SmartSuite

Framework / Privacy / Global Privacy Regulations

LGPD – Law No. 13,709/2018

The LGPD is Brazil's data protection law: ten principles, ten legal bases, data subject rights and ANPD fines of up to 2% of Brazilian revenue, capped at R$50 million.



What it is

The LGPD (Lei Geral de Proteção de Dados Pessoais, Law No. 13,709 of August 14, 2018) is Brazil's general data protection law. It applies to any organization that processes personal data in Brazil, offers goods or services to people in Brazil, or collects the data in Brazil, wherever the organization is based (article 3). Most of the law has applied since September 18, 2020, and administrative sanctions since August 1, 2021 (article 65).

Brazil's National Congress enacted the law, and the National Data Protection Authority (Autoridade Nacional de Proteção de Dados, ANPD) supervises it and applies sanctions (article 55-J). Law 13,853 of 2019 created the ANPD and amended the original text. The law binds controllers and operators, together called processing agents, in the public and private sectors.

At a glance

PUBLISHER Presidência da República - Casa Civil	TYPE Framework	VERSION Law No. 13,709 of 2018, as amended by Law No. 13,853 of 2019
EFFECTIVE September 18, 2020 (sanctions, articles 52 to 54, from August 1, 2021)	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Brazil	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY High

Source: planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/l13709compilado.htm

Why it matters

- **Extraterritorial reach** A foreign company that offers services to people in Brazil, or whose data was collected in Brazil, falls under the law (article 3).
- **Ten legal bases, not just consent** Article 7 lists ten grounds for processing, including legitimate interest and credit protection, so organizations must document which one applies.
- **Rights with a clock** A data subject can request confirmation of processing, access, correction, portability, deletion and more, and a full access declaration is due within fifteen days (articles 18 and 19).
- **Accountability is a principle** Processing agents must be able to show that their measures are effective, not only that they exist (article 6, item X).

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How SmartSuite supports LGPD

Processing Records and Legal Bases

Keep a record per processing activity with its article 7 or 11 legal basis, purpose, sharing and retention, as article 37 expects.

Data Subject Request Tracking

Log article 18 requests with received and due dates, including the fifteen-day declaration deadline in article 19, and attach the response.

RIPD and Risk Assessments

Hold each data protection impact report with its risks, safeguards and mitigation measures, ready for an ANPD request under article 38.

Operator and International Transfer Oversight

Track operator contracts and the article 33 mechanism used for each transfer, such as standard contractual clauses.

Incident Notification Readiness

Capture incident timelines, the data and people affected, the risk assessment and the ANPD and data subject notices required by article 48.

Encarregado and Accountability Reporting

Show the encarregado, open requests, overdue items and control status on a dashboard that demonstrates the accountability principle.

Common framework mappings

APEC PF | GDPR | ISO 27001:2022 | ISO 27701 | NIST Privacy Framework v1.0 | UK DPA 2018 | UK GDPR

Official resources

Brazilian General Data Protection Law (LGPD)

Official publication of Brazil's comprehensive data protection regulation, Law No. 13,709.

planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13709.htm

ANPD – Regulatory Guidelines for LGPD

Outlines guidelines provided by the National Data Protection Authority for implementing the LGPD.

gov.br/anpd/pt-br

ANPD (Brazilian data protection authority)

Provides a roadmap for organizations to implement the LGPD requirements effectively.

gov.br/anpd/pt-br

LGPD Overview by the Brazilian Government

Describes the key elements and objectives of the LGPD framework.

planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/l13709.htm

Frequently asked questions

Does the LGPD apply to companies outside Brazil?

Yes. It applies to any processing operation, wherever the organization is based, if the processing takes place in Brazil, aims to offer goods or services to people in Brazil, or concerns data collected in Brazil (article 3).

What legal bases does the LGPD allow for processing personal data?

Article 7 lists ten: consent, legal or regulatory obligation, public policy by public bodies, research, contract performance, exercise of rights in proceedings, protection of life, health protection by professionals or authorities, legitimate interests and credit protection. Sensitive data follows the narrower list in article 11.

What is the encarregado and does every company need one?

The encarregado is the person the controller appoints to receive complaints from data subjects and communications from the ANPD and to advise staff on data protection. Their contact details must be public (article 41). The ANPD may set rules exempting some entities from appointing one based on size or volume of processing.

How long does an organization have to answer a data subject request?

A simplified confirmation of processing or access must be provided immediately. A complete declaration stating the origin of the data, the criteria used and the purpose is due within fifteen days of the request (article 19).

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What are the penalties for breaking the LGPD?

The ANPD can issue warnings, fines of up to 2% of revenue in Brazil for the prior year capped at R$50 million per infraction, daily fines, publicity of the infraction, blocking or deletion of data, and partial or total suspension of processing (article 52). Sanctions have been enforceable since August 1, 2021.

License included / downloadable: Yes The LGPD is a public statute published by the Presidency of the Republic and is included with the platform for reference.

Full framework page and mappings: smartsuite.com/frameworks/brazil-lgpd-lei-geral-de-protecao-de-dados-law-no-13709-2018

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