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Cloud computing, data protection, and compliance with the General Data Protection Law (LGPD).

Cloud computing, data protection and compliance with the Brazilian General Data Protection Law (LGPD)
Cloud computing, data protection and compliance with the General Data Protection Law (LGPD)

Eduardo Assunção Barbosa

SUMMARY

This article aimed to present Open Banking and the General Data Protection Law (LGPD). Open Banking is a system that allows banks to share their customers' information.
This study aimed to discuss the evolution or violation of the LGPD (Brazilian General Data Protection Law) within the context of Open Banking. The methodology used was a literature review, consulting different databases (national and international) to analyze the available scientific documents on the subject. The goal was to inform clients and suggest improvements and different plans for them.
thematic, collecting and compiling the information. Therefore, we conclude that it is important to...
to authorize, or not, the Bank to share the data, in order to protect personal information.
Keywords: Open Banking. General Data Protection Law. LGPD.

ABSTRACT

This article sought to present Open Banking and the General Data Protection Law (LGPD).
Open Banking is a system that allows banks to share their customers' information to suggest improvements and alternative plans. Thus, this study aimed to discuss the evolution or violation of LGPD in the context of Open Banking. The methodology used was a literature review, in which different databases (national and international) were consulted to analyze the scientific documents available on this subject, collecting and compiling information. Thus, it is concluded that the importance of authorizing or not authorizing the Bank to share data lies in protecting
personal information.
Keywords: Open Banking. General Data Protection Act. GDPR

1 INTRODUCTION

This study sought to develop the theme "Open Banking: Evolution or Violation of the LGPD (Brazilian General Data Protection Law)".

With technology constantly evolving and banking procedures becoming digitized,

The General Data Protection Law (LGPD) aims to ensure that any information regarding the client is protected.

It should be kept confidential unless the customer requests that their data be shared. How

If we have this hypothesis, we will have:

the) The bank must keep customer data in absolute secrecy, not

sharing the same;

b) When contracting with a bank, the client should be aware of the bank's policy.

data preservation;

w) The customer must inform their manager that their data must remain confidential.

Absolute, and can only be shared with prior authorization.

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This study presented the following problem: How has the LGPD (Brazilian General Data Protection Law) evolved or violated open data?

What is the general objective of banking? Our overall goal is to discuss the evolution or violation of the LGPD (Brazilian General Data Protection Law) in banking.

within the scope of Open Banking and, as specific objectives: a) To conceptualize the LGPD (General Data Protection Law).

Data Protection); b) Discuss Open Banking: its functionalities, benefits and

Applications; e) Explain how the LGPD (Brazilian General Data Protection Law) has evolved or violated Open Banking.

With increasingly frequent internet access, banks have modernized, and with that, new technologies have emerged.

Open banking, which must comply with the LGPD (Brazilian General Data Protection Law), in order to guarantee security.

of its users. Thus, this study is justified by bringing important implications for the

This resource is useful for society and scholars in the field, and also serves as academic support for research.

future.

2 METHODOLOGY

For the development of this study, the descriptive method will be adopted, with an approach

qualitative. Shank (2002, p. 5) defines qualitative research as "a form of investigation

"Systematic empirical analysis of meaning."

By systematic, it is meant "planned, ordered and public", following the rules agreed upon by

members of the qualitative research community. By "empirical," he means that this type

The research is based on experience.

The investigation into the meaning suggests that researchers are trying to understand how others...

They give meaning to their own experience. Denzin and Lincoln (2000, p. 3) state that research

Qualitative approaches involve an interpretative and naturalistic approach: "This means that the

Qualitative researchers study things in their natural environments, trying to understand...

or to interpret phenomena in terms of the meanings that people attribute to them."

The study was developed through a literature review. According to Marconi and Lakatos (2010),

A literature review is a critical analysis of published sources, that is, of the literature, on...

a specific topic.

It is a literature review that provides a summary, a classification, a comparison, and...

an evaluation. At the postgraduate level, literature reviews can be incorporated into

an article, a research report, or a thesis. At the graduate level, reviews of

Literature can be produced autonomously and separately.

According to Köche (2011), a literature review generally takes the form of a standard essay.

It consists of three components: an introduction, a body, and a conclusion. It is not a list.

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like an annotated bibliography in which a summary of each source is listed one by one.
The search will be conducted in the Latin American and Caribbean Literature in Science databases.
Health (LILACS) and Scientific Electronic Library Online (SCIELO), as well as in
Monographs, dissertations, and scientific articles.
The inclusion criteria for the literature review in this study will be: texts available in
Complete texts, free of charge, in Portuguese and English, that meet the proposed objectives. The
Exclusion criteria will be studies that do not meet the objectives of the study.

3. CONCEPT OF OPEN BANKING

The customer owns their data, not the bank. That's the premise of Open Banking: to make...
The user is the protagonist of control and allows financial institutions to access their information.
Personal information. The open banking model aims to expand the offering of products and services.
Banking services at a lower cost. However, the major challenge will be creating suitable methods for...
to collect and manage consent for the processing of personal data
(GOETTENAUER, 2020).
Open banking is a way to expand banking products and services at a lower cost.
creating healthier competition between banks and financial technology. However,
In this case, taking into account the General Data Protection Law (LGPD), the biggest challenge will be...
Create an appropriate process for collecting and managing customer consent to participate.
This new model applies to the processing of personal data. The model stipulated by the Bank...
Central financial institutions are classified as S1, which is equal to or greater than 10% of
Gross Domestic Product (GDP), or as financial institutions with international activities.
related, and S2, which has a scale between the two; for institutions that participate in banking
Open-ended projects require between 1% and 10% of GDP (BARBERIS; BUCKLEY; ARNER, 2015).
Therefore, as long as customers authorize data sharing, the large banks that
Companies operating in Brazil will be required to participate. On the other hand, other institutions, such as
Payment companies and fintechs will participate voluntarily and must also share...
Customer data with competitors (MAGNUSON, 2017).
This situation leads to the basic approach of open banking: reciprocity, taking into account that
All participating companies have the right to receive data from competitors and are obligated to do so.
to share them, provided the client agrees (Gessi et al., 2025).
Thus, free competition expands and benefits those most interested, namely the

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consumers, who will have the option to share the data in digital format, conducted in
A safe environment supervised by Central Bank regulators.
The process will comply with the General Data Protection Law (LGPD) and follow an agreed-upon standard.
by customers, similar to accessing institutions through apps or online banking,
through facial recognition, biometrics, or passwords (VIOLA; HERINGER, 2020).

Since Open Banking is based on consent, one of the legal foundations of the LGPD (Brazilian General Data Protection Law), the
Customers can authorize or revoke sharing at any time. It is worth noting.
This acceptance is specific: customers only allow certain data to be...
shared with third-party banks, which does not apply to all data or all of the
institutions.

The internet, or network, is known as the most powerful means of communication in the world. It is
capable of connecting us to any desired information in about an instant. However, the
The internet, as we know it today, was designed for military communications in the 1960s.
when an information sharing system was developed to facilitate the
war strategy.
Thus, the initial milestone of the Internet was ARPANET, a system in which information was...
divided into small packets containing pieces of data, and in the event of an attack, it was difficult to
an adversary to obtain all the desired information. It wasn't until the 1990s that the
The famous "Internet boom," with the advent of the www (World Wide Web) and others
web browsers, which popularized the use of the Internet as a global network of computers.
connected.

It's no different in Brazil, where the internet took its first steps in the 1990s and...
It consolidated itself as a means of communication in the 2000s. With the development of the Internet, the
Search methods have expanded; information has become more accessible to users, and the Internet...
It has become a true ally in the dissemination of information. The convenience of technology
This spurred the reconfiguration: a new way of distributing information and data was created.
Thus, it is confirmed that new questions have arisen regarding privacy and ease of access.

The movement of personal data has become more complex, and the need for data protection has become clearer. In 2014,
Brazil approved the Marco Civil da Internet Law, which regulates internet use, for
Keep users safe.
However, this new law does not guarantee data privacy in a complete, comprehensive and...
structured, nor does it constitute a general data protection provision, which indicates that the
Personal data protection remains unprotected, and legislation is needed to guarantee it.

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Respect for privacy. Community flow of personal data.

The LGPD (General Data Protection Law) is defined in Law 13.709/18, which provides for... processing of personal data, including digital data, by individuals or legal entities under private law. public or private, for the protection of freedom and the fundamental right to privacy and of free development of the personality of individuals (BRAZIL, 2018).

4. General Data Protection Law (LGPD) and its specific provisions.

In Wheaton v. Peters (1834), but not officially recognized until 1890, Louis's article Brandeis and Samuel Warren's "The Right to Privacy" compiles US decisions that show Privacy violations constitute a serious offense. Be human.

At the end of the 20th century, advances in computer technology and processing Automated data processing began to take shape, and new legislation started to emerge and to draw attention. "Around 1970, it became clear that judicial decisions and legislation recognized that personal data was a projection of an individual's personality and, therefore, eligible for legal protection (LUGATI; ALMEIDA, 2021).

In the 1980s, new data protection laws were implemented in France, Norway, Sweden, and Austria. It was at this time, in 1981, that the European Commission... It harmonized the rules for the automatic processing of data and the free flow of such data. resulting in the European Directive on the Protection of Personal Data and, in 2016, in the Regulation (EU) 2016/679, the General Data Protection Regulation.

Today in Brazil, there is a legal instrument that deals with data protection, the LGPD, but before Even if by omission, the protection of data came to be addressed in Article 5, X, of the Federal Constitution, which guarantees privacy. This is another aspect of the Constitution.

The concept of protection was also initiated by scattered laws, such as the Consumer Protection Code. Consumer protection regarding data ownership in databases and habeas corpus.

Regarding the date, see Danilo Doneda's guidance on the subject:

The protection of personal data in the Brazilian legal system is not structured around a... A unified normative complex. The Brazilian Constitution addresses the problem of information. initially through guarantees of freedom of expression and the right to information, which They will eventually have to confront the protection of personality rights and, in particular, with The right to privacy. Furthermore, the Constitution considers private life and... privacy (article 5, X); see, specifically, the interception of telephone communications,

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telegraphic or data (art. 5, XII), as well as the institution of the habeas data action (art. 5, LXXII), which basically establishes a type of right of access and rectification of Personal data. In sub-constitutional legislation, the Consumer Protection Code stands out. Consumer, Law 8.078/90, whose article 43 establishes a series of rights and guarantees for the consumer in relation to their personal information present in "databases and "registrations", implementing a system based on the Fair Information Principles to the subject matter. granting credit and allowing part of the doctrine to verify in this legal text The regulatory framework for the principles of personal data protection in Brazilian law. (DONEDA, 2021)

In short, data protection is a novelty in Brazil; however, as explained, it is... of a subject that has been discussed for decades, mainly in Europe, in search of Protection of private life and intimate rights. Changes in privacy and the increase in The ability to collect, process, and use information has changed the world, and concerns about... Uncontrolled amounts of information led to the creation of laws and greater respect for... Privacy in society.

The premise of Law No. 13.709/2018, which regulates the processing of personal data in Brazil, It is about ensuring respect for privacy within the community flow of personal data. According to As mentioned, its objective is to protect "the fundamental rights of freedom and privacy and "the free development of the personality of individuals". (BRAZIL, 2018), Includes media digital; it does not exclude the physical environment, such as data in documents, resumes, forms and payroll.

In Article 2, the law defines its fundamental principles, namely: privacy, self-determination of information; freedom of expression, of information, of communication and of opinion; inviolability of privacy, honor and image; economic development and Technology and innovation; free enterprise; free competition. Consumer protection; rights. human beings; the free development of personality; the dignity of the human person and the exercising citizenship.

The data subject is the natural person (individual) to whom the personal data is directed. processed, it should be noted here that legal entities are not included, and article 5 of LGPD also defines what personal data is, that is, "data relating to an identified natural person." or identifiable" (BRAZIL, 2018) and sensitive data, that is, "personal data relating to race or ethnicity, religious beliefs, political opinions, membership in trade unions or organizations of a national character. religious, philosophical or political data, data relating to or sex life, genetic data or

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biometrics, when related to individuals" (BRAZIL, 2018). Furthermore, the concept
Therapy needs to be understood. LGPD claims:
Article 5, X: Processing: any operation performed on personal data, such as those relating to
to the collection, production, reception, classification, use, access, reproduction, transmission,
distribution, processing, archiving, storage, disposal, evaluation or control
of information, modification, communication, transfer, dissemination or extraction (BRAZIL, 2018).

Finally, the guiding principles of the Law are contained in its article 6, which, except for good reason...
will, describes the principle of purpose as "lawful, specific, clear and
Once the data subject is informed, no processing will be incompatible with these purposes.
possibility" (BRAZIL, 2018), the principle of adequacy, "compatibility of treatment
for the purpose for which the data subject was informed, depending on the context of
treatment" (BRAZIL, 2018), meaning that the data must be sufficient, relevant and
Relevant to your purpose. It doesn't matter.
There are also the principles of necessity, described as "restricting treatment to..."
minimum necessary to achieve its objectives, with coverage of relevant data.
proportional to the purpose of the data processing and not excessive"; the principle of free access,
described as "restricting treatment to the Guarantee, facilitated and free consultation on the form
and the duration of the processing and the integrity of your personal data"; the quality principles
of the data, described as "guaranteeing data subjects the accuracy, clarity, relevance and
"Updating your data as necessary and fulfilling the purpose of its processing"
(BRAZIL, 2018), in which the principle explains that incorrect information should be corrected,
Outdated or irrelevant information should be prohibited, or one may be asked to...
Adding any data to maintain the accuracy of the information, based on this, is
It is possible to provide the best rights reserved by the owner.
There are also the principles of transparency, which grant holders the right to exist.
of data files; and management measures"; the precautionary principle, which translates to
"measures to prevent harm resulting from the processing of personal data"; the principle of non-
discrimination, which includes "treatment is not possible for unlawful discriminatory purposes or
"abusive", the data must be processed for specific purposes, those purposes must be
communications to the data subject. (BRAZIL, 2018)
Finally, the principle of responsibility is recognized in law as "the burden of proof, on the part of..."
agent, that effective measures have been adopted that demonstrate compliance with the rules of

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protection of personal data, and even the effectiveness of these measures." (BRAZIL, 2018). Finally,
A look at the importance of the new law for our national order:
They are becoming the new inputs of the new economy, which could compromise not only the
user privacy, but also personal identity, informational self-determination,
Freedom, the opportunities and prospects of people's present and future, and democracy itself. (FRAZÃO,
2021)

And so, the General Data Protection Law entered our legal system, bringing
Many new developments regarding the protection of personal data are drastically changing the way...
Companies and public bodies address the privacy and security of user data.
who will have the right to adequate information.

5. LGPD and Open Banking: Evolution or Violation?

Consent is a free and obvious declaration by the data subject that...
that your data is processed for a specific purpose. According to the LGPD,
Consent is "the free, informed and unequivocal expression of the data subject's wishes regarding the processing of..."
Your personal data for a specific purpose" (Brazil, 2020).
Freedom of expression refers to the holder's choice not to be imposed upon or bound by anything;
Informed expression refers to the data subject's choice to consent to processing, with
based on clear information. The concept of clear expression involves positive action on the part of
from the data subject, which leaves no doubt that he intends to consent to the
Processing of your personal data.
Therefore, it is the right of the holder to be given the freedom to choose what to do with their property.
data, and this choice must be articulated for a specific and informed purpose.
The requirements of the LGPD (Brazilian General Data Protection Law) aim to guarantee data subjects the right to choose how their data is handled.
They will be processed and comply with the fundamental principles established in the LGPD, in particular.
with regard to informational self-determination, consumer protection, and dignity.
and to the exercise of citizenship as an individual.
According to the LGPD (Brazilian General Data Protection Law), if the controller needs to share personal data after obtaining the...
with the consent of the data subject, the data subject must be informed beforehand about the new method of
treatment and obtain their consent for this new purpose. Furthermore, it is important
Note that the burden of proof regarding the collection of consent will fall on the person responsible for...

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treatment of personal data and that data processing in the context of addiction
Consent is prohibited by the LGPD. In addition to the right to express or not express consent,
Data subjects also have other rights under the law. Among them, a list of
rights are mentioned in Chapter III of the LGPD, stemming from the principles of freedom,
intimacy and privacy.

According to the text, the data subject has the right to confirm and access their data and request it.
correcting them if they are incomplete, inaccurate, or outdated, thus ensuring their...
quality; you can request information about the possibility of not giving your consent and
Regarding the withdrawal of consent.

Furthermore, the LGPD allows data subjects to transfer their data to another provider.
services or products, a right that occasionally overlaps with one of the objectives of Open
Banking. In addition to protecting the data subjects' control over their data, most of the rights of

The data subjects established in the LGPD (Brazilian General Data Protection Law) make it possible to adjust and improve the offering of products and services to them.

For individuals, for example, the processing of complete data, updating and optimization of
credit market and the basis of organic functioning, directly affecting the markets.
financial and other sectors of the economy.

Under what situations are individuals required to transfer data to the bank? Besides
Despite legislation throughout Brazil, the financial sector is subject to various regulations.
Sectoral. Transfers of financial data from individuals to financial institutions.

These occurrences can happen both between financial institutions and consumers, as well as between the institutions themselves.

financial institutions.

The data exchange relationship between consumers and financial institutions is designed to...
to provide financial services, but it can also support these institutions in fulfilling their
obligations to authorities and regulators. In some cases, financial institutions
They process and share consumer data due to the need to send...
Information regarding illegal or abusive activities, in accordance with applicable laws and regulations.
pursuant to Article 7(II) and Article 11(II) of the LGPD.

These actions can be offered to the sector's regulatory bodies, such as the Central Bank of Brazil.
(BCB), Securities and Exchange Commission (CVM) and Commission for the Control of Activities
Financial Institutions (COAF). According to Law No. 9.613/1998, there are actions that can provide
evidence of crimes against the country's financial system, such as situations that lead
to mandatory notification and, therefore, to the sharing of personal data by the
financial institutions.

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Furthermore, it is legal for financial institutions to exchange consumer-related information.
with other financial institutions for the formation of databases, including
related to default, in which case the consumer protection law is in its article O
Article 43 establishes the need for transparency, the right of access and rectification of
consumer and imposes requirements for its legality.

In this sense, the Active Registration Law (12.414/2011) regulates the formation and obligations
relating to credit history databases, as amended by Complementary Law
166/2019. The changes broadened access to consumer data and allowed for its inclusion.
They can be automatically opted in and removed upon request (opt-out).

Here, a contradiction with the LGPD (Brazilian General Data Protection Law) regarding consent is observed, but the LGPD provides...
a legal basis for credit protection that justifies such processing operations
data. Therefore, any conflict of laws may need to be resolved by the authority.
competent judicial authority. Furthermore, the ANPD guidelines help to balance the legal basis.
between consent and credit protection. It should be noted that the exchange of information carried out
Financial institutions must comply with banking secrecy requirements, as well as...
established by the Central Bank of Brazil and the Securities and Exchange Commission, respecting
the exceptions provided for in Article 1 of Law No. 105/2001.

The LGPD (Brazilian General Data Protection Law) only defines personal data and sensitive data and does not specify financial data.
which, contrary to what many believe, do not fall directly into the category of data.
sensitive. Often, financial data is not confidential in itself, but, depending on the
Context and how they relate to other personal data can easily become
confidential.

For example, personal credit transaction data indicating the purchase of medication.
or the payment for a consultation can be considered sensitive, as they relate to the health of
The individual. The context in which financial data controllers analyze what data will be...
This is very important because, under the LGPD (Brazilian General Data Protection Law), stricter rules will apply.
rigorous in processing this data.

Before the LGPD (Brazilian General Data Protection Law), financial data was already protected. The Banking Secrecy Law of 2011...
(BRAZIL, 2001) and BCB regulations, such as BCB Joint Resolution No., relating to
to secrecy, confidentiality and data protection.

Considering that there is no specific definition of the term "personal financial data" in
According to the legislation, the concept will be built based on the Banking Secrecy Law, which provides, in its §
First, the protection of the confidentiality of active and passive operations. • Financial institutions and their services.

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Therefore, taking into account the reasons presented, for the purposes of this report, we treat...
personal financial data, such as any information about an identified individual or
identifiable (as per LGPD guidelines) relating to active and passive financial transactions.
and to services rendered.

These actions can be offered to the sector's regulatory bodies, such as the Central Bank of Brazil.
(BCB), Securities and Exchange Commission (CVM) and Commission for the Control of Activities
Financial Institutions (COAF). According to Law No. 9.613/1998, there are actions that can provide
evidence of crimes against the country's financial system, such as situations that lead
to mandatory notification and, therefore, to the sharing of personal data by the
financial institutions.

Furthermore, it is legal for financial institutions to exchange consumer-related information.
with other financial institutions for the formation of databases, including
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Context and how they relate to other personal data can easily become
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to secrecy, confidentiality and data protection.

Considering that there is no specific definition of the term "personal financial data" in
According to the legislation, the concept will be built based on the Banking Secrecy Law, which provides, in its §
First, the confidentiality of active and passive operations must be protected in financial institutions and
in their services.

Therefore, taking into account the reasons presented, for the purposes of this report, we treat...
personal financial data, such as any information about an identified individual or
identifiable (as per LGPD guidelines) in relation to active financial transactions and
liabilities and services rendered.

In this sense, both the Central Bank of Brazil (BCB) and the National Data Protection Authority (ANPD) will play a fundamental role in overseeing management.
based on the agreement of the institutions that are part of Open Banking and on transparency with the
holders, ensuring that institutions obtain the consent of the holders and comply with the other requirements.
supplementary provisions of the LGPD.

Therefore, it is necessary for laws and regulations to interact with each other to avoid errors.
regulations, primarily to prevent malicious agencies from finding loopholes in laws or
regulations for processing personal data in a manner inconsistent with the reasons
as presented by the LGPD (Brazilian General Data Protection Law). Data quality, transparency, and non-compliance: applicability.
based on the principle of discrimination.

In its Article 6, the LGPD links its main objectives and lines of action to principles.
common elements present in various legal systems (Brazil, 2010). In this article, the law
It establishes 10 fundamental principles to guide its provisions under the LGPD (Brazilian General Data Protection Law), stating that the processing...
The handling of personal data must be guided by good faith and the following principles: purpose,
sufficiency, necessity, free access, data quality, transparency, security, prevention
, non-discrimination and responsibility and accountability (Brazil, 2020).

For example, the LGPD contains provisions that support the need for data processing.
for a lawful, specific, clear and informed purpose (principle of necessity), as well as
that such treatment must be carried out in a compatible manner (principle of adequacy) and that the

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Holders must be informed of the purpose (principle of transparency).
Furthermore, in each processing operation, the data must be kept accurate and clear.
relevant and up-to-date (Data Quality Principle), respecting the fact that the
The processing of data is not intended for illicit or abusive discriminatory purposes (Principle of
Non-Discrimination, Compliance with Non-Discrimination). Specifically, considering the
Regarding the topics covered in this report, as well as Joint Resolution BCB 4,658/2018, we will continue to follow.
the principles of data quality, transparency and non-discrimination, also mentioned
in Article 4 of the Resolution, in Articles I and III, and in item IV.
The principle of transparency is closely related to the relationship of a
financial institution with its clients, as it guarantees account holders not only clear information
and accurate, but also specific and truthful information. Furthermore, even though the
While trade and industrial secrets should be protected, such secrets should not prevail over
The rights of data subjects are not respected, nor are the other fundamental principles of the LGPD.
The transparency of the incumbent will be one of the main points to observe for a good outcome.
The functioning of Open Banking will be, first and foremost, a challenge, as it is directly related to...
related to the effective management of data subject consent and the need to optimize activities
data mapping, in order to ensure that data subjects know exactly how their data is being used.
Personal information is processed.
Data quality must also be observed very carefully in the context of open data.
banking, especially regarding issues related to data relevance and minimization. This
This will require data controllers to create rigorous procedures for continuous verification.
to ensure the accuracy, clarity, relevance and timeliness of data subjects' data.
The goal is to remain true to the therapeutic purpose informed to the data subject and to avoid misuse.
algorithms that use inaccurate, outdated, or irrelevant data for decision-making
Automated decisions. The focus on data quality is directly linked to the principle.
of non-discrimination, since the low quality of data affects not only equality between
individuals, but also other fundamental rights protected by the LGPD and by
Federal Constitution.
However, the most visible and most studied effect related to rights affected by bad
Data quality is defined by non-discrimination. Several studies and reports involve the use of data.
unrepresentative or biased algorithms that treat people unequally with
based on skin color, race, gender, sexual orientation, religion, and much more.
Therefore, if structured measures that value data quality are not

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If the need for and appropriateness of the treatment are not validated, the result
Automated decision-making can discriminate against people based on their data.
confidential. From an open banking perspective, data relating to skin color, gender, and
origin can further influence credit granting decisions by the
financial institutions (France, 2019).

News reports have been published about the discovery of sexism and the reproduction of racism through...
of algorithms, especially in the banking market. 55 Like all the data from institutions
As financial institutions become more consolidated, the right to non-discrimination may be further affected, which maximizes systemic bias.

With this in mind, regulators should not focus solely on personal data itself.
But they must also develop methods to educate both the public and the private sector.
about how the algorithms of open banking systems will work, so that the basis of
algorithms — the data — may be limited by legislation and logic, by principles and
due to regulatory limitations. Once again, oversight by public authorities will be
crucial.

CONCLUSION

Since Open Banking presupposes consent, which is one of the legal foundations of the LGPD (Brazilian General Data Protection Law),
Customers can grant permission to share at any time or revoke it.
It is worth noting that this acceptance is specific: customers only allow certain types of acceptance.
data may be shared with third-party databases, which does not apply to all data nor
to all institutions.

To share this information with other agencies, it will be necessary to collect a new
data subject consent form. This means that the data receiving authority will assume responsibility.
The role of the controller under the LGPD (Brazilian General Data Protection Law).

Therefore, specific bodies must transparently control the process of
storing this data, in addition to providing effective and practical services to the data subjects.
data that withdraw their consent or request clarification regarding the processing.
of your information. This new process can be facilitated through a management system.
customer relationship management (CRM) and other management tools.

Creating records that show how and where this personal data is collected is an obligation.
This legal framework reflects the importance of transparency for financial institutions. Companies

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They must also adopt an information retention policy that meets legal requirements.

In this case, consent will serve as the legal basis for retaining certain data until its...

revocation or expiration.

Therefore, the processing of personal data will become a fundamental standard that financial institutions

must consider when joining Open Banking. As the

The banking market is innovating and must keep pace with the development of solutions that respect the...

In order to protect privacy and personal data, new processes and demands will arise.

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