

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION. NO. 3096
TO BE ANSWERED ON: 19.03.2025

USE OF WHATSAPP FOR DELIVERY OF CITIZEN SERVICES

3096. SHRI MADDILA GURUMOORTHY:

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

- (a) whether the transmission of personal data of Indian citizens through the servers of WhatsApp, a service provider with servers based abroad, is legally compliant;
- (b) whether the Government of Andhra Pradesh requires the permission of the Union Government for integrating a foreign-based service provider, like WhatsApp, in activities involving the transmission of personal data of citizens and if so, whether the Government of Andhra Pradesh obtained such approvals;
- (c) whether it is true that USA authorities have laws allowing them to requisition data from Meta (Facebook) and WhatsApp even if these platforms provide end-to-end encryption services; and
- (d) the measures being taken by the Union Government to ensure the protection of personal data of Indian citizens being transmitted through foreign-based platforms such as WhatsApp in governance-related services?

ANSWER

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

(a) to (d): The policies of the Government of India are aimed at ensuring an open, safe, trusted and accountable cyberspace for the users of the country. The Government has enacted the Information Technology Act, 2000 (IT Act) and Digital Personal Data Protection Act, 2023 ('DPDP Act') and has notified the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 ("SPDI Rules") under IT Act to address data protection concerns.

Furthermore, the SPDI Rules state that a body corporate may transmit individual sensitive personal data or information to any other body corporate or a person in or outside India that provides the same degree of data protection that only when it is required for the fulfilment of the contract or when the individual has given her consent.

The Government of Andhra Pradesh has informed that the WhatsApp messaging service has been integrated for the purpose of providing civic services to citizens. The personal data of the individuals is being stored on the local servers as per the mutual contractual agreements. Further, the DPDP Act establishes the legal framework for data protection and mandates Data Fiduciaries to implement security safeguards as well as robust technical and organisational measures while processing the digital personal data. Under the DPDP Act, the Central Government may, by notification, restrict the transfer of personal data by a Data Fiduciary for processing personal data to any other country or territory outside India. In addition, Data Fiduciaries shall also abide by any higher protection or restriction on data transfer that may be applicable under any other law.
