

Brazilian General Data Protection Law (“LGPD”) FAQs

Last Updated: August 15, 2020

1. What is the LGPD?

Brazil's Lei Geral de Proteção de Dados (“LGPD”) is a law that creates new rules for processing data relating to individuals in Brazil, known as “personal data.” The LGPD shares many concepts with the European Union’s General Data Protection Regulation (“GDPR”), such as by requiring organizations to have a legal basis to process personal data and granting individuals – known as data subjects – rights over the processing of their personal data.

The LGPD was enacted on August 14, 2018, and was supposed to take effect August 15, 2020, but Brazil’s president delayed the effective date with Provisional Measure 959/2020. Congress has until late August to approve or reject Provisional Measure 959 and to determine when the LGPD takes effect. Absent congressional action, the LGPD will be deemed to have come into effect August 15, 2020.

The LGPD also establishes the Brazilian National Data Protection Authority (“National Authority”), an agency responsible for interpreting the LGPD and providing guidance and educational materials, for investigating potential violations of the LGPD, and for enforcing the LGPD’s provisions. The National Authority has not yet been created.

2. What does it mean to process data?

The LGPD has a broad definition of “processing.” The law applies to any operation carried out with personal data, including collection, production, receipt, classification, use, access, reproduction, distribution, storage, deletion, modification, and more.

3. What is a data controller? Data processor?

The LGPD’s conception of “controller” and “processor” mirrors those of the GDPR. Under the LGPD, a controller is the person with authority to make decisions regarding the processing of personal data, and a processor is a person that processes personal data on behalf of a controller.

Autodesk acts as both a processor and a controller. Where we process personal data of our employees, we act as a controller. Where we provide products and services to our customers and process personal data of individuals, we are a processor for customer content and a controller for other data.

4. What rights do data subjects have under LGPD and how will Autodesk support these rights?

The LGPD provides data subjects certain rights. To comply with the LGPD, Autodesk entities processing personal data will be expected to facilitate the exercising of these rights. These include the rights to:

- Seek confirmation of personal data processing;
- Access personal data;
- Correct incomplete, inaccurate, or out-of-date personal data;

- Anonymize, block, or delete unnecessary or excessive personal data or personal data processed out of compliance with the LGPD;
- Obtain a portable copy of personal data;
- Delete personal data processed on the basis of consent;
- Obtain information about public and private entities with which the controller has shared personal data;
- Obtain information about the possibility of denying consent and the consequences of such denial; and
- Revoke consent for processing.

Data subjects also have the right to submit a complaint to the National Authority.

5. Does the LGPD require personal data to stay in Brazil?

Under the LGPD, transfers of personal data to other countries are allowed in only limited circumstances. These circumstances include when the data subject has given prior consent to the transfer, when the recipient is located in a country with an “adequate” level of protection to personal data (as determined by the National Authority), and when there are sufficient contractual protections for the personal data. Other circumstances may justify cross-border transfers, including transfers necessary to protect life or physical safety.

6. Does LGPD create special rules for minors?

The LGPD imposes special requirements on the processing of personal data relating to “children” (individuals younger than 12 years old) and “adolescents” (individuals at least 12 years of age and younger than 18 years). The LGPD requires that organizations process personal data relating to children and adolescents in the child or adolescent’s “best interests” and that organizations obtain specific and express consent from a legal guardian to process personal data relating to children (but not adolescents).

7. How will Autodesk demonstrate compliance with the LGPD?

We are committed to practicing transparency in how we handle personal data. Although there are currently no certifications available to demonstrate compliance with the LGPD, we conduct internal assessments to maintain our obligations under the LGPD. Further, we maintain ISO certifications for the operational environment of certain cloud products and have undergone SOC 2 compliance audits for select cloud products. For additional information, please visit our [Trust Center](#).

8. Does Autodesk have a Data Protection Officer (DPO)?

Yes, Autodesk has appointed a DPO. The DPO works with our Data Protection Legal and Operations teams and other data governance stakeholders to (i) monitor compliance with the LGPD and other data protection laws, (ii) review internal data protection activities, (iii) advise on data protection impact assessments, (iv) train staff, and (v) conduct internal audits. Autodesk’s DPO is Felix Wittern, and he can be reached at dpo@autodesk.com.