

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 395
TO BE ANSWERED ON 04-02-2021

**PROTECTION AND SAFETY OF DATA COLLECTED BY PRIVATE
SOCIAL NETWORKING COMPANIES**

395 DR. FAUZIA KHAN:

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) whether the data taken/collected by the social networking companies from its consumers is safe, if so, the details thereof and if not, the reasons therefor;
- (b) the steps taken/being taken by Government to protect the privacy of the citizens;
- (c) whether any case of misuse of data by private social media websites functioning in India has come to the notice of Government during the last five years; and
- (d) if so, the details thereof along with the action taken?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI SANJAY DHOTRE)

(a) and (b): Social networking companies, for the third party information hosted on their platforms, are intermediaries in the context of the Information Technology (IT) Act, 2000. They are required to follow certain due diligence as specified in the Information Technology (Intermediaries Guidelines) Rules, 2011 notified under section 79 of the IT Act. This includes publishing of terms and conditions of their platform and privacy policy.

Section 43A of the IT Act, 2000 provides for compensation to be paid to the victim in case of unauthorized access of information and leakage of sensitive personal information respectively. It mandates body corporates to implement reasonable security practices for protecting sensitive personal information of individuals. The Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011 notified under this section defines sensitive personal information and also mandate that body corporate must provide policy for privacy and disclosure of information, so that user is well aware of the type of personal data collected, purpose of collection and usage of such information. The rules also specify mode of collection of information, disclosure of information, transfer of information, etc.

Also, section 72A of the IT Act provides for punishment for disclosure of information in breach of the lawful contract.

MeitY has introduced the Personal Data protection Bill, 2019 in parliament during the winter session of 2019. The Bill has been referred to a joint committee of the parliament.

(c) and (d): Pursuant to media reports regarding interference by Cambridge Analytica (CA) in Indian elections, Government had approached Cambridge Analytica as well as Facebook separately on 23.03.2018 seeking clarifications. Cambridge Analytica responded on 03.04.2018 that they do not have any Facebook data of Indian citizens. On 05.04.2018, Facebook informed the Government that data of estimated 562,455

Indian's may have been accessed by Cambridge Analytica through installations of the App developed by Global Science Research (GSR) and installed by Indians. As there were perceived inconsistencies, Government again approached both companies separately and asked Cambridge Analytica for additional details emphasizing that any data concerning Indians is required to be given due sanctity. No further response was however received from CA. Therefore, Government has handed over the matter to CBI for investigating the matter.
