

Newsletter

Data Protection in Brazil

Special Edition

Retrospective 2023: Data Protection in Brazil

We had a year marked by advancements in terms of personal data protection regulation in Brasil, especially due to the actions of the ANPD. Five years on from the publication of the LGPD, the country witnessed not only the enforcement of the first administrative sanctions by the Brazilian Data Protection Authority (ANPD) but also the opening of several public consultations addressing crucial topics related to personal data protection (such as the regulation of international transfers, incident reporting, and the data protection officer), in addition to the publication of technical notes serving as guidance to data processors and the ANPD's statements on the regulation and ethical use of artificial intelligence technologies.

Below are the highlights of 2023:

Highlights of 2023



JAN

Presidential decree linking the ANPD to the Ministry of Justice

FEB

ANPD publishes the Administrative Sanctions Dosimetry Regulation

Supreme Court declares constitutional the request for personal data from foreign internet providers without the need for a specific international agreement

MAR

ANPD issues statements on the processing of personal data from deceased individuals

ANPD clarifies doubts about Data Protection Officer (Encarregado) and compliance seals

STJ decides that moral damage due to personal data leaks must be proven

APR

Brazil adheres to the Budapest Convention on Cybercrime

ANPD clarifies doubts about the Data Protection Impact Report (RIPD)

ANPD releases a new page for submitting complaints and petitions from data subjects

ANPD publishes an analysis of a proposed law related to combating fake news

MAY

ANPD opens a public consultation on the Security Incident Communication Regulation

ANPD releases its first guidance-statement related to the processing of children and teenagers' personal data

Federal Court acknowledges the possibility of PIS/CONFINS tax credit for expenses related to LGPD compliance

JUN

ANPD releases a simplified processing operations registry model for small-scale data processors

ANPD publishes guide on the processing of personal data for academic purposes

JUL

ANPD publishes a preliminary analysis of a bill on AI usage

ANPD imposes its first fine

AUG

ANPD presents the "Sandbox Program", an initiative for AI regulation in Brazil

SEPT

ANPD launches a public consultation for discussions on AI regulation

Federal Court in São Paulo condemns Caixa Econômica and other entities to pay compensations for leaking personal data related to the "Auxílio Brasil" program

OCT

ANPD imposes sanctions on IAMSPE

Health Department of the State of Santa Catarina is fined by the ANPD

ANPD publishes a second analysis of the bill on AI usage

SENACON notifies a pharmacy chain about irregular personal data usage

NOV

ANPD conducts a public consultation to discuss the regulation of the Data Protection Officer position

Senate advances discussions on AI

DEC

ANPD releases a report indicating an increase in incident communications

ANPD publishes mapping of priorities, establishing the main lines of action until 2025

Prospects for 2024

For the next year, attention remains focused on the ANPD's actions, especially regarding the enforcement of sanctions. It is expected that alongside the emphasis on education and awareness, inspections and administrative sanctions will be applied more consistently. Although some significant topics are still awaiting definitive regulation by the ANPD, such as international transfer of personal data and the activities of the Data Protection Officer, the Authority recently disclosed several priority areas that are likely to be subject to regulation in the coming year, as follows:

- Data Subject's Rights;
- Processing of Children and Teenagers' Personal Data in the Digital Environment;
- Artificial Intelligence for facial recognition and personal data processing;
- Scraping and aggregators of personal data.

Similarly, it is anticipated that significant emphasis will be placed on regulatory initiatives related to artificial intelligence and the ethical use of such technology



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