

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1402
TO BE ANSWERED ON: 31.07.2024

DIGITAL PERSONAL DATA PROTECTION ACT 2023

**1402. SHRI SAPTAGIRI SANKAR ULAKA:
SHRI ANTO ANTONY:
SHRI ABHISHEK BANERJEE:
SMT. KANIMOZHI KARUNANIDHI:**

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

- (a) whether the Government has formed the Data Protection Authority as mandated under the Digital Personal Data Protection (DPDP) Act, 2023;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor; and
- (d) whether the Government proposes any plans to tackle the issues related to data security and data privacy in the absence of a Data Protection Authority along with the plan to address in unique challenges posed by AI (Artificial Intelligence) technologies like deepfakes?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI JITIN PRASADA)

(a) to (d): The Digital Personal Data Protection Act, 2023 ('DPDP Act') was passed by the Parliament on 8th August, 2023. Hon'ble President of India gave assent on 11th August, 2023. Ministry of Electronics and Information Technology ('MeitY') has initiated the process of drafting Rules in accordance with the DPDP Act. The formation of the Data Protection Board is a subsequent step after the notification of the Rules under DPDP Act.

The Central Government, in exercise of its powers under section 43A of the Information Technology Act, 2000 through the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 has prescribed reasonable security practices and procedures on the sensitive personal data or information.

According to these Rules, all organizations processing or storing sensitive and personal information need to implement reasonable security practices and procedures. Such measures must be proportionate to the value of the information assets being safeguarded and the nature of the business of the organization. If there is a breach of information security, the organization or a representative acting on its behalf must be able to prove, when requested by the authorized agency, that they have implemented security measures in accordance with their documented information security programme and policies.

Besides, MeitY has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021") on 25.02.2021 which were subsequently amended 28.10.2022 and 6.4.2023.

IT Rules, 2021 cast obligations on the intermediary platforms to not allow hosting, sharing, uploading, transmitting, etc. of any prohibited information under Rule 3(1)(b) that includes

information which is obscene, pornographic, paedophilic, invasive of another's privacy including bodily privacy, etc.

Rule 3(1)(b)(v) and (vi) of the IT Rules, 2021 prohibits misinformation and patently false information that impersonates another person.

Rule 3(1)(l) of the IT Rules, 2021 mandates the intermediary to report cyber security incidents and share related information with the CERT-In in accordance with the policies and procedures as mentioned in the Information Technology (The Indian Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013.

Where any information that falls within the categories prohibited under Rule 3(1)(b) of the IT Rules, 2021 is available on an intermediary platform, a user may make a request to the Grievance Officer of the concerned intermediary. Upon receipt of such request, the intermediary is required to act expeditiously and in any case within the timelines prescribed under Rule 3(2) of the IT Rules, 2021.

Under Rule 3A of the IT Rules, the Government has also established Grievance Appellate Committees under the IT Rules, 2021 to allow users and victims to appeal online on www.gac.gov.in against decisions taken by the Grievance Officers of intermediaries in case they are dissatisfied with the decision of the Grievance Officer.
