

*Perspectivas em debate*

**#INTERNET ABERTA**

**ENGLISH**

## **ENGLISH: Open Internet: Perspectives in Debate**

**November 24 2021**

### **Natália Neris**

Hello, everyone joining us we are starting this webinar on Open Internet perspectives in debate. And this event is part of the closure of a cycle of nine events under the open course structure and functioning of the Internet, technical, political and regulatory aspects that was promoted by the Center for Innovation in Teaching and Research of the Law School of the Tullio Vargas foundation and Internet Society. During this nine meetings, 45 participants among which were journalists, lawyers, and students from different parts of Brazil, discuss the different topics among which are content moderation, data protection, misinformation, hate speech, intermediary liability, and so it's my pleasure to close these series of meetings with two guests that are how are so important in this area in Brazil. We have the opportunity today to hear two representatives. We are still waiting for representative Molon to join us. But here with us is representative Orlando Silva. So as we all know, Alessandro Malone is a federal representative since 2011. And he was very involved in the regulatory framework, what we call the civil framework of the Internet in 2014. And here with us is representative Orlando Silva, who is a federal representative since 2015, and has been very involved and is really involved right now. With the bill that is being discussed in parliament right now, that is known as the Fake News Bill. It's we appreciate you accepting our invitation we are waiting for for representative Moran, I am not alienated. And the idea for this meeting is to ask some questions, to stimulate discussion around some topics that have to deal with open Internet.

And if you have any questions about what they are discussing a discussing, if we have time, you can submit your questions be through our communication channels. And I would like to say, receive also I welcome everyone. Thank you, Representative Orlando. For your time. I know this is quite a difficult time right now. So it's a pleasure to have you here. So we work with a concept that we mentioned all the time in this course that is in the name of the course. And this webinar, which is open Internet. And basically, of course, this is open for discussion. And it can be a long discussion. But basically an open Internet is the idea that the Internet should be open to everyone to all technologies and business models, and that it should promote diversity, competition and innovation. So I would like to begin by asking you what are in your opinion advances in terms of Internet regulations in Brazil? Say a, you know, a framework, it would be what measures have contributed so far to keeping the Internet open?

### **Orlando Silva**

Well, Natalia, it's a pleasure to be here. We exchanged a lot of messages, but we hadn't seen each other face to face. So I would like also to say hello to Alexandre, Flávio and everyone for also, and also to my colleague, Molon, we are in the middle of a session here in Parliament. I think the opposition is in more trouble. We are discussing very important bill right now. So I went out of the meeting for a while. And I think it's this is a very important issue for the digital era. Here in Brazil, it brings a series of opportunities in the field of the economy and for citizenship. So I think that any debate about the what we as representatives can do, I think it's very important and I have a lot of to learn with you. Brazil is a relatively well connected country and has good experiences with the operation of an open Internet. It's more and more accessible. Representative Molon can speak more on these but the civil framework of 2014 I think it was a key moment, a milestone in what what we call regulatory architecture, especially for data privacy. But I think the this applies also to the internal regulation. We have the regulatory framework, architecture sort of to sort of speak and an institutional architecture I refer to as regulatory architecture to the regulations. We have international regulations that regulate the operation of the Internet. In Brazil, Representative Molon can speak more on this because that's his specialty. But I think that after 2014 after we established this framework, the next step was discussing privacy. data privacy, which is very important. It's an essential, right. And the general data, personal data protection law is takes into account all the principles and concepts. I think it's a very protective regulation for users. And it's inspired by the European Data Protection Regulation. And it's, we also want to take into account the good experiences from the United States, they have a model that is a bit different. But we also looked at experiences from countries such as Japan, and also in Latin America, Chile and Colombia, who had were a bit ahead of us in this regulations. And then, after this, in this, the third step in this regulatory architecture that has to do with privacy is the the bill bill that was voted, was passed in the Senate, and then came back to the House of Representatives, and we have

passed it with some amendments, and includes the protection of personal data as a fundamental right in the Constitution. It's a project to amend the Constitution. And so it now the federal government is going to be exclusively the only one that can regulate on personal data privacy, it's not something that the states or municipalities can regulate. And we also have advanced a bit on the regulations for the federal government that is going to be responsible for surveillance and for monitoring all of this. This is an important, there's an important connection between these regulations, and the protection of personal data. And also connected with that regulatory architecture we see we need, we see that we need the architecture of institutions, we have an authority for data protection that was recently created. And so this is all something that is being we're working on right now, because the laws didn't provide for our review, for revision after a while. So we are now revising those regulations, and seeing looking at the possibility of working with other bodies. And so, for example, when it's something financial, the central bank, is in charge. So we have this would be sort of the spine of a system that takes care of, of personal data protection. In general Indane for the Internet, we should have, we have a managing committee. So this is very important to support the work to have different sectors, not just the government, but to have the civil society, companies, the academy, everyone involved. And this committee was made to see what steps were necessary to guarantee an open Internet in Brazil. And so now we need to re signify what because a lot has changed from in just a few years. So we need to the new regulations need to rise up to these new challenges. So for these bills, new bill that we are discussing right now, what we call the fake news bills, or the bill to fight the fake news, but it's a law, Brazilian law for transparency and liability in the Internet. And this is something that we should be voting on these in the next week. And to give this managing committee of the Internet, some responsibilities to oversee, platforms, social media, search engines in this product to fight fake news or misinformation will be anchored in this managing committee. And to so based on the idea of a regulated self regulation, which is an idea that influenced the creation of our data protection bill, which is the idea of neutrality, because we we don't need to, we need to not make specific laws for a certain technology because everything changes very quickly. So we need to have these agencies that have these competencies on the Internet right now to fight misinformation in digital platforms. We want the the managing committee to cooperate with the with being keeping everything up to date. And to have standardized procedures, we know that all providers have Terms of Use. So we know we want them to do a self regulation process. Because this is going to guide the operation of all applications with their users. The idea of this bill is to promote self regulation by Internet service providers. But it's not like some people are saying in Brazil, that it's just self regulation. It's a regulated self regulation. And that is why we need this managing committee that is going to help to keep the laws up to date. And to draw up the is this some rules that are under the laws that can help guarantee a healthy environment to fight some malicious processes, some things that have happened. So but I want to, to close here, so maybe we can

hear. And some safe, we have some questions. But I want to say that the idea in Brazil is to guarantee an open Internet, and to have our foundation, the civil framework as a foundation. And these concepts, this idea of technological neutrality that contaminates this, this idea of the contaminates our law of responsibility and transparency in the Internet. And we need to consolidate the institutional architecture, this managing committee with the protection of personal data, as well as the regulatory architecture with lately with this veil that we are trying to help pass to have a healthier Internet, safer Internet, and to fight fake news, which is one of the big problems in our century that we need to keep an eye on to value quality information, journalism, through the moderation that those platforms can do. And also preserving privacy. And because there are some dangerous concerns there, and also some limits to the actions of citizens. Things that are accounts that are public interest. For example, I have a Twitter account and my account is of public interest. If the information that I put there is a public interest. So I think that the these accounts deserve very special treatment. And so I could also discuss some criminal concepts to fight fake news. This debate right now is very heated in connection with the Internet and platforms. Our idea of course is to keep the Internet open, even more open and to have the utmost transparency for information, the information that is made available to society, and to have more qualified laws. And in five years, I think that the platforms and the information that are going to be offering more transparency in enough five years time, sorry if I spoke too much, but it's something I'm very passionate about. And we need to be aware of the fact that an Internet connection opens a lot of possibilities for the economic development of Brazil. We can be exporters of services connected to information and communication. And I am convinced that the Internet offers powerful tools for digital development and to be more inclusive, and to include more people to be to become politically involved with the permanent challenge to keep this healthy, and so that everything can flow in the in this wonderful thing that civilization created for us.

### **Natália Neris**

Thank you. Thank you, Representative, thank you for this overview of the main frameworks that we have. I think this is very important to start the conversation. I think you're ready. So discuss these are some very controversial, controversial things. Some have not been solved yet. So what opportunities for improvement do you see for Brazilian regulations and you can mention any, you can mention this bill that you're working on, but any other opportunities that you can mention?

### **Orlando Silva**

[Portuguese] was the limit. And we need to start thinking about common sense. And I may say this is a huge challenge. And today, in a debate that we had -- the representative said that, like [inaudible] censor censorship, that we need to moderate content. But what I believe the platforms

cannot do is input transparency in roles of content. We need to identify the users and then have the right to use that I can do some moderation and I can prove that this is appropriate. And this is an ethical problem of the platform to have moderation. And I'm just sharing some point of view of some representatives. And I may say that it's key to start considering common sense. And we need to think about this system as a tool for economic development in Brazil. We are paying a lot of attention to some concerns that the platforms are sharing with us to stop limiting innovation for Simple the net report that I presented today ha from 2 million to 10 million of minimal users in order to apply the law. Because I realized the suppliers had a lower number of users and they deserve a bigger margin. So day business can work because this is a service they're providing. Therefore, we need to start considering all the common sense and think about the opportunities that we have in terminal businesses and for Brazilian society. Now, I'm focusing a lot on the fight against malware, for example. And we have a lot of risks. There must be like 10% of people using the network for bad purposes and the other 90% is using Internet for good purposes. Of course, we have different suppliers, different services, but we need to consider the architecture of each service and each provider, everything in dialogue. And we expect that we can start partnerships with that companies and with the public sector, because they are going to be successful if the functioning of their own businesses is healthy. And my answer for your question is to stop thinking only about the common sense and have more and more broden. Perspective.

### **Natália Neris**

Yeah. Thank you very much. I would love to continue talking about this topic. And now let's think about the multi sectoral dialogue. And I would like to ask you, if you consider that this is collaborating to the open Internet, and what should we expect from the different sectors that are composing the ecosystem? So, what shall we expect from the government from for the companies from the academic sector and from the technical community as well.

### **Orlando Silva**

I believe that in order to understand the civil framework of Internet in Brazil, in my opinion, we need to take into account this multi sectoral character. And we need to make progress by identifying different mechanisms that may allow, continue operating that way. When we're trying to fight disinformation. And when talking about auto regulated regulation, we are doing our best and we are betting that the companies will have the ethical commitment to find this. And they are going to establish their own rules. And when we are saying that this auto regulation should be auto regulated, it's because the rules are being made. But that companies and this is a public interest. I believe that having the chance of an open Internet and good services depends on the partnership between the public sector and the suppliers of services. During the election period, we had a lot of progress. And we had a better environment during the previous barrier to the

election. And it's very important to consider that the technical community and all these specialists, the experts that are analyzing Internet from different perspectives, can push us to the limit. Because that way we can generate the conditions to make progress and move forward. Because there is a lot of potential that we have new challenges every day. And my expectations are that civil society would have critical thinking about the company's behavior, and about the behavior of technical experts, because civil society should be the eyes of the users, they should be assessing all the Internet function and processes. But these should also provide the technical density and that way we should create the regulatory tools or instruments and that feels nice Service systematically cooperating. This is the vision, I would like to see a collaboration perspective because this is what this multi sectoral perspective is providing us. Thank you very much. We received a question from the participants, and I'm going to read it so you can comment on it. The question is about the bill 2630. And your comments, and the questions says, like this, we know dead. The some part is obstructed the voting of the report regarding Bill 2630. And that they are defending the interests of big Tex, I would like to know, which is your opinion on the vision of this influence panel. In some companies in the regulation of open Internet. I would like Brazil to have some regulation regarding Lobby because lobby is seen as sort of a criminal activity here in Brazil, and other countries, it doesn't happen like that, because it's just defending up point of view. And I don't feel uncomfortable, if someone comes to the house representative or to my desk to defend a specific point of view, probably welcome companies every day in order to discuss specific topic. And if there is something that is coincident with national interest, there are enough problems because we are considering the public interest as representatives, we are not defended the interests of corporations or companies. It's not like that. But I would love to have more transparency, because it would have regulation regarding love, if probably people would feel safer. And I'm a part of the digital discussion. And I heard some comments. And then I realized that this is not a specific topic in Parliament. I haven't realized that I didn't believe if it was led to them or not. But I just wanted needed to assume that there is a network that is called right in the network. And they're defending their own point of views. And this is not bad. I discuss a lot of things with them. We are not on the same page on all the topics, but they are defending their own interests in an open way. And I consider that companies are very clear about that. We are not considering legitimate some instruments that will be formed. And so in the politics word, you should have a lot of patience. You cannot even imagine how many meetings I've already had regarding this topic, multilateral meetings with different purposes and with different actors. And until the final voting of the text in the parliament probably will have more meetings, probably dozens of meetings. And our goal is to do the best of our work. And everyone it's pushing a little bit of the text. And it's a good proposal then because it's not very oriented to any of the interests. Thank you very much. We just received another question. And it's about the definition of suppliers concept. And the question is like that, which is your perspective of dialogue with the three

categories that the bill 2630 is defining social media search tools and messages and these binary classification of the civil framework connection and application if they are treating this topic in in a specific way? Well, those are the different perspectives when you're talking about connection and application. We are considering the infrastructure and the superstructure combined. So we are considering the suppliers of services and the users of that services.

### **Natália Neris**

I'm so sorry. Because I need to come back to the meeting. We are going live right and those are the problems that we can face going live or voting right now.

### **Orlando Silva**

I'm so sorry, Natali for that. I'm really sorry. Well, considering the simple framework, the connection and application supplier, it's sort of the infrastructure in the superstructure. But in fact that bill that I comment, it's more about social media, search tools and messaging services, we had a discussion and the search tool suppliers preferred to be kept up side of the discussion, because they consider they have some differences. And I agreed on that, and I specified those services in a different chapter. So now we are going to discuss the three services, social media, search tools and messaging services. But I believe that this classification is not like something opposite. It's just complimentary because we are including infrastructure and superstructure. Thank you very much. Also, I would like to have one more question. We are ready to comment on this. But I want to know, which are the perspective for the future challenges, we are ready to talk about the opportunities to improve even more and some accessibility opportunities. But I would like you to comment on some challenges that you might see for the future regarding open Internet. We are doing a lot of efforts, and the legislation, and, of course, legislation. It's a part of all the efforts we need. There are some issues regarding our country infrastructure. Now that we are starting with the 5G era that will provide us more opportunities to improve our Internet connection. And the word of my dreams, we have the most sophisticated infrastructure here in Brazil. And 5G is not only for the capital cities, as it's forcing for the short term term, but also for the whole country. And in the word of my dreams, we would have some mechanisms of connection that doesn't require people to have mobile Internet in order to explore the network. And this is a part of digital in question. When we are discussing about this, the different sort of comments come up. And we have a country with a lot of people that cannot even read but it's more severe, not having the opportunity to tag a source of information. So having full connection for everyone is so social justice. And that way, you're allowing people to explore all the potential that we have, in terms of economics, culture, and social issues. We need to consider the infrastructure logistics, that's very important. And we are going to face the social and economic inequality in Brazil, that it's translated in the lack of accessibility to Internet connection in the whole country. And this

legislation and this norms architecture that I referred to at the beginning of the webinar, it's a good way to go, we need to include all the topics in the discussion. Thank you very much. As I mentioned before, before finishing it, I would like to invite professors Flávio Wagner, and Alexandre Pacheco to continue with the discussion. So I'm inviting them to join us and the floor is yours.

**Flávio Wagner**

Do you want to start, Alexandre?

**Alexandre Pacheco**

No, you can go ahead.

**Flávio Wagner**

Good evening, everyone. Good evening, Orlando Silva. Thank you very much for your presence. It's great to have you here in this last meeting of our course as an Italian writing mansion. We had a very diverse audience in the course because we are trying to represent this multi sexuals idea that you're ready to refer to. And our main idea is to include people with different education with the firm practice backgrounds representing Brazil, in order to discuss a lot of complex and difficult issues. We had a huge diversity of teachers and trainers as well in this course, people with a lot of experience regarding this topics. And therefore we have a very enrichment discussion during the last month, we are truly happy to have you here. And I just want to mention that considering all the sectors that we have here represented the trainer's of the course, the organizer, as well. And the Brazilian chapter of Internet Society that I'm a representative of, and different representatives of the technical community, the academic sector, and companies are generating a good partnership here. And we also have a lot of representatives from the civil society. Here, you will have a lot of foreigners and institutions that are seeking to improve the legislation. We are defending that doing our best to defend that Internet Society has resumed the model of intermediary liability. And it was set in the framework of the legislation. And we do believe that any amendment or any adjustment to the proposal should be bred a lot of detail attention. And we would have, we would like to have does opening to discuss all the ideas, all the perspectives, listening to experts from different fields, from love, from social sciences, from technical areas, well, from companies from the civil society, because this is the way that we can move forward. We try to contribute along with the bill 2630. A lot of the companies that are here today send suggestions and criticize as well, when they thought it was necessary. They already made some positive comments as well. And we believe that this bill was being analyzed and discussed right at the same time, that we were having our meetings in the framework of the course. And this was



quite interesting. We are very excited to be at the end of this cycle of meetings. And we thank you a lot once again. Alexandre?

**Alexandre Pacheco**

Yes, undoubtedly. Good evening, everyone. I wanted to echo what Flavio was saying. Two things that have drawn my attention that I think are really closely connected with what Representative Silva was saying is that aside from having complex issues in the technical and legal areas, one of the key things to be able to build solutions for regulatory and institutional architectures that serves the demands of the society, are our ability to be able to build solutions jointly with different stakeholders in society. So we need to have a language that enables communication of different perspectives. So I think this is very interesting, the regulatory framework of the Internet and specific regulations, we are going to need to be able to discuss with terms using terms that are perceived differently in different areas. So our ability to build a common language is one feature of this area, that is something that building regulations for the technological field is something that is very important. Another thing that is fundamental in discussing between the legal area and the regulations of the technological space, are the knowledge of the technological aspects that are going to be regulated, is critical so that we don't make mistakes. The in order to have an Internet that is as wide as possible and to have a more diverse Internet that we even sometimes conceive. So I think what Representative Silva said was fundamental because we need to look less at specific examples, and much more at the idea of the plurality and diversity of things that can make Brazil to have to build such extraordinary projects as we have had in the last few years. Thank you. Thank you for the debate. Great. Well, we are nearing the end this. The words of Flavio and Alessandra were. More closing. But we still have another question for representative Silva. And the question is, chapter four of your bill has a series of obligations for public, for government? And what are the issues? Would these things be applied to an account belonging to politician or government official or to the account of the office? Sorry, I'm a bit tired by this time.

**Orlando Silva**

Well, chapter four, which deals is article 22 to 29. They they have some provisions with some things that are forbidden and some obligations, and it sets forth the possibility for example of monetizing accounts that are of public interest. There's also a limit set on restricting access of users, citizens to accounts of public interest. So I'm a federal representative, because I chose to be so this is a public responsibility. I can't refuse criticism from a citizen that pays my salary. So I have a series of responsibilities that are established, there are some types of behaviors that I need to have as a public officer. And so it's not specifically in the Criminal Code. But there are some exemptions connected to some restrictions placed on the public administration, that have been for years. So it has to, it's an extension of those things. And the crime that is planned is for anyone

who promotes or funds the spreading of information that is known not to be true, using automated mechanisms, and mechanisms that are not offered by the services. So if you're using a tool that is not offered by any of the providers, you are using a mechanism that is from outside that platform to achieve a specific purpose with a malicious intent for something that you know, is not true. So is that if the goal is for someone that is organizing misinformation, willingly and two, this can bring problems for democracy, public health, as we have seen a lot throughout this period. So that is what this chapter refers to. There have been different versions, but the crime that is created by this law, it has to do with that. So the public administration, accounts should be used to follow the behaviors that public officials need to follow.

### **Natália Neris**

Perfect. Representative Silva, I think with that we can close that debate. I have some messages that some people telling me to they need to leave it at eight. So thank you again. And thank you for your contributions. He and I hope we can continue to just keep this dialogue open and now for Flavia and Alessandra for some closing words.

### **Flávio Wagner**

Well, a final message I am very pleased with the Brazilian chapter of ISOC Internet Society in this partnership shape. In this course, that took more than two months, it's a very local partnership, we have that with different sectors, we have the technical perspective that a lot of people defend an open Internet that is safe, that is inclusive, that is innovative. So we here are representing this mission and these partnerships and alliances with other sectors of the society in Brazil are very important to carry out this mission, even with representatives from the legislative power, the legislative branch of government that is very important. So thank you, everyone for joining us. And I am very pleased with with how the outcome of this course

### **Alexandre Pacheco**

Very briefly, I am also as pleased with the results of this course as Professor Flavio, the it's beautiful to have these kinds of spaces and to hear the plurality of perspectives that we have facing the complex problems that are issued their society faces. And so to have the best space to debate in a polite and organized way. I think this is very special and very important to have to have such debates. And this is very important for our country. And thank you again, everyone for joining us tonight.

### **Orlando Silva**

Natalia Can I thank the kind words of Professor Flávio and Alexandre. It was as if it looked as if we had coordinated before. Because it -- the mission that Flavio mentioned -- is something that we try to build and achieve through the legislation that we propose. And what Alexandre was saying about this interaction this space for polite debate, well, that some people were telling me that you can imagine what the discussions were in the Senate. So I think this process is maturing, and the calmness, the patience, in the explanations and bringing new texts with amendments. I always find a kind word, explanation and help. So that's the perspective that we share. And hopefully we can continue building these initiatives in the public space to have an open Internet the reality and with the power that they this can bring for the economy and for society as a whole.

**Natália Neris**

Thank you, Representative Silva. So we close our debate. Thank you everyone for joining us.