

SCOPE OF THE ANPD

June, 2024

DEMAREST



About the ANPD

The Brazilian National Data Protection Authority (“ANPD”) was created in 2018 through Provisional Measure 869/2018, which was subsequently approved by Law 13,853/2019, and included article 55-A and subsequent articles in Law 13,709/2018, the Brazilian General Data Protection Law (“LGPD”).

Article 55, paragraph 1, in turn, provided that the legal nature of the ANPD would be transitory and could be transformed by the Executive Branch into an indirect federal government entity. This change was carried out on October 25, 2022, through the enactment of Law 14,460/22 as a result of Provisional Measure 1,124, signed by the Brazilian Presidency, which transformed the ANPD into an autonomous entity operating under a special regime.

As a result, the ANPD became corporate entity governed under the Brazilian public law, which can also demand the defense of collective rights within a broader scope.

In addition to establishing the ANPD’s administrative structure, autonomy and authority, this change also reinforces the institutional stability of the ANPD so that Brazil be deemed a country whose level of personal data protection is appropriate, due to the existence of an independent authority.

Since the beginning of its activities, the ANPD has already carried out a number of measures, as shown in the following timeline:



Timeline - ANPD

August 2020

Approval of the ANPD Structure¹

The ANPD was established on August 27, 2020, through Federal Decree 10,474/2020, which approved its regimental structure.

December 2020

Launch of the official website² and initiation of inspections

In December, the official ANPD website was launched and the ANPD subsequently initiated inspections regarding compliance with the LGPD.

November 2020

Appointment of Board of Directors and Contact Information

In November, the ANPD appointed its Board of Directors and created institutional email addresses for the ANPD.

1. Brazilian National Data Protection Authority . "Check out the timeline with ANPD's main actions" Available on: <<https://www.gov.br/anpd/pt-br/assuntos/noticias/confira-linha-do-tempo-com-as-principais-aco-es-da-anpd>>

2. Available on: <https://www.gov.br/anpd/pt-br>

January 2021

Organization of future ANPD initiatives

ANPD's regulatory agenda for 2021-2022 was announced in January 2021 through Ordinance No. 11 of the Brazilian Presidency/ANPD³.

Call for Contributions - Regulation of the LGPD for micro and small companies

The first regulatory measure carried out by the ANPD was initiated on January 29, 2021, through a public call for contributions regarding the regulation of the enforcement of the LGPD for micro companies, small businesses, startups, innovation companies and individuals who process personal data for economic purposes⁴.

The ANPD has offered to meet with government agents and receive contributions regarding the regulation of such matter, given that the Brazilian legislation ensures special treatment for small companies.

3. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/ainda-na-semana-internacional-da-protexao-de-dados-anpd-inicia-tomada-de-subsidios-sobre-microempresa>

4. Available on : <https://www.gov.br/economia/pt-br/assuntos/noticias/2021/fevereiro/ministerio-da-economia-apresenta-proposta-de-regulamentacao-do-tratamento-diferenciado-para-mpes>

February 2021

Strategic Planning

On February 01, the ANPD published its strategic planning for 2021-2023, which established the ANPD's targets for the period⁵.

Website resources

A specific section of the ANPD website was created for data subjects to file complaints against data controllers, ask questions, ombudsman office and requests for access to information ("SIC").

ANPD included in Fala.BR

The ANPD was included in *Fala.BR*, a platform that enables Brazilian citizens to carry out requests involving public information and ombudsman in a single platform, through a single register⁶.

Notice of the CNPD

The National Council for the Protection of Personal Data and Privacy ("CNPD") is an advisory body established within the scope of the ANPD, composed of members from society and public authorities⁷.

Incident Reporting to the ANPD

The ANPD initiated regulatory procedures regarding the reporting of security incidents through a public call for contributions, in addition to publishing guidelines regarding how to report an incident to the ANPD through a preliminary reporting form⁸. Additionally, the ANPD established that such reports must be submitted within a reasonable timeframe, recommending a period of two working days calculated from the date that the incident was acknowledged.

5. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/ainda-na-semana-internacional-da-protecao-de-dados-anpd-inicia-tomada-de-subsidios-sobre-microempresa>

6. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/autoridade-nacional-de-protecao-de-dados-3-meses-de-existencia>

7. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-convoca-sociedade-para-formacao-do-conselho-nacional-de-protecao-de-dados-pessoais-e-da-privacidade>

8. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-inicia-processo-de-regulamentacao-sobre-incidentes-de-seguranca-com-tomada-de-subsidios>

9. Available on : <https://www.gov.br/anpd/pt-br/assuntos/incidente-de-seguranca>

March 2021

Internal ANPD Regulations

The Internal Regulations of the ANPD were published through Ordinance No. 1 of March 08, 2021, of the Brazilian Presidency/ANPD/ Board of Directors¹⁰. The Regulations aim to establish the ANPD's working procedures.

Technical Cooperation Agreement with the National Consumer Secretariat (“SENACON”)

ANPD and SENACON entered into a technical cooperation agreement aimed at protecting consumers' personal data and ensuring agility to investigate security incidents investigations, as well as establishing case law regarding the LGPD, in order to avoid a massive number of legal actions in Brazil¹¹.

April 2021

Data Protection Officer (“DPO”) and Working Group

The ANPD appointed a DPO and established a working group in order to ensure that the ANPD is in compliance with the LGPD.

CNPD appointments

Publication of the full list of appointments for CNPD¹². The lists have been defined and forwarded to the President of Brazil, who must choose a member and alternate for each vacancy:

- i. civil society organizations with proven experience in personal data protection;
- ii. scientific, technological and innovation institutions;
- iii. trade union confederations representing the economic categories of the productive sector
- iv. entities representing the business sector; and
- v. entities representing the labor sector.

10. Available on: <https://www.in.gov.br/en/web/dou/-/portaria-n-1-de-8-de-marco-de-2021-307463618>

11. Available on <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-e-senacon-assinam-acordo-de-cooperacao-tecnica>

12. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/conheca-a-lista-completa-dos-indicados-para-o-conselho-nacional-de-protecao-de-dados-pessoais-e-da-privacidade-2013-cnpd>

May 2021

Technical Note - WhatsApp Policies

The General Coordination of Technology and Research in Brazil (“CGTP”) is a specific body of the ANPD that drafted a technical note amendment to WhatsApp's privacy policy¹³. The Technical Note addressed important points, such as:

- Transparency
- Sensitive Personal Data
- Children’s or Adolescents’ Data
- Data Subjects’ Rights
- Data Protection Impact Report
- Measures of prevention and security
- DPO

Public Consultation - Inspection Rule

On May 28, 2021, the ANPD initiated a public consultation regarding the rule that establishes the mechanism to be adopted in order to carry out monitoring, guidance and prevention practices, as well as enforce sanctions under Article 52 of the LGPD¹⁴.

Guidelines on Processing Agents and DPO

The ANPD published a document based on the European General Data Protection Regulation (GDPR), establishing guidelines and concepts regarding the role of data controllers, co-controllers, processors, sub-processors and the DPO, in addition to clarifying and reinforcing certain responsibilities¹⁵.

13. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/inclusao-de-arquivos-para-link-nas-noticias/NOTATECNICADACGTP.pdf>

14. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-abre-consulta-publica-sobre-norma-de-fiscalizacao>

15. Available on: https://www.gov.br/governodigital/pt-br/seguranca-e-protecao-de-dados/outros-documentos-externos/anpd_guia_agentes_de_tratamento.pdf

June 2021

Partnerships with the ANPD

In addition to the measures, technical meetings and documents, the ANPD remained available to form partnerships with several government agents, such as the Brazilian Administrative Council for Economic Defense (“CADE”)¹⁶ and SENACON¹⁷, aiming to standardize the positions of different Government authorities.

Technical Meetings – Data Protection Impact Reports

In June, the ANPD held technical meetings in order to regulate the Data Protection Impact Report and establish criteria regarding format, content, and evaluation of generated impact¹⁸.

16. Available on: <https://www.gov.br/cade/pt-br/assuntos/noticias/cade-firma-parceria-com-anpd-e-lanca-estudo-sobre-defesa-da-concorrencia-e-protecao-de-dados>

17. Op.cit.

18. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-abre-inscricoes-para-participacao-em-reuniao-tecnica-sobre-relatorio-de-impacto-de-protecao-de-dados-pessoais>

July 2021

Public Hearing – Inspection Rule

On July 15 and July 16, 2021, the ANPD held a public hearing to discuss the inspection regulation aimed at establishing monitoring, guidance and prevention practice, in addition to enforcing sanctions. The hearing was broadcast through the ANPD’s [YouTube channel](#), and interested parties were able to collaborate through a [form](#), available on the ANPD website¹⁹.

Governance Committee

Ordinance No. 15 of July 02, 2021, of the Brazilian Presidency/ANPD established the ANPD Governance Committee, in charge of establishing institutional strategies and interconnecting strategic guidelines relating to public governance, risk management, transparency and integrity within the scope of the ANPD, planning, internal control mechanisms, and efficiency in administrative management.

19. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/a-anpd-informa-que-realizara-audiencia-publica-sobre-a-norma-que-dispora-sobre-os-procedimentos-de-fiscalizacao-e-sancao-da-autoridade-no-dia-08-07-2021-de-10h-as-12h-e-de-14h-as-18h>

20. Available on: <https://www.in.gov.br/en/web/dou/-/portaria-n-15-de-2-de-julho-de-2021-329780585>

August 2021

Initiation of administrative sanctions

Although the LGPD entered into force in 2020, the enforcement of administrative sanctions was only initiated in August 2021.

The ANPD took this deadline into consideration and issued an opinion²¹ in which it clarifies what the sanctions are, as well as to whom, by whom and how they must be applied. Additionally, the ANPD can still publish guidelines and clarify other doubts.

Cooperation Agreement with NIC.Br

The ANPD has signed a cooperation agreement with the Information and Coordination Center of Ponto BR, NIC.br, the operational division of the Brazilian Internet Steering Committee (“CGI.br”).

This partnership has already resulted in the release of two articles discussing Data Protection and Data Leakage in ANPD’s Booklet of Internet Security.

21. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/sancoes-administrativas-o-que-muda-apos-10-de-agosto-de-2021>

22. Available on: <https://www.anpd-publica-guia-de-seguranca-para-agentes-de-tratamento-de-pequeno-portegov.br/anpd/pt-br/assuntos/noticias/anpd-publica-guia-de-seguranca-para-agentes-de-tratamento-de-pequeno-porte>

October 2021

Guidelines for small data processors

On October 04, 2021, ANPD published the Information Security Guide²² for small processing agents, such as small companies, startups or even individuals who process personal data.

The ANPD drafted the guide in order to assist in the implementation of security measures. The document also includes administrative and technical information security measures and a checklist to facilitate the visualization of the suggestions to be adopted.

ANPD Joins Ibero-American Data Protection Network

The ANPD joined one of the most important multilateral forums, the Ibero-American Data Protection Network.²³ The Network is currently formed by 34 entities, of which 16 are members (Authorities) and another 18 are observers.

Created in 2003, the Ibero-American Data Protection Network acts as an integrator of public and private entities in order to develop initiatives, establish a flow of information, experiences and knowledge, as well as carry out necessary legislative changes in order to effectively regulate personal data protection.

23. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-assina-memorando-de-entendimento-com-a-agencia-espanhola-de-protecao-de-dados>

October 2021

MoU with Spanish Authority

The ANPD signed a Memorandum of Understanding (“MoU”)²⁴ with the Spanish Data Protection Agency. The document establishes the basis for institutional collaboration between both authorities.

The MoU is the first instrument of this nature entered into by the ANPD and, similarly to other cooperation agreements already in force, is the result of targets established by the ANPD’s strategic planning in order to foster a data protection culture, as well as the exchange of technical knowledge and best practices.

The MoU establishes that the development of joint activities will be carried out through the agreement and implementation of a Specific Memoranda of Collaboration. In addition, the partnership aims to stimulate and contribute to the development of studies and reports that facilitate compliance with the data protection legislation by the processing agents.

In addition, it aims to favor technical cooperation mechanisms in order to effectively implement national laws and international programs and projects that contribute to strengthening their respective competencies within areas that have social, environmental and institutional impact.

October 2021

ANPD accepted as an Observer by GPA

The Global Privacy Assembly (GPA), an organization that has existed for more than 40 years and is formed by more than 130 authorities (as members and observers), has accepted the ANPD as an Observer²⁵.

The GPA meets annually in order to debate important issues regarding data protection, encourage the exchange of knowledge, develop international standards and draft guidelines.

ANPD publishes Sanctions Regulations

The Board of Directors of the ANPD approved the regulations of the Inspection Process and the Administrative Sanctioning Process²⁶.

The regulation aims to establish monitoring procedures and activities, as well guidance and preventive practices, in addition to rules regarding the enforcement of sanctions.

The resolution entered into force on the date of its publication, and the first monitoring cycle was initiated in January 2022. In this regard, the ANPD became able to supervise and analyze the compliance of processing agents, minimize risks, prevent irregular practices and foster a culture of personal data protection.

24. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-assina-memorando-de-entendimento-com-a-agencia-espanhola-de-protecao-de-dados>

25. Available on : https://www.linkedin.com/posts/anpdgov_a-assembleia-global-de-privacidade-global-activity-6851976154035884032-9IE3

26 Available on :<https://www.in.gov.br/en/web/dou/-/resolucao-cd/anpd-n-1-de-28-de-outubro-de-2021-355817513>

November 2021

ANPD signs Technical Cooperation Agreement with Superior Electoral Court (“TSE”)

The ANPD's fourth Technical Cooperation Agreement entered into force on November 23, signed between the ANPD's director, Waldemar Gonçalves and the President of the TSE at the time, Justice Luís Roberto Barroso, in order to provide for the application of the LGPD within the electoral scope²⁷. Given the increasing use of information technology tools, artificial intelligence and analysis of large volumes of data by the government and in political party advertisements, the ANPD is concerned regarding potential abuse in the processing of personal data.

In addition, the ANPD suspects that uneven processing could potentially generate political disputes, minimize equality and repress freedom of expression.

In this regard, the target is to align LGPD guidelines with Electoral Laws, in addition to holding meetings, training, workshops, and carry out technical visits, as well as to produce and share educational content and research.

At last, the agreement seeks to highlight that the use of new technologies can be beneficial to candidates and voters, provided that there is assertive action in order to ensure the integrity of the disputes, equal rights and free debate of ideas and proposals.

January 2022

Electoral Guidelines

On January 03, the ANPD and the TSE published the “Electoral Guide: LGPD enforcement by processing within the electoral context”²⁸, which resulted from the cooperation agreement that aims to educate candidates, coalitions and political parties. The Guide addresses practical matters, such as the use of sensitive personal data from voters (political opinions, religious beliefs, etc) and offers concrete solutions to enforce the LGPD. In addition, the Guide offers guidance on campaigning carried out through the internet, instant messaging to voters, and the use of data collected prior to the enactment of the LGPD.

Board of Directors approves LGPD enforcement regulation for small processing agents

The ANPD published the Resolution CD/ANPD No.02²⁹ approving the regulations for applying the LGPD for small processing agents.

The Resolution provides for a unique set of rules for these agents, such as not being required to appoint a DPO, extended deadlines and permission to submit a number of documents in a simplified manner.

Finally, the ANPD states that it can provide guidelines aimed at assisting in the assessment of high-risk processing and establishing the simplified procedure for reporting data security incidents.

27. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-e-tse-assinam-acordo-de-cooperacao-tecnica>

28. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/em-ano-eleitoral-anpd-e-tse-publicam-guia-de-eleicoes>

29. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/conselho-diretor-aprova-regulamento-de-aplicacao-da-lgpd-para-agentes-de-tratamento-de-pequeno-porte>

Timeline – ANPD

January 2022

ANPD publishes Guidelines for Government

On the International Data Protection Day, the ANPD published the “Guidelines for Data Processing by Public Authorities”³⁰ in order to encourage appropriate implementation of the LGPD provisions.

The Guide contains a summary of the LGPD, the concept of Public Authorities and the powers of the ANPD. It also provides guidance and recommendations on the legal basis, sharing and disclosure of personal data. In this regard, the ANPD fulfills its guiding role by establishing security parameters.

March 2022

Public Consultation regarding DPO

In line with the 2021-2022 Regulatory Agenda, the ANPD opened a public consultation to discuss regulations regarding the DPO³².

The target was to receive contributions from specialists, including suggestions regarding the regulation of functions, requirements, and need to appoint a DPO within the context of each organization.

After the contributions were received, the ANPD held open meetings from April 05 to April 07, 2022, in order to discuss these contributions.

February 2022

Decree regarding the ANPD structure

Decree No. 10,975/2022³¹, which amends Decree No. 10,474/2020, was published on February 22, 2022, with the purpose of modifying the structure of the ANPD by reassigning and transforming commissioned positions and positions of trust.

In addition, the Decree established the creation of the General Coordination of Information Technology and new positions in order to strengthen the ANPD's efficiency and technical and decision-making autonomy.

March 2022

ANPD and CGU strengthen relations

On March 24, 2022, the ANPD³³ met with the Brazilian Office of the Comptroller General (“CGU”) in order to discuss the relationship between the LGPD and the Access to Information Law (“LAI”). The organizations planned a technical cooperation agreement to address issues such as: (i) transparency and access to information; (ii) joint actions in cases of complaints and violations; (iii) proper guidance to public agencies considering both laws; and (iv) accountability procedures in cases of non-compliance. This partnership was expected to ensure greater legal security and regarding the scope of each entity and law.

30. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/no-dia-internacional-da-protecao-de-dados-anpd-publica-guia-orientativo-sobre-tratamento-de-dados-pessoais-pelo-poder-publico>

31. Available on: <https://www.in.gov.br/en/web/dou/-/decreto-n-10.975-de-22-de-fevereiro-de-2022-382324153>

32. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/abertas-inscricoes-para-tomada-de-subsidios-sobre-a-norma-do-encarregado>

33. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-e-cgu-estreitam-relacoes-para-aplicacao-da-lgpd-e-da-lai>

April 2022

CNPD establishes Working Groups

On April 05, 2022, the ANPD initiated activities of the CNPD Working Groups³⁴. The CNPD's main function is to carry out studies and propose guidelines. Each Working Group is made up of seven CNPD members, who will have 90 days to submit reports and guidelines regarding topics such as: international transfer of personal data; monitoring of the ANPD's Regulatory Agenda; National Policy on Personal Data Protection and Privacy within the scope of the CNPD, among others.

May 2022

ANPD concludes WhatsApp analysis

On May 06, 2022, ANPD published its 3rd Technical Note No. 49/2022/CGF/ANPD, analyzing Privacy Policy of all WhatsApp tools and their compliance with the LGPD. In addition, the Technical Note established necessary adjustments to make the policy clearer and more transparent for users.³⁶

The analysis was carried out due to a Joint Recommendation issued by the ANPD, CADE, the Federal Prosecutor's Office, and SENACON. Such entities would subsequently assess the 3rd Technical Note and issue their own statements.

May 2022

ANPD publishes technical study on the use of personal data for academic purposes and research bodies

On May 03, 2022, the ANPD published a study³⁵ that analyzes and defines the concepts of article 4, II, b of the LGPD, which states that the law does not apply to processing carried out "for exclusively academic purposes, applying to this case articles 7 and 11 of this law". The study was published in order to stimulate discussions on the topic and the ANPD plans to collect contributions for future regulation.

May 2022

ANPD issues recommendations to the Gov.br Portal

On May 13, 2022, the ANPD published recommendations³⁷ regarding the processing of personal data gathered from cookies on Gov.br, in order to align this processing with the LGPD. The analysis identified two necessary adjustments. The first was regarding the cookie disclaimer banner, which provided a single option ("I accept") and was therefore not in compliance with the LGPD. The second concerned the Cookies Policy, whose wording was deemed generic and difficult for the user to understand. The ANPD also announced plans to draft a guide about the topic.

34. . Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/cnpi-institui-grupos-de-trabalho-para-estudos-na-area-da-protecao-de-dados-e-privacidade>

35. . Available on: https://www.gov.br/anpd/pt-br/assuntos/noticias/sei_00261-000810_2022_17.pdf

36. . Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-conclui-a-analise-de-adequacao-da-nova-politica-de-privacidade-do-aplicativo-a-lgpd>

37. . Available on <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-emite-recomendacoes-para-adequacao-da-pratica-de-coleta-de-cookies-do-portal-gov.br>

Timeline – ANPD

May 2022

ANPD comments on non-disclosure of microdata

On May 17, 2022, the ANPD published Technical Note No. 46/2022/CGF/ANPD³⁸, regarding the non-disclosure of microdata from the ENEM and School Census carried out by the Brazilian National Institute for Educational Studies and Research (“INEP”). In early 2022, INEP understood that the disclosure of constant data could potentially pose risks and violate the privacy of students. It is worth noting that the data was used for research and public policies on education. The Technical Note aimed to provide guidance and establish necessary measures. Meanwhile, the ANPD’s main instruction to INEP was that a Data Protection Impact Assessment (“RIPD”) be drafted.

June 2022

Provisional Measure that transforms ANPD into autonomous body

Published on June 14, 2022, Provisional Measure No. 1,124 was signed by then President of Brazil, Jair Bolsonaro, and maintained the structure and competence of the ANPD, but transformed the ANPD into an autonomous entity operating under a special regime. Prior to the amendment, the ANPD was deemed a “body of the federal government, part of the Presidency of Brazil”. In fact, such change was already provided for in the LGPD, according to article 55, paragraph 1. The Provisional Measure had to be voted by the Brazilian Congress within 60 days.³⁹

August 2022

Public consultation on dosimetry standards

The ANPD opened a public consultation to receive contributions from society to draft a document that regulates the enforcement of sanctions as provided in articles 52 and 53 of the LGPD. The ANPD planned to establish clear rules and criteria for the enforcement of administrative sanctions, through the establishment of methodology for calculating amounts, deadlines, methods and response, as well as the possibility of replacing sanctions. There was also a provision for a differentiated fine for small agents who violated the LGPD.⁴⁰

August 2022

Contributions on High-Risk Personal Data Processing

The ANPD published a new call for contributions regarding the high-risk processing of personal data. The public call was carried out due to provisions of article 4 of the Regulation regarding the enforcement of the LGPD for small processing agents, which established the criteria to define high-risk processing to the data subject. As a result, the ANPD sought to provide clarifications questions and establish standards regarding the details and boundaries of high-risk processing.⁴¹

38. . Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-manifesta-se-sobre-divulgacao-de-microdados-do-enem-e-censo-escolar-pelo-inep>

39 . Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-torna-se-autarquia-de-natureza-especial>

40 . Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias-periodo-eleitoral/aberta-consulta-publica-sobre-norma-de-dosimetria>

41 . Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias-periodo-eleitoral/aberta-consulta-publica-sobre-tratamento-de-dados-pessoais-de-alto-risco>

September 2022

Contributions on personal data processing of minors

The ANPD opened a call for contributions regarding the processing of personal data from children and adolescents. The public call was carried out in order to clarify issues such as the need for specific and outstanding consent granted by at least one of the parents or legal guardians, according to paragraph 1 of article 14 of LGPD or paragraph 3 of the same article, which provides for the waiver of consent for collection when it is necessary to contact the legal guardian or for the protection of the child.⁴²

October 2022

ANPD transformed into autonomous entity

Following the approval of Provisional Measure 1124/22 by the House of Representatives on October 10, 2022, and by the Federal Senate on October 18, 2022, Law 14,460/2022 entered into force, transforming the ANPD into an autonomous entity operating under a special regime, which consequently granted administrative and financial autonomy to the ANPD.⁴⁴

September 2022

Technical Cooperation Agreement between Serpro and DrumWave

On September 21, 2022, Technical Note No. 75/2022/CGF/ANPD was published, which analyzed the Technical Cooperation Agreement between Serpro and DrumWave. DrumWave is a company that works as a kind of digital data notary and monetizes the value of data from companies and individuals. As such, the Technical Note analyzed the potential sharing of personal data between companies and measures that must be carried out in the future.⁴³

October 2022

Guidelines on the use of cookies

On October 18, 2022, the ANPD published guidelines on “Cookies and Personal Data Protection”, with the purpose of guiding data controllers and data processors regarding good practices relating to the use of cookies. The guidelines provide an overview on the subject, addressing conceptual matters, such as the classification of this technology according to different parameters, and technical topics, such as good practices to be followed when using cookies on websites.⁴⁵

42. Available on: <https://www.gov.br/participamaisbrasil/enunciado-criancas-e-adolescentes>

43. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias-periodo-eleitoral/publicada-nota-tecnica-que-analisa-acordo-de-cooperacao-entre-serpro-e-a-empresa-drumwave>

44. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias-periodo-eleitoral/aberta-consulta-publica-sobre-norma-de-dosimetria>

45. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias-periodo-eleitoral/aberta-consulta-publica-sobre-tratamento-de-dados-pessoais-de-alto-risco>

Timeline – ANPD

November 2022

Call for Contributions – Record of Processing Activities to facilitate personal data processing operations carried out by small processing agents

On November 04, 2022, the ANPD opened a call for contributions regarding the development of the Record of Processing Activities (“RoPA”), with the purpose of facilitating the processing of personal data carried out by small processing agents (StartUps, small-business, microbusinesses etc). Members of society had 30 days to submit their contributions through the *Participa+Brasil* platform.⁴⁶

November 2022

Technical Note – Disclosure of personal data from government aid recipients

The ANPD published Technical Note No. 92/2022/CGF/ANPD, which analyzes the legality of disclosing personal data from applicants and recipients of the Emergency Taxi Drivers Benefit and Autonomous Cargo Transporters Emergency Benefit (“TAC”), in accordance with the LGPD. The ANPD's General Inspection Coordination drafted the document following a request from the Ministry of Labor and Social Security (“MTP”).⁴⁷

November 2022

Regulatory Agenda - Biennium 2023/2024

The ANPD published Decree No. 35/2022, announcing its regulatory agenda for 2023-2024, which provides for four phases. Among the main topics to be addressed during the period are: (i) Regulation of Dosimetry and Enforcement of Administrative Sanctions, (ii) Data subjects' rights, (iii), Reporting of incidents and specification of the notification period, (iv) International Transfer of Personal Data. Some of these matters had already started to be addressed during the 2021/2022 biennium.⁴⁸

December 2022

ANPD releases new form for Security Incident Reports - CIS.

On December 23, 2022, the ANPD released the new Incident Report Form intended exclusively for processing agents. The new CIS form is intended to facilitate the completion of information and personal data relating to the security incident and had to be used as of January 01, 2023.⁴⁹

46. Available on: <https://www.gov.br/participamaisbrasil/tomada-de-subsidios-sobre-modelo-de-registro-de-atividades-de-tratamento-de-dados-pessoais->

47. Available on: https://www.gov.br/anpd/pt-br/documentos-e-publicacoes/SEI_3689701_Nota_Tecnica_92CGF.pdf

48. Available on: <https://www.in.gov.br/en/web/dou/-/portaria-anpd-n-35-de-4-de-novembro-de-2022-442057885>

49. Available on: https://www.gov.br/anpd/pt-br/canais_atendimento/agente-de-tratamento/comunicado-de-incidente-de-seguranca-cis

Timeline – ANPD

January 2023

ANPD now linked to the Ministry of Justice

On January 01, 2023, Decree No. 11,348 established the ANPD as an entity linked to the Ministry of Justice and Public Security (“MJSP”). Previously, the ANPD was linked to the Brazilian Presidency, which provided administrative support to the ANPD. As a result, this administrative support will now be provided by the MJSP, in accordance with the Ministerial Reform of 2023 (MPV 1154/2023). This administrative restructuring does not impact the autonomy and independence of the ANPD that was ensured by the LGPD.⁵⁰

January 2023

Digital Governance Committee created within the ANPD

On January 25, 2023, the ANPD announced the creation of the permanent Digital Governance Committee, which will oversee decisions on digital technology matters of the government, such as establishing initiatives, investments and IT objectives within the ANPD. It is worth highlighting that the resolution that created the Committee is only effective in regard to the internal structure of the ANPD, without creating or establishing obligations for external agents.⁵¹

February 2023

ANPD and Ministry of Justice publish Joint Ordinance

On February 13, 2023, Joint Ordinance MJSP/ANPD No. 5/2023, of February 09, 2023, was published in the Federal Official Gazette of Brazil. The Joint Ordinance provides for temporary collaboration between the MJSP and the ANPD. Joint Ordinance No. 5/2023 is an important step to ensure the effective operation of the ANPD until further consolidation through an increase in staff and the creation of new positions.⁵²

February 2023

CGU and ANPD enter into cooperation partnership

On February 16, 2023, the CGU and the ANPD held a meeting to align provisions of the Access to Information Law (“LAI”) and the LGPD, thus strengthening the relationship between both authorities. The meeting addressed initiatives to align interpretations, train employees, and demonstrate that both authorities are committed to enforcing the constitutional rights provided for in both laws.⁵³

50. Available on: <https://www.in.gov.br/en/web/dou/-/decreto-n-11.348-de-1-de-janeiro-de-2023-455353933>

51. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/entenda-o-comite-de-governanca-digital-criado-no-ambito-da-anpd>

52. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-e-ministerio-da-justica-e-seguranca-publica-editam-portaria-conjunta>

53. Available on: <https://www.gov.br/cgu/pt-br/assuntos/noticias/2023/02/cgu-e-anpd-firmam-parceria-para-cooperacao-entre-os-orgaos>

Timeline – ANPD

February 2023

ANPD publishes regulations for the application of administrative sanctions

On February 27, 2023, the ANPD published the Regulation on Dosimetry and Application of Administrative Penalties. This regulation had been long awaited by society, as it provided for the sanctioning competence of the ANPD and, consequently, reinforced the supervisory operations of the ANPD. The administrative sanction is one of the instruments that the ANPD can use to bring the personal data processing agent back into compliance with the LGPD.⁵⁴

March 2023

ANPD releases list of sanctioning proceedings

On March 23, 2023, the ANPD released the list of sanctioning processes of companies and public agencies awaiting conclusion. The list contains information such as the name of the public agency or private company, the reason for the proceeding, the sector in which it operates, the phase and the number of the process opened at the ANPD. It is worth noting that, at the date of publication, all the proceedings were in the initial phase, that most of the proceedings involve the public sector, and that failure to inform data subjects of security incidents is the most common infraction.⁵⁶

54. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-publica-regulamento-de-dosimetria>

55. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/nota-tecnica-da-anpd-orienta-sobre-tratamento-de-dados-de-pessoas-falecidas>

March 2023

ANPD comments on the non-applicability of the LGPD to the processing of deceased persons' data

On March 17, 2023, the General Coordination of Inspection of the ANPD published a Technical Note expressing its opinion on the non-applicability of the LGPD in the case of treatment of deceased persons' data, considering that the concept of the natural person ends with death.

The ANPD released a Technical Note drafted after questions from the Federal Highway Police about the use of names and surnames of deceased employees to honor them. In the Note, the ANPD points out that there are other provisions in the Civil Code that guarantee the personality rights of deceased persons.⁵⁵

March 2023

ANPD participates in public hearing on the Brazilian Civil Rights Framework for the Internet

On March 29, 2023, the ANPD participated in the Federal Supreme Court's public hearing on the Civil Rights Framework for the Internet regarding the liability regime and the possibility of removing user-generated content. The ANPD argued for the harmony of privacy with freedom of expression and the fundamental right to the protection of personal data, raised potential negative effects and pointed out that the Dosimetry Regulation defines parameters for the application of sanctions to processing agents, which includes application and internet providers.⁵⁷

56. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-divulga-lista-de-processos-sancionatorios>

57. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-participa-de-audiencia-publica-sobre-o-marco-civil-da-internet>

April 2023

ANPD announces Q&A page about the RIPD

On April 06, 2023, the ANPD published a Q&A page about the Personal Data Protection Impact Report (“RIPD”). The page seeks to clarify to important points about the report such as the context of its development, minimum requirements, content, publicity, among other topics. The ANPD points out that the subject is under analysis for regulation, as provided in the Regulatory Agenda for the 2023/2024 biennium, so that additional obligations and parameters may be adjusted in the future by the ANPD.⁵⁸

April 2023

ANPD unveils new page for submitting complaints and petitions from incumbents

On April 24, 2023, the ANPD released a new page that provides information for data subjects and controllers about complaints, petitions and requests made to the ANPD. In addition, the ANPD has released two new forms, one for a complaints and one for a data subject petition, in order to facilitate filling in the necessary information and the ANPD's analysis.⁵⁹

April 2023

Preliminary contribution to the public debate on Bill 2630/20

On April 27, 2023, the ANPD submitted a contribution to Bill No. 2630/20, the Brazilian Law of Freedom, Responsibility and Transparency on the Internet, on topics such as the supervisory entity, responsibility and data collection, among others. The ANPD recognizes the need and importance of creating a responsive regulation, which considers the impacts and risks involved, and the need for a multisectoral effort.⁶⁰

May 2023

ANPD opens public consultation on security incident communication standard

On May 02, 2023, the ANPD published the Public Consultation on the draft resolution regarding the Regulation of Security Incident Communication with Personal Data, as per Article 48 of the LGPD. The ANPD plans to establish clear rules and criteria for incident reporting, such as when it is necessary to report, in what form, content, among others, in order to clarify the procedure for processing agents.⁶¹

58. Available on: https://www.gov.br/anpd/pt-br/canais_atendimento/agente-de-tratamento/relatorio-de-impacto-a-protecao-de-dados-pessoais-ripd/relatorio-de-impacto-a-protecao-de-dados-pessoais

59. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-divulga-nova-pagina-para-o-envio-de-denuncias-e-peticoes-de-titulares>

60. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/contribuicao-preliminar-para-o-debate-publico-sobre-a-lei-de-liberdade-responsabilidade-e-transparencia-na-internet>

61. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/aberta-consulta-publica-sobre-norma-de-comunicacao-de-incidente-de-seguranca-com-dados-pessoais>

May 2023

ANPD enters into technical cooperation with CAF

On May 08, 2023, the ANPD entered into a technical cooperation agreement with the Development Bank of Latin America (“CAF”) to draft an experimental regulatory instrument seeking to foster AI-related innovation within the Authority. The entities launched a pilot regulatory sandbox program on data protection and AI. The project was subject to public consultation before its launch and aims to allow participants to develop technologies tested and analyzed in controlled environments in light of good practices and compliance with personal data protection regulations.⁶²

May 2023

ANPD releases technical note on personal data processing in the pharmaceutical sector

On May 12, 2023, the ANPD published Technical Note No. 4/2022/CGTP/ANPD, as a result of the ANPD's monitoring of the processing of personal data in pharmacies since 2020, especially regarding the collection of data for granting discounts. The ANPD relied on ongoing investigations by other entities and discussed the matter with various industry associations to understand the processing operations carried out. The study concluded that some practices did not comply with the LGPD and that there was a lack of transparency about the purpose of the use and sharing of such personal data.⁶³

May 2023

ANPD signs technical cooperation agreement with CGU

On May 17, 2023, the ANPD signed a Technical Cooperation Agreement (“ACT”) with the CGU to formalize the partnership between the entities and the public interest regarding the application of the LGPD and the Access to Information Law (“LAI”), given the difficulty in reaching an agreement on the compatibility between the criteria for disclosure of personal information in both laws. In addition, the agreement provides for the development of institutional support actions, exchange of information, development of standards, training, among others.⁶⁴

May 2023

ANPD releases statement on the processing of personal data of children and adolescents

On May 24, 2013, the ANPD released the following statement on the processing of data of minors; “The processing of personal data of children and adolescents may be carried out based on the legal assumptions provided in article 7 or in article 11 of the General Law of Protection of Personal Data (“LGPD”), provided that their best interest is observed and prevails, to be evaluated in the concrete case, under the terms of art. 14 of the Law.” The purpose of the statement is to establish a standard of interpretation on the application of legal bases in the treatment of data from children and adolescents.⁶⁵

62. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-formaliza-cooperacao-tecnica-com-o-banco-de-desenvolvimento-da-america-latina-2013-caf>

63. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-divulga-nota-tecnica-sobre-tratamento-de-dados-pessoais-no-setor-farmaceutico>

64. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-assina-acordo-de-cooperacao-tecnica-com-a-cgu>

65. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-divulga-enunciado-sobre-o-tratamento-de-dados-pessoais-de-criancas-e-adolescentes>

Timeline – ANPD

May 2023

ANPD releases list of inspection processes

On May 31, 2023, the ANPD, in order to provide transparency regarding its activities, released a list containing 16 proceedings and 27 institutions under investigation. The ANPD emphasizes the difference between enforcement and sanctioning proceedings, the former exists to verify and analyze compliance with LGPD obligations and the latter, to apply the appropriate sanctions. Like the list of sanctioning proceedings, the inspection list discloses the name of the processing agent, scope of analysis and proceeding number. The documents pertaining to the case can be exclusively accessed by the ANPD.⁶⁶

June 2023

ANPD releases simplified registration template for Small Processing Agents (“ATPP”)

On June 14, 2023, the ANPD released a template for simplified registration of personal data processing operations for small-sized agents. The template contains only what is considered essential for the ANPD in the case of compliance with its oversight activities. Thus, the document has eight fields such as contact information of the institution, categories of data subjects, personal data, data sharing, security measures, storage period of personal data, proceeding, purpose and legal hypothesis and notes.⁶⁷

June 2023

ANPD publishes Guide on Data Processing for Academic Purposes

On June 26, 2023, the ANPD published the Guidance Guide on the processing of personal data for academic purposes and for conducting studies and research.

The LGPD has specific rules for this type of process and the Guide seeks to clarify doubts about the legal basis, availability of access or sharing of personal data for studies and research, through practical cases such as the shared use of data between Health Secretariats and research organizations, among others.⁶⁸

July 2023

ANPD publishes preliminary analysis of Bill No. 2338/2023 on the use of Artificial Intelligence

On July 06, 2023, the ANPD published the preliminary analysis of Bill No. 2338/2023. The analysis introduces the points of convergence and conflict between the Bill and the LGPD, highlights that the Bill should seek to answer questions relating to AI sandboxes, especially with high-risk treatment and concludes that the ANPD is the authority responsible for ensuring the protection of personal data in Brazil, including in relation to AI for greater legal certainty and regulatory convergence.⁶⁹

66. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-divulga-lista-de-processos-de-fiscalizacao-em-andamento>

67. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-divulga-modelo-de-registro-simplificado-de-operacoes-com-dados-pessoais-para-agentes-de-tratamento-de-pequeno-porte-atpp>

68. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-lanca-guia-orientativo-sobre-tratamento-de-dados-pessoais-para-fins-academicos>

69. Available on <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-publica-analise-preliminar-do-projeto-de-lei-no-2338-2023-que-dispoe-sobre-o-uso-da-inteligencia-artificial>

August 2023

Public Consultation on rules for international transfers of personal data

On August 15, 2023, a public consultation was published on the draft Regulation on International Transfers of Personal Data in accordance with articles 33 and 36 of the LGPD.

The ANPD plans to establish rules and criteria to regulate international transfers, as well as create models for Standard Contractual Clauses (“SCC”), the approval flow for Specific Clauses (“SC”) and Global Corporate Standards (“GCS”), in addition to the Adequacy Decision mechanism.⁷⁰

August 2023

Public Consultation regarding Preliminary Study on Legitimate Interest

On August 16, 2023, a public consultation was published on the draft Regulation on International Transfers of Personal Data in accordance with Article 7, IX. of the LGPD.

The ANPD plans to structure the content of the Guide on the legal hypothesis of legitimate interest based on contributions from society, industry representatives and experts.⁷¹

August 2023

ANPD publishes Monitoring Cycle Report

On August 18, 2023, the ANPD published the first Monitoring Cycle Report (“RCM”) of the General Inspection Coordination (“CGF”) containing an assessment of activities carried out in 2022.

Through the Report, the ANPD fostered transparency in communication with society by summarizing the data received from requests from data subjects, complaints and reports of security incidents, as well as the measures taken.⁷²

October 2023

Public consultation on regulatory sandbox for artificial intelligence and personal data protection

On October 03, 2023, the ANPD published a public consultation on its regulatory sandbox pilot program. The ANPD Sandbox was developed together with the Development Bank of Latin America and the Caribbean (“CAF”), which shared methodologies and experience for the development of regulatory sandboxes in the region. The program consists of a controlled test of technologies associated with artificial intelligence with the implementation of good personal data protection practices.⁷³

70. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/aberta-consulta-publica-sobre-norma-de-transferencias-internacionais-de-dados-pessoais>

71. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/aberta-consulta-a-sociedade-sobre-estudo-preliminar-a-respeito-do-legitimo-interesse>

72. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/publicado-relatorio-do-ciclo-de-monitoramento-da-anpd>

73. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/aberta-consulta-a-sociedade-sobre-sandbox-regulatorio-de-inteligencia-artificial-e-protecao-de-dados-pessoais-no-brasil>

Timeline – ANPD

October 2023

ANPD publishes second analysis of Artificial Intelligence Bill

On October 24, 2023, a technical analysis of Bill 2338/2023 was published, pointing out important intersections between the Bill and the LGPD, as well as a comparison with the regulatory experiences of international authorities.

In addition, the analysis proposes the creation of an institutional model for regulating AI systems organized into four complementary levels. The ANPD is the central authority on the subject but receives contributions from sectoral regulatory bodies, the Executive Branch, etc.⁷⁴

November 2023

ANPD opens Public Consultation on Data Protection Officer Regulation

On November 07, 2023, a Public Consultation was opened to receive contributions on the draft resolution that defines the role of the Data Protection Officer. The aim of the Public Consultation is to clarify the role, requirements, among others relating to the position of Data Protection Officer who is responsible for facilitating communication with Data Subjects and the ANPD, as well as fostering good data protection practices within organizations. The ANPD also plans to hold a public hearing on the subject.⁷⁵

November 2023

ANPD publishes Technical Note on the Safe Stadium Project

On November 10, 2023, a Technical Note on the Safe Stadium Project was published. The project aims to use technologies, such as facial recognition, to identify people who have already committed illegal acts in stadiums. The ANPD's participation was requested because the Ministry of Justice and Public Security (“MJSP”) asked for a technical opinion on the documents in the technical cooperation agreement between the MJSP and the Brazilian Football Confederation (“CBF”), including the Personal Data Protection Impact Report (“RIPD”).⁷⁶

December 2023

Map of Priority Themes sets out main lines of action until 2025

On December 13, 2023, the ANPD published the first edition of the Map of Priority Themes (“MTP”). The document sets out the priority topics for the purposes of studies and planning of oversight activities until 2025. The MTP provides for four lines of action: (i) the rights of data subjects; (ii) the processing of personal data of children and adolescents in the digital environment; (iii) artificial intelligence for facial recognition and the processing of personal data; and (iv) data scraping and data aggregators.⁷⁷

74. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-publica-segunda-analise-do-projeto-de-lei-sobre-inteligencia-artificial>

75. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-abre-consulta-publica-para-regulamento-sobre-encarregado-de-dados>

76. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-publica-nota-tecnica-sobre-projeto-estadio-seguro>

77. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/mapa-de-temas-prioritarios-estabelece-principais-linhas-de-acao-ate-2025>

Timeline – ANPD

January 2024

ANPD opens public consultation on the Anonymization and Pseudonymization Guide

On January 30, 2024, a Public Consultation on the techniques, requirements and guidelines for the Anonymization and Pseudonymization Guide was opened. The ANPD has provided the Guide and its Annexes, which contain studies highlighting that all anonymization techniques have advantages and disadvantages. From a legal standpoint, the document points out that the anonymization process involves the processing of personal data, which is subject to the LGPD regime.⁷⁷

February 2024

ANPD opens call for contributions for regulation on the rights of personal data subjects

On 02/02/2024, the ANPD initiated the taking of contributions for the regulation on the rights of data subjects. The rights of data subjects are established in Article 18 of the LGPD. The regulation will establish the procedures for data subjects to exercise their rights, such as access, correction, portability, deletion and opposition to data processing, as well as the means for controllers to meet these demands, limits, how to respond, among others.⁷⁹

February 2024

ANPD launches Guidance on Legitimate Interest

On February 02, 2024, the Guide on the application of the legal basis of Legitimate Interest was published, a legal basis that authorizes the processing of (non-sensitive) personal data, when necessary, to meet the legitimate interests of the data controller or third parties, provided that they do not violate fundamental rights and freedoms. The Guide provides instructions on interpretation, application and a balancing test model that includes the analysis of i) purpose; ii) necessity; and iii) balancing and safeguards.⁸⁰

April 2024

Civil Society Consultation regarding Preliminary Study on High Risk and Large Scale

On April 17, 2024, the ANPD launched the Civil Society Consultation on High-Risk Processing. The analysis is based on article 4, paragraph 3 of the Regulation on the application of the LGPD by small processing agents (“ATPP”), approved by Resolution CD/ANPD No. 2, of January 27, 2022. In this sense, it is up to the ANPD to establish guidelines to help assess the high risk.⁸¹

78. Available on <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-abre-consulta-a-sociedade-sobre-o-guia-de-anonizacao-e-pseudonizacao>

79. Available on : <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-abre-tomada-de-subsidios-para-norma-sobre-direitos-dos-titulares-de-dados-pessoais>

80. Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-lanca-guia-orientativo-sobre-legitimo-interesse>

81 Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/aberta-consulta-a-sociedade-de-respeito-de-estudo-preliminar-sobre-alto-risco-e-larga-escala> 24

April 2024

ANPD approves Security Incident Reporting Regulation

On April 26, 2024, the ANPD published Resolution CD/ANPD No. 15 of April 2024. The resolution refers to the Security Incident Reporting Regulation. The Regulation stipulates that the controller must notify the ANPD and the data subject of any cases that may cause significant risk or damage. The provisions of the Regulation entered into force on the date of its publication and apply to ongoing proceedings, respecting the procedural acts carried out and consolidated. ⁸²

May 2024

ANPD presents proposals to amend the substitute to Bill 2338 on artificial intelligence

On May 08, 2024, the ANPD submitted documents to the Temporary Commission on Artificial Intelligence (“AI”) in Brazil. The ANPD believes that AI requires central coordination to harmonize regulatory guidelines and actions at a national level and stands out as the most appropriate entity to do so. The ANPD also proposes adjustments to the definitions of some terms, the approach to data subject rights, biometric systems, high-risk systems and AI regulation. ⁸³

⁸² Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-aprova-o-regulamento-de-comunicacao-de-incidente-de-seguranca>

⁸³ Available on: <https://www.gov.br/anpd/pt-br/assuntos/noticias/anpd-apresenta-propostas-de-alteracao-do-substitutivo-ao-pl-2338-sobre-inteligencia-artificial>

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