THE NATIONAL CONGRESS enacts:

CHAPTER I
GENERAL PROVISIONS

Article 1. This Law establishes general norms on proceedings that shall be followed by the Federal Government, the States, the Federal District and Municipalities, as established in Article 5, XXXIII, Article 37, II-Paragraph 3, and Article 216, Paragraph 2 of the Constitution.

Single Paragraph. The following are subordinated to the regime of this Law:

I – public bodies that form the direct administration of the Executive Branch; Legislative Branch, including the Audit Offices; the Judiciary and the Public Prosecutor’s Office.

II – autonomous institutions connected to the State, public foundations, public companies, mixed corporations and other entities controlled directly or indirectly by the Federal Government, the States, the Federal District and Municipalities.

Article 2. The provisions of this Law are applicable, whenever possible, to non-profit private entities which receive, in order to perform actions of public interest, public funds directly from the budget or through social subventions, management contract, partnership term, agreements, deals, adjustments, or other instruments of the same kind.

Single Paragraph. The publicity to which the entities mentioned in the caption of this article are subject refers to the portion of the public funds received and what they are intended to, without jeopardizing to the accountability to which they are legally obliged.

Article 3. The procedures established by this Law are intended to ensure the fundamental right of the access to information and should be performed according to the basic principles of the Public Administration and the following guidelines:

I – observance of publicity as a general rule and of secrecy as the exception;

II – disclosure of information of public interest, irrespective of requests;

III – use of the means of communication available through information technology;

IV – promotion of a culture of transparency within the Public Administration;

V – development of the social control of the Public Administration;
Article 4. For the purpose of this Law, one shall consider:

I - information: processed or unprocessed data that can be used in the production and transmission of knowledge, within any media, support or format;

II – document: unit of information recorded regardless of its support or format;

III - classified information: that which is temporarily under restriction of public access due to its indispensability to the security of society and of the State.

IV - personal information: that which is related to an identified or identifiable natural person;

V – handling of information: set of actions related to production, reception, rating, use, access, reproduction, transportation, transmission, distribution, filing, storage, exclusion, evaluation, destination or control of information.

VI - availability: quality of the information that can be known and used by authorized individuals, equipment or systems.

VII – authenticity: quality that characterizes the information contained in a document as free of any type of adulteration;

VIII - integrity: quality of the information that has not been modified, which includes its origin, traffic and destination.

IX – primary: quality of the information collected at the source, with the highest possible level of granularity, without any modification.

Article 5. It is the duty of the State to ensure the right of access to information, that will be granted by simple and objective proceedings, in a clear, transparent and objective way and in an easily understandable language, providing any clarification when required.

CHAPTER II
ON THE ACCESS TO INFORMATION AND ITS DISCLOSURE

Article 6. Public organs and entities shall ensure, observing the specific applicable rules and proceedings:

I - transparent management of information, providing it broad access and disclosure;

I - protection of information, ensuring its availability, authenticity and integrity; and

III - protection of classified information and personal information, with observance of its availability, authenticity, integrity and eventual restriction of access.

Article 7. The access to information discussed by this Law comprises, among others, the rights to obtain:

I - guidance on proceedings to the attainment of access, as well as on where the aimed information can be found or acquired;

II - information contained in records or documents, produced or gathered by its organs or entities, collected or not in public archives;

III - information produced or kept by individual or private entity due to any relation with its organs and entities, even if such relation has been terminated;

IV - information that is integral, authentic and updated;
V - information on activities carried on by organs and entities, including those related to their policy, organization and services;

VI - information concerning the administration of public property, the use of public resources, bidding and administrative contracts;

VII - information related to:

a) implementation, follow-up and results of programs, projects and activities of public organs and entities, as well as proposed goals and indicators; and

b) result of inspections, auditing and taking of accounts performed by organs of internal and external control, including rendering of accounts related to the previous fiscal year.

Paragraph 1. The access to information established in the caption of this article does not comprise information related to research projects and scientific and technological development whose secrecy is crucial to the security of society and of the State.

Paragraph 2. When full access to information is not authorized because such information is partially classified, the access to the non-confidential part is granted by certificate, extract or copy, with the concealment of the portion under secrecy.

Paragraph 3. The right to access documents, or their information, which supported decision making and administrative acts will be guaranteed through the issuing of the respective decision act.

Paragraph 4. The denial of access to requested information by the bodies and entities mentioned in Article 1 shall subject the person responsible to the sanctions foreseen under Article 32.

Paragraph 5. If the interested party is notified that the requested information has been lost, he/she can request, to the competent authority, an immediate inquiry aiming at assessing the disappearance of respective documentation.

Paragraph 6. In cases referred to in Paragraph 5 of this article, the person responsible for the custody of the missing information shall explain the fact and present witnesses who can support his or her claim within ten days.

Article 8. Public organs and entities shall promote disclosure of information of collective or general interest produced or kept by them in a location of easy access under its jurisdiction, independently of requests.

Paragraph 1. The disclosure of the information referred to in the caption of this article shall include, at least:

I - record of jurisdiction and organizational framework, addresses and telephones of the respective units and operating hours to the public;

II - records of any total or partial transfer of financial resources;

III - records of expenses;

IV - information related to bidding proceedings, including its publications and results, as well as all signed contracts;

V - general data for the follow-up of programs, actions, projects and construction works of organs and entities; and

VI - answers to society’s frequently asked questions.

Paragraph 2. To the fulfillment of the caption of this article, public organs and entities shall use all the legitimate means and instruments at their disposal, being mandatory to disclose information in official sites on the world wide web - Internet.
Paragraph 3. The websites referred to in Paragraph 2 shall meet, in accordance with the regulations, the following requirements:

I - include a content search tool that allows access to information in an objective, transparent, clear and easily understandable way;

II – enable the recording of reports in various electronic formats, including open and non-proprietary, such as spreadsheets and text, to make the analysis of information easier;

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

IV – disclose in details the formats used to structure information;

V – ensure authenticity and integrity of information available for access;

VI - maintain the accessible information updated;

VII - indicate location and instructions that enable the communication of the interested part by electronic or telephone contact with the organ or entity which owns the website; and

VIII - take the necessary steps to ensure the accessibility of contents to persons with disabilities, under the terms of Article 17, Law nr. 10,098, of December 19th 2000, and Article 9 of the Convention on the Rights of Persons with Disabilities, enacted by Legislative Decree nr. 186, of July 9th 2008.

Paragraph 4. Municipalities with populations up to 10.000 (ten thousands) are exempted from the mandatory disclosure on the Internet referred to in Paragraph 2, although they are still obliged to disclose, in real time, information related to budgetary and financial execution, under criteria and time frames described in Article 73-B, Complementary Law nr. 101, of May 4th 2000.

Article 9. The access to public information will also be ensured by means of:

I - creation of a citizen’s information service, within public organs and entities, in a location which meets the appropriate conditions to:

a) serve and orient the public on the access to information;

b) provide information on document proceedings in its respective units;

c) file documents and requests concerning the access to information; and

II - conduct public consultations or hearings, incentives to public participation or other ways of disclosure.

CHAPTER II
ON THE PROCEDURE TO THE ACCESS TO INFORMATION

Section I
On the Request for Access

Article 10. The request for access, which may be performed by any person, shall be submitted by any legitimate means to bodies and entities referred to under Article 1 of this Law, and shall include the applicant’s identification and specification of the requested information.

Paragraph 1. For the access to information of public interest, the identification of the applicant should not contain requirements that make the request impossible.

Paragraph 2. The bodies and entities of the Government should make viable the alternative of sending requests of access to information through their official sites on the Internet.
Paragraph 3. Any requirements related to the reasons determining the request of non-classified information are forbidden.

Article 11. The public organ or entity shall authorize or grant immediate access to the available information.

Paragraph 1. When it is not possible to grant immediate access to the information, as disposed in the caption of this article, the requested organ or entity shall, within twenty days:

I - inform the date, place and means to conduct the consultation, perform the reproduction or obtain the certificate;

II - point out the de facto or de jure reasons for totally or partially denying the intended access,

III - inform the applicant that it does not have the information, refer him or her to the organ or entity that has it, if such organ or entity is known, or forward the request to such organ or entity, informing the applicant about it.

Paragraph 2. The time frame referred in Paragraph 1 may be extended for another ten days, by means of express justification, which shall be informed to the applicant.

Paragraph 3. Without compromising the security and protection of information, and observing the applicable legislation, the organ or entity may provide the means by which the applicant can prospect the desired information.

Paragraph 4. When access is not authorized because the information is totally or partially classified, the applicant shall be informed of the possibilities of appeal, time frames and conditions for interposal, and shall also be referred to the competent authority for its examination.

Paragraph 5. The information stored in digital format will be delivered as such, upon the applicant’s request or consent.

Paragraph 6. If the requested information is available to the public, in printed or electronic format, or any other means of universal access, the applicant shall be informed, in writing, of how and where the requested information can be consulted, obtained and reproduced, a procedure that exempts the organ or entity from the obligation to directly provide the information, except if the applicant declares not having the means to perform such procedures on his/her own.

Article 12. The service to search and provide information is free of charge, except in the case of document reproduction by the public organ or entity, when only the costs of the services and materials used can be charged.

Single paragraph. Those whose economic situation does not afford the payment of the costs described in the caption of this article without prejudice of their family or own living shall be exempt of such payment, under the terms of Law nr. 7,115, of August 29th 1983.

Article 13. When the access to information consists of handling it in a way that may harm its integrity, a copy for consultation, with certified correspondence with the original document, shall be offered.

Single paragraph. When it is not possible to obtain copies, the applicant may request a reproduction that does not put the integrity of the original material at risk, to his or her own expenses and under supervision of a public official.
Article 14. The applicant has the right to obtain the full content of a negative decision on the access to information by certificate or copy.

Section II
On the Appeals

Article 15. After a refusal of access to information or to the reasons for denying the access, the applicant shall be able to appeal against the decision, within ten days after the communication of the refusal.

Single Paragraph. The appeal shall be issued to appreciation of at least one authority hierarchically superior to that which rendered the contested decision, that shall pronounce itself up to five days.

Article 16. When the applicant has the access to information denied by organs or entities of the Federal Executive Branch, the applicant may appeal to the Office of the Comptroller General, which shall decide within five days if:

I - access to unclassified information is denied;
II - negative decision on access to information totally or partially classified does not point out the responsible or superior authority that can receive an access or declassification request;
III - procedures for classifying information, established by this Law, were not observed; and
IV – time frames or other procedures established by this Law are not complied with.

Paragraph 1. The appeal established by this article shall be issued to the Office of the Comptroller General only after submitted to appreciation of at least one authority hierarchically superior to that which rendered the contested decision.

Paragraph 2. After upholding the appeal, the Office of the Comptroller General shall require the organ or entity to take the necessary steps to comply with this Law.

Paragraph 3. If the Office of the Comptroller General denies access to information, the applicant may appeal to the Commission of Reassessment of Information, referred to in Article 35.

Article 17. Without jeopardizing the jurisdiction of the Commission of Reassessment of Information, established in Article 35, and observing Article 16, the applicant may appeal to the responsible State Minister when there is a negative answer to a request for declassification of information.

Paragraph 1. The appeal established in this article shall only be issued to the cited authorities after submitted to appreciation of at least one authority superior to that which rendered the contested decision, and, in case of the Armed Forces, to the respective Command.

Paragraph 2. If the appeal to declassify secret or top secret information established in the caption of this article is overruled, the applicant may appeal to the Commission of Reassessment of Information established in Article 35.

Article 18. The procedures to review negative answers to the appeal established in Article 15 and to reassess the classification of secret documents shall be subject matter of specific regulations of the Legislative and Judiciary branches, and of the Public Prosecutors Office, in their respective scopes, ensuring to the applicant the right to be informed on the progress of his or her request.
Article 19. When access to information is denied and the appeal mentioned in Article 15 is overruled, the public organs and entities shall inform immediately its respective Audit Office on the denied requests of information along with the reasons for the denial, if the subject matter is within the accountant, financial, budgetary and patrimonial control of the Office mentioned.

Paragraph 1. If the information to which access was denied is essential to safeguard human rights, public organs and entities shall forward to the Public Prosecutor’s Office those overruled requests with the reasons for denegation.

Paragraph 2. The bodies of the Judiciary and the Public Prosecutor’s Office shall send their decisions on appeals to the National Council of Justice and the National Council of Public Prosecution, respectively, if they deny access to public interest information.

Article 20. The provisions of Law nr. 9,784, of January 29th 1999, shall be applied in a subsidized manner in relation to the procedures of this Chapter, when appropriate.

CHAPTER IV
ON THE RESTRICTIONS ON THE ACCESS TO INFORMATION

Section I
On the General Dispositions

Article 21. The access to information necessary for the judicial or administrative guardianship of fundamental rights shall not be denied.

Single paragraph. Information or documents about activities involving human rights violation by public agents or ordered by public authorities, shall not have their access restricted.

Article 22. The provisions of this Law do not exclude other cases of legal confidentiality or justice secrecy, neither the cases of industry secrecy deriving from direct economic activity by the State or by an individual or private entity with any relation with the Government.

Section II
On the Classification of Information concerning the Level and Time Frame of Secrecy

Article 23. Information considered crucial to the security of society or of the State and, therefore, classifiable, are those whose disclosure or non-restricted access may:

I - put at risk the national defense and sovereign or the integrity of the national territory;

II - harm or put at risk the country’s conduction of negotiations or international relations, or which is provided by other states and international organizations by means of secrecy.

III - put at risk the life, security or health of the population;

IV - offer major risk to the monetary, economic and financial stability of the country;

V - harm or put at risk strategic plans or operations of the Armed Forces;

VI – harm or put at risk scientific or technological research and development projects, as well as systems, properties, facilities or areas of strategic national interest.

VII - put at risk the security of institutions or high national or foreign authorities and their family members; or

VIII - compromise intelligence activities, as well as ongoing investigation or inspection, related to the prevention or repression of infractions.
Article 24. The information in custody of public organs and entities, observing its wording and due to its importance to the security of society and of the State, shall be classified as top secret, secret and restricted.

Paragraph 1. The maximum time frames of restriction on the access to information, observing the classification in the caption of this article, shall be in force from the date of its production, and are the following:

I - top secret: twenty-five years;
II - secret: fifteen years; and
III - reserved: five years.

Paragraph 2. Information that may put at risk the security of the President or Vice-President and its respective family members will be classified as restricted and shall be kept under secrecy until the end of the term of office or last term, in case of re-election.

Paragraph 3. As an alternative to the time frames established in Paragraph 1, the end of the restriction time frame may be determined by the occurrence of a specific event, as long as it happens before the maximum time frame of the classification.

Paragraph 4. After the maximum time frame of restriction or occurrence of the event that defines its ending term, the information shall automatically be considered as public access information.

Paragraph 5. For classifying the information on a given secrecy level, the less restrictive criteria shall be applied, considering:

I - severity of the risk or harm to the security of society and of the State; and
II - maximum time of restriction on access or event that defines its final term.

Section III
On the Protection and Control of Confidential Information

Article 25. It is the duty of the State to control the access and disclosure of confidential information produced by its organs and entities, ensuring its protection.

Paragraph 1. The access, disclosure and processing of classified information shall be restricted to those who need to know it, and properly certified in accordance with the regulations, without jeopardizing public agents exercising duties authorized by law.

Paragraph 2. The access to classified information imposes on the individual who obtained it the obligation to keep it under secrecy.

Paragraph 3. The regulation will lay out the procedures and measures to be adopted for the handling of classified information, in order to protect it against loss, undue alteration, unauthorized access, transmission and disclosure.

Article 26. Every public authority will take the necessary steps to make the staff of his or her unit aware of the norms and observe the measures and procedures of security for the handling of classified information.

Single paragraph. The natural person or private entity handling classified information due to any relation to the Government will adopt the necessary procedures to ensure that its employees, administrators or
Section IV  
On the Procedures of Classification, Reclassification and Declassification

Article 27. The classification of the secrecy of information on the level of the federal public administration is the responsibility of:

I - on the top secret level, the following authorities:
    a) The President of the Republic;
    b) The Vice-President of the Republic;
    c) State Ministers and authorities with the same prerogatives;
    d) Commanders of the Navy, the Army and the Air Force; and
    e) Chiefs of Diplomatic Missions and Consuls permanently abroad;

II - on the secret level, the authorities referred to in clause I, the heads of public autonomous institutions, foundations or companies and mixed corporations and the authorities who occupy posts or functions of directorship, command or leadership, whose hierarchy is equivalent or superior to the level DAS 101.5 from the Superior Group-Directorship and Assistance, according to the specific regulations of each organ or entity, in observance of the terms of this Law; and

III - on the restricted level, the authorities referred to in clauses I and II, and the ones who exercise functions of directorship, command or leadership, of hierarchy equivalent or superior to level DAS 101.5, of the Group of Direction and Superior Counseling, according to the specific regulations of each organ or entity, in observance of the terms of this Law.

Paragraph 1. The responsibility laid out in clauses I and II, concerning the top secret and secret classifications, may be delegated by the responsible authority to a public agent, including one in a mission abroad, but subdelegation is forbidden.

Paragraph 2. The classification of information on the top secret level by the authorities mentioned in the items “d” and “e” of clause I shall be ratified by the respective State Ministers, within the time frame established by the regulation.

Paragraph 3. The authority or other public agent who classifies the information as top secret must forward the decision discussed in article 28 to the Commission of Reassessment of Information, referred to in article 35, within the time frame established by the regulation.

Article 28. The classification of information at any level of secrecy shall be formalized into a decision which will include, at least, the following elements:

I - the subject of the information;
II - the fundament of the classification, in observance of the criteria established in article 24;
III - indication of the duration of secrecy, measured in years, months or days, or of the event which defines its final date, according to the limits established in article 24; and
IV – identification of the authority responsible for the classification.

Single paragraph. The decision referred to in the caption of this article will be kept under the same level of secrecy of the classified information.

Article 29. The classification of information shall be reviewed by the authority responsible for the classification or by an authority hierarchically superior, ex officio or upon initiative, under the terms and time
frames established in regulation, in order to declassify the information or reduce the period in which it must be kept under secrecy, in observance of article 24.

Paragraph 1. The regulation referred to in the caption of this article shall consider the peculiarities of the information produced by authorities or public agents abroad.

Paragraph 2. In the reassessment of the matter referred to in the caption of this article, the permanence of the reasons of secrecy and the possibility of harm resulting from the access to or disclosure of information shall be examined.

Paragraph 3. In case there is a reduction of the duration of secrecy, the new time frame of restriction shall still start from the date of its production.

Article 30. The highest authority of each organ or entity shall publish, annually, in site available on the Internet and meant for the transmission of administrative data and information, under the terms of the regulation, the following:

I – a list of the information which has been declassified in the last twelve months;
II – a list of classified documents in each level of secrecy, including identification for future reference;
III - a statistic report containing the number of information requests that were received, accepted and denied, as well as generic information on the applicants.

Paragraph 1. The organs and entities shall keep a copy of the publication established in the caption of this article for public consultation in its headquarters.

Paragraph 2. The organs and entities shall keep an extract with the list of classified information, along with the date, the level of secrecy and the fundaments of classification.

Section V
On Personal Information

Article 31. Personal information shall be handled in a transparent way and respecting the intimacy, private life, honor and image of people, as well as individual liberties and guarantees.

Paragraph 1. The personal information, referred to in this article, regarding intimacy, private life, honor and image:

I - shall have its access restricted to public agents legally authorized and to the person to which such information refers, regardless of the classification of secrecy, and for the maximum period of a hundred years, starting from its date of production; and

II - may have its disclosure or access by third parties authorized upon legal provision or express consent of the person to which the information refers.

Paragraph 2. The person who gains access to the information discussed in this article will be responsible for its undue use.

Paragraph 3. The consent referred to in clause II of paragraph 1 shall not be required when the information is necessary:

I – for the medical prevention and diagnosis, when a person is physically or legally incapable, and solely and exclusively to enable medical treatment;
II - for the conduction of statistics and scientific researches of public or general interest granted by law, but the identification of the person to which the information refers is forbidden;

III – for the compliance of a court order;

IV – for the defense of human rights; or

IV - for the protection of the preponderant public or general interest.

Paragraph 4. The restriction on access to information regarding the private life, honor and image of a person shall not be invoked with the purpose of jeopardizing the process of verification of irregularities involving the titular of that information, as well as actions concerning the recovery of historical facts of greater relevance.

Paragraph 5. Regulation shall lay out the procedures for the handling of personal information.

CHAPTER V
ON THE LIABILITIES

Article 32. The following actions constitute illicit conduct for which a public agent or military shall be held liable:

I - denying to provide information required under the terms of this Law; deliberately slowing down the provision of information or intentionally providing incorrect, incomplete or inaccurate information;

II - unduly using, as well as subtracting, destroying, invalidating, deforming, altering or totally or partially concealing information under the official’s custody, or to which he or she has access to or knowledge of due to the exercise of the attributions of his or her position, job or public function;

III – acting with deceit or bad faith in the analysis of requisitions for the access to information;

IV - disclosing or allowing the disclosure or access, or allowing the undue access to classified information or personal information;

V – imposing secrecy on information with the purpose of obtaining personal benefit or the benefit of third parties, or of concealing an illegal act committed by himself or herself or someone else;

VI – concealing classified information from the review of the competent superior authority for self-benefit or the benefit of others, or with the intention of harming third parties; and

VII - destroying or subtracting, by any means, documents concerning possible violations of human rights by State agents.

Paragraph 1. Observing the principle of the adversary system, of full defense and of the due process of law, the actions described in the caption of this article shall be considered:

I - average or serious military transgressions, under the disciplinary regulations of the Armed Forces, according to the criteria established by them, as long as the law does not consider such action a crime or a criminal misdemeanor; or

II - administrative infractions, which shall be punished with, at least, a suspension, under the Law nr. 8,112, of December 11th 1990, and its amendments, according to the criteria established in it.

Paragraph 2. For the actions described in the caption of this article, the military or public agent may also be held liable for administrative improbity, according to the terms laid out in Law nr. 1,079, of April 10th 1950, and Law nr. 8,429, of June 2nd 1992.

Article 33. The natural person or private entity obtaining information due to any relation to the Government and failing to observe this Law shall be subject to the following sanctions:
I - warning;
II - fine;
III - termination of relations with the government;
IV - temporary suspension from participating in public bidding and forbiddance to contract with the public administration for a period not longer than two years; and
V - declaration of lack of good repute to bidding or contracting with the public administration, until the same authority who applied the penalty promotes its rehabilitation.

Paragraph 1. The sanctions laid out in clauses I, III and IV may be applied together with the sanction in clause II, ensuring the right of defense of the interested part, in the respective process, within ten days.

Paragraph 2. The rehabilitation referred to in clause V shall be authorized only after the person in question refunds the organ or entity for the damages he or she caused and after the sanction period applied on the basis of clause IV.

Paragraph 3. The application of the sanction laid out in clause V is the exclusive responsibility of the highest authority of the organ or public entity, with the option of defense for the person in question, in the respective process, within ten days from the opening of the process.

Article 34. The organs or public entities shall be directly liable for the damages caused by the unauthorized disclosure or undue use of classified information or personal information, granted the right to investigate the functional responsibility in the cases of willful misconduct or fault, being the right of recovery assured.

Single paragraph. This article is applied to the natural person or private entity that, due to any relation with organs or entities, may have access to classified or personal information and handles them unduly.

CHAPTER VI
ON THE FINAL AND TRANSITORY DISPOSITIONS

Article 35. The Commission for Reassessment of Information, consisting of State Ministers and representatives from the Legislative and Judiciary branches appointed by their respective presidents, shall be in frequent contact with the Chief of Staff of the Presidency of the Republic and under the jurisdiction of the federal government.

Paragraph 1. The Commission for Reassessment of Information is hereby instituted and shall decide, at the level of the federal public administration, on the handling and classification of secretive information and will be entitled to:

I – require the authority who classifies the information as top secret or secret to present clarification or the partial or full content of the information;

II - review the classification of information as top secret or secret, ex officio or upon the initiative of the interested part, observing Article 7 and other terms of this Law; and

III - extend the duration of secrecy of the information classified as top secret, always for a determined period, for as long as its access or disclosure may cause external threat to the national sovereignty or to the integrity of the national territory or serious risk to the international relations of the country, observing the maximum period of secrecy determined in Article 24, Paragraph 1, limited to a single extension.

Paragraph 2. The revision mentioned in II-Paragraph 1 shall occur, at least, each four years after
Paragraph 3. The lack of deliberation on the revision by the Commission of Reassessment of Information within the time frame fixed in Paragraph 2 shall implicate in the automatic declassification of the information.

Paragraph 4. Regulation shall lay out the composition, organization and operation of the Commission for Reassessment of Information, observing the term of two years to their members and other provisions of this Law.

Article 36. The handling of classified information resulting from international treaties, agreements or acts shall abide to the norms and recommendations of such instruments.

Article 37. The Nucleus of Security and Certification - NSC is hereby instituted, under the Cabinet of Institutional Security of the Presidency of the Republic, with the following objectives:

I - promote and propose the regulation of the security certification of natural persons, companies, organs and entities for the handling of classified information; and

II - ensure the security of classified information, including those from countries or international organizations with which the Federative Republic of Brazil has a treaty, agreement, contract or any other international act, without compromising the attributions of the Ministry of Foreign Relations and other competent organs.

Single paragraph. Regulation shall lay out the composition, organization and operation of the NSC.

Article 38. The Law nr. 9,507, of November 12th 1997, is applied, when suitable, to the information on individuals or legal entities present in the records or database of governmental or public entities.

Article 39. The public organs and entities shall reassess the information classified as top secret and secret within the maximum period of two years, from the initial date in which this Law has been put into effect.

Paragraph 1. The restriction on the access to information, due to the reassessment established in the caption of this article, shall observe the time frames and conditions of this Law.

Paragraph 2. On the level of the federal public administration, the reassessment established in the caption of this article may be reviewed, at any time, by the Commission of Reassessment of Information, in observance of the terms of this Law.

Paragraph 3. Until the time frame for reassessment established in the caption of this article has not been reached, the classification of the information shall be kept under the terms of the previous legislation.

Paragraph 4. The information classified as secret or top secret which is not reassessed within the time frame established in the caption of this article shall be automatically considered as being of public access.

Article 40. Within sixty days, from the date this Law is put into effect, the highest leader of each organ or entity of the federal public administration shall designate an authority directly subordinated to it, within the respective organ or entity, to perform the following attributions:

I - efficiently ensure the compliance with the norms concerning the access to information according to the objectives of this Law;
II - monitor the implementation of the terms of this Law and submit periodic reports on its compliance;

III - recommend indispensable measures to the implementation and improvement of the norms and procedures necessary to the accurate observance of the terms of this Law; and

IV - guide the respective units on the compliance with this Law and its regulations.

Article 41. The Federal Executive Branch shall designate an organ from the Public Administration to be responsible for:

I – promoting a national campaign to foster a cultural change towards transparency within the Public Administration and to raise awareness on the fundamental right of access to information

II – developing training activities for public officials about transparency in the Public Administration;

III – monitoring the implementation of this Law within the Federal Public Administration, concentrating and consolidating the publication of statistical information listed in Article 30.

IV – submitting to the National Congress an annual report with information related to the implementation of this Law.

Article 42. The Executive Branch shall regulate the terms of this Law within a hundred and eighty days from the date of its publication.

Article 43. The clause VI of the Article 116 of the Law nr. 8,112, of December 11th 1990, shall be in effect with the following wording:

“Article 116. ……………………………………………………………………..
VI - let the irregularities of which one is aware of due to his or her position be known by the superior authority or, when there is a suspicion of involvement of the latter, by another competent authority for the purpose of investigation;”

Article 44. Chapter IV of Title IV of the Law nr. 8,112, of December 11th 1990, shall be in effect in addition to the following article:

“Article 126-A. No public server will be held liable on the civil, criminal or administrative level for letting his or her superior authority or, when there is a suspicion of the involvement of the latter, another competent authority know, for the purpose of investigation, of the information concerning the practice of crimes or improbity of which he or she is aware of, even if such action is a result of the exercise of his or her position, job or public function.” (NR)

Article 45. The States, the Federal District and Municipalities shall, in their own legislation, with obedience to the general dispositions of this Law, determine specific rules, especially regarding Article 9 and of section II of Chapter III.

Article 46. This Law shall be in effect after a hundred and eighty days from the date of its official publication.
Article 47. The following are hereby revoked:

I - Law nr.11,111, of May 5th 2005; and
II - articles 22 to 24 of the Law nr. 8,159, of January 8th 1991.

Brasília,