



SENADO FEDERAL

BILL OF LAW N° , OF 2020

Provides for the use of Artificial Intelligence.

The NATIONAL CONGRESS enacts:

Article 1. This Law provides for the use of Artificial Intelligence in Brazil.

Article 2. The regulation of the use of Artificial Intelligence is based on:

- I. - the respect for ethics, human rights, democratic values, and diversity;
- II. - the protection of privacy and personal data;
- III. - transparency, reliability and security of systems;
- IV. - the guarantee of human intervention, whenever necessary.

Article 3. The regulation of the use of Artificial Intelligence aims at the promotion:

- I. - of inclusive growth and sustainable development;
- II. - of research, technological development, innovation, and entrepreneurship;
- III. - of the improvement in the quality and efficiency of the services offered to the population.

Article 4. The Artificial Intelligence solutions shall:

- I. - respect people's autonomy;



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II. - be compatible with maintaining social and cultural diversity and not restrict personal lifestyle choices;

III. - preserve the bonds of solidarity among peoples and different generations;

IV. - be open to democratic scrutiny and allow debate and control by the population;

V. - contain safety and security tools that allow human oversight;

VI. - provide traceable decisions without discriminatory or prejudiced bias;

VII. - follow governance standards that guarantee the ongoing management and mitigation of potential technology risks.

Article 5. The guidelines for the performance of the Union, the States, the Federal District and the Municipalities in the development of Artificial Intelligence are the following:

I - the promotion of digital education;

II - the creation of specific policies for the qualification of workers in information technology and communication, and in Artificial Intelligence;

III - the guarantee of the progressive adoption of Artificial Intelligence;

IV - the incentive for public and private investment in research and development of Artificial Intelligence in the national territory;

V - the promotion of cooperation between public and private entities, industries and research centers for the development of Artificial Intelligence;

VI - the development of mechanisms to foster innovation and



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digital entrepreneurship, with tax incentives for companies that invest in research and innovation;

VII - the training of professionals in the technology field in Artificial Intelligence.

Article 6. This Law shall become effective on the date of its publication.

JUSTIFICATION

Artificial Intelligence is considered a new technological frontier with the potential to leverage new growth fronts.

According to research by the consulting firm Accenture, this technology can double annual economic growth rates by 2035. It is predicted that Artificial Intelligence will increase productivity by up to 40% and allow people to optimize their time.

Several nations have already implemented strategies aimed at developing Artificial Intelligence with articulated efforts involving government, industry, and universities.

Due to its strategic importance for economic and social development, Brazil cannot do without legislation to regulate the use of Artificial Intelligence.

For this reason, I submit this proposal, which aims at internalizing in our legal system the ethical frameworks and guidelines that underlie the use of Artificial Intelligence around the world, with special emphasis on the Montreal Declaration and the recommendations of the Organization for Economic Cooperation and Development (OECD).

For all these reasons, I am counting on the collaboration of the noble colleagues for the improvement of this proposal and, finally,



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for its approval.

Chamber of sessions,



Senator VENEZIANO VITAL DO RÊGO



Gabriel Caetano Moreira (translator);
Livia Aguiar Salomão (editing translator);
Elder Loureiro de Barros Correia (translation coordinator).
Federal Senate Translation and Interpretation Service – SETRIN/SGIDOC.
May 17, 2022.



BILL OF LAW N° , OF 2019

Lays down the principles for the use of Artificial Intelligence in Brazil.

The NATIONAL CONGRESS enacts:

Article 1. This Law lays down the principles for the use of Artificial Intelligence in Brazil.

Article 2. The regulation of the use of Artificial Intelligence in Brazil is based on the recognition that this technology has been developed to serve people with the purpose of improving human welfare in general, as well as:

I – the respect for human dignity, freedom, democracy and equality;

II – the respect for human rights, plurality and diversity;

III – the guarantee of the protection of privacy and personal data;

IV – the transparency, reliability, and auditability of the systems;

V – human oversight.

Article 3. The regulation of the use of Artificial Intelligence in Brazil aims to promote and harmonize the valuation of human work and economic development.

Article 4. The decision-making systems based on Artificial Intelligence shall always be auxiliary to human decision-making.



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Paragraph 1. The form of human oversight required shall be compatible with the type, severity, and implications of the decision submitted to the Artificial Intelligence systems.

Paragraph 2. The civil liability for damages resulting from the use of Artificial Intelligence systems shall rest with its supervisor.

Article 5. The following constitute the guidelines for the acts of the Union, the States, the Federal District, and the Municipalities in the development of Artificial Intelligence in Brazil:

I – the promotion of education for mental, emotional, and economic development in harmony with Artificial Intelligence.

II – the creation of specific policies for the protection and qualification of workers;

III – the guarantee of a progressive adoption of Artificial Intelligence;

IV – the proactive action in regulating the applications of Artificial Intelligence;

Article 6. The applications of Artificial Intelligence in Public Authority entities shall pursue the quality and efficiency of the services offered to the population.

Article 7. This Law shall become effective forty-five days after its official publication.

JUSTIFICATION

The adoption of systems based on Artificial Intelligence in industry and service provision is, currently, a reality all over the world. This new technology can undoubtedly create great productivity gains, as well as improvements in quality.

However, despite the advantages that Artificial Intelligence can create, there are also risks associated with its adoption. For this reason, Artificial Intelligence cannot be adopted inconsequently, without a minimum regulation to ensure the necessary guarantees for this transition.

For this reason, I submit the following proposal, designed to lay down the basic principles for the use of Artificial Intelligence in Brazil.

As is noticeable, the intent is not to stop the advance of technology, but to ensure that this development occurs in harmony with the valorization of human work, in order to promote the welfare of all.

I emphasize that, according to the proposal, every Artificial Intelligence system shall be overseen by a human person, in a compatible way with each application. Thus, it is possible to combine the advantages created by this technological innovation with the necessary security, preventing any mistakes of the automated system from causing unwanted consequences.

Additionally, to clarify possible doubts about liability for damages arising from artificial intelligence systems, the bill provides that liability shall always rest with the human supervisor of the system.

The proposal also lays down specific guidelines for the actions of the Public Authority, among which I would like to emphasize the creation of specific policies for the protection and qualification of workers. This is intended to mitigate possible negative effects of this new technology.

For all these reasons, I am counting on the collaboration of the noble colleagues for the improvement of this proposal and, finally, for its approval.

Chamber of sessions,

Senator STYVENSON VALENTIM

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Livia Aguiar Salomo (editing translator);
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Federal Senate Translation and Interpretation Service – SETRIN/SGIDOC.
May 17, 2022.



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Lays down the grounds, principles, and guidelines for the development and application of artificial intelligence in Brazil; and makes further provisions.

The NATIONAL CONGRESS enacts:

Article 1. This Law lays down the grounds and principles for the development and application of artificial intelligence in Brazil, and guidelines for the fostering and action by the government in this area.

Article 2. For the purposes of this Law, an artificial intelligence system is considered to be the system based on a computational process that, based on a set of human-defined objectives, can, by means of data and information processing, learn to perceive and interpret the external environment, as well as interact with it, making predictions, recommendations, classifications or decisions, and that uses, but is not limited to, techniques such as:

I - machine learning systems, including supervised, unsupervised, and reinforcement learning;

II - knowledge or logic-based systems;

III - statistical approaches, Bayesian inference, search and optimization methods.

Sole Paragraph. This Law does not apply to automation processes exclusively guided by predefined programming parameters that do not include the system's ability to learn to perceive and interpret the external environment, as well as interact with it, based on the actions and information received.



Article 3. The application of artificial intelligence in Brazil is intended for scientific and technological development, as well as:

I - the promotion of sustainable and inclusive economic development and the welfare of society;

II - the increase in Brazilian competitiveness and productivity;

III - the competitive insertion of Brazil in global value chains;

IV - the improvement in the rendering of public services and in the implementation of public policies;

V - the promotion of research and development for the purpose of stimulating innovation in the productive sectors; and

VI - the protection and preservation of the environment.

Article 4. The development and application of artificial intelligence in Brazil is based on:

I - scientific and technological development, and innovation;

II - free enterprise and free competition;

III - respect for ethics, human rights, and democratic values;

IV - free manifestation of thought and the free expression of intellectual, artistic, scientific, and communication activity;

V - non-discrimination, plurality, respect for regional diversity, inclusion, and respect for the fundamental rights and guarantees of citizens;

VI - recognition of its digital, transversal, and dynamic nature;



VII - incentive to self-regulation, by means of the adoption of codes of conduct and guides to best practices, in compliance with the principles provided for in Article 5 of this Law, and global best practices;

VIII - security, privacy, and protection of personal data;

IX - information security;

X - access to information;

XI - national defense, State security and national sovereignty;

XII - freedom of business models, as long as they do not clash with the provisions established in this Law;

XIII - preservation of the stability, security, resilience, and functionality of artificial intelligence systems, by means of technical measures compatible with international standards and by stimulating the use of best practices;

XIV - protection of free competition and against abusive market practices, under the terms of Law No. 12529, dated November 30, 2011; and

XV - harmonization with Law No. 13709, dated August 14, 2018 (General Law of Personal Data Protection), Law No. 12965, dated April 23, 2014, Law No. 12529, dated November 30, 2011, Law No. 8078, dated September 11, 1990 (Consumer Protection Code), and Law No. 12527, dated November 18, 2011.

Sole Paragraph. The codes of conduct and guides to best practices provided for in item VII of the head of this article may serve as indicative elements of conformity.

Article 5. The principles for the development and application of artificial intelligence in Brazil are:



I - beneficial purpose: the pursuit of beneficial outcomes to humanity by artificial intelligence systems;

II - focus on the human being: respect for human dignity, privacy, protection of personal data, and fundamental rights, when the system deals with human-related issues;

III - non-discrimination: mitigation of the possibility of using the systems for discriminatory, unlawful or abusive purposes;

IV - search for neutrality: recommendation that agents acting in the chain of development and operation of artificial intelligence systems strive to identify and mitigate biases contrary to the provisions of the laws in force;

V - transparency: the right of people to be informed in a clear, accessible, and accurate manner about the use of artificial intelligence solutions, unless otherwise provided by law and in compliance with commercial and industrial secrets, in the following cases:

a) about the fact that they are communicating directly with artificial intelligence systems, such as chatbots for online personalized services, when using these systems;

b) about the identity of the natural person when that person operates the system autonomously and individually, or the legal entity responsible for operating the artificial intelligence systems;

c) about the general criteria that guide the operation of the artificial intelligence system, with



commercial and industrial secrets ensured, when there is a relevant potential risk to fundamental rights;

VI - security and prevention: the use of technical, organizational, and administrative measures, with due regard for reasonable and available means at the time, compatible with best practices, international standards, and economic feasibility, aimed at enabling the management and mitigation of risks arising from the operation of artificial intelligence systems during their entire life cycle and their continuous operation;

VII - responsible innovation: the guarantee of the adoption of the provisions of this Law by the agents that act in the chain of development and operation of artificial intelligence systems that are in use, documenting their internal management process and taking responsibility, within the limits of their respective participation, of the context, and the available technologies, for the results of the operation of these systems;

VIII - data availability: no violation of the copyright due to the use of data, databases and texts protected by it, for the purposes of artificial intelligence systems training, as long as the normal commercialization of the work by its owner is not impacted.

Article 6. When regulating the application of artificial intelligence, the public authorities shall comply with the following guidelines:

I - secondary intervention: specific rules shall be developed for the uses of artificial intelligence systems only when absolutely necessary to ensure compliance with the



provisions of the laws in force;

II - sectoral activity: the action of public authorities shall occur through the competent agency or entity, with due regard for the context and the specific regulatory framework of each sector;

III - risk-based management: the development and use of artificial intelligence systems shall take into account the real risks; and the decisions on the need for regulation of artificial intelligence systems and on the respective degree of intervention shall always be proportional to the real risks offered by each system and the probability of occurrence of these risks, always assessed against:

a) the potential social and economic benefits offered by the artificial intelligence system; and

b) the risks posed by similar systems that do not involve artificial intelligence, under the terms of item V of the head of this article;

IV - social and interdisciplinary participation: the adoption of rules that impact the development and operation of artificial intelligence systems shall be based on evidence and preceded by public consultation, preferably over the internet and with wide prior circulation, in order to allow the participation of all interested parties and the various fields of expertise involved;

V - regulatory impact analysis: the adoption of rules that impact the development and operation of artificial intelligence systems shall be preceded by a regulatory impact



analysis, under the terms of Decree No. 10411, dated June 30, 2020, and Law No. 13874, dated September 20, 2019; and

VI - liability: the liability rules for agents that act in the chain of development and operation of artificial intelligence systems shall, unless otherwise provided by law, be based on fault liability and take into consideration the effective participation of these agents, the specific damages that are intended to be avoided or remedied, and the manner in which these agents can demonstrate compliance with the applicable rules, through reasonable efforts consistent with international standards and best market practices.

Paragraph 1. In the risk-based management referred to in item III of the head of this article, the public authorities, in cases of low risk, shall encourage responsible innovation with the use of flexible regulatory techniques.

Paragraph 2. In the risk-based management referred to in item III of the head of this article, public authority, in specific cases in which a high risk is identified, may, within the scope of its authority, request information on the security and prevention measures listed in item VI of the head of Article 5 of this Law, and the respective safeguards, under the terms and within the limits of transparency laid down by this Law, with due regard for commercial and industrial secrets.

Paragraph 3. When the use of the artificial intelligence system involves consumer relations, the agent shall be liable regardless of fault for compensating the damages caused to consumers, to the extent of their effective



participation in the damaging event, pursuant to Law No. 8078, dated September 11, 1990 (Consumer Protection Code).

Paragraph 4. Public legal entities and private legal entities that provide public services shall be liable for the damages that their agents, in this capacity, cause to third parties, being assured the right of recourse against the liable agent in cases of intent or fault.

Article 7. The guidelines for the actions of the Union, the States, the Federal District, and the Municipalities, in relation to the use and promotion of artificial intelligence systems in Brazil are the following:

I - promotion of confidence in artificial intelligence technologies, with dissemination of information and knowledge about their ethical and responsible use;

II - encouragement for investments in artificial intelligence research and development;

III - promotion of the technological interoperability of the artificial intelligence systems used by the public authorities, in order to allow the exchange of information and the speeding up of procedures;

IV - encouragement for the development and adoption of artificial intelligence systems in the public and private sectors;

V - incentive to the qualification and training of people in order to restructure the labor market;

VI - incentive to innovative pedagogical practices, with a multidisciplinary approach, and emphasis on the importance of redefining the processes of teacher training in



order to deal with the challenges arising from the insertion of artificial intelligence as a pedagogical tool in the classroom;

VII - incentive to the adoption of regulatory instruments that promote innovation, such as experimental regulatory environments (regulatory sandboxes), regulatory impact analyses, and sectoral self-regulation;

VIII - incentive to the creation of transparent and collaborative governance mechanisms, with the participation of public authority representatives, the business sector, civil society, and the scientific community; and

IX - promotion of international cooperation by encouraging the sharing of knowledge about artificial intelligence systems and the negotiation of treaties, agreements and global technical standards that facilitate interoperability among systems, and the harmonization of related legislation.

Sole Paragraph. For the purposes of this article, the federal government shall promote strategic management and guidelines for the transparent and ethical use of artificial intelligence systems in the public sector, according to the strategic public policies for the sector.

Article 8. The guidelines referred to in Articles 6 and 7 of this Law shall be implemented according to the regulations of the Federal Executive Branch by sectoral agencies and entities with technical competence in the matter, which shall:

I - monitor the risk management of artificial intelligence systems, in each case, assessing the application risks and mitigation measures in their area of competence;



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II - establish rights, duties and responsibilities; and

III - recognize self-regulatory institutions.

Article 9. For the purposes of this Law, artificial intelligence systems are technological representations originating in the field of information technology and computer science, and the Union has the exclusive power to legislate and issue regulations on the matter in order to promote legal uniformity throughout the national territory, as provided for in item IV, head of Article 22 of the Federal Constitution.

Article 10. This Law becomes effective 90 (ninety) days after the date of its official publication.

CHAMBER OF DEPUTIES, September 30, 2021.

ARTHUR LIRA
President

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