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Data protection implications through an inner-connected world:

European Union's contributions towards the Brazilian legislative scenario

Beatriz Graziano Chow¹
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ABSTRACT

In this article, the intended objective is to analyze some historical aspects that led to the constitution of data protection rights from a legislative perspective both in the European Union and in Brazil. In Brazil, there is still a lot to do towards what is considered regulated for the European Union. Also, we address the current situation in these territories and present possible setbacks to data protection worldwide. Data protection is holistic, it can be reflected in various categories, such as science, health, computer technologies, economics, politics, etc. Therefore, the methodology used is to suggest that the spread of the notion of the right to privacy as a fundamental right and substantially connected to the right to data protection is engraved in the technological reality around the globe. We shall converge the topics of privacy, data protection, and ethics within controversial topics, such as the Covid-19 pandemic and the use of artificial intelligence. The summary of conclusion includes the fact that the world must go forward towards the awareness of data protection culture and notoriously recognize the fact that the General Data Protection Regulation came to break down geographic borders and heavily influenced the creation of other legislations, especially in Brazil, but this is only the beginning into dealing with such a complex situation, that is the evolution of technology in time.

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KEYWORDS: the right to privacy; data protection; Covid-19 pandemic; artificial intelligence; international framework of digital law; technological advances and implications; GDPR; LGPD.

As implicações da proteção de dados diante de um mundo interconectado:

as contribuições da União Europeia diante do cenário legislativo brasileiro

RESUMO

Neste artigo, o objetivo pretendido é analisar alguns aspectos históricos que levaram a constituição do direito à proteção de dados a partir de uma perspectiva tanto da União Europeia como do Brasil. No Brasil, ainda há muito que se fazer para que seja atingido um patamar considerado regulado para a União Europeia. Além disso, nós abordamos a situação atual nestes territórios e apresentamos possíveis dificultadores para a proteção de dados globalmente. A proteção de dados é um tema holístico e pode ser refletido em diversas categorias, como nas ciências, na área da saúde, tecnologia da informação, na economia, na política etc. A metodologia usada, portanto, sugere que a disseminação da noção do direito à privacidade como direito fundamental e significativamente conectado ao direito à proteção de dados está incorporado na realidade tecnológica ao redor do mundo. Nós faremos uma convergência entre os tópicos de privacidade, proteção de dados e a ética adotada para temas polêmicos como a pandemia da Covid-19 e o uso de inteligência artificial. O resumo da conclusão inclui o fato de que o mundo deve seguir em frente com a consciência da cultura de proteção de dados e reconhecer notoriamente o fato de que o Regulamento Geral sobre a Proteção de Dados veio derrubar barreiras geográficas e influenciar a criação de outras legislações, principalmente no Brasil, porém isso somente é o início para tratar de uma situação tão complexa, que é o avanço da tecnologia com o tempo.

PALAVRAS-CHAVE: direito à privacidade; proteção de dados; pandemia do Covid-19; inteligência artificial; arcabouço legislativo internacional de direitos digitais; avanços e implicações de desenvolvimento tecnológico; GDPR; LGPD.

SUMMARY: Introduction; 1. The European Way; 1.1. The GDPR; 2. An overview of Data Protection in Brazil; 2.1 The LGPD; 2.2 Current Setbacks for Brazil; 3. Similarities between the GDPR and the LGPD; 4. The Privacy Scare; Final Considerations; Bibliographical References.

Introduction

Perhaps the world is going through one of the most unsettling times ever. The oversight of great technological development is indeed challenging. How can States' responsibilities towards this matter not clash with human rights? How can the big tech companies not influence human lives anymore? How can someone survive without constantly updating the information online? When did our identity shift to a digital one? How to balance innovation, economic and technological development, data subject's rights, and cybersecurity?

Some of these issues are very difficult to approach and answer. However, the reality shows that data protection has become over the years one of the most controversial subjects not only because data protection, data privacy, and human or civil rights are at stake, but because the difficulties to reach proper protection amongst citizens are uneven. Violation of privacy coming from distinguished agents is the rule today, not the exception. Some countries are emending protections, while others are facing more hardship to deal with this situation since they are in the early stages of legislative creation.

The main positive aspect of this situation is that data protection has spread as a widely discussed topic, especially during the control and prevention of the Covid-19 outbreak, reaffirming that protection of an individual's data is fundamental. It is obvious to point that in these unsettling times, a lot of countries with distinguished cultures act according to their various interpretations of the law based off

on their own experience, e.g. Germany has had data protection laws for over five decades and Brazil's National Law, the Brazilian General Data Protection Law or *Lei Geral de Proteção de Dados* (LGPD) has not even been taken fully into effect as of April 2020 as some of its sections are expected to come into force only in August.

Heavy breach of individual's privacy rights as a result of technological achievements and its impact on citizens all over the world brought into light many problems in several territories concerning data protection during the ongoing international health crisis. Many countries chose to contain the spread of the virus under any circumstances, placing the right to privacy in a very detrimental position on a scale of priorities. Therefore, a proper balance of rights was neglected. This led to intense scrutiny by data protection and human rights activists and scholars, whose positions did not mesh well with official positions to data processing from various countries. To deal with the chaotic setting of the pandemic, distinguished approaches were taken from the members of the European Union (EU), including distinct courses of action through their National Data Protection Authorities. Still, they followed the guidelines and principles of the General Data Protection Regulation (GDPR).

The first part of this chapter will discuss some features related to the European Way, pointing out relevant historic aspects. The second part of the same chapter includes the specific analysis of the GPDR's constitution. The second chapter consists of three parts focusing on Brazil, with an overview of data protection in the territory, the constitution of the LGPD and setbacks that the country is facing. The third chapter makes a comparison between

both instruments of law in those territories, the GPDR and the LGPD. The fourth and last chapter indicates the privacy scare phenomenon, what is to be expected in the future with much more advanced technologies being developed and what society will probably have to overthrow. Finally, the conclusion is that now more than ever data protection should receive proper attention and consideration from States and parties concerned. They must act promptly and preferably, prior to the applied technology itself in our daily lives.

1. The European Way

The EU was able to deal with this crisis in its stance without having to sacrifice rights and contributing to the making of a world in which privacy and data protection are a must. To understand how this came through, it is important to pinpoint some relevant historic events.

European countries have a very specific way of dealing with data protection and data subject's rights. Countries like Sweden and Germany were pioneers in foreseeing the protection that would be needed for data.

Germany has had a history that led to sustain and elevate the principle and the right to privacy. The country was the first one in the whole world to enact a data protection law in 1970 in the state of Hessen. Even though it was not a national law, but a regional law with limited perimeters, this landmark is of notorious effects as it put Germany ahead in the global movement of awareness concerning data protection and the importance of the right to

privacy, especially nowadays. Whatever the legal instrument, the Data Protection Directive (95/46/CE) and its alterations, the *Bundesdatenschutzgesetz* (in German), Germany's federal law concerning Data Protection or even the GDPR, this country were always going to be more indulged to proper action and backboneed by a culture that progressed alongside these laws.

Also, Sweden passed the first national data protection law, the *Datelegen* (in Swedish) in 1973. And so other countries followed in their footsteps, to name a few: France passed its own law also in 1973, the *Loi 78-17 du 6 janvier 1978 relative à l'informatique, aux fichiers et aux libertés modifiée* (in French); Portugal in 1991, the *Lei da proteção de dados pessoais* (in Portuguese); England in 1998, the Data Protection Act 1998; Spain in 1999, the *Ley Orgánica de Protección de Datos de Carácter Personal, LOPD15/1999* (in Spanish); and Italy in 2003, the *Decreto Legislativo 30 giugno 2003, n. 196 - Codice in materia di protezione dei dati personali* (in Italian)³.

1.1. The GDPR

As demonstrated, Europe has come a long way in building its privacy law enshrinements and enforcing measures to guarantee data protection. A tremendous amount of history and experience in dealing with this issue, that is, the protection of their citizens' data, has brought the EU into a position of leadership amongst the rest of the world.

3. Licks Attorneys' Compliance Blog. *Data Protection and Privacy Mapping in the World*, available at: <https://www.lickslegal.com/post/data-protection-and-privacy-mapping-in-the-world>.

On May 25th, 2018, the GDPR came into force after approximately two years after being approved by the European Parliament⁴. This pushed all Member States of the EU to incorporate the GDPR into their data privacy laws, without any reservations. The States maintained their national regulations but had to receive the GDPR provisions as of that moment.

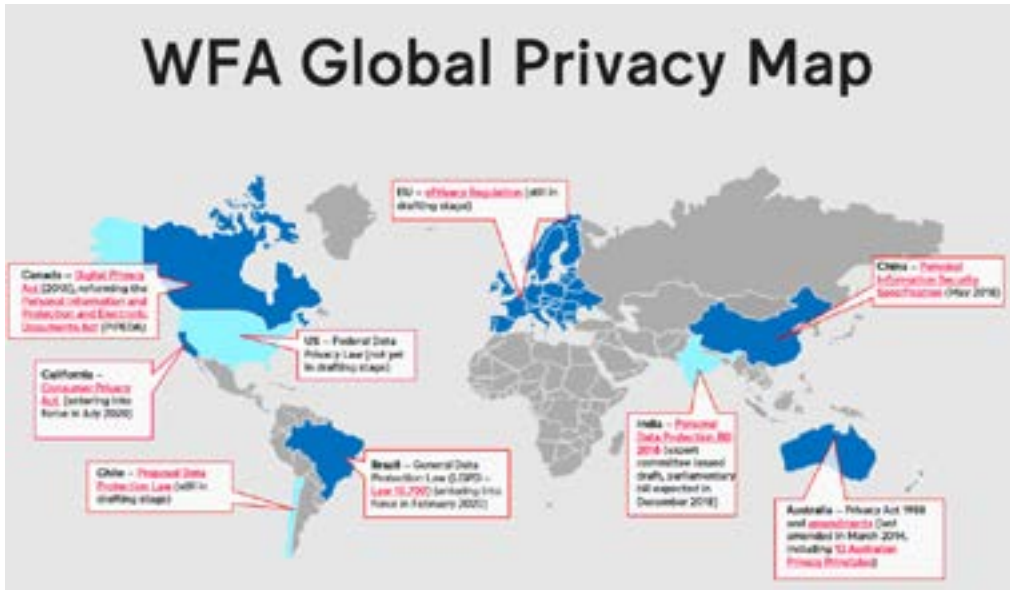
The Data Protection Directive (95/46/CE), which previously was the EU's main legislation to deal with and regulate data protection, was replaced by the GDPR. The main difference is that the GDPR is more specific and applies to a much more accurate reality than the one from the 90s'. The States did have slightly more freedom to regulate how this instrument would be applied in their respective territories then, the Directive was not immediately integrated with a country's legislative system. On the other hand, the GDPR did exactly that. So, the powerful changes became to echo into the international community outside Europe with the GDPR's bold requirements.

As a result, this provoked other countries to begin to consider this matter as an unparalleled burst of innovation, most importantly as a fundamental right, given the circumstances of the highly impacted technological context. It is no stretch to point that following this groundbreaking law and surpassing expectations, data protection culture all over different regions of the planet began to crop up. The following map clearly illustrates how Data Protection Legislations were spreading throughout the world in 2018, in the Asia-Pacific

4. A. Erickson. *Comparative Analysis of the EU's GDPR and Brazil's LGPD: Enforcement Challenges with the LGPD*, in the Brooklyn Journal of International Law, 2019, p. 880, <https://brooklynworks.brooklaw.edu/bjil/vol44/iss2/9>.

region (China, India, and Australia), in North America (Canada, United States of America), and South America (Brazil and Chile):

Illustration 1: WFA (World Federation of Advertisers) Global Privacy Map



Source⁵: <https://wfanet.org/knowledge/item/2018/11/28/GDPR-the-emergence-of-a-global-standard-on-privacy>

The GDPR had directly influenced that. This so-called “domino effect” of the law that increased data protection legislation widely can be explained in one word: extraterritoriality. This translates to a reach of law outside of national territory or jurisdiction. Art. 3 of the GDPR, ensures the protection of data subjects’ rights even beyond the European borders.

In addition, the EU was also created in Art. 45 of the law a regimen which qualifies and entails a country to be on a scale of

5. WFA (World Federation of Advertisers). *GDPR: the emergence of a global standard on privacy?* Available at: <https://wfanet.org/knowledge/item/2018/11/28/GDPR-the-emergence-of-a-global-standard-on-privacy>.

adequacy within the GDPR standards of protection. This granted level of whether a country is reliable and capable of performing the exchange of transborder data with the EU is of unparalleled importance as it sets the bar too high for other countries to follow and encourages them to take legislative and proactive measures to ensure data protection in their territories.

Currently, only twelve countries are classified as adequate to EU patterns. This certainly facilitates international relations concerning the topic of data transfers between the EU and these countries: Andorra, Argentina, Canada (only for commercial organizations), Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Switzerland, and Uruguay.

Most recently, on 30 March 2021, South Korea evolved in the talks to be an adequate country and is moving forward in this process. Another relevant aspect is the UK and UE relation, as the world watches closely the BREXIT situation and the transition period coming to an end, the European Commission stated that they “launched the procedure for the adoption of two adequacy decisions for transfers of personal data to the United Kingdom, under the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED) respectively”.⁶

The United States (U.S.) used to belong to this category. However, the outcome of the judgment in the Schrems II⁷ case

6. European Union, *European Commission. Adequacy decisions. How the EU determines if a non-EU country has an adequate level of data protection*, available at: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en#:~:text=The%20European%20Commission%20has%20so,were%20concluded%20with%20South%20Korea.

7. Court of Justice of the European Union, the judgment of 16 July 2020, case C-311/18, *Data Protection Commissioner v. Facebook Ireland Ltd, Maximillian*

(*Data Protection Commission v. Facebook Ireland Ltd, Maximillian Schrems*) tore that down. The bilateral agreement, called Privacy Shield, that used to sustain the transborder flow of information between these two territories, was considered to be invalid and the U.S.' position was revoked from the adequate countries list.

The world has no option but to recognize the GDPR not only for its kickoff effect but also for the domino effect regarding data protection regulations. Even if it was designed and meant to regulate European technological reality and own scenario *a priori*, it surpassed these expectations and led the world to mirror and take on its grounding principles.

2. An overview of Data Protection in Brazil

Before the LGPD was enacted, there were a few regulations regarding the protection of privacy on the scope of telecommunications & internet segments in Brazil, e.g. the *Lei das Interceptações Telefônicas*, which regulates phone calls interventions, the *Lei do Livre Acesso à Informação*, that sustain the free access to information and the *Marco Civil da Internet*, the Brazilian Internet Act, granting many rights to internet users and other matters.

Other provisions and principles applicable to data protection are found in broader legislation, for instance: The Brazilian Constitution, the Civil Code, the Consumer Protection Code, also on laws and regulations that mildly touch this subject. These are laws that

Schrems, para. 203, section 5.

reconcile the need to promote greater access to information and, at the same time, protect privacy.

Nevertheless, since the Brazilian legal system did not follow through uniformly and objectively mechanisms in determining criteria for the treatment of personal data, the Legislative Houses and the Executive had already been promoting debates about the need to approve a data protection law. At the same time, with the requirement imposed by the EU through the GDPR's Art. 45, Brazil dealt with the matter with more urgency, as did several other countries (see illustration 1) that must abide by the UE's new norms, also to maintain the international relationship between the UE and Brazil as fruitful as possible.

Despite the demands of the EU's GDPR, which became a head start for many countries, it was not until now that it could be verified that data protection in Brazil was indeed important and fundamental. Another compelling ground that raised a lot of awareness towards data protection was the current state of the pandemic. It is a turning point, not only for Brazil but also for Brazil's interactions with the EU. The challenges that have been verified by the economic effects of the pandemic led these countries' authorities to take extreme technological measures to contain COVID-19 without second thoughts, under the alarming impression that the virus is spreading and must be stopped at all costs. Irrespectively of these two main factors, data protection in Brazil is gradually rising.

2.1. The LGPD

Brazil has been blindsided by beliefs no longer sustained in this digitalized world. Its technological delay and deranged sense of innovation have cost a lot to Brazil's development. In this scenario, this belated debate across Brazil abovementioned (see item 2.) led to the spreading of awareness towards the data protection topic only in the 2010s. The efforts of a strictly narrow sector have pushed Brazil to enact this law after eight years of discussions, in 2018. This postponed will to act on this particular matter resulted in lack of a data protection culture in Brazil, so now the treatment of the law and the obstacles to have it implemented in all sectors are more difficult to be surpassed.

Finally, on August 14th, 2018 the first federal legislation (no. 13.709/2018) regarding Data Protection in Brazil was enacted, the LGPD. The Law was deeply inspired by the GDPR⁸.

Even though its provisions were supposed to come into force two years later, on August 16th, 2020, this was reconsidered by the Brazilian authorities in early May 2020, because of the coronavirus situation. The parts that are expected to embrace the Law seem to argue that it would cost a lot to do so immediately during the pandemic crisis, citing the economy, that has plummeted and that the short timeframe to change one entity completely to comply with the Law is rather impossible as their main reasons to oppose its enforcement.

8. DLA Piper. *Compare data protection around the world*, available at: <https://www.dlapiperdataprotection.com/index.html?c=BR&c2=&go-button=GO&t=law>.

As a result, the legislation came into effect only in September 2020 aside from the section that regulates the sanctions and fines, which will only come into force onward, later this year, in August 2021. So we can expect to see the law fully into effect subsequently. The LGPD has drastically impacted Brazil's cultural aspects regarding this understated theme and both public and private sectors are having a lot of work to make ends meet.

Therefore, LGPD became a milestone for the Brazilian legal framework of data protection, since it is based on the fundamental rights of freedom and privacy, as well as in the concepts of free enterprise and economic and technological development of the country. LGPD can be applied in cases involving the processing of personal data owned by a natural person or a legal entity in operations that classify the information involved as personal data, binding both the public and private sectors. It is a very meticulous law that exemplifies every single aspect of the data treatment, such as the situations in which the law will be applied in the future, focusing on the guarantees related to human rights.

In addition, the law can only be applied to individuals, therefore imposing rules on the data treatment that is carried out whether inside or outside the internet, by using or not any piece of digital media. It cannot apply to deceased people or legal entities.

The law also indicates the cases in which data treatment is legally allowed, such as when it is performed by a natural person for exclusively non-economic purposes; when it is performed exclusively for journalistic, artistic, or academic purposes; when it is carried out exclusively for public security, national defense, and

State security purposes; when investigating and/or prosecuting criminal offenses (which will be the subject of a specific law); or when it is originated outside the Brazilian territory and are not the object of communication with Brazilian processing agents or object of international transfer of data with another country that is not the country of origin, considering that the country of origin offers a level of personal data protection adequate to that established in the Brazilian law.

2.2. Current setbacks for Brazil

To implement the law properly, Brazil's National Data Protection Authority (ANPD) was constituted. Their creation was also delayed due to the Covid-19 crisis and the Government failed to properly provide a structure for their operability on time. Their main responsibilities reside in inspection, control, sanctioning, monitoring, the guarantee of the data subject's rights, and creating norms and standards for specific activities. It will also serve as a proper channel between the data subjects and the government to have cost so that problems can be properly addressed and solved.

They have released an official agenda for the next couple of years (2021-2023)⁹. This shows that the principle of transparency is being respected and that they indeed want to understand and hear the criticism of the public eye in their initial steps. The approach based ultimately on sanctions and fines does not seem to guarantee the respect of the law by all. We can take the example of other agencies

9. Governo Federal – Governo do Brasil. *Autoridade Nacional de Proteção de Dados: Planejamento Estratégico*, available at: <https://www.in.gov.br/en/web/dou/-/portaria-n-11-de-27-de-janeiro-de-2021-301143313>.

in Brazil, such as the National Telecommunications Agency (ANATEL), as a result of the obligation resting only on sanctions, the public apparatus is completely overwhelmed, companies fail to comply with the law and the essential meaning of the law is overthrown.

So, although the Arts. of the LGPD that regulate the sanctions will only come into force later in August 2021, the ANPD still faces a lot of inconsistencies and challenges in Brazil, especially during this early stages of creation.

It is important to point out that the ANPD in the future shall be independent, after the first two years of functioning. This translates to having technical and decision-making autonomy to ensure that the legislation complies. That is very important because it is a requirement that the GDPR makes for the international transfer of data: to have an independent body as an authority to regulate data protection and the law from one territory.

In other words, until recently Brazil did not have a federal law concerning Data Protection with a broad application nor did it have a solid culture to rapidly implement and absorb this law. This law comes as a surprise to many sectors because the seriousness of this issue was not part of Brazil's day-to-day life. Compared to the EU, it is a much trickier way to be paved for Brazilians, Brazilian companies, or companies based in Brazilian territory.

3. Similarities between the GDPR and the LGPD

The GPDR drew attention to a very relevant issue that had little to no regulation: data protection. It was able to transcend its

application and interpretation of the law beyond its borders. The LGPD mirrored the same approach. The extraterritorial effects of both laws can try to guarantee a broader application, and this is fundamental as the virtual space itself is based on a tremendous amount of optical fiber cables scattered all over the world.

There are two key aspects of the law worth mentioning in these brief remarks of both legislations. The first one is the hypothesis of extraterritorial application of the GDPR and the LGPD and the second one is the principles that guide them both.

In the GDPR, the extraterritorial application is a matter of International Law, especially when it comes to entities that even though are not based in the EU, process data of data subjects that are in their territory, concerning the offer of goods or services, whether paid for or not and in controlling data, provided that any violation is done within the European Union. The LGPD has a very similar direction since it states in its Art. 3 that the law is applicable when: the processing operation is carried out in the national territory; the processing activity is aimed at the offering or provision of goods or services, or the processing of data of individuals located on the national territory; the personal data being processed were collected in the national territory.

In that sense, both legislations do not make a restrict rule related to citizenship or nationality, even residence when it comes to data protection, they do not curb this right to a certain pattern, their innovative approach is something to look forward to in many

legislations to come. Patricia Peck¹⁰ states in regards to the effects of the European Regulation: “Os efeitos da GDPR são principalmente econômicos, sociais e políticos. Trata-se de apenas uma das muitas regulamentações que vão surgir nessa linha, em que se busca trazer mecanismos de controle para equilibrar as relações em um cenário de negócios digitais sem fronteiras”.

Their principles are also very similar. The GDPR demands lawfulness; fairness; transparency; data limitation; accuracy; limitation of retention; integrity and confidentiality (information security) and accountability, to name a few. As for the LGPD, there are also many relevant ones, it ensures good faith; the purpose of the processing; compatibility of the processing with the purposes informed to the data subject; limitation of the processing to the minimum necessary to fulfill its purposes; transparency to data subjects; use of technical and administrative measures to protect personal data; and accountability.

An innovative character within this new context of technology and law can be verified in both legislations. The aforementioned two main points alongside the adoption of monitoring by an independent body specialized in data processing, ensuring the safeguard of checks and balances system, are of extreme diligence to help develop this topic even further.

10. P. P. Pinheiro. *Proteção de Dados Pessoais: Comentários à Lei n. 13.709/2018 – LGPD*, 2018, in passim. Free translation: “The effects of the GDPR are essentially economic, social, and political. It is one of the many regulations ye to come towards this matter, in which it takes up the control mechanisms to balance the interactions of a borderless market for digital content scenario”.

In the case of the EU, it has come a long way in data protection and is still searching for effective ways and more solutions to respond to digital law's challenging aspects. In Brazil, it may still take some more time to become effective and fully operational when it comes to data protection, but a solid culture of data protection is in formation. This was only possible since the GDPR and the LGPD proceed to an application within International Law, which incorporated the uniqueness of cyberspace in contrast to the classic application of International Law.

4. The Privacy Scare

The current state of the world reveals that we are living constantly in a privacy scare. This was highly impacted by the pandemic, as previously mentioned that the whole world was watching the State's behaviors towards the control of data and privacy was being pushed aside. The GDPR had revolutionary and influential international effects, yet there are still many problematic aspects to deal with.

The privacy speech will sustain further complications, much more diffuse and complex whereas the new technologies are developing, like Artificial Intelligence (AI) or Internet of Things (IoT). This comes as no surprise for the EU, where it has already been drafted a regulation for AI. There was a leaked version of this document circulating online and many reactions were formed: "[...] this will be as important as the GDPR. [...] It will change almost

everything about how engineers, business, and users, commission, design and deploy AI systems.”¹¹

Many have demonstrated fear before the forthcoming instrument because it opens much ground for massive surveillance. There are supposedly no bans of AI use in cases of biometric practices; automated recognition of sensitive traits such as gender identity, race, and disability; also at the border and in asylum cases¹², which precisely will permanently affect International practices and EU relations with other countries. Even Elon Musk¹³ has demonstrated alarming inputs concerning AI, “As AI gets probably much smarter than humans, the relative intelligence ratio is probably similar to that between a person and a cat, maybe bigger. [...] I do think we need to be very careful about the advancement of AI.”

So, the EU’s restrictive mannerisms towards privacy may impact the world in a slightly similar way just as the GDPR did. The difference is that the complications involving data protection and AI are elevated. Once again, the EU has demonstrated pioneers towards a crucial matter, such as taking the initiative to regulate ethical use of AI¹⁴ to try to avoid the effects as they get more endangering as technology moves forward.

11. Techmonitor. *The EU’s leaked AI regulation is ambitious but disappointingly vague*, available at: <https://techmonitor.ai/policy/eu-ai-regulation-machine-learning-european-union>.

12. Techmonitor. *The EU’s leaked AI regulation is ambitious but disappointingly vague*, available at: <https://techmonitor.ai/policy/eu-ai-regulation-machine-learning-european-union>.

13. VOX. *Why Elon Musk fears artificial intelligence*, available at: <https://www.vox.com/future-perfect/2018/11/2/18053418/elon-musk-artificial-intelligence-google-deepmind-openai>.

14. The New York Times. *Europe Proposes Strict Rules for Artificial Intelligence*, available at: <https://www.nytimes.com/2021/04/16/business/artificial-intelligence-regulation.html?Op19G= 2103>.

Final Considerations

The GDPR did have a global impact by its means. It came up with relevant restrictions and standards for practices poorly covered, such as cross-border data transfers, and caused many non-EU organizations and countries to rethink, prompting up data protection legislation initiatives around the world.

Brazil came from having few dispositions available about data protection to having its legislation about the topic and provoking changes into a root-deepened culture in all its sectors. It tried to adopt the GDPR in its law, causing discussions and difficulties to achieve a certain standard. Even if this could take many years, Brazil is on the right track. The EU did contribute with initiatives to assess the impact of EU legislation in Brazil and help develop the LGPD, especially with the exchanges that are constantly shared between Brazil and the UE.

The EU is a leading expert when it comes to data protection as a matter of the utmost concern, not only ensuring legal measures but treating the subject as a number one priority that will help to shape our reality and perception of the future wittingly or unwittingly. This brings to attention how the world's most aggressive watchdog of the technology industry is acting with an even more concerning matter, that is, the use of IA and new technologies.

From this moment forward, the demeanors of the main players of the technological market, the Big Tech Giants, and of States are endangering. It is not only a matter of being able to do business with the EU anymore and creating legislation regarding personal data

protection in territories that did not have one. The reality surpasses this outdated notion to something more disturbing. It is no longer sufficient to face a world, in which a digital global community is a norm and that there is a need for grounding regulation towards how to live connected, digitally, yet to realize that to further coexist, more compelling issues shall be addressed in early stages, before its development. Regulating in advance is what will make a difference. And hopefully, there will still be room left to do so.

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