

Educational Actions of the ANPD

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12
public hearings

14
calls for contributions

09
guiding manuals

Have already been conducted, in addition to partnerships with other authorities, such as the Superior Electoral Court (TSE) and the National Consumer Secretariat (SENACON), to guide the application of the LGPD in the electoral context and assist data subjects in protecting their personal data.

Oversight and Repressive Actions of the ANPD

Oversight Processes: The ANPD has adjudicated 76 oversight processes so far, of which **17** are currently ongoing.

13
against private sector companies

04
against public sector companies

Other sanctions imposed on public sector companies

(Health) Ministry of Health

Case 1

Warning sanction for violation of Article 23, III, LGPD – Reason: Lack of a designated data protection officer at the time.

Warning sanction, combined with a corrective measure – Reason: Absence of a Data Protection Impact Report (DPIA) following a request from the ANPD - Article 38 of the LGPD.

Case 2

Warning, with the imposition of a corrective measure requiring verification.

Reason: Vulnerability in the SCPA system, where personal data of users was stored, constituting a violation of Articles 48 and 49 of the LGPD, as there was no communication of a security incident to the data subjects, nor the use of an appropriate system for processing their data.

Sanctioning Processes

18 total

08 sanctions applied

1 sole monetary fine:

R\$ 14.400,00

imposed on a private sector company (Telekall Infoservices)

(Health) State Health Secretariat of Santa Catarina

Four warnings to SES-SC, one for each infraction. Specifically regarding the violation of Article 48 of the LGPD, corrective measures were established to maintain a general security incident notice (CIS) published on the internet for a period of 90 days, as well as to directly inform the data subjects whose data was leaked in the incident.

SES-SC, like IAMSPE, violated Article 49 of the LGPD due to the lack of security in the storage and processing of personal data of the population of Santa Catarina using the public state health system, consequently failing to adequately communicate a security incident to over 300,000 data subjects, thereby violating Article 48 of the LGPD.

In this regard, due to the failure to present the Data Protection Impact Report (DPIA) and other information requested by the ANPD, Article 38 of the LGPD as well as Article 5 of the ANPD's Oversight Regulation were violated.

(Health) Institute of Medical Assistance to State Public Servants of São Paulo - Iamspe

Two warnings, one for each infraction. In addition, corrective measures were established to improve the security of data storage systems and ensure clearer communications with data subjects.

Reason: Violation of Article 49 of the General Data Protection Law (LGPD), due to the lack of security in the storage and processing of personal data of public servants and their dependents. Additionally, the agency failed to adequately communicate a security incident to the data subjects, violating Article 48 of the LGPD.

(Health) Social Assistance, Hunger Combat, and Drug Policy Secretariat – SAS:

Warning to SAS, with the imposition of corrective (i) Failure to communicate a security incident to the data subjects – Article 48 of the LGPD; and (ii) Failure to use an appropriate system for processing personal data – Article 49 of the LGPD.

(Social Security) INSS - National Institute of Social Security:

Publication of a notice on the official GOV website, accessible for 60 days, informing of the ANPD's ruling for failing to communicate to its data subjects about the occurrence of a security incident, highlighting the data that could have been affected.

Violation of Article 48 of the LGPD, which requires the controller to notify the national authority of a security incident that could pose a risk or significant harm to the data subjects.

(Education) State Education Secretariat of the Federal District – SEEDF

Sanction: Warnings, without the imposition of corrective measures. – Reason:

(i) Failure to communicate a security incident to the data subjects – Article 48 of the LGPD; (ii) Failure to use an appropriate system for processing personal data – Article 49 of the LGPD – later dismissed as it was found that the exposure of data was not caused by structural problems of the tool; (iii) Failure to provide proof of the records of personal data processing operations – Article 37 of the LGPD; (iv) Failure to send the Data Protection Impact Report regarding its processing operations – Article 38 of the LGPD; (v) Failure to comply with ANPD requests – Article 5 of the Oversight Regulation.