



**ADMINISTRATIVE
PROCESS
TRAIL**

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Corrective and Compliance Measures by Entities

Given the increasing presence of the **National Data Protection Authority (ANPD)**, it is essential that data processing agents are **prepared and informed** about how the Authority works, its structure, its powers, its scope of action, and the various stages of an administrative process. This will enable them to effectively address any regulatory inspection or enforcement actions.

Frequently, potential **sanctions may be mitigated** in the early stages of the process if entities had a clearer understanding of the expectations at **each stage**.

Therefore, in **order to promote understanding of the administrative procedure adopted by the ANPD** until sanctions are applied, throughout this year we will be launching **monthly Guides** detailing the ANPD's administrative process.

Our **purpose is to empower data processing agents** so that they can act diligently during an administrative process, seeking, whenever possible, to mitigate the sanctions applied in cases of incidents or non-compliance with the legislation.

Our publications will encompass the following topics:

ANPD STRUCTURE

Start

The **inaugural publication** will address the structure of the ANPD, its roles, its competencies, and the principles that should guide an administrative process.

INSPECTION PROCESS

First stop

Subsequently, we will detail the **monitoring, guidance, and prevention activities** that comprise the inspection process. We will evaluate how and when the ANPD can exercise its inspection competence, offering guidance on how to proceed when the ANPD requests corrective measures and how to develop a compliance plan. This material **will also elucidate the main ways in which the ANPD may initiate an inspection process**. In addition to official actions, the ANPD follows a responsive inspection model, in which a process can be initiated when (i) there is a notification of an incident by the data controller or (ii) a request from the data subject.

Administrative Sanctioning Process

PREPARATORY PHASE

Second stop

In this Guide, we will explore the **beginning of an administrative process** and its phases, detailing the preparatory stage, the criteria for proposing an Adjustment of Conduct Term, its prerequisites, and **the permissible actions** for data controllers during this phase.

Administrative Sanctioning Process

INITIATION AND INSTRUCTION PHASES

Third stop

In this Guide, we will detail the **phases of initiation and instruction of the administrative sanctioning process**, including the issuance of violation notices, the defense submission process, the production of evidence, the participation of interested parties, the procedural deadlines, the final arguments and the preparation of the instruction report.

Administrative Sanctioning Process

DECISION-MAKING PHASE AND SANCTION APPLICATION

Fourth stop

Concluding the administrative process stages, this Guide will address potential sanctions, the **possibility of collective adjudication**, and the **application of the Dosimetry Regulation**, emphasizing the actions for entities to attenuate sanctions.

CASE STUDIES

Fifth stop

To illustrate the administrative process phases, we will conduct a **detailed analysis of real cases of sanctions imposed by the ANPD**. For this purpose, we will examine the **instruction reports** made available by the authority that underpinned the sanctions **imposed** on various organizations such as Telekall, SES-SC, IAMSPE, INSS, and JBRJ, evaluating the **similarities and differences between the cases**, and seeking an understanding of the rationale behind these sanctions.



APPEALS

📍 Sixth stop

In this material, we will address the **instances of appeal within the ANPD**, available remedies, their **prerequisites and consequences**, the reconsideration process, the competence to assess the admissibility and judgment of the appeal, as well as the adherence to decisions. We will also discuss the possibility of **judicial review** of the administrative decision and its requirements.




DECISION ENFORCEMENT AND REVIEW

📍 Seventh stop

In this Guide we will analyze the phase of compliance with, and **execution of, ANPD's determinations, as overseen by the General Enforcement Coordination**. It will also address how the entities can structure their internal processes to ensure compliance with the ANPD's determinations, including the **adoption of data security and governance practices**. Finally, we will assess the **potential for the ANPD reconsider its decision if emerging relevant information** suggests that the imposed sanction was inappropriate, provided that the review does not result in an aggravation of the sanction. We will examine the criteria and procedures involved in this review process, to ensure that there is **transparency and impartiality in the analysis of new evidence**.



CORRECTIVE AND COMPLIANCE MEASURES BY ENTITIES

 End of the trail

In **the last Guide**, we will explore the **corrective actions and compliance adjustments** that entities may undertake upon identifying irregularities or violations, highlighting the **importance of prevention and the adoption of proactive measures to ensure compliance with data protection legislation**. This includes the implementation of policies, processes and technologies to correct identified shortcomings and ensure ongoing compliance with legislation, through the periodic monitoring and improvement of the organization's governance program.

Through these **monthly publications**, we aim to offer **a detailed overview of the ANPD administrative process**, providing entities with the necessary tools to understand and effectively address the challenges related to the current data protection regulatory landscape. By exploring the different stages of the process, from the structure of the ANPD to the analysis of real cases, **we hope to enable organizations to act diligently and responsibly** in the face of potential enforcement or sanctioning proceedings.

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we get it, we got you

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