

## INFORMATION ON REMOTE GUIDANCE SUPERVISION WITHIN THE FIELD OF THE CFMV/CRMVS SYSTEM INCLUDED IN THE GENERAL LAW ON THE PROTECTION OF PERSONAL DATA

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**Abstract:** The work covers aspects of remote oriented inspection, also known as Teleinspection, and the necessary requirements for the cohesive application of the regulations with the legal certainty arising from the General Data Protection Law for veterinarians and inspectors of the Regional Councils of Veterinary Medicine. In view of the publication of Resolution CFMV number 1.493/2022, it is necessary to understand the main aspects, from benefits to possible penalties.

**Keywords:** Guidance; Verification; Veterinary Telemedicine.

## INTRODUCTION

Resolution CFMV number 1.493/2022 was published on November 1st in the Official Gazette of the Union, which allows the use of technological means for inspectors of the Regional Councils of Veterinary Medicine to carry out part of their activities at a distance, whose intention is to act in a guiding and complementary way to face-to-face work. However, if necessary, on-site inspection can also be carried out (CRMV-AL, 2022).

Also called Teleinspection, the regulation came in a complementary way to the recent Resolution number 1465, of June 27, 2022, which regulates the use of Veterinary Telemedicine in the provision of veterinary medical services, bringing speed in inspection, since there is no expenses with displacement and the best use of time.

Internet connection is essential for efficient inspection, and it is worth mentioning that all are bound by Law number 13.709/2018, called the General Law for the Protection of Personal Data (LGPD), which establishes important and mandatory guidelines for the collection, processing and storage of personal data, with the following main objectives:

- Ensure the right to privacy and protection of users' personal data, through transparent and secure practices,

guaranteeing fundamental rights;

- Establish clear rules on the processing of personal data;
- Strengthen the security of legal relationships and the trust of the holder in the processing of personal data;
- Provide clear and up-to-date information on the legal provision, purpose, procedures and practices used to carry out these activities.

## METHODOLOGY

Article 1 of Resolution 1,493/2022 of the CFMV, brings us the fact that the online interaction must be previously scheduled, between the inspector and the supervised professional, without the obligation of face-to-face action, and that it consists of a preparatory, auxiliary or complementary tool to the oversight.

In article 2 of CFMV Resolution 1,493/2022, there is a compilation of guidelines distributed in its items, which are listed below:

- The remote guidance inspection will be directed, preferably, to the Technical Manager of the Legal Entities registered in the CFMV/CRMVs System.
- In case of absence of the Technical Responsible, the inspection may be directed to any other veterinarian or zotechnician, indicated by the legal entity and which, with this, has a bond.
- The results of the remote oriented inspection, in addition to subsidizing the risk analysis and screening for the on-site inspection, can compose the instruction of administrative or ethical processes.
- The supervisory guidance action may be recorded by the respective CRMV through sound and image capture, which must be filed at the Regional and can be provided to the inspected professional,

when requested.

- The inspected professional will be responsible for demonstrating the regularity of the legal entity or the services provided.

## EXPECTED RESULTS

In remote guidance inspection procedures, the CRMV inspector must issue the Guidance Term (Annex 1). In the event that the inspection contains the determination of any corrective measure, the term of up to 15 (fifteen) calendar days, from receipt of the same, must be included in the Term for the inspected professional to demonstrate the correction or to expressly oppose it. grounded (CFMV, 2022).

Remote inspection actions do not result in the issuance of Inspection Terms, Verification Terms or Infraction Notices. However, if necessary, in-person inspection must be carried out (CFMV, 2022).

In the Terms of Guidance there must be an indication of the means used by the inspector, his signature and the sending by digital means (CFMV, 2022). The inspected professional must inform by which digital means he will receive the documents from the inspection act. However, in the case of no indication by the inspected professional, the CRMV will send the documentation to the email registered in the CRMV database (CFMV, 2022).

The identification that the information provided by the inspected professional is false, erroneous, incomplete or that leads to wrong conclusions may lead to civil, criminal, ethical and/or administrative liability of those involved (CFMV, 2022).

CRMVs are authorized to use applications or other electronic means to implement this Resolution (CFMV, 2022). However, it is worth noting that the General Law for the Protection of Personal Data of 2018, in its article 42, brings us that: “The controller or operator who, due

to the exercise of personal data processing activity, causes property, moral, individual or collective damage to others, in violation of personal data protection legislation, is obliged to to repair it.” (LGPD, 2018).

## FINAL CONSIDERATIONS

CFMV Resolution number 1.493/2022 makes the relationship between the board and professionals more accessible. It meets the need to modernize the CFMV/CRMVs System. The remote inspection of veterinary establishments with a guiding function improves professional practice, making the CFMV/CRMVs System more present, mainly in the Federation units with the largest territory and, consequently, which have more demand for inspection ( CRMV-BA, 2022)

The results of the remote oriented inspection can compose the instruction of administrative or ethical processes, not replacing the face-to-face inspection. However, Teleinspection is subject to the General Law for the Protection of Personal Data, where treatment agents must adopt security, technical and administrative measures capable of protecting personal data from unauthorized access and accidental or unlawful situations of destruction, loss, alteration, communication or any form of inappropriate or unlawful treatment (SEBRAE, 2022).

In view of the recent entry into force of the CFMV resolution number 1.493/2022, it is still not possible to claim differences between the opinions of scholars and jurisprudence, but it is necessary to know the regulations that cover the professional life of veterinarians and their legal consequences.

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# ANNEX 1

## SINGLE ANNEX REGIONAL COUNCIL OF VETERINARY MEDICINE OF THE STATE OF \_\_\_\_ CRMV-\_\_\_\_

CFMV resolution number xxxxx, of xxx of xxxxxx of xxxx.

### Remote Guidance Inspection

Guidance Term Number: \_\_\_\_\_/\_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_ the 20\_\_\_\_, I, \_\_\_\_\_, CRMV inspector-\_\_\_\_, enrollment n° \_\_\_\_\_, I contacted the professional identified below and, by mutual consent, the day \_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_h\_\_\_\_, was scheduled for remote orientation inspection.

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_h\_\_\_\_, a remote guidance inspection was carried out, by means of \_\_\_\_\_, with the professional identified below.

### Professional Identification:

Name: \_\_\_\_\_ CRMV-\_\_\_\_ number \_\_\_\_\_

Address: \_\_\_\_\_ District: \_\_\_\_\_

Cidade: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ - \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail for receiving the notification indicated by the inspector: \_\_\_\_\_

### Establishment/Service/Related Event

CRMV- \_\_\_\_\_ number \_\_\_\_\_

Number of Note of Technical Responsibility \_\_\_\_\_

Outros: \_\_\_\_\_

Descrição da Fiscalização: \_\_\_\_\_

Orientações Realizadas: \_\_\_\_\_

( ) The supervised professional is instructed to demonstrate the corrective measures taken to regularize the situation(s) listed above, within \_\_\_\_ calendar days.

Or

( ) During the remote guidance inspection, no irregular situations were identified on the subject inspected.

\_\_\_\_\_/\_\_\_\_\_, \_\_\_\_ of \_\_\_\_\_ of 20\_\_\_\_.  
Place / State                      day                      month                      year

Tax/Enrollment \_\_\_\_\_