Cloud Compliance Center - Brazil

Data privacy and security

| Contents |
| --- |
| To generate table of contents, right-click here and select **Update Field.** |

# 7. Are there any data privacy and/or data security laws that would apply?

Yes, the Brazilian General Data Protection Law (Law 13,709/2018 — "**LGPD**") will apply to cloud services to the extent that the cloud services provider performs the following:

(i) Processes personal data (or personal data collected) in Brazil

(ii) Processes personal data for the provision of goods or services, or when the processing activities have as their purpose the processing of data of individuals located in Brazil

For the purposes of the LGPD, personal data is deemed as "any information related to an individual identified or identifiable." Processing is deemed as "any operation carried out with personal data, as those that refer to collection, production, reception, classification, use, access, reproduction, transmission, distribution, processing, storing, archiving, elimination, evaluation, control, modification, communication, transfer or extraction."

The LGPD is the first comprehensive data protection law in Brazil and was "inspired" by the European data protection law ("**GDPR**"). The principles and general obligations are similar to the GDPR, but not identical. Some of the key obligations imposed on companies that process personal data under the LGPD are as follows:

To map all processing activities and maintain a record of processing activities

To process personal data only according to the legal basis for processing as set forth under the law

To comply with data subjects' rights

To notify the authority and data subjects in certain cases of security incidents

To appoint a data protection officer

To adopt technical, organizational and security measures

To take additional steps in the case of international data transfers

To provide transparency to personal data subjects about the data processing activities, by making available a privacy notice with clear, accurate and easily accessible information

To comply with the principles set forth in the LGPD

The list above is not exhaustive and may need to be adjusted depending on the case. These obligations may also vary depending on whether the company acts as a data processor or controller.

Additionally, Brazilian National Monetary Council ("**CMN**") Resolution No. 4,893, effective as of 26 February 2021 ("**Resolution 4,893**"), and Brazilian Central Bank ("**BCB**") Resolution No. 85, effective as of 8 April 2021 ("**Resolution 85**"), provide that financial and payment institutions located in Brazil, when hiring cloud service providers, must implement a policy for cybersecurity and follow the requirements for contracting data processing and storage and cloud computing services.

Please refer to Q&A No. 2 for provisions regarding offshore data processing by cloud services set forth in Resolution 4,893 and Resolution 85.

©Copyright © 2025 Baker & McKenzie. All rights reserved. **Ownership**: This documentation and content (Content) is a proprietary resource owned exclusively by Baker McKenzie (meaning Baker & McKenzie International and its member firms). The Content is protected under international copyright conventions. Use of this Content does not of itself create a contractual relationship, nor any attorney/client relationship, between Baker McKenzie and any person. **Non-reliance and exclusion**: All Content is for informational purposes only and may not reflect the most current legal and regulatory developments. All summaries of the laws, regulations and practice are subject to change. The Content is not offered as legal or professional advice for any specific matter. It is not intended to be a substitute for reference to (and compliance with) the detailed provisions of applicable laws, rules, regulations or forms. Legal advice should always be sought before taking any action or refraining from taking any action based on any Content. Baker McKenzie and the editors and the contributing authors do not guarantee the accuracy of the Content and expressly disclaim any and all liability to any person in respect of the consequences of anything done or permitted to be done or omitted to be done wholly or partly in reliance upon the whole or any part of the Content. The Content may contain links to external websites and external websites may link to the Content. Baker McKenzie is not responsible for the content or operation of any such external sites and disclaims all liability, howsoever occurring, in respect of the content or operation of any such external websites. **Attorney Advertising**: This Content may qualify as “Attorney Advertising” requiring notice in some jurisdictions. To the extent that this Content may qualify as Attorney Advertising, PRIOR RESULTS DO NOT GUARANTEE A SIMILAR OUTCOME. **Reproduction**: Reproduction or copying of the Content on this Site without express written authorization is strictly prohibited.