

Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011

Annex 3

1. Privacy Policy

Rule 4 requires a body corporate to provide a privacy policy on their website, which is easily accessible, provides for the type and purpose of personal, sensitive personal information collected and used, and Reasonable security practices and procedures.

D-VoIS: The Company provides a privacy policy as well as a Citizen's Charter on the company's website which is easily accessible. However, it does not specify the type of sensitive personal information that will be collected, though it states circumstances wherein the information provided by the Customers could be shared .

Tata Docomo: The Company provides a privacy policy on the company's website which is easily accessible and clearly lays down the type of personal information collected, the way of collection, processing and usage and also states that it has implemented technology, security features and strict policy guidelines to safeguard the privacy of users' personal information.

2. Consent

Rule 5 requires that prior to the collection of sensitive personal data, the body corporate must obtain consent, either in writing or through fax regarding the purpose of usage before collection of such information.

D-VoIS: The policies are silent about the issue of consent before collection, however the terms of services of the company state that the customer may choose to restrict the collection or use of their personal information.

Tata Docomo: The policies are silent about the issue of consent before collection.

3. Collection Limitation

Rule 5 (2) requires that a body corporate should only collect sensitive personal data if it is connected to a lawful purpose and is considered necessary for that purpose.

D-VoIS: The company commits to limit collection of user information to what is directly relevant and necessary to accomplish the purpose of its service. The Privacy Policy of the company states that it will limit the collection and use of customer information only on a need-to-know basis to deliver better service to the customers.

Tata Docomo: The policy does not clearly state any information regarding collection limitation of user data.

4. Notice

Rule 5(3) requires that while collecting information directly from an individual, the body corporate must provide the following information:

- The fact that information is being collected
- The purpose for which the information is being collected
- The intended recipients of the information
- The name and address of the agency that is collecting the information
- The name and address of the agency that will retain the information

D-VoIS and Tata Docomo: The policies of the respective companies mentions that personal information collected could be shared for particular purposes, the intended recipients of the information and the circumstances in which data can be shared. No information is otherwise available for the remaining requirements.

5. Retention Limitation

Rule 5(4) requires that body corporate must retain sensitive personal data only for as long as it takes to fulfil the stated purpose or otherwise required under law.

D-VoIS: No information is publically available.

Tata Docomo: The Company retains user's Personal Information only as long as needed for business, tax or legal purposes, after which the Company destroys it by making it unreadable or undecipherable. No specific duration is mentioned.

6. Purpose Limitation

Rule 5(5) requires that information must be used for the purpose that it was collected for.

D-VoIS and Tata Docomo: Though the companies states the purposes for which information will be shared , the policies are silent regarding the purpose of use for such collection.

7. Right to Access and Correct:

Rule 5(6) requires a body corporate to provide individuals with the ability to review the information they have provided and access and correct their personal or sensitive personal information.

D-VoIS: No information is publically available.

Tata Docomo: The users can review and correct their Personal Information collected by the Company.

8. Right to 'Opt Out' and Withdraw Consent

Rule 5(7) requires that the individual must be provided with the option of 'opting out' of providing data or information sought by the body corporate. Also, they must have the right to withdraw consent at any point of time.

D-VoIS: The policies do not specifically provide for an opt out mechanism to users. However, the terms of services of the company state that the customer may choose to restrict the collection or use of their personal information in the following ways: whenever they are asked to fill in a form on the website, they can click a box to indicate that they do not want the information to be used by anybody for direct marketing purposes.

Tata Docomo: No information publically available.

9. Grievance Officer

Rule 5(9) requires that body corporate must designate a grievance officer for redressal of grievances, details of which must be posted on the body corporate's website and grievances must be addressed within a month of receipt.

D-VoIS: No information is publically available.

Tata Docomo:No information is publically available.

10. Disclosure with Consent, Prohibition on Publishing and Further Disclosure

Rule 6 requires that body corporate must have consent before disclosing sensitive personal data to any third person or party, except in the case with Government agencies for the purpose of verification of identity, prevention, detection, investigation, on receipt of a written request. Also, the body corporate or any person on its behalf shall not publish the sensitive personal information and the third party receiving the sensitive personal information from body corporate or any person on its behalf shall not disclose it further.

D-VoIS: The Policy states that information could be shared with third parties for certain purposes, however, D-VoiS does not control sites, policies and practices of third parties regarding users' information. Also, the policy is silent about consent of the user for such sharing of information.

Tata Docomo: Though the Policy states that information could be shared with third parties for certain purposes, however, it is silent about consent of the user for such sharing of information.

11. Requirements for Transfer of Sensitive Personal Data

Rule 7 requires that body corporate may transfer sensitive personal data into another jurisdiction only if the country ensures the same level of protection and may be allowed only if it is necessary for the performance of the lawful contract between the body corporate or any person on its behalf and provider of information or where such person has consented to data transfer.

D-VoIS: No information regarding this is available publically.

Tata Docomo: No information regarding this is available publically.

12. Security of Information

Rule 8 requires that the body corporate must secure information in accordance with the ISO 27001 standard or any other best practices notified by Central Government, which must be

audited annually or when the body corporate undertakes a significant up gradation of its process and computer resource.

D-VoIS: The website provides that D-VoIS has drawn up a plan to comply with various standards, both from the network security and from the policy / procedure / standards perspective and is currently implementing ISO: 27001.

Tata Docomo: The Privacy Policy of the Company states that it has implemented encryption or other appropriate security controls to protect Personal Information and has established electronic and administrative safeguards designed to secure the information collected, to prevent unauthorized access to or disclosure of that information.