

# Quick Facts

## NetDocuments and LGPD

NetDocuments recognizes that LGPD establishes a new and higher standard for the protection, security and compliance of personal data. Although navigating your way through LGPD compliance may seem challenging, NetDocuments is here to help its clients around the world. - **ALVIN TEDJAMULIA, CHIEF TECHNOLOGY OFFICER**

### What is LGPD?

Federal Law 13.709/2018, commonly known as the General Personal Data Protection Law (Lei Geral de Proteção de Dados Pessoais in Portuguese - LGPD), is a Brazilian law with national scope that protects personal rights in Brazil in relation to the manner in which personal data is collected, stored or otherwise processed, and how that personal data is brought from, or transmitted to, other countries.

### What does LGPD regulate?

LGPD regulates private individuals and privately or publicly owned companies that: perform any form of data processing within national territory; process personal data with the aim of providing goods or services within national territory; or process personal data that has been collected in national territory. LGPD also regulates the international transfer of personal data. The items that constitute focal points of LGPD are:

- **Personal Data:** is any "information related to an identified or identifiable person" **Art. 5, Item I**
- **Treatment:** is any "operation undertaken with personal data, such as operations relating to the collection, production, reception, classification, use, access, reproduction, transmission, distribution, processing, filing,

storage, deletion, evaluation or control of information, modification, communication, transfer, dissemination or retrieval" **Art. 5, Item X**

- **Controller:** A NetDocuments client is a controller. This is any "private individual or publicly or privately owned company responsible for decisions regarding the processing of personal data" **Art. 5 Item VI**
- **Processor:** NetDocuments is a processor in relation to its clients. This is any "private individual or publicly or privately owned company who undertakes the processing of personal data on behalf of the controller." **Art. 5, Item VII**
- **International Data Transfer:** LGPD regulates the transfer of personal data to other countries or international organizations.

## What is the timeline?

Sanctioned on August 14, 2018, LGPD represents a considerable innovation in terms of personal data protection in Brazil.

- LGPD came into force in September 2020, with the proviso that the section referring to administrative sanctions shall only be valid from August 2021.

## Specific LGPD Requirements

LGPD establishes ten principles that should guide the processing of personal data, guarantees at least twelve rights to the owners of personal data, requires the implementation of data protection measures and regulates the transfer of data overseas. Controllers must follow these requirements in order to protect personal data.

### The six most important principles in the processing of personal data

1. Transparency: guarantee of clear, accurate and easily accessible information relating to how data is processed. **Art. 6, Item VI**
2. End Use: processing for legitimate, specific and explicit purposes, with no possibility of further processing in the future. **Art. 6, Item I**
3. Adequacy: consistency of the processing with the intended purposes informed to the data subject. **Art. 6, Item II**
4. Data Quality: guarantee of accuracy, clarity, relevance and that data is kept up to date. **Art. 6, Item V**
5. Minimization: limitation of processing to the minimum necessary to achieve the end purpose. **Art. 6, Item III**
6. Security: use of technical and administrative measures suitable for protecting personal data. **Art. 6, Item VII**

### The twelve rights of data subjects:

1. Availability of clear information on the data processing. **Art. 9**
2. Confirmation of the controller with regard to the existence of processing. **Art. 18, Item I**
3. Access by the data subject to the data processed by the controller. **Art. 18, Item II**
4. Correction of incomplete, inaccurate, or outdated data. **Art. 18, Item III**
5. Pseudonymization, blocking or deleting of unnecessary, excessive, or improperly processed data. **Art. 18, Item IV**
6. Revocation of consent by the data subject. **Art. 18, Item VI and IX**
7. Data portability to another product or service provider. **Art. 18, Item V**
8. Information relating to the option not to give consent and the consequences of refusal. **Art. 18, Item VIII**
9. Information from the controller regarding the sharing of personal data. **Art. 18, Item VII**
10. Right to petition the National Authority. **Art. 18, § 1**
11. Right to oppose processing carried out on the basis of one of the permitted cases of waiver of consent. **Art. 18, § 2**
12. Right to review decisions taken solely on the basis of automated processing of personal data. **Art. 20**

## Required Security Measures

The systems and routines employed in the processing of personal data must include adequate and sufficient security, technical, and administrative measures to protect personal data. These measures must be observed starting with the respective design phases ("privacy by design" - **Art. 46, § 2**) and must be adopted as standard functionality ("privacy by default" – **Art. 49**). Controllers and processors must implement their own security measures, which shall be appropriate and relevant to their respective activities (**Arts. 46 and 50**). Controllers and processors must maintain a record of the personal data processing operations that they perform (**Art. 37**).

## Secure Data Transfer to Third Countries

The international transfer of personal data may only legally occur in the following situations:

- **Transfer to countries or international organizations that provide appropriate safeguards. (Art. 33, Item I)**  
The controller guarantees compliance with the regulations provided for in LGPD through the implementation of one of the tools listed in **Art. 33, Item II**.
- **Through specific authorization granted by the ANPD (National Data Protection Agency). (Art. 33, Item V)** In specific situations, subject to the express consent of the data subject or through express legal authorization.

## How NetDocuments is in compliance with LGPD:

NetDocuments meets LGPD security requirements for processors (Arts. 46 and 49) through a comprehensive security infrastructure. NetDocuments already operates in accordance with the compliance standards established by the European GDPR ("General Data Protection Regulation") and will implement the safeguarding measures that become available in Brazil, as may be defined by the ANPD.



## NETDOCUMENTS IS YOUR BEST ROUTE TO LGPD COMPLIANCE



### Encryption Key Management

All content is encrypted, with clients having the option to manage the keys themselves. Unmatched support for key management according to content, if necessary.



### Data Loss Protection (DLP). The

service enables the adoption of business strategies aimed at preventing sensitive or privileged data from leaving the corporate network. Our policies are based on metadata and are applied regardless of the configurations used.



### Extraction of Data Categories

Using machine learning technology, the content of the documents (including company name, trade name, address, positions and titles, and any related information) is identified and extracted. These categories of data are made available to clients through internal search engines and through our customizable REST API tool.



### Data Retention & Security Policies

All content may be classified through retention and security policies based on the status of metadata (open, closed). These policies include ethical standards and other data security controls.

## Processing Standards.

NetDocuments provides tools and functions that directly assist controllers to comply with legal requirements. NetDocuments allows its users to precisely control the document storage period (**Art. 16**), the manner of managing documents, and the secure transmission of documents.

## Rights of Data Subjects.

NetDocuments provides a safe and convenient method for controllers to secure and implement the rights of data subjects. NetDocuments' tools and functionalities permit users to maintain records related to the collection of personal data,

the location where personal data is stored, and the personal data that should or should not be collected.

## Access to and Correction of Personal Data.

NetDocuments simplifies the location of personal data, including to allow responses to requests for access and correction of personal data (**Art. 18, Items II and III**), and provides tools for the deletion of documents, when necessary (**Art. 18, Items VI and IX**). NetDocuments maintains all documents in their original formats in order to facilitate their future portability (**Art. 18, Item V**).

## Identification of Personal Data in Images

Users may quickly organize image files by type and by subject. Popular OCR applications provided by third parties may be easily integrated into the service provided, in order to scan and identify personal data from images. NetDocuments is developing complementary OCR solutions to be integrated into the service provided, which are expected to be available in 2018.

## Processing Activity Records

NetDocuments provides reporting and documentation resources in order to make it easier for users to meet the requirements of Art. 37 of LGPD with regard to maintaining records of processing activities, including the purpose of the processing, categories of data subject, records of data transfers, custody and deletion timelines, and data protection and data deletion processes.

## International Data Transfers

NetDocuments already operates in accordance with the compliance standards established by the European GDPR ("General Data Protection Regulation") and will implement the safeguarding measures that become available in Brazil, as may be defined by the ANPD.

## Multi-Office Support

NetDocuments is a service that clients may use to manage offices located in different countries, as a way to centralize and standardize the management of documents containing personal data.

The NetDocuments Service is designed and operated in such a way that all client documents (Controller) stored in the service, including documents containing personal data, are kept secure and confidential, both while in custody and while in transit. NetDocuments' personnel are not aware of the type or content of the client's documents (Controller). Once implemented, NetDocuments becomes a "trunk service", allowing controllers to comply with the majority of the requirements imposed by LGPD.