

General Studies-2; Topic: Important aspects of governance, transparency and accountability,

Data Protection in India

1) Introduction

- The dawn of the information age opened up great opportunities for the beneficial use of data.
- Given the rising internet penetration and growing emphasis on Digital India, it is imperative to protect the sanctity of data generated.

2) Need for Data Protection

- India has 400 million internet users
- The internet is essentially a data ecosystem where it is engaged in generation, transmission, consumption and storage of data. So we need to safeguard the privacy of this data.
- Individual privacy is a fundamental right limited by reasonable restriction
- To curtail the perils of unregulated and arbitrary use of personal data.
- Unauthorised leaks, hacking and other cyber crimes have rendered data bases vulnerable.
- For securing digital transactions and addressing customer and privacy protection issues.
- Individuals have limited control over how data collected from them are used.

3) Data Protection laws

- India does not have a separate law for data protection
- Section 43A of the Information Technology Act provides a measure of legal protection of personal information.
- In 2012, the Justice A.P. Shah Committee recommended a set of principles for a legal framework for protecting privacy.
- Justice B.N. Srikrishna Committee has issued a White Paper to elicit views from the public for a comprehensive data protection law
- The law must provide an empowered statutory authority to enforce the protection to citizens' data.

4) Big Data Analytics

- Big data is a term for data sets that are so large or complex that traditional data processing application software is inadequate to deal with them.
- It refers to user behavior analytics, or certain other advanced data analytics methods that extract value from data.
- Big data with the government is a huge boon for governance.
- Consumer habits can be studied and policies can be framed which would then be in line with the need of the hour
- Massive amounts of data generated by cities can be used to improve infrastructure and transport systems as Singapore has done.

5) Concerns / Challenges

- Major players in India's digital economy are not only based abroad, but also export data to other jurisdictions.
- India's inability to localise data centres means its digital economy is governed by hundreds of private data protection policies

- Potential drain of economic wealth of a nation. Financial rewards of big data are enjoyed by MNCs located in USA.
- Infrastructure in India for efficient data collection and management is lacking.
- Recent ransomware attacks have uncovered the vulnerability of even the developed countries towards hacking.

6) **Way Forward**

- Data minimisation and accountability of those who process and control data.
- Personal data in the public interest should be protected and used only for the purposes it was collected.
- Understanding the imported technologies to protect data in India.
- Infrastructure for efficient data collection and management must be strengthened.
- Start-ups can develop technology that enables users to control who gets access to the data about their behaviour patterns in the digital world.
- Encouraging formation of native internet giants like how china has done.
- Current data protection rules under the Information Technology Act urgently need an update and should reflect modern trends.
- Safeguarding privacy rights also needs attention.
- Allow companies to pursue independent data protection policies, but monitor their enforcement through a national, multi-stakeholder agency.
- Any violation will create a “name and shame” environment and weed out poor practices followed by the companies.

