

(b) if so, what are the steps taken by Government to ensure that digital intermediaries protect the privacy of user's data; and

(c) by when the notification of New Intermediaries Guidelines Rules is expected?

THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) There had been media reports of some instances of breach of privacy of users in Digital Intermediaries.

(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.

Further, Information Technology (Intermediaries Guidelines) Rules, 2011 notified under Section 79 of the IT Act, 2000 require that the Intermediaries 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.

In addition, Ministry of Electronics & Information Technology is working on the Personal Data Protection Bill to safeguard the privacy of citizens and proposes to table it in Parliament.

(c) The amendment to Information Technology (Intermediaries Guidelines) Rules; 2011 are expected to be finalised by end of January 2020.

Amendments to the Intermediaries Guidelines Rules

1944. SHRI AHMED PATEL: Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether Government believes that if intermediaries, as proposed in the amendments to the Intermediaries Guidelines Rules, proactively monitor content, there will be mass-scale private surveillance;
- (b) if so, the details thereof;
- (c) whether Government agrees that this would be in violation of the Puttaswamy Judgement of the Supreme Court;
- (d) the details thereof;
- (e) whether Government agrees that there are more effective ways to tackle hate speech and misinformation; and
- (f) the details thereof?

THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) and (b) Government is fully committed to the privacy of its citizen while they use various intermediary services. Government had invited public comments on its draft of amendments to the Intermediary Rules, 2011 and has received public inputs on the same. The amendments *inter alia* proposes that intermediaries should proactively identify and remove child sexual abuse material, rape/gang-rape imagery and contents promoting terrorism without compromising accuracy or privacy using technology based tools and mechanism. The rules are presently being finalised.

(c) No, Sir.

(d) Does not arise.

(e) and (f) 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.

Government is committed to tackle hate speech and misinformation and is open to any new constructive idea in this regard. The proposed amendment to Intermediaries Guidelines Rules is a step in this direction.

**Development of economy through
data localisation**

1945. SHRI AHMED PATEL: Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government believes that data localisation will help develop the economy;

(b) if so, the details thereof;

(c) whether Government has conducted or commissioned any studies to assess the costs of data localisation on small and medium businesses and start ups, similar to the exercise that was conducted by the European Union which did a comprehensive assessment of General Data Protection Regulation (GDPR) compliance cost on small businesses and startups;

(d) if so, the details thereof; and

(e) if not, the reasons for not commissioning such a study?

THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): (a) to (e) The Ministry of Electronics and Information Technology (MeitY) on 31st July 2017, *vide* OM No.3(6)/2017-CLES, 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, *vide* 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. The Report and the Draft Bill of the Srikrishna Committee are available at: <https://meity.gov.in/data-protection-framework>. In the report the Committee has analyzed