

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 616
TO BE ANSWERED ON: 06.02.2019

GDPR

616. SHRI A.P. JITHENDER REDDY:

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

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

- (a) whether the Government has undertaken any study to access the impact of European Union's General Data Protection Regulations (GDPR) on Indian businesses; and if so, the details and the reasons therefor;
- (b) whether the government intends to address the issue arising from the GDPR, and if so, the details thereof;
- (c) whether the Government has addressed, or seeks to address issues of data integrity, protection from unlawful processing, accountability of actors, fairness and transparency; and if so, details thereof;
- (d) whether the government intends to define consent, list special conditions for child's consent, require demonstration of consent by the data controller under the IT act 2000 as is done in the GDPR; and if so, the details thereof; and
- (e) apart from provisions under rule 5(7), the fate of data collected once consent has been removed?

ANSWER

MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI S.S. AHLUWALIA)

(a) and (b): The Government had constituted a Committee of Experts under the Chairmanship of Justice B N Srikrishna, Former Judge, Supreme Court of India. The committee deliberated on various issues and brought out a White Paper on Data Protection that studied the provisions of GDPR, thereafter the Committee submitted its report along with draft Bill to MeitY. The report and the draft Bill were placed in the public domain and comments were sought. Feedback has been received, based on the analysis of the feedback received certain modifications in bill are being carried out and steps are afoot to bring about data protection legislation. The Personal Data Protection Bill 2019 is intended to be tabled soon in the parliament.

(c) and (d): The Personal Data Protection Bill (PDPB) 2019 seeks to address to address the mentioned issues of data integrity, protection from unlawful processing, accountability of actors fairness and transparency etc. The proposed PDPB 2019 includes well defined consent framework and lists special conditions for child's consent and processing of child's data.

(e): The proposed PDPB 2019 bill envisages various rights of data principals, such as right to confirmation, access, correction and erasure of personal data, portability and right to be forgotten.
