

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2134
TO BE ANSWERED ON: 09.08.2024

IMPLEMENTATION OF DIGITAL PERSONAL DATA PROTECTION ACT, 2023

2134. SHRI S. NIRANJAN REDDY:

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

- (a) the status of the implementation of Digital Personal Data Protection Act, 2023, including the establishment of Data Protection Board of India and measures taken to enforce compliance;
- (b) the steps being taken to ensure that data fiduciaries and processors adhere to requirements of data protection, impact assessments, periodic audits and appointment of data protection officers;
- (c) the measures to safeguard personal data, particularly concerning cross-border data transfers and exemptions for Government agencies; and
- (d) the initiatives being taken to protect children's personal data, including prohibitions on tracking, behavioral monitoring, and targeted advertising?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI JITIN PRASADA)

(a) to (d): The Digital Personal Data Protection Act, 2023 (DPDP Act) got the assent of the Hon'ble President on 11th August, 2023. Ministry of Electronics and Information Technology has initiated the process of drafting rules under the DPDP Act. The formation of the Data Protection Board is a subsequent step which shall take place after the notification of the rules under the DPDP Act.

The DPDP Act casts obligations on Data Fiduciaries to protect the digital personal data in their possession or under their control, including in respect of any processing undertaken by them or on their behalf by a data processor, by taking reasonable security safeguards and implementing appropriate technical and organizational measures to ensure effective observance of the provisions of the Act. The DPDP Act cast additional obligations like conducting impact assessments, periodic audits and appointment of data protection officers on Significant Data Fiduciaries only.

The DPDP Act holds the data fiduciaries accountable for any personal data breach or any other contravention of this law. The accountability of the Data Fiduciaries is ensured through the adjudication of data breaches and breaches of the provisions of the Act and imposition of financial penalties by the Data Protection Board.

Under the DPDP Act, the Central Government may, by notification, restrict the transfer of personal data by a Data Fiduciary for processing personal data to any other country or territory outside India. In addition, Data Fiduciaries shall also abide by any higher protection or restriction on data transfer that may be applicable under any other law.

The DPDP Act allows Data Fiduciaries to process the personal data of children only with parental consent. It does not permit processing of personal data which is detrimental to well-being of children or involves their tracking, behavioural monitoring or targeted advertising. However, in the interest of the child, few exemptions can be given for specific purposes or to classes of data fiduciaries from obtaining parental consent or undertaking tracking, behavioural monitoring or targeted advertising.
