

Status of data protection legislation

552. SHRI K.J. ALPHONS: Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) the status of the proposed data protection legislation;
- (b) whether all stakeholders have been consulted; and
- (c) pending legislation, what steps are being taken by the Government to ensure protection of data?

THE MINISTER OF STATE IN THE MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI DHOTRE SANJAY SHAMRAO): (a) The Personal Data Protection Bill 2019 has been introduced in the Parliament during the winter session 2019 and the Bill has been referred to a Joint Committee of the Parliament and the Committee is deliberating on the subject.

(b) Yes, Sir, wide consultations were held on the draft Bill and open feedback was solicited on the contents of the Bill.

(c) There are existing legal provisions to deal with the protection of data. Section 43A and section 72A of the Information Technology (IT) Act, 2000 provide for privacy and security of data in digital form. Section 43 A provides for compensation to be paid to the victim in case of wrongful loss or wrongful gain caused due to negligence in implementing and maintaining reasonable security practices and procedure by a body corporate in dealing with sensitive personal data. It mandates 'body corporates' to implement 'reasonable security practices' for protecting the 'sensitive personal information' of individuals. Also, section 72A of the Act provides for punishment for disclosure of information in breach of lawful contract.

Personal data protection law

553. SHRI RAJEEV SATAV: Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether Government proposes to enact the personal data protection law which would create the first cross-sectoral legal framework for data protection in the country, if so, the details thereof;

(b) whether the Government has formulated any procedure for individuals to complain about privacy violations until the personal data protection law is enacted, if so, the details thereof and if not, the reasons therefor;

(c) the number of complaints received by the Ministry on privacy violations during the last three years and the current year; and

(d) the action taken by Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI DHOTRE SANJAY SHAMRAO): (a) The Government constituted a committee of experts on data protection, chaired by Justice (Retd) B.N. Srikrishna, Supreme Court of India to study various issues relating to data protection and come out with a draft Data Protection Bill. Based on the recommendation of the committee of experts and a multitude of feedback received from diverse stakeholders, the draft bill has been duly updated and the PDP Bill 2019 has been introduced in parliament during the winter session 2019. The bill has been referred to a Joint Committee of the Parliament & the Committee is deliberating on the subject.

(b) Section 43A of the Information Technology (IT) Act, 2000 establishes a legal framework for data protection in India. Section 43A provides for compensation to be paid to the victim in case of wrongful loss or wrongful gain caused due to negligence in implementing and maintaining reasonable security practices and procedures by a body corporate in dealing with sensitive personal data. The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 notified under section 43 A requires that body corporate shall designate a Grievance Officer and publish his name and contact details on its website. The Grievance Officer shall redress the grievances or provider of information expeditiously but within one month ' from the date of receipt of grievance.

(c) and (d) The cases of leakage of sensitive personal information are dealt by Adjudicating Officers appointed under section 46 the IT Act. Secretaries of Department of Information Technology of each State and Union Territory have been appointed as Adjudicating Officer under section 46 of Information Technology (IT) Act 2000. The cases of Cyber contravention heard by Adjudicating Officer are State subject and such data is not maintained by Ministry of Electronics & Information Technology (MeitY).