

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 583
TO BE ANSWERED ON 16.09.2020

DATA PROTECTION

**583 : DR. SUBHASH RAMRAO BHAMRE:
SHRI KULDEEP RAI SHARMA:
DR. AMOL RAMSING KOLHE:
DR. DNV SENTHILKUMAR S.:
SHRI MANICKAM TAGORE B.:
SHRIMATI SUPRIYA SULE:**

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

- (a) whether the Government proposes to enact the personal data protection law which would create the first cross-sectoral legal framework for data protection in the country and if so, the details thereof;
- (b) whether the Government proposes to disclose all the submissions made regarding the proposed personal data protection law as a measure of transparency and if so the details thereof;
- (c) whether the Government has formulated any procedure for individuals to complain about privacy violations until the personal data protection law is enacted and if so, the details thereof and if not the reason therefor; and
- (d) the number of complaints received by the Government on privacy violations during each of the last three years and the current year; and the action taken by Government in this regard?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI SANJAY DHOTRE)

(a): The Government constituted a Committee of Experts on Data Protection, chaired by Justice (Retd) B.N. Srikrishna, Supreme Court of India to study various issues relating to data protection which submitted a draft Data Protection Bill. Based on the recommendation of the Committee of Experts and a multitude of feedback received from diverse stakeholders, the draft bill has been duly updated and the PDP Bill 2019 has been introduced in the Parliament during the winter session 2019. The Bill has been referred to a Joint Committee of the Parliament & the Committee is deliberating on the subject.

(b): The submissions made to the Ministry by an individual or organization in response to the consultation process are deemed confidential. Any such document is not available for public dissemination.

(c) and (d): Section 43A of the Information Technology (IT) Act, 2000 establishes a legal framework for data protection in India. Section 43A provides for compensation to be paid to the victim in case of wrongful loss or wrongful gain caused due to negligence in implementing and maintaining reasonable security practices and procedures by a body corporate in dealing with sensitive personal data. The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) rules, 2011 notified under section 43A requires that body corporate shall designate a Grievance Officer and publish his name and contact details on its website. The Grievance Officer shall redress the grievances of provider of information expeditiously but within one month from the date of receipt of grievance.

The cases of leakage of sensitive personal information are dealt by Adjudicating Officers appointed under section 46 the IT Act. Secretaries of Department of Information Technology of each State and Union Territory have been appointed as Adjudicating Officer under section 46 of Information Technology (IT) Act 2000. The cases of Cyber contravention heard by Adjudicating Officer are State subject and such data is not maintained by the Ministry of Electronics & Information Technology (MeitY).
