

# How have Brazilian courts been applying the LGPD?



Since the Brazilian Data Protection Law (LGPD) took effect in September 2020, the number of lawsuits related to the LGPD has risen substantially.

## The key topics addressed over the years have concerned:

**Civil liability for data breaches**

**Lawfulness of data processing activities**

The courts have assessed the lawfulness of personal data processing activities, especially based on LGPD's principles and legal bases.

**Data subjects**

have filed **most of the lawsuits** during this period

In lawsuits awarding **compensation for moral damages**, the compensation ranged between

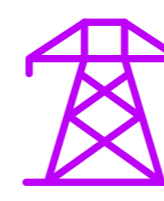


The **São Paulo State Court of Appeals (TJSP)** handled the most LGPD cases between 2020 and 2022. The **Federal District Court of Appeals (TJDFT)** and the **Minas Gerais State Court of Appeals (TJMG)** were also consistently active.

## The most-involved sectors have been:



**Services**



**Infrastructure (Energy)**



**Financial**



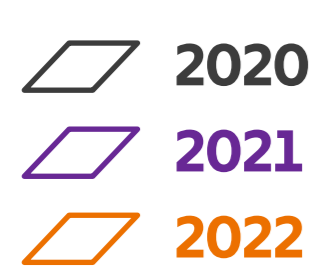
In these lawsuits, the **most frequently cited provisions** were the LGPD's preliminary provisions: its legal grounds, concepts, principles, and legal bases, as well as provisions related to liability and compensation for damages.

**BRL 2,000**

**BRL 20,000**

## Year by year

2020	2021	2022
<p><b>Key topics</b></p> <ul style="list-style-type: none"> <li>Informational self-determination</li> <li>The LGPD's principles</li> <li>The lawfulness of personal data processing activities</li> </ul>	<p><b>Civil liability for data breaches</b></p> <p>Applying the LGPD together with the Brazilian Consumer Protection Code (CDC)</p> <p>The lawfulness of personal data processing activities</p>	<p><b>Civil liability for data breaches</b></p> <p>Legal basis for credit protection</p> <p>The lawfulness of personal data processing activities</p>
<p><b>Legal provisions</b></p> <p>The most frequently cited provisions in court decisions were the LGPD's preliminary provisions – its legal grounds, concepts, principles, and legal bases.</p>	<p>The most frequently cited provisions in court decisions continued to be the LGPD's preliminary provisions – its legal grounds, concepts, principles (particularly the non-discrimination principle in 2022), and legal bases (particularly credit protection in 2022). Provisions related to liability and compensation for damages were also mentioned.</p>	
<p><b>Most-involved sectors</b></p> <ul style="list-style-type: none"> <li>Services</li> <li>Technology</li> </ul>	<ul style="list-style-type: none"> <li>Services</li> <li>Infrastructure (Energy)</li> <li>Financial</li> </ul>	
<p><b>Compensation for moral damages</b></p> <p>BRL 5,000   BRL 20,000</p>	<p>BRL 2,000   BRL 10,000</p>	<p>BRL 2,000   BRL 15,000</p>
<p><b>Court decisions</b></p> <p>The number of LGPD-related court decisions in 2020 was low compared to subsequent years, as the LGPD only became effective in the second half of the year.</p> <p>The <b>TJSP</b> was the most active court in 2020, followed by the <b>TJDFT</b> and <b>TJMG</b>.</p>	<p>The number of LGPD-related court decisions increased considerably in 2021.</p> <p>The <b>TJSP</b> continued to be the most active court, followed by the <b>Rio Grande do Sul State Court of Appeals (TJRS)</b>, <b>Santa Catarina State Court of Appeals (TJSC)</b>, and the <b>TJMG</b> and <b>TJDFT</b>. The LGPD also began to be cited more frequently in the decisions of the Brazilian superior courts – the <b>STJ</b> and <b>STF</b>.</p>	<p>The number of LGPD-related court decisions continued to rise in comparison to the previous years, demonstrating that courts are increasingly being used for privacy and data protection issues.</p> <p>Once again, the <b>TJSP</b> was the most active court. It was followed by the <b>Bahia State Court of Appeals (TJBA)</b>, the <b>TJMG</b>, <b>TJDFT</b> and the <b>Rio de Janeiro State Court of Appeals (TJRJ)</b>.</p>



\*This analysis was exclusively based on civil court decisions, with a focus on State Courts of Appeals, the Superior Court of Justice (STJ) and the Federal Supreme Court (STF). Labor, criminal and electoral court decisions were not analyzed, nor were any potential decisions by the Brazilian Data Protection Authority (ANPD).