

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2009
TO BE ANSWERED ON 23.12.2022

FACIAL RECOGNITION TECHNOLOGY

2009. SHRI MUZIBULLA KHAN:

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

(a) the current status of regulations on facial recognition technology and the management of the data thereof, if any; and

(b) the reason for lack of regulations and guidelines for facial recognition?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) and (b): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. With the expansion of the Internet, more and more Indians coming online, there is an increase in the facial recognition of biometric information, including information generated for purposes for facial recognition technology.

Section 43A of the Information Technology Act, 2000 provides that a body corporate which possesses or deals or handles any sensitive personal data or information in a computer resource owned or controlled or operated by it is liable to compensate an affected person for causing wrongful loss or wrongful gain to any person due to negligence in implementing and maintaining reasonable security practices and procedures. Government, in exercise of its powers under the said section, has prescribed the rules regarding sensitive personal data or information as well as the reasonable security practices and procedures to be complied with. As

per these, sensitive personal data or information includes biometric information, and biometrics include technologies that measure and analyse facial patterns. The reasonable security practices and procedure include implementation of the international standard IS/ISO/IEC 27001 or Government-approved codes of best practices for data protection, and a comprehensive documented information security programme and information security policies that contain managerial, technical, operational and physical security control measures that are commensurate with the information assets being protected with the nature of business. Thus, law to regulate facial recognition technology and manage data related to such technology is in place.

Further, the Ministry of Electronics and Information Technology has prepared a draft Bill, titled the Digital Personal Data Protection Bill, 2022 and has invited feedback from the public as part of its public consultation exercise.
