

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY BRAZIL

ARTICLE 13 UNCAC

PARTICIPATION OF SOCIETY

BRAZIL (THIRTEENTH MEETING)

Fala.BR

On 9 December 2021, the Federal Government enacted Decree 10,890/2021, which amended legislation related to whistleblower protection in the direct and indirect federal public administration. Some of the changes in the legislation include:

- The mandatory use of the integrated reporting/ombudsman platform Fala.BR by all entities of the direct and indirect federal public administration, including SOEs and mixed capital companies that receive public resources to partially or fully fund their operations. These entities are also required to provide easy access to the Fala.BR platform on their official websites and encourage users to submit their reports/communications through electronic means.
- In practice, the decree establishes the platform as the main tool for receiving, triaging, treating and responding to citizen's reports, including whistleblowers. Even physical reports made in person or by regular mail need to be digitalized and uploaded into the Fala.BR system.
- In terms of protective measures, the new regulation confers to CGU the competence to monitor the proper implementation of the decree and the protection of the identity of whistleblowers in the Fala.BR system.

Public Ombudsman System

The Fala.BR platform makes it possible to comply with the provisions of the Law on Access to Information and the Defense Code for Users of Public Services, controlling responses' deadlines and workflows provided for in these laws. With the entry into force of Law 13,709, of 2018, the General Law for the Protection of Personal Data (LGPD), the Fala.BR platform also became the channel for exercising the rights of personal data protection held by the federal government. For this purpose, the system underwent minor adjustments in order to guarantee the security of the personal data that would pass through it. In addition, with the development of whistleblower protection regulation, this channel has come to play an essential role in identity safeguarding processes, a basic assumption of defense mechanisms.

The unification of the input channel for communications and requests for access to information allows, from the point of view of the user experience, to determine to which competent institution to forward the communication simply by specifying the subject to be addressed. It also allows standardizing the process of communicating with the State, increasing the legal certainty and even allowing citizens to report anonymously. On the other hand, from the State's point of view, it allows the creation of a single database of communications, facilitating their analysis for the planning and execution of control and disciplinary actions.

Through Fala.BR, it is possible to send complaints, suggestions, reports, praises, requests, bureaucratic simplification suggestions and requests for access to information to more than 300 agencies and entities of the federal government, in addition to another two thousand instances of all entities and powers from states, municipalities and autonomous social services that joined the system. The Fala.BR platform, therefore, has become the most comprehensive tool for the administrative protection of rights, whether they are related to access to public information, the exercise of reporting rights free of retaliation, privacy rights and protection of personal data or the correct enjoyment of public services and policies. The system provides APIs - Application Programming Interfaces that allow the user to interact with the platform to register ombudsman communications through messaging applications (Facebook and Telegram).

Performance data related to ombudsman communications (reports, suggestions, requests, complaints, praises or simplification requests) are available at the dashboard [Painel "Resolveu?"](#). Data on access to information requests are extracted from the Fala.Br system and displayed at the dashboard [Painel da Lei de Acesso à Informação](#).

Virtual Platform of the Council of Users of Public Services.

The Platform complements compliance with the provisions of the Defense Code for Public Service Users. Regulated through Decree 10.228/2020, the tool meets the need to operationalize the functioning of public service user councils, which must be created in each body or entity that makes up the Ombudsman System of the Federal Executive Branch (SisOuv).

The councils of public service users have the following attributions: (i) monitor and participate in the evaluation of the quality and effectiveness of the provision of public services; (ii) propose improvements in the provision of public services and contribute to the definition of guidelines for the adequate service to the user; and (iii) monitor and assist in the evaluation of the performance of the ombudsman offices of the Ombudsman System of the Federal Executive Branch. The Platform promotes an exchange between users and services provided (currently more than 5,000 services have been mapped in the Federal Executive Branch), and allows managers, through the ombudsman offices, to carry out consultations with such advisors, in order to test hypotheses relevant to the design or redesign of public services.

The Virtual Platform of the Council of Users of Public Services is the web system that enables interactions between the agency and councilors, who are volunteers. The system was designed to contain: (i) application for the production of surveys, which may occur in the form of consultations with counselors or in the form of survey to collect data from other segments of the population, through specific samples or without sampling predetermined; (ii) a forum for presenting ideas for improving public services, with the possibility of support, comments and a tool for flagging relevant issues to management; and (iii) interface for evaluating non-digitized services.