

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY (MeitY)  
**RAJYA SABHA**  
**UNSTARRED QUESTION No. 3438**  
TO BE ANSWERED ON: 31.03.2023

**DATA SECURITY**

**3438. SHRI HARBHAJAN SINGH:**

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the country has international level data centres and if so, the details thereof;
- (b) whether these data centres have data security arrangement;
- (c) if so, the details thereof and if not, the reasons therefor;
- (d) whether Government has mandated any standards for data security and data capacity creation in the country; and
- (e) if so, the details thereof and if not, the action taken by Government in this regard?

**ANSWER**

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

(a): No data is officially maintained regarding data centres and server farms in the country. However, as per an industry research report {Data Centre Outlook (India-H1, September 2022) of JLL Research, available at <https://www.jll.co.in/en/trends-and-insights/research/data-centre-update-h1-2022>}, the data centre industry in India is expanding and has an installed data centre sector capacity of 637 MW (IT load).

(b) to (e): Section 43A of the Information Technology Act, 2000 (“IT Act”) provides that a body corporate possessing, dealing or handling any sensitive personal data or information in a computer resource which it owns, controls or operates, causing wrongful loss or wrongful gain to any person on account of its negligence in implementing and maintaining reasonable security practices and procedures is liable to pay damages by way of compensation to the affected person.

Further, the Government, in exercise of its powers under the said section, has made the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, prescribing the security practices and procedures that a body corporate or any person collecting, receiving, possessing, storing, dealing or handling information on behalf of such body corporate is required to observe for protecting personal data of users. These include the requirements that such body corporate or person publish on the website a policy for privacy and disclosure of personal information, data or information, use the information collected for the purpose for which it was collected, keep it secure, and obtain prior permission of the information provider for disclosing sensitive personal data. On violation of these rules, an aggrieved person can approach the adjudicating officer under the IT Act for compensation. Government has appointed the Secretary of the Department of Information Technology of each State and Union territory as the adjudicating officer for this purpose.

In addition, the Ministry of Electronics and Information Technology has prepared a draft Bill, titled the Digital Personal Data Protection Bill, 2023, covering digital personal data. Extensive consultation on the draft Bill has been undertaken to generate necessary feedback to formulate the provisions of the related legislative proposal.

Data centre industry is a global industry. No domestic standards have been formulated in India. However, with regard to storage of data by government agencies, the Ministry of Electronics and Information Technology has empanelled cloud service offerings of both domestic and global cloud service providers, after audit by the Standardisation Testing and Quality Certification Directorate with reference to the international security standards (ISO 27001, ISO 27017, ISO 27018 and ISO 20000). Further, the terms and conditions of empanelment require submission of a legal undertaking guaranteeing that the data shall reside in India and that there shall not be any legal framework outside Indian law that will be applicable to the operation of the cloud services.

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