Brazil general data protection law LGPD

SÉRGIO LUÍS RIBEIRO
sribeiro@cpqd.com.br
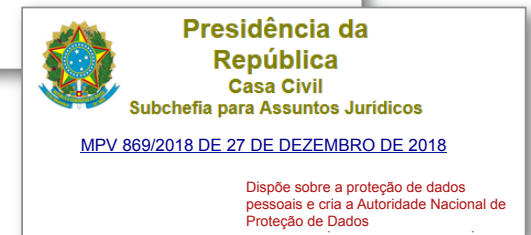
IOT Week

Aarhus,
17-21 June 2019

OCARIoT

Brazil General Data Protection Law

Historical

- Early 2010 - Brazil starts the discussion in the congress.

- August 2018 - Brazil approved the General Data Protection Law.

- December 2018 - Brazil establish the National Authority Data Protection.

- December 2020 - Transition and adaptation period.

Presidência da República
Casa Civil
Subchefia para Assuntos Jurídicos
LEI Nº 13.709, DE 14 DE AGOSTO DE 2018

Presidência da República
Casa Civil
Subchefia para Assuntos Jurídicos
MPV 869/2018 DE 27 DE DEZEMBRO DE 2018

Dispõe sobre a proteção de dados pessoais e cria a Autoridade Nacional de Proteção de Dados

2008 — Start Discussion in Congress

2018 — LGPD Approved

2018 — ANPD Approved

2020 — Transition and Adaptation

Brazil General Data Protection Law

New legal framework

- LGPD creates a new legal framework for the use of personal data in Brazil.

- Brazil already has more than 40 legal rules at the federal level.

- LGPD is replacing and supplementing this sectorial regulatory framework.

- The LGPD is the result of a broad discussion.

- Foster economic, technological and innovation development.

Brazil enters the roll of more than 100 countries that today may be considered to have an adequate level of protection of privacy and the use of personal data.

Brazil General Data Protection Law

Similarities

- Like the GDPR, the LGPD ensures and define:
  - a number of rights for data subjects;
  - several lawful bases for data processing.

- Introduces requirements for:
  - processing of sensitive personal data;
  - international transfer of data.

Concepts of privacy by design and privacy by default.

Brazil General Data Protection Law

Challenges

- Controllers and processors of personal data in Brazil face a number of challenges. There is a general unawareness of the importance of the protection of privacy and data subjects' rights.

- The country only began discussing comprehensive data protection legislation in 2008.

- LGPD is a fairly recent regulation, controllers and processors lack appropriate technology systems, data governance mechanisms, and ways to allow data subjects to exercise their rights.

General lack of clear rules on data protection.

Brazil General Data Protection Law

Challenges

- There are also general difficulties in:
  - obtaining consent;
  - identifying the legal bases for data treatments;
  - ways to ensure employees and stakeholders are properly involved with data flows and comply with the rules.

Will have to keep finding creative ways to enhance technology, and foster free competition

Brazil General Data Protection Law

What we expect

- The LGPD will have an impact on society as few laws have had before.

- Companies from all sectors will have to adapt in a new culture.

- Appropriate use of data has to be formed.

- Companies need to conform to today's rules and understand that anticipating future regulation is an investment and a competitive advantage.

Protection of personal data should not be seen as a cost, but as a competitive advantage, a market differential.

Brazil General Data Protection Law

Numbers and Facts

- Excluding multinationals, only 15% of Brazilian companies are in compliance with LGPD.

- For that companies 64% do not know where their sensitive content is located and who can access it.

- At least 30% of organizations will spend on LGDP-related consultancies and implementations.

Risk and privacy management related to digital transformation initiatives will drive spending on security services by 2020 in more than 40% of organizations.

Gartner

Approach

IOTWeek

cpqd

DATA FLOW MAPPING

Mapping of personal data that is used in the company's activities.

RISK ASSESSMENT

Risk assessment in the scope of personal data and potential risks of leakage.

LGPD COMPLIANCE STRATEGY

Action plan definition to adjust the company in the LGPD.

Data Flow Mapping

Data In Use (DIU)

Data In Motion (DIM)
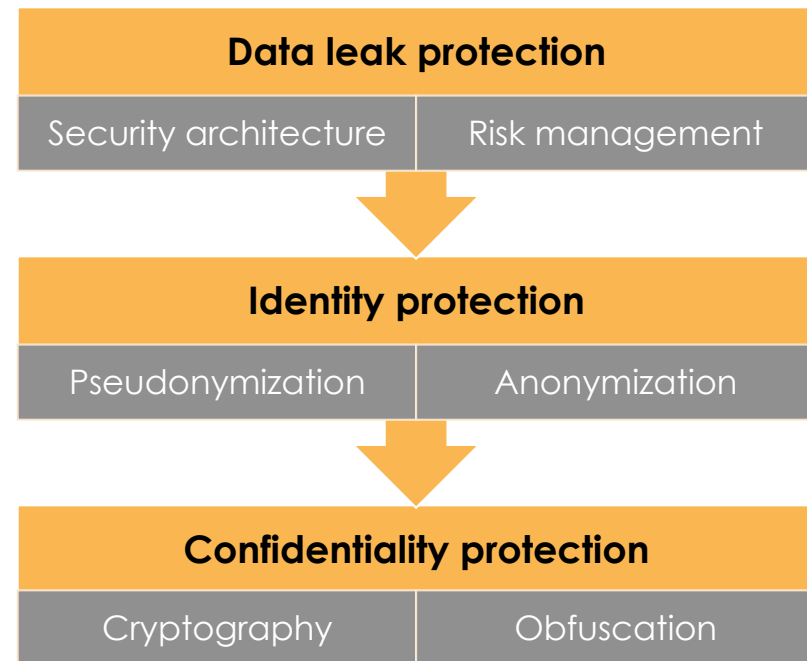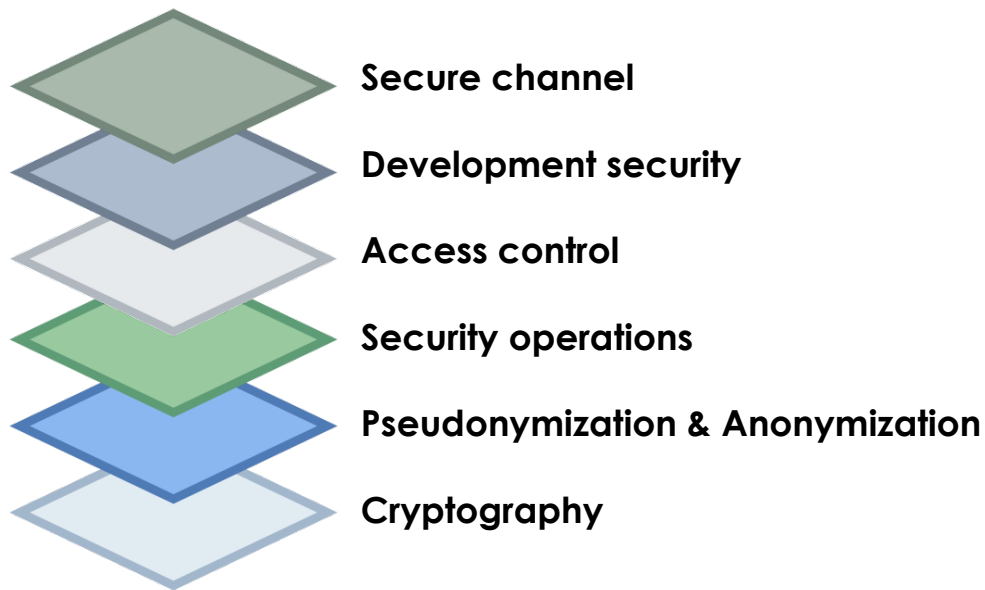
Data At Rest (DAR)

LGPD Compliance Strategy

Secure channel

Development security

Access control

Security operations

Pseudonymization & Anonymization

Cryptography

Data leak protection	
Security architecture	Risk management

Identity protection	
Pseudonymization	Anonymization

Confidentiality protection	
Cryptography	Obfuscation
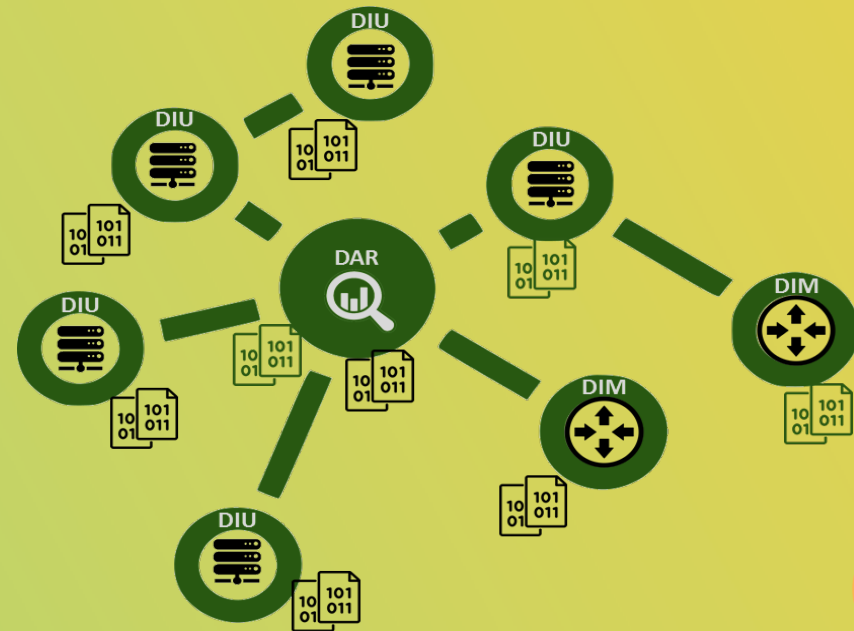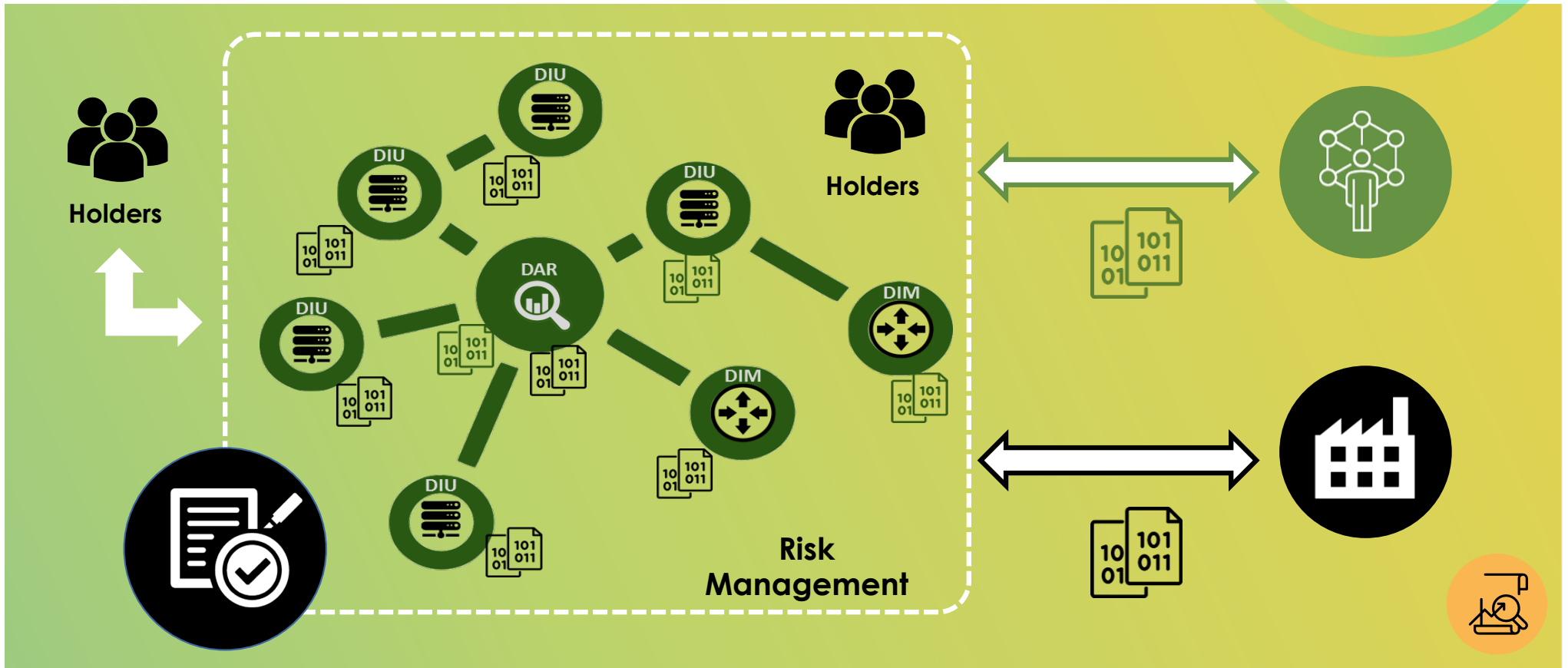
smart childhood Obesity CARing solution using IoT potential

Objective: promote the improvement of eating and physical disorders and also the prevention of the obesity onset for children
224 million school-age children in the world; more than one in three in Brazil, Greece and Spain.

Solution: IoT-based personalised coaching
solution guiding children to adopt healthy eating and physical activity behaviour.

Pilots: three pilot sites - *Spain, Greece and Brazil.*
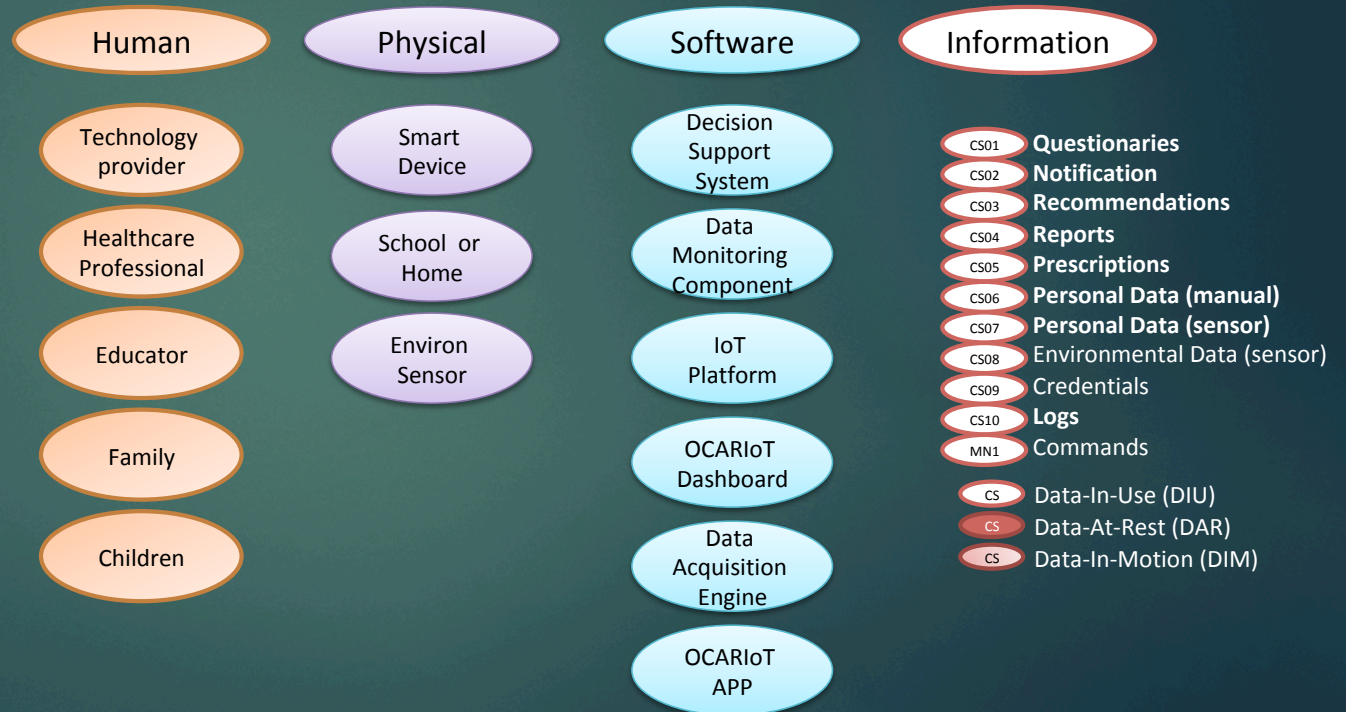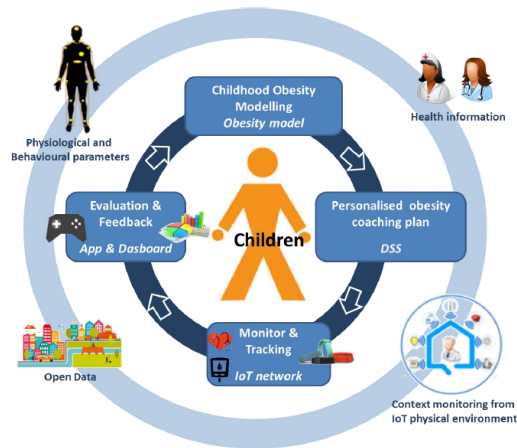
Data Flow Mapping

Remarks and Conclusion
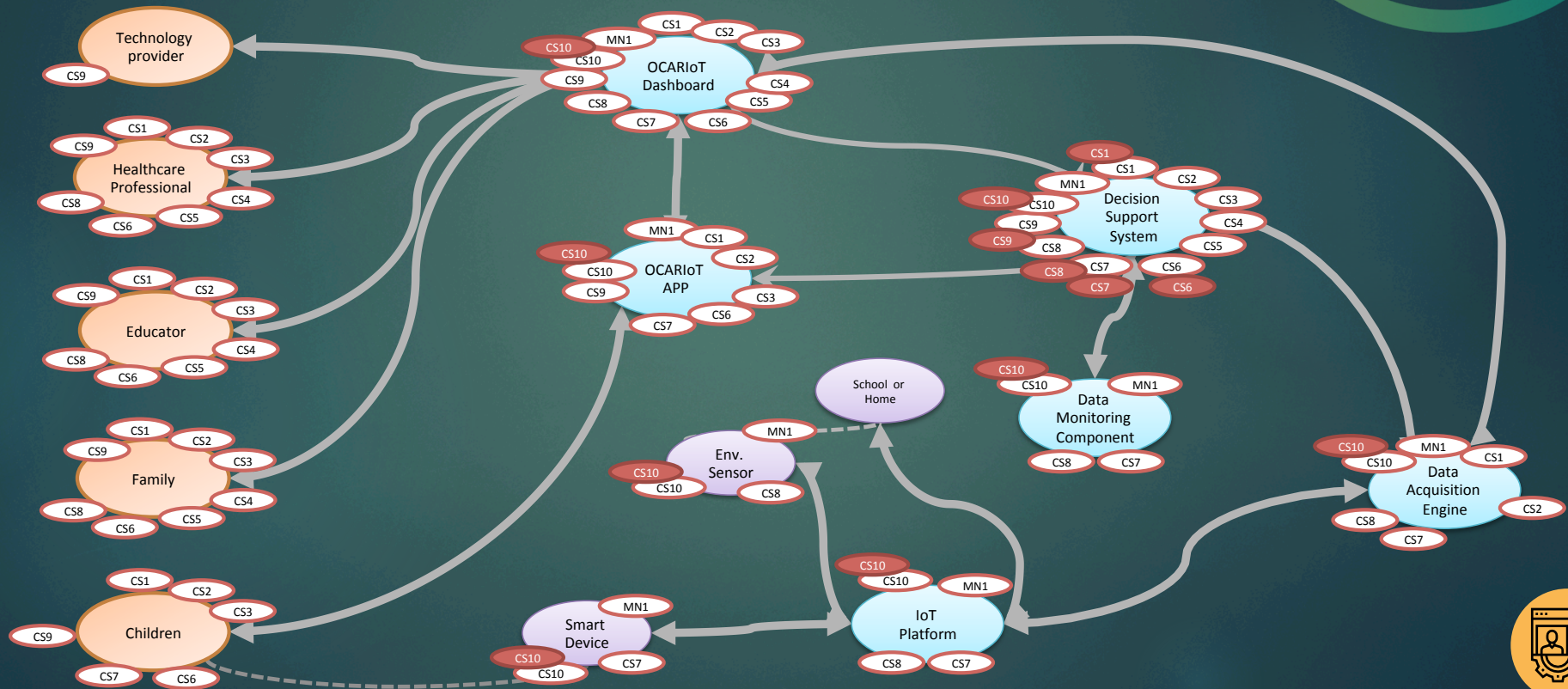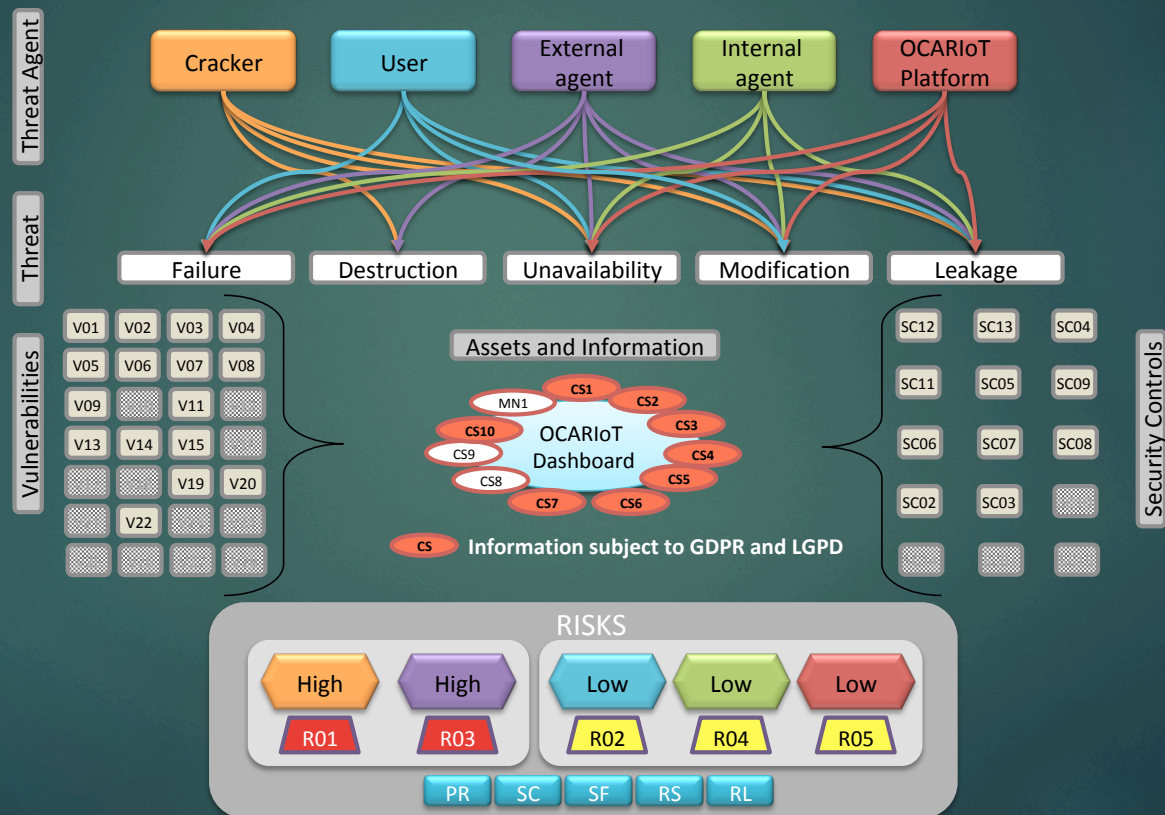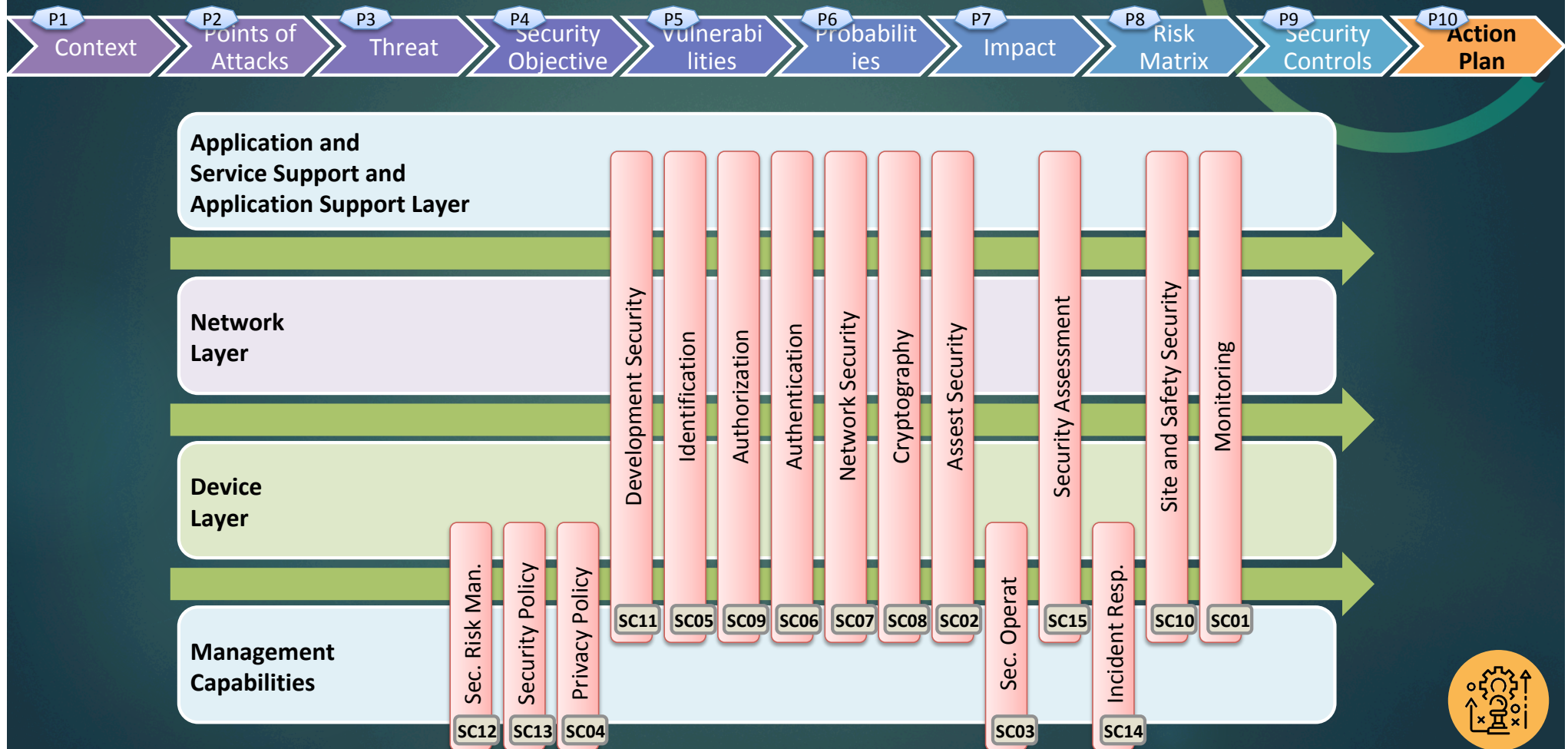
Project: use the *security by design* and *privacy by design*, since the start. The project should be planed and developed using these approaches for a product life cycle (design, deploy, maintain, update, retire and replace) always thinking in security and privacy.

Devices: design security and access policies for each device type (risk based) to determine the best and correct protection mode (controls).

Applications: follow authentication best practices.

Data: design security policies for each type of data (risk based), considering the data in use, in rest and in transit.

Connections: use secure network infrastructure, secure protocols and encryption data when needed (risk based).
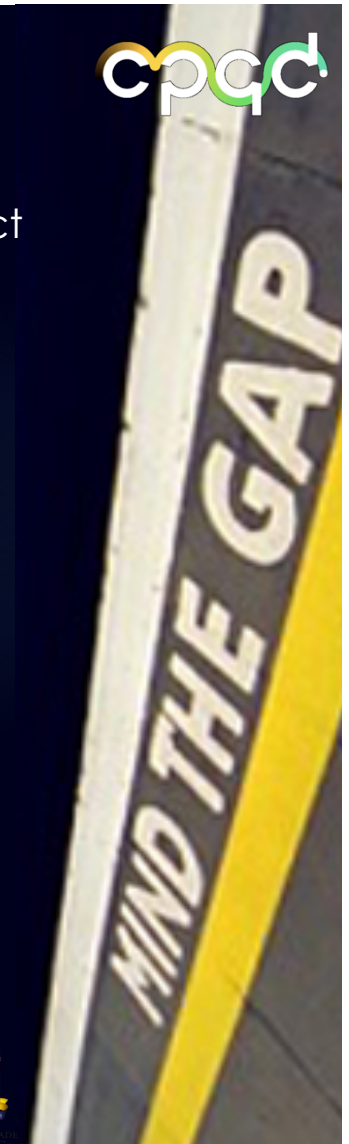
Thanks!

Connect to the new

SÉRGIO LUÍS RIBEIRO
sribeiro@cpqd.com.br
www.cpqd.com.br

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