



Personal Data Protection Bill, 2019				
Types of Sensitive Personal Information (SPI)			Functions of Data Protection Authority of India (DPAI)	
"Passwords" removed from this list	Data categorized as sensitive under section 15 of this bill		Monitoring technical/ commercial developments and Enforcement	Taking action in response to personal data breach
Health data	Religious or Political belief or affiliation		Maintaining database of fiduciaries along with a trust score	Issue registration, renewal, withdrawal certificates to data auditors
Financial data	Caste or Tribe		Classification of data fiduciaries	Monitoring cross-border transfer of personal data
Official identifier	Genetic data		Examination of data audit reports	Specifying codes of practice
Biometric data	Sex life		Promoting awareness and understanding of the risks and rules among data fiduciaries and data principal	Promoting research and innovation
Transgender status and Intersex status	Sexual orientation		Advising Central Government, State Government	Receiving and enquiring on complaints
Critical Personal Data (CPD)			Rights of Data Principles	
<p>Sensitive personal data can be transferred outside India for processing but must continue to be stored in India. Exceptions for transfer when explicit consent is given by data principal-</p> <ol style="list-style-type: none"> 1) Transfer is made under an intra group scheme under authority 2) Central government has allowed the transfer 3) Authority has allowed the transfer for any specific purpose <p>The critical personal data shall only be processed in India. Definition of CPD - "Critical Personal Data" means such personal data as may be notified by the Central Government to be the critical personal data. Exceptions-</p> <ol style="list-style-type: none"> 1) In case of health services or emergency, 2) To a country or, any entity or class of entity in a country or, to an international organisation, where the Central Government has granted permission for transfer 			<p>Right to confirmation and access</p> <p>Right to Data Portability</p>	<p>Right to correction and erasure</p> <p>Right to Be Forgotten</p>
<p>Compliance: Privacy by design, transparency in processing, reporting of personal data breach, Classification of significant data fiduciaries including social media intermediaries, Data protection impact assessment, Maintenance of records, Audit of policies, Data Protection Officer, Grievance redressal by data fiduciary,</p>			<p>Exemptions under the Bill Central government may exempt government agencies- Security of the State, preventing incitement of any cognizable offence relating to sovereignty and integrity, Prevention, detection, enforcing any legal right or claim, Research, archiving or statistical purposes, Personal or</p>	

Enforcement: Data Protection Officer >> Data Protection Authority (DPA) >> Appellate Tribunal >> Supreme Court		domestic purposes, Journalistic purposes and manual processing by small entities and Sandboxes for encouraging innovation.
Offenses	Penalties for contravening provisions of the act	Data Protection Officer
Any person, company or state which- Re-identifies and processes personal data as mentioned without the consent of such data fiduciary or data processor	Where the data fiduciary contravenes any provision of this act -shall be liable to a penalty which may extend to five crore rupees or two per cent. of its total worldwide turnover of the preceding financial year, whichever is higher	<ul style="list-style-type: none"> ▪ Provide information and advice to the data fiduciary ▪ Monitor personal data processing activities ▪ Providing advice to fiduciary regarding the Data Protection Impact Assessment, DPIA ▪ Cooperates with authority on matters of compliance of the data fiduciary ▪ Act as a point of contact for data principles for raising grievances ▪ Maintains inventory of records to be maintained by fiduciary ▪ Any other function assigned by data fiduciary
Re-identification and processing of de-identified personal data The person will be punished with an imprisonment not exceeding 3 years or with a fine up to Rupees Two lakh or both. All offenses are cognizable and non-bailable	If data fiduciary contravenes provisions in processing of personal data related to children, violation of chapter 2 and 3 (obligations of fiduciary and consent), related to failure of security safeguards and transfer of personal data outside India Shall be liable to a penalty which may extend to fifteen crore rupees or four per cent. of its total worldwide turnover of the preceding financial year, whichever is higher	
New Terms: Social Media Intermediary¹ Data Auditor² Significant Data Fiduciary³ Doesn't define Aadhaar number Doesn't include definition of explicit consent		

¹ "Social media intermediary" as defined in the draft is "an intermediary who primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information".

² "data auditor" means an independent data auditor referred to in section 29

³ "significant data fiduciary" means a data fiduciary classified as such under sub-section (1) of section 26



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