

Regarding Data Protection Act

SUSHRI MAHUA MOITRA (KRISHNANAGAR): Thank you, Mr. Chairperson, Sir. I would like to draw the attention of the House to a very serious issue regarding the Digital Personal Data Protection Act, 2023.

Section 44(3) of the DPDP Act completely overrides Section 8(1) (j) of the RTI Act. The RTI Act had a provision whereby data could only be denied if it pertained to personal data or if it pertained to any information that could not be given to Parliament or to a person.

Now, with the new DPDP Act, these exemptions in the RTI Act have been completely done away with. Now, the Government can deny all personal data and all data blanketly to anyone asking for data, which means you will not be able to obtain data on wilful loan defaulters or on anything that the Government does not want you to access. This completely undermines the RTI Act.

Furthermore, there is a Section in the DPDP Act that states any group, including journalists, activists, and political parties, that possesses data can now be classified as a data fiduciary, subjecting them to all the obligations of a data fiduciary. The Data Protection Board, which is completely made up by the Government, has the power to impose fines ranging from Rs.250 crore to Rs. 500 crore. This will have a chilling effect on anyone seeking data.

The Act has been gazetted, but rules have not yet been framed. So, we would really request the Government to re-look at it, and take it back to repeal Section 44(3) of the DPDP Act. Thank you.