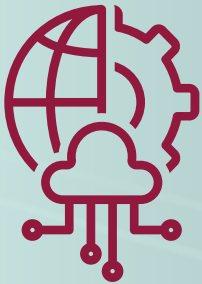


DIGITAL LAW

# DIGITAL NEWSLETTER



9th EDITION

*Check out the latest  
news in this edition*



**ALMEIDA**  
ADVOGADOS

This is the newsletter created by our Digital Law Team, aiming to gather the most relevant news and discussions from January. Enjoy your reading!



## **CHANGES TO PCLOB CREATE UNCERTAINTY OVER DATA TRANSFER AGREEMENT BETWEEN EUROPEAN UNION AND UNITED STATES**

The Privacy and Civil Liberties Oversight Board (PCLOB), a US agency that is part of the Executive Branch in the United States, has had several members of the Democratic wing of the government removed from its body. With this change, uncertainties arise regarding the transatlantic agreement on the transfer of data between the European Union and the United States. According to the data protection NGO "Noyb", the Trans-Atlantic Data Privacy Framework (TADPF), an agreement that enables data transfers between European businesses and American providers, could easily be revoked, which could bring greater legal uncertainty to the current scenario of international data sharing.

## **CHILEAN COURT OVERTURNS IRIS DATA COLLECTION BY WORLD COIN**

On January 7th, 2025, the Chilean Supreme Court overturned a previous decision and upheld an appeal that denounced the illegal storage of a minor's biometric iris data by the company Worldcoin. The court ruled that since the data was collected without the proper consent of the parents or legal guardians, and without complying with privacy and data protection regulations, the company must delete all stored records and biometric data of the minor. The company received a 30-day deadline to provide proof that the deletion has been carried out. The decision was based on the violation of constitutional guarantees relating to privacy and the protection of personal data.

## **CALIFORNIA PASSES LAW TO PROTECT CONSUMERS' NEURAL DATA**

The state of California (United States) has passed a new law protecting consumers' neural data, expanding the scope of the California Consumer Privacy Act. Signed by Governor Gavin Newsom on September 28th, 2024, the regulation classifies information generated by brain activity as "sensitive personal data", restricting its use by neurotechnology companies. These increasingly popular devices monitor cognitive functions and can record thoughts and emotions. The legislation aims to ensure greater control and transparency in the processing of this data.

## **LEAK EXPOSES DEEPSEEK DATABASE**

In January, the Wiz Cloud Security Platform identified a critical vulnerability in DeepSeek's chat, a Chinese artificial intelligence startup. Its database was publicly accessible, exposing more than a million records, including chat histories, API keys and internal system details. Following the notification, DeepSeek quickly fixed the flaw. This incident underscores the importance of implementing rigorous cybersecurity measures to protect sensitive data and prevent potential breaches.

## **RAMSONWARE WITH AI ATTACKS USERS IN BRAZIL AND OTHER COUNTRIES**

Launched at the end of 2024, the artificial intelligence-based ransomware from the FunkSec cybercriminal group has claimed more than 80 victims in a month - including in Brazil, which accounted for 5% of the targets. The attacks combine data theft and encryption, with ransom demands of around US\$10,000. Check Point Research identified that the group, based in Algeria, uses AI to speed up the development of the malware, indicating possible technical inexperience.

## **EUROPEAN COMMISSION CREATES PAN-EUROPEAN CENTER TO STRENGTHEN CYBERSECURITY IN THE HEALTH SECTOR**

On January 15th, the European Commission announced a plan to strengthen cybersecurity in the health sector. The plan includes the creation of a pan-European cybersecurity support center, which will provide guidance, tools, services and training tailored to the needs of hospitals and healthcare professionals. In addition, measures will be implemented to improve the prevention, detection and response to cyberattacks, including the provision of cybersecurity vouchers for financial assistance to small hospitals and training resources for healthcare professionals.

## **UN CYBERCRIME TREATY APPROVED AFTER NEGOTIATIONS**

The month of January began with the news of the approval of the United Nations (UN) Cybercrime Treaty, after five years of negotiations. This treaty establishes guidelines for international cooperation in the fight against cybercrime, with the aim of reducing safe havens for cybercriminals and assisting developing countries in protecting their citizens from illicit cyber activities. Human rights activists and cybersecurity experts have expressed concerns that the treaty could be misused by authoritarian regimes, resulting in violations of privacy and fundamental rights. An official signing ceremony is scheduled to take place in 2025, with the treaty entering into force 90 days after its ratification by 40 member states.

## **NEW LAW REGULATES CELL PHONE USE IN SCHOOLS**

On January 14th, Law 15.100/25 was sanctioned, banning the use of cell phones and other portable electronic devices by kindergarten, elementary and middle school students in public and private schools, including during recess and breaks. Exceptions are allowed for emergencies, guaranteeing fundamental rights, pedagogical purposes and students' accessibility or health needs. The law also directs educational institutions to develop strategies to address students' mental health, highlighting the risks associated with excessive cell phone use.

## **US REPORT ON COPYRIGHT AND THE USE OF AI ADDRESSES THE LIMITS TO THE PROTECTION OF AI-GENERATED CONTENT**

In January, the US Copyright Office published the second part of the Report on Copyright and Artificial Intelligence, addressing the level of human contribution required for materials to be protected under US law. Among the observations made in the material, the report points out that copyright does not extend to purely AI-generated material, that protection depends on the level of human control over expressive elements of the work and that copyright protects the original expression of a work created by a human author, even if the work also includes AI-generated material. This document is part of a series of reports on AI and copyright. The first, published in 2024, dealt with the use of digital voice and image replicas, and a future report will address AI training with protected works, licensing and legal liability.

## REGULATORY RADAR

### ANPD SUSPENDS COLLECTION OF BIOMETRIC IRIS DATA THROUGH FINANCIAL INCENTIVES

The National Data Protection Authority (ANPD) has ordered Tools for Humanity to suspend, as of January 25th, the financial incentives offered in exchange for the collection of biometric iris data. The measure aims to protect the rights of data subjects and ensure compliance with the General Data Protection Law (LGPD), especially regarding the need for consent to process personal data, which must be freely given, informed, unambiguous and provided in a specific manner.

### ANATEL DIVIDES 6GHZ BAND BETWEEN 5G AND WI-FI

Anatel has decided to divide the 6 GHz band (frequency range used for wireless data transmission) between cellular telephony and Wi-Fi. The decision was criticized by associations of Small Providers (PPPs), who spoke out on January 13th, claiming that the measure could increase costs and make it harder for community networks to expand. The 6 GHz band is essential for high-speed wireless data transmissions, so the PPPs believe that the division could hinder the expansion of community networks and increase operating costs.

### ANPD CALL FOR PROPOSALS ON ARTIFICIAL INTELLIGENCE REGULATORY SANDBOX GETS NEW DEADLINE FOR SUBMISSIONS

The National Data Protection Authority (ANPD) has extended until February 7th, 2025 the deadline for submitting proposals to Call 001/2024, which aims to select a partner institution to implement and execute the regulatory sandbox for artificial intelligence and personal data protection in Brazil. The selected institution will be responsible for evaluating projects, implementing the experimental regulatory environment and training participants. Public institutions of higher education that carry out research in the area and meet the criteria of the notice can apply.

## NATIONAL HEALTH COUNCIL PUBLISHES REGULATION ON USE OF DATABASES

In January 2025, the National Health Council (CNS) published Resolution N° 738, which provides for the use of databases for the purpose of scientific research involving human beings. This regulation aims to establish parameters for the protection of the dignity and fundamental rights of research participants, determining the responsibilities of the controller and operator of the database, the rights of participants, among other guidelines.

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