



## Disease Management Association of India

(An Organization with a Special Consultative Status with the United Nations – ECOSOC)

Date :09<sup>th</sup> October, 2018

To,  
Joint Secretary  
Ministry of Electronics and Information Technology (MeitY),  
Government of India

**Subject: Submission of comments/ recommendations for the Personal Data Protection bill  
2018 placed in public domain on the 14<sup>th</sup> August, 2018**

Sir / Madam,

I am writing this on behalf of the Disease Management Association of India ( [www.dmai.org.in](http://www.dmai.org.in)), an Indian organization, and amongst a few privileged organizations across the world which have been accorded a special consultative status with the United Nations – ECOSOC.

Firstly, we congratulate your team for a futuristic bill given the thrust on digital India initiative. This bill will ensure that India becomes future ready with regards to Personal Data and place us amongst the top nations handling data as the ecosystem matures.

The recent issue of data breach with Facebook and other websites pose a significant risk and hence, The Personal Data Protection Bill, 2018, is the need of the hour. It represents significant progress towards a comprehensive data privacy regime, one that is lacking and increasingly urgent in India. Overall, the data has covered important points, but we feel, the following needs your consideration and incorporating these points will make the bill more robust.

In this regard, we wish to submit our recommendations for your kind consideration:

1. Ownership of data has to be clarified and stated in clear terms
2. The rights provided under the Bill can be seen as an informatory in nature. Further steps require approaching the Adjudicatory Officer, instead of dealing directly with the data fiduciary. The only exception is the right to data portability, for which the data fiduciary can be approached directly, but the data fiduciary cannot be stopped from retaining the data after it is transferred to another data fiduciary.
3. Few important rights that are missing, if incorporated could provide better protection are:

- **The right to deletion**

The right to deletion allows a data principal to withdraw his data from a data fiduciary. DMAI supports the right to deletion should rest with the owner of the data

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- **Right to restrict to processing**

This applies to specific situations where a basic need to retain the data is there, but a restriction is imposed on the uses that can be made of the data. For instance, this may apply if the data is no longer required to be processed but is required to be retained for the defense of legal claims.

- **Right to object to processing**

This right allows the data principal to object the processing of his data that is justified on the grounds of public interest or legitimate interests. The data fiduciary then cannot continue processing the data unless he can show compelling grounds to do so and this in our view requires more specific reasons listed in the act.

4. Also, the Bill has no provisions as when and how data fiduciaries should report when personal data is breached, like, if there is a malicious attack or an accidental disclosure of data
5. The draft Bill mandates that a copy of all personal data be maintained in India. And we at DMAI fully support this bold stand of the Government of India, and congratulate the policy makers for taking this provision. This also proves that we, as Indians are competent to handle and safeguard the data as much as any other developed nation. Given the fact that the US has a patriot act, we need to be careful with regards to the data of our citizens. The team deserves appreciation for this important provision.

DMAI would be available for any further consultation on this important issue. Also, please keep us posted on initiatives with regards to information technology.

We remain at your disposal for any further details or clarifications.

For Disease Management Association of India

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