Applicability of the law

Building a better

Digital Personal Data Protection Act (2023), India

Data Princina Processing of personal data in digital format within the An individual to whom the personal data relates to including a child, a person territory of India and outside India with disability, and their lawful guardian acting on their behalf. Ensure data collected is accurate, complete and consistent Processing of non- digital personal data that was **Data Fiduciary** Process personal data for which data principal has given consent or ubsequently digitised Any person who alone or in conjunction with other persons determines the for certain legitimate uses Processing of personal data, whether within the Indian territory or outside India, for the systematic activity of purpose and means of processing of personal data Report Personal Data Breaches to Data Protection Board and Data offering goods and services to data principals within India Principals Significant Data Fiduciary (SDF) SDF will be identified by the Central Government using the volume and ► Erase their personal data unless retention of the same is necessary sensitivity of personal data processed (among other criteria) and risk associated ► Processing for domestic or personal purposes by individuals Personal data made publicly available Data Process adherence with the law Any person who processes personal data on behalf of a Data Fiduciary Key Highlights of the law **Data Principal Duties** Notice - Provide clear, itemised notice in ► Comply with provisions of law Grounds of Personal Data Processing: simple language that includes purpose and 1.Legitimate Uses Do not impersonate another person manners of accessing rights and make 2.Consent Do not supress any material information complaints. Do not register false and frivolous compliant ► Furnish only verifiably authentic information Data Principal Rights- Right to information, Transfer of Personal Data outside India-Right to grievance redressal*, Right to The Central govt. to notify such countries or correction and erasure and Right to nominate territories outside India to which a Data (* Timeline to respond shall be notified by the Fiduciary may not transfer personal data central government) **Consent** - Organizations must obtain clear, informed, and unambiguous Legitimate Uses consent from Data Principals Consent is not expressly needed for through a distinct affirmative action. situations such as : Non-reporting of breaches - The liability for Voluntary disclosure by the data not reporting breaches or failing to institute principal, Reasonable expectation by the data safeguards falls on data fiduciaries principal, Medical emergency among others, Up to ₹ 250 Crores Threat to public health, and ensuring safety in Noncompliance of the provisions S case of any disaster by Data Fiduciaries Itie nal Data Protection Board of India - The Central Children's Data - Obtain verifiable parental Government may, by notification appoint Φ consent before processing any personal data Up to ₹ 10 Thousand and establish, an independent Board to be Ω related to children. Breach in observance of called the Data Protection Board of India. duty of Data Principal

Key Definition

EY has 100+ certified CIPPs/CIPM/CIPT from IAPP globally

EY is platinum partner of the International Association of Privacy Professionals (IAPP)

EY is actively involved with the Data Security Council of India (DSCI) in helping them in various initiatives

EY has an extensive network of privacy SMEs having experience on 35+ personal data protection regulations

Obligations of Data Fiduciaries

Provide a clear, concise and comprehensible notice to data principals

Implement technical and organizational measures to ensure effective

Obligations of SDFs*

Appoint a DPO based out of India

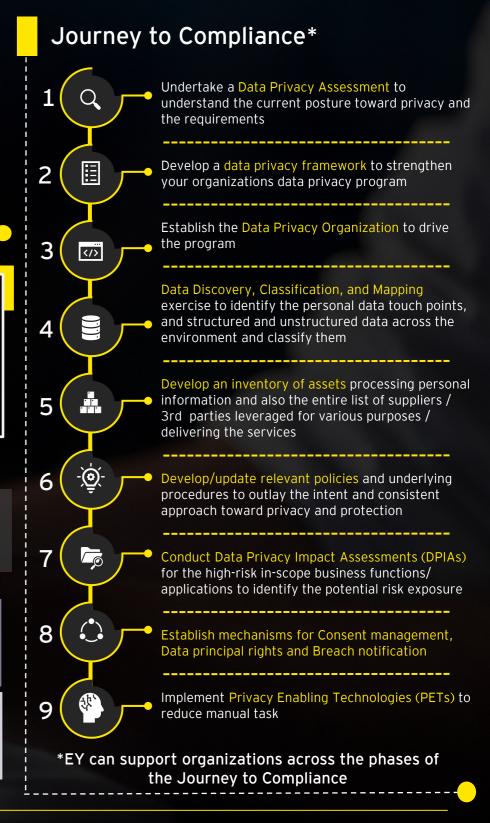
- Perform DPIAs
- Appoint an independent data auditor
- Perform periodic audits
- *Significant Data Fiduciaries

Consent Manager- The Data Principal can grant, control, review, or revoke consent to the Data Fiduciary using a Consent Manager, which must be registered with the board.

> Up to ₹ 200 Crores Breach in observance of additional obligation in relation to children

> > Up to ₹ 200 Crores Breach in not giving notice of

> > > personal breach



EY has published thought leaderships and articles in association with leading organizations such as ASSOCHAM etc.

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