

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
STARRED QUESTION NO. *148
TO BE ANSWERED ON 15.12.2023

LEAKAGE OF DATA FROM UIDAI SERVER

***148. SHRI VIVEK K. TANKHA:**

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

- (a) whether it is a fact that data of private individuals stored on servers of Unique Identification Authority of India (UIDAI) are sold to private firms;
- (b) if so, the details thereof;
- (c) whether it is also a fact that the data from UIDAI servers was leaked on dark web recently;
- (d) whether Government has made any rule to prevent sharing of private information of users without their consent;
- (e) if so, the details thereof; and
- (f) whether Government has taken any action to deal with the said issue and if so, the details thereof?

ANSWER

MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI ASHWINI VAISHNAW)

(a) to (f): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN THE REPLY TO RAJYA SABHA STARRED QUESTION NO. *148 REGARDING LEAKAGE OF DATA FROM UIDAI SERVER

(a): No, Sir. The data of private individuals stored on servers of Unique Identification Authority of India (UIDAI) was never sold to private firms.

(b): Does not arise.

(c): No breach of Aadhaar card holders' data has occurred from the Central Identities Data Repository (CIDR) maintained by the Unique Identification Authority of India.

(d) to (f): The Information Technology Act, 2000 ("IT Act") penalises downloading, copying or extracting any information from a computer, computer system or computer network without the permission of its owner or person in charge (section 66). This offence is in addition to the penal provisions under the Indian Penal Code, 1860 for the offence of criminal breach of trust (sections 406 to 409). Such offences are cognizable offences. As per the provisions of the Code of Criminal Procedure, 1973, prevention and investigation of cognizable offences is to be done by the police, and as per the Seventh Schedule to the Constitution, "Police" is a State subject. As such, States are primarily responsible for the prevention, investigation etc. of such offences through the State police departments, which take preventive and penal action as per law.

Further, the Central Government, in exercise of its powers under the IT Act, 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.

To strengthen the legal protection for digital personal data, Government introduced legislation in Parliament that has been enacted as the Digital Personal Data Protection Act, 2023 ("DPDP Act"). The Act provides for obligation on Data Fiduciaries to, *inter alia*,—

- (i) protect personal data in its possession or under its control, including in respect of any processing undertaken by it or on its behalf by a Data Processor, by taking reasonable security safeguards to prevent personal data breach;
- (ii) in the event of a personal data breach, to give the Data Protection Board of India and each affected Data Principal, intimation of such breach;
- (iii) establish an effective mechanism to redress the grievances of Data Principals; and
- (iv) implement appropriate technical and organisational measures to ensure effective observance of the provisions of the Act.

The Act also provides for empowerment of the said Board, on receipt of an intimation of personal data breach, to direct any urgent remedial or mitigation measures, inquire into such breach and impose penalty as provided in the Act.
