



The Brazilian fake news bill

Strong measures, but limited scope

Tales Tomaz, University of Salzburg

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The Brazilian fake news bill



Lei Brasileira de Liberdade, Responsabilidade e Transparência na Internet (Brazilian Law on Freedom, Accountability and Transparency in the Internet), PL 2630

Proposed in 2020, approved by the Senate in April 2022, still has to pass in the Chamber



O Congresso Nacional decreta:

CAPÍTULO I DISPOSIÇÕES PRELIMINARES

Art. 1º Esta Lei, denominada Lei Brasileira de Liberdade, Responsabilidade e Transparência na Internet, estabelece normas, diretrizes e mecanismos de transparência para provedores de redes sociais e de serviços de mensageria privada a fim de garantir segurança e ampla liberdade de expressão, comunicação e manifestação do pensamento.

§ 1º Esta Lei não se aplica aos provedores de redes sociais e de serviços de mensageria privada que ofertem serviços ao público brasileiro com menos de 2.000.000 (dois milhões) de usuários registrados, para os quais as disposições desta Lei servirão de parâmetro para aplicação de programa de boas práticas, com vistas à adoção de medidas adequadas e proporcionais no combate ao comportamento inautêntico e na transparência sobre conteúdos pagos.

§ 2º O disposto no **caput** aplica-se, inclusive, aos provedores de redes sociais e de serviços de mensageria privada sediados no exterior, desde que ofertem serviço ao público brasileiro ou que pelo menos uma integrante do mesmo grupo econômico possua estabelecimento no Brasil.

Art. 2º O disposto nesta Lei deve considerar os princípios e garantias

Main requirements (art. 6)

Prohibits “inauthentic accounts” and requires identification/labelling of “automated accounts” and “sponsored content”

Restricts the number of accounts per user

Regulates the use of judicial decisions to require user identification with official documents

Harmful content (hate speech, child abuse, *fake news against candidates*) can be excluded right after publication



Specifically about messaging (art. 9)

Services must offer to users the possibility of reject their inclusion in messaging groups and transmission lists

Limits to forwarding messages (exclusion of users by default, max. number of users in groups and lists)

Requirement for providers to keep register of messages sent to more than 1,000 users if the content is identified as illegal



Content moderation (art. 12)

Principle: safeguard information access and freedom of expression

User must be notified if “moderation measures” are applied because of Terms of Service or the law (exception for “immediate harm”)



Quarterly transparency reports (art. 13)

Total number of “moderation measures”, specifying reasons (moderation policy, judicial decision) methodology and the kind of irregularity

Total number of “automated accounts” and “non-identified boosted and sponsored content”

Average time between awareness of irregularity and measures adopted



Oversight board (art. 25)

Studies, reports and recommendations (e.g., moderation guidelines)

Composed by parliament representatives and civil society
stakeholders (majority)



Sanctions (art. 31)

Up to 10% of revenues in Brazil

Limits to forwarding messages (exclusion of users by default, max. number of users in groups and lists)

Requirement for providers to keep register of messages sent to more than 1,000 users if the content is identified as illegal



Later addition: clause to fund news (art. 38)

Following the model of the Australian Media Bargaining Code

Globo lobbied for Art. 38 (Ravache, 2022)





Blog

Eventos

Produto

Empresa



**Twitter Public
Policy**

@Policy

Global Public Policy

Só no Twitter

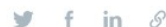
@Twitter

#OnlyOnTwitter

PL 2630/2020 deixou de ser sobre combater as fake news

Por [Twitter Public Policy](#)

quinta-feira, 24 fevereiro 2022



Em carta conjunta, empresas de tecnologia explicam como o PL 2630/2020, o PL das Fake News, pode acabar mudando a internet como conhecemos hoje e prejudicando usuários e empreendedores



Ninguém quer que notícias falsas se espalhem nas redes. Como plataformas de tecnologia, investimos continuamente em recursos e ações concretas e transparentes para combater a desinformação e estamos comprometidas a debater com a sociedade como podemos enfrentar esse desafio juntos.



**O Projeto
de Lei 2630
pode obrigar
o Google
a financiar
notícias falsas.**

Precisamos
debater mais.
Procure o seu
deputado nas
redes sociais.

Google

Acesse
g.co/VamosDebaterPL2630
e veja como isso vai prejudicar você.

Reflections



Strong accountability and transparency measures for content moderation (follows Santa Clara Principles)

But lacks details, often with vague formulations (e.g., what is “fake news against candidates”?)

Reproduces the “big media” vs. “big tech” narrative, in a highly concentrated media market (Moreira, 2016)



Broader implications

Focus on “content accountability”, little impact on “data protection” and “market power” dimensions of platform regulation – limited policy “toolbox” in Global South countries (Griffin, 2022)

Focus rather on technocratic measures that ignore much of critical disinformation studies (reach of disinformation, power of political elites and mainstream media, benefits of building trustworthy media systems) (Allen et al., 2020; Acerbi et al., 2022; Nielsen, 2022)

Typical solutions of liberal media systems (Hallin & Mancini, 2004), which in turn are the most subject to disinformation crises (Humprecht et al., 2020)



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