

DIGITAL STATUTE FOR CHILDREN AND ADOLESCENTS

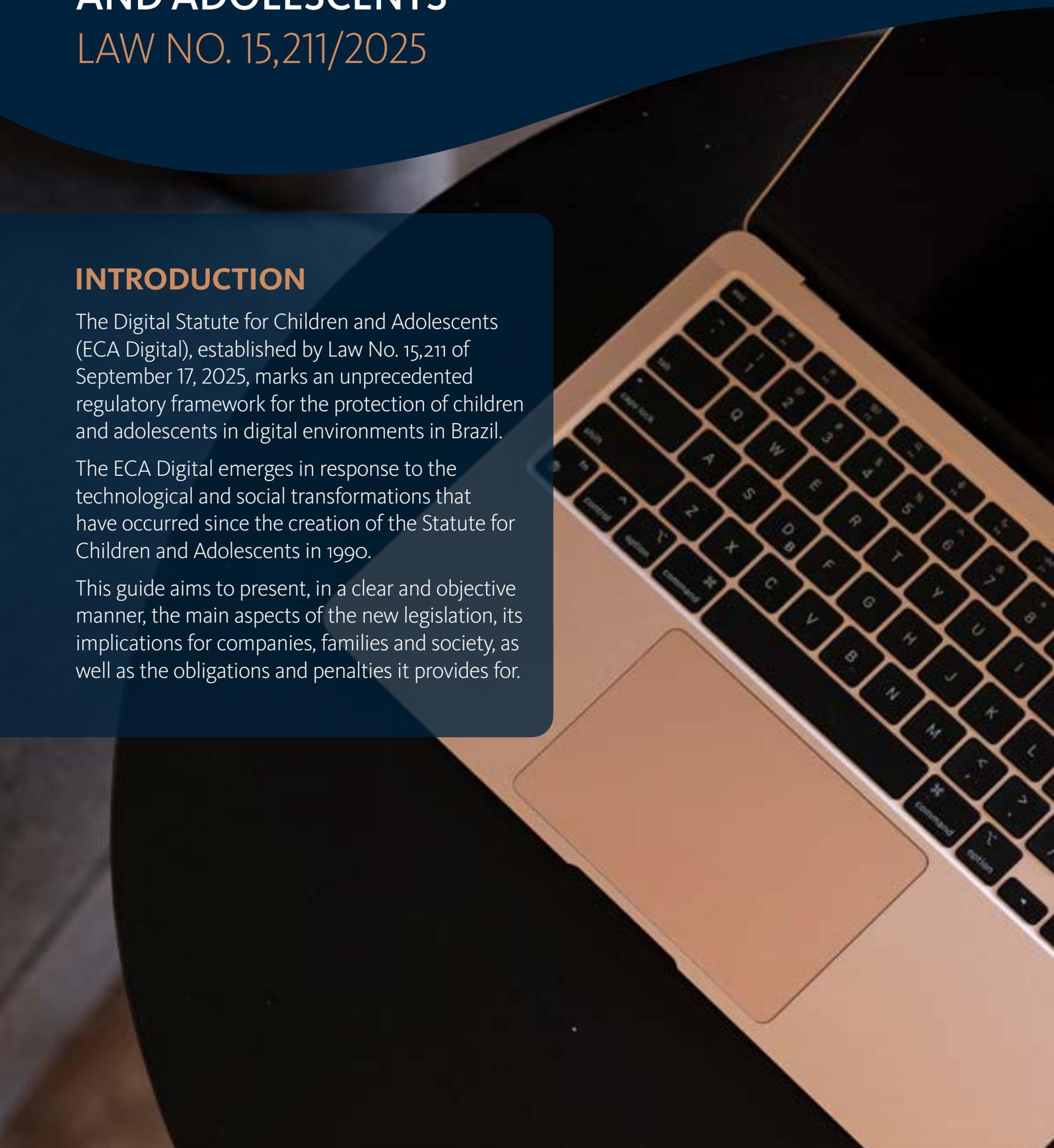
LAW NO. 15,211/2025

INTRODUCTION

The Digital Statute for Children and Adolescents (ECA Digital), established by Law No. 15,211 of September 17, 2025, marks an unprecedented regulatory framework for the protection of children and adolescents in digital environments in Brazil.

The ECA Digital emerges in response to the technological and social transformations that have occurred since the creation of the Statute for Children and Adolescents in 1990.

This guide aims to present, in a clear and objective manner, the main aspects of the new legislation, its implications for companies, families and society, as well as the obligations and penalties it provides for.



SCOPE OF APPLICATION

The ECA Digital applies to any information technology product or service directed at children and adolescents in Brazil or likely to be accessed by them, regardless of where they are developed, manufactured, marketed or operated. This means that companies headquartered abroad are also subject to the rules of the law, as long as their services or products are available in national territory.

For purposes of the law, access by children and adolescents is considered likely when there is, cumulatively:

-  sufficient probability of use and attractiveness of the product or service to this audience;
-  considerable ease of access and use; and
-  significant risk to the privacy, security or biopsychosocial development of children and adolescents.

The scope of the law includes, for example: social networks, messaging applications, electronic games, streaming platforms, application stores, operating systems and any other digital services accessible by children and adolescents.

A child is defined as a person aged up to **12 years** (0 to 11 years, 11 months and 29 days) and an adolescent is a person between **12 and 18 years of age**.



FUNDAMENTAL PRINCIPLES

The use of information technology products or services by children and adolescents is based on the following principles:

COMPREHENSIVE PROTECTION AND BEST INTEREST

Every digital product or service must have the best interest of children and adolescents as a parameter, ensuring their priority and special protection.

PRIVACY AND DATA PROTECTION

products and services must ensure, by design and by default, configuration in the most protective model available regarding privacy and personal data protection.

SAFETY

protection against intimidation, exploitation, abuse, threats and other forms of violence in the digital environment must be ensured.

PROGRESSIVE DEVELOPMENT

the legislation acknowledges the peculiar condition of a person in development, respecting the autonomy and progressive development of the individual.

DIGITAL EDUCATION

the law promotes digital education with a focus on developing citizenship and critical thinking for safe and responsible use of technology.

KEY OBLIGATIONS FOR THE DIGITAL SECTOR

PROTECTIVE DEFAULT SETTINGS

Providers of information technology products or services must, from the design of their products and services, ensure, by default, settings in the most protective model available regarding the privacy and protection of personal data of children and adolescents. Less protective settings may only be adopted through informed consent by legal guardians, and it is mandatory to provide clear, accessible and adequate information about the risks involved.



AGE VERIFICATION

Platforms must implement reliable and auditable age verification mechanisms to prevent minors from accessing inappropriate content. The law expressly prohibits mere self-declaration. Data collected for age verification may only be used for this specific purpose, and processing for other purposes, such as targeted advertising, is prohibited.

PARENTAL SUPERVISION

Providers must offer accessible and effective tools for parents and guardians to monitor, limit and manage the use of digital services by children and adolescents. Mandatory features include:



- default settings at the highest level of protection;
- screen time control and notifications;
- restriction of unauthorized contacts and adult profiles;
- caps on purchases and financial transactions;
- privacy and account management in Portuguese;
- clear notices about applied controls;
- option to disable recommendations and location tracking; and
- digital education and emotional support resources.

Additionally, companies offering products or services aimed at or potentially accessed by children and adolescents must ensure that profiles or accounts of users up to 16 years of age are connected to the account or profile of a legal guardian.



ADVERTISING AND MONETIZATION

The use of profiling techniques for targeting commercial advertising to children and adolescents is prohibited, as is the use of emotional analysis, augmented reality, extended reality and virtual reality for this purpose. The monetization and boosting of content that depicts children and adolescents in an eroticized, sexually suggestive manner or in a context typical of the adult sexual universe is also prohibited.

ELECTRONIC GAMES AND PROHIBITION OF LOOT BOXES

The law prohibits the use of loot boxes in electronic games aimed at children and adolescents, as well as any form of offering or inserting such mechanics in games intended for or likely to be accessed by children and adolescents.



Electronic games that include user interaction features must observe specific safeguards for content moderation, protection against harmful interactions and parental consent for communication features.

REMOVAL AND REPORTING OF ILLEGAL CONTENT

Providers of information technology products or services available in national territory must remove and report to competent authorities, both national and international, any content that indicates, directly or indirectly, situations of exploitation, sexual abuse, kidnapping or grooming identified on their platforms. Such content must be removed regardless of a court order, as soon as it is reported by the victim, their representatives, the Public Prosecutor's Office or entities defending the rights of children and adolescents.

TRANSPARENCY REPORTS

Providers with more than one million users under 18 years old must publish semi-annual reports, in Brazilian Portuguese, detailing:

- available reporting channels;
- amount of content or account moderation, by type;
- complaints received;
- technical improvements made for data protection and parental consent verification; and
- results of impact assessments, and the identification and management of risks to the safety and health of children and adolescents.

LEGAL REPRESENTATION IN BRAZIL

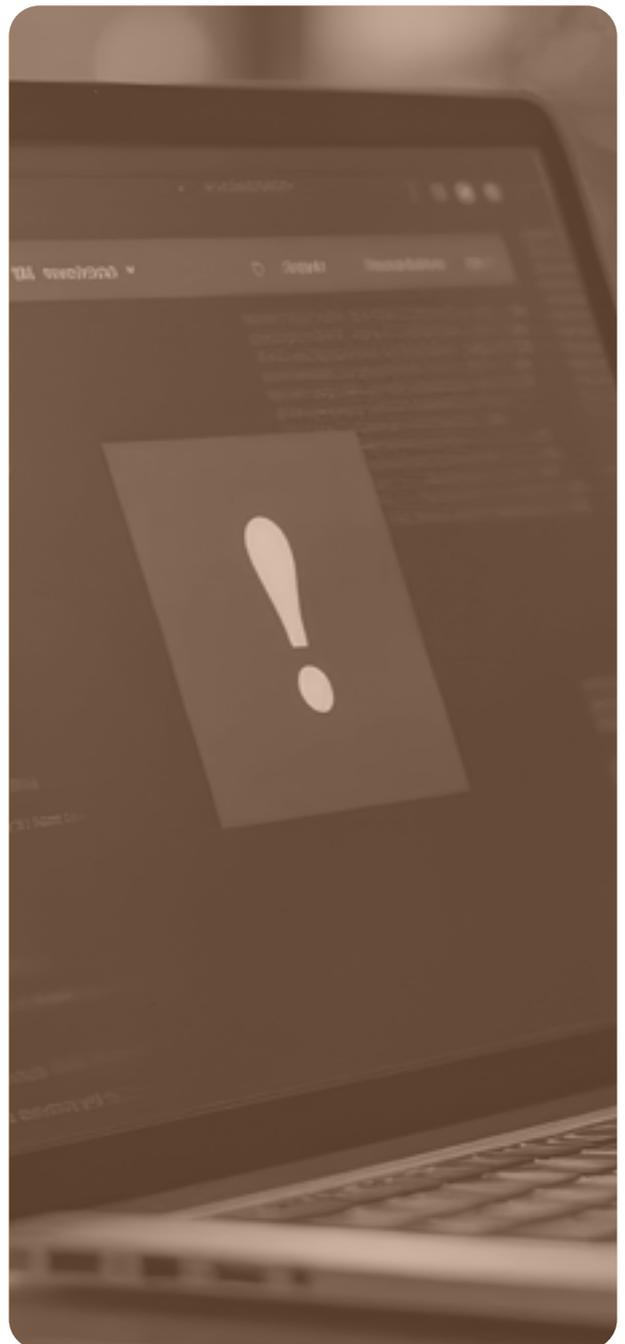
Foreign providers must maintain a legal representative in Brazil, with powers to receive services of process, summons and notifications in judicial and administrative proceedings. This representative will also be responsible for responding to Executive Branch, Judiciary Branch and Public Prosecutor's Office bodies, assuming, on behalf of the company, all obligations before the Brazilian Government.

PREVENTION AND SAFETY DUTIES

Providers of information technology products or services must, from design and throughout the operation of their applications, take reasonable measures to prevent and mitigate risks of access, exposure, recommendation or facilitation of contact with the following content, products or practices:

- Sexual exploitation and abuse
- Physical violence, cyberbullying and harassment
- Encouraging, aiding, or abetting practices that lead to physical or mental health damage, such as self-harm and suicide
- Promotion and marketing of gambling, betting, tobacco products, alcoholic beverages and narcotics
- Predatory, unfair or deceptive advertising practices
- Pornographic content
- Compulsive use of digital products and services

Prevention measures include clear and effective policies to prevent cyberbullying and other forms of harassment, with appropriate victim support mechanisms, as well as the development of awareness educational programs.



ENFORCEMENT AND PENALTIES



COMPETENT AUTHORITY

The Brazilian National Data Protection Authority (ANPD) has been designated as the autonomous administrative authority responsible for protecting the rights of children and adolescents in the digital environment.

Law No. 15,352/2026 transformed the ANPD into a regulatory agency, expanding its technical and operational capacity for enforcement, rulemaking, auditing and implementation of public policies. This does not mean, however, that any violations that impact products and services cannot be processed by other bodies and in other spheres, including in court.

APPLICABLE PENALTIES

In case of non-compliance with the provisions of the ECA Digital, the following administrative sanctions are provided:

- ⚠ **Warning:** with a period of up to 30 days for adoption of corrective measures.
- 💰 **Simple fine:** up to 10% of the economic group's revenues in Brazil in the last fiscal year or, in the absence of revenues, a fine of BRL 10.00 to BRL 1,000.00 per registered user of the sanctioned provider, limited in total to BRL 50 million per violation.
- ⏸ **Temporary suspension of operations**
- ⊖ **Prohibition from operating**

The application of sanctions will observe the severity of the violation, the extent of damage, recidivism, the economic capacity of the offender and the social purpose of the provider. In the case of foreign companies, their branches, subsidiaries, offices or establishments in Brazil will be jointly liable for payment of fines.

EFFECTIVE DATE AND IMPLEMENTATION

Provisional Measure No. 1,319/2025 reduced ECA Digital's *vacatio legis* period from 12 to 6 months, requiring providers of technology products and services to adapt rapidly.

The regulation of the law will occur through a decree drafted jointly by the Ministry of Justice and Public Security, the Office of the President's Chief of Staff, the Ministry of Human Rights and Citizenship, the Ministry of Management and Innovation in Public Services, and the Secretariat for Communications of the Presidency of Brazil.

The obligations provided for in the law will be applied proportionally to the characteristics, features, size and degree of interference of the provider over the content conveyed.

HOW WE CAN ASSIST YOU

As a full-service firm, Demarest has a multidisciplinary team of specialists readily available to meet demands across a wide range of areas.

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