



## The right to privacy and protection of personal data in the digital environment

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### SUMMARY

The protection of personal data in the digital environment has emerged as a central theme due to the growing technological advances and the transformation in the ways in which information is collected, processed, and stored. This research analyzed the practical applications and challenges related to data protection in light of the General Data Protection Law (LGPD), using a qualitative and descriptive approach that combined bibliographic review and document analysis. Highly prestigious databases were consulted, such as Scopus, Web of Science, SciELO, Google Scholar, and CAPES, allowing access to studies and publications that address both the theoretical foundations and the practical implications of this legislation. The selected materials explored a variety of topics, from the creation of internal data protection committees and the gradual implementation of privacy policies in public and private organizations, to the difficulties encountered in monitoring abusive practices and the adaptation of digital systems. The results point to a cultural evolution in institutions, which have invested in training professionals and modernizing technological infrastructures, although challenges persist in standardizing procedures and integrating different sectors. The research also highlighted the social impact of data protection initiatives, highlighting the importance of empowering users and ensuring transparency in the processing of information. Furthermore, it was possible to see that continued investment in innovation and cooperation between regulatory bodies and the private sector are essential to overcoming existing obstacles and promoting a safe and ethical digital environment. In short, the study concludes that strengthening personal data protection mechanisms depends on a collective commitment to ethics, transparency and constant adaptation to technological innovations, contributing to the construction of a more just and informed society. In addition, the study highlights the importance of public policies that promote digital education and awareness about the appropriate processing of information, ensuring innovative strategies that keep up with rapid technological transformations. These measures are crucial to ensuring the effectiveness of protection mechanisms.

**Keywords:** LGPD; Privacy; Data Protection; Governance; Technological Innovation.

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## ABSTRACT

The protection of personal data in the digital environment has stood out as a central theme due to the growing technological advancement and the transformation in the ways of collecting, processing and storing information. The present research analyzed the practical applications and challenges related to data protection in the light of the General Data Protection Law (LGPD), using a qualitative and descriptive approach that combined literature review and document analysis. Highly prestigious databases such as Scopus, Web of Science, SciELO, Google Scholar and CAPES were consulted, allowing access to studies and publications that address both the theoretical foundations and the practical implications of this legislation. The selected materials explored a variety of topics, from the creation of internal data protection committees and the gradual implementation of privacy policies in public and private organizations, to the difficulties encountered in the inspection of abusive practices and the adequacy of digital systems. The results point to a cultural evolution in the institutions, which have invested in the training of professionals and in the modernization of technological infrastructures, although challenges persist in the standardization of procedures and in the integration between the various sectors. The survey also highlighted the social impact of data protection initiatives, highlighting the importance of empowering users and transparency in the treatment of information. In addition, it was possible to realize that the continuity of investments in innovation and cooperation between regulatory bodies and the private sector are essential to overcome existing obstacles and promote a safe and ethical digital environment. In short, the study concludes that the strengthening of personal data protection mechanisms depends on the collective commitment to ethics, transparency, and constant adaptation to technological innovations, contributing to the construction of a fairer and more informed society. In addition, the study highlights the importance of public policies that promote digital education and awareness of the proper treatment of information, ensuring innovative strategies that keep up with rapid technological transformations. Such measures are crucial to ensure the effectiveness of protection mechanisms.

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## 1 INTRODUCTION

The Right to Privacy and the Protection of Personal Data in the digital environment have been have become central themes in contemporary times, especially in the face of the acceleration of processes technological and the growing integration of information into people's daily lives. This discussion, based on the need to harmonize technological advances with the guarantee of fundamental rights, is supported by regulatory frameworks that aim to protect the privacy and personal data of citizens (Brazil, 2018).

In recent decades, the digital environment has transformed the way information is generated, stored and processed, increasing privacy-related challenges. In As a result of this new scenario, it becomes imperative to rethink protection mechanisms available in legislation, in order to mitigate risks and abuses arising from the inappropriate use of data (Carvalho and Pedrini, 2019).



The relevance of personal data is evidenced by its ability to reveal aspects intimate information of the individual, which requires a different approach to its collection and treatment. The protection of this data presupposes not only technical and operational measures, but also a robust legal framework that ensures the rights of holders (Basan, 2021).

The enactment of the General Personal Data Protection Law – LGPD, Law No. 13.709/2018, represents a milestone in the construction of a legal model aimed at protecting personal data. This legislation arises as a response to the demand for greater transparency and security in digital relationships, establishing clear guidelines for the treatment of information.

The LGPD is structured on fundamental principles that guide the use of data, such as purpose, necessity, appropriateness and transparency. These principles aim to creation of a safer digital environment that respects individual rights, highlighting the legislator's commitment to the dignity of the human person. Thus, when analyzing the law to data protection as a fundamental right, it is possible to observe the convergence between the legal norms and constitutional principles. Authors such as Sarlet (2020) emphasize the importance of recognizing privacy as a pillar in the defense of fundamental rights, especially in the context of technological innovations.

Based on studies carried out by Carvalho and Pedrini (2019) and also by Camurça and Matias (2021), there is concern about shady practices related to targeting advertising and the misuse of personal data. These analyses reinforce that the protection of data goes beyond a mere regulatory instrument, acting as an essential element for the preservation of autonomy and individual freedom.

Furthermore, data protection in the context of notarial services, as discussed by Costa, Cunha and Torres (2022), exemplifies the practical application of the LGPD precepts in specific sectors. This approach illustrates how the right to data protection extends to various areas, promoting legal security and fostering user confidence. This discussion broadens when considering the right to freedom of genetic research, where the protection of personal data is presented as a guarantee of the right to privacy and private life, as explained by (Ruaro, 2015).

Another relevant aspect concerns the violation of privacy in the digital environment and the possible solution measures for these conflicts, a topic addressed by De Carvalho Júnior and Da Silva Rezende (2024), which highlights the importance of legal mechanisms that correct mismatches between technological innovation and safeguards of citizens' rights.



Given this scenario, the relevance of research that investigates the challenges and potential of the right to privacy in the digital age. The need for review and improving public policies and the legislative framework is essential for monitor the evolution of information and communication environments.

Therefore, the objectives of this research focus on the critical analysis of the devices legal and practices adopted in the protection of personal data, emphasizing the importance of a balance between technological development and the guarantee of fundamental rights. Studies Recent studies, such as those by Basan (2021) and Guimarães (2020), demonstrate that the improvement continuous improvement of legislation and the effective implementation of monitoring mechanisms are elements essential for consolidating a culture of privacy protection in the digital environment.

## 2 THEORETICAL FRAMEWORK

### 2.1 Right to Privacy and Data Protection in Light of the LGPD

Within the context of the right to privacy, the analysis by Carvalho and Pedrini stands out (2019), which address the practical application of the provisions of the General Data Protection Law Personal – LGPD in the protection of individual rights, emphasizing the need for transparency and security in data management. This theoretical approach underpins the importance of establishing legal mechanisms that reconcile technological advances with protection of data subjects, pointing to a new era in which the rights to privacy and privacy must be strictly observed.

Along the same lines, Camurça and Matias (2021) deepen the discussion by analyzing the shady advertising targeting practices and the misuse of personal data, contributing to the understanding of the challenges faced in implementing the precepts of LGPD. The theoretical framework proposed by these authors supports the need for a continuous monitoring of data processing practices, in order to mitigate risks and promote the reliability of citizens' information in the digital environment.

The discussion on the right to privacy and the protection of personal data gains special relevance in the current context, marked by the accelerated expansion of digital technologies and the increasing volume of personal information circulating on the network. In this scenario, the General Law of Personal Data Protection (LGPD – Law No. 13,709/2018) emerges as an instrument essential to ensure that individuals' data is treated with respect, transparency and security, in line with the fundamental rights provided for in the Constitution.



The advent of digital society has imposed unprecedented challenges to the legal system, demanding the creation of standards that respond not only to technological complexity, but that also protect the citizen's private sphere. The LGPD establishes guidelines that aim to regulate the collection, processing, storage and sharing of personal data, in a manner to promote a balance between technological development and the protection of rights individual (Camurça and Matias, 2021).

Among the essential points of the LGPD, the principles of purpose stand out, necessity, adequacy and transparency. These precepts guide the use of data only for specific and legitimate purposes, limiting the collection to the minimum necessary to the achievement of these purposes. This perspective seeks to prevent abuse and ensure that holders of data have full knowledge about the processing of their information, strengthening the autonomy and control of individuals over their own data (Brazil, 2018).

The protection of the right to privacy, from the perspective of the LGPD, involves not only the imposing obligations on processing agents, but also encouraging a culture of respect for privacy. Authors such as Carvalho and Pedrini (2019) highlight that operationalization of these principles is crucial for the legal system to respond to the challenges imposed by the digital age, providing greater legal security to citizens and reinforcing trust in relationships established in the virtual environment.

Another relevant aspect is the need for effective monitoring and sanction to ensure compliance with the standards established by the LGPD. The effectiveness of these devices is essential to curb abusive practices and ensure that companies and public and private institutions adopt measures compatible with security standards required. Studies by Camurça and Matias (2021) indicate that continuous supervision and updating normative practices are essential for the protection of personal data to be keep up with the rapid pace of technological innovations.

Furthermore, the LGPD promotes a dialogue between the right to privacy and other rights. fundamental, emphasizing the importance of human dignity. This integration values not only the protection of data itself, but also the contexts in which these information can influence broader aspects of individuals' lives, such as freedom and personal development. Therefore, the law does not act in isolation, but rather as part of a broader set of constitutional norms and principles.

Thus, the implementation of the LGPD has significant implications for several sectors. of the economy, impacting everything from e-commerce to highly regulated areas such as banking sector and notarial services. The application of legal provisions in contexts



specific requires legal practitioners to have a detailed understanding of the particularities of each segment, which reinforces the importance of an interdisciplinary approach in interpretation and application of the law.

Finally, the relevance of the LGPD is also evident in promoting an environment more ethical and transparent digital. The very dynamics of a connected society require that personal data are treated with the utmost respect and responsibility. In a world where information has become one of the main assets, ensuring the privacy and protection of these data means preserving the freedom and rights of citizens, contributing to the construction of a fairer and more balanced digital society (Guimarães, 2020).

In this way, the LGPD represents not only a legal response to the challenges technological, but also a commitment to valuing privacy and dignity human. By imposing obligations and providing for monitoring mechanisms, the law seeks to create a environment in which the development of innovation goes hand in hand with the protection of fundamental rights, serving as a paradigm for future legislation in this area (Basan, 2021).

## 2.2 Practical Applications and Challenges in the Protection of Personal Data

From the perspective of data protection in the digital advertising sector, Basan (2021) critically exposes the impacts of commercial practices that may invade the right to peace and privacy of users. The author highlights the importance of establishing limits clear in the processing of personal information to preserve the integrity and autonomy of individuals, which reinforces the need for more effective regulation adapted to the context current digital.

Complementing this theoretical line, De Carvalho Júnior and Da Silva Rezende (2024) investigate privacy violations that occur in the digital environment, proposing solution measures based on the modernization of inspection strategies and the rigorous application of legal devices. The approach of these authors highlights the challenges faced by law operators in balancing technological development with the guarantees of fundamental rights, constituting an indispensable reference for the debate on the protection of personal data in the digital age.

The protection of personal data in the digital environment poses significant challenges for the legal system, especially when considering practical applications and obstacles resulting from constant technological evolution. This scenario requires an approach

interdisciplinary, in which the right to privacy is analyzed not only as a concept abstract, but as an effective instrument in the protection of fundamental rights. According to De Castro and Miguel (sd), the legal discipline of the right to privacy in the digital environment demonstrates how technological advances impose the need for constant updating of standards, in order to cover both the behavioral and technical aspects of the data processing.

Amid digital transformations, shady advertising targeting practices and the mass collection of data constitutes one of the biggest challenges for data protection personal. Camurça and Matias (2021) show, through their analyses, that such practices may violate the right to privacy and data protection, as they often operate in gray areas of legislation, making it difficult to identify responsibilities and apply sanctions.

In the notarial services sector, the importance of protecting personal data gains practical outlines that directly impact users' trust in the legal system. Costa, Cunha and Torres (2022) demonstrate that, even in traditional areas, such as notary, the incorporation of protective devices becomes vital to guarantee legal security and integrity of records, constituting an essential pillar for strengthening relationships contractual and transparency in transactions.

Another highlight concerns data protection in the context of research. genetics. Ruaro (2015) highlights that, in scenarios where sensitive information is used relating to human genetics, the principles of prevention and precaution play a central role as mechanisms to guarantee the right to privacy. This protection is even more necessary in view of the risks of stigmatization and discrimination arising from the disclosure inadequate use of personal data.

The evolution of cyberspace and the popularization of digital networks have brought, in addition to innovations, unprecedented challenges related to privacy. Boff and Fortes (2014) point out that the Cyberspace, due to its dynamic and decentralized nature, facilitates the occurrence of violations of fundamental rights, which forces legislators to rethink the construction of a framework robust regulatory framework that addresses the complexity of these environments.

The application of LGPD in the virtual environment is critically analyzed by Da Silva Gonçalves, Gonçalves and De Vasconcelos (sd), who discuss the practical implications of this legislation on the protection of personal data. The authors highlight that, although the law represents a considerable advance in the regulation of data processing, its effective implementation



faces barriers related to organizational culture and familiarity of agents treatment with the new legal obligations.

In parallel, Azevedo (2024) explores the impact of Big Data and digital surveillance, highlighting that the massive collection and analysis of data, when not regulated, can lead to an inadvertent invasion of individuals' privacy. The author proposes that the development of technologies integrated with protection standards can mitigate risks and ensure that innovation goes hand in hand with ethical and legal responsibility.

Similarly, Da Costa, Sousa and Da Silva (sd) emphasize the need for more effective control and inspection mechanisms in the digital environment, capable of identifying and correct abusive practices in the use of personal data. The challenges highlighted by these authors include the complexity of the technological environment and the rapid evolution of collection and processing, which requires agile and adaptive responses from regulatory bodies.

Finally, Sarlet (2020) reaffirms the fundamental nature of personal data protection, highlighting that this protection must be seen as an inalienable right, inherent to dignity of the human person. The consolidation of a culture of respect for privacy depends not only of the established norms, but also of the commitment of the various social actors with ethics and transparency in the treatment of personal information.

In summary, the practical applications and challenges in protecting personal data highlight the importance of updated legislation and efficient supervision, capable to keep up with the fast pace of digital transformations. Building an environment secure digital, which guarantees privacy and data protection, involves commitment of governments, companies and society with the promotion and respect for human rights fundamental, marking a constant evolution in the way we view privacy in the era digital (Da Costa, Sousa and Da Silva, sd).

### 3 METHODOLOGY

The methodology adopted for this research is characterized by an approach qualitative and descriptive, combining bibliographic review procedures and analysis documentary. The main objective is to examine, in depth, the challenges and applications practices in the protection of personal data, in light of current legislation, especially the LGPD (Law No. 13,709/2018).

The research design focused primarily on literature review, allowing the identification of the main concepts, theoretical models and practices observed in



area. To this end, the systematic search strategy was used, with the definition of keywords key, such as “right to privacy”, “protection of personal data”, “LGPD”, “means digital environment”, “advertising targeting” and “notary services”.

Searches were carried out in recognized academic databases, ensuring the relevance and credibility of the selected materials. Among the sources consulted, the following stand out: if: Scopus and *Web of Science*. Another fundamental repository for research was SciELO (*Scientific Electronic Library Online*), which aggregated relevant indexed articles and journals for the Brazilian scenario, contributing with regional perspectives on the topic. In addition, Google Scholar was used as a complementary tool, allowing to expand the spectrum of available material and identify publications that are sometimes not included in databases more restricted data.

The CAPES (Coordination for the Improvement of Higher Education Personnel) portal Superior) was also used to access periodicals and dissertations that deal with law to privacy and data protection, facilitating access to research developed in Brazilian higher education institutions. This strategy contributed to obtaining a broad and interdisciplinary vision on the subject.

To ensure the quality and relevance of the studies, criteria were established inclusion and exclusion. The selection prioritized recent publications, preferably from the last ten years, and those that directly address the practical and theoretical challenges in implementation of data protection. Materials were also included that, despite their originating in other areas, offer a robust theoretical basis applicable to the legal context.

Among the journals that comprised the theoretical and empirical framework of this research, highlights:

- ESMESC Magazine;
- Fundamental Rights & Democracy Journal;
- Argumentum Magazine – *Argumentum Journal of Law*;
- Public Law Journal (Londrina); and
- UNIDEP Contemporary Law Journal.

With the selected set of articles, periodicals and legislative documents, we proceeded to the qualitative analysis of the contents through content analysis and study techniques comparative. This approach allowed us to extract the convergent and divergent points regarding the



practical applications, challenges and possible solutions for the protection of personal data, always in light of the regulatory framework provided by the LGPD.

The collected data were then organized and categorized by themes and subthemes, enabling an integrated view of the different aspects analyzed. This categorization facilitated the identification of relationships between practical challenges — such as monitoring abusive practices and advertising targeting — and the legislative responses that are proposed to mitigate such problems.

During the analysis, we sought not only to describe the theoretical aspects, but also understand how legal devices translate into concrete practices in the environment digital environment. This understanding was possible thanks to the triangulation of data from of periodicals, databases and official documents, highlighting gaps and points of attention for future research.

Finally, the results were discussed in light of practical implications and challenges faced by legal practitioners, emphasizing both the potential and the limitations of the legal instruments currently available. This critical discussion underpins the proposal for improving public policies and oversight mechanisms, highlighting the need for constant dialogue between technological advancement and the safeguarding of rights individual.

#### 4 RESULTS AND DISCUSSION

The research results showed a gradual evolution in the understanding and application of the LGPD provisions, demonstrating that the legal framework has been effectively incorporated into the practices of the various sectors. It was found that the protection of personal data has become a central theme in academic and business debates, driving the creation of internal monitoring and control mechanisms. The analysis documentary revealed the consolidation of studies that address both theoretical and practitioners related to digital privacy. This scenario allowed us to identify patterns and gaps in compliance and data security strategies. Thus, the data points to a cultural transformation in organizations, guided by regulatory compliance.

The practical application of the LGPD has shown that the principles of purpose, necessity, adequacy and transparency are crucial elements for the protection of personal data. Companies and public bodies have developed privacy policies that comply with these principles,



even though they face challenges in their operationalization. The results indicate that integration of these precepts occurs gradually and in a varied manner between sectors, reflecting the diversity of demands and structures. In many cases, internal training and technological updating are identified as determining factors for the success of the implementation. Thus, the research reinforces the importance of an ongoing commitment to regulatory compliance in force.

The research also identified that the adoption of the LGPD boosted the creation of committees data protection in companies of different sizes. These committees act as supervisory bodies governance responsible for implementing and monitoring security measures. The study revealed, through analysis of periodical content, that there is a growing recognition of data protection as a fundamental right. The academic discussion expanded, highlighting the convergence between the right to privacy and the need for technological innovation. Therefore, the implementation of committees contributes to the construction of safer and more transparent digital environments. From the point of view of practical challenges, the research showed that advertising targeting based on data monitoring presents difficulties in its regulation. The shady practices identified by Camurça and Matias (2021) expose the vulnerability of individuals to the misuse of their data for marketing purposes. It was observed that, even with the existence of legal devices, there are a gap in oversight that makes it difficult to apply sanctions. The complexity of the systems of Big Data and machine learning algorithms intensifies these challenges. This scenario highlights the need to improve regulatory and inspection structures.

In notarial services, the results indicated that the protection of personal data is essential to maintain user trust and record integrity. Studies such as those of Costa, Cunha and Torres (2022) demonstrated that the adoption of the LGPD precepts contributes to legal certainty and to improving the quality of services. However, the practice still faces barriers related to the standardization of procedures and harmonization of legacy technologies. Comparative analysis between different institutions revealed that the challenges are related to both technical and cultural issues. Thus, the modernization of notarial services becomes essential for the consolidation of trust in the system.

In the context of genetic research, the findings indicate that data processing sensitive areas requires an even more careful and preventive approach. Ruaro (2015) emphasizes that the application of the principles of prevention and precaution is essential to preserve privacy of individuals participating in studies. Analysis of documents and periodicals shows that the



regulation of genetic research must advance to keep pace with innovations scientific. This concern is reflected in more rigid and transparent institutional practices in the disclosure and security of data. Therefore, the protection of data in sensitive areas demands special attention from legislators and legal practitioners.

Another relevant dimension discussed refers to the implementation of measures supervision and sanction. The results indicate that, although there are legal mechanisms for application of fines and warnings, their effectiveness is still limited by the scarcity of resources and due to the difficulty of monitoring. The research highlighted that the actions of regulatory bodies needs to be continually improved to keep up with constant technological changes. Analysis of the journals shows that the absence of an integrated control system can compromise the effectiveness of punitive actions. This scenario reinforces the imperative of improvement of monitoring and inspection strategies.

In terms of social impact, the results highlight that awareness about the the right to privacy has increased significantly among users of digital services. The dissemination of protection practices and the engagement of internal committees contribute to the building a culture of respect for privacy. The discussion in the journals shows that transparency and access to information are fundamental to the empowerment of individuals. This phenomenon has encouraged changes not only in the corporate sphere, but also in public policies aimed at cybersecurity. In this way, protection of data becomes a topic of collective interest, promoting debates and constructive actions.

The discussion of the results allows us to identify significant gaps in the application of the LGPD, especially with regard to the standardization of inspection procedures. Several studies analyzed point to the need for continued training and investments in technology to improve data collection and monitoring. Comparative analysis between different sectors revealed that disparities in the implementation of protective measures may compromise the effectiveness of the law. Thus, the triangulation of the data obtained shows that the integration between the various actors in the system is crucial to overcoming these challenges. This emphasizes the importance of interinstitutional strategies and public-private partnerships.

In short, the research results and discussion point to a transformation significant in the context of personal data protection. The implementation of the LGPD has contributed to strengthening privacy practices, although challenges still exist relevant to be overcome, such as monitoring and standardization of systems. Integration preventive measures and user awareness demonstrate promising paths for the evolution of the digital environment. Finally, research suggests that continuous improvement

of legislation, combined with investments in technological innovation and education, is essential for ensure the effectiveness of protection mechanisms. These elements make up a scenario complex and dynamic, which requires constant review and adaptation to new social demands and technological.

## FINAL CONSIDERATIONS

This research shows that the protection of personal data in the digital environment constitutes a multifaceted challenge, requiring the constant adaptation of practices and structures legal aspects to technological evolution. The results demonstrate that the establishment of robust mechanisms, combined with social awareness, is essential for the promotion of a safe and transparent digital environment.

It was observed that the implementation of specific legislation, such as the LGPD, encourages creation of internal policies and committees responsible for data governance. This new The stance of organizations reflects a growing commitment to ethics, transparency and respect for individual rights, contributing to the construction of a culture of compliance and accountability. Thus, this research also points to the importance of investments in technology and in the training of professionals working in the area. Such initiatives are essential for adapting systems to modern demands and for effective application of legal precepts, ensuring the integrity of users' personal data.

Furthermore, coordinated action between the various actors in the system – companies, agencies regulators and civil society – is essential to overcome existing barriers. The integration of these efforts is capable of promoting more effective monitoring and implementation of innovative solutions, adaptable to the rapid transformations of the digital environment.

Such identified challenges demonstrate that, although there are significant advances in data protection, problems related to monitoring and standardization still persist of procedures. This reality requires continuous action by the responsible bodies and the periodic review of current standards, in order to keep up with the dynamism of the environment technological.

With this, the modernization of services, especially in traditional sectors such as notarial, stands out as a crucial element for maintaining user trust and guarantee of legal certainty. Digital transformation, when aligned with rigorous practices of protection, can act as a catalyst for process improvement and expansion individual rights.



In sensitive contexts, such as genetic research, the complexity of treating data reinforces the need for more refined preventive measures. The adoption of protocols specific and transparency in information collection and dissemination practices are configured as pillars to avoid risks and preserve the privacy of individuals.

The social impact of personal data protection is also evident in this study, as it contributes to the empowerment of users and the expansion of access to information. This democratization of knowledge reinforces the importance of ethical practices and of public policies that promote digital education and shared responsibility.

In turn, the challenges in monitoring abusive practices highlight the urgency of an integrated control system. The continuous improvement of monitoring mechanisms and the adoption of innovative technologies can overcome current limitations, providing greater effectiveness in applying sanctions and preventing violations.

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