

POCKETBOOK ON
**DIGITAL PERSONAL
DATA PROTECTION
ACT - 2023**



WHAT IS DPDP ACT

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The Digital Personal Data Protection (DPDP) Act, 2023 is India's first data protection act.

It applies to the processing of digital personal data of data principles within the territory of India collected.

It applies if its collected online or offline and later digitized.

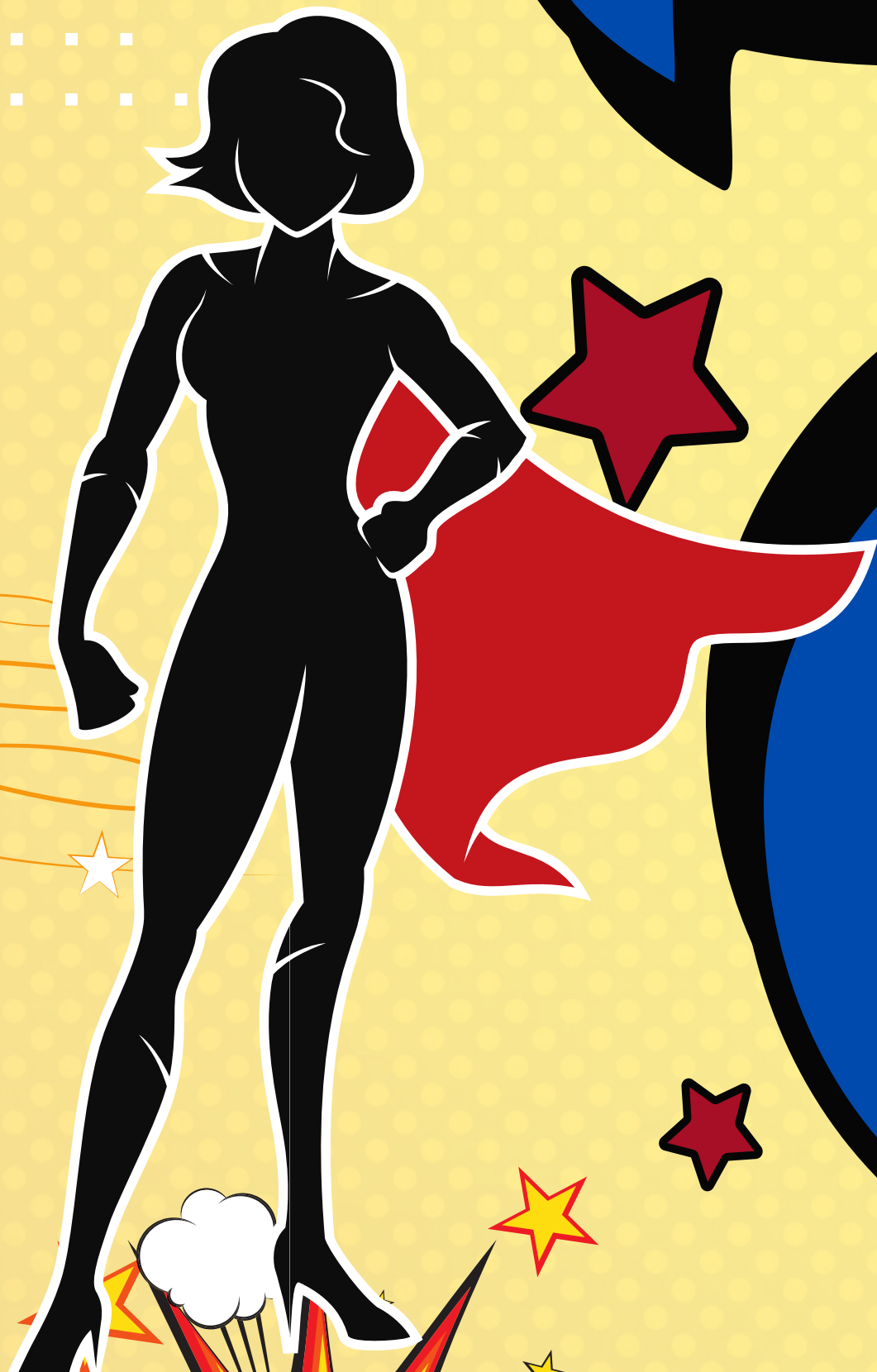


TERRITORIAL SCOPE

- Processing within the territory of India.
- Processing outside India in connection with any activity related to offering goods and services within India.

MATERIAL SCOPE

- Personal data that is collected in digitised form.
- Personal data that is collected in non-digital form and digitised.



DATA PRINCIPAL

These are individuals whose personal data is gathered and processed (equivalent to a data subject).



DATA FIDUCIARY




Any person who chooses the purpose and means of processing personal data either independently or in collaboration with others .

DATA PROCESSOR



This is an entity responsible for processing digital personal data on behalf of a data fiduciary. Data processor is Any person who processes personal data on behalf of a Data Fiduciary.

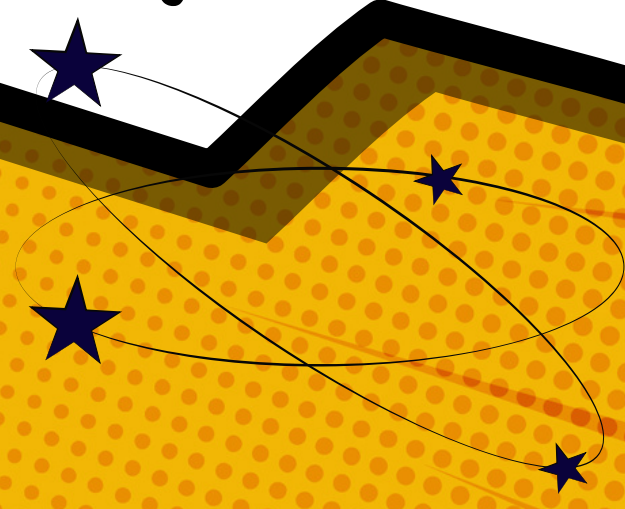
CONSENT MANAGER



A person registered with the Data Protection Board, who acts as a single point of contact to enable a Data Principal to give, manage, review and withdraw their consent through an accessible, transparent, and interoperable platform.

CITIZEN'S RIGHTS RIGHT TO INFORMATION

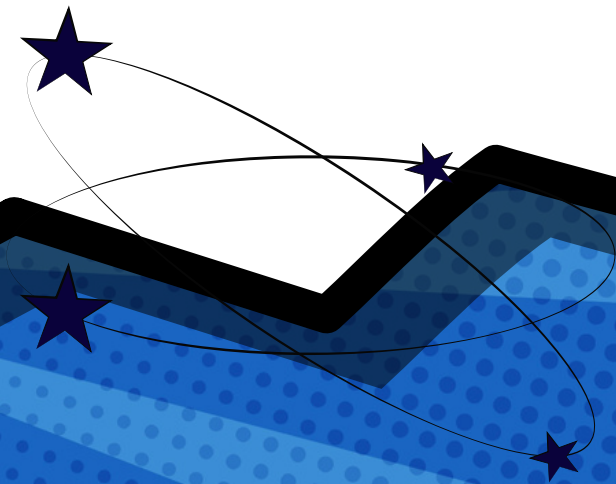
Individuals will have the right to seek more information on how their data is processed, and the data fiduciary will make this information available in a clear and understandable way.



CITIZEN'S RIGHTS

RIGHT TO CORRECTION & ERASURE

Individuals will have the right to correct inaccurate/incomplete data and erase data that is no longer required for processing.



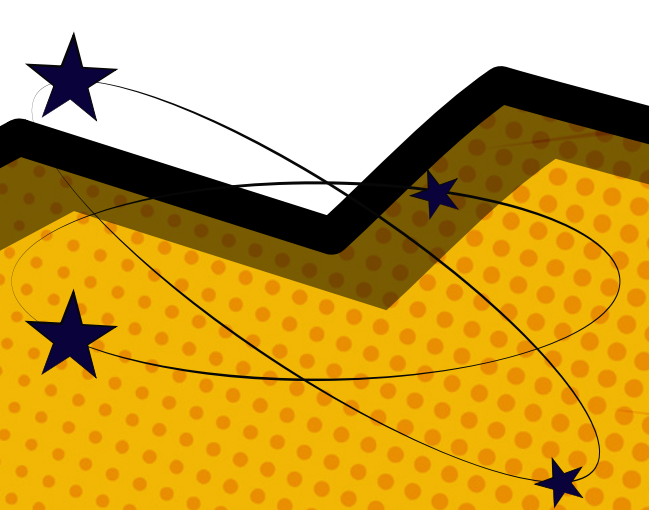
CITIZEN'S RIGHTS RIGHT TO GRIEVANCE REDRESSAL

Individuals will have the right to use readily available means of registering a grievance with a data fiduciary.



CITIZEN'S RIGHTS RIGHT TO NOMINATE

Individuals can nominate any other individuals to exercise these rights in the event of death or incapacity.



PENALTIES

There are penalties for non-compliance of the provisions by data fiduciaries up to INR250 crore.

Some of these are:

- Breach in observance of duty of data principal up to INR10.000
- Failure to notify the data protection board and affected data principals in the event of a personal data breach is up to INR200 crore.
- Breach in observance of additional obligation in relation to children up to INR200 crore.

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EXEMPTIONS

To process in India
personal data of non-
residents under foreign
contract.

For start-ups or other
notified categories of
data fiduciaries to
enforce legal rights and
claims.

To perform judicial or
regulatory functions.

To prevent, detect,
investigate, or
prosecute offences.

To locate defaulters
and their financial
assets etc.



AMBIGUITIES

Children's Data –The definition of the detrimental effect on well-being of a child as a result of processing their Personal Data has not been specified.

Breach Notification– Absence of a defined timeline for notifying a Personal Data breach to the Data Protection Board and the affected Data Principal(s).

Data Principal Request timeline– The Act has not specified a timeframe for Data Fiduciaries to respond to any Data Principal requests.

Publicly available data– The Act exempts any Personal Data that is made available publicly, but it does not clarify if the information is made available to public can be used for processing or can be for view-only purposes.





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