

What is the General Law for the Protection of Personal Data - GLPD? Who does it apply to?

The General Law for the Protection of Personal Data (GLPD - Law nº. 13.709/18) establishes rules for the use, collection, storage and sharing of user data by private and public companies. The main objective is to ensure greater security, privacy and transparency in the use of personal information.

The GLPD stipulates a number of obligations for companies and organizations regarding the collection, storage, processing and sharing of personal data, both online and offline. The law provides for considerable fines in the event of non-compliance with the requirements imposed by law.

One of the main pillars of the law is the issue of legal bases. Legal bases are hypotheses of the law that authorize companies to carry out any operation with a personal data.

The GLPD applies to **any individual or corporation** who carries out Personal Data Processing activities (in physical or virtual environment) in Brazilian territory, offers goods or services to Holders located in Brazil or has collected personal data in Brazil.

The GLPD also provides some definitions and roles that you should understand:

1. **Data subject:** is the person to whom the personal data relate;
2. **Controller:** A company can be considered a **controller** when it makes decisions regarding the use of the personal data it has (note: we use the term "company" as an example. The GLPD determines that the controller may be an **individual or corporation**, in public or private law. In addition to companies, they are submitted to the GLPD: organizations, NGOs, public administration bodies, etc.);
3. **Operator:** it is the company that will only carry out the processing of data according to the orders of the controller, without decision-making power on the use of the data;
4. **Commissioner (DPO):** is a new position provided for by law. The data protection officer is the person appointed by the controller to coordinate the company's internal adequacy actions, in addition to acting as a communication channel with the holder and with the National Data Protection Authority (NDPA).

GLPD Principles

The GLPD provides for some principles, a kind of set of good practices for the processing of personal data. However, these good practices are not optional, they are mandatory. Shall we learn more about some of the principles of the General Data Protection Act?

Purpose and Suitability

These principles state that an enterprise cannot use the data as it sees fit. It is necessary to have a specific purpose, informed to the holder.

Need

The collection and use of personal data must be restricted to the minimum necessary for the accomplishment of the purposes desired by the company.

Transparency

Guarantee, to the holders, clear, accurate and easily accessible information on the performance of the treatment and its agents of treatment, in the light of commercial and industrial secrets.

Non-discrimination

Impossibility of processing for unlawful or abusive discriminatory purposes.

Consent

Free, informed and unambiguous manifestation by which the holder agrees to the processing of his/her personal data for a specific purpose.

Legitimate Interest

The legitimate interest of the controller may only substantiate the processing of personal data for legitimate purposes, considered from specific situations, which include, but are not limited to:

I - Support and promotion of controller activities; and

II – Protection, in relation to the holder, of the regular exercise of his rights or provision of services that benefit him, **respecting his legitimate expectations** and fundamental rights and freedoms, in accordance with the Law.

To address issues related to the General Data Protection Act and FORTES [click here](#).