



THE ANPD IN ACTION: HIGHLIGHTS FOR 2025



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BMA's Data Privacy and Cybersecurity practice area focuses on solving problems and responding to situations that involve the most valuable asset in today's world: data. We know how important these questions are to our clients, and that's why we have a highly specialized team of lawyers that has the knowledge of technology and information security needed to help our clients address the complex challenges brought about in recent years by forced digitization and doing business in a digital environment.

Our team has practical experience in responding to adverse scenarios and managing crises caused by security incidents and cyberattacks, including ransomware cases. We give our clients the support they need at critical moments, monitoring forensics investigations, preparing response and communications strategies, interacting with regulatory agencies and data subjects, and representing their interests in administrative, judicial, and arbitration proceedings.

PHOTOS

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2025 was a landmark year for Brazil's National Data Protection Agency (ANPD – *Agência Nacional de Proteção de Dados*).

Not only did the Agency step into its new role as a full-fledged regulator – complete with a name change from Authority to Agency – but its approach signaled a fresh chapter for data protection in Brazil.

As Brazil's General Data Protection Law (LGPD – *Lei Geral de Proteção de Dados Pessoais*) reached its fifth anniversary, the ANPD became noticeably more proactive and assertive, setting the tone for a new era.

Here's a look at some of the Agency's most notable actions and decisions from the past year.

Biometric Data Processing

In January, the ANPD ordered a tech company to halt its offer of cryptocurrencies and other financial incentives to people signing up for a digital identity—an identity meant to prove users were real humans. The regulator’s reasoning? The consent collected for processing biometric data (specifically, iris scans) wasn’t truly voluntary, and so it didn’t pass legal muster.

February saw the ANPD turn its attention to football clubs, launching an investigation into their use of facial recognition for ticket sales and stadium entry. The Agency flagged concerns about transparency and the handling of sensitive data belonging to children and teenagers. One standout requirement: clubs had to prepare data protection impact assessments for these activities. The Agency’s Technical Note 5/2025/FIS/CGF/ANPD even stated that DPIAs should be prepared ahead of any high-risk data processing, even if there’s no explicit obligation to do so under the LGPD and the ANPD hasn’t issued formal regulations on the matter.

In June, the ANPD opened a public consultation on biometric data processing, inviting stakeholders to weigh in. The Agency presented the compiled results in a webinar in December.



August brought another strong statement: at the 2nd ANPD Data Protection Officers' Meeting, the Agency's General Coordinator for Inspection openly criticized the widespread use of biometrics, arguing that many organizations are collecting biometric data without real necessity.

Taken together, these developments make it clear that biometric data processing is on the ANPD's radar and could soon be the subject of new regulations.

Keeping an Eye on Data Protection Officers

In April, the ANPD wrapped up a monitoring sweep of 20 companies that hadn't named a Data Protection Officer (DPO) or had failed to share the DPO's identity and contact details.

The good news? Every organization involved in the sweep quickly complied with the Agency's requirements, so no formal sanctions were imposed. This shows that the ANPD prefers to guide and correct rather than punish—at least when it comes to minor issues, as long as companies follow through on the actions ordered by the Agency.

The ANPD's focus on DPO transparency isn't going away anytime soon. In October, the Agency launched a new round of monitoring—this time targeting another 20 companies, for the same reasons. That process is still underway and is expected to wrap up in the first half of 2026.

It's worth remembering: according to the Regulation adopted under CD/ANPD Resolution 18/2024, organizations must publicly disclose the full name of their DPO (if it's an individual) or the full name of the person in charge (if it's a company). This requirement also applies to substitute DPOs, as explained in the Agency's DPO Guidance Document published in December 2024.

International Data Transfers

August 23 marked an important deadline for companies handling international data transfers: by that date, organizations needed to update their contracts to include the ANPD's approved standard contractual clauses, as required by CD/ANPD Resolution 19/2024.

Now that the adaptation period is over, the ANPD is expected to step up its oversight—especially when it comes to multinationals and tech firms moving data across borders.

September brought a major development: the European Commission released a draft decision that could recognize Brazil's data protection standards as "adequate" for transfers from the EU. The ANPD responded by saying that it would issue a mutual adequacy decision in favor of the European Union. In October, the European Data Protection Board weighed in with its own opinion on the draft adequacy decision—another important step forward.

Once the ANPD issues its own adequacy decision for the EU, companies will be able to transfer data from Brazil to Europe freely, without the need for extra contractual safeguards.

For now, though, many companies are still waiting. Several have already asked the ANPD to approve binding corporate rules and specific contract clauses, or to recognize the equivalence of international standard clauses. So far, however, none of the requests have been granted.





Children and Adolescents

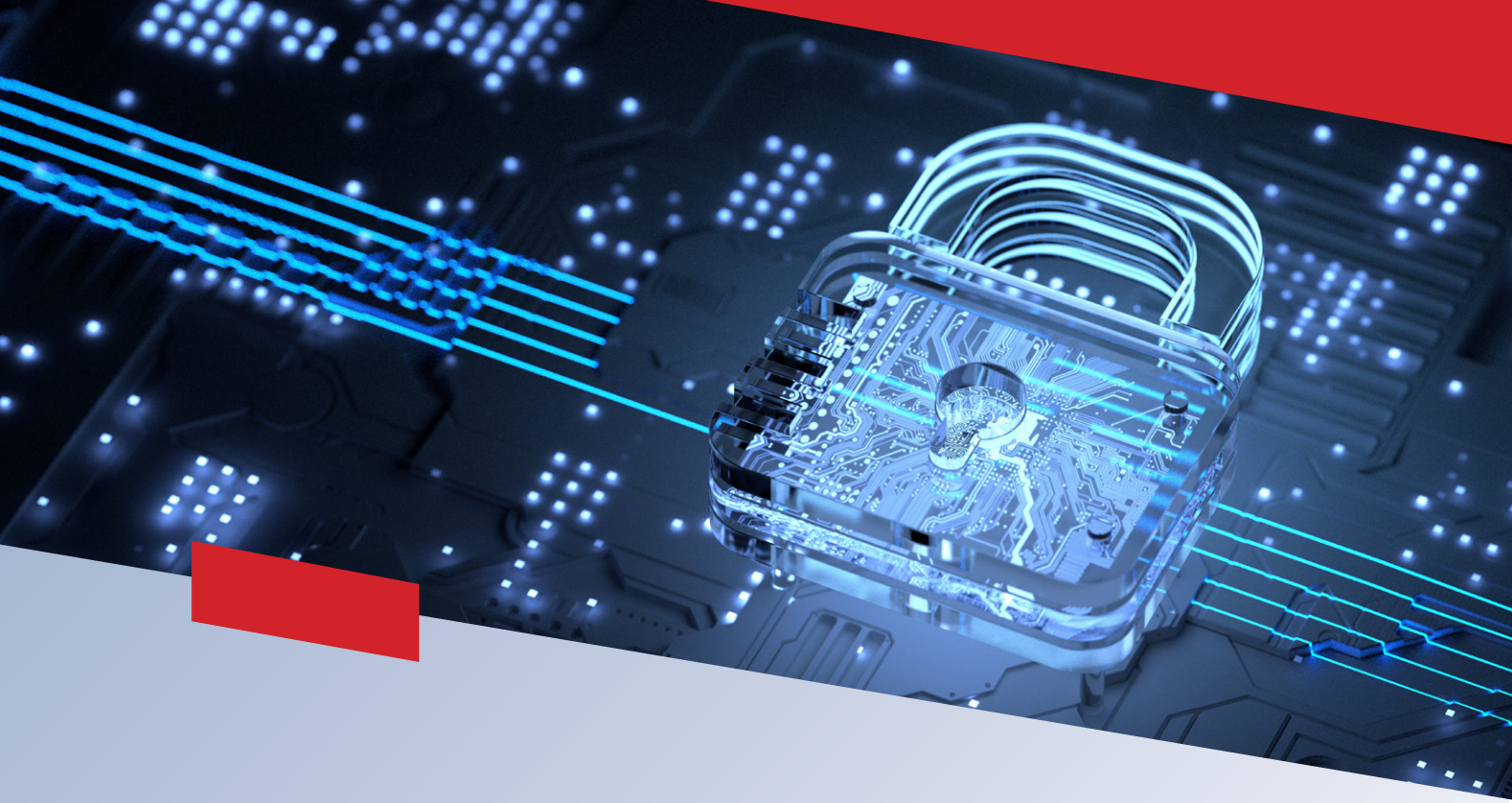
September was a milestone month for the ANPD. Not only did the Agency gain a new institutional status, but its powers also expanded. Thanks to Provisional Measure 1.317/2025 and Decree 12.622/2025, the ANPD is now officially in charge of regulating and overseeing compliance with Brazil's new Digital Statute for Children and Adolescents (Law 15.211/2025).

This move—along with growing expectations that the ANPD will soon take the lead on artificial intelligence regulation—has made the Agency even more central to Brazil's digital landscape.

In November, the ANPD kicked off a public consultation to clarify key concepts in the Digital Statute for Children and Adolescents. Even before officially taking charge as regulator under the statute, the Agency had shown a strong commitment to protecting the data of children and teens.

References to children's and adolescents' data protection appear throughout ANPD regulations, including those on international data transfers, security incident reporting, and the application of administrative sanctions.

For organizations handling data about this group, the message is clear: take extra care. The ANPD is watching closely, and those who fall short could face tough enforcement.



A Firm Hand

In 2025, the ANPD launched two new enforcement cases. The most recent – against the municipal government of Feira de Santana – signals that the Agency’s gentler days are over.

For the first time, the ANPD initiated an enforcement proceeding without giving the alleged offender a chance to respond before issuing the notice of infraction. Previously, the Agency’s standard approach was to start with a preparatory or inspection process, and only move to an enforcement proceeding if violations of the LGPD were confirmed.

This shift may be linked to the seriousness of the case (which involved leaking the full names of people living with HIV and other health conditions), but it’s also a clear warning: the ANPD is taking a tougher stance.

Recently, the ANPD ordered two tech companies to change the business models for certain products, and required another organization to hire an independent external auditor to review its internal data sharing practices.

Looking ahead to 2026, two more enforcement cases against private organizations are set to wrap up. The outcomes will offer a clear picture of how the ANPD operates, five years after its founding. One thing is certain: Brazil’s LGPD is here to stay.



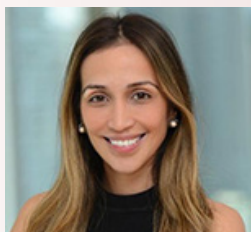
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