Brasilia, May 19th 2016

**Open Letter of Support to the Brazilian Bill of Law 5276/2016 on the Protection of Personal Data**

The entities below subscribed publicly express their support to the Brazilian Bill of Law 5276/2016, which is one of the pending legislative initiatives in the National Congress aimed to regulate the protection of personal data in Brazil, according to the following reasons:

**1.** The Bill of Law 5276/2016 is a result of a comprehensive and fructiferous discussion to which the entire Brazilian society had the opportunity to participate.

**1.1.** It was collaboratively built by means of an ample social engagement on the public consultations which took place in the end of 2010 and in the beginning of 2015, that were based on an initiative of the Brazilian Ministry of Justice that put the text of the then Draft Bill of Law on the Protection of Personal Data under the public scrutiny over the online platforms culturadigital.br/dadospessoais e pensando.mj.br/dadospessoais.

**1.2.** Altogether there were more than 10 (ten) months of public debate that generated more than 2.000 (two thousand) contributions from the business sector, the scientific and academic community, civil society and from citizens themselves, individually, who had an active voice on the elaboration of the text recently sent to the National Congress in May 12th 2016

**1.3.** The manner in which the text has been consolidated points out that this is a consensus legislative initiative among a diversity of sectors from the society. The differences and modifications between the versions before and after the public consultation of the draft bill are clear indicators that it sought to reach a balanced wording aimed to safeguard innovation and the protecting the privacy of citizens.

**2.** Through a technic-legislative point of view of the Bill of Law 5276/2016:

**2.1.** It organically systematizes protection of personal data concepts and principles, clearly limiting its scope of application and the interpretative criteria necessary to its application, addressing, among other points: (i) citizens´ rights of access, rectification, correction and opposition to treatment of their personal data; (ii) rules ranging from start to finish of the personal data treatment activities, as well as the respect to the liability of the entire chain of agents inserted therein; (iii) the creation of a specific chapter for the protection of citizen´s personal data against the Government, implementing, therefore, a regulatory symmetry between the public and private sectors; (iv) the regulation of international personal data transfers, recognizing the necessary protection to personal data in a cross-border setting; (v) incentive mechanisms for the regulated sector, devoting a specific sector to good practices.

**2.2.** It provides for the creation of supervisory body, along with the National Council for the Protection of Personal Data, which are essential for the effectiveness of the proposed regulation and to the formulation and implementation of public policies related to personal data protection. It should be remembered that, according to Article 61, paragraph 1, item II of the Brazilian Constitution, only Bills of Law authored by the Executive Branch have authority, such as the one herein concerned, to create public jobs and public functions that are necessary for the implementation of supervisory agency, what makes this legislative initiative even more singular.

**3.** It is therefore a proposal able to effectively meet a serious gap of the Brazilian legal system, as to the point of bringing legal certainty to the citizen, to business activities and to public administration in the treatment of personal data, what only reinforces the constitutional urgency procedure assigned to the matter.

**4.** Finally, aiming to continue and ensure the collaborative development of this legislative initiative, it is suggested that its processing in the National Congress, in particular to the possible amendments to the text, should be placed to public discussion on the online portal e-democracia, in public hearings and by other social engagement contributions.

**Entities which co-sign:**

1. Grupo Pesquisa em Políticas Públicas para o Acesso à Informação/GPoPAI da Universidade de São Paulo/USP

2. Coding Rights

3. Coletivo Intervozes

4. Instituto Beta para Internet e Democracia

5. Casa da Cultura Digital Porto Alegre

6. Grupo de Estudos em Direito, Tecnologia e Inovação da Faculdade Presbiteriana Mackenzie

7. Proteste Associação Brasileira de Defesa do Consumidor

8. Centro de Estudos Internacionais sobre Governo/CEGOV da Universidade Federal do Rio Grande do Sul (UFRGS)

9. Associação Software Livre.Org

10. Instituto Bem Estar Brasil

11. LAVITS - Rede Latino-americana de estudos em vigilância, tecnologia e sociedade

12. MediaLab da Universidade Federal do Rio de Janeiro/UFRJ

13. Access Now

14. Asociación para una Ciudadanía Participativa (ACI-Participa) - Honduras

15. TEDIC - Paraguay

16. Hiperderecho - Perú

17. Fundación Datos Protegidos - Chile.

18. Centro Tecnologia e Sociedade (CTS) da Fundação Getúlio Vargas DIREITO RIO

19. Instituto Brasileiro de Defesa do Consumidor/IDEC

20. CIBERCULT – Laboratório de Comunicação Distribuída e Transformação Política da Escola de Comunicação da Universidade Federal do Rio de Janeiro/UFRJ

21. Grupo de Pesquisa Informação, Comunicação, Tecnologia e Sociedade - ICTS / UNICAMP

22. Colaboratório de Desenvolvimento e Participação (COLAB/USP)

23.Centro de Direito, Internet e Sociedade/CEDIS do Instituto Brasiliense de Direito Público

24. União Latina de Economia Política da Informação, da Comunicação e da Cultura - Capítulo Brasil (ULEPICC-Br)

25. Centro de Estudos da Mídia Alternativa Barão de Itararé

26.  Instituto de Tecnologia e Sociedade do Rio de Janeiro/ITSrio

27.  Derechos Digitales

28. Co.lab (Colirio Laboratório)

29. .txt texto de cinema

30. Grupo de Pesquisa Direito Privado & @Internet da Universidade Federal de Brasília/UnB

31. Grupo de Pesquisa da Tutela jurídica dos dados pessoais na internet da Faculdade de Direito de Ribeirão Preto/FDRP da Univeridade de São Paulo/USP

32. Movimento Mega: Mobilização,empoderamento,governança e ativismo

33. Coletivo Soylocoporti

34. #rede livre

35. Instituto Brasileiro de Política e Direito do Consumidor/Brasilcon

36. Fundación Karisma

37. Centro de Estudios de Tecnología y Sociedad da Univerdidad de San Andres

38. Sophie Kwasny, Conselho da Europa