

# National Privacy Workshop

DECEMBER 9<sup>th</sup> 2017 | 10:30 am - 5:00 pm

INDIAN INTERNATIONAL CENTRE  
40, Max Mueller Marg, New Delhi - 110003

## BACKGROUND

The recent past in India has seen numerous policy developments with wide ranging implications for recognition and governance of privacy in India. The emphatic and unanimous avowal of the right to privacy by the Supreme Court, the government's stated commitment to a data protection law and the formation of the Sri Krishna Committee are developments which will continue to inform policymaking around privacy in India for a long time to come. The Supreme Court's conception of a robust right to privacy encompassing different element - spatial, decisional and informational, and its guidance on strict limiting tests may have a wide impact on a range of issues. The impact of this judgment and a data protection law on informational privacy in India will be immense and it is important to delve in challenges and issues that it may throw up. In last year, we have also seen instances of purported conflict between the transparency instruments such as the right to information and the right to informational privacy. How these conflicts are resolved in law and practice will be key to these two essential human rights in the modern information society. Further, while there is a general consensus on privacy principles, the appropriate ways to govern and enforce privacy remains an open issue, and the success of any data protection framework will depend as much on what kind of privacy governance models are adopted. This roundtable will look to discuss the potential impact of these policy decisions, what theories should guide the data protection law in India, what models of privacy governance are workable and how privacy can co-exist with transparency principle and robust RTI regime.

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## AGENDA

10:30 - 11:00 Tea

11:00 - 11:30 Welcome and setting the scene

### 11:30 - 12:30 **Session 1: Policy Developments around Informational Privacy in India**

- What do different policy developments indicate about privacy in India?
- What are the (potential) impacts of these developments?
- What questions are being asked and are these the right questions to ask?
- How do we expect the 'state of privacy' to change in India in response to these policy developments?

### 12:30 - 1:30 **Session 2: Approaches to Privacy and Data Protection for India**

- What are different approaches to privacy and government the Indian government can take? What cultural/political etc. aspects should be taken into consideration when thinking through this question?

- What are the pros and cons to different approaches?
- What are the pros and cons to the below approaches:
  - Privacy as control
  - Data as property
  - Utilitarian approaches
  - Technological Solutions

**1:30 - 2:30** Lunch

**2:30 - 3:30** **Session 3: Transparency and Privacy**

- How can transparency from the private sector enable the right to privacy?
- What are key principles that can guide this relationship?
- Where is transparency from the private sector most needed with respect to privacy?
- What are incentives that governments can adopt to encourage transparency?

**3:30 - 4:30** **Governance Models for Data Protection**

- What kind of institutional framework is required for governance of privacy in India?
- How do we address questions of liability, penalties and enforcement?
- What role do sectoral players have in a data governance framework?
- What is best way for other stakeholders like industry, civil society and academia in collaborative governance of privacy?

**4:30 - 5:00** Tea and snacks

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## **SPEAKERS**

Usha Ramanathan

Rahul Sharma

Apar Gupta

Malavika Raghavan

Shankar Narayanan

Ujwala Uppaluri

Rebecca MacKinnon

Nikhil Pahwa

Kamlesh Bajaj

Manasa Venkatraman

Smitha K Prasad