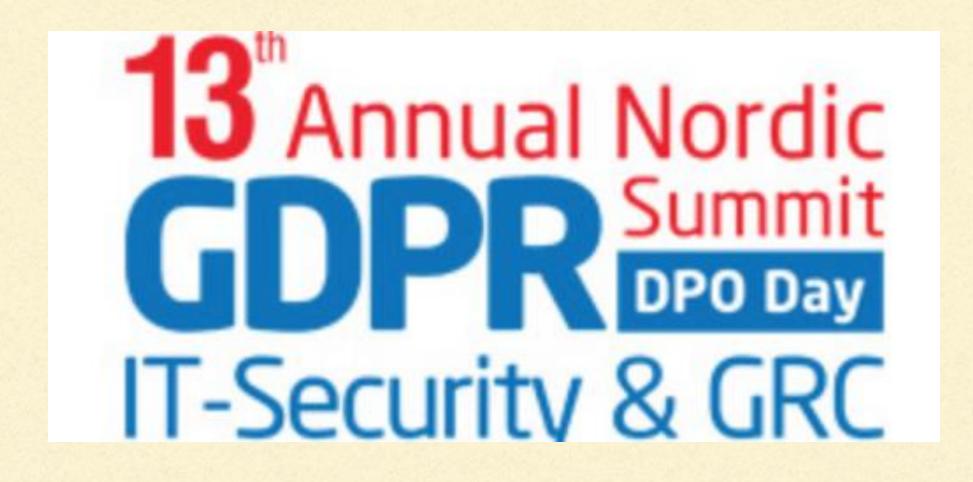
GDPR's extraterritorial scope and Update on the Global GDPR Mandates in Latam



Paula Andrea Aravena
Managing Director



Compliance Board Group

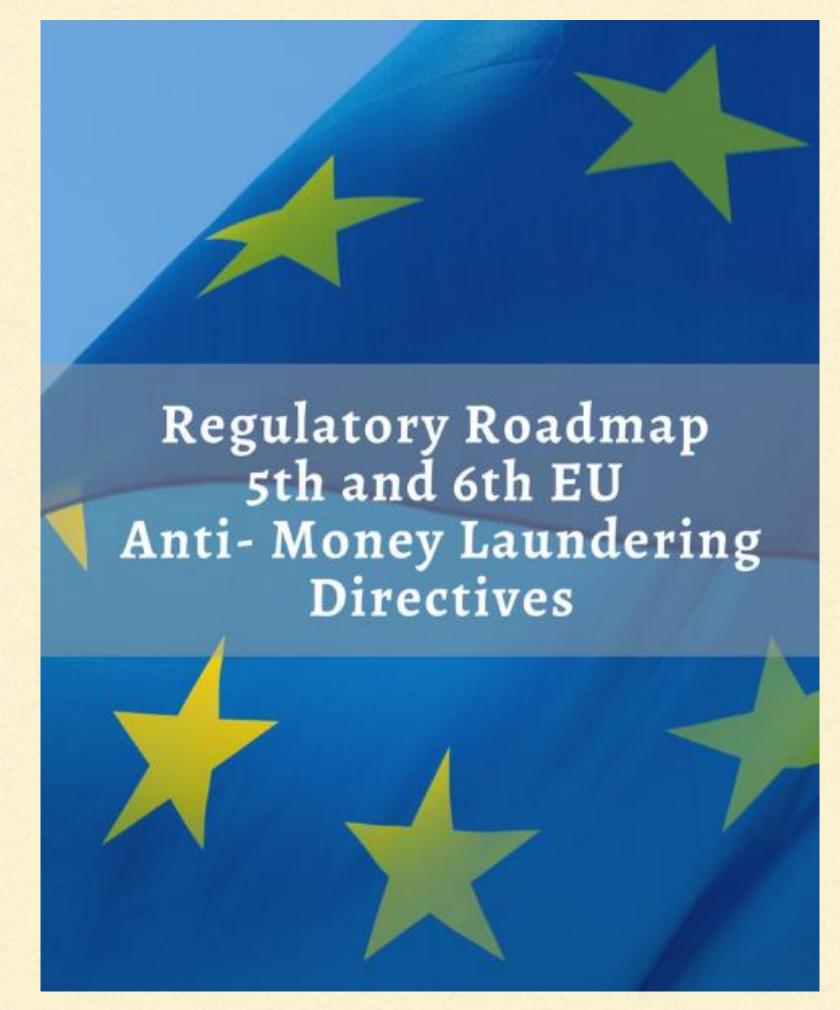
In 2019 steps were taken to align international compliance regulation to prevent financial crime and cybercrime.

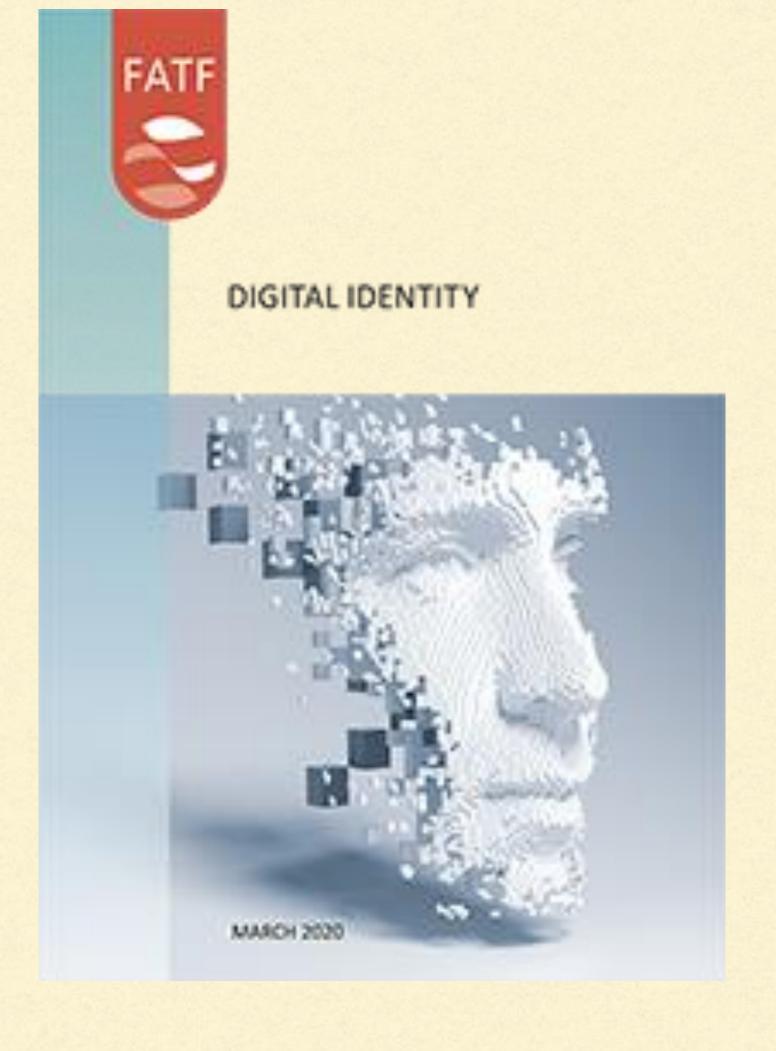
U.S. Department of Justice

U.S. Department of Justice
Criminal Division

Evaluation of Corporate Compliance Programs

Guidance Document Updated: April 2019





China

Codes of ethics for artificial intelligence.

Zeng Yi, director of the BAAI (Beijing Academy of Artificial Intelligence)

https://www.baai.ac.cn/news/beijing-aiprinciples-en.html

"To promote the progress of society and human civilization to advance the sustainable development of nature and society".



Japan



MasahikoTominaga, from the Ministry of Internal Affairs and Communications of Japan.

"To start thinking about the challenges of evaluating, implementing and managing risks and responsibilities, in terms security, cybersecurity, privacy and ethics".

EUROPE

The Digital Single Market

Is a strategy of the European Commission to guarantee that all people, companies and member states have equal access to internet throughout the EU in order to encourage participation in digital economy and society.



GDPR

The general data protection regulation is applicable from 25 May 2018, is considered a model framework for data privacy laws around the world.

Latin America

Countries with data protection laws

Mexico, Costa Rica, Dominican Republic, Colombia, Peru, Brazil, Argentina, Uruguay, Chile.

In Chile the data protection legislation is currently under discussion to comply with GDPR standards along with renowned national experts and Senators and Deputies.

Countries with initiative of data protection laws Guatemala, Panama, Ecuador.



Country	Data Protection Regulations
ARGENTINA	 Law Nº 25.326 Law N⁰ 26.9521
BRAZIL	。Law № 13.709/18 or General Data Protection Law (LGPD)
CHILE	 Law Nº 19.628 on Protection of Private Life. (There is an initiative to modify this Law).
COLOMBIA	 Statutory Law 1.581, of October 17, 2012 Decree 1.377 of 2013 that partially Regulates Law 581 of 2012
COSTA RICA	 Law Nº 7.975 Law Nº 8.968
ECUADOR	Initiative for the Organic Law for the Protection of the Rights to Privacy and Privacy on Personal Data
MEXICO	 Federal Law for Personal Data Protection by Private Persons. Regulations for Personal Data Protection by Private Persons.
PANAMA	♣ Draft Law Nº 665 on Protection of Personal Data
PARAGUAY	 Law Nº 1.682 Law Nº 1.969
PERU	 Law № 29.733 of Protection of Personal Data Regulation of Law № 29.733
DOMINICAN REPUBLIC	Law Nº 172-13
URUGUAY	 Law Nº 18.331 on Protection of Personal Data and Habeas Data Action Decree 414/2009 Law Nº 19.030

	ARGENTINA	BRAZIL	CHILE
GDPR	 Law Nº 25.326 Law Nº 26.9521 	 Law Nº 13.709/18 or General Data Protection Law (LGPD) 	Law Nº 19.628 on Protection of Private Life. (There is an initiative to modify this Law).
Extraterritorial application		Yes, it is established that the Law applies any treatment regardless of the medium, country of residence or oasis where the data is located.	No. (It only refers to data processing by public or private entities).
Database Registration	Yes	No	No
Information / Consent		conditions of the treatment. Consent must be	Written consent it is required, it must be free, informed and unequivocal.
Rights of the holders of personal data	updating and deletion.	· ·	Information, rectification, cancellation and blocking
Foreign transfer restrictions	Yes (The transfer of personal data of any kind with countries or international or supranational organizations that do not provide adequate levels of protection is prohibited).		There are no specific provisions on international data transfers.
Security measures	The necessary technical and organizational measures must be adopted to guarantee the security and confidentiality of personal data.	administrative security measures is	Although there are no specific provisions on security measures, article 11 establishes the obligation to secure data.
Violation notifications			There are no specific provisions on security breaches.

	COLOMBIA	COSTA RICA	ECUADOR
GDPR	 Statutory Law 1.581, of October 17, 2012 Decree 1.377 of 2013 that partially Regulates Law 581 of 2012 	 Law Nº 7.975 Law Nº 8.968 	Initiative for the Organic Law for the Protection of the Rights to Privacy and Privacy on Personal Data
Extraterritorial application	January 2019) Law 1581 is applicable to the processing of personal data regardless of	No. It is only applicable to personal data that appear in automated or manual databases, of public or private organizations, and to any form of subsequent use of this data.	
Database Registration	Yes. The databases must be registered with the Superintendence of Industry and Commerce.	Yes. It is established that Prodhab must keep a registry of databases.	
Information / Consent		The data processing must be reported. Consent must be express in writing (physical or electronic means).	
Rights of the holders of personal data	Right of access, know how to update and rectify your data, revocation of authorization, file complaints for infractions of the law	Right of access and rectification, deletion and consent to the transfer of your data	
Foreign transfer restrictions	Yes. Transfer to third countries that do not guarantee adequate levels of protection is prohibited.	Yes. They are subject to the express consent of the owner.	
Security measures	Yes. There must be technical, human and administrative measures that are necessary to grant security to the records, avoiding their adulteration, loss, consultation, use or unauthorized or fraudulent access.	Yes. Technical and organizational measures are required.	
Violation notifications	Yes, the data protection authority must be informed.	There is no provision in this regard.	

	MEXICO	PANAMA	PARAGUAY
GDPR	 Federal Law for Personal Data Protection by Private Persons. Regulations for Personal Data Protection by Private Persons. 	Draft Law Nº 665 on Protection of Personal Data	 Law Nº 1.682 Law Nº 1.969
Extraterritorial application	Yes. It is established that the legislation may be applied to managers regardless of their location, in case the responsible party is not established in Mexico.	No	There are no forecasts in this regard.
Database Registration	It is not required.	No	There are no forecasts in this regard.
Information / Consent	treatment of their data through the Privacy Notice. Consent must be free, specific and		The owners must be informed about the treatment of their data.
Rights of the holders of personal data		Right of access, rectification, cancellation and opposition.	Information and update.
Foreign transfer restrictions	Yes. The receiving person in charge must assume the same responsibilities as those corresponding to the person in charge of communicating the data.	Yes. Standards must be established to those provided for in Panama legislation.	There are no forecasts in this regard.
Security measures		Aspects of personal data security are not specified.	There are no forecasts in this regard.
Violation notifications		Aspects of personal data security are not specified.	There are no forecasts in this regard.

	PERU	DOMINICAN REPUBLIC	URUGUAY
GDPR	 Law Nº 29.733 of Protection of Personal Data Regulation of Law Nº 29.733 	• Law Nº 172-13	 Law Nº 18.331 on Protection of Personal Data and Habeas Data Action Decree 414/2009 Law Nº 19.030
Extraterritorial application	Yes. It is established that the legislation may be applied to managers regardless of their location.	There is no legal provision in this regard	Yes, when the person in charge of the database or treatment is not established
Database Registration	Yes, it is necessary to register the data banks with the National Registry of Data Protection.	There is no legal provision in this regard	Yes. They must be registered in the URCDP Registry of Personal Databases
Information / Consent	It is necessary to inform the holders about the treatment to which their personal data will be subjected in a detailed, simple, express and unequivocal way. Consent must be free, prior, express, informed and unequivocal.	about the treatment to which their personal data will be subjected. The consent must be	The owner must be informed about the treatment of their personal data. Consent must be unequivocal, simple, clear and free.
Rights of the holders of personal data	Right to information, access, update, inclusion, rectification, deletion, prevent supply, opposition, objective treatment, guardianship and compensation.	· · · · · · · · · · · · · · · · · · ·	Right to information, access, update, inclusion, rectification, and deletion.
Foreign transfer restrictions	Yes. Transfers are subject to the consent of the owner and an adequate level of protection of the transferred personal data must be guaranteed.	Yes, the consent of the owner is required and that it is allowed according to the Law.	Yes. They require prior authorization from the data protection authority.
Security measures	Yes. Technical, organizational and legal security measures are required.	Yes. The duty of security on personal data is established.	Yes. Technical and organizational measures are required to guarantee security.
Violation notifications	There is no legal provision in this regard.		Yes, the holders must be informed when they may affect their rights.

BRAZIL

The Brazilian government determined to postpone the entry into force of the General Data Protection Law (LGPD) until May 3, 2021.

The Provisional Measure (MP) 959/2020, published in the Official Journal of the Union (DOU)) on April 29th.

The text maintained for August 2020 the creation of the National Authority for the Protection of Personal Data (ANPD) and the **National Council for the Protection of Personal** Data and Privacy (CNPDPP).





Brasília - DF, quarta-feira, 29 de abril de 2020 **SECÃO** 1

Sumário Atos do Poder Executivo Presidência da República Esta edição completa do DOU é composta de 1 página

Atos do Poder Executivo

MEDIDA PROVISÓRIA № 959, DE 29 DE ABRIL DE 2020

Benefício Emergencial de Preservação do Emprego e da Renda e do benefício emergencial mensal de que trata a Medida Provisória nº 936, de 1º de abril de 2020, e prorroga a **vacatio legis** da Lei nº 13.709, de 14 de agosto de 2018, que estabelece a Lei Geral de Proteção de Dados Pessoais - LGPD.

O PRESIDENTE DA REPÚBLICA, no uso da atribuição que lhe confere o art. 62 da Constituição, adota a seguinte Medida Provisória, com força de lei:

Art. 1º Fica dispensada de licitação a contratação da Caixa Econômica Federal e do Banco do Brasil S.A. para a operacionalização do pagamento do Benefício Emergencial de Preservação do Emprego e da Renda e do benefício emergencial mensal de que tratam os art. 5º e art. 18 da Medida Provisória nº 936, de 1º de abril de 2020.

Art. 2º O beneficiário poderá receber os benefícios de que trata o art. 1º na instituição financeira em que possuir conta poupança ou conta de depósito à vista, exceto conta-salário, desde que autorize o empregador a informar os seus dados bancários quando prestadas as informações de que trata o inciso I do § 2º do art. 5º da Medida Provisória nº 936,

§ 1º Na hipótese de não validação ou de rejeição do crédito na conta indicada, inclusive pelas instituições financeiras destinatárias das transferências, ou na ausência da indicação de que trata o caput, a Caixa Econômica Federal e o Banco do Brasil S.A. poderão utilizar outra contra da tina contra con utilizar outra conta do tipo poupança de titularidade do beneficiário, identificada por meio de batimento de dados cadastrais, para o pagamento do benefício emergencial.

§ 2º Não localizada conta do tipo poupança de titularidade do beneficiário nos termos do § 1º, a Caixa Econômica Federal e o Banco do Brasil S.A...poderão realizar o agamento do benefício emergencial por meio de conta digital, de abertura automática, em nome do beneficiário, com as seguintes características:

I - dispensa da apresentação de documentos pelo beneficiário:

II - isenção de cobrança de tarifas de manutenção

III - no mínimo uma transferência eletrônica de valores ao mês, sem custo para o beneficiário, para conta bancária mantida em qualquer instituição financeira habilitada a operar pelo Banco Central do Brasil; e

IV - vedação de emissão de cartão físico ou de cheque

§ 3º Independentemente da modalidade de conta utilizada para pagamento dos benefícios de que trata o art. 1º, é vedado às instituições financeiras efetuar descontos, compensações ou pagamentos de débitos de qualquer natureza, mesmo a pretexto de ompor saldo negativo ou saldar dívidas preexistentes, que impliquem a redução do valor do expressamente aos benefícios de que trata o art. 1º.

§ 4º Os recursos das contas digitais não movimentadas no prazo de noventa dias

Art. 3º O Secretário Especial de Previdência e Trabalho do Ministério da Economia poderá editar atos complementares para a execução do disposto nos art. 1º e art. 2º desta Medida Provisória.

II - em 3 de maio de 2021, quanto aos demais artigos." (NR)

Art. 5º Esta Medida Provisória entra em vigor na data de sua publicação Brasília, 29 de abril de 2020; 199º da Independência e 132º da República

JAIR MESSIAS BOLSONARO

Presidência da República

DESPACHO DO PRESIDENTE DA REPÚBLICA

№ 233, de 29 de abril de 2020. Encaminhamento ao Congresso Nacional do texto da



PRESIDÊNCIA DA REPÚBLICA • SECRETARIA-GERAL • IMPRENSA NACIONAL

JAIR MESSIAS BOLSONARO | JORGE ANTONIO DE OLIVEIRA FRANCISCO | PEDRO ANTONIO BERTONE ATAÍDE Ministro de Estado Chefe da Secretaria-Geral Diretor-Geral da Imprensa Nacional

ALEXANDRE MIRANDA MACHADO

HELDER KLEIST OLIVEIRA Coordenador-Geral de Publicação e Divulgação Coordenador de Editoração e Divulgação Eletrônica dos Jornais Oficiai

SEÇÃO 1 • Publicação de atos normativos SEÇÃO 2 • Publicação de atos relativos a pessoal da Administração Pública Federal SECÃO 3 • Publicação de contratos, editais, avisos e ineditoriais

www.in.gov.br ouvidoria@in.gov.br SIG, Quadra 6, Lote 800, CEP 70610-460, Brasília - DF



Este documento pode ser verificado no endereço eletrônico

Documento assinado digitalmente conforme MP nº 2.200-2 de 24/08/2001, que institui a Infraestrutura de Chaves Públicas Brasileira - ICP-Brasil.



From Privacy to Profit: Achieving Positive Returns on Privacy Investments Cisco Data Privacy Benchmark Study 2020 .ı|ı.ı|ı. CISCO

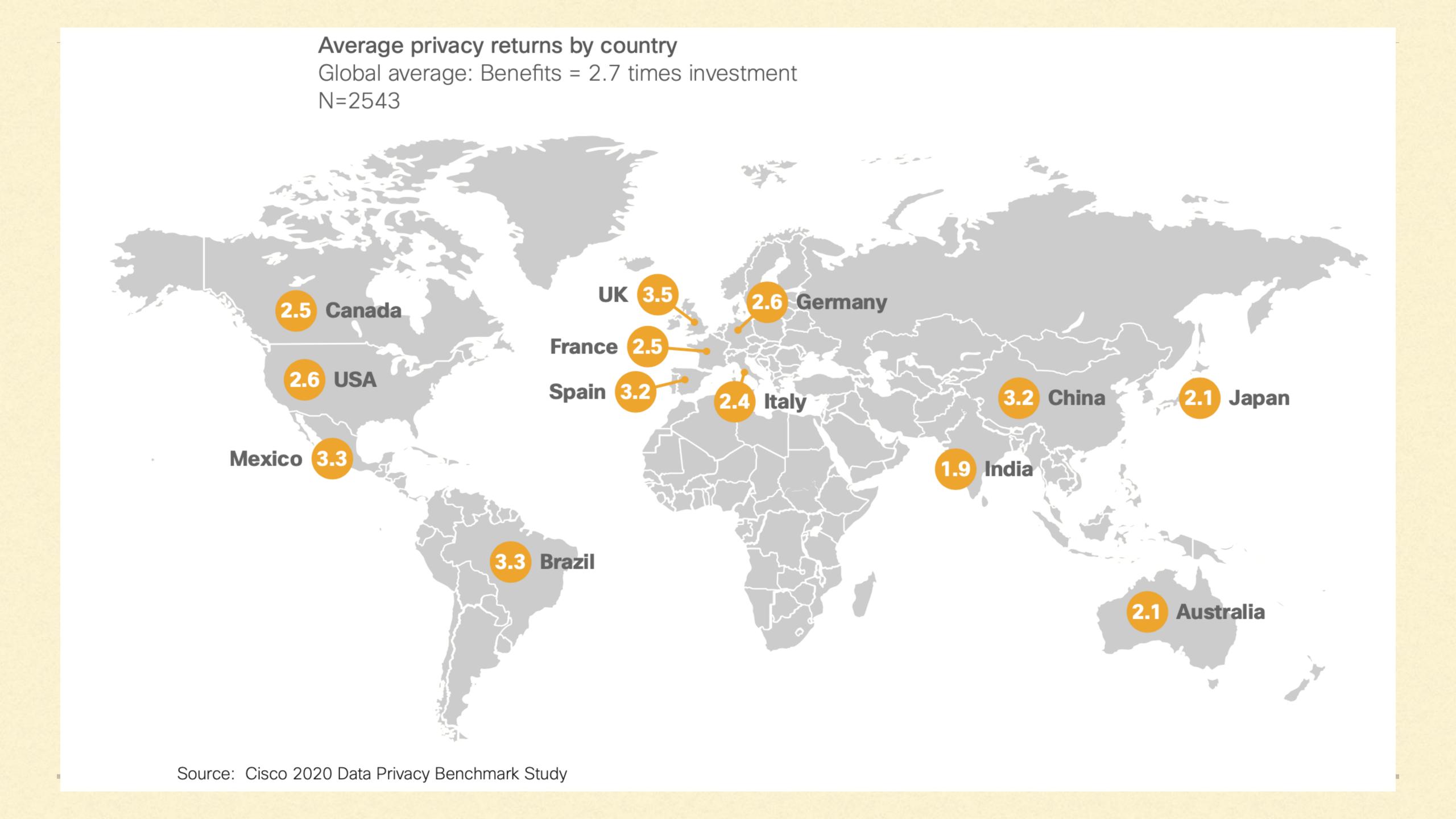
How GDPR can help to create a robust business with Latam

In its most recent Data Privacy study Cisco calculated a ROI for privacy, and it shows that most organizations are getting a positive return on their privacy investments.

The respondents around the world recognize the importance of complying with GDPR.

(Survey of 2800 security professionals in 13 countries included Mexico and Brazil)

January 2020



Keep training your team

4 of 5

Top causes of data breaches are due to human or process error.
Information Commissioner's Office (ICO), 2018.



