

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1531
TO BE ANSWERED ON: 29.07.2022

PROTECTION OF PERSONAL DATA OF USERS MAKING ONLINE PAYMENTS

1531. SHRI DEREK O' BRIEN:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether there are privacy safeguards in place to protect the personal data of users who use online payment services, the details thereof;
- (b) whether the authorities can ask for personal data of users who have donated to media houses, the details thereof;
- (c) how is it ensured that once the data is given to Government, it is not used for any other reason than it was taken for;
- (d) whether there are provisions for deletion of such data from Government servers after the purpose is served; and
- (e) if so, the details thereof, if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a): Yes, Sir. Privacy is a fundamental right as determined by Hon'ble Supreme Court in Justice K.S. Puttaswamy vs. Union of India in year 2017. This extends to digital informational privacy in the online space including but not limited to online payments.

Further, The Central Government, in exercise of its powers under the Information Technology Act, 2000, has made the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 ["SPDI Rules"]. These require that a body corporate or any person collecting, receiving, possessing, storing, dealing or handling information provided observe various safeguards to protect the personal data of users. The safeguards include the requirements to provide and publish on the website of such body corporate or person a policy for privacy and disclosure of personal information data or information, to use information collected for the purpose for which it has been collected, to keep it secure, to obtain prior permission of the information provider for disclosing personal data.

Also, the Reserve Bank of India, which is the designated authority for the regulation and supervision of payment systems under the Payment and Settlement Systems Act, 2007, has apprised that section 22 of the said Act provides for the duty of a payment service provider to keep documents in the payment system confidential.

(b): Under rule 6 of the SPDI Rules, disclosure of sensitive personal data or information by a body corporate to any third party requires prior permission from the provider of such information. However, the rule further provides that information shall be shared, without obtaining prior consent from provider of information, with Government agencies mandated under the law to obtain information for the purpose of verification of identity, or for prevention, detection, investigation, prosecution and punishment of offences.

(c) to (e): The National Data Governance Framework Policy is presently under consultation with stakeholders.
