

COMPARATIVE TABLE - GENERAL DATA PROTECTION LAW

Legend:

Added text Excluded text

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
<p>Abstract: Governs the protection of personal data and amends Law No. 12,965, of April 23, 2014 (Brazilian Civil Rights Framework for the Internet).</p>	<p>Abstract: Governs the protection of personal data and amends Law No. 12,965, of April 23, 2014 (Brazilian Civil Rights Framework for the Internet).</p>	<p>Abstract: General Data Protection Law (LGPD).</p>
<p>Article 1. The present Law governs the processing of personal data, including by digital means, by individuals and by private or public legal entities, aiming to protect the fundamental rights of freedom and privacy and the free development of the individual's personality.</p> <p>There is no sole paragraph</p>	<p>Article 1. The present Law governs the processing of personal data, including by digital means, by individuals and by private or public legal entities, aiming to protect the fundamental rights of freedom and privacy and the free development of the individual's personality.</p> <p>There is no sole paragraph</p>	<p>Article 1. The present Law governs the processing of personal data, including by digital means, by individuals and by private or public legal entities, aiming to protect the fundamental rights of freedom and privacy and the free development of the individual's personality.</p> <p>Sole paragraph. The general rules set forth in this Law are of national interest and must be observed by the Federal Government, States, Federal District, and Municipalities.</p>
<p>Article 3. This Law applies to any processing operation undertaken by an individual or a private or public legal entity, regardless of the means, country where its headquarters are located, or of the country where the data are located, provided that:</p> <p>(...)</p> <p>II - the purpose of the processing activity is the offer or supply of goods or services or the processing of data of individuals located in the Brazilian territory;</p>	<p>Article 3. This Law applies to any processing operation undertaken by an individual or a private or public legal entity, regardless of the means, country where its headquarters are located, or of the country where the data are located, provided that:</p> <p>(...)</p> <p>II - the purpose of the processing activity is the offer or supply of goods or services or the processing of data of individuals located in the Brazilian territory; or</p>	<p>Article 3. This Law applies to any processing operation undertaken by an individual or a private or public legal entity, regardless of the means, country where its headquarters are located, or of the country where the data are located, provided that:</p> <p>(...)</p> <p>II - the purpose of the processing activity is the offer or supply of goods or services or the processing of data of individuals located in the Brazilian territory; or</p>

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<p>Article 4. This Law shall not apply to personal data processing:</p> <p>(...)</p> <p>II - carried out exclusively for:</p> <p>(...)</p> <p>b) academic purposes, thus applying in this case articles 7 and 11 of this Law;</p> <p>Paragraph 2. The data processing referred to in item III of the head paragraph of this article by a person under private law is prohibited, except in procedures under the oversight of a legal entity governed by public law, which shall be subject to a specific report to the national authority and which shall observe the limitation imposed in paragraph 4 of this article.</p> <p>Paragraph 3. The national authority shall issue technical opinions or recommendations regarding the exceptions provided for in item III of the head paragraph of this article and shall request the impact reports on the protection of personal data from the responsible parties.</p> <p>Paragraph 4. In no case may all the personal data of a database referred to in item III of the head paragraph of this article be processed by an entity governed by private law.</p>	<p>Article 4. This Law shall not apply to personal data processing:</p> <p>(...)</p> <p>II - carried out exclusively for:</p> <p>(...)</p> <p>b) academic purposes;</p> <p>Paragraph 2. The processing of the data referred to in item III of the head paragraph by a legal entity governed by private law shall only be admitted in procedures under the oversight of a legal entity governed by public law, in which case the limitation referred to in paragraph 3 shall be observed.</p> <p>Paragraph 3. The personal data contained in databases set up for the purposes referred to in item III of the head paragraph may not be processed in their entirety by legal entities governed by private law, not including those controlled by the Public Power.</p> <p>There is no paragraph 4.</p>	<p>Article 4. This Law shall not apply to personal data processing:</p> <p>(...)</p> <p>II - carried out exclusively for:</p> <p>(...)</p> <p>b) academic purposes, thus applying in this case articles 7 and 11 of this Law;</p> <p>Paragraph 2. The data processing referred to in item III of the head paragraph of this article by a person under private law is prohibited, except in procedures under the oversight of a legal entity governed by public law, which shall be subject to a specific report to the national authority and which shall observe the limitation imposed in paragraph 4 of this article.</p> <p>Paragraph 3. The national authority shall issue technical opinions or recommendations regarding the exceptions provided for in item III of the head paragraph of this article and shall request impact reports on the protection of personal data from the responsible parties.</p> <p>Paragraph 4. In no case may all the personal data of a database referred to in item III of the head paragraph of this article be processed by an entity governed by private law, except for those which have their corporate capital fully paid in by the public power.</p>

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<p>Article 5. For the purposes of this law, the following definitions shall apply:</p> <p>VIII - data protection officer: an individual, appointed by the controller, who acts as a channel of communication between the controller and the owners and the national authority;</p> <p>XVIII - research body: a body or entity of the direct or indirect public administration or a non-profit legal entity governed by private law, legally organized under Brazilian law, with headquarters and jurisdiction in Brazil, which includes in its institutional mission or its corporate purpose basic or applied research of a historical, scientific, technological, or statistical nature;</p> <p>XIX - national authority: body of the indirect public administration responsible for supervising, implementing, and enforcing compliance with this Law.</p>	<p>Article 5. For the purposes of this law, the following definitions shall apply:</p> <p>VIII - data protection officer: a person appointed by the controller to act as a channel of communication between the controller, the data owners, and the National Data Protection Authority;</p> <p>XVIII - research body: a body or entity of the direct or indirect public administration or a non-profit legal entity governed by private law, legally organized under Brazilian law, with headquarters and jurisdiction in Brazil, which includes in its institutional mission or its corporate purpose basic or applied research of a historical, scientific, technological, or statistical nature; and</p> <p>XIX - national authority: body of the public administration responsible for supervising, implementing, and enforcing compliance with this Law.</p>	<p>Article 5. For the purposes of this law, the following definitions shall apply:</p> <p>VIII - data protection officer: a person appointed by the controller and operator to act as a channel of communication between the controller, the owners of the data, and the National Data Protection Authority (ANPD);</p> <p>XVIII - research body: a body or entity of the direct or indirect public administration or a non-profit legal entity governed by private law, legally organized under Brazilian law, with headquarters and jurisdiction in Brazil, which includes in its institutional mission or its corporate purpose basic or applied research of a historical, scientific, technological, or statistical nature; and</p> <p>XIX - national authority: body of the public administration responsible for supervising, implementing, and enforcing compliance with this Law throughout all Brazilian territory.</p>

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<p>Article 7. The processing of personal data may only be carried out in the following cases:</p> <p>(...)</p> <p>VIII - for the protection of health, in the context of a procedure performed by health care professionals or public health entities;</p> <p>Paragraph 1. In cases of application of the provisions set forth in items II and III of the head paragraph of this article and except for the scenarios set forth in article 4 of this Law, the owner shall be informed of the scenarios in which the processing of his data shall be admitted.</p> <p>Paragraph 2. The form of availability of the information provided for in paragraph 1 and in item I of the head paragraph of article 23 of this Law may be specified by the national authority.”</p> <p>There is no paragraph 7.</p>	<p>Article 7. The processing of personal data may only be carried out in the following cases:</p> <p>(...)</p> <p>VIII - for the protection of health, in the context of a procedure performed by health care professionals or public health entities;</p> <p>Paragraph 1 repealed.</p> <p>Paragraph 2 repealed.</p> <p>There is no paragraph 7.</p>	<p>Article 7. The processing of personal data may only be carried out in the following cases:</p> <p>(...)</p> <p>VIII - for the protection of health, exclusively, in a procedure performed by health professionals, health services, or a public health authority.</p> <p>Paragraph 1 repealed.</p> <p>Paragraph 2 repealed.</p> <p>(...)</p> <p>Paragraph 7. The subsequent processing of the personal data referred to in paragraphs 3 and 4 of this article may be carried out for new purposes, provided that the legitimate and specific purposes for the new treatment and the preservation of the rights of the owner are observed, in addition to the principles set forth in this Law.</p>

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<p>Article 11. The processing of sensitive personal data may only occur in the following cases:</p> <p>II.</p> <p>f) protection of health, in the context of a procedure performed by health care professionals or public health entities; or</p> <p>Paragraph 4. Communication or shared usage among controllers of sensitive personal health data in order to obtain an economic advantage is prohibited, except in cases of portability of data when consented to by the owner.</p> <p>There is no item I</p> <p>There is no item II</p> <p>There is no paragraph 5</p>	<p>Article 11. The processing of sensitive personal data may only occur in the following cases:</p> <p>II.</p> <p>f) protection of health, in the context of a procedure performed by health care professionals or public health entities; or</p> <p>Paragraph 4. Communication or shared usage among controllers of sensitive personal health data in order to obtain an economic advantage is prohibited, except in cases of:</p> <p>I - portability of data when consented to by the owner; or</p> <p>II - need of communication for the adequate provision of supplementary health services.</p> <p>There is no paragraph 5</p>	<p>Article 11. The processing of sensitive personal data may only occur in the following cases:</p> <p>II -</p> <p>f) protection of health, exclusively, in a procedure performed by health professionals, health services, or a public health authority; or</p> <p>Paragraph 4. Communication or shared use among controllers of sensitive personal health data in order to obtain an economic advantage is prohibited, except in cases of related to the provision of health services, pharmaceutical assistance, and health care, provided that paragraph 5 of this article is observed, including ancillary services of diagnosis and therapy, in the interest of the data owners, and to allow:</p> <p>I - portability of data when consented to by the owner; or</p> <p>II - financial and administrative transactions resulting from the use and rendering of services referred to in this paragraph.</p> <p>Paragraph 5. The operators of private health care plans are prohibited from processing health data to manipulate risks in contracts of any kind, as well as in the inclusion and exclusion of beneficiaries.</p>

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<p>Article 18. Owners of personal data are entitled to obtain from the controller, in relation to the owners' data processed by it, at any time and upon request:</p> <p>V - portability of data to another provider of service or product, upon express request and subject to the protection of commercial and industrial secrets, in accordance with the regulations of the supervisory body supervisory body;</p> <p>Paragraph 6. The responsible party shall promptly inform the processing agents with whom it has effected shared data use to correct, delete, anonymize, or block the data, in order for them to repeat the same procedure.</p>	<p>Article 18. Owners of personal data are entitled to obtain from the controller, in relation to the owners' data processed by it, at any time and upon request:</p> <p>V - portability of data to another provider of service or product, upon express request and subject to the protection of commercial and industrial secrets, in accordance with the regulations of the supervisory body supervisory body;</p> <p>Paragraph 6. The responsible party shall promptly inform the processing agents with whom it has shared data to correct, delete, anonymize, or block the data, in order for them to repeat the same procedure.</p>	<p>Article 18. Owners of personal data are entitled to obtain from the controller, in relation to the owners' data processed by it, at any time and upon request:</p> <p>V - portability of data to another provider of a service or product, upon express request, in accordance with the regulations of the national authority, subject to the protection of commercial and industrial secrets;</p> <p>Paragraph 6. The responsible party shall promptly inform the processing agents with whom it has shared data to correct, delete, anonymize, or block the data, in order for them to repeat the same procedure, except where this communication is proven impossible or involves a disproportionate effort.</p>
<p>Article 20. The data owner has the right to request review, by an individual, of decisions made solely on the basis of automated processing of personal data which affects his/her interests, including decisions that define his/her personal, professional, consumer, and credit profiles or aspects of his/her personality.</p>	<p>Article 20. The data owner has the right to request review of decisions made solely on the basis of automated processing of personal data affecting his interests, including decisions that define his/her personal, professional, consumer, and credit profiles or aspects of his personality.</p>	<p>Article 20. The data owner has the right to request review of decisions made solely on the basis of automated processing of personal data which affects his interests, including decisions that define his/her personal, professional, consumer, and credit profiles or aspects of his personality.</p>
<p>Article 26. The shared use of personal data by the Public Power must meet the specific purpose of executing of public policies and legal attributions of public entities, respecting the principles of personal data protection listed in article 6 of this Law.</p>	<p>Article 26. The shared use of personal data by the Public Power must meet the specific purpose of executing public policies and legal duties of public entities, respecting the principles of personal data protection listed in article 6 of this Law.</p>	<p>Article 26. The shared use of personal data by the Public Power must meet the specific purpose of executing public policies and legal duties of public entities, respecting the principles of personal data protection listed in article 6 of this Law.</p>

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<p>Paragraph 1. It is prohibited for the Public Power to transfer to private entities personal data contained in databases to which it has access to, except</p> <p>I - in cases of decentralized execution of a public activity that requires the transfer, exclusively for that specific and determined purpose, in compliance with the provisions of Law No. 12,527, of November 18, 2011 (the Access to Information Law);</p> <p>II - (VETOED);</p> <p>III - in cases where the data are publicly accessible, subject to the provisions of this Law.</p> <p>There is no item IV</p> <p>There is no item V</p> <p>There is no item VI</p>	<p>Paragraph 1. It is prohibited for the Public Power to transfer to private entities personal data contained in databases to which it has access to, except</p> <p>I - in cases of decentralized execution of a public activity that requires the transfer, exclusively for that specific and determined purpose, in compliance with the provisions of Law No. 12,527, of November 18, 2011 (the Access to Information Law);</p> <p>II - (VETOED);</p> <p>III - if a data protection officer is appointed to perform the personal data processing operations, pursuant to article 39;</p> <p>IV - when there is a legal provision, or the transfer is backed by contracts, agreements, or similar instruments;</p> <p>V - in the event that the data transfer is intended to prevent fraud and irregularities, or to protect and safeguard the security and integrity of the data owner; or</p> <p>VI - in cases where the data are publicly accessible, subject to the provisions of this Law.</p>	<p>Paragraph 1. It is prohibited for the Public Power to transfer to private entities personal data contained in databases to which it has access to, except</p> <p>I - in cases of decentralized execution of a public activity that requires the transfer, exclusively for that specific and determined purpose, in compliance with the provisions of Law No. 12,527, of November 18, 2011 (the Access to Information Law);</p> <p>II - (VETOED);</p> <p>III - in cases where the data are publicly accessible, subject to the provisions of this Law.</p> <p>IV - when there is a legal provision or the transfer is backed by contracts, agreements, or similar instruments; or</p> <p>V - in the event that the data transfer is intended to prevent fraud and irregularities, or to protect and safeguard the security and integrity of the data owner, provided that processing for other purposes is prohibited.</p> <p>There is no item VI</p>
<p>Article 27. The communication or shared use of personal data by a legal entity governed by public law to a person governed by private law shall be reported to the national authority and shall be subject to the consent of the owner, except:</p> <p>I - in cases of consent exemption provided for in this</p>	<p>Article 27. The communication or shared use of personal data by a legal entity governed by public law to a legal entity governed by private law shall be reported to the national authority and shall be subject to the consent of the owner, except:</p> <p>I - in cases of consent exemption provided for in this Law;</p>	<p>Article 27. The communication or shared use of personal data by a legal entity governed by public law to a person governed by private law shall be reported to the national authority and shall be subject to the consent of the owner, except:</p> <p>I - in cases of consent exemption provided for in this</p>

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<p>Law;</p> <p>II - in cases of shared data use, in which public notice shall be given per the terms of item I of the head paragraph of article 23 of this Law; or</p> <p>III - in the exceptions contained in paragraph 1 of article 26 of this Law.</p> <p>There is no sole paragraph</p>	<p>II - in cases of shared data use, in which public notice shall be given per the terms of item I of the head paragraph of article 23 of this Law; or</p> <p>III - in the exceptions contained in paragraph 1 of article 26 of this Law.</p> <p>There is no sole paragraph</p>	<p>Law;</p> <p>II - in cases of shared data use, in which public notice shall be given as set forth in item I of the head paragraph of article 23 of this Law; or</p> <p>III - in the exceptions contained in paragraph 1 of article 26 of this Law.</p> <p>Sole paragraph. The information to the national authority referred to in the head of this article shall be subject to regulation.</p>
<p>Article 29. The national authority may request entities of the Public Power, at any time, , to conduct personal data processing, to provide specific reports on the scope and nature of the data, and other details on the processing carried out, and may issue complementary technical opinions to ensure the compliance with this Law.</p>	<p>Article 29. The national authority may request bodies and entities of the Public Power, at any time, , to conduct personal data processing operations, to provide specific information on the scope, the nature of the data, and other details on the processing carried out, and may issue complementary technical opinions to ensure the compliance with this Law.</p>	<p>Article 29. The national authority may request bodies and entities of the Public Power, at any time, to conduct personal data processing operations, to provide specific information on the scope, the nature of the data, and other details on the processing carried out, and may issue complementary technical opinions to ensure the compliance with this Law.</p>

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<p>Article 52. Data processing agents, due to infractions committed against the norms set forth in this Law, shall be subject to the following administrative sanctions applicable by the national authority:</p> <p>The provisions of items I, IV, V, VI, VII, VIII, and IX of the head paragraph of this article may be applied to public entities and agencies, without prejudice to the provisions of Law No. 8,122, of December 11, 1990, (the Federal Public Servant Statute), Law No. 8,429, of June 2, 1992 (the Administrative Corruption Law), and Law No. 12,527, of November 18, 2011 (the Access to Information Law).</p> <p>Paragraph 4. In calculating the amount of the fine referred to in item II of the head paragraph of this article, the national authority may consider the total revenue of the company or group of companies when it does not have the amount of revenue in the branch of business activity in which the offense occurred, as defined by the national authority, or where the amount is incomplete or not unequivocally and suitably demonstrated.</p> <p>There is no paragraph 5</p> <p>There is no paragraph 6</p>	<p>Article 52. Data processing agents, due to infractions committed against the norms set forth in this Law, shall be subject to the following administrative sanctions applicable by the national authority:</p> <p>The provisions of items I, IV, V, VI, VII, VIII, and IX of the head paragraph of this article may be applied to public entities and agencies, without prejudice to the provisions of Law No. 8,122, of December 11, 1990, (the Federal Public Servant Statute), Law No. 8,429, of June 2, 1992 (the Administrative Corruption Law), and Law No. 12,527, of November 18, 2011 (the Access to Information Law).</p> <p>Paragraph 4. In calculating the amount of the fine referred to in item II of the head paragraph of this article, the national authority may consider the total revenue of the company or group of companies when it does not have the amount of revenue in the branch of business activity in which the offense occurred, as defined by the national authority, or where the amount is incomplete or not unequivocally and suitably demonstrated.</p> <p>There is no paragraph 5</p> <p>There is no paragraph 6</p>	<p>Article 52. Data processing agents, due to infractions committed against the norms set forth in this Law, shall be subject to the following administrative sanctions applicable by the national authority:</p> <p>Paragraph 3 VETOED</p> <p>Paragraph 4. In calculating the amount of the fine referred to in item II of the head paragraph of this article, the national authority may consider the total revenue of the company or group of companies when it does not have the amount of revenue in the branch of business activity in which the offense occurred, as defined by the national authority, or where the amount is incomplete or not unequivocally and suitably demonstrated.</p> <p>Paragraph 5. The proceeds from the collection of the penalties applied by the ANPD, whether or not registered as outstanding debt, shall be allocated to the Fund for the Defense of Diffuse Rights referred to in article 13 of Law No. 7,347, of July 24, 1985, and Law No. 9,008, of March 21, 1995.</p> <p>Paragraph 6 VETOED</p> <p>Paragraph 7. The individual leaks or unauthorized accesses referred to in the head paragraph of article 46 of this Law may be subject to direct conciliation between the controller and owner and, in the absence of agreement, the controller shall be subject to the penalties referred to in this article.</p>

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<p>There is no paragraph 7.</p>	<p>There is no paragraph 7.</p>	

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<p>Article 55 vetoed</p>	<p>Article 55-A. The National Data Protection Authority - ANPD, an agency of the federal public administration, which is a member of the Presidency of the Republic, is created without any increase in expenses.</p> <p>There is no paragraph 1</p> <p>There is no paragraph 2</p> <p>There is no paragraph 3</p>	<p>Article 55-A. The National Data Protection Authority (ANPD), an agency of the federal public administration, which is a member of the Presidency of the Republic, is created without any increase in expenses.</p> <p>Paragraph 1. The legal nature of the ANPD is transitory and may be transformed by the Executive Branch into an entity of the indirect federal public administration, subject to a special semi-autonomous government agency regime and linked to the Presidency of the Republic.</p> <p>Paragraph 2. The evaluation of the transformation provided for in paragraph 1 of this article shall occur within two (2) years from the date of entry into force of the regulatory structure of the ANPD.</p> <p>Paragraph 3. The filling of the positions and functions necessary for the creation and operation of the ANPD is conditioned on express physical and financial authorization in the annual budget law and permission for budgetary directives in the law</p>
<p>There is no corresponding article</p>	<p>Article 55-B. Technical autonomy is assured to the ANPD</p>	<p>Article 55-B. Technical and <u>decision-making</u> autonomy is assured to the ANPD</p>

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Article 55 vetoed	<p>Article 55-C. The ANPD is composed of:</p> <p>I - Board of Directors, a senior management body;</p> <p>II - National Council for the Protection of Personal Data and Privacy;</p> <p>III - Review Board;</p> <p>IV - Ombudsman's Office;</p> <p>V - internal legal advisory body; and</p> <p>VI administrative units and specialized units necessary for the application of the provisions of this Law.</p>	<p>Article 55-C. The ANPD is composed of:</p> <p>I - Board of Directors, a senior management body;</p> <p>II - National Council for the Protection of Personal Data and Privacy;</p> <p>III - Review Board;</p> <p>IV - Ombudsman's Office;</p> <p>V - internal legal advisory body; and</p> <p>VI - administrative units and specialized units necessary for the application of the provisions of this Law.</p>
Article 55 vetoed	<p>Article 55-D.</p> <p>The Board of Directors of the ANPD shall be composed of five directors, including the Chairman.</p>	<p>Article 55-D.</p> <p>The Board of Directors of the ANPD shall be composed of five (5) directors, including the Chairman.</p>
There is no corresponding paragraph	<p>Article 55-D.</p> <p>Paragraph 1. The members of the ANPD Board of Directors shall be appointed by the President of the Republic and shall hold a position on a commission of the Superior Management and Advisory Group - DAS level 5.</p>	<p>Article 55-D.</p> <p>Paragraph 1. The members of the Board of Directors of the ANPD shall be <u>chosen</u> by the President of the Republic and appointed by him, <u>after approval by the Federal Senate, pursuant to letter f of item III of article 52 of the Federal Constitution</u>, and shall hold a position on a commission of the Superior Management and Advisory Group - DAS, at a minimum, of level 5.</p>

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There is no corresponding paragraph	<p>Article 55-D.</p> <p>Paragraph 2. The members of the Board of Directors shall be chosen from among Brazilians who have an unblemished reputation, a higher education, and high regard in the field of specialty of the positions for which they shall be appointed.</p>	<p>Article 55-D.</p> <p>Paragraph 2. The members of the Board of Directors shall be chosen from among Brazilians who have an unblemished reputation, a higher education, and high regard in the field of specialty of the positions for which they shall be appointed.</p>
Article 55 vetoed	<p>Article 55-D.</p> <p>Paragraph 3. The term of office of the members of the Board of Directors shall be four years.</p>	<p>Article 55-D.</p> <p>Paragraph 3. The term of office of the members of the Board of Directors shall be four (4) years.</p>
Article 55 vetoed	<p>Article 55-D.</p> <p>Paragraph 4. The terms of office of the first members of the Board appointed shall be two, three, four, five, and six years, as established in the act of appointment.</p>	<p>Article 55-D.</p> <p>Paragraph 4. The terms of office of the first members of the Board appointed shall be two (2), three (3), four (4), five (5), and six (6) years, as established in the act of appointment.</p>
There is no corresponding paragraph	<p>Article 55-D.</p> <p>Paragraph 5. In the event of vacancy in the position during the term of office of a member of the Board of Directors, the remaining term shall be completed by a successor.</p>	<p>Article 55-D.</p> <p>Paragraph 5. In the event of vacancy in the position during the term of office of a member of the Board of Directors, the remaining term shall be completed by a successor.</p>

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<p>There is no corresponding paragraph</p>	<p>Article 55-E. The members of the Board of Directors shall only lose their positions due to resignation, a final and unappealable judicial judgment, or penalty of dismissal resulting from administrative disciplinary proceedings.</p> <p>Paragraph 1. Per the terms of the head paragraph, it is incumbent upon the Minister State Chief of Staff of the Presidency of the Republic to institute the administrative disciplinary proceeding, which shall be conducted by a special committee made up of permanent federal civil servants.</p> <p>Paragraph 2. It is incumbent on the President of the Republic to impose preventive removal, if necessary, and rendering the judgment.</p>	<p>Article 55-E. The members of the Board of Directors shall only lose their positions due to resignation, a final and unappealable judicial judgment, or penalty of dismissal resulting from administrative disciplinary proceedings.</p> <p>Paragraph 1. Per the terms of the head paragraph, it is incumbent upon the Minister State Chief of Staff of the Presidency of the Republic to institute the administrative disciplinary proceeding, which shall be conducted by a special committee made up of permanent federal civil servants.</p> <p>Paragraph 2. It is incumbent upon the President of the Republic to impose preventive removal, <u>only when so recommended by the special committee referred to in paragraph 1 of this article,</u> and to render the judgment.</p>
<p>There is no corresponding paragraph</p>	<p>Article 55-F. After the exercise of their position, the provisions of article 6 of Law No. 12,813, of May 16, 2013, apply to the members of the Board of Directors.</p> <p>Sole paragraph. An infraction against the provisions of the head paragraph constitutes an act of administrative improbity.</p>	<p>Article 55-F. After the exercise of their position, the provisions of article 6 of Law No. 12,813, of May 16, 2013, apply to the members of the Board of Directors.</p> <p>Sole paragraph. An infraction against the provisions of the head paragraph constitutes an act of administrative improbity.</p>

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<p>There is no corresponding paragraph</p>	<p>Article 55-G. An act of the President of the Republic shall set forth provisions regarding the ANPD's regulatory structure.</p> <p>Sole paragraph. Until the date of entry into force of its regulatory structure, the ANPD shall receive technical and administrative support from the Chief of Staff of the Presidency of the Republic for the exercise of its activities.</p> <p>There is no paragraph 2</p>	<p>Article 55-G. An act of the President of the Republic shall set forth provisions regarding the ANPD's regulatory structure.</p> <p>Paragraph 1. Until the date of entry into force of its regulatory structure, the ANPD shall receive technical and administrative support from the Chief of Staff of the Presidency of the Republic for the exercise of its activities.</p> <p>Paragraph 2. The Board of Directors shall set forth provisions regarding the internal rules of the ANPD.</p>
<p>There is no corresponding paragraph</p>	<p>Article 55-H. The commissioned and trust positions with the ANPD shall be transferred from other bodies and entities of the Federal Executive Power.</p>	<p>Article 55-H. The commissioned and trust positions with the ANPD shall be transferred from other bodies and entities of the Federal Executive Power.</p>
<p>There is no corresponding paragraph</p>	<p>Article 55-I. The occupants of the commissioned and trust positions of the ANPD shall be appointed by the Board of Directors and appointed or designated by the Chairman.</p>	<p>Article 55-I. The occupants of the commissioned and trust positions of the ANPD shall be appointed by the Board of Directors and appointed or designated by the Chairman.</p>

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<p>Article 56 vetoed</p>	<p>Article 55-J. The following is incumbent on the ANPD:</p> <p>I - to ensure the protection of personal data;</p> <p>II - to promulgate rules and procedures on the protection of personal data;</p> <p>III - to resolve, at the administrative level, on the interpretation of this Law, its powers, and cases of omission;</p> <p>IV - to request information, at any time, from controllers and operators of personal data that carry out operations of processing personal data;</p> <p>V - to implement simplified mechanisms, including by electronic means, for the recording of complaints regarding the processing of personal data in violation of this Law;</p> <p>VI - to supervise and apply sanctions in the event of data processing carried out in breach of the law, through an administrative proceeding that ensures an adversarial process, a full defense, and the right to appeal;</p> <p>VII - to report to the competent authorities any criminal offenses of which it is aware;</p> <p>VIII - to report to internal control bodies breach of the provisions of this Law committed by bodies and entities of the federal public administration;</p> <p>IX - to disseminate to the public knowledge about the rules and public policies of protection of personal data and security measures;</p> <p>X - to stimulate the adoption of standards for services and products that facilitate the exercise of control and protection by the owners of their personal data, considering the specificities of the activities and the size of the controllers;</p> <p>XI - to prepare studies on national and international practices for the protection of personal data and</p>	<p>Article 55-J The following is incumbent on the ANPD:</p> <p>I - to ensure the protection of personal data, <u>in accordance with the law</u>;</p> <p>II - <u>to ensure observance of commercial and industrial secrets, subject to the protection of personal data and the confidentiality of information when protected by law or when the breach of confidentiality violates the basic provisions of article 2 of this Law</u>;</p> <p>III - <u>to develop guidelines for the National Policy for the Protection of Personal Data and Privacy</u>;</p> <p>IV - to supervise and apply sanctions in the event of data processing carried out in breach of the law, through an administrative proceeding that ensures an adversarial process, a full defense, and the right to appeal;</p> <p>V- <u>to assess petitions by owners against controllers after owners prove that the presentation of a complaint to the controller was not resolved within the time period specified in regulations</u>;</p> <p>VI - <u>to promote public awareness of the rules and public policies on the protection of personal data and security measures</u>;</p> <p>VII - <u>to promote and</u> prepare studies on national and international practices for the protection of personal data and privacy;</p> <p>VIII - to stimulate the adoption of standards for services and products that facilitate the exercise of control by the owners of their personal data, which should take into account the specificities of the activities and the size of those <u>responsible</u>;</p> <p>IX - to promote actions for cooperation with data</p>

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
	<p>privacy;</p> <p>XII - to promote actions for cooperation with data protection authorities of other countries, whether international or transnational in nature;</p> <p>XIII - to hold public consultations to gather suggestions on topics of relevant public interest in the area of activity of the ANPD;</p> <p>XIV - to carry out, prior to the issuance of resolutions, the hearing of entities or bodies of the public administration responsible for the regulation of specific sectors of economic activity;</p> <p>XV - to liaise with public regulatory authorities to exercise its powers in specific sectors of economic and governmental activities subject to the regulations; and</p> <p>XVI - to prepare annual management reports on its activities</p>	<p>protection authorities of other countries, whether international or transnational in nature;</p> <p><u>X - to provide information on the forms of publicity of personal data processing operations, subject to the protection of commercial and industrial secrets;</u></p> <p><u>XI - to request entities of the public authority, at any time, to conduct personal data processing operations, to provide a specific report on the scope, nature of the data, and other details of the processing performed, with the possibility of issuing complementary technical opinions to ensure compliance with this Law;</u></p> <p>XII - to prepare annual management reports on its activities;</p> <p><u>XIII - to issue regulations and procedures on the protection of personal data and privacy, as well as impact reports on the protection of personal data in cases in which the processing represents a high risk to the guarantee of the general principles of protection of personal data provided for in this Law;</u></p> <p><u>XIV - to hear processing agents and the public in matters of relevant interest and to account for its activities and planning;</u></p> <p><u>XV - to collect and apply its revenues and publish in the management report referred to in item XII of the head paragraph of this article details on its revenues and expenses;</u></p> <p><u>XVI - to carry out audits, or order the performance thereof, within the scope of the inspection activity referred to in item IV and with due observance of the provisions of item II of the head paragraph of this article, regarding the processing of personal data by processing agents, including public authorities;</u></p> <p>XVII - to enter into, at any time, commitments with</p>

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
		<p><u>processing agents to eliminate an irregularity, legal uncertainty, or litigious situation in administrative proceedings, in accordance with the provisions of Decree-Law No. 4,657, of September 4, 1942;</u></p> <p><u>XVIII - to promulgate simplified and differentiated standards, guidelines, and procedures, including with respect to deadlines, so that micro-enterprises and small businesses, as well as incremental or disruptive entrepreneurial initiatives that self-declare themselves to be startups or innovation companies, may adapt themselves to this Law;</u></p> <p><u>XIX - to ensure that the processing of data on the elderly is carried out in a simple, clear, accessible, and manner suitable to their understanding, in accordance with this Law and Law No. 10,741, of October 1, 2003 (the Elderly Statute);</u></p> <p><u>XX - to resolve, at the administrative level, in a final manner, on the interpretation of this Law, its powers, and cases of omission;</u></p> <p><u>XXI - to communicate to the competent authorities any criminal offenses of which it is aware;</u></p> <p><u>XXII - to report to the internal control bodies breach of the provisions of this Law by bodies and entities of the federal public administration;</u></p> <p><u>XXIII - to liaise with public regulatory authorities to exercise its powers in specific sectors of economic and governmental activities subject to the regulations; and</u></p> <p><u>XXIV - to implement simplified mechanisms, including by electronic means, for the recording of complaints regarding the processing of personal data in violation of this Law.</u></p> <p><u>Paragraph 1. Upon imposing administrative conditions</u></p>

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
	<p data-bbox="848 252 1088 280">There is no paragraph 3</p> <p data-bbox="848 676 1088 705">There is no paragraph 4</p> <p data-bbox="848 970 1088 999">There is no paragraph 5</p> <p data-bbox="848 1181 1088 1209">There is no paragraph 6</p>	

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
<p>There is no corresponding article</p>	<p>Article 55-K. The application of the penalties provided for in this Law is incumbent exclusively on the ANPD, whose other powers shall prevail, as regards the protection of personal data, on the related powers of other entities or bodies of the public administration.</p> <p>Sole paragraph. The ANPD shall coordinate its work with the National Consumer Defense System of the Ministry of Justice and other bodies and entities with sanctioning and normative competencies related to the subject of personal data protection, and it shall be the central body for the interpretation of the Law and the establishment of standards and guidelines for its implementation.</p>	<p>Article 55-K. The application of the penalties provided for in this Law is incumbent exclusively on the ANPD, and its powers shall prevail, in regard to the protection of personal data, on the related powers of other entities or bodies of the public administration.</p> <p>Sole paragraph. The ANPD shall coordinate its work with other bodies and entities with sanctioning and normative competencies related to the subject of personal data protection, and it shall be the central body for the interpretation of the Law and the establishment of standards and guidelines for its implementation.</p>

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
<p>There is no corresponding article</p>	<p>There is no corresponding article</p>	<p>Article 55-L The ANPD's revenues are the following:</p> <p>I - appropriations entered in the general budget of the Federal Government, special appropriations, additional appropriations, transfers, and onlending granted to it;</p> <p>II - donations, legacies, subsidies, and other funds assigned to it;</p> <p>III - amounts received from the sale or lease of movable and immovable property owned by it;</p> <p>IV - amounts received in the financial market from investment of the revenues provided for in this article;</p> <p>V VETOED</p> <p>VI - funds resulting from contracts, agreements, or conventions entered into with public or private entities, bodies, or organizations, whether national or international;</p> <p>VII - proceeds from the sale of publications, technical material, data and information, including for public bidding purposes.</p>

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
<p>Article 58 vetoed.</p>	<p>Article 58-A. The National Council for the Protection of Personal Data and Privacy shall be composed of twenty-three full representatives and their alternates, from the following bodies:</p> <p>I - six from the federal Executive Branch;</p> <p>II - one from the Federal Senate;</p> <p>III - one from the Chamber of Deputies;</p> <p>IV - one from the National Council of Justice;</p> <p>V - one from the National Council of the Public Prosecution Office;</p> <p>VI - one from the Internet Steering Committee in Brazil;</p> <p>VII - four from civil society entities with proven performance in the protection of personal data;</p> <p>VIII - four from scientific, technological, and innovation institutions; and</p> <p>IX - four from entities representing the business sector related to the area of processing of personal data.</p> <p>Paragraph 1. The representatives shall be appointed by the President of the Republic.</p>	<p>Article 58-A. The National Council for the Protection of Personal Data and Privacy shall be composed of twenty-three (23) full representatives, full representatives and alternates, from the following bodies:</p> <p>I - five (5) from the federal Executive Branch;</p> <p>II - one (1) from the Federal Senate;</p> <p>III - one (1) from the Chamber of Deputies;</p> <p>IV - one (1) from the National Council of Justice;</p> <p>V - one (1) from the National Council of the Public Prosecution Office;</p> <p>VI - one (1) from the Internet Steering Committee in Brazil;</p> <p>VII - three (3) from civil society entities with proven performance in the protection of personal data;</p> <p>VIII - three (3) from scientific, technological, and innovation institutions; and</p> <p>IX - three (3) from trade union confederations representing the economic categories of the productive sector;</p> <p>X - two (2) from entities representing the business sector related to the area of processing of personal data; and</p> <p>XI - two (2) from entities representing the labor sector.</p> <p>Paragraph 1. The representatives shall be appointed by the President of the Republic, with delegation thereof permitted.</p>

Original Text of the LGPD	Executive Order 869/18	Law 13,853/2019
	<p>Paragraph 2. The representatives referred to in items I to VI of the head paragraph and their alternates shall be appointed by the heads of the respective bodies and entities of the public administration.</p> <p>Paragraph 3. The representatives referred to in items VII, VIII, and IX of the head paragraph and their alternates:</p> <p>I - shall be appointed in the manner set forth in regulations;</p> <p>II - shall have a tenure of two years, with renewal allowed; and</p> <p>III - may not be members of the Internet Steering Committee in Brazil.</p> <p>Paragraph 4. The participation in the National Council for the Protection of Personal Data and Privacy shall be considered relevant public service, not remunerated.</p>	<p>Paragraph 2. The representatives referred to in items I, II, III, IV, V, and VI of the head paragraph of this article and their alternates shall be appointed by the heads of the respective bodies and entities of the public administration.</p> <p>Paragraph 3. The representatives referred to in items VII, VIII, IX, <u>X</u>, and <u>XI</u> of the head paragraph of this article and their alternates:</p> <p>I - shall be appointed in the manner set forth in regulations;</p> <p>II - may not be members of the Internet Steering Committee in Brazil; and</p> <p>II - shall have a tenure of two (2) years, with one (1) renewal allowed.</p> <p>Paragraph 4. Participation in the National Council for the Protection of Personal Data and Privacy shall be considered relevant public service, not remunerated.</p>

<p>Article 59 vetoed</p>	<p>Article 58-B. It is incumbent on the National Council for the Protection of Personal Data and Privacy:</p> <p>I - to propose strategic guidelines and provide support for the preparation of the National Policy for the Protection of Personal Data and Privacy and for the work of the ANPD;</p> <p>II - to prepare annual reports to evaluate the implementation of the actions of the National Policy for the Protection of Personal Data and Privacy;</p> <p>III - to suggest actions to be taken by the ANPD;</p> <p>IV - to prepare studies and conduct public debates and hearings regarding the protection of personal data and privacy; and</p> <p>V - to disseminate knowledge about the protection of personal data and privacy to the general population.</p>	<p>Article 58-B. It is incumbent on the National Council for the Protection of Personal Data and Privacy:</p> <p>I - to propose strategic guidelines and provide support for the preparation of the National Policy for the Protection of Personal Data and Privacy and for the work of the ANPD;</p> <p>II - to prepare annual reports to evaluate the implementation of the actions of the National Policy for the Protection of Personal Data and Privacy;</p> <p>III - to suggest actions to be taken by the ANPD;</p> <p>IV - to prepare studies and conduct public debates and hearings regarding the protection of personal data and privacy; and</p> <p>V - to disseminate knowledge about the protection of personal data and privacy to the public.</p>
<p>Article 62. The national authority and the Anísio Teixeira National Institute for Educational Study and Research (Inep), within the scope of its powers, shall issue specific regulations regarding access to data processed by the Federal Government to comply with the provisions of paragraph 2 of article 9 of Law No. 9,394, of December 20, 1996 (Law on Guidelines and Bases of National Education), and those referring to the National System for the Evaluation of Higher Education (Sinaes), dealt with in Law No. 10,861, of April 14 of 2004.</p>	<p>Article 62 repealed.</p>	<p>Article 62. The national authority and the Anísio Teixeira National Institute for Educational Study and Research (Inep), within the scope of its powers, shall issue specific regulations regarding access to data processed by the Federal Government to comply with the provisions of paragraph 2 of article 9 of Law No. 9,394, of December 20, 1996 (Law on Guidelines and Bases of National Education), and those referring to the National System for the Evaluation of Higher Education (Sinaes), dealt with in Law No. 10,861, of April 14 of 2004.</p>

<p>Article 65. This Law shall enter into force eighteen (18) months after its official publication.</p>	<p>Article 65. This Law shall enter into force:</p> <p>I - with regard to the provisions of article 55-A, article 55-B, article 55-C, article 55-D, article 55-E, article 55-F, article 55-G, article 55-H, article 55-I, article 55-J, article 55-K, article 58-A, and article 58-B, on December 28, 2018; and</p> <p>II - twenty-four months after the date of its publication with regard to the provisions of the other articles.</p>	<p>Article 65. This Law shall enter into force:</p> <p>I - December 28, 2018, with regard to the provisions of article 55-A, article 55-B, article 55-C, article 55-D, article 55-E, article 55-F, article 55-G, article 55-H, article 55-I, article 55-J, article 55-K, article 55-L, article 58-A, and article 58-B; and</p> <p>II - twenty-four (24) months after the date of its publication with regard to the provisions of the other articles.</p>
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