

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 379
TO BE ANSWERED ON 04-02-2021

COMPLAINTS REGARDING MISUSE OF PERSONAL DATA

379 SHRI M. SHANMUGAM:

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) whether the number of complaints regarding misuse of personal data and privacy issue by various apps are increasing in the country;
- (b) if so, the steps taken by the Ministry to address these issues;
- (c) whether there are any specific provisions like European Unions General Data Protection Regulation (GDPR) guidelines, to protect and regulate personal data;
- (d) if not, whether Government would bring out specific guidelines for this purpose; and
- (e) in what manner the Ministry would ensure that the personal data collected by various apps including WhatsApp, Facebook are not misused or monetized illegally?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI SANJAY DHOTRE)

(a) and (b): In line with increasing number of internet users, mobile apps and new evolving technology, the practice of collection of personal data by such apps and websites is also increasing. Ministry of Electronics and Information Technology (MeitY) regularly interacts with social media platforms to make them more responsive. MeitY recently has asked WhatsApp to review the proposed privacy policy changes and also to explain the rationale of the same.

(c) to (e): Section 43A of the Information Technology (IT) Act, 2000 provides for safeguards for sensitive personal information collected by a body corporate. Further, section 72A of the IT Act provides for punishment for disclosure of information in breach of the lawful contract.

The social media platforms including WhatsApp, Facebook etc., for the user generated content made available on their platforms, are intermediaries as defined in the Information Technology (IT) Act, 2000. Accordingly, they have to observe due diligence prescribed by the Information Technology (Intermediaries Guidelines) Rules, 2011 notified under section 79 of IT Act, 2000.

Further, Government has already moved the Personal Data Protection Bill, 2019 in Parliament which is presently under the consideration of the Joint Parliamentary Committee formed by Lok Sabha. The Bill provides for safeguards of privacy and interests of the Indian citizens.
