

**STRAIGHT TO THE POINT**



**ANPD BECOMES AN INDEPENDENT REGULATORY AGENCY**

The National Data Protection Authority (ANPD) is converted into a federal regulatory agency, with full autonomy and enhanced institutional capacity.



**BRAZIL'S CHILDREN'S ONLINE SAFETY LAW ENACTED**

Law No. 15,211/2025 sets rules for the protection of children and adolescents in digital environments (nicknamed "ECA Digital," from the Portuguese for *Digital Child and Adolescent Statute*) and is expected to take effect in March 2026.



**DIGITAL PLATFORMS BILL ANNOUNCED**

The "Digital Fair Competition Bill" expands CADE's tools to address competition issues involving systemically relevant digital platforms, aiming to promote competition and user choice.

**ANPD: ELEVATION TO INDEPENDENT AGENCY AND EXPANDED MANDATE**

On September 17, 2025, the Federal Government announced the conversion of the ANPD into a National Regulatory Agency via Provisional Measure No. 1,317/2025.

1

**FULL AUTONOMY**

The ANPD now has functional, technical, decision-making, administrative, and financial autonomy, strengthening its independence and enforcement tools for data protection compliance.

2

**INSTITUTIONAL CAPACITY**

The change adds 200 Specialist in Data Protection Regulation positions, plus commissioned roles, increasing supervisory capacity.

3

**CHILD-PROTECTION REMIT**

Decree No. 12,622/2025 designates the ANPD as the autonomous administrative authority for the protection of children and adolescents in digital environments, responsible for the ECA Digital's regulatory and oversight functions.

**BRAZIL'S CHILDREN'S ONLINE SAFETY LAW**

**The law** applies to any information-technology service targeted to—or likely to be accessed by—children and adolescents in Brazil, including apps, social networks, online games, app stores, and operating systems, even when offered by non-Brazilian companies. "Likely access" looks to attractiveness, ease of use, and material risks to privacy, safety, or biopsychosocial development.

**WHAT IS "ECA" AND "DIGITAL ECA"?**

Brazil's "ECA" (Estatuto da Criança e do Adolescente) is the country's comprehensive child-protection law, which defines children as persons under 12 and adolescents as those between 12 and 18. The new "Digital ECA" extends these protections to online services, similar to the U.S. COPPA but with broader safeguards, including safety-by-design/default duties, stronger age-assurance beyond self-declaration, and mandatory parental-control mechanisms.



**FOUNDATIONAL PRINCIPLES**

Centers on the best interests of the child, requiring providers to implement by design and by default configurations that ensure the highest feasible levels of privacy and security, without relying on prior parental action.



**DUTIES AND RISK MANAGEMENT**

Providers must prevent risks to children and adolescents—including sexual exploitation, violence, harassment, harmful behaviors, and access to gambling—ensure age-appropriate content, block unlawful content, and curb compulsive use.



**AGE ASSURANCE**

Age checking is mandatory for services improper for minors; may not rely solely on self-declaration. App stores and operating systems must deploy secure age-assurance tools and supply an age signal via a secure API to internet applications to enable age-appropriate experiences.



**PARENTAL SUPERVISION TOOLS**

Platforms must offer easy-to-use, Portuguese-language parental controls defaulted to the highest protection level, including the ability to restrict unauthorized contacts, disable personalized recommendations, and limit engagement-prolonging features; manipulative designs (dark patterns) are prohibited.



**ONLINE GAMES**

Services enabling user interaction must implement moderation safeguards and protections against harmful contacts; interactive features remain restricted by default unless approved by a parent/guardian.



**SOCIAL NETWORKS**

Accounts for users up to 16 must always be linked to a legal guardian. If a service is not suitable for minors, the platform must clearly disclose that fact, restrict content designed to attract minors, and strengthen age-assurance mechanisms; access must be suspended upon indications of age mismatch.



**REMOVAL AND REPORTING**

Removal and reporting. Digital services must remove and report violations of children's and adolescents' rights and provide an accessible reporting channel with immediate takedown of flagged content, regardless of a court order.



**PENALTIES**

Warning; fines up to 10% of revenue or R\$10-R\$1,000 per user, capped at R\$50 million per violation; suspension and prohibition of activities. Foreign providers must appoint a legal representative in Brazil.



**TAILORING AND EXEMPTIONS**

Certain obligations apply proportionally; services with editorial control/licensed content may be exempt from some duties if conditions are met.

**REGULATION OF "BIG TECHS"**

**DIGITAL FAIR COMPETITION BILL**

Following two years of government study, **the bill** enlarges CADE's mandate to regulate digital platforms by designating "agents of systemic relevance in digital markets" and, where appropriate, imposing special obligations. Guiding principles: lowering entry barriers, preserving the competitive process, and promoting user choice. Special obligations are not automatic—they require an investigation, an economically grounded decision, and can be scoped to specific products or services.



**DESIGNATION CRITERIA AND THRESHOLDS**

The designation assesses market power (e.g., network effects, data access) and multi-sided operations. It targets entities with ≥ R\$5 billion in Brazil revenues or ≥ R\$50 billion globally; firms below these floors are not eligible.



**INSTITUTIONAL DESIGN (SMD)**

The bill creates a Digital Markets Superintendence (SMD) within CADE to investigate and propose designations and recommend obligations. Investigations may be opened *ex officio* or upon petition and include deadlines for clarifications, a public hearing, and submissions. Final decisions rest with CADE's Tribunal. The SMD would also handle conduct cases involving designated entities (other than cartels); merger control remains with the General Superintendence.



**SPECIAL OBLIGATIONS, COOPERATION, AND SANCTIONS**

Possible obligations include: mandatory submission of acquisitions to CADE; transparency (data, ranking, terms); prohibitions on self-preferencing, tying, and third-party restrictions; facilitation of data portability, interoperability, installation of third-party apps, and dispute-resolution mechanisms. Non-compliance may trigger antitrust sanctions, including fines of 0.1%-20% of gross Brazilian revenues and structural or behavioral remedies.

Our Technology & Digital Business, Data Protection, and Antitrust/Competition teams are closely tracking these developments and are available to support your organization with compliance readiness and strategic planning.