

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1453
TO BE ANSWERED ON: 10-02-2021

APPLICABILITY OF WHATSAPP PRIVACY POLICY

1453. SHRI T.N. PRATHAPAN:

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

- (a) whether the Government is aware of the fact that WhatsApp's new privacy policy on sharing data with parent company Facebook will be applicable everywhere except Europe because of their strong data protection policies and if so, the details thereof and the reaction of the Government thereto;
- (b) the measures taken by the Government to protect personal data of the users of such platforms; and
- (c) whether the Government is considering to include similar European data protection provisions in Indian data protection regime and if so, the details in this regard and if not, the reasons therefor?

ANSWER

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

(a): Yes, Sir. Pursuant to WhatsApp announcement of proposed new privacy policy, 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.

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

The social media platforms including WhatsApp, for the user generated content made available on their platforms, are intermediaries as defined in the Information Technology Act, 2000. Accordingly, these platforms have to observe due diligence prescribed by the Information Technology (Intermediary Guidelines) Rules, 2011 notified under section 79 of IT Act, 2000.

Government has already moved the Personal Data Protection Bill, 2019 in Parliament which is presently under the consideration of the Joint Committee of Parliament. The Bill provides for safeguards of privacy and interests of the Indian citizens.
