

Presidency of the Republic
Office of the Chief of Staff
Legal Affairs Subsection

Law No. 12527, OF NOVEMBER 18, 2011,

addresses access to information as established by Article 5, XXXIII, Article 37, Paragraph 3, II, and Article 216, Paragraph 2, of the Federal Constitution; modifies Law No. 8112, of December 11, 1990; revokes Law No. 11111, of May 5, 2005, and some provisions of Law No. 8159, of January 8, 1991; and addresses other matters.

Veto Message

In effect

Regulations

(Refer to Law No. 14129, of 2021) (In effect)

I, the **PRESIDENT OF THE REPUBLIC**, hereby make known that the National Congress decrees and I sanction the following Law:

CHAPTER I
GENERAL PROVISIONS

Article 1. This Law establishes the procedures that shall be observed by the Federal Government, the States, the Federal District and the Municipalities, in order to ensure access to information as established in Article 5, XXXIII, Article 37, Paragraph 3, II, and Article 216, Paragraph 2 of the Federal Constitution.

Sole Paragraph. The following shall be subject to this Law:

I – public bodies members of the direct administration of the Executive and Legislative Branches, including the Audit Courts; the Judiciary and the Prosecution Service;

II – autonomous government agencies, public foundations, state-owned companies, government-controlled companies and other entities directly or indirectly controlled by the Federal Government, the States, the Federal District and the Municipalities.

Article 2. The provisions of this Law applies, whenever possible, to non-profit private entities which receive, in order to perform actions of public interest, public funds directly from the budget or through social subventions, management contract, partnership terms, covenants, agreements, adjustments, or other instruments of the same kind.

Sole Paragraph. Transparency related to the entities mentioned in the **head provision** of this Article refers to the portion of public funds received and its respective destination, without prejudice to the accountability to which they are legally bound.

Article 3. The procedures established by this Law are intended to ensure the fundamental right of access to information and shall be performed according to the basic principles of transparency and the following guidelines:

- I – transparency as a general rule and secrecy as the exception;
- II – disclosure of information of public interest, regardless of requests;
- III – use of the means of communications made available by information technology;
- IV – promotion of the development of a transparency culture within the Government;
- V – development of the Government's social control.

Article 4. For the purposes of this Law, one shall consider:

I – information: processed or unprocessed data that can be used in the production and transmission of knowledge, within any media, support or format;

II – document: unit of recorded information regardless of its support or format;

III – classified information: piece of information which is temporarily unavailable to public access due to its relevance to social and State security;

IV – personal information: piece of information which is related to identified or identifiable natural persons;

V – handling of information: set of actions related to information production, reception, classification, use, access, reproduction, transportation, transmission, distribution, filing, storage, exclusion, evaluation, destination or control;

VI – availability: quality of the information that can be accessed and used by authorized individuals, equipment or authorized systems;

VII – authenticity: quality of the information produced, sent, received or modified by a determined individual, equipment or system;

VIII – integrity: quality of the non-modified information, comprising its origin, traffic and destination;

IX – firstness: quality of first-hand unfiltered information, retrieved from original sources, comprising as many details as possible on a given subject.

Article 5. It is the duty of the State to ensure access to information, which shall be disclosed after objective and quick procedures, in a transparent and clear manner, and in an easily understandable language.

CHAPTER II ACCESS TO INFORMATION AND ITS DISCLOSURE

Article 6. Public bodies and entities shall ensure, in compliance with the applicable specific rules and procedures:

I – transparent management of information, assuring broad access to public information and maximum disclosure;

II – protection of information, ensuring its availability, authenticity and integrity; and

III – protection of classified and personal information, observing its availability, authenticity, integrity and occasional limitation of access.

Article 7. The right of access to information addressed by this Law comprises the right to obtain:

I – orientation on the procedures related to information access, as well as the coordinates on where to find or obtain the requested information;

II – information contained in records or documents, produced or held by different bodies or entities, either stored or not in public archives;

III – information either produced or held by an individual or private entity due to their relation with selected bodies or entities, even if such relation has been terminated;

IV – primary information that is original, authentic and updated;

V – information on the activities performed by bodies and entities, including those related to their internal policies, organization and services;

VI – information concerning the administration of public property, the use of public resources, government bidding and contracting; and

VII – information related to:

a) the implementation, monitoring and results of programs, projects and activities carried out by public bodies and entities, as well as their proposed goals and indicators;

b) the results of inspections, audits and rendering of accounts performed by bodies of internal and external control, including the rendering of accounts related to previous financial years.

Paragraph 1. Access to information provided for in the **head provision** of this Article does not comprise information related to research projects and scientific and technological development whose secrecy is crucial to social and State security.

Paragraph 2. When full access to information is not authorized because such information is partially classified, the access to the non-confidential part is granted by certificate, extract or copy, hiding the part under secrecy.

Paragraph 3. The right to access documents or the information they contain, which support decision making and administrative acts, shall be ensured with the issuance of the respective decision-making act.

Paragraph 4. The person responsible for denying full access to information requested to the bodies and entities mentioned in Article 1, without reason, shall be subject to disciplinary measures, under the terms of Article 32 of this Law.

Paragraph 5. If the interested party is notified that the requested information has been lost, they shall be entitled to request the competent authority to commence immediate investigation on the disappearance of the respective documentation.

Paragraph 6. In the event of information loss as provided for in Paragraph 5, the person responsible for safeguarding the missing information shall explain the incident and appoint witnesses to support their explanation within 10 (ten) days.

Article 8. Regardless of external requests, public bodies and entities, within the scope of powers they held, shall maintain information they either produce or keep, be it of collective or general interest, in a location of easy access.

Paragraph 1. The disclosure of the information referred to in the **head provision** of this Article shall include, at least:

I – records of the duties and organizational framework, addresses and telephones of the respective units and their standard operating hours;

II – records of any total or partial transfer of financial resources;

III – records of expenditures;

IV – information related to bidding procedures, including bidding rules and results, as well as all signed contracts;

V – general data for the monitoring of public bodies and entities programs, activities, projects and construction works; and

VI – answers to society's most frequently asked questions.

Paragraph 2. For compliance with the provisions established in the **head provision** of this Article, public bodies and entities shall use all legitimate means and instruments at their disposal to ensure the mandatory disclosure of information in official sites on the World Wide Web (Internet).

Paragraph 3. The websites referred to in Paragraph 2 shall meet, in accordance with the regulations, the following requirements:

I – include a content search tool that allows for objective, transparent and clear access to information in an easily understandable language;

II – enable the recording of reports in various open and non-proprietary electronic formats, such as spreadsheets and text, aiming to ensure easier information analysis;

III – enable automated access by external systems in open, structured and machine-readable formats;

IV – provide detailed disclosure of the formats used to structure information;

V – ensure the authenticity and integrity of accessible information;

VI – maintain the accessible information updated;

VII – indicate location and instructions that enable the public to use telephone or electronic communication means to contact the body or entity which owns the website; and

VIII – take the necessary steps to ensure content accessibility to persons with disabilities, as established in Article 17, Law No. 10098, of December 19, 2000, and Article 9 of the Convention on the Rights of Persons with Disabilities, enacted by Legislative Decree No. 186, of July 9, 2008.

Paragraph 4. The municipalities with a population of up to 10,000 (ten thousand) inhabitants are exempt from the mandatory disclosure on the Internet referred to in Paragraph 2, but obligation to real time disclosure of information related to budget and financial execution shall be maintained, according to the criteria and time limits provided for in Article 73-B of Supplementary Law No. 101, of may 4, 2000 (the Fiscal Responsibility Law)

Article 9. Access to public information shall be ensured by means of:

I – creation of a citizen information service within public bodies and entities, in a location suitable for:

- a) serving and guiding the public on matters related to information access;
- b) providing information on the processing of documents within their respective units;
- c) registering documents and requests on the access to information; and

II – organization of public hearings and consultations, encouragement to public participation or other disclosure-related mechanisms.

CHAPTER III PROCEDURES FOR ACCESS TO INFORMATION

Section I Request for Access

Article 10. Any person is entitled to submit, by any legitimate means, a request for access to information to the public bodies and entities referred to in Article 1 of this Law, and such request shall include the applicant's identification and further specification of the requested information.

Paragraph 1. To ensure access to information of public interest, the identification of the applicant shall not contain unreasonable requirements that impede the request to be attended.

Paragraph 2. Public bodies and entities should make use of their official websites on the Internet to provide an alternative way for the public to submit requests for access.

Paragraph 3. Any requirements related to the determining reasons of the request for information of public interest are forbidden.

Article 11. The public body or entity shall either authorize or grant immediate access to the available information.

Paragraph 1. When it is not possible to grant immediate access to the information, as established in the **head provision** of this Article, the requested body or entity shall, within 20 (twenty) days:

I – inform the date, location and means to carry out the consultation, get document copies or obtain certificates;

II – indicate the factual and legal reasons for fully or partially denying the requested access;
or

III – inform the applicant of not holding the requested information, refer them to the appropriate body or entity, or forward the information request to such body or entity, informing the applicant about it.

Paragraph 2. The period referred to in Paragraph 1 may be extended for another 10 (ten) days, by means of express reason, which shall be informed to the applicant.

Paragraph 3. Without prejudice to security and protection of information, and in compliance with the applicable legislation, the body or entity may provide the applicant with means to retrieve the needed information themselves.

Paragraph 4. When access is not authorized due to information fully or partially classified, the applicant shall be informed of the existing possibilities to appeal, as well as the terms and conditions to file it, in addition to information on the authority of jurisdiction to consider the appeal.

Paragraph 5. Information stored in digital format shall be delivered as such upon the applicant's approval.

Paragraph 6. If the requested information is available to the public in printed, electronic, or any other means of universal access, the applicant shall receive written notification of the location and ways to access, retrieve or copy such information, which is a procedure that exempts the public body or entity from the obligation to directly provide the information, unless the applicant otherwise declares not having the means to perform such procedures on their own.

Article 12. Services related to information search and provision are free of charge. (Wording by Law No. 14129, of 2021) (In effect)

Paragraph 1. The body or entity shall exclusively charge the amount necessary to reimburse the costs of the services and materials used when the services related to information search and provision demand copies of documents by the public body or entity being consulted. (Included by Law No. 14129, of 2021) (In effect)

Paragraph 2. When applicants whose economic situation does not allow them to reimburse the costs provided for in paragraph 1 of this Article without compromising their own or their family's needs, such payment, as established by Law No. 7115, of August 29, 1983 (NR), shall be exempt of doing so. (Included by Law No. 14129, of 2021) (In effect)

Article 13. When access to information consists of handling it in a way that may damage its integrity, the applicant shall be offered a certified copy for consultation.

Sole Paragraph. Should it not be possible to obtain such copies, the applicant may request, at their own expenses and under the supervision of a public official, a document reproduction that does not place the integrity of the original material at risk.

Article 14. Should the applicant be denied access to the requested information, they should be granted the right to access the full content of such negative decision.

Section II

Appeals

Article 15. After being denied the right to access either the requested information or the reasons that justify the negative decision, the petitioner shall file an appeal within 10 (ten) days after being notified of that decision.

Sole Paragraph. The appeal shall be filed with the authority hierarchically superior to that which rendered the negative decision, the latter being entitled to act within 5 (five days).

Article 16. Should federal executive bodies or entities deny the petitioner the right to access the requested information, they may file an appeal with the Office of the Comptroller General, which shall have 5 (five) days to decide on the following situations:

I – denied access to unclassified information;

II – negative decision on access to fully or partially classified information which does not indicate either the responsible or the hierarchically superior authority, to whom the petitioner could forward requests for either access or declassification;

III – non-compliance with the procedures to classify sensitive information, as established by this Law;

IV – non-compliance with the terms and overall procedures established by this Law.

Paragraph 1. The appeal provided for in this Article shall be filed with the Office of the Comptroller General only after having been reviewed by at least one authority hierarchically superior to that which rendered the negative decision, and shall be judged within 5 (five) days.

Paragraph 2. Once the reasons that justify the appeal are proved right, the Office of the Comptroller General shall require the body or entity involved to take the necessary measures to comply with the provisions of this Law.

Paragraph 3. The petitioner may file an appeal with the Mixed Commission for Information Reassessment, referred to in Article 35, should the Office of the Comptroller General deny them access to requested information.

Article 17. Without prejudice to the powers of the Mixed Commission for Information Reassessment, referred to in Article 35, and in compliance with the provisions of Article 16, the petitioner may file an appeal to the corresponding State Minister, should their request for information declassification be denied by a federal body within the Government.

Paragraph 1. The appeal provided for in this Article shall only be filed to the above-mentioned authorities after having been reviewed by at least one authority hierarchically superior to that which rendered the negative decision and, regarding the Armed Forces, to the corresponding Major Command.

Paragraph 2. If the appeal to declassify secret or top secret information established in the **head provision** of this Article is denied, the petitioner may appeal to the Mixed Commission for Information Reassessment referred to in Article 35.

Article 18. The procedures to review negative decisions regarding the appeal provided for in Article 15 and the request for declassification of secret documents shall be specifically ruled by the Legislative and Judicial branches and by the Prosecution Service, within their respective scopes, ensuring the petitioner the right to, in any case, be informed on the progress of their request.

Article 19. (VETOED).

Paragraph 1. (VETOED).

Paragraph 2. The bodies of the Judiciary and the Prosecution Service shall inform the National Justice Council and the National Council of the Prosecution Service, respectively, of their decisions which deny access to information of public interest.

Article 20. Whenever appropriate, the provisions of Law No. 9784, of January 29, 1999, shall be applied in a secondary to the procedures covered by this Chapter.

CHAPTER IV

LIMITATIONS OF ACCESS TO INFORMATION

Section I

General Provisions

Article 21. Access to information necessary for the judicial or administrative protection of fundamental rights shall not be denied.

Sole Paragraph. Information or documents about activities involving human rights violation by public officers, or ordered by public authorities shall not be subject to access limitation.

Article 22. The provisions of this Law do not exclude other cases of legal confidentiality or under seal, neither the cases of trade secrecy deriving from direct economic activity performed by the State or by a natural person or private entity connected with the Government.

Section II

Classification of Information regarding Secrecy Degrees and Periods

Article 23. The following shall be considered Information deemed as crucial to social and State security and, thus, subject to further classification, whose disclosure or non-limited access may:

I – compromise the national defense and sovereignty or the integrity of the national territory;

II – impair or compromise ongoing negotiations or country's international relations, including confidential information provided by other States or international organisms;

III – put the life, security or health of any person at risk;

IV – harm the country's financial, economic or monetary stability;

V – impair or compromise strategic plans or operations of the Armed Forces;

VI – impair or compromise research projects and scientific and technological development, as well as systems, goods, facilities or areas of national strategic interest;

VII – threaten the security of institutions or high-level national or international authorities and their respective families;

VIII – compromise intelligence activities, as well as ongoing investigations and inspections related to the prevention and repression of violations.

Article 24. The information held by public bodies and entities, taking into account its scope and relevance to social and State security, shall be classified as top secret, secret or restricted.

Paragraph 1. The maximum period of limitation of access to information, in compliance with the classification in the **head provision** of this Article, shall be in force from the date of their production, and are the following:

I – top secret: 25 (twenty-five) years;

II – secret: 15 (fifteen) years; and

III – restricted: 5 (five) years.

Paragraph 2. Information that may threaten the security of the President or the Vice-President and their respective family members shall be classified as restricted and shall be kept under secrecy until the end of the term of office in course or last term, in case of re-election.

Paragraph 3. As an alternative to the periods established in Paragraph 1, the end of the restriction period may be determined when a specific event occurs, as long as it happens before the maximum period of classification.

Paragraph 4. The information shall be automatically disclosed to public access in case the classification period expires or the event takes place.

Paragraph 5. Information shall be classified into a specific secrecy degree, in compliance with the public interest, and minimum limiting criteria shall be applied, considering:

I – the severity of the risk or harm to social and State security; and

II – the maximum access restriction period or the event defining its end.

Section III

Protection and Control of Confidential Information

Article 25. It is the duty of the State to control access and disclosure of confidential information produced by its bodies and entities, ensuring its protection.

Paragraph 1. Access, disclosure and processing of confidential information shall be limited to those who need access to it and are properly certified in compliance with the regulations, without prejudice to the powers of public officers authorized by law.

Paragraph 2. The individual who accesses confidential information is obliged to keep it under secrecy.

Paragraph 3. The handling of confidential information shall be disciplined by specific regulations, which shall establish the procedures and measures to be adopted in order to prevent its loss, undue alteration, unauthorized access, transmission and disclosure.

Article 26. Public authorities shall adopt adequate measures for their subordinates to have access and comply with security measures and procedures for the handling of confidential information.

Sole Paragraph. The natural person or private entity that occasionally handle confidential information because of their relations with the Government shall adopt the necessary measures to ensure that their employees, agents and representatives comply with security measures and

procedures for the handling of information, in compliance with the provisions established by this Law.

Section IV

Procedures of Classification, Reclassification and Declassification

Article 27. The classification of confidential information within the Federal Government is under the responsibility of:

I – top secret degree, the following authorities:

- a) The President of the Republic;
- b) The Vice-President of the Republic;
- c) State Ministers and other authorities with the same prerogatives;
- d) Navy, Army and Air Force Commanders; and
- e) Heads of permanent Diplomatic and Consular Missions abroad;

II – secret degree, the authorities referred to in Item I, heads of autonomous government agencies, public foundations or companies, state-owned companies; and

III – restricted level, the authorities referred to in Items I and II, and individuals in directing, commanding or leadership positions, hierarchically ranked as DAS 101.5 level or above, from the High Level Management and Advisory Group or other group with similar hierarchy, in compliance with the specific regulations adopted by each body or entity and in compliance with the provisions of this Law.

Paragraph 1. The level of responsibility established in Items I and II, concerning top secret and secret classifications, may be delegated by the responsible authority to public officers, including the ones based in missions abroad, while sub-delegation shall be forbidden.

Paragraph 2. The classification of information in the top secret degree by the authorities referred to in Sub-items “d” and “e” of Item I shall be validated by the corresponding State Ministers, within the period established by specific regulation.

Paragraph 3. The authority or other public agent who classifies the information as top secret shall forward the decision set forth in Article 28 to the Mixed Commission for Information Reassessment, referred to in Article 35, within the time frame established by specific regulation.

Article 28. The classification of information at any degree of secrecy shall be formalized into a decision which shall comprise, at least, the following elements:

I – information content;

II – classification reasons in compliance with the criteria established in Article 24;

III – indication of secrecy period, to be counted in years, months or days, or from the event that calls for secrecy, in compliance with the boundaries provided for in Article 24; and

IV – identification of the authority responsible for the classification.

Sole Paragraph. The decision referred to in the head provision of this Article shall be kept under the same degree of secrecy of the classified information.

Article 29. The classification of information shall be reviewed by the authority responsible for the classification or by a hierarchically superior authority, at their discretion or upon initiative, under the terms and periods established in specific regulation, in order to declassify the information or reduce the period in which it shall be kept under secrecy, in compliance with Article 24.

Paragraph 1. The specific regulation referred to in the head provision of this Article shall consider the peculiarities of the information produced by authorities or public officers abroad.

Paragraph 2. The reassessment referred to in the **head provision** of this Article shall comprise the review of the reasons for keeping secrecy and the possibility of harm resulting from information access or disclosure.

Paragraph 3. Should the period of secrecy be reduced, the new restriction period shall commence from the date of its production.

Article 30. In compliance with specific regulations, and on a website available on the Internet to display administrative data and information, the highest authority of each body or entity shall publish the following documents annually:

I – list of all declassified information in the last 12 (twelve) months;

II – list of classified documents, in each degree of secrecy, with corresponding identification for future reference;

III – statistics report covering the number of received, responded and refused information requests, as well as general information on the applicants.

Paragraph 1. Public bodies and entities shall keep a copy of the publication referred to in the **head provision** of this Article for public consultation in their respective headquarters.

Paragraph 2. Public bodies and entities shall keep a summary with the list of all classified information, their corresponding dates, secrecy level and classification reasons.

Section V

Personal Information

Article 31. Personal information shall be handled in a transparent way and shall respect people's intimacy, private life, honor and image, as well as individual freedoms and guarantees.

Paragraph 1. With regard to intimacy, private life, honor and image, the personal information referred to in this Article shall:

I – have its access limited to public officers who are legally authorized and to the person to whom such information refers, regardless of the secrecy classification and for a maximum period of 100 (one hundred) years, counted from the date of its production;

II – have their disclosure or access by third parties authorized upon legal provision or express consent of the person to which the information refers.

Paragraph 2. The person who is granted access to the information referred to in this Article shall be held liable for its undue use.

Paragraph 3. The consent referred to in Item II of Paragraph 1 shall not be required when the information is necessary for:

I – medical prevention and diagnosis, when a person is physically or legally incapable, and solely and exclusively to guarantee due medical treatment;

II – production of statistics and scientific research of public or general interest as established by the law; however, it is forbidden to disclose the identification of the person to whom the information refers;

III – enforcement of a court order;

IV – protection of human rights; or

V – protection of relevant public and general interest.

Paragraph 4. The restriction on access to information related to a person's private life, honor and image shall not be pulled into legal action with the purpose of jeopardizing the process of investigating irregularities involving the holder of that information, as well as actions aimed to recover historical facts of greater importance.

Paragraph 5. Specific regulation shall establish the procedures for the handling of personal information.

Article 32. Public officers and military personnel shall be held liable if they:

I – refuse to provide the information required in compliance with the provisions of this Law; deliberately procrastinating the disclosure of the requested information or intentionally delivering it in an incorrect, incomplete or inaccurate way;

II – unduly use, remove, destroy, invalidate, deform, alter or conceal, fully or partially, information either in their custody or to which they have access due to their position, job or public assignment;

III – analyze information access requests with malice or bad faith;

IV – disclose or allow the disclosure or access, or allow the undue access to classified or personal information;

V – impose secrecy on information in order to obtain personal benefit or to benefit third parties, or to conceal an illegal act committed by themselves or someone else;

VI – conceal classified information from the review of the competent higher authority in order to obtain personal benefit or to benefit others, or with the intention to harm third parties; and

VII – destroy or remove, by any existing means, documents related to potential human rights violations perpetrated by State agents.

Paragraph 1. In compliance with the adversary system, the principle of full defense and the due process of law, the practices described in the head provision of this Article shall be considered:

I – intermediate or serious military violations, in compliance with the criteria adopted by the disciplinary regulations of the Armed Forces, and as long as the law does not classify them as crimes or misdemeanors; or

II – administrative violations, which shall be punished with at least a suspension, in compliance with Law No. 8112, of December 11, 1990, and its amendments, and the criteria it has further established.

Paragraph 2. The practices described in the head provision of this Article, once adopted by military personnel or public officers, shall subject them to misconduct in public office charges, in compliance with Law No. 1079, of April 10, 1950 and Law No. 8429, of June 2, 1992.

Article 33. The following sanctions shall apply to natural persons or private entities with access to information due to their relations with the Government and in case they fail to comply with the provisions established by this Law:

I – warning;

II – fine;

III – termination of the relations established with the Government;

IV – temporary prohibition to participate in public bidding and impediment to contract with the Government for a period of up to 2 (two) years; and

V – ineligibility certificate preventing them to bid or contract with the Government until new registering of documents to participate is carried out by the same authority which applied the penalty.

Paragraph 1. The sanctions provided for in Items I, III and IV shall be applied in combination with the sanction provided for in Item II, ensuring the right of defense to the interested party in the respective proceeding within 10 (ten) days.

Paragraph 2. The registering referred to in Item V shall be only authorized after the interested party reimburses the body or entity of the damages they caused and after the sanction period applied on the basis of Item IV.

Paragraph 3. The sanction established in Item V shall be applied by the highest authority of the public body or entity, ensuring the defense of the interested party in the respective proceeding within 10 (ten) days from its disclosure.

Article 34. Public bodies and entities shall be directly liable for the damages caused by unauthorized disclosure or undue use of classified or personal information, being subject to investigations on their functional responsibility in the cases of intent or unintentional violations, ensured the right of recourse.

Sole Paragraph. The provisions established in this Article shall apply to natural persons or private entities that have access to classified or personal information because of their relations with the Government and handle such information in an unduly manner.

CHAPTER VI

FINAL AND TRANSITORY PROVISIONS

Article 35. (VETOED).

Paragraph 1. The Mixed Commission for Information Reassessment is hereby created and, within the Federal Government, shall decide on the handling and classification of classified information, having powers to:

I – require further explanations from the authority that classifies information as top secret and secret or demand full or partial access to information content;

II – review on its own motion or upon the initiative of the interested party the classification of information as top secret or secret, in compliance with the provisions established in Article 7 and other provisions of this Law; and

III – extend, always for a determined period, the secrecy time frame of the information classified as top secret, for as long as its access or disclosure potentially cause external threat to the national sovereignty or to the integrity of the national territory or serious risk to the international relations of the country, in compliance with the time frame established in Paragraph 1 of Article 24.

Paragraph 2. The time frame referred to in Item III shall be renewed only once.

Paragraph 3. With regard to top secret or secret documents, the review referred to in Item II of Paragraph 1 shall be carried out every 4 (four) years at most, after the reassessment established in Article 39.

Paragraph 4. Lack of a resolution on the review carried out by the Mixed Commission for Information Reassessment within the time period established in Paragraph 3 shall result in the automatic declassification of the information.

Paragraph 5. The structure, organization and operation of the Mixed Commission for Information Reassessment shall be disciplined by specific regulation, following the mandate of 2 (two) years for their members and other provisions established by this Law.

Article 36. The handling of classified information resulting from international treaties, agreements or acts shall abide to the norms and recommendations of such instruments.

Article 37. The Security and Certification Division (SCD) is hereby created and shall operate within the Cabinet of Institutional Security of the Presidency of the Republic, with the following objectives:

I – promote and propose the regulation of the security certification of natural persons, companies, bodies and entities prior to the handling of classified information; and

II – ensure the security of classified information, including those from countries or international organizations with which the Federative Republic of Brazil has a treaty, agreement, contract or any other international act, without prejudice to the duties of the Ministry of Foreign Relations and other competent bodies.

Sole Paragraph. Specific regulation shall discipline the structure, organization and operation of the SCD.

Article 38. With regard to information on natural or legal persons, registered in databases maintained by government agencies or other public entities, Law No. 9507, of November 12, 1997, shall be applied whenever possible.

Article 39. Public bodies and entities shall reassess information classified as top secret and secret within the maximum period of 2 (two) years, from the date this Law comes into force.

Paragraph 1. The limitation of access to information resulting from the reassessment established in the head provision of this Article shall comply with the periods and conditions of this Law.

Paragraph 2. On the Federal Government level and in compliance with the provisions of this Law, the reassessment established in the head provision of this Article may be reviewed, at any time, by the Mixed Commission for Information Reassessment.

Paragraph 3. The classification of the information shall remain in compliance with the provisions established by the previous legislation until the expiration of the reassessment period established in the head provision of this Article.

Paragraph 4. Should the information classified as secret and top secret be not reassessed within the time period established in the head provision of this Article, they shall be automatically disclosed to public access.

Article 40. Within 60 (sixty) days from the date this Law comes into force, the highest authority of each federal public body or entity shall appoint an authority to be directly subordinated to them and perform the following duties within their corresponding body or entity:

I – efficiently ensure compliance with the provisions concerning access to information pursuant to the objectives of this Law;

II – monitor the implementation of the provisions established by this Law and present periodic reports on their compliance;

III – recommend indispensable measures to the implementation and enhancement of the provisions and procedures necessary for compliance with the terms established by this Law; and

IV – advise their respective units to comply with this Law and its regulations.

Article 41. The Federal Executive Branch of Government shall appoint a body from the Government to be responsible for:

I – the promotion of a national campaign aimed to foster the transparency culture within the Government and to raise awareness of the fundamental right of access to information;

II – training public officers to develop transparency practices within the Government;

III – monitoring the application of this Law within the Federal Government, concentrating and consolidating the publication of the statistical information listed in Article 30.

IV – submitting an annual report to the National Congress with information on the implementation of this Law.

Article 42. The Executive Branch of the Government shall regulate the provisions established by this Law within 180 (one hundred and eighty) days, from the date of its publication.

Article 43. Item VI of Article 116 of Law No. 8112, of December 11, 1990, shall come into effect with the following wording:

“Article 116.

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.....
.....

VI – report to one’s superior authority the irregularities discovered because of their job or position or, should that authority be under suspicion of being involved with such irregularities, report the fact to another competent authority for the purpose of further investigation;

.....
.....” (NR)

Article 44. Chapter IV of Title IV of Law No. 8112, of 1990, shall come into effect supplemented by the following Article 126-A:

“Article 126-A. No civil servant shall be subject to civil, criminal or administrative liabilities for having reported to their superior authority or, should that authority be under suspicion, to another competent authority, for the purpose of further investigation, on information related to the commission of crimes or misconduct in public office which they had access to because of their position, job or public assignment.”

Article 45. The States, the Federal District and the Municipalities shall determine their specific legislation, especially regarding Article 9 and Section II of Chapter III, in compliance with the general provisions established by this Law.

Article 46. The following legal provisions are hereby revoked:

I – Law No. 11111, of May 5, 2005; and

II – Articles 22 to 24 of Law No. 8159, of January 8, 1991.

Article 47. This Law shall come into force 180 (one hundred and eighty) days after its official publication.

Brasília, November 18, 2011; the 190th Anniversary of the Independence and the 123rd Anniversary of the Republic.

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