



# IAS PARLIAMENT

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## Need for a Data Protection Law

### Why in News?

A German cyber security firm reported that the medical details of many Indian patients were leaked and are freely available on the Internet.

### What kind of data were leaked?

- The firm listed 1.02 million studies of Indian patients and many medical images like CT Scans, MRIs and patients' photos as being available.
- Such information has the potential to be mined for deeper data analysis and for creating profiles.
- These profiles could be used for social engineering, phishing and online identity theft, among other practices.

### Why these critical data were made available?

- These data were made available due to the absence of any security in the Picture Archiving and Communications Systems (PACS) servers used by the medical professionals.
- These PACS servers seem to have been connected to the public Internet without protection.

### How these data can be protected?

- Public data leaks have been quite common in India. Even the data are leaked from the government websites, among others.
- Unlike the data protection regulations in place in the European Union and US, India still lacks a legal framework to protect data privacy.
- The Draft Personal Data Protection Bill 2019 is still to be tabled.
- If tabled, it could enable protection of privacy.
- The draft Bill follows up on the provisions submitted by the Justice B.N. Srikrishna committee to the Ministry of Electronics and Information Technology in 2018.

### What the committee wanted to do?

- The committee sought to codify the relationship between individuals and firms/state institutions as one between “data principals” and “data fiduciaries” so that privacy is safeguarded by design.
- [Data principals - whose information is collected; Data fiduciaries - those processing the data].

### **What is the 2019 version of the Bill?**

- This version seeks to retain the intent and many of the recommendations of the Srikrishna committee, but it has also diluted a few provisions.
- The Bill tasks the fiduciary to seek the consent in a free, informed, specific, clear form from the principal.
- But, it has removed the proviso that said selling or transferring sensitive personal data by the fiduciary to a third party is an offence.
- There are other issues with the Bill pertaining to the situations when state institutions are granted exemption from seeking consent from principals to process or obtain their information.
- Yet, considering the manner in which public data are being stored and used by both the state and private entities, a comprehensive Data Protection Act is the need of the hour.

**Source: The Hindu**



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