

## **Village de la Justice**

Sep 9, 2025 – By Arthur Milanez, attorney, GVM Advogados.

### **Brazilian Data Protection Law: How the EU Adequacy Decision Opens New Opportunities for Businesses**

The European Union's recent preliminary adequacy decision regarding the General Data Protection Law (LGPD) places Brazil decisively on the world stage. The country now offers a level of data protection deemed equivalent to that required by the General Data Protection Regulation (GDPR). For lawyers and businesses, this raises a key question: what opportunities does this decision actually open up? What does this adequacy decision really mean?

The adequacy of the European Union is not simply a formal recognition: it brings about concrete changes for international trade and legal relations. The transfer of personal data between Brazil and the EU becomes more fluid and secure. The need for additional compliance mechanisms or specific contractual clauses disappears. Adequacy becomes a passport to simpler trade relations and a more transparent legal environment between these two large markets. However, what are the concrete implications? Brazil must now ensure that this newly acquired flexibility is not compromised by gaps in the application of the LGPD. The ANPD (National Data Protection Authority) plays a key role, but it is up to lawyers to ensure that the compliance system remains robust and that the country retains its “status” of compatibility with the GDPR.

#### **What opportunities are there for Brazilian companies?**

A strategic opening to international markets: The adequacy decision is not only a legal victory, it represents a strategic advantage for Brazilian companies seeking to expand internationally. Thanks to the legal certainty provided by this decision, Brazil is becoming a hub of competitiveness for technology, financial, and commercial companies, which often encounter regulatory obstacles when seeking to operate in Europe. The country is now on an equal footing with the most advanced economies in terms of data protection. Reduced compliance costs: Previously, companies processing the personal data of European citizens had to adapt their internal processes to GDPR requirements by including complex contractual clauses. With this decision, the administrative burden of compliance is reduced. Brazilian companies can now focus more on creating value and less on managing legal compliance. For lawyers, this is an opportunity to provide support in the areas of compliance and data governance.

#### **The impact for European companies: greater security in Brazil.**

For European companies operating or wishing to operate in Brazil, this decision provides additional legal certainty. They can now transfer personal data between the EU and Brazil without resorting to additional compliance solutions. This facilitates business expansion

and strengthens European investors' confidence in the Brazilian market. Brazil, for its part, becomes a more attractive destination for startups and multinationals seeking a stable and compliant legal environment.

### **LGPD vs GDPR: differences and opportunities.**

Although the LGPD is largely inspired by the GDPR, differences remain, particularly with regard to scope and practical obligations. For example, the LGPD places particular emphasis on transparency in data processing, with regular reporting on data breaches and more detailed notifications regarding incidents. This may require additional effort on the part of Brazilian companies to maintain a high level of compliance, but in return, it can also be a competitive advantage in the context of global reputation.

### **The role of the ANPD in ensuring compliance.**

With adequacy now in place, the ANPD becomes the key player in ensuring ongoing compliance with international data protection standards. Its role is to monitor and ensure that personal data protection practices in Brazil comply with European standards. For lawyers, this represents a responsibility but also an opportunity to provide advice in a constantly evolving field. The ANPD will also have to resolve complex issues related to cross-border data transfers and data breach management, which remain major legal challenges for businesses.

### **Conclusion: Opportunity or challenge?**

The adequacy decision is a turning point for Brazil in the area of personal data protection. For businesses and lawyers, the question is not only one of compliance, but of using this decision to open up new opportunities and strengthen Brazil's competitiveness in the global market. The challenge now is to figure out how to leverage this adequacy status to fully exploit the potential of transatlantic trade relations. Are you ready to capitalize on this development?

**Arthur Milanez**, lawyer in Brazil Specializing in business development and cross-border investments, partner at GVM Guimarães & Vieira de Mello Advogados (Brazil) Currently pursuing a Master's degree in Law at the University of São Paulo (USP) Specialization in Economic Criminal Law from the Pontifical Catholic University of Minas Gerais (PUC-MG).