

# CIPL responds to Brazilian ANPD consultation on SMEs

The new Brazilian data protection authority (*Agência Nacional de Proteção de Dados—ANPD*) is committed to obtaining inputs from the public into their work. Last month, the ANPD opened a call for preliminary inputs on the impact of the Brazilian data protection law (*Lei Geral de Proteção de Dados—LGPD*) on small and medium-sized enterprises (SMEs), which will inform the ANPD's upcoming special rules for SMEs. This call for inputs is the first step of ANPD's public consultation process, with the second step being the draft rules on SMEs submitted to review and comments by the public. This is also the first public consultation undertaken by the ANPD, which was established only four months ago.

## CIPL's recommendations - ANPD should focus on:

- Providing **guidance** to SMEs to clarify the many applicable LGPD provisions and help them understand the importance of protecting personal data and becoming accountable;
- Developing and **promoting accountability** and compliance tools and templates for SMEs;
- Encouraging the development of industry **codes of conduct**;
- Enabling the development of **certifications, seals and marks**;
- Encouraging **sharing of good practices** in data protection, data management and data hygiene among Brazilian professional organisations;
- Driving SME-focused **education and awareness programs**;
- Providing **opportunities for SMEs to engage** with the ANPD and share their compliance experience;
- **Taking organisational accountability efforts into account when enforcing the LGPD rules** against SMEs and being transparent about this in connection with relevant enforcement criteria;
- Enabling **international transfers of personal data** to enable Brazilian SMEs participate in the global digital economy; and
- **Working with public authorities of other regulated areas as well as industry associations** to identify cross-sectoral initiatives to support SMEs' LGPD compliance such as regulatory sandboxes and policy roundtables.



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