RCMOS – Revista Científica Multidisciplinar O Saber. ISSN: 2675-9128. São Paulo-SP.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

Sharenting and the limits of parental authority: protecting the personality rights of children and adolescents

Sharenting e os limites do poder familiar: a proteção da personalidade infantojuvenil
Sharenting y los límites del poder familiar: la protección de la personalidad de niños y adolescentes

Beatriz Reis do Prado – Real Faculdade de Brasília
Orientador: Dr. Éder Raul

Monograph submitted as a requirement for the Bachelor of Laws degree in the undergraduate Law program at Real Faculdade de Brasília. Brasília, DF, 2026.

Abstract:
This study examines the legal limits of parental authority when parents or caregivers share images and information about children and adolescents on social media, a practice known as sharenting. It investigates when such posts exceed the scope of parental care and infringe personality rights. The study adopts a qualitative approach based on bibliographic and documentary research. It considers the Brazilian Constitution, the Statute of the Child and Adolescent, the Civil Code, and laws on data protection and children's rights in digital environments. It examines decisions by Brazil's Federal Supreme Court and Superior Court of Justice on image rights, privacy, personal data, and platform liability. The analysis indicates that parental authorization must be assessed in light of the purpose, content, and reach of the post, as well as the child's participation according to their maturity. Removal of harmful content and compensation are governed by distinct requirements. A conflict of interests between the child and their legal representative may require independent representation.

Keywords: Parental sharing. Sharenting. Parental authority. Personality rights. Data protection.

Resumo:
A pesquisa analisa os limites jurídicos do poder familiar na divulgação de imagens e informações de crianças e adolescentes nas redes sociais, prática aqui denominada compartilhamento parental (sharenting). Investiga quando a publicação ultrapassa os deveres de cuidado e viola direitos da personalidade. A abordagem é qualitativa, com pesquisa bibliográfica e documental. O estudo articula a Constituição, o Estatuto da Criança e do Adolescente, o Código Civil e as normas de proteção de dados e de proteção infantojuvenil em ambientes digitais. Examina julgados do STF e do STJ sobre imagem, privacidade, dados pessoais e responsabilidade de provedores. A análise indica que a autorização dos responsáveis deve ser avaliada à luz da finalidade, do conteúdo, do alcance da publicação e da participação do filho conforme sua maturidade. A remoção de conteúdo lesivo tem pressupostos próprios, assim como a indenização. Quando os interesses do representante e do filho entram em conflito, a tutela pode exigir representação independente.

Palavras-chave: compartilhamento parental. Sharenting. Poder familiar. Direitos da personalidade. Proteção de dados.

Resumen:
La investigación analiza los límites jurídicos del poder familiar en la divulgación de imágenes e información de niños y adolescentes en las redes sociales, práctica aquí denominada divulgación parental (sharenting). Investiga cuándo la publicación excede los deberes de

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

cuidado y vulnera los derechos de la personalidad. El enfoque es cualitativo, con investigación bibliográfica y documental. El estudio articula la Constitución, el Estatuto del Niño y del Adolescente, el Código Civil y las normas de protección de datos y de protección de niños y adolescentes en entornos digitales. Examina decisiones del STF y del STJ sobre imagen, privacidad, datos personales y responsabilidad de los proveedores. El análisis indica que la autorización de los responsables debe evaluarse a la luz de la finalidad, el contenido, el alcance de la publicación y la participación del hijo conforme a su madurez. La eliminación de contenido lesivo tiene requisitos propios, al igual que la indemnización. Cuando los intereses del representante y del hijo entran en conflicto, la tutela puede exigir una representación independiente.

Palabras clave: Divulgación parental. Sharenting. Poder familiar. Derechos de la personalidad. Protección de datos.

Introduction

The disclosure of family life on social networks made the image of children and adolescents part of a communication that can go beyond the circle of coexistence of those responsible. A published photograph to celebrate the growth of the child can be copied, associated with other information and used in a context different from that imagined by parents. The legal problem appears when the decision to share, taken by those exercising parental authority, reaches rights that belong to another person. The relationship of filiation creates duties of care, but does not transfer to adults the ownership of the image, intimacy or personal data of the children.

The object of the research is parental sharing, a translation adopted for the English term sharing. The study investigates under what conditions the disclosure of images, routines and personal information of children by those responsible exceeds the limits of parental authority. To answer the question, it considers the content disclosed, the purpose, the scope of publication and the possibility of participation of children or adolescents.

The Federal Constitution protects privacy, private life, honor and image in art. 5, X, and expressly ensures the protection of personal data in section LXXIX, included by Constitutional Amendment No 115/2022. Art. 227 determines priority protection for developing people. These commands guide the reading of the Statute of Children and Adolescents, Civil Code and digital norms. Thus, the theme requires articulation between fundamental rights, family relations and circulation of information, without reducing its solution to the will of the holder of a social network account (BRASIL, 1988).

The research differentiates records of coexistence, intimate reports, publicity and public follow-up from routine. This organization is adopted to analyze legally distinct situations,

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

without assuming that the presence of children in networks is always harmful. The proposed evaluation considers that both an isolated content and the accumulation of information may require protection. The criterion is not personal disapproval of posting, but the identification of the right achieved and the circumstances that make its disclosure justified or excessive.

The recent legislation expands the importance of the clipping. Law No. 15.211/2025, called Digital Statute of Children and Adolescents, came into force on March 17, 2026, as amended by Law No. 15.352/2026. Decree No. 12.880/2026 regulated this protection. Resolution CNJ no. 687/2026 discipline licenses for digital artistic activity in the hypotheses of Art. 34 of that decree. The analysis of these acts requires distinguishing obligations of suppliers, parental duties and specific requirements of habitual exploitation of child image or routine (BRASIL, 2025a, 2026a, 2026b; CNJ, 2026).

The jurisprudence of the Supreme Court contributes to delimiting data protection and freedom of expression. ADI 4.815, the precautionary measure referred to in ADI 6.387 and Theme 786 were not specific judgments of parental sharing. Their fundamentals are examined with indication of this limit. Theme 987, in turn, interests the responsibility of platforms and demands attention to embargoes judged in 2026. None of these decisions will be presented as a conviction of parents for the disclosure of photographs of children.

The difficulty that justifies the study lies in the overlap between decision and protection. The adult who discloses the content is usually the one whose child depends on to defend their rights. The small child still cannot fully understand the fate of a publication, and the adolescent can face resistance when asking for the withdrawal of a record. Therefore, recognizing the ownership of the rights is only part of the problem. It is necessary to understand how these rights can be protected within the family relationship itself.

It is sought to offer a sequence of analysis that relates the choice of those responsible for the guardianship instruments provided in the planning. For this, the work brings together three questions: the limits of representation, the participation of the child and the assumptions of the protective measures. This approach allows explaining why the removal of content does not necessarily depend on compensation and why the eventual economic interest of the person responsible needs to be confronted with the interest of the person portrayed.

The section focuses on Brazilian law and the publications of parents or guardians that allow to identify children and adolescents. Exposure by communication vehicles and third parties will be examined when helping to understand the rights affected or the performance of platforms. The research does not perform exhaustive comparison between countries,

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

investigation of private profiles or psychological diagnosis. It also does not attribute crime rates, percentages of damage or causal relationships without specific empirical basis.

The analysis starts from the decision to publish and accompanies the circulation of content. This sequence allows us to examine, first, whether the responsible person acted in accordance with his/her duties of care and then what measures can protect the child if the publication becomes harmful or continues to circulate.

The hypothesis is that parental authority should be interpreted as a responsibility for the protection and development of the person. Authorization of the responsible does not rule out control of purpose, necessity and proportionality of exposure. A publication may be legally inadequate when it reveals intimate content without sufficient justification, ignores relevant opposition from the child, submits to embarrassment or instrumentalizes its routine in conditions incompatible with comprehensive protection.

This hypothesis does not lead to the general prohibition of family photographs. Legitimacy needs to be appreciated contextually. Nor does it transform all inadequacy into an automatic obligation to indemnify. Termination of illicit, threat prevention, civil reparation, protective measures and consequences for the exercise of parental authority have their own assumptions. Research seeks to maintain these differences throughout argumentation.

The general objective is to analyze the legal limits of parental authority in face of parental sharing, with emphasis on protecting the image, privacy, identity and personal data of children and adolescents.

The specific objectives are to delimit the phenomenon and its modalities, explain the constitutional and civil regime of the rights involved, examine progressive autonomy and conflicts of representation, verify the incidence of LGPD and current digital legislation, analyze relevant precedents of STF and STJ and systematize preventive and reparatory responses. Finally, it is intended to formulate reasoned decision parameters without presenting them as expressly listed legal requirements for all family posting.

The research is bibliographic and documentary, with a qualitative approach. Ferreira (2020), Medon (2022) and Felizola, Silva and Farias (2024) support the discussion about parental exposure and personality rights. Legislation and those judged provide the basis for examining the scope of family duties, responsibility criteria and protection measures.

The document analysis covers the Constitution, the Convention on the Rights of the Child, the ECA, the Civil Code, the CPC, the LGPD, the Brazilian Internet Civil Rights Framework, Law No 15.211/2025, Law No 15.352/2026, Decree No 12.880/2026 and

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

Resolution No 687/2026. The rules and decisions were examined in official sources. The dates on which the sources were consulted are given in the references.

Jurisprudential selection is illustrative and brings together decisions relevant to the legal issues of the research. ADI 4.815 contributes to the analysis of freedom of expression and the precautionary phase of ADI 6.387 provides grounds for data protection. Theme 786 delimits withdrawal requests based on time and Theme 987 guides the analysis of platform responsibility. REsps 1.628.700/MG and 1.783.269/MG respectively illustrate the protection of child image in report and the provider's reaction to the communication of an offensive publication. The analysis considers the facts, fundamentals and scope of each decision for parental exposure.

The research uses indirect citations in the author-date system and assigns to each source the arguments, norms or foundations that it extracts. The conclusions are derived from bibliographic and documentary analysis. No interviews, questionnaires or field data were conducted.

1 Parental sharing and digital presence in childhood

1.1 Concept and scope of the term

The glossary of the Alana Institute ([s. d.]) brings the meaning of sharing as the usual and excessive dissemination of images and information of children by parents, mothers or guardians on social networks. The Public Defender of the State of Minas Gerais (2026) explains the origin of the expression by combining share (share) with parenting (parenthood, which covers the exercise of fatherhood and motherhood). Defensorship describes the practice in a broad sense and alert to risks to the privacy and safety of children and adolescents.

The definition of the Alana Institute emphasizes the usuality and excess. To legally analyze where this excess begins, it is adopted “parental sharing” as a broader expression, which includes from occasional records of coexistence to the repeated or commercial exposure of routine. Medon (2022) examines different forms of overexposure and conflict between parental freedom of expression and the best interest of children. Felizola, Silva and Farias (2024) discuss this conflict on Instagram. This distinction also allows evaluating an isolated publication that reveals intimate information or exposes the child to embarrassment.

The ownership of the account does not determine the ownership of the image. Although the publication is in a profile administered by the adult, the information may relate to the life

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

of his child. The family bond does not eliminate this individuality. Likewise, the affectionate way of presenting the record does not show, by itself, that all details disclosed could be made public. The analysis should reach the person portrayed, besides the intention of those who publish (BRASIL, 1990b, 2002).

It is also necessary to distinguish the person portrayed from who produces and who distributes the registration. One responsible person can photograph, another publish and a company reuse. These conducts connect, but are not legally identical. The assignment of duties depends on the participation of each agent, the purpose of his/her action and the applicable normative regime. Parental exposure constitutes the point of entry of the research, without eliminating the responsibilities of third parties.

1.2 Family sharing and overexposure

Sharing experiences of parenthood can serve to live together and exchange support among adults. The legal problem arises when this communication requires spreading aspects of the child's life that should be protected. The discussion about freedom of expression and privacy, present in Felizola, Silva and Farias (2024), offers the starting point to examine this conflict. The conclusion developed here is that the legitimacy of the report also depends on the way chosen to present the developing person.

In this research, the intensity of exposure is assessed by the relationship between the information disclosed and the conditions of circulation. A sequence of common records may reveal a relevant part of the routine, while a single intimate content may justify intervention. Therefore, the counting of posts is insufficient to decide the conflict. In the devices examined, no general numerical limit was identified that authorizes or prohibits family sharing. The conclusion needs to be based on rights specifically affected.

The content and audience should be considered together. A limited group photo shows different conditions from a public transmission of medical care. Public limitation may reduce the initial diffusion, but does not in itself correct the nature of a humiliating content. Likewise, the public character of an account does not make every photograph published in it illegal. It is necessary to relate the elements instead of assigning automatic solution to one of them.

Family sharing records the coexistence. Overexposure compromises the personal sphere by the content of the publication or by the conditions in which it circulates. Economic exploitation uses the image, routine or participation of the child to obtain economic advantage. An advertising campaign may require its own authorization, according to the activity, and a

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

publication without remuneration can harm the dignity of the child. The economic purpose and excess, therefore, must be examined from the characteristics of the content and its dissemination.

1.3 Digital identity and context loss

For the proposed analysis, digital identity designates the representation of a person formed by information circulating about him. In childhood, part of this material can be chosen by family members before the holder participates in the decision. Concern is not limited to photography published today, but includes the possibility of the child building his/her own public presentation throughout development. This definition is adopted as an analytical instrument of research, in dialogue with Ferreira's informational discussion (2020).

Ferreira (2020) draws attention to the transformation of child experiences into data and the possible effects of this process on personality. Its reflection supports the consideration of record history, rather than the exclusive examination of an isolated image. The research welcomes this concern without inferring that all content will produce damage. The risk must be related to the information effectively available and to the uses that the context allows to identify.

Once published, an image can be separated from the family report that accompanied it. A record originally presented as a joke, for example, may receive another meaning in a republication. The possibility of reuse integrates the evaluation of care, but does not automatically prove abuse. What is proposed is to examine whether the content chosen and the desired audience made the exposure reasonable, considering the rights of the child and the alternatives available.

The subsequent withdrawal is relevant even without ensuring universal elimination. Removing the original source can reduce access and continuity of circulation. It would be inappropriate to conclude that, because there is possibility of copies, no protective measures are useful. Legal protection must work with possible and technically delimited results. Prevention remains important precisely because subsequent control may be incomplete, without allowing promises of absolute deletion.

1.4 Intimate content and identification risks

The identification of a child can occur by elements that are not limited to the face. Name, voice, school uniform, family relationships, place of residence and description of events may allow recognition. Hiding only the eyes of a photograph is not guarantee of anonymization. The

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

analysis needs to observe the set and the public able to recognize the person. This verification is especially relevant when the text reveals sensitive or embarrassing information.

Health information deserves reinforced care. The description of a diagnosis may be useful for seeking support, but it also exposes an intimate dimension of the life of a person who does not control publication. The legitimacy of communication should not be measured only by the interest of adults in reporting their experience. It is necessary to verify the need to identify the child and the possibility of sharing general orientations or less detailed reports. This is an analysis proposal resulting from privacy protection, not an absolute legal prohibition to mention health.

The usual location also requires contextualization. The association between school, schedules and routes can provide more detailed information than each record alone. It is not stated, therefore, that publication will determine the occurrence of a crime. The legal point is that predictability of certain exposure may justify care measures before damage occurs. Prevention does not depend on transforming a possibility into certainty.

Disclosure of punishments, suffering or school difficulties can reach dignity even if the content is true. Truth does not equal unrestricted permission of advertising. In the parental relationship, adults have a duty of welcoming and guidance, which makes it particularly problematic to convert their child's vulnerability into entertainment. Article 18 of ECA provides grounds for questioning vexatory or embarrassing treatments, regardless of commercial purpose (BRASIL, 1990b).

1.5 Audience and economic incentives

The search for audience can change the conditions of parental decision. If the content about the child increases views or sustains contracts, the evaluation of what to publish may be influenced by the expectation of revenue. This does not allow to assume bad faith from every responsible person who works professionally on the internet. However, it justifies examining the existence of conflict between economic interest and child protection, especially when their refusal threatens the continuity of activity.

The child may occasionally appear in a content or occupy the center of an organized production. This difference matters to assess habituality, performance requirements and interference in routine. The fact that recording occurs inside the home does not eliminate its possible professional character. In reverse, the presence of camera and editing does not

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

transform any household record into child labor. The framing depends on the effectively developed activity and incident norms.

The exhibition can also be economically relevant without direct payment by posting. Advertising, sponsorship and other forms of remuneration integrate the concept of monetization adopted by Law 15.211/2025. Therefore, the analysis should not be limited to asking if there was a transfer identified as cache. The economic purpose may appear in the structure of the content and its connection to products or services, respected the applicable legal definitions and conditions (BRASIL, 2025a).

Family income does not, by itself, show respect for the intimateness, education and rest of the participant. The compatibility of the activity with children's rights also depends on the conditions of production and circulation.

2 Personality rights and comprehensive protection

2.1 The child as a subject of rights

The full protection starts from the recognition that children and adolescents have their own rights and peculiar development condition. Article 3 of the ECA ensures the fundamental rights inherent in the human person and the conditions for their development in freedom and dignity. Special protection does not mean absence of personality or reduction of the person to the object of adult decisions. Its purpose is to enable the exercise of rights in the context of dependence and training (BRASIL, 1990b).

The inability to practice certain acts personally does not remove from the child the rights related to his/her person. The Civil Code recognizes personality and discipline forms of representation or assistance, without converting the representative into holder of the image of the represented. In the object of this research, this means that the adult decides on interests that do not belong to him/her. This reading stems from the articulation between the articles. 1 to 5 and 11 to 21 of the Civil Code (BRASIL, 2002).

In parental sharing, this understanding changes the central question. The question is not just who has access to the password or who can sign an authorization. It is important to identify who belongs to the affected right and for the benefit of whom the decision is made. The responsible performs a care function in relation to the third-party image. Their participation is necessary in several situations, but remains subject to the limits that protect this third party.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

The condition of subject of rights also prevents postponing all protection for adulthood. It is possible that the holder may question in future a disclosure made in childhood, but guardianship should not depend on this waiting. The ordering provides instruments to deal with threat or violation while it occurs. Dependence on the child makes it more important to ensure adequate means of defense, especially when the possible author of the injury is his own representative.

2.2 Absolute priority and best interests

Article 227 of the Constitution establishes the responsibility of the family, society and the State for the priority protection of children and adolescents. The norm guides the interpretation of parental competences and the duties of other agents. Its scope does not authorize to state that a single interest will always prevail without grounds. It requires that the rights of the developing person receive effective consideration and that their protection is not treated as secondary aspect (BRASIL, 1988).

The best interest needs to appear in the reasons for the decision. The statement that the posting benefits the family leaves unanswered what it reveals about the child and why it would be necessary to expose it in that way. The evaluation proposed in this research requires relating the purpose of disclosure to the development conditions of the holder. Thus, the purpose of care can be examined from the content and its predictable effects, and not only from the intention declared by the person responsible.

The Convention on the Rights of the Child contributes to this interpretation by articulating the child's interest, parental orientation and participation. Its articles 3, 5, 12 and 16 allow us to relate protection, evolution of abilities, listening and private life. The guidance of those responsible must accompany development without eliminating the oriented person. The normative set provides the basis for a parenthood that protects and gradually increases the child's participation in the choices that concern him (BRASIL, 1990a).

As an analytical consequence, the best interest cannot be confused with parents' immediate convenience or audience response. Public acceptance of a video does not show respect for children's rights. It is also not enough that they appear satisfied at the time of recording. It is necessary to evaluate the content and decision-making conditions, including the possibility of refusal, understanding about the public and the effects of the permanence of records.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

2.3 Image and its use

The right to the image protects the identifiable representation of the person. In digital exhibition, photography and video can reach diverse audiences and be associated with messages that the holder did not choose. The protection of the image is not reduced to the sealing of false or offensive representations. The very use of representation may require legal basis, especially when linked to commercial purpose. Its analysis needs to consider the Constitution and articles 12 and 20 of the Civil Code, with the constitutional interpretation conferred by the STF (BRASIL, 1988, 2002).

The protection of the image does not require any representation to be offensive to reputation. A favorable portrait can integrate unauthorized advertising or reveal a reserved moment. On the other hand, a derogatory legend may add another dimension of injury. The separation between these interests allows identifying the basis of the request and avoids restricting guardianship to insult cases. The normative starting point is in article 5, X, of the Constitution and in articles 20 and 21 of the Civil Code (BRASIL, 1988, 2002).

The reading of the articles 20 and 21 of the Civil Code should consider the constitutional interpretation established in ADI 4.815. By ruling out the requirement for prior authorization for biographies, the STF decided a specific controversy about freedom of expression. Its conclusion does not constitute general permission to disclose the intimacy of children. Approaching parental sharing depends on considering the purpose of publication and the duty of care of those who perform it (STF, 2015).

Parental agreement may legitimize delimited uses, but it does not equal the general waiver of children's rights. Authorizing a photograph in a given campaign, for example, does not mean allowing any reuse in other contexts. In the family context, the same logic recommends distinguishing the record, the first publication and subsequent uses. Each use may involve its own purposes and responsible ones, which need to be examined separately.

2.4 Privacy and private life

Intimacy and private life protect reserve spaces necessary for the development of the person. In childhood, these spaces can understand bodily experiences, affective relationships, health, difficulties and situations of vulnerability. There is no reason to assume that these interests only arise in adolescence or adulthood. The lower defense capacity does not reduce

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

the right, making more relevant the careful action of those responsible (BRASIL, 1988, art. 5º, X; BRASIL, 2002, art. 21).

The accuracy of the report and the legitimacy of its disclosure are different issues. A true information about health or suffering can remain protected by private life. In parental sharing, the adult can correctly describe an episode and still expose an experience that belongs to the child. The evaluation should ask why this content was made public and whether the objective required identifying the holder. This interpretation is based on constitutional protection of privacy and article 21 of the Civil Code (BRASIL, 1988, 2002).

The collective dimension of the family also does not dissolve the individuality of its members. An event can affect parents and children in different ways and belong to shared experiences. The adult has an interest in narrating his/her own experience, but he/she needs to evaluate how far this narrative reveals the life of another person. It is possible to report difficulties of parenting without identifying all the details of an episode lived by the child.

The reserve also protects the possibility of change. A school difficulty does not need to become a permanent public characteristic. Development involves experimentation and overcoming steps that should not necessarily define the person before undetermined audience. This interpretation does not create an automatic right to eliminate any old record, but reinforces the need to justify the continuity of an exhibition when its purpose and conditions change.

2.5 Honor and identity

The protection of honor achieves the social consideration of the person and his subjective dimension. Children and adolescents can also undergo derogatory treatment and association with unabonating narratives. A publication that transforms difficulty or suffering as a reason for ridicule requires own analysis, even when the responsible declares that he intended to make humor. The affectionate language of the adult does not remove the content objectively embarrassing from the situation (BRASIL, 1988; BRASIL, 1990b, arts. 17 and 18).

The identity, expressly included in Article 17 of the ECA, is interested in the possibility of developing an individuality that is not fully defined by third parties. Parental narrative can select traits and episodes and present them as a definitive description of the child. Legal concern increases when this representation is reiterated despite relevant opposition or begins to guide behavior demands before the cameras.

It is not about recognizing absolute dominance over everything other people think or say about the holder. Social relations produce shared representations. The limit discussed is the

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

interference exercised by those who have special duty of care and systematically decide which intimate aspects will be public. Parental position makes it inappropriate to treat conflict as a dispute between equivalent agents, free from reciprocal responsibilities.

As an interpretive application, preserving identity requires preventing derogatory nicknames, diagnoses or isolated episodes from being used as the main resource of engagement. The evaluation depends on context and proof, without assuming that any family name is harmful. The relevant element is how disclosure affects respect due to the owner and restricts his participation in the public presentation itself.

2.6 Data protection as an autonomous dimension

The protection of personal data examines operations carried out on information related to the identified or identifiable person. Its scope exceeds the secret. Information may be publicly accessible and may remain subject to limits of purpose, necessity and use. The existence of previous publication does not transform the data into a free resource for any subsequent treatments. This dimension is particularly relevant when family records are combined or used for economic purposes (BRASIL, 2018).

Article 5, LXXIX of the Constitution expressly consolidated data protection as a fundamental right, including in digital media. Protection does not replace image and privacy, but adds analysis on information flow. In parental sharing, it is possible to ask whether the record could be disclosed as well as how the data will be collected, used and maintained by agents involved. These are complementary issues with partially different regimes (BRASIL, 1988).

Photographs of identifiable persons may constitute personal data. It is not correct, however, to classify all photography as sensitive data only by depicting a child. LGPD defines specific categories of sensitivity in art. 5, II. The image may involve health, biometrics or other information provided according to its use and context. The age of the holder imposes special protection, but does not automatically change the classification of any data.

The same caution applies to the expression consent. There is a difference between listening to the child, authorising image use and choosing legal basis for data processing. Listening is based on development and participation. Authorization has limited scope. The legal basis integrates the LGPD regime when applicable. Confused these plans can produce the mistaken conclusion that a single accepted one solves all protection requirements.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

3 Parental authority and progressive autonomy

3.1 The protective function of parental authority

Parental authority brings together responsibilities related to the creation, education, custody and legal action of non-emancipated children, according to the discipline of the Civil Code. Its interpretation must be compatible with the Constitution and ECA. The authority of parents is legitimized by the care and promotion of development, not by a position of ownership over the person of the child. Art. 1,634 needs to be read in this functional perspective (BRASIL, 2002).

With the amendment promoted by Law No. 15.240/2025, article 22 of ECA began to explicitly mention the coexistence and material and affective assistance between parental duties. In the digital environment, the affective dimension of care also guides the way to present the child's life and the attention to the discomfort it manifests in front of the exhibition (BRASIL, 1990b, art. 22; BRASIL, 2025b).

It is not intended to extract from this device a textual obligation to adopt specific configuration of social network. The relationship is interpretive. If parents have duties of care, the exercise of their digital choices should be evaluated in light of them. The concrete content of diligence depends on age, the nature of information, the scope of disclosure and recognizable risks, without imposing unlimited technical knowledge on the whole family.

Functional understanding also prevents the use of family tradition as a sufficient response. The habit of disclosing does not demonstrate its compatibility with the rights of the child. Practices need to be reviewed when new circumstances arise, when the content changes purpose or when the holder manifests opposition. Parental responsibility accompanies development and is not limited to reproducing choices taken previously.

3.2 Representation and limits of authorisation

The representation and assistance allow the legal action of those who do not have full exercise capacity. Their existence does not mean unrestricted availability of existential rights. A decision practiced on behalf of the child should be oriented to the protection of their interests, respected the applicable rules. In parental sharing, the person responsible cannot invoke his or her own authorization as a definitive response to the claim that the authorized act harms the representative.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

This problem is more visible when the adult brings together different interests. He may want to narrate his experience, strengthen his public identity, fulfill contract and protect his child at the same time. The coexistence of these goals does not produce insoluble conflict in any case. However, he requires identifying which interest guided the choice and what costs were imposed on the child. The claim of family benefit should face these concrete costs.

Authorization also needs to be defined in terms of content, purpose and context. The possibility of deciding on certain participation does not imply license to disclose any moment of the routine. Photographing a child in situations of coexistence and transmitting a situation of suffering are distinct acts. Legal control must achieve the specific choice and not only the generic existence of parental bond.

The analysis leads to an important consequence for the contractual practice. Companies should not treat the signature of the person responsible as sufficient proof that all child-juvenile interests have been preserved. Authorization may integrate the requirements of the relationship, but there are specific obligations of respect for dignity, data law and specific rules of activity. Each agent's responsibility needs to be examined for what he effectively performs.

3.3 Participation and progressive autonomy

The Convention on the Rights of the Child associates the orientation of those responsible for the evolution of their child's abilities and determines consideration of their opinion according to age and maturity. Participation, therefore, does not begin only with age or eliminate parental care in advance. In digital exposure, this reading requires broadening listening as the holder understands the content and public of the publication (BRASIL, 1990a, arts. 5º and 12).

In the decision to publish, listening means explaining in an understandable way what will be disclosed, to which audience and for what purpose. The question asked during recording, faced with expectations of the adult, may not allow effective opposition. Therefore, this paper proposes that the manifestation be collected outside the immediate pressure of production when the child or adolescent can understand and express their preferences. It is a parameter of care, not a universally standardized legal procedure.

The opposition of adolescents with understanding the situation has special relevance. Ignoring it repeatedly can demonstrate disregard for personality and autonomy. This does not mean that every preference is legally decisive in any matter. The duty of care remains and may

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

justify parental refusal to an exposure desired by their own child. Participation extends the evaluation, without eliminating responsibilities of adults.

Children's agreement also does not legitimize content that ordering prohibits or degrading situation. Vulnerability and family asymmetries prevent treating an accepted as a full waiver of protection. The legal question should reach what was asked to authorize, the conditions of manifestation and the objective limits of the activity. Without this analysis, listening can become only appearance of participation.

3.4 Disagreements between caregivers and family conflicts

The exercise of parental authority can generate divergence between parents, including in relation to exposure on social networks. Article 1.631, paragraph 1, of the Civil Code provides for recourse to the judge to resolve disagreement. Controversy should be examined by the interest of the child and the circumstances of disclosure, without limiting itself to identifying who manages the profile or who appears more frequently in the photographs (BRASIL, 2002).

The agreement of the two parents does not eliminate the possibility of injury, as well as the disagreement of one of them does not automatically prove the abusive nature of every publication. Protected interest is not limited to the veto power of an adult over the other. The ownership of the child's rights must occupy the center of the decision. This orientation avoids converting digital protection into an instrument of dispute unrelated to the content effectively questioned.

When the exhibition involves custody conflict or family charges, advertising can reveal intimate information and reach the child even without showing it directly. The possibility of public defense of adults does not allow to assume that all details of the dispute should circulate. It is necessary to evaluate identification, need and effects of disclosure on the child. Protection may require limiting information without preventing the search for assistance or judicial protection.

The judicial solution needs to be proportional and sufficiently clear. An order that delimits intimate, local or situation contents may be more appropriate than abstract and unlimited prohibition of mentioning the child. There are cases where extensive restrictions are justified by repetition of serious conduct, but its need must be demonstrated. Respect for freedom of expression requires motivation, while comprehensive protection prevents tolerating harmful exposure only because it occurs in family conflict.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

3.5 Freedom of expression for parents

Parenthood integrates the personal experience of adults and can be a legitimate subject of expression. Parents can share learning, seek support, produce information and participate in public debates. This freedom has constitutional protection and should not be reduced to economic interest or vanity. Legal analysis needs to recognize its importance to then assess the limits imposed by the rights of other people involved (BRASIL, 1988, arts. 5º, IV and IX, and 220).

The adult may have a legitimate interest in telling how parenting lives. This interest does not demonstrate that the identity of the child and all the details of his/her experience need to accompany the report. As an interpretive criterion, this study considers the possibility of preserving communication with less identifying information. The existence of this alternative helps to assess the need for exposure, without imposing anonymity on any family reference.

The educational nature of a publication is not enough to dispense care. Informing about a health condition can be socially useful, but this utility needs to be related to the need to identify a specific child. The public interest in the subject does not automatically coincide with the public interest in the intimacy of each participant. Evaluation prevents both blocking relevant debates and instrumentalizing vulnerable people on behalf of a generally positive purpose.

As an interpretative synthesis, the protection of the child does not eliminate parental expression, but guides its form of exercise. The choice for less detail, by defined public or by report without identification can preserve communication and reduce interference. When the responsible insists on the more invasive content, the purpose and proportionality need to be examined more rigorously, especially in the face of opposition from the holder.

3.6 Statement 691 and its legal force

When assessing whether a publication on the child is compatible with his/her duties of care, the responsible should consider what disclosure represents to the child and what rights can be affected by its circulation. This reading stems from the orientation approved in the IX Civil Law Day, which links the assessment of disclosure to the best interest and risks of exposure (CJF, 2022, statement 691). The statement has an interpretative character and can support legal argumentation.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

Its usefulness is to approximate the digital exposure of the protection duties already present in the system. The statement does not establish permitted quantity of posts nor creates autonomous sanction for guardians. Nor should it be cited as if it was a judicial precedent that has condemned a certain family. Employing it correctly requires indicating its nature and relating it to the norms that offer legal basis to the analysis.

The parameter proposed by the statement is compatible with the conclusion of this chapter. Parental decision can be controlled in the light of interests that belong to the child. Care does not depend only on the stated good intention or the existence of formal authorization. By recognizing risks of overexposure, guidance allows examining the context and continuity of disclosure, preserving space for the evaluation of each situation.

4 Data protection and current digital legislation

4.1 Application of the LGPD to parental sharing

The application of LGPD requires starting with its scope of incidence. Art. 4, I, excludes the treatment carried out by natural persons for exclusively private and non-economic purposes. This rule prevents us from stating that every family publication submits parents identically to the obligations of agents who exploit data professionally. It is necessary to verify the purpose and conditions of the operation. Simply using parental sharing expression does not solve the framework (BRASIL, 2018).

The analysis should also not treat public profile and economic purpose as automatic synonyms. The opening of the account is relevant to the exhibition, but the legal incidence requires examination of the set. On the other hand, the denomination of family profile does not rule out economic activity when there is advertising, contracts or organized commercial use. The identification of the actual purpose must prevail over the name assigned to the account.

The exclusion of a certain domestic operation from LGPD does not preclude the constitutional, statutory and civil rights of the child. A publication may be outside this specific regime and may violate image, privacy or dignity. This conclusion avoids an artificial gap. Article 4 delimits a law without granting general authorization for harmful disclosure of information by natural persons.

It is also necessary to distinguish the conduct of parents from that performed by the platform. Any domestic exclusion does not automatically transfer to the company that collects, organizes and uses information for its own purposes. Agents may participate in the same flow

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

and be subject to different duties. The individualization of the operation, purpose and responsible is a condition to assign appropriate legal consequences.

4.2 Best interests and legal bases

Article 14 of the LGPD determines compliance with the best interest in the treatment of data from children and adolescents. Its § 1 contains a specific consent rule that is highlighted for data from children, given by at least one parent or legal guardian. The isolated reading of this paragraph, however, does not allow to state that consent is the only possible basis for any child-to-child treatment (BRASIL, 2018).

The Enunciated CD/ANPD no. 1/2023 admits the hypotheses of articles 7 and 11, conditioned to the prevalence of best interest in the specific case. This orientation requires identifying the appropriate basis for the operation and nature of the data, rather than using generic authorization as a universal response. The statement was issued by the then National Data Protection Authority and is used in this research as official interpretation guidance of article 14 (ANPD, 2023).

The distinction between children and adolescents also needs to be preserved. The best interest covers both in the chapter of article 14, while § 1 refers specifically to children. This does not mean unrestricted release from the treatment of adolescent data. Legal basis remains necessary, respect for principles, comprehensive protection and consideration of comprehension capacity. ECA provides the relevant age criterion in its article 2o (BRASIL, 1990b, 2018).

The choice of a legal basis and compliance with the other treatment requirements should be examined together. When consent is used, it does not rule out the principles of purpose, need, safety and prevention. Nor does it allow a delimited authorization to be extended to any future use. For juvenile data, evaluation needs to consider additionally the best interest and conditions of article 14 of LGPD (BRASIL, 2018).

4.3 Purpose and minimization of information

The principles of LGPD art. 6 allow us to assess why a given data is used and whether its extension is necessary for the purpose. In economic activity involving the image of the child, it is not enough to declare that all records are useful to the growth of the account. The objective needs to be legitimate and proportional exposure. The search for engagement does not eliminate the limits imposed on the use of personal information (BRASIL, 2018).

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

The need has concrete application. If the purpose is to disclose a certain product, one should ask why it would be necessary to reveal school, diagnosis or intimate episode of the child. The answer cannot be limited to stating that the public likes to follow the routine. This preference expresses interest of the audience, which needs to be confronted with the rights of the holder. Excessive collection and disclosure do not become adequate just because they produce more attention.

Article 14, § 6, of the LGPD requires that information on treatment be presented in an accessible manner to the child's characteristics. Applied to the problem studied, this command is not satisfied only with the formal availability of technical terms. It is necessary to assess whether the recipient can understand the purpose and destination of the records. Effective participation depends on this understanding, in addition to the information transmitted to the person responsible (BRASIL, 2018).

As a practical orientation derived from these principles, content production can review which identifiers are indispensable and which ones can be omitted. This review should achieve complete publication, including subtitles, profile comments and visual elements. Minimizing exposure does not just mean reducing the file size or concealing the face. It requires evaluating what allows identifying the holder and what reveals his personal life.

4.4 Data subjects' rights and limits on erasure

LGPD provides rights to the holder, such as access, correction and provisions related to unnecessary or processed data in non-conformity. Its exercise depends on the legal hypothesis and must observe the conditions of Articles 18 and 16. Elimination does not constitute an unrestricted power to delete any information maintained by any agent. There are legal situations of conservation and issues that require specific evaluation (BRASIL, 2018).

In parental sharing, the exercise of these rights may find it difficult when the person responsible for the request is the same person who promotes the exposure. This obstacle brings data protection and procedural representation closer. The formal recognition of ownership needs to be accompanied by means that allow independent action in the face of conflict. The analysis of special curatorship measures will be developed in the chapter on legal protection.

Requests for protection may have different objects. Withdrawing a publication reduces your availability at a given source, while eliminating data from a database or preventing further processing requires examining your own operations. The choice of the request should clarify what result you want to achieve and who can perform it. This accuracy allows you to evaluate

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

the usefulness of the measure without promising full control over every copy existing on the network.

Protection should remain useful despite these limitations. The impossibility of ensuring complete disappearance does not justify maintaining undue circulation in the controllable source. The right may require concrete and verifiable measures, without promising absolute control of the entire network. This perspective guides a realistic guardianship, in which the expected result is defined according to the operation and the responsible agent.

4.5 The Digital Statute of the Child and Adolescent

Law 15.211/2025 regulates child and youth protection in technology products and services directed to this public or likely access by it. Its entry into force was fixed on March 17, 2026 by Law 15.352/2026. The diploma should be used as a standard in the time frame of this work, and not presented as a legislative or simple proposal for protection (BRASIL, 2025a, 2026b).

The scope of the law requires attention to recipients. Several obligations fall on suppliers and providers, related to risk prevention, standard protection and performance in the face of violating content. The text does not create a general prohibition for parents to publish photographs of their children. Their contribution to the theme lies in expanding the digital protection regime and in the distribution of duties that are not exhausted within the family.

Articles 6 and 7 show the importance of preventing risks and adopting protective settings. Articles 22 and 23 deal, respectively, with practices of advertising targeting and monetization or boosting content that portray children and adolescents in an erotic way, sexually suggestive or in a context proper to the adult sexual universe. These devices should not be expanded by paraphrases that eliminate their specific conditions (BRASIL, 2025a).

Art. 29 determines the removal of content that violates the rights of children or adolescents after communication from the victim, its representatives, the Public Prosecutor's Office or representative entities for the defense of this public, regardless of court order, under the conditions laid down in law. The notification should allow technically to identify the content and indicate the identity of the sender. The procedure excludes journalistic contents and subject to editorial control. Art. 30 assures the user who published the content the right to contest the removal. The removal obligation integrates the extrajudicial protection and has its own foundation, distinct from the assumptions of compensation (BRASIL, 2025a).

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

Systematic reading maintains parental responsibility. Strengthening the duties of companies does not convert parents' choices into acts that are immune to control. The family, society and the state remain bound by constitutional protection. Each agent must fulfill their duties, and the performance of one does not automatically replace that of another. In the subject studied, this distribution avoids concentrating all the solution on domestic education or private moderation.

4.6 Decree No 12.880/2026 and digital artistic activity

Decree No. 12.880/2026 regulates Law No. 15.211/2025 and establishes a national policy for the promotion and protection of children's rights in the digital environment. Art. 1 assigns to the National Data Protection Agency regulatory and supervisory powers of the law, without prejudice to the attributions of other bodies. The current nomenclature derives from the normative organization of 2026 and should not be confused with the historical denomination of the institution in acts of 2023 (BRASIL, 2026a, 2026b).

Art. 34 requires the supplier to request judicial authorization when monetized or driven content usually exploits the image or routine of a child or adolescent. § 1 determines immediate withdrawal if the authorization is missing. By the wording of § 2, the relevant milestone is the date on which the supplier initiates monetization or boosting. The device refers to the contents whose monetization or impulse begins within ninety days after publication of the decree (BRASIL, 2026a, art. 34).

Resolution CNJ No. 687/2026 regulates the granting of permits in these hypotheses, establishes safeguards for the exercise of artistic activity and establishes the National Bank of Alvarás for Artistic Activity of Children and Adolescents. The license, based on article 149, II, of ECA, integrates the judicial control of the conditions under which the activity can be performed (CNJ, 2026).

Judicial authorization should not be treated as a general license to violate personality rights. Its function integrates control of the activity, but does not eliminate the need to observe conditions of participation and protection of the holder. If the content produced exceeds what has been authorized or unduly exposes intimacy, the existence of the license does not solve all controversy. The regularity of an activity also depends on how it is carried out.

The distinction between legislation, regulation and interpretation is necessary. Law No 15.211/2025 organizes digital protection, the decree develops aspects of its execution and resolution discipline the matter in the context of its attributions. An academic analysis should

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

not indistinctly assign to the legislator each constant rule of the other acts. This precision allows to identify the source and scope of the obligation discussed.

5 STF and STJ case law and its application to the subject

5.1 Criteria for the use of precedents

Jurisprudential analysis should indicate the effectively decided problem, the solution and scope that can be used in the new context. The presence of words such as image or privacy in a trial does not make it a specific precedent on parental sharing. The value of the foregoing depends on the relationship between its foundations and the facts discussed. This caution prevents presenting analogies as judicial commands already formulated for the relationship between parents and children.

The decisions of the selected Supreme Court deal with biographies, data sharing, right to be forgotten and responsibility of providers. Their relevance stems from the constitutional structure of conflicts. They help define informational protection, freedom of expression and conditions of accountability, but do not replace the examination of family duties. The transposition of their fundamentals should be justified by research and identified as interpretative operation.

It is also necessary to consider the procedural phase. A referenced injunction and a merit decision do not have the same object. The supervenient loss of object prevents presenting extinct process as final judgment that validated a certain thesis on all future cases. In the context of the general repercussion, it is necessary to verify the thesis and its developments, rather than only reproduce the news published in the first trial.

5.2 ADI 4.815 and prior authorization for biographies

In ADI 4,815, judged on June 10, 2015, the Supreme Court gave interpretation according to the Constitution to articles 20 and 21 of the Civil Code to rule out prior authorization requirement for publication of literary or audiovisual biographies. The judgment protected intellectual, artistic, scientific and communication freedom without turning all use of the personality of others into a free-of-account activity (STF, 2015).

The object of the process matters. The Court did not judge family publication of child images or decided that parental authority would authorize unlimited exposure. Therefore, it would be incorrect to cite ADI as a direct basis for releasing any posting from parents. Its main

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

usefulness in this work is to show that civil protection needs to be interpreted together with freedom of expression, without requiring prior license in situations for which the STF has removed this requirement.

The application to parental sharing requires identifying differences. Biographical activity can meet historical, cultural and informative interests that are not confused with domestic routine advertising. Furthermore, the person responsible has a special duty in relation to the child. The adult's freedom remains protected, but is exercised within a care relationship. The existence of this duty alters the evaluation of the content and justification of exposure.

The precedent also discourages the use of absolute formulas. To affirm that every image can only circulate with authorization disregards its constitutional interpretation. To state that the absence of this requirement eliminates personality rights also goes beyond judgment. Adequate analysis seeks to identify communicative interest and intensity of interference, preserving proportional means of protection against excesses.

As a specific conclusion, the ADI 4.815 supports the need for contextual argumentation. In parental sharing, the examination must distinguish the report from the parental experience of disclosure of intimate details of the child. The existence of alternatives of lower exposure may be relevant to assess the need for the chosen environment. This criterion is proposed by the research from the constitutional system and should not be attributed as an expressed thesis of the judgment on biographies.

5.3 ADI 6.387 and information protection

ADI 6,387 integrated the set of actions that questioned Provisional Measure 954/2020, concerning the sharing of data from telecommunications users with IBGE. On May 7, 2020, the Plenário referred to precautionary measures that suspended the effectiveness of the provisional measure. The trial discussed guarantees of intimacy, private life and protection of data in a wide range operation (STF, 2020a).

The relevance to this topic lies in the recognition of the constitutional importance of the control and security of personal information. Data that seem simple, when organized and used together, may affect the sphere of freedom of the holder. This concern reinforces the need to examine the set of information disclosed about a child, rather than evaluating each fragment as if it were isolated from all others.

The state context of the precedent is not confused with the parental relationship. The conditions for institutional base sharing are not automatically transported to a household

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

photograph. What is used is the foundation of protection of the person in the face of informational operations. Its incidence in the family depends on the articulation with the Constitution, ECA and the rules on the exercise of parental authority.

The rapporteur judged the action harmed in 2020 due to a supervenient loss of object. Unresolved extinction delimits the use of the precedent: the reasoning on information protection belongs to the precautionary phase (STF, 2020b).

The subsequent inclusion of the right to data protection in article 5, LXXIX, provides explicit constitutional basis for current analysis. The normative development allows relating informational protection and personality without relying exclusively on an expanded reading of the confidentiality of communications. For parental exposure, the result is the need to treat the child as a holder of own interests in the flow of information, although it does not manage the account where the data appear.

5.4 Topic 786 and limits on the right to be forgotten

In RE 1,010,606, Theme 786, judged on February 11, 2021, the STF considered incompatible with the Constitution a right to be forgotten based on the simple passage of time to prevent disclosure of facts or data that were true and lawfully obtained and published. The thesis preserved the concrete examination of excesses and abuses in the light of personality rights and relevant legal predictions (STF, 2021).

The judgment is relevant because part of the literature on child exposure uses the idea of oblivion to discuss permanent records. In Brazilian law, one cannot present a general power to erase legal facts only because they are old as if it had been accepted by the STF. Time may integrate contextual analysis, but the intention of withdrawal needs to indicate legal basis compatible with the established thesis.

This does not mean that every old child publication is protected against removal. If the content violates privacy, dignity or data processing rules, the foundation may be concrete unlawfulness or the incidence of legally foreseen law. Theme 786 itself preserves the analysis of excesses. The difference is between asking for protection for an identified breach and invoking only the abstract desire to prevent any memory of the past.

The application to parental sharing requires considering that initial lawfulness and continuity of exposure may raise different questions. The maturity of the child, change in purpose and new uses can modify the context. It does not result from this automatic deletion. It is necessary to reevaluate, on a specific basis, the maintenance and use of records. This

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

conclusion is interpretive and does not equal to a general exception created by the STF for childhood.

The request for withdrawal should therefore clarify the content, the rights affected and the intended providence. The generic reference to the right to be forgotten tends to hide differences between journalistic information, family registration, advertising and economic treatment of data. The accuracy of the foundation strengthens protection, because it allows the judge to evaluate threat or concrete injury without contradicting the constitutional orientation of Theme 786.

5.5 Topic 987 and platform liability

The RE 1,037,396, Tema 987, examines the regime of responsibility for third-party content providers and the constitutionality of article 19 of the Brazilian Internet Civil Rights Framework (BRASIL, 2014, art. 19). Official consultation revealed trial and embargoes with unfolding on June 17, 2026. Therefore, a current exhibition of the subject cannot be limited to the reproduction of the legal text or news related to the 2025 stage (STF, 2026).

In order to know when the platform should act, it is necessary to identify the type of content and the applicable communication regime. In case of crime or other illicit, item 3 of the thesis provides for the provider's solidarity responsibility for the damages under article 21 of Marco Civil. The reasonable doubt about illegality, after qualified diligence, can rule out accountability in this hypothesis. For offenses to honor, item 3.2 maintains article 19 as a parameter of accountability and admits that the platform withdraws the content after extrajudicial notice (STF, 2026, items 3 and 3.2).

To determine whether there is a duty to indemnify, it is also important to know how the content circulated. In advertisements, paid impulses or artificial dissemination of illicit content, item 4 establishes relative presumption of guilt and allows accountability even without notification. The provider may distance it if it demonstrates that he acted with diligence and reasonable time to make the content unavailable. Item 5 disciplines the massive circulation of the serious illicits listed therein. In this hypothesis, responsibility presupposes systemic failure in prevention or removal measures. The analysis of each hypothesis should consider the conduct of the platform and the corresponding requirements (STF, 2026, items 4 and 5).

For parental sharing, the methodological consequence is to individualize the conduct of the platform. It is not enough to prove that a father published debatable material. It is necessary to relate the situation to the category of content, the form of circulation, the science and

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

performance of the provider and the specific rules of child and youth protection. The special law and constitutional jurisprudence must be articulated, preserving the differences between the duty of withdrawal and indemnity.

As to the effects on time, the embargoes set as a milestone the publication of the minutes of the judgment of merit, on August 5, 2025, with reservation for continued or permanent acts and respect for the thing judged. The 60-day deadline, counted from the publication of the minutes of the embargoes, refers to the implementation of the obligations of item 5 of the thesis. In disputes about exposure of children and adolescents, the date of disclosure, their permanence and the specific rule of withdrawal are relevant elements to define the applicable regime (STF, 2026).

The distinction has practical effect. If a person responsible keeps in the air a publication that is harmful to his child's intimacy, the analysis of his conduct part of family duties and personality rights. The analysis of the platform starts with the content category, the applicable notification or judicial order regime and the provider's response. Article 29 of the Digital Statute should be considered when its requirements are present.

5.6 REsp 1.628.700 and children's images in news reports

In REsp 1,628,700/MG, the Third Class of STJ examined disclosure of images of children in a report depicting child labor simulation, without permission from representatives and in context considered vexatory. The judgment was judged on February 20, 2018 and published on March 1, 2018. It recognized enhanced protection of child image and damage to presumed image (in re ipsa) in the hypothesis examined (STJ, 2018). Unanimously, the Chamber denied provision to special resources. The result preserved the condemnation discussed in that process and did not establish universal responsibility for any child image.

The decision does not deal with posting made by parents. The absence of authorization in the case does not allow us to conclude that its presence would legitimize any exposure. This reasoning would convert a circumstance of judgment into a general license, without facing the rights of the holder. The usefulness of the precedent is to demonstrate that disclosure of child image requires attention to content, context and protection priority.

It would also be incorrect to use the recognition of presumed damage in that case to dispense, in any dispute of parental sharing, the demonstration of conduct and the harmful framework. The expression in re ipsa does not eliminate the need to prove the facts constituting the legal situation discussed. It is necessary to demonstrate why the concrete hypothesis

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

approaches the foundation adopted by the Court, without generalizing results to any family photograph.

The analysis of the foregoing confirms the need to distinguish authorization, unlawfulness and damage. They are related but not interchangeable issues. Disclosure by third party without authorization, in a vexatory context, has its own elements. In the parental relationship, one should examine additionally the function of care and possible action contrary to the child's interest. The construction of this responsibility requires specific foundation.

5.7 REsp 1.783.269 and removal of offensive posts

The REsp 1.783.269/MG, judged by the Fourth Class on December 14, 2021 and published on February 18, 2022, dealt with the maintenance of offensive publication involving the image of a child and his parent, after request for withdrawal. The disclosure associated the people portrayed the serious accusation. The STJ considered the full protection and the duty to avoid embarrassing treatment in the evaluation of the provider's omission (STJ, 2022). Most of them denied provision to the provider's appeal, maintaining their accountability for omission in the face of formal communication of offensive content.

The judgment is of interest to the effectiveness of child protection in the face of content published by a third party. It does not constitute a decision on the responsibility of parents for overexposure. Its use in this research is limited to the recognition that the status of the person as a child or adolescent matters for the analysis of the removal and performance of the platform. The reasoning must be situated within the legal framework and the facts of that particular case.

The current reading should consider the subsequent STF jurisprudence and the existing digital legislation. An earlier precedent may retain argumentative value, but should not be presented as a complete and sufficient description of the obligations of the platforms in 2026. Law No 15.211/2025 and Theme 987 add parameters that require articulation. The update does not eliminate the precedent, but changes the way to contextualize it.

In comparative terms, the two judges of the STJ show distinct dimensions of protection. One emphasizes disclosure of child image in a report, the other examines provider omission in the face of offensive content. None authorizes the conclusion that all parental posting generates moral damage. Both help to understand why the child does not lose personality protection due to the environment used for exposure.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

5.8 Critical summary of the jurisprudential analysis

The set of decisions allows for a delimited conclusion. Freedom of expression has robust constitutional protection, but does not exclude guardianship against abuse. Informational protection reaches the person beyond the secret, and the responsibility of providers requires updated examination of categories and duties. The priority of childhood should integrate the evaluation without turning any discomfort into indemnifiable illicit.

The limit of the analysis also needs to be stated. It was not identified, in the selected corpus, Supreme Court judgment that has directly resolved a child's action against parents for parental sharing. This does not mean declaring universal absence of any pertinent decision. It means that the precedents used offer general foundations, whose application to the family relationship is built in this research based on standards of personality and integral protection.

The jurisprudential contribution becomes more consistent when each decision answers its own question. ADI 4.815 helps to avoid absolute licensing requirements for expression. ADI 6.387 contributes to understanding informational protection. Theme 786 delimits claims founded on time. Theme 987 updates the performance of platforms. STJ judges add concrete experiences of child image protection by exposure of third parties.

6 Legal protection and liability for overexposure

6.1 Criteria for the recognition of excess

The identification of excess requires a method that makes the conclusion verifiable. It proposes to start with the content and the possibility of identifying the holder. Next, we examine purpose, audience, frequency and eventual economic use. The analysis must reach the position of the child or adolescent, the existence of less invasive alternatives and the response of those responsible for signs of discomfort. These criteria are interpretative synthesis of this research, without intending to constitute a closed legal list.

The content occupies a central position. There is a difference between photo of coexistence and registration of nudity, medical care, punishment or suffering. This difference does not dispense with the context, but prevents treating all posting as if it had the same intensity. When disclosure involves intimate dimension, the justification needs to be more consistent. The absence of profit does not eliminate the duty of respecting dignity and privacy.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

The audience also matters. Open account, drive and participation in campaigns increase the desired circulation. Restricted group can reduce the initial exposure, although it does not prevent copies. The criterion should be used comparatively without promising absolute security. The choice of public is a care measure that integrates the whole, and not a mechanism capable of making any content lawful.

The frequency needs to be related to the purpose. Repetition can reveal transformation of routine into a permanent object of public monitoring, especially when there is a requirement for performance. However, an exclusively numerical analysis would be insufficient and arbitrary. The examined ordering does not offer universal monthly limit of posts. The legal conclusion should explain the connection between the identified pattern and the threat or injury to the child's rights.

The manifestation of the holder contributes to evaluate the legitimacy. Understandable, persistent opposition and related to the image itself cannot be discarded only from a minor age. Agreement, in turn, does not terminate the examination. It is necessary to verify conditions of understanding and freedom, beyond the objective limits of protection. Participation should influence the decision, without transferring to the child the responsibility for risks that adults are responsible for preventing.

6.2 Preventive protection and removal of unlawful content

Articles 12 and 21 of the Civil Code allow for the search for measures to prevent or stop threat or injury to personality rights. In parental sharing, protection may involve withdrawal of publication, delimitation of information and abstention from repeating practice identified as harmful. The object of the measure must be related to the threatened right, in a sufficiently clear way to enable compliance and supervision (BRASIL, 2002).

Art. 497, single paragraph, of the CPC distinguishes the guardianship of the unlawful from the repair of damages. To inhibit practice, reiterating or continuing the illicit or removing it, it is irrelevant to demonstrate damage, guilt or pain. This does not mean unfounded concession. It remains necessary to identify the unlawfulness or its threat and the adequacy of providence. The distinction avoids requiring the child to await consummated harm to ask for protection (BRASIL, 2015).

The emergency guard has its own requirements, provided for in Article 300 of the CPC. Probability of the right and danger of harm or risk to the useful result must be demonstrated, with respect to legal conditions. The speed of circulation may integrate the urgency but does

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

not replace the identification of the content. A well-defined request allows the judge to assess the threat more accurately and reduce unnecessary restrictions on expression.

The prohibition of any future publication may be excessive when the problem is limited to a specific content. In other cases, repetition of practices and resistance to care can justify more comprehensive measure, provided motivated. Proportionality must reach both the choice of providence and its duration and extension. Protecting the child does not excuse, as well as preserving the expression does not authorize maintaining undue exposure.

The extrajudicial route may be useful for rapid cessation, through request to the responsible persons or channels provided for suppliers. Its use should not impose new public exposure on the child. Nor is it a universal condition for every judicial measure of protection. The path depends on the urgency, security of the person involved and the possibility of obtaining effective response without aggravating the conflict.

6.3 Requirements for civil liability

Civil reparation requires analysis of the conduct, legally relevant damage and causal link, according to the applicable regime. Articles 186, 187 and 927 of the Civil Code provide the basis for examining violation of law and abuse of legal positions. Parental bonding does not create civil immunity, but also does not allow automatic condemnation by any decision that the child subsequently disapprove (BRASIL, 2002).

In parental sharing, abuse of rights helps to understand situations in which a legitimate freedom or competence is exercised beyond its purpose. Adults can narrate their lives and make care decisions, but these positions do not allow undue instrumentalization of the child's personality. The characterization of excess needs to be demonstrated by context, without reducing themselves to moral judgment about the taste or popularity of publications.

Moral damage must be based on the injury to protected existential interest. The evaluation does not depend solely on proving suffering by report, but neither does it assume compensation from the mere existence of posting. There are jurisprudential hypotheses of damage in re ipsa, whose application requires approximation with their foundations. The distinction maintains rigor and avoids trivializing both responsibility and protection of childhood.

The causal link requires individualization. A parental publication can be followed by offensive comments from third parties, republics and changes. The existence of these acts does not automatically eliminate the initial participation, but prevents attributing all results to a single

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

agent without analysis. Parents' duty of care, the performance of third parties and the response of the platform need to be examined according to their contribution and relevant standards.

The economic purpose is relevant, but it does not constitute a universal assumption of responsibility. A humiliating disclosure without revenue can harm rights. In a different sense, the existence of remuneration does not demonstrate, in isolation, that there has been damage to personality. The framework must separate any contractual or administrative irregularity, violation of rights and indemnification consequences. The answers may coexist, but are not interchangeable.

6.4 Evidence and protection of privacy in proceedings

The proof must reconstruct the conditions of disclosure without unnecessarily expanding the circulation of intimate content. They may import the date, legend, audience and request for withdrawal, in addition to the image itself. These elements need to be appreciated together. A clipping that suppresses relevant part of the publication can change the meaning of the fact and impair the evaluation of the threat or injury. The preservation of intimacy should also guide the way to instruct the process.

The notarial record provided for in article 384 of the CPC can document facts perceived by the notary, including electronic records, without constituting a mandatory means for any case. Its usefulness depends on the need to preserve a certain state of information. The proof may also be formed by other lawful and appropriate means. The choice should observe proportionality, costs and risk of content disappearance (BRASIL, 2015).

The process should not make public a second time the intimacy that is intended to be protected. Art. 189 of the CPC provides for secrecy of justice in legal hypotheses, even when the records contain data protected by the constitutional right to intimacy. The decision on confidentiality must be based, avoiding the idea of unrestricted publicity of documents only because the original exhibition took place on the internet (BRASIL, 2015).

The manifestation of the child or adolescent needs to be collected by appropriate means, without turning it into a probative spectacle. Protection does not authorize ignoring their opinion, but requires considering age, maturity and possible pressures. Listening should contribute to understanding the owner's interest and the situation experienced, without imposing unnecessary repetition of embarrassing experiences or shifting to him responsibility for the solution of the dispute.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

6.5 Conflict of interests and independent representation

The effectiveness of the rights depends on the response to the conflict between the child and those who normally represent him. Art. 1,692 of the Civil Code provides for special curation when they collide the interests of parents with those of their child in the exercise of parental authority. Art. 72, I, of the CPC deals with the appointment of a special curator to the incapable in the hypotheses of absence of representative or conflict of interest (BRASIL, 2002, 2015).

This providence does not presuppose that all parents become inadequate to represent their children in any divergence. The conflict needs to be concrete and related to the defense in question. If a responsible person intends to maintain activity that the child challenges as harmful, there is reason to examine independence of representation. The solution must prevent the interest of those who publish control also the possibility of legal questioning.

The intervention of the Public Prosecutor, provided for in article 178, II, of the CPC in cases involving an interest of incapacity, fulfills its own function. It should not be confused with the procedural representation exercised by a lawyer or curator. The institutional presence contributes to the control of protection, but does not solve all defense needs alone. The articulation of roles must respect legal attributions (BRASIL, 2015).

The defense of the rights of the child needs to remain possible when the interest of those who normally represent it is incompatible with the protection sought. Legal assistance and institutional action can help overcome this obstacle, according to their attributions. The solution must face the conflict demonstrated and consider family conditions. The purpose is to allow adequate defense of the developing person, without making any divergence a justification for indiscriminate intervention.

6.6 The Guardianship Council and measures directed at the family

The ECA provides for protective measures in the face of threat or violation of rights and assigns powers to the Guardianship Council. Parental exposure may integrate a situation requiring guidance, referral and other measures within these tasks. The Council does not grant civil compensation nor replace the Judicial Power in all decisions on restriction of rights. The identification of its role prevents referrals that promise results outside its competence (BRASIL, 1990b, arts. 98, 101, 129 and 136).

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

The choice of providence depends on the intensity and continuity of the threat or violation. Voluntary guidance and withdrawal may solve some situations, while repetition of harmful exposure may require judicial action. The difference between the answers should result from what was demonstrated in the case. This adequacy criterion seeks to ensure effective protection and at the same time avoid more extensive measures than necessary.

Suspension or loss of parental authority does not constitute an automatic consequence of inadequate posting. These measures depend on legal grounds and proper procedure, with procedural guarantees. Using them as a generic threat would trivialize serious actions and divert the analysis of concrete content. Exposure control should prioritize effective measures for the identified problem, without excluding more intense consequences when filled out its assumptions (BRASIL, 2002, arts. 1.637 and 1.638).

The preservation of coexistence cannot be invoked to prevent any investigation. The fact that responsibility arises within the family does not make the right to external protection unavailable. The balance requires recognizing the value of bonds and the duty to cease harmful practices. Legal intervention must be based, proportional and oriented to the development of the protected person.

Conclusion

Parental authority authorizes those responsible to make decisions of care and representation within the limits imposed by the image, intimacy, identity and personal data of children. Parental sharing becomes excessive when the content, purpose or conditions of circulation impose an exposure incompatible with the best interest of the child or adolescent. The evaluation should consider the possibility of identifying the child, the need for disclosure and its position according to age and maturity.

The hypothesis was supported by the articulation between Constitution, ECA, Civil Code, Convention on the Rights of the Child and digital legislation. Comprehensive protection prevents treating dependence as an absence of rights. The child may need representation and remain holder of a personal sphere of his own. This distinction provides grounds for controlling parental decision and to ensure independent defense when the interests of the representative conflict with those of the represented.

The research showed that family sharing, overexposure and economic exploitation are not identical categories. Affective posting is not necessarily illicit, and the absence of remuneration does not guarantee respect for personality. Intimate or humiliating content may

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

require protection even in isolated publication. Usuality, in turn, may reveal invasive public follow-up of routine. No legal rule was identified to solve the problem by universal quantity of posts.

The participation of the child is a material dimension of protection. Listening to the child or adolescent requires considering understanding and conditions of refusal. The agreement does not allow to rule out prohibitions and objective duties, while mature opposition cannot be ruled out by convenience of adults. Progressive autonomy should guide the initial decision and review of records, preserving parental responsibilities and expanding participation according to development.

The LGPD adds a proper analysis of the information flow. Its incidence depends on the scope, including exclusion for exclusively private and non-economic treatment per natural person. When applicable, the regime requires legal basis and better interest, without reducing all operation to parental consent. The exclusion of certain domestic operation does not rule out Constitution, ECA and Civil Code. The platform and other agents should be examined according to their own operations and purposes.

The legislation of 2025 and 2026 expands digital protection and imposes specific duties on suppliers. The Digital Statute is in force in the adopted timeframe. Art. 34 of Decree No 12.880/2026 and Resolution CNJ no 687/2026 require attention to the habitual exploration of image or routine in monetized or driven content. These acts should not be presented as a general prohibition of family memory nor as authorization for improper exposure when fulfilled a formality.

The case law of the STF contributes with constitutional foundations, respected its objects. ADI 4.815 protects freedom of expression in the context of biographies. The precautionary phase of the ADI 6.387 highlights the relevance of information protection, without being confused with a definitive judgment of merit. Theme 786 removes the right to be forgotten founded only in time, preserving analysis of abuses. Theme 987 requires an up-to-date reading of the responsibility of providers, including the embargoes of 2026.

The precedents of the STJ examined deal with exposure by third parties and offer foundations on child image and protection. They do not directly decide parental responsibility for parental sharing. Their appropriate employment requires recognizing these differences and substantiate any approximation. The research did not find, in the selected corpus, a decision of the Supreme Court that has directly resolved the responsibility of parents in this context, without stating absolute absence of other relevant deemed.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

Legal responses must be differentiated. Preventive protection and removal of the illicit can be sought without expecting indemnifiable damage, in accordance with the relevant rules. Indemnity requires proper analysis of its assumptions. Measures of protection, special curatorship and institutional intervention may be necessary according to conflict. Suspension or loss of parental authority have specific foundations and procedures and do not automatically result from inadequate publication.

An isolated post may require withdrawal when it exposes intimate or vexatory content. The usual disclosure of the routine, especially if monetized or driven, also requires examining the conditions of the activity and authorization requirements. In both hypotheses, protection becomes effective when the manifestation of the child can influence the decision to publish, maintain or withdraw the content and when there is independent defense in case of conflict with whom it represents.

References

AUTORIDADE NACIONAL DE PROTEÇÃO DE DADOS (Brasil). Enunciado CD/ANPD nº 1, de 22 de maio de 2023. Tratamento de dados pessoais de crianças e adolescentes. Brasília, DF: ANPD, 2023. Disponível em: https://bibliotecadigital.mj.gov.br/bitstream/1/10215/2/Enunciado_ANPD_2023_1.html. Acesso em: 22 set. 2026.

BRASIL. Constituição da República Federativa do Brasil de 1988. Texto atualizado. Brasília, DF: Presidência da República, 1988. Disponível em: https://www4.planalto.gov.br/legislacao/portal-legis/legislacao-1/constituicao. Acesso em: 22 set. 2026.

BRASIL. Decreto nº 12.880, de 18 de março de 2026. Regulamenta a Lei nº 15.211/2025 e institui a Política Nacional de Promoção e Proteção dos Direitos da Criança e do Adolescente no Ambiente Digital. Brasília, DF: Presidência da República, 2026a. Disponível em: https://www2.camara.leg.br/legin/fed/decret/2026/decreto-12880-18-marco-2026-798813-publicacaooriginal-178481-pe.html. Acesso em: 21 out. 2026.

BRASIL. Decreto nº 99.710, de 21 de novembro de 1990. Promulga a Convenção sobre os Direitos da Criança. Brasília, DF: Presidência da República, 1990a. Disponível em: https://www2.camara.leg.br/legin/fed/decret/1990/decreto-99710-21-novembro-1990-342735-publicacaooriginal-1-pe.html. Acesso em: 02 out. 2026.

BRASIL. Lei nº 10.406, de 10 de janeiro de 2002. Institui o Código Civil. Texto compilado. Brasília, DF: Presidência da República, 2002. Disponível em: https://www.planalto.gov.br/ccivil_03/leis/2002/l10406compilada.htm. Acesso em: 05 out. 2026.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

BRASIL. Lei nº 12.965, de 23 de abril de 2014. Estabelece princípios, garantias, direitos e deveres para o uso da Internet no Brasil. Brasília, DF: Presidência da República, 2014. Disponível em: https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l12965.htm. Acesso em: 06 out. 2026.

BRASIL. Lei nº 13.105, de 16 de março de 2015. Código de Processo Civil. Texto atualizado. Brasília, DF: Câmara dos Deputados, 2015. Disponível em: https://www2.camara.leg.br/legin/fed/lei/2015/lei-13105-16-marco-2015-780273-normaatualizada-pl.pdf. Acesso em: 12 out. 2026.

BRASIL. Lei nº 13.709, de 14 de agosto de 2018. Lei Geral de Proteção de Dados Pessoais. Texto atualizado. Brasília, DF: Câmara dos Deputados, 2018. Disponível em: https://www2.camara.leg.br/legin/fed/lei/2018/lei-13709-14-agosto-2018-787077-normaatualizada-pl.pdf. Acesso em: 12 out. 2026.

BRASIL. Lei nº 15.211, de 17 de setembro de 2025. Dispõe sobre a proteção de crianças e adolescentes em ambientes digitais. Estatuto Digital da Criança e do Adolescente. Brasília, DF: Presidência da República, 2025a. Disponível em: https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2025/lei/l15211.htm. Acesso em: 12 out. 2026.

BRASIL. Lei nº 15.240, de 28 de outubro de 2025. Altera o Estatuto da Criança e do Adolescente para caracterizar o abandono afetivo como ilícito civil. Brasília, DF: Câmara dos Deputados, 2025b. Disponível em: https://www2.camara.leg.br/legin/fed/lei/2025/lei-15240-28-outubro-2025-798199-publicacaooriginal-176854-pl.html. Acesso em: 13 nov. 2026.

BRASIL. Lei nº 15.352, de 25 de fevereiro de 2026. Altera, entre outras disposições, a LGPD quanto à Agência Nacional de Proteção de Dados e a Lei nº 15.211/2025 quanto ao início de vigência. Brasília, DF: Câmara dos Deputados, 2026b. Disponível em: https://www2.camara.leg.br/legin/fed/lei/2026/lei-15352-25-fevereiro-2026-798731-norma-pl.html. Acesso em: 21 out. 2026.

BRASIL. Lei nº 8.069, de 13 de julho de 1990. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências. Texto atualizado. Brasília, DF: Presidência da República, 1990b. Disponível em: https://www.planalto.gov.br/ccivil_03/leis/l8069.htm. Acesso em: 02 out. 2026.

CONSELHO DA JUSTIÇA FEDERAL (Brasil). Enunciado 691. IX Jornada de Direito Civil. Brasília, DF: CJF, 2022. Disponível em: https://www.cjf.jus.br/enunciados/enunciado/1830. Acesso em: 21 out. 2026.

CONSELHO NACIONAL DE JUSTIÇA (Brasil). Resolução nº 687, de 26 de junho de 2026. Dispõe sobre os alvarás para atividade artística de crianças e adolescentes no ambiente digital nas hipóteses do art. 34 do Decreto nº 12.880/2026 e institui o Banco Nacional de Alvarás para Atividade Artística de Crianças e Adolescentes. Diário da Justiça do Conselho Nacional de Justiça, Brasília, DF, n. 153, p. 9-17, 1 jul. 2026. Registro institucional disponível em: https://hdl.handle.net/20.500.12178/267688. Acesso em: 22 out. 2026.

DEFENSORIA PÚBLICA DO ESTADO DE MINAS GERAIS. Sharenting: os riscos de expor crianças e adolescentes na internet. Belo Horizonte: DPMG, 6 maio 2026. Disponível

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

em: https://defensoria.mg.def.br/saber-direito/sharenting-riscos-de-expor/. Acesso em: 13 nov. 2026.

FELIZOLA, Milena Britto; SILVA, Andressa Santiago Levino da; FARIAS, Maria de Fátima Oliveira Vieira. Conexões virtuais e lições reais: o sharenting e a exposição excessiva da criança e do adolescente no Instagram. Revista Acadêmica Escola Superior do Ministério Público do Ceará, v. 16, n. 1, 2024. DOI: 10.54275/raesmpce.v16i1.359. Disponível em: https://revistaacademica.mpce.mp.br/revista/article/view/359. Acesso em: 23 out. 2026.

FERREIRA, Lucia Maria Teixeira. A superexposição dos dados e da imagem de crianças e adolescentes na Internet e a prática de sharenting: reflexões iniciais. Revista do Ministério Público do Estado do Rio de Janeiro, n. 78, p. 165-183, out./dez. 2020. Disponível em: https://www.mprj.mp.br/documents/20184/2026467/Lucia_Maria_Teixeira_Ferreira.pdf. Acesso em: 23 out. 2026.

INSTITUTO ALANA. Sharenting. Glossário. [S. l.]: Instituto Alana, [s. d.]. Disponível em: https://alana.org.br/glossario/sharenting/. Acesso em: 13 nov. 2026.

MEDON, Filipe. (Over) Shareting: a superexposição da imagem e dos dados pessoais de crianças e adolescentes a partir de casos concretos. Revista Brasileira de Direito Civil, v. 31, n. 2, p. 265, 2022. Disponível em: https://rbdcivil.emnuvens.com.br/rbdc/article/view/608. Acesso em: 25 out. 2026.

SUPERIOR TRIBUNAL DE JUSTIÇA (Brasil). Recurso Especial nº 1.628.700/MG. Relator: Ministro Ricardo Villas Bôas Cueva. Terceira Turma. Julgado em 20 fev. 2018. DJe 1 mar. 2018. Brasília, DF: STJ, 2018. Disponível em: https://www.stj.jus.br/websecstj/cgi/revista/REJ.cgi/ITA?dt=20180301&formato=PDF&nreg=201602331400&seq=1675907&tipo=0. Acesso em: 28 out. 2026.

SUPERIOR TRIBUNAL DE JUSTIÇA (Brasil). Recurso Especial nº 1.783.269/MG. Relator: Ministro Antonio Carlos Ferreira. Quarta Turma. Julgado em 14 dez. 2021. DJe 18 fev. 2022. Brasília, DF: STJ, 2022. Disponível em: https://processo.stj.jus.br/SCON/GetInteiroTeorDoAcordao?dt_publicacao=18%2F02%2F2022&num_registro=201702627555. Acesso em: 28 out. 2026.

SUPREMO TRIBUNAL FEDERAL (Brasil). Ação Direta de Inconstitucionalidade nº 4.815/DF. Relatora: Ministra Cármen Lúcia. Tribunal Pleno. Julgado em 10 jun. 2015. Brasília, DF: STF, 2015. Processo disponível em: https://portal.stf.jus.br/processos/detalhe.asp?incidente=4271057. Acesso em: 1 nov. 2026.

SUPREMO TRIBUNAL FEDERAL (Brasil). Ação Direta de Inconstitucionalidade nº 6.387/DF. Decisão monocrática de prejudicialidade por perda superveniente de objeto, de 2020. Relatora: Ministra Rosa Weber. Brasília, DF: STF, 2020b. Disponível em: https://portal.stf.jus.br/processos/detalhe.asp?incidente=5895165. Acesso em: 3 nov. 2026.

SUPREMO TRIBUNAL FEDERAL (Brasil). Recurso Extraordinário nº 1.010.606/RJ. Tema 786 da repercussão geral. Relator: Ministro Dias Toffoli. Tribunal Pleno. Julgado em 11 fev. 2021. Brasília, DF: STF, 2021. Tese e andamento disponíveis em: https://portal.stf.jus.br/jurisprudenciaRepercussao/verAndamentoProcesso.asp?

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

Ano VII, v.1 2026 | submissão: 08/11/2026 | aceito: 15/11/2026 | publicação: 20/11/2026

classeProcesso=RE&incidente=5091603&numeroProcesso=1010606&numeroTema=786. Acesso em: 3 nov. 2026.

SUPREMO TRIBUNAL FEDERAL (Brasil). Recurso Extraordinário nº 1.037.396/SP. Tema 987 da repercussão geral. Relator: Ministro Dias Toffoli. Tribunal Pleno. Tese e decisões de embargos, inclusive julgamento de 17 jun. 2026. Brasília, DF: STF, 2026. Disponível em: https://portal.stf.jus.br/jurisprudenciaRepercussao/verAndamentoProcesso.asp?incidente=5160549&numeroTema=987. Acesso em: 6 nov. 2026.

SUPREMO TRIBUNAL FEDERAL (Brasil). Referendo na medida cautelar na Ação Direta de Inconstitucionalidade nº 6.387/DF. Relatora: Ministra Rosa Weber. Tribunal Pleno. Julgado em 7 maio 2020. DJe 12 nov. 2020. Brasília, DF: STF, 2020a. Processo disponível em: https://portal.stf.jus.br/processos/detalhe.asp?incidente=5895165. Acesso em: 1 nov. 2026.

Dedication

I dedicate this work to my parents, who, with love, dedication and renunciation, have provided me with the security and opportunities necessary to build my own path. This achievement also belongs to them.

Acknowledgements

First of all, I thank God for His infinite goodness, mercy and love. For having been my sustenance and strength throughout these five years of graduation because, without Him, it would make no sense.

To my mother, Tânia, my eternal gratitude for never measuring efforts to provide me with a quality education, for believing in myself even the moments when I doubted myself and for being my greatest incentive. Her love and dedication were fundamental for me to get here.

To my grandmother, Dona Geralda, my profound admiration and gratitude. Although life has deprived her of the opportunity to complete the studies, she always recognized the transforming value of education and encouraged me to follow forward.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.