

EXECUTIVE ORDER TRANSFORMING THE BRAZILIAN DATA PROTECTION AUTHORITY IN AN INDEPENDENT AGENCY

■ NON-OFFICIAL TRANSLATION

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TRANSLATION BY

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EXECUTIVE ORDER N. 1124/2022¹

TRANSFORMING THE BRAZILIAN DATA PROTECTION AUTHORITY IN AN INDEPENDENT ADMINISTRATIVE AGENCY

Non-official translation by José Luiz Nunes and Luca Belli.

The President of the Republic, in the use of the attributions granted to him by art. 62 of the Constitution, adopts the following Executive Order (*Medida Provisória*), with effect of law:

Art. 1. The National Data Protection Authority - ANPD is hereby transformed into an independent agency with special regime, maintaining the organizational structure and competencies and observing the other provisions of Law No. 13,709, of August 14, 2018.

Art. 2. The Executive Commissioner Position (*Cargo Comissionado Executivo* - CCE-18 level) of Director-President of the ANPD is hereby created.

Single paragraph. The position referred to in the caput is created, with no increase in expenses, through the transformation of a CCE-17 position and a CCE-2 position allocated in the structure of the ANPD.

Art. 3. The transformation of the commissioned positions in the form foreseen in art. 2 shall only take effect after the decree amending the ANPD's Governance Structure comes into effect.

Art. 4. The ANPD's Regimental Structure, as an integral organ of the Presidency of the Republic, shall remain in effect and applicable until the date the ANPD's Governance Structure comes into effect as an independent agency of a special regime.

Art. 5. A joint act by the Minister Head of the General Secretariat of the Presidency and the Director-President of the National Data Protection Authority shall establish the transitional period that will conclude the provision of administrative support to the ANPD from the Special

¹ [Medida Provisória n. 1.124, de 13 de junho de 2022](#)

Administrative Secretariat of the General Secretariat of the Presidency of the Republic.

Art. 6. The ANPD shall be staffed with public servants who enter their careers as Public Policy and Government Management Specialists, in compliance with the provisions of Law No. 7.834 of October 6, 1989.

Art. 7. Law No. 13,709 of 2018 (LGPD) shall come into force with the following changes:

"Art. 55-A. The National Data Protection Authority - ANPD is created, an independent agency of special regime, endowed with technical and decision-making autonomy, with its own assets and with its headquarter located in the jurisdiction in the Brasilia Federal District." (NR)

"Art. 55-C. [...] V – State Attorneys' Office; and" (NR)

"Art. 55-M. The patrimony of the ANPD is constituted by the assets and rights:

I - that are transferred to it by the agencies of the Presidency of the Republic; and

II - that it acquires or incorporates." (NR)

Art. 8. Law No. 13,844, of June 18, 2019, shall come into effect with the following amendments:

"Art. 60. [...] VI - the National Data Protection Authority - ANPD, until December 31, 2026." (NR)

Art. 9. The following are hereby revoked:

I - § 1, § 2 and § 3 of art. 55-A and art. 55-B of Law No. 13,709, 2018;

II - art. 2 of Law No. 13.853, of July 8, 2019, in the part that alters the following provisions of Law No. 13.709, of 2018:

(a) art. 55-A; and

(b) item V of the head of Article 55-C; and

III - the following provisions of Law No. 13,844, 2019:

(a) item VI of the caption of art. 2; and

(b) art. 12.

Art. 10. This Provisional Measure shall come into effect on the date of its publication.

Brasilia, June 13, 2022; 201st year of Independence and 134th year of the Republic.