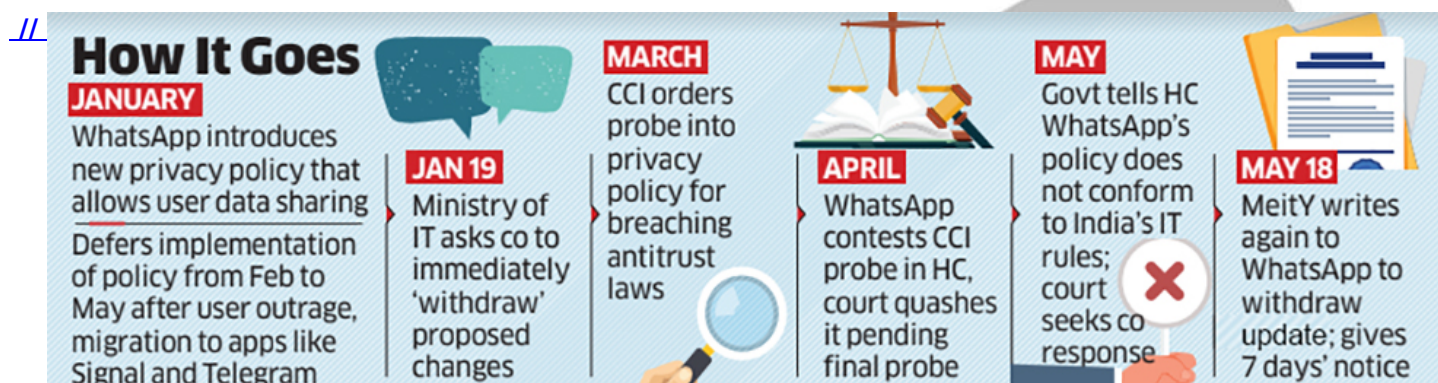




Data Protection in India

Why in News

Recently, the **Ministry of Electronics and IT (MeitY)** has sent a notice to **WhatsApp** asking it to withdraw a controversial update to its privacy policy which might be a **threat to Data Protection of Indians**.



Key Points

▪ About the Issue:

- According to [WhatsApp's updated privacy policy](#), users would no longer be able to **stop the app from sharing data** (such as location and number) **with its parent Facebook** unless they delete their accounts altogether.
 - Its privacy updates are **designed to make the business interactions** that take place on its platform easier while also personalising ads on Facebook. That is how it will have to make its money.
- According to the **Government**, the messaging app **discriminates against Indian users vis-à-vis users in Europe** on the matter of a choice to opt-out of the new privacy policy.
 - WhatsApp users in Europe can opt-out of the new privacy policy owing to the **laws in the European Union (EU) called the General Data Protection Regulation (GDPR)**, which shield them from sharing data from Facebook or grant them the power to say no to WhatsApp's new terms of service.

▪ Data Protection (Meaning):

- Data protection is the **process of safeguarding important information from corruption, compromise or loss**.
 - **Data** is the large collection of information that is stored in a computer or on a network.
- The **importance** of data protection **increases as the amount of data created and stored continues to grow at unprecedented rates**.

▪ Need:

- According to the [Internet and Mobile Association of India \(IAMAI\)](#)'s **Digital in India report 2019**, there are about **504 million active web users and India's online market is second only to China.**
- Large collection of information about individuals and their online habits has become an **important source of profits.** It is also a **potential avenue for invasion of privacy** because it can reveal extremely personal aspects.

- Companies, governments, and political parties find it **valuable** because they can use it to find the most convincing ways to advertise to you online.

▪ Laws for Data Protection across the Globe:

- **European Union:** The primary aim of the **General Data Protection Regulation (GDPR)** is to **give individuals control over their personal data.**
- **US:** It has **sectoral laws to deal with matters of digital privacy** such as the US Privacy Act, 1974, Gramm-Leach-Bliley Act etc.

▪ Initiatives in India:

◦ [Information Technology Act, 2000:](#)

- It provides for **safeguard against certain breaches in relation to data from computer systems.** It contains provisions to prevent the unauthorized use of computers, computer systems and data stored therein.

◦ **Personal Data Protection Bill 2019:**

- The Supreme Court maintained the **right to privacy as a fundamental right in the landmark decision of [K.S. Puttaswamy v. Union of India 2017](#)** after which the Union government had appointed **Justice B.N. Srikrishna Committee** for proposing skeletal legislation **in the discipline of data protection.**
- The Committee came up with its report and draft legislation in the form of the **Personal Data Protection Bill, 2018.**
- In 2019, Parliament again revised the Bill and much deviation from the 2018 Bill was evident. The new Bill was named as [Personal Data Protection Bill, 2019.](#)

- The purpose of this Bill is to provide for protection of privacy of individuals relating to their Personal Data and to establish a Data Protection Authority of India for the said purposes and the matters concerning the personal data of an individual.

▪ Concerns Related to Personal Data Protection Bill 2019:

- It is like a two-sided sword. While it **protects the personal data of Indians by empowering them with data principal rights**, on the other hand, it **gives the central government with exemptions** which are against the principles of processing personal data.
- The **government can process even sensitive personal data when needed**, without explicit permission from the data principals.

Way Forward

- In this digital age, data is a valuable resource that should not be left unregulated. In this context, **the time is ripe for India to have a robust data protection regime.**
- It is time that **requisite changes are made in the Personal Data Protection Bill, 2019.** It needs to be reformulated to ensure that **it focuses on user rights with an emphasis on user privacy.** A **privacy commission** would have to be established to enforce these rights.
- The **government would also have to respect the privacy** of the citizens while **strengthening the right to information.** Additionally, the **technological leaps made in the last two to three years also need to be addressed** knowing that they have the capacity of turning the law

redundant.

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