

Bill No. 69 of 2020

THE INFORMATION TECHNOLOGY (AMENDMENT) BILL, 2020

By

SHRI KODIKUNNIL SURESH, M.P.

A

BILL

further to amend the Information Technology Act, 2000.

Be it enacted by Parliament in the Seventy-first year of the Republic of India as follows:—

1. (1) This Act may be called the Information Technology (Amendment) Act, 2020.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 2000.

2. In section 7 of the Information Technology Act, 2000, after sub-section (1) the following Sub-Section shall be inserted, namely:—

Amendment of section 7.

10 "(1A) Every document, record or information, whether personal or of a general nature, of any Indian citizen in electronic form under sub-section (1) shall be retained or maintained only in datacentre located within the territory of India."

STATEMENT OF OBJECTS AND REASONS

The Information Technology Act, 2000, is an important legislation that protects the right to privacy of individuals utilizing the electronic and internet enabled services and equipments provided by internet service providers in the country.

With alarming rise in breach of privacy and data, including personal and financial identity being rampantly breached, often with established service providers and companies in connivance, it is imperative to consistently safeguard the right to privacy and data integrity of individuals. In a recent development several individuals who visit shops and service providers are fraudulently made to divulge their mobile phone numbers under flimsy pretexts and numbers collected thus are transferred to various fraudulent groups that steal and pilfer personal data by means of *vishing* and spamming. It is thus needed to enact a legislation that protect the rights of citizens against all evolving forms of data theft.

The Bill, therefore, seeks to amend the Information Technology Act, 2000, with a view to—

(a) comprehensively protect and safeguard the rights of individuals against data theft and data privacy; and

(b) extend the ambit of the principal Act to ensure the evolving techniques and modus of individuals engaged in data theft,

by ensuring that every document, record or information, whether personal or of a general nature, of any Indian citizen in electronic form shall be retained or maintained only in datacentre located within the territory of India.

Hence this Bill.

NEW DELHI;
February 13, 2020.

KODIKUNNIL SURESH

ANNEXURE

EXTRACT FROM THE INFORMATION TECHNOLOGY ACT, 2000

[ACT No. 21 OF 2000]

* * * * *

7. (1) Where any law provides that documents, records or information shall be retained for any specific period, then, that requirement shall be deemed to have been satisfied if such documents, records or information are retained in the electronic form, if—

Retention of electronic records.

(a) the information contained therein remains accessible so as to be usable for a subsequent reference;

(b) the electronic record is retained in the format in which it was originally generated, sent or received or in a format which can be demonstrated to represent accurately the information originally generated, sent or received;

(c) the details which will facilitate the identification of the origin, destination, date and time of dispatch or receipt of such electronic record are available in the electronic record:

Provided that this clause does not apply to any information which is automatically generated solely for the purpose of enabling an electronic record to be dispatched or received.

(2) Nothing in this section shall apply to any law that expressly provides for the retention of documents, records or information in the form of electronic records.

* * * * *

LOK SABHA

A

BILL

further to amend the Information Technology Act, 2000.

(Shri Kodikunnil Suresh, M.P.)