



**Presidency of the Republic**  
**Chief of Staff Office**  
**Sub-Office of Legal Affairs**

PRESIDENTIAL DECREE 12527, NOVEMBER 18, 2011

Veto Message

Term

Regulation

Regulates access to information under item XXXIII of Article 5, item II of Paragraph 3 of Article 37 and Paragraph 2 of Article 216 of the Federal Constitution; amends Law 8112 of December 11, 1990, revokes Law 11111 of May 5, 2005 and the provisions of Law 8159 of January 8, 1991, and other measures.

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

**CHAPTER I**  
**GENERAL PROVISIONS**

Article 1. This Act provides for the procedures to be followed by the Federal Government, States, Federal District and municipalities, in order to secure access to information under Article 5, item XXXIII, Article 37, Paragraph 3 item II, and Article 216, Paragraph 2 of the Federal Constitution.

Sole Paragraph. The following shall be subordinate to the provisions of this Act:

I - members of agencies and /or entities under direct administration of the Executive and Legislative branches, including the Courts of Auditors, and judiciary and public prosecutors;

II - autarchies, government foundations and companies, joint stock companies and other entities controlled directly or indirectly by the Federal Government, States, Federal District and Municipalities.

Article 2. This Law applies to non-profit private entities which receive, to carry out actions in the public interest, direct funding from the treasury or through social subventions, management contracts, partnership agreements, covenants, accords, adjustments or other similar instruments.

Sole Paragraph. The publicity to which the entities mentioned in the caput are subjected refers to their receipt and use of public funds, with no harm to the financial and execution reports these entities are legally required to issue.

Article 3. The procedures provided in this Act are intended to ensure the fundamental right of access to information and shall be executed in accordance with the basic principles of public administration and the following guidelines:

- I – observance of publicity as general precept and secrecy level as an exception;
- II – dissemination of information of public interest, regardless of requests;
- III – use of media made possible by information technology;
- IV – fostering the development of a culture of transparency in public administration;
- V – development of social control of public administration.

Article 4. For the purposes of this Act, the following definitions shall be considered:

- I – information: data, processed or not, which can be used for production and transmission of knowledge contained in any medium, medium or format;
- II – document: an information recording unit, whatever the medium or format;
- III – confidential information: that temporarily subjected to restriction of public access because of its indispensability for the security of society and the State;
- IV – personal information: that related to identified or identifiable natural person;
- V – information processing: a set of actions relating to the production, reception, classification, use, access, reproduction, transportation, transmission, distribution, archiving, storing, disposal, assessment, allocation and control of information;
- VI – availability: a quality of information that can be known and used by authorized individuals, equipment or systems;
- VII – authenticity: a quality of information that has been produced, shipped, received or modified by certain individuals, equipment or system;
- VIII – integrity: a quality of unmodified information, including as to its origin, transit and destination;
- IX – primal priority: a quality of information collected at source, with as much detail as possible without modifications.

Article 5. It's the State's duty to guarantee the right of access to information, which will be franchised by objective measures and nimble, transparent, clear and easy to understand language.

## CHAPTER II

### ACCESS AND DISCLOSURE TO INFORMATION

Article 6. The governmental entities and agencies are responsible, in the subject of the applicable rules and procedures, for ensuring:

I – transparent information management, enabling broad access to it and its dissemination;

II – information protection, ensuring their availability, integrity and authenticity.

III – protection of confidential and personal information, subject to their availability, authenticity, integrity and possible restriction of access.

Article 7. The access to information to which this Act applies implies the right to:

I – guidance on the procedures for achieving access to information, as well as where the information desired may be found or obtained;

II – information contained in records or documents produced or accumulated by agencies or entities, collected or not to public archives;

III – information produced or guarded by a private individual or entity arising from any bond with their bodies or entities, even if that bond has ceased;

IV – primary, genuine, authentic and updated information;

V – information about activities performed by organizations and entities, including those relating to policies, organization and services;

VI – information relevant to the administration of public property, use of public funds, procurement, management contracts, and

VII – information related to:

a) the implementation, monitoring and results of the programs, projects and activities of the agencies and public entities, as well as the targets and indicators proposed;

b) the results of inspections, audits, accounting services and decisions by the organs of internal and external control, including all previous years' reports.

Paragraph 1. Access to information under the caput does not include information regarding research and scientific or technological development projects whose secrecy level is essential to the security of society and the State.

Paragraph 2. When full access to information is not authorized because it is partially confidential, access is guaranteed to the unclassified part through a certificate, copy or extract excluding the secret parts.

Paragraph 3. The right of access to documents or information contained therein necessary to support decision making and administrative acts shall be provided upon the release of their respective administrative authorizations.

Paragraph 4. In case access to information request to the agencies and entities referred to in referred to in Article 1 is denied, if not justified, the person responsible shall subject to disciplinary measures pursuant to Article 32 of this Law.

Paragraph 5. Informed of the loss of the information requested, the claimant may apply to the competent authority for the immediate opening of an inquiry to investigate the disappearance of their documentation.

Paragraph 6. In case the hypothesis set forth in Paragraph 5 of this Article is verified, the ones responsible for the lost information shall, within ten (10) days, justify the fact and call witnesses to prove their claim.

Article 8. Is the duty of public entities to promote, regardless of requirements, to disclose, in an easily accessible location, information within their competence, intelligence or general collective interest produced by them or in their custody.

Paragraph 1. In the disclosure of the information referred to in the caput, there shall be, at least:

I – a record of the competence and organizational structure, addresses and phone numbers of their units, and their opening hours to the public;

II – records of any fund transfers;

III – records of their expenditures;

IV – information regarding the bidding procedures, including the respective notices and results, as well as all contracts;

V – general data for monitoring programs, activities, projects and works of agencies and entities, and

VI – answers to frequently asked questions of society.

Paragraph 2. To comply with the provisions set forth, the agencies and public authorities shall use all legitimate means and instruments available to them, with mandatory disclosure of the information on their official internet websites.

Paragraph 3. The websites mentioned in Paragraph 2 shall, in the form of regulation, meet, among others, the following requirements:

I – contain a content search tool that allows access to information in an objective, transparent, clear and easy to understand language;

II – the ability to save reports in various formats, including open and non-proprietary, such as spreadsheets and text in order to facilitate the analysis of information;

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

IV – to disclose in detail the formats used for structuring information;

V – to ensure the authenticity and integrity of information available for access;

VI – to include the latest updated information available for access;

VII –instructions to enable the public to communicate, via e-mail or telephone, with the State and local agency or entity that owns the website, and

VIII – to adopt the necessary measures to ensure content accessibility for people with disabilities, pursuant to Article 17 of Law 10098, of December 19, 2000, and Article 9 of the Convention on the Rights of Persons with Disabilities, adopted by Legislative Decree 186 of July 9, 2008.

Paragraph 4. Administrations of municipalities with populations of up to 10,000 (ten thousand) inhabitants are exempt from the mandatory disclosure on the internet referred to in Paragraph 2, but are subject to the requirement for disclosure of real-time information on budget execution and financial criteria and deadlines in Article 73-B of the Supplementary Law 101 of May 4, 2000 (Fiscal Responsibility Law).

Article 9. Public access to information shall be achieved and ensured by:

I – the creation of information services for citizens, organizations and entities of government in place with appropriate conditions:

- a) to serve and educate the public about access to information;
- b) to report on the processing of documents in their respective units;
- c) to docket documents and information access requirements, and

II – hearings and/or public consultations, encouraging public participation or other forms of dissemination.

## CHAPTER III

### PROCEDURES FOR ACCESS TO INFORMATION

#### **Section I**

#### **Access requests**

Article 10. Any interested party may submit a request for access to information to agencies and entities referred to in Article 1 of this Law, by all legitimate means, and the request must contain the claimant's identification and specification of the required information.

Paragraph 1. For access to information of public interest, the identity of the claimant shall not contain requirements that impede the request.

Paragraph 2. The governmental agencies and entities of shall enable alternative routing for access requests via their official websites on the internet.

Paragraph 3. Any requirements are forbidden concerning the motives of the request of information of public interest.

Article 11. The governmental agency or entity shall permit or grant immediate access to the information available.

Paragraph 1. If it is not possible to grant immediate access, as provided in the caput, the agency or entity that receives the request shall, within a period not exceeding twenty (20) days:

I – inform the date, place and method for performing query or obtaining the certificate;

II – state the reasons in fact or law for the total or partial denial of the requested access, or

III – report that it does not have the information, and indicate, if known, the agency or entity that does, or refer the request to that agency or entity, notifying the claimant of the forwarding of the information request.

Paragraph 2. The period referred to in Paragraph 1 can be extended for an additional ten (10) days with an express justification, which shall be informed to the claimant.

Paragraph 3. Without loss to the security and protection of information and to compliance with the applicable Law, the agency or entity may provide means for the claimant to search for the needed information.

Paragraph 4. When access is not allowed because the requested information is wholly or partially classified, the claimant should be informed of the possibility of appeal.

Paragraph 5. The information stored in digital format shall be provided in this format, upon the claimant's consent.

Paragraph 6. If the requested information is publicly available in printed, electronic or any other means of universal access, the claimant will be informed, in writing, of the place and manner in which to consult, obtain or reproduce such information, a procedure which shall unburden the governmental agency or entity of the obligation to provide the information directly, except if the claimant declares not to have the means to perform such procedures.

Article 12. The search and information provision service is free. (Wording given by Law No. 14,129, of 2021)

Paragraph 1. The body or entity may charge exclusively the amount necessary to reimburse the costs of services and materials used, when the information search and provision service requires reproduction of documents by the body or public entity consulted. (Included by Law No. 14,129, of 2021)

Paragraph 2. Anyone whose economic situation does not allow them to do so without compromising their own or family's livelihood will be exempt from reimbursing the costs provided for in Paragraph 1 of this article declared under the terms of Law No. No. 14,129, of 2021)

Article 13. In case of access to information contained a document whose manipulation may undermine its integrity, a consultation to its copy shall be offered, with a certification that it matches the original.

Sole paragraph. Failing to obtain copies, claimants shall request, at their own expense and under the supervision of a public servant, the reproduction made by other means that do not endanger the preservation of the original document.

Article 14. The claimant has the right to a copy of the full text of the access to information request refusal decision.

## **Section II**

### **Resources**

Article 15. In case of denial of access to information or to the reasons for the denial, the claimant can appeal against the decision within ten (10) days of its acknowledgement.

Sole paragraph. The appeal shall be directed to the authority hierarchically superior to the one who issued the denial, which shall respond within five (5) days.

Article 16. If access to information is denied by agencies and entities of the Federal Executive branch, the claimant can appeal to the Comptroller General's Office, which shall decide within five (5) days if:

I – access to non-classified information is denied;

II – the decision of access denial to totally or partially classified information does not indicate the classification authority or the one hierarchically superior to it, to which access or declassification requests shall be directed;

III – the procedures for classifying information set forth in this Law have not been followed, and

IV – deadlines or other procedures provided in this Law have not been followed.

Paragraph 1. The appeal provided in this Article shall only be sent to the Comptroller General, after being submitted to at least one authority hierarchically superior to that which issued the contested decision, and shall decide within five (5) days.

Paragraph 2. In case the validity of the reasons for appeal are verified, the Comptroller General shall determine that the agency or entity adopts the necessary measures to comply with the provisions of this Law.

Paragraph 3. In case access to information is denied by the Comptroller General, an appeal can be made to the Joint Information Revaluation Commission, referred to in Article 35.

Article 17. In case of rejection of an information declassification request of filed in an agency or entity of the public Federal administration, the claimant shall appeal to the Minister of State responsible for the subject, without prejudice to the powers of the Joint Information Revaluation Commission provided in Article 35, and the provisions of Article 16.

Paragraph 1. The appeal provided in this Article shall only be directed to the mentioned authorities after its referral to at least one authority superior to the one that issued the contested decision and, in the case of the Armed Forces, the respective Command.

Paragraph 2. In case appeals referred to in the caput, whose object is the declassification of secret or ultra secret information, are rejected, claimants can appeal to the Joint Information Revaluation Commission provided in Article 35.

Article 18. The procedures for review of overruled appeals pursuant to Article 15 and of revaluation of the classification of classified documents shall be regulated by the Legislative and Judiciary branches and the Ministry of the Public Attorney, within their respective spheres, granting to the claimant, in any case, the right to be informed on the progress of the request.

Article 19. (Vetoed).

Paragraph 1. (Vetoed).

Paragraph 2. The agencies of the Judiciary branch and the Ministry of the Public Attorney shall inform the National Council of Justice and the National Council of the Ministry of the Public Attorney, respectively, on decisions that, on appeal, deny access to information of public interest.

Article 20. Subsidiarily, Law 9784 of January 29, 1999, shall apply to the procedures provided in this Chapter.

## CHAPTER IV RESTRICTIONS ON ACCESS TO INFORMATION

### **Section I** **General Provisions**

Article 21. Access cannot be denied to information necessary for effective judicial or administrative safeguarding of fundamental rights.

Sole paragraph. Information or documents that deal with conducts involving violation of human rights committed by governmental agents or at the under the authority of public authorities shall not be subject to access restrictions.

Article 22. The provisions of this Law do not exclude the other legal cases of confidentiality and secrecy of justice or the of trade secrets resulting from direct economic activities carried out by the State or by an individual or private entity that has no relationship with the government.

## **Section II**

### **Secrecy Levels and Periods regarding Information Classification**

Article 23. Information considered essential to the security of society or the State, and therefore subject to classification, are those whose disclosure or unrestricted access may:

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

II –hinder or jeopardize the conduct of negotiations or international relations of the country, or those that have been conducted on a confidential basis by other countries and international organizations;

III – endanger the lives, safety or health of the population;

IV – offer high risk to the country's financial, economic or monetary stability;

V – cause harm or risk to strategic plans or operations of the Armed Forces;

VI – cause harm or risk to research and scientific or technological development projects, as well as systems, goods, facilities or areas of national strategic interest;

VII – jeopardize the safety of national or foreign higher institutions or authorities and/or their family members.

VIII – jeopardize intelligence activities, as well as ongoing investigation and monitoring related to the prevention or repression of illegal actions.

Article 24. The information held by governmental agencies and entities, due to its content and because of its indispensability to the security of society or the State, can be classified as ultra secret, secret or reserved.

Paragraph 1. The maximum periods of restricted access to information, according to the classification in the caput, will count from the date of their production and are as follows:

I – ultra secret: 25 (twenty five) years;

II – secret: fifteen (15) years.

III – reserved: 5 (five) years.

Paragraph 2. The information that may endanger the safety of the President and Vice President and their spouses and children shall be classified as reserved and shall remain classified until the end of the term or the last year in office, in case of reelection.

Paragraph 3. Alternatively to the periods set in Paragraph 1, the occurrence of an event can be established to end of the access restriction period, if it occurs before the expiration of the maximum classification period.

Paragraph 4. After the period of classification expires or the event that defines its end take place, the information shall become automatically accessible.

Paragraph 5. For the classification of information in a certain secrecy level, public interest in the information shall be considered, and the least restricted access period shall be used, taking into account:

- I – the seriousness of the risk or harm to the security of society and the State,
- II – the maximum access restriction period or the event which end it.

### **Section III**

#### **Protection and Control of Classified Information**

Article 25. It is the duty of the State to control access and disclosure of classified information produced by its agencies and organizations, ensuring their protection.

Paragraph 1. The access, dissemination and processing of classified information shall be restricted to people who need to know it and are duly accredited in the regulations, without harm to the duties of public servers authorized by Law.

Paragraph 2. The access to classified information creates an obligation for those whose job is to protect its secrecy.

Paragraph 3. Regulations shall provide for procedures and measures to be adopted for the treatment of classified information in order to protect it from loss, alteration, misuse, access, transmission and non-authorized disclosure.

Article 26. Governmental authorities shall take the necessary measures so that their subordinate staff know and comply with the security measures and procedures regarding the treatment of classified information.

Sole paragraph. The individual or private entity which, by reason of any link with the public, perform treatment of classified information shall adopt the necessary measures for their employees, agents or representatives to comply with the security measures and procedures of the information resulting from the application of this Law.

## **Section IV**

### **Procedures for Classification, Reclassification and Declassification**

Article 27. The classification of information by the Federal Government shall be done by:

I – in the ultra secret level:

- a) the President;
- b) the Vice-President;
- c) the state Ministers and officials with the same prerogatives;
- d) Commanders of the Navy, Army and Air Force.
- e) the heads of permanent diplomatic and consular missions abroad;

II – in the secret level, the authorities referred to in Paragraph I, the heads of autarchies, public enterprises and foundations, and joint of stock companies,

III – in the reserved level, the authorities referred to in the items I and II and those in positions of direction, command or leadership, DAS 101.5 level or above, the Superior Management And Advisory Group or its hierarchically equivalent, according to the specific regulations of each agency or entity, as set forth in this Law.

Paragraph 1. The jurisdiction conferred by items I and II, regarding the classification of information as ultra secret, can be delegated by the responsible authority to a public agent, including missions abroad, and sub-delegation is hereby forbidden.

Paragraph 2. The classification of information in the ultra secret level by the authorities provided in Paragraphs "d" and "e" of item I shall be ratified by the respective Ministers of State, within the period prescribed by regulation.

Paragraph 3. The authority or other public agent who classifies information as ultra secret, shall forward the decision referred to in Article 28 to the Joint Information Revaluation Commission, referred to in Article 35, within the period prescribed by regulation.

Article 28. The classification of information in any secrecy level shall be formalized in a decision that will contain at least the following elements:

- I – the subject of the information;
- II – the basis of classification, following the criteria established in the Article 24;
- III – the period of secrecy, counted in years, months or days, or an event that sets the end of the period, according to the limits defined in Article 24;
- IV – the identification of the classification authority.

Sole paragraph. The decision referred to in the caput will be maintained at the same secrecy level as that of the classified information.

Article 29. The information classification shall be reviewed by the appropriate or higher classification authority, upon provocation or notice, following the terms and periods provided in regulation, aiming at its declassification or the reduction of the secrecy period, subject to the provisions of Article 24.

Paragraph 1. The regulation referred to in the caput shall consider the peculiarities of the information produced by outside authorities or public officials.

Paragraph 2. In the reassessment referred to in the caput should be examined the permanence of the reasons of confidentiality and the possibility of injury resulting from access or disclosure.

Paragraph 3. In the event of reduction of the access restriction period of the information, the new period will count from the date of its production.

Article 30. The highest authority of each agency or entity shall publish annually on a website on the Internet, for making administrative data and information available to the public, in the terms of regulation:

I – a list of information that has been declassified in the last twelve (12) months;

II – a list of classified documents in each secrecy level, identified for future reference;

III – a statistical report containing the number of inquiries received, treated and denied, as well as general information about the claimants.

Paragraph 1. The agencies and entities shall keep a copy of the publication referred to in the caput for public consultation in their headquarters.

Paragraph 2. The agencies and entities shall keep records of the classified information, together with their dates, secrecy levels and classification fundamentals.

## **Section V**

### **Personal Information**

Article 31. The treatment of personal information shall be done transparently and with respect to privacy, private life, honor and image of persons as well as the freedoms and individual rights.

Paragraph 1. The personal information referred to in this Article, related to intimacy, private life, honor and image:

I – shall be strictly accessible by to legally authorized government officials and the person to which they refer, regardless of its secrecy level and for a maximum period of one hundred (100) years from its date of production; and

II – shall be disclosed to the public or accessed by third parties if legally authorized or with the consent of the person to which they refer.

Paragraph 2. Those who gains access to the information referred to in this Article shall be liable for its misuse.

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

I – for and medical prevention and diagnosis, when the person is physically or legally incapable, and for use solely and exclusively for medical treatment;

II – to carry out scientific research and statistics of clear public or general interest, required by law, not including the identification of the person to which the information refers, which is hereby forbidden;

III – to comply with a court order;

IV – for the defense of human rights;

V – to protect the public and preponderant general interest.

Paragraph 4. Access restriction to information concerning the private life, honor and image of individuals shall not be invoked in order to undermine the process of investigation of irregularities in which these individuals are involved, as well as in actions for the recovery of most relevant historical facts.

Paragraph 5. Regulations shall establish procedures for treating personal information.

## CHAPTER V RESPONSIBILITIES

Article 32. Government or military agents shall be held liable for the following actions, hereby illegal:

I – refusing to provide information required under this Article, deliberately slowing down their supply or intentionally providing it incorrectly, incompletely or inaccurately;

II – misusing, subtracting, destroying, disabling, disfiguring, altering or obscuring, totally or partially, information under their custody or to which they have access or knowledge, due to the exercise of their office, employment or public duties;

III – acting with malice or ill intentions on the analysis of access to information requests;

IV – disclosing or permitting the disclosure or allow unauthorized access to confidential or personal information;

V – imposing secrecy to information for personal or third parties' gain, or for hiding illegal act committed by themselves or others;

VI – hiding classified information from the review of a higher authority, to benefit themselves or others, or to the detriment of others;

VII – destroying or subtracting, by any means, documents pertaining to possible human rights violations by governmental agents.

Paragraph 1. Attending to the first principle of contradiction, broad defense and due process, the conduct described in the caput shall be considered:

I – for purposes of the disciplinary regulations of the Armed Forces, medium or severe military transgressions, based on criteria established therein, provided that they are not typified in law as a crime or misdemeanor; or

II – for purposes of the provisions of Law 8112 of December 11, 1990, as amended, administrative violations, to which at least a penalty of suspension must be applied, according to the criteria set out therein.

Article 33. The individual or private entity that holds information by virtue of any kind of relationship with the government and fails to comply with the provisions of this Law shall be subject to the following penalties:

I – a warning;

II – a fine;

III – the termination of the relationship with the government;

IV – temporary suspension from participating in biddings and impediment to contract with the government for a term not exceeding two (2) years, and

V – a declaration of unfitness for biddings or contracting with the government, until rehabilitation is conducted before the authority imposing the penalty.

Paragraph 1. The penalties provided for in items I, III and IV may be applied jointly with item II, assuring the right to defense of the person concerned in that case, within 10 (ten) days.

Paragraph 2. The rehabilitation referred to in item V shall be permitted only when the person effects the reimbursement to the agency or entity to which the damage was caused, and after the expiry of the penalty imposed on the basis of item IV.

Paragraph 3. The penalty provided for in item V shall be applied exclusively by the highest authority of the agency or entity, provided the defense of the person concerned in the process within 10 (ten) days from its opening.

Article 34. The governmental agencies and entities are directly liable for damage caused as a result of unauthorized disclosure or misuse of classified or personal information, and for the investigation of liabilities in cases of fraud or negligence, respecting their right to appeal.

Sole paragraph. This Article applies to individual or private entities who, by virtue of any kind of relationship with governmental agencies or entities, have access to and misuse personal or classified information.

## CHAPTER VI

### FINAL AND TRANSITIONAL PROVISIONS

Article 35. (Vetoed).

Paragraph 1. The Joint Information Revaluation Commission is hereby established, which shall decide within the federal public administration on the treatment and classification of secret information, and shall have power:

I – to demand clarification, or the full content, or part of the information from the authorities that classify information as ultra secret and secret;

II – to review the classification of top secret or secret information, officially or upon request of a claimant, subject to the provisions of Article 7 and other provisions of this Law; and

III - to extend the secrecy period of information classified as ultra secret, always for a limited period, while their access or disclosure may cause external threat to national sovereignty or to the integrity of the national territory, or serious risk to the international relations of the country, subject to the period referred to in Paragraph 1 of Article 24.

Paragraph 2. The period referred to in Paragraph III is limited to a single renewal.

Paragraph 3. The revision referred to in Paragraph 1, item II in shall occur at the most every four (4) years after the review provided for in Article 39, when ultra secret or secret documents are concerned.

Paragraph 4. The lack of a review decision by the Joint Information Revaluation Commission within the deadline referred to in Paragraph 3 will lead to automatic disqualification of the information.

Paragraph 5. Regulations shall provide for the composition, organization and operation of the Joint Information Revaluation Commission, subject to the term of 2 (two) years for its members, and other provisions of this Law.

Article 36. Treatment of classified information arising from international treaties, agreements or acts shall meet the standards and recommendations contained in those instruments.

Article 37. The Accreditation and Security Center (NSC) is hereby established within the Office of Institutional Security of the Presidency, aiming at:

I – proposing and promoting the regulation of security accreditation of individuals, companies, agencies and entities, for treatment of confidential information;

II – ensuring the security of classified information, including those from countries or international organizations with which the Federative Republic of Brazil has signed treaties, agreements, contracts or any other international act, without prejudice to the powers of the Ministry of Foreign Affairs and other agencies.

Sole paragraph. Regulations shall provide for the composition, organization and functioning of the NSC.

Article 38. Whenever appropriate, Law 9507 of November 12, 1997, shall be applied regarding information about a person or entity, registered in government agencies or entities', or public, databases.

Article 39. The governmental agencies and authorities shall conduct a reassessment of information classified as ultra secret and secret, within two (2) years from the date this Law enters into force.

Paragraph 1. Access to information restrictions, due to their reassessment provided in the caput, shall follow the terms and conditions in this Law.

Paragraph 2. Within the federal government administration, the revaluation provided in the caput may be revised at any time by the Joint Information Revaluation Commission, subject to the terms of this Article.

Paragraph 3. Until the reassessment period referred above expires, information classification according to previous legislation shall be maintained.

Paragraph 4. Information classified as secret and ultra secret, not reassessed within the deadline in the caput, shall be automatically deemed accessible.

Article 40. Within sixty (60) days from the date this Law comes into effect, the head manager of each agency or entity of the direct and indirect Federal Government shall appoint a directly subordinate authority, under the respective agency or entity, to carry out the following duties:

I – to ensure compliance with the rules on access to information in an efficient and appropriate manner to the objectives of this Law;

II – to monitor the implementation of this Law and provide periodic reports on its implementation;

III – to recommend measures necessary for the implementation and improvement of the rules and procedures required to correct compliance with this Article.

IV – to guide their respective units with regard to compliance with this Law and its regulations.

Article 41. The Federal Executive branch shall appoint a federal public administration entity responsible for:

I – promoting a nationwide campaign to support the culture of transparency in public administration and awareness of the fundamental right of access to information;

II – training public agents with regard to the development of practices related to transparency in public administration;

III – monitoring law enforcement within the federal public administration, concentrating and consolidating the publication of statistical information referred to in Article 30;

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

Article 42. The Executive branch shall regulate the provisions of this Article within 180 (one hundred and eighty) days from the date of its publication.

Article 43. Item VI of Law 8112 of December 11, 1990, Article 116, shall henceforth read as follows:

"Article 116. ....

VI – to inform the higher authority of the irregularities learned of, or, whenever there is a suspicion of involvement of this authority in these irregularities, to inform another authority for verification; ..... "(NR)

Article 44. Chapter IV of Title IV of Law 8112, 1990 becomes effective, added by Article 126-A:

"Article 126-A. No server shall be liable by civil, criminal or administrative Law, for informing a higher authority in irregularities or, when there is suspicion of the involvement of that authority in these irregularities, informing another competent authority for verification of the information concerning the criminal acts or misconduct of which he or she is aware, even though this knowledge results from his or her exercise of a public work or position in office".

Article 45. It is up to the states, the Federal District and the municipalities to define, in their own legislation, subject to the general rules set forth in this Law, specific rules, especially regarding the provisions of Article 9 and in Section II of Chapter III.

Article 46. The following are hereby revoked:

I – Law 11111 of May 5, 2005.

II – Articles 22 to 24 of Law 8159 of January 8, 1991.

Article 47. This Law shall enter into force 180 (one hundred and eighty) days from the date of its publication.

Brasilia, November 18, 2012; the 190<sup>st</sup> year of the Independence of Brazil and the 123<sup>rd</sup> year of the Declaration of the Republic.

DILMA ROUSSEFF

*José Eduardo Cardoso*

*Celso Luiz Nunes Amorim*

*Antonio de Aguiar Patriota*

*Miriam Belchior*

*Paulo Bernardo Silva*

*Gleisi Hoffmann*

*José Elito Carvalho Siqueira*

*Helena Chagas*

*Luís Inácio Lucena Adams*

*Jorge Hage Sobrinho*

*Maria do Rosário Nunes*

This text does not replace the one published in the Official Gazette of November 18, 2011 - Extra Edition