

- (b) if so, the details thereof and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA) : (a) and (b) No Sir. A note for Cabinet Committee on Infrastructure has been circulated for inter ministerial consultations for approval for enhancement of budget by Rs. 5236 crore for laying of alternate communications network for Defence Services for release of spectrum, over and above Rs. 8098 crore which was already approved by Cabinet Committee on Infrastructure on 03.12.2009.

#### **Privacy Policy Changes by Google**

1929. SHRI TARUN VIJAY : Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether the Information Technology Act, 2000, as amended by the Information Technology (Amendment) Act, 2008 covers sufficient ground to bring within its purview the arbitrary Privacy Policy changes like the one done by the Google on 1 March, 2012;

(b) whether the said Privacy Policy change is in agreement with aforementioned legislation;

(c) if so, how does the Ministry view its conflict with the European Directive on Data Protection;

(d) if not, how does the Ministry propose to rectify such conflict; and

(e) how does such Privacy Policy changes affect the end users in view of the growing internet users in the country?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT) : (a) and (b) Section 43 A of the amended Information Technology Act, 2000 establishes a legal framework for data privacy protection in India. 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 on 11.4.2011 under section 43 A of the Act explicitly define 'reasonable security practices' and 'sensitive personal information'. The rules 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 and reasonable security practices and procedures. All body corporate in India are required to comply with the provisions of the rules.

The Information Technology Act, 2000 and the rules prescribe therein requires the body corporate to publish the privacy policy. Google has published a Privacy Policy on their website.

Any change in the privacy policy is not within the purview of amended Information Technology Act, 2000.

(c) Section 43A of the Act and the Rules notified therein reflect global principles of privacy and are similar to EU Data Protection Directive and provide means for effective implementation by establishing procedural/enforcement mechanisms such as requirement of yearly audit of by the Government approved independent auditor.

Certain media reports have appeared on changes in Google's privacy policy. France's independent privacy watchdog, the CNIL (nationale de l'informatique et des libertes) stated that the changes made do not comply with European law. Another report states that European Union (EU) feels the new privacy policy makes it impossible to understand which purposes, personal data, recipients or access rights are relevant to the use of a specific service. It may be mentioned that Privacy is a fundamental right in Europe.

(d) Rectification of conflict between Google, an US Company and European Directive on Data Protection is not within the purview of Government of India.

(e) The new Google Privacy Policy provides information to the end users as to how their personal information is collected, for which it is collected, processed and secure. The end users, however, need to fully understand the privacy policy of Google, the consequences of sharing their personal information and their privacy rights before they start using online services.

#### **Misuse of 2G spectrum licencing conditions**

1930. SHRI JAI PRAKASH NARAYAN SINGH : Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether it is a fact that due to misuse of 2G spectrum licencing conditions by various telecom operators, Government has incurred a loss of more than 35,000 crores;
- (b) if so, the complete details of loss to the exchequer, operator-wise;
- (c) whether Government would recover the loss from telecom operators; and
- (d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA) : (a) to (d) Initial/start-up spectrum is allotted to the Unified Access Service Licensees as per the