

Data Breach Laws in Latin America

COUNTRY	DATA PROTECTION LAW	DATA SECURITY REQUIREMENTS	BREACH NOTIFICATION REQUIREMENT	REMEDIES
ARGENTINA	Data Protection Law 25,326	No Recommendations based on the principle of accountability	Recommended notification to the Data Protection Authority (DNPDP), but not required	DNPDP can impose sanctions & fines but not award damages or costs Private right of action Infringement could constitute a crime
BOLIVIA	Article 56, Tittle IV of Law 164 (Aug. 2011) Comprehensive (2009) law pending approval	Yes	No	Seek cease of breach and obtain monetary compensation for damages No cyberinsurance available
BRAZIL	Law No. 13,853/19 (LGPD)	Yes	Security incidents that present significant risk or damage to data subjects must be communicated to the Data Protection Authority (ANPD) and data subject in a <i>reasonable</i> time Additional mitigation required depending on risk.	Private right of action to recover moral & economic damages
CHILE	No privacy laws for the private sector	No	No	Civil court action for damages
COLOMBIA	Statutory Law 1581 of 2012	Yes	Yes, to the Data Protection Authority (SIC)	Habeas Data (not monetary compensation) SIC can impose fines Criminal claim
COSTA RICA	Law 8968	Yes	Yes, to the Data Protection Authority (PRODHAB) and the individuals	Civil court action for damages
DOMINICAN REPUBLIC	Law No. 172-13	Yes	No	Civil court action for damages
ECUADOR	Law pending approval	Yes	No	Civil court action for damages
EL SALVADOR	No law	No	No	Habeas Data (not monetary compensation) No Administrative remedy
GUATEMALA	No law	No	No	None
HONDURAS	No law	No	No	None
MEXICO	LEPDPPP	Yes	No requirement to report to Data Protection Authority (INAI) Requirement to notify individuals of any breach that significantly affects their moral or patrimonial right	Administrative proceedings in front of INAI but no damages awarded. Civil court action for damages Criminal complaint
PANAMA	Law 81 (effective 03/29/2021)	Yes	No	Civil court action for damages (currently) Fines by ANTAI under Law 81
PARAGUAY	Law pending approval	No	No	Civil court action for damages Criminal complaint
PERU	Law N° 29733/2013 (PDPL)	Yes	No requirement to report to Data Protection Authority (APDP) Requirement to notify individuals of any breach that affects their economic or moral rights	Fines by APDP Civil court action for damages
URUGUAY	Law No. 18.331 (2008); Decree No. 414/009	Yes	Yes, immediately to authority and individuals	Fines by AGESIC
VENEZUELA	No law	No	No	Civil court action for damages

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