

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

UNSTARRED QUESTION NO:4460
ANSWERED ON:14.12.2016
Linking of Documents with Aadhaar
Ering Shri Ninong

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

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

- (a) whether the States have been directed to link caste/domicile certificates with Aadhaar Card number which violates Section 4(2) of the Aadhaar Act, 2016;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the Government has proper security system to prevent the misuse of data collected and linked and to protect the individual privacy; and
- (d) if so, the details thereof?

Answer

(a) and (b): No, Sir. There is no provision in the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 ("Aadhaar Act") for linking caste/domicile certificates with Aadhaar number. The demographic information collected during enrolment of residents is strictly in terms of definition of "demographic information" appearing in Section 2(k) of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 which inter alia specifically excludes collecting of information relating to caste. The Aadhaar number, being a random number, bears no relation to the attributes or identity of the Aadhaar number holder [Section 4(2) of the Aadhaar Act]. The caste/domicile certificate is one of the accepted documents for Proof of Address collected during the enrolment process for generation of Aadhaar number, which is a random number devoid of any intelligence.

The manner of usage of Aadhaar number by the Central Ministries in delivery of services, benefits and subsidies funded from the Consolidated Fund of India is governed by Section 7 of the Aadhaar Act. Pursuant to the provisions of the said Section 7, the Ministry of Electronics and Information Technology has, vide OM No. 2(10)/2016-EG-II dated 17 November, 2016, assigned the power of issuing a notification to the Central Ministries which plan to use Aadhaar for establishing identity of an individual as a condition for receipt of subsidies, benefits or services funded from the Consolidated Fund of India.

(c): Yes, Sir.

(d): Appropriate measures have been taken by the Government to ensure the security of identity information and authentication records of individuals. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, provide that no core-biometric information (fingerprints, iris scan) shall be shared with anyone for any reason whatsoever (Sec 29) and that the biometric information shall not be used for any other purpose other than generation of Aadhaar and authentication.

Chapter VII of the Aadhaar Act provides for the penalties for contravention of any provisions of the Aadhaar Act. Section 38 under the said Chapter more specifically deals with the penalty for unauthorized access to the UIDAI CIDR in the form of unauthorized accessing, downloading, introducing virus, damaging the data, disruption of access to the CIDR, denial of access to an authorized person, revealing, sharing, using or display of information, destroying, deleting or altering of information, stealing, concealing any computer course code used by the Authority which shall attract an imprisonment for a term which may extend to three years and shall also be liable to a fine which shall not be less than ` 10 lakhs.

Additionally, Section 39 provides that any unauthorised use or tampering with data in CIDR or in any removable storage medium with the intent of modifying information relating to Aadhaar number holder or discovering any information thereof, shall be punishable with imprisonment for a term which may extend to 3 years and also liable to a fine which may extend to Rupees ten thousand.

Further, the Aadhaar (Authentication) Regulations 2016 have also been notified in September 2016. These Regulations inter alia provide for biometric authentication to be done only by Authentication Users Agency (AUA) authorized by UIDAI, transmission of biometric information in encrypted form, use of only certified device, etc. In case of biometric authentication, response of UIDAI is signed digitally, assuring its veracity and additionally user is alerted about the said transaction/authentication.

UIDAI's CIDR facilities, Information Assets, Logistics and Infrastructure and Dependencies installed at UIDAI have been classified as Protected System under Section 70(1) of the Information Technology Act, 2000 w.e.f. 11 December 2015. UIDAI has received ISO 270001 certification which is globally accepted as the highest standard for IT security.
