

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1581
TO BE ANSWERED ON 10-02-2021

CONCERNS ON AMENDMENTS IN PRIVACY POLICY OF WHATSAPP

1581. SHRI KODIKUNNIL SURESH :

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

- (a) whether the Government is aware of the concerns raised in the country regarding changes and amendments to the privacy policy of WhatsApp which is reported to be detrimental to choice, autonomy and privacy rights of Indian citizens;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the Government has sought a response from WhatsApp in this regard and if so, the details thereof and the response received by the Government in this regard;
- (d) whether the Government is aware of the fact that large scale data is being shared between commercial firms from and of users of WhatsApp and other digital communication platforms in violation of agreements to privacy;
- (e) if so, the details thereof and the reaction of the Government thereto; and
- (f) the steps taken by the Government to protect the privacy of Indian users of such cross-platform centralized messaging and voice over IP service applications?

ANSWER

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

(a) to (e): Ministry of Electronics & Information Technology (MeitY) took cognizance of the WhatsApp announcement of its new Privacy Policy stated to be applicable to Indian users from February 2021. To safeguard the interest of Indian users, Ministry of Electronics and Information Technology (MeitY) has asked WhatsApp to review the proposed privacy policy changes and also to explain the rationale of the same. WhatsApp has communicated that the messages sent by users in their private chats or in private groups continue to be end-to-end encrypted and other persons or WhatsApp cannot access these messages.

(f): Section 43A of the Information Technology (IT) Act, 2000 provides for safeguards for sensitive personal information collected by a body corporate. 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.

The centralized messaging and voice-over-IP service applications platforms including WhatsApp, Facebook etc, for the user generated content made available on their platforms, are intermediaries as defined in the Information Technology (IT) Act, 2000. Accordingly,

they have to observe due diligence prescribed by the Information Technology (Intermediaries Guidelines) Rules, 2011 notified under section 79 of IT Act, 2000. Further, Government has already moved the Personal Data Protection Bill, 2019 in Parliament which is presently under the consideration of the Joint Parliamentary Committee formed by Lok Sabha. The Bill provides for safeguards of privacy and interests of the Indian citizens.
