

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA

STARRED QUESTION NO. *70
TO BE ANSWERED ON: 07.02.2024

CLUBBING OF NON-PERSONAL DATA

***70. SHRI T.R. BAALU:**

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

- (a) whether it is a fact that the clubbing of non-personal data under the ambit of the proposed data protection law is hugely problematic since non-personal data has huge ramifications;
- (b) if so, the details thereof;
- (c) the steps proposed to be taken by the Government in this regard keeping in view that the handling, access to and rights over such data require a different kind of skill set and mindset, which a privacy regulator tasked with primarily looking at personal data might lack; and
- (d) if not, the reasons therefor?

ANSWER

MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI ASHWINI VAISHNAW)

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

STATEMENT REFERRED TO IN THE REPLY TO LOK SABHA STARRED QUESTION NO.*70 FOR 07.02.2024 REGARDING CLUBBING OF NON-PERSONAL DATA

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(a) to (b): The policies of the Government are aimed at ensuring that the Internet in India is Open, Safe & Trusted and Accountable to all our Digital Nagriks.

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. The Act pertains only the personal data and doesn't deal with the non-personal data. The Act aims to establish a comprehensive legal framework governing digital personal data protection, by framing out the rights and duties of Data Principals and the obligations of Data Fiduciaries, empowering Data Principals and fixing accountability of Data Fiduciaries. The Act provides for the processing of digital personal data in a manner that recognizes both the rights of the individuals to protect their personal data and for the Data Fiduciaries the need to process such personal data for lawful purposes. The Act puts the obligation on Data Fiduciary to protect personal data in its possession or under its control, including in respect of any processing undertaken by it or on its behalf by a Data Processor, by taking reasonable security safeguards to prevent personal data breach. The Act may bring in behavioural changes in the data processing activities of the data fiduciaries and prevent the exploitation and misuse of the personal data of the data principals.

(c) to (d): In the DPDP Act, there is a provision of a Data Protection Board, that may consist of a chairperson and members of ability, integrity and standing who possesses special knowledge or practical experience in the fields of data governance, administration or implementation of laws related to social or consumer protection, dispute resolution, information and communication technology, digital economy, law, regulation or techno-regulation. The Data Protection Board, on receipt of an intimation of personal data breach inquire into such personal data breach can direct any urgent remedial or mitigation measures and impose monetary penalty on Data Fiduciary based on the significance of the data breach.
