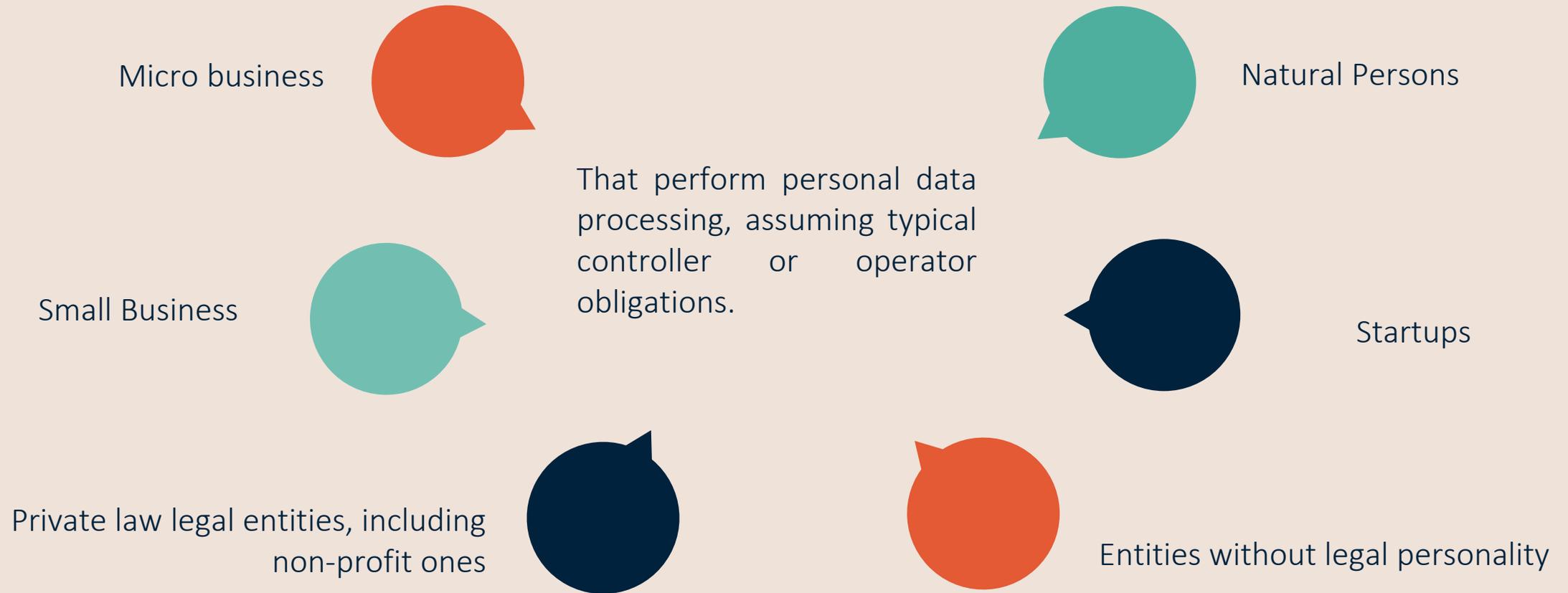


# LGPD for Small Processing Agents



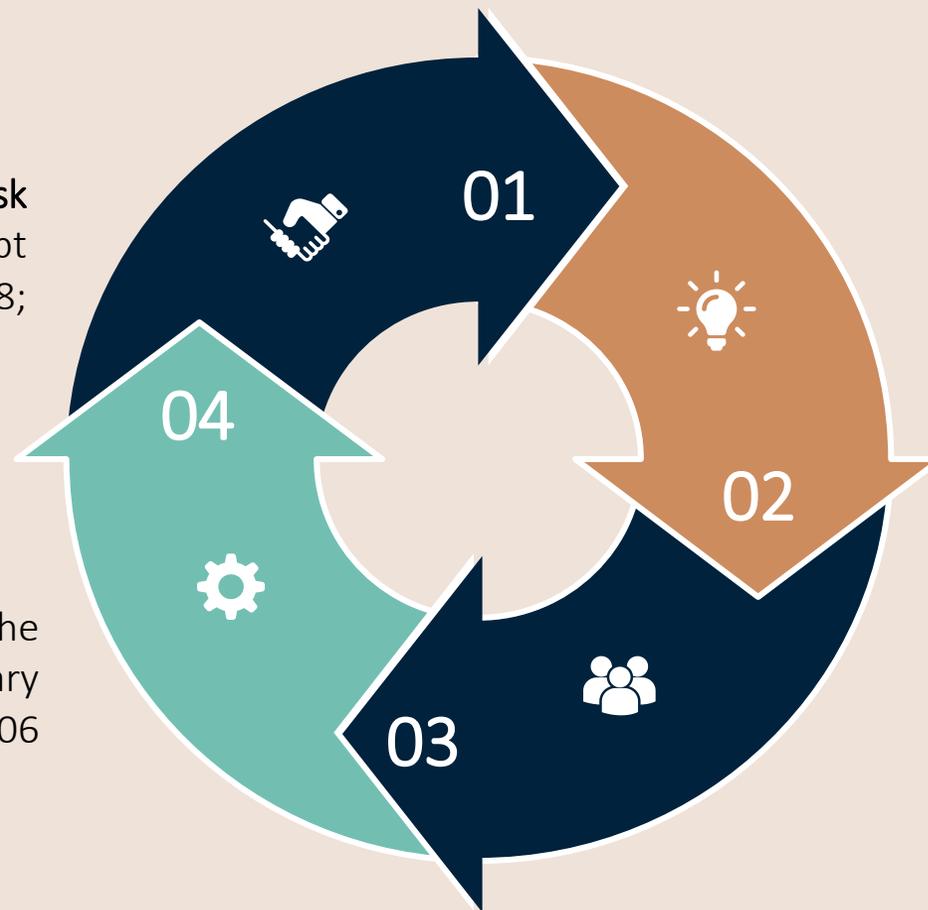
DEMAREST

# Small Processing Agents



There is no benefit from the differentiated legal treatment for:

Those who perform **high-risk** processing for the data subjects, except in the case established in art. 8;



Those who have gross revenue, in the case of startups, higher than the provisions of art. 4, § 1, item I, of Complementary Law No. 182, of 2021;

Those that earn gross income exceeding the limit of art. 3, item II, of Complementary Law No. 123, of 2006

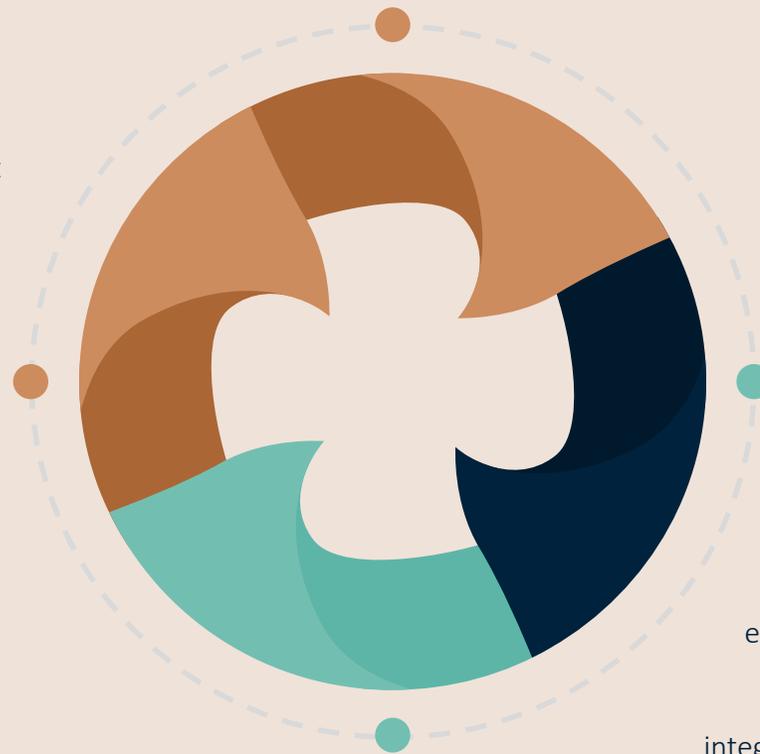
Those who belong to an economic group in fact or in law, whose global revenue exceeds the limits mentioned in item II and IV.

## General Criteria

- (i) processing of personal data on a large scale; or
- (ii) processing of personal data that may significantly affect the interests and fundamental rights of the data subjects;

## Specific Criteria

- (i) use of emerging or innovative technologies;
- (ii) oversight or control of publicly accessible areas;
- (iii) decisions taken solely on the basis of automated processing of personal data;
- (iv) use of sensitive personal data or personal data of children, teenagers and the elderly.



## Large scale

It covers a significant number of data subjects and volume of data, as well as duration, frequency and geographical extent,

## Rights of Data Subjects

Infringement of fundamental rights will be characterized when the processing prevents the exercise of rights or the use of a service, or cause material or moral damages to the data subjects, such as discrimination or violation of physical integrity, the right to image and reputation, financial fraud or identity theft.



1

Small processing agents are not required to appoint the DPO as per Art. 41 of the Brazilian General Data Protection Law (LGPD).

2

A small data controller that does not appoint a DPO, must provide a communication channel with the data subject to comply with the provisions of art. 41, § 2, item I of the LGPD.

3

The appointment of a DPO by small controllers will be considered good practice and governance policy for the purposes of art. 52, §1, item IX of the LGPD.

## Security Policy

A simplified information security policy can be established, which contains essential and necessary requirements for the processing of personal data, in order to protect them from security incidents.

## Data Mapping

Must comply with the obligation to prepare and maintain a record of personal data processing operations, of art. 37 of the LGPD, in a simplified manner. The National Data Protection Authority (ANPD) shall provide a model for the simplified record referred to in the caput of the article.



## Data Subject Complaints

Small data processors, including those that perform high-risk processing, can organize themselves through business representation entities, legal entities or natural persons for the purpose of negotiation, mediation and conciliation of complaints lodged by data subjects.

## Best Practices

Essential and necessary administrative and technical measures must be adopted, based on minimum information security requirements for the protection of personal data.

Extended term will be granted for:

Attending to the requests of the data subjects as provided for in art. 18, §§ 3 and 5 of the LGPD, under the terms of specific regulations.

Communication of the occurrence of a security incident except when there is potential compromise to the physical or moral integrity of the data subjects or to national security.

The provision of a clear and complete, statement as provided for in art. 19, item II of the LGPD.

Deadlines established in the specific regulations for submission of information, documents, and reports requested by the ANPD to other processing agents.

Small controllers may provide the simplified declaration of art. 19, item I, of the LGPD within 15 days from the date of the request.