

Brazil's Senate approves postponement of the General Data Protection Law to January 2021

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On April 3rd, 2020, Brazil's Senate approved Bill 1179/2020, which will postpone the coming into force of the greater part the country's General Data Protection Law ("LGPD" – *Lei Geral de Proteção de Dados*) until January 2021. The Bill introduces a set of rules that create the Emergency and Transitory Legal Regime or RJET (*Regime Jurídico Emergencial e Transitório*), designed to make legal relationships governed by private law more flexible during the COVID-19 pandemic.

The Bill is divided into 12 chapters, dealing with matters such as contracts, leases, corporate organizations, consumer law, competition law, and so on. With respect to the LGPD, the Bill provides that the legislation, which was to come into effect in August of this year, will only take effect on January 2021, and the fines and other penalties under the LGPD will only be valid starting on August 2021.

In her report, Senator Simone Tibet, who was responsible for the version of the Bill approved by the Senate, said that although data must be fully protected in Brazil, at present the pandemic has made it impossible for many businesses to meet the requirements under the LGPD, since they would have to hire other companies to manage personal data in order to comply with some provisions of the legislation.

Having been approved by the Senate in plenary session, the Bill now goes to Brazil's House of Representatives for consideration.

This text belongs to BMA's Newsletter called: "**COVID-19 and its impacts on Intellectual Property and Data Protection**".

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