

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 3520
TO BE ANSWERED ON: 17.03.2021

DATA RETENTION BY INTERMEDIARIES

3520. SHRI GAURAV GOGOI:

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

(a) whether the Information Technology(Intermediary Guidelines and Digital Media Ethics Code)Rules, 2021 provide for mandatory data retention by intermediaries for 180 days, even if an account has been deleted and if so, the details thereof and the reasons therefor;

(b) whether the Government acknowledges that said provision poses a serious threat in the absence of data protection laws in India and if so, the details thereof and the reaction of the Government thereto and the steps taken by the Government in this regard; and

(c) whether the Government plans to provide any safeguards for protection of such data and if so, details thereof and if not, reasons therefor?

ANSWER

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

(a): In order to provide enhanced user safety as also accountability of intermediaries, Government has released the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 notified under the Act. These Rules require that the intermediaries follow certain due diligence as prescribed. As per these Rules, where an intermediary collects information from a user for registration on the computer resource, it shall retain his information for a period of one hundred and eighty days after any cancellation or withdrawal of his registration.

(a) and (c): The Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011 notified under Section 43A of the Information Technology Act, 2000 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.

MeitY has introduced the Personal Data protection Bill, 2019 in parliament during the winter session of 2019. The Bill has been referred to a joint committee of the parliament.
