

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

UNSTARRED QUESTION NO:429
ANSWERED ON:22.07.2015
Protection of Customer Privacy
Arunmozhihevan Shri A.

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

- (a) whether the Government has received complaints against private mobile service providers for invading customers' privacy;
- (b) if so, the details thereof;
- (c) whether the Government has taken action against them and issued instructions to private mobile service providers in this regard; and
- (d) if so, the details thereof and the response received from the mobile service providers?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) & (b) Madam, there were media reports alleging invasion of customers' privacy by M/s Bharti Airtel Limited by way of injecting some JavaScript into subscribers' browsing sessions. Subsequently, a reference has been received from Shri Rajeev Chandrasekhar, Hon'ble Member of Parliament of Rajya Sabha on this issue.

(c) & (d) Telecom Regulatory Authority of India asked the Bharti Airtel Limited to submit the detail report on the matter. In response, it is stated by Bharti Airtel Limited that a pilot test with one of its network partners using a third party solution from Flash networks through customers were going to be made aware of the data usage in terms of megabytes used. It has been done solely with the object of improving customer experience and empowering customers to manage their data usage through suitable timely prompts in terms of volume of data used. Such solutions are already deployed and continued to be deployed by operators globally to enhance information, customer service and experience. Further, Bharti Airtel Limited has denied the allegations.

Further, Department of Telecommunications has already been mandated all the Telecom Service Providers as part of license conditions that Licensee shall take all necessary steps to safeguard the privacy and confidentiality of any information about a third party and its business to whom it provides the Service and from whom it has acquired such information by virtue of the Service provided and shall use its best endeavours to secure that:

- a) No person acting on behalf of the Licensee or the Licensee divulges or uses any such information except as may be necessary in the course of providing such Service to the Third Party; and
- b) No such person seeks such information other than is necessary for the purpose of providing Service to the Third Party.

Provided the above para shall not apply where:

- a) The information relates to a specific party and that party has consented in writing to such information being divulged or used, and such information is divulged or used in accordance with the terms of that consent; or
- b) The information is already open to the public and otherwise known.

However, interception and monitoring of communications messages is governed by the provisions of section 5(2) of Indian Telegraph Act, 1885 which empowers Central and State Governments to carry out interception of communication messages under stipulated conditions. The detailed procedure is provided in Rule 419A of Indian Telegraph Rules, 1951 for handling the lawful interception cases. Further, in case of lawful interception and monitoring, Rule 419A of Indian Telegraph Rules, 1951 inter-alia provides that

"14. The service providers shall put in place adequate and effective internal checks to ensure that unauthorised interception of messages does not take place and extreme secrecy is maintained and utmost care and precaution is taken in the matter of interception of messages as it affects privacy of citizens and also that this matter is handled only by the designated nodal officers of the company.

(15) The service providers shall be responsible for actions of their employees also and in case of established violation of licence conditions pertaining to maintenance of secrecy and confidentiality of information and unauthorised interception of communication, action shall be taken against the service providers as per provisions of the said Act, and this shall include not only fine but also suspension or revocation of their licences."
