

**CPR**  
**LATAM**  
COMMUNICATION POLICY  
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# PRIVACY AND DATA PROTECTION: THEORY AND EVIDENCE

ACCES, USE AND DATA PROTECTION IN LATIN  
AMERICA: METHODOLOGICAL AND THEORETICAL  
CHALLENGES

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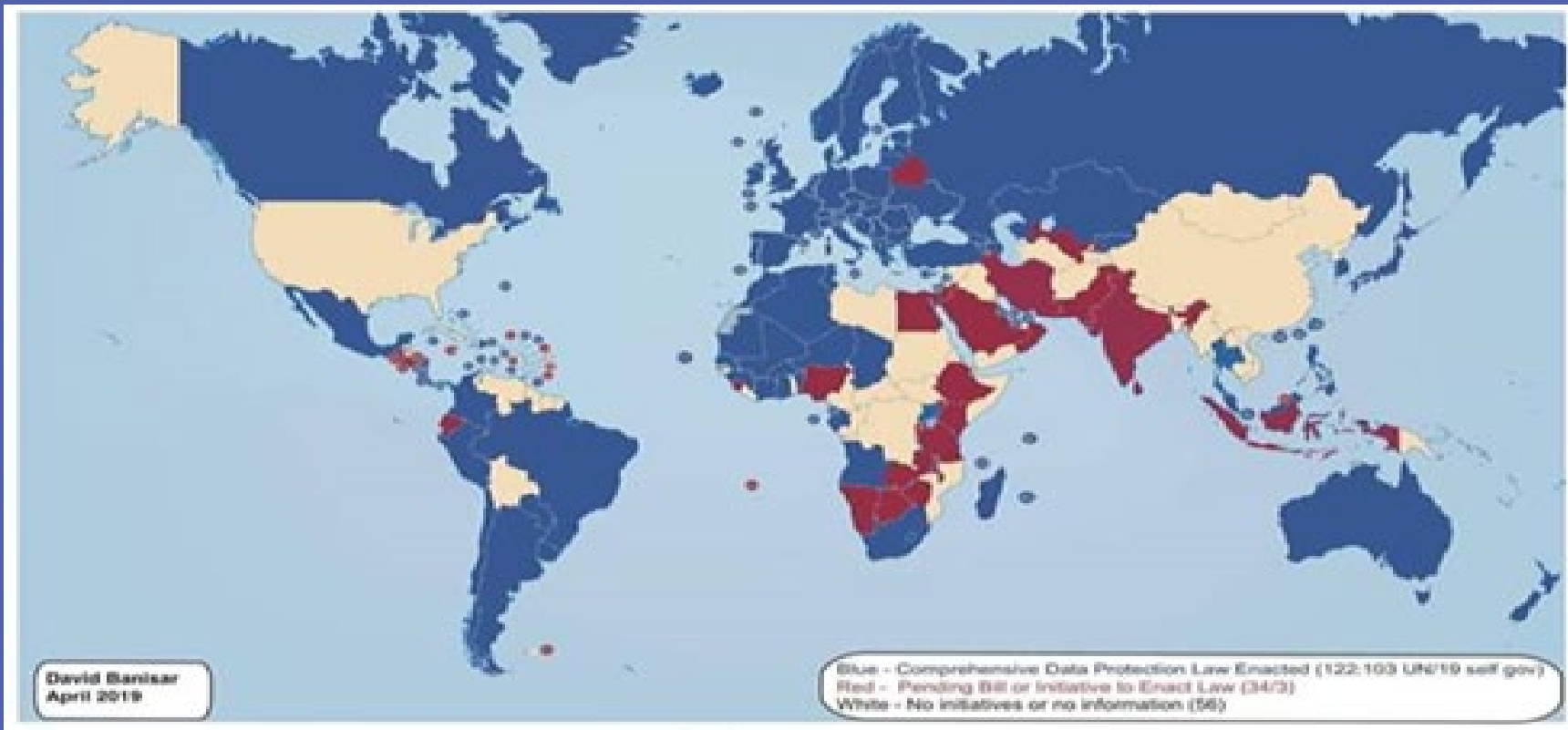
July 1st 2019

# PRESENTATION STRUCTURE

- ❑ **CONTEXT**
- ❑ **RESEARCH QUESTIONS**
- ❑ **METHODOLOGY**
- ❑ **PAPER STRUCTURE**
- ❑ **FINDINGS**
- ❑ **POTENTIAL POLICY IMPLICATIONS**
- ❑ **OPPORTUNITIES FOR FURTHER RESEARCH**

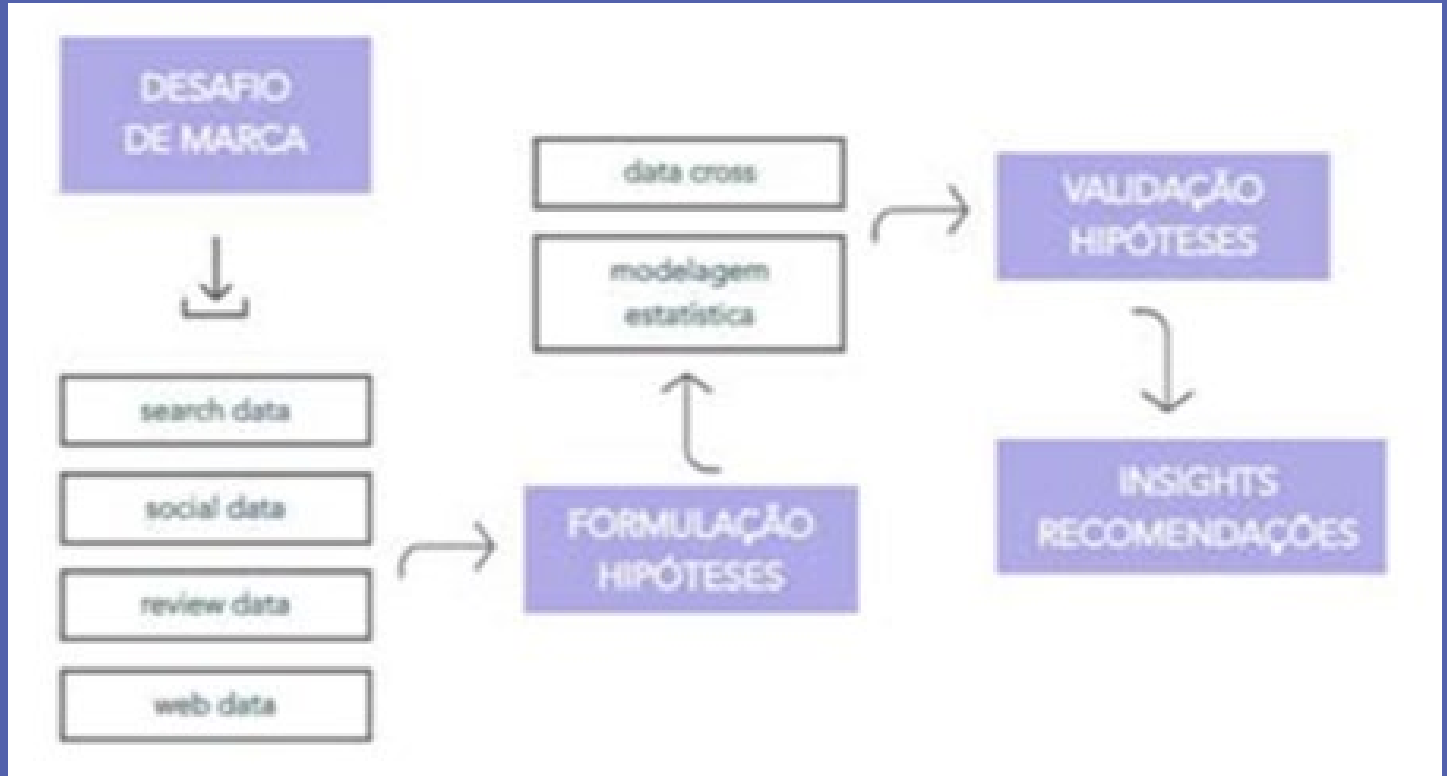
# CONTEXT





## BANISAR, D. National Comprehensive Data Protection/Privacy Laws and Bills ARTICLE 19: Global Campaign for Free Expression. 2019.

# Consuming insight



SANTOS, Bruna; VARON, Joana. **Data and Elections in Brazil 2018 a research by Coding Rights for Tactical Technology Collective**, Published as Country Report of the Project 'personal data and political influence', available at "our data, our selves". Rio de Janeiro, October, 2018, p.60.

# RESEARCH QUESTIONS



**Whats is the legal situation of the seven countries analyzed in terms of data protection?**

**What are the main issues addressed in the regulatory models of data protection in the countries of Latin America?**

**How does the data influence the digital economy in the Latin American regional context?**

**Is there a culture of protection of personal data in Latin America?**

**What good regulatory proposals are there in the region?**

# METHODOLOGY





- ❑ Qualitative research with bibliographic review.
- ❑ In addition, a preliminary survey of the data protection realities of the Latin American countries is made.

"conceptual network of legal attributes, whose reality depends on indicators of a normative order (legal basis), of a specific order (implementation of legislation), of institutional order (role of the actors involved) and of a prospective nature (tendency towards the future) "(ARANHA, 2011, p.17).

"transplantation of national regulatory practices for political bodies endowed with different socio-economic, political and legal models. "(ARANHA, 2011, p.4).

ARANHA, Márcio Iorio. Diálogo político-jurídico na comparação de modelos regulatórios de comunicação. **Revista Brasileira de Políticas de Comunicação** , v.1, p. 1-20, 2011.

# PAPER STRUCTURE

1. PRIVACY LAW AND ROLE OF DPAS IN LATAM
2. BASIS OF DATA MANAGEMENT IN DIGITAL ECOSYSTEM
3. REGULATORY PROPOSALS

# FINDINGS



- ❑ Management personal information and cross-border data flow : the importance that data has in the contemporary digital economy ;
- ❑ Consent and responsibility policies of intermediaries : cases of hate speech and the use of data for elections, is too important when thinking about the regulation of the subject in Latin America ;
- ❑ The culture of protection of personal data in Latin America is growing and increasingly if you debate the issue, not only with national regulations as a regional debate between countries, since the data are interconnected and the benefit that is generated by sharing them .

- ❑ As regulatory proposals has advanced what has been called "smart regulation", a model based on multistakeholderism ;
  
- ❑ Within this proposal we can have two models of responsible authority : towards a regional / global harmonization and towards an independent regulator ;
  
- ❑ The first reinforces local regulation with an interconnection between the organs of Latin American countries .
  
- ❑ The second proposes something like a supranational organ that would depart from each country, making proposals for integrative norms .

# POTENTIAL POLICY IMPLICATIONS



- ❑ It is proposed the implementation of a **Latin American Digital Market** , for that it would be essential to create a **bill of rights** , which design an idea .
- ❑ Based in The Internet Bill of Rights, a proposal developed within the framework of the initiatives in IGF 2017 , in United Nations on the information society, and the Ten Punchy Principles wrote by *dynamic coalizations* s ([http://internetrightsandprinciples.org/site/wp-content/uploads/2017/03/IRPC\\_booklet\\_brazilian-portuguese\\_final\\_v2.pdf](http://internetrightsandprinciples.org/site/wp-content/uploads/2017/03/IRPC_booklet_brazilian-portuguese_final_v2.pdf))
- ❑ And in Manifesto of Telefónica that talks about Principles "for a new digital pact" (<https://www.telefonica.com/manifesto-digital/>) .

# OPPORTUNITIES FOR FURTHER RESEARCH





## FGV/RIO Workshop Platform Values: Conflicting Rights, Artificial Intelligence and Tax Avoidance.

19th July

Computer Law & Security Review

(waiting)

Place text here. A new jigsaw of rights and liberties in privacy and data protection: the emergent legal and regulatory paradigm of Latin America

## FAPESP/CGI/MCTIC

(waiting)

Data Protection Authorities Institutionalization in Latin America: the expansion of European model of administrative control?

## PhD thesis in UnB/ cotutelle IMT Atlantique (Rennes)

(in development)

# Thank you very much for attention!

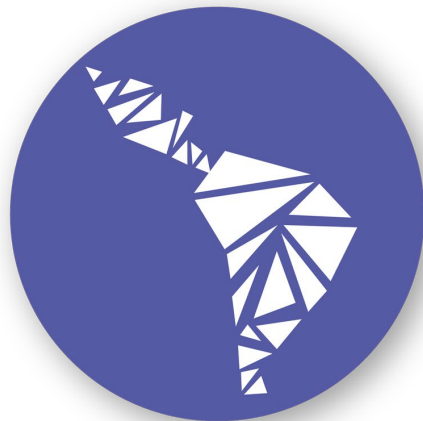


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