

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA

STARRED QUESTION NO. *384
TO BE ANSWERED ON: 20.08.2025

AMENDMENT IN DPDP ACT, 2023

***384. SHRI SELVAGANAPATHI T.M.:**

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

- (a) whether it is a fact that the Digital Personal Data Protection (DPDP) Act, 2023 and its draft rules would erode the right to information;
- (b) whether there has been protest against the DPDP Act's dilution of section 8(1)(j) of the Right to Information Act, 2005;
- (c) whether the amendment inserted into the 2023 Data Privacy Law would significantly increase the amity of information that can be refused to seekers;
- (d) whether the RTI Act's amendment would be a seismic shift in India's transparency framework for the worse according to many legal experts; and
- (e) whether the Government has held any discussions with the media and civil society and if so, the details and outcome thereof?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI ASHWINI VAISHNAW)

(a) to (e): A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN THE REPLY TO LOK SABHA STARRED
QUESTION NO. *384 FOR 20.08.2025
REGARDING “AMENDMENT IN DPDP ACT, 2023”**

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(a) to (e): The Digital Personal Data Protection Act, 2023 (DPDP Act) provides for the processing of digital personal data in a manner that recognises both the rights of the individual to protect their personal data and the need to process such personal data for lawful purposes.

The DPDP Act was enacted following an extensive and comprehensive public consultation process, during which over 22,600 comments were received on the Digital Personal Data Protection Bill, 2022 (DPDP Bill). After careful consideration of these inputs, the DPDP Bill was introduced in Parliament and subsequently enacted as the DPDP Act, 2023.

The amendment to Section 8(1)(j) of the RTI Act through the DPDP Act balances the fundamental right to privacy, as affirmed by the Supreme Court in *Justice K.S. Puttaswamy v. Union of India*, with the right to information. This amendment aligns with established judicial reasoning on reasonable restrictions, codifies existing jurisprudence, and helps avoid potential conflicts between the laws.

Further, under Section 8(2) of the RTI Act, a public authority may allow access to information if the public interest in disclosure outweighs the harm to the protected interests. This section reads as follows:

“Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.”

The said amendment does not restrict the disclosure of personal information; rather, it balances individuals' privacy rights with right to information. This ensures that the transparency framework under the RTI Act and privacy framework under the DPDP Act continue to exist harmoniously, preserving the balance between transparency and privacy.

As done for the Act, Government has held extensive consultations for the Rules including discussions with various media organizations.
