

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 2713
TO BE ANSWERED ON: 04.12.2019

SELLING OF PRIVATE INFORMATION OF SOCIAL MEDIA USERS

2713. SHRI ANIL FIROJIYA

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

- (a) whether instances of selling of private information of users through social networking sites have come to the notice of the Government;
- (b) if so, the details thereof and the reaction of the Government thereto along with the action taken by the Government in this regard; and
- (c) whether the Government has made any rule to prevent the misuse of shared private information of users without their consent and if so, the details thereof?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) and (b) : There are media reports about instances of unauthorized use of personal data and data breaches of private information of users through social networking sites. Based on the media reports regarding data breach by Cambridge Analytica, 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 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.

(c): Section 43A and section 72A of the Information Technology (IT) Act, 2000 provides for privacy and security of data in digital form. Section 43A of the Act provides for compensation to be paid to the affected users in case of unauthorized access of information and leakage of sensitive personal information respectively. It mandates 'body corporate' to implement 'reasonable security practices' for protecting 'sensitive personal information' of individuals. Section 72A of the Act provides for punishment in the form of imprisonment upto 3 years and fine for disclosure of information in breach of the lawful contract.

Also, Information Technology (Intermediaries Guidelines) Rules, 2011 notified under section 79 of the IT Act, 2000 require that the intermediary shall observe due diligence while discharging their duties and shall publish the rules and regulations, privacy policy and user agreement for access or usage of its computer resource by any person.

To further strengthen personal data protection of user, Ministry of Electronics and Information Technology (MeitY) on 31st July 2017 constituted a Committee of Experts under the Chairmanship of Justice B N Srikrishna, former Judge, Supreme Court of India, to look into all aspects relating to personal data protection. The committee gave its report on 27th July, 2018. The Committee also submitted a draft Personal Data Protection Bill. Wide consultations were held on the draft bill and open feedback was invited on the contents of the Bill. These are currently being processed and it is proposed to table the Bill in Parliament.
