



# Informational Privacy in India: An Emerging Discourse

Technology and Society Initiative

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## ***Informational Privacy in India: An Emerging Discourse***

Taj Vivanta, Subramaniam Bharati Marg, New Delhi

November 29, 2018

The last few years have seen a formalisation of the right to informational privacy within India's constitutional framework. While the context to this – the challenge to the validity of the Aadhaar project – has entailed broader issues on delivery of public goods and services, the response to whether an individual can assert control over key informational aspects of her life has become a critical part of our rights jurisprudence. Alongside this evolving constitutional turn, India is also witnessing a legal engineering of sorts in the form of a personal data protection law – a proactive approach towards ensuring that the personal data of Indian residents are handled in a manner respectful of privacy and security interests.

In the light of this background, the Technology and Society Initiative at the Centre for Policy Research, with the support of the Omidyar Network, is organising panel discussions on the above themes where we bring together experts on the subject to engage with embassies, chambers of commerce and research funding organisations located in India.

### **Agenda**

**9.30 – 10.00** Registration & Tea

**10.00 – 10.10** Opening Remarks, followed by a presentation on *The Fundamental Right to Informational Privacy*

**Speaker:** Ananth Padmanabhan, Centre for Policy Research

**10.10 – 11.15** *Informational Privacy and Important Tradeoffs*, a panel discussion moderated by Ananth Padmanabhan

This panel shall explore the legal and practical ways in which informational privacy interacts with conflicting rights and exceptions that seemingly advance collective interest at the cost of individual autonomy. In this regard, the panel shall focus on the transparency, welfare, innovation, and law-enforcement / national security tradeoffs that any privacy rights discourse must necessarily grapple with\*\*\*

**Speakers:** Anjali Bhardwaj, Satark Nagrik Sangathan

Bhavin Patel, Bayside Advisors

Amber Sinha, The Centre for Internet & Society

**11.15 – 11.30** Tea break

**11.30 – 11.40** Presentation on *The Indian Personal Data Protection Bill and Comparative Approaches*

**Speaker:** Arjun Sinha, Cantor Associates

**11.40 – 13.00** *Personal Data Protection in India*, a panel discussion moderated by Arjun Sinha

This panel shall explore India's foray into a legal framework for protecting personal data from multiple dimensions: the notice and consent framework, new rights and regulatory / enforcement mechanism, new regulatory compliances for businesses that handle Indian personal data, impact of the bill on technology architectures, data localisation and cross-border transfer restrictions, and exceptions for non-consensual processing of personal data both by the State and private actors\*\*\*

**Speakers:** Nehaa Chaudhuri, Ikigai Law

Rahul Sharma, The Perspective & International Association of Privacy Professionals

Rishab Bailey, National Institute of Public Finance and Policy

Amba Kak, Mozilla

**13.00 hrs**      **Lunch and Networking**

\*\*\*The format for the panel discussions will entail short presentations by each of the panellists on sub-themes within the main theme, followed by Q&A and conversation with the delegates. We will also circulate reading material at the venue.