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Agency: Acts of the Executive Power

DEGREE Nº 10,474, OF AUGUST 26, 2020

Approves the Regulatory Structure and the Statement of Commissioned Positions and of Positions of Trust of the National Authority of Data Protection and redistributes and transforms commissioned positions and positions of trust.

THE PRESIDENT OF THE REPUBLIC, using the powers conferred upon him by [the main section of art. 84, item VI, line "a" of the Constitution](#),

DECREES:

Art. 1: The Regulatory Structure and the Statement of Commissioned Positions and of Positions of Trust of the National Authority of Data Protection – **ANDP** (*Agência Nacional de Proteção de Dados*), are approved, in the form of Annexes I and II.

Art. 2: The following commissioned positions of the Group - Superior Management and Advising - **DAS** (*Direção e Assessoramento Superiores*) and the following Commissioned Positions of the Executive Power - **FCPE** (*Funções Comissionadas do Poder Executivo*), of the Management Secretariat of the Special Secretariat for De-Bureaucratization, Management and Digital Government are redistributed, in the form of Annex III, from the Ministry of Economy to the ANPD:

- I - one DAS 101.6;
- II - four DAS 101.5;
- III - six DAS 101.4;
- IV - five DAS 103.4;
- V - four FCPE 101.4;
- VI - ten FCPE 101.3; and
- VII - six FCPE 102.3.

Art. 3: The following commissioned positions in the Group-DAS are transformed, in the form of Annex IV, in the terms of the provisions of art. 8 of Law Nº 13,346 of October 10, 2016: twenty six DAS-2 and seventy DAS-1 into one DAS-6, four DAS-5, fifteen DAS-4 and nine DAS-3.

Art. 4: In the form of Annex V, the following FCPE are replaced:

- I - four FCPE 101.4;
- II - ten FCPE 101.3; and
- III - six FCPE 102.3.

Sole Paragraph. Twenty commissioned positions of the Group-DAS are extinguished, as demonstrated in Annex V.

Art. 5: The provisions of [art. 13 to art. 19 of Decree nº 9,739, of March 28, 2019](#), regarding the internal regulations, the registration of data in the Institutional Organization and Innovation System of the Federal Government - Siorg (*Sistema de Organização e Inovação Institucional do Governo Federal*), shall apply to the exchange between DAS and FCPE and to the allocation of commissioned positions and positions of trust in the Regulatory Structure of the ANPD.

Sole paragraph. In the event that the internal regulations are issued, the proposal shall be approved by an absolute

majority of the Board of Directors of the ANPD.

Art. 6: This Decree becomes effective on the date of publication of the appointment of the Director-President of ANPD in the Federal Official Journal.

Brasília, August 26 2020; 199th year of Independence and 132nd year of the Republic.

JAIR MESSIAS BOLSONARO

Paulo Guedes

Walter Souza Braga Netto

ANNEX I - REGULATORY STRUCTURE OF THE NATIONAL AUTHORITY OF DATA PROTECTION

CHAPTER I - NATURE, PURPOSE AND COMPETENCES

Art. 1: the National Data Protection Authority – ANPD (*Agência Nacional de Proteção de Dados*), agency belonging to the Presidency of the Republic, holder of technical and decision making authority, with jurisdiction in the national territory and with head offices in the Federal District, has the purpose of protecting the fundamental rights of freedom and privacy and the free development of the personality of the natural person, guided by the provisions of [Law nº 13,709, of August 14, 2018](#).

Art. 2: The ANPD shall:

- I - ensure the protection of personal data, in the terms of the legislation;
- II - ensure the observance of commercial and industrial secrets, complying with the protection of personal data and the secrecy of the information, when protected by law or when the breach of confidentiality violates the grounds of art. 2 of Law nº 13,709, of 2018;
- III - prepare guidelines for the National Policy for Protection of Personal Data and Privacy;
- IV - supervise and apply sanctions in the event of treatment of data carried out in violation of the legislation, through administrative proceedings that ensure the adversary system, full defense and the right to appeal;
- V - examine petitions from a data holder against a controller after the holder presents evidence of submitting a complaint to the controller which has not been resolved within the period established by the regulation;
- VI - promote among the population the knowledge of rules and public policies about personal data protection and the security measures.
- VII - promote and prepare studies about the national and international practices for protection of personal data and privacy;
- VIII - encourage the adoption of standards for services and products that facilitate the exercise of control by the holders over their personal data, which must take into account the specifics of the activities and the size of those responsible;
- IX - promote cooperation actions with the authorities for protection of personal data from other countries, of an international or transnational nature;
- X - provide for the forms of publicity of the personal data processing operations, respecting commercial and industrial secrets;
- XI - request, at any time, from the agencies and entities of the Government that carry out personal data treatment operations, specific information regarding the scope, the nature of the data and other details of the treatment carried out, with the possibility of issuing a supplementary technical opinion to ensure compliance with Law nº 13,709, of 2018;
- XII - prepare annual management reports concerning its activities;
- XIII - issue regulations and procedures on the protection of personal data and privacy, and on reports on the impact of protection of personal data in cases where the treatment represents a high risk to the guarantee of the general principles of protection of personal data contemplated in Law nº 13,709, of 2018;
- XIV - consult with agents of treatment and the society on matters of relevant interest and report on their activities and planning;

XV - collect and apply its revenues and publish, in the management reports referred to in item XII, the details of its revenues and expenses;

XVI - carry out audits or determine their performance, within the scope of the supervision activity referred to in item IV and in compliance with the provisions of item II, on the treatment of personal data carried out by the treatment agents, including the Government;

XVII - enter into commitments, at any time, with processing agents to eliminate irregularities, legal uncertainty or litigious situations, within the scope of administrative proceedings, in accordance with the provisions of [Decree-Law nº 4,657, of September 4, 1942](#);

XVIII - issue simplified and differentiated rules, guidelines and procedures, including in respect of deadlines, so that micro companies, small companies and corporative initiatives of an incremental or disruptive nature which are self-proclaimed *startups* or innovation companies are able to conform to the provisions of [Law nº 13,709, of 2018](#);

XIX - ensure that the treatment of data belonging to elderly is carried out in a simple, clear, accessible manner, adequate to their understanding, in the terms of [Law nº 13,709, of 2018](#), and of [Law nº 10,741, of October 1st, 2003 - Statute for the Elderly](#);

XX - deliberate, in the administrative sphere, on a terminative basis, on [Law nº 13,709, of 2018](#), its jurisdictions and omissions, without prejudice to the jurisdiction of the Office of the Attorney General established by [Supplementary Law nº 73, of February 10, 1993](#);

XXI - communicate to the competent authorities the criminal violations of which it becomes aware; XXII - communicate to the internal control agencies the non-compliance with the provisions of [Lei nº 13.709, de 2018](#), by agencies and entities of the federal government;

XXII - organize with the public regulatory authorities so that they exercise their competences in specific sectors of economic and governmental activities subject to the regulation; and

XXIII - implement simplified mechanisms, including by electronic means, for registering complaints about the processing of personal data in non-compliance with [Law nº 13,709, of 2018](#).

§1 - Upon determining administrative conditions on the processing of personal data by a private treatment agent, whether they are limits, charges or submissions, the ANPD must comply with the minimum intervention requirement, ensuring the fundamentals, the principles and the rights of the data holders contemplated in [art. 170 of the Constitution](#) and in [Law nº 13,709, of 2018](#).

§2 - The regulations and rules issued by the ANPD must be preceded by public consultation and hearings and by an Analysis of Regulatory Impact.

§3 - The ANPD and the public agencies and entities responsible for the regulation of specific sectors of the economic and governmental activity must coordinate their activities, in the spheres of performance, with a view to ensuring the fulfillment of their duties with greater efficiency and promoting the adequate functioning of the regulated sectors, according to a specific legislation, and the treatment of personal data, as provided by [Law nº 13,709, of 2018](#).

§4 - The ANPD shall maintain a permanent communication forum, including by means of technical cooperation, with agencies and entities of the federal government responsible for the regulation of specific sectors of economic and governmental activity, in order to facilitate the regulatory, supervising and punitive competences of the ANPD.

§5 - The ANPD, while exercising the competences dealt with in the main section, shall ensure that the corporative secrets and the secrecy of the information are preserved, in the terms of law.

§6 - The complaints received in accordance with the provisions of item V of the main section may be analyzed in an aggregate manner and any measures arising from them may be taken in a standardized manner.

§7 - The application of the sanctions contemplated in [Law nº 13,709, of 2018](#), are the exclusive responsibility of the ANPD and its competences shall prevail, in respect of the protection of personal data, over the related competences of other entities or agencies of the public administration.

§8 - The ANPD shall organize its activity with other agencies and entities with sanctioning and normative competences related to the personal data protection matters and shall be the central agency for interpretation of [Law nº 13,709, of 2018](#),

and the establishment of rules and guidelines for its implementation.

CHAPTER II - THE ORGANIZATIONAL STRUCTURE

Art. 3: The ANPD is comprised of the following bodies:

I- Board of Directors;

II- advisory council: National Council for the Protection of Personal Data and Privacy;

III - departments of direct and immediate assistance to the Board of Directors:

a) General Secretariat;

b) General Coordination of Administration; and

c) General Coordination of Institutional and International Relations;

IV - branch units:

a) Internal Affairs;

b) Ombudsman; and

c) Legal Counsel; and

V - specific bodies:

a) General Coordination of Regulation;

b) General Coordination of Supervision; and

c) General Coordination of Technology and Research.

§1 - The Board of Directors is the highest decision-making body of the ANPD.

§2 - The Director President oversees the management and institutional representation of the ANPD.

CHAPTER III - BODIES OF THE NATIONAL AUTHORITY OF DATA PROTECTION

Section I - Competences of the Board of Directors

Art. 4: The Board of Directors, highest directing body of the ANPD, is in charge of:

I - requesting:

a) from the controller referred to in Law nº 13,709, of 2018, the report for the impact on personal data protection when the treatment is based on its legitimate interest, observing commercial and industrial secrets;

b) from the agencies and entities of the Federal Government which carry out personal data treatment operations, the specific information on the scope and nature of the data and other details of the treatment performed;

c) from public agencies, the publishing of reports on the impact on personal data protection and suggesting the adoption of standards and good practices for the treatment of personal data carried out by the Federal Government; and

d) supplementary information and carrying out verification procedures in respect of the treatment operations, in the context of the approval of international transfer of data;

II - regulating:

a) the communication or shared use of sensitive personal data among controllers, with the purpose of gaining economic advantage, its prohibition being allowed, after hearing the competent public agencies of the industry;

b) in observance of the competences of the health and sanitary authorities, the access to the personal data base by research bodies when they carry out studies on public health, the treatment of the information in a controlled and safe environment, the ethical standards related to studies and researches being guaranteed and, whenever possible, the anonymization or pseudonymization of the data;

c) the portability of personal data between service or product suppliers, safeguarding the competencies of the regulatory bodies that have a definition of such procedures in their areas of activity;

d) the format of presentation of the data forwarded, upon request, to the data holders, to allow their subsequent use; and

e) the communication or shared use of personal data of public or private legal entities, observing the provisions of the sole paragraph of art. 27 of Law nº 13,709, of 2018;

III - providing for:

a) the standards and techniques used in anonymization processes and verify their security, having heard the National Council of Protection of Personal Data and Privacy;

b) the forms of publicity of the data treatment operations carried out by public legal entities;

c) the interoperability standards for purposes of portability, the free access to data, the safety of the data and the time for which the records shall be kept, considering the need and the transparency; and

d) the minimum standards for adoption of safety, technical and administrative measures of protection for personal data against unauthorized access and accidental or illicit situations of destruction, loss, alteration, communication or any manner of inadequate or illicit treatment, with exception to the competences dealt with in art. 10, main section, items IV and V, of Law nº 13,844, of June 18, 2019;

IV - determining:

a) the termination of the treatment of personal data when there is a breach to the provisions of Law nº 13,709, of 2018; and

b) the performance of an audit to verify discriminatory aspects in the automated treatment of personal data, in the event of non-compliance with the provisions of §1 of art. 20 of Law nº 13,709, of 2018;

VI - determining that the controller of personal data:

a) prepares a report of impact on protection of personal data referring to its data treatment operations, including sensitive data, observing the commercial and industrial secrets; and

b) adopts measures to safeguard the rights of the data holders, as from the verification of the severity of safety incidents;

VI - forwarding:

a) the petitions of personal data holders presented to the ANPD against the controller, for evaluation by the competent unit; and

b) a notice with applicable measures to cease violations to the provisions of Law nº 13,709, of 2018, by public agencies;

VII- establishing deadlines to comply with the requests dealt with in items I and II of the main section of art. 19 of Law nº 13,709, of 2018, for specific sectors, upon evaluation with reasoning, observing the provisions of §4 of art. 19 of said Law; and

VIII- establishing complementary rules:

a) for the activities of communication and shared use of personal data carried out by public legal entities; and

b) about the definition and attributions of the person in charge of the treatment of personal data dealt with in Law nº 13,709, of 2018, including in the events of dismissal of the necessity of his appointment, according to the nature and size of the entity or the volume of the data treatment operation;

IX - issuing a complementary technical opinion to ensure the compliance with the Law by public agencies and entities;

X - authorizing the international transfer of personal data;

XI - evaluating:

a) the requirements forwarded to the ANPD about the level of personal data protection given by another country or by an international organization; and

b) the level of data protection of a foreign country or international organization who provide a level of personal data protection and its adequacy to the provisions of Law nº 13,709, of 2018;

XII - defining:

a) the content of standard clauses and verify, directly or through appointment of a certification organization, the guarantee of the specific contractual clauses, global corporate rules or stamps, certificates and codes of behavior for the international transfer by a personal data controller;

b) the deadline for the personal data controller to inform the ANPD and the data holder of a safety incident which could imply in risk or damage to the holder; and

c) the methodologies that shall guide the calculation of the base-value of the fine sanctions contemplated in Law nº 13,709, of 2018, and publish them for awareness of the treatment agents;

XIII- creating and supervising certification agencies to verify the permission for international transfer of data;

XIV - reviewing actions carried out by certification agencies and, in the event of violation of the provisions of Law nº 13,709, of 2018, annul such actions;

XV - acknowledging and disclosing rules of good practices and governance established by controllers and operators related to the treatment of personal data;

XVI - encouraging the use of technical standards which facilitate the control of personal data by their holders;

XVII - preparing the proposal on administrative sanctions and infringements dealt with in Law nº 13,709, of 2018, observing the grading and proportionality of the sanctions, in accordance with the infringement committed, and submit the proposal to public consultation;

XVIII- applying the administrative sanctions contemplated in art. 52 of Law nº 13,709, of 2018; and

XIX - consulting the public agencies and entities responsible for the regulation of specific sectors of the economic and governmental activity before the application of the sanctions contemplated in art. 52 of Law nº 13,709, of 2018.

Art. 5: The agencies and entities of the federal government, direct, autonomous and functional, shall provide all assistance and collaboration requested by the ANPD, including by means of the preparation of technical opinions of the subjects of their competence, under penalty of liability.

Section II - Term of the members of the Board of Directors

Art. 6: The term of office of the members of the Board of Directors is four years, which can be renewed once for an equal period.

Sole paragraph. The positions of the members of the Board of Directors are for exclusive dedication, accumulation not being allowed, except for those constitutionally permitted.

Art. 7: The terms of office of the first members of the Board of Directors appointed shall be of two, three, four, five and six years, as established in the act of appointment.

Art. 8: In the event of vacancy of the position during the term of office, there shall be another appointment, for the remaining period of the term of the replaced member.

Sole paragraph. In the event of resignation, death, impediment, absence or loss of term of the Director-President, the oldest director in office or the eldest shall assume, in that order, until there is a new appointment, without prejudice to his duties.

Art. 9: In the event of reduction of the number of members of the Board of Directors to less than three Directors, the scheduled deadlines and the progress of processes shall be automatically suspended until the minimum quorum is restored.

Art. 10: The loss of office by one of the members of the Board of Directors may only occur by reason of resignation, final and unappealable legal condemnation or penalty of dismissal as a result of disciplinary administrative proceedings.

§1 - For the purposes of the provisions in the main section, the State Minister Chief of Staff is in charge of filing disciplinary administrative proceedings, which shall be led by a special commission comprised of stable federal public servants

§2 - In the event dealt with in this article, the President of the Republic shall determine the preventive removal of the Director, if necessary, and proffer a sentence.

Art. 11: It is prohibited for the members of the Board of Directors:

I - to receive fees or percentages;

II - to exercise a self-employed profession with exception to those constitutionally permitted;

III – to participate, as controller, director, administrator, manager, representative or by proxy, in a civil or commercial company or corporations;

IV – to issue an opinion on a matter of his/her specialization, even if in thesis, or act as a consultant in a company;

V – to express, by any means of communication, an opinion on proceedings awaiting decision or a derogatory judgment on orders, votes or sentences of judicial bodies, with exception to criticism on the records, in technical works or while teaching; and

VI – to exercise political-partisan activity.

§1 - After being removed from the position of Director, it is prohibited for any member of the Board of Directors to represent any individual or legal entity, or interest before the ANPD. For a period of one hundred and eighty days, as from the date on which the removal occurred, with exception to the defense of one's own right.

§2 - It is forbidden for the member of the Board of Directors to use privileged information obtained as a result of the exercise of his/her position.

§3 - It is forbidden for the members of the Board of Directors to hold significant interest, direct or indirect, to be disciplined by a resolution of the ANPD, in a company that deals with personal data.

Section III - Composition and meetings of the Board of Directors

Art. 12: The Board of Directors is comprised of five members indicated by the State Minister Chief of Staff of the Presidency of the Republic and appointed by the President of the Republic, after the approval of the Federal Senate, in the terms of the provisions of line "f" of item III of the main section of art. 52 of the Constitution.

Art. 13: The Board of Directors shall meet, ordinarily, at least every month, and extraordinarily, whenever called by the Director-President.

§1 - The annual calendar of ordinary meetings shall be approved and published by the Board of Directors.

§2 - The agenda of the deliberative meetings shall be made available to public within a minimum period in advance, to be defined by the Internal Rules of the ANPD.

§3 - The quorum for the meeting of the Board of Directors is absolute majority, and the quorum for approval is simple majority.

§4 - In addition to the ordinary vote, the Director-President shall have the quality vote in the event of a draw.

§5 - There shall be no deliberation about a matter that is not included in the agenda, except in the event of urgency, upon motivation.

Section IV - Advisory council

Art. 14: The National Council of Protection of Personal Data and Privacy is in charge of:

I - proposing strategic guidelines and providing subsidies for the preparation of the National Policy of Protection of Personal Data and Privacy and for the activities of the ANPD;

II - preparing annual reports of evaluation of the execution of the activities of the National Policy of Protection of Personal Data and Privacy;

III - suggesting actions to be taken by ANPD;

IV - preparing studies and carry out debates and public hearings about the protection of personal data and privacy; and

V - propagating the knowledge on protection of personal data and privacy to the general population;

Art. 15: The National Council of Protection of Personal Data and Privacy shall be comprised of representatives from the following bodies:

I - one from the Civil Office of the Presidency of the Republic, who shall preside it;

- II - one from the Ministry of Justice and Public Security;
- III - one from the Ministry of Economy;
- IV - one from the Ministry of Science, Technology and Innovations;
- V - one from the Cabinet of Institutional Security of the Presidency of the Republic;
- VI - one from the Senate;
- VII - one from the House of Representatives;
- VIII - one from the National Council of Justice;
- IX - one from the National Council of the Attorney General Office;
- X - one from the Internet Management Committee in Brazil;
- XI - three from civilian organizations with proven activity in personal data protection;
- XII - three from scientific technological and innovation institutions;
- XIII - three from trade union confederations representing economic categories of the industry;
- XIV - two from entities representing the corporate sector related to the area of personal data treatment; and
- XV - two from entities representing the labor sector.

§1 - Each member of the collegiate shall have one substitute, who shall replace him/her during absences and impediments.

§2 - The members of the National Council for Protection and Personal Data and Privacy and their respective substitutes shall be appointed by the President of the Republic.

§3 - The indications of members of the National Council for Protection and Personal Data and Privacy dealt with in items I to X of the main sector shall be submitted by the heads of the agencies representing the State Minister Chief of Staff of the Presidency of the Republic.

§4 - The members and the respective substitutes dealt with in items XI to XV of the main section:

I - must have qualification compatible with the matters related to the National Council for Protection and Personal Data and Privacy;

II - shall have a term of office of two years, a renovation being allowed for the same period; and

III - may not be members of the Internet Management Committee in Brazil.

§5 - The entities dealt with in items XI to XV of the main sector may freely indicate representatives, to the Board of Directors, within thirty days as from the date of publication in the calling notice in the Official Federal Journal, with the indication of one name for the respective vacancy, who shall be joined by:

I - the demonstration of characteristics of the entity;

II - the qualification of the indicated person; and

III - the evidence of his/her connection to the entity.

§6 - After receiving the indications, the Board of Directors shall prepare a triple list of heads and substitutes, representatives of each one of the entities to which §5 refers to, for each vacancy dealt with in items XI to XV of the main section, which shall be forwarded to the State Minister Chief of Staff of the Presidency of the Republic, for appointment by the President of the Republic.

§7 - In the absence of the indications mentioned in §5 and §6, the President of the Republic shall freely choose the members of the National Council for Protection and Personal Data and Privacy and their respective substitutes, by indication of the State Minister Chief of Staff of the Presidency of the Republic, in compliance of the requirements established in §4.

§8 - The participation in the National Council for Protection and Personal Data and Privacy shall be considered the rendering of a relevant public service, non-remunerated.

§9 - The President of the National Council for Protection and Personal Data and Privacy may invite other representatives of other agencies and entities of the federal government to participate, without voting rights: in:

Art. 16: The National Council for Protection and Personal Data and Privacy shall meet, ordinarily, at least every

quarter, and extraordinarily, whenever called by its President.

§1 - The quorum for the meeting of the National Council for Protection and Personal Data and Privacy is sixteen members, and the quorum for approval is simple majority.

§2 - The agenda of the meetings shall be disclosed at least one week in advance.

§3 - The meetings of the National Council for Protection and Personal Data and Privacy shall be carried out, preferably, through videoconference.

§4 - In addition to the ordinary vote, the President of the National Council for Protection and Personal Data and Privacy shall have the quality vote in the event of a draw.

Art. 17: The National Council for Protection and Personal Data and Privacy may issue an internal regiment to detail complementary rules necessary to the application of this Decree.

Sole paragraph. The internal regiment mentioned in the main section shall be approved by the absolute majority of the members.

Section V - Bodies of direct and immediate assistance to the Board of Directors

Art. 18: The General Secretariat is in charge of:

I - providing administrative assistance to the functioning of the Board of Directors and the of the National Council for Protection and Personal Data and Privacy;

II - organizing agendas, follow and prepare the minutes of the meetings of the Board of Directors and the of the National Council for Protection and Personal Data and Privacy;

III - coordinating the activities of administrative organization and modernization;

IV - supervising the preparation of management reports and activities;

V - supervising the actions related to the management of information and to the promotion of transparency;

VI - supervising the preparation and consolidation of the annual and pluriannual plans and programs, in agreement with the Board of Directors; and

VII - supervising the execution of agreements, conventions or similar adjustments with agencies and entities, public and private.

Art. 19: The General Coordination of Administration is in charge of planning, coordinating, supervising and executing the activities related to the administration of human resources, financial, and of general goods and services.

Art. 20: The General Coordination of Institutional and International Relations is in charge of:

I - supporting the Board of Directors in actions of cooperation with foreign, international or transnational data protection authorities;

II - subsidizing the authorization for international transfer of personal data; and

III - evaluating the level of personal data protection given:

a) by a Country or international organization due to a request from a public legal Entity; and

b) by a Country or international organization of countries or international organizations that provide a level of personal data protection adequate to what is set forth in Law nº 13,709, of 2018.

Section VI - Sectional departments

Art. 21: The Internal Affairs Department, a sectional body of the Correction System of the Federal Executive Power, is in charge of:

I - planning, directing, guiding, supervising, evaluating and controlling the correction activities, in the scope

II - filing, or request that they be filed, disciplinary or official procedures, or those resulting of declarations and complaints, and decide upon the proposals to shelve denunciations and declarations;

III - forwarding to the State Minister Chief of Staff of the Presidency of the Republic the proposal to open disciplinary administrative proceedings against members of the Board of Directors; and

IV - exercising the competences contemplated in art. 5 of Decree nº 5,480, of June 30, 2005.

Art. 22: The Ombudsman Office, a branch unit of the Ombudsman System of the Federal Executive Power, is in charge of:

I - receiving, examining and forwarding denunciations, complaints, compliments and suggestions related to procedures and actions of agents and agencies, within the scope of the ANPD;

II - coordinating, guiding, executing and controlling the activities of the Citizen's Information Service, within the scope of the ANPD;

III - proposing actions and suggesting priorities in the ombudsman activities of the ANPD;

IV - informing the central organ of the Ombudsman System of the Federal Executive Power about the follow up and evaluation of the programs and projects with activities of the ombudsman, within the scope of the ANPD;

V - organizing and disclosing information about activities of the ombudsman office and operational procedures;

VI - producing and analyzing data and information about the activities of the ombudsman office, to subsidize recommendations and proposals of measures to enhance the rendering of public services to correct failures;

VII - processing the information obtained through the manifestations received and the satisfaction surveys carried out with the purpose of evaluation the public services rendered, especially in respect of the fulfillment of commitments and the quality standards for assistance in the Letter of Services to the User, dealt with in art. 7 of Law nº 13,460, of June 26, 2017; and

VIII- carrying out the ombudsman activities contemplated in art. 13 da Lei nº 13.460, de 2017.

Art. 23: The Legal Counsel, a branch unit of the General Counsel for the Federal Government within ANPD, is in charge of:

I - providing legal assistance and counsel, within the scope of the ANPD;

II - setting the interpretation of the Constitution, of the laws, of the treaties and of the remaining normative rulings to be uniformly followed in the area of activity of the ANPD, when there is no normative guidance from the General Counsel for the Federal Government;

III - acting, jointly with the technical branches of the ANPD, to prepare proposals of normative rulings which shall be submitted to the Director-President;

IV - carrying out the final revision of the technical legislation and issue a conclusive opinion about the constitutionality, the legality and the compatibility of the normative rulings to be issued by the ANPD with the legal framework;

V - assisting the Board of Directors in the internal control of administrative legality of the acts of the ANPD; and

VI – examining, in advance and conclusively, within the scope of the ANPD:

a) the texts of the call for tender and the contracts or similar instruments, to be published and executed; and

b) the acts for which the unenforceability is acknowledged, or the dismissal of the bid is decided.

Section VII - Specific bodies

Art. 24: The General Coordination of Regulation, the General Coordination of Supervision and General Coordination of Technology and Research are in charge of proposing and analyzing the matters related to the provisions of Law nº 13,709, of 2018.

CHAPTER IV - DUTIES OF THE OFFICERS

Section I - Director-President of the Board of Directors

Art. 25: The Director-President of the Board of Directors is in charge of:

- I - annually submitting to the Board of Directors a detailed report on the work of the ANPD;
- II - ordering the expenses referring to the ANPD;
- III - calling the meetings and determine the organization of the agendas;
- IV - submitting the budget proposal of the ANPD to the approval of the Board of Directors;
- V - signing the commitment and agreements approved by the Board of Directors; and
- VI - signing contracts and covenants with national agencies or entities.

Section II - Directors of the Board of Directors

Art. 26: The Directors of the Board of Directors are in charge of:

- I - voting on the processes and matters submitted to the Board;
- II - issuing orders and drawing up decisions in proceedings in which they were rapporteurs;
- III - requesting information and documents of people, agencies, authorities and public or private entities related to the exercise of their duties, which shall be kept under legal secrecy, and determining the necessary investigations;
- IV - adopting preventive measures and setting the value of the daily penalty for non-compliance with them;
- V - requesting the performance of investigations and the production of evidence they believe to be relevant in the records of the administrative proceedings, in the form of Law nº 13,709, of 2018;
- VI - requesting the issuance of a legal opinion in those proceedings in which they are rapporteurs, when necessary and through an order with grounded reasoning; and
- VII - submitting a term of consent decree and agreements to the approval of the Board of Directors.

Section III - President of the National Council of Protection of Personal Data and Privacy

Art. 27: The President of the National Council of Protection of Personal Data and Privacy is in charge of calling, coordinating and directing the meetings of the Council.

Section IV - Remaining officers

Art. 28: The Head of Internal Affairs, the Ombudsman, the Head of Legal Counsel and the Secretary General of the ANPD are in charge of planning, directing, coordinating, supervising, guiding, following, controlling and evaluating the performance of the activities of the units that comprise their areas.

CHAPTER V - GENERAL PROVISIONS

Art. 29: The rules and norms issued by the ANPD shall be preceded by public consultation and hearings and by an Analysis of Regulatory Impact.

Art. 30: The norms related to its regulation and its applicability shall be approved within the Board of Directors.

Art. 31: The ANPD is allowed to adopt an internal delegation decision process, and the Board of Directors shall be guaranteed the right to reexamine the delegated decisions.

Art. 32: The ANPD may establish, in a resolution, other means of participation for those interested in its decisions, directly or through lawful organizations and associations.

Art. 33: The ANPD shall discuss the matters submitted to its appreciation within the deadlines established in the legislation and, in the event of omission, within the deadlines established in a resolution.

Art. 34: The hearings granted to the parties, to their representative or lawyers and to the public in general shall be registered and disclosed in the site of the ANPD, with indication of their date, place, time, subject and participants.

§1 - The authorities granting the hearings shall determine the time, the manner and the participants, as well as the remaining requirements contemplated in the legislation.

§2 - In the event of risk of loss to the parties or of public interest, the granted hearings may receive a restricted

access treatment.

Art. 35: The requirements and assignments from civilians to be exercised in the ANPD shall be made through the Office of the Chief of Staff of the Presidency of the Republic.

Sole paragraph. The requirements dealt with in the main section are indisputable, for an indeterminate period and shall be promptly seen to, with exception to those cases foreseen by law.

Art. 36: To the public servants and employees of any agency or entity of the federal government placed at the disposal of the Presidency of the Republic, all rights and advantages to which they are entitled in the agency or in the entity of origin, including functional promotions.

§1 - The public servant or employee requested shall contribute with the institution of social security to which s/he is affiliated, with no interruption in the counting of service time in the agency or in the entity of origin.

§2 - The period in which the public server or employee remains at the disposal of the Presidency of the Republic shall be considered, to all effects of the functional life, as being effective exercise of the position or employment s/he occupies in the agency or the entity of origin, including with respect to incorporation of advantages.

Art. 37: The requirements from the military of the Armed Forces and the requests for assignment of members of the Military Police and the Military Firemen for the ANPD shall be made by the Cabinet of Institutional Security of the Presidency of the Republic directly to the Ministry of Defense or to the Governments of the States or of the Federal District, as the case may be.

§1 - The military personnel available to the Presidency of the Republic are connected to the Cabinet of Institutional Security of the Presidency of the Republic for disciplinary, remuneration and alteration purposes, observing the singularities of each Force.

§2 - The requirements dealt with in the main section are undeniable and shall promptly complied with, except for the cases foreseen by law.

Art. 38: The performance of a function in the Presidency of the Republic is, for the civilian staff, a relevant and deserving service, for all effects of the functional life and, for the military staff, a relevant service and activity of a military nature.

ANNEX II

a) STATEMENT OF COMMISSIONED POSITIONS AND POSITIONS OF TRUST OF THE ANPD:

UNIT	POSITION/ FUNCTION	NAME	DAS/FCPE
Board of Directors	1	Director President	DAS 101.6
	4	Director	DAS 101.5
	5	Project Manager	DAS 103.4
Staff of Director President	1	Chief of Staff	DAS 101.4
General Secretariat	1	Secretary-General	DAS 101.4
	4	Technical Advisor	FCPE 102.3
Legal Office	1	Legal Consultant	FCPE 101.4
	1	Coordinator	FCPE 101.3
Ombudsman Office	1	Ombudsman	FCPE 101.4

	1	Technical Advisor	FCPE 102.3
Internal Affairs	1	Officer of Internal Affairs	FCPE 101.4
	1	Technical Advisor	FCPE 102.3
General Coordination of Administration	1	Coordinator-General	FCPE 101.4
	3	Coordinator	FCPE 101.3
General Coordination of Technology and Research	1	Coordinator-General	DAS 101.4
	1	Coordinator	FCPE 101.3
General Coordination of Regulations	1	Coordinator-General	DAS 101.4
	2	Coordinator	FCPE 101.3
General Coordination of Supervision	1	Coordinator-General	DAS 101.4
	2	Coordinator	FCPE 101.3
General Coordination of Institutional and International Relations	1	Coordinator-General	DAS 101.4
	1	Coordinator	FCPE 101.3

B) RESUMED STATEMENT OF COSTS OF COMMISSIONED POSITIONS AND POSITIONS OF TRUST OF THE ANPD:

CODE	DAS-UNIT	NEW SITUATION	
		QTY.	TOTAL VALUE
DAS 101.6	6.27	1	6.27
DAS 101.5	5.04	4	20.16
DAS 101.4	3.84	6	23.04
DAS 103.4	3.84	5	19.20
SUBTOTAL 1		16	68.67
FCPE 101.4	2.30	4	9.20
FCPE 101.3	1.26	10	12.60
FCPE 102.3	1.26	6	7.56
SUBTOTAL 2		20	29.36
TOTAL		36	98.03

ANNEX III - REDISTRIBUTION OF COMMISSIONED POSITIONS OF THE GROUP DAS AND FCPE

CODE	DAS-UNIT	FROM SEGES/ME TO ANPD	
		QTY.	TOTAL VALUE
DAS 101.6	6.27	1	6.27
DAS 101.5	5.04	4	20.16
DAS 101.4	3.84	6	23.04

DAS 103.4	3.84	5	19.20
SUBTOTAL 1		16	68.67
FCPE 101.4	2.30	4'	9.20
FCPE 101.3	1.26	10	12.60
FCPE 102.3	1.26	6	7.56
SUBTOTAL 2		20	29.36
TOTAL		36	98.03

ANNEX IV - STATEMENT OF COMMISSIONED POSITIONS FROM THE GROUP - DAS TRANSFORMED IN THE TERMS OF ART. 8 OF LAW Nº 13,346, OF OCTOBER 10, 2016

CODE	DAS-UNIT	CURRENT SITUATION (a)		NEW SITUATION (b)		DIFFERENCE	
		QTY.	TOTAL VALUE	QTY.	TOTAL VALUE	QTY.	TOTAL VALUE
						(c = b - a)	
DAS-6	6.27	-	-	1	6.27	1	6.27
DAS-5	5.04	-	-	4	20.16	4	20.16
DAS-4	3.84	-	-	15	57.60	15	57.60
DAS-3	2.10	-	-	9	18.90	9	18.90
DAS-2	1.27	26	33.02	-	-	-26	-33.02
DAS-1	1.00	70	70.00	-	-	-70	-70.00
TOTAL		96	103.02	29	102.93	-67	-0.09

ANNEX V - REPLACEMENT OF FCPE AND STATEMENT OF THE COMMISSIONED POSITIONS OF THE GROUP DAS EXTINGUISHED IN THE FEDERAL EXECUTIVE POWER IN COMPLIANCE WITH LAW Nº 13,346, OF OCTOBER 10, 2016

a) REPLACED FCPE

CODE	DAS-UNIT	QTY.	TOTAL VALUE
FCPE 101.4	2.30	4	9.20
FCPE 101.3	1.26	10	12.60
FCPE 102.3	1.26	6	7.56
TOTAL		20	29.36

b) STATEMENT OF EXTINGUISHED COMMISSIONED POSITIONS:

CODE	DAS-UNIT	QTY.	TOTAL VALUE
DAS-4	3.84	4	15.36
DAS-3	2.10	16	33.60
TOTAL		20	48.96

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