

DIGITAL DEMOCRACY AND ITS GUARANTEE IN THE RELATIONSHIP BETWEEN THE BRAZILIAN STATE AND SOCIETY

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Abstract: This study will address digital democracy and how civil participation through digital media portrays a new paradigm between government and society in Brazil. A new form of interaction was generated by the reach of the internet in different social classes in the country. However, despite many benefits in this new form of interaction, there are still many difficulties for digital inclusion and full access for the population. Therefore, the challenge experienced in this new form of relationship between State and society is about the guarantee and protection provided by the government for full digital interaction, as well as how to safeguard the broad exercise of citizenship and digital democracy.

Keywords: democracy; information; digital inclusion; technologies; protection.

INTRODUCTION

More than ever, Canadian philosopher Herbert Marshall McLuhan's vision of a "global village" brought about by new technologies appears to be materializing. Although digital exclusion persists—particularly in authoritarian states or regions lacking basic resources—technological progress has effectively condensed the planet into a single, interconnected space through globalization.

Against this backdrop, the fascination with being constantly connected and consuming transnational content has crystallized into the notion of an "information society." This concept—which supersedes the broader idea of a post-industrial society—refers to society's use of information and communication technologies (ICT) to foster interaction among individuals and organizations. Information has become the essential raw material, enabling humans to operate in synergy with it.

In this new reality, social structures and democratic practices have undergone profound changes. After relentless—and often disappointing—

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struggles within traditional democracy, the advent of the internet opened a door of hope, serving as an emancipatory tool for those previously unheard in the political arena.

The romanticism surrounding this worldwide network of computers and mobile devices, capable of collapsing time and distance, has nurtured a culture of personal-data exposure on social media as a means of online interaction; nevertheless, such exposure is not used solely for virtuous purposes.

It is therefore crucial to analyze Brazilian governmental initiatives aimed at safeguarding the state–society relationship through technology, preventing abuses in the collection and sharing of citizens’ personal data, curbing mass state surveillance, and guaranteeing the full exercise of digital democracy.

This article seeks to enhance understanding of the issue and to assess the extent to which information flows, communication tools, and governmental actions in this field can influence democracy in Brazil.

I. RETHINKING ABOUT THE INFORMATION SOCIETY: DATA AS A NEW RAW MATERIAL

The information society stems from the massive circulation of data and content across digital networks that, powered by mobile technologies—especially smartphones—connect people on a global scale. Emerging in the twentieth century, this social configuration developed around innovations that enable the instant transmission of information. In this regard, Pinheiro notes:

“In the digital era, power lies in information—not only received, but reflected upon. Individual freedom and state sovereignty are now measured by access to information. Instead of traditional companies, we have ‘molecular’ organizations built around the individual. Change is constant, and technological advances directly affect social relations.”¹

Today, every sphere—economic, social, cultural and political—relies on technological infrastructure, confirming the sociological label “information society.” As electronics and telecommunications accelerated, technology began shaping work, production tools, and the management of time and space; simultaneously, it introduced control mechanisms capable of eroding privacy. Doneda observes that this technological dimension has become a focal point for the social sciences, including law².

¹ Pinheiro, Patrícia Peck. *Direito Digital*. 6th ed. São Paulo: Saraiva, 2016, 74.

² Danilo Doneda. *Da Privacidade à Proteção de Dados Pessoais*. 2nd ed. São Paulo: Revista dos Tribunais, 2019, 50.

Since the popularization of the internet, Information and Communication Technologies (ICT) have triggered profound, ongoing shifts in economic, social, political, cultural and philosophical interactions. Information moved from a local process to a global phenomenon, shrinking distances and establishing a form of sociability where physical presence is no longer essential. Digital networks seamlessly integrate individuals into collective life, influencing both personal and professional relationships³.

Technology, therefore, mirrors each era's socioeconomic context, finding its boundaries and momentum therein. As Martini stresses:

“Technology must always be viewed as the product of a period's economic and social relationships. To see it otherwise—as the work of solitary geniuses—is to gravely distort reality. Human inventiveness is one variable in technological creation and can only be explained in relation to a period's social and economic forces.”⁴

For Castells, the “informational” society is linked to the expansion and restructuring of capitalism since the 1980s. Hobsbawm⁵ describes it as a new chapter in global industrialization that broke with traditional ways of life. Tools such as the internet and mobile telephony turned citizens into social actors whose influence extends beyond the ballot box, transforming information into a vital instrument in the state–society relationship and in the exercise of democracy.

The internet, defined by Lorenzetti⁶ as an open, interactive and international network—decentralized and guided by custom—drives an information-based economy by drastically reducing transaction costs. Within this environment, data sharing on social networks underscores the relevance of databases known as Big Data.

Big Data refers to extensive, varied collections of information, often of a personal nature. Processing these data sets allows businesses, services and products to be optimized by accurately identifying the needs and preferences of specific niches. The modern concept was first articulated in 2001 by Doug Laney of Gartner through the famous “three Vs”: volume, velocity and variety⁷.

³ Martini, Renato. *Sociedade da Informação: Para Onde Vamos?* São Paulo: Trevisan Editora, 2017, *passim*.

⁴ Martini, Renato. *Sociedade da Informação: Para Onde Vamos?* São Paulo: Trevisan Editora, 2017, 29.

⁵ Hobsbawm, Eric. *Marx et l'histoire*. Paris: Demopolis, 2008, 91.

⁶ Lorenzetti, Ricardo L. *Comércio Eletrônico*. Translated by Fabiano Menke. São Paulo: Revista dos Tribunais, 2004, 78.

⁷ Alencar, Cícero Aparecido, and Braian de Souza Bulian. “A Importância do Big Data para a Compreensão dos Hábitos de Compra dos Consumidores: Aumentando as Vantagens Competitivas no Comércio Varejista.” *Revista Científica Multidisciplinar Núcleo do*

Practically speaking, these massive databases require innovative processing methods to inform strategic decisions—from mapping traffic to suggest better routes, to monitoring interests for personalized offerings, or even accelerating human-genome decoding. Big Data endures not only because of cutting-edge technology but also due to a culture of personal-data sharing on social networks, cementing it as a cornerstone of today's economy.

In short, the power of information has reached continental proportions, becoming a genuine human right that must be provided to all and safeguarded by the state.

II. DIGITAL INTERACTIONS BETWEEN STATE AND SOCIETY: THE BASIS OF DIGITAL DEMOCRACY

We are living through yet another historical transition in which social change moves in lockstep with the technological innovations that society adopts to develop and sustain itself. In a matter of years, new concepts, practices and occupations have emerged. Scholars speak of a Media Society, the Digital Age, the Computer Age. Society is no longer named for what it is or does, but for the instruments it wields to evolve; its trajectory is therefore marked above all by advances in information and communication technologies.

The arrival of the internet dramatically expanded channels of communication and raised a host of privacy issues. Similar effects had already been foreshadowed by earlier technologies — telegraph, telephone, radio, television — that, in their day, shrank distance and intensified interactions, laying the groundwork for contemporary privacy debates⁸.

By offering the internet to the world, the scientific community provided the technical infrastructure of a “collective intelligence” whose free, borderless, interconnected, cooperative and competitive character is embodied in the Web⁹. In politics, analysis must address two poles: the State, which must adapt its structures to foster participation, interactivity, transparency and democratization; and society, whose grassroots movements exercise critical and participatory judgment.

Digital democracy is the offspring of decentralizing measures that place in citizens' hands today's most powerful tool: information, bolstered by public-sector transparency initiatives. Current technologies enable an

Conhecimento 3, no. 8 (November 2017): 18–41, 21.

⁸ Danilo Doneda. *Da Privacidade à Proteção de Dados Pessoais*. 2nd ed. São Paulo: Revista dos Tribunais, 2019, 66-67.

⁹ Lévy, Pierre. *A Inteligência Coletiva: Por uma Antropologia do Ciberespaço*. São Paulo: Editora 34, 2001, 79.

unprecedented communicative, social and cultural transformation, facilitating collective production and distribution of symbolic goods¹⁰.

ICTs have shifted the paradigm of public administration: new modes of government-society interaction emerged under the banner of e-government, casting individuals as active players in decision-making. Habermas¹¹ describes the public sphere as a network where communicative flows condense into public opinion¹². Yet the participatory ideal is thwarted by digital exclusion, which deepens inequality and limits access to state platforms¹³.

Virtualization of information reshapes citizenship: online social movements now demand rights, forging a new path to democratization. Still, unequal internet access hampers the exercise of political rights¹⁴. Technologies accelerate change, but power remains state-controlled; society must press for unfettered access to public information.

III. DIGITAL DEMOCRACY IN BRAZIL

Brazilian society is undergoing constant and rapid change. Digital technologies have become an essential part of this new social landscape and naturally permeate public administration as they spread throughout the country, thanks to increased accessibility and the clear benefits they offer.

“It takes little imagination to foresee that advances in technology, changes in economic and social conditions, the expansion of knowledge and the intensification of communication media will so transform human life and social relations that new needs—and therefore new demands for freedom and power—will arise.”¹⁵

The State must keep pace with social change, adapting its structure, services and values to this new context and seeking to meet society’s

¹⁰ Lemos, André. In *Cultura Digital.br*, edited by Rodrigo Savazoni and Sérgio Cohn, 135–147. Rio de Janeiro: Beco do Azougue, 2009, 136-137.

¹¹ Habermas, Jürgen. *Direito e Democracia: Entre Facticidade e Validade*. Vol. 2. Translated by Fábio Beno Siebeneichler. Rio de Janeiro: Tempo Brasileiro, 1997, 92.

¹² Riecken, Rinalda Francesca. “Governo Eletrônico em Administrações Locais Brasileiras: Avaliação de Progresso, Fatores Intervenientes e Critérios de Priorização de Iniciativas.” PhD diss., University of Brasília, 2008, 1076.

¹³ Longhi, João Victor Rozatti, “Dignidade.com: direitos fundamentais na era do populismo 3.0” In: *Estudos Essenciais de Direito Digital*, edited by João Victor Rozatti Longhi and José Luiz de Moura Faleiros Júnior. Uberlândia: LAECC, 2019, 200.

¹⁴ Meira, Matheus Junqueira de Almeida. “Acesso à internet como direito fundamental: a necessidade de garantia ao ingresso no mundo virtual”. In: *Estudos Essenciais de Direito Digital*, edited by João Victor Rozatti Longhi and José Luiz de Moura Faleiros Júnior. Uberlândia: LAECC, 2019, 300.

¹⁵ Bobbio, Norberto. *A Era dos Direitos*. Rio de Janeiro: Elsevier, 2004, 20.

expectations regarding the government's capacity to generate public value.

The core issue in studying the impact of Information and Communication Technologies (ICTs)—especially the internet—on the evolving democratic principle lies in the shrinking distance between the State and civil society, given the noticeable deviation of the web from its original purposes¹⁶.

A. From E-government to Digital Government

To broaden popular participation in policy-making and to improve the quality and effectiveness of services and information, Brazil's federal administration began, in the early 2000s, to structure its digital-government actions under the label electronic government (e-Gov), prioritizing ICTs to democratize access to information. Subsequent initiatives led the paradigm to evolve from "e-government" to digital government, whose hallmark is the provision of integrated digital platforms. "Government as a platform" is now one of the guiding principles of federal digital governance¹⁷.

Digital Government seeks to enhance interactivity and political participation in State processes while making it easier for the public to navigate and access government portals and services, thus advancing integration, transparency and responsiveness. It also improves State–society communication, streamlines accountability mechanisms and strengthens democracy.

Brazil's digital-governance structure is therefore organised around various decision-making and participatory bodies that represent multiple sectors. Planning councils with diverse memberships capture social demands and trends, steering digitalisation processes and, in collegiate discussions, defining the documents and milestones that guide the country's digital transformation. These councils act as agents of government digital transformation and collectively draft strategic documents for State policy and action. The principal roadmap is the Brazilian Strategy for Digital Transformation (E-Digital), coordinated by the MCTIC with more than thirty federal bodies plus academia and civil-society actors. E-Digital is the central public-policy document for digital transformation across the economy, government and society, organised into two overarching pillars: Digital Transformation of the Economy and Digital Transformation of

¹⁶ Longhi, João Victor Rozatti, "Dignidade.com: direitos fundamentais na era do populismo 3.0" In: *Estudos Essenciais de Direito Digital*, edited by João Victor Rozatti Longhi and José Luiz de Moura Faleiros Júnior. Uberlândia: LAECC, 2019, 200.

¹⁷ Faleiros Júnior, José Luiz de Moura. "Governo Eletrônico, de Performance e Digital: Qual é o Melhor Arquétipo Conceitual para a Administração Pública do Século XXI?" *Revista da Procuradoria-Geral do Município de Porto Alegre* 34 (2022): 38–57.

Government¹⁸.

B. Access-to-Information Framework

A key milestone for digital democracy was Federal Law No. 12,527 of 18 November 2011, the Access to Information Law (LAI), which promotes governmental transparency by regulating the constitutionally guaranteed right to public information. It boosts public-sector efficiency, curbs corruption and expands social participation. In compliance with the LAI, the government created the Access to Information Portal (<http://www.acessoainformacao.gov.br>), where citizens can consult public data¹⁹.

In force since 2012, the LAI marked an important step toward citizens' rights by ensuring faster, less bureaucratic access to public information. Popular participation in public management is essential to a healthy democracy; the State should not be a Kafkaesque machine indifferent to social aspirations. Such initiatives, especially from the Executive Branch, reflect efforts to meet current demands, viewing public affairs as a structure that must accommodate citizens beyond mere obligations. The right to information is increasingly felt as a genuine human right, helping make State–society relations more equitable²⁰.

Transparency is not confined to the Executive: multiple public-sector platforms now fulfil LAI requirements, reshaping governance into a model that is more open and transparent and that fosters digital democracy. E-government thus represents the contemporary application of ICTs to deliver services as efficiently as possible, renewing public-governance practices: “Electronic Government—or e-gov, in short—reinterprets and revolutionises public-sector management through information technologies, enabling government to keep pace with the times.”²¹

¹⁸ Brazil. *Lei nº 13.709, de 14 de agosto de 2018. Lei Geral de Proteção de Dados Pessoais (LGPD)*. *Diário Oficial da União*, August 15, 2018. Accessed March 2, 2020. http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13709.htm.

¹⁹ Faleiros Júnior, José Luiz de Moura. “Inovação, Desenvolvimento e a Lei do Governo Digital (Lei nº 14.129/2021): Perspectivas quanto às Estruturas de Governo como Plataforma.” *Inova Jur – Revista Jurídica da UEMG* 1 (2022): 1–29.

²⁰ Alves, Diego da Cunha. “Estado e sociedade na era da informação: A relação entre as transformações sociais e as novas tecnologias da informação na contemporaneidade.” *Brasil Escola*, n.d. Accessed March 20, 2020. <https://monografias.brasilecola.uol.com.br/historia/estado-sociedade-na-era-informacao-relacao-entre-as-transformacoes-sociais-novas-tecnologias.htm>.

²¹ Garcia, Thais Helena Bigliazzi, Claudia Diaz Pomar, H. C. Hoeschl, and Vânia Barcellos. “A Democracia na Era do Governo Eletrônico.” Paper presented at the *II Simpósio Internacional de Propriedade Intelectual, Informação e Ética – Ciberética*, Florianópolis, 2003, 3.

C. The Challenge of Digital Inclusion

Despite the State's interest in expanding transparency tools, true electronic democracy stumbles over digital inclusion. Today the internet is indispensable for full citizenship and democratic participation; those left on the margins—usually for economic reasons—are increasingly excluded from public management. Brazil's high social-inequality levels hamper universal digital democracy. Rolling out digital government via online platforms can therefore exacerbate inequality, pushing disadvantaged groups even further from governmental action.

“As digital governance gains ground in Brazil, individuals on the wrong side of digitisation risk exclusion from social participation, weakening democracy, political rights and even access to justice.”²²

D. Guiding principles for Federal Digital Governance

The Ministry of Planning, Development and Management sets out, in its Digital Governance Strategy (EGD)²³, ten principles for federal digital-governance activities:

1. *User-centred design*: society's perspective—individuals and businesses—is paramount in designing and delivering digital services.
2. *Openness and transparency*: barring legal exceptions, data and information are public assets that must be available to society, ensuring visibility over public spending and generating social and economic benefits.
3. *Shared service capacity*: bodies should share infrastructure, systems and services to avoid duplication, cut costs and reduce data silos.
4. *Data sharing*: federal entities must share data whenever it can simplify processes and service delivery.
5. *Simplicity*: reduce complexity and duplication, optimise workflows

²² Meira, Matheus Junqueira de Almeida. “Acesso à internet como direito fundamental: a necessidade de garantia ao ingresso no mundo virtual”. In: *Estudos Essenciais de Direito Digital*, edited by João Victor Rozatti Longhi and José Luiz de Moura Faleiros Júnior. Uberlândia: LAECC, 2019, 300.

²³ Brazil. Ministério do Planejamento, Desenvolvimento e Gestão. *Estratégia de Governança Digital – EGD: Transformação Digital, Cidadania e Governo*. Brasília, 2018. Accessed March 19, 2020. <https://www.gov.br/governodigital/pt-br/estrategia-de-governanca-digital/revisaodaestrategiadegovernancadigital20162019.pdf>.

and focus on efficient service delivery.

6. *Digital-by-default*: public services should, wherever possible, be offered digitally on as many devices and platforms as feasible.
7. *Security and privacy*: digital services must ensure availability, integrity, confidentiality and authenticity of data and protect citizens' privacy under the law.
8. *Participation and social oversight*: enable citizen collaboration throughout the policy cycle and in service creation and improvement.
9. *Government as a platform*: provide an open platform on which social actors can build technological applications and foster social and economic development.
10. *Innovation*: pursue innovative solutions that improve public services.

Digital democracy is not merely about facilitating State–society communication; it also requires the State to protect citizenship amid the new risks and uncertainties of the technological context. Despite the ICT revolution, the State still holds vast citizen datasets—needed for benefits, services, tax declarations and other constitutionally mandated duties.

Brazil's main privacy statute, Law No. 13,709 of 14 August 2018 (General Data Protection Law—LGPD), took eight years to enact and entered full force in August 2020 after public consultations and lengthy congressional debate. Yet on 9 October 2020, the Executive issued Decrees Nos. 10,046 and 10,047, creating a vast database of personal information—the Citizen Base Register—and a Central Data-Governance Committee. While the stated aim is to streamline access to government services, lowering barriers to data sharing and cross-referencing poses significant privacy risks and raises doubts about compatibility with the LGPD.

Before Decree 8,789/2016, database sharing required agreements between agencies; the decree dispensed with this requirement in the name of modernising public administration²⁴. Decree 10,046/2019 now allows free, automatic sharing of a wide range of personal data—including sensitive biometric attributes, except genetic data (§ 6, art. 18)—without clear safeguards. Definitions of what information enters the Register are vague, and the decrees lack rules to secure citizens' data, undermining fundamental rights to satisfy broad State objectives.

Both decrees intensify data processing yet disregard Brazil's commitment to protecting citizenship in the information age; many citizen-provided

²⁴ Fragoso, Nathalie, and Heloisa Massaro. "Cadastro Base e Amplo Compartilhamento de Dados Pessoais: A que se Destina?" InternetLab, March 20, 2020. Accessed March 20, 2020. <https://www.internetlab.org.br/pt/privacidade-e-vigilancia/cadastro-base-e-ampl-compartilhamento-de-dados-pessoais-a-que-se-destina/>.

datasets are compulsory, extending far beyond traditional personal data and complicating privacy protection. They grant unrestricted access to biographical, biometric and registration attributes, offering no control over who accesses data or for what purposes²⁵.

Data security is integral to the rights to privacy and informational self-determination, yet recent decrees downplay it, leaving governance to managers and a committee composed solely of Executive-branch members. Three bills now in Congress seek to annul Decree 10,046/2019 for overstepping regulatory powers²⁶ and conflicting with the Constitution and LGPD; Decree 10,047/2019 is likewise under legislative scrutiny²⁷.

Using data to streamline public services is laudable, but it must not facilitate discrimination, profiling or mass surveillance, as seen in other countries. The federal government itself recognises major challenges for effective digital governance and democratic assurance: consolidating public-service platforms; granting broad information access to foster citizenship and digital innovation; enhancing technical and human capacity for big-data use²⁸; creating a regulatory environment that encourages investment and innovation while ensuring data security and personal-data protection; expanding State–society interaction channels; mitigating security vulnerabilities in government IT systems; democratising access to digital public services. Government initiatives that heighten unpredictability over citizens’ data use must undergo strict oversight to guarantee protection and security, safeguarding constitutionally enshrined rights.

CONCLUSION

The cycle of technology adoption is accelerating exponentially, bringing structural change in ever-shorter timeframes. Society moved swiftly from the industrial age to the technology age and, at an even faster pace, to the digital

²⁵ Faleiros Júnior, José Luiz de Moura. *Administração Pública Digital: Proposições para o Aperfeiçoamento do Regime Jurídico Administrativo na Sociedade da Informação*. 2nd ed. Indaiatuba: Foco, 2024, 175–178.

²⁶ Brazil. *Decreto nº 10.046, de 9 de outubro de 2019. Dispõe sobre a governança no compartilhamento de dados no âmbito da administração pública federal e institui o Cadastro Base do Cidadão e o Comitê Central de Governança de Dados*. *Diário Oficial da União*, October 10, 2019. Accessed March 2, 2020. http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D10046.htm.

²⁷ Brazil. *Decreto nº 10.047, de 9 de outubro de 2019. Dispõe sobre a governança do Cadastro Nacional de Informações Sociais e institui o programa Observatório de Previdência e Informações*. *Diário Oficial da União*, October 10, 2019. Accessed March 2, 2020. http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D10047.htm.

²⁸ Faleiros Júnior, José Luiz de Moura. “Governança Pública na Administração Pública Digital e a Superação da Parametrização Consequencial das Decisões.” *Revista Eletrônica da PGE-RJ* 3 (2020): 1–34.

age. With the advent of the internet, communication became defined by instant content exchange, profoundly transforming relations between the State and society.

Access to the global network has become a prerequisite for meaningful social participation, enabling the exercise of the right to information and easing the use of online public services. Yet as government bodies increasingly adopt information and communication technologies (ICTs), socio-economic disparities deepen, and the least advantaged segments are marginalized by digital globalisation.

Although Brazil has made progress, the country still harbours a sizeable population of digitally excluded citizens—an outcome of both low income and insufficient policies to ensure universal connectivity. Public-sector digital-inclusion efforts face numerous obstacles and advance slowly, making digital exclusion a barrier to equal access to the public sphere.

Popular participation is a cornerstone of democracy; without universal access—including for economically vulnerable groups—the democratic model cannot be fully realised in public administration. In short, digital inclusion hinges first and foremost on social inclusion.

Information can no longer be viewed solely as an economic asset but must be recognised as a fundamental human right. The internet has become indispensable for exercising citizenship and practising democracy, and the State must create, secure and safeguard this right through every available means. The virtual realm can—and should—serve as a tool for strengthening democracy, but only if it is properly understood and directed toward that end.

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