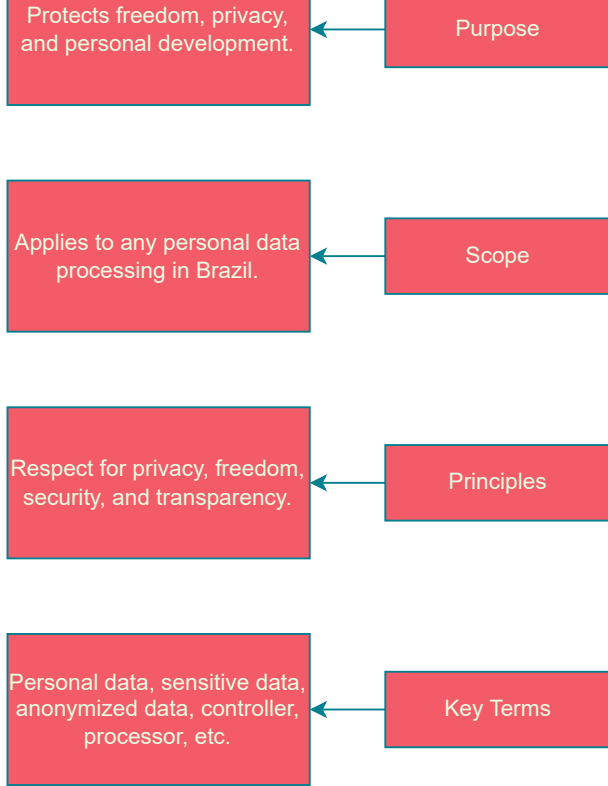


João Guilherme Vargas

LGPD

Chapter 1: Preliminary Provisions



Chapter 10: Final and Transitional Provisions

Effective Date

December 28, 2018:
ANPD structure and responsibilities.

August 1, 2021:
Articles 52, 53, and 54

May 3, 2021: Other articles

Alterations to the Brazilian Internet Law

Art. 7: Permanent deletion of personal data

Art. 16: Deletion of excessive personal data

Chapter 9: ANPD & National Council

The National Data Protection Authority (ANPD)

The National Council for Protection of Personal Data and Privacy

Representatives appointed by the President

Creation of ANPD within the federal public administration

Appointed by the President after Senate approval

ANPD has technical and operative autonomy

Ensure data protection, monitoring compliance, applying sanctions

Proposing guidelines, evaluating policy execution, suggesting actions, holding public debates

Chapter 2: Processing of Personal Data

Section I: General Requirements

Rights

Access, correction, deletion, data portability.

Transparency

Clear information about data processing.

Section II: Sensitive Data

Special Rules

Consent required, exceptions for health, safety, fraud prevention.

Conditions

Consent, legal obligations, public administration, research, contracts, etc.

Chapter 8: Monitoring

Administrative Sanctions

Warning with corrective period

Simple fine (up to 2% of revenue, max R\$ 50M)

Daily fine

Publicization of infraction

Data blocking until regularization

Data deletion

Suspension of database or data processing

Prohibition of data processing activities

Chapter 7: Security and Good Practices

Section I: Security and Secrecy of Data

Security measures to protect data. National authority may set technical standards.

Incident reporting to national authority & data subjects

Section II: Good Practice and Governance

Development of good practice rules for data processing

Encourage technical standards for data subject control

Chapter 6: Personal data Processing Agents

Section I: Controller and Processor

Controllers & processors must keep records of data processing, especially when based on legitimate interest

National authority may require a Data Protection Impact Assessment

Section II: Data Protection Officer

Controller must appoint a DPO

Handle complaints & communications. Receive & act on communications from the national authority. Guide employees

Section III: Liability and Loss Compensation

Controllers/processors must compensate for damages from data processing.

Joint Liability

Chapter 5: International Data Transfer

Security

Transfer allowed if country ensures adequate protection, with consent, or under specific agreements.

Chapter 3: Data Subjects' Rights

Rights Include

Data portability

Anonymization, blocking, or deletion

Correction of inaccurate data

Access to data

Confirmation of data existence

Can process data for public policy execution

Public Authorities

Must disclose data processing activities

Transparency

Adequate measures to protect data

Security

Chapter 4: Data Processing by Public Authorities