

Digital Personal Data Protection Act (DPDPA) 2023 – Key Requirements

1. Scope & Applicability

- Applies to digital personal data.
- Covers entities outside India offering goods/services to individuals in India.
- Excludes non-digitized data unless digitized later.

2. Lawful Basis for Processing

- Verifiable consent is mandatory.
- Some legitimate uses allowed (legal requirements, emergencies).

3. Privacy Notice

- Must provide clear, itemised notice.
- Explain purpose, retention, rights, grievance options.
- Must support 22 Indian languages + English.

4. Data Minimization & Purpose Limitation

- Collect only what is necessary.
- Use data only for stated purposes.

5. Accuracy & Retention

- Keep data accurate and updated.
- Delete data when purpose is fulfilled.

6. Security Measures

- Implement safeguards for data protection.
- Maintain breach detection and response systems.

7. Data Processor Contracts

- Mandatory contracts with data processors.

- Ensure deletion of data when no longer needed.
- Stop processing upon withdrawal of consent.

8. Rights of Data Principals

- Right to access, correct, delete personal data.
- Right to withdraw consent.
- Right to grievance redressal.
- Option to use consent managers.

9. Children's Data

- Parental consent required for minors.
- Harmful tracking/monitoring/advertising prohibited.

10. Significant Data Fiduciaries (SDF)

- Identified based on risk, volume, sensitivity.
- Must appoint DPO, conduct DPIA, and perform audits.

11. Cross-Border Data Transfers

- Allowed but restricted based on government notifications.

12. Data Breach Notification

- Must notify Data Protection Board and affected individuals.

13. Penalties

- Up to INR 250 crore for security failures.
- Up to INR 200 crore for breach notification failure.
- Additional penalties for children's data violations.

14. Governance

- Data Protection Board handles investigations, penalties, and directives.

15. Exemptions

- Certain government functions and research/statistical uses may be exempt, with conditions.