RECIMA21 - REVISTA CIENTÍFICA MULTIDISCIPLINAR
ISSN 2675-6218

THE OBSERVED DEFENSE MECHANISMS OF THE UNCONSCIOUS NODE REPORT OF VIOLATIONS OF DATA REQUIRED BY THE GENERAL PERSONAL DATA PROTECTION LAW (LGPD)

OS MECANISMOS DE DEFESAS DO INCONSCIENTE OBSERVADOS NO REPORTE DE VIOLAÇÕES DE DADOS EXIGIDOS PELA LEI GERAL DE PROTEÇÃO DE DADOS PESSOAIS (LGPD)

LOS MECANISMOS DE DEFENSA DEL INCONSCIENTE OBSERVADOS EN LA DENUNCIA DE VIOLACIONES DE DATOS EXIGIDOS POR LA LEY GENERAL DE PROTECCIÓN DE DATOS PERSONALES (LGPD)

Davis Souza Alves[1], Márcio Magera Conceição[2]

e616195
https://doi.org/10.47820/recima21.v6i1.6195
RECEIVED: 12/12/2024 APPROVED: 01/12/2025 PUBLISHED: 01/27/2025

ABSTRACT
The General Personal Data Protection Law (LGPD) came into force in September 2020 and aims to protect citizens' personal data. To this end, companies must adopt several measures to comply with the law. Among the corporate changes, this is the need for companies to have one area specific to receive you reports of violation of data carried out by the holders (citizens), and also report to the National Data Protection Authority (ANPD). Since the damage to the holder is largely subjective and, such a process is questioned as a problem question of this study: “What manifestations of the defense mechanisms of the unconscious can be considered during the Reporting of Data Breaches? Based on the principles of Freudian psychoanalysis, the objective of this study and identify which mechanisms of defense of unconscious can be considered during the Report of one Violation of Data? To investigate that search and of type qualitative with collect of documentary data and tabulated by hypothetical example. At the end, this study presents examples of aspects unconscious of the holders, what they can influence the report of violations of data to the Controller and to the ANPD. It is concluded that the reported communications may not always be personal data breaches.

KEYWORDS: Psychoanalysis. LGPD. Violations. Reporting. Incidents. Unconscious. Holders. Defense Mechanisms. ANPD.

RESUMO
A Lei Geral de Proteção de Dados Pessoais (LGPD) entrou em vigor em setembro de 2020 e tem como objetivo proteger os dados pessoais dos cidadãos, para isso, as empresas devem adotar diversas medidas para estarem adequadas à lei. Entre as mudanças corporativas, está a necessidade de as empresas possuírem uma área específica para receberem os reportes de violação de dados efetuados pelos titulares (cidadãos), e também reportar para a Autoridade Nacional de Proteção de Dados (ANPD). Como o dano para o titular é em grande parte subjetivo, questiona-se como pergunta problema desse estudo: Quais manifestações dos mecanismos de defesa do inconsciente, podem ser consideradas durante o Reporte de Violações de Dados? Embasado nos princípios da psicanálise freudiana, o objetivo desse estudo é identificar quais mecanismos de defesa do inconsciente podem ser

[1] PhD in IT Administration - Ph. D from Florida Christian University (USA) validated in Brazil, Master in Administration with a focus on Green IT (2015), Extension in IT Management from FGV/SP (2011), Postgraduate in Project Management (2009), Graduate in Computer Networks and Internet (2008). Professor of Information Security at Universidade Paulista (UNIP), Universidade Municipal de São Caetano do Sul (USCS) and Florida Christian University (FCU). He holds the PMP®, ITIL® Expert, C|EH®, C|HFI® and EXINI® Data Protection Officer certifications. He works in the United States as a Cybersecurity Project Manager (R&D) with a focus on Data Privacy (LGPD/GDPR), Computer Forensics, Ethical Hacker and Artificial Intelligence (AI).
[2] Economista pela PUC- Campinas. MBA de Marketing - ESAMC, Sorocaba. Mestrado em Administração pela UNG - Guarulhos. Mestrado em Sociologia pela PUC - São Paulo. Doutorado em Sociologia pela PUC - São Paulo. Doutorado em Administração pela FCU - USA. Pós Doutor Unicamp - Campinas. Pós Doutor FCU - USA. Pós Doutor UC- Portugal. Jornalista e Escritor. Avaliador do MEC/INEP. Pró Reitor da Universidade Guarulhos, SP. Editor-chefe da RECIMA21 – REVISTA CIENTÍFICA MULTIDISCIPLINAR. Ph.D, UNG; CFE - U.C Portugal.

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considerados durante o Reporte de uma Violação de Dados? A investigação dessa pesquisa é do tipo qualitativa, com coleta de dados do tipo documental e tabuladas por exemplificação hipotética. Ao final esse estudo, apresenta-se exemplos de aspectos inconscientes dos titulares que podem influenciar o reporte de violações de dados para o Controlador e para a ANPD. Conclui-se que nem sempre as comunicações reportadas podem ser violações de dados pessoais.

PALAVRAS-CHAVE: Psicanálise. LGPD. Violações. Relatórios. Incidentes. Inconsciente. Titulares. Mecanismos de Defesa. ANPD.

RESUMEN
La Ley General de Protección de Datos Personales (LGPD) entró en vigor en septiembre de 2020 y tiene como objetivo proteger los datos personales de los ciudadanos, para ello, las empresas deben adoptar varias medidas para cumplir con la ley. Entre los cambios corporativos, se encuentra la necesidad de que las empresas cuenten con un área específica para recibir los reportes de violación de datos realizados por los titulares de los datos (ciudadanos), y también para reportar a la Autoridad Nacional de Protección de Datos (ANPD). Dado que el daño al titular de los datos es en gran medida subjetivo y, este proceso se cuestiona como una pregunta problemática de este estudio: "¿Qué manifestaciones de los mecanismos de defensa del inconsciente se pueden considerar durante la Denuncia de Violaciones de Datos? Con base en los principios del psicoanálisis freudiano, el objetivo de este estudio es identificar ¿qué mecanismos de defensa del inconsciente se pueden considerar durante la denuncia de una violación de datos? Para la investigación, esta investigación es de tipo cualitativo, con recolección de datos de tipo documental y tabulados por ejemplificación hipotética. Al final, este estudio presenta ejemplos de aspectos inconscientes de los interesados, que pueden influir en la denuncia de violaciones de datos al Responsable y a la ANPD. Se concluye que las comunicaciones reportadas no siempre pueden ser violaciones de datos personales.

PALABRAS CLAVE: Psicoanálisis. LGPD. Violaciones. Informes. Incidentes. Inconsciente. Titulares. Mecanismos de defensa. ANPD.

INTRODUCTION

One change in the structure organizational same what motivated put one law impacts in the behavioral structure of individuals (Johann, 2017), where the EGO Defense Mechanisms if manifest to decrease any action what he can impact negatively the individual case the same it is unable of to lead with something what classify as aggressive mentally. Such mechanisms they can if to present of mode unconscious, or it is, without what the individual realize that there are psychic foundations in your actions, and so your mind can find solutions to conflicts that cannot be resolved rationally (FREUD, 1936)

According to Freud (1936), the origins of mechanisms of Defenses arise from dissatisfaction, anguish, or discomfort that the situation or change generates for the individual; the more impacted, the more resistant the defense mechanisms become.

Among the defense mechanisms, nine types also identified by Freud (1936) stand out: Denial, Displacement, Regression, Repression, Projection, Isolation, Sublimation, Training Reactive, and Rationalization. THE application practice of the mechanisms of defense if from the when the conflict creates one species of discomfort. That anxiety us he takes to solve this problem. Node however, as many challenges no they can to be resolved just for the reason, The individual is not always able to

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solve problems directly and immediately. This is because personal issues have an emotional connection that weakens objectivity and, therefore, it is common for the individual to adapt to the needs of the business situation.

Between to the needs business of moment they are the adoption the Law General of Personal Data Protection (LGPD - Law 13.709/2018), which:

"...provides for the processing of personal data, including us means digital, put person natural person or by a legal entity under public or private law, with the objective of protect you rights fundamental of freedom and of privacy and the free development of the personality of the natural person." (Brazil, 2018)

The LGPD defines companies into two categories; "Controller", as being the one to whom they compete to the decisions on to the forms of treatment of the data personal, and "Operator", who performs the treatment at the request of controller. The same law also refers to the individuals as being you "Holders" people physical passable identification through your data – Art. 5, V – LGPD. Put end, there is the public entity responsible put to watch over, implement and supervise compliance with the law in Brazil, which is defined as the "National Authority for the Protection of Personal Data (ANPD)". (Art. 5, XIX – Brazil, 2018).

The same law too indirectly brings the requirement that companies must be ready to receive to the communications of violations, or any other type of report put part of the holders, and then it is up to the ANPD "...to consider petitions from the holder against the controller after proof of for the holder the presentation of complaint to the controller no solved node term established in regulation" (Art. 55-J, V - Brazil, 2018).

Once this legal requirement is understood and the companies and individuals must be ready to receive and report data breaches respectively, the question is whether these reports they can or no to be subjective and influenced by the mechanisms of defense of EGO since there is a human interpretation as to whether or not the individual's privacy has been violated – and this can be reported at any time by the holder to control it, and from there to the ANPD.

Thus, the problem question of this research is "What manifestations of the mechanisms of defense of unconscious, they can be considered during the Report of Data Breaches?"

Some scientific hypotheses can also be considered for the sake of accuracy in the investigation:

- H1: THE mechanism of defense "Denial" if manifests when the holder denies the

involvement and responsibility with the leak of the data.

- H2: "Displacement" also referred to as "Transfer", may occur when the holder verifies in Controller A any existence of data breaches, however, put some inability of contact, ends searching violations node Controller B, who reports to him.

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- H2: THE "Projection" if from the when the holder he has as habit particular to share data personal, and logo raisin the observe what lots of companies also leak data.

For these and other hypotheses, this research aims to identify the defense mechanisms that may manifest during the Reporting of a Data Breach.

The present study is justified by the impossibility of a Controller to deeply analyze all reported violations, and it is also humanly unfeasible for the ANPD in a Brazil with 208 million inhabitants to also identify individual and behavioral aspects of the data subjects; however, it should be borne in mind that many of the communications received by the controller (in its customer service center) and by the ANPD (in their respective channels of communication), they can to be demonstrations of mechanism of defense of each holder, and not actually violations themselves.

The relevance of this study is also due to the fact that there may be “N” motivators for reporting a violation, and many may be subjective and unconscious factors of each data subject.

REVISION FROM THE LITERATURE

Mechanisms of Defense

Node study of the demonstrations human unconscious, your mechanisms of defense of Ego, are applied to theorize behaviors that often happen regardless of the will of the individual. In this sense, Sigmund Freud (1900) in his first theory presents three psychic structures:

a) Unconscious: Formed by repressed content and involuntary actions that can impact of form direct or indirect the individual, as fears, rages, aggressiveness, anxiety, etc.

b) Preconscious: Contents what they can to be accessed for the conscience, as for example memories, technical knowledge, etc.

c) Conscious: Content perceived momentarily and experienced for the individual, such as; thoughts, reasoning, sensations.

Sequentially, Sigmund Freud (1900) presents the second theory to which expands to also three personality systems present in the psychic structure:

a) ID: Acts on the unconscious and acts irrationally, impulsively, seeking pleasure outside of reality, independent of moral values.
b) EGO: Actor that interacts with reality and the external world, seeks to satisfy the desires of the ID but is also influenced by the SuperEgo.
c) SuperEgo: Graduated by the values morals received of quite to the which the individual is inserted, seeks to influence the EGO to control the ID and be in line with society.

Such studies they were deepened by Anna Freud (1936) where theorized that for avoid the unpleasantness of world externally the individual “deforms”, suppresses or moves away from the real

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world, thus keeping its psychic structure intact. These reactions in favor of your psychic protection is called **Mechanisms of Defense,** or it is, techniques unconscious to protection of EGO, that's it and occurs independent from the willing of individual and they can to switch off from the conscience content that is not desired (Freud, 1900).

According to Freud (1936), nine methods are revealed, namely: Denial, Displacement, Regression, Repression, Projection, Isolation, Sublimation, Reactive Formation, and Rationalization. Brief definitions are presented below:

Denial: Repudiation of one situation, proposition or something of desire of ID, although refuted by values morals, difficulties or comforts. No admit a event in order to protect themselves. Example: "No go rain same being afternoon of summer"; avoiding in the true to have what carry an umbrella.

Displacement: Redirecting aggressive impulses onto another object or individual. Popularly known as “Taking it out on others”. Example: After an argument at work with your superior, the man he arrives in home and discuss with the wife – as if she was the “boss”.

Regression: Childish actions in difficult situations in order to dissipate tension. Example: A couple who speaks to each other in a childish way to ask for something. This returns to the phase when, as a child, their parents granted their wishes.

Repression: Keeps unacceptable impulses, feelings or ideas out of consciousness. In other words, it is when the individual wants to “forget” what bothers him because he is feeling bad. resolved. Example: "No I want to speak on that" – internally not this good resolved such a situation.

Projection: AND the act of relating to the world internal node external, normally perceiving it in an undesirable way. In other words, it is pointing out in others what the individual has in himself. Example: “So-and-so is very competitive” – even though the author of the sentence himself is also competitive and does not realize it.

Isolation: To separate of form insensitive you thoughts, affections or actions of others that can to generate determined emotions unwanted. Example: To speak with right nationality about the mother's death.

Sublimation: Redirect the energy and impulse of one activity to other more accepts. It is popularly held that “Every excess hides a lack”. Example: The individual who remains very time in work (sublimates), because don't want unconsciously to be in your house.

Training Reactive: When if wish something and take one action contrary, normally for considering repulsion as real desire. There is a popular saying: “those who disdain, want to buy”, or it is, as more the contempt, bigger and the desire. Example: One individual what preaches a puritanical monogamous marital life may actually hide desires for polygamous relationships.

Rationalization: Attempt of justify logically situations what puts the individual in unpleasant positions in order to minimize the impact on the EGO. Examples: The employee justifies his delay due to the chaotic traffic. The flight was canceled due to the storm.

In short, defense mechanisms can manifest themselves in any situation in which the

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individual's integrity is at risk, so when the individual perceives a possible violation of your personal data for a enterprise, where according to the LGPD, the same has the right to report this manifestation through some communication channel that will transmit to a company or another person.

Law General of Protection of Data Personal (LGPD)

Second IBM (2020) daily they are generated, 4.5 quintillion of bytes of data. Only in 2015, 1 trillion of devices with access the Internet, generated about of 2.5 billions of gigabytes of data. Such fact and called as “BigData” and he has if expanded each time more then 90% of the data that exists today was generated in the last two years (IBM, 2021). Another concern is that 96% of Brazilians believe that companies do not protect their personal data (IBM, 2020), that is, a lot of data is generated but little protected.

For these and other reasons, the European General Data Protection Regulation (GDPR) was created in 2016, which obliged companies in Europe to have and comply with minimum information security and personal data protection requirements, to guarantee the privacy of individuals.

Following the European model in Brazil in 2018, the General Protection Law was also signed of Data (LGPD – Law 13.709/2018), to the which it happened the to enter in force in September 2020. Brazilian law, like European law, also focuses on guaranteeing the privacy of individuals and all companies must demonstrate their compliance.

In Art. 5, the LGPD introduces the figure of the “Controller”, who is responsible for the processing of data personal, popularly known as enterprise responsible by the data personal. Also the law typifies the service providers of services as “Operators”, who process personal data at the request of the controller. In addition to the figure of the “Data Controller”, Personal” (popularly referred to as with the term European of “DPO – Date Protection Officer”), person responsible for acting as a communication channel between the controller, data subjects and the National Data Protection Authority (Brazil, 2018).

Through the LGPD he was created the organ governmental; Authority National of Protection Data Protection Agency (ANPD), responsible for monitoring the application of the law in the country. In Art. 48, the law also requires companies to report to the authority any occurrence of personal data leaks.

Art. 48. The controller must communicate to the national authority and to the data subject the occurrence of a security incident that may result in a risk or relevant damage to the data subjects (Brazil, 2018).

In Art. 55, an indirect point in the LGPD is the existence of the reporting communication from the Holder to the Controller, in which the latter must be ready to receive these requests.

Art. 55J - The ANPD is responsible for: V - assessing petitions from the holder against controller after proven for the holder the submission of an unresolved complaint to the controller node term established in regulation (Brazil, 2018).

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Therefore, the requirements are clear: from now on, all Brazilian companies must be prepared to receive reports from data subjects, and the ANPD must also be prepared to receive such communications, but from controlled companies. Therefore, the guidelines issued by the ANPD regarding Data Breaches Reporting are presented below.

Report of Violations of Data

Report to the violations of data to the controller and the Authority National of Protection Data, in addition to being provided for in the LGPD, are practices that aim to guarantee the Principle of Responsibility and Accountability also provided for in the law in its Art. 6, X:

X - accountability and accountability: demonstration, by the agent, of the adoption of effective measures capable of proving observance and compliance with personal data protection standards and, including, the effectiveness of these measures (Brazil, 2018).

However, it is worth noting that for the same principles, good faith must also be observed. Even though it is directly referenced to the controller, in an ethical manner, the holder also of to take in consideration before of carry out one report. The same he must rationally analyze whether the controlling company actually corroborated any action that directly violated your privacy.

One time verified that such fact occurred, the same must trigger the company responsible for personal data and ask about the official channel for reporting violations. Among them they can exist: the) via *website,* b) via telephone, w) put e-mail, d) put services of messages as *WhatsApp or Telegram* . With the LGPD directing towards the use of internal policies, this information on the channel of report normally are found disclosed in the Policies company's Privacy Policy, usually published on the *website.*

After identifying the reporting channel, the owner can make contact. Each company can stipulate fields minimum of filling us forms node moment in what is making a violation record. There are no fields mandatory, however normally a standard collection should involve:

a) Name of Attendant
b) Name of Holder (what this performing the communication of possible violation data)
c) Type of Violation
d) As was detected?
e) Types of Data Personal affected (Ex.: List of names, phones and CPFs leaked.)

Observation: In one process standard of Management of Incidents of YOU in one Central Services, normally the activities involved are: Identify, Register, Classify, Prioritize, Diagnose and Escalate. (ITIL, 2007)

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One time the violation registered by controller and detected what the same present risk or relevant damage to the holder, the it must also communicate with the ANPD. That communication must contain:

Art. 48, § 1st:

I - the description from the nature of the data personal affected;

II - to the information on your holders involved;

III - the indication of the technical and security measures used to protect data, taking into account commercial and industrial secrets;

IV - you risks related to the incident;

V - the reasons for the delay, if communication was not immediate; and

VI - the measures that have been or will be adopted to reverse or mitigate the effects of the loss (Brazil, 2018).

Regarding information about the holders involved, it is also possible to inform you how the enterprise controller it was left knowing of such violation. AND in that point in what to the subjective perceptions of the holder (if he or she is the one who made the report) may influence the entire process and raise the question of whether or not this is a violation of privacy or the influence of some EGO defense mechanism that motivated such report.

Second Alves and File (2021), before of if start the program of adequacy the LGPD, there are prerequisites what must to be observed as put example the mapping of processes, which in this case collaborate precisely to identify corporate risks such as the integrity of the communications being reported.

In this way, prior identification of the reporting motivation can influence prioritization. of treatment both for the enterprise controller, as put part from the ANPD, to that both optimize the processing of received communications.

METHODOLOGY

THE present study classifies as search of type qualitative, where second Minayo (2014), THE search qualitative involves levels of reality what no they can to be quantified. That is, it operates within the universe of meanings, motives, aspirations, beliefs, values and attitudes (Minayo, 2014). As to the procedures technicians, the search and of character documentary, because it uses materials that have not yet received analytical treatment, or that can still be reworked according to the research objects (Gil, 2008). Finally, for tabulation and analysis of the results, subjective analyses will be proposed with hypothetical examples and related the respect of the relations linked of the mechanisms of defenses, and possible data breach reports.

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PRESENTATION OF THE RESULTS

One time with the understanding of the mechanisms of defense and the need of report of data breaches, Table 1 presents the subjective proposition with fictitious and hypothetical examples of reports for each defense mechanism, being the main object of the present study.

Frame 1 – THE Relationship between the Report of Violations of Data and you Mechanisms of Defense

Situation of Report of Violation of Data	Mechanism of Defense Identified	Analysis Psychoanalytic
Holder THE: “I want to report a violation by your company, as they changed my personal data on my registration screen” Attendant/DPO: "THE sir shared your e-mail and password with somebody? Holder THE: No	Denial	- Denial can be perceived case the response of the holder is immediate, that is, without rational verification of whether or not data sharing is taking place others. This defense issued by the holder may have the objective of protecting himself from possible non-compliance with the companies ' internal policies in not to share the accesses
Holder B: “I would like to express my complete dissatisfaction with your company because they are selling my data” Attendant/DPO: "THE sir it has any evidence of this situation?” Holder B: No	Displacement	- A possible displacement is verified since the company has not had any other occurrence reported in this regard, and no other company was identified in possession of the respective applicant's data, in addition to the holder also having no evidence in his defense.
Holder W: “Attendant, I request your company’s full attention, otherwise I will file a complaint directly with the ANPD” Attendant/DPO: "Sir, we will give you due treatment within the legal deadlines .” Holder W: "But I I want!"	Regression	- Evidence for the possible identification of regression in this case is the child's reaction to the company's attention and threat of reporting to the ANPD. This behavior may be reminiscent of childhood when parents would do anything to fulfill the child's wishes so that they wouldn't threaten to cry. The lack of rationality on the part of the owner also he can to be one important factor to be observed.

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Holder D: “I request one investigation into my data as I noticed that there was a leak of data from other companies” Attendant/DPO: “Did you register? in these others less trusted sites with the same password? Holder D: "No I want to speak on that"	Repression/Repression	- Possible registrations with the same password on unwanted sites that may have caused some embarrassment node Holder D on other occasions, they may still be repressed, a factor that prevents the same of to bring the surface these occurrences.
Holder AND “I believe your company has a habit of sharing personal data with third parties, put that I want to open this occurrence.” Attendant/DPO: “Has any of our partner companies approached you ?” Holder AND: "No, but and my opinion"	Projection	- The fact that the holder perceives that the company shares his data may lead to the projection that he may have the habit of sharing his data in his private life. to share information about other people with third parties, and therefore, you are projecting your own behavior in the company that collects your data.

Attendant/DPO: “Sir, we are contacting you to inform you that unfortunately we had a leak of data, in that your extramarital activity may be exposed” Holder F: “It’s okay, the worst that can happen is the my divorce and division of the my goods."	Isolation	- In this case, the situation commonly considered embarrassing was received in a form realistic to the point not to let the owner be shaken, isolating him from possible marital explanations.
Holder G: “I make a point of spending hours trying to find loopholes in your company’s security, now that I have found them I want to report them with the argument that this could compromise my data. personal to the which you manage.”	Sublimation	- Possible sublimation found with the excess of energy that Holder G is putting into finding security vulnerabilities in the enterprise, the that can to try divert the focus from the conscious to other points to the which the same no wish what there is attention.

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Holder H: "I am a marketing professional and I do not like companies that ask for excessive personal data, so I will report your company to the ANPD question the principle from the need"	Training Reactive	- THE repudiation in excess may hide that at some point Holder H collects or would like to collect personal data from its customers, however it is not possible, this also condemns the companies that do so.
Holder I: Attendant/DPO: "Did you write it down in some place your password access ?" Holder I: "Yes, because with so many demands of complexity imposed by you, it was impossible for me to memorize, so I wrote it down in paper saved in my drawer"	Rationalization	- The attempt at logical justification to explain the put that it was necessary to write down passwords on paper, can characterize the manifestation of rationalization, since it is common sense that there is a certain human difficulty in memorizing passwords with letters, numbers, characters and more of 9 digits for example.

As observed in Table 1, 9 (nine) data breach reporting situations were identified, and these are related to at least 1 (one) identified defense mechanism. The psychoanalytic analyses are subjectivized by the analyst, having as their main basis the bibliography of the General Data Protection Law and the theory of the EGO Defense Mechanism.

Obviously, what to the interactions between Holder and Attendant/DPO, they can to present other variations, taking the identification of others mechanisms of defenses in addition of the cited node Table 1, however the example served to elucidate some reactive manifestations of the unconscious.

CONSIDERATIONS

The present study considered what aspects unconscious of the holders, what may influence the reporting of data breaches to the Controller and the ANPD, and that the reported communications may not always be personal data breaches in their own right.

Therefore, it is important that the Controller and the ANPD verify the reported evidence. to discard if one violation factual or the manifestation of one mechanism of defense of the reporter, then, in modes general, it was noticed in this study that nor always the holders are right to the violation, even though they are fully entitled to report.

As future studies it is recommended to identify defense mechanisms at other points. mandatory in the LGPD as put example, during one project of adequacy, and can also point out common saboteurs and resistance that would manifest against it.

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