

Personal Privacy Rules, 2077

Published in the Gazette dated 2077/05/08

The Government of Nepal has made the following rules in exercise of the power conferred by Section 36 of the Personal Privacy Act, 2075.

1. Short title and commencement: (1) These rules may be called the “Personal Privacy Rules, 2077”.

(2) These rules shall come into force immediately.

2. Definition: In these rules, “Act” means the Personal Privacy Act, 2075 unless the subject matter or context otherwise requires.

3. Confidentiality of Documents:

In addition to the documents mentioned in sub-section (2) of Section 11 of the Act, the following documents shall be considered as personal documents of the person concerned:

- (a) Birth certificate,
- (b) Marriage certificate,
- (c) National identity card and other documents related thereto,
- (d) Marriage certificate,
- (e) Relationship certificate or related documents,
- (f) Marriage certificate, marriage certificate,
- (g) Divorce document,
- (h) Insurance related documents,
- (i) Citizen Investment Fund, Employees Provident Fund, Retirement Fund or similar funds,
- (j) Health check-up related documents Statement,
- (k) Signature or electronic signature,
- (l) Electronic information and personal identification details,

- (m) Certificate of conduct or character,
- (n) Other documents relating to personal information.

4. Confidentiality of electronic information: (1) In accordance with subsection (1) of section 19 of the Act, if any personal information of any person in electronic media is to be used by any other person in any way, the consent of the person concerned shall not be obtained.

(2) As per sub-section (1) of section 19 of the Act, the information held in electronic media in any body or institution shall be kept confidential and secure so that it is not accessed by any person other than the person who has access to it in accordance with the law.

5. Confidentiality of electronic data: (1) No person's economic, social, political, cultural, physical, mental, etc. details, data, information or any digital representation prepared by systematically compiling, presenting or analyzing such details, data or information shall be used without his/her consent.

(2) For the purpose of maintaining the confidentiality of electronic records obtained from any source or means under Section 19 of the Act, the office holding such records shall cause to be released as follows:-

(a) The records of the individual and their computer database, electronic records or any part thereof shall be used only for the purpose of collective records,

(b) Such records shall not be shown or published to any other person without the written consent of the person providing the records or his authorized representative.

6. Installation of CCTV Cameras:

(1) Any government office at the federal, provincial or local level, in coordination with the police office of the state, may install and operate CCTV cameras in public places or public vehicles or cause them to be installed and operated for the purpose of public safety, public order, protection of public property or public transportation.

(2) Information on the installation of CCTV cameras under sub-rule (1) shall be given to the concerned District Administration Office.

(3) CCTV cameras may be installed in commercial or business premises such as banks or financial institutions, shopping malls, hotels, service centers, places of business dealing in valuables and jewelry, industries, factories or other similar commercial or business premises.

(4) A person or institution desirous of installing CCTV cameras as per sub-rule

(3) shall submit an application in the format as per Schedule-1 to the concerned District Administration Office for approval. (5) After making necessary inquiry on the application received under sub-rule (4), the concerned District Administration Office may issue a sanction letter to the applicant in the format as per Schedule-2.

7. Permission to install CCTV cameras in private premises:

- (1) Except for the premises mentioned in rule 6, no person may install CCTV cameras in a house, compound, shop, hall or any other similar area or premises used for private purposes.
- (2) When installing a surveillance camera under sub-rule (1), it shall be done in such a way that it does not interfere with the details of the house, compound, shop, or building of another person and does not infringe the privacy of any other person.

8. Use of Surveillance Cameras: (1) The body, institution or person installing a surveillance camera under rule 6 or 7 shall keep the footage taken from such surveillance camera confidential and secure and shall not make such footage public or use it for commercial purposes.

- (2) Arrangements shall be made to keep the footage taken from the surveillance camera installed under rule 6 safe according to the storage capacity of such surveillance camera.

- (3) In case of installation, removal or alteration of a surveillance camera installed in accordance with Rule 6, the nearest police station or district administration office shall be informed.

- (4) In case of installation, removal or alteration of a surveillance camera installed in accordance with Rule 6, the footage taken from such surveillance camera shall be removed, if any, and such footage shall be uploaded and preserved for at least thirty days.

- (5) The footage taken from the security cameras installed in accordance with Rule 6 may be collected, stored or used by the relevant investigating officer, court or drug control officer for the purpose of investigating or prosecuting drug offences under the prevailing Nepal law.

- (6) The footage taken from the CCTV cameras installed in accordance with Rule 7 may be shared, kept or used by the concerned investigating officer, court or police officer for the purpose of investigation or prosecution of a case under the prevailing Nepal law, after completing the process of such investigation in accordance with the prevailing law.

9. Monitoring: (1) The concerned District Administration Office shall monitor the operation and use of the CCTV cameras installed in accordance with Rule 6 in accordance with the Act and these Rules. (2) The concerned body, institution or person shall provide necessary assistance to the person concerned under sub-rule (1).

10. Collection, processing and analysis of personal data: (1) Except as provided in Section 23 of the Act, no person shall cause any personal data to be collected, stored, preserved, analyzed, processed or published.

(2) Personal information of any person shall not be collected as data except by an officer, institution or person related thereto authorized under the applicable law, with the permission of the law.

(3) No person shall, for the purpose of collecting personal data of any person, take or cause to be taken such data without the consent of the person concerned, even if he has obtained permission from the relevant government office for collecting such data. Provided that such permission shall not be required for the collection of data by the Government of Nepal or any body or officer under it for the purpose of census or any other similar matter or for the collection of data by the provincial government or local level for internal purposes.

11. Use of Waste: (1) The use of personal waste collected in accordance with the Act and these Rules shall be informed to the person concerned before such waste is collected.

(2) Unless otherwise provided in the prevailing law, the personal waste of a person collected in accordance with the Act and these Rules shall be used only for the purpose for which it was collected.

(3) The user of the waste shall use the waste received in a manner that does not violate social harmony and public order and prevailing legal provisions.

12. Application for rectification of information: (1) Any person who, on the ground that any information relating to him, which is in the custody, custody or control of any public body, is incorrect or not based on such information, shall, in accordance with Section 28 of the Act, submit an application in the form as per Schedule-3 to the concerned public body.

(2) The application under sub-rule (1) shall also be accompanied by evidence to prove or substantiate the fact or statement claimed by him as per Sub-section (2) of Section 28 of the Act.

(3) If an application is received under sub-rule (1), the head of the public body concerned shall cause necessary investigation to be conducted to ascertain whether the applicant has received any benefit, advantage or convenience on the basis of such information and whether the information relating to the applicant is incorrect or based on it on the basis of the facts or evidence presented.

13. Power to make a decision: (1) If, while conducting or causing an investigation under sub-rule (3) of rule 12, it is found that such information needs to be corrected, the public body concerned shall, on the basis of the prevailing law, the effect and effect of correcting the information, make a decision and correct it.

(2) If the public body concerned is unable to rectify the information itself under sub-rule (1), it shall send a written opinion to the relevant body.

14. Information on the decision: (1) If the information is rectified under rule 13, the public body shall keep a record of it and inform the applicant concerned that the information has been rectified.

(2) If, while making or causing to be made a selection under sub-rule (3) of rule 12, it is not found that such information should be rectified, the applicant shall be informed of the reason for that.