



# The case for an effective Brazil DPA - the ANPD

The ANPD should be established immediately. It should prioritise its activities to provide interpretation of the LGPD and guidance to organisations to enable proper implementation and compliance.

## WHAT IS THE ANPD AND WHY BRAZIL NEEDS IT

The ANPD, or *Autoridade Nacional de Proteção de Dados*, will be the first data protection authority to be established in Brazil. The ANPD will have a key role in interpreting, applying and enforcing the new Brazilian data protection law – *Lei Geral de Proteção de Dados Pessoais* (LGPD).

The ANPD will be of central importance to:

- Ensure the **effectiveness and success of the LGPD**
- Guarantee that **personal data of Brazilians is used in a responsible way**
- Bring **legal certainty and clarity** to regulated organizations



The Brazilian government must establish the ANPD immediately, regardless of the applicability date of the LGPD. The ANPD should become operational as quickly as possible and prioritize its activities in the most effective manner.

Regardless of the applicability date of the LGPD, its provisions concerning the ANPD are already in force. Because much of the regulatory guidance of which the ANPD is responsible must be provided to organizations well before the effective date of the LGPD to ensure proper implementation and compliance, the ANPD should be established immediately. Additionally, in times of crisis such as the COVID-19 pandemic, it is even more important that Brazil has a technical data protection authority equipped to provide guidance on how personal data can be used for the public good.



### **Defining its strategy**

Preparing the National Policy for the Protection of Personal Data and Privacy



### **Acknowledging good practice**

Recognizing best in class examples of accountable privacy governance programs



### **Providing guidance**

On topics such as data sharing, portability, timeframes for responding to data subject rights, etc.



### **Interpreting the LGPD**

To clarify provisions relating to its scope, consent, processing of children's data, etc.



### **Providing technical standards**

And encouraging the adoption of industry standards that will enable LGPD implementation



### **Enabling international data transfers**

Through recognizing adequacy of third countries and establishing the various data transfer mechanisms

## **THE ANPD PRIORITIES**

Effective regulation depends on effective strategies to make the best possible use of available resources. This includes prioritizing and concentrating on regulatory activities that promise the best outcomes for individuals and society.

At this initial stage, the ANPD should prioritize its activities relating to responsive regulation and constructive engagement, rather than deterrence and punishment.

### **Educating on data protection**

Educating individuals about their data protection rights, and organizations about their obligations



### **Preparing for LGPD enforcement**

By establishing enforcement procedures and implementing mechanisms to receive complaints

