

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION No. 2797
TO BE ANSWERED ON 20.12.2023

DATA PROTECTION AUTHORITY

2797. SHRI ARVIND GANPAT SAWANT:

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) whether the Data Protection Authority (DPA) has been formed as per the recently passed Personal Data Protection Act by the Parliament, if so, the details thereof;
- (b) if not, the time by which it is to be formed;
- (c) the duties and responsibilities of this Authority(DPA);
- (d) the details of organisations which have to be exempted from the purview of this Act; and
- (e) the reasons for exempting such organisations from the purview of this Act?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) to (c): The policies of the Government are aimed at ensuring that the Internet in India is Open, Safe & Trusted and Accountable to all users.

Hon'ble PM launched the Digital India programme with the vision of transforming India into a digitally empowered society and a knowledge-based economy, by ensuring digital access, digital inclusion, digital empowerment and bridging the digital divide. The programme is centered on three objectives, namely digital infrastructure as a core utility to every citizen, governance and services on demand, and digital empowerment of citizens. Digital India has resulted in the digitalization of the Indian economy and that has resulted in good by enhanced ease of living for the users, Simultaneously, these users are also increasingly at the risk of harm from misuse of their personal data.

The Supreme Court, in its judgement in the Puttaswamy case in 2017, has declared the right to privacy is protected as intrinsic part of the fundamental rights guaranteed by the Constitution. As the data and particularly the personal data is at the core of the digital economy and eco-system of digital products, services and intermediation, it is most optimum that platforms and intermediaries be subjected to a legal framework. In this framework of global standard cyber laws and along with the vision of a future full of technological opportunities the Digital Personal Data Protection Act, 2023 (DPDP Act) was enacted on 11th August 2023. The DPDP Act provides for the processing of digital personal data in a manner that recognizes the need to process personal data for lawful purposes by the data fiduciaries. In addition, the DPDP Act also provides for the rights of the individuals to protect their personal data.

As per Section 18(1) of the DPDP Act, the Central Government may by notification appoint a Board to be called the Data Protection Board of India, with the following functions:

- (i) inquiring into the personal data breaches;
- (ii) taking into account the complaints made by the data Users against the data fiduciaries for not adhering to the provisions of The DPDP Act;
- (iii) adjudicate on the above matters and decide on the monetary penalties to be imposed

- (iv) direct remedial and mitigating measures to the data fiduciaries to handle breaches
- (v) to advise the government to block the website or the App if they are found repeatedly breaching the provisions of The Act in the interest of general public.

(d) to (e): Section 17 of the DPDP Act, 2023 provides for selective exemptions from the provisions of the DPDP Act for processing of personal data for certain specific functions like enforcing legal rights, judicial or quasi-judicial or regulatory or supervisory function, research, archiving or statistical purposes and entities like startups. Presently, no organization has been exempted from the purview of the Act.
