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NEWSLETTER | MAY 2025

## NEW FEDERAL LAW FOR THE PROTECTION OF PERSONAL DATA 2025

### Changes, follow-ups and recommended actions.

*On March 20, 2025, the new Federal Law for the Protection of Personal Data in Possession of Private Parties ("LFPDPPP") was published, replacing the law in force since 2010. Although the text maintains the structure and general principles, it introduces modifications that oblige organizations to update their policies, contracts and internal procedures to avoid regulatory and reputational risks.*

#### **I. Disappearance of INAI and new state supervision.**

- INAI is eliminated as an autonomous body, transferring its functions to the Secretariat of Anticorruption and Good Governance (SABG).
- The participation of the Ministry of Economy in the supervision of the private sector is eliminated.
- Co-regulation schemes are eliminated, leaving pending specific authorities for the private sector.
- The decisions of the SABG may be challenged via *amparo* proceedings, considering the recent reforms published to the *Amparo* Law.

#### **II. Redefinition of key concepts**

- The definition of data subject is broadened, allowing legal entities to exercise ARCO rights.
- The data controller is redefined: it will no longer be exclusively the person who decides on the data, and will be extended to any individual who processes personal data, regardless of whether or not he/she decides on the purposes or means of the processing. This broadens the number of companies and individuals who will have to comply with the law, as it could also include those who only process data (processors) if they do not make it clear in a contract that they are not responsible. It is therefore important that contracts clearly specify their role in order to avoid assuming obligations that do not correspond to them.
- The concept of processing is extended to any operation, manual or automated, on personal data.
- It is expressly established that the law applies to any database, regardless of its support, technology or mode of creation.



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### **III. Changes in the privacy policy and consent**

- The new law expands the minimum information that the simplified privacy policy must contain when the data is obtained by electronic, optical, sonorous, visual or other technologies.
- Any change in the purpose of the processing will require a new consent of the data subject, even if the new purpose is similar or compatible with the previous one.
- The exception to consent is extended to any legal norm, not only laws.
- Processing without consent is allowed by court orders, administrative orders or any founded and motivated resolution.

### **IV. Data retention and blocking periods**

- The obligation to establish and respect retention periods is formally introduced.
- Data must be blocked before deletion, once the retention period has expired.

### **V. Binding self-regulation**

- The new law allows companies, associations and organizations to create binding self-regulatory schemes (such as codes of conduct, trust seals or sectoral standards), with mandatory internal rules and sanctions for those who adopt them.
- These schemes do not replace the law, but complement legal obligations, helping to standardize good practices, prevent non-compliance and demonstrate diligence before the authorities, who must be notified.

### **VI. Strengthening ARCO rights**

- The right of access is extended to include the conditions and generalities of the processing.
- The possibility of rectifying outdated data, not only inaccurate or incomplete, is incorporated.
- The scope of the right of cancellation is clarified, which now states that the cancellation will include files, records, files and systems of the data controller where the data subject's personal data is stored.



- It is established that the exercise of ARCO rights may have costs, unless the holder provides the means of reproduction.
- The procedures for handling requests are clarified, requiring greater detail and legal certainty in the exercise of data subject rights.

## **VII. ARCO rights: right of opposition and automated processing**

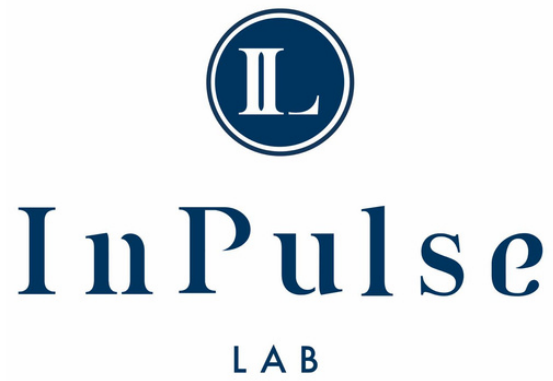
- The right to object is restricted: the data subject must prove that the processing generates a specific damage, even if it is lawful.
- The right to object to automated decisions without human intervention that have a significant impact on the personal, economic or professional sphere of the data subject is expressly recognized.
- The right to object is excluded when the processing is mandated by law.

## **VIII. Validity and deadlines**

- The law became effective on March 21, 2025.
- The Executive has 90 calendar days to issue the corresponding regulations.

## **What should companies do now?**

- Update privacy policies, both comprehensive and simplified.
- Review and adapt the basis of lawfulness and processes for obtaining consent.
- Establish retention periods and blocking mechanisms.
- Review and update contracts with persons in charge, clearly delimiting roles.
- Design internal procedures in accordance with the new ARCO rights requirements.
- Evaluate the adoption of self-regulatory schemes or codes of conduct.
- Train internal teams and review impacts on international transfers.



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