



Brazil: Artificial Intelligence Bill Approved by Chamber of Deputies

On September 29, 2021, Brazil's Chamber of Deputies approved the amendments to Bill No. 21 2020 (the "Bill"), which contains principles, rights and duties for the use of artificial intelligence in Brazil. The Bill will proceed to Senate for its approval.

Legal Foundations and Principles

The Bill provides fundamentals and principles for the development and application of artificial intelligence in Brazil, such as:

- Scientific and technological development
- Non-discrimination
- Stimulus for self-regulation through the adoption of codes of conduct and good practice guides
- Security, privacy and personal data protection
- Freedom of business models
- Beneficial purpose for humanity
- Transparency
- Harmonization with the General Data Protection Law, Civil Rights Framework for the Internet, Brazilian Competition Defense System, Consumer Defense Code and Access to Information Law

In addition, the Bill also provides for the availability of data, legitimizing the use of texts protected by copyright for the purposes of **training artificial intelligence systems** without implying a violation of this right. Therefore, **it creates the possibility** — not yet provided for in the Copyright Law — **for the use of an author's work by third parties without the need for authorization of use by its author.**



Risk Regulation

The Bill provides that some guidelines must be observed in the regulation of artificial intelligence, such as risk-based management. In this way, the development and use of artificial intelligence systems should consider the concrete risks and their probability of occurrence, evaluated against the potential social and economic benefits offered by the system and the risks presented by similar systems that do not involve artificial intelligence.



Liability

In addition, it is also provided in the Bill that rules on liability of agents who work in the development and operation of artificial intelligence systems must, as a rule, be based on subjective liability, considering the effective participation of these agents, specific damages and how the agents can demonstrate compliance with applicable standards through reasonable efforts consistent with international standards and best practices.