



Brazil's fledgling DPA reveals priorities

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The Brazilian Data Protection Authority's agenda is welcome news for observers who feared that the board's heavily military background would skew enforcement priorities.

The DPA published its agenda last Wednesday, setting a phased approach for how it will tackle the various tasks required for enforcing the LGPD. Phase 1 includes tasks the DPA will work on over the next year, Phase 2 will be undertaken within 18 months, and Phase 3 will be worked on within the next two years.

The DPA's Phase 1 tasks include drafting regulations for SMEs, as well as regulations on penalties, data breach notification requirements, and data protection impact

assessments.

Given the LGPD's stringent demands, forming regulations tailored for smaller businesses is crucial, said Barbosa Müssnich Aragão partner Felipe Palhares.

"Right now, a pizza shop should technically have a DPO [data protection officer], which doesn't make much sense," said Palhares. "The idea is to make it easier to comply with the law, making exceptions and things easier for non-tech companies and small companies. So the regulations should make it easier to comply with the law – though it's hard to say how easy."

The DPA's Phase 2 tasks include drafting regulations for DPOs and international data transfers. The authority's decision to make these items a lower priority came as a surprise given their importance, Palhares said.

"It's hard to see how international transfers should be made until the beginning of next year," he said. I thought this might have been set at [Phase] 1."

Phase 3 items include drafting guidance on the legal bases for processing data. Palhares said it makes sense to put this at Phase 3 since it is guidance, rather than regulation.

Overall, Palhares said the agenda indicates that the DPA has its priorities in order – good news for those who feared that Brazil's [military-laden board](#) would not properly administer the LGPD.

"I think it could have been written by pure consumer privacy professionals," he said. "At first, when we got the news that we have a lot of directors coming from a military background, people were worried that the DPA would start issuing fines right away. Right now, that

doesn't seem to be the priority. At least in the beginning, they are trying to focus on raising awareness to the market and to society.

"It seems like they're really clarifying the educational part of the law – actually raising awareness in society about data protection."

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