

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 3446**  
TO BE ANSWERED ON: 01.04.2022

**SAFEGUARDS IN DRAFT INDIA DATA ACCESSIBILITY  
AND USE POLICY, 2022**

**3446. SMT. VANDANA CHAVAN:**

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

- (a) the details of safeguards introduced to check against privacy breaches of citizens' data proposed to be licensed/sold by Government to the private sector, including law(s) and rules applicable, penalties and mechanisms for enforcing any breaches of personal data;
- (b) whether calculations for price discovery of data-sets has been done/proposed to be done, and if so, details of pricing mechanism;
- (c) the details of sharing proceeds from the sale of data between the Centre and States; and
- (d) the steps taken to ensure transparency and accountability in such data sharing?

**ANSWER**

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY  
(SHRI RAJEEV CHANDRASEKHAR)

(a): The Information Technology Act 2000 has adequate provisions for dealing with protection of Personal Data of users. Details of the same are as below:

i) Section 43A of the Information Technology Act, 2000 and the Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011 notified under this section provide safeguards for sensitive personal data or information collected by a body corporate. The Rules mandate that body corporate including social mediaplatforms must provide policy for privacy and disclosure of such 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.

ii) As per the Rule 7 of the above said Rules, a body corporate or any person on its behalf may transfer sensitive personal data or information including any information, to any other body corporate or a person in India, or located in any other country, that ensures the same level of data protection that is adhered to by the body corporate as provided for under these Rules. The transfer may be allowed only if it is necessary for the performance of the lawful contract between the body corporate or any person on its behalf and provider of information or where such person has consented to data transfer.

iii) Rule 8 of the above said Rules specified the reasonable security practices and procedures. The said Rules is available at –

[https://www.meity.gov.in/writereaddata/files/GSR313E\\_10511%281%29\\_0.pdf](https://www.meity.gov.in/writereaddata/files/GSR313E_10511%281%29_0.pdf)

Further, the Government has introduced the Personal Data Protection Bill, 2019 in Parliament during winter session in year 2019. The Bill was referred to Joint Committee of Parliament and the Joint Committee of Parliament has tabled its report on The Personal Data Protection Bill, 2019 in Parliament on 16.12.2021. The report and the Bill are under examination in the Ministry of Electronics and Information Technology, Government of India.

(b) and(c): No, does not arise.

(d): Government had notified the National Data Sharing and Accessibility Policy in the year 2012 and also set up the Open Government Data Platform on data.gov.in where Govt. of India and State Governments share Open Data Sets relating to various sectors. So far more than 529 thousand data sets have been published on this portal and more than 9.21 million downloads have happened. Data from data.gov.in is consumed through APIs and also is available for bulk download. Based on the consultations and inputs received about the Data Accessibility and Use Policy, MeitY is in the process of publishing a National Data Governance Framework and Policy.

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