



Draft Personal Data Protection Bill, 2019

Why in News

Recently, the [Joint Parliamentary Committee](#) (JPC) discussed the **Personal Data Protection Bill, 2019** and reopened it for consultations.

- It is expected to submit its report in the [Winter Session](#) of Parliament 2021.

Key Points

▪ About:

- It is commonly referred to as the **“Privacy Bill”** and intends to **protect individual rights by regulating the collection, movement, and processing of data** that is personal, or which can identify the individual.
 - In December 2019, Parliament approved sending it to the joint committee.
- The Bill **gives the government powers to authorise the transfer** of certain types of personal data overseas and has given exceptions allowing government agencies to collect personal data of citizens.
- The Bill divides the data into three categories and mandates their storage depending upon the type.
 - **Personal Data:** Data from which an individual can be identified like name, address, etc.
 - **Sensitive Personal Data:** Some types of personal data like financial, health-related, sexual orientation, biometric, genetic, transgender status, caste, religious belief, and more.
 - **Critical Personal Data:** Anything that the government at any time can deem critical, such as military or national security data.
- It **removes the requirement of data mirroring** (in case of personal data). Only individual consent for data transfer abroad is required.
 - Data mirroring is the act of copying data from one location to a storage device in real-time.
- It **mandates data fiduciaries to provide the government with any non-personal data** when demanded.
 - **Data Fiduciary:** It may be a service provider who collects, stores and uses data in the course of providing such goods and services.
 - **Non-Personal Data** refers to anonymised data, such as traffic patterns or demographic data. In September 2019, the government set up a [new committee](#) to recommend a framework to regulate non-personal data.
- The Bill requires **companies and social media intermediaries**, which are **“significant data fiduciaries”**, to enable users in India to voluntarily verify their accounts.
 - It would be visible in a “demonstrable and visible mark of verification, which shall

be visible to all users of the service”.

- This intends to decrease the anonymity of users and prevent trolling.
- A **Data Protection Authority** has been envisaged for ensuring the compliance of the law.
- It also mentions **‘Right to be Forgotten.’** It states that the “data principal (the person to whom the data is related) shall have the right to restrict or prevent the continuing disclosure of his personal data by a data fiduciary”.

▪ **Advantages:**

- **Data localisation** can help law-enforcement agencies access data for investigations and enforcement and also increase the ability of the government to tax internet giants.
- Instances of cyber-attacks (for example, **Spyware Pegasus**) and surveillance can be checked.
- Social media, which is sometimes used to spread fake news, can be monitored and checked, preventing emerging national threats in time.
- A strong data protection legislation will also help to enforce data sovereignty.

▪ **Disadvantages:**

- Many contend that the **physical location of the data is not relevant** in the cyber world as the **encryption keys may still be out of reach** of national agencies.
- National security or reasonable purposes are **open-ended and subjective terms**, which may **lead to intrusion of the state** into the private lives of citizens.
- Technology giants like **Facebook and Google are against it** and have criticised the protectionist policy of data localisation as they are afraid it would have a domino effect in other countries as well.
 - It had been opposed by social media firms, experts and even ministers, who said that it had too many loopholes to be effective and beneficial for both users and companies.
- Also, it may **backfire on India’s own young startups** that are attempting global growth, or on larger firms that process foreign data in India.

Source: TH

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