

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 565
TO BE ANSWERED ON: 14.12.2018

DRAFT PERSONAL DATA PROTECTION BILL

565. SHRI RAJEEV CHANDRASEKHAR:

Will the Minister of Electronics & Information Technology be pleased to state:-

- (a) the action taken by the ministry on my letter dated 21 September, 2018 regarding the need for an expanded discussion on draft Personal Data Protection Bill;
- (b) whether the Ministry has conducted any study regarding the overall economic effects of data localization proposed in Draft Personal Data Protection Bill, 2018; and
- (c) whether there are any alternate ways to protect sensitive data and to ensure that law enforcement can investigate crimes without data localization?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI S.S. AHLUWALIA)

(a): Ministry of Electronics and Information Technology (MeitY), Government of India, on 31st July 2017, vide OM No.3(6)/2017-CLES, constituted a Committee of Experts under the Chairmanship of Justice B N Srikrishna, Former Judge, Supreme Court of India. A White Paper was released by the said committee on 27th November 2017 to solicit public comments. The White Paper outlined key data protection issues and international best practices. In addition, public consultation meetings were held by the Committee in four major cities. Inputs were received from various domains including Academia, Industry forums, Governments, Technology Companies across the globe.

The committee deliberated on various inputs & has submitted its report along with draft Bill to MeitY. The Draft Personal Data Protection Bill-2018 was published on MeitY website and comments were solicited from General Public, Central Ministries, State governments and UTs. The consultation started on 16th August 2018 onwards and the last date of submission of comments was 10th October 2018.

Responses have been received from a wide spectrum of stakeholders, a total of 624 submissions were received. The process of finalization of a draft bill that will be introduced in the parliament is presently being carried out. Suggestions contained in the Hon'ble member's letter cited, regarding Cross-border Data Transfer, Data Protection Authority, Anonymized Data and Differential Compliance Framework for Large Corporations and SMEs have been taken note of and will be considered while preparing the draft bill.

Since the matter is of critical significance and a wide range of stakeholders consultations has been conducted, it is felt that adequate inputs have been received & suitably incorporated in the draft bill & the circumstances are conducive for taking it to parliament for consideration instead of extending the consultations as sought by the Hon'ble Member.

(a) and (c): The committee of experts on Data Protection under the Chairmanship of Justice B N Srikrishna, Former Judge, Supreme Court of India has examined various pros and cons related to localization and has brought out them in the final report. Cost-benefit analysis of data localization has been discussed in detail in chapter 6 of the report.

Based on the recommendation of the committee of experts and a multitude of feedback received from diverse stakeholders, the draft bill seeks to address these issues.

Further, as clearly brought out in chapter 6 of the report, in order to protect the national interest, effective enforcement of Indian Law, protection from external vulnerabilities, preventing foreign surveillance and facilitation of law enforcement access, the committee has recommended some data localization in the bill.
