

Overview of the Brazilian Data Protection Authority's activity in 2023



Key debates and understandings in 2023

Regulations for calculating and applying administrative sanctions

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Serious breaches

Regards the obstruction of authorities' inspection activities or a medium-level data breach that involves:

Large quantities of data

Economic advantage

Risks to life

The data of children, adolescents and the elderly

Discrimination

No valid legal basis for processing or other irregular practices

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Medium-level breaches

Capable of significantly affecting data subjects' interests and rights, provided they are not classified as serious breaches.

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Minor breaches

Those not classified as serious or medium-level breaches.

Mitigating factors may include the adoption of best practices, governance measures and mechanisms for secure and appropriate data processing.

For more information on administrative sanctions, please see [this publication](#) or scan the QR code to the left.

Processing of children's and adolescents' data

The processing of children's and adolescents' personal data could be justified on any legal basis, as long as it is in their best interests.

Artificial intelligence

The ANPD has been involved in discussions on regulating AI and has stated its position on its competence to function as Brazil's AI regulatory body.

In 2024, the ANPD is expected to follow up the matter of creating a regulatory sandbox to test AI, having opened a public consultation on the matter in 2023.

Algorithmic Impact Assessment (AIA) AIAs aim to evaluate the risks of using AI systems.	Data Protection Impact Assessment (DPIA) DPIAs assess cases involving risks to fundamental freedoms and rights.
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The ANPD considers both documents to be important governance measures for anticipating potential problems with AI.

For further information on this topic, please see a publication we prepared (available in Portuguese) by clicking on [this link](#) or scanning the QR code on the right.

International data transfers

According to draft regulations submitted to public consultation:

- *International data transfers* differ from *international data collection* - meaning it would not be necessary to comply with Article 33 of the LGPD in the case of the former;
- The ANPD has proposed a standardized contractual clause model, as well as the possibility of recognizing equivalent standard clauses in other countries;
- Specific (i.e., non-standardized) contractual clauses and global corporate rules must be approved by the ANPD.

The ANPD is expected to conclude the process of regulating international data transfers in 2024.

The ANPD in numbers

A bar chart comparing ANPD activity across four categories for the years 2021, 2022, and 2023. The y-axis represents the number of actions, ranging from 0 to 10. The legend indicates: 2021 (orange), 2022 (dark orange), and 2023 (purple).

Category	2021	2022	2023
Technical memoranda	6	0	7
Rulings involving sanctions	0	0	4
Regulations (including resolutions, statements, ordinances, etc.)	4	1	9
Public consultations and periods for receiving suggestions	3	5	5

The ANPD has been intensifying its efforts in relation to first decisions for administrative cases and the publication of technical memoranda, regulations and public consultations.

Regulatory expectations for 2024

Data subjects' rights

Reporting of data breaches

International data transfers

Data Protection Impact Assessment (DPIA)

Data Protection Officer duties

Legal bases for data processing

Data anonymization

Processing of children and adolescents' data

Biometric data

Technical, security and administrative measures

Artificial intelligence

Data processing by the telecommunications, finance and platforms sectors

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