

FEDERAL REGISTER

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BODY: ACTS OF THE EXECUTIVE BRANCH

DECREE #12,975, OF MAY 20, 2026

Amends Decree #8,771, of May 11, 2016, which regulates Statute #12,965, of April 23, 2014.

The **PRESIDENT OF THE REPUBLIC**, in the exercise of the powers conferred upon him by Article 84, caput, Items IV and VI, Subitem “a”, of the Brazilian Constitution, and considering the provisions of Statute #12,965, of April 23, 2014,

HEREBY DECREES:

Article 1. Decree #8,771, of May 11, 2016, takes effect amended as follows:

"Article 1. This Decree regulates Statute #12,965, of April 23, 2014, to provide for the duties of Internet connection and application providers, and covers the following aspects:

I - accepted hypotheses of discrimination of Internet data packets through traffic degradation;

II - duties and procedures for data storage and protection by Internet connection and application providers, and other matters relating to content generated by third parties and the protection of Internet users' rights;

III - transparency measures:

a) in requests for registration data by the Federal Government; and

b) in the fulfillment of the duty of care by Internet application providers within the scope of their services; and

IV - parameters for the oversight and investigation of violations provided for in Statute #12,965, of April 23, 2014." (As amended)

“CHAPTER III

PROTECTION OF RECORDS, PERSONAL DATA, PRIVATE COMMUNICATIONS, AND OTHER USER



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RIGHTS

Section II

Security and confidentiality standards for records, personal data, and private communications

Article 15-A. The duty to store IP address logs by connection providers and Internet application providers, as set forth in Article 13 and Article 15 of Statute #12,965, of April 23, 2014, shall include the associated source logical port whenever necessary for the unequivocal identification of the source terminal or the next network link.

Paragraph 1. The duty to store the source logical port shall not depend on prior request and shall independently apply to each provider.

Paragraph 2. The provision of the source logical port and the data associated with it shall comply with the provisions of Article 10 and Article 22 of Statute #12,965, of April 23, 2014." (As amended)

"CHAPTER III-A

RESPONSIBILITY OF INTERNET APPLICATION PROVIDERS

Section I

General duties of Internet application providers

Article 16-A. Internet application providers shall have the following duties:

I – establish and maintain headquarters and a legal representative in Brazil, vested with powers to:

- a) respond before administrative and judicial authorities;
- b) provide the competent authorities with information regarding:
 - 1. the operation of the provider;
 - 2. the rules and procedures used for content moderation and for the handling of complaints by internal systems;
 - 3. transparency, monitoring, and systemic risk management reports; and
 - 4. the rules governing user profiling, advertising dissemination, and paid content boosting;



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c) comply with court orders; and

d) respond to and comply with any penalties, fines, and financial sanctions incurred by the represented party;

II – provide a permanent and easily accessible reporting channel for the receipt and handling of notifications, expressly including the possibility of reporting criminal or unlawful content;

III - adopt measures to prevent the operation of artificial networks for the dissemination of unlawful content; and

IV - adopt the necessary means to ensure the security and transparency of the services.

Sole Paragraph. The legal representative referred to in Item I of the caput shall be established in the form of a legal entity, and its contact information shall be easily accessible on the represented party's website." (As amended)

"Section II

Duty of care concerning criminal content

Article 16-B. Internet application providers that intermediate third-party generated content shall be held liable in the event of a systemic failure to immediately remove content that constitutes:

I – terrorism crimes or preparatory acts of terrorism as typified by Statute #13,260, of March 16, 2016;

II – crimes of inducing, instigating, or assisting suicide or self-harm, pursuant to Article 122 of Decree-Law #2,848, of December 7, 1940 – Brazilian Penal Code;

III - incitement to discrimination based on race, color, ethnicity, religion, nationality, sexuality, or gender identity, including homophobic and transphobic conduct, which may fall under Articles 20, 20-A, 20-B, and 20-C of Statute #7,716, of January 5, 1989;

IV - crimes committed against women due to their gender, including content that promotes hatred or aversion towards women, as provided for in Statute #10,446, of May 8, 2002, Statute #11,340, of August 7, 2006, Statute #14,192, of August 4, 2021, and in Article 141, Paragraph 3, Article 146-A, Article 147, Paragraph 1, Article 147-A, and Article 147-B of Decree-Law #2,848, of December 7, 1940 - Brazilian Penal Code;

V – sexual offenses against vulnerable persons, sexual exploitation of children and adolescents, and

serious crimes against children and adolescents, pursuant to Article 217-A, Article 218, Article 218-A, Article 218-B, and Article 218-C of Decree-Law #2,848, of December 7, 1940 – Brazilian Penal Code, and Article 240, Article 241-A, Article 241-C, and Article 241-D of Statute 8,069, of July 13, 1990;

VI – human trafficking, pursuant to Article 149-A of Decree-Law #2,848, of December 7, 1940 – Brazilian Penal Code; and

VII – conduct and acts typified by Article 286, sole paragraph, and Article 359-L, Article 359-M, Article 359-N, Article 359-P, and Article 359-R of Decree-Law #2,848, of December 7, 1940 – Brazilian Penal Code.

Paragraph 1. An internet application provider shall be deemed to have committed a systemic failure when it fails to demonstrate the adoption of adequate measures to prevent or remove the unlawful content referred to in the caput that:

I – provide, in accordance with the state of the art, the highest levels of security for the type of service offered; and

II – inhibit the large-scale dissemination of the content referred to in Items I to VII of the caput.

Paragraph 2. The assessment of the occurrence of systemic failure shall be carried out by the competent authority based on mechanisms of supervision and periodic analysis.

Paragraph 3. The isolated existence of the unlawful content referred to in the caput shall not, by itself, characterize systemic failure, in which case the provisions of Article 16-G shall apply.

Paragraph 4. The internet application providers referred to in the caput shall make available to the competent authorities the information and data necessary to verify the adoption and implementation of the measures referred to in Paragraph 1.

Paragraph 5. With respect to the crimes referred to in item V of the caput, the provisions of Statute #15,211, of September 17, 2025, shall apply, where appropriate. (As amended)

“Article 16-C. Internet application providers shall, without prejudice to their duty of care, diligently monitor, identify, assess, and manage the systemic risks created or intensified by their activities or by the circulation of the content referred to in Article 16-B.” (As amended)

"Section III

Notification of Criminal or Unlawful Content

Article 16-D. A notification concerning criminal or unlawful content submitted through the channel referred to in Article 16-A, caput, Item II, shall contain, under penalty of nullity:

I – elements that make it possible to identify the alleged criminal or unlawful conduct, or, in the case referred to in Article 16-J, sole paragraph, an indication of the respective court decision;

II – information that allows the specific identification of the criminal or unlawful content to be removed; and

III – identification of the notifying party and, where applicable, an indication of the legal basis for its standing.

Sole Paragraph. The competent authority may regulate:

I – the form of notification and contestation;

II – the deadline for removal of the content and for responding to the notifying party;

III – the parties with standing to submit notifications;

IV – the deadline for contestation by the party responsible for the content; and

V – any other necessary procedures." (As amended)

"Article 16-E. Upon receiving notification of a crime or illegal act, the internet application provider shall:

I – confirm receipt of the notification to the notifying party; and

II – assess the content of the notification and adopt the appropriate measures, subject to the following:

a) in the event of removal, the internet application provider shall communicate the decision to the notifying party and to the user who posted the content, and shall inform them of the specific grounds for the removal and the means to contest it;

b) in the event that the content subject to the notification is not removed, the internet application provider shall communicate the decision to the notifying party and shall inform them of the specific grounds for maintaining the content and the means to contest it; and

c) in the event of reconsideration following a contestation, the internet application provider shall notify the user who posted the content and the notifying party, together with the respective grounds for the decision.” (As amended)

“Article 16-F. Internet application providers shall adopt measures to prevent the unlawful or abusive use of notification mechanisms, especially those that infringe upon the right to freedom of expression.” (As amended)

"Section IV

Removal of Criminal Content

Article 16-G. Without prejudice to the duties set forth in Articles 16-A, 16-B, and 16-C, internet application providers shall remove, in response to the notifications referred to in Articles 16-D and 16-E, third-party generated content that constitutes a crime under national legislation, except for crimes against honor.

Paragraph 1. The internet application provider may keep the content available when, after a diligent and reasoned analysis, it concludes that there is reasonable doubt as to the criminal nature of the content, taking into account the proportionality between the doubt and the seriousness of the crime, in which case it shall communicate to the notifying party the reasons for not removing the content.

Paragraph 2. In order to safeguard freedom of expression, the application of the measures provided for in this Article shall take into consideration the context of the publications, freedom of religion and belief, and any informative, educational, critical, satirical, or parodic purpose. (As amended)

“Article 16-H. Upon identifying or concluding that content related to criminal conduct exists, internet application providers shall forward the content and the information necessary to identify the perpetration and materiality of the crimes to the Government.

Sole Paragraph. An act, issued by the Minister of Justice and Public Security, shall regulate the manner of compliance with this Article, including the possibility of forwarding the information referred to in the caput to the body responsible for receiving, processing, and making it available to the competent authorities, while safeguarding the constitutional and legal powers of the federative entities.” (As amended)

“Article 16-I. In determining the administrative liability of an internet application provider for noncompliance with the provisions of Article 16-G, the competent authority shall assess the provider’s diligent, proportionate, and prompt conduct in processing the notifications received, and liability based exclusively on the isolated maintenance or removal of content subject to notification is prohibited.

Sole Paragraph. The competent authority is prohibited from notifying internet application providers for the moderation of criminal or unlawful content on an isolated basis.” (As amended)

“Article 16-J. The liability of an internet application provider for third-party generated content shall depend on a specific court order, pursuant to Article 19 of Statute #12,965, of April 23, 2014, in the following cases:

I – crimes and unlawful acts against honor; and

II - services referred to in Article 16-O.

Sole Paragraph. In the event of successive replications of the offensive act recognized by a court decision, all internet application providers that intermediate third-party generated content shall remove publications containing identical content, regardless of new court decisions, upon judicial or extrajudicial notification.” (As amended)

"Section V

Ads, paid boosts, and misleading, abusive, or fraudulent advertising.

Article 16-K. Internet application providers that, upon payment, make available tools for advertising or content boosting shall adopt appropriate measures to prohibit the contracting of content that constitutes a crime or unlawful act.” (As amended)

"Art. 16-L. The liability of the internet application provider is presumed when illegal content is disseminated through advertisements, paid boosts, or distributed via artificial content distribution networks, regardless of notification."

Sole Paragraph. Internet application providers shall be exempt from liability if they prove that they acted diligently and within a reasonable time to remove the content.” (As amended)

"Art. 16-M. Internet application providers that, upon payment, make available tools for advertising or boosting content must maintain, for a deadline of one year from the date of termination of the content dissemination, information relating to each advertisement or boost and the respective advertisers.

Sole Paragraph. The competent authority may regulate the manner of access to the information referred to in this Article, so as to enable the supervision of the duties of internet application providers, without prejudice to the jurisdiction of the National Consumer Secretariat of the Ministry of Justice and Public Security.” (As amended)

“Article 16-N. Without prejudice to the duties set forth in Article 16-A to Article 16-M, Internet

application providers shall remove, in response to a notification, third-party generated content that constitutes misleading, abusive, or fraudulent advertising, pursuant to Article 37 of Statute #8,078, of September 11, 1990 – Brazilian Consumer Protection Code.

Paragraph 1. The notification referred to in the caput may be submitted by an authority that is part of the National Consumer Protection System or, when the misleading, abusive, or fraudulent advertising is related to public policies, by the Federal Attorney's Office.

Paragraph 2. For the purposes of this Article, content that is not clearly identifiable by the user as advertising shall be deemed misleading advertising.” (As amended)

"Section VI

Regarding the scope of application and the differentiated criteria

Article 16-O. The duties set forth in Articles 16-B to 16-J do not apply to the following categories of services provided by Internet application providers:

I – e-mail services, understood as internet application services intended exclusively for asynchronous, point-to-point communication consisting of the transmission, receipt, and storage of electronic messages between senders and recipients previously identified or identifiable through domain-based addressing;

II – instant messaging services, exclusively with respect to interpersonal communications protected by the secrecy of communications, pursuant to Article 5, caput, Item XII, of the Brazilian Constitution, understood as internet application services that allow the synchronous or asynchronous sending and receiving of text, voice, image, or video messages between users or defined groups of users, without public dissemination of the transmitted content or of open groups; and

III – restricted-group audiovisual communication services, understood as internet application services whose main functionality consists of conducting meetings, videoconferences, or audio and video calls among participants previously invited or authorized, within a controlled-access environment.” (As amended)

“Article 16-P. The competent authority may establish differentiated criteria for compliance with the duties set forth in Article 16-A to Article 16-J and Article 16-M, taking into consideration the economic size of the internet application operator, the level of interference in the circulation of third-party content, the state of the art, and the risk involved in the service, especially with regard to small internet application providers.” (As amended)

“Article 19-A. The Brazilian Data Protection Agency (ANPD) shall act in the regulation, supervision, and investigation of violations concerning the protection of users’ rights and compliance with the

duties of internet application providers, especially those set forth in Articles 16-A to 16-P of this Decree, pursuant to:

I - Statute #12,965, of April 23, 2014, especially with respect to the provisions of Article 10 to Article 12;”

II - Statute #13,709, of August 14, 2018; and

III - Statute #15,211, of September 17, 2025. “(As amended)

“Article 20-A. Internet application providers shall establish terms and conditions of use and other forms of self-regulation that necessarily encompass:

I - the notification system;

II - due process; and

III – annual transparency reports regarding extrajudicial notifications, advertisements, and paid content boosting.

Paragraph 1. The rules referred to in the caput shall be published and periodically reviewed in a transparent manner accessible to the public.

Paragraph 2. Self-regulation shall be considered evidence of good faith for the investigation of violations when it is intended to create technical and governance standards aimed at protecting the rights of internet users provided for in Statute #12,965, of April 23, 2014.” (As amended)

Article 2. This Decree takes effect sixty days after its publication date.

Brasilia, May 20, 2026; 205th Anniversary of Independence and 138th Anniversary of the Republic.

LUIZ INÁCIO LULA DA SILVA - *President of the Federative Republic of Brazil*
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