


Data Protection in Brazil

Regulatory Retrospective
2022





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ADVOGADOS

JANUARY



ELECTIONS GUIDE – National Data Protection Authority (ANPD) and Superior Electoral Court (TSE) publish the Elections Guide with practical guidelines on actions regarding the processing of personal data of candidates and political parties, especially considering the context of the upcoming presidential elections in October 2022, and the flow of personal data involved.

SMALL-SIZED AGENTS – CD/ANPD Resolution No. 02 was published, which approves the regulation of application of the LGPD to small-sized processing agents, namely: small business, startups, and areas accessible to the public, except when performing high-risk processing for data subjects or earning gross income higher than the limit established by law.



GUIDELINE ON PERSONAL DATA PROCESSING BY THE GOVERNMENT – ANPD publishes a guide to assist public entities and bodies in the adequacy and implementation activities of the LGPD.

FEBRUARY



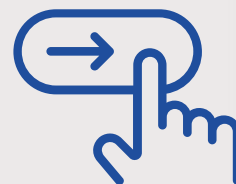
PROTECTION OF PERSONAL DATA AS A

FUNDAMENTAL RIGHT – Brazilian Congress enacts the Constitutional Amendment (EC 115/2022) which included the protection of personal data in the list of fundamental rights and guarantees, a special category of rights that cannot be excluded from the citizen.

APRIL

GUIDELINE TO PROCESSING AGENTS 2.0 – ANPD

launches an updated version of the Guideline with instructions for the definition of the Processing Agents and the Data Protection Officer. The new version mainly added information on the duties of the data protection officer and the needlessness, at this time, of registration with the ANPD, as well as the new content of Resolution No. 02, referring to the application of the LGPD to Small-Sized Processing Agents.



MAY



PUBLIC CONSULTATION ON INTERNATIONAL DATA

TRANSFERS – ANPD makes public the consultation for the preparation of the regulation on international transfers of personal data, an important step towards the regulation of one of the most sensitive matters for the practice of privacy in the country. The issue is expected to be regulated in the next biennium.


JUNE

ANPD AS AN AGENCY OF A SPECIAL NATURE –

Provisional Measure (MPV) No. 1124/2022 was published to transform the ANPD into an entity of the indirect federal public administration, subject to a special autarchic regime and with its own assets.





AUGUST



LGPD AND EXTRAJUDICIAL OFFICES – National Council of Justice (CNJ) publishes measures that must be adopted by the Notaries' Offices. Provision No. 134/2022 defined measures aimed at ensuring transparency in the personal data processing activities of the Offices.


PUBLIC CONSULTATION ON THE HIGH-RISK PERSONAL DATA PROCESSING ON A LARGE SCALE – the collection of subsidies occurred due to art. 4 of the Regulation of Small-Sized Processing Agents (CD/ANPD Resolution No. 02), which provided for the criteria for defining large-scale activities and processing with high risk for the data subject.



PUBLIC CONSULTATION ON DOSIMETRY STANDARDS AND APPLICATION OF SANCTIONS – Authority opens a public consultation for contributions and opinions on the draft Resolution that aims to regulate the application of sanctions by the ANPD. The issue is expected to be regulated in the next biennium, and appears as one of the most urgent topics for Brazilian regulation.

SEPTEMBER

PUBLIC CONSULTATION ON THE PROCESSING OF PERSONAL DATA OF CHILDREN AND ADOLESCENTS –



ANPD publishes a preliminary study on the subject and made public the collection of subsidies of citizens on hypotheses of processing of personal data of children and adolescents (in Brazil, people under the age of 18), leading the debate on the need for parental and/or legal representatives for the processing of personal data.


OCTOBER

GUIDELINE ON COOKIES AND PERSONAL DATA PROTECTION –

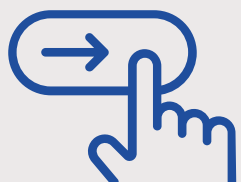
ANPD publishes a guide that instructs processing agents on good practices, concepts, classifications, and examples related to the use of cookies on websites.



ANPD BECOMES AN AGENCY OF A SPECIAL NATURE –



Law No. 14,460/2022 was published, which transformed the ANPD into an agency of a special nature. The transformation made administrative and financial independence possible for the Authority, in addition to greater capacity to prioritize actions and generate better results for society.




NOVEMBER




PUBLIC CONSULTATION FOR SIMPLIFIED REGISTRATION OF PERSONAL DATA PROCESSING ACTIVITIES – the society was able to contribute to the elaboration of the model of simplified registration of personal data processing activities for small-sized processing agents, considering their specificities.

ANPD's REGULATORY AGENDA FOR 2023-2024 WAS PUBLISHED – in order to provide greater publicity and efficiency for the regulatory process, the ANPD publishes its regulatory agenda with the topics that it intends to regulate in the next biennium. Among the priorities, we identified as main points the regulation of the rights of data subjects and the rules for performing Data Protection Impact Assessments.



DECEMBER



SUBSTITUTIVE TEXT ON THE REGULATION OF ARTIFICIAL INTELLIGENCE – commission of jurists prepares a draft to replace Bills 5051/2019, 21/2020 and 872/2021, which aim to establish principles, rules, guidelines, fundamentals, and the application of Artificial Intelligence in Brazil.

Content prepared by our Privacy and
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