

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 2141**  
TO BE ANSWERED ON : 09.08.2024

**STATUS OF DIGITAL PERSONAL DATA PROTECTION ACT (DPDPA) RULES**

**2141. SMT. RANJEET RANJAN:**

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

- (a) the current status of the draft rules under the Digital Personal Data Protection (DPDP) Act, 2023;
- (b) the measures taken by Government to ensure the DPDP rules align with international data protection standards, such as the General Data Protection Regulation; and
- (c) the manner in which Government plans to address the unique challenges posed by Artificial intelligence (AI) technologies like deep fakes?

**ANSWER**

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

(a) to (c): The Digital Personal Data Protection Act, 2023 (DPDP Act) was passed by the Parliament on 8th August, 2023 and got the assent on 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. In accordance with the procedure provided in the Manual of Parliamentary Procedures published by the Ministry of Parliamentary Affairs, subordinate legislation, including rules such as those framed under the Digital Personal Data Protection Act, 2023 are required to be published for the purpose of seeking inputs feedback/comments from stakeholders.

The Central Government, in exercise of its powers under section 43A of the Information Technology Act, 2000 through the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 has prescribed reasonable security practices and procedures on the sensitive personal data or information.

According to these rules body corporates processing or storing sensitive and personal information need to implement reasonable security practices and procedures. Such measures must be proportionate to the value of the information assets being safeguarded and the nature of the business of the organization. If there is a breach of information security, the organization or a representative acting on its behalf must be able to prove, when requested by the authorized agency, that they have implemented security measures in accordance with their documented information security programme and policies.

Moreover, Ministry of Electronics & Information Technology ("MeitY") being the Central Government in exercise of the powers given under the IT Act, has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021") on 25.02.2021 which were subsequently amended 28.10.2022 and 6.4.2023.

The IT Rules, 2021 cast the obligations on the intermediary platforms to not allow hosting, sharing, uploading, transmitting, etc. of any prohibited information under Rule 3(1)(b) that includes information which is obscene, pornographic, paedophilic, invasive of another's privacy including bodily privacy, etc. Rule 3(1)(b)(v) and (vi) of the IT Rules, 2021 prohibits misinformation and patently false information on the Indian Internet or that impersonates another person. Rule 3(1)(l) of the IT Rules, 2021 mandates the intermediary to report cyber security incidents and share related information with the CERT-In in accordance with the policies and

procedures as mentioned in the Information Technology (The Indian Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013.

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