

ELECTRONIC SIGNATURE BY THE PUBLIC ADMINISTRATION

Provisional Measure 983 ("MP 983"), published on June 16, 2020, provides, among other topics, about rules relating to electronic signatures for public administration internal communication and between individuals or legal entities and public entities.

➤ These rules do not apply to judicial proceedings and communication between private parties

MP 983 classifies electronic signatures as:

- **simple:** allows identification of the signatory and association of electronic format data
- **advanced:** high level of reliability, allowing the detection of any modification
- **qualified:** using digital certificate (*ICP-Brasil*)

Each entity will establish the minimum level of electronic signature required in its documents/transactions, according to the confidentiality level of information exchanged, and a federal rule (to be edited) shall determine the applicable inimum requirements in the absence of specific regulation.

NOTES

- ➔ The **advanced electronic signature** may be admitted in the registration of documents before **commercial registries**
- ➔ The qualified electronic signature will be accepted in any electronic communication with a public entity and **will be mandatory for the transfer and registration of real estate**
- ➔ Different requirement levels may be defined for acts during the period of the covid-19 pandemic
- ➔ Currently existing systems that use electronic signatures shall be adapted until December 1st, 2020

The MP also brings specific regulation for the electronic signature of documents by health professionals and for medical prescriptions

Effectiveness: MP 983 came into force on the date of its publication and takes effect immediately; however, it must be examined by the Chamber of Deputies and the Senate to be converted into law. If it is not converted within 60 days (extendable for another 60 days), the measure loses its effectiveness.

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