

Data protection law mooted

Proposal aimed at protecting personal info has been sent to PMO for approval

YUTHIKA BHARGAVA

NEW DELHI

The government is mulling a new data protection law to protect personal data of citizens, while also creating an enabling framework to allow public data to be mined effectively. The move assumes significance amid the debate over security of individuals' private data, including Aadhaar-linked biometrics, and the rising number of cyber-crimes in the country.

"The Ministry of Electronics and Information Technology (MEIT) is working on a new data protection law. A proposal to this effect has been sent to the Prime Ministers' Office for approval," a senior ministry official told *The Hindu*. Once the PMO approves it, the ministry will set up a "cross-functional committee" on the issue.

"We want to include all stakeholders. It will be a high-level committee, and all current and future requirements of the sector will be discussed."

The official said: "We are working with two main aims - to ensure that personal data of individuals remain



The move comes amid the debate on security of Aadhaar-linked biometrics.

protected and is not misused, and to unlock the data economy."

Beneficial data

The official explained that a lot of benefits can be derived from the data that is publicly available, by using technology and big data analytics. "The information can be used for the benefit of both individuals and companies," the official said.

"The underlying infrastructure of the digital economy is data. India is woefully unprepared to protect its citizens from the avalanche of companies that offer services in exchange for their data, with no compre-

hensive framework to protect users," Software Freedom Law Centre (SFLC.in), a non-profit, said in an emailed reply.

No regulatory body

Currently, India does not have a separate law for data protection, and there is no body that specifically regulates data privacy.

"There is nominally a data protection law in India in the form of the Reasonable Security Guidelines under Section 43A of the Information Technology Act. However, it is a toothless law and is never used. Even when data leaks such as the ones from the official Narendra Modi app or McDonald's McDelivery app have happened, section 43A and its rules have not proven of use," said Pranesh Prakash, policy director at CIS.

Some redress for misuse of personal data by commercial entities is also available under the Consumer Protection Act enacted in 2015, according to information on the website of Privacy International, an NGO. As per the Act, the disclosure of per-

sonal information given in confidence is an unfair trade practice.

Mr Prakash further added that the law should create an "independent (potentially parliamentary)" oversight for all government surveillance, as well as a data commissioner's office with the power to take proactive action against violators.

SFLC.in added that all stakeholders should get a chance to contribute, and that the policy should not be approached solely from the private sector's point of view.

Mr. Prakash added, "Privacy is a fundamental human right, recognised as such in the Universal Declaration of Human Rights. India has ratified the UN's International Covenant on Civil and Political Rights, which contains an obligation to protect privacy. Control over one's personal data is an innate facet of privacy. And every day, thanks to tracking by companies like Facebook and Google, as well as overreach by the government, we find this right being undermined."