

BRAZIL NEW PLATFORM LIABILITY DECREES

CLIENT ALERT · JULY 7, 2026

Decrees No. 12,975 and 12,976 | Published May 21, 2026 | Effective July 20, 2026

What you need to know

On May 20, 2026, Brazil enacted two decrees regulating internet platform liability under the Brazilian Civil Rights Framework for the Internet (Law No. 12,965/2014). They follow the Supreme Court's landmark 2025 ruling in Theme 987, which introduced a "systemic duty of care" standard for platforms with mass content dissemination.

Key obligations



Decree 12,975 — Broad platform responsibility framework:

- Maintain a legal entity representative in Brazil with powers to respond to authorities and courts.
- Operate a permanent reporting channel for criminal/unlawful content.
- Proactively prevent mass circulation of serious criminal content (terrorism, child exploitation, hate speech, anti-democratic acts, crimes against women, trafficking): failure triggers "systemic failure" liability.
- Adopt measures to block illegal paid ads/boosting (presumed liability applies).
- Publish self-regulatory terms and annual transparency reports.
- Brazilian Data Protection Agency (ANPD) designated as enforcement authority.



Decree 12,975 — Broad platform responsibility framework:

- Remove unauthorized intimate content within 2 hours of notification.
- Remove manifestly illegal content against women within 6 hours.
- Respond to other digital violence notifications within 24 hours.
- Proactively mitigate coordinated attacks against women — no prior notification required.
- AI platforms must block generation of intimate deepfakes.

Who is affected:

- All internet application providers intermediate third-party content — social media, video platforms, search engines, app stores, ad platforms, AI content services.
- **Exempt:** (from duty-of-care provisions only): email, private instant messaging, and closed video conferencing services.

Note: Differentiated criteria may apply based on provider size and risk level.

Critical deadlines

Date / Timeframe	Action required
July 20, 2026	Full compliance required (entry into force).
2 hours	Removal of intimate content (from notification).
6 hours	Removal of manifestly illegal content against women.
24 hours	Response/removal for other digital violence cases.

How we can help



We are supporting clients with:

1. Scope assessments to determine which products/services are covered.
2. Gap analyses of current content moderation policies against the enumerated crime categories.
3. Notification system and transparency report design.
4. AI safeguard implementation strategies.
5. Local representation structuring.

We are closely monitoring these developments and their potential impact on businesses and remain available to discuss this topic and assist with compliance strategies.

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