

Data privacy in India: Current outlook and the future

The western world, more specifically Europe, driven by their learnings and data proliferation is increasingly moving towards taking control of their personal data. The governments enacted regulations (related to data privacy) decades ago to safeguard the personal data of their citizens. As laws have matured, the European Union's General Data Protection Regulation (GDPR) is now considered the golden standard by many countries (in privacy legislation).

However, in India the context is slightly different. Privacy safeguards in the corporate world have hitherto largely been driven by contractual obligations, or legislative imperatives that trickle down while processing data originating from countries with laws regarding privacy and/or data protection. In addition, the rapid pace of digitization has increased the need for organisations to focus on information and cyber security.

The Indian Government has been trying to enact a Data Privacy bill since 2006 (this has gained momentum in recent years). However, Indian consumers (i.e., data subjects) are largely unaware of the importance of safeguarding privacy or the possible harmful impact of indiscriminate personal data processing.

Government actions through legislations and data protection by companies are thus driven by rapid digitization; adoption of new technologies, such as data analytics, artificial intelligence, etc.; and automation of processes in profiling consumers. This brings us to two critical questions: are consumer interests being protected adequately? Is the data being used prudently/restricted only to the purpose for which it has been collected? Consumers should keep in mind these questions and address them before sharing personal data.

In our experience, being unaware of the harm caused by the misuse of our personal information tends to make us indifferent to privacy protection. To improve our awareness, the government should start awareness initiatives along with corporates (as part of their corporate social responsibility) or with the assistance of Non-Governmental Organizations (NGOs), especially in rural areas. Further, the basics and importance of privacy should be taught as part of the school curriculums. This will foster responsible data sharing by individuals and implement the requirements of the proposed Digital Personal Data Protection Bill (when it becomes an act) by organisations.

Organisations that are yet to implement personal data protection measures, should ideally start focusing on the following:

- Identify the types of data subjects sharing their data and the personal data being captured within organisations; businesses, and systems processing these data types and the external eco-system/organisations with which this data is being shared.
- Understand and familiarize themselves with privacy and related requirements for safeguarding personal data.
- Create awareness within the organization by conducting awareness sessions on data privacy concepts and describe ways to safeguard personal data.
- Start implementing a privacy framework based on the generally accepted privacy principles and best practices in the industry.
- Implement security safeguards to protect the personal information of customers.
- Upskill existing talent/hire new ones to focus on privacy implementation.

Implementing these steps will lay a strong foundation within an organisation. In addition, the adoption of various requirements of the new laws in data privacy or protection will become easy.

We were skeptical about how India would adopt digital transformation, be it transferring money using UPI (unified payments interface) or adopting e-governance, considering the rural population in India. We are now the world leaders in UPI transactions. We are headed in the same direction when it comes to the future of privacy in India. While we may have initial hiccups, the speed of adoption will pick up when the people of India realize the advantages of safeguarding their personal data. As we see it, the future is bright.