

DIGITAL LAW

# DIGITAL NEWSLETTER



1-YEAR SPECIAL

*Check out the latest  
news in this edition*



**ALMEIDA**  
ADVOGADOS

# NEWSLETTER IN NUMBERS

1-YEAR SPECIAL

We are celebrating one year of our Digital Newsletter! Check out some key metrics from this period:

12

EDITIONS

6.316

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## SIGNIFICANT PERFORMANCE IN CITIES WHERE WE HAVE OFFICES

1º São Paulo

2º Belo Horizonte

3º Rio de Janeiro

4º Brasília

27,8%

of subscribers are  
people directly  
involved in legal roles

+50%

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related to the  
legal market

## AUGUST'S EDITION HAD THE BEST VIEW PERFORMANCE

Here are 3 of the main themes from August's edition:

1º ANPD publishes new resolution on the role of the Data Protection Officer (DPO)

2º Leak of over 10 billion passwords could be the largest in history

3º ANPD rejects appeal, and INSS will have to publicize LGPD violation

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



## TRT-2 UPHOLDS TERMINATION FOR BREACH OF INFORMATION SECURITY

In April 2025, the 18th Panel of the Regional Labor Court of the 2nd Region upheld the summary dismissal of a systems maintenance technician who, after being informed of his termination, accessed a company computer, deleted sensitive files, and transferred institutional documents to his personal email account, in direct violation of the employer's internal information security policies. The employee's conduct resulted in operational damages, including delays in the company's ISO 9001 certification process. The ruling emphasized that the employee had full knowledge of the company's confidentiality and information security protocols, having previously executed specific non-disclosure and compliance agreements. Moreover, the employer presented documentary evidence and witness testimony substantiating the severity of the employee's actions. The employee is also under criminal investigation for the conduct in question.

## DIGITAL SECURITY LEADS CUSTOMER COMPLAINTS AGAINST FINANCIAL INSTITUTIONS

The Central Bank released a report indicating that security failures constituted the primary source of customer complaints against financial institutions during the first quarter of the year. The most recurrent grievances pertain to deficiencies in the security, integrity, reliability, and confidentiality of services associated with credit cards and credit operations. Furthermore, dissatisfaction with service provided by Customer Service Centers (SAC) also ranks among the chief complaints. The report underscores a growing consumer concern regarding digital security within the banking sector.

## **PENALTIES INCREASED FOR AI-ASSISTED GENDER-BASED VIOLENCE CRIMES**

In April 2025, Law 15123/2025 was enacted, increasing by fifty percent the penalty for the crime of psychological violence against women when perpetrated through the use of artificial intelligence or other technologies capable of altering the victim's image or voice. The base penalty—imprisonment ranging from six months to two years, plus a fine—shall be enhanced by half in such circumstances. The legislative measure aims to combat practices such as deepfakes and other forms of digital manipulation used to humiliate, threaten, or intimidate women, thereby reinforcing legal protections considering emerging forms of digital violence.

## **COURT AUTHORIZES SERVICE OF PROCESS VIA NFT IN CRYPTOASSET LITIGATION**

The 2nd Specialized Bankruptcy and Judicial Reorganization Court of Cuiabá authorized, for the first time, the service of process through Non-Fungible Token (NFT<sup>[1]</sup>) in litigation involving crypto assets. Non-fungible tokens (NFTs) are unique digital assets registered on blockchain to ensure authenticity and transparency in digital transactions. The measure was adopted to try to reach defendants who cannot be located through traditional channels, linked to digital wallet addresses, and considered the traceability of assets on the blockchain and seeks to ensure the continuation of the process.

[1] NFTs (Non-Fungible Tokens) are unique digital assets recorded on a blockchain—a decentralized ledger system that ensures authenticity and transparency in digital transactions.

## **UNITED KINGDOM DEBATES NEW LEGISLATIVE UPDATE ON CYBERSECURITY**

The Government of the United Kingdom amended the draft Cyber Security and Resilience Bill, thereby expanding the nation's digital protection framework by introducing new obligations. The proposal mandates that relevant cybersecurity incidents be reported within 24 hours, regardless of any direct disruption to services, and extends the regulatory scope to encompass critical digital service providers, including third-party IT companies. Regulatory authorities are likewise vested with enhanced investigatory powers to examine vulnerabilities and impose heightened transparency requirements, thereby fostering a more secure digital environment. Such amendments seek to align British legislation with the European Union's NIS2 Directive and to fortify the resilience of national infrastructure against escalating threats.



## **U.S. CONGRESS PASSES LAW AGAINST NON-CONSENSUAL INTIMATE IMAGE DEEPFAKES**

The United States Congress has passed the Take It Down Act, a bipartisan statute criminalizing the dissemination of non-consensual intimate images, including deepfakes generated through artificial intelligence. The legislation mandates that online platforms remove such content within forty-eight (48) hours of notification. The proposal garnered support from technology sector companies and victim advocacy organizations; nevertheless, digital rights groups voiced concerns regarding potential abuses and privacy implications.

## **ANVISA LAUNCHES PUBLIC CONSULTATION ON RULES FOR NATIONAL MEDICAL DEVICE REGISTRATION SYSTEM**

The Brazilian Health Regulatory Agency (ANVISA) has initiated a public consultation to discuss the regulatory framework for the new national database aimed at uniquely identifying medical devices (UDI). The proposed regulation sets forth the procedures for data submission, identifies authorized submitters, establishes adaptation timelines, and provides guidelines regarding changes in ownership. The system, denominated SIUD, is already operational and prepared to receive submissions from companies; however, mandatory reporting shall adhere to the deadlines established under RDC No. 591/2021, which range from three and a half to six years depending on the classification of the device.

## **ANPD UPDATES THE PROCEDURE FOR REPORTING SECURITY INCIDENTS**

In April 2025, the Brazilian National Data Protection Authority (ANPD) updated the procedure for reporting security incidents. The use of the Electronic Security Incident Reporting Form (FEI) through filing within the Electronic Information System (SEI) is now mandatory. The amendment enhances standardization and requires greater specificity in the information provided.

## **GOIÁS STATE LEGISLATIVE ASSEMBLY APPROVES STATE ARTIFICIAL INTELLIGENCE ACT**

On May 14th, 2025, the Legislative Assembly of the State of Goiás passed, in record time, the first state-level legal framework governing artificial intelligence in Brazil. The bill, currently pending gubernatorial assent, aims to ensure legal certainty for enterprises and to foster innovation, with a particular emphasis on the promotion of open-source AI solutions and the professional development of specialists in the field. Furthermore, the legislation provides for the establishment of a Center for Ethics and Innovation in Artificial Intelligence, which shall be tasked with formulating guidelines for the ethical and appropriate deployment of AI technologies.

## **RAPPORTEUR OF THE ARTIFICIAL INTELLIGENCE BILL CALLS FOR DEBATE ON LEGISLATIVE COMPETENCE AMONG FEDERATIVE ENTITIES**

In May 2025, the congressional rapporteur of the Artificial Intelligence Bill (AI Bill) called for a public debate concerning the legislative competence of federative entities in relation to AI regulation. Triggered by the recent enactment of a state law on AI by the Legislative Assembly of Goiás, the discussion aims to clarify whether the regulation of artificial intelligence should fall under the exclusive legislative authority of the Federal Government or whether States and Municipalities may also exercise normative powers on the matter. The lawmaker underscored the necessity of clearly delineating legislative attributions to avert normative conflicts and ensure a coherent and effective regulatory framework for artificial intelligence in Brazil.

## **DEBATE ON THE USE OF ARTIFICIAL INTELLIGENCE IN LEGAL PRACTICE REACHES THE SUPERIOR COURT OF JUSTICE**

The Rio de Janeiro sectional of the Brazilian Bar Association (OAB/RJ) has filed an urgent petition with the Superior Court of Justice seeking the suspension of a ruling that authorized the continued operation of the digital platform “Resolve Juizado”, which employs AI to draft legal pleadings and provide automated legal services. According to OAB/RJ, the services rendered constitute the unauthorized practice of law, in breach of the Statute of Advocacy and the Bar’s Code of Ethics, owing to the remunerated nature and overt advertising of the platform. The Association further warned against the proliferation of similar platforms and their potential to compromise the quality of legal services, citing the lack of technical, ethical, or legal oversight.

## **UNITED STATES ENACTS FEDERAL LEGISLATION TO COMBAT DEEPFAKES AND NON-CONSENSUAL INTIMATE IMAGE DISCLOSURE**

On May 19th, 2025, the United States government enacted the “Take It Down Act,” a bipartisan statute that criminalizes the distribution of non-consensual intimate imagery, including AI-generated deepfakes. The new federal law mandates that online platforms remove such content within forty-eight (48) hours following victim notification, under the oversight of the Federal Trade Commission (FTC). The Act imposes both civil and criminal liability upon individuals and hosting platforms, while also providing good-faith safe harbors for content takedown actions. Recommendations for platform compliance include revising internal moderation protocols, implementing or enhancing reporting mechanisms, and reinforcing detection systems for illicit content.

## **BRAZILIAN SUPERIOR LABOR COURT STRIKES DOWN COLLECTIVE BARGAINING CLAUSE FOR VIOLATING DATA PROTECTION LAW**

The First Panel of the Superior Labor Court (Tribunal Superior do Trabalho – TST) ruled that an association based in São Paulo is not obligated to comply with a provision in a collective bargaining agreement that mandated the disclosure of employees’ personal data. The provision was challenged in an appeal brought by a labour union seeking to transmit such personal data to a discount card management company. The clause in question required the transfer of information including full name, CPF (taxpayer identification number), telephone number, email, date of birth, and mother’s name. The TST held that this clause contravenes the General Data Protection Law (Lei Geral de Proteção de Dados – LGPD), reaffirming that data protection constitutes a fundamental, inalienable right which may not be waived or limited through collective bargaining. Accordingly, the clause was deemed unenforceable, underscoring the imperative of LGPD compliance in labour relations.

## **ARKANSAS ENACTS NEW LAW GOVERNING OWNERSHIP OF AI-GENERATED WORKS**

The U.S. state of Arkansas has recently enacted legislation regulating the ownership of content generated through generative artificial intelligence. Under the new law, individuals who input prompts or data into AI systems are deemed the lawful owners of the resulting content, provided there is no contractual provision to the contrary and that the input data has been lawfully obtained. In professional settings, ownership is attributed to the employer when the output arises within the scope and duties of the employee's role. The statute further stipulates the need to observe preexisting copyright rights, with the aim of balancing technological innovation and legal certainty.

## **FEDERAL GOVERNMENT ISSUES RESOLUTION ESTABLISHING WORKING GROUP TO OVERSEE BRAZILIAN ARTIFICIAL INTELLIGENCE PLAN**

The Interministerial Committee for Digital Transformation (CITDigital) enacted Resolution No. 2, dated May 8, 2025, setting forth the operational framework, organizational structure, and designated competencies of its newly formed working group. The regulation delineates the composition and functions of the Plenary, Executive Committee, Technical Chambers, and Advisory Council, while also laying out the implementation guidelines for the Brazilian Strategy for Digital Transformation (E-Digital). The Resolution seeks to coordinate government actions aimed at advancing digital transformation nationwide, aligning public policy initiatives and fostering technological innovation.

## **BRAZILIAN DATA PROTECTION AUTHORITY RELEASES FINDINGS ON PUBLIC CONSULTATION REGARDING AI**

The Brazilian National Data Protection Authority (Autoridade Nacional de Proteção de Dados – ANPD) published the outcomes of its public consultation on the automated processing of personal data, with emphasis on the regulation of Artificial Intelligence (AI). The findings, issued through Technical Note No. 12/2025, categorize stakeholder feedback into areas of consensus—such as the need for safeguards like anonymization, robust governance, and transparency—and areas of divergence, including interpretations of the necessity principle for AI training and the legal adequacy of consent as a lawful basis for data processing. These insights will inform the development of forthcoming ANPD regulations and guidance documents on the subject.



## LEGISLATIVE RADAR

### PL 1626/2025

Establishes the National Plan for Neonatal Biometric Identification.

### PL 1617/2025

Amends Laws 10741/2003 (Statute of the Elderly), and 14129/2021, to establish security, accessibility, and usability guidelines for internet applications directed at the elderly.

### PL 1565/2025

Amends paragraph 1 of Article 10 of the MP 2200-2/2001, to equate electronic signatures using a digital certificate within the Brazilian Public Key Infrastructure (ICP-Brasil) to notarized signatures.

### PL 1685/2025

Amends Law 9610/1998, to regulate ownership, authorship, registration, protection, and civil liability in relation to intellectual works generated by artificial intelligence systems.

### PL 1680/2025

Establishes the National Policy for Digital Processing and Storage.

### PL 2051/2025

Amends the Law on the Guidelines and Bases of National Education to include specific subjects on artificial intelligence, programming, and cybersecurity in the high school curriculum.

### PL 2387/2025

Provides for the prohibition of access by individuals under sixteen years of age to social networks and digital platforms, and other related measures.

### PL 2258/2025

Prohibits telemarketing calls made by bots, robots, or any software performing automated, repetitive, and pre-defined tasks throughout the national territory.

**PL 2294/2025**

Establishes measures to enable the blocking and tracking, and to facilitate the investigation of cybercrimes committed via landline or mobile telephone services, and other related measures.

**PL 2325/2025**

Amends Article 266 of the Code of Criminal Procedure to ensure the right of legal counsel to use technological devices during procedural and investigative acts, and to establish the nullity of proceedings in the event of unjustified restriction.

**PL 2080/2025**

Establishes the National Policy on Energy Efficiency and Socio-Environmental Sustainability for Data Centers, defining guidelines, targets, and mechanisms for its implementation, and other related provisions.

**PL 2247/2025**

Provides for the tax liability of digital platforms and other related measures.

**PL 2462/2025**

Prohibits the use of AI tools for dubbing audiovisual works into Portuguese for commercial distribution in Brazil, aiming to protect jobs in the cultural sector.

**PL 2536/2025**

Establishes the National System for Tracking and Rapid Intervention in Cases of Child Abuse, which automatically alerts the Guardianship Council upon the identification of warning signs.

**PL 2665/2025**

Establishes the requirement for online betting platforms to allocate a percentage of their net profits to social projects related to the sector in which they operate, such as sports and entertainment. The project requires the submission of annual impact and accountability reports.

**PL 692/2025**

Establishes the installation of security cameras in vehicles used by ride apps (e.g. Uber, 99) and prohibits the registration of drivers convicted of sexual crimes or domestic violence.

**PL 2575/2025**

Requires internet application providers to maintain legal representation within Brazilian territory.

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**Márcio Chaves**  
Partner

**[mmchaves@almeidalaw.com.br](mailto:mmchaves@almeidalaw.com.br)**  
+55 (11) 2714 6900



**Lucca Fontana**  
Lawyer

**[lgfontana@almeidalaw.com.br](mailto:lgfontana@almeidalaw.com.br)**  
+55 (11) 2714 6900