

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1593
TO BE ANSWERED ON 10-02-2021

PERMISSION FOR CHANGE IN PRIVACY POLICY

1593. SHRI N.K. PREMACHANDRAN:

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

- (a) whether the Government has received any application from Facebook or WhatsApp regarding their change in policy pertaining to their user's privacy and if so, the details thereof;
- (b) whether the social media companies are permitted to change their policy and implement the same in the country without the prior permission of the Government;
- (c) if so, the details thereof and if not, the action taken by the Government thereon;
- (d) whether the Government proposes to impose stringent condition on these platforms to protect the privacy of Indian citizen and if so, the details thereof;
- (e) the details of action taken by the Government against the violation of right to privacy by these social media companies; and
- (f) the outcome of study, if any, conducted by the Government on the impact of the aforesaid policy changes of social media platforms?

ANSWER

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

(a): No, Sir. Ministry of Electronics & Information Technology (MeitY) has not received any application from Facebook or WhatsApp regarding their change in policy pertaining to their user's privacy.

(b) and (c): Social media companies have to comply with applicable laws of the country. Under the provisions of the Information Technology (IT) Act, 2000, such platforms are required to publish their privacy policy, but there is no mandate for them to seek prior permission of Government for a change in their privacy policy. Nevertheless, MeitY took cognizance of the WhatsApp announcement of its new Privacy Policy stated to be applicable to Indian users from February 2021. To safeguard the interest of Indian users, Ministry of Electronics and Information Technology (MeitY) has asked WhatsApp for clarification on the proposed privacy policy changes and also to explain the rationale of the same. WhatsApp has communicated that the messages sent by users in their private chats or in private groups continue to be end-to-end encrypted and no other persons or WhatsApp can access these messages.

(d) and (e): Section 43A of the Information Technology (IT) Act, 2000 provides for safeguards for sensitive personal information collected by a body corporate. The Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011 notified under this section defines sensitive personal information and also mandate that body corporate must provide policy for privacy and disclosure of information, so that user is well aware of the type of personal data collected, purpose of collection and usage of such information.

Also section 72A of the IT Act provides for punishment for disclosure of information in breach of the lawful contract.

Further, Government has already moved the Personal Data Protection Bill, 2019 in Parliament which is presently under the consideration of the Joint Parliamentary Committee formed by Lok Sabha. The Bill provides for safeguards of privacy and interests of the Indian citizens.

(f): MeitY has not conducted any study on impact of the aforesaid policy changes.
