

# INFORMATION TECHNOLOGY

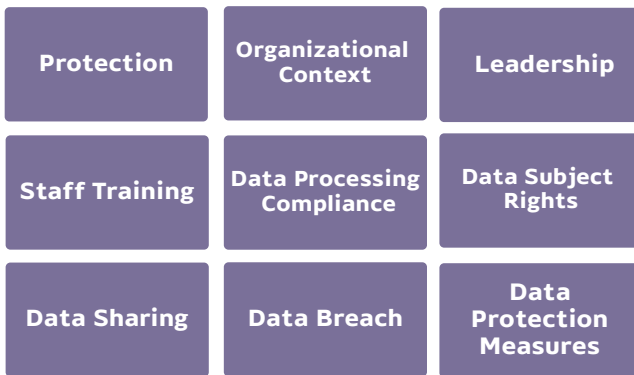
## ASSESSMENT OF THE BRAZILIAN DATA PROTECTION LAW

### WHAT THE BRAZILIAN FEDERAL COURT OF ACCOUNTS (TCU) AUDITED?

The compliance of federal public organizations with the LGPD – Brazilian Data Protection Law - and the structuring of the National Data Protection Authority (ANPD) were assessed.

The method used was the Control Self-Assessment (CSA). Managers were given access to an electronic survey in which they could select the answers that better reflected the situation of their respective organizations regarding the LGPD controls.

A total of 382 federal public organizations responded to the survey. The 60 questions were organized into nine dimensions, as shown in the illustration below:



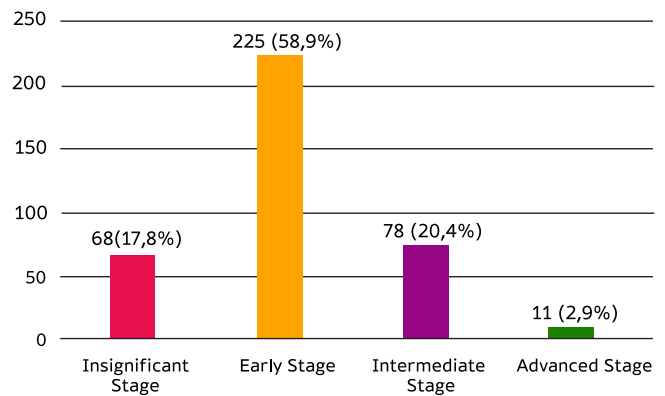
Source: compiled by author

### GOAL OF THE AUDIT

To assess governmental actions and the risks to the protection of personal data by developing a diagnosis of the controls implemented by federal public organizations to ensure their compliance with the LGPD.

### WHAT TCU IDENTIFIED?

In general, the majority of federal public organizations, 58.9%, were still in the early stages of compliance with LGPD, as shown in the chart below.



Source: compiled by author.

Regarding the analysis of the structuring of the National Data Protection Authority, the following audit findings were identified:

- the National Council for Data Protection and Privacy (CNPD) was non-operational;
- there was a lack of transparency and stakeholder participation in the process of developing the Regulatory Agenda for the 2021-2022 biennium;
- relevant themes listed by the LGPD had no plans for regulation;
- the legal structure of the ANPD did not provide the necessary independence for a data protection authority.

### WHAT TCU DECIDED

TCU recommended to strategic governing bodies that they issue regulations and guidelines and instruct

organizations under their jurisdiction to implement an LGPD compliance process.

Concerning the ANPD, it sought to recommend necessary measures to change its legal nature and promote organizational restructuring, so that the entity could fulfill their mandate.

## **EXPECTED BENEFITS**

The goal of this audit was to contribute to:

- the effectiveness of governmental practices for the protection of personal data;
- raising awareness among public organizations about the need to undertake initiatives for compliance with the LGPD;
- building knowledge aimed at assisting organizations in carrying out these initiatives;
- induce the structuring of the ANPD;
- the promotion of citizens' access to the rights established in the LGPD.

## **DECISION DATA**

Court Decision: 1.384/2022-TCU-Full Court

Session date: June 15, 2022

Rapporteur: Minister Augusto Nardes

TC: 039.606/2020-1

Responsible Department: Department of Information Technology Audit (SEFTI)