

## THE PROTECTION OF PERSONALITY RIGHTS IN THE INFORMATION SOCIETY: CONTRIBUTIONS TO THE DEBATE ON THE CONSTRUCTION OF A REGULATORY LAW



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### ABSTRACT

This article thematizes the need to build an effective regulatory law for data protection in the Brazilian context. In this sense, the research problem that emerges consists of what is the new configuration that personality rights assume in the context of the information society and what are the main challenges that are imposed, in this scenario, to the construction of a regulatory law for data protection? To answer the proposed problem, the hypothesis arises in which it discusses to what extent the information society requires a careful look at the issue of the effectiveness of personality rights, to the extent that the classic reading of these rights – as embodied in arts. 11 to 21 of the Brazilian Civil Code – has not been considered sufficient to face the challenges that this model of society presents for this issue. In this sense, it is understood that the information society requires an expansion of personality rights in the face of the human and social complexity of this societal model, which challenges the right to build a regulatory framework that considers this complexity. The general objective of this research is to analyze the main challenges that are imposed in the context of the information society to the effective protection of the new configuration that personality rights assume in this context and to assess the limits and possibilities of building a regulatory law that contemplates this complexity. The hypothetical-deductive method developed through the bibliographic-documentary research technique and the monographic procedure technique was used.

**Keywords:** Data Protection. Personality Rights. Regulatory Framework.

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## INTRODUCTION

This article thematizes the need to build an effective regulatory right for data protection in the Brazilian context that contemplates the protection of the very personal rights involved. The information society has imposed the necessary expansion of personality rights, considering that the rights contemplated in its conception are, at present, insufficient for the full and effective protection of the human person.

In July 2022, the Brazilian National Data Protection Agency (ANPD) ordered META to stop using the data of Brazilian users, who post it on their social networks to train artificial intelligence (G1, 2024).

In the case of Meta, the ANPD ordered the company to stop using photos and texts from Brazilian profiles on its social networks — Facebook and Instagram — to train its artificial intelligence. This case had great social repercussions, since the social networks in question are widely accessible to Brazilian society (G1, 2024).

Despite the attempt to change the ANPD's determination through appeal, META was forced to comply with the decision, since according to the National Data Protection Agency, the performance of the networks in using the data to train their artificial intelligence was potentially offensive to the rights of users.

As observed, the issue of data protection is extremely important in the context of the information society, in which there is a constant and accelerated virtualization process. Personal data has become a relevant asset in all societies.

In view of the context presented, the problem that will be addressed by the present research consists of the new configuration that personality rights assume in the context of the information society and what are the main challenges that are imposed, in this scenario, to the construction of a regulatory law for data protection?

The hypothesis initially launched to answer the proposed problem can be summarized in the following terms: the information society requires a careful look at the issue of the realization of personality rights, to the extent that the classic reading of these rights – as embodied in articles 11 to 21 of the Brazilian Civil Code – has not been considered sufficient to face the challenges that this model of society presents for this theme. In this sense, it is understood that the information society requires an expansion of personality rights in the face of the human and social complexity of this societal model, which challenges the right to build a regulatory framework that considers this complexity.

The general objective of this research is to analyze the main challenges that are imposed in the context of the information society to the effective protection of the new configuration that personality rights assume in this context and to assess the limits and possibilities of building a regulatory law that contemplates this complexity.

To achieve the general objective, three specific objectives were established that will be mirrored in the development topics of this article: a) To characterize the information society in contemporary times; b) to analyze the challenges the information society imposes on the classical reading of personality rights and the protection of these rights from the perspective of their expansion; c) to evaluate the limits and possibilities of constructing a regulatory law that contemplates in its guidelines the complexity related to the protection of personality rights in the context of the information society.

## **METHODOLOGY**

The hypothetical-deductive research method was used, which starts from the proposed problem that deals with the new configuration that personality rights assume in the context of the information society and what are the main challenges that are imposed, in this scenario, to the construction of a regulatory law for data protection. The method went through the formulation of a hypothesis and a process of deductive inference, which tests the prediction of the occurrence of phenomena covered by said hypothesis, through the application of the technique of bibliographic and documentary research, consisting of the analysis and study of works, scientific articles and in the national legislation itself, especially the General Data Protection Law; and other materials that deal with the subject.

## **RESULTS**

Initially, in order to contextualize the object of the study, the analysis of the information society is imposed. The information society is verified by the advancement of information technology, as well as by the overvaluation of information and, ultimately, by the high valuation of personal data.

The information society causes profound social transformations, being a central part of a process of significant changes that lead to the "transformation of time and space in the human experience" (Castells, 2022, p. 24). The limitations of time and space no longer represent personal barriers, as technological devices allow accessing, acquiring and processing digital information in an extremely simple and fast way.

According to Manuel Castells (2022, p. 560), the current society, called the information society, is characterized by a new social order, which he defines as a "network society". This society is composed of an automatic and random succession of events, resulting from the uncontrollable logic of markets, technology, geographical organization and biological factors.

The information society causes a significant change in everyday experience, since it is directly linked to the alteration of the perception of time and space. This transformation stems from technological advances that allow for the instantaneous access, collection, and processing of digital information in a ubiquitous way. In an increasingly digitized world, the traditional barriers of time and space are no longer relevant obstacles to interaction and access to information.

The continuous technological advancement, which began in the twentieth century, has deeply impacted the human experience, generating constant transformations in the way people live and interact in the world. In this scenario, "new ways of thinking, living and feeling" emerge; in short, new ways of being" (Sibilia, 2002, p. 11). This reality requires the reformulation and adjustment of several concepts, paradigms and dichotomies that were previously considered immutable, in order to deal with the complexity of this new model of social organization (Sibilia, 2002).

The current era is often described by some as post-democratic, post-panopticon, post-truth, or even posthuman. Its main characteristics are the deterritorialization and acceleration of all processes, which has even been modifying people's relationship with time and space (Bolzan, 2022).

In the contemporary era, marked by the convergence between the industrial revolution and the information revolution, a paradigmatic transformation in economic structures can be observed. The informational society, driven by a vast network of cybernetic technologies, has gone beyond the limits of traditional industrial production, inserting itself in a context where information has become an extremely valuable resource (Silveira, 2017).

Historically, social organization has undergone several changes, in which each period was defined by a central element for its development (Bioni, 2020). In each era, wealth manifested itself in different ways: in agricultural society, land and agricultural products sustained the economy; In industrial society, steam engines and electricity

transformed the production of wealth. After World War II, post-industrial society began to be driven not only by production, but also by the provision of services (Bioni, 2020).

Currently, social organization is structured by technological evolution, which has introduced tools capable of processing and transmitting information at an unprecedented speed and volume (Bioni, 2020). The organization of modern society is profoundly influenced by technological evolution. Technological innovations have brought new tools that allow the processing and transmission of information quickly and on a large scale. This means that social, economic, and cultural relations are being redefined by the ability to access and disseminate information with unprecedented efficiency, which impacts all aspects of contemporary life, from communication to commerce and education.

The impact of the internet revolution on contemporary society has been profound and multifaceted. From the way communication and access to information takes place to how interactions with companies and the consumption of goods and services occur, the internet has fundamentally transformed the fabric of social and economic systems. One of the main impacts of the internet revolution is the proliferation of data and the emergence of quantification in all aspects of human life.

In this way, the digital revolution has led to an increase in surveillance and monitoring, as well as the commodification of personal data, raising concerns about privacy and individual autonomy. In addition, the internet revolution has also given rise to new forms of social interaction and community building. Social media platforms and online forums have connected people across geographical borders, enabling the spread of ideas and the formation of new social movements. However, this interconnectedness has also led to the rise of misinformation and echo chambers, as well as issues related to the protection of personality rights that are affected by the new social landscape.

This new era involves three main aspects: 1) The exponential production and availability of data; 2) The improvement of the storage techniques of this same data; and 3) The ability to process this information, generating data about data (metadata). All of this is transformed and quantified (big data), resulting in algorithmic knowledge of a functional and utilitarian nature (Bolzan, 2018).

The era of big data has revolutionized the way we quantify and understand the world around us. With the exponential growth of digital information, it has become possible to analyze vast amounts of data to gain insights and make informed decisions. *Big data* refers to the massive volume of structured and unstructured data generated from various sources

such as social media, sensors, and business transactions. This data can be analyzed to reveal patterns, trends, and associations that were previously beyond reach.

In this way, quantifying reality through *big data* has enabled organizations to optimize their operations, enhance customer experiences, and drive innovation. By harnessing the power of data analytics, businesses can make data-driven decisions that lead to greater efficiency and competitiveness. In addition, *big data* has also played a crucial role in areas such as healthcare, urban planning, and environmental sustainability, allowing for more accurate forecasts and better-informed policies. However, the widespread use of *big data* has also raised concerns about data privacy, security, and ethical implications, highlighting the need for responsible and transparent data practices.

Thus, with the evolution of science, technologies and rational thinking, an important phenomenon of global transformation has emerged: globalization. Although some consider it an exclusively economic phenomenon, it should be understood as a process of social impact, occurring on a global scale and also affecting the social, cultural and political dimensions. This process stems from advances in the commercial, transportation and, especially, communications sectors. Initially aimed at meeting the demands of capitalism with the free movement of goods, globalization also influences several areas of social life (Almeida; Silveira, 2016).

From an economic point of view, capitalism, which had previously transformed from a productive model to a financial one, has evolved into a digital (or data-based) capitalism – which goes beyond platform capitalism. This exacerbated neoliberal model is intertwined with all spheres of life and human existence (Bolzan, 2022).

Therefore, information plays a central and defining role in contemporary society, characterized as the information society. It becomes the structuring element that reorganizes society, just as land, steam engines, and electricity did in agricultural, industrial, and post-industrial societies, respectively (Bioni, 2020).

Hypercommunication marks the beginning of the post-contemporaneity era. At this stage, human control is exercised by a network of intelligent machines that dominate a reality that he describes as "post-real." In other words, advanced technology and incessant communication create a scenario in which reality is largely controlled by autocratic systems, profoundly affecting the way we perceive and interact with the world (Baudrillard, 1997).

Today's society is marked by the ubiquity of new technologies, which affect all aspects of individual and collective life. With their rapid advancement and easy access,



there is an increase in the presence of these technologies in political and legal life, also impacting the exercise of citizenship and the realization of Human Rights. This technological context requires special care for the dignity of the human person, in view of the large number of new legal relationships that arise (Almeida; Silveira, 2016).

In the context of liberal democracies, the repercussions are increasingly worrying and unsettling, with factors that undermine the foundations of their legitimacy and suggest a new interpretation of the perspectives offered by "cyber democracy", including its dysfunctions and displacements (Bolzan, 2022).

In relation to the personalissimo, privacy, among others, faces serious threats due to surveillance capitalism (Bolzan, 2022). This model explores the human experience as a free raw material, converted into behavioral data used for various purposes (Zuboff, 2020). The intense competitiveness of the market, in the context of behavioral monitoring for profit maximization, has changed the way economic objectives were previously understood.

(...) the competitive dynamics of these new markets lead surveillance capitalists to acquire increasingly predictive sources of behavioral surplus: our voices, personalities, and emotions (Zuboff, 2020, p. 19).

With the emergence of new technologies and the ease of access to information through networks, significant changes have emerged in society and social behavior. The wide dissemination of internet tools has brought about the urgent need to regulate relations in the so-called information society (Almeida, 2013).

Due to its close relationship with the right to privacy and, in general, with the strengthening of individual rights, the protection of personal data began to gain greater autonomy when automated data processing began to be, in itself, a potential risk for the individual (Doneda, 2021).

Information has become one of the main resources of society, driven by advances in new technologies, transforming itself into a new form of commodity. The individual, when providing their data voluntarily, often forgets this act after storing this information. In view of this scenario, the contemporary challenge arises to ensure the protection of privacy in the use of personal data (Limberger, 2008).

Therefore, it can be said that:

We are facing the true reinvention of data protection - not only because it is expressly considered as an autonomous fundamental right, but also because it has

become an essential tool for the free development of personality. Data protection can be seen as the sum of a set of rights that make up the citizenship of the new millennium (Rodotà, 2008. p. 17).

To guarantee the individual rights of the person in the information society, it is important to take a close look at the advances and possibilities that are presented and to observe the imperative need to expand rights, since it is not possible to protect the individual in new situations, based on outdated rights. It is important to follow social development with an expansive look, as it is currently imposed. Thus, the following topic will address the necessary expansive reading of personality rights so that the protection of these rights is effective.

In a brief analysis of the historical evolution of personality rights, it is found that the formal recognition of the human person as a universal value by the legal system is something relatively recent. However, it is possible to identify different levels of protection for human beings in previous legal systems, albeit in a different way (Doneda, 2005).

The development of personality rights does not occur in a linear way throughout history, since their first signs, foundations, and consolidation show significant time intervals for their articulation (Bioni, 2020). Thus, personality rights are part of a general clause for the protection, protection and promotion of the human person, or belong to a comprehensive system for the preservation of fundamental rights, being characterized mainly by their flexibility (Tependino, 2008).

When it comes to personality rights, one of the most intriguing and challenging aspects is the fact that new situations related to the individual's personality constantly arise, which were not foreseen and cannot be anticipated by the legislator. Therefore, these interests must be considered a constantly evolving category. Instead of a restricted list of personality rights, the idea emerges that the human person, and his personality, represent a unitary value. This leads the legal system to recognize a general clause that ensures the full protection of personality, that is, of the person in its entirety. This concept is flexible and covers a wide variety of situations, being limited only by the need to protect the interests of other personalities (Moraes, 2007).

The complexity and flexibility of personality rights are presented as essential attributes, since such rights are constantly evolving, since new situations related to the identity, privacy and dignity of the individual are always emerging, which were not foreseen by the legislator. This means that personality rights cannot be defined in a rigid way or



limited to a fixed list. Instead, they should be treated as an open category, in which the human person and his or her personality are recognized as unitary values.

Personality refers to the set of characteristics or attributes that distinguish a person from others. From this perspective, personality rights encompass both tangible and intangible elements that form the representation of the human person. Name, honor, physical and psychological integrity are just a few examples, among several other attributes, that make up this dimension (Bioni, 2020).

The concept of personality rights is a concept in continuous evolution that needs to be constantly developed, especially in the face of the vast amount of data generated by people in the information society. Based on this premise, it becomes possible to recognize a new dimension of this legal category, encompassing the protection of personal data (Bioni, 2020).

In the context of the information society, data related to the personal sphere of an individual can be considered a right of personality. To acquire this status, the data needs to be qualified as personal, demonstrating itself as a projection or extension of its holder (Mendes, 2011). In this scenario, data processing operations exert an increasing influence on people's lives. Currently, a society and an economy are oriented and operating based on these indicators that identify the individual (Bioni, 2020).

In this sense, personal data play a crucial role as personality rights, since they reflect intimate and distinctive aspects of an individual. For data to be considered a personality right, it is essential that it be qualified as personal, that is, that it reveals a direct projection of the identity of its holder. This means that this data is not merely neutral information, but rather extensions that shape and define each person's individuality.

With the advancement of the digital age, data processing operations have an increasing influence on everyday life. The increasing use and analysis of this data not only shapes the way society functions but also how the economy operates, as decisions and strategies are increasingly based on indicators that identify and monitor individual behavior. In this way, the protection of personal data becomes fundamental, since its management and control directly impact the privacy and autonomy of individuals in an increasingly interconnected environment.

This is an innovative form of identity, and it is therefore crucial that these digital profiles present accurate information to ensure that the identity of the holder is represented in an authentic way. This need underlies the inclusion of personal data in the category of personality rights (Bioni, 2020).

In addition, data protection as a personality right represents an evolution of traditional conceptions of privacy. It is not limited to the protection of isolated information, but seeks to ensure the preservation of the autonomy, freedom, and dignity of individuals in an interconnected digital world. This legal advance highlights the need for an ethical and humanized approach to the treatment of personal data, recognizing that privacy is essential for the full realization of personality rights in the information age.

The current provision on personality rights is provided for in the Civil Code of 2002, originating from the bill of the 70s that innovated by presenting its own chapter on the protection of rights inherent to the human person. However, due to the technological revolution experienced by today's society, the diploma is outdated. Thus, in view of the advances that have occurred in recent decades and the need to update the aforementioned diploma, a Commission of Jurists, appointed by the President of the Federal Senate through the Act of the President of the Federal Senate No. 11, of 2023, was convened to present a proposal for the revision and modernization of the Civil Code of 2002 (Brasil, 2023).

The draft bill, which is currently being processed in the National Congress, presents changes to the Chapter dedicated to personality rights, and in particular, it translates the idea of expanding personal rights in accordance with the wording of article 11<sup>3</sup>:

Thus, the idea of expanding personality rights, which was previously restricted to academic and doctrinal discussions, is echoed in the project to amend the civil law, demonstrating the real need for this expansive view to effectively provide opportunities for the protection of these rights. Still, it is important to note the concern with technological advances and their repercussions in the private sphere.

In addition, the text that intends to update the current Civil Code has its own book to deal with aspects related to digital law - On Digital Civil Law - since the advances experienced in recent decades have greatly impacted life in society and consequently the Law must be concerned with disciplining and regulating situations that the time of the current private law was unpredictable to foresee.

Ultimately, the challenge is to find a balance that enables technological and economic advancement, while safeguarding individual rights. Society will face significant

<sup>3</sup> Article 11. Personality rights lend themselves to the protection of human dignity, protecting the individual personality in a broad way, in all its dimensions.

Paragraph 1 - The rights and principles expressed in this Code do not exclude others provided for in the national legal system and in the international treaties to which the country is a signatory, for the protection of rights in private relations, and personality rights, including in their aspects arising from technological development. (...) (Brazil, 2024).

changes as it explores this complex field, and the way these challenges are addressed will determine the future of the relationship between data, economics, and privacy.

In the meantime, the next topic will be addressed, since the discussion about the construction of a regulatory framework from the perspective of the complexity of the information society is of paramount importance in order to effectively guarantee the protection of personal rights. Since, in order to ensure that the Brazilian State protects personality rights, in the context of the information society, it is necessary that all rights are protected and not just some. Thus, it is necessary to protect human complexity in its entirety and possibilities or it will be susceptible to a range of innocuous and insufficient rights, resulting in the absence of guarantees.

## **DISCUSSION**

The Federal Constitution of 1988, albeit indirectly, already outlined an attempt to protect data. In Brazil, this protection began to be addressed in the Constitution itself, within the scope of personality rights, freedom of expression (article 5, IX) and the right to information (article 5, XIV). In addition, the Magna Carta ensures the inviolability of private life and intimacy (art. 5, X), the right to habeas data (art. 5, LXXII) and regulates the interception of telephone, telegraph or data communications (art. 5, XII) (FC, 1988).

Currently, data protection has been elevated to a fundamental right, signaling its relevance in the context of the information society. The provision for this right is found in item LXXIX, of article 5, added by Constitutional Amendment No. 115, of 2022, with the following wording: "the right to the protection of personal data, including in digital media, is ensured, under the terms of the law" (CF, 1988).

Before the General Data Protection Law, Brazil already regulated the matter in a generic way in specific legislation, such as the provisions of the Consumer Protection Code, which, in its article 43, regulates consumer databases and registers. It is worth highlighting the scope of this provision, which encompasses all consumers' personal data, thus going beyond databases restricted to negative information related to the granting of credit. The legislator's intention was to cover any database that can influence the full development of the consumer's personality (Andréa; Architect; Camargo, 2020).

In 2011, during the government of then-President Dilma Rousseff, Law 12.414/2011, known as the Positive Registry Law, was created and sanctioned. This legislation brought

important guidelines on the treatment of databases and opened the possibility of applying the Consumer Protection Code to these databases (Andréa; Architect; Camargo, 2020).

Composed of 18 articles, the law's main objective is to create a database aimed at facilitating the granting of credit to individuals or legal entities, based on the analysis of their socioeconomic information. A relevant aspect of the rule is the requirement of the individual's prior consent for the sharing of their data with third parties, attributing to companies — whether they are credit providers or not — the civil liability in cases of leakage of this information (Andréa; Architect; Camargo, 2020).

Thus, the regulation of relations arising from the technological environment in Brazil is not something recent. The Civil Rights Framework for the Internet (Law No. 12,965/2014) was created with the purpose of protecting several fundamental rights, including the protection of data flow and private communications, with the aim of ensuring the privacy and intimacy of Brazilians. (Bolzan de Moraes, 2022).

The Marco Civil da Internet was created in response to attempts to regulate the use of the internet through criminal laws, an approach that could have slowed down the advance of technological innovation in Brazil. Instead of adopting a restrictive technique, this legislation opted for a principled approach, aiming to regulate the use of the internet by conferring rights and guarantees to citizens in the relationships established in the virtual environment (Lugati; Almeida, 2020).

Among its provisions, the law already expressly mentioned consent and its qualifications, highlighting the need to protect the data subject. Thus, it was sought to ensure greater participation of the individual in the process of processing their data. However, as Malheiros (2017) points out, there was still no specific legislation that directly addressed data protection. This gap was only filled with the approval of the General Data Protection Law (LGPD) in 2018.

Brazil's General Data Protection Law presented a significant advance in the effective protection and full exercise of the existential and informational self-determination of individuals. This legal framework is crucial to ensure the protection and control over the circulation of data, offering the legal certainty indispensable for the development of a new culture of personal information protection (Tepedino; Teffé, 2020).

It is important to note that Law No. 13,709/2018 addresses not only the protection of data collected and processed in the virtual environment, but also those in the physical

environment, as stipulated in its article 1<sup>4</sup>. The law demonstrates a comprehensive concern with the protection of personal data, regardless of the environment in which they are found. Its objective is to safeguard the fundamental rights to freedom and privacy, in addition to promoting the free development of the personality of the natural person. From the beginning, the law clearly defines its addressee: the human person, imposing on state entities the duty to respect and comply with the established provisions (Brasil, 2018).

On April 17, 2024, the preliminary draft to update and reform the Civil Code, was presented to the National Congress, sensitive to issues arising from the virtual environment and mainly aware of the need to protect the individual integrally, includes a specific book on digital law. However, it should be noted that digital issues permeate the entire project, since the purpose of the reform is to adapt civil legislation to current challenges.

Among the rights conferred on the person, digital civil law also contemplates data protection and the protection of personal information, in line with personal data protection legislation; and the guarantee of personality rights, in all their expressions, such as dignity, honor, privacy, and their free development (Brasil, 2024).

Therefore, the draft bill's attempt to establish a Brazilian regulatory framework for the protection of personal data can be observed. The initiative provides for rights and clarifies important issues, such as the right to de-indexation and the permanent deletion of data.

Does it happen that the set of laws pertaining to the Brazilian legal system are or will be sufficient to regulate such a complex and changeable issue? Reality imposes a realistic analysis on the subject, since the speed at which new technologies emerge and improve imposes a constant legislative evolution so that no personal right is affected.

So, will an analog legislative system be able to regulate such a dynamic process? In addition, it must be considered that the relationships currently held are developed in virtual environments, such as the metaverse, which do not present territorial and physical barriers to the participants.

The modern state model, designed to operate in a context of greater stability and predictability, finds it difficult to keep up with the speed and complexity of the orderly and disorderly movements that characterize the contemporary world. Technological, economic, social and political transformations occur in an increasingly accelerated and unpredictable

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<sup>4</sup> Article 1 This Law provides for the processing of personal data, including in digital media, by an individual or by a legal entity governed by public or private law, with the objective of protecting the fundamental rights of freedom and privacy and the free development of the personality of the natural person (Brasil, 2018).

way, resulting in new challenges that go beyond the traditional capacities of States. This scenario of rapid change causes a governance gap, in which state control over various spheres of social life, such as economic regulation, data protection, security, and human rights, becomes insufficient or ineffective.

In this way, it can be said that the modern state model is no longer able to deal with the complexity of the structuring and destructuring movements of today's world, generating a "vacuum" that can be occupied by uncontrollable forms of power (Menezes Neto; Bolzan, 2013).

José Luis Bolzan de Moraes (2011) points out that state unity, which has been a landmark of the last five centuries, is giving way to a growing multipolarization of power structures. This phenomenon reflects the fragmentation and decentralization of forms of governance and control, which now operate at multiple levels—local and global, public and private. Instead of a single center of power, there is a proliferation of multiple poles of influence, each with its own dynamics and agendas, often independent and even conflicting.

This multipolar reality challenges the traditional view of the State as the main regulatory entity and guarantor of social order. With the advance of globalization, digital technologies and the knowledge economy, new forms of power emerge, often on the margins of state control. Transnational corporations, digital platforms, and non-governmental organizations, among others, assume roles that were previously exclusive to the State, directly influencing public policies, the economy, and even the daily lives of citizens.

Given this scenario, it is essential to overcome the dogmatic formula of the traditional state, which is based on rigid and centralized structures, in order to adopt more flexible governance models that are adaptable to the complexity of the contemporary world. These new structures need to be porous and able to adjust quickly to change, reflecting the fluidity of social, economic, and political relations that characterize the current era (Bolzan, 2011).

Continuing the proposed analysis, there remains an inevitable reflection on the theme that consists precisely in the debate of presenting the same solutions to new situations. In other words, will domestic law be able to protect the personality rights involved in contextualized relations in the information society, in the same way as it did in the past society?

The idea of "thinking globally and acting locally" can be an alternative to contain the technopower that threatens the rule of law. Given that digital systems transcend territorial



borders, a supranational organization would be more effective in establishing regulatory standards and parameters. This would require a reformulation of the modern dual proprietary system — public and/or private — proposing an approach based on the "commons" as a new regulatory and normative foundation to deal with these issues (Bolzan, 2022).

This time, as Bolzan (2022) rightly asserts, even though we are facing a paradigmatic change, including in the field of Law, this transformation cannot occur through the naïve adoption of alternatives that, in the end, only reinforce the interests of technological capitalism to the detriment of the civilizational achievements of constitutionalism. It is essential that constitutionalism be reassessed based on references compatible with the "digital age", without, however, compromising the advances already achieved.

Therefore, the attempt to establish a regulatory framework for data protection with a view to personality rights is a valid and necessary initiative. However, it cannot be forgotten that the issues imposed by the information society are complex and require greater effort for the effective and integral protection of personal data and personality rights.

## CONCLUSION

In today's information age, the impact of the internet revolution has brought about significant transformations in various aspects of society. The wide availability of data and the increased focus on data quantification have fundamentally changed the way information is accessed, processed, and used. This shift has led to the emergence of new industries, such as *big data analytics* and data science, dedicated to extracting insights from large volumes of data.

In addition, the internet revolution has reshaped communication patterns, enabling real-time global connectivity and the rapid dissemination of information. In addition, the information age has brought new challenges related to data privacy, security, and ethical considerations, sparking discussions and regulations aimed at protecting individuals and organizations in the digital environment. Overall, the transformation brought about by the internet revolution in the information age has significantly redefined the way people interact with data, communicate, and address social issues.

As the digital world advances, it is critical to ensure that the use of *big data* is beneficial and ethical for everyone. To navigate the complexities of the information society, it is essential to take advantage of the opportunities presented by *big data*, while also

addressing the challenges that are posed by technology. Ultimately, the quantification of data in the age of the internet revolution has the potential to redefine how the world is perceived and how it interacts with these new paradigms, making it imperative to approach it with caution, mindfulness, and commitment to the ethical use of data.

In the process of constructing a regulatory framework for data protection in the field of personality rights in the complex information society, it is crucial to consider the limitations that may arise. One of these limitations is the presence of conflicts of interest and economic pressures that can influence the drafting of regulations. The interests of diverse stakeholders, such as businesses, government entities, and individuals, do not always align, leading to conflicts that need to be carefully addressed in the regulatory process.

Thus, the construction of a regulatory framework for data protection in the context of personality rights is a challenge that reflects the complexities and transformations of contemporary society. As the digital age advances, it becomes increasingly imperative to protect personal information and ensure that individual rights and freedoms are respected. However, the task of establishing an effective regulatory framework requires a continuous effort of adaptation and innovation, considering the dynamic and ever-evolving nature of the information society.

Brazil, with the enactment of the General Data Protection Law, has taken a significant step towards ensuring the protection of fundamental rights in an increasingly digitized environment. However, it is necessary to recognize that the mere existence of a legal framework is not enough to guarantee the effective protection of personality rights. The implementation and practical application of these standards require constant vigilance and a commitment to the continuous updating and improvement of the established rules.

The draft reform of the Brazilian Civil Code reflects the growing need to adapt laws to new digital realities, integrating aspects related to digital law into its normative structure. The proposal includes a specific book on digital law, addressing data protection and the protection of personal information, in line with the General Data Protection Law (LGPD). This initiative seeks to ensure that the Civil Code is aligned with the current challenges imposed by the information society, promoting regulation that covers both traditional rights and new emerging rights in the digital environment. The reform aims, therefore, to update the legal system to face the complexities of the digital age, ensuring the full protection of personality rights, in all their expressions, and offering adequate responses to contemporary demands.

It is essential to identify and mitigate these conflicts of interest and economic pressures to ensure that the regulatory framework prioritizes individual rights and effectively protects your personal data. In doing so, the construction of the regulatory framework can circumvent these limitations and meet its objectives of safeguarding data privacy and personal rights in the digital age.

In addition, several other issues should be raised when attempting to establish a regulatory framework for data protection aimed at the protection of personality rights, such as the application of a formula forged in societies that have experienced longer periods for social changes, which the information society is definitely not able to provide. The speed at which social changes have occurred demonstrates how quickly society changes its paradigms and the outdated format of regulating society may have to be updated.

Also, it must be considered that domestic law is not sufficiently efficient in data protection, with a view to personality rights. Relationships, fought today, have crossed the limits of time and space. Therefore, the move is towards a global right to data protection, which contains minimum rights and protects the individual in a full and integral way.

Finally, it must be concluded that there is no simple or correct answer to such a complex issue. But, yes, it can be considered that data protection in the virtual sphere will not result from a single alternative. The right to data protection will be duly protected when all those involved make efforts to protect it - the State, legal entities (public and private) and society. Each one acting in the field that concerns him.

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