



MINISTÉRIO DA JUSTIÇA
E SEGURANÇA PÚBLICA
Assessoria Especial Internacional

TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

Decreto nº 4.376 de 13 de setembro de 2002.

Dispõe sobre a organização e o funcionamento do Sistema Brasileiro de Inteligência, instituído pela Lei nº 9.883, de 7 de dezembro de 1999, e dá outras providências.

VERSÃO EM INGLÊS



Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução¹, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



¹Traduções não juramentadas ou oficiais.

DECREE nº 4,376 OF SEPTEMBER 13th, 2002

Provides for the organization and functioning of the Brazilian Intelligence System, established by Law no 9,883 of December 7th, 1999, and gives other measures.

The **PRESIDENT OF BRAZIL**, in the use of the powers conferred by article 84, items IV and VI, subitem "a", of the Constitution, and considering the provisions of Law nº 9,883 of December 7th, 1999,

DECREES:

Art. 1. The organization and functioning of the Brazilian Intelligence System, established by [Law nº 9,883 of December 7th, 1999](#) observed the provisions of this Decree.

Paragraph 1. The Brazilian Intelligence System aims to integrate the actions of planning and execution of the country's intelligence activities to provide subsidies to the President of Brazil in the affairs of national interests.

Paragraph 2. The Brazilian Intelligence System is responsible for the process of obtaining and analyzing data and information and for the production and dissemination of knowledge necessary for the decision-making process of the Executive Branch, especially regarding the security of society and the State and for safeguarding sensitive matters of national interest.

Art. 2. For the purposes of this Decree, intelligence is the activity of obtaining and analyzing data and information and the production and dissemination of knowledge, within and outside the country, concerning the facts and situations of immediate or potential influence on the government decision-making process, for the protection and security of the society and the State.

Art. 3. Counterintelligence is the activity that aims to prevent, detect, obstruct, and neutralize adverse intelligence and actions of any nature that constitute a threat to the safeguarding of data, information, and knowledge of interest to the security of society and the State, as well as the areas and means that retain them or in which they transit.

Art. 4. The Brazilian Intelligence System is composed of the following bodies: [\(Wording established by Decree nº 4,872 of November 6th, 2003\)](#)

I - Civil House of the Presidency of Brazil, through its Executive Secretariat; [\(Wording established by Decree nº 7,803 of 2012\)](#)

II - Office of Institutional Security of the Presidency of Brazil, coordinating body of federal intelligence activities; [\(Wording established by Decree nº 9,209 of 2017\)](#)

III - Brazilian Intelligence Agency - ABIN, of the Office of Institutional Security of the Presidency of Brazil, as the central organ of the system; [\(Wording established by Decree nº 9,209 of 2017\)](#)

IV - Ministry of Justice, through the Department of Asset Recovery and International Legal Cooperation of the National Secretariat of Justice; [\(Wording established by Decree nº 9,491 of 2018\)](#)

V - Ministry of Defense, through the Deputy Chief of Defense Intelligence, the Deputy Chief of Strategic-Military Intelligence Division of the Navy Military Staff, the Navy Intelligence Center, the Army Intelligence Center, the Aeronautics Intelligence Center, and the Management and Operational Center of the Amazon Protection System; [\(Wording established by Decree nº 9,209 of 2017\)](#)

VI - Ministry of Foreign Affairs, through the General Secretariat for Foreign Affairs and the Division for Combating Transnational Crimes of the Deputy General Secretariat for Multilateral Political Affairs, Europe and North America; [\(Wording established by Decree nº 9,209 of 2017\)](#)

VII - Ministry of Finance, through the Executive Secretariat of the Financial Activities Control Council, the Secretariat of the Federal Revenue of Brazil, the Secretariat of Social Security, the Attorney General's Office of the National Treasury, and the Central Bank of Brazil; [\(Wording established by Decree nº 9,491 of 2018\)](#)

VIII - Ministry of Labor, through its Executive Secretariat; [\(Wording established by Decree nº 9,209 of 2017\)](#)

IX - Ministry of Health, through the Office of the Minister of State and the National Health Surveillance Agency - ANVISA; [\(Wording established by Decree nº 4,872 of November 6th, 2003\)](#)

X - [\(Repealed by Decree nº 9,209 of 2017\)](#)

XI - Ministry of Science, Technology, Innovations, and Communications, through the Executive Secretariat; [\(Wording established by Decree nº 9,209 of 2017\)](#)

XII - Ministry of the Environment, through the Executive Secretariat and the Brazilian Institute of the Environment and Renewable Natural Resources - IBAMA; [\(Wording established by Decree nº 7,803 of 2012\)](#)

XIII - Ministry of National Integration, through the National Secretariat of Civil Protection and Defense; [\(Wording established by Decree nº 9,209 of 2017\)](#)

XIV - Ministry of Transparency and Comptroller General of the Union, through the Executive Secretariat; [\(Wording established by Decree nº 9,491 of 2018\)](#)

XV - Ministry of Agriculture, Livestock, and Supply, through its Executive Secretariat; [\(Wording established by Decree nº 8,149 of 2013\)](#)

XVI - [\(Repealed by Decree nº 9,209 of 2017\)](#)

XVII - Ministry of Transport, Ports, and Civil Aviation, through the Executive Secretariat, the National Civil Aviation Secretariat, the National Civil Aviation Agency, the National Land Transport Agency, the

National Water Transport Agency, the Brazilian Airport Infrastructure Company, and the National Department of Transport Infrastructure; [\(Wording established by Decree nº 9,491 of 2018\)](#)

XVIII - Ministry of Mines and Energy, through the Executive Secretariat; [\(Wording established by Decree nº 9,491 of 2018\)](#)

XIX - Federal Attorney General; and [\(Wording established by Decree nº 9,491 of 2018\)](#)

XX - Ministry of Public Security, through the National Secretariat of Public Security, the Directory of Police Intelligence of the Federal Police Department, the Department of the Federal Road Police, and the National Penitentiary Department. [\(Included by Decree nº 9,491 of 2018\)](#)

Sole Paragraph. The units of the Federation may compose the Brazilian Intelligence System through specific adjustments and agreements, having heard the competent body of external control of intelligence activity.

Art. 5. The functioning of the Brazilian Intelligence System shall be effected by the coordinated articulation of the bodies that constitute it, respecting the functional autonomy of each one and observing the relevant legal standards on security, professional secrecy and safeguarding of confidential matters.

Art. 6. It is up to the bodies that make up the Brazilian Intelligence System, within the scope of their competences:

I - produce knowledge, in compliance with the requirements of the intelligence plans and programs, arising from the National Intelligence Policy;

II - plan and execute actions related to obtaining and integrating data and information;

III - exchange information necessary for the production of knowledge related to intelligence and counterintelligence activities;

IV - provide the central body of the system, for integration purposes, with specific information and knowledge related to the defence of institutions and national interests; and

V - establish the respective particular mechanisms and procedures necessary for the communication and exchange of information and knowledge within the System, observing security and secrecy measures and procedures, under the coordination of ABIN, based on the relevant legislation in force.

Art. 6-A. ABIN may maintain, on a standing basis, representatives of the component bodies of the Brazilian Intelligence System in the Executive Advisory Body of the Brazilian Intelligence System. [\(Wording established by Decree nº 9,209 of 2017\)](#)

Paragraph 1. For the purposes of the provisions of the head provision, ABIN may request the members of the Brazilian Intelligence System to appoint representatives to act in the Executive Advisory Body of the Brazilian Intelligence System. [\(Wording established by Decree nº 9,209 of 2017\)](#)

Paragraph 2. The Executive Advisory Body of the Brazilian Intelligence System shall be assigned to coordinate the articulation of the flow of timely data and information of interest to the State intelligence

activity to subsidize the President of Brazil in his/her decision-making process. [\(Wording established by Decree nº 9,209 of 2017\)](#)

Paragraph 3. The representatives mentioned in the head provision shall serve on the Executive Advisory Body of the Brazilian Intelligence System, being exempted from the exercise of the usual duties in the body of origin and working on a standing availability regime, in the form of the provisions of the internal rules of ABIN, to be proposed by its General Director and approved by the Chief Minister of State of the Office of Institutional Security of the President of Brazil. [\(Wording established by Decree nº 9,209 of 2017\)](#)

Paragraph 4. The representatives mentioned in the head provision can access, by electronic means, the databases of their bodies of origin, respecting the standards and limits of each institution and the legal norms relevant to security, professional secrecy, and the safeguarding of confidential matters. [\(Included by Decree nº 6,540 of 2008\).](#)

Art. 7. The Advisory Council of the Brazilian Intelligence System, advisory collegiate to the Office of Institutional Security of the Presidency of Brazil, is established and shall: [\(Wording established by Decree nº 9,881 of 2019\)](#)

I - issue opinions on the implementation of the National Intelligence Policy;

II - propose general standards and procedures for the exchange of knowledge and communications between the bodies that constitute the Brazilian Intelligence System, including concerning information security;

III - Ministry of Justice and Public Security: [\(Wording established by Decree nº 9,881 of 2019\)](#)

a) Directory of Police Intelligence of the Federal Police; [\(Included by Decree nº 9,881 of 2019\)](#)

b) Federal Road Police; and [\(Included by Decree nº 9,881 of 2019\)](#)

c) National Secretariat for Public Security; [\(Included by Decree nº 9,881 of 2019\)](#)

IV - Ministry of Defense: [\(Wording established by Decree nº 9,881 of 2019\)](#)

a) Deputy Chief of Defense Intelligence; [\(Included by Decree nº 9,881 of 2019\)](#)

b) Strategic-Military Intelligence Division of the Deputy Chief of Strategy of the Navy Military Staff; [\(Included by Decree nº 9,881 of 2019\)](#)

c) Navy Intelligence Center; [\(Included by Decree nº 9,881 of 2019\)](#)

d) Army Intelligence Center; [\(Included by Decree nº 9,881 of 2019\)](#)

e) Aeronautics Intelligence Centre; and [\(Included by Decree nº 9,881 of 2019\)](#)

f) Management and Operational Center of the Amazon Protection System; [\(Included by Decree nº 9,881 of 2019\)](#)

V - Ministry of Foreign Affairs: Division for Combating Transnational Crime; and [\(Wording established by Decree nº 9,881 of 2019\)](#)

VI - Ministry of Economy: [\(Wording established by Decree nº 9,881 of 2019\)](#)

a) Special Secretariat of the Federal Revenue of Brazil; and [\(Included by Decree nº 9,881 of 2019\)](#)

b) Executive Secretariat of the Financial Activities Control Council; [\(Included by Decree nº 9,881 of 2019\)](#)

Art. 8. The Advisory Council of the Brazilian Intelligence System is composed of representatives of the following bodies: [\(Wording established by Decree nº 9,881 of 2019\)](#)

I - Office of Institutional Security of the Presidency of Brazil, which shall preside over it; [\(Wording established by Decree nº 9,881 of 2019\)](#)

II - Brazilian Intelligence Agency; [\(Wording established by Decree nº 9,881 of 2019\)](#)

III - National Secretariat of Public Security, Directory of Police Intelligence of the Federal Police Department and Federal Road Police Department, of the Ministry of Public Security; [\(Wording established by Decree nº 9,491 of 2018\)](#)

IV - Deputy Chief of Defense Intelligence, Deputy Chief of Strategic-Military Intelligence Division of the Navy Military Staff, Navy Intelligence Center, Army Intelligence Center, Aeronautics Intelligence Center, and Management and Operational Center of the Amazon Protection System; [\(Wording established by Decree nº 9,209 of 2017\)](#)

V - Division for Combating Transnational Crimes of the Deputy General Secretariat for Multilateral Political Affairs, Europe and North America, of the Ministry of Foreign Affairs; and [\(Wording established by Decree nº 9,209 of 2017\)](#)

VI - Council for the Control of Financial Activities and Secretariat of the Federal Revenue of Brazil, Ministry of Finance. [\(Wording established by Decree nº 9,209 of 2017\)](#)

VII - [\(Repealed by Decree nº 7,803 of 2012\)](#)

Paragraph 1. The Council is chaired by the Chief Minister of State of the Office of Institutional Security of the Presidency of Brazil, who shall appoint his/her eventual replacement. [\(Wording established by Decree nº 9,209 of 2017\)](#)

Paragraph 2. Each member of the Advisory Council of the Brazilian Intelligence System shall have an alternate, who shall replace him/her in his/her absences and impediments. [\(Wording established by Decree nº 9,881 of 2019\)](#)

Paragraph 3. Members of the Council shall be granted security credentials in the "secret" degree.

Art. 9. The Advisory Council of the Brazilian Intelligence System shall meet, on an ordinary basis, up to three times per year, at the headquarters of the Brazilian Intelligence Agency, in Brasília, Federal

District, and, on an extraordinary basis, whenever convened by its Chairman or at the request of one of its members. [\(Wording established by Decree nº 9,881 of 2019\)](#)

Paragraph 1. Extraordinary meetings may be held outside the headquarters of the Brazilian Intelligence Agency at the discretion of the Chairman of the Advisory Council of the Brazilian Intelligence System. [\(Wording established by Decree nº 9,881 of 2019\)](#)

Paragraph 2. The meeting quorum of the Advisory Council of the Brazilian Intelligence System is a simple majority of the members and the approval quorum is a majority of the members present. [\(Wording established by Decree nº 9,881 of 2019\)](#)

Paragraph 3. Representatives of other bodies or entities may participate in the meetings of the Advisory Council of the Brazilian Intelligence System, as advisers or observers, without the right to vote, upon invitation of any member of the Council. [\(Wording established by Decree nº 9,881 of 2019\)](#)

Paragraph 4. The Chairman of the Advisory Council of the Brazilian Intelligence System may invite citizens of notorious knowledge or experts in the matters contained in the agenda of the Council to participate in the meetings, without the right to vote. [\(Wording established by Decree nº 9,881 of 2019\)](#)

Paragraph 5. The expenses for travel and stay of the members of the Council shall be at the expense of resources of the bodies they represent, except in the case of paragraph 4 or in exceptional cases, when they shall run at the expense of ABIN resources.

Paragraph 6. The participation in the Advisory Council of the Brazilian Intelligence System shall be considered as providing a relevant, unpaid public service. [\(Wording established by Decree nº 9,881 of 2019\)](#)

Paragraph 7. The Executive Secretariat of the Advisory Council of the Brazilian Intelligence System shall be exercised by the Brazilian Intelligence Agency. [\(Included by Decree nº 9,881 of 2019\)](#)

Art. 10. As the central organ of the Brazilian Intelligence System, ABIN shall:

I - establish the needs of specific knowledge, to be produced by the bodies that constitute the Brazilian Intelligence System, and consolidate them in the National Intelligence Plan;

II - coordinate the acquisition of data and information and the production of knowledge on topics of competence of more than one member of the Brazilian Intelligence System, promoting the necessary interaction between those involved;

III - monitor the production of knowledge, through requests to members of the Brazilian Intelligence System, to ensure the fulfillment of the legal purpose of the System;

IV - analyze the data, information, and knowledge received to verify the fulfillment of the knowledge needs established in the National Intelligence Plan;

V - integrate the information and knowledge provided by members of the Brazilian Intelligence System;

VI - request from the bodies and entities of the Federal Government the data, knowledge, information, or documents necessary to meet the legal purpose of the System;

VII - promote the development of human and technological resources and the doctrine of intelligence, conduct studies and research for the exercise and improvement of intelligence activity, in coordination with the other organs of the Brazilian Intelligence System;

VIII - provide technical and administrative support to the meetings of the Council and the functioning of the working groups, requesting, if necessary, the collaboration of servers from the bodies that constitute the system for a fixed time, in compliance with the relevant standards; and

IX - represent the Brazilian Intelligence System before the body of external control of intelligence activity.

Sole paragraph. Except for the tasks provided for in this article, the operational intelligence activity necessary to plan and conduct military campaigns and operations of the Armed Forces, in the interests of national defense.

Art. 11. This decree comes into force on the date of its publication.

Brasília, September 13th, 2002; 181st Independence and 114th of the Republic.

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