

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO.1804
TO BE ANSWERED ON: 13.02.2019

PRIVACY/HACKING OF DATA

1804. SHRI RAVNEET SINGH:

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

- (a) the details of the safeguards in place to ensure that the right to privacy of our citizens is ensured in the face of consistent data hacks;
- (b) whether the Government has considered amending the Intermediary Rules, 2011 under the IT Act, if so, the reasons therefor; and
- (c) whether the Government plans to introduce pre-censorship of online content and if so, the details thereof?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI S.S. AHLUWALIA)

(a): Section 43A and section 72A of the Information Technology Act, 2000 provides for privacy and security of data in digital form. Section 43A provides for compensation to be paid to the victim in case of unauthorized access of information and leakage of sensitive personal information respectively. It mandates 'body corporates' to implement 'reasonable security practices' for protecting 'sensitive personal information' of individuals. Section 72A of the Act provides for punishment for disclosure of information in breach of the lawful contract. Further, Information Technology (Intermediary Guidelines) Rules 2011 notified under Section 79 of the IT Act, 2000 require that the Intermediaries shall observe due diligence while discharging their duties and shall publish the rules and regulations, privacy policy and user agreement for access or usage of its computer resource by any person.

(b): Yes, Sir. The Information Technology (Intermediaries Guidelines) Rules, 2011 were notified in April 2011. Because of the exponential growth of social media ecosystem, the technological advancement since then, and also the potential misuse of these platforms, it was felt necessary to review the said Rules to align it with the changing landscape of the cyber world. Government has already put up draft of the proposed amendments to these Rules for public comment.

(c): Government is fully committed to freedom of speech and expression and privacy of its citizens as enshrined in the constitution of India. Government has no proposal to introduce pre-censorship of online content.

