

The law number 12.965/2014, as know as Civil Mark of internet, rules the relations on-line in Brazil, that establish some rights and principles about the using of the internet in the country. Since the outcome of those rules, the content of the private communications occurred in an electronic environment receives the same protection as those already protected information as letters etc.

Which means that, only by a judicial decision, any data could be accessed without the expressed compliance of the owner of the information, otherwise, the data is considered ilegal to a judicial matters.

Recently, and Project of reformation of this Civil Mark of Internet wants to get access of information through cellphones, even without judicial authorization, in cases of heinous crimes, drug traffic or terrorism. The project under number 9808/2018 wants to modify the law in cases of penal persecution.

Recently, the Supreme Tribunal of Justice of Brazil decided that the access without legal authorization of Eletronica messages is absolutely ilegal. But, in the justification of the project, the congressman puts this matter as a relativization of an under Constitutional rule.

If approved, even those informations under cryptography, will be liberated to be accessed in the police level bases. The congressman João Campos, the author of this project says that even the house of an individual, that is inviolable, could be violated without the permission of a judicial court on cases of flagrant crimes, why not liberate on the same cases to the police, so they could access without judicial authorization the individual data.

The authorization to access those datas is completely plausible if the police force could well explain that the delay could make the information perish. However, it is necessary that the legal system doesn't transform the exceptions in rock solid rules. If the Judge must explain his decisions, so should the other public authorities must do.

It is necessary to bring to light that the cellphones and/or any electronic vessel could hold not only the information of the individuals under investigation, but the personal data of other people as well, which can or cannot be part of the process of investigation. In the most of the cases, the simple lock down of those devices, and later judicial authorized investigation doesn't represent a risk to the criminal persecution, furthermore, guarantees the correct protection of the private lives of the individuals.

If the law took back an especifica clause that talks about the right of privacy that is solid in the Brazilian Federal Constitution, it could lead the country to an authoritarian and arbitrary future, cutting the standard bases of democracy.

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Brazil, 04/07/2018