



Draft Data Protection Bill, 2018

"A Free and Fair Digital Economy Protecting Privacy, Empowering Indians"

Types of Sensitive Personal Information (SPI)		Functions of Data Protection Authority of India (DPAI)	
Passwords	Financial data	Policy Formulation	Adjudication
Health data	Official identifier	Monitor	Research and Awareness
Sex life and orientation	Biometric data	Data Protection Obligations	
Genetic data	Transgender status and Intersex status	Fair and reasonable processing Purpose limitation Collection limitation Lawful processing Notice Data quality Data storage limitation Accountability	
Religious or Political belief or affiliation	Caste or Tribe	Consent should be – Free, clear, informed specific and capable of being withdrawn	
Critical Personal Data (CPD)		Rights of Data Principles	
CPD shall only be processed in a server or data centre located in India. All data fiduciaries will store at least one copy of personal data on a server or data centre located in India. Definition of CPD to be provided by central government.		Right to confirmation and access	Right to correction
Implementation		Right to Data Portability	Right to Be Forgotten
Compliance: Annual audit by DPA approved auditor; Appointment of Data Protection Officer for assessment and grievance redressal.		Exemptions under the Bill Security of the State, Prevention, detection, investigation and prosecution of contraventions of law, Processing for the purpose of legal proceedings, Research, archiving or statistical purposes, Personal or domestic purposes, Journalistic purposes and manual processing by small entities	
Enforcement: Adjudicating Officer (DPA) >> Appellate Tribunal >> Supreme Court Recovery Officer (DPA) with search and seizure powers		Data Protection Officer	
Offenses	Penalties	<ul style="list-style-type: none"> Provide information and advice to the data fiduciary Monitor personal data processing activities Act as a point of contact with the DPAI Act as a point of contact for data principles for raising grievances 	
Obtaining, transferring or selling of personal and sensitive personal data	Penalties up to 5 crore rupees or 2% of the data fiduciaries' total worldwide turnover		
Re-identification and processing of de-identified personal data * All offense are cognizable and non-bailable	failing to adhere to security safeguards and illegal transfer of data outside India, the penalties would be up to 15 crore rupees or 4% of total worldwide turnover		
New Terms: Data Fiduciary ¹ Data Principle ² Re-identification ³ Data Trust Score ⁴ Codes of Practice ⁵			

¹ It is the person, company, or entity whose information is being collected.

² A person, state, company, or any entity that decides why data should be processed and how it should be processed.

³ The process by which a data fiduciary or data processor may reverse a process of de-identification (make anonymized data identifiable)

⁴ The DPA can assign, register, and manage data auditors, who then may give fiduciaries a "data trust score" after a "data audit".

⁵ To be issued by DPA in consultation with other regulators to promote good practices of data protection and facilitate compliance with the obligations of this Bill



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