

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1845
TO BE ANSWERED ON: 04.08.2023

STATUS OF PERSONAL DATA PROTECTION LAW

1845. SHRI SANJAY RAUT:

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

- (a) the details of status of the personal data protection law;
- (b) the procedural mechanism for individuals to complain on privacy violations until the personal data protection law is enacted;
- (c) the number of complaints received by Government on privacy violations during each of the last three years; and
- (d) whether Government intends to sell non-personal data belonging to various Government departments and if so, the details thereof?

ANSWER

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

(a): Digital Personal Data Protection Bill, 2023 was introduced in Lok Sabha on 3rd August, 2023.

(b): The Government is committed to Open, Safe & Trusted and Accountable Internet to ensure the protection of rights of the Digital Nagriks as well as not to impede the growth of innovation ecosystem.

Leading up to the enactment of the Digital Personal Data Protection Legislation the Government and citizen rely on the Information Technology Act, 2000 and the Rules made thereunder.

To protect personal data of users, the Central Government, in exercise of its powers under the Information Technology Act, 2000, has prescribed reasonable security practices and procedures and sensitive personal data or information through the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011.

These include the requirement that any person collecting, receiving, possessing, storing, dealing or handling information provided should publish on its website a policy for privacy and disclosure of personal information, that such person use the information collected for the purpose for which it was collected and keep it secure, that disclosure of sensitive personal data be done with prior permission of the information provider, that sensitive personal data or information not be published, and that a third party receiving sensitive personal data or information shall not disclose it further.

Section 72A of the Act provides for punishment for disclosure of information in breach of the lawful contract. It provides that any person including an intermediary who, while providing services under the terms of lawful contract, has secured access to any material containing personal information about another person, with the intent to cause or knowing that he is likely to cause wrongful loss or wrongful gain discloses, without the consent of the person

concerned, or in breach of a lawful contract, such material to any other person, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five lakh rupees, or with both.

Secretaries of Department of Information Technology of each State and Union Territory have been appointed as Adjudicating Officer under section 46 of Information Technology (IT) Act 2000.

The cases of Cyber contravention heard by Adjudicating Officer are State subject and such data is not maintained by Ministry of Electronics & Information Technology (MeitY).

(c): No such information exists with the Ministry.

(d): There is no such proposal with the Ministry.
