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Brazil's General Data Protection Law is postponed to May 2021 by Provisional Measure 959/2020

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Originally, the General Law on Protection of Personal Data (*LGPD – Lei Geral de Proteção de Dados Pessoais*) was expected to come into force in August 2020. A postponement had already been under discussion because some companies had not been able to bring their practices into conformity with the legislation. With the Covid-19 pandemic, that discussion intensified, resulting in Provisional Measure 959/2020 (MP 959/2020) and the promulgation of Law 14.010/2020.

MP 959/2020, which was issued in April 2020, extends the period of adaptation to the LGPD by postponing its entry into force to May 2021. Law 14.010/2020, promulgated in June 2020, establishes a transitory emergency regime for legal relationships governed by the private law, in effect during the Covid-19 pandemic. One of its provisions postpones the application of penalties under the LGPD to August 2021.

On June 26, the president of Brazil's Congress, Senator Davi Alcolumbre, extended the effect of MP 959/2020 for a further 60 days, and it continues under deliberation in Congress. If the MP is converted into ordinary legislation without changes to its current text, the LGPD will come into effect in May 2021, with the provisions on penalties applying from August 2021.

If the MP expires or is rejected by Congress, the date for the entry into force of the LGPD will again be August 2020, with penalties applying from August 2021, according to Law 14.010/2020. It is also possible that Congress will make changes to the MP when it is converted into legislation that will alter the date the LGPD comes into effect.

The federal Public Prosecution Service (*Ministério Público*) has sent a technical note to Congress, arguing in favor of maintaining August 2020 as the date for the entry into force of the LGPD, and postponing only the application of administrative penalties under articles 52 to 54 of the Law to August 2021. According to the Public Prosecution Service, the LGPD can assist Brazil in developing and implementing collaborative actions with foreign parties during the pandemic by demonstrating the country's commitment to legal certainty and data protection.

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