

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**LOK SABHA**  
**STARRED QUESTION NO. \*464**  
TO BE ANSWERED ON: 28.03.2018

**PROTECTION OF CONSUMER PRIVACY**

**\*464. SHRI DUSHYANT SINGH:**

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

- (a) whether the Government has devised any strategy to protect consumer privacy such as access to location and other parameters during the usage of mobile applications on Android or iOS platforms;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) whether the Government has taken any steps to strengthen the Information and Communication Technologies (ICT) infrastructure to avoid data leakage and data breach; and
- (d) if so, the details thereof and if not, the reasons therefor?

**ANSWER**

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)

(a) to (d): A Statement is laid on the Table of the House.

**STATEMENT REFERED TO IN REPLY TO LOK SABHA  
STARRED QUESTION NO.\*464 FOR 28.03.2018  
REGARDING PROTECTION OF CONSUMER PRIVACY**

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(a) to (d) : Consumer privacy in case of mobile application across Android & iOS platforms is governed by the terms & conditions and privacy policy set forth by the application provider. These terms & conditions are agreed upon by the user to avail the services provided by the application.

Section 43A and section 72A of the Information Technology Act, 2000 provides for privacy and security of data in digital form. Section 43A provides for compensation to be paid to the victim in case of unauthorized access of information and leakage of sensitive personal information respectively. It mandates 'body corporates' to implement 'reasonable security practices' for protecting 'sensitive personal information' of individuals. Section 72A of the Act provides for punishment for disclosure of information in breach of the lawful contract. Further, Information Technology (Intermediary Guidelines) Rules 2011 notified under Section 79 of the IT Act, 2000 require that the Intermediaries shall observe due diligence while discharging their duties and shall publish the rules and regulations, privacy policy and user agreement for access-or usage of its computer resource by any person.

Hon'ble Supreme Court has also held that privacy is a fundamental right. To further strengthen personal data protection of user, Government has already set up a Committee of Experts under the Chairmanship of Justice (Retd.) Shri B N Srikrishna to prepare a data protection framework and work out the Data Protection Bill. The Committee has prepared a White Paper on "Data Protection Framework for India" and sought public comments. The Committee has also conducted Stakeholders Consultation meetings in four cities. Comments have now been received from various domains including Academia, Industry fora, Government, NGOs, civil society organizations & Technology Companies from across the globe. Based on the comments received, the Committee is working on a suitable Data protection framework for India.

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