

GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE & INDUSTRY  
(DEPARTMENT OF COMMERCE)

**LOK SABHA**  
**UNSTARRED QUESTION NO. 44**  
**TO BE ANSWERED ON 04<sup>th</sup> FEBRUARY, 2019**

**DATA-ADEQUACY STATUS FOR INDIAN COMPANIES**

44. SHRI RABINDRA KUMAR JENA:

Will the Minister of **COMMERCE & INDUSTRY** (वाणिज्य एवं उद्योग मंत्री) be pleased to state:

- (a) whether India has taken any steps to further the talks with European Union (EU) on data-adequacy status for Indian companies;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) whether India has been engaged in conversation on cross-border data flow in bilateral and multilateral talks with EU, US and other countries;
- (d) if so, the details thereof along with names of countries with which India is in talks for working out mechanisms for cross-border data flow; and
- (e) if not, the reasons therefor?

**ANSWER**

वाणिज्य एवं उद्योग मंत्रालय में राज्य मंत्री (श्री सी. आर. चौधरी)

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY  
(SHRI C. R. CHAUDHARY)

(a) & (b): Yes, Madam. A Data Security Expert Group was set up by the Ministry of Electronics & Information Technology (MEITY) to resolve the Information Technology and Information Technology Enabled Services (IT/ ITES) business issues relating to Data adequacy/ security with the European Union (EU) and to have meaningful market access for Indian IT/ITES companies. Further, a meeting of the India-EU Joint Information and Communications Technology (ICT) Working Group, which is also led by MEITY, along with ICT Business Dialogue and Workshop on General Data Protection Regulation (GDPR), was held during 20<sup>th</sup>-21<sup>st</sup> March, 2018 to discuss issues including data adequacy, movement of data, mobility of IT experts in EU countries etc.

(c), (d) & (e): In February, 2017, India tabled a proposal on 'Trade Facilitation Agreement for Services' (TFS) in the World Trade Organisation (WTO). The proposal, inter-alia, contained a provision on 'facilitating cross border flow of information' with respect to commitments on cross border supply of services. Further, at the Eleventh WTO Ministerial Conference (MC11) in December 2017, Members reaffirmed the WTO Work Programme on Electronic Commerce which has an exploratory and non-negotiating mandate. However, on the margins of the MC11, Ministers representing 71 WTO members issued a Joint Statement on Electronic Commerce to initiate exploratory work towards future WTO negotiations on trade-related aspects of electronic commerce. Since India is a proponent of a non-negotiating

Work Programme on Electronic Commerce, India has not joined discussions on cross border data flow in the WTO. Also wherever relevant, this issue has been discussed in Free Trade Agreement (FTA) negotiations with different countries.

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