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The role of ethics in law practice: an analysis of violations of professional secrecy and the use of artificial intelligence.

The role of ethics in legal practice: analysis of violations of professional confidentiality and the use of artificial intelligence

The role of ethics in the legal profession: analysis of violations of the professional secret and the use of artificial intelligence

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SUMMARY

This research analyzes the ethical limits of professional secrecy in the legal profession in light of the use of artificial intelligence and digital technologies in the practice of law. The study starts from the understanding that professional secrecy constitutes an essential element of the relationship of trust between lawyer and client, being protected by the Statute of the Legal Profession and the Brazilian Bar Association (OAB), by Law 8.906/1994 and by the OAB Code of Ethics and Discipline. In this context, the advancement of technological tools and artificial intelligence systems has generated new challenges related to data protection, confidentiality of information, and professional responsibility. The general objective is to examine the impacts of artificial intelligence on the legal profession, identifying the risks of violation of professional secrecy and the ethical limits necessary for the preservation of fundamental rights. The methodology used is qualitative in nature, developed through bibliographic and documentary research, with analysis of books, scientific articles, legislation, and legal norms relevant to the topic.

It is concluded that, although artificial intelligence contributes to greater efficiency and agility in legal practice, its use without regard for ethical principles and adequate security measures can compromise the confidentiality of information. Therefore, strengthening professional ethics and data protection in contemporary legal practice becomes indispensable.

Keywords: Ethics in the legal profession. Recommendation No. 001/2024. Professional secrecy. Artificial intelligence.

Abstract

This research analyzes the ethical limits of professional confidentiality in legal practice in light of the use of artificial intelligence and digital technologies. The study is based on the understanding that professional secrecy is an essential element of the trust relationship between lawyer and client and is protected by the Brazilian Bar Association Statute and the OAB Code of Ethics. In this context, advances in technological tools and artificial intelligence systems have created new challenges related to data protection, information confidentiality, and professional responsibility. The general objective is to examine the impacts of artificial intelligence on legal practice, identifying the risks of breaches of professional confidentiality and the ethical limits necessary to preserve fundamental rights. The methodology adopted is qualitative and is developed through bibliographic and documentary research, including analysis of books, scientific articles, legislation, and legal norms related to the topic. It is concluded that although artificial intelligence contributes to greater efficiency and agility in legal practice, its use without adhering to ethical principles and adequate security measures may compromise information confidentiality. Therefore, strengthening professional ethics and data protection in contemporary legal practice is essential.

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Keywords: Ethics in advocacy. Recommendation No. 001/2024. Professional confidentiality. Artificial intelligence.

1 INTRODUCTION

The legal profession plays an essential role in the administration of justice, based on professional ethics and confidentiality. Between lawyer and client, these are indispensable pillars for guaranteeing trust and the right to a full defense. The advancement of digital technologies and artificial intelligence in the legal field presents challenges. related to data protection, confidentiality of information, and ethical boundaries of professional performance. The improper use of these tools can compromise rights. fundamental and violate professional confidentiality. In this context, adaptation of the Legal ethics in the face of technological transformations, in accordance with the Statute of the Legal Profession and the Code of Ethics and Discipline of the Brazilian Bar Association (OAB).

Furthermore, Recommendation No. 001/2024 of the Federal Council of the Brazilian Bar Association establishes guidelines for the ethical use of generative artificial intelligence in law, stipulating that Technology should only be used as an auxiliary tool in professional activity. The document reinforces the need for comprehensive human supervision and prohibits the replacement of lawyers are being used by AI systems in activities exclusive to the profession. Furthermore, it highlights the... importance of protecting personal data, preserving professional confidentiality and compliance with the General Data Protection Law (LGPD). The recommendation also advises that The client should be informed about the use of these tools, ensuring transparency. Responsibility and respect for the ethical principles of the legal profession.

The research raised a question about: in what way is intelligence used? Artificial intelligence in legal practice can compromise professional confidentiality, and what are the ethical limits? necessary to guarantee the protection of information and trust in the relationship between lawyer and customer?

The overall objective of this study is to analyze the ethical limits of professional confidentiality in Legal practice in the face of the use of artificial intelligence, in light of the Brazilian legal system. For To achieve this purpose, the initial step is to examine the concept and relevance of secrecy. professional, highlighting its ethical and legal foundations in the lawyer's practice. Then, This will be carried out through bibliographic and documentary research, with analysis of the Recommendation. OAB Resolution No. 001/2024, the LGPD (Brazilian General Data Protection Law), the Statute of the Legal Profession, and studies on the use of... Artificial intelligence in legal practice. Potential ethical risks will also be examined. related to data protection, professional secrecy, and the lawyer's responsibility. By

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Finally, the objective is to verify how the Brazilian legal system regulates and holds accountable for any breaches of professional confidentiality in the context of the use of technologies digital.

The hypothesis is that the use of artificial intelligence in law, although While it may contribute to greater speed and efficiency in legal activity, it can also create risks to protection. professional confidentiality when used without regard for ethical principles and standards of Data security. The absence of specific regulations and adequate oversight can... to encourage breaches of customer confidentiality. Thus, it becomes It is essential to adopt ethical boundaries, control mechanisms, and accountability. professional to ensure the protection of fundamental rights and the preservation of trust. in the attorney-client relationship.

The rationale for the study lies in the increasing integration of technology into the practice of legal practice, especially with the use of artificial intelligence-based tools. The protection of professional confidentiality is an essential pillar of the relationship of trust between client and lawyer, being indispensable to guaranteeing fundamental rights. Therefore, the study contributes to critical reflection on the ethical adaptation of professionals in the face of digital transformations. Furthermore, it has practical relevance by helping to prevent disciplinary infractions.

Regarding the methodology, the research will be qualitative in nature and developed... through bibliographic and documentary analysis, using doctrine, scientific articles, legislation and relevant norms, especially the OAB Code of Ethics and the Recommendation Resolution No. 001/2024 of the Federal Council of the Brazilian Bar Association, which establishes mandatory human supervision and Preservation of professional confidentiality in the use of artificial intelligence. The qualitative approach. This will allow us to understand the subjective and ethical aspects involved in the topic.

Regarding the structure, the work will be divided into three main chapters. In chapter 1, The fundamentals of ethics in the legal profession and the importance of professional confidentiality will be addressed. The exercise of the social function of the lawyer. Chapter 2 will address violations of professional secrecy as outlined in the OAB Code of Ethics, presenting practical examples, such as... Improper sharing of customer information on artificial intelligence platforms and the disclosure of confidential data through inadequate storage in digital systems. without adequate protection. In chapter 3, contemporary challenges will be discussed. related to the use of artificial intelligence and digital technologies in law. Still This chapter will present preventive measures and forms of accountability.

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disciplinary. Finally, a critical analysis of professional performance in this new context will be carried out. The proposed framework seeks to integrate theory and practice in a coherent way.

It is concluded that ethics in the legal profession remains an indispensable element for protection. of rights and the effectiveness of justice, especially in light of technological advancements. Secrecy Professionals, even in the face of the challenges posed by artificial intelligence, must be rigorously preserved.

2. FUNDAMENTALS OF ETHICS IN LAW AND PROFESSIONAL SECRECY

2.1 Ethics as a pillar of the social function of the legal profession

The legal profession plays a relevant social role in the Brazilian legal system. being indispensable to the administration of justice and the realization of fundamental rights.

According to Lobo:

> The practice of law demands conduct guided by good faith, loyalty, and... Professional responsibility is paramount, especially in light of the constant technological transformations impacting the legal field. Professional ethics are essential to ensuring the credibility of legal practice and the protection of individual rights.3

Ethics in the legal profession is not limited to the formal compliance with the rules set forth in law. The Statute of the Legal Profession and the Code of Ethics of the Brazilian Bar Association, but also It encompasses the lawyer's moral commitment to justice and human dignity. "The professional Law acts as an instrument for defending social, individual, and collective rights. and must preserve the trust established in the relationship with the client."4

In this context, professional confidentiality constitutes one of the main ethical foundations of legal representation, being indispensable to ensure legal certainty and trust between lawyer and client. The confidentiality of shared information ensures the citizen's privacy. The freedom to present the facts necessary for one's defense, without fear of undue exposure. Thus, Preserving confidentiality strengthens the constitutional right to a full defense and due process.5

With the advancement of digital technologies and artificial intelligence in the legal field, they have

3 LÔBO, Paulo. **Comments on the Statute of the Legal Profession and the OAB.** 14th ed. São Paulo: Saraiva, 2022, p. 72.

4 NALINI, José Renato. General and professional ethics. 16th ed. São Paulo: **Revista dos Tribunais,** 2021, p. 53.

5 BRAZIL. Law No. 8,906, of July 4, 1994. **Statute of the Legal Profession and the Brazilian Bar Association. Brasilia,** DF: Presidency of the Republic, 2023.

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New challenges have emerged regarding the protection of confidential information. Automated tools Storage, data analysis, and the production of legal documents have expanded the They have improved the efficiency of legal practice, but have also increased the risks of data leaks and unauthorized access to confidential information.6

The use of artificial intelligence in law must strictly adhere to the principles. Ethical principles of the profession, especially regarding the protection of privacy and appropriate treatment. sensitive data. The improper use of these tools can compromise the duty to confidentiality as stipulated in professional legislation, causing damage to the relationship of trust. established between lawyer and client. Therefore, it becomes necessary to implement security and control mechanisms in the digital environment.7

Professional ethics require that lawyers act with prudence and responsibility in their work. use of technological platforms, avoiding undue exposure of procedural information or Strategic. Lack of caution in the use of digital systems can result in violations. to professional secrecy and even disciplinary liability before the Order of Brazilian lawyers; technology should act as an auxiliary tool, never replacing the ethical duties of the profession.8

The social function of the legal profession is also directly related to the promotion of justice and to the preservation of the Democratic Rule of Law. "The lawyer plays a role fundamental in guaranteeing access to justice, acting as a defender of fundamental rights. "And a guardian of legality." In this way, professional ethics represents more than just an obligation. individual, but also a true social commitment indispensable to the balance of legal relations.9

The ethical duty of a lawyer also includes the need for professional development. Continuous adaptation in the face of social and technological changes. The advancement of artificial intelligence demands technical knowledge in data protection, digital security, and within the legal limits of Automation in the practice of law. Thus, contemporary ethical training must include reflections on digital responsibility and the protection of privacy in the virtual environment.10

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[6] DONEDA, Danilo. **From privacy to the protection of personal data.** 3rd ed. São Paulo: Thomson Reuters Brasil, 2021.

7FRAZÃO, Ana; MULHOLLAND, Caitlin. **Artificial intelligence and law:** ethics, regulation and responsibility. São Paulo: Revista dos Tribunais, 2022, pp. 87-88.

[8] FEIGELSON, Bruno; ZANATTA, Rafael. **Digital Advocacy and Data Protection.** São Paulo: Thomson Reuters Brasil, 2021.

[9] BARROSO, Luís R. **Course on contemporary constitutional law.** 10th ed. São Paulo: Saraiva, 2022, p. 67.

[10] BIONI, Bruno Ricardo. **Personal data protection: the function and limits of consent.** 3rd ed. São Paulo: Forensic, 2023.

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Preserving professional confidentiality in the face of the use of smart technologies has become a...
A topic of great relevance in the current legal landscape. Automated analysis systems of
Digital documents and communication platforms can expose sensitive information when
used without adequate safety protocols. Respect for ethical principles remains.
indispensable for guaranteeing the protection of client rights and the integrity of legal practice.11

It is observed that ethics constitutes a true foundation of the social function of the legal profession.
especially in light of the challenges posed by digital transformation and the increasing use of
Artificial intelligence. The protection of professional confidentiality must remain a principle.
fundamental to legal practice, ensuring trust, security, and effectiveness in the defense of...
fundamental rights. Therefore, contemporary legal practice needs to reconcile innovation.
technological integration is done with ethical responsibility to preserve its social and legal relevance.12

2.2 Professional secrecy as a right and duty of the lawyer

Professional secrecy is one of the main pillars of the legal profession, being, simultaneously,
It is a right of the lawyer and an essential ethical and legal duty to protect the relationship with the client.
According to Horn, professional secrecy is an indispensable condition for the exercise of full defense, as it
guarantees the necessary trust between lawyer and client.13 In the context of the use of
With artificial intelligence, the analysis from this institute becomes even more relevant, as it involves...
need to establish clear limits for the handling of confidential information in
digital environments.

From a legal standpoint, professional secrecy is supported by the Statute of the Legal Profession
(Law No. 8.906/94), especially in Article 7, XIX, and in the Code of Ethics and Discipline.
of the Brazilian Bar Association (OAB), in articles 35 to 38, which ensure the confidentiality of information
obtained in the exercise of the profession14. In addition, Recommendation No. 001/2024 of the Federal Council of
The Brazilian Bar Association (OAB) reinforces the need to preserve confidentiality and human supervision in the use of...

[11] TEPEDINO, Gustavo; FRAZÃO, Ana; OLIVA, Milena Donato. **General Law on the Protection of Personal Data and its repercussions in Brazilian law.** São Paulo: Thomson Reuters Brasil, 2020, p. 81.
12 GÓES, G. de T. Professional secrecy in criminal proceedings: a proposal for reinterpretation. **Revista do Instituto de Ciências Penais,** 2023. Available at: https://www.ricp.org.br. Accessed on: April 6, 2026.
[13] HORN, Rafael de Assis. Professional secrecy and the inviolability of the practice of law in the jurisprudence of the Superior Court of Justice. **Revista de Direito da ADVOCEF,** 2025. Available at: https://revista.advocef.org.br. Accessed on: April 8, 2026.

[14] BRAZIL. **Federal Council of the Brazilian Bar Association .** Code of Ethics and Discipline of the OAB. Articles 35 and 36. Brasília, DF, 2015. Available at: https://www.oab.org.br/content/pdf/legislacaooab/codigodeetica.pdf. Accessed on: May 21, 2026.

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artificial intelligence in the legal profession, as well as criminal laws that define its violation15 .

According to Souza et al.,16 failure to comply with this duty may give rise to sanctions.
disciplinary, civil and criminal matters, which highlights their relevance in the legal system. In
In the context of artificial intelligence, these norms are now being interpreted in light of new risks.
such as the improper sharing of data on digital platforms.

In addition to its normative dimension, professional confidentiality has an ethical character and is essential to...
dignity of the profession. According to Góes17, The confidentiality of information is fundamental.
to guarantee the right to a defense, especially in situations involving sensitive data.
In this sense, the use of artificial intelligence must be carefully analyzed to avoid...
Automated information processing compromises confidentiality.

Contemporary doctrine also recognizes that professional secrecy covers all
Information obtained in the exercise of legal activity, regardless of how it is stored. For Sousa et al.,
confidentiality is a cross-cutting principle that requires
The lawyer should exercise caution when using technologies that could expose data to third parties.

It is important to emphasize that professional confidentiality is not absolute and can be subject to change.
in exceptional situations. According to Cavalcanti, the breach of confidentiality may occur, for
For example, for the defense of the lawyer himself or in cases of imminent risk to fundamental rights19.
However, these hypotheses must be interpreted restrictively,
especially in the digital context, where the risk of undue exposure is amplified.

The advancement of information technologies, including artificial intelligence, imposes new...
Challenges to the protection of professional confidentiality. According to Souza et al., the processing of personal data
requires the adoption of technical and organizational measures that ensure the security of information.20
The lawyer must act diligently, ensuring that the use of technologies
Do not compromise the duty of confidentiality.

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15 Brazilian Federal Council of the Brazilian Bar Association. Recommendation No. 001/2024: presents guidelines to guide the use of generative artificial intelligence in legal practice. Brasília, DF: CFOAB, 2024. Available at: https://diario.oab.org.br/pages/materia/842347. Accessed on: May 21, 2026.

16 SOUZA, Herberth Barreto de et al. **Professional secrecy of lawyers.** Jus.com.br, 2024. Available at: https://jus.com.br. Accessed on: April 18, 2026.

17 GÓES, G. de T. Professional secrecy in criminal proceedings: a proposal for reinterpretation. **Revista do Instituto de Ciências Penais,** 2023. Available at: https://www.ricp.org.br. Accessed on: April 6, 2026.

18 SOUZA, Herberth Barreto de et al. **Professional secrecy of lawyers.** Jus.com.br, 2024. Available at: https://jus.com.br. Accessed on: April 18, 2026.

19 CAVALCANTI, Ricardo. **Professional secrecy and prerogatives of the legal profession.** Recife: Juruá, 2020. p. *89*

20 SOUSA, C.; MARTINS, RP; PEREIRA, VLPS et al. **Professional secrecy in Brazil:** an ethical issue. 2024. Available at: https://periodicos.capes.gov.br. Accessed on: April 10, 2026.

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2.3 Limits and relativization of professional secrecy in contemporary law practice

Professional secrecy is one of the main guarantees of the legal profession, but it is not...
It has an absolute character. In exceptional situations foreseen in the legal system, it allows-
if relativization, especially when there is a relevant public interest or need for
protection of fundamental rights. In this sense, the inviolability of secrecy must be interpreted in light of
the principles of proportionality and reasonableness.21

Among the hypotheses accepted by legal scholars is the exercise of the right to self-defense by the individual himself.
lawyer. The disclosure of information may occur in a restricted manner and only to the extent necessary.
necessary to ensure professional defense. In contemporary law practice, marked by the use
Regarding artificial intelligence and digital platforms, this flexibility requires greater caution.
to the risks of improper data sharing.22

The relativization of secrecy is also discussed in situations involving threats to life.
or to the integrity of third parties. "The duty of confidentiality cannot serve to cover up
"illicit practices or preventing the protection of essential legal assets." Even so, the breach of
Secrecy should remain exceptional, adhering to strict ethical and legal criteria. [23]

In the context of criminal investigations, the breach of professional confidentiality may occur.
by means of a reasoned judicial decision, especially when there is evidence of the involvement of
lawyer involved in illicit activities. The use of artificial intelligence tools in
Investigative procedures increase the need to protect the prerogatives of lawyers and the privacy of
clients.24

Furthermore, the advancement of digital technologies has brought new challenges to the preservation of
Confidentiality. Cloud storage, messaging applications, and systems.
Automated processes increase the risk of leaks of sensitive information. Data protection
It must integrate professional ethics, requiring lawyers to take effective measures for information security
and compliance with the General Data Protection Law.25

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[21] HORN, Marcelo. **Ethics, advocacy and artificial intelligence.** São Paulo: Atlas, 2025. p. 45.
[22] CAVALCANTI, Ricardo. **Professional secrecy and prerogatives of the legal profession.** Recife: Juruá, 2020. p. 88.
23 GÓES, Fernanda. **Legal ethics and the limits of professional secrecy.** Belo Horizonte: Fórum, 2023. p. 102.
[24] SOUZA, Carlos et al. **Contemporary Advocacy, Criminal Investigation and Artificial Intelligence.** Rio de Janeiro
January: Lumen Juris, 2024. p. 62.
[25] SOUZA, Mariana et al. **Data protection and professional ethics in digital law practice.** São Paulo: Saraiva, 2020. p.
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3 Violations of Professional Secrecy in the OAB Code of Ethics

3.1 Classification of ethical infractions related to confidentiality

Maintaining confidentiality ensures trust between lawyer and client.
allowing for the full exercise of technical defense. Failure to comply with this duty constitutes an ethical violation.
This is a serious matter, subjecting the professional to the applicable disciplinary sanctions. According to Lôbo, this is because:

> Professional secrecy is an indispensable guarantee for the independence of the legal profession and the protection of citizens' fundamental rights; it represents one of the essential foundations of the legal profession and is protected by the Code of Ethics and Discipline of the Brazilian Bar Association (OAB) and the Statute of the Legal Profession.26

The Brazilian Bar Association's Code of Ethics stipulates that lawyers must safeguard all...
information obtained in the course of professional practice, regardless of the means used to obtain it.
Storage or transmission. With the advancement of digital technologies and intelligence.
artificial, this protection has come to also encompass electronic databases and platforms.
online and automated systems. For Bittar, "contemporary legal ethics demands that the
Professionals should exercise extra caution when handling digital information, considering the
inherent risks of the virtual environment. [27]

Among the most frequent ethical violations related to professional secrecy are:
if the improper disclosure of procedural information, the unauthorized sharing of
documents and the inappropriate use of technological tools.

According to Bittar, these actions compromise not only the client's interests, but also...
also the credibility of the legal profession before society. Nunes observes that the violation of
The duty of confidentiality represents a direct affront to the dignity of the profession and the trust placed
in the lawyer.28

The use of artificial intelligence systems in the practice of law also
This has increased the risks of exposure of sensitive data. Automated tools can...
storing information on external servers or processing data without security controls
According to Pinheiro, the protection of personal data has become an indispensable element.
of legal activity, especially in light of the expansion of digital technologies and

26 LÔBO, Paulo. **Comments on the Statute of the Legal Profession and the OAB.** 14th ed. São Paulo: Saraiva, 2021, p. 69.
[27] BITTAR, Eduardo CB. **Course on Legal Ethics.** 15th ed. São Paulo: Atlas, 2022, p. 82.
[28] NUNES, Rizzatto. **Manual of Professional Ethics for Lawyers.** São Paulo: Saraiva, 2020.

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need to comply with the General Data Protection Law.29

"The Statute of the Legal Profession provides for disciplinary penalties for professionals who violate it." the duty of confidentiality, including censure, suspension and exclusion from the Order's rolls Brazilian lawyers." These sanctions are preventive and educational in nature, aiming to preserve the The integrity of the profession and ensuring the protection of client rights. For Medina, the Disciplinary accountability of lawyers aims to ensure compliance with the ethical principles that structure the legal profession.30

Another relevant point concerns the lawyer's responsibility regarding the use of Digital platforms and communication applications. The lack of technical knowledge of these. The use of tools does not eliminate professional responsibility in the event of an information leak. Tartuce argues that lawyers should adopt secure storage mechanisms and data sharing in order to prevent unauthorized access and ensure confidentiality.31

Therefore, the classification of ethical infractions related to professional secrecy should be... interpreted in a way that is compatible with contemporary technological transformations. The The advancement of artificial intelligence and digital platforms demands not only from lawyers Legal knowledge, but also technical skills focused on information security. As Gonçalves teaches, modern legal practice depends on the combination of ethics, professional responsibility, and data protection in the digital environment.32

3.2 Analysis of the most frequent violations in legal practice

The continuous use of emails, instant messaging applications, and electronic systems. And artificial intelligence platforms have significantly increased the risks of exposure. improper use of confidential information. In this scenario, Doneda emphasizes that "the transformation The digital age demands new data protection mechanisms and greater responsibility on the part of... legal professionals. [33]

Among the most frequent violations, the mistaken sending of documents and of stands out.

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[29] PINHEIRO, Patrícia Peck. **Personal Data Protection:** Comments on the LGPD. São Paulo: Saraiva, 2021.
[30] MEDINA, José Miguel Garcia. **Annotated Statute of the Legal Profession.** São Paulo: RT, 2023.
[31] TARTUCE, Flávio. **Manual of Civil Law.** 13th ed. Rio de Janeiro: Forense, 2022.
[32] GONÇALVES, Carlos Roberto. **Civil Liability.** 20th ed. São Paulo: Saraiva, 2024.
[33] DONEDA, Danilo. **From Privacy to Personal Data Protection.** 3rd ed. São Paulo: Thomson Reuters Brasil, 2020, p. 102.

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disclosing confidential information to third parties.34 Often, human error is the inappropriate use of Digital tools result in the improper sharing of sensitive data. According to Schreiber argues that the absence of security protocols and prior verification increases the risk of leaks and compromises the protection of customer privacy.35

Another common practice refers to the indiscriminate use of digital platforms. adequate information security. Many professionals resort to free applications. or to unregulated systems for document storage and communication. procedural. According to Frazão, "negligence regarding the technological protection of data This could constitute an ethical violation, especially when information is disclosed. "confidential". [36]

The misuse of social media is also one of the main causes of breaches of confidentiality. professional. The disclosure of comments about processes, clients, or legal strategies, Even if indirectly, it can allow for the identification of the parties involved. In this sense, Barroso emphasizes that ethical conduct by lawyers on social media requires prudence, discretion, and... absolute respect for the confidentiality of professional information.37

Artificial intelligence applied to the legal profession also raises significant concerns. Regarding the handling of confidential data. Automated tools used for analysis. Document preparation, drafting of legal documents, and organization of information can To share data with external servers without the user's full knowledge. Mulholland, the use of these technologies demands constant monitoring and the adoption of efficient data protection mechanisms.38

Another relevant aspect concerns file storage in the cloud. Although While this technology offers convenience and accessibility, it also presents risks of attacks. Cybersecurity and unauthorized access. Sarlet states that the lawyer must verify if the Digital service providers observe appropriate security and data protection standards, in accordance with current legislation.39

Therefore, the most frequent violations of professional secrecy are directly related to... associated with the inappropriate use of digital technologies in the practice of law. According to Lôbo,

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[34] GONÇALVES, Carlos Roberto. **Civil Liability.** 20th ed. São Paulo: Saraiva, 2024.
[35] SCHREIBER, Anderson. **Personality Rights.** 4th ed. São Paulo: Atlas, 2021, p. 72.
36 FRAZÃO, Ana. **Fundamentals of Personal Data Protection.** Rio de Janeiro: Forense, 2022.
[37] BARROSO, Luís Roberto. **Transformations of Law in the Digital Age.** São Paulo: Fórum, 2023.
[38] MULHOLLAND, Caitlin. **Artificial Intelligence and Data Protection.** Rio de Janeiro: Renovar, 2024
[39] SARLET, Ingo Wolfgang. **Data Protection and Fundamental Rights.** Porto Alegre: Livraria do Advogado, 2021.

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Preventing these behaviors requires technical training and the adoption of safety measures.
Information and strict adherence to the ethical principles established by the OAB40. Protection
Confidentiality remains essential to maintaining trust between lawyer and client.
to the client and to the preservation of the profession's credibility.

4 Contemporary Challenges and Risks to Professional Confidentiality

4.1 Impacts of digital technologies and social networks

The advancement of digital technologies has significantly transformed the way in which...
Contemporary legal practice. Artificial intelligence tools, cloud storage and
Digital platforms have become integrated into the professional routine, providing greater agility.
and efficiency in the practice of law. However, such resources have also increased the risks of violating
professional secrecy and improperly disclosing confidential information.41

Professional confidentiality is an essential guarantee in the relationship between lawyer and client.
being indispensable for ensuring trust and legal certainty. In the digital environment, the
The accelerated flow of information demands greater caution in the handling of personal data and...
Confidential documents. As Doneda points out, "data protection has become an element
fundamental for preserving privacy in the information society." [42]
The use of artificial intelligence in law has expanded the processing capacity of
Data and automation of legal activities. Software for drafting legal documents and for analysis.
Contractual and automated customer service systems began to deal directly with information.
Sensitive customer information. The misuse of these tools can compromise confidentiality and lead to
significant ethical violations.43

Social media also constitutes a significant risk factor for confidentiality.
professional. Excessive exposure to information in digital environments can result in
Indirect disclosure of data related to processes and clients. According to Recuero, the
Digital platforms encourage the constant sharing of content, often without

41 LÔBO, Paulo. **Comments on the Statute of the Legal Profession and the OAB.** 14th ed. São Paulo: Saraiva, 2022.
42 DONEDA, Danilo. **From privacy to the protection of personal data.** 3rd ed. São Paulo: Thomson Reuters Brasil, 2021, p. 92.

43 RECUERO, Raquel. **Social networks on the internet.** 3rd ed. Porto Alegre: Sulina, 2020, p. 55.

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a proper understanding of the legal risks involved.44

Social networks and instant messaging applications have become widely used.
used in communication between lawyers and clients. Although these resources facilitate the
professional contacts also present vulnerabilities regarding data leaks.
information. The absence of adequate protection mechanisms can allow unauthorized access and
compromise the security of shared data.45

Another relevant challenge relates to the storage of information in services of
cloud. Despite the operational advantages, such as mobility and remote access, the
Digital storage requires strict security criteria. According to Sarlet, the protection of
Personal data should be understood as a fundamental right, imposing on professionals the duty to
guarantee the security of stored information.46

Artificial intelligence also raises concerns about how it will function.
Algorithms used in data processing. Automated systems can process
Large volumes of information, but a lack of sufficient transparency regarding the criteria.
used. Russell and Norvig highlight that the absence of adequate control over intelligent systems can
pose risks to privacy and the protection of sensitive data.47

In this scenario, the General Data Protection Law (LGPD) has become an instrument.
Essential for regulating the processing of personal data in the digital environment. The legislation
It establishes principles such as purpose, necessity, and security in the use of data. According to
In Bioni, data governance has become an indispensable requirement to ensure...
legal compliance and privacy protection.ÿ

The impacts of digital technologies and social networks demand a reinterpretation of boundaries.
Ethical principles of contemporary law practice.
The use of artificial intelligence must occur responsibly, observing the duties of
Confidentiality and protection of information. Thus, the preservation of professional secrecy.
It remains an indispensable element for guaranteeing the trust and integrity of legal practice.48

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[44] SARLET, Ingo Wolfgang. **Constitutional foundations of personal data protection.** São Paulo: Revista of the Courts, 2021.
[45] SARLET, Ingo Wolfgang. **Constitutional foundations of personal data protection.** São Paulo: Revista of the Courts, 2021
[46] RUSSELL, Stuart; NORVIG, Peter. **Artificial intelligence: a modern approach.** 4th ed. São Paulo: Pearson, 2021.
[47] BIONI, BR. **Personal data protection:** the function and limits of consent. 3rd ed. SP: Forense, 2023.
[48] MARTINS, Guilherme Magalhães. **Personal data protection and civil liability.** São Paulo: Revista dos Tribunais, 2021, p. 76.

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4.2 Preventive measures and disciplinary accountability

Given the risks associated with digital technologies, the adoption of [the following] becomes essential. Preventive measures aimed at protecting professional confidentiality. The lawyer must use secure tools for storing and sharing information, avoiding Platforms that do not offer adequate data protection guarantees. Prevention is an indispensable measure to reduce ethical violations in the digital environment.49

The use of systems with encryption, multi-factor authentication, and access control. This constitutes an important mechanism for protecting legal information. According to Doneda, the Digital security should be integrated into the professional routine of anyone who handles sensitive data. In this way, the lawyer needs to adopt technological practices compatible with the ethical duties of the profession. profession.50

The continuous training of legal professionals is also proving essential in light of this. due to constant technological transformations. Lack of knowledge about how things work. Digital tools can lead to breaches in the protection of professional confidentiality. According to Schreiber, The lawyer's technical and legal updating is necessary to ensure responsible practice in the digital environment.51

In law firms, the implementation of internal policies for the protection of Data contributes to strengthening information security. Access protocols, classification Documents and restrictions on sharing are important measures to prevent Leaks. According to Martins, adopting appropriate organizational procedures reduces significantly increase the risks associated with the exposure of confidential data.52

Compliance with the General Data Protection Law also plays a central role. in the prevention of violations. The processing of personal data must observe the principles of purpose, necessity and security, especially when dealing with procedural information and strategic. In this sense, compliance with the LGPD (Brazilian General Data Protection Law) has become an indispensable obligation in the practice of contemporary law.53

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[49] FARIAS, Cristiano Chaves de; ROSENVALD, Nelson. **Course on civil law:** civil liability. Salvador: JusPodivm, 2021

[50] DONEDA, Danilo. **From privacy to the protection of personal data.** 3rd ed. São Paulo: Thomson Reuters Brasil, 2021.

[51] SCHREIBER, Anderson. **Handbook of contemporary civil law.** São Paulo: Saraiva, 2021.

[52] MARTINS, Guilherme Magalhães. **Personal data protection and civil liability.** São Paulo: Revista of the Courts, 2021.

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In addition to preventive measures, the Statute of the Legal Profession and the Code of Ethics of the Brazilian Bar Association (OAB)
They establish disciplinary sanctions in cases of violation of professional secrecy. The penalties
They have an educational and preventative character, aiming to preserve the integrity of the profession and trust.
social misconduct in the legal profession. Depending on the severity of the conduct, penalties may include a warning,
suspension, or expulsion from the OAB (Brazilian Bar Association).54

In the context of artificial intelligence, ethical accountability must consider the
Professional conduct in the use of technological tools. Negligence in data protection.
And a lack of caution in the use of automated systems may constitute a disciplinary infraction.
According to Tepedino, the professional's responsibility depends on adopting appropriate measures to prevent
digital risks.55

In addition to disciplinary action, the lawyer may be held civilly liable for...
Damages caused to the client as a result of the violation of professional confidentiality. The failure to
The protection of confidential information may give rise to an obligation to compensate for material damages.
and morals. This understanding reinforces the need for ethical, diligent, and responsible conduct.
in the use of digital technologies.56

The protection of professional secrecy in contemporary law practice depends on a combination of
prevention, information security, and ethical accountability.57 Technological advances demand
that legal professionals adopt practices compatible with the principles of advocacy and with
The protection of fundamental rights. Thus, ethics remains an indispensable element.
to limit the risks arising from the use of artificial intelligence.

CONCLUSION

This study has allowed us to understand the importance of ethics in the legal profession.
contemporary times in the face of advances in digital technologies and artificial intelligence. A
Research has shown that professional confidentiality remains an essential principle of practice.
legal services, guaranteeing trust in the relationship between lawyer and client and ensuring the
effectiveness of the right to a full defense.

The research objectives were achieved through the analysis of ethical foundations.

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54 Brazilian Federal Council of the Brazilian Bar Association (OAB). **Code of Ethics and Discipline of the OAB. Brasília:** OAB, 2021.

55 TEPEDINO, Gustavo; FRAZÃO, Ana; OLIVA, Milena Donato. **General Law on the Protection of Personal Data and its repercussions in Brazilian Law.** São Paulo: Thomson Reuters Brasil, 2020.

56 FARIAS, Cristiano Chaves de; ROSENVALD, Nelson. **Course on civil law:** civil liability. Salvador: JusPodivm, 2021.

57 [1]Federal Council of the Brazilian Bar Association (OAB). **Code of Ethics and Discipline of the OAB.** Brasília: OAB, 2021.

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of the legal profession, of instances of violation of professional secrecy, and of the impacts of the use of Technologies in the practice of law. It has been found that artificial intelligence provides greater efficiency and speed in legal activities, but it also increases the risks of Data leaks and improper disclosure of confidential information.

It was found that the use of digital technologies requires lawyers to act in a way that is guided by... due to responsibility, prudence, and adherence to the rules set forth in the Statute of the Bar Association, the Code of Ethics of the Brazilian Bar Association (OAB), and the General Data Protection Law. Furthermore, the Recommendation... Resolution No. 001/2024 of the Federal Council of the Brazilian Bar Association reinforces the need for human supervision. Transparency and preservation of professional confidentiality in the use of artificial intelligence in law. Therefore, technological innovation must always be aligned with ethical principles. profession. Social networks, messaging apps, and storage systems in Cloud computing presents significant challenges to preserving the confidentiality of information. legal.

The research highlighted the need to adopt preventive measures and mechanisms. digital security and continuous professional development to reduce the risk of breaches Ethics. The academic relevance of the study lies in broadening the debate on ethical boundaries. the role of artificial intelligence in law and its contribution to future research on protection. data and professional ethics.

From a legal standpoint, the work reinforces the need to reconcile technological innovation. with ethical responsibility, preserving professional confidentiality and the fundamental rights of clients. It is concluded, therefore, that ethics remain indispensable to guarantee the The credibility, legitimacy, and social function of contemporary law practice.

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