



**A socio-institutional perspective on data protection in the Brazilian public sector:
A survey-based research on São Paulo State Court of Justice**

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Abstract:

This paper examines the implementation of Brazil's General Data Protection Law (Lei Geral de Proteção de Dados Pessoais – LGPD) within the São Paulo State Court of Justice, with a specific focus on personal data processing in judicial proceedings. Drawing on survey-based evidence, the article analyzes how court staff perceive, interpret, internalize, and operationalize data protection requirements in their institutional routines. From a socio-institutional perspective, the study examines how legal compliance is shaped by organizational culture, hierarchical structures, cognitive schemas, and technological infrastructure. This perspective engages with Pierre Bourdieu's sociological framework to conceptualize the judiciary as a structured field in which agents' positions, trajectories, and resources shape patterns of normative adherence. The findings reveal heterogeneous patterns of adherence to data protection norms, conditioned by role-specific perspectives, institutional maturity, and sociotechnical factors. The article demonstrates the relevance of the survey not only as a diagnostic instrument, but also as a reflexive mechanism capable of mapping the symbolic and behavioral dimensions of legal implementation.

Keywords:

Data protection, public sector, sociology of law, survey methodology, courts

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Resumen:

Este artículo examina la implementación de la Ley General de Protección de Datos de Brasil (Lei Geral de Proteção de Dados Pessoais – LGPD) en el Tribunal de Justicia del Estado de São Paulo, con un enfoque específico en el tratamiento de datos personales en los procesos judiciales. A partir de evidencia basada en encuesta, el trabajo analiza cómo los servidores judiciales perciben, interpretan, interiorizan y ponen en práctica los requisitos de protección de datos en sus rutinas institucionales. Desde una perspectiva socioinstitucional, el estudio examina cómo el cumplimiento jurídico se ve moldeado por la cultura organizacional, las estructuras jerárquicas, los esquemas cognitivos y la infraestructura tecnológica. Esta perspectiva dialoga con el marco sociológico de Pierre Bourdieu para conceptualizar el Poder Judicial como un campo estructurado en el que las posiciones, trayectorias y recursos de los agentes configuran patrones de adhesión normativa. Los resultados revelan patrones heterogéneos de adhesión a las normas de protección de datos, condicionados por perspectivas específicas según el rol, el grado de madurez institucional y factores sociotécnicos. El artículo demuestra la relevancia de la encuesta no solo como instrumento de diagnóstico, sino también como mecanismo reflexivo capaz de cartografiar las dimensiones simbólicas y conductuales de la implementación jurídica.

Palabras clave:

Protección de datos, sector público, sociología del derecho, metodología basada en encuestas, tribunales

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1. INTRODUCTION

In Brazil, as well as in many other parts of the world, the issue of abuse of personal data and authoritarian practices by the government is a topic of great relevance and concern (Schlumberger *et al.* 2024). In a context where technology is advancing rapidly and access to information is becoming increasingly easy, it is crucial that there be effective control over the use of such data (Nissenbaum 2009). To combat the abuse of personal data and authoritarian practices by the government, it is essential that there be solid and effective legislation to protect citizens' privacy and ensure transparency and accountability by authorities. Additionally, it is necessary to strengthen oversight and control mechanisms to ensure that these laws are complied with and that there are consequences for those who violate citizens' rights (Doneda 2019). This is an important premise of this paper, that aims to reflect on and understand the processes of legal compliance of public authorities in Brazil.

The legal regime for the processing of personal data by the public authorities reveals the permanent tension between the public purpose of processing personal data and the exercise of typical state prerogatives. On the one hand, there is the inexorable assumption of preserving the fundamental rights and guarantees of the individual, notably privacy. On the other hand, these authorities operate with a plexus of state prerogatives that imposes itself on holders in an unbalanced relationship of forces, in which citizens do not always have effective conditions to express themselves freely about the use of their personal data amidst the dynamic characteristic of public actions and the organization of bureaucratic structures. The specifications related to the adequacy of public authorities to the general law on the protection of personal data have repercussions on research dedicated to measuring the level of governance in relation to their personal data. The behavior of public agents is neither uniform nor neutral in relation to the application of the law, and levels of understanding in relation to the law can generate deformities in the results of the application of data protection. In this context, the relevance of the survey as a methodology for studying the adequacy of the public sector to data protection paradigms is supported.

Accordingly, the research question guiding this article may be described as follows: How do court staff involved in judicial proceedings at the São Paulo State Court of Justice perceive, interpret, and operationalize LGPD requirements, especially legal bases, workflows, and regulatory guidance, and what do these perceptions reveal about the socio-institutional internalization of data protection norms within a judicial bureaucracy? Framed in these terms, the article does not seek merely to assess the formal existence of compliance mechanisms, but rather to examine how data protection norms are understood, translated into routine practices, and unevenly incorporated by institutional actors positioned within the judicial bureaucracy. This formulation also clarifies the paper's contribution: it connects empirical survey evidence on LGPD implementation in judicial proceedings with a socio-institutional analysis of legal compliance, organizational culture, and the internalization of regulatory norms.

This paper discusses the relevance of using the survey as a suitable methodology to assist the researcher in investigating the level of adherence of public agents to a given legal paradigm. The case study aims to identify how, in practice, the interpretation by Brazilian public agents of the legal bases that authorize the processing of personal data by public authorities takes place. Moreover, it studies the workflows adopted by São Paulo State Court of Justice to adhere to the federal Law n. 13.709, of August 14, 2018, known as *Lei Geral de Proteção de Dados Pessoais* (LGPD).

The enforcement of LGPD within public institutions has highlighted the need for not only normative adaptation but also for a deeper understanding of how legal mandates are interpreted, internalized, and operationalized by public agents. The aim of the paper is not limited to assessing the formal existence of institutional compliance mechanisms. Rather, it is to examine how legal norms are translated into daily routines, interpreted in light of bureaucratic cultures, and mediated by individual beliefs, professional identities, and hierarchical structures. The research was structured around four analytical strands that reflect the multiple arenas in which the LGPD operates within the public sector: judicial processes, internal administration, citizen interfaces, and inter-institutional data governance. This article reports findings from Track I of a broader research project, focusing specifically on personal data processing in judicial proceedings. By organizing the empirical inquiry along these thematic axes, the study captures the transversal nature of data protection within the public domain and enables a fine-grained analysis of both structural capacities and subjective constraints on compliance.

The paper also explores how variables such as professional background, generational cohort, and administrative function correlate with degrees of normative adherence and organizational maturity. In emphasizing the voices and viewpoints of those operating within the State apparatus, this study contributes to a broader legal sociological understanding of legal implementation. It reinforces the idea that legal effectiveness is not merely the result of formal rules or oversight mechanisms but is also deeply influenced by institutional cultures, cognitive frameworks, and organizational dynamics.

The argument presented aligns closely with the sociology of Pierre Bourdieu (1986, 1989) in its understanding of the State not as a homogeneous and neutral entity, but as a structured social space shaped by positions, dispositions, and struggles. By suggesting that variables such as professional background, generational cohort, and administrative function are interpreted in relation to different perceptions of normative adherence and organizational maturity. Moreover, by emphasizing the role of institutional cultures and cognitive frameworks in the implementation of law, the text engages with the concept of habitus, understood as a system of embodied dispositions that guide perception and practice. From this perspective, legal effectiveness does not derive solely from the formal existence of rules, but from how these rules are interpreted, internalized, and enacted by state agents in their everyday institutional practices.

This paper is organized into four parts, in addition to an introduction and final remarks. The first part presents an overview of Brazilian data protection legislation as it applies to public authorities, highlighting the duties imposed on such authorities to safeguard individual rights during the processing of personal data in Brazil. The second and third parts focus on the methodology of the empirical survey conducted and on the case study of the São Paulo State Court, which represents a particularly complex institutional setting

for analyzing compliance with data protection law. As one of the largest courts in Brazil in terms of personnel,¹ this case reveals a significant discrepancy between institutional perceptions of legal obligations and the concrete measures effectively implemented by public authorities. The fourth part provides key insights into the professional, demographic, and organizational profiles of the survey participants, while also examining institutional development and organizational culture related to data protection within the public sector.

2. PUBLIC AUTHORITIES, COMPLIANCE AND DATA PROTECTION IN BRAZIL

LGPD was enacted in 2018 and aims to regulate the processing of personal data in Brazil, ensuring the free development of personality and the dignity of the human person. To achieve this goal, the law establishes mandatory guidelines for all entities dealing with data, encompassing both the public and private sectors.

The concept of the “Public Authority,” as defined by the LGPD, is broad and includes bodies and entities at various federative levels (Union, States, Federal District, and Municipalities), as well as the three branches of government (Executive, Legislative, and Judiciary). Thus, operations involving the processing of personal data conducted by these public entities and bodies must fully adhere to the provisions of the LGPD, except in specific cases provided for in the law, such as those related to public security, national defense, state security, or activities investigating and repressing crimes.

The LGPD aims to ensure transparency and legitimacy in the use of personal data while protecting the rights of data subjects. In the context of the Public Sector, the law (Art. 55-J, xi and xvi) grants the ANPD (National Data Protection Authority) the power to request detailed information about the extent and nature of the data involved in specific operations, as well as to authorize audits of the processing of personal data. Article 52, § 3°, establishes the sanctions applicable to public entities and bodies, expressly excluding the simple or daily fines provided for in the LGPD.

One of the fundamental steps before processing personal data is identifying the applicable legal basis. In the context of the Public Sector, the processing of personal data must be based on one of the hypotheses outlined in Article 7 or, in the case of sensitive data, Article 11 of the LGPD. These provisions must be analyzed together and in accordance with the additional criteria established in Article 23, which complement and guide the interpretation and practical application of legal bases within the Public Authority. Below is a summary of the legal bases:

¹ According to the *Justice in Numbers Report* (CNJ 2025, p. 38), published by the National Council of Justice, the São Paulo State Court of Justice (TJSP) is classified as a large-scale court and holds a prominent position within the national judicial landscape. It is the court with the highest number of new cases (6,645,076) and pending cases (22,393,937), and it also leads in the number of judges (2,810) and court staff (58,583), highlighting the scale and complexity of its administrative and judicial structure.

TABLE 1

Legal Basis	Foundation for the Public Authority	Example
Consent (Art. 5°, xii, LGPD)	Consent may occasionally be accepted as a legal basis for the processing of personal data by the Public Sector. For this purpose, data usage must not be compulsory, and state action should not generally rely on the exercise of typical state prerogatives stemming from the fulfillment of legal obligations and assignments.	Consent can be used by the Public Sector, for example, in opinion polls conducted by government agencies, provided that citizens' participation is voluntary and not compulsory. An example would be a satisfaction survey regarding the services provided by a specific government agency, in which citizens are invited to participate voluntarily, providing their personal data only if they agree to the survey terms.
Legitimate Interest (Art. 7°, ix)	Legitimate interest allows the processing of non-sensitive personal data when necessary to meet legitimate interests of the controller or third parties. Similarly to consent, the application of legitimate interest is limited within the public sector. In particular, its use is not appropriate when the processing of personal data is compulsory or when necessary to fulfill legal obligations and assignments of the Public Sector.	A public entity processes personal data of its employees to ensure the security of the information systems used, such as to enable user authentication and prevent malicious software from creating vulnerabilities on the internal network.
Compliance with a Legal or Regulatory Obligation (Art. 7°, ii, LGPD)	Main basis for data processing by the Public Sector. The processing of personal data is necessary to comply with a specific rule, i.e., an express legal determination or a regulatory obligation established by a regulatory agency.	A Legislative Assembly processes personal data contained in documents related to the legislative process, such as meeting minutes, opinions, and bills. The personal data in question refer, among others, to parliamentarians, public servants, members of civil society, and experts heard in public hearings.
Execution of Public Policies (Art. 7°, iii, LGPD)	The concept of public policy should be interpreted broadly to encompass any governmental program or action, defined in a formal instrument, i.e., law, regulation, or contractual arrangement, as appropriate, whose content usually includes objectives, goals, deadlines, and means of execution	A municipality's Health Department collects data on confirmed cases of an infectious disease for the purpose of designing, implementing, and monitoring a vaccination public policy. The data is shared with a research agency for the specific purpose of conducting public health studies.

Table 1. Legal basis and foundations for Public Authority.
(Source: Authors.)

Another aspect of great relevance to the Public Sector is data sharing, an essential mechanism for carrying out typical and routine activities of the public sector, such as paying employees and providing public services. The LGPD recognizes this importance by stipulating, in Article 25, that data must be kept “in interoperable and structured format for shared use,” aiming to facilitate the execution of public policies, the provision of services, the decentralization of government activities, and public access to information. However, as with all other processing operations, the sharing of personal data must be conducted in

compliance with the LGPD, including adherence to principles, legal bases, guarantees of data subject rights, and other specific rules applicable to the Public Sector.

Despite more than five years having passed since the enactment of the legislation, there is a shortage of systematic studies on the legal compliance of the Public Sector. Although the LGPD does not specify the need to create specific structures or areas, both public and private organizations have been encouraged to undertake a series of actions to comply with the law. According to the results of the *TIC Governo Eletrônico report*, conducted by Comitê Gestor da Internet no Brasil (2022), there is a greater presence of a person or area responsible for implementing LGPD in federal public organizations (89%) compared to state organizations (55%).

Regarding the branches of government, *TIC Governo Eletrônico report* (Comitê Gestor da Internet no Brasil 2022) indicates that public entities of the Judiciary (94%) and the Public Prosecutor's Office (73%) stands out. On the other hand, only just over half of the Executive branch entities (56%) and 68% of the Legislative branch mentioned the presence of a person or area responsible for implementing the legislation. It is worth noting that in the federal public administration and in the Judiciary, through the National Council of Justice, there are already several regulations and recommendations regarding the application of LGPD, which may explain the greater institutionalization of the topic in these public entities. As for Brazilian municipalities, only 28% declared having a person or area responsible for implementing LGPD, being more common in capitals (66%) and in municipalities with more than 500,000 inhabitants (62%).

Indicators collected from public entities reveal disparities in the institutionalization of the legislation, especially among state entities and municipalities, and in the Executive and Legislative branches compared to other branches of government. Although the LGPD only entered into force two years after its enactment and its sanctions only became effective as of August 2021, public organizations in the country seem to still be in an early stage of adaptation to the legislation.

3. CASE STUDY OF THE SÃO PAULO STATE COURT OF JUSTICE

To understand how LGPD is internalized and operationalized by public institutions, this research adopted a case study. The São Paulo State Court of Justice (TJSP) was selected as the central case. The rationale behind this choice draws from methodological frameworks outlined by scholars such as Jason Seawright and John Gerring (Seawright and Gerring 2008, Gerring 2017), who identify three primary criteria for case selection: typicality, influence, and representativeness.

First, TJSP qualifies as a typical case, representative of structural patterns common to other institutions within the judiciary and the broader public administration. Its bureaucratic architecture reflects statutory relationships, formalized partnerships between public entities, and institutional interfaces with private actors, all of which mirror the dynamics of other state bodies. This institutional typicality allows the study to extrapolate insights regarding data governance that resonate across other branches and levels of government.

Second, the TJSP was chosen for its influence (Seawright 2008) within the Brazilian legal system. It was among the first public institutions to implement an internal LGPD compliance framework, setting precedents that informed subsequent initiatives across the judiciary. As a reference model, the court's institutional behavior has had ripple effects on actors such as Public Prosecutor's Offices and Public Defenders' Offices. In methodological terms, influential cases enable researchers to examine the assumptions embedded in broader causal models, allowing for theoretical generalization that extends beyond the particularities of the case.

Third, the representativeness and scale of the TJSP strengthen the validity of the case study. It is the largest court in the world in terms of caseload. According to the *Justice in Numbers 2025* report by the National Council of Justice (CNJ 2025), the court processes over 21 million cases, approximately 25% of the total in the Brazilian judiciary. Its operational structure encompasses more than 2,500 judges and nearly 58,583 civil servants across 320 judicial districts. This volumetric intensity not only underscores the systemic relevance of the court but also magnifies the challenges associated with data protection in high-density, high-complexity institutional environments.

Additionally, the technological infrastructure of the TJSP has undergone substantial modernization. Recent upgrades included migrating three petabytes of data and 1,300 virtual machines to a new data center, increasing the system's storage and processing capacity from 4 to 13 petabytes. These developments introduce technical dimensions to data governance that are deeply intertwined with compliance effectiveness.

Finally, as a state-level court with general jurisdiction, the TJSP adjudicates most legal matters not assigned to federal, labor, electoral, or military courts. This includes civil litigation, criminal cases, family and juvenile law, bankruptcies, public records, and tax enforcement. The diversity and sensitivity of these cases make the TJSP an ideal empirical locus for investigating how data protection obligations intersect with judicial function.

In this sense, the selection of the São Paulo State Court of Justice as the primary case study aligns with methodological rigor, theoretical relevance, and empirical richness. It enables the research not only to explore the LGPD's operational challenges but also to develop sociolegal insights with broader applicability to public sector data governance.

4. SURVEY-BASED RESEARCH IN SÃO PAULO STATE COURT OF JUSTICE

The research adopted a survey-based empirical methodology as a central strategy to investigate how public institutions interpret, internalize, and operationalize LGPD. The use of surveys responds to the need for collecting standardized and comparable data across a broad and institutionally diverse population of public agents. Given the complexity of LGPD compliance and the transversal nature of its legal obligations, the survey method enables a structured capture of both objective practices and subjective interpretations.

Surveys have gained increasing recognition within empirical legal studies, particularly for their ability to measure attitudes, institutional practices, and perceptions related to legal norms. International literature has already consolidated the survey as a valid tool for empirical legal research. Authors such as Tom R. Tyler (2002), James L. Gibson (2011),

and Lawrence Baum (2006) have used this method to explore the relationship between institutional behavior, legal legitimacy, and perceptions of justice. In Brazil, Maria Tereza Sadek (1995, 2005) stands out as a key reference in encouraging the use of empirical methods in the legal field, particularly through research based on structured questionnaires. The adoption of the survey aligns with this tradition, enabling the collection of quantitative and comparable data on a topic that remains empirically underexplored in the country.

Compared to qualitative methods such as interviews or focus groups, surveys present distinct operational advantages. They can be deployed at scale, especially through digital platforms, reducing logistical costs and enabling geographic and institutional reach. Moreover, surveys protect participant anonymity, a critical factor when addressing sensitive regulatory areas like personal data protection. These logistical and ethical benefits position surveys as effective tools for studying LGPD implementation within the public sector.

Despite these advantages, the use of surveys in the public sector context raises important methodological caveats. Responses may not necessarily reflect actual institutional practices but rather an idealized representation aligned with formal legal expectations. This phenomenon, often documented in compliance literature, reveals a systematic bias toward socially desirable answers, particularly when public agents are asked about adherence to legal mandates. As Tyler (1990) and Cunha *et al.* (2015) emphasized, respondents often claim compliance with legal norms, especially when comparing their conduct to that of others, reinforcing the normative framing of their self-perceptions.

This inclination is further reinforced by organizational constraints. Institutional environments marked by hierarchy, formalism, and risk aversion discourage open acknowledgment of internal deficiencies or noncompliance. Public agents may fear reputational harm or disciplinary consequences, even in anonymized surveys. As a result, surveys in public law contexts run the risk of overstating the maturity of governance frameworks and underreporting operational challenges.

To address these challenges, a hybrid survey instrument was designed combining factual and perception-based questions. Objective items collected data on the presence of compliance mechanisms such as internal policies, training programs, or the designation of data protection officers. Subjective items captured agents' individual assessments of institutional priorities, cultural barriers, and overall awareness regarding data protection. This mixed structure allowed for internal cross-validation, making it possible to identify gaps between formal structure and daily practice.

Furthermore, the questionnaire design was informed by a commitment to neutrality and clarity. Terminology was extracted from official documents produced by the National Data Protection Authority (ANPD) and TJSP, ensuring terminological consistency and minimizing interpretive ambiguity. The structure of the questionnaire—alternating between types of questions, grouping items thematically, and avoiding loaded or abstract formulations—strengthened both external and internal validity.

The survey also acknowledged the diversity of respondent profiles. Public agents differ widely in their positions, educational backgrounds, professional trajectories, and proximity to data handling. In many instances, the person completing the survey is not the one directly implementing data protection protocols. This gap between declarant and practitioner

introduces a second-order variable: the need to critically interpret survey answers within the respondent's functional context. For this reason, the survey design avoided assuming a single, unified institutional perspective and instead treated individual responses as situated interpretations, shaped by distinct roles within the bureaucratic apparatus.

Drawing explicitly on the sociology of Pierre Bourdieu, especially his analyses of the juridical field (Bourdieu 1986) and the State (Bourdieu 1989), the research conceptualizes public administration as a relatively autonomous field structured by power relations, differentiated positions, and unequal distributions of specific forms of capital (legal, bureaucratic, technical, and symbolic). Within this field, legal meanings are not merely transmitted from statutory texts but are actively produced, negotiated, and stabilized through struggles over legitimate interpretation. From this perspective, administrative agents act according to an institutional habitus formed through professional training, career trajectories, and organizational socialization. Their dispositions shape how legal norms are perceived, categorized, and prioritized in practice. The implementation of legal mandates thus depends not only on formal obligations but also on embodied schemes of perception that define what appears reasonable, feasible, or institutionally appropriate.

The tension between formal legal duty and everyday administrative conduct cannot be adequately understood through doctrinal analysis alone. It requires empirical investigation into how norms acquire practical force within the bureaucratic field, how they are recognized as legitimate, translated into routines, strategically adapted, or selectively enacted—thereby revealing law as a form of symbolic power whose effectiveness is mediated by institutional structures and socially constituted dispositions. As such, the survey should not be seen as a static diagnostic tool, but rather as an iterative instrument of institutional reflection. Its deployment promotes not only the collection of empirical data, but also the dissemination of a culture of compliance grounded in self-awareness and shared responsibility. Future applications of this methodology would benefit from additional refinements: segmentation of questionnaires by functional area, use of narrative vignettes to prompt contextualized responses, and integration with complementary qualitative methods such as interviews or document analysis.

Given the broad scope of the LGPD and the multiplicity of issues involved in its application within the public sector, it became essential to structure the empirical investigation around thematic analytical strands capable of organizing the complexity of regulatory implementation across diverse institutional settings. This methodological choice was based on the understanding that the LGPD applies transversally to various administrative and jurisdictional functions of the State, influencing everything from internal bureaucratic procedures to core activities related to public service delivery, adjudication of legal proceedings, and processing of sensitive data for public interest purposes. Accordingly, the four analytical strands were conceived as complementary frameworks, each aimed at investigating specific dimensions of the LGPD's application in the empirical case study.

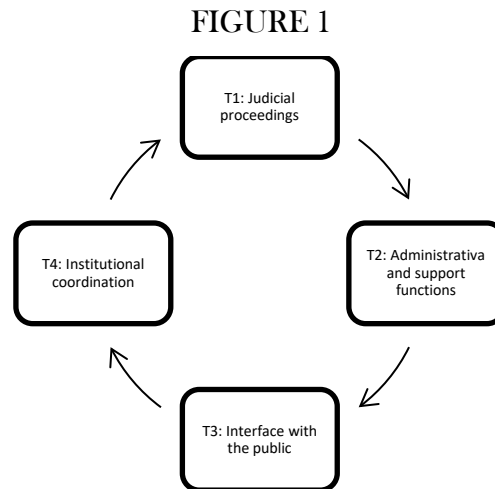


Figure 1. Analytical strands of the research framework.
(Source: Authors.)

Given the broad scope of the LGPD and the diversity of institutional settings in which personal data are processed, the broader research project was initially structured around four analytical strands: judicial proceedings (T1), administrative and support functions (T2), public-facing interactions (T3), and institutional coordination (T4). These strands served primarily as a methodological framework to organize the different arenas in which data protection obligations emerge within the judiciary. While T2, T3, and T4 informed the overall design of the research instrument and the categorization of institutional activities, they are not examined in detail in this article. Their role here is limited to providing contextual background for a broader research agenda on data protection governance in public institutions.

This article focuses exclusively on Track I (T1), which addresses the processing of personal data within judicial proceedings, the core activity of the Judiciary. Judicial proceedings constitute a particularly relevant setting for investigating LGPD implementation because they involve the routine handling of personal and sensitive data, often under conditions of confidentiality, while simultaneously requiring compliance with constitutional principles such as due process, adversarial proceedings, transparency, and access to justice. The survey therefore explored how court staff perceive, interpret, and operationalize legal bases for data processing, the existence of internal workflows and compliance routines, and their awareness of regulatory guidance related to data protection.

The decision to concentrate on Track I is also theoretically significant. Rather than treating LGPD compliance as a purely formal or legal phenomenon, the analysis examines how data protection norms are translated into everyday bureaucratic practices. Drawing on Pierre Bourdieu's concepts of field, habitus, and symbolic capital, the study investigates how agents positioned within the judicial bureaucracy understand and enact data protection obligations, and how differences in professional roles, institutional trajectories, and access to legal and technical knowledge shape the uneven internalization of privacy norms. In this sense, the empirical findings presented in the following sections should be understood as evidence of the socio-institutional processes through which data protection becomes, or fails to become, embedded within the routine functioning of a judicial organization.

4.1. SAMPLE, SURVEY DESIGN AND DATA ANALYSIS

For the purposes of this article, the analysis is based exclusively on Track I (judicial proceedings). Data were collected between August and October 2024 through an online survey distributed by institutional invitation to court personnel involved in activities related to judicial proceedings. The sampling strategy was non-probabilistic and based on voluntary participation, without formal stratification by position, department, hierarchical level, age group, or educational background. A total of 50 potential respondents received the questionnaire, resulting in 33 completed and valid responses, corresponding to a response rate of 66%. Seventeen invitees did not submit responses, and no formal justification for non-participation was requested or provided.

The respondents represented different functional positions within the São Paulo State Court of Justice, including clerks, assistants, public servants, supervisors, coordinators, and advisors. The sample was predominantly composed of operational personnel directly involved in the routine handling of information and case-related activities. The survey also collected demographic and professional information, including educational attainment, generational cohort, and institutional role. Most respondents held undergraduate or postgraduate qualifications, while the age profile was concentrated among Millennials and Generation X. Given the nature of their professional activities, respondents displayed varying degrees of proximity to the processing of personal data, allowing the research to capture different perspectives regarding the interpretation and implementation of LGPD requirements in judicial proceedings.

The questionnaire was structured around factual, perceptual, and demographic questions. Factual questions sought to identify the existence of organizational practices and compliance mechanisms, such as workflows, governance structures, training initiatives, and communication procedures. Perceptual questions explored respondents' views regarding institutional preparedness, awareness of legal obligations, interpretation of legal bases, compliance practices, and familiarity with regulatory guidance. Demographic questions collected information regarding professional position, educational background, and age group. Most substantive items employed a five-point Likert scale ranging from "Strongly Disagree" to "Strongly Agree," enabling the measurement of degrees of agreement with statements related to data protection practices and organizational culture.

The analytical strategy adopted in this article is predominantly descriptive. The results are presented through frequencies, percentages, and comparative interpretations of response patterns. No inferential statistical tests were conducted. Consequently, variables such as professional role, educational background, or generational profile are not treated as statistically correlated with levels of compliance or normative adherence. Rather, they are interpreted in relation to the survey findings and discussed as factors that may be associated with differences in perceptions and experiences within the institutional context.

The findings of this study should be interpreted in light of the methodological choices that guided the research design. First, the analysis is based on a single institutional case, namely the São Paulo State Court of Justice. Rather than seeking statistical representativeness, the study adopts a case-study approach aimed at generating in-depth insights into the implementation of data protection norms within a highly complex judicial organization. As such, the contribution of the research lies primarily in its analytical and exploratory value,

providing a detailed examination of socio-institutional dynamics that may inform future comparative studies in other public institutions.

Second, the survey captures the perceptions and experiences of public agents regarding the implementation of the LGPD. These perceptions constitute a relevant object of inquiry in themselves, as the effective operation of legal norms depends not only on formal regulatory frameworks but also on how such norms are understood, interpreted, and incorporated into everyday institutional practices. Consequently, the study focuses on the subjective dimension of compliance, complementing rather than replacing documentary, administrative, or organizational assessments.

Third, the analytical strategy is predominantly descriptive and is designed to identify patterns, tendencies, and areas of convergence or divergence among respondents. The objective is not to establish causal relationships, but to explore how different institutional actors perceive data protection obligations and how these perceptions contribute to the broader process of normative internalization within the judicial bureaucracy.

Finally, the research should be understood as part of a broader empirical agenda on data protection governance in the public sector. By combining survey evidence with a socio-institutional perspective inspired by Pierre Bourdieu, the study seeks to illuminate dimensions of legal implementation that are often overlooked in purely doctrinal analyses, thereby contributing to a more comprehensive understanding of how privacy and data protection norms are translated into organizational practice.

5. SOCIOLOGICAL ANALYSIS OF DATA PROTECTION IN SÃO PAULO STATE COURT OF JUSTICE

The results of the surveys conducted at the TJSP highlight the complexity involved in the processing of personal data by public officials, revealing tensions that go beyond a strictly normative approach to the obligations assumed by the court by virtue of statutory force. The effective internalization of these duties requires consideration of agents' differing perceptions, shaped by factors such as the institutional environment, level of technical training, communication flows, and guidance from supervisory authorities, among other relevant aspects. In order to consolidate some of the findings, this section presents the data from Track I, dedicated to the processing of personal data in judicial proceedings.

The analysis of the profile of public officials interviewed in Track I reveals a predominantly operational workforce: clerks (36%), assistants (21%), and support staff (18%). Only a smaller fraction occupies positions with decision-making potential, such as supervisors (12%), coordinators, and advisors (3%). This predominance indicates that much of the routine handling of sensitive data rests in the hands of frontline personnel, whose actions directly shape adherence to good data protection practices.

FIGURE 2

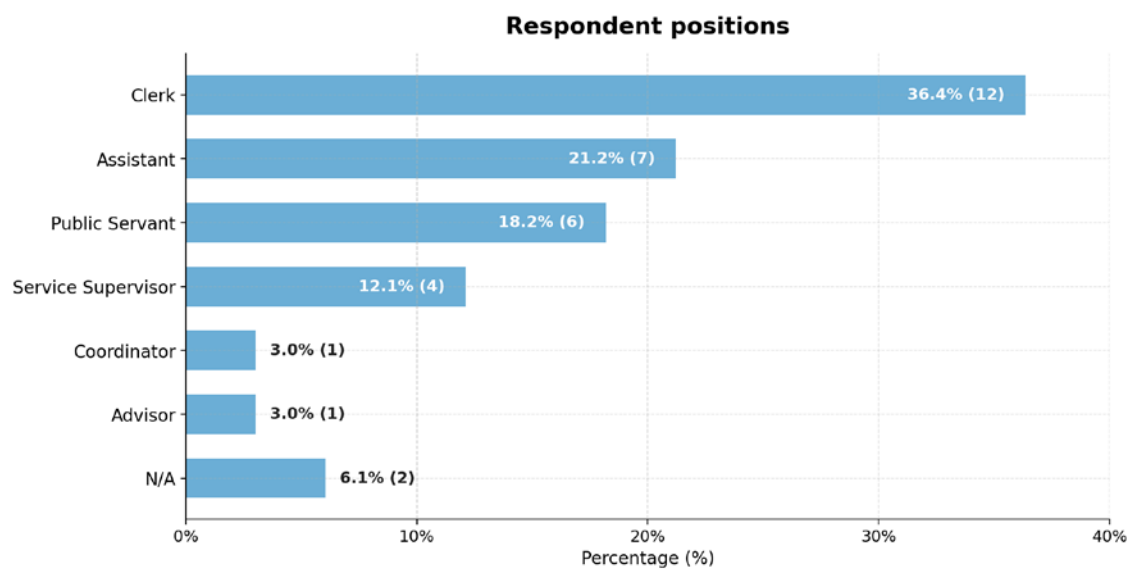


Figure 2. Respondent positions, Track I, n = 33. Source: Authors' survey data.

Figure 2. Positions of respondents.

Despite the concentration in operational roles, there is significant educational capital. Among the participants, 21 hold undergraduate degrees, 8 have postgraduate qualifications, and 1 holds a master's/doctoral degree, compared to only 4 without a university degree. This educational profile represents a strategic potential: the absorption of knowledge regarding data protection depends less on formal credentials and more on continuous, targeted training. From an age perspective, the Millennial generation predominates (22 respondents), followed by Generation X (10), with only two Baby Boomers. This generational composition suggests greater familiarity with digital technologies, but also intergenerational challenges in assimilating new data governance practices.

The survey indicates that 80% of respondents perceive some level of familiarity with the LGPD. This suggests that the topic has already entered the daily routine of court staff. However, 13.3% reported complete unfamiliarity with the law, and 16.6% expressed disagreement regarding its assimilation in the workplace. These figures reveal not only uneven levels of understanding but also risks of fragmented implementation.

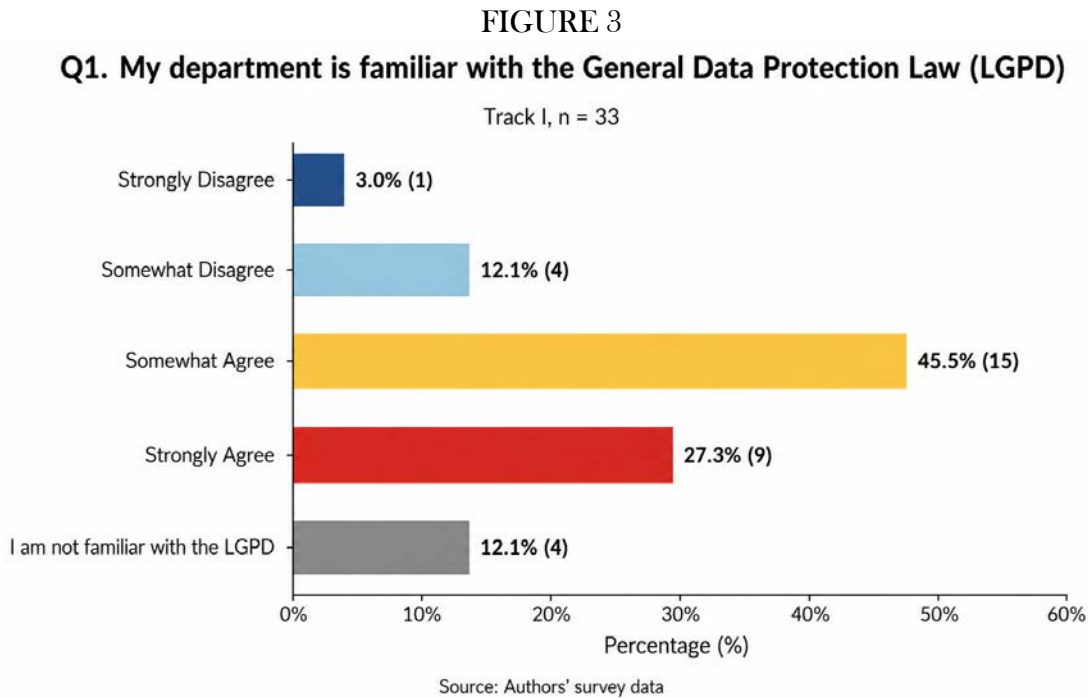


Figure 3. Familiarity with the LGPD.

Regarding the interpretation of legal bases, 50% of participants reported difficulties. This demonstrates that normative complexity is not merely a technical barrier, but also a hermeneutical one. The internalization of the LGPD requires translating abstract principles—such as necessity, purpose limitation, and data minimization—into clear and replicable protocols within routine activities. Concerning compliance with Articles 6 and 7, which address principles and legal grounds for processing, the prevailing perception is one of shortcomings: most respondents declared at least partial disagreement that these provisions are effectively applied. This finding reveals that adherence to the LGPD, although formal, has not yet been consolidated into standardized practice.

From a Bourdieusian perspective, this result suggests that the LGPD has already acquired a certain degree of symbolic recognition within the judicial bureaucracy. The relatively high level of declared familiarity indicates that data protection has entered the field as a legitimate normative reference. However, familiarity should not be confused with full internalization. What the figure reveals is primarily the presence of discursive capital: respondents recognize the law and its relevance, but this recognition still needs to be converted into stable practical dispositions, technical routines, and institutionalized forms of conduct.

FIGURE 4

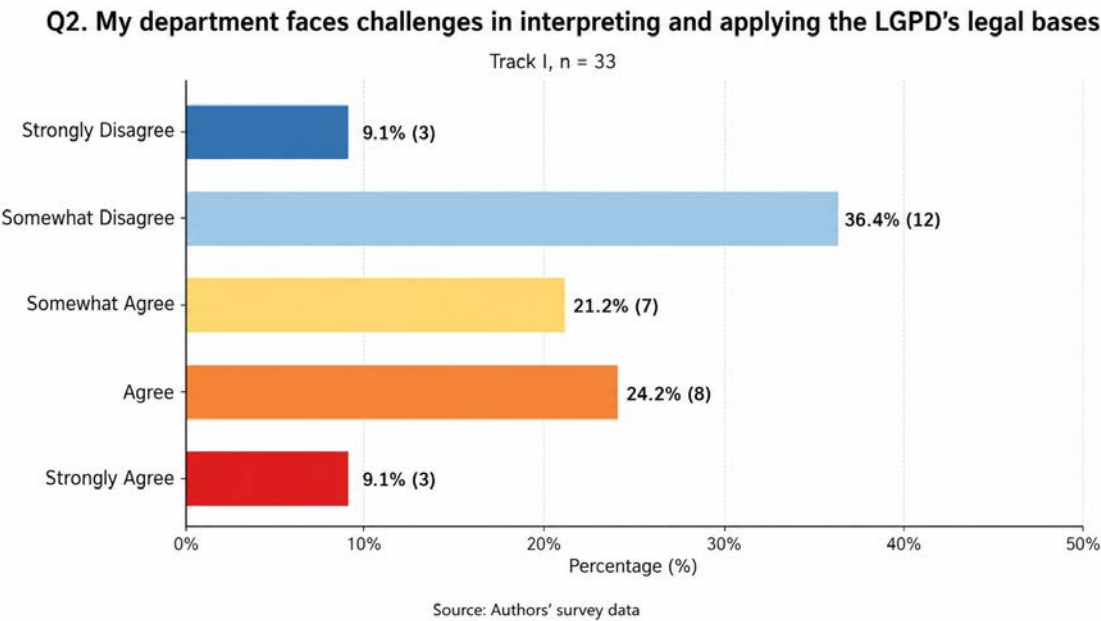


Figure 4. Challenges in interpreting and applying the legal bases of the LGPD.

FIGURE 5

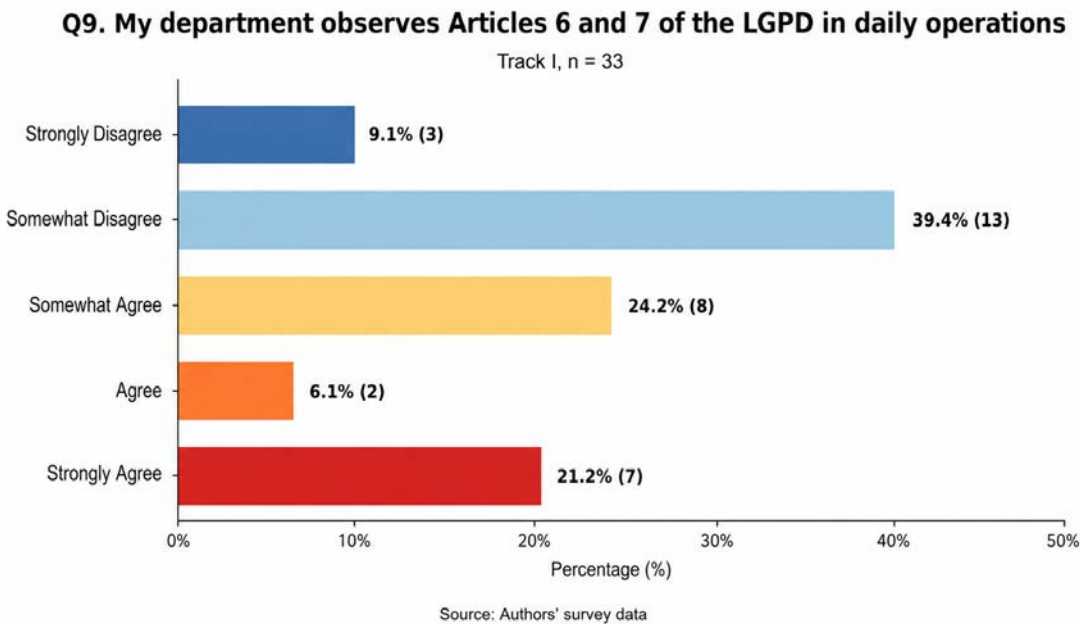


Figure 5. Compliance with Articles 6 and 7 of the LGPD.

The results point to significant gaps in data processing practices within judicial proceedings. Approximately 60% of respondents do not perceive adequate training in data protection within their departments. The very low rate of full agreement reinforces the idea that training efforts are sporadic and insufficient to consolidate an institutional culture of privacy.

In terms of communication with data subjects, 78.7% acknowledge notification practices, yet 21.2% still perceive deficiencies. A similar situation arises in interdepartmental

communication: although 75.8% admit the existence of information-sharing flows, nearly one quarter of the sample reports their absence or insufficiency. Such inconsistencies weaken the uniformity of the institutional response.

Regarding data subject authorization, only half of respondents perceive consolidated practices. The results should not be interpreted as evidence that consent is generally required in judicial data processing. Rather, they reveal uncertainty among respondents regarding when data subject authorization, notification, or consent-like mechanisms are legally relevant. In the public sector, and especially in judicial proceedings, consent is exceptional and should not be conflated with transparency duties, data subject rights, or the identification of an appropriate legal basis.

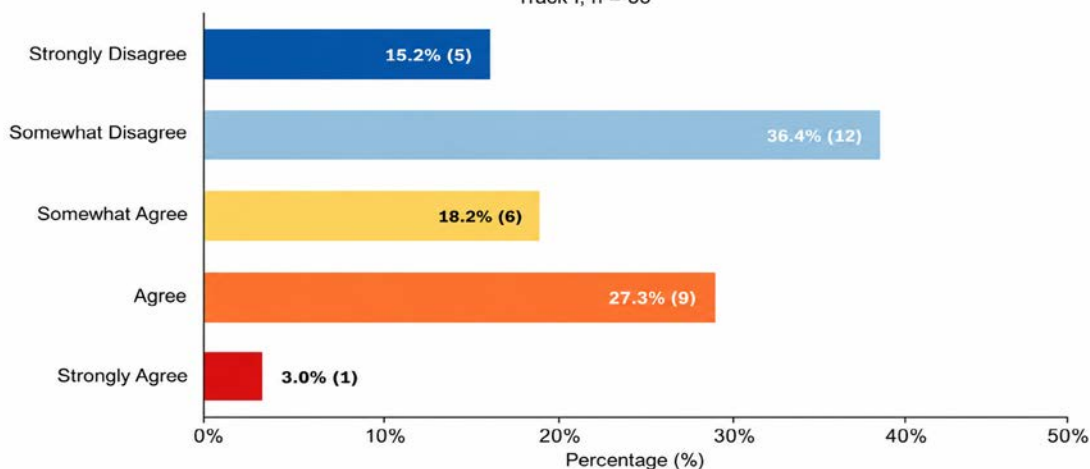
The reported difficulties in interpreting and applying the LGPD's legal bases provide evidence of the uneven distribution of legal-technical capital within the bureaucratic field. In Bourdieusian terms, the ability to identify, justify, and operationalize the appropriate legal basis for data processing is a specific form of institutional capital. Its partial or unequal distribution among court staff helps explain why formal awareness of the LGPD does not automatically translate into homogeneous compliance practices. This finding therefore indicates that the internalization of data protection norms depends not only on the existence of legal rules, but also on the practical interpretive resources available to institutional agents.

The perception that Articles 6 and 7 of the LGPD are not uniformly observed in daily operations suggests a gap between formal legal authority and incorporated institutional practice. From a Bourdieusian perspective, this gap reflects the incomplete transformation of statutory obligations into bureaucratic habitus. Although the principles and legal bases of the LGPD formally structure the normative field, their effectiveness depends on whether they are embodied in everyday routines, classifications, and decision-making practices. The figure therefore points to a process of normative internalization that remains partial and uneven.

FIGURE 6

Q4. My department recognizes the need for data subject authorization and requests it

Track I, n = 33



Source: Authors' survey data

Figure 6. Observation of data subject authorization for processing.

On the other hand, a positive perception emerges regarding the ability to respond to inquiries from the ANPD: 87% of respondents believe their departments are prepared, suggesting at least partial alignment with external regulatory requirements. However, the near absence of periodic data protection reports exposes a weakness in the institutionalization of monitoring mechanisms.

In the area of security and governance, the data indicates a fragmented reality. Regarding risk mitigation, there is an almost even split between those who perceive adequate routines and those who are unaware of them or deny their existence. This suggests the absence of uniform protocols and sufficient training.

The divided perception regarding data subject authorization indicates an area of interpretive instability within the judicial bureaucracy. In Bourdieusian terms, this instability reveals that the categories through which agents distinguish consent, authorization, transparency duties, and legal bases have not yet been fully stabilized as shared practical schemes. The result is relevant not because it proves the legal necessity of consent in judicial proceedings, but because it shows how agents perceive and classify data protection obligations in practice. This finding thus functions as an empirical marker of the ongoing formation of a data protection habitus within the institution.

FIGURE 7

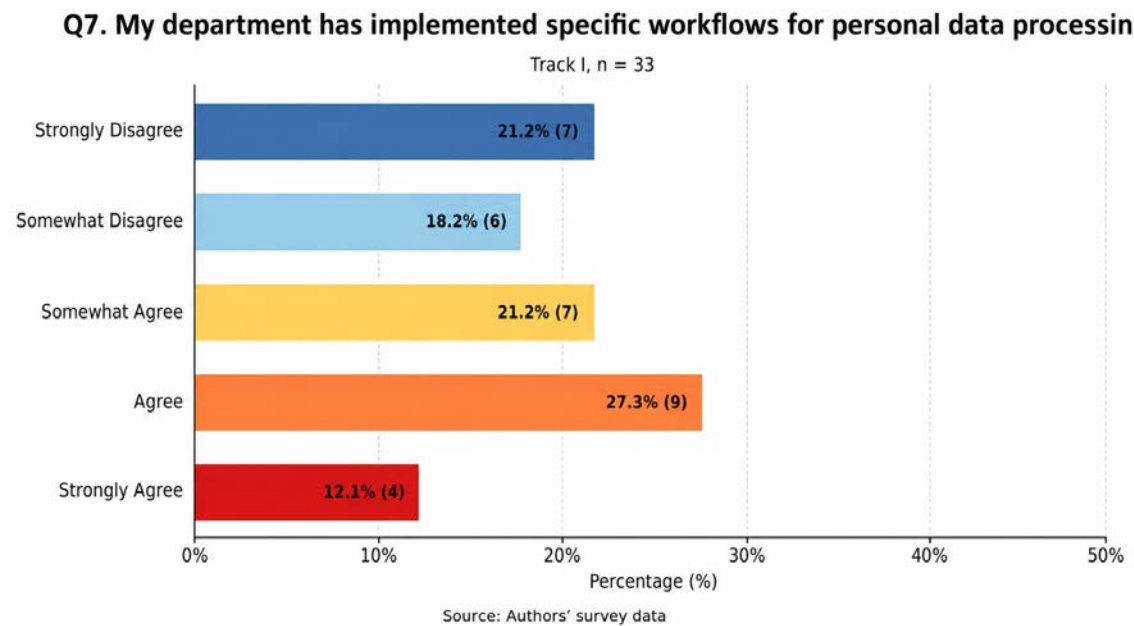


Figure 7. Evolution of workflows toward LGPD compliance.

Another point of concern is data governance. Despite explicit determination by the CNJ, 69.7% reported being unaware of implemented governance programs. This gap highlights the distance between normative guidelines and their practical realization. Anonymization, one of the pillars of sensitive data protection, also appears incipient: 60.6% do not recognize its practice, revealing technical and cultural barriers.

The ANPD's regulatory agenda and recommendations remain insufficiently internalized: more than 80% are unaware of the agenda, and 54% perceive low adoption of the 2023 Guide's recommendations. Likewise, only 45% perceive corrective or educational

measures derived from the ANPD as common practice, revealing fragmented institutionalization.

Against this normative background, the low awareness of the ANPD regulatory agenda and the uneven perception of internal workflows suggest that the problem is not merely the absence of formal governance structures, but the limited diffusion of regulatory knowledge across operational layers of the court. The low level of awareness of the ANPD's regulatory agenda indicates that the symbolic authority of data protection regulation has not yet been fully internalized across the operational layers of the judicial bureaucracy. Although the ANPD occupies a formally legitimate position in the regulatory field, its authority becomes effective only when its guidance is recognized, circulated, and incorporated into the practical schemes of perception of institutional agents. This result therefore suggests a gap between regulatory authority as formally constituted and regulatory authority as socially recognized within the bureaucratic field.

The mixed perception regarding the existence of specific workflows for personal data processing reveals the distance between formal compliance discourse and institutional routinization. From a Bourdieusian standpoint, workflows are one of the mechanisms through which legal norms are converted into durable bureaucratic practices. Where such workflows are not clearly perceived by respondents, the LGPD remains closer to discursive or symbolic recognition than to an embodied institutional habitus. This suggests that the consolidation of data protection depends on the conversion of legal-technical capital into standardized routines capable of guiding everyday action.

FIGURE 8

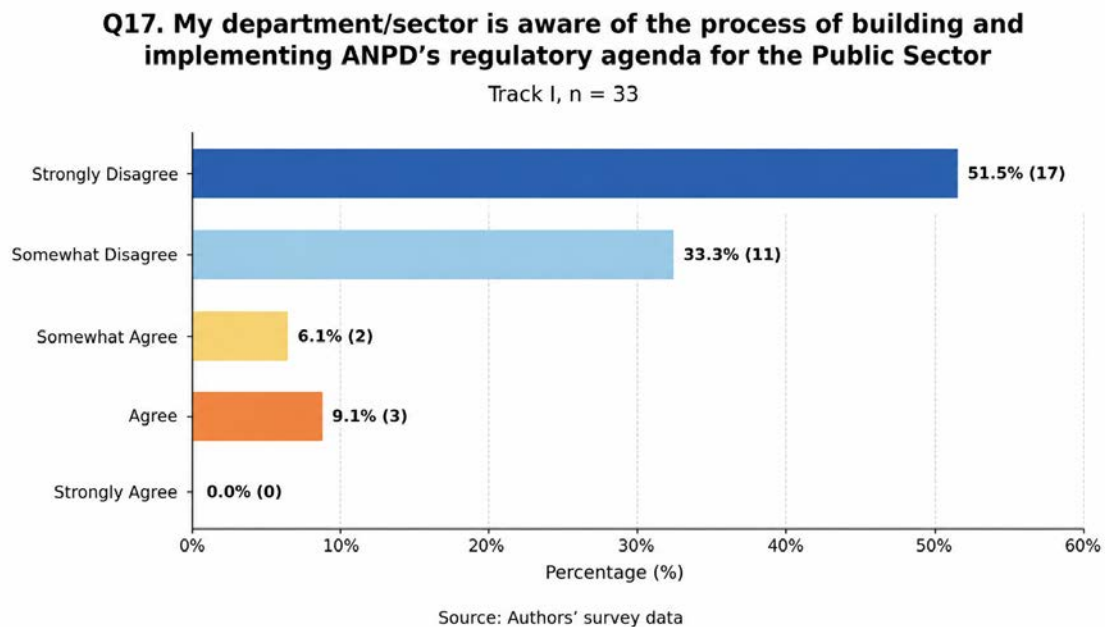


Figure 8. Knowledge of the ANPD regulatory agenda.

The analysis of the results shows that the TJSP's adaptation to the LGPD still faces relevant challenges. However, it is important to note that, when compared to other Brazilian courts, the São Paulo model presents significant advances. The creation of internal data protection committees, the appointment of Data Protection Officers (DPOs), the existence of data inventories and records of processing activities, as well as training initiatives, already signal

a more structured commitment to privacy governance. Although the full consolidation of anonymization practices, periodic reporting, and standardized risk mitigation workflows remains a goal, the TJSP occupies a prominent position in the national landscape, serving in many respects as a reference for other courts.

At the same time, the data reveal that this progress does not eliminate the need for continuous improvement. The heterogeneity of the perceptions collected demonstrates that efforts do not reach all sectors uniformly, resulting in fragmented practices. There is a latent tension between what is formally prescribed and what is effectively implemented in daily judicial practice, indicating that the internalization of the LGPD as a cultural and organizational value still requires further maturation. The risk, therefore, lies not in the absence of policies, but in the difficulty of making them effective, clear, and accessible at all institutional levels.

From a Bourdieusian perspective, the TJSP may be understood as a bureaucratic field structured by differentiated positions, hierarchies of authority, and unequal distributions of specific forms of capital (legal, administrative, technical, and symbolic). The heterogeneous patterns of LGPD internalization observed in the surveys reflect not merely individual variation, but structural differences in agents' positions within this field and in the types of capital they mobilize in their daily practices.

The predominance of frontline staff in operational roles suggests that much of the practical production of legality occurs at the lower and intermediate levels of the bureaucratic hierarchy. These agents enact the law through their institutional habitus—that is, through embodied dispositions shaped by professional training, organizational routines, and career trajectories. The uneven familiarity with the LGPD, the interpretive difficulties regarding legal bases, and the fragmented perception of governance programs indicate that the incorporation of data protection norms has not yet stabilized as a shared bureaucratic habitus. Instead, compliance appears mediated by localized interpretations and situational judgments.

Moreover, the gap between formal regulatory prescriptions and their uneven implementation illustrates Bourdieu's insight that law operates as a form of symbolic power whose effectiveness depends on recognition and belief. Although the LGPD possesses formal authority, its practical force within the court depends on the extent to which it is perceived as legitimate, operationally feasible, and institutionally prioritized. Where training, communication flows, and governance mechanisms are inconsistent, the symbolic authority of the norm risks being diluted in everyday practice.

Finally, the tension between normative advancement and fragmented internalization can be interpreted as a moment of transformation within the bureaucratic field. The creation of committees, appointment of DPOs, and development of inventories signal an attempt to accumulate and institutionalize a specific form of data protection capital. However, for this capital to become effective, it must be converted into durable dispositions and standardized routines. In this sense, the TJSP's trajectory reflects an ongoing process of structuring and restructuring of the field, in which the consolidation of privacy governance depends not only on regulatory mandates, but on the gradual reconfiguration of institutional habitus and symbolic hierarchies.

6. FINAL REMARKS

This article examined how court staff involved in judicial proceedings at the São Paulo State Court of Justice perceive, interpret, and operationalize LGPD requirements. Based on Track I of a broader research project, the analysis focused on legal bases, data processing workflows, regulatory awareness, and the internalization of data protection norms within a judicial bureaucracy. The findings show that LGPD implementation in judicial proceedings is not a linear or homogeneous process, but one shaped by institutional position, practical knowledge, organizational routines, and uneven access to regulatory guidance.

The first contribution of the article is empirical. By presenting survey evidence from court staff directly or indirectly involved in judicial proceedings, the study provides insight into how data protection obligations are perceived at the operational level of the judiciary. This perspective is important because the effectiveness of the LGPD depends not only on formal institutional policies, but also on the daily practices of those who handle case-related information, interact with procedural systems, and participate in the routine circulation of personal and sensitive data.

The results indicate that the LGPD has acquired a degree of symbolic recognition within the institution. Respondents generally demonstrated some familiarity with the law, suggesting that data protection has entered the vocabulary of judicial administration. However, this familiarity does not necessarily mean that the LGPD has been fully internalized as a stable set of practical routines. The survey reveals a gap between recognizing the importance of data protection and knowing how to apply its requirements consistently in daily judicial activities.

This gap is particularly visible in relation to the interpretation of legal bases. Difficulties in identifying and applying the appropriate legal grounds for data processing suggest that compliance cannot be reduced to awareness of the statute. In judicial proceedings, data processing often involves sensitive information, procedural confidentiality, publicity of judicial acts, due process, and access to justice. These overlapping legal demands require not only doctrinal knowledge, but also legal-technical capacity to translate abstract norms into operational criteria.

The findings on workflows and governance routines reinforce this point. Where respondents do not clearly perceive standardized procedures for personal data processing, the LGPD remains closer to a formal regulatory reference than to an incorporated institutional practice. This suggests that the consolidation of data protection depends on the routinization of compliance: clear procedures, accessible guidance, training, reporting mechanisms, and communication channels capable of transforming legal obligations into everyday administrative conduct.

The low level of awareness regarding the ANPD's regulatory agenda also reveals an important institutional challenge. Formal regulatory authority does not automatically produce practical effects within complex bureaucracies. For ANPD guidance to shape judicial practice, it must circulate through institutional channels, be translated into operational language, and be recognized by court staff as relevant to their daily work. The

findings therefore point to the need for stronger mechanisms of regulatory diffusion within the operational layers of judicial institutions.

This article adopts a socio-institutional approach to legal implementation. From this perspective, compliance with the LGPD is not understood as the automatic consequence of formal legal validity. Rather, it depends on how legal norms are interpreted, recognized, and translated into routine practices by institutional actors situated within a specific organizational context.

Pierre Bourdieu's concepts of field, habitus, capital, and symbolic power provide the theoretical vocabulary for this analysis. The São Paulo State Court of Justice is understood as a bureaucratic and juridical field: a structured institutional space in which agents occupy different positions, perform different functions, and possess unequal access to legal, technical, administrative, and symbolic resources. These differences matter because they shape how data protection obligations are perceived and enacted in everyday work.

The concept of legal-technical capital is used to capture the practical ability to identify, justify, and operationalize LGPD requirements, especially legal bases, principles, workflows, and regulatory guidance. The concept of habitus refers to the institutional dispositions through which court staff classify problems, interpret obligations, and transform legal rules into routine conduct. Symbolic power, in turn, helps explain why regulatory norms only become effective when they are recognized as legitimate and incorporated into institutional practices.

These concepts are operationalized through the survey results. Difficulties in interpreting legal bases are treated as indicators of the uneven distribution of legal-technical capital. Familiarity with the LGPD and awareness of the ANPD regulatory agenda are interpreted as markers of symbolic recognition. Perceptions regarding workflows, reporting mechanisms, and governance routines are used to assess whether data protection norms have been converted into institutional habitus. In this way, the empirical analysis links specific survey findings to the broader question of how legal norms become internalized within a judicial bureaucracy.

From a Bourdieusian perspective, these results suggest that data protection is still in the process of becoming part of the bureaucratic habitus of the court. The uneven distribution of legal-technical capital helps explain why some actors recognize the LGPD as an important normative framework while still reporting uncertainty about its practical implementation. In this sense, the internalization of data protection norms depends on the conversion of formal legal knowledge into shared dispositions, interpretive schemes, and stable institutional routines.

The article also contributes to the sociolegal study of public institutions by showing that legal implementation is not merely a question of issuing rules or creating formal compliance structures. Committees, DPOs, inventories, policies, and regulatory guidelines are important, but their effectiveness depends on how they are perceived, understood, and used by institutional actors. The survey therefore helps reveal the distance between formal compliance architecture and the practical experience of compliance within the judicial bureaucracy.

At the same time, the findings should be understood within the limits of the research design. This article offers an exploratory case study based on Track I of a broader research project and does not claim statistical generalization to the entire Brazilian public sector or even to all courts. Its value lies in providing analytically relevant evidence about a specific institutional setting and in identifying dimensions that future comparative studies may examine across other courts, public bodies, and administrative contexts.

The court's engagement with regulatory bodies such as the ANPD can be interpreted as a strategy of symbolic alignment within the broader juridical field. By responding to external oversight and incorporating regulatory discourse, the TJSP accumulates symbolic capital associated with legitimacy and compliance. As Bourdieu suggests, symbolic power only becomes durable when it is embedded in everyday practices. The standardization of routines, strengthening of intersectoral communication, and active role of Data Protection Officers represent attempts to institutionalize this capital and convert regulatory authority into stable bureaucratic habitus.

The TJSP's trajectory may be understood as a process of field restructuring, in which data protection moves from being a formally imposed obligation to becoming an internalized principle of institutional legitimacy. The consolidation of a culture of privacy thus signals not merely administrative improvement, but a reconfiguration of the symbolic hierarchies that organize the judicial field, reinforcing public trust as a form of accumulated symbolic capital.

In conclusion, the implementation of the LGPD in judicial proceedings requires more than formal adherence to statutory obligations. It requires the institutional production of legal-technical capacity, the diffusion of regulatory knowledge, the stabilization of workflows, and the incorporation of data protection into the practical logic of judicial administration. The TJSP case shows both progress and unresolved tensions. It therefore offers a useful empirical lens through which to understand how privacy and data protection norms move from formal legal authority toward effective socio-institutional internalization within public institutions.

References

- Baum, L., 2006. *Judges and their audiences: A perspective on judicial behavior*. Princeton University Press.
- Bourdieu, P., 1986. La force du droit: Éléments pour une sociologie du champ juridique. *Actes de la recherche en sciences sociales*, (64), 3-19.
- Bourdieu, P., 1989. *La noblesse d'État: Grandes écoles et esprit de corps*. Paris: Les Éditions de Minuit.
- Comitê Gestor da Internet no Brasil, 2022. *TIC governo eletrônico 2021: Survey on the use of information and communication technologies in the Brazilian public sector*. Núcleo de Informação e Coordenação do Ponto BR.

- Conselho Nacional de Justiça (CNJ), 2025. *Justiça em números 2025*. CNJ.
- Cunha, L., *et al.*, 2015. *Índice de percepção do cumprimento da lei (IPCL)*. Direito GV.
- Doneda, D., 2019. *Da privacidade à proteção de dados pessoais*. Thomson Reuters.
- Gerring, J., 2017. Qualitative methods. *Annual Review of Political Science* [online], 20, 15–36. Available at: <https://doi.org/10.1146/annurev-polisci-092415-024158>
- Gibson, J. L., *et al.*, 2011. The effects of judicial campaign activity on the legitimacy of courts: A survey-based experiment. *Political Research Quarterly* [online], 64(3), 545–558. Available at: https://olemiss.edu/archive/political_science/state_politics/conferences/2008/papers/Gibson%20et%20al.pdf
- Nissenbaum, H., 2009. *Privacy in context: Technology, policy, and the integrity of social life*. Stanford University Press.
- Sadek, M. T., 1995. A crise do judiciário vista pelos juízes: Resultados da pesquisa quantitativa. In: M. T. Sadek, *Uma introdução ao estudo da justiça*. Editora Sumaré.
- Sadek, M. T., 2005. *Magistrados brasileiros: Caracterização e opiniões*. Associação dos Magistrados Brasileiros.
- Schlumberger, O., *et al.*, 2024. How authoritarianism transforms: A framework for the study of digital dictatorship. *Government and Opposition* [online], 59(3), 761–783. Available at: <https://doi.org/10.1017/gov.2023.20>
- Seawright, J., and Gerring, J., 2008. Case selection techniques in case study research: A menu of qualitative and quantitative options. *Political Research Quarterly* [online], 61(2), 294–308. Available at: <https://doi.org/10.1177/1065912907313077>
- Tyler, T., 1990. *Why people obey the law*. New Haven: Yale University Press.
- Tyler, T. R., 2002. A national survey for monitoring police legitimacy. *Justice Research and Policy* [online], 4(1-2), 71–86. Available at: <https://doi.org/10.3818/JRP.4.1.2002.71>

APPENDIX — SURVEY INSTRUMENT

Survey administered to each of the four focus groups

1. Personal Data

Name:

Age:

Address:

2. Data Related to Position, Employment, or Function

Position, employment, or function:

Number of years working in this position:

3. Questions Related to the Object of Study

C.1. Questions related to the first research objective:

“To identify how public agents interpret, in practice, the legal bases that authorize the processing of personal data by the Public Authority.”

Q1. My department is familiar with the General Data Protection Law (LGPD).

Q2. My department faces challenges in interpreting and applying the LGPD’s legal bases.

Q3. My department/sector observes variations in the interpretation of the LGPD’s legal bases across different sectors or public bodies.

Q4. My department recognizes the need for data subject authorization and requests it.

Q5. My department/sector uses the LGPD’s legal guidelines in its daily activities.

Q6. My department/sector is aware of the procedures for investigating violations and sanctions applicable to the public sector by the ANPD.

Q7. My department has implemented specific workflows for personal data processing.

Q8. My department/sector periodically updates and publishes rules on good practices and governance.

Q9. My department observes Articles 6 and 7 of the LGPD in daily operations.

C.2. Questions related to the second research objective:

“To study the workflows adopted for adherence to Law No. 13,709, of August 14, 2018 – the LGPD.”

Q10. My department/sector informs data subjects about access to their data, as required by data protection laws in the public sector.

Q11. My department/sector adopts specific measures to ensure authorization for the processing of personal data related to internal review or audit procedures.

Q12. My department/sector requests authorization from the data subject to process the data collected in accordance with the LGPD.

Q13. My department/sector adequately records data processing operations in the context of the public sector.

Q14. My department/sector anonymizes sensitive personal data as required by data protection laws in the public sector.

Q15. My department/sector has implemented procedures for the secure deletion of personal data in the public sector.

Q16. My department/sector considers that it has evolved in terms of compliance with the workflows adopted for adherence to Law No. 13,709 since its enactment in 2018.

C.3. Questions related to the third research objective:

“To analyze the alignment between established workflows and the obligations imposed on the Public Authority by Law No. 13,709, of August 14, 2018 – the LGPD.”

Q17. My department/sector is aware of the process of building and implementing ANPD’s regulatory agenda for the Public Sector.

Q18. My department/sector experiences, in its internal procedures, the recommendations set out in the ANPD Guidance Document: “Processing of Personal Data by the Public Authority” – ANPD/2023.

Q19. My department/sector has implemented internal corrective or educational measures, as disseminated by the ANPD, in cases of violations of data protection laws in the public sector.

Q20. My department/sector promptly responds to requests from public authorities related to data protection in the public sector.

C.4. Questions related to the fourth research objective:

“To study the process of building and implementing ANPD’s regulatory agenda for the Public Authority.”

Q21. My department/sector, once the data processing cycle provided for in the LGPD has begun, complies with all legally required stages.

Q22. My department/sector, in its routine activities, adequately responds to data subjects’ requests in the context of the public sector, in accordance with Articles 17 to 22 of the LGPD.

Q23. My department/sector has experienced security incidents that may affect the privacy of data subjects in the public sector.

Q24. My department/sector is prepared to challenge possible sanctions imposed by the ANPD in the context of the public sector.

Q25. My department/sector reports security incidents affecting data subjects to the competent authorities in the public sector.

Q26. My department/sector has appointed a Data Protection Officer (DPO) to oversee compliance with data protection laws in the public sector.

C.5. Questions related to the fifth research objective:

“To contextualize the data by taking into account the specific features of the public sector and the tension between the exercise of public functions and the duty to comply with the General Personal Data Protection Law.”

Q27. My department/sector establishes adequate routines based on a systematic assessment of privacy impacts and risks, as well as other balancing principles.

Q28. My department/sector has contingency plans to respond to situations in which personal data are exposed to risk.

Q29. My department/sector is aware that non-compliance with the LGPD may give rise to criminal, civil, and consumer liability.

Q30. My department/sector has resources for implementing good practices that may be replicated across the entire group.

Q31. My department/sector is capable of conducting conciliation procedures with data subjects in cases of data leaks or violations.

Q32. My department/sector has control over the prohibitions imposed on the Public Authority under Article 26, paragraph 1, of the LGPD.

C.6. Questions related to the sixth research objective:

“To identify whether the indicators used by the São Paulo State Court of Justice point to compliance with the requirements and formalities established by law for personal data processing.”

Q33. My department/sector is capable of preparing data protection impact reports for activities in the public sector.

Q34. My department/sector has a governance program that follows the minimum legal requirements.

Q35. My department/sector has management controls over personal data protection.

Q36. My department/sector has controls regarding the purpose limitation of personal data processing.

4. Response Scale

Responses range from 1 to 5 and indicate the degree of agreement with each statement in relation to the operation of the respondent's department/sector, according to the following scale:

Scale Response option

- | | |
|---|-------------------|
| 1 | Strongly Disagree |
| 2 | Somewhat Disagree |
| 3 | Somewhat Agree |
| 4 | Agree |
| 5 | Strongly Agree |