

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2918
TO BE ANSWERED ON: 19.03.2020

DATA PROTECTION LAW

2918: SHRI A. K. SELVARAJ:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) Whether it is a fact that India has made it clear that any attempt of data imperialism would not be accepted;
- (b) whether it is also a fact that India has urged all concerned that data sovereignty of all countries must be respected;
- (c) whether the data protection law must be technology agnostic, based on element of free consent, requisite data protection authorities and a fair mechanism for data processing; and
- (d) if so, the response that Government has got on its point of view on data?

ANSWER

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

(a) to (d): The Government on 31st July 2017, vide OM No.3(6)/2017-CLES, constituted a Committee of Experts on Data Protection under the Chairmanship of Justice B N Srikrishna, Former Judge, Supreme Court of India to study various issues relating to data protection. The committee had submitted its report and a draft bill which are available at <https://meity.gov.in/data-protection-framework>. The said draft Bill was placed in the public domain and comments were sought. The feedback received and largely positive and after certain modifications, based on such feedback, the PDP Bill has been introduced in parliament during the winter session 2019 and the bill has been referred to a joint committee of the parliament.

The committee in the above said report at Chapter (2) has brought out all aspects relating to transferability of data across national borders and the need for legislation to govern jurisdiction over personal data.

The essential principles behind the draft law are that it is technology agnostic, promotes holistic application, stresses informed consent, proposes data minimization, lays down accountability & structured enforcement and provides for deterrent penalties. The details regarding these essential principles are explained in the report. The bill also proposes establishment of a Data Protection Authority of India for enforcement of the law in regard to personal data.
