

REGULATION ON THE ROLE OF THE DATA PROTECTION OFFICER

On November 7th, 2023, the National Data Protection Authority (ANPD) published the draft of the Resolution of the Regulation on the role of the Data Protection Officer, which is open for public consultation.

The objective of the public consultation is to provide support to the ANPD in the elaboration of regulations regarding the role of the Data Protection Officer (“DPO”).



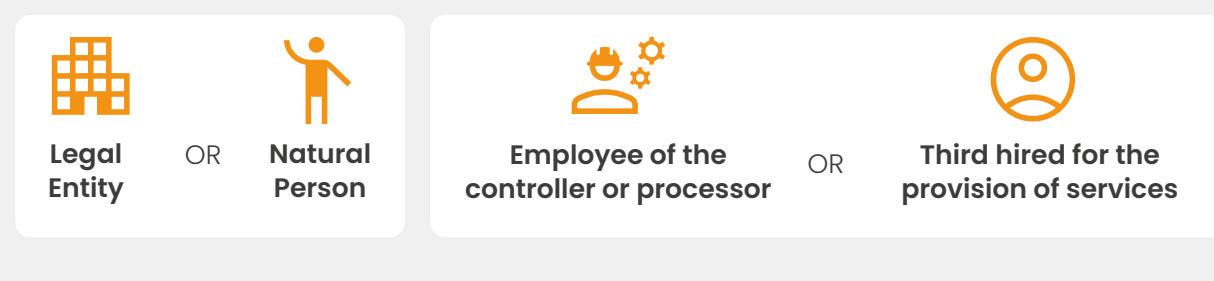
WHO IS THE DPO AND WHAT ARE THEIR FUNCTIONS?



IN A COMPLEMENTARY WAY, THE DPO WILL ALSO BE RESPONSIBLE FOR GUIDING THE ENTITY IN THE FOLLOWING ACTIVITIES:

- Communicate incidents
- Register personal data processing operations
- Create Data Protection Impact Assessment and identify risks associated with data processing.
- Define security measures, technical and administrative, to protect personal data.
- International transfers
- Implementation of best practices and governance rules and the privacy governance program

CHARACTERISTICS



IN ADDITION, THE DPO:

- Must be able to communicate clearly and accurately in the Portuguese language.
- Will not need to register with any agency or entity, hold certifications, or have specific professional training.
- Can accumulate functions or perform activities for more than one data controller, as long as it does not prevent the exercise of your duties or constitute a conflict of interest.

APPOINTMENT



! The indication must be published in an official communication vehicle.

+1 MORE THAN ONE RESPONSIBLE PERSON MAY BE APPOINTED, PROVIDED THAT:

- There are no conflicts of interest It is possible to fully fulfill the assigned functions

PROFESSIONAL QUALIFICATIONS

The company may establish the professional qualifications for the performance of the duties of the person in charge, observing:

- Professional qualities
- Knowledge related to privacy and data protection
- Knowledge to fulfill the duties established in the Regulation

Availability of the DPO's Information

The company must provide the following information about the DPO on their website:

DPO's identity: full name, if a natural person, or business name or establishment title, if a legal entity

Contact information: means of communication that enables the exercise of the data subject's rights and contact with the ANPD.

! This information must be presented in a clear, precise manner and in a prominent and easily accessible location.

CONFLICT OF INTERESTS

The Regulation defines conflict of interest as:

Conflict of interests between the company and the DPO in the exercise of their functions that may improperly influence the performance of the data protection officer's duties.

The person in charge may accumulate functions and perform their activities for more than one company, as long as it is possible to fully meet their responsibilities related to each company and there is no conflict of interests.