




Cybernews

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EDITORIAL

In this edition of the Cybernews Newsletter, we highlight the main news on data protection in March 2026.

Firstly, check out what changes with the new Presidential Decrees in ECA Digital.

Moreover, the Fourth Panel of the Superior Court of Justice (STJ) ruled that the mere disclosure of personal data in the positive credit registry does not guarantee compensation for non-pecuniary damages.

In addition, Supreme Federal Court's justice Flávio Dino suspended the privatization of Celepar due to risks to personal data protection.

Finally, ICO fined Reddit in millions for irregular use of children's personal data in the United Kingdom.

GENERAL NEWS

Digital ECA in Practice: What Changes with the New Presidential Decrees

Federal Law No. 15,211/2025, known as Digital ECA (*Estatuto Digital da Criança e do Adolescente* - Digital Child and Adolescent Statute), came into force on March 17, 2026. The regulation establishes the protection of children and adolescents in digital environments and applies to any information technology product or service aimed at, or likely to be accessed by, that audience.

To regulate the Law and clarify operational aspects, the Federal Government enacted, on March 18, 2026, a set of decrees, namely:

- **Decree No. 12,880/2026:** regulates the Digital ECA and establishes the National Policy for the Promotion and Protection of the Rights of Children and Adolescents in the Digital Environment.

- **Decree No. 12,881/2026:** approves the Organizational Structure and the Staffing Chart of the National Data Protection Authority (ANPD in English), which will assume the responsibilities for the regulation and enforcement of the Digital ECA.
- **Decree No. 12,882/2026:** amends the structure of the Ministry of Justice and Public Security, including the creation of the National Notification Screening Center within the Federal Police.

Below, we highlight the main points introduced by these Decrees.



Decree No. 12,880/2026 – Regulation of the Digital ECA

- *Prevention of Excessive Use and Manipulative Practices*

The Decree provides that providers of information technology products or services directed at children and adolescents, or likely to be accessed by them, must implement mechanisms to prevent excessive, problematic, or compulsive use. The regulation considers the following as incentives for excessive use: (i) the concealment of natural stopping points; (ii) the automatic triggering of new content without user request; (iii) the offering of rewards based on time spent; and (iv) the display of excessive notifications.

In addition, the Decree prohibits manipulative, deceptive, or coercive practices, including: i) obstruction, by hindering or blocking the user's task flow in order to discourage a specific action; (ii) exploitation of cognitive vulnerabilities, through the use of emotional pressure, artificial urgency, or age-inappropriate stimuli; and (iii) impairment of the exercise of rights, by concealing or hindering access to privacy controls and parental supervision tools. ANPD will regulate the minimum requirements for security by default.

- *Loot Boxes in Games*

Pursuant to the Decree, providers of electronic games with loot boxes must implement age verification mechanisms in order to prevent access to this functionality by children and adolescents. Alternatively, games may provide versions without loot boxes or fully restrict access to this functionality by default, in which case age verification will not be required.

- *Age Verification Mechanisms*

The Decree distinguishes between 'age assurance' (general procedures to verify, estimate, or infer a user's age) and 'age verification' (a procedure with a high level of reliability, in accordance with ANPD criteria). Self-declaration of age — a method limited to the user's own indication of their age, with no additional evidence — will no longer be considered an acceptable mechanism for accessing restricted content. App stores and operating systems must provide age signals to providers, who are responsible for adapting the user's experience in accordance with the Law. Data collected for age assurance purposes must be used exclusively for that purpose, and its processing for any other purpose, including disclosure to third parties, is prohibited. ANPD will regulate the certification process for technical age assurance solutions.

- *Targeted Advertising and Immersive Technologies*

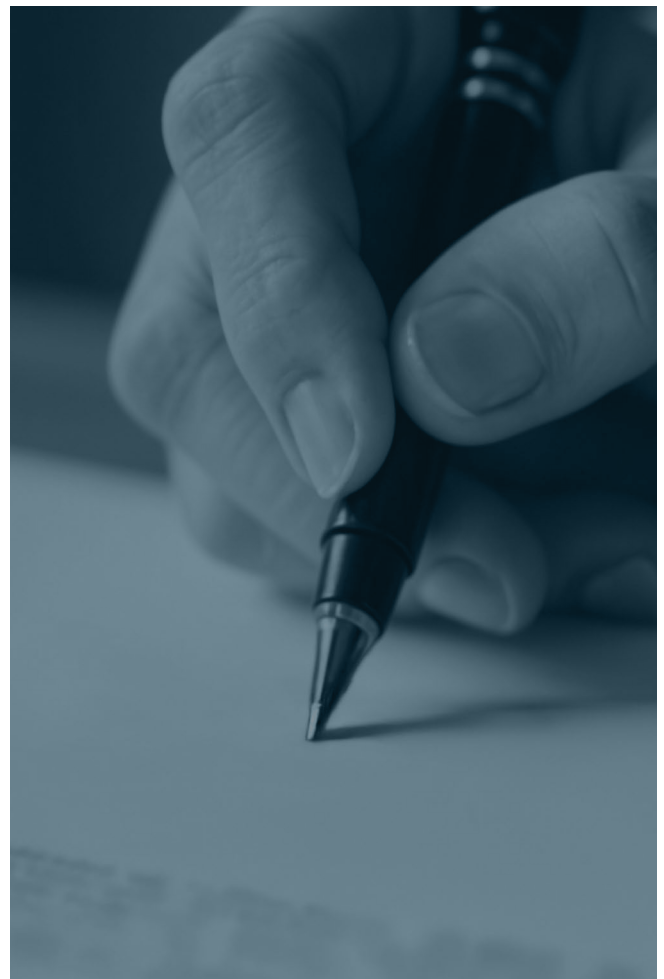
Regarding advertising, the Decree establishes that providers of information technology products or services offering advertising to children and adolescents must refrain from using profiling techniques and from employing emotional analysis, augmented reality, extended reality, or virtual reality for advertising directed at this audience. The Law also prohibits the practice of creating behavioral profiles based on browsing history and interests to target advertisements.

- *Prohibited Content and Restrictions on Gambling*

The Decree expressly lists the content, products, and services deemed prohibited for children and adolescents, including weapons, ammunition, and explosives; alcoholic beverages; tobacco products (including electronic cigarettes); games of chance, fixed-odds betting, and lotteries; pornographic content; and escort services. For such content, the regulation requires the implementation of effective age verification mechanisms and prohibits the creation of accounts by children and adolescents. App stores and operating systems must prevent the availability of products or services that promote or enable access to lottery and betting activities not authorized by the competent authorities, or that do not provide age verification solutions.

Decree No. 12,881/2026 – Organizational Structure of ANPD

From a more operational standpoint, Decree No. 12,881/2026 approves the new Organizational Structure and Staffing Chart of ANPD, which will assume regulatory and enforcement responsibilities for the Digital ECA, as mentioned at the beginning of this article.



Decree No. 12,882/2026 – National Notification Screening and Content Removal Center

Finally, Decree No. 12,882/2026 authorizes the creation of the National Notification Screening Center, within the Federal Police, responsible for the centralized receipt, processing, and forwarding of reports of notified content indicating exploitation, sexual abuse, kidnapping, and grooming of children and adolescents. Providers of information technology products or services that identify criminal material of this nature must promptly remove it, while preserving the material and the associated data for referral to the authorities.

With regard to the removal of content that violates the rights of children and adolescents, the Decree establishes that providers must remove it immediately, regardless of a court order, when a complaint is submitted by the victim or their representatives, the Prosecution Office, law enforcement authorities, or civil society organizations authorized by the ANPD.

Final Considerations

The enactment of these Decrees represents an important step towards consolidating the regulatory framework for the protection of children and adolescents in the digital environment. ANPD assumes a central role as the authority responsible for the regulation and enforcement of Federal

Law No. 15,211/2025. Considering the technical complexity and the breadth of the obligations, it is advisable for companies in the technology sector to monitor future regulations in order to adapt their products and services, as applicable.

Superior Court of Justice sets limits for compensation for non-pecuniary damages in cases of positive credit records

The Fourth Panel of the Superior Court of Justice (STJ in Portuguese) unanimously ruled that the mere disclosure of personal data in the positive credit registry does not guarantee the right to compensation for non-pecuniary damages. The reporting justice, Isabel Gallotti, clarified that it is necessary to prove that management of the data had a significant impact on the individual's personality rights.

Originally, the case involved a consumer who sued a data management company, alleging the unauthorized sale of his personal information through services such as "Acerta Essencial" and "Data Plus." The plaintiff requested the deletion of the data and compensation of R\$ 11,000, arguing that the General Data Protection Law (LGPD) and the Consumer Protection Code have been violated.

Although the lower court ordered the data to be removed, compensation was denied due to the lack of evidence of actual damages. São Paulo Court of Justice (TJSP in

Portuguese) upheld this decision, stating there was no evidence that the data had been made available to third parties.

During the analysis of the appeal, the justice pointed out that LGPD allows personal data to be processed for credit protection purposes, without the need for prior consent to open records. However, for non-pecuniary damages to be established, it is essential to substantiate the claim by evidencing that disclosure of the data resulted in actual damages.

STJ's decision highlights the importance of a cautious and well-founded approach to personal data management, especially with regard to liability for non-pecuniary damages, which can directly impact the practices of companies that operate with personal information.



Justice Flávio Dino suspends privatization of Celepar due to risks to personal data protection

Justice Flávio Dino of the Federal Supreme Court (STF in Portuguese) has suspended the privatization process of Paraná's Information and Communication Technology Company (Celepar) over concerns about personal data protection. This decision was issued after a request from the Workers' Party (PT) and the Socialism and Liberty Party (PSOL), which challenged the constitutionality of the privatization.

Dino noted that the change in ownership would not ensure adequate data protection. He emphasized the need to comply with federal data protection legislation, ordering the state of Paraná to maintain control over sensitive systems and databases.

Before moving forward with the privatization, Paraná must create a "personal data

protection impact report" to be assessed by the National Data Protection Authority (ANPD in Portuguese). The Paraná government insists that the privatization process is constitutional and adheres to data protection norms, expressing its intent to appeal the decision.

The privatization was authorized by a law passed on November 13, 2024, and sanctioned by governor Ratinho Jr., who argues that this move aims to enhance services for the population. The justice highlighted that the Brazilian Constitution recognizes data protection as a fundamental right, requiring caution in data management, as established by LGPD.

ICO fines Reddit in millions for improperly processing children's personal data in the UK

On February 24, 2026, the Information Commissioner's Office (ICO) issued a £14.47 million fine against online platform Reddit for improperly processing personal data of children under the age of 13.

The order stemmed from an ongoing investigation dating back to March 2025, which found that there was no reliable age verification mechanism and no legal basis for processing children's personal data. The ICO emphasized that children had their data collected and processed "in ways they could not understand, consent to or control" resulting in potential exposure to inappropriate content.

The platform's terms of use already prohibited access to children under 13, but Reddit only adopted self-declaration of the user's age, without technical verification mechanisms. The ICO pointed out that this model is easily circumvented and therefore insufficient to mitigate risks to child users. In

response, the company reiterated its commitment to privacy and stated that it does not require identity documents from users "regardless of age," in addition to announcing that it will appeal ICO's decision.

The fine is part of a broader regulatory landscape. Since 2025, the ICO has been conducting other investigations into the processing of children's data on social media platforms. At the same time, the British government has intensified debates on child digital safety and is even considering banning the use of social media by children under 16.

The case reinforces how global platforms, when processing data from residents of specific jurisdictions, are subject to local control and regulation. This scenario also highlights the need to balance values, such as privacy protection, with the protection of vulnerable groups in the digital environment.



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