Data Privacy Regulation Act, 2025 – Final Report

Draft Bill

Data Privacy Regulation Act, 2025

Preamble

An Act to provide for the regulation, protection, and processing personal data of individuals, and to establish a Data Protection Authority for effective enforcement and grievance redressal.

Section 1 – Definitions

Term	Definition
Data Subject	Any individual whose personal data is being processed.
Data Controller	Any individual or organization that determines the purposes and means of processing personal data.
Processing	Any operation performed on personal data, such as collection, recording, storage, adaptation, or alteration.

Section 2 – Rights of Data Subjects

1. Access their personal data being processed.
2. Request correction of inaccurate or incomplete data.
3. Withdraw consent at any time.
4. Be informed of data breaches affecting their personal information.

Section 3 – Obligations of Data Controllers

1. Ensure lawful, fair, and transparent processing.
2. Collect data only for specified, explicit, and legitimate purposes.
3. Maintain data accuracy and keep it up-to-date.
4. Implement technical and organisational measures to ensure data security.

Section 4 – Data Protection Authority (DPA)

- Establishment of a DPA to oversee enforcement, conduct investigations, and issue guidelines.
- Powers to impose penalties, summon witnesses, and mandate data audits.

Section 5 – Penalties and Enforcement

- Monetary penalties up to **N 10 crores** or **2 %** of annual turnover, whichever is higher.
- Criminal liability for willful misconduct.

Section 6 – Amendments

- Amendment by simple majority with justification.

Judicial Review Votes

Judge	Decision	Justification
Judge 1	Approve	The bill adequately defines key terms, establishes a robust DPA, and provides proportional penalties; it aligns well with international data-protection standards.
Judge 2	Amend with Conditions	The "right to withdraw consent" lacks a clear mechanism for controllers to confirm and document withdrawal; a procedural clause is needed.
Judge 3	Reject	Penalty clause caps fines at "N 10 crores or 2 %". This may be insufficient for large multinational controllers; the limit should be increased.
Judge 4	Approve	Inclusion of DPIA requirements and breach-notification timelines (72 hrs) strengthens accountability and aligns with best practice.
Judge 5	Amend with Conditions	Section 6 does not prescribe a minimum retention period for consent records; a 5-year retention period after withdrawal should be explicitly stated.

Aggregated Vote Summary

- **Approve:** 2 votes (Judges 1 & 4)
- **Amend with Conditions:** 2 votes (Judges 2 & 5)
- **Reject:** 1 vote (Judge 3)

Final Verdict

Result: No clear majority. The vote is split between **Approve** and **Amend with Conditions** (2 votes each), with one **Reject**. In the event of a tie, the recommendation is to **adopt the "Amend with Conditions"** outcome, addressing the procedural and retention-record concerns while incorporating the strengths noted by the approving judges.

Recommended Action: Proceed with amendment conditions: 1. Add a procedural clause for confirming and documenting consent withdrawal. 2. Specify a minimum **5-year** retention period for consent records after withdrawal. 3. Review and possibly increase the penalty ceiling to ensure proportionality for large multinational entities.

Prepared for: **USER1222** *Email:* mkumari233107@gmail.com