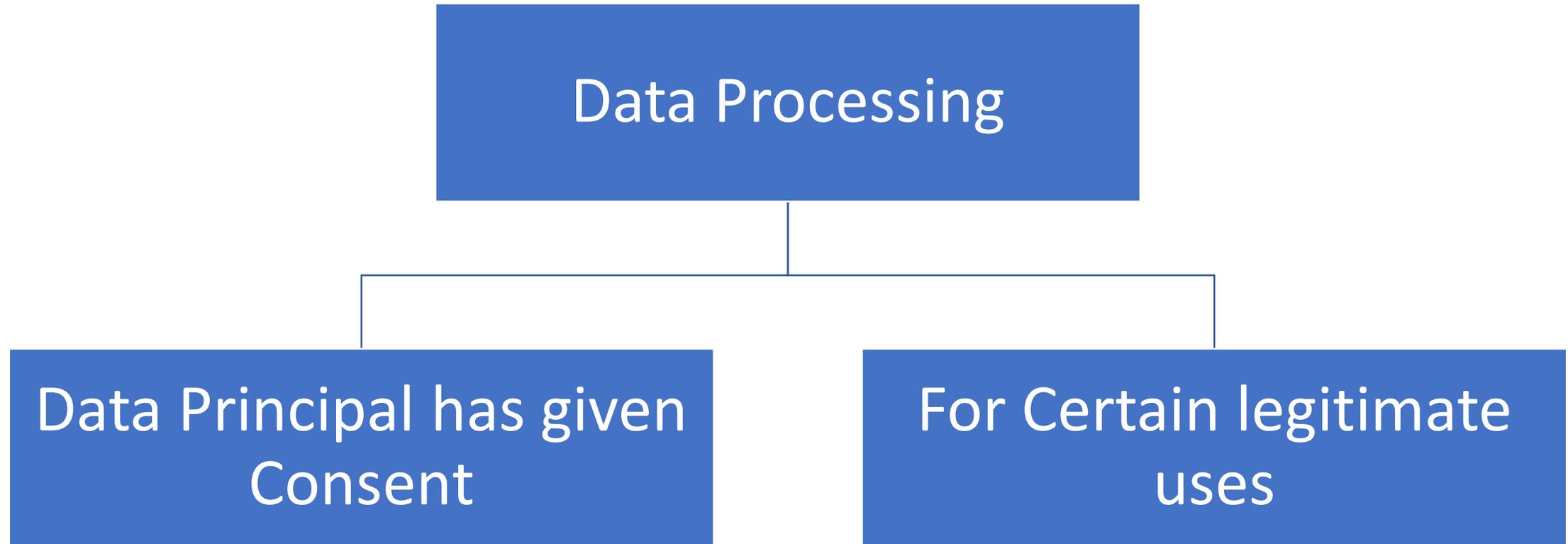




Digital Personal Data Protection Bill (DPDP) PART - III

OZA PATEL & DOSHI
CHARTERED ACCOUNTANTS

Legitimate uses of Digital Personal Data for Data Processing



Legitimate uses of Digital Personal Data for Data Processing

- As evident from the preceding chart, personal data may be processed either when the Data Principal has provided consent, or in **specific legitimate circumstances** outlined in the Bill where personal data **can be processed without the consent** of the Data Principal.
- Here we are going to discuss about the **certain legitimate uses of Personal Data** where **consent is not required**;
 - i) Where Data Principal has **voluntarily** provided his/her personal data to Data Fiduciary for the **specified purpose** and he/she has **not indicated** that he/she does **not consent to use** of her personal data.

Legitimate uses of Digital Personal Data for Data Processing

- **Examples**

- Mr.A purchases shoes from a shop and asks the shopkeeper to send the Invoice and receipt of the payment acknowledgement through E-mail and for that Mr.A voluntarily provides his personal data. Here, the Shopkeeper may process the personal data of Mr.A for sending invoice and the receipt. No separate consent of Mr.A is required.
- Mr.B moved to a new city and is looking for a rented accommodation and for that he messages Mr.Y, a real estate broker to help identify a rented accommodation and shares his personal data for the same. Mr.Y processes the personal data for this purpose. Subsequently, Mr.B informs Mr.Y that he no longer need his help. Here, Mr.Y shall cease to process the personal data of Mr.B as specified purpose has been achieved.

Legitimate uses of Digital Personal Data for Data Processing

- Data Fiduciary may process the personal data for **performance by State*** or any of its instrumentalities* any function **under any law** or in the interest of **sovereignty and integrity of India** or security of the State.
- Data Fiduciary may process the personal data for **fulfilling** any **obligation** on any person **to disclose** any information to **State** or any of its instrumentalities as required to do so by law.
- Data Fiduciary may process the data for **complying with any judgement or decree or order** under the law.
- **Example**

Recently, on the order issued by Supreme Court, SBI has disseminated data of Donors through Electoral Bonds to the Political parties. Dissemination is within the definition of 'processing'.

Legitimate uses of Digital Personal Data for Data Processing

- Data fiduciary may process the personal data, for **responding to a medical emergency** involving a threat to the life of Data Principal or any other person or for ensuring safety of or providing assistance or services to any individual during disaster or any breakdown of public order.
- Data fiduciary being an employer may process the personal data, for the purpose of **employment or safeguarding the employer from loss or liability**
- **Example**
Collecting KYC documents from new employees before hiring.

Legitimate uses of Digital Personal Data for Data Processing

- Data Fiduciary may process the personal data for the State or any of its instrumentalities to **provide or to issue** to the Data Principal such **Subsidy, benefit, service, certificate, licence or permit** where;
 - a) Data Principal has **previously consented** for processing the data for any of the above mentioned purposes **or**
 - b) Such **data is available in digital form** in any database, register or other documents maintained by State or any of its instrumentalities.
- **Example**

X, a pregnant woman, enrolls on a website to avail of Government's maternity benefits programme, while consenting to provide her personal data for availing such benefits. Government may process such data for determining her eligibility for such scheme.

Definitions

- **“State”** as defined under article 12 of the constitution, unless otherwise requires the term ‘state’ includes;
 - a) The Government and Parliament of India, i.e., Executive and Legislature of the Union.
 - B) The Government and the Legislature of each State, i.e., Executive and Legislature of States.
 - C) All local or other authorities within the territory of India
 - D) All local and other authorities under the control of the Government of India.
- **“Instrumentalities of State”** means bodies which are functionally, financially and administratively under the pervasive control of the government (General definition, not defined under this law)



THANK YOU!

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