



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

PRESIDENTIAL DECREE 7724, MAY 16, 2012

Regulates Law 12527 of November 18, 2011 on access to information, provided for under the heading of Article 5, item XXXIII, Article 37, Paragraph 3, item II, and Article 216, Paragraph 2 of the Federal Constitution.

Term

The PRESIDENT OF THE REPUBLIC, using the powers conferred upon her by Article 84, caput, items IV and VI, subparagraph "a" of the Federal Constitution and in view of the provisions of Law 12527 of November 18, 2011

DECREES:

CHAPTER I
GENERAL PROVISIONS

Article 1. This Decree regulates, under the federal executive branch, the procedures for ensuring access to information and for classifying information under access restriction, secrecy degree and term considered, as provided in Law 12527 of November 18, 2011 on access to information provided for under the heading of Article 5, item XXXIII, Article 37, Third Paragraph, item II and Article 216, Second Paragraph of the Federal Constitution.

Article 2. The bodies and entities of the federal executive branch shall ensure to natural persons and legal entities the right of access to information, which will be provided by objective and nimble measures, in a transparent, clear and easy to understand language, observing public administration principles and guidelines set out in Law 12527, 2011.

Article 3. For the purposes of this Decree, 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, support medium or format;

II – processed data – data undergoing any operation or treatment through electronic processing or automated means, through the use of information technology;

III – document – registered information unit, whatever the medium or format;

IV – confidential information – Information temporarily submitted to public access restrictions because of its indispensability for the safety of society and the State, and those covered by other legal secrecy hypotheses;

V – personal information – Information relating to an identified or identifiable natural person, regarding privacy, private life, honor and image;

VI – information processing – a set of actions regarding the production, reception, classification, use, access, reproduction, transportation, transmission, distribution, archiving, storage, disposal, assessment, allocation and control of information;

VII – availability – a quality of information that can be known and used by authorized individuals, equipment or systems;

VIII – authenticity – a quality of information that has been produced, shipped, received or modified by certain individuals, equipment or system;

IX – Integrity – a quality of unmodified information, including as to its origin, transit and destination;

X – primal priority – a quality of information collected at source, with as much detail as possible, without modifications;

XI – updated information - information that brings together the latest data on the subject, according to its nature, with foreseen deadlines following specific standards or according to the schedule established in the computerized systems in which they are organized; and

XII – preparatory document – a formal document used as the basis for decision making or an administrative act, such as reports and technical notes.

Article 4. Searching for and supplying information shall be free of charge, except for the cost of services and materials used, such as reproducing documents, digital media and posting.

Sole paragraph. Services and materials used shall be free of charge, for those whose economic situation does not allow them to reimburse their cost without prejudice of their own support or their families', as provided under Law 7115, of August 29, 1983.

CHAPTER II

SCOPE

Article 5. The following shall be subjected to the provisions of this Decree: the direct administration bodies, autarchies, public foundations, public companies, joint stock companies and other entities controlled directly or indirectly by the Federal Government.

Paragraph 1 - The disclosure of information of public enterprises, mixed economy companies and other entities controlled by the Federal Government that act in competition, subject to the provisions of article 173 of the Federal Constitution, shall be subject to the pertinent rules of the Securities and Exchange Commission in order to ensure their competitiveness, corporate governance and, if applicable, the interests of minority shareholders.

Paragraph 2 - Information on business activities of natural persons or private legal entities, obtained by the Central Bank of Brazil, by regulatory agencies or other agencies or entities in the exercise of control, regulation and supervision of economic activities whose disclosure may represent a competitive advantage to other economic agents, shall not be subject to the provisions of this Decree.

Article 6. The access to information disciplined in this Decree shall not apply to:

I – the confidentiality hypotheses foreseen by law, such as tax, banking, operations and services in capital markets, business, professional, and industrial secrecy; and

II – Information concerning research and scientific or technological development projects whose secrecy is essential to society and State security, in accordance with Law 12527, 2011, Article 7, Paragraph 1.

CHAPTER III ACTIVE TRANSPARENCY

Article 7. It is the duty of bodies and entities to promote, regardless of request, to disclose on their websites information of collective or general interest in their custody or produced by them, regarding the provisions of Law 12527, 2011, Articles 7 and 8.

Paragraph 1 - The bodies and entities shall implement on their websites specific sections to disclose the information describe in the caput.

Paragraph 2 - On the websites of the bodies and entities, according with the standard established by the Secretariat of Social Communication of the Presidency of the Republic, the following items shall be made available:

I - banner on the home page, which will give access to the specific section mentioned in Paragraph 1; and

II – the identity bar of the Federal Government, containing a redirection tool to the page Portal Brazil and to the main site on Law 12527, 2011.

Paragraph 3 - In the specific section mentioned in Paragraph 1, information shall be disclosed about:

I – the organizational structure, responsibilities, applicable legislation, main positions and their occupants, service hours to the public, address and telephone number of the units;

II - programs, projects, actions, deeds and activities, stating the unit responsible, its main goals and results, and, if any, impacts and outcome indicators;

III – funds transfers;

IV - detailed budget and financial report;

V - conducted and ongoing auctions, with notices, attachments and results, in addition to contracts and issued commitment notes;

VI - individual remuneration and allowances received by occupants of positions, ranks, grades, functions and public employment, including subsistence aids, extra remuneration to parliament members in the municipal, state and federal level for participating in extraordinary parliament sessions, and others financial benefits in addition to retirement income and the pensions of those public servants and employees who are on active duty, according to the rule of the State Minister of Management and Innovation in Public Services; (Item with wording establish by Decree 11527 of 2023)

VII - answers to frequently asked questions of society; (Item with wording established by Decree 8408 of 2015)

VIII – the contact info of the monitoring authority, appointed in the terms of Law 12527, 2011, Article 40 and the telephone and email address of the Citizen Information Service - SIC; and (Item with wording established by Decree 8408 of 2015)

IX - programs financed by the Fund of Support to the Worker - FAT. (Item added by Decree 8408 of 2015)

Paragraph 4 – This information may be provided through a website redirection tool, whenever they are available on other government sites.

Paragraph 5 - The provisions of Article 5, Paragraph 1 shall apply to public companies, joint stock companies and other entities controlled by the Federal Government, which act in competition, subject to the provisions of article 173 of the Federal Constitution.

Paragraph 6 - The Central Bank of Brazil shall periodically disclose information relating to loans of financial institutions, including minimum, maximum and mean interest rates, and related bank fees.

Paragraph 7 - Disclosure of the information specified in Paragraph 3 does not exclude other hypotheses regarding publishing and disseminating information contained in the legislation.

Paragraph 8 – The joint act of the State Minister of the Comptroller General of the Republic and the State Minister of Labor and employment shall provide for the disclosure of the programs referred

to in item IX of paragraph 3, which shall be made in compliance with the provisions of Chapter VII:
(Item with wording established by Decree 11527 of 2023)

I – in an individualized way; (Item added by Decree 8408 of 2015)

II – by means of consolidated information available on the website of the Ministry of Labor and Employment; and (Item with wording established by Decree 11527 of 2023)

III – by means of the availability of database variables for cross-referencing, for the purposes of studies and research, in compliance with the provisions of article 13. (Item added by Decree 8408 of 2015)

Article 8 - The websites of the governmental bodies and entities, in compliance with the standards set by the Ministry of Management and Innovation in Public Services, will meet the following requirements, among others: (Item with wording established by Decree 11527 of 2023)

I - contain a form to request access to information;

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

III - enable multiple formats of report recording, including those open and non-proprietary, such as spreadsheets and text, in order to facilitate the analysis of information;

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

V - disclose in detail the formats used for structuring information;

VI - ensure the authenticity and integrity of the information available for access;

VII - indicate directions allowing the claimant to communicate, via e-mail or telephone, with the governmental body or entity, and

VIII - ensure content accessibility for people with disabilities.

CHAPTER IV

PASSIVE TRANSPARENCY

Section I

Citizen Information Service

Article 9 - The agencies and organizations shall create the Citizen Information Service - SIC, aiming at:

I - serving and educating the public regarding access to information;

II - reporting on the document processing in the units, and

III - receiving and registering access to information requests.

Sole paragraph – It is the duty of the SIC:

I - to receive the access request and, whenever possible, to provide immediately the requested information;

II - to register the access request in a specific electronic system and to deliver a protocol number, which will contain the date of filing, and

III – to forward the request, once received and registered, to the unit responsible for providing information, whenever appropriate.

Article 10. The SIC shall be installed in an identified physical unit, easily accessible and open to the public.

Paragraph 1 - In the decentralized units where there is no SIC, a service shall be offered to receive and register access to information requests.

Paragraph 2 - If the decentralized unit does not hold the information, the request shall be forwarded to the SIC central governmental body or entity, that shall notify the claimant of the protocol number and date of receipt of the request, from which the period for response begins.

Section II

Access to Information Request

Article 11. Any natural person or legal entity may request access to information.

Paragraph 1 - The application shall be submitted through a standard form, by means of a specific electronic system or in person at the CIS units within governmental bodies and entities. (Item with wording established by Decree 11527 of 2023)

Paragraph 2 – The response time will be counted from the date of request to the SIC.

Paragraph 3 – Governmental bodies and entities are entitled to receive access to information requests through any other legitimate means, such as telephone calls and electronic or physical correspondence, as long as the requirements of Article 12 are met.

Paragraph 4 – In the case mentioned in Paragraph 3, a notice shall be sent to the claimant informing the protocol number and the date of receipt of the request by the SIC, when the period for response begins to count.

Article 11-A. The Comptroller General of the Republic shall maintain a specific electronic system available on the internet for registration and compliance with requests for access to information, which are mandatory for use by the governmental bodies and entities referred to in article 5. (Item added by Decree 11527 of 2023)

Paragraph 1 – The mandatory use of the electronic system referred to in the caput does not exclude the possibility that governmental bodies and entities use their own systems to organize

internal flows for the processing of requests for access to information. (Item added by Decree 11527 of 2023)

Paragraph 2 – The requests received by governmental bodies and entities as provided in paragraph 3 of article 11 shall be registered in the specific electronic system referred to in the caput on the date of receipt. (Item added by Decree 11527 of 2023)

Article 12. The access to information request must contain:

I – the name of the claimant;

II – a valid identification document number;

III – a clear and precise description of the information required, and

IV – a physical or electronic address for the claimant to receive communications or the information required.

Sole Paragraph. The applicant for access to information, duly identified in the electronic system provided for in article 11-A choose to preserve your identity before the defendant governmental bodies or entities. (Item added by Decree 11527 of 2023)

Article 13. Such access to information requests will not be answered:

I - generic;

II - disproportionate or unreasonable, or

III - that require additional analysis, interpretation or consolidation of data and information, or production service or data processing that is not within the jurisdiction of organization or entity.

Sole paragraph. In case of item III of the caput, the governmental body or entity must indicate the place where the information lies, from which the claimant may conduct the interpretation, consolidation or data processing, whenever it is known.

Article 14. Demands on the grounds of the access to information request are hereby forbidden.

Section III

Access to Information Procedures

Article 15. Once the request is received and the information is available, access shall be immediate.

Paragraph 1 – If immediate access is not possible, the governmental body or entity shall, within a period of up to twenty days:

I – send the information to the claimant’s physical or electronic address informed;

II – inform the claimant of the date, place and method to perform the information query, reproduction or to obtain a certificate regarding the information;

III – report the lack of the information requested, or not being aware of its existence;

IV – Indicate, if known, the governmental body or entity responsible for holding the requested information, or

V – give reasons for the total or partial access denial.

Paragraph 2 – In the cases where the access request requires handling a large volume of documents, or moving the document can jeopardize the regular procedure, a measure shall be adopted as provided in Paragraph 1, item II.

Paragraph 3 – When handling can damage the integrity of the information or document, the governmental body or entity shall indicate the date, place and method to query, or provide the claimant a certified copy that matches the original document.

Paragraph 4 – In the impossibility of obtaining a copy as mentioned in Paragraph 3, the claimant may request that, at his or her own expense and under the supervision of a public servant, the reproduction is made by other means that does not endanger the integrity of the original document.

Article 16. The deadline for responding to the request may be extended by ten days, if justified and informed to the claimant prior to the expiration of the initial term of twenty days.

Article 17. If the information is publicly available in printed, electronic or other means of universal access, the governmental body or entity shall advise the claimant as to where and how to query, retrieve, or reproduce the information.

Sole paragraph. In the event mentioned in the caput, the governmental body or entity shall not be obliged to the direct provision of information, unless the claimant declares not to have the means to query, retrieve, or reproduce the information.

Article 18. When providing information involves copying documents, the governmental body or entity, subject to the deadline to reply to the request, shall make available to the claimant a Federal Government Fee Collection Guide – GRU or equivalent document for payment of the costs of services and materials used.

Sole paragraph. The reproduction of documents shall occur within ten days from the proof of payment by the claimant or the delivery of a signed poverty declaration, under Law 7115, 1983, except justified hypotheses when, due to the volume or state of the documents, their reproduction demands a more extended deadline.

Article 19. If the access to information request is denied, a notification shall be sent to the claimant within the response period, containing:

I – the reasons for the refusal and its legal basis;

II – the possibility and term of appeal, indicating which authority will consider it, and

III – the possibility of filing a request for the declassification of the information, when appropriate, with an indication of the classifying authority who will consider the matter.

Paragraph 1 – The reasons for denial of access to classified information shall state the legal basis of the classification, the authority responsible for the classification and the indexing code of the classified document.

Paragraph 2 – The governmental bodies and entities shall make available a standard form for filing an appeal and requesting declassification.

Article 20. Access to a preparatory document or information contained herein, used to support decision making or administrative acts shall be ensured as of the edition of the act or decision.

Sole paragraph. The Ministry of Finance and the Central Bank of Brazil shall classify documents which support economic policy decisions, such as fiscal, tax, monetary and regulatory policies.

Section IV

Resources

Article 21. If access to information is denied or the reasons for the refusal of access are not provided, the claimant may file an appeal within ten days from his or her acknowledgement of the decision, to the authority superior to that which adopted the decision, who shall consider it within five days from its filing.

Sole paragraph. Devoid the feature mentioned in the caput, the claimant may file an appeal within ten days from his or her acknowledgement of the decision, to the highest authority of the governmental body or entity, which shall manifest itself in five days from the receipt of the appeal.

Article 22. In case of no reply to the access to information request, the claimant may submit a complaint within ten days to the monitoring authority mentioned in Article 40 of Law 12527, 2011, which must respond within five days from the receipt of the complaint.

Paragraph 1 – The deadline for filing complaints will begin thirty days after the filing of the application.

Paragraph 2 – The highest authority of the governmental body or entity may designate another authority directly subordinate to it as responsible for receiving and assessing complaints.

Article 23. Devoid of the resource mentioned in the sole paragraph of Article 21, or unsuccessful pursued complaint as mentioned in Article 22, the claimant may file an appeal within ten days from the acknowledgement of the decision, to the Comptroller General of the Republic, which must respond within five days from receiving the appeal.

Paragraph 1 – The Comptroller General of the Republic may determine that the governmental body or entity provide clarification.

Paragraph 2 – Provided the second appeal, the Comptroller General of the Republic shall establish a period for compliance with the decision by the governmental body or entity.

Article 24. In case of denial of access to information, or the reasons for the refusal of access as mentioned in the caput of Article 21, deprived of appeal by the Comptroller General's Office, the claimant may submit, within ten days from the acknowledgement of the decision, an appeal to the Joint Commission of Information Revaluation, subject to the procedures set out in Chapter VI.

CHAPTER V INFORMATION CLASSIFIED BY SECRECY LEVEL

Section I Information classification as to Secrecy Level and Deadlines

Article 25. Information shall be classified when deemed essential to the security of society or the State, or whose disclosure or unrestricted access can:

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;

III - harm or endanger confidential information provided by other countries and international organizations;

IV - endanger the lives, safety or health of the population;

V - offer high risk to financial, economic or monetary stability of the country;

VI - cause harm or risk to strategic plans or operations of the Armed Forces;

VII - cause harm or risk to research and scientific or technological development projects, as well as systems, goods, facilities or areas of national strategic interest, as set forth in Article 6, item II, caput;

VIII - jeopardize the safety of foreign or national higher institutions or authorities and their family members, or

IX - jeopardize intelligence activities, research or ongoing surveillance related to prevention or prosecution of offenses.

Article 26. The information held by governmental bodies and entities, in terms of its content and because of its indispensability to the security of society or the State, can be classified as ultra secret, secret or reserved.

Article 27. For the classification of information as to its degree of secrecy, the public interest of the information shall be assessed and the least restrictive criteria possible shall be applied, considering:

I - the seriousness of the risk or harm to the security of society and the State, and

II - the maximum extent of the period for its level of secrecy classification, or the event which set the end of this period.

Article 28. The maximum period extent for information to remain classified is:

I - Ultra secret: twenty-five years;

II - Secret: fifteen years, and

III - Reserved: five years.

Paragraph 1 – The occurrence of certain event may be established to end the access restriction period, considering the maximum extent of periods provided in this Article. (Item added by Decree 11527 of 2023)

Paragraph 2 – Expired the classification period without the governmental body or entity having made the information publicly accessible, as provided in Law 12527, 2011, Article 24, Paragraph 4 the Comptroller General of the Republic will notify the competent authority so that it can adopt the appropriate measures within thirty days. (Item added by Decree 11527 of 2023)

Article 29. Information that may endanger the safety of the President, Vice President and their spouses and children will be classified as reserved and will remain secret until the end of the current term, or the last term in case of reelection.

Article 30. Classifying information is a duty of the following authorities:

I – If ultra secret:

a) the President of the Republic;

b) the Vice-President;

c) Ministers of State and officials with the same prerogatives;

d) Commanders of the Navy, Army, Air Force, and

e) heads of permanent diplomatic and consular missions abroad;

II - If secret, the same authorities, and the heads of municipalities, foundations, public and semi-public companies, and

III – If reserved, the authorities mentioned in items I and II in the caput of this Article, and those exercising functions of direction, control or management of the Direction-Group and Superior Advisory – DAS, DAS level 101,5 or higher, and their equivalents.

Paragraph 1 – The delegation of powers for secrecy classification of the degrees ultra secret and secret is hereby forbidden, except as provided in Paragraph 7. (Item with wording established by Decree 11133 of 2022)

Paragraph 2 – The head of the governmental body or entity may delegate the authority to classify information as reserved to a public servant in a position of command or leadership.

Paragraph 3 – It is forbidden to sub-delegate the powers referred to in Paragraph 2.

Paragraph 4 – The officials referred to in Paragraph 2 shall inform the delegating authority of the act of classification, within ninety days.

Paragraph 5 – The classification of information as ultra secret by the authorities mentioned in the caput, item I, subparagraphs "d" and "e" must be ratified by the Minister within thirty days.

Paragraph 6 – While not ratified, the classification mentioned in Paragraph 5 is considered valid, for all legal purposes.

Paragraph 7 - The President of The Central Bank of Brazil is hereby delegated the competence referred to in subparagraph "a" of item I of the caput, for the classification information in the ultra secret level within the scope of the Central Bank of Brazil, subdelegation being prohibited. (Item added by Decree 11133 of 2022)

Section II

Procedures for Classifying Information

Article 31. The decision to classify information at any level of secrecy shall be formalized in the Information Rating Term - TCI, as the Annex model, and shall contain the following:

I – the document indexing code;

II – the degree of confidentiality;

III – the category in which the information is classified;

IV – the document type;

V – the document production date;

VI – the indication of the underlying legal mechanism for the classification;

VII – the reasons for the classification, according to the criteria established in Article 27, if justified for the level of secrecy adopted; (Item with wording established by Decree 11527 of 2023)

VII-A – subject to which the information refers, with the description of minimum elements that allow the identification of the topic to which the classification is concerned; (Item added by Decree 11527 of 2023)

VIII – the indication of the period of secrecy, counted in years, months or days, or event that will end the secrecy period, subject to the provisions in Article 28;

IX – the date of classification, and

X – the identification of the authority which classified the information.

Paragraph 1 – The TCI shall be attached to the information.

Paragraph 2 – The information provided for in the caput, item VII shall be maintained at the same level of confidentiality than the classified information.

Paragraph 3 – The classification ratification mentioned in Article 30, Paragraph 5 shall be registered in the TCI.

Article 32. The classification authority or other public official who classifies information shall send within thirty days from the decision of classification or ratification, the information specific in caput of article 31 at: (Item with wording established by Decree 11527 of 2023)

I - Joint Commission of Information Revaluation in the case of classified information at the ultra secret or secret; or (Item added by Decree 11527 of 2023)

II - Comptroller General of the Republic in the case of classified information in any secrecy level except for the sending of information referred to in item VII of the caput of Article 31. (Item added by Decree 11527 of 2023)

Paragraph 1 - In case of item II of caput when identifying in the performance of the powers provided for in Article 68 based on the examination of the public elements that make up the TCI, evidence of error in the classification of information the Comptroller General of the Republic shall: (Item added by Decree 11527 of 2023)

I - to notify the classification authority which will decide on the revaluation of the classification within thirty days; and (Item added by Decree 11527 of 2023)

II - to inform the Joint Commission of Information Revaluation in the case of classified information at ultra secret or secret for purposes of the provisions of item I of the caput of Article 47. (Item added by Decree 11527 of 2023)

Paragraph 2 - The evidence of error referred to in paragraph 1 shall be considered when: (Item added by Decree 11527 of 2023)

I - to the non-framing of the subject referred to in item VII-A of the caput of article 31 in legal cases of secrecy; and (Item added by Decree 11527 of 2023)

II - the inadequacy of the secrecy level. (Item added by Decree 11527 of 2023)

Article 33. Assuming a document contains classified information at different levels of confidentiality, the highest secrecy degree will be assigned to the document, and access will be assured to those areas not classified through certificates, copies or extract, except to the parts protected by secrecy.

Article 34. The governmental bodies and entities may constitute a Permanent Classified Documents Evaluation Committee – CPADS, with the following responsibilities:

I – to opine on the information produced within its performance scope, for classification purposes in any degree of confidence;

II – to advise the classification authority or higher authority regarding declassification, reclassification or revaluation of classified information at any level of confidentiality;

III – to propose the final destination of declassified information, stating the documents for permanent custody, subject to the provisions of Law 8159, January 8, 1991, and

IV – to subsidize the elaboration of the annual list of declassified information and classified documents in each degree of secrecy, to be posted on the Internet.

Section III

Declassification and Revaluation of Classified Information in Degrees of Secrecy

Article 35. The classification of the information will be reviewed by the appropriate classification or higher authority, upon provocation or legal requirement, for downgrading or reduction of the period of confidentiality.

Sole paragraph. To comply with the provisions set forth in the caput, in addition to the provisions of Article 27, the following shall be observed:

I - the maximum period of restricted access to information, as provided in Article 28;

II - the maximum period of four years for the revision of information classified as ultra secret or secret, referred to in Article 47, caput, item I;

III - the permanence of the reasons for classification;

IV - the possibility of damage or risks arising from unrestricted access or disclosure of information, and

V - the peculiarity of the information produced by foreign authorities or public officials.

Article 36. The request for declassification, or classification reassessment, may be submitted to independent agencies and entities regardless of prior access to information request.

Sole paragraph. The request mentioned in the caput shall be addressed to the classification authority, who must take a stand within thirty days.

Article 37. If the classification authority denies a request for information declassification or revaluation, the claimant may file an appeal within ten days from acknowledging the denial, to the Minister of State or the authority with the same prerogatives, which must take a stand within thirty days.

Paragraph 1 – In cases where the classifying authority is linked to an autarchy, foundation, public or mixed capital company, the appeal shall be filed to the head of the organization.

Paragraph 2 – In the case of the Armed Forces, the feature will be first presented before the respective commander, and, if denied, to the Minister of Defense.

Paragraph 3 – In the case of information produced by public authorities or agents abroad, the disqualification and reassessment requirement shall be assessed by their higher authorities in Brazilian territory.

Paragraph 4 – Lacking the ability to file the appeal mentioned in the caput and Paragraph 1 of this Article, the claimant may appeal to the Joint Information Revaluation Commission, within ten days from acknowledging the decision.

Article 38. The decision of downgrading, reclassifying or reducing the period of confidentiality of classified information shall appear on the covers of the proceedings, if any, and in the appropriate field of the TCI.

Section IV

General Provisions

Article 39. Information classified as ultra secret or secret will be preserved definitely under Law 8159, 1991, subject to the procedures of access restriction during the effective term of classification.

Article 40. Information classified as permanent custody documents that are subject to declassification shall be forwarded to the National Archives, the permanent archive of the governmental body or institution, for purposes of organization, preservation and access.

Article 41. The information on conduct involving violations of human rights committed by state officials or those commanded by public authorities cannot be the object of classification in any degree of secrecy or be denied access to.

Article 42. Access to information needed for effective judicial or administrative protection of fundamental rights cannot be denied.

Sole paragraph. The claimant must submit reasons demonstrating the existence of a link between the requested information and the right that must be protected.

Article 43. Access, disclosure and handling of classified information at any level of confidentiality shall be restricted to people who need to know it and to be accredited according to standards set by the Center for Security and Accreditation, established under the Cabinet of Institutional Security of the Presidency of the Republic, without prejudice to the powers of officials authorized by law.

Article 44. The federal executive branch officials shall take the necessary measures so that they subordinate staff to know the rules and observe the safety measures and procedures for handling classified information at any level of secrecy.

Sole paragraph. Natural persons or private entities which, by reason of any link with the government, perform handling of classified information, shall take the necessary measures for their employees, agents or representatives to observe information security measures and procedures.

Article 45. The highest authority of each governmental body or entity shall publish annually, until the 1st of June, on their Internet websites:

I – a list of information declassified in the last twelve months;

II - list of the classified information on each degree of secrecy, containing:

a) the document indexing code;

b) the category into which the information fits;

c) an indication of the legal basis for the classification; (Item with wording established by Decree 11527 of 2023)

d) the date of information production, the date of classification and the extent of the classification period of the information; and (Item with wording established by Decree 11527 of 2023)

e) subject of the classified information referred to in item VII-A of the caput of article 31; (Item added by Decree 11527 of 2023)

III – a statistical report on the number of requests for access to information received, treated and dismissed, and

IV - aggregated statistical information of claimants.

Sole paragraph. Any revision or reevaluation of information classified as to the secrecy of level or the classification period shall be updated within thirty days in the list provided for in item II of caput. (Item with wording established by Decree 11527 of 2023)

CHAPTER VI

THE JOINT INFORMATION REVALUATION COMMISSION

Article 46. The Joint Information Revaluation Commission, instituted in the terms of Law 12527, 2011, Paragraph 1, Article 35, will be integrated by the holders of the following governmental bodies:

I – the Chief of Staff Office of the Presidency of the Republic, who shall chair the Commission;

II – the Attorney General's Office; (Item with wording established by Decree 11489 of 2023)

III – the Comptroller General of the Republic; (Item with wording established by Decree 11489 of 2023)

IV – the Institutional Security Cabinet of the Presidency; (Item with wording established by Decree 11489 of 2023)

V – the Ministry of Defense; (Item with wording established by Decree 11489 of 2023)

VI – the Ministry of Human Rights and Citizenship; (Item with wording established by Decree 11489 of 2023)

VII – the Ministry of Finance; (Item with wording established by Decree 11489 of 2023)

VIII – the Ministry of Management and Innovation in Public Services; (Item with wording established by Decree 11489 of 2023)

IX – the Ministry of Justice and Public Security; (Item with wording established by Decree 11489 of 2023)

X – (Repealed by Decree 9690, of 2019)

XI - the Ministry of Foreign Affairs; (Item added by Decree 11489 of 2023)

Sole paragraph. Each member will indicate a substitute to be appointed by the Chair of the Commission.

Article 47. It is the duty of the Joint Information Revaluation Commission:

I – to review, ex officio or upon request, information classified as secret or ultra secret, or its revaluation, every four years at the most;

II – to request the authority who classified information as ultra secret or secret to provide partial or full clarification or content on the information, when the TCI is not sufficient for the classification revision;

III – to judge appeals from decisions:

a) of the Comptroller General of the Republic, as an appeal, regarding access to information or opening of a database request or the reasons for its refusal, or (Item with wording established by Decree 9690 of 2019)

b) of the Minister or authority with the same prerogative, as an appeal, regarding a request for declassification or reassessment of classified information;

IV – to extend only once, and for a specified period not exceeding twenty-five years, the period of secrecy of information classified as ultra secret, when its access or disclosure may cause external threat to national sovereignty, the integrity of the national territory or serious risk to the international relations of the country, limited to a maximum period of fifty years of classification, and

V – to establish normative guidelines of a general nature in order to remedy deficiencies in the application of Law 12527 of 2011.

Sole paragraph. No review of the classification in the deadline stipulated in item I of the caput shall lead to automatic declassification of the information.

Article 48. The Joint Information Revaluation Commission shall meet regularly once a month, and extraordinarily whenever convened by its President.

Sole paragraph. The meetings will be held with the presence of at least six members.

Article 49. Requests to extend the classification of information as ultra secret, referred to in item IV of Article 47, shall be forwarded to the Joint Information Revaluation Commission within one year before the expiration of the access restriction period.

Sole paragraph. Requests to extend the secrecy period of information classified as ultra secret shall be assessed, at the latest, within three sessions subsequent to the date of its claim, suspending all other Commission matters until its voting is finalized.

Article 50. The Joint Information Revaluation Commission shall appreciate the appeals provided in Article 47, caput, section III, without fail, until the third regular meeting following the dates of their filing.

Article 51. The review of information classified as ultra secret or secret shall be assessed in three sessions preceding the dates of their automatic declassification.

Article 52. The decisions of the Joint Information Revaluation Commission shall be made:

I – through absolute majority, when they involve the powers provided in sections I and IV of the caput of Article 47, and

II - through simple majority vote, in other cases.

Sole paragraph. The Chief of Staff Office of the Presidency of the Republic may exercise, in addition to the ordinary vote, the casting vote in case of tie.

Article 53. The Chief of Staff Office of the Presidency shall serve as Executive Secretary of the Joint Information Revaluation Commission, whose powers shall be defined in the Commission's bylaws.

Article 54. The Joint Information Revaluation Commission shall approve, by majority vote, the bylaws for its organization and functioning.

Sole paragraph. The bylaws shall be published in the Official Gazette within ninety days after the installation of the Commission.

CHAPTER VII PERSONAL INFORMATION

Article 55. Personal information relating to privacy, private life, honor and image held by governmental bodies and entities:

I - will be accessed exclusively by legally authorized government officials and the person to which they refer, regardless of secrecy classification, for a maximum of one hundred years from the date of its production; and

II - may have their disclosure or access by third parties authorized by law or expressed consent of the person to which they refer.

Sole paragraph. If the person object of personal information is dead or missing, the rights to which this article refers to attend the spouse or partner, the descendants or ascendants, as provided in Law 10406, January 10, 2002, Article 20, Sole Paragraph, and in Law 9278, May 10, 1996.

Article 56. The treatment of personal information shall be done transparently and with respect to privacy, private life, honor and image of persons, and individual freedom and rights.

Article 57. The consent referred to in Article 55, caput, item II, shall not be required when access to personal information is needed:

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

II – to carry out scientific research and statistics of evident public or general interest, required by law, being prohibited the identification of the person to whom the information relates;

III – to the fulfillment of a judicial decision;

IV – to the protection of human rights of others, or

V – to the protection of the general and preponderant public interest.

Article 58. Access restrictions to personal information mentioned in Article 55 cannot be invoked when: (Item with wording established by Decree 11527 of 2023)

I - there is the intention to harm the Government's investigation of irregularities in which the person object of the information is an interested party; (Item with wording established by Decree 11527 of 2023)

II - unclassified personal information is contained in sets of documents necessary for the recovery of most relevant historical facts; or (Item with wording established by Decree 11527 of 2023)

III - if it is possible to process and protect data through the concealment, anonymization or pseudonymization of personal information relating to privacy, private life, honor and image. (Item added by Decree 11527 of 2023)

Article 59. The head of the governmental body or entity may, ex officio or upon request, recognize the impact of the hypothesis in Article 58, caput, item II, based on documents that have been produced or accumulated, and in its custody.

Paragraph 1 – To subsidize the decision for recognition mentioned in the caput, the governmental body or entity may request universities, research institutions or other entities with

Paragraph 2 – The decision for recognition mentioned in the caput will be preceded by the publication of extracts of the information, with a brief description of the subject, the origin and period of the set of documents to be considered for unrestricted access, at least thirty days in advance.

Paragraph 3 – After the decision for recognition mentioned in Paragraph 2, the documents shall be considered of unrestricted access to the public.

Paragraph 4 – In cases of documents of high historical value intended for permanent custody, it will be up to the manager of the National Archives, or the authority responsible for filing within the governmental body or entity that receives those documents, to decide, after collecting them, whether to approve the recognition, observing the procedure described in this article.

Article 60 – The request for access to personal information shall follow the procedures laid down in Chapter IV and will be subject to verification of the claimant's identity.

Sole Paragraph – Requests for access to personal information by third parties shall be accompanied of:

I – proof of consent mentioned in Article 55, caput, section II, by proxy;

II – evidence of the hypotheses set forth in Article 58;

III – demonstration of interest in the recovery of most relevant historical facts, subject to the procedures laid down in Article 59, or

IV – demonstration of need of the access to information required, for the defense of human rights or to protect the public and general preponderant interest.

Article 61. Access to personal information by third parties will be subject to the signing of a waiver, which shall set forth the purpose and destination that justify its authorization, and the obligations to which the claimant shall abide.

Paragraph 1 – The use of personal information by third parties is linked to the purpose and destination that justify the authorization of access, and its use in different ways is hereby prohibited.

Paragraph 2 – Those who gain access to personal information of third parties be liable for misuse, according to the law.

Article 62., As appropriate, Law 9507 of November 12, 1997 applies regarding natural persons or legal entities' information constant in registries or databases of governmental or public agencies.

CHAPTER VIII

PRIVATE NON-PROFIT ORGANIZATIONS

Article 63. Private nonprofit organizations that receive public funds to carry out actions in public interest should give publicity to the following information:

I – an updated copy of the organization's bylaws;

II – an updated list of names of the organization's directors, and

III – a full copy of the covenants, agreements, terms of partnerships, agreements, arrangements or similar instruments made with the federal executive branch, their additives, and final reports for accountability, in accordance with applicable law.

Paragraph 1 – The information mentioned in the caput will be posted on the website of the private organization and on billboards publicly available at their headquarters.

Paragraph 2 – The disclosure on the Internet site referred to in Paragraph 1 may be waived by decision of the governmental body or public entity, and through explicit justification by the organization in cases of private nonprofit that does not have the means to comply.

Paragraph 3 – The information mentioned in the caput shall be published since the establishment of the agreement, contract, partnership term, arrangement or similar instrument, shall be updated periodically and shall be available up to one hundred and eighty days after the delivery of the accountability reports.

Article 64. Requests for information relating to the covenants, agreements, terms of partnerships, agreements, arrangements or similar instruments provided for in Article 63 shall be submitted directly to the governmental bodies and entities responsible for the fund transfers.

Article 64-A. Entities with legal personality under private law constituted in the form of an autonomous social service, which are recipients of contributions or federal public resources arising from a management contract and the professional supervisory boards shall comply with the provisions of Law 12527 of 2011, and (Item with wording established by Decree 11527 of 2023)

I - disclosing, regardless of request the information of collective or general interest produced or held by them including that referred to in items I to VIII of paragraph 3 of Article 7, in an easily visible location, on official websites, observing the provisions of paragraph 1 of Article 7 and in Article 8; and (Item added by Decree 11527 of 2023)

II - create SIC, observing the provisions of Article 9 and Article 10. (Item added by Decree 11527 of 2023)

Paragraph 1 - The information provided in item I of the caput shall be provided directly by the entities and the councils that describe in caput and refer to the portion of resources arising from contributions and other public resources received and their destination, without prejudice to accountability to which they are legally obliged. (Item with wording established by Decree 11527 of 2023)

Paragraph 2 - The provisions of Article 55 and Article 58 to personal information relating privacy, private life, honor and image held by the entities and councils referred to in the caput. (Item with wording established by Decree 11527 of 2023)

Paragraph 3 - The disclosure of information provided for in item I of the caput does not exclude other hypotheses of publication and dissemination of information provided for in legislation, including the Budgetary Guidelines Act. (Item with wording established by Decree 11527 of 2023)

Paragraph 4 - The appeal and monitoring system of this Decree does not apply to the entities and councils referred to in the caput, except for the possibility of the applicant in the case of failure to respond the request for access to information, presenting the complaint provided for in Article 22 which will be forwarded to the highest authority of the requested entity or council. (Item added by Decree 11527 of 2023)

Paragraph 5 - The entities referred to in the caput are subject, where applicable, to the sanctions and procedures provided for in Article 66. (Item added by Decree 11527 of 2023)

CHAPTER IX RESPONSIBILITIES

Article 65. The following conducts shall be illegal that lead to the accountability of the governmental or military official:

I – refusing to provide information required under this Decree, slowing its delivery deliberately or intentionally, providing it incorrectly, incompletely or inaccurately;

II – misusing, subtracting, destroying, disabling, disfiguring, altering or obscuring, totally or partially, information in their custody, or they have access to or know about due to their exercise of office duties, public employment or position;

III – acting with malice or dishonesty in the review of requests for access to information;

IV – disclosing, permitting the disclosure, accessing or allowing unauthorized access to information classified in any of confidentiality, 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 information classified at any degree of secrecy from the review of higher authorities, to benefit themselves or others, or to the detriment of others, and

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

Paragraph 1 – Complying with the first principle of contradiction, of broad defense and due process, the conducts described in the caput shall be considered:

I - for purposes of the Armed Forces disciplinary regulations, 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, December 11, 1990, administrative violations, which must be punished, at least, with suspension, according to the criteria set out in the aforementioned Law.

Paragraph 2 - For the conduct described in the caput, the governmental or military official may also be held accountable for administrative misconduct, as provided in Laws in 1079, April 10, 1950, and Law 8429, June 2, 1992.

Article 66. A natural person, or private legal entity, that holds back information by virtue of any kind of link with the government and practices conducts foreseen in Article 65 will be subject to the following penalties:

I – warning;

II – fine;

III – termination of the relationship with the Government;

IV - temporary suspension from participating in bidding and impediment to contract with the government for a term no longer than two years, and

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

Paragraph 1 – A fine may be applied along with the penalties provided in sections I, III and IV of the caput.

Paragraph 2 – The fine provided in section II of the caput shall be without prejudice to damage reparation and cannot be:

I – under R\$ 1,000.00 (one thousand BRL) or over R\$ 200,000.00 (two hundred thousand BRL) in the case of a natural person, or

II – under R\$ 5,000.00 (five thousand BRL) or over R\$ 600,000.00 (six hundred thousand BRL), in the case of a private legal entity.

Paragraph 3 – The rehabilitation referred to in item V of the caput shall be authorized only when the natural person or private legal entity realizes the reimbursement of the damage caused to the governmental body or entity and after the expiry of the penalty imposed on the basis of item IV of the caption.

Paragraph 4 – Applying the penalty under item V of the caput is the exclusive competence of the highest authority of the governmental body or entity.

Paragraph 5 – The deadline for submission of defense in the cases provided in this article is ten days from the acknowledgement of the act.

CHAPTER X
MONITORING OF LAW ENFORCEMENT

Section I
The Monitoring Authority

Article 67. The head of each governmental body or entity shall designate a directly subordinate authority to perform the following duties:

I – ensuring compliance with the rules on access to information, an efficient and appropriate manner to the objectives of Law 12,527, 2011;

II - evaluating and monitoring the implementation of this Decree and submitting to the top manager of each governmental body or entity an annual report on its implementation, referring it to the Comptroller General of the Republic;

III - recommending measures to improve the standards and procedures necessary to implement this Decree;

IV - guiding the units with regard to compliance with this Decree, and

V – taking a stand with regard to complaints filed against authorities for omission, subject to the provisions of Article 22.

Section II
Monitoring Related Skills

Article 68. It is the duty of the Comptroller General of the Republic, subject to the powers of other bodies and agencies and the specific predictions in this Decree:

I – to set the default form, available in hard and electronic copies, which will be available on the website and the SIC of bodies and entities, in accordance with Article 11, Paragraph 1;

II – to conduct a nationwide campaign to promote the culture of transparency in public administration and awareness of the fundamental right of access to information;

III – to promote the training of public agents and, where applicable, the capacity of nonprofit private entities, with regard to the development of practices related to transparency in public administration;

IV – to monitor the implementation of Law 12527, 2011, to: (Item with wording established by Decree 11527 of 2023)

a) examine its regularity; and (Item added by Decree 11527 of 2023)

b) to suggest measures to the governmental bodies and entities, in case of non-compliance with the provisions of the aforementioned Law; (Item added by Decree 11527 of 2023)

V – to prepare an annual report with information regarding the implementation of Law 12527, 2011, to be submitted to Congress;

VI – to supervise the implementation of the provisions of this Decree, especially when: (Item with wording established by Decree 11527 of 2023)

a) compliance with deadlines and procedures by governmental bodies and entities; and (Item added by Decree 11527 of 2023)

b) the quality of the information access service; (Item added by Decree 11527 of 2023)

VII – to establish, systematize and standardize, by means of the edition of statements and instructions additional understanding and procedures necessary to implement Law 12527, 2011 regarding the provisions in item V of the caput of article 47 of this Decree; and (Item with wording established by Decree 11527 of 2023)

VIII - concentrate and consolidate the publication of statistical information referred to in Article 45. (Item added by Decree 11527 of 2023)

Sole Paragraph. When approved by the State Minister of the Comptroller General of the Republic and published in the Official Gazette, the statements referred to in item VII of the caput shall have binding effect on the governmental bodies and entities of the federal executive branch referred to Article 5, except for the Joint Commission of Information Revaluation. (Item added by Decree 11527 of 2023)

Article 69. It is the duty of the Comptroller General's Office, subject to the powers of other bodies and agencies and the specific predictions in this Decree: (Item with wording established by Decree 11527 of 2023)

I - establishing procedures, rules and standards of information disclosure to the public, setting a deadline for upgrading, and

II - detailing the procedures necessary for searching, structuring and reporting within the scope of the Citizen Information Service – SIC.

Article 70. It is the duty of the Office of Institutional Security of the Presidency of the Republic, considering the powers of other bodies and agencies and the specific predictions in this Decree:

I – to set indexing rules related to the classification of information;

II – to issue additional acts and establish procedures for the security accreditation of individuals, public or private agencies and legal entities, for the treatment of classified information, and

III - to promote, through the Center for Security Credentialing, the security accreditation of individuals, public or private agencies and legal entities, for the treatment of classified information.

CHAPTER XI
TRANSITIONAL AND FINAL PROVISIONS

Article 71. The governmental bodies and entities shall adjust their information management policies, promoting the necessary changes to the processes of recording, processing, handling and filing documents and information.

Article 72. The agencies and entities shall review the information classified as secret and ultra secret within two years from the initial term of validity of Law 12527, 2011.

Paragraph 1 – The restriction of access to information, because of the reassessment provided in the caput, shall follow the terms and conditions contained in this Decree.

Paragraph 2 – Until the expiration of the reassessment period referred to in the caput, the information classification shall be maintained, according to the terms and provisions of previous legislation.

Paragraph 3 – The information classified as ultra secret and secret, not reassessed within the timeframe specified above, shall be automatically declassified.

Article 73. The annual publication provided in Article 45 will start in June 2013.

Article 74. The handling of classified information resulting from treaties, agreements or international acts shall meet the standards and recommendations of these instruments.

Article 75. Law 9784 of January 29, 1999, shall be applied as a subsidiary to the provisions in this Decree.

Article 76. This Decree shall enter into force on May 16, 2012.

Brasilia, May 16, 2012, the 191st year of the Independence of Brazil and the 124th year of the Declaration of the Republic.

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This text does not replace the one published in the Official Gazette on May 16, 2012 - Extra Edition and rectified on May 18, 2012

ANNEX
SECURITY LEVEL:

INFORMATION CLASSIFICATION TERM	
GOVERNMENTAL BODY / ENTITY:	
INDEX CODE:	
SECURITY LEVEL:	
CATEGORY:	
DOCUMENT TYPE:	
DATE OF PRODUCTION:	
LEGAL BASIS FOR CLASSIFICATION:	
REASONS FOR CLASSIFICATION: (identical to the document's security level)	
SUBJECT OF CLASSIFIED INFORMATION:	
PERIOD OF ACCESS RESTRICTION:	
DATE OF CLASSIFICATION:	
CLASSIFICATION AUTHORITY	Name:
	Position:
RATIFICATION AUTHORITY (when applicable)	Name:
	Position:
DECLASSIFIED ON ____ / ____ / ____ (when applicable)	Name:
	Position:
RECLASSIFIED ON ____ / ____ / ____ (when applicable)	Name:
	Position:
PERIOD REDUCED ON ____ / ____ / ____ (when applicable)	Name:
	Position:
DEADLINE EXTENDED ON ____ / ____ / ____ (when applicable)	Name:

Position:

SIGNATURE OF CLASSIFICATION AUTHORITY

SIGNATURE OF RATIFICATION AUTHORITY (when applicable)

SIGNATURE OF DECLASSIFICATION AUTHORITY (when applicable)

SIGNATURE OF RECLASSIFICATION AUTHORITY (when applicable)

SIGNATURE OF PERIOD REDUCTION AUTHORITY (when applicable)

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