

12 March 2020

Work Plan for the CIPL-IDP Brazil Project (v3)

“Effective Implementation and Regulation Under the New Brazilian Data Protection Law (LGPD)” – a Joint Project by the Centre for Information Policy Leadership (CIPL) and the Centro de Direito, Internet e Sociedade of Instituto Brasiliense de Direito Publico (CEDIS-IDP)

I. Background

In August 2018, Brazil approved its first comprehensive data protection law (“Lei Geral de Proteção de Dados Pessoais” or “LGPD”), which will be applicable from August 2020. In December 2018, the former President of Brazil issued Provisional Measure No. 869/2018, which makes some amendments to the LGPD and importantly creates Brazil’s national data protection authority (the “ANPD”).

Organisations have a short window to (i) assess the impact of the LGPD on their data processing activities and operations, (ii) devise and execute implementation strategies and (iii) make relevant changes to their business processes, compliance infrastructures and IT systems. For many organisations, some of this work will have been completed in the context of preparations for the GDPR. For many others, including local and Latin American companies, this will be a new compliance journey and an opportunity to transform their approach to data protection and data management in line with the modern digital economy.

In addition to internal preparations, organisations will now need to constructively engage and work with a new central data protection authority. The ANPD will have its own unique leadership style and approach to ensuring the protection and privacy of Brazilians throughout the country. For the ANPD, 2020 symbolises the first cycle of regulatory data protection leadership and enforcement power and this will be as much of a learning experience for the regulator as it will for organisations. Ensuring the effectiveness of the ANPD and constructive engagement with organisations will be critical to the success of the LGPD.

In August 2019, the Centre for Information Policy Leadership (CIPL)¹ launched this special project on **Effective Implementation and Regulation Under the New Brazilian Data Protection Law (LGPD)** (CIPL Brazil Project), in collaboration with the CEDIS-IDP². The main goal of this project is to bring together key stakeholders and experts from industry, government and academia to engage in a constructive and expert dialogue on the LGPD, its interpretation, implementation and effective application. This will be done through a series of workshops, webinars, additional events and papers.

¹ CIPL is a global data privacy and cybersecurity think tank in the law firm of Hunton Andrews Kurth LLP and is financially supported by the law firm and 75 member companies that are leaders in key sectors of the global economy. CIPL’s mission is to engage in thought leadership and develop best practices that ensure both effective privacy protections and the responsible use of personal information in the modern information age. CIPL’s work facilitates constructive engagement between business leaders, privacy and security professionals, regulators and policymakers around the world. For more information, please see CIPL’s website at <http://www.informationpolicycentre.com/>.

² The Instituto Brasiliense de Direito Publico (Brazilian Institute of Public Law) is a legal and educational institute that seeks to contribute to the social, political and economic transformations of Brazil. As part of its mission, the IDP connects the three branches of the Brazilian government with the marketplace and society in general through neutral settings.

12 March 2020

II. Project Objectives

The objectives of the project are four-fold:

1. **Information Sharing:** The project will facilitate information sharing on the LGPD, regulatory and political data protection developments in Brazil and global data protection updates which will impact organisations based in Brazil.
2. **LGPD Implementation:** The project aims to inform and advance constructive and forward-thinking interpretations of key LGPD requirements, facilitate its consistent application among organisations and throughout the country and draw on global experiences in implementing and addressing many of the new requirements.
3. **Industry Experience and Best Practices:** The project will provide a forum for organisations to share and reflect on their experiences and challenges in implementing the LGPD, to contribute and learn about best practices and methods to execute and streamline their implementation measures and to benchmark their progress against their peers.
4. **Effective Regulation:** The project aspires to promote effective regulatory strategies, including innovative regulatory methods and constructive engagement with organisations, drawing on regulatory experiences in Europe, Asia and North America. The essential role of the data protection authority will be discussed and how regulators can make the best use of their limited resources to ensure a high level of data protection and strike the right balance with data driven innovation.

III. Project Timeline & Roadmap

Event/paper	2019	2020											
	Aug-Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<i>Project launch</i>													
Workshop I: LGPD - Implementation and harmonisation with international standards (IDP - Brasília – DF)													
Review of Work Plan and set up of Steering Committee													
Webinar I: Priority LGPD Implementation Steps for Businesses													
Webinar II: Transparency													
Workshop II: Effective Impl. and Regulation under the LGPD (Rio)													
Webinar III: [TBD]													
Workshop III: [TBD]													
Webinar IV: [TBD]													
Short Papers													

Please note that in addition to these official CIPL & IDP workshops, the IDP may as part of this project organise additional local meetings in English and Portuguese with local stakeholders, in English with Brazilian delegations, and further webinars. The topics and shape of such meetings and webinars will

12 March 2020

vary according to the pace of implementation of the LGPD, the progression of the ANPD and various other factors, including demand by project participants and the input of the Steering Committee. Participants will be made aware of these events and offered the invitation to participate and attend.

Update 12 March 2020: this roadmap was updated to reflect the postponement of Workshop 2, initially planned on 25 March 2020, due to the COVID-19 developments.

IV. Project Papers

As part of the CIPL Brazil Project, a series of short and practical papers will be drafted to support LGPD implementation and regulation. These include (names to be further defined):

- ANPD Key National and International Tasks and Responsibilities
- Priority LGPD Implementation Steps for Businesses
- Risk-Based Approach

Other papers are still to be defined/narrowed-down according to the relevance for the Brazilian context. Some topics for consideration include:

- Accountability under the LGPD
- Role of the Data Protection Officer
- Records of processing activities
- Vendor management
- Data subject rights
- International data transfers
- *Others TBD*

V. Format of events

Workshop I

Workshop 1 was undertaken in Brasilia on 25 September 2019. It was organised in a conference-format with a one-day of panels, to set the framework for discussions which would be further undertaken throughout the project.

Workshop II

Following feedback received, the following workshops will be organised as to allow participants to engage more in discussions. This will include having smaller groups participating on roundtables of key topics.

The format for Workshop 2 will be as follows:

- **Day 1**
 - Discussion-based panels with possible breakout sessions
- **Day 2**
 - Smaller roundtable
 - Side meetings

12 March 2020

Workshops III & IV

Will likely follow the format of Workshop 2, but this will be reassessed at a later stage to take into account further feedback received.

VI. Format for Webinars

- Duration: 1.5 hours
- Two CIPL members to present for the initial 30 minutes
- Open the floor for discussion during the remaining hour, structured around specific questions to be sent to attendees in advance
- Need facilitator for discussions