privacy Director for Latin America, Uber
- ❖ Marcela Mattiuzzo, Partner, VMCA Advogados
- ❖ Rafael Zanatta, Lawyer, Pereira Neto | Macedo Advogados

14:20

**Session IV – Key issues in implementing the LGPD: The Roles and Responsibilities of the Data Protection Authority**

*The LGPD establishes a national data protection authority (DPA) (Article 55-A and following Articles). This panel will examine the various DPA tasks under this law and discuss how to best implement them in light of globally recognized characteristics of an effective data protection authority and the experience of established international data protection authorities. Particular focus will be placed on the role of “constructive engagement” between the DPA and the regulated industry.*

- ❖ Moderator: Bojana Bellamy, President, CIPL
- ❖ José Antonio Ziebarth, Director, Brazil Ministry of Economy
- ❖ Bruno Bioni, Founder, Data Privacy Brasil
- ❖ Fabricio da Mota Alves, Lawyer and Professor, Garcia de Souza Advogados
- ❖ Guilherme Roschke, Counsel for International Consumer Protection, US Federal Trade Commission
- ❖ José Alejandro Bermúdez, Advisor – LATAM, CIPL and former Deputy Superintendent for Data Protection, Colombian DPA
- ❖ Paula Vargas, Head of Privacy Engagement - Latin America, Facebook

15:20

**Break**

15:50

**Session V – Key issues in implementing the LGPD: Extraterritorial application of the law, cross-border transfer mechanisms, and ensuring interoperability with international privacy regimes**

*This panel will discuss sensible ways to interpret and implement the LGPD's provisions on territorial scope (Article 3) and its provisions on the international transfers of personal data (Articles 33 to 35). Specifically, the panelists will discuss the respective benefits and downsides of the various transfer mechanisms, assess their current state of development and availability in Brazil, and suggest ways forward for Brazil to operationalize the full spectrum of transfer mechanisms enabled by the LGPD, particularly global corporate rules, certifications and codes of*

*conduct (Article 33, II) that could become interoperable with similar schemes in the Asia-Pacific and the EU regions, thereby streamlining and supporting accountable global data flows.*

- ❖ Moderator: Markus Heyder, Vice President and Senior Policy Counselor, CIPL
- ❖ Carlos Affonso de Souza, Director at Instituto de Tecnologia & Sociedade do Rio de Janeiro (ITS-Rio)
- ❖ Miriam Wimmer, Director of Telecommunications Services, Brazil Ministry of Science, Technology, Innovation and Communication (MCTIC)
- ❖ Cornelius Witt, Manager Public Policy, SCOPE Europe
- ❖ Jonathan Fox, Director of Privacy Engineering, Cisco
- ❖ Josh Harris, Director of International Regulatory Affairs, TrustArc

**16:50            Concluding Remarks and Next Steps**

**17:00            End of Workshop**