



# Digital Personal Data Protection Act (DPDP) PART – VIII

**OZA PATEL & DOSHI**  
CHARTERED ACCOUNTANTS

# Processing of Personal Data Outside India

- Central Government can by notification restrict the transfer of personal data by a Data Fiduciary for processing to any country or territory outside India.
- If any other law provides for higher degree of protection or restriction on transfer of personal data outside India then that law shall prevail.

# Significant Exemptions from Certain Provisions

- Rights and duties of Data Principal, provisions on restricting processing of personal data outside India, topics as discussed in Part II, Part III, Part VI and Part V of this series except provisions of Data Fiduciary to comply with the Act irrespective of failure of Data Principal to carry out the duties and provisions related to protecting the personal data by taking reasonable security safeguards to prevent data breach.
  - a) Processing of personal data is necessary for enforcing any legal right or claim
  - b) Processing of personal data by any court or tribunal or other body entrusted by law
  - c) Processing of personal data for prevention, detection, investigation or prosecution of any offence or contravention of law

# Significant Exemptions from Certain Provisions

d) Processing is necessary for a scheme of compromise or arrangement or merger or amalgamation of companies or a reconstruction or transfer of undertaking of one or more companies or another company or division of one or more companies approved by a court or tribunal or other competent authority.

e) Processing is for the purpose of ascertaining the financial information and assets and liabilities of any person who has defaulted in payment due for the loan or advance taken from a financial institution. Default and Financial Institution has same a meaning as in IBC, 2016.

f) Processing of personal data of Data Principals not within India is processed pursuant to any contract entered into with any person outside India by a person based in India.

# Significant Exemptions from Certain Provisions

- **Example**
- X, an individual, takes a loan from Y, a bank. X defaults in paying her monthly loan repayment instalment on the date on which it falls due. Y may process the personal data of X for ascertaining her financial information and assets and liabilities.
- The Central Government can notify Data Fiduciaries including Startups to whom the provisions related to accompanying or preceding of notice for the request for consent, provisions related to ensuring completeness, accuracy and consistency of personal data when used for making decision affecting the Data Principal or disclosing to another Data Fiduciary, provisions related to additional obligations of Significant Data Fiduciaries and right of Data Principal to access the information about personal data.


# Significant Exemptions from Certain Provisions


- Processing by State or any instrumentality of State, the provisions of erasure to personal data, provisions of right of Data Principal to erasure of personal data, provisions of right of Data Principal to correct, complete, or update the personal data.
- The Provisions of this **ACT** shall not apply if the processing of personal data by instrumentality of the State in the interests of sovereignty and integrity of India, security of the State, friendly relations with foreign States, maintenance of public order or preventing incitement to a cognizable offence relating to any of these and processing of personal data by CG that such instrumentality may furnish.
- **ACT** shall not apply for processing of personal data necessary for research, archiving or statistical purposes if personal data is not to be used to take any decision specific to a Data Principal.



# THANK YOU!

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