

# Report on the decisions of the Brazilian Data Protection Authority (ANPD)

between 2023 and 2024

ANPD's Dosimetry and Application of Administrative Penalties Regulation was approved two years ago and represented the necessary step for ANPD to start enforcing sanctions.

**We have analyzed all the sanctions imposed by ANPD in the last two years.**

## Main administrative sanctions that can be imposed

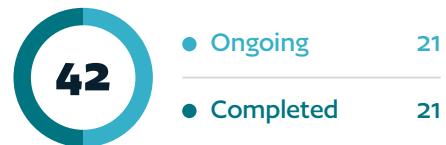
- Warning
- Fine
- Publication of the infringement
- Blocking
- Deletion and suspension from the database

To ensure the compliance of processing agents with LGPD, apart from monitoring and guidance activities, ANPD's activities include **preventive** and **repressive** activities.

## Preventive activity

Cooperation with regulated agents to resolve or avoid issues that may impact data subjects and other involved parties.

### Inspection processes\*



\* In these processes, ANPD issued preventive measures to several private companies, including data blocking and suspension and blocking of financial incentives for LGPD violations.

! These are not considered sanctions, but if the agent does not comply with the preventive measures, **ANPD may adopt additional measures or proceed with repressive processes.**

## Repressive activity

A coercive approach aimed at halting harmful practices, ensuring compliance, and applying sanctions through administrative processes, with or without preparatory stages.

### Understanding how ANPD interprets the LGPD in concrete cases.

### Results of decisions



! The decisions **do not bind the ANPD in future cases**, the classification of infringements, the definition of sanctions (including aggravating and mitigating factors) and the adoption of corrective measures are **restricted to the circumstances of the respective episodes.**

## Notified by sector

Private Sector

**01**

Telekall  
Inforservice

Public Sector

**07**

Instituto de Assistência Médica ao Servidor Público Estadual de São Paulo (**IAMSPE**)  
 Instituto de Pesquisas Jardim Botânico do Rio de Janeiro (**JBRJ**)  
 Instituto Nacional do Seguro Social (**INSS**)  
 Ministério da Saúde (**MS**)  
 Secretaria de Assistência Social, Combate à Fome e Políticas sobre Drogas de Pernambuco (**SAS**)  
 Secretaria de Estado de Educação do Distrito Federal (**SEEDF**)  
 Secretaria de Estado da Saúde de Santa Catarina (**SES/SC**)

## Number and types of sanctions imposed



- Warnings 17
- Corrective measures 10
- Publication of infringement 01
- Fine 01

### Amount of fine

**R\$ 14,400.00**

Only **one private company** was fined

× Public entities **are not subject** to fines under the LGPD.

### Most recurrent corrective measures

- #1 Obligation to report data breach for owners
- #2 Demonstration of compliance of systems with LGPD
- #3 Obligation to submit a Data Protection Impact Assessment (DPIA)
- #4 Maintaining the public statement about a security incident

## Most Recurring LGPD Violations

- #1 Failure to report data breaches to data subjects
- #2 Use of non-compliant systems with safety standards
- #3 Failure to submit the Data Protection Impact Assessment (DPIA)
- #4 Lack of appointment of a Data Protection Officer (DPO)
- #5 Undue exposure of personal and sensitive personal data

## Most recurrent LGPD macro-themes

### Total or partial absence

- #1 Data security Present at every decision!
- #2 Data breaches reporting
- #3 Data Protection governance and best practices
- #4 Protection of sensitive personal data and children and teenagers' data
- #5 Transparency

## Conclusions from the analysis of ANPD's Sanctioning Decisions

ANPD's reports show an **increase in the number of data breaches reported to ANPD** in 2023 and 2024, i.e., after the publication of the Regulation – the Regulation also contributed to companies starting to report more data breaches, fearing being notified, inspected, and sanctioned.

### Posture of the Regulated Entity

× The silence of the regulated entity, its **non-collaborative posture, or the practice of acts that obstruct the inspection activity** generate a repressive posture from ANPD.

✓ The posture of the regulated entity and the level of **collaboration** it offers to ANPD before the sanctioning process are **essential to determine the type of response it will receive.**

### Lack of Communication

× The lack of **adequate and timely communication about data breaches** is a recurring problem.

✓ ANPD emphasizes the **obligation to inform** data subjects about any event that compromises the security of personal data so that they can **protect themselves and minimize risks and damages.**

### Reinforcement of Responsibility

✓ The sanctions emphasize that entities, whether public or private, must be made **liable for their failures in protecting personal data, focusing on the protection of data subjects' rights.**