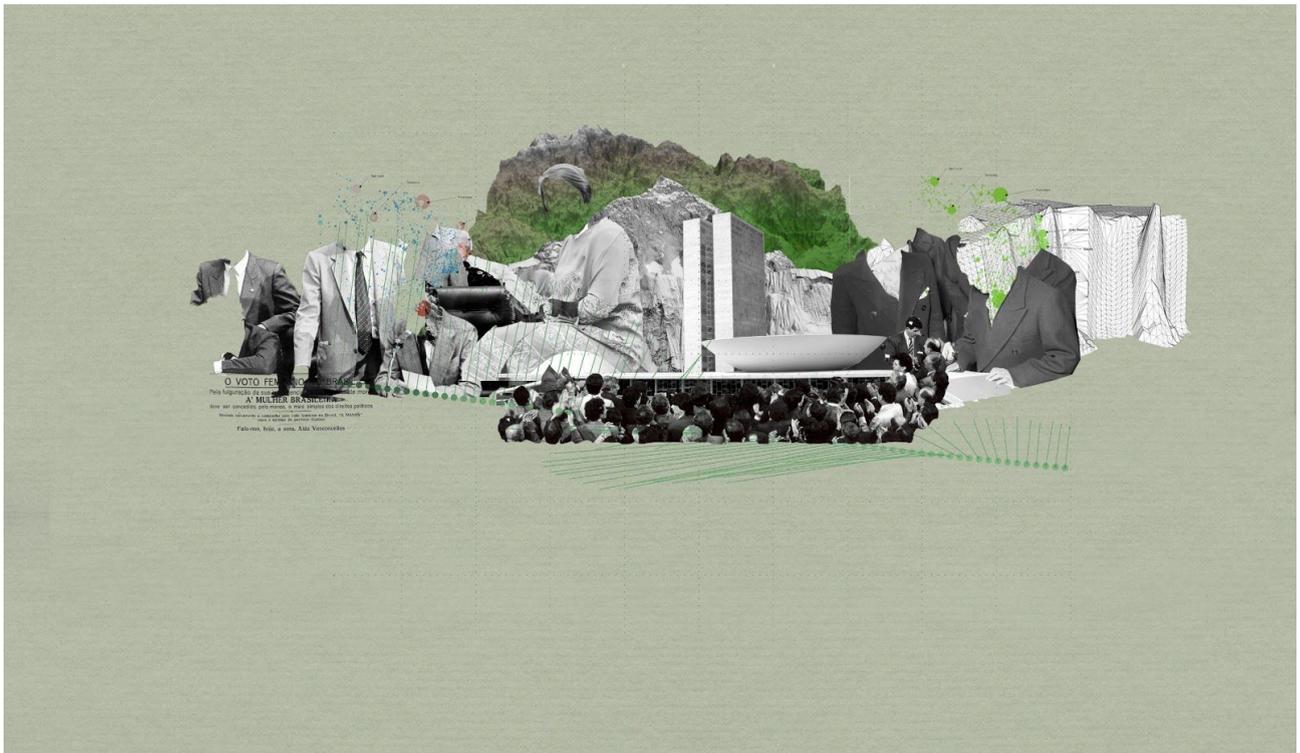


Data and Politics

Brazilian country report

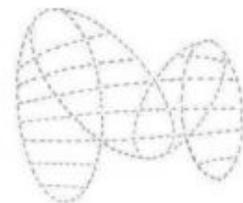
Analysis of the playing field for the influence industry in preparation for the Brazilian general elections



A research by Coding Rights for Tactical Technology Collective, published as country report of the project '*Personal Data and Political Influence*', available at "Our Data, Our Selves".

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TECHNOLOGY
COLLECTIVE



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About “Personal Data and Political Influence” Project

This research is the Brazilian country report developed by Coding Rights for a global project entitled “Personal Data and Political Influence”, undertaken by Tactical Technology Collective.

A wide range of political campaigns and parties around the world are experimenting with digital techniques as a means of extending their spheres of influence and their ability to win campaigns. The last few years have seen a rise in the use of personal data by political parties and campaigns within national elections and referendums. The questions these practices raise have been widely publicised and discussed in international media in the last year, with a particular focus on the US and UK elections of 2016, as well as the role of major platforms such as Facebook and the controversial UK-based company Cambridge Analytica. These headline stories however, are only the tip of the iceberg and only focus on a few instances in a small number of countries. In addition they rarely seek to understand the technical and political context from which they emerge and how these technologies actually practically work.

In reality, personal data is used in a wide variety of ways in political campaigns and elections. In some cases, personal data is used to gain political insights into certain communities and constituencies, enabling a kind of ‘intelligence gathering’ which is then used to form strategies, craft candidates and decide on campaign spending. In many cases, personal data is used to attract or suppress votes from certain constituencies through micro-targeting and direct messaging. In other cases it is just utilised as a political asset with different means used to amass as much information on citizens as possible. No matter what the technique, the level of experimentation in the use of personal data for political influence is beginning to raise a range of ethical, regulatory and transparency related questions.

Tactical Tech is working with collaborators around the world in an attempt to map out the broader ecosystem of actors, methods and techniques – beyond Facebook and Cambridge Analytica - that create an enabling environment for the use of personal data in elections. In Brazil, Coding Rights, a Brazilian based organization working to expose and redress power dynamics behind development and implementation of technologies, was the partner and collaborator for this effort.

We hope that this resulting report help us to shed a light in the attempt to have a comprehensive overview of how personal data is being used in elections and political campaigns in Brazil, detailing the trends (on the digital and data side), b. the strategies (on the political influence side) and c. the environments (on the commercial and data broker side) that are enabling these shifts.

Reports from other countries, including from the Latin American context, particularly Colombia, Argentina, Chile and Mexico, are available here:

<https://ourdataourselves.tacticaltech.org/projects/data-and-politics/>

Data and Politics - Brazilian country report

“Analysis of the playing field for the influence industry in preparation for the Brazilian general elections”

A research by Coding Rights for Tactical Technology Collective, published as country report of the project '*Personal Data and Political Influence*', available at “Our Data, Our Selves”.

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Abstract

Since 1989, after 21 years of military dictatorship, Brazilians have the right to choose their own rulers, without intermediaries, through Direct Elections. But 2018's elections will be marked in Brazilian history as the first to have the Internet as a decisive and controversial playing field.

Several aspects contributed to this shift. The most significant was that, for the first time, that the usage of digital platforms by parties, candidates and coalitions is allowed for electoral advertisement. Now it is also allowed to boost sponsored electoral content, meaning, sponsored ads. With around 209 millions¹ inhabitants, Brazilians are heavy users of social media. Accounting for around 127 million² active accounts in Facebook, the country is the fourth in the global ranking of users from the platform, only behind of India, USA and Indonesia. It is also the fifth biggest market for the company, which also owns Whatsapp, accountable for 120 million users in in Brazil. Not for less, the recently enacted Political Reform Law (Law 13.488/2017) that allowed this change was also dubbed by some as the "Facebook Bill",³ particularly due to potential profit that the company might have on top of our democracy. The law also allows for paid prioritization of content in search engines, that is, basically, optimizing Google searches of these material.

But beside opening room to digital advertisement, this legislation also reduced the mandatory time for electoral propaganda on TV and radio. And, based on each political party representation in the National Congress, the so-called "barrier clause" imposed a time limitation for them to air political propaganda on these media vehicles. On the other hand, the amount of political advertisement that could now be posted by a party, candidate, or coalition became only limited to the amount of money available for the campaign.

The Electoral Reform also banned corporate donations to electoral campaigns, which led parties and candidates to opt for crowdsourcing financing models. However, in spite of the new restrictions imposed, the new financing models did not reduce the importance of electoral propaganda, especially on social media.

Following the case of Cambridge Analytica and the disclosure of the company's meddling in elections in Mexico and the United States, the abusive collection and usage of personal data; obscure strategic usage of social media platforms to share electoral content as well as the emergence of very tech savvy and military influenced far-right groups, are issues of concern when it comes to data and elections.

According to the new law, political ads are allowed on the websites of candidates, parties and coalitions, but are forbidden in pages that belong to individuals or private companies (like

¹ Pnad Contínua, IBGE, fev, 2018.

²

<https://www1.folha.uol.com.br/tec/2018/07/facebook-chega-a-127-milhoes-de-usuarios-mensais-no-brasil.shtml>

³

<https://www.viomundo.com.br/denuncias/ativistas-detonam-a-lei-do-facebook-voces-vao-trabalhar-de-graca-para-zuckerberg-lucrar-mais-e-eleger-os-candidatos-ricos-e-bloquear-os-pobres.html>

newspapers or companies pages). Something difficult to control. Parties, coalitions and candidates are also allowed to boost electoral content identified, but only using the means available by the platform. Therefore, sponsored posts will follow the logic of targeted ads imposed by these platforms, meaning that political content is now more likely being redirected to us accordingly to the profile we were boxed into, crafted based on the information that these platforms collect about us in our daily online interactions, but not only.

This targeting and content boosting model is only possible through the analysis of citizens personal data to divide them into categories such as gender, geographical location, social class, or even psychological and ethnic criteria. After this segmentation, individuals are divided into clusters, which will subsequently be the targets of possibly millimetrically oriented political or commercial messages based on the previously established categories.

While setting a targeted audience have been historically part of the political marketing strategy, nowadays, there are evidences worldwide that political parties and their candidates are conducting electoral campaigns that use a wide amount of voters' personal data to promote their political messages. This ecosystem is fed by the so-called 'data brokers' industry, companies whose primary activity is collecting and marketing personal information about consumers / individuals to other organizations.

What is the legal institutional playing field for these practices in Brazil? How much data about us can be used to target us with electoral content? What are the transparency measures that should be taken? How to enforce them? To what extent these practices are likely to be used in the Brazilian elections? What are the implications of targeted messages in the political debate? How do these practices increase the ability of candidates to promote misinformation? How does this change the previous logic of political campaign using traditional media outlets?

In preparations for the Brazilian elections, this research had the goal to a) understand the legal institutional framework for the data brokers industry, the political marketing agencies and social media platforms; b) map a few marketing companies that somehow have declared the will to be engaged in electoral campaigns in digital world, either by monitoring social networks to subsidize communication teams for developing targeted advertising, or being part of any conception of political marketing for a campaign; c) conduct interviews with and qualitative research about the companies mapped to understand their strategies and how they address the usage of personal data. Companies selected were: Ponte Estratégia (the former representative of Cambridge Analytica in Brazil); Idea Big Data and Numbr Group; d) map highlights about the usages of social media platforms in previous elections, in the strategy of these companies and the changes in the politics of these platforms regarding elections; e) highlighting possible gaps to guarantee transparency, ensure the democratic debate and the exercise of political rights.

During our interviews with marketing agencies, it became clear that digital advertising is cheaper than commercials on TV or in the print media. Other than that, the comprehension that limitations of time on TV had also encouraged smaller parties to invest more in digital campaigns, especially in strategies that included Whatsapp, particularly due to the high penetration of this channel within the population, once it is also served by telecommunication providers under zero rating contracts. Without any or very little regard for voters privacy, most companies also pointed out that the

diversity of information generated on the Internet represents an excellent starting point for their business.

Another point observed in the companies activities of content targeting was the vast amount of personal data available in public databases - mostly used for the provision of public policies - in addition to the large volume of information available on social networks. On that note, most companies emphasized that information legally collected through social networks crossed with information from databases such as IBGE or Serasa Experian, until recently a partner of Facebook, were enough to develop their strategies.

In this scenario, social networking platforms have increased the number of measures, theoretically, dedicated to preserve the electoral process in the country. Especially in light of what happened in 2014 elections, when the platform, and the debate, were surrounded by bots, Twitter announced new measures against profiles that violate community rules and forbidden political groups to advertise on Twitter in the country. Facebook implemented new ads transparency rules on the platform, a political ad library where you can view all electoral sponsored content and also declared to be banning the so called fake profiles for violations of community rules. The company have also made controversial partnerships with a few fact-checking agencies operating in the country and declared that would not allow boosting content considered “fake” by those agencies.

Whatsapp, however, is a specific case, given it is a space for private conversations, or at least, less open the social media platforms, therefore, provides more controversial issues for tracking the origins and auditing illegal content shared as messages. Although it does not offer micro-segmentation services, the social messaging network is undoubtedly a dominant platform in the Brazilian electoral context. Recent surveys have found that nearly two-thirds of voters in the country have whatsapp accounts and among those voters, 36% read and 21% share news about Brazilian politics and elections inside the app. The network has recently been targeted by the dissemination of fake news regarding Marielle Franco, a council women murdered in early March, and Judge Sérgio Moro, responsible for many of Car Wash Operation cases. In addition, the group and transmission lists features were key in mobilizing the truck drivers strike that occurred earlier this year. As well as being one of the key ways in which policy campaigns can disseminate content.

Finally, in the light of the above, the research goes to its final considerations about the importance of transparency and accountability measures to online political campaign strategies and the deployment of technologies beyond what is already established by the electoral legislation. Particularly focused on possible abuses of citizens' data in detriment of the democratic debate, we also highlight the recent sanction of the first comprehensive Data Protection Law in the country, as well as the need to have it fully enforced in the near future, beyond 2018's elections. On this note, the creation of a National Data Protection Authority - vetoed by president Temer - responsible for the delimitation of parameters for the collection, use and sharing of Personal Data in the country, as well as the application of sanctions for possible violations of voters' rights, is another important aspect to guarantee better standards of data protection, and therefore, of an open and diverse democratic debate.

Political Context for Elections in Brazil

I. From the 2013 political demonstrations to truckers strike: political polarization and criminal prosecution of major political leaderships

In 2013, by the last year of President Dilma Rousseff's first term, a huge wave of protests took over the country. The movement started out with demonstrations against the readjustment of bus fares in São Paulo and were received with severe acts of police brutality. The violent reaction to it escalated to mass public manifestations across the country as not seen since the call for the impeachment of president Fernando Collor de Mello, back in 1992.

As the demonstrations kept on going, more than half a million Brazilians took the streets countless times throughout the country and with a range of grievances and complaints against both State and Federal administrations. Protesting signs had a wide variety of calls: "Stop corruption. Change Brazil"; "Come to the streets. It's the only place we don't pay taxes"; "Government failure to understand education will lead to revolution".

The political scenario post June 2013 was just the beginning of an extreme political polarization with left and right posing different complaints and disappointments with politicians and pointing different solutions and rationales for the political crisis. While the left wing was unsatisfied with the series of political concessions made by the labour party to ruralists and neoliberal agendas in disregard of basic social rights, theoretically, unlike the first terms of former president Lula, right wing was flagging corruption as a phenomena pertaining only to the labour party. This polarization increased further⁴ during the presidential race of 2014.

Late in October 2014, Dilma Rousseff (PT) was re-elected with 51,64% of the votes, a very small difference from the 48,36% of the votes that went to Aécio Neves (PSDB). It was the most disputed election in Brazil after the dictatorship.

In order to win, Dilma and the labour party (PT) made a coalition with PMDB (traditional oligarchical party), launching Michel Temer as a vice-president candidate, a partnership that infuriated many of the previous supporters of PT and that would seal the future of her mandate. In a context of such fierce dispute, the presidential race was filled with politically empty personal fights between candidates and a series of juridical complains on the Electoral Superior Court about misuses of Facebook and online advertising by political coalitions⁵. By the beginning of the pre-elections period of 2014, the Electoral Supreme Court (TSE) had voted and announced that it would have minimum interference on Facebook and that the usage of the platform before electoral campaigns

⁴ Bringel, B. *2013-2016: polarization and protests in Brazil*. Available at: <https://www.opendemocracy.net/democraciaabierta/breno-bringel/2013-2016-polarization-and-protests-in-brazil>

⁵ The representations presented at the Electoral Superior Court were regarding a series of problems such as: (a) [advance advertisement](#) - Rp 12304; (b) [Advertisement in improper environment](#) - Rp 84.890 and (c) [Use of fake profiles](#).

was not considered illegitimate. It was however stressed that candidates and political parties were not allowed to promote sponsored posts or disrespect the honor of other candidates.⁶ Nevertheless, Aécio Neves and his political coalition had to respond for promoted posts in favor of the candidate under the page "Já tirou voto da Dilma hoje?"⁷. While both the candidate and the parties were absolved, the administrator of the page, which was removed by Facebook, had to pay a fine.⁸ Aécio's coalition also complained about a virtual chat held by candidate Dilma on social media at the presidential palace. The accusation was ruled unfounded.⁹ TSE had also ruled to take down a Facebook page containing slander and defamation against Dilma.¹⁰

In 2015, after losing the runoff for presidential elections, Aécio Neves was accused of corruption in the investigations of Operation Car Wash. As Senator, he had his position suspended by the Supreme Court in 2017, but the Senate overruled that judgement and reinstated him in the position. Now, in 2018, he is currently defendant of eight investigations in the Supreme Court under accusations of corruption and obstruction of justice and might run for Senate again. Most of the accusations came from a testimony of one of the owners of JBS, one of the largest meat processing companies in the world. Among other things, he accused Aécio of bribing him to block investigation at Operação Car Wash and receiving other political favors.

For Dilma, the re-election could be seen by the government as an opportunity to reconcile the country after the social unrest portrayed by the protests of 2013. However, from the very beginning of her second term, the President faced strong opposition at the National Congress. During and especially after the Presidential race, the legislative could be roughly divided in two groups:

- (a) the progressive one, with supporters of values such as justice and equality, and also with a few supporters of the Workers Party; and
- (b) the reactionary one, against the Workers party and Dilma and more leaning towards authoritarianism, favoring class-privilege and private property.

The political polarization was intensified in social media. The logics of these platforms, particularly Facebook and WhatsApp, allowed Brazilians to enclose themselves in their filter bubbles of people with similar political orientation. In these groups, replication of content without any fact checking became common practice. This trend amplifies even more the polarization and jeopardizes democratic debate.

⁶ Tribunal Superior Eleitoral. *Interferência da Justiça Eleitoral no Facebook deve ser mínima, decide TSE*. Available at:

<http://www.tse.jus.br/imprensa/noticias-tse/2014/Agosto/interferencia-da-justica-eleitoral-no-facebook-deve-ser-minima-decide-tse>

⁷ Tribunal Superior Eleitoral. *Propaganda paga no Facebook a favor de Aécio deve ser retirada*. Available at: <http://www.tse.jus.br/imprensa/noticias-tse/2014/Agosto/propaganda-paga-no-facebook-a-favor-de-aecio-dev-e-ser-retirada>

⁸ Tribunal Superior Eleitoral. *TSE multa responsável por propaganda eleitoral paga no facebook*. Available at:

<http://www.tse.jus.br/imprensa/noticias-tse/2014/Outubro/tse-multa-responsavel-por-propaganda-eleitoral-paga-no-facebook>

⁹ Consultor Jurídico. *TSE rejeita representação contra bate-papo de Dilma pelo Facebook*. Available at: <https://www.conjur.com.br/2014-set-05/tse-rejeita-representacao-bate-papo-dilma-facebook>

¹⁰ Folha de São Paulo. *TSE obriga Facebook a retirar do ar uma página crítica a Dilma*. Available at: <http://www1.folha.uol.com.br/poder/2014/10/1538293-tse-obriga-facebook-a-tirar-do-ar-uma-pagina-critica-a-dilma.shtml>

In December 2015, Eduardo Cunha (PMDB), conservative parliamentary by the time president of the Chamber of Deputies, accepted a petition for impeachment of president Dilma. The document accused the president of administrative misconduct and of suspicious involvement in the corruption scandals from Petrobrás (the Brazilian National Oil Company) – which was being investigated by Operation Car Wash, conducted by the Federal Police. The petition also mentioned the controversial acquisition of the Texas based Pasadena Refining System by Petrobrás in 2012. This particular allegation was soon dismissed by the Supreme Court,¹¹ under a ruling of Justice Teori Zavascki, who was in charge of the trials from Operation Car Wash. Teori mysteriously died in an air disaster in 2017.

In april 2016, the Chamber of Deputies decided in favour of the Impeachment. In May, the Senate approved the instalment of the impeachment procedure. Dilma Rousseff was then temporary set aside of the presidency until the end of the procedure, and Michel Temer, the vice-president, assumed. After months of political demonstrations all across the country both in favour and against her, in August 2016, the process was concluded with the Senate, under the presidency of Renan Calheiros (PMDB), voting in favor of the impeachment. Later in 2016, Eduardo Cunha had his mandate cancelled and was arrested under accusations of corruption and money laundering also due to investigations of Operation Car Wash. Also in December 2016, Renan Calheiros had his position as president of the Senate revoked by an injunction of the Supreme Court for being a defendant on accusations of corruption., Plenary vote later on decided he could be back to presidency of the house but, because of being a defendant, could not be in the presidential succession line. Besides being impeached, Dilma was never criminally charged from any accusation.

Finally, another significant political turmoil that would affect the upcoming elections and that also fostered extreme polarization and disruptive fights in whatsapp family groups was the imprisonment of former president and presidential candidate Luís Inácio Lula da Silva (PT). Also accused under Car Wash investigations, the historical political leader was arrested after a controversial voting from the Supreme Court about the need for imprisonment after being convicted on corruption charges in first instance, with right to appeal. Lula was far on top of the pool for presidential candidates even in his first days in prison. By the time, next in the pools was the ultra-right conservative and former military candidate, Jair Bolsonaro (PSC), who emerged in the elections of 2014 as the most voted depute from the city of Rio de Janeiro.

By June, 2018, several marketing researchers pointed out that Jair Bolsonaro was the candidate with highest influence in social networks. The candidate had over 10 millions followers on Facebook, Twitter and Instagram together, considering both number of followers and interactions.¹² Reportedly having no marketer, by the time he said to bet on whatsapp groups and pages of

¹¹ Richter, A. *Supreme Court dismisses allegations implicating Rousseff over Pasadena deal*. Available at: <http://agenciabrasil.ebc.com.br/en/politica/noticia/2016-05/supreme-court-dismisses-allegations-implicating-rousseff-over-pasadena-deal>

¹² Tavares, J. *Bolsonaro lidera influência nas redes sociais, aponta pesquisa*. Available at: <http://www1.folha.uol.com.br/poder/2017/11/1938138-bolsonaro-lidera-influencia-nas-redes-sociais-aponta-pesquisa.shtml>

extremist right wing supporters in social networks.¹³ In that way, his reach and influence was likely to increase¹⁴ with the the national strike of truckers blocking the roads across the country to demand a decrease in the price of the diesel. Even though truckers received major support from both left and right wing portions of the population, which were in complete consensual opposition to the government of president Temer, their grounds are completely different. Part of the conservatives, and of the truckers themselves, request military intervention¹⁵ and a renounce from the president, while also expressing support for Bolsonaro through signs of support on the trucks and both social media and whatsapp channels. Since then, the reformed military have raised media attention with several episode of hate speech directed to women, as well as racist and LGBTQphobic declarations. Facing trial before the Supreme Court for accusations about inciting rape. He had already praised as hero a coronel known for conducting torture during the dictatorship period in the country and have an explicit discourse against protection of human rights and looser gun laws. Among other tactics still unclear, but also following this strategy of promoting hate in his discourses, he was progressively raising more followers in social media, including Whatsapp groups, and increasing the number of potential voters in the electoral pools.

In early September, Lula's candidacy was rejected by TSE. On the 6th, Bolsonaro was stabbed during a campaign event in the State of Minas. A few days later, on the 11th, Fernando Haddad was formally announced to replace Lula as the Workers Party presidential candidate. Since then, Bolsonaro has been consolidating his position as front-runner candidate in all possible scenarios.

Although hospitalized and not attending presidential debates, the stabbing episode gave the candidate a lot of media attention. Noticeable through hate speech, incitement of violence and misinformation campaigns (which curiously named as "fake news" even extensively fact-checked articles), his popularity progressively increased. In late September, far-right evangelical billionaire, Edir Macedo, owner of several media outlets, including second largest TV channel (Record), declared support¹⁶ to Bolsonaro. As a result, Bolsonaro ended up winning the first turn with 46,03%, while Haddad had 29,28% of the votes. His ultra-right party (PSL) also substantially increased the number of seats in the Congress, from 3 to 52 deputies, a very worrisome trend to those committed to enforcement of human rights and progressive agendas.

According to the platform tretaqui.org,¹⁷ which compiles denounces of hate speech by candidates, Bolsonaro, his sons who are also candidates and this vice-candidate, General Mourão, were the responsables for almost all of the more than 500 denounces registered in the platform until early October. In parallel, reports political violence associated to the followers of Bolsonaro, which range

¹³ Dal Piva, J. Et al. *Bolsonaro aposta nas redes sociais para estruturar campanha*. Available at: <https://oglobo.globo.com/brasil/bolsonaro-aposta-nas-redes-sociais-para-estruturar-campanha-22592586>

¹⁴ Nogueira, K. *Bolsonaro é o grande beneficiário do caos da greve dos caminhoneiros*. Available at: <https://www.diariodocentrodomundo.com.br/bolsonaro-e-o-grande-beneficiario-do-caos-da-greve-dos-caminhoneiros-por-kiko-nogueira/>

¹⁵ Pereira, R. *No Whatsapp a força de líderes individuais entre os caminhoneiros*. Available at: <https://economia.estadao.com.br/noticias/geral/em-grupos-do-whatsapp-caminhoneiros-pedem-intervencao-militar.70002327732>

¹⁶

<https://theintercept.com/2018/10/20/in-bolsonaros-new-brazil-far-right-evangelical-billionaire-edir-macedos-media-empire-is-being-exploited-to-investigate-journalists-including-the-intercept/>

¹⁷ <https://www.tretaqui.org/>

from carving suásticas in victims bodies to rape and collective beating of supporters of #EleNão (#NotHim), have also increased after the second turn, being documented by several initiatives.¹⁸

While hate and misinformation continued as visible strategies for political visibility of the far-right candidate, in October, 18th, newspaper Folha de São Paulo published a news piece¹⁹ pointing out that businessmen were investing in political campaign against PT, without declaring it, in clear violation of electoral law, that forbids corporate donations. The contracts, reportedly for an average of more than US\$3,5 million, were for mass distribution hundred thousand of messages against Haddad and PT through whatsapp. Bolsonaro's campaign has reported only around US\$34.000 as expenditure in digital medias for a contact AM4 Brasil Inteligência. The article was issued a few days after the campaign of Haddad flagged Bolsonaro's son Instagram post from August picturing a photo²⁰ with Trump strategist Steve Bannon.

In case Bolsonaro gets implicated in the investigation, he can become ineligible. Due to this possibility, the president of that court have been threatened²¹, with mentions about the truckers striking again and questioning the legitimacy of electronic ballots. The General Attorney of the Republic (PGR) have also opened an investigation on the matter focused on the campaign of both candidates. Right after, TSE organized a press conference in which, among complaints of the lack of action regarding violence, fake news add the denounce of illegal marketing strategies, the main goal was to state that the institutions of the Republic were working as appropriate.

Legal Scenario for Internet and Elections

I. Internet related Bills

1) Marco Civil

The country has been known as progressive when it comes to Internet policies, particularly as an early advocate for the multistakeholder model for Internet governance, with the establishment of the Brazilian Internet Steering Committee –ut also for implementing a successful example of crowdsourcing in the legislative process to draft and approve Marco Civil, the Brazilian Civil Rights Framework for the Internet, which establishes principles, guarantees, rights and duties for the use of the Internet in Brazil.

¹⁸

<https://www.cartacapital.com.br/politica/episodios-de-violencia-por-motivacoes-politicas-crescem-pos-primeiro-turno>

¹⁹

<https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml>

²⁰

<https://www.theguardian.com/world/2018/oct/17/rivals-advert-points-up-jair-bolsonaros-links-with-steve-bannon>

²¹

<https://www.revistaforum.com.br/presidente-do-tse-rosa-weber-recebe-ameaca-de-bolsonarista-com-criticas-ao-processo-eleitoral/>

Marco Civil started to be drafted back in 2009 and, after several public consultations, it was approved in 2014. It had a little push from the aftermath of Snowden revelations, which had shown evidences of interception of communications from president Dilma and also Petrobrás by the US government. It is known as the Constitution of the Internet and represents the first step towards ensuring privacy, human rights and citizenship in digital media. Apart from that, the legal text sets obligations for the commercial and governmental exploitation of this large network: it sets rules for content removal by Internet applications; introduces the subject of Net Neutrality, later regulated by its specific decree; and addresses the storage of connection logs as it also states mandatory data retention for both connection providers and internet service commercial providers.

Nevertheless, since the beginning of the political crisis, including the protests of 2013, the elections of 2014 and the resulting conservative setup of the legislative, several draft bills have been proposed to either change the status of protections from Marco Civil or compromise several human rights in the digital environments. According to Radar Legislativo²², a transparency tool that maps draft bills on digital rights proposed by the National Congress, by June 2018 there were 407 bills access related to privacy, freedom of expression, gender, innovation and consumer rights in the digital helm being discussed. The efforts to follow up all the proposals and to ensure a human rights agenda became so massive that a group of Brazilian civil society organizations has launched the collective effort of Coalizão Direitos na Rede, today composed by 29 Brazilian organizations.²³

2) The State of Data Protection in Brazil: Legal Framework

When it comes to the protection of individuals data, it is important to emphasize that Brazil enacted its first comprehensive General Data Protection Law in August, 2018. . Until that date the legal landscape of data protection in Brazil was composed by Constitutional provisions and some other thematic laws that in which more provisions are segmented. Also, Data protection and Privacy can enhance the user's trust with regards to new technologies as the protection of these rights tend to sort the unbalance between consumers and the companies who process their data.

The **Brazilian Federal Constitution** states the following:

Article 5. All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms:

(...)

X - the privacy, private life, honour and image of persons are inviolable, and the right to compensation for property or moral damages resulting from their violation is ensured;

(...)

XII - the secrecy of correspondence and of telegraphic, data and telephone communications is inviolable, except, in the latter case, by court order, in the cases and in the manner prescribed by law for the purposes of criminal investigation or criminal procedural finding of facts;

²² Radar Legislativo webpage: <https://radarlegislativo.org>

²³ Coalizão Direitos na Rede webpage: <https://direitosnarede.org.br/>

According to the Constitution text, the protection of privacy and private life is a fundamental Human Right (art. 5, X) extendable to all individuals who reside in the country and the secrecy of data is inviolable except for purposes of criminal investigations or judicial orders. The provision present on art. 5, x - with regards to the right to privacy - being the more general one and not exclusively restricted to secrecy of communications is the language that would enable the protection of data found outside the communications remit²⁴ according to the Supreme Court's interpretation.

Moving on to the thematic laws which contain provisions with regards to the protection of Health, Financial, Telecommunications and Consumer data. In a study²⁵ dated from 2016, a research center from São Paulo called *InternetLab* mapped the Brazilian legal framework regarding data protection which resulted on the listing of eight laws²⁶, other than the Constitution itself, that regulates the subject.

Starting with the **Consumer Protection Code**, Law no. 8078 of 1990, the article 43²⁷ states that the consumer must have access to all *existing information on entries, registry, records and personal data and consumers data about him/her*. The code also orders that no registration, opening or filing of records with personal data can be done without the consumer's information in case the act was not previously requested by him and that individuals can also request to correct information existent in consumer databases at any time.

The Civil Rights Framework for the Internet, known as the Marco Civil da Internet, also contains some of the most progressive provisions on privacy and data protection with the *protection of privacy* and *protection of personal data* taken as guiding principles for the discipline of internet use in Brazil (art. 3)²⁸.

²⁴ Superior Tribunal de Justiça. Mandado de Segurança no. 24.817/DF.

Available at: <http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=AC&docID=605418>

²⁵ Abreu, J; Nakagawa, F.; Ruiz, J. *Data Protection in Brazil: Review of the Legal Background*. InternetLab. Available at:

<http://www.internetlab.org.br/wp-content/uploads/2017/03/Data-Protection-in-Brazil-InternetLab.pdf>

²⁶ General Telecommunications Law (Law no. 9,472 of 1997), Marco Civil da Internet (Law no. 12,965 of 2014), Interception Law (Law no. 9,296 of 1996), Criminal Organizations Law (Law no. 12,850 of 2013), Brazilian Penal Code (Decree Law 2848 of 1940), Consumer Protection Code (Law 8,078 of 1990), Bank Secrecy Act (Complementary Law no. 105 of 2001) and the Financial Records Act (Lei do Cadastro Positivo - Law no. 12,414 of 2011).

²⁷ Art. 43. The consumer, without prejudice to art. 86, will have access to existing information on entries, registry, records and personal data and consumers' data about him/her, as well as their sources.

§ 1. The registries and consumer data should be objective, clear, truthful and easy to understand and can not contain negative information for a period exceeding five years.

§ 2. The act of registering, opening a record or filing records with personal data should be communicated in writing to the consumer, if such act was not previously requested by him.

§ 3. The consumer, wherever you find inaccuracies in your data and entries, may require immediate correction, and the person responsible for the archive must report the change to the ones who received/had the wrong information within five working days.

§ 4 The databases and registries relating to consumers, credit protection services and similar entities are considered public character entities.

§ 5. After the prescription period related to possibility of collection the consumer' debt, any information that could prevent or hinder access to new credit will not be provided by the Credit Protection Systems.

§ 6. All the information referred in the heading of this article shall be made available in accessible formats, including for the disabled by request.

²⁸ Art. 3o The discipline of internet use in Brazil has the following principles:

Rights such as (a) expressed consent, (b) clear and complete information on the collection, use, storage, processing of data; (c) non-disclosure to third-parties and (d) definitive elimination at the request of owners by the end of relationship between the parties must also be guaranteed to users when in the access to the Internet.

Unlike most of the countries in the region, Brazil doesn't have a comprehensive Law on data protection²⁹. There are a few draft Bills being analyzed at the National Congress, in different stages of tramitation, the two most important being Draft Bill n. 5276/2016³⁰ and Senate Draft Bill n. 330/2013³¹. While the Constitution guarantees the right to privacy, legal protection of specific kinds of datasets is segmented in thematic legislation such as financial, health, consumer rights, etc. Particularly on the collection of data through internet services, some core principles are set at Marco Civil da Internet, on its article 7:

Art. 7º The access to the internet is essential to the exercise of citizenship, and the following rights are guaranteed to the users:

I – inviolability of intimacy and private life, safeguarded the right for protection and compensation for material or moral damages resulting from their breach;

II – inviolability and secrecy of the flow of users's communications through the Internet, except by court order, as provided by law;

III – inviolability and secrecy of user's stored private communications, except upon a court order;

(...)

VI – clear and full information entailed in the agreements of services, setting forth the details concerning the protection to connection records and records of access to internet applications, as well as on traffic management practices that may affect the quality of the service provided;

VII – non-disclosure to third parties of users' personal data, including connection records and records of access to internet applications, unless with express, free and informed consent or in accordance with the cases provided by law;

VIII – clear and complete information on the collection, use, storage, processing and protection of users' personal data, which may only be used for the purposes of justifies its collection;

b) are not prohibited by law; and

c) are specified in the agreements of services or in the terms of use of the internet application.

(...)

II - protection of privacy;

III - protection of personal data, pursuant to law;

²⁹ Until the date in which this present work was concluded Brazil did not have a comprehensive Data Protection Law. Law n. 13.709/2018 was sanctioned in august 14th, 2018 and can be found here: http://www.planalto.gov.br/CCIVil_03/_Ato2015-2018/2018/Lei/L13709.htm

³⁰ Draft Bill no. 5276 of 2016. Available at:

<http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=2084378>

³¹ Draft Bill no. 330 of 2013. Available at:

<https://www25.senado.leg.br/web/atividade/materias/-/materia/113947>

IX – the expressed consent for the collection, use, storage and processing of personal data, which shall be specified in a separate contractual clause;
X – the definitive elimination of the personal data provided to a certain internet application, at the request of the users, at the end of the relationship between the parties, except in the cases of mandatory log retention, as set forth in this Law;
(...) ³²

The law also has provisions that refer to the consumer law obligation of information by stating that all information provided in terms of use or any other Internet service provider agreements applicable to personal data must be clear and comprehensive (art.7, VI)³³, reinstates that personal data, including connection logs and access to Internet applications records will not be shared with third parties, except upon the users free and express consent (art. 7, VII)³⁴ and reinforces the importance of clear and complete information on the collection, use, storage, processing and protection of users' personal data to be specified in terms of service of Internet applications (art. 7, VIII)³⁵.

Marco Civil da Internet also states that connection and access to application logs, as well as, personal data and the content of personal communications, retention and sharing must comply with the Constitutional provisions regarding the protection of privacy, private life, honor and image of affected parties.

Art. 10. The retention and the making available of connection logs and access to internet applications logs to which this law refers to, as well as, of personal data and of the content of private communications, must comply with the protection of privacy, of the private life, of the honor and of the image of the parties that are directly or indirectly involved.

§ 1o The provider responsible for the retention of the records as seth for in art. 10o shall only be obliged to provide them, whether separately or associated with personal data or other information that allows the identification of the user or of the terminal, upon a judicial order, as provided in Section IV of this Chapter, in compliance with what is set forth in art. 7o.

³² Civil Rights Framework for the Internet In Brazil, Law n. 12.527/2014.

³³ Art. 7o The access to the internet is essential to the exercise of citizenship, and the following rights are guaranteed to the users:
(...)

VI - clear and full information entailed in the agreements of services, setting forth the details concerning the protection to connection records and records of access to internet applications, as well as on traffic management practices that may affect the quality of the service provided;

³⁴ VII - non-disclosure to third parties of users' personal data, including connection records and records of access to internet applications, unless with express, free and informed consent or in accordance with the cases provided by law;

³⁵ VIII - clear and complete information on the collection, use, storage, processing and protection of users' personal data, which may only be used for the purposes of:

a) justifies its collection;
b) are not prohibited by law; and
c) are specified in the agreements of services or in the terms of use of the internet application.

§ 2o The content of private communications may only be made available by court order, in the cases and in the manner established by law, and in compliance with items II and III of art. 7o.

§ 3o The provision of the caput of art. 10 does not prevent administrative authorities to have access to recorded data that informs personal qualification, affiliation and address, as provided by law.

§ 4o he security and confidentiality measures and procedures shall be informed in a clear manner by the responsible for the provision of the services, and meet the standards set in regulation, in compliance with rights of confidentiality of business secrets.

Access to personal data can be provided to authorities in the form of account information of subscribers of connection providers and users of Internet applications and the same happens for Internet connection and access to application logs, but on the latter the data can only be accessed under the existence of a court order and, therefore proof of usability of the required data for investigations. The law also reinforces the constitutional understanding of communications secrecy by only allowing the possibility of access to the content of communications under a court order.

Additionally to the Marco Civil's provisions, the **Regulatory Decree no. 8,771 of 2016**³⁶ introduces the notion of limitation of data collection in its article 13 when it states that providers (connection and application) should retain the smallest possible amount of data and requiring that companies must delete the collected information once the deadline for retainment based on a legal obligation expires or when the reason that motivated the collection is achieved.

Art. 13. The connection and application providers should, in the custody, storage and processing of personal data and private communications, observe the following guidelines on safety standards: (...)

§ 2. Considering the provisions of subsections VII to X of the caput of art. 7 of Law no. 12,965 of 2014, applications and connection providers should retain the smallest possible amount of personal data, private communications and connection records and access to applications, which shall be deleted:

I - as soon reached the end of its use; or

II - the deadline referred by a legal obligation expires.

Within the scope of electoral register and voters information it is important to emphasize that a **resolution issued by the Electoral Superior Court in 2003**³⁷ forbids the sharing of personal data (address, date of birth, marital status, profession, affiliation, etc). By extending the constitutional provisions of privacy and secrecy to data related to voters, the resolution states that all information contained in the electoral register can only be accessed by the owners of the data, legal authorities

³⁶ Civil Rights Framework for the Internet regulatory Decree, issued in 2016. Available at: http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/decreto/D8771.htm

³⁷ Tribunal Superior Eleitoral. Resolution no. 21.538 of 2003, articles 29 to 32. Available at: <http://www.tse.jus.br/legislacao/codigo-eleitoral/normas-editadas-pelo-tse/resolucao-nb0-21.538-de-14-de-outubro-de-2003-brasil-2013-df>

with a court order or public organizations that hold a Cooperation Agreement with the Superior Electoral Court under a non-disclosure term.

In 2013, the Brazilian Electoral Supreme Court signed a Technical Cooperation Agreement with Serasa Experian³⁸ which would provide access to 141 million voters data (voter name, Electoral registry number, electoral situation, date of birth, validation of the Mother's name and other required information) to the company in exchange of digital certification for the Electoral Court. The required data would allegedly allow Serasa Experian to enhance its databases for individual's credit scoring analysis and could only be viewed by the company on a secure platform, but on the same year the agreement was cancelled due to the fact that the requested data is private to its owners and protected by the Constitution and the above mentioned electoral regulation.

Still on the voters data subject, another Superior Electoral Court resolution worth mentioning is the one that instituted the collection of Biometric information as a requirement for voters identification, **Resolution no. 23.335 of 2011**³⁹. Ever since 2013 the Electoral Court has been collecting biometric as a means to prevent fraud in elections, avoid duplications in the electoral register and, therefore, increase safety in the brazilian electoral system. Voters were called to participate in mandatory biometric re-registration, which consists of a review of voters' information through the update of their records at the Electoral Court System and direct capturing of voters' fingerprints and facial pictures⁴⁰. On the use of Biometric information, its important to note that the Superior Electoral Court is yet to finish the registration of all voters fingerprints by the year of 2020.

In light of the Superior Electoral Court Biometric database, the **National Civil Identification Law**⁴¹ was created may 2017. According to the Law, TSE is responsible for storing and managing the ICN information originated in two databases: (a) National Civil Registry Information System and (b) Electoral Court biometric data. The Court will have to provide the executive and legislative branches access to all ICN data base's information that does not relate to electoral data. At the very beginning, the National Identification Document will consist on a digital document made available by a free app that can be downloaded only once and exclusively habilitated in one device for security purposes. The document will gather the Social Security Number and the voter's title apart from only being made available for those who did the biometric register at the Electoral Justice.

We believe that Governments should be able to protect individuals instead of allowing the private sector claim the importance of data ownership. Hence, despite all the above mentioned legal

³⁸ Folha de São Paulo. *Justiça eleitoral repassa dados de 141 milhões de brasileiros para a Serasa*.

Available at:

<http://politica.estadao.com.br/noticias/geral,justica-eleitoral-repassa-dados-de-141-milhoes-de-brasileiros-para-a-serasa,1061255>

³⁹ Tribunal Superior Eleitoral. Resolution no. 23.335 of 2011. Available at:

<http://www.tse.jus.br/legislacao/codigo-eleitoral/normas-editadas-pelo-tse/resolucao-no-23-335-de-22-de-fev-ereiro-de-2011-brasilia-df>

⁴⁰ Tribunal Superior Eleitoral. *Biometric identification of voters is legally accepted*. Available at:

<http://english.tse.jus.br/noticias-tse-en/2014/Fevereiro/biometric-identification-of-voters-is-legally-accepted>

⁴¹ Law no. 13.444, of 2017. Available at:

http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13444.htm

provisions, approving a comprehensive Data Protection law⁴² is key to deliver end-users with rights and safeguards on the processing of all personal data, regardless of the ownership of it⁴³ - and no sector should be found above data protection laws.

II. Electoral Reform: end of private funding to political campaigns, electronic vote receipt impression and the regulation of sponsored electoral posts on social media

By the end of 2017, Congress approved Act n. 13.488⁴⁴, also known as the Electoral Reform. The legal text promotes amendments to the Electoral Code and Elections Act and repeals provisions of the 2015's Mini-Electoral reform.

Approved just in time for the upcoming 2018 General Elections, the reform promotes a series of changes. We highlight the following changes that are related to the usages of digital technologies:

1) Campaign funding

In 2015, the Federal Supreme Court (STF) declared the unconstitutionality of corporations donations to the electoral campaigns. Therefore the upcoming General Elections will be the first year in which is forbidden for presidential campaign to receive any sort of financial support from private companies. The rule was previously applied in 2016 during the Mayors and City Council elections - when the Supreme Electoral Tribunal debuted its decision to reduce campaign time from 90 to 45 days. Donations from individuals were also limited to 10% of the donor's income in the previous year.

Also considering this scenario, it is also important to note that (a) 2018 Elections will be the first dispute with a "Special Fund for Campaign Financing", a public funding resource to political campaigns to be divided between parties according to the rules; and (b) Parties advertisement time on television and radio, by adding a barrier clause for parties that fail to meet the minimum requirements (eg. 1,5% of votes or electing representatives in at least nine states);

New rules for political advertising were also established by the electoral reform, until last December no political advertising online was allowed, but the new law amended the Elections Act in order to

⁴² Until the date in which this present work was concluded Brazil did not have a comprehensive Data Protection Law. Law n. 13.709/2018 was sanctioned in august 14th, 2018 and can be found here: http://www.planalto.gov.br/CCIVil_03/_Ato2015-2018/2018/Lei/L13709.htm

⁴³ Privacy International. *Move swiftly so they stop breaking things! Seven things policy-makers can do about the Cambridge Analytica and Facebook Scandal*. Available at: <https://privacyinternational.org/feature/1697/move-swiftly-so-they-stop-breaking-things-seven-things-policy-makers-can-do-about>

⁴⁴ Law number 13.488/2017. Available at: http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2017/Lei/L13488.htm#art1

exceptuate sponsored content unequivocally identified as such and contracted exclusively by parties, coalitions and candidates and their representatives⁴⁵.

The December 2017 act made possible that political parties, candidates and coalitions not only advertise on blogs, instant messaging websites and similar Internet applications, but also sponsor electoral content boosting or as we know it, sponsored ads. By stating clearly who can sponsor a specific content and by forbidding campaigns from sponsoring ads about candidates other than their own, the law attempts to avoid sponsored posts from fake profiles or unrelated individuals. Thereby, it aims to set a more fair online environment between candidates, especially considering the disputes between the 2 main coalitions with regards to political advertising during the 2014 elections.

According to the law, it is within the Supreme Electoral Court remit to regulate the subject and therefore, the Court elaborated the Resolution n. 23.551, from december 18th, 2017, on electoral propaganda, use and generation of free television advertising time and illicit conducts in election campaign. The resolution reaffirms the electoral reform terms on the importance of freedom of expression and manifestation of thought of identified voters by acknowledging that free speech could only be limited when it represents an offense to other people's honor or with regards to the disclosure of facts unknown to be true⁴⁶.

2) Political advertising and new rules for sponsored electoral content in social media.

Brazilians are estimated to spend over nine daily hours on the Internet of which three are dedicated exclusively to social media.⁴⁷ Brazil is the fourth country in absolute number of Internet users with over 130 million users,⁴⁸ behind the United States, India and China.⁴⁹ According to the 2018's edition of the Global Digital Report, Brazil is the third country among the ones with the largest number of active Facebook users (130 million)⁵⁰ and the second one regarding active Instagram users (50 million). The amount of Whatsapp users in Brazil is similar to Facebook, reaching around 120 million users.⁵¹ Until the Electoral Reform, the political implications for these numbers in elections would be limited.

⁴⁵ Article 57-C of the Elections Act, added by the 2017 electoral reform.

⁴⁶ According to article 57-D of the Elections Act, the free expression of thought is ensured to all brazilian citizens once the voter is identifiable or identified, both the Constitution and the Electoral reform forbid anonymity whether its on the Internet or other means of interpersonal communications by electronic messages.

⁴⁷ Kemp, S. *DIGITAL IN 2018: WORLD'S INTERNET USERS PASS THE 4 BILLION MARK*. Available at: <https://wearesocial.com/blog/2018/01/global-digital-report-2018>

⁴⁸ International Telecommunication Union, Percentage of Individuals Using the Internet, 2000-2016, Available at: <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

⁴⁹ UNCTAD. *IER - Digital Opportunities In Latin America And The Caribbean Can Be Further Harnessed, Says UNCTAD*. Available at: <http://unctad.org/en/pages/PressRelease.aspx?OriginalVersionID=432>

⁵⁰ We Are Social and Hootsuite. Digital in 2018. Available at:

<https://wearesocial.com/blog/2018/01/global-digital-report-2018>

⁵¹ Estadão. WhatsApp chega a 120 milhões de usuários no Brasil. Available at:

<https://link.estadao.com.br/noticias/empresas,whatsapp-chega-a-120-milhoes-de-usuarios-no-brasil,70001817647>

For far, electoral advertising on Radio and TV has played an important role in the communication between the candidate and its prospective voters. Previously, all candidates and parties had the 45 days that preceded the elections to vehicle electoral advertising content on Radio and Television – a period that has been recently reduced to 35 days by the new law⁵². The distribution of time between the parties and candidates is done accordingly to the Elections Act: 90% distributed to the proportion of the number of representatives in the Chamber of Deputies⁵³. The other 10% should be distributed equally between the smaller parties.

But in the 2018 elections, for the first time, content produced by candidates and their parties can be boosted in the social networks that offer the service, including the prioritization of material on search engines. With sponsored content being premiered in these upcoming elections this is perhaps the biggest push for the use of data in this election. The innovation might set a new paradigm for electoral campaigning in the country, where once people watched and draw conclusions on the same issue presented by the websites and television propaganda the introduction of content promotion in social networks, ad-targeting practices and the use of personal data for enhancing and directing propaganda online may cause voters to become more subject to public segmentation and have less access to information⁵⁴.

Recently, in light of the proximity to the electoral period (starting on August 16th), Brazilian Supreme Electoral Court issued a Primer called *Electoral Advertisement on the Internet*⁵⁵, which contains guidelines for political advertisement introduced by the Electoral Reform, including what is allowed and what is not as highlighted below:

Allowed	Not allowed
<ul style="list-style-type: none"> - Online Platforms; - Candidate, Political Party or Coalition <i>hotsite</i> hosted in address previously informed to the Electoral Justice; - Electronic messages to voters, granted the voter the right to opt-out from the mailing-list/ to stop receiving messages from a determinate Candidate, Political Party or Coalition (in 48 	<ul style="list-style-type: none"> - Electoral advertisement in legal entities websites; - Electoral advertisement Official/Governmental websites or the ones hosted by public administration bodies; - Advertising through telemarketing, at any time; - Unfair attribution of electoral advertising

⁵² Oliveira, L. Candidatos terão menos tempo para fazer propaganda em rádio e TV. Available at: <http://m.diarioonline.com.br/noticias/brasil/noticia-501344-candidatos-terao-menos-tempo-para-fazer-propaganda-em-radio-e-tv.html>

⁵³ Tribunal Superior Eleitoral. Eleições 2016: propaganda eleitoral no rádio e na TV terá duração de 35 dias. Available at: <http://www.tse.jus.br/imprensa/noticias-tse/2016/Junho/eleicoes-2016-propaganda-eleitoral-no-radio-e-na-tv-tera-duracao-de-35-dias>

⁵⁴ Empresa Brasileira de Telecomunicações. *Tecnologia muda estratégia de comunicação em campanhas eleitorais*. Available at: <http://agenciabrasil.ebc.com.br/geral/noticia/2017-12/tecnologia-muda-estrategia-de-comunicacao-em-campanhas-eleitorais>

⁵⁵ Tribunal Superior Eleitoral. *Propaganda Eleitoral na Internet*. Available at: <https://pt.slideshare.net/tsejusbr/propaganda-eleitoral-na-internet-101922990>

<p>hours max);</p> <ul style="list-style-type: none"> - Blogs, Social Media (profiles, fan pages) and instant messaging websites as long as the content is produced by the Candidate, Political Party or Coalition; and - Electoral content boosting on Social Media Platforms unequivocally identified as such and contracted exclusively by parties, coalitions and candidates and their representatives. 	<p>authorship to other candidates, parties or coalitions;</p> <ul style="list-style-type: none"> - Commercialization of mailing lists of e-mails; - Use of fake profiles and bots for posting or boosting electoral content.
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The 2017 Political Reform Law provisions for online electoral propaganda, article 57-B states that electoral propaganda can be conducted (a) on the candidate's, party or coalition website, provided an electronic address to the Electoral Court and hosted, directly or indirectly, in an Internet service provider established in the country; (b) by means of an electronic message to addresses registered free of charge by the candidate, party or coalition; or (c) through blogs, social networks, instant messaging sites and similar Internet applications whose content is generated or edited by candidates, parties or coalitions or any natural person provided that no content boosting service was hired.

With the advent of the Political Reform, the 2018 elections are the first in Brazilian history in which candidates, political parties and coalitions will be able to hire electoral content in platforms. Article 57-C of the law states that all sorts of electoral propaganda is forbidden with the exception of hired boosting of content on social media unequivocally identified as such and contracted exclusively by parties, coalitions and candidates and their representatives⁵⁶, including keywords in search engines. According to the new regulation, the advertisement of political propaganda (ads) remains restricted to the sites of candidates, parties and coalitions, and cannot be featured in websites that belongs to individuals or private companies; apart from that the costs with online advertising have to be publicized from now on, as campaigns have to disclose which platforms received financial resources for content boosting and the amount deployed at the mandatory Campaign accountability report to be delivered to the Electoral Justice.

The roles of data brokers and how the big data market feeds into this new scenario in political advertising in the country is something that will be addressed later at this present paper.

III. Fake News: government initiatives to repel misinformation and Bills

1) Governmental Initiatives

⁵⁶ Art. 57-C. *The use any type of electoral paid advertisement on the Internet is forbidden, except for boosting of content, unequivocally identified as such and contracted exclusively by parties, coalitions and candidates and their representatives.*

Attempts to excerpt provisions for immediate content removal due to libel and defamation were heavily criticized and, after pressure from civil society, were all vetoed by the Brazilian President on the Political Reform text. While the Marco Civil da Internet only allows content to be removed from platforms after a court order to prevent the intermediaries from making a priori content regulation and to grant due process, the excerpt withdrawn proposed that contents unpleasant to any politicians should be immediately removed - without previously noticing the author - while the analysis would only be done after the removal of the signalized post.

Concerned about possible implications of misinformation campaigns in the upcoming general elections, TSE and the Brazilian Federal Police have organized different task-forces in order to identify tactics used by groups that have been active in spreading fake news in the past, assessing under which current laws they could most effectively be charged and considering whether or not there should be a legislation exclusively dedicated to fighting fake news or misinformation both in the general and in the electoral context. Little has been said about targeted ads.

The general understanding in Brazilian authorities was that more specific frameworks for Internet and Elections were needed in order to properly address eventual interferences or misconducts practiced by candidates and citizens during the electoral period. Due to that, by the end of 2017 the electoral court implemented a consulting board on Internet and Elections. The body is formed by representatives of the Electoral Justice, Federal Government, Brazilian Army, Federal Police, Electoral Public Ministry, Brazilian Intelligence Agency (ABIN), Brazilian Internet Steering Committee, besides academics and few representatives of civil society.

As an outcome of the consulting board's activities, the Supreme Electoral Court has decided to work with the Electoral Prosecutor's Office in order to establish a mechanism called Electoral Preparatory Procedure⁵⁷ between both bodies, some academic institutions and leading companies in the political advertising segment that would allow further investigations on abusive practices that would eventually inflict on restraining freedom of information and influencing electorates selection of candidates in this year's elections. **Nevertheless, the body ended up never convening, until the recent accusations from Folha's article about mass distribution of whatsapp messages against PT.**

Past the Cambridge Analytica scandal and the political interference performed by IRA in the US 2016 elections, a considerable amount of Facebook's official statements mention the company's focus on preventing the same from happening in the upcoming elections of a series of countries such as India and Brazil. In Brazil alone, it is known that around 440.00 users were exposed to the the app utilised by CA to access their data.

Following up on the case, Brazilian Public Attorney office has filed an investigation on Cambridge Analytica and its partner in the country, Ponte CA, to better understand how the group's operations in Brazil and whether or not users were profiled for later utilization of hyper-targeted Political ads.

⁵⁷ Tribunal Superior Eleitoral. *Presidente instaura processo para averiguar uso de notícias falsas na Internet*. Available at: <http://www.tse.jus.br/imprensa/noticias-tse/2018/Marco/presidente-do-tse-instaura-procedimento-para-averiguar-uso-de-noticias-falsas-na-internet>

Cambridge Analytica is also known to be invited to face Brazilian authorities in a hearing dedicated to the matter.

There is still a lot to evolve in terms of the Congress relation with the Internet given that a significant amount of bills proposed every single week are walking in the opposite way of what was granted by Marco Civil da Internet and even aim to amend the mentioned law in order to grant law enforcement agencies more surveillance powers, allow immediate removal of content without a court order or even notifying the author of the content, infringing the privacy of the citizens by storing medical and financial data, mandate the limits to the use of encryption in the Country and many others.

2) Fake News Bills being studied by Brazilian Congress

Particularly in the context of the next 2018 elections, the legislative has been focusing on proposing legislation about fake news. By June, 2018, there were 15 draft bills addressing the topic, twelve exclusively at the House of Representatives and three more on the Senate - and most of them (7) aim on transforming the act of creating or spreading false information a criminal offense. Three of the draft bills aim to amend the Electoral Code or the Elections Act in order to forbid (a) Online political advertisement that showcases untrustworthy facts in relation to parties or candidates and capable of exerting influence before the electorate and the participation in the dissemination of such informations⁵⁸ and (b) sharing facts about political parties, coalitions and candidates that are not true and with the potential of influencing the result of the election or that could result in slander⁵⁹.

One of the proposed bills intends to amend the Marco Civil da Internet, with an especial focus on the article 19 of the law that sets the mechanism for content removal - done exclusively after a court order - to remove immediately any content that is known to be offensive to any politician of public persona. But as mentioned before, the vast majority of the draft bills frame the conduct of *intentionally spreading false information about issues that affect public health, public safety, the economy and the electoral process*. And some bills include the production and distribution of the content defined as fake news as a new crime in the Brazilian Criminal Code and in the Electoral Code , with imprisonment penalty starting with the minimum of 3 years.

It is important to note that a good amount of the proposals set punishments to the creation and distributions of content flagged as fake news are aimed at the end-user and publications with average to low reach and some of the bills even exceptuate the traditional media of the criminalized conduct. Under the excuse of fighting fake news, the Brazilian Congress appears to be more focused on avoiding unwanted political content to be disseminated. The draft bills tend to revolve around Politicians and their political campaigns reputations other than granting fair elections without the continuous distribution of untrustworthy informations.

⁵⁸ Draft Bill n.9.532/2017, initiated by the House of Representatives.

⁵⁹ Draft Bill n. 9626/2018, initiated by the House of Representatives.

Last but not least, it is important to highlight that the proposals seem to be centered on social media platforms, with no specific provisions to instant messaging apps - where the biggest parcel of misinformation campaigns in Brazil take place. All of this is due to the common understanding shared between researchers, journalists and the Brazilian federal police that it is practically impossible to trace the origin of the misinformation shared in WhatsApp⁶⁰.

Data and Elections: Political Campaigns in the Age of Social Media

I. Bots, fake profiles and hate speech in previous political disputes

During the 2014 elections, researchers from Laboratório de Estudo sobre Imagem e Cibecultura (Labic) from the Federal University of Espírito Santo reported in article for Folha de São Paulo the usage of bots at both Facebook and Twitter by the campaign of candidate Aécio Neves (PSDB) during one of the main debates with candidate Dilma.⁶¹ Bots were using the hashtag #SouAecio #Voto45 and #debatenarecord to triplicate mentions of the candidate. Analyzing probably fake profiles which were publishing messages in favor of the candidate, the researchers found out that most of them were connected to the account of Eduardo Trevisan, who, by that time, received around US\$50.000 from the Financial Committee of PSDB and more from the advertisement agency in charge of his campaign. In the same news article that reported about the usage of bots, Trevisan denied that he is managing bots, but that his services for the campaign include monitoring of social networks and sentiment analysis. The campaign from Dilma denounced the practice at the Electoral Public Prosecutor (MPE) against Aécio's coalition. As there was no legislation about bots, the denounce requested a fine under the charges of payed political propaganda in the Internet attributing the practice to third parties⁶².

A few months later, the newspaper Estado de São Paulo also published evidences based on an internal document from the Secretary of Social Communications of the Presidency that reported the usage of bots in both presidential campaigns and even after it by PSDB.⁶³ According to the report, the online operation from opposition groups after the elections costed more than US\$ 3 million from november to march 2015. Their goal was to continue to feed social networks with pro-impeachment content,, with allegations about Lula and Dilma involvement in the Petrobrás corruption scandal and in the Car Wash Operation. It also mentions that beyond bots, opposition

⁶⁰ Kulwin, N. *O WhatsApp está causando um sério problema de fake news no Brasil*. Available at: https://www.vice.com/pt_br/article/xw49vn/whatsapp-fake-news-brasil

⁶¹ Aragão, A. *Análise das redes sociais mostra que perfis falsos influenciaram discussão na web*. Available at: <http://www1.folha.uol.com.br/poder/2014/09/1524593-analise-das-redes-sociais-mostra-que-perfis-falsos-influenciaram-discussao-na-web.shtml>

⁶² Umpierre, F. *Dilma vai a justiça contra robôs de Aécio*. Available at: <http://www.pt.org.br/dilma-vai-a-justica-contr-os-robos-de-aecio/>

⁶³ Hupsel, V. F. *Governo cita uso de robôs nas redes sociais em campanha eleitoral*. Available at: <https://politica.estadao.com.br/noticias/geral,governo-cita-uso-de-robos-nas-redes-sociais-em-campanha-eleitoral,1652771>

was also working very "professionally" on WhatsApp. As a result, Facebook opposition pages such as Revoltados Online had 16 million followers and Vem Pra Rua had 4 million, while pages from Dilma and PT were around only 3 million. The report estimated that in February 2015 opposition content reached 80 million people while content from PT and Presidency had a reach of 22 million. Right after Estadão's article, PSDB had denied the usage of bots.⁶⁴

The study "Robôs, Redes Sociais e Política no Brasil" published in August 2017 by the Diretoria de Análise de Políticas Públicas from Fundação Getúlio Vargas (DAPP/FGV)⁶⁵, analysed what is called a series of cases of illegitimate interferences in the political debate during contemptuous political moments. According to it, bots were used by both left and right wing not only to increase their number of followers, but also to conduct attacks toward opposition, promote hashtags and artificial debates. In this way, messages are created and replicated in a wider scale and "fake news" are disseminated, just as malicious links that steal personal data for creating new fake profiles to increase their bot network. As they point out, all those tactics are not only being able to stifle spontaneous discussions, but also, while concentrated in extreme oppose views in the political spectrum, have been able to promote an artificial radicalization of the debate, therefore, imploding possible bridges for political dialogue, besides inflating relatively small political movements. The study also highlights that while it had flagged bots operating for a particular political field, it does not imply direct responsibility of the political actors for which the bots operating in favor of. They attest that "a wide diversity of interest groups could be using this kind of resource to disseminate information", which includes actors from abroad.

While recognizing the gradual difficulty to differentiate humans from bots, particularly because, over time, bots are becoming more sophisticated and capable of engaging in some level of interaction through natural language processing, the study pointed out the following factors could be studied in combination or not to determine that a profile was a bot:

- a) "behaviour of the profile being studied, such as activity and stand time of interactions;
- b) users characteristics, considering number of friends and proportion of users followed and following;
- c) "friendship" characteristics, analyzing how users were interacting;
- d) network characteristics of the RTs, mentions and hashtags;
- e) temporary characteristics, such as average time between tweets;
- f) content and language characteristics;
- g) sentiment analysis from the post."

Analysing only twitter, after analyzing 2307185 tweets from the 2014 presidential debate of the second term broadcasted by Rede Globo, in October, 24th, the study stated that bots have motivated around 11% of the interactions. Interactions among automated accounts supporting Aécio reached 19,41%, while the interactions of supporters from Dilma were lead in 9,76% by bots

⁶⁴ Hupsel, V. F. *Em nota, PSDB nega uso de robôs nas redes sociais*. Available at:

<https://politica.estadao.com.br/noticias/geral/em-nota-psdb-nega-uso-de-robos-nas-redes-sociais.1652869>

⁶⁵ FGV, DAPP. *Robôs, redes sociais e política no Brasil: estudo sobre interferências ilegítimas no debate público na web, riscos à democracia e processo eleitoral de 2018* / Coordenação Marco Aurélio Ruediger. – Rio de Janeiro : FGV, DAPP, 2017. Available at:

<http://dapp.fgv.br/wp-content/uploads/2017/08/Robos-redes-sociais-politica-fgv-dapp.pdf>

⁶⁶. The study also mapped twitter during the impeachment, and pointed out that out of 826493 tweets from the day of highest manifestation in favor of impeachment, at least 10% of interactions were impulsionated by bots.

In December, 2017, an investigative article from the series Cyborg Democracy⁶⁷, from BBC Brazil, interviewed a 18 year old teenager who worked for US\$400 dollars/month producing posts in his 17 fake Facebook profiles, which he reported were used to influence the presidential debate of 2014. The news platform interviewed four former employees of a marketing company. Called activators, they were hired to activate the persona envisioned for the fake profiles. The company would provide employees with SIM cards to authenticate profiles in social media. Activators would programe posts, respond interactions, comment in news websites, vote in surveys promoted by governamental websites, monitor and interact with political content published by the candidate or party they needed to support and create a "reputation" for the fake profile by adding random profiles from "real" people as friends. These people who eventually ended up helping to build the illusion that the fake profiles were actually people by sending them birthday wishes or compliments to their looks in the profile pictures.⁶⁸ To create empathy, it has even been reported that fake profiles usually pick profile pictures that match beauty standards of beauty magazines, for instance, it was the case of a fake profile using the photo of greek model.

Also with help from Labic, they were able to identify at least 100 fake profiles that operated through mixed interactions with both human and machine to benefit at least 13 politicians, among them Aécio Neves (PSDB-MG), Renan Calheiros (PMDB-AL) and the current president in the Senate, Eunício Oliveira (PMDB-CE).⁶⁹ Some researchers have been called this strategy as the usage of cyborgs or personas, that, due to the human component, are much more difficult to be detected then traditional bots. There were no evidence that these politicians knew that fake profiles were being used for their support.

Nevertheless, once again, Eduardo Trevisan, CEO of the advertising agency Facemedia (Face Comunicação On Line Ltda.), was in the spotlight. Following the money, BBC Brasil reported that, according to data from the Chamber of Deputies, his company received a total of around US\$401.000⁷⁰. Payments were made respectively in the following amounts: US\$120.000 by the National Committee of PSDB for the presidential campaign of 2014; US\$66.000 by Renan Filho (PMDB), who in 2014 was running for the government of Alagoas and won; US\$10.000 from Vital Rêgo Filho (PMDB), candidate for the government of Paraíba; US\$37.000 from the cabinet of federal depute Laura Carneiro (PMDB-RJ) and, finally, US\$168.000 from the company PVR Propaganda e Marketing Ltda, owned by Paulo Vasconcelos, advertiser consultant for the presidential campaign of Aécio. All of them alleged that they hired the company for "services to

⁶⁶ FGV, DAPP. Robôs, redes sociais e política no Brasil: estudo sobre interferências ilegítimas no debate público na web, riscos à democracia e processo eleitoral de 2018 / Coordenação Marco Aurélio Ruediger. – Rio de Janeiro : FGV, DAPP, 2017. Available at:

<http://dapp.fgv.br/wp-content/uploads/2017/08/Robos-redes-sociais-politica-fgv-dapp.pdf>

⁶⁷ Gragnani, J. *Exclusivo: investigação revela exército de perfis falsos usados para influenciar eleições no Brasil*. Available at: <http://www.bbc.com/portuguese/brasil-42172146>

⁶⁸ Gragnani, Juliana. *Como suas curtidas, 'parabéns' e até cantadas dão credibilidade à fakes*. Available at: <http://www.bbc.com/portuguese/brasil-42173799>

⁶⁹ Idem.

⁷⁰ We have calculated the exchange rate of R\$3,00 = US\$1,00

improve and monitor trends in social media". Beside PSDB, PVR had also J&F in its client list. J&F is the controller was JBS, largest meat processing company in the world, also investigated by Car Wash Operation, it was involved in a major corruption scandal that involved allegations of the company bribing several politicians, including Aécio Neves.⁷¹

According to the interviewees, Trevisan had started to assemble his army of fake profiles back in 2012, when he hired at least 40 people to manage them focused on political campaigns. By June, 2018, his personal twitter handle had more than 898k followers, but most of his latest posts have no like or RT, unless they are related to the Supreme Court and Lula's trial.⁷²

According to one of the former employees, they would "either win by the volume of publications, since the amount of posts was much larger than what the general public would be able to counter-argument, or they could stimulate real people, militants, to take their fight." He highlighted that the goal was to "create a sense of majority."⁷³ One of the interviewees attested that there were millions of fake profiles created by the company and that there were more companies doing this kind of business in the country.

II. Data brokers, advertisement agencies and social media platforms: setting the scene for 2018 elections

The term data broker can be applied to a wide variety of company profiles that collect our data to monetize it. Therefore, it is an ever changing multi layered complex industry in which different kind of data brokers provide data to each other, either by selling it or combining and analyzing it for composing analytical scores or classifications that can also be commercialized.⁷⁴ Having in mind the complexity and diversity of this ecosystem, even if we focus exclusively in mapping the role of several of these actors in the next October elections in Brazil, it is not possible to point out those who identify themselves as acting solely in the provision of electoral services.

Facemedia presents itself at linkedin as a "digital marketing and online communications focused in social media to promote brands and engagement"⁷⁵ While the URL from the website of the company <http://facemedia.com.br/> is redirected to the website of the Lei Seca RJ,⁷⁶ also owned by Trevisan. Lei Seca RJ stated in 2009 as a twitter handle crowdsourcely signalize to drivers from Rio de Janeiro where police blitz were enforcing the "lei seca", targeting drunk drivers were located across the territory. Later in 2012, the project was also turned into an app. In 2013, it was the most

⁷¹ Folha de São Paulo. *Aécio Neves pediu R\$ 2 milhões a Joesley, dizem executivos da JBS*. Available at: <https://www1.folha.uol.com.br/poder/2017/05/1884947-senador-aecio-neves-psdb-mg-pediu-r-2-milhoes-a-joesley-diz-jbs.shtml>

⁷² Eduardo Trevisan's twitter profile: <https://twitter.com/edutrevisan>

⁷³ Idem

⁷⁴ Federal Trade Commission. *DATA BROKERS: A Call for Transparency and Accountability*. Available at: <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf>

⁷⁵ Facemedia's LinkedIn profile: <https://www.linkedin.com/company/facemedia>

⁷⁶ Official page of the Lei Seca RJ app: <http://leisecarj.facemedia.com.br/resumoleisecarj/>

downloaded paid app from the Brazilian App Store⁷⁷. By June, 2018, the twitter account had 1.79M followers and follows 240K people. The amount of cars and motorcycles in the municipality of Rio was of 2.300.000 by 2017. The Android version of the app, now available for free, had more than 1 million downloads and is signaled under the "contains ads" label, have a very loose and permissive privacy policy, written in English, even though the app is developed by and for Brazilians. Today the service also provide crowdsourced information about traffic jams and urban violence. While there were considerations whether the app or handle could be considered a crime for attempting against security and a public service and even legal proposals to criminalize it⁷⁸, both services remain active. It is uncertain if all this followers and user were or could be used by the company in their contracts for political campaigns, but it is remarkable that a company that operates on digital media and has such historic of contractors from the previous elections do not have a website separated from Lei Seca Rj project.

Beyond Facemedia, in order to expand the map of the playing field, we have interviewed representatives from a set of other companies. It is important to note that while going through the selected companies websites, it was not possible to find explicit mentions to politicians or political parties in their portfolio of clients. Therefore, the pool of interviewees consisted on companies who had previously granted an interview or have been mentioned as possibly important player on the 2018 elections in the Brazilian media. Most of them already work with the private sector in services such as the definition of marketing strategies for brand positioning, product launches, institutional campaigns, and in electoral years, they simultaneously explore the political niche.

The selected companies for interviews were: **Ponte Estratégia (former representative from Cambridge Analytica in Brazil), Numbr Group, Idea Big Data and Stilingue.**

From interviews and desk research about these companies, we could verify that these companies are engaged in a wide diversity of activities, while some work exclusively in the scanning of social networks to subsidize communication teams to craft targeted propaganda, others do all the political marketing of a candidate and maintain designated teams responsible for the digital part of the campaign. **It is important to mention that most of the interviews happened a little bit before and right after the Cambridge Analytica scandal.**

Probably due to this political context, during the conversations, representatives from most of the companies highlighted that the Brazilian context is not favorable to the expansion of the Big Data use in political campaigns in the pervasive way that happened in the case of Cambridge Analytica in both the Brexit and the Trump Campaign cases.

Nevertheless, with little or no privacy considerations,, most of the interviewed companies mentioned that the wealth of information generated in the Internet is already a breaking point for their businesses, considering the wide variety of data available. They stated that the information

⁷⁷ Mazzeto, L. *iPhone: aplicativo com "mapas da Lei Seca" faz sucesso no Brasil*. Available at: <http://macworldbrasil.com.br/noticias/2013/05/21/iphone-aplicativo-com-mapas-da-lei-seca-faz-sucesso-no-brasil/>

⁷⁸ Miranda, T. *Uso de aplicativos de celular e redes sociais para burlar blitzes poderá ser penalizado*. Available at: <http://www2.camara.leg.br/camaranoticias/radio/materias/RADIOAGENCIA/507860-USO-DE-APLICATIVOS-DE-CELULAR-E-REDES-SOCIAIS-PARA-BURLAR-BLITZE-PODERA-SER-PENALIZADO.html>

displayed and legally collected through social networks, when crossed with public databases such as the Brazilian National Institute on Geography and Statistic (IBGE) or even Serasa Experian are enough for developing effective strategies.

They also highlighted as an opportunity for their businesses on digital marketing the fact that digital advertising is slightly more affordable in comparison to Television or newspaper ads. The distribution of television time for political parties is proportional to the party's representation at the Brazilian House of Representatives, as a result, it mean that newer or smaller parties would have very limited television time. This would take some candidates to invest more money on digital campaigning, especially whatsapp oriented strategies.

Below are some of the political marketing strategies and expectations mapped through interviews conducted with representatives from these companies and insights from desk research..

1) Serasa Experian

Initially Serasa - Serviços e Assessoria S / A, the company was conceived and founded by the Association of State Banks of São Paulo (Assobesp) and by the Brazilian Federation of Banks Associations (Febraban) in 1968. Its original function was to centralize and organize the registration data for further credit analysis of individuals. Nowadays the company acts in three main fronts for private companies: credit decisions, marketing and digital certifications, apart from also offering consumers solutions for fraud prevention and credit scoring.

Known as one of the biggest data brokers in the big data field acting in the country, the company claims to be the first audience data provider for Facebook in Brazil. It also claims to have the greatest data set in the Latin American region, with 11 groups of audiences available only in the country⁷⁹, divided into demographic, economic, financial, Affinity models, Mosaic and B2B.

On the company website you can retrieve the following statement: *Serasa Experian Marketing Services offers complete solutions to you understand the behavior of your customers; validate and obtain new information about them; target them, and direct relevant messages across all communication channels. All this integrated and all the time*⁸⁰. Right after this short paragraph on the company's activities, there is a list of the products offered by the company divided into two core groups Targeting and Data Quality. From fraud prevention to products for multiple marketing actions such as segmentation, the list below hints on the diversity of the products marketed by the company.

- (a) Targeting: Clone Express, Data Analytics, Digital Audience, Geomarketing, InfoMais, Online list, Mosaic, Mosaic Business, Express Profile and Marketing data Portfolio.
- (b) Data Quality: E-mail Validation, ID Validation, InfoBusca and Pandora.

⁷⁹ Serasa Experian. *Mosaic: O poder da segmentação de clientes ao seu alcance*. Available at: <https://www.serasaexperian.com.br/p/aquisicao-marketing/encontrar-novos-clientes/mosaic>

⁸⁰ Serasa Experian. <https://marketing.serasaexperian.com.br/>

"Online list", "Confirmation of registration data" and "InfoBusca are some of the solutions offered by Serasa Experian where the company retails complete consumer data to its clients, that meaning it is possible to purchase databases containing personal data such as name, address, phone and parents name. InfoMais⁸¹ is another solution offered by the company which allows companies to enrich their clients databases with all required information just with a a list of CPFs⁸² in order to enable business to better understand their clients.

Mosaic is presented as a segmentation solution for the improvement of marketing strategies, the tool segments and classifies the population according to its region, age, income, among other data, creating diverse groups with rich details⁸³. According to the company, Mosaic has ranked more than 2.3 billion consumers in 29 countries and the brazilian edition is able to classify the Brazilian population into 11 groups and 40 segments based on financial, geographic, demographic, consumer, behavior and life⁸⁴. The groups go from young urban workers to residents of deprived regions, as listed below.

Group A - Brazilian Elites

Successful entrepreneurs and executives who live the perks afforded by high income: luxury automobiles, international travel, restaurants and exclusive products.

Group B - Experienced Urban citizens under Comfortable Living conditions

With more than 50 years old, these are well established professionals or already retired who now enjoy the comfortable standard of living earned from work. They live in urban areas, especially the coast.

Group C - Young Urban Worker

With up to 35, they are youth workers at the beginning of their careers, but still seeking to improve their education, which is already superior to that of their parents. They are optimistic and alert, with access to technology and eyeing trends.

Group D - Marginalized Youth

The limitations on access to education and the infrastructure of the neighborhoods where they live make the routine of these young people more difficult. However, they have seen life improve and believe in a better future.

Group E - Established Urban Adults

The Brazilian average adult: with good schooling and effort, they have achieved a stable professional and financial life, although without luxuries. They are more cautious consumers.

⁸¹ InfoMais: <https://marketing.serasaexperian.com.br/targeting/infomais/>

⁸² Cadastro de Pessoa Física, brazilian registration of individuals.

⁸³ Sampaio, A. C. *Data brokers : a new business model based on data surveillance*. Campinas, SP : [s.n.], 2017. Available at: repositorio.unicamp.br/bitstream/REPOSIP/322483/1/Sampaio_AliceCastaldi_M.pdf

⁸⁴ Serasa Experian. *Mosaic: O poder da segmentação de clientes ao seu alcance*. Available at: <https://www.serasaexperian.com.br/p/aquisicao-marketing/encontrar-novos-clieldemntes/mosaic>

Group F - Aging in the 21st Century

The growing group of middle-aged seniors now enjoy better conditions due to retirement income and greater access to health services. Still, they feel nostalgia for the simpler times.

Group G - Business Owners

Small and medium entrepreneurs who invested their economies in order to start their own business and began to see the result, albeit with some instabilities.

Group H - Urban Workers

Forming the mass of workers with low schooling and income, who are living the advantages and disadvantages of large cities: access to consumption, information, mobility problems and high cost of living.

Group I - Residents of Deprived Areas in South and Southeastern Brazil

Workers with low schooling and income, living in precarious areas, with difficult access to public spaces and services. In recent years, they have seen their consumer power grow, going beyond their immediate needs.

Group J - Inhabitants of Precarious Areas

Men and women living close to the poverty line and therefore dependent on social programs. Low income and schooling are aggravated by being in regions with restricted access to public services.

Group K - Inhabitants of Rural Areas

They lived their entire lives in rural areas, and this defines a lot about them: work for agribusiness or farming for own consumption, difficulty accessing education, other public services and love of land.⁸⁵

Therefore, Mosaic is the interpretation of data represented by segmentations, created from subjective characteristics and existing concrete data (birth, CPF and RG numbers, property registration, etc.), presented in a simple vocabulary, easy to interpret, and constituted by various forms of language, including photos, texts, videos and graphics, as highlighted by Alice Castaldi Sampaio⁸⁶.

Although the product is offered as a marketing solution directed at brands and not necessarily to political party, it says a lot about Serasa Experian's capacity in regards to targeted advertising and personal data treatment, in its actual version, Mosaic Brasil showcases data from more than 140 million Brazilians divided into 11 groups subdivided into 40 segments based in over 400 variables

⁸⁵ Idem.

⁸⁶ Sampaio, A. C. *Data brokers : a new business model based on data surveillance*. Campinas, SP : [s.n.], 2017. Available at: repositorio.unicamp.br/bitstream/REPOSIP/322483/1/Sampaio_AliceCastaldi_M.pdf

developed by the company and that can go from occupation to the level of urbanization at the city the consumer lives at⁸⁷.

In an article from 2015, Lucas Teixeira explained that a Mosaic client can get a list of people in a particular region who fit into one of the above mentioned predetermined profiles. Every single person mentioned on the required list carries with them various valuable information provided by the Serasa Experian databases for enhancing online marketing, such as: name, address, and possibly their Credit Score - a number calculated by the company that "indicates, from the default probability of a particular group or profile in which a consumer enters, without stating that he has been, is or will be indebted⁸⁸.

Grupos de variáveis analisadas no desenvolvimento do Mosaic Brasil

Socioeconômicos e Comportamentais

- Classe Social
- Ocupação
- Dados Societários
- Dados Empresariais
- Escolaridade
- Consumo e Estilo de Vida

Demográficos

- Informações de Domicílio
- Perfil Populacional
- Características da Família



Financeiros

- Assistência Governamental
- Renda Presumida
- Comportamento Financeiro

Localidade

- Urbanização
- Zonas Rurais
- Acessibilidade

Propriedade

- Serviços
- Tecnologia
- Tipo de Residência
- Tempo de Residência

A segmentação Mosaic é o resultado da aplicação de modelos matemáticos e estatísticos que consideram diversas variáveis para determinar grupos da sociedade brasileira que possuem características semelhantes. Essa segmentação, bem como suas ilustrações e descrições, não necessariamente representa todas as características ou estilos de vida de cada um dos indivíduos classificados nos diversos segmentos.

Regarding the applications, other than what has been said above, a leaflet⁸⁹ about Mosaic Brasil downloaded at the company's website lists 3 mais applications of the tool with the following explanations:

- Profile analysis: Understand the prevailing characteristics of your customers and prospects and gather insight about the segment in which they are inserted. Generate relevant insights in the tailoring of your business strategy.*
- Geomarketing: Improve performance of your statistical models by using Mosaic targeting.*
- Statistical modeling: Analyze your consumers geographically, manipulate geo-list point information, and increase decision-making effectiveness with more agile and intuitive interpretations of complex, strategic information.*

⁸⁷ Serasa Experian. *Mosaic Brasil Mais do que uma segmentação, infinitas possibilidades*. Available at: <https://marketing.serasaexperian.com.br/targeting/mosaic/>

⁸⁸ Teixeira, L. *Data Brokers e Profiling: vigilância como modelo de negócios*. Available at: <https://antivigilancia.org/pt/2015/05/data-brokers-e-profiling-vigilancia-como-modelo-de-negocios/>

⁸⁹ Idem.

The previously mentioned agreement between the Brazilian Electoral Supreme Court and Serasa Experian that would provide the company access to 141 million voters data in exchange of digital certification for the Electoral Court⁹⁰, was celebrated under the premises of enhancing the quality and precision of the databases assembled by the company for credit scoring analysis purposes. The agreement, which was later cancelled, had provisions such as the possibility for Serasa to (a) share the information provided by the Electoral Court with its clients and (b) cross data previously provided by the company with the Court's information, leaving the latter with the obligation of return one the ratification of the information.

The Federal trade Commission, when assessing Data brokers activities in the United States disclosed that the business model of such companies at the country included collecting consumers data from numerous sources and largely without the consumers knowledge and we believe that the same applies to Serasa Experian's activities in Brazil. The origin of the data that integrates Serasa Experian's database in Brazil is not disclosed, but the company is indeed one of the greatest - if not the greater - databroker in the country with the appalling amount of data from around 140 million Brazilians.

Although the website does not make any links between the company and political parties or even marketing agencies and the the deployment of such data for political campaigns, Serasa is known as a great source for obtaining an enormous set of informations about voters that would be able to complement any datases being assembled for such purposes. Still on that note, it is important to highlight Facebook's recent announcement⁹¹ stating it will no longer use data provided by Serasa Experian on Facebook ads. According to the announcement, the platform has ended its "Partners Categories" and third-party data providers are no longer able to offer their targeting directly on Facebook.

InternetLab, a brazilian Law and Technology research center issued in August 2018 a report from the data collected by browser extension created in partnership with *WhoTargets.me* called *Você na Mira*⁹² to monitor how campaigns direct political advertising to you on Facebook. The first report⁹³ of the project was dedicated to thoroughly assessing how campaigns have directed political content to voters online through the content driven by the official profiles of pre-candidates to the the Presidency of the Republic and the government of 12 states in Brazil. The assessment identified that both the campaigns of pre-candidates to the Presidency of the Republic *Manuela D'Ávila* and *Flávio Rocha* have directed content to audiences based on data provided by Serasa Experian.

⁹⁰ Folha de São Paulo. *Justiça eleitoral repassa dados de 141 milhões de brasileiros para a Serasa.*

Available at:

<http://politica.estadao.com.br/noticias/geral,justica-eleitoral-repassa-dados-de-141-milhoes-de-brasileiros-para-a-serasa,1061255>

⁹¹ Facebook Newsroom. *Shutting Down Partner Category.* Available at:

<https://newsroom.fb.com/news/h/shutting-down-partner-categories/>

⁹² INTERNETLAB. *Você na Mira.* Available at:

<http://www.internetlab.org.br/pt/informacao-e-politica/voce-na-mira/>

⁹³ INTERNETLAB. *Você na Mira – InternetLab - Relatório #1: O impulsionamento de conteúdo de pré-candidaturas na pré-campanha de 2018.* Available at:

<http://www.internetlab.org.br/wp-content/uploads/2018/08/Relat%C3%B3rio-1-Voc%C3%AA-na-Mira.pdf>

2) Ponte Estratégia

The company was recently in the spotlights as it was the Brazilian representative from Cambridge Analytica, which eventually even lead his CEO, André Torreta, to attend a hearing in the House of Representatives.⁹⁴

In its single page website⁹⁵, the session about clients only highlights companies, big ones, like Ambev, Itaú, Unilever and Rede Globo, but also advertising companies such as DM9DDB. Their slogan is "we understand Brazil" and they list as their tools: "qualitative and quantitative research, ethnographic research, communication projects; digital antennas, monthly studies about Brazil and immersion events.". Nothing is mentioned regarding political campaigns. This is actually most of the information available on their site. Nevertheless, Torreta has been very vocal in the media about data and political campaign since he launched his partnership⁹⁶ with Cambridge Analytica in early 2017.

We managed to interview him twice, before and after the scandal. In our interview he mentioned that from 1994 until 2008 he had a company for political strategy and marketing named República, where he worked for the campaigns of José Sarney, Roseana Sarney, Geraldo Alckmin, Eduardo Paes, as well as in other countries such as Bolívia and Argentina. He highlighted that by that time, key actors for a political campaign were only market agencies, journalists and political marketing consultants or strategists. In parallel, since 2001, he had set a consultancy company focused on class C, which, by the time, due the prosperous national economic scenario and the social policies from government Lula, were seen as emerging consumers. Ponte Estratégia emerged from that company as a business marketing company focused on classes C and D, a shift to the private sector, away from his previous experiences on politics, until the British political consulting firm came to the scene in 2016.

According to André Torreta⁹⁷, the partnership between Cambridge Analytica and Ponte started out with informal conversations between him and representatives from Strategic Communication Laboratories - SCL Group,⁹⁸ a company focused on behavioural research for communications. Cambridge Analytica was the company affiliated to it. He told us that SCL reached him out with interest in his knowledge about emerging consumers and his previous experiences political market, but also brought to him perspectives about data and digital marketing. By that time, CA was working on the Ted Cruz campaign and negotiating with Trump. For Torreta, the incremental

⁹⁴ Câmara dos Deputados. *Seminário - Proteção de Dados Pessoais*. Available at: <http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cctci/Eventos/2018/2018-05-22-seminario-dados-pessoais/>

⁹⁵ A Ponte Estratégia website. Available at: <http://www.ponteestrategia.com.br/>

⁹⁶ Lessa, I. *A partir de parceria internacional, André Torretta lança nova empresa*. Available at: <http://www.meioemensagem.com.br/home/ultimas-noticias/2017/03/13/a-partir-de-parceria-internacional-and-re-torretta-lanca-nova-empresa.html>

⁹⁷ A Ponte Estratégia Founder and CEO, Interview conducted for the purpose of the present paper.

⁹⁸ Strategic Communication Laboratories, British behavioural research and strategic communication company which gained recognition through its partner organization, Cambridge Analytica. Website: <https://sclgroup.cc/home>

innovation from their approach as using behavioural data for microtargeting, which allowed them to "deliver the correct message with the correct language".

Ponte CA, the partnership between both companies, was founded in February 2018. The goal was to replicate in Brazil the CA strategies applied in the US President Trump election. In Torreta's opinion, what differentiates Ponte CA from the other political marketing companies is the solution they offer: "Cambridge Analytica poses itself as selling argument, we get the appropriate argument by data analysis, but what we sell is data." And he ended with a rhetorical question: "do you think that the political debate in a presidential campaign should be the same in the Northeast, Southeast and South of the country? Or that people want different discussions?". When asked about his clients for the next elections, by the time of our interview, Torreta said they had three contracts arranged.

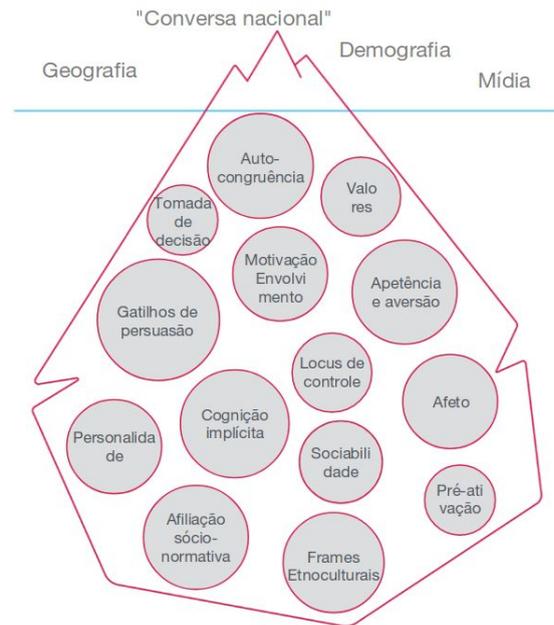
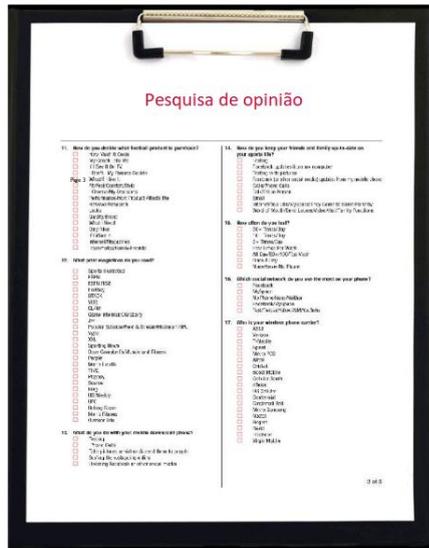
With the legalization of sponsored posts, Torreta pointed out that Brazilian 2018 elections will be marked by political segmented advertisement. For doing so, he highlighted that the company uses the following data sources: (a) data available from public services, (b) databases provided by its clients and (c) data from social networks and third parties. His idea was also to complement the analysis of these data sources with (d) qualitative and quantitative research to extract cultural narratives.

While specifically addressing examples of these data sources in the country, he mentioned that financial data is widely available in Brazil, particularly because of the presence of Serasa Experian, which "has information about who has debts, who doesn't, what are the earnings and where they live." And that censitary data is available through IBGE. Apart from that, even though he mentions that Ponte also has data, he stated that databases expire, therefore, they need to buy databases and include such expenses in their contracts for service provision. "We are not a data broker, we have partnerships with them."

Last May, during his presentation about "The usage of personal data as an instrument of electoral campaign and persuasion of public opinion" at the Brazilian House of Representatives⁹⁹, André Torreta also highlighted this same method for explained how Ponte mixes data analysis of the databases mentioned above with qualitative and quantitative research for enabling a target audience analysis. This tactics was exposed with the graphic below:

⁹⁹ Torreta, A. *O uso de Dados Pessoais como instrumento de campanha eleitoral e pa persuasão da opinião pública*. Available at: <http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cctci/Eventos/2018/2018-05-22-seminario-dados-pessoais/painel-2/andre-torreta-a-ponte-estrategia>

Target Audience Analysis



The picture demonstrates different kind of personal information and characteristics that the company is willing to collect and understand by tracking what he called "national conversation".¹⁰⁰ The list is as follows:

- (a) self-congruence
- (b) values
- (c) motivation and involvement
- (d) decision-making
- (e) Appetite and Aversion
- (f) control locus
- (g) affection
- (h) pre-activation
- (i) persuasion triggers
- (j) implicit cognition
- (k) sociability
- (l) ethnocultural frames
- (m) socio-normative affiliation; and
- (n) personality

Then their goal is to segment people according to their behaviour allowing for micro-targeting and content development according to the target. In the segmentation, Torreta uses the Big Five, Ocean methodology. It would enable them, for instance to have a better comprehension of different groups of voters based on the data extracted. And then distribute communications according to the habit of media consumption, usage of platforms and formats.

¹⁰⁰ Idem.

Therefore, the difference between Ponte Estratégia and services already offered by other companies is the fact that based on the data scraped they developed a second species of microtargeting based on the user's behavior and not solely on geographical location. That is also deployed for whatsapp distribution of electoral content. According to Torreta, while in the US one can have access to over 5000 different sorts of information about someone, in Brazil you have access to 700 sorts¹⁰¹. Also, personal data in Brazil is often found with Serasa, the databroker with financial DNA.

Internet Connectivity in some regions of Brazil is often compromised due to lack of infrastructure and, in some regions mobile access can be more predominant to the detriment of other sorts of access. Also, Whatsapp (and Facebook) are offered for "free" by the majority of brazilian telcos and some believe that the zero rating practices have helped increase the user penetration rate of WhatsApp in Brazil. According to Sérgio Branco¹⁰², *because text messaging in Brazil is very expensive, Brazil is a heavy user of WhatsApp. After allowing its users to record voice messages and make phone calls through the app, WhatsApp became even more popular.*

According to Torreta's opinion, the network which will play the biggest part in the upcoming elections will be Whatsapp, unlike what happened in the United States, where Facebook and Twitter predominated. *It's not every corner that has good internet speed or a good data plan*, he explains. Television continues to have greater weight because it is in most Brazilian households given that it can reach more people¹⁰³.

The marketer believes in the possibility of electing a state or federal deputy almost 100% by the networks, working messages of customized form. Campaigning on Whatsapp is one of the services offered for presidential candidates. The campaigns can start from the pricing point of 35 million Brazilian Reais. Ponte Estratégia can work on the above mentioned platform as they can send up to 10 messages a day on the messaging app. Torreta explains that initially, qualitative surveys are conducted to identify target audiences. Phone numbers are then collected and a database is assembled, which will later be used to transmit the messages.¹⁰⁴

On the content of the ads and the Dos and Don'ts of online political advertising, Torreta notes that the dirty game has always existed and condemns fake news/misinformation campaigns and accuses the brazilian media of helping spread such facts. In light of that, he emphasizes while working in political campaigns his company helps with the deconstruction of arguments instead of making use of gossip or assigning untrue facts to other candidates. Shining a light in the deconstruction work he informs it is performed within the limits of the law (the company has a legal

¹⁰¹ Torreta, A. *Conversando a Gente se Entende Interview with André Torreta, part 2*. Available at: <https://www.youtube.com/watch?v=aj3glhSGRoA>

¹⁰² Branco, Sérgio. ITS Special Series: Law and Internet in Brazil. Available at https://itsrio.org/wp-content/uploads/2017/03/160214_publicacao_eng-us_special-series_brazilian_internet_law.pdf

¹⁰³ Dayrell, M. and Bagatini, O. *"Entrevista: 'É possível eleger deputados quase 100% pelas redes', diz marqueteiro"*. Interview featured at Estadão Newspaper available at: <http://infograficos.estadao.com.br/focas/politico-em-construcao/materia/entrevista-e-possivel-eleger-deputados-quase-100-pelas-redes-diz-marqueteiro>

¹⁰⁴ Fleck, I. and Tavares, J. *Whatsapp entra no radar de pré-candidatos*. Available at: <https://www1.folha.uol.com.br/poder/2018/03/whatsapp-entra-no-radar-de-pre-candidatos.shtml>

team for better advising the practices) and focus on arguments issued by other contestants - the strategy is operated through questioning promises, statements, etc - an example of that would be sending voters questions regarding local governments and their effectiveness or even comparing different regions in the country.

The use of Bots or fake profiles to help spread news is not within his plans or activities in Brazil and notes that A Ponte Estratégia has never hired this type of service and is not quite sure whether or not the practice is legal or a burden to the elector. Liability of the Information is also a concern, given that facebook requires the credit card information locating the author of an offensive or considered to be criminal content, hence the reason A Ponte Estratégia does not work with fake news.

3) Ideia Big Data

A marketing company that works in four core fronts: research/Polling, data intelligence, microtargeting and a service called Big Data Room. The first one consists on the employment of big data for outlining advertising methodologies and targeting possible audiences through quantitative and qualitative research¹⁰⁵.

As mentioned, the company works with qualitative and quantitative research which are *both done with stratification and probabilistic, non-probabilistic or directed sampling definition. The qualitative technique stimulates the participants to think and speak spontaneously about a specific theme, while the quantitative compiles conscious opinions provided by respondents through survey forms, which results provide base to project them into the represented population. Both can be implemented in person, by phone or over the Internet, anywhere*¹⁰⁶.

The company also mentions a *management system of Big Data that automatizes the processes of data construction*, management, collection and organization, integrating information from different sources and formats into a single database, that was developed by themselves. By crossing different data sets with economic, demographic, social and behavioral information/characteristics, the company offers the product called Custom Database Construction and alleges to be in power of 1 billion individuals data.

On the Microtargeting note, the company claims to have the most accurate data and the most innovative technology to reach an audience anywhere and to offer the best possible diagnostic in translating numbers into strategy. Having said that, we believe that (a) all the information obtained through surveys or public datasets is used for enriching databases that are constructed by the company according to the client's needs and (b) the above mentioned *Custom Databases* are used for microtargeting political advertising online.

On its website, *Ideia Big Data* presents its actions regarding political campaigns as one of the solutions offered by the company. For the Political Campaigns solution, the company claims to be

¹⁰⁵ <https://ideiabigdata.com/en/pesquisa/>

¹⁰⁶ Information obtained in interview conducted for the purposes of the present paper.

able to increase a candidate's voter base, create relationship with your target audience and bridge the candidate and his voters, optimize resources, bring more visibility to the presented ideas or political platform and, last but not least define segmented strategies and winning narratives¹⁰⁷.

Maurício Moura, the president of Ideia Big Data, mentioned that the company uses data available on public databases available in the country - IBGE, Portal da Transparência - plus information collected through general surveys. In July 2017 a merge¹⁰⁸ between Idea Big Data and a mobile survey startup called PiniOn¹⁰⁹ was announced as a backup to the technology developed by the companies. PiniOn is an mobile app focused on opinion surveys that rewards users for their answers, by carrying in-app surveys, PiniOn sends its users in missions - such as pictures and videos from places and products - and compensates its users per completed challenge (20 cents each). Nowadays, the app counts with 2 million downloads and 680 thousand active users who now integrate set of informations of approximately 172 millions of brazilians that are part of the Alexandria Platform, developed by Ideia Institute for data management.

The app is the platform in which Ideia conducts its opinion surveys and which results are later integrated to other data sets like Alexandria and/or any other information collected by its clients. Another resource used is the psychometric profiling of the collected data into clusters, in order to better understand voters behavior and wishes, the company has also partnered up with P&T Psychodata¹¹⁰ a company with expertise in the elaboration of psychometric questionnaires for psychological, educational and social and economic policy evaluation.

According to an article from brazilian newspaper Estadão from march 2018¹¹¹, pscychometric is the new political marketing strategy for achieving a better understanding of voters aspirations and fears in the crafting of political advertising and as an improvement from the demographic profile analysis that was adopted before. According to the article, there are three companies in Brazil on the psychometric field and P&T Psychodata is one of them.

Psychometric was the same technique used by the Trump campaign and Cambridge Analytica in 2016, but Maurício considers Ideia's work different than what happened with the North American President due to the fact that they use it exclusively for defining target audiences and understanding the voters wishes instead of spreading fake news and hate speech like CA did. Still on the fake news note, he claims that the company does not spread misinformation and finds it dishonest with the elector, in that sense whenever they come across fake news or untrue

¹⁰⁷ <https://ideiabigdata.com/en/campanhaspoliticas/>

¹⁰⁸ Büll, P. *Como o PiniOn se juntou a um instituto de pesquisas na Ideia Big Data, que quer revolucionar o mercado*. Available at:

<https://projetodraft.com/como-a-pinion-se-juntou-a-um-instituto-de-pesquisas-na-ideia-big-data-que-quer-revolucionar-o-mercado/>

¹⁰⁹ PiniOn website: <http://pinion.com.br/>

¹¹⁰ Psychodata. *IDEIA Big Data aposta na ciência da psicometria para entender o eleitor em 2018*. Available at:

<http://psychodata.com.br/2018/03/05/ideia-big-data-aposta-na-ciencia-da-psicometria-para-entender-o-eleitor-em-2018/>

¹¹¹ Amendola, G. *Psicometria vira estratégia de agências de marketing político*. Available at:

<https://politica.estadao.com.br/noticias/geral,psicometria-vira-estrategia-de-agencias-de-marketing-politico,7002213881>

information, Ideia not only calls out the news but also helps disseminate news containing the true information.

Regarding the 2018 General Elections, Maurício this one to be a different one due to the lack of financial resources available - electoral reform now only allows donations from individuals and no longer from companies - and this will require campaigns to be more creative/have more intelligence for purchasing online advertisement on social media and for clustering people in the proper way. Another important thing to mention is the fact that Idea Big Data has also partnered with Liegey Muller Pons on the targeted field campaigns. In order to increase the impact of campaigns, Ideia Big Data wants to speak to the right individuals. The partnership will provide clients with accurate analysis on the constituencies to be addressed, deepening their characteristics / needs and the use of direct communication tools.

We are fully convinced that the Macron model of using Big Data and intelligence-based mobilization, discourse moderation and correct arguments addressed to specific groups, has much more traction in Brazil than the Trump model, which has abused the use of Fake News and of angry arguments to win (Moriael Paiva, Digital Vice President at Idea Big Data)¹¹².

On that note, Idea Big Data sells intelligence on improving and assembling databases, not just data – reason why the company does not consider its activity to be a violation of privacy. They also believe in a continuous data collection as a condition to keeping updated databases. For this to happen, data collection from the primary resource - people - should be encouraged. Good legislation should award people for sharing their own data and that is exactly what PiniOn does. *An eventual data protection legislation should consider the fact that privacy is no longer available - especially in light of the new technologies.*

The unprecedented employment of microtargeting for political-electoral purposes in 2013 Portuguese elections for Municipal Council representatives is a success case mentioned by the company. At the time, Idea applied the technology to two different campaigns in which they conducted statistical analyzes on political scenarios, developed a unique national voter database, and applied direct contact tools such as phone calls and door-to-door calls.

Ideia's work in Portugal was carried out jointly with the partner company First Five Consulting¹¹³, F5C, a a Portuguese leading Public Relations and Communication company with a broad experience in public affairs, public relations, reputation and crisis management, strategic communication counselling, digital strategy and other communications services.

¹¹² Castro, R. IDEIA Big Data traz para o Brasil modelo vitorioso da campanha de Emmanuel Macron. Available at:

<https://ideiabigdata.com/ideia-big-data-traz-para-o-brasil-modelo-vitorioso-da-campanha-de-emanuel-macron/>

¹¹³ F5c, portuguese company, website: <http://www.f5c.pt/>

4) Numbr Group

Data science company specialized in transforming data into business strategies through the use of machine learning, statistics and data analysis to develop two types of solutions: (a) Consumer insights: Deep, segmented analysis of an audience's behavior towards a business and its marketplace, with a focus on increasing the potential of the business strategy¹¹⁴; and (b) Data Cluster: identification of possible niches and clusters that result on the public of a brand or industry¹¹⁵.

The company was founded in 2014 and has been working in political campaigns ever since, at first with social media monitoring during the 2014 and 2016's general and regional elections and now Numbr Group will be focusing in cluster analysis and media segmentation for its works in the 2018 General Elections.

Numbr Group also believes firmly that Big Data will play a an important part in 2018 General Elections, especially in light of the the electoral reform funding restrictions resulting in campaigns with considerably less money available than in the past. *We have a huge migration from the offline to the online and the Macron, Trump and Brexit campaigns can be considered as successful cases of big data employment*¹¹⁶.

*Consuming Insights*¹¹⁷, a solution offered by Numbr, use all data generated by consumers (from the search to the post-purchase of a product or service) as an input for elaborating marketing and business orientation and insight to its clients. The solution monitors public data sources on the Internet, such as social networks, search engine data, blogs, forums, portal comments, reviews and others and, with this information in hand, the company builds and validate hypotheses in qualitative and quantitative processes about what your consumers want from your brand, your product, and your market.

The steps of Consuming Insights, as portrayed below are the following: (a) Brand Challenge, (b) Data Collection, (c) Hypothesis formulation, (d) statistic modulation and data crossing, (e) Hypothesis validation and (f) Insights and recommendations.

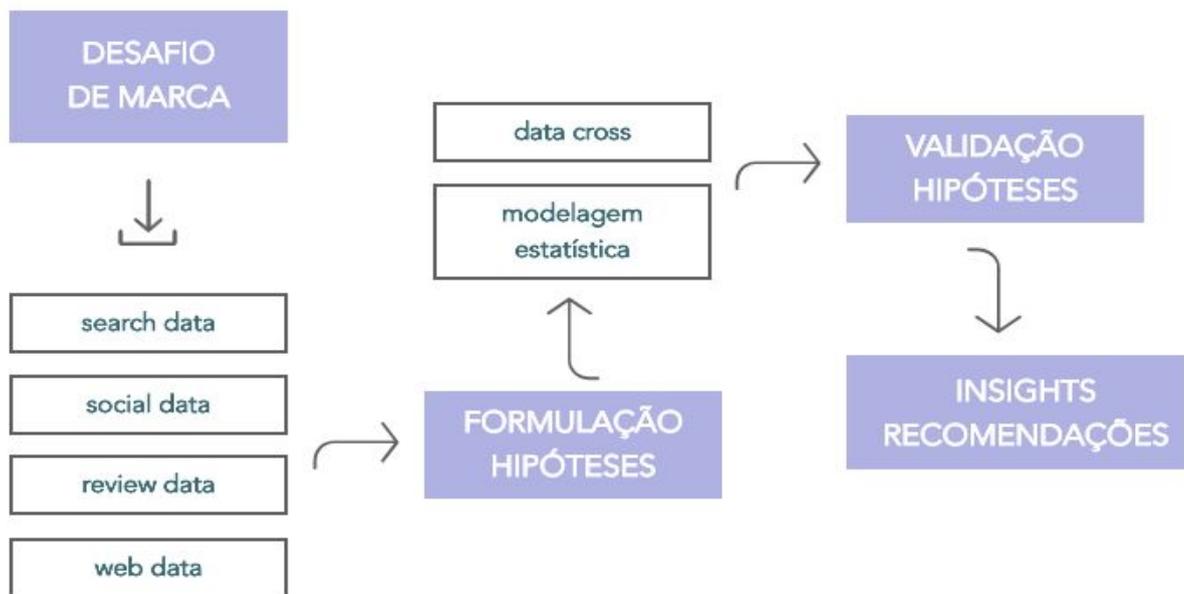
Based on information retrieved at Numbr's website, the Consuming Insights moment has the phases: (b) Base Enrichment: the company collects and adds segmented and clustered socioeconomic, behavioral, and consumption variables to your database to increase the conversion of your CRM strategies; and (c) Data modeling: applied statistics in the development of models that explain which variables are directly related to the success of your company.

¹¹⁴ Numbr Group. *Consuming Insights*. <https://www.numbrgroup.com/consuming-insights>

¹¹⁵ Numbr Group. *Data Cluster*. <https://www.numbrgroup.com/data-cluster>

¹¹⁶ Caio Simi, founder of Numbr Group, in an interview conducted for the purpose of the present paper.

¹¹⁷ Numbr Group. *Consuming Insights*. <https://www.numbrgroup.com/consuming-insights>



Translation: Brand challenge → Search data; social data; review data; and web data → hypothesis formulation → Data cross and Statistic modulation → hypothesis validation → insights and recommendations.

*Data Cluster*¹¹⁸ is another marketing solution Numbr offers on its website. The product consists on using the data collected during the *Consuming Insights* solution to identify the niches and clusters that make up the public of an specific brand or industry. The data is used to build tailor-made strategies for each cluster, from habits, lifestyle to consumer preferences and influencers, every information is considered to be valuable.

The five steps of the process, as portrayed below, are: (a) audience mapping, (b) clustering by niches and patterns, (c) identification of consumption patterns, (d) definition of impact drivers and (e) Insights and recommendations.



¹¹⁸ Numbr Group. Data Cluster Solution. <https://www.numbrgroup.com/data-cluster>.

Translation: (a) Audience mapping --> Clusterization based on patterns and interests --> Consumption patterns identification --> Impact drivers definition --> Insights and recommendations.

Apparently, when working with political campaigns, the campaign operates in a similar way. But in this specific case, the company's work has two moments: (a) Identifying the clusters or all audience available; and (b) Finding a way to impact these audiences¹¹⁹.

With the main focus on social media, Numbr works with mapping social media platforms and extracting clusters of people based on their political demands - claims, positions and political agenda. Their main deliverable is a diagnostic with clusters of possible profiles, as highlights Caio Simi in an interview conducted previous to the elaboration of the present paper. The company monitors conversations, comments, interactions held on public pages such as newspapers, brands, politicians and the data is extracted through specific code; later this database is sold for political campaign, especially political marketing professionals, for digital ads tailoring.

Whenever clusters appear to be too miscellaneous Numbr Group uses a bot to access people's public profiles on social media and scrape more data such as the public likes or geolocation data - check-ins -, in order to help further filtering. The company does not consider this data to be personal data but public data made available on social media platforms.

As an example, the company identifies a group of people who are against military intervention in Rio de Janeiro, with that initial information the data is mined and they deliver a handbook on how these people advocate the end of the intervention, the subjects that they are talking about, what content formats they interact with most (whether it's video, photo or whether a text has more appeal) and a media plan with suggestions for the candidate or political party to segment his communication in order to reach out exclusively with this group of people and on that content.

Regarding databases, the company prefers to assemble theirs instead of purchase existing ones. When interviewed, the representative from Numbr Group mentioned that in Brazil it is possible to acquire databases but he has not yet seen one able to deliver more concrete information on the Brazilian society political demands, let alone what type of content related to that people like and follow on social media.

Numbr claims that 100% of their sources are public data from social networks, as mentioned above, they monitor a plethora of pages and everything people post and comment on these pages, or in news commentary - these pages can go from social movements to newspapers, to parties, candidates, public figures. And from there we identify what people want.

The service is offered for the campaigns themselves. For the agency, but especially for the political marketer himself. In March they informed that the company was already working on two pre-campaigns: a presidential campaign that had not yet started and a state campaign for the São Paulo government.

As a second stage of this report, it would be recommendable to interview all these companies again to understand what happened during the elections.

¹¹⁹ Information collected during an interview with Caio Simi conducted for the purposes of the present paper.

III. Social Media Platforms under the spotlight of political campaigning

The current legal institutional scenario, particularly favoring sponsored posts and target ads; the new digital strategies announced by advertising agencies; the previous experiences of some political parties on using bots for influencing their outreach in social networks; the lack of a comprehensive bill on data protection; the extreme political polarization operating as a fertile ground for misinformation and fierce debates among citizens; and the Cambridge Analytica political pressure put on Facebook, the biggest conglomerate of social media platforms (including Instagram, Whatsapp, Messenger and Facebook itself) to be accountable of data sharing – but ironically, also to control content and the increase in the share of the population which has mobile phones. These factors establish a completely new scenario for the upcoming elections in Brazil. At the core of this scene are all the social media platforms that will also profit a lot in the next political disputes.

In this sense, we shall also shed a light in the changes that these platforms are implementing focused on political advertisement and current usages among brazilian audiences:

1) Twitter and bots

Recently twitter announced that, in light of the recent modifications to the Elections act and new measures of transparency brought by the electoral reform, the platform will no longer allow political groups to advertise on Twitter in the country until the platform develops tools to provide proper compliance to the law¹²⁰. The decision was made after the Cambridge Analytica scandal as an attempt to minimize external influence on the upcoming elections given that the platform also plans to implement stricter policies and improve controls as part of increased surveillance on the Internet after Russian-backed entities have used social media to spread misinformation or false news during the 2016 presidential campaign in the United States¹²¹.

After being one of the main stages for political debate during the 2014 General Elections and during the recent impeachment of former President Rousseff, studies show that during the main moments of political debate in Brazil, bots accounted for up to 20% of interactions on the topic on Twitter¹²², as highlighted in the *Bots, fake profiles and hate speech in previous political disputes* topic.

¹²⁰ Teixeira, L. A. Melissa Barnes, do Twitter: *Não vamos permitir que grupos políticos façam propaganda no Twitter*. Available at:

<https://gq.globo.com/Prazeres/Poder/noticia/2018/06/melissa-barnes-do-twitter-nao-vamos-permitir-que-grupos-politicos-facam-propaganda-no-twitter.html>

¹²¹ Idem.

¹²² Vicente, J. P. Como o conteúdo patrocinado mudará as eleições de 2018. Available at:

https://www.vice.com/pt_br/article/wjg35z/como-o-conteudo-patrocinado-mudara-as-eleicoes-de-2018

Previously the platform had announced it would take initiatives to better understand who is behind a determinate political ads and the audiences they were targeting in a strategy to curb dishonest practices,¹²³ including the launch of an online center with details on advertisers and messages from these sponsored content.

2) Facebook targeted ads and misinformation

Facebook is another social media platform vastly used across the country, with around 130 millions of users any content from a political page can be shared enough times in order to reach the most remote corners of Brazil. During the 2014 elections, the former President Dilma Rousseff filed a representation¹²⁴ at the electoral prosecution office regarding the use of fake profiles and bots in her opponent's campaign - at the time legislation did not allow any sort of boosting electoral content neither paid advertisement in websites other than the candidates, parties or colligation ones.

Hence the previous legislation prohibition of online electoral advertisement, it is complicated to assess the practices adopted by political marketers in 2014 and whether or not campaigns used voter's personal data to enhance its hyper-targeted ads on the platform and also for supplementing its own data set for advertising. During the 2014 run, Facebook conducted a workshop with brazilian politicians on how to increase the fan base and how to maximize likes on their webpages. By the time, facebook brought its global manager for politics and government engagement, who spent four days in Brasilia instructing Brazilian lawmakers and staffers on how to maximize the "likes" on their Facebook pages and even taught President Dilma Rousseff's online team how boost her social media presence¹²⁵.

For the 2018 elections, the Facebook's actions for brazil seem to have shifted from the online social media capacity building for politicians to adopting measures with the initial aim of ensuring the integrity of the upcoming elections and minimising interference in light of the implementation of the new legislation.

After Cambridge Analytica intentions of coming to Brazil were unveiled, as well as the partnership with A Ponte Estratégia, Brazilian prosecutors¹²⁶ opened an investigation in order to verify if Cambridge Analytica acted in Brazil past the 443 thousand people allegedly affected on Facebook. Prosecutors want to clarify whether millions of Brazilians Facebook's private information were being illegally accessed by Cambridge Analytica through its subsidiary in the country (A Ponte

¹²³ AFP. Twitter promete mais transparência em anúncios políticos. Available at: <https://istoe.com.br/twitter-promete-mais-transparencia-em-anuncios-politicos/>

¹²⁴ Umpierre, F. *Dilma vai à justiça contra os robôs de Aécio*. Available at: <http://www.pt.org.br/dilma-vai-a-justica-contra-os-robos-de-aecio/>

¹²⁵ Boadle, A. *Facebook execs coach Brazil politicians before Internet vote*. Available at: <https://www.reuters.com/article/brazil-internet-facebook-idUSL1N0IE0H420131025>

¹²⁶ MPDFT. *MPDFT investiga uso ilegal de dados pessoais de brasileiros disponíveis no Facebook*. Available at:

<http://www.mpdft.mp.br/portal/index.php/comunicacao-menu/noticias/noticias-2018/9910-mpdft-vai-investigar-uso-ilegal-de-dados-de-brasileiros-disponiveis-no-facebook-por-empresa-americana>

Estratégia Planejamento e Pesquisa LTDA)¹²⁷ to construct psychographic profiles that can be used to predict political and religious beliefs, sexual orientation, skin color, and political behavior.

According to Reuters, *Prosecutors from Brazil's Federal District, which includes Brasilia, the capital, said in a written statement that they will look into whether the firm, through its partnership with Sao Paulo-based consulting group A Ponte Estratégia Planejamento e Pesquisa LTDA, illegally used the data of millions of Brazilians to create psychographic profiles*¹²⁸. Both Cambridge Analytica and A Ponte Estratégia announced the end of the partnership¹²⁹, called Ponte CA, and the first informed it will no longer work in Brazilian elections.

Another recent announcement from the platform is the end of the Partners Categories¹³⁰ that allowed the utilization of offline data such as purchasing activity collected by Experian (known in Brazil as Serasa Experian) and Acxiom and that were used for helping advertisers without concise customers database, like small businesses¹³¹. This action is believed to be a platform's attempt to clean up its act as they did not have much control over how and where this data was collected.

Past the Cambridge Analytica scandal and the pronounced intentions from the British company of influencing the Brazilian 2018 General elections, the platform has come to consider the integrity of the upcoming elections a priority and suggested a series of steps they are taking in the country. The actions range from reducing the reach of low quality content to prioritizing content from trustworthy and informative sources.

Especially on ads with political content, the platform implemented a new feature that allows users to see who's running a political ad, how much money was spent on it, how widely it was seen, and who the ad reached — for example age, gender and location.¹³² The features¹³³ seem to be tuned with the Brazilian electoral reform provisions such as identification of political content on social media, the name of the candidate or political party who hired it as a "Paid for by" disclosure.

Aos Fatos and *Agência Lupa*, Brazilian fact-checking agencies, have also partnered with Facebook in an initiative that provided both agencies access to content flagged as fake in order for them to

¹²⁷ Carrique, F. Another chapter on Facebook's privacy woes is being written in Latin America. Available at: https://techcrunch.com/2018/03/30/another-chapter-on-facebooks-privacy-woes-is-being-written-in-latin-america/?utm_source=tctwreshare&utm_medium=feed&utm_campaign=Feed%3A+Techcrunch+%28TechCrunch%29&sr_share=twitter

¹²⁸ Brito, R. Brazil prosecutors open investigation into Cambridge Analytica. Available at: <https://uk.reuters.com/article/uk-facebook-cambridge-analytica-brazil/brazil-prosecutors-open-investigation-in-to-cambridge-analytica-idUKKBN1GX35G>

¹²⁹ BBC News. Ex-sócio da Cambridge Analytica no Brasil diz que empresa não tinha banco de dados de brasileiros. Available at: <https://g1.globo.com/economia/tecnologia/noticia/ex-socio-da-cambridge-analytica-no-brasil-diz-que-empresa-nao-tinha-banco-de-dados-de-brasileiros.ghtml>

¹³⁰ Facebook Partner Categories webpage: <https://www.facebook.com/business/a/facebook-partner-categories>.

¹³¹ Facebook. *What are Facebook's relationships with data providers?* Available at: https://www.facebook.com/help/494750870625830?helpref=uf_permalink

¹³² Facebook Newsroom. *Hard Questions: Why Doesn't Facebook Just Ban Political Ads?* Available at: <https://newsroom.fb.com/news/2018/05/hard-questions-political-ads/>

¹³³ By the date of conclusion of the present work.

check the veracity of the information. They have also promised reduction of organic distribution in the News Feed and diminishing full page range as some of the measurements taken against pages who repeatedly share fake news.¹³⁴ Facebook also promises it will not allow boosting of news considered to be fake by the fact-checking agencies, neither the use of ads for building or increasing audiences to such pages.¹³⁵ Another partner in the Latin American region is Agence France Presse (AFP) that will start checking news shared at the platform as of June.¹³⁶

3) Whatsapp as a new playing field for spreading political discourse

The Brazilian context is predominantly dominated by two social media platforms: Whatsapp and Facebook. Whilst Facebook can be seen as more of an open network due to the amount of content one can see available and how easy it is to search for a certain story on the network, Whatsapp can be considered an closed network where the information shared between users is not searchable and protected by end-to-end encryption.

In an article by the Brazilian newspaper Folha de São Paulo¹³⁷, a Datafolha survey held in January 2017¹³⁸ shows that nearly two thirds of Brazilian voters have a WhatsApp account. In the entire country, 36% read and 21% share news on Brazilian politics and elections on the message app.

Among these users, 42% exchange messages with service providers, health care or bank managers, among others, and 57% said WhatsApp could be considered the safest medium for exchanging sensitive messages that need high security. The business version of the app was activated in the country in January¹³⁹ enabling small and medium business to collect statistics to understand whether corporate communication strategies are working on the platform.

In a recent article on Vice, Noah Kulwin, highlights how the message app is causing a serious fake news problem in Brazil. According to the article, it multiplies the most toxic aspects of fake news: *The platform exacerbates pockets of powerful echo chambers in a political environment already*

¹³⁴ Facebook Newsroom. *Facebook lança produto de verificação de notícias no Brasil em parceria com Aos Fatos e Agência Lupa*. Available at: <https://br.newsroom.fb.com/news/2018/05/facebook-lanca-produto-de-verificacao-de-noticias-no-brasil-em-parceria-com-aos-fatos-e-agencia-lupa/>

¹³⁵ Idem.

¹³⁶ Facebook Newsroom. *AFP é nova parceira do programa de verificação de fatos do Facebook na América Latina*. Available at: <https://br.newsroom.fb.com/news/2018/05/afp-e-novo-parceiro-do-programa-de-verificacao-de-fatos-do-facebook-na-america-latina/>

¹³⁷ Fleck, I. and Tavares, J. *Brazil's Pre-Presidential Candidates Target WhatsApp*. Available at: <http://www1.folha.uol.com.br/internacional/en/brazil/2018/03/1959153-brazils-pre-presidential-candidates-target-whatsapp.shtml>

¹³⁸ Datafolha Institute. *Hábitos de Usos de Aplicativos*. Available at: <http://media.folha.uol.com.br/datafolha/2017/01/27/da39a3ee5e6b4b0d3255bfef95601890afd80709.pdf>

¹³⁹ Folha de São Paulo. *Whatsapp para negócios é liberado para usuários brasileiros*. Available at: <http://www1.folha.uol.com.br/tec/2018/01/1953285-whatsapp-para-negocios-e-liberado-para-usuarios-brasileiros.shtml>

*deeply polarized and makes tracking the reach and origins of disinformation particularly difficult for researchers, journalists, and, in Brazil's case, the federal police*¹⁴⁰.

Differently from Facebook, Whatsapp does not offer a "share" button and while the encryption of the platform offers privacy to its users at a certain level, the "posts" or content circulating at the platform are not auditable and very hard to track. The platform facilitates the easy exchange of text and voice messages, pictures and videos but the authorship of such messages is often unknown or not taken into consideration. According to Ciara Long¹⁴¹, *substantial amounts of information are shared in group messages, with participants sharing in search of validation from their peers. They also provide the opportunity for anonymous sharing, meaning that possible backlash remains private rather than attracting the public shaming that appears on platforms like Facebook and Twitter.*

Ciara also mentions recent examples of famous rumours spread around the country through the platform such as:

- (a) Sergio Moro, the judge overseeing the extensive corruption probe Operation Car Wash, did not tell voters in 2017 that blank votes were the only way to stop political corruption.
- (b) Lula's planned trip to Ethiopia, a country that does not extradite to Brazil, was for the African Union Summit in January – not to escape jail.
- (c) Marielle Franco, popular Rio city councillor murdered in early march, was not married to one of the leaders of drug trafficking gangs.

In another recent example of Whatsapp's power of mobilization, in May of the present year, the platform was the tool used to spread information about a recent strike against the hike of fuel prices. According to Folha de São Paulo¹⁴², what started out with a message stating that Brazil would stop if the fuel prices kept on increasing became a group with 290 truck drivers and the main mean of communications of the strikers. The same group was used to inform the drivers that the strike would continue despite of the government announcement of an agreement and drivers affirm that without whatsapp they would never be able to reach such level of mobilization.

Ever since the beginning of the strike there has been some rumours about possible infiltrations from movements that are calling for the return to the military dictatorship that was in charge of the country from 1964 to 1985. And now a demonstration that was initiated due to the rising fuel prices has spiralled into a broader protest over a range of issues including Brazil's healthcare, education, roads, increasing violence and political corruption with a strong group of interventionists in its composition, as stated by Sam Cowie and Dom Phillips at The Guardian¹⁴³.

¹⁴⁰Kulwin, N. *WhatsApp is causing a serious fake news problem in Brazil*. Available at:

https://news.vice.com/en_us/article/mbpkv/whatsapp-is-causing-a-serious-fake-news-problem-in-brazil

¹⁴¹ Long, C. *Why WhatsApp is Brazil's go-to political weapon*. Available at:

<http://nic.br/noticia/na-midia/why-whatsapp-is-brazil-s-go-to-political-weapon/>

¹⁴² Linhares, C. et al. *WhatsApp Organizes and Informs Demonstrators on Brazil's Roads*. Available at:

<http://www1.folha.uol.com.br/internacional/en/business/2018/05/1970125-whatsapp-organizes-and-informs-demonstrators-on-brazils-roads.shtml>

¹⁴³ Cowie S. and Phillips, D. *Brazil faces calls for return to military dictatorship amid truckers' strike*. Available at: <https://www.theguardian.com/world/2018/may/30/brazil-truckers-strike-protest-military-dictatorship>

Polarization in the country is increasing and shutting down the space for political debate. The dynamics of platforms such as Whatsapp not only enable but encourage the creation of more echo chambers filled with brazilians who are growing unfaithful of the democracy each day. Researchers believe that the messaging platform will foster both for mobilization and disruption. "*The trend is for people to organize in WhatsApp groups around candidates and schedules, while people who want to destabilize each other's campaigns will also be operating in WhatsApp groups quite intensely*", pointed Yasodara Córdova in an article from BBC Brazil¹⁴⁴.

A study from Harvard Business School¹⁴⁵ mentions that in the latest Presidential election in 2014, candidates from both sides used WhatsApp to diffuse video and messages during their campaigns at no cost and relying on sharing through family and friends groups to reach the general population. And the 2018 elections will be no different considering that the development of digital strategies by companies such as A Ponte Estratégia includes qualitative surveys to identify target audiences and then collect phone numbers to set up a database that will be later used to transmit messages.

Differently than facebook, whatsapp does not offer any microtargeting services for advertisement at the platform, hence the importance of developing techniques such as qualitative research for achieving a better understanding of the possible groups of voters. The means of accessing the electors phone numbers and assembling the database is what takes the most time according to Torreta as they can range from the organization of campaign events where attendees/supporters phone numbers are requested to the purchase of databases from companies such as Serasa Experian and Vivo¹⁴⁶.

The above mentioned article by Folha de São Paulo has also flagged¹⁴⁷ that the majority of Presidential pre-candidates intended to use use the platform for campaigning efforts. In some cases, the political parties or the candidates assemble open transmission lists used for communicating with voters or mobilization groups. Such lists go up to 20 thousand subscribers who can receive campaign-related media directly from the candidates or political parties.

While the electoral reform has innovated by allowing candidates, political parties and coalitions to sponsor ads on social media platforms, the legislation says nothing about whatsapp and how these same people will share the content at the platform and whether or not they should be flagged as sponsored political advertising. Brazilian justice also blocked the platform previously due to investigations in which Facebook failed to comply with the court order that demanded the platform to track messages from drug dealers and that serves as a good example of the difficulties brazilian authorities face regarding the platform.

¹⁴⁴ Rossi, A. *Como o WhatsApp mobilizou caminhoneiros, driblou governo e pode impactar eleições*. Available at: <http://www.bbc.com/portuguese/brasil-44325458>

¹⁴⁵ Harvard Business School Digital Initiative. "*ZapZap*": *How WhatsApp transformed communications in Brazil*. Available at: https://rctom.hbs.org/submission/zapzap-how-whatsapp-transformed-communications-in-brazil/#_ftn9

¹⁴⁶ Fleck, I. and Tavares, J. *Whatsapp entra no radar de pré-candidatos*. Available at: <https://www1.folha.uol.com.br/poder/2018/03/whatsapp-entra-no-radar-de-pre-candidatos.shtml>

¹⁴⁷ Idem.

Without proper regulation there was no way of granting candidates the platform was or will not be used for illicit purposes such as online political advertising outside the authorized or any crime against a candidate's honour. And all the privacy entailed at the platform as an extension to the secrecy of communications plus the lack of possibilities of a determinate candidate to audit certain content will not prevent any future judicializations against the platform or eventual blockages.

The already high levels of Brazilian engagement with the platform transformed it in one of the main arenas for the 2018 Electoral Campaigns and, in the opinion of researchers like Niall Ferguson, Brazil should expect to see in 2018 *a repeat of what happened in the United States in 2016, when social media played a decisive role in the election of Donald Trump*¹⁴⁸. On that note, a recent research from Datafolha institute concluded that an average of 30% of the top-three President candidates voters share news with political content on social media. The research also unveiled that the group of supporters with greatest levels of online engagement and political content distribution (both on Facebook and Whatsapp) are the voters of Jair Bolsonaro¹⁴⁹, a right-oriented/conservative candidate that advocates for military intervention in the country¹⁵⁰.

One week before the voting for the second turn, the article¹⁵¹ about electoral crime of corporate funding for mass distribution of whatsapp messages against PT brought the app in central evidence of the legality of political debate fostered over the internet. According to Folha, ex-employees of AM4 Brasi Inteligência Digital reported they were using a tool called TextNow to generate several foreign numbers to circumvent whatsapp restrictions to spam and group sizes. They also reported profiling practices of followers to craft the most group messages. The case is being investigated by the Electoral Supreme Court (TSE), that also notified the marketing agencies: Quickmobile, Yacows, Croc Services and SMS Market.

Besides violating terms of services of the app, mass messaging from candidates is not illegal, as long as the contact from the target audience is already part of the databases of the candidate, meaning, contacts of supported that have consented to be reached. Nevertheless, it was reported by Folha that, just as mentioned in the agencies that we interviewed, the agencies in the case were also selling databases from third parties with profile segmentation.

In response, since the episode, whatsapp have reported to have blocked several accounts for unusual activity, which comprises "amount of messages send by one use, repetition of content, hate speech and offenses, besides the amount of times the user have been blocked or deleted."¹⁵²

¹⁴⁸ De Sá, N. 'We Were Naive to Believe in Silicon Valley', Says Historian Niall Ferguson. Available at: <https://www1.folha.uol.com.br/internacional/en/world/2017/11/1938851-we-were-naive-to-believe-in-silicon-valley-says-historian-niall-ferguson.shtml>

¹⁴⁹ Suhet, I. *Bolsonaro é o presidencialável com mais seguidores virtuais: 7,8 milhões*. Available at: <https://www.metropoles.com/brasil/politica-br/bolsonaro-e-o-presidencialavel-com-mais-seguidores-virtuais-78-milhoes>

¹⁵⁰ De Sá, N. *Eleitor de Bolsonaro é o mais ativo nas redes, diz Datafolha*. Available at: <https://www1.folha.uol.com.br/poder/2018/01/1947267-eleitor-de-bolsonaro-e-o-mais-ativo-nas-redes-diz-datafolha.shtml>

¹⁵¹

<https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml>

¹⁵² <https://www.bbc.com/portuguese/brasil-45909762>

They have also reportedly notified the marketing agencies listed in the news article denounces the scheme.

In face of the case, both PT and PSOL have submitted petition in the Electoral Justice, the previous one, polemically requiring "suspension of the app in case whatsapp did not submit a contingency plan in 24hs to suspend the massive distribution of offensive messages towards candidate Haddad.

4) Politicians as Instagram celebrities: marketing and boosting daily life stories

Earlier this year, Facebook revealed that around 20 million Instagram users in the United States have seen content created by Russian operators to influence the elections that led Donald Trump to the presidency¹⁵³ also, the estimated number of posts created by russian operators is about 120 thousand.

With the estimated amount of 50 million users in Brazil, Instagram is also seen as a possible target when it comes to a possible arena for influencing voters online. In 2017, the Brazilian Superior Electoral Court announced the creation of its official profile on the platform¹⁵⁴ (@tsejus) with the main focus on young voters, according to the electoral court the profile will help foster communications with citizen and discuss important matters such as electoral enlistment and conscious vote.

Instagram is also vastly used between politicians, who have been using the platform for accountability purposes. Websites such as *Suite de Gerenciamento Político*, who offers consultancy for political campaigns, suggests that candidates should use Instagram for maximising their relationship with the voters by sharing photos and tagging the location of rallies or visits to local communities at the platform, as well as selfies with possible electors¹⁵⁵ and content created by their own audience¹⁵⁶. During the 2014 elections, the term and hashtag "Rouselfie" was used between the former President's supporters when sharing selfies taken with the candidate.

Regarding the Presidential candidates relationship with the platform, Marketing Político Hoje¹⁵⁷ listed some of the profiles and their reach at the platform and candidates like the former President

¹⁵³ AFP. *Russos também manipularam Instagram antes de eleições nos EUA*. Available at:

<https://exame.abril.com.br/tecnologia/russos-tambem-manipularam-instagram-antes-de-eleicoes-nos-eua/>

¹⁵⁴ TSE. *TSE lança perfil oficial no Instagram com foco no jovem eleitor*. Available at:

<http://www.tse.jus.br/imprensa/noticias-tse/2017/Novembro/tse-lanca-perfil-oficial-no-instagram-com-foco-no-jovem-eleitor>

¹⁵⁵ SGP. *Por que você deve usar o Instagram na campanha eleitoral*. Available at:

<http://gerenciamentopolitico.com.br/instagram-na-campanha-eleitoral/>

¹⁵⁶ Alexandria Marketing . *6 dicas e ferramentas para aplicar em sua estratégia de marketing no Instagram*.

Available at:

<http://alexandria.marketing/6-dicas-e-ferramentas-para-aplicar-em-sua-estrategia-de-marketing-no-instagram/>

¹⁵⁷ Marketing Político Hoje. *Como os presidentiáveis usam o Stories*. Available at:

<https://marketingpoliticohoje.com.br/como-presidenciaveis-usam-o-instagram-stories/>

Luis Inácio Lula da Silva¹⁵⁸, Geraldo Alckmin¹⁵⁹ and Jair Bolsonaro¹⁶⁰ can have 261 thousand, 107 thousand and 1.2 million followers, respectively. At the article, Marketing Político Hoje analysed the candidates use of Instagram stories and verified that the three share backstage photos and videos of the pre-campaign agendas and also some tweets.

The deployment of automation tools and the use of fake profiles is something that also affects Instagram. Automation works are used at the platform for boosting profiles with comments and followers, there are countless online guides orienting the creation of bots that interact with other people's Instagram accounts in order to improve a profile's surge, or tools that offer "1000 followers quickly".¹⁶¹ Some tools like *SocialDrift's* smart filters and Artificial Intelligence even help you target users by hashtag, username, location and various other criteria. Their proprietary boosting engine is the only solution that strictly follows all of the subtleties in Instagram's terms of service to ensure your account stays safe and effective, as disclosed by Forbes¹⁶².

Regarding the identification of sponsored content, it is important to note that since 2017 the platform started informing its users which posts were sponsored and by who¹⁶³. In the Brazilian electoral context, the "branded content tool" can help identify political ads hired by candidates, political parties and coalitions at the platform. Facebook also announced in May 24th a new policy¹⁶⁴ to identify political content posted on Instagram well as an identity verification of people responsible for hiring this type of content. The policy would be implemented worldwide in the upcoming months.

¹⁵⁸ Luiz Inácio Lula da Silva. <https://www.instagram.com/luizinacioluladasilvaoficial/>

¹⁵⁹ Geraldo Alckmin. <https://www.instagram.com/geraldoalckmin/>

¹⁶⁰ Jair Messias Bolsonaro. <https://www.instagram.com/jairmessiasbolsonaro/>

¹⁶¹ Gonen, J. *10 Best Tools for Instagram Automation*. Available at: <https://hackernoon.com/10-best-tools-for-instagram-automation-3e158f0c611f>

¹⁶² Olenski, S. Top 5 Instagram automation tools for marketers. Available at: <https://www.forbes.com/sites/steveolenski/2017/12/16/top-5-instagram-automation-tools-for-marketers/#76551d2058c7>

¹⁶³ Alba, D. *INSTAGRAM WILL NOW TELL YOU WHO'S GETTING PAID TO POST*. Available at: https://www.wired.com/story/instagram-sponsored-posts?mbid=social_twitter

¹⁶⁴ AFP. *EUA: Anúncios políticos do Facebook e do Instagram começam a ser checados*. Available at: <https://exame.abril.com.br/tecnologia/eua-anuncios-politicos-do-facebook-e-do-instagram-comecam-a-ser-checados/>

Conclusions

When looking at the digital environment and the data brokers market operating in such a inflammatory political context of the 2018 Brazilian elections, these are the main aspects that we need to consider:

The weight of digital advertising vs time in traditional media

Digital advertising is cheaper than commercials on the traditional media - radio and television - or in the print media. Therefore, as pointed out by some of the companies interviewed in this present research, things such as time constraints - caused by the division of the mandatory electoral time on TV and Radio between the coalitions - tend to push smaller parties to invest more in digital campaigns, especially in strategies that include the use of Whatsapp.

Facebook continues to be the main arena for political advertising as the electoral reform has received the possibility of candidates, political parties and coalitions to purchase targeted ads/sponsor electoral advertising online. As revealed in the present paper, activities of data collection for further development of different user profiles and the sale of space for targeted advertising is the basis of the business model of these platforms.

The electoral reform provision regarding the possibility of candidates, parties or coalitions to purchase targeted ads and boost their own content online - both on Facebook and on Google's research results as well - has limited investment in electoral advertisements on the internet in the Brazilian elections was limited to services and business models of the major technology Silicon Valley. Slightly trying to avoid the use of bots that inflate and the scope of postings, the law also prohibits any another content boosting technique that is not made available by these platforms.

By endorsing the possibility of boosting content on such platforms, it is as if the legislator indirectly endorsed the logic of *echo chambers* reinforced by the algorithms of main social media companies. This trend tend to favor the radicalization of blind political polarization, keeping voters with different ideological positions completely apart. A totally opposite logic is favored for political propaganda on TV and radio, during which all voters are exposed to all parties, albeit in different times.

Data brokers, political marketing agencies and lack of data protection: how targeted are my political ads?

Data Brokers actions within the political advertising market is revealing to be more and more capillary as the data used to craft targeted electoral adverts is not only obtained in various sources from credit scoring companies to informations but also used by the government on the provision of public policies. As foreseen by the U.S. Federal Trade Commission, the Data Brokers industry is

not only layered and complex, but stimulates the exchange of users data between different kinds of data brokers, either by selling it or combining and analyzing it for composing analytical scores or classifications that can also be commercialized.

Without much consideration for voters privacy, most interviewed companies highlighted that the diversity of information generated on the Internet represents an excellent starting point for their business, noting that legally collected information through social networks when crossed with databases containing public information, such as the ones used for the provision of public policies, the census information (IBGE) or Serasa Experian (until very recent, a partner of the Facebook), are enough for the development of their strategies.

As the scenario calls for measures to reinforce respect for privacy and freedom voters' choice and give more transparency to political campaigns, one initial way of facing some of the problems would be for Brazil to implement an independent Data Protection Authority a provision that was vetoed from the recently enacted General Data protection Law . A comprehensive regulation with stronger rules regarding the consent and purpose of the use of citizens' data, punishments for possible data leaks, improper sharing and use without consent or misuse of data have just been sanctioned by the president, but with vetoes regarding the provisions for a DPA, but assuring that the law will have such an authority to ensure compliance is of utter importance to counterattack the abuses of voters data use.

Whatsapp as an unruléd tool

It has also become clear that Whatsapp might be one of the most important in the Brazilian scenario. The facilitated accessibility to the platform through zero rating practices have helped to increasement of user penetration rate of Whatsapp in the country, and despite the fact that the platform does not allow any sort of ads, some companies believe it will play a fundamental part in the upcoming elections and even offer political campaigning services exclusively for the messaging app - some companies collect voters data like phone number in events and from there assemble transmission lists that could go up to 20 thousand users to send an average of 10 messages a day on the messaging app.

The lack of provision in the electoral reform regarding content shared on Whatsapp and the intricacies of the platform have made it almost impossible for electoral content to be flagged or even to assure candidates that it will not be used for illicit purposes such as online political advertising outside the authorized or propagation of hate speech or the so called "fake news".

Technological and digital rights knowledge as requirements for transparency and accountability

The electoral legislation reform opens room for increasing transparency measures about online political campaigning strategies and the technologies demployed. Parties, coalitions and

candidates should publish a list of content sponsored in social networks, the amount of money spent, as well as information about marketing companies contracted. But one particular issue remains untangled: as the permission for sponsored political advertisement online has been restricted to candidates, parties and coalitions, how do we address the advertising made by third parties? Who should monitor and identify these practices?

We also need companies to be transparent about prioritizations embedded in the logic of the algorithm that affect the electoral content, as well as how our data is being used. It is also not clear how the platforms will comply with the Brazilian law and the celerity required by the electoral court in cases of irregularity.

Massive collection of personal data of Internet users is a known activity, but we are still to discover the dimension on the amount and categories of data is collected in order to involuntary frame individuals in advertising profiles that are also uncharted territory. In addition to that, there is still a fair number of manipulation of the information presented to us or prioritization of contents, and these are also important aspects that form the digital environment in which such electoral campaigns are circulating.

Finally, especially in the electoral context and in compliance with the democratic principles of freedom of expression and the right of choice of the candidate must be preserved. Therefore, the right of voters or candidates to express themselves regarding a candidate, party or coalition without threats or reprisals must be guaranteed, respecting the limits imposed by legal provisions prohibiting racist expressions or other forms of prejudice.

The development of technologies for transparency, as well as encouraging voters to use tools to monitor both advertising directed at them through micro-targeting techniques, algorithms and the use of bots. As highlighted in a recent article called "Can we watch the watchmen?¹⁶⁵", the use of tools such as the browser extensions Who Targets Me, Fuzzify.me, Facebook Tracking Exposed, can enable the Internet user to better track the use of his data past the Cambridge Analytica scandal.

¹⁶⁵ Varon, Joana and Teixeira, Lucas. *Can we watch the watchmen?*. Available at: <https://antivigilancia.org/pt/2018/05/podemos-vigiar-os-vigilantes/>

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A Ponte Estratégia. Available at: <http://www.ponteestrategia.com.br/>

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