

Digital Personal Data protection Bill

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Context- The Union government informed the supreme court that the new bill will be tabled in the monsoon session of parliament.

Key highlights:

- The Digital Personal Data protection Bill 2022 by the Ministry of Electronics and Information Technology aims to enforce individual privacy in the online space.
- The new bill is to replace the current Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) rule of 2011.
- The bill aims to balance the rights of individuals by protecting their personal data and their need to process it for lawful purposes.

About the bill:

- It defines **Data** as a 'representation of facts, information, concepts, opinions or instructions in a way suitable for interpretation, communication or processing by humans or automated means.
- The bill defines **Data fiduciary** - the persons who determine the purpose and means of processing of personal data. Example the central government
- **Data principal** - the individual to whom the personal data is related, in case of children below 18 years their parents/ lawful guardians serve as their data principal.
- **Data processor** - any person who processes personal data on behalf of the data fiduciary.
- The bill also deals with the data localisation i.e. digital personal data collected and digitized within India.
- The bill grants the individuals some rights like right to seek information, erase, seek correction and grievance redressal.
- The bill calls for the central government to establish a Data Protection Board of India.

- Right to privacy is a fundamental right in 2017 under article 21- protection of life and personal liberty.
- Important judgments on privacy

Justice K S Puttaswamy case, Navtej Johar case and Ors, Joseph Shine case Vs. Union of India.

Decoding the data protection bill



WHAT IT MEANS FOR CONSUMERS

- **DATA** can be processed or shared by any entity only after consent.
- **SAFEGUARDS**, including penalties, introduced to prevent misuse of personal data.
- **ALL** data to be categorized under three heads—general, sensitive and critical.



THE GOVERNMENT & REGULATORY ROLE

- **GOVT** will have the power to obtain any user's non-personal data from companies.
- **THE** bill mandates that all financial and critical data has to be stored in India.
- **SENSITIVE** data has to be stored in India but can be processed outside with consent.



WHAT COMPANIES HAVE TO DO

- **SOCIAL** media firms to formulate a voluntary verification process for users.
- **SHARING** data without consent will entail a fine of ₹15 crore or 4% of global turnover.
- **DATA** breach or inaction will entail a fine of ₹5 crore or 2% of global turnover.

Source: Mint research