Regulatory Agenda for the 2025–2026 biennium

RESOLUTION Nº 31
OF DECEMBER 22
2025

ANPD

RESOLUTION No. 31, OF DECEMBER 22, 2025

Amends the Regulatory Agenda for the 2025-2026 biennium.

The BOARD OF DIRECTORS OF THE NATIONAL DATA PROTECTION AGENCY – ANPD, in the use of legal attributions, considering the provisions of article 55-J, XIII, of Law No. 13,709, of August 14, 2018, Articles 7 and 21 of Law No. 13,848, of June 25, 2019; and Article 9 of Ordinance CD/ANPD No. 16, of July 8, 2021; as well as the deliberation taken in file No. 00261.005081/2024-49, resolves:

Article 1. This Resolution amends the Annex to CD/ANPD Resolution No. 23, of December 9, 2024, which approved ANPD's Regulatory Agenda for the 2025-2026 biennium, as set forth in the Annex to this Resolution.

Article 2. This Resolution enters into force on the date of its publication.

WALDEMAR GONÇALVES ORTUNHO JÚNIOR

Director-President

ANNEX

REGULATORY AGENDA – 2025-2026

Item	Initiative	Description	Prioritization
1	Data subjects' rights	LGPD establishes data subjects' rights, but several points need regulation, especially Articles 9, 18, 19 and 20.	Phase 1
2	Data Protection Impact Assessment	According to Article 55-J, item XIII, ANPD is responsible for issuing regulations and procedures on the protection of personal data and privacy, as well as on data protection impact assessment reports for cases where the processing represents a high risk to the guarantee of the general principles of personal data protection.	Phase 1
3	Data sharing by government authorities	Chapter IV of LGPD provides regulations for the processing of personal data by government authorities. The regulatory action aims at establishing the requirements to be observed in the event of sharing of personal data by government authorities. Particularly noteworthy is the provision in Article 30 of LGPD, which assigns to ANPD competence to establish supplementary rules for activities of communication and of shared use of personal data. In addition, it is necessary to regulate Articles 26 and 27 of LGPD, which deal with data sharing between government authorities and legal entities of private law, especially regarding the procedures to be adopted and the information to be provided to ANPD, in order to comply with the provisions of the Law.	Phase 1
4	Sensitive Personal Data – Biometric Data	As discussed in the study "Biometrics and facial recognition" (*Radar Tecnológico*, ANPD, 2024), the	Phase 1

		processing of biometric data has expanded and become popular in recent years, especially for the purpose of verifying identity with facial recognition techniques in various contexts, such as schools, border control, football stadiums and financial transactions. If, on the one hand, the processing of such data may increase security and help prevent fraud; on the other hand, it also increases the risks to data subjects, such as negative impacts resulting from errors in the systems used and discriminatory effects on vulnerable groups. Given the relevance of the subject, it is necessary for ANPD to intervene, either through regulations or guidelines, in order to establish parameters that ensure that biometric data is processed in a balanced manner and in compliance with personal data protection legislation.	
5	Technical and administrative security measures (including minimum technical standards)	Pursuant to Article 46 of LGPD, processing agents shall adopt technical and administrative security measures able to protect the personal data from unauthorized accesses and accidental or unlawful situations of destruction, loss, alteration, communication, or any form of improper or unlawful processing. Paragraph 1 of the article establishes that the ANPD may establish minimum technical standards to make the main provision of this article applicable, taking into account the nature of the information processed, the specific characteristics of the processing, and the current state of technology, especially in the case of sensitive personal data, as well as the principles set forth in the Law.	Phase 1
6	Artificial Intelligence	The project will continue the discussions initiated with the Call for Contributions on the topic, released in November 2024. Special consideration will be given to the establishment of interpretative parameters for the application of Article 20 of LGPD, which provides for the right to review automated decisions. Furthermore, in view of the application of LGPD in the contexts of training and use of AI systems, the following aspects will also be considered in the project: (i) data subjects' rights; (ii) LGPD principles; (iii) legal hypotheses; and (iv) best practice and governance.	Phase 1
7	Processing of High-Risk Personal Data	The project complies with the provisions of paragraph 3 of Article 4 of the Regulation for the application of Law No. 13,709/2018 – Brazilian Data Protection Law (LGPD) – for small-scale data processing agents, approved by Resolution CD/ANPD No. 2, of January 27, 2022. The main objective is to provide data processing agents, especially small-scale ones, with guidelines and parameters for the definition and identification of hypotheses for the processing of high-risk personal data.	Phase 1

8	Religious Organizations	The regulatory action aims at establishing guidelines for religious organizations regarding the measures necessary for their adequacy to LGPD, considering their specificities.	Phase 1
9	Anonymization and pseudonymization	In compliance with Article 12, paragraph 3, of LGPD, the regulatory action aims at establishing standards and techniques used in anonymization and pseudonymization processes, in order to present guidelines and clarifications on the subject, in accordance with the provisions of LGPD.	Phase 1
10	Guidelines for the National Policy for the Protection of Personal Data and Privacy	In view of the legal determination established in Article 55-J, item III of LGPD, for the elaboration of guidelines for the National Policy for the Protection of Personal Data and Privacy, the initiative is necessary to direct the actions of all the actors involved in the data protection ecosystem, including ANPD. The Policy shall consider the strategic guidelines and subsidies that must be proposed by the National Council for the Protection of Personal Data and Privacy (CNPD), as provided for in Article 58-B, I, of LGPD.	Phase 2
11	Personal data brokers	As provided in the Priority Themes Map 2024-2025, the activity of personal data brokers was included among the priority topics for ANPD enforcement. Data brokers often use data scraping, a practice that raises critical questions about their compliance with LGPD principles, especially regarding purpose, good faith and the protection of data subjects' rights. Providing clear guidance on the transparency measures to be adopted, on the legal hypotheses appropriate for the processing of personal data by data brokers, and on the limits of the use of public data and data made manifestly public, among other aspects, is essential to better guide processing agents and prevent abuses.	Phase 2
12	Sensitive Personal Data – Health Data	LGPD establishes stricter rules for the processing of sensitive personal data, notably health data. One of the aspects considered by LGPD is the sharing of personal health data for economic purposes. In this sense, Article 11, paragraph 3, establishes that communication or shared use of sensitive personal data among controllers for the purpose of obtaining an economic advantage may be prohibited or regulated by ANPD, after hearing the sectoral Government entities, within their regulatory capacity. In turn, paragraph 4 of the same article prohibits communication or shared use of sensitive data relating to health among controllers for the purpose of obtaining an economic advantage, subject to the exceptions provided for in the same provision and in its sections. Other relevant aspects to be considered by the regulatory action are: (i) the concept of sensitive personal data relating to health; and (ii) the specific legal	Phase 2

		hypotheses related to the health sector, especially those provided for in Article 7, VIII and in Article 11, II, "f", of LGPD. The regulatory action must consider the specificities of the Unified Health System (SUS) and the processing agents that operate in the sector, such as supplementary health operators. Furthermore, the requirements and specificities resulting from sectoral regulation will be observed.	
13	Providers of Information Technology Products or Services: Scope and General Obligations of the Digital Statute of the Child and Adolescent (ECA Digital)	The regulatory initiative provides for the preparation of a Guide aimed at clarifying the scope of the key concepts related to the scope of application of the Digital Statute of the Child and Adolescent (ECA Digital). To this end, the concepts of (i) “information technology product or service” (Article 1, head provision; and Article 2, item I) and (ii) “likely to be accessed” (Article 1, Sole Paragraph) will be addressed. In addition, the exceptions to the scope of application of the ECA Digital, as set forth in Article 39, Paragraph 1, will be considered, especially regarding the concepts of “providers of services with editorial control” and “providers of copyright-protected content”. The Guide also intends to establish guidelines on the duties of prevention, protection, information, and security (Article 5 and following). These duties unfold into general obligations to be fulfilled by providers of information technology products or services referred to in Article 1 of the Law. Thus, with respect to this aspect as well, the presentation of interpretative guidelines is important for the proper understanding of the ECA Digital’s scope of application and for providing greater legal certainty to the process of implementing the law by regulated entities.	Phase 2
14	ECA Digital — Enforcement and Sanctions: Revision of Resolutions CD/ANPD No. 1, of October 28, 2021, and No. 4, of February 24, 2023	In preparing the Regulation of the Enforcement Process and the Administrative Sanctioning Process within the scope of the National Data Protection Agency, approved by Resolution CD/ANPD No. 1, of October 28, 2021, and the Regulation on Dosimetry and Application of Administrative Sanctions (RDAS), approved by Resolution CD/ANPD No. 4, of February 24, 2023, the provisions of the Brazilian Data Protection Law (LGPD) were taken into account, bearing in mind the particularities inherent to the field of personal data protection and privacy. With the recent approval of the ECA Digital, the new enforcement and sanctioning powers assigned to ANPD by Decree No. 12,622, of September 17, 2025, must be reflected in the Agency’s actions. In addition, Article 35, Paragraph 1, of the ECA Digital establishes specific	Phase 2

		parameters that must be considered when applying warnings and fines. Therefore, to build a cohesive regulatory framework, the existing administrative rules should be reassessed so that the new powers and the new criteria set forth in the ECA Digital are incorporated. The regulatory action may also cover clarifications on, for instance, the participation of amicus curiae (friend of the court) and interested third parties, procedural phases and deadlines, deadlines for decisions on administrative appeals, administrative limitation periods, conduct adjustment agreements, among other topics.	
15	Age assurance mechanisms	The ECA Digital provided for the adoption of age assurance mechanisms to ensure age-appropriate experiences for children and adolescents in the digital environment, with due regard for progressive autonomy and the diversity of Brazilian socioeconomic contexts. Under Article 12 of the Law, this duty was assigned to providers of internet application stores and operating systems, which must, among other obligations, provide an age signal to providers of internet applications. In turn, regardless of the measures adopted by operating systems and application stores, providers of information technology products or services must implement their own mechanisms to prevent undue access by children and adolescents to content inappropriate for their age group, pursuant to Article 14, sole paragraph, of the ECA Digital. To that end, the legislature stipulated that providers must adopt reliable age assurance mechanisms at each user's access to content, products, or services that are inappropriate, unsuitable, or prohibited for minors under 18 years of age, prohibiting self-declaration. In light of these legal provisions, and considering Article 11 of the ECA Digital, which provides that public authorities may act as regulator, certifier, or promoter of technical solutions for age assurance, this action seeks to propose a regulatory solution based on requirements for the use of age assurance mechanisms, taking into account business models, risks to children and adolescents, and safeguards for the processing of personal data. For that purpose, the theoretical and regulatory proportionality premises must be considered in light of the methods related to verification, estimation, inference, and other available technical solutions. The action will take into account the act of the Executive Branch to be issued pursuant to Article 12, paragraph 3, of the ECA Digital.	Phase 2

16	Regulatory process within the scope of the National Data Protection Agency: review of Ordinance CD/ANPD No. 16 of July 8, 2021	Update of Ordinance No. 16, of July 8, 2021, which provides for the regulatory process within the scope of the National Data Protection Authority (ANPD), is timely in light of the Authority's transition into a Regulatory Agency, ensuring full alignment with Law No. 13,848/2019 (Regulatory Agencies Law). In this regard, the review of Ordinance No. 16/2021 will enable the standardization of ANPD's internal regulations in light of current legislation, including, without prejudice to other topics, the necessary detailing of procedures and deadlines for conducting Regulatory Impact Assessment (RIA) at ANPD, the applicable methodologies for conducting Regulatory Impact Analysis (RIA), and the deadlines for publicizing comments and suggestions submitted by stakeholders participating in the agency's public consultations. Additionally, the review may also address mechanisms and dedicated channels to engage children and adolescents in regulatory actions related to the ECA Digital.	Phase 3
17	Rules on good practices and governance	Article 50 of LGPD provides that controllers and processors, within the scope of their duties for personal data processing, individually or by associations, may formulate rules for good practices and governance that provide for organization conditions, operational arrangements, procedures, including complaints and requests from data subjects, security rules, technical standards, specific obligations for those involved in the processing, educational activities, internal mechanisms for supervision and risk mitigation, and other aspects relating to personal data processing. When establishing rules of good practices, the controller and the processor shall consider the nature, scope and purpose, regarding the processing and the data, as well as the probability and severity of the risks and benefits arising from the processing of the data subject´s data. LGPD determines that rules on good practices and governance shall be published and updated periodically and may be acknowledged and disseminated by ANPD.	Phase 4
18	Legal Hypothesis – Consent	The regulatory action aims at establishing parameters and guidelines on the requirements to be observed when using the legal hypothesis of consent. The validity of consent depends on elements such as freedom of choice, clarity of the information provided, the specific purpose of the processing and the possibility of revocation at any time, without any burden on the data subject.	Phase 4
19	Legal Hypothesis – Credit Protection	In a scenario where individuals' financial information is increasingly used for analysis and credit granting decisions, the protection of this	Phase 4

		data becomes crucial to guarantee the privacy and security of data subjects. The regulatory initiative on the legal hypothesis of credit protection, provided for in Article 7, X, of LGPD, may provide guidance to data processing agents regarding its application, allowing for a balance between data subjects' right to privacy and the need of financial institutions and other data processing agents to access information relevant to credit risk analysis.	