

# DATA, ALGORITHMS, AND PRIVATE LAW: ADVANCING PROTECTIONS IN HEALTH, LABOR, CONSUMER, SUCCESSION, AND LIABILITY CONTEXTS

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It is with great pleasure that we present the second issue of Volume 2 of the *Brazilian Journal of Law, Technology and Innovation*, marking the close of our second year of publication. This volume features nine scholarly papers that illuminate pressing topics related to data protection, algorithmic processes, and privacy in a variety of private-law contexts including health, labor, consumer relations, inheritance, and civil liability.

Opening the issue, in “*Artificial Intelligence in Medicine: A Systematic Literature Review of Emerging Risks and Challenges*”, *Vanessa Schmidt Bortolini, Wilson Engelmann, and Alexandre de Souza Garcia* conduct a systematic literature review exploring the multifaceted risks associated with employing artificial intelligence (AI) within medical practice. Addressing concerns such as biases, discrimination, transparency, and privacy, the authors spotlight how AI’s growing autonomy in healthcare demands both robust oversight and regulation. They further emphasize the imperative that AI remain an assistive resource rather than a substitute for professional judgment.

Authored by *Andressa Munaro Alves and Lucas Witkoski Brolezi*, we have “*Technology and New Work: The Impact of Reducing Working Hours*”. This study investigates how technological advances intersect with the reduction of working hours to reshape labor markets. By analyzing how AI and process automation influence productivity and job satisfaction, the paper underscores the importance of carefully balancing human well-being, corporate efficiency, and legal protections designed to uphold worker rights in evolving workplace contexts.

In “*The Use of Workers-Produced Data in Artificial Intelligence-Based Systems*”, *Rômulo Soares Valentini* offers insight into the legal and ethical challenges arising when AI systems are trained on data produced by

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employees in the course of their work. Emphasizing the importance of safeguarding worker privacy and autonomy, the author proposes creating legal safeguards to ensure that any data gleaned from labor activities are subject to proper consent and compensation, thus preventing exploitative corporate practices and reinforcing workers' rights.

By *Tales Calaza*, we have “*Caught in the Web: How E-Commerce Plays with Consumer Minds*”. This article sheds light on strategies employed by digital marketplaces—such as dark patterns, nudges, and exploitation of cognitive biases—to manipulate consumer decisions. The author advocates for measures that address informational overload and asymmetry, including updated consumer protection regulations, educational campaigns, and engaged regulatory bodies, with the goal of building more balanced and transparent online marketplaces.

Indian author *Nishchay Rao* contributed with “*Data After Death: Legal Consequences of Posthumous Data Management*”, in which he addresses the complex issue of data management upon an individual's passing. Highlighting privacy concerns, emotional strain on surviving family, and the ambiguity within current laws, the article advocates for clear legal rules that empower data principals to dictate the fate of their data. The author proposes mandatory instructions at account creation to ensure that personal preferences for digital legacies are honored.

*Arthur Pinheiro Basan* and *José Henrique de Oliveira Couto* analyze the growing trend of consumer surveillance in digital marketplaces in “*Consumer Surveillance and Personal Data Protection as a Fundamental Right*”, emphasizing the risks posed to privacy and dignity when businesses gather and process personal data for commercial purposes. By contextualizing personal data protection within Brazil's evolving legal framework—especially the LGPD—this paper underscores the crucial need for robust data protections to preserve consumer trust in the Information Society.

In “*Special Strict Civil Liability in Brazil's General Data Protection Law*”, *Rafael de Freitas Valle Dresch* and I, *José Luiz de Moura Faleiros Júnior*, examine how the LGPD's stringent approach to civil liability can serve as both a deterrent and a means of redress in cases of data misuse. Drawing parallels with the European GDPR, we posit that this special strict liability scheme—grounded in defect theory and supported by a reversed burden of proof—ensures more streamlined litigation and compels organizations toward robust compliance and accountability measures.

Next we have “*By Any Other Name: Fact-Checking and the Right to Forget the Past*”. *João Alexandre Silva Alves Guimarães* explores the challenges of preserving individuals' privacy online in an era of enduring digital records. The paper juxtaposes the Court of Justice of the European Union's evolving doctrines with the Brazilian context, arguing for the

necessity of legal frameworks that allow individuals to reclaim outdated or potentially damaging information. Fact-checking alone, the author concludes, is insufficient to address the residual harm caused by long-term online exposure.

By *Stéfani Reimann Patz*, we conclude this issue with “*Between Data and Damages: The (Im)Possibility of Imposing Non-Material/Moral Damages in Cases of Personal Leaks in the Information Society*”. This paper reflects on ongoing controversies concerning non-material damages arising from data breaches. Looking at notable incidents in Austria, Bulgaria, and Brazil, the author navigates the legal tapestry governing leaks and privacy rights. The research underscores how concepts of non-material and moral damages vary, highlighting key judicial decisions in both European and Brazilian contexts to illuminate the complexity of liability determinations in the digital age.

We invite readers, researchers, and legal practitioners to contribute their own findings and insights to the *Brazilian Journal of Law, Technology and Innovation*. Your continued engagement, submissions, and peer reviews have enriched our publication and advanced the global conversation on law and technology. We deeply appreciate your support and look forward to another year of vigorous scholarship and collaboration.

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