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

Ano VII, v.1 2026 | submissão: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

Age verification and informational self-determination: the paradox of child and adolescent protection under the Digital Statute and the constitutional limits of prior identification

Verificação de idade e autodeterminação informativa: o paradoxo da proteção de crianças e adolescentes no Estatuto Digital e os limites constitucionais da identificação prévia

Verificación de edad y autodeterminación informativa: la paradoja de la protección de niños y adolescentes en el Estatuto Digital y los límites constitucionales de la identificación previa

Ana Luiza Moraes Rebouças
Daniel Cardoso Gerhard

Abstract: The Digital Statute for Children and Adolescents (Law No. 15,211/2025) imposed on digital platforms the duty to adopt reliable age verification mechanisms as a condition for access to content and services. This article examines the constitutional paradox arising from this requirement: comprehensive protection, by demanding age assessment, produces a generalized surveillance effect over all users and increases the exposure of the very data of the children it intends to protect. The research adopts a deductive and doctrinal method, with analysis of legislation, doctrine and constitutional case law. It argues that age verification is legitimate as to its purpose, but the means employed must pass the strict proportionality test, and that the current architecture fails this test by shifting the burden of age proof to the data subject and by converting child protection into the foundation of a universal digital identity registry. As a doctrinal solution, the article proposes the distinction between age attestation and identity identification, so that assessment is limited to the necessary and proportionate information, preserving the informational self-determination enshrined in Article 5, LXXIX, of the Constitution and Article 1 of the LGPD.

Keywords: Digital Statute for Children and Adolescents. Age verification. Informational self-determination. Proportionality. Comprehensive protection.

Resumo: O Estatuto Digital da Criança e do Adolescente (Lei nº 15.211/2025) impôs às plataformas digitais o dever de adotar mecanismos confiáveis de verificação de idade como condição de acesso a conteúdos e serviços. Este artigo examina o paradoxo constitucional decorrente dessa exigência: a proteção integral, ao exigir a aferição etária, produz um efeito de vigilância generalizada sobre a totalidade dos usuários e amplia a exposição de dados das próprias crianças que pretende proteger. A pesquisa adota método dedutivo e dogmático, com análise da legislação, da doutrina e da jurisprudência constitucional. Sustenta-se que a verificação de idade é legítima quanto ao fim, mas o meio empregado deve submeter-se ao teste da proporcionalidade em sentido estrito, e que a arquitetura vigente falha nesse teste ao deslocar o ônus da comprovação etária ao titular dos dados e ao converter a proteção da infância em fundamento de um cadastro universal de identidade digital. Propõe-se, como solução dogmática, a distinção entre atestação de idade e identificação de identidade, de modo que a aferição se limite à informação necessária e proporcional, preservando a autodeterminação informativa consagrada no art. 5º, LXXIX, da Constituição e no art. 1º da LGPD.

Palavras-chave: ECA Digital. Verificação de idade. Autodeterminação informativa. Proporcionalidade. Proteção integral.

Resumen: El Estatuto Digital del Niño y del Adolescente (Ley N° 15.211/2025) impuso a las plataformas digitales el deber de adoptar mecanismos confiables de verificación de la edad como condición de acceso a contenidos y servicios. Este artículo examina la paradoja

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

constitucional que surge de este requisito: la protección integral, al exigir la medición de la edad, produce un efecto de vigilancia generalizada sobre todos los usuarios y aumenta la exposición de los datos de los mismos niños que pretende proteger. La investigación adopta un método deductivo y dogmático, con análisis de legislación, doctrina y jurisprudencia constitucional. Se argumenta que la verificación de la edad es legítima en términos de finalidad, pero los medios utilizados deben someterse a la prueba de proporcionalidad en el sentido más estricto, y que la arquitectura actual no supera esta prueba al trasladar la carga de demostrar la edad al interesado y al convertir la protección de la infancia en la base de un registro universal de identidad digital. Se propone, como solución dogmática, la distinción entre certificación de edad e identificación de identidad, de modo que la medición se limite a la información necesaria y proporcional, preservando la autodeterminación informativa consagrada en el art. 5°, LXXIX, de la Constitución y en el art. 1.º de la LGPD.

Palabras clave: ECA Digital. Verificación de edad. Autodeterminación informativa. Proporcionalidad. Protección total.

Comprehensive protection as the foundation and limit of state intervention in the digital environment

The protection of children and adolescents in the digital environment is no longer a peripheral issue to occupy a central position in the Brazilian constitutional debate. The reason is demographic and legal at the same time: almost the entire population aged 9 to 17 uses the internet, and the legal system began to respond to this reality with a set of regulations that grows thicker every year. Law No. 14,811/2024 typified bullying and cyberbullying; Law No. 15,100/2025 restricted the use of portable electronic devices in schools; and Law No. 15,211/2025, the Digital Statute of Children and Adolescents, inaugurated a regime of specific duties for digital platforms, under the supervision of the National Data Protection Authority.

This legislative movement is not accidental. It translates, at the infraconstitutional level, the command of Article 227 of the Constitution of the Republic, which imposes on the family, society and the State the duty to ensure children and adolescents, with absolute priority, the realization of their rights, in addition to keeping them safe from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression. The doctrine of comprehensive protection, enshrined in this provision and developed by the Child and Adolescent Statute, moved the child from the status of object of guardianship to that of subject of rights in a peculiar condition of development.[1]

[1] The expression comprehensive protection designates the set of rights and guarantees recognized to children and adolescents due to their peculiar developmental condition, in accordance with the doctrine consolidated from Article 227 of the Constitution and the Child and Adolescent Statute.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

There is, however, a tension that Brazilian doctrine has not yet faced with the rigor that the topic demands. Comprehensive protection is, simultaneously, the foundation and limit of state intervention. It authorizes the State to restrict freedoms in favor of children, but it also limits this restriction, because the Constitution itself guarantees children and adolescents fundamental rights that cannot be fully sacrificed in the name of their protection. The Article 227 is not just a duty clause: it is also a guarantee clause.[2]

This double aspect becomes decisive when the object of intervention is the digital environment. There, child protection requires control of access to content and services, and the instrument chosen by the legislator was age verification. The choice is intuitive and politically irresistible: if the risk arises from access, controlling access seems the natural response. The problem is that age verification, as structured, does not only apply to children. It operates on everyone.

It is at this point that this article positions itself. It is argued that the requirement for reliable age verification, provided for in the Digital Statute, is constitutionally legitimate in terms of the end, but problematic in terms of the means, because the current normative architecture produces two effects that the Constitution does not authorize: the generalized surveillance of adults and the expansion of the exposure of children's own data. The hypothesis is that overcoming this deficit requires a precise doctrinal distinction between attesting age and identifying identity, a distinction that the legislator has not made and that the doctrine has not yet formulated.

The argumentative route is organized into four movements. The first examines the legal nature of age verification and its inclusion in the comprehensive protection regime. The second demonstrates the paradox: how a protection instrument becomes a vector of exposure. The third submits the requirement to the proportionality test, paying attention to the sub-criteria of necessity and proportionality in the strict sense. The fourth proposes the distinction between age attestation and identity identification as a doctrinal solution compatible with informational self-determination.

[2] Regarding the transition from the doctrine of irregular situation to the doctrine of comprehensive protection, see the specialized literature on Child and Adolescent Law.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

Age verification in digital status: legal nature and normative structure

The Digital Statute of Children and Adolescents, established by Law No. 15,211/2025 and regulated by Decree No. 12,880/2026, established a shared protection regime between the State, family, society and digital platforms. Among the obligations imposed on suppliers of products and services accessible to children and adolescents, three deserve to be highlighted for the purposes of this study: reliable age verification, linking accounts of minors under the age of sixteen to a legal guardian and prohibiting the use of behavioral profiles for advertising purposes aimed at this audience.

Age verification is not, technically, an absolute novelty in the Brazilian legal system. The Child and Adolescent Statute already contained provisions that prohibited children and adolescents from accessing certain content and establishments, and the Consumer Protection Code imposes duties of adequate information regarding products unsuitable for certain age groups. The novelty of the Digital Statute is on another plane: it shifts the measurement from the in-person moment to the moment of digital access and assigns the duty to measure it to the platforms, and not to the State or the family.

This change in allocation of responsibility for the duty has relevant doctrinal consequences. When the State assessed age, the operation took place in the exercise of administrative police power, with the guarantees specific to the legal-administrative regime. When the platform assesses age, the operation takes place within the scope of a private legal relationship, but with a delegated public purpose. Here, a hypothesis of private exercise of an administrative function is configured, a category that the doctrine of Administrative Law is well aware of and which requires the submission of the individual to the guarantees of the public regime, including proportionality and legitimate purpose.[3]

The legal nature of age verification is therefore hybrid. It is, at the same time, a duty to protect children, a regulatory obligation imposed on the platform and the processing of personal data subject to the LGPD. This triple nature is often ignored in the analysis of the topic, and forgetting the third dimension is the origin of many of the problems that this article examines.

In effect, verifying age means processing personal data. The procedure requires the collection of information about the data subject, its comparison with databases, the generation

[3] The expression administrative function performed by a private individual designates the hypothesis in which the legal system attributes to a private entity the performance of a materially administrative activity, subjecting it to the guarantees of the public regime.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

of records and, often, the maintenance of these records for auditing and defense purposes in the event of liability. Each of these operations is data processing within the definition of Article 5, X, of the LGPD, and attracts the legal regime of the law, including the need for a legal basis, compliance with the principles of Article 6 and the accountability of the controller.

The ANPD, in a technical document on age assessment mechanisms, expressly recognized this dimension and examined different technological approaches for the purpose, signaling concern about data minimization. Recognition is relevant, but insufficient: administrative guidance does not resolve the constitutional problem, because the tension is not only in the technological choice, but in the structure of the legal duty itself, which requires individualized and prior assessment of each user.

The paradox of protection: how age assessment expands childhood exposure

Age verification, as structured in the Digital Statute, produces a result that contradicts its own purpose. To protect children and adolescents, all users are required to undergo a verification procedure. As there is no mechanism in the current architecture that allows us to distinguish in advance who is a child from who is not, the operation affects the entire user population.

The first effect is the creation of a universal digital identity register. Each access to restricted content generates a record that associates an individual with an age group, a device, a network address and a specific time. The aggregation of these records, although individually innocuous, makes it possible to reconstruct trajectories, preferences and behavior patterns of the entire adult population. Data protection doctrine is well aware of this phenomenon: the sum of apparently anodyne data produces sensitive information.[4]

The second effect is more serious and less discussed. When requiring documentary proof of age, the procedure often requires the provision of identity documents, which contain sensitive data and are themselves subject to enhanced protection. The result is that children and adolescents, in order to access legitimate services, need to provide platforms with exactly the type of data that comprehensive protection should protect. Protection becomes a vector of exposure.

[4] Regarding the distinction between personal data and sensitive data and its legal consequences, see the specialized doctrine on data protection.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

There is also a third effect, of a distributive nature. The requirement for an identity document presupposes the existence and availability of this document. In a country with significant rates of civil under-registration and incomplete documentation, document verification operates as an exclusion filter: those who do not have documents do not access the service. Comprehensive protection, which should be universal, produces inequality of access.

This set of effects configures what is called the protection paradox. The paradox is not rhetorical: it is structural. It arises from a choice of normative design that confuses two distinct concepts, namely, age and identity. Assessing age is checking an attribute; Identifying is determining who the person is. The Digital Statute requires the first, but the available architecture delivers the second.

The confusion is not accidental. It arises from the absence of a legal theory of age assessment in Brazilian law. The legislator, when imposing the duty, did not define what reliable means, nor did it establish limits on the amount of information required, nor did it provide for less invasive alternatives. Subsequent regulation advanced in procedural aspects, but maintained the indeterminacy regarding the core of the problem.

Comparative doctrine has faced the issue in greater depth. The European experience, especially after the Digital Services Act and guidelines on the protection of minors, has emphasized the need for double anonymization mechanisms and age attestation without revealing identity. The technical literature on the subject converges to one conclusion: it is technically possible to assess age without identifying the person, and the choice of mechanisms that identify is a legal decision, not a technological imposition.[5]

The proportionality test applied to the requirement for prior verification

The age verification requirement restricts fundamental rights. It limits the freedom of access to information, privacy and informational self-determination of adult users, and subjects children and adolescents to data processing that their own condition should protect. Restriction of a fundamental right requires submission to the test of proportionality, in its three classic dimensions: adequacy, necessity and proportionality in the strict sense.

The suitability assessment is the least problematic. Age verification is a suitable means of preventing children and adolescents from accessing inappropriate content and services.

[5] The expression double anonymization designates the architecture in which the verifier only certifies the age attribute, without access to the identity of the data subject and without transmitting this to the platform.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

There is, admittedly, a relevant empirical objection: children can circumvent age-assessment mechanisms, and international experience records significant rates of circumvention. However, the possibility of circumvention does not eliminate the suitability of the means; it merely demonstrates its imperfection, which is characteristic of any legal instrument.

Examination of need is the critical point. The principle of necessity requires that, among the equally suitable means to achieve the end, the least restrictive to fundamental rights be chosen. The decisive question is: is there an equally effective and less invasive method than individualized and prior verification of each user?

The answer is affirmative, and this is the core of the thesis supported here. There are at least three less restrictive alternatives. The first is age attestation by a trusted third party, in which an independent provider only certifies the age range, without transmitting the identity to the platform. The second is attribute verification, based on credentials that prove only the necessary data, without revealing excess information. The third is progressive verification, in which verification is only required when the user intends to access effectively restricted content, and not at the time of registration.

None of these alternatives are utopian. All are technically viable and are already in operation in other systems. The choice for individualized and prior verification, therefore, is not the only one possible nor the least restrictive. It is a policy option made by the legislator, and as such must be justified in terms of the sub-criterion of necessity.

Examining proportionality in the strict sense requires balancing the intensity of the restriction and the importance of the objective pursued. Here, the legislator's argument is strong: the protection of children and adolescents against harmful content is an aim of unequivocal constitutional relevance, anchored in Article 227 of the Constitution and the doctrine of comprehensive protection. But the consideration does not end with identifying the importance of the end; requires examining whether the restriction is proportional to the benefit actually produced.

And it is at this point that the current architecture reveals its fragility. The benefit produced is the reduction of children's access to inappropriate content, a real benefit, but partial, given the possibility of fraud. The cost is the creation of universal identification infrastructure, with risks of leakage, secondary misuse and surveillance. The relationship between cost and benefit, rigorously examined, does not favor the adopted solution.

The jurisprudence of the Federal Supreme Court offers a relevant parameter. In the joint judgment of ADIs 6387, 6388, 6389, 6390 and 6393, the Court recognized the protection of

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

personal data as an autonomous fundamental right, arising from the dignity of the human person and informational self-determination. Informational self-determination, in the adopted formulation, comprises the data subject's right to control the flow of their information, which includes the right not to be subjected to disproportionate collection.[6]

Applying this parameter to age verification produces a clear conclusion: the requirement is constitutionally admissible, but only to the extent that it is limited to the minimum necessary. Architecture that requires identification to assess age exceeds this minimum and, therefore, does not pass the necessity test.

Age attestation and identity identification: a necessary doctrinal distinction

Overcoming the paradox requires a distinction that Brazilian law has not yet incorporated. This is the difference between certifying age and identifying identity. The distinction is not merely semantic; it produces concrete legal consequences regarding the applicable data regime, the burden of proof and the limits of supervision.

Attesting age means certifying an attribute: that the data subject is more or less than eighteen years old, or that he or she is in a certain age range. Identifying identity means determining who the data subject is: their name, their document, their biometric data, their address. The first operation supports data minimization; the second is incompatible with it, because it requires exactly the data that is intended to be protected.

The distinction is grounded in the LGPD itself. Article 6, III, enshrines the principle of data minimization, under which processing must be limited to the minimum necessary to achieve its purposes. Article 6, II, establishes the principle of adequacy, requiring compatibility between the processing and the purpose communicated to the data subject. Age verification aims to assess age; collecting identity information is excessive processing for that purpose and therefore fails to comply with the legal framework.

The distinction also has a constitutional basis. The Article 5, LXXIX, of the Constitution, introduced by Constitutional Amendment nº 115/2022, guarantees everyone the right to the protection of personal data, including in digital media. Informational self-determination, recognized by the Federal Supreme Court as the core of this right, includes the data subject's ability to control the extent of the processing. Requiring identification to assess

[6] Regarding informational self-determination as the core of the fundamental right to data protection, see the reasoning adopted by the Federal Supreme Court in the judgment of ADIs 6387 and appended.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

age takes away this control from the data subject, as it forces him or her to provide data that is not necessary for the declared purpose.

The incorporation of the distinction into the legal system produces three practical consequences. The first is the reversal of the argumentative burden: it would be up to the platform to demonstrate that identification is necessary for age assessment, and not the data subject to demonstrate otherwise. The second is the limitation of the informational quantum: the platform could only retain the data strictly necessary for certification, preventing the maintenance of identity records for secondary purposes. The third is the requirement for alternatives: the regulator should admit and encourage attestation mechanisms by a trusted third party, with age group certification without transmitting identity.

This architecture is not merely theoretically superior; it is consistent with the purpose of the Digital Statute. If the objective is to protect children, the means must provide the greatest protection with the least exposure. Age attestation protects as much as identification while exposing infinitely less information. The choice of identification is therefore not justified by the protective purpose; it is justified by other considerations, whether commercial or related to administrative convenience, that do not withstand constitutional scrutiny.

It is necessary to recognize, out of intellectual honesty, the objections to this proposal. The first is that certification by a trusted third party transfers the problem, creating an intermediary that concentrates data on the entire population. The objection is pertinent, but does not eliminate the advantage: the intermediary can be subject to a specific legal regime, with duties of minimization, auditing and accountability, and the concentration is lower than that resulting from the multiplication of bases by each platform.

The second objection is that attestation facilitates fraud, because age group certification would be more easily circumvented than documentary verification. The objection has an empirical basis, but it is not decisive: documentary verification is also circumventable, and the law does not require perfection, but proportionality. Furthermore, attestation fraud produces less serious consequences than the leak of an identity database.

The third objection is of a practical nature: adopting attestation would require infrastructure that the country does not have. The objection is real, but it does not justify maintaining unconstitutional architecture. It does indicate the need for a gradual transition, with a deadline defined by the regulator and incentives for the adoption of less invasive mechanisms.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

The role of the National Data Protection Authority in shaping the duty of age assessment

The obligation to verify age is not limited to the law. The Digital Statute assigned the National Data Protection Authority to monitor compliance with obligations by platforms, which gives the body the authority to interpret and conform the duty in the specific case. This competence is decisive for solving the problem examined here.

In this regard, the ANPD performs a technical regulatory function, with powers to issue guidelines, establish parameters and impose sanctions. Its actions, however, are constrained by the principle of legality and the requirement that restrictions on fundamental rights be established by law. Through an administrative act, the Authority may neither expand the legal duty nor require data subjects to provide information beyond what the law authorizes.

There is a relevant regulatory opportunity here. When interpreting the reliability requirement, the ANPD may adopt a reading in accordance with the Constitution, which favors attestation mechanisms over identification mechanisms. This interpretation does not contradict the law; on the contrary, it achieves its purpose with fewer restrictions on rights, in line with the duty of consistent interpretation that binds every public authority.

Comparative regulatory experience offers insights. European authorities have issued guidelines that emphasize minimizing data when assessing age and expressly admit double anonymization solutions. The adoption of similar parameters by the ANPD would be consistent with the Brazilian regime and the Federal Supreme Court's jurisprudence on informational self-determination.

It should also be noted that the ANPD's competence is not exclusive. The Child and Adolescent Rights Guarantee System, structured by the Child and Adolescent Statute, assigns powers to the National Council for the Rights of Children and Adolescents, the Guardianship Councils and the Public Prosecutor's Office. Coordination between these bodies is necessary for protection to be effective and for the interpretation of the duty to assess not to be fragmented into divergent guidelines.

Final considerations

The analysis developed allows us to conclude that age verification, as structured in the Digital Statute, is constitutionally legitimate in terms of the end, but problematic in terms of 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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

means. Comprehensive protection authorizes state intervention in the digital environment, but does not authorize it to any extent or through any instrument. The Article 227 of the Constitution is the basis of duties and limit of restrictions.

The identified paradox is not rhetorical. The requirement for individualized and prior verification produces three effects that contradict the protective purpose: the creation of a universal digital identity register, the expansion of the exposure of children and adolescents' data and the exclusion of those who do not have documentation. Protection becomes a vulnerability vector.

The proportionality test confirms the diagnosis. The requirement is appropriate for the purpose, but it is not necessary, because there are equally effective and less restrictive means. And it is not proportional in the strict sense, because the cost imposed on the community exceeds the benefit actually produced.

The doctrinal solution proposed consists of the distinction between attesting age and identifying identity. The distinction is based on the principle of minimization in Article 6, III, of the LGPD and in the informational self-determination of Article 5, LXXIX, of the Constitution. Its incorporation into the legal system produces three consequences: inversion of the argumentative burden in favor of the data subject, limitation of the amount of information retained and the requirement for less invasive alternatives.

ANPD occupies a strategic position in this process. When interpreting the reliability requirement, the Authority may adopt a reading in accordance with the Constitution, which privileges attestation over identification. This interpretation achieves the legal purpose with fewer restrictions on rights and is consistent with constitutional jurisprudence on data protection.

As a development for future research, we suggest an empirical examination of the age-assessment mechanisms effectively adopted by platforms after regulation, as well as a comparative analysis of solutions adopted in other Latin American systems, in order to verify the viability of common regional parameters. It is also suggested to investigate the relationship between the duty of age assessment and the platforms' civil liability regime, a topic that remains open.

The final conclusion is that protecting children and adolescents in the digital environment requires precise calibration between protection and freedom, rather than maximizing control. A legal system that subjects the entire population to surveillance in order

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

to protect children provides less protection than it promises and imposes more restrictions than it is entitled to impose.

References

AGÊNCIA NACIONAL DE PROTEÇÃO DE DADOS. Technological Radar nº 5: age assessment mechanisms. Brasília, DF: ANPD, 2025.

BIONI, Bruno Ricardo. Protection of personal data: the role and limits of consent. 2nd ed. Rio de Janeiro: Forense, 2020.

BRASIL. Constitution of the Federative Republic of Brazil of 1988. Brasília, DF: Presidency of the Republic, 1988.

BRASIL. Law nº 8,069, of July 13, 1990. Statute of Children and Adolescents. Official Gazette of the Union, Brasília, DF, 1990.

BRASIL. Law No. 12,965, of April 23, 2014. Civil Rights Framework for the Internet. Official Gazette of the Union, Brasília, DF, 2014.

BRASIL. Law No. 13,709, of August 14, 2018. General Personal Data Protection Law. Official Gazette of the Union, Brasília, DF, 2018.

BRASIL. Law No. 14,811, of January 12, 2024. Amends the Child and Adolescent Statute and criminal legislation to reinforce the fight against violence and cyberbullying. Official Gazette of the Union, Brasília, DF, 2024.

BRASIL. Law No. 15,100, of January 13, 2025. Provides for the restriction of the use of personal portable electronic devices in basic education schools. Official Gazette of the Union, Brasília, DF, 2025.

BRASIL. Law No. 15,211, of September 17, 2025. Digital Statute of Children and Adolescents. Official Gazette of the Union, Brasília, DF, 2025.

BRASIL. Supreme Federal Court. Direct Unconstitutionality Actions nº 6387, 6388, 6389, 6390 and 6393. Rapporteur: Min. Gilmar Mendes. Judgment: 2020. Brasília, DF: STF, 2020.

DONEDA, Danilo. From privacy to the protection of personal data: foundations of the General Data Protection Law. 2nd ed. São Paulo: Thomson Reuters Brazil, 2019.

MALDONADO, Viviane Nóbrega; BLUM, Renato Opice. LGPD: General Data Protection Law commented. 3rd ed. São Paulo: Thomson Reuters Brazil, 2021.

MENDES, Laura Schertel. Privacy, data protection and consumer protection: general guidelines of a new fundamental right. São Paulo: Saraiva, 2014.

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: 08/08/2026 | aceito: 15/08/2026 | publicação: 19/11/2026

RODOTÀ, Stefano. A life in the surveillance society: privacy today. Rio de Janeiro: Renew, 2008.

SARLET, Ingo Wolfgang. Protection of personal data: comments to Law No. 13,709/2018. São Paulo: Saraiva, 2019.

TEPEDINO, Gustavo; TEIXEIRA, Ana Carolina Brochado. Protection of personal data and children: best interests as a basis. Brazilian Journal of Civil Law, Belo Horizonte, v. 8, no. 2, 2021.

Note to the author — pending issues and observations

- (1) Doctrinal references were constructed from works that actually exist and are widely known in the area, but the edition, year and publisher data must be checked before submission;
- (2) Footnotes 1 to 6 are of an explanatory nature and must be replaced by precise bibliographic references when making the final version;
- (3) It is recommended to check the exact number of the Decree that regulates Law No. 15,211/2025 and the date of its publication;
- (4) It is recommended to confirm the numbering and exact menu of Law No. 15,100/2025;
- (5) The article is sized for approximately 15 to 18 pages in the applied format, within the magazine's limit of 7 to 23 pages;
- (6) Check whether the target journal requires the removal of authors' names from the file, given the double-blind evaluation.

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.