

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

STARRED QUESTION NO:239

ANSWERED ON:17.08.2011

ENCRYPTED DATA

Lagadapati Shri Rajagopal;Lal Shri Kirodi

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

- (a) whether the Indian security agencies are unable to access the encrypted data and Virtual Private Network (VPN) data transfers of some multi-national telecom vendors including Blackberry;
- (b) if so, the details thereof and the reasons therefor;
- (c) the steps taken by the Government to enable these agencies to have access to such data;
- (d) whether appropriate laws are in place in the country to deal with the security threat posed by such services; and
- (e) if so, the details thereof and if not, the action proposed to be taken by the Government in this regard?

Answer

THE MINISTER OF HUMAN RESOURCES DEVELOPMENT AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

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

STATEMENT TO BE LAID ON THE TABLE OF THE LOK SABHA IN RESPECT OF PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 239 FOR 17TH AUGUST, 2011 RAISED BY DR. KIRODI LAL MEENA AND SHRI L. RAJA GOPAL REGARDING "ENCRYPTED DATA"

(a) to (c) Madam, the security agencies are able to access the encrypted data and Virtual Private Network (VPN) data transfers of multi-national telecom vendors including Blackberry through the lawful interception and Monitoring facilities provided by the Telecom Service Provider. However, Security Agencies have intimated that they are not able to decrypt the encrypted intercepted communication to readable format.

World over several services providers are providing services like Gmail, Blackberry email, Nokia Messaging, Hush mail, Skype, Video chats & other services across the globe for sharing audio, video, image, email, data and accessing other web services anytime and anywhere by everyone in the world in a secure manner. The security of these services is achieved through encryption technology. These services are mostly availed by the citizens world over through Internet either in their individual capacity or as part of commercial activities. There are multifarious aspects involved in dealing with the issues related to such communication services such as technical, international relationship, legal and regulatory policy, commercial and security requirements etc.

A technical committee established by the Government analysed all the above issues in order to work out an appropriate solution to the problem which balances the requirements of Security Agencies with the secured communication needs of trade, commerce and industry. The complexities involved in the issue resulted in the committee being unable to come out with unanimous conclusive recommendations. The report of the committee and the comments of some of the members on the Report were referred to a high level panel of experts who have since submitted their final recommendations on a focused and practical approach to the entire issue.

The Government regularly interacts with all stakeholders to resolve the issues arising from time to time.

(d) & (e) The lawful interception & monitoring of the communications is governed by the provisions of Section 5(2) of the Indian Telegraph Act, 1885 and Rule 419A of Indian Telegraph (Amendment) Rule, 2007; and Section 69 (1),(2) & 69B of Information Technology (Amendment) Act, 2010. For the implementation of above provisions, all the Telecom Service Providers and Internet Service Providers have been mandated to provide the Lawful Interception & Monitoring facilities to Security Agencies as a part of their license terms & conditions.