

Comment Portal: <https://www.gov.br/participamaisbrasil/tscriancaeadolescente>

Question to answer #2, Section 1 - Principle of Best Interest

2. Are there specific situations or contexts for the processing of personal data of children and adolescents that require greater attention and detail regarding the principle of best interests? If so, indicate which situations or contexts were identified and the main issues to be addressed.

LGBT Tech, based in Washington, D.C., submits these comments with the goal of providing guidance on how to protect the best interests of children through the work of the Brazilian National Data Protection Authority. There are many situations where the processing of data of children and adolescents requires greater attention. Brazilian policymakers must strike the right balance between online safety and the preservation of vital online resources essential for fostering an inclusive digital space that empowers rather than endangers the well-being of our youth.

Through empirical research, we at LGBT Tech develop programs and resources that support LGBTQ+ communities and engage with policymakers on the unique technology needs of LGBTQ+ individuals. Over the past decade, we have dedicated our work to protecting the personal data of LGBTQ+ children and adolescents who require greater attention with regards to their privacy and security and have published many relevant articles addressing the dangers of parental consent standards, and ambiguous “best interest of the child” provisions. See a full list of our research in the appendix below.

For LGBTQ+ youth, age verification practices and legislation can be particularly harmful by disenfranchising users and risking their online privacy. Age verification requirements add unnecessary barriers to affirming content and supportive communities which can compound feelings of isolation, depression, and anxiety. Additionally, age verification measures have the potential to limit access to vital support networks, impacting the mental health and well-being of young LGBTQ+ individuals and any youth exploring their identities. As they currently stand, age verification provisions pave the way for increased data collection, worsened user privacy, and lessened digital access for LGBTQ+ youth.

We are staunch supporters of strong encryption practices as a critical tool to protect the safety and well-being of LGBTQ+ and other marginalized youth. Through access to and the use of end-to-end encryption, youth can establish a foundation of freedom of expression and privacy online without fear that their personal information is being harvested by bad actors. Youth are thus empowered to engage online safely and privately, connecting them safely to communities who promote their well-being and ensuring their safety and privacy.

Additional resources we have published, or contributed to, on this topic include:

- <https://www.lgbttech.org/encryption>
- <https://www.lgbttech.org/post/ctrl-alt-lgbt-lgbt-tech-releases-groundbreaking-survey-on-digital-lives-of-lgbtq-adults>
- <https://www.lgbttech.org/post/legislative-parental-consent-requirement>
- <https://www.lgbttech.org/post/best-interest-of-the-child-provisions>

- <https://www.lgbttech.org/post/lgbt-tech-internet-society-release-new-encryption-infographic>
- <https://www.lgbttech.org/post/legislative-parental-consent-requirement>
- <https://www.globalencryption.org/2024/06/joint-statement-urging-australia-to-protect-end-to-end-encryption-in-the-online-safety-act-review/>
- <https://www.lgbttech.org/post/the-dangers-of-age-verification-provisions>
- <https://www.youtube.com/watch?v=SNFiM7EVB7k>
- <https://www.lgbttech.org/post/lgbt-tech-internet-society-release-new-encryption-infographic>
- <https://morningconsult.com/opinions/congress-must-address-the-importance-of-encryption-and-online-privacy-for-vulnerable-communities/>
- <https://www.lgbttech.org/blog/2019/12/10/organizations-caution-policy-makers-against-encryption-backdoors>
- <https://www.internetsociety.org/resources/doc/2019/encryption-factsheet-essential-for-lgbtq-community/>