

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 319
TO BE ANSWERED ON: 24.07.2024

REGARDING CROSS-BORDER DATA TRANSFER

319. SHRI MANISH TEWARI:

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

- (a) whether the Government has devised any means for allowing or restricting cross-border transfer of data under the Digital Personal Data Protection Act (DPDPA);
- (b) if so, the details thereof;
- (c) whether the DPDPA differs from the Sensitive Personal Data Information (SPDI) Rules regarding cross-border data transfer;
- (d) if so, the details thereof;
- (e) whether DPDPA removes the existing regulations on cross-border data transfer imposed under the SPDI Rules;
- (f) if so, the details thereof;
- (g) whether the Government has conducted any studies to ensure that sensitive personal data is not transferred under the DPDPA and the same is protected from cross-border transfer once the DPDPA is implemented;
- (h) whether the Government is going to formulate any new guidelines or regulations to regulate cross-border data transfer; and
- (i) if so, the details thereof;

ANSWER

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

- (a) to (i): The Digital Personal Data Protection Act, 2023 recognises the right of individuals to protect their personal data and incorporates all well-accepted principles for protection of personal data. These include:
- (i) The principle of consented, lawful and transparent use of personal data;
 - (ii) The principle of purpose limitation (use of personal data only for the purpose specified at the time of obtaining consent of the Data Principal);
 - (iii) The principle of data minimisation (collection of only as much personal data as is necessary to serve the specified purpose);
 - (iv) The principle of data accuracy (ensuring data is correct and updated);

- (v) The principle of storage limitation (storing data only till it is needed for the specified purpose);
- (vi) The principle of reasonable security safeguards; and
- (vii) The principle of accountability (through adjudication of data breaches and breaches of the provisions of the Bill and imposition of penalties for the breaches)

The Digital Personal Data Protection Act, 2023 recognises higher degree of protection including restriction on transfer of personal data. To illustrate, under Section 10(2) read with Section 18 of Payment and Settlement Systems Act 2007, the Reserve Bank of India has issued a directive on storage of payment system data in India. As per this directive, data including end-to-end transaction details and information pertaining to payment or settlement transaction should be stored in India. Such restriction on transfer of personal data is recognised under the Digital Personal Data Protection Act, 2023 and will continue to operate.
