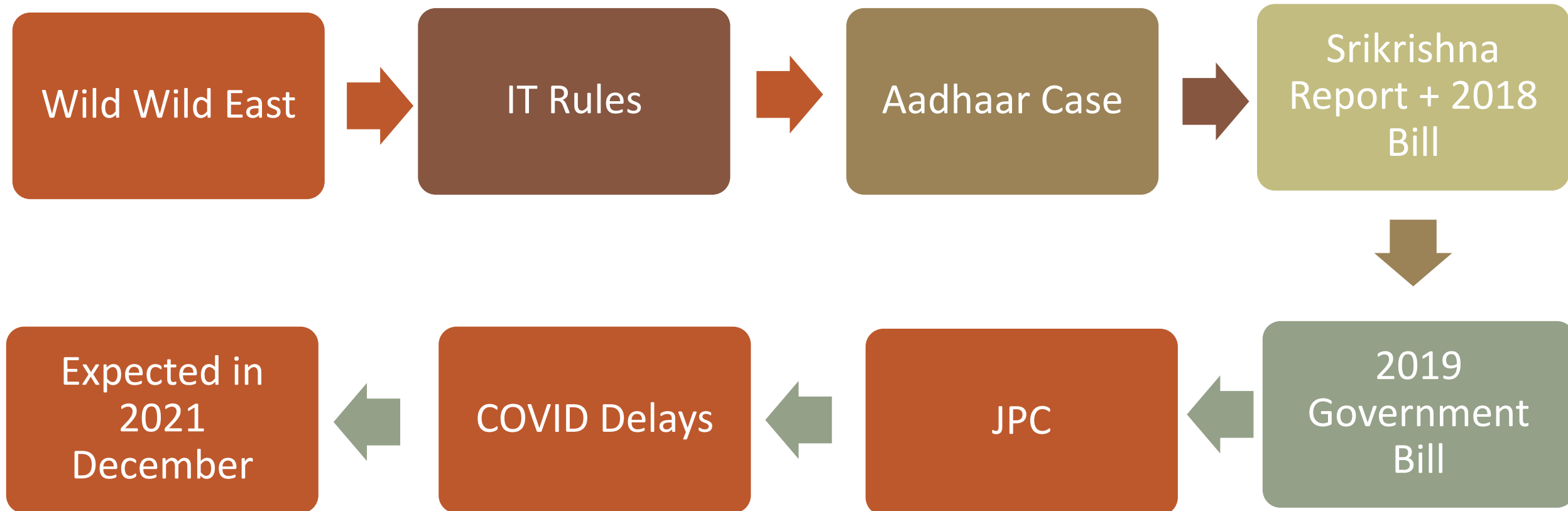
A close-up, shallow depth-of-field photograph of a desk. In the foreground, a pair of black-rimmed glasses rests on a stack of books. The top book is open, showing lined pages. A red ribbon bookmark is visible in the book. The background is softly blurred, showing more books and a wooden desk surface.

Personal Data Protection Bill, 2019 (PDP Bill)

NIKHIL NARENDRAN
TRILEGAL

Timeline



Current Framework - IT Rules

Consent Based collection and processing for SPI

No localization

Compliance with Security Standards

Privacy Policy Requirement for PI

Not applicable to Government entities, only corporates

Applicability of PDP Bill 2019

PROCESSING IN INDIA/BY INDIANS

OFFERING GOODS/SERVICES TO INDIAN DATA
PRINCIPALS

PROFILING INDIAN DATA PRINCIPALS/ SYSTEMATIC
ACTIVITY

EXTRA-TERRITORIAL

BPO EXEMPTION?

Key Stakeholders under PDP Bill

Data Fiduciary

Guardian Data Fiduciary

Significant Data Fiduciary

Data Processor

Data Principal

Consent Manager

Types of Data

Personal Data (PDP)
Sensitive Personal
Data (SPD)

Sensitive Personal Data

Health Data

Official Identifier

Religious or political beliefs/affiliation

Financial information

Biometric information

Genetic information

Caste or tribe

Intersex or transgender status, sex life or sexual orientation

Other Personal Data prescribed by the Government

Other Categories



CRITICAL PERSONAL DATA



ANONYMOUS DATA



DE-IDENTIFIED DATA

Rules for Processing

Specific, clear and lawful purpose

in a fair and reasonable manner and ensure the privacy

Purpose limitation

Collection Limitation

Storage Limitation

Notice

Consent

Consent Based Processing For PD

Free

Specific

Informed

Clear

Capable of being withdrawn

Consent Based Processing For SPD

Explicit for SPD

Informing processing that may cause significant harm

Clear without inference

Choice of separately consenting

Other Grounds

For the purposes of State

Search engines

Credit Scoring

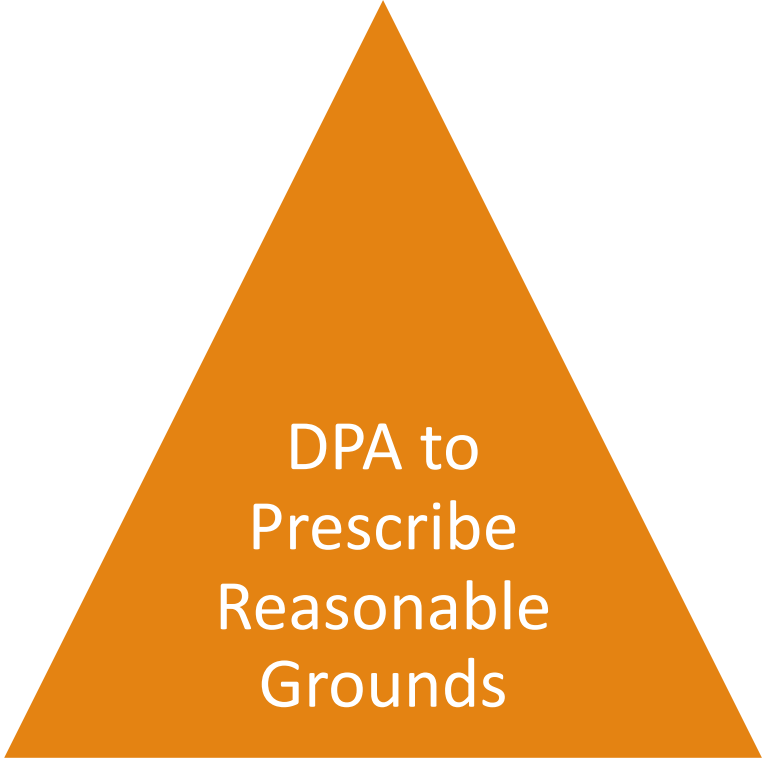
Employment Exemption

M&A

Network and information security

Whistle blowing

Recovery of debt



DPA to
Prescribe
Reasonable
Grounds

Fiduciary Obligations



Privacy by Design

Accessibility

Transparency

Security

Cross Border Transfer

Data Mirroring + Explicit Consent for SPD

Approved Data transfer Agreements

Approved Countries/Specific Entities

Critical Personal Data to be processed only in India

Significant **data** fiduciary (SDF)

Register as SDF Based on significant harm, new technologies, sensitivity, turn over and volume

Mandatory Impact Assessment

Data Auditor

Data Trust Score

Data Protection Officer in India

Record Keeping

GDPR V. PDP BILL

Hard localization- CPD

Soft Localization - SPD

Consent Managers

Reasonable Purposes v.
Legitimate Interest

Cross-Border Transfer subject
to approval

Children's Data

Social media Verification

GDPR V. PDP BILL

Sharing of non-personal Data

Re-identification as criminal offence

Government Access

Immediate Compliance with PDP

Identify Stakeholders

Review services, data collection and processing practices

Identify Databases and access practices

Review existing practices

Map against a compliance checklist

Update Privacy Policies to reflect PDP requirements

Prepare for mirroring of data sets in India