## PS643 - Quiz 4 Submission

## 1. What is data localisation? Write one pro and anti argument each in the data localisation debate

Data Localisation: Data localisation mandates that data generated within a country must be stored, processed, and only then, potentially transferred internationally, within the confines of local privacy regulations. This practice is driven by concerns over national sovereignty, privacy, and security. For instance, Russia and China enforce strict data localisation laws to control their data ecosystem.

* + Pro Argument: An advantage of data localisation is the facilitation of law enforcement and regulatory oversight since the data is stored within the country. This makes it easier for the government to access data when necessary, thereby potentially increasing the protection of citizen rights against misuse.
  + Con Argument: The main disadvantage is the barrier it creates for global services and cloud computing. Companies like Google and Amazon might have to establish and maintain separate storage systems for different regions, significantly increasing costs and potentially leading to fragmented service experiences and innovation bottlenecks.

## 2. Write one difference between GDPR and the Indian data protection law, and explain why this is significant?

Difference between GDPR and the Indian Data Protection Law: GDPR has broader applicability and stricter enforcement mechanisms compared to many national laws, including India's proposed data protection framework. GDPR also includes the 'right to be forgotten,' which allows individuals to request the deletion of their data under certain conditions, a provision not as explicitly defined in Indian law.

Significance: This difference is crucial because it impacts how businesses that operate internationally must handle data. For companies in India catering to EU residents, GDPR mandates compliance that may exceed local legal requirements. This has global implications for data protection standards, pushing companies towards adopting the strictest data handling procedures to ensure compliance.

## 3. What does it mean that data is a non rivalrous commodity?

Non-Rivalrous Commodity: As a non-rivalrous commodity, data does not suffer from the traditional economic problem of scarcity. One person's consumption of data does not preclude another's, and it does not diminish through use. This unique attribute enables data to be an incredibly powerful resource in the digital economy, supporting innovations like machine learning where data can be reused for training various models without losing value.

## 4. What was the central argument of the Kharak Singh case verdict?

Kharak Singh Case Verdict: This 1963 Supreme Court case in India addressed whether the surveillance tactics used by the state (specifically, domiciliary visits and shadowing) were constitutional. The court held that certain aspects of surveillance violated the "right to privacy." Although privacy was not explicitly mentioned in the constitution at the time, the court declared it intrinsic to fundamental rights under Article 21. This case laid the groundwork for recognizing privacy as a constitutional right, leading to significant legal precedents that emphasize the importance of personal space and dignity.

## 5. How did the toysmart.com case effect the policy space on data privacy?

Toysmart.com Case and Data Privacy Policy: The bankruptcy of Toysmart.com in 2000 and its subsequent attempt to sell its customer database despite promises of confidentiality in its privacy policy brought to light the vulnerabilities in data protection policies. The Federal Trade Commission intervened, citing deceptive practices. The case spurred a reevaluation of privacy policies, emphasizing the necessity for clear, enforceable standards in data handling and the importance of companies maintaining their privacy commitments. This incident led to greater consumer awareness and influenced how businesses formulate and communicate their data usage policies, setting a precedent that privacy promises must be honored, especially in cases of bankruptcy or business closure.