

Adequacy Decision – European Union

ANPD'S BOARD OF DIRECTORS
RESOLUTION N° 32
OF JANUARY 26, 2026



ANPD'S BOARD OF DIRECTORS RESOLUTION No. 32, of January 26, 2026

Provides for the recognition of the European Union as an international organization with an adequate level of personal data protection as provided for in Law No. 13,709, of August 14, 2018, for the purpose of international data transfers.

THE BOARD OF DIRECTORS OF THE NATIONAL DATA PROTECTION AGENCY (ANPD), in the use of the attributions granted by Article 34 of Law No. 13,709, of August 14, 2018, Article 4, item XI, of Annex I of Decree No. 10,474, of August 26, 2020, Article 5, item III, of ANPD's Internal Regulation, and in view of the provisions of Articles 10, 11, 12 and 13 of Annex I of Resolution CD/ANPD No. 19, of August 23, 2024, and the records of Process No. 00261.005809/2024-32, resolves:

Article 1. The European Union is hereby recognized as an international organization that provides an adequate level of personal data protection as provided for Law No. 13,709, of August 14, 2018, for the purpose of international data transfers.

Sole Paragraph. The recognition provided for in the main clause authorizes the execution of international data transfers based on the mechanism set forth in Article 33, item I, of Law No. 13,709, of August 14, 2018, to all Member States of the European Union, the three countries of the European Free Trade Association (EFTA) that are part of the European Economic Area (EEA) (Iceland, Liechtenstein and Norway), as well as the institutions, bodies, and agencies of the European Union, pursuant to Regulation (EU) 2016/679, Decision No. 154/2018, of July 6, of the EEA Joint Committee, and Regulation (EU) 2018/1725.

Article 2. This adequacy decision does not apply to international data transfers carried out exclusively for the purposes of public safety, national defense, State security, or activities of investigation and prosecution of criminal offenses.

Article 3. ANPD may establish cooperation mechanisms with the European Commission and the European data protection authorities for:
I – exchanging of information on the application and interpretation of the respective legislations;
II – harmonization of regulatory practices and sharing of best practices; and
III – continuous monitoring of the level of protection maintained by the European Union.

Article 4. ANPD shall carry out continuous monitoring of the level of personal data protection maintained by the European Union and may request additional information and conduct periodic assessments.

Paragraph 1. The adequacy decision shall be subject to reassessment within four years from the date this Resolution enters into force.

Paragraph 2. For the purposes of the reassessment referred to in Paragraph 1, changes in personal data protection legislation subsequent to the issuance of this adequacy decision shall be considered, among other aspects.

Article 5. The provisions of this adequacy decision do not prevent the execution of international data

transfers to the countries referred to in the sole paragraph of Article 1 of this Resolution based on the other transfer mechanisms provided for in Article 33 of Law No. 13,709, of August 14, 2018.

Article 6. This Resolution enters into force on the date of its publication.

WALDEMAR GONÇALVES ORTUNHO JUNIOR

Director-President