

Brazil – Data Privacy

Brazil's Constitution, Civil Code, Consumer Code, Habeas Data Law, Law No. 9,029/95 and Banking Secrecy Law provide privacy rights for all individuals. Brazilian legislation does not specifically refer to the collection, processing, or transfer of employees' personal data.

Collection and Processing of Personal Data	
<i>Compliance Alternatives</i>	Generally, employee consent is not required for the collection and processing of personal data in connection with an employment relationship. However, according to the Brazilian Federal Constitution of 1988, the privacy, private life, honor and image of persons are inviolable. However, under the Banking Secrecy Law, employee consent or a court order is required for the collection of employees' financial information by an employer.
<i>Disclosure/ Registration</i>	None applicable.
<i>Other Requirements</i>	Brazilian Constitution and Law 9,029/95 prohibits employers from taking into account an employee's sex, origin, color, race, civil status, family situation or age when deciding on employment. Due to this fact, the collection of some data (such as the candidate's creed, color or sexual orientation) should be avoided when possible.
Transfer of Personal Data	
<i>Compliance Alternatives</i>	Generally, under the terms of Brazil's Constitution, the transfer of employees' personal data to third parties without the employees' consent is strictly prohibited. However, since labor legislation provides that companies in the same economic group (e.g., parent, subsidiary, and affiliate) are jointly liable, cross-border transfer of certain personal data within an economic group for purposes related to human resources should be possible without the consent of the employees.
<i>Other Requirements</i>	None applicable.

This summary is intended to reflect local law and practice as at 1 May 2013. Please note, however, that recent amendments and legal interpretations of the local law may not be included in these summaries. In addition, corporate governance, administration, and option plan design facts that are specific to your company may impact how the local laws affect the company's equity based compensation plans.

With these matters in mind, companies should not rely on the information provided in this summary when implementing their stock plans.