

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2753
TO BE ANSWERED ON: 12.12.2019

POLICY GOVERNING SOCIAL MEDIA PLATFORM

2753. SHRI NARESH GUJRAL:

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

- (a) whether Government is planning to implement any law/policy on governing the use of social media platforms, if so, the details thereof; and
- (b) the steps taken by Government to ensure privacy protection of citizens and official accounts/websites of Government on the social media application?

ANSWER

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

(a): Social media platforms are intermediaries as defined in the Information Technology Act, 2000. The Information Technology(IT) Act, 2000 has adequate provisions for removal of objectionable online content. Social media platforms are intermediaries as defined in the Act. Section 69A of the IT Act, 2000 empowers Government to block any information generated, transmitted, received, stored or hosted in any Computer Resource in the interest of Sovereignty and Integrity of India, Defence of India, Security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above.

Further, section 79 of the Act provides that intermediaries are required to disable/remove unlawful content on being notified by appropriate government or its agency. The Information Technology (Intermediary Guidelines) Rules 2011 notified under this section require that the intermediaries, which includes social media platforms, shall observe due diligence while discharging their duties and shall inform the users of computer resources not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, and unlawful in any way.

(b): There are legal provisions to deal with protection of privacy of user's data. Section 43A and section 72A of the Information Technology (IT) Act, 2000 provides for privacy and security of data in digital form. Section 43A 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 section 43A mandates 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. Also, section 72A of the Act provides for punishment for disclosure of information in breach of the lawful contract.

In addition, Ministry of Electronics & Information Technology has tabled the Personal Data Protection Bill in the Parliament.
