

Digital Personal Data Protection Rules 2025

Posted at: 15/01/2025

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The **Digital Personal Data Protection Rules 2025** have been introduced to complement the **Digital Personal Data Protection Act, 2023 (DPDP Act)**, which received **presidential approval** on **11th August 2023**. These rules lay out the necessary steps and framework for implementing the DPDP Act. Their main goal is to protect individuals' personal data and ensure that organizations handle it **fairly, transparently, and legally**. Below is a simplified breakdown of the key points and features.

Key Features of the Digital Personal Data Protection Act, 2023:

1. **Fairness:** Organizations must handle personal data in a way that is both **fair** and **transparent** to individuals.
 2. **Consent:** Personal data can only be used after the individual gives **clear and informed consent**.
 3. **Data Protection:** Individuals have the **right to know** how their data is being used and can request corrections or removal of it.
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Components of Digital Data Protection:

1. **Data Principal:**

- This is the individual whose data is being processed. For **children**, their parents or guardians are the data principals. For people with disabilities, their **legal guardians** hold this role.

2. **Data Fiduciaries:**

- These are organizations or entities responsible for determining how and why personal data is processed. They must also ensure data is **accurate, secure, and deleted** when no longer needed.

3. **Data Protection Board:**

- This body ensures that organizations follow the rules. It can resolve complaints and

make decisions based on **majority votes**.

Key Features of the Draft Digital Personal Data Protection Rules 2025:

1. Notice to Data Principal:

- Data Fiduciaries must inform Data Principals with clear notices, detailing:
 - The **type** of data being processed.
 - The **purpose** of data processing.
 - How individuals can **withdraw consent** or file complaints.

2. Consent Management:

- Data Fiduciaries must get **explicit consent** before processing data and allow individuals to withdraw consent at any time.
- **Consent Managers** will help manage this process.

3. Obligations of Data Fiduciaries:

- **Significant Data Fiduciaries** (large organizations) have extra obligations like:
 - **Annual audits** and assessments.
 - Ensuring **algorithms** don't harm the rights of individuals.
 - Restricting some personal data transfers outside of India.
- **General Obligations:** Ensure **transparency** and provide **grievance redressal** systems.

4. Rights of Data Principals:

- **Access and Erasure:** Individuals can access their data or request it be erased.
- **Grievance Redressal:** Data Fiduciaries must address complaints within a specified time.
- **Nomination:** In cases of incapacity or death, individuals can nominate someone to act on their behalf.

5. Processing of Data Outside India:

- Transferring data abroad is subject to specific **government requirements**.

6. Security Safeguards:

- Data Fiduciaries must use **security measures** like **encryption, access control, and monitoring** to protect data.

7. Personal Data Breach Intimation:

- If there is a breach, Data Fiduciaries must notify affected individuals within **48 hours** and report it to the Data Protection Board within **72 hours**.

8. Consent for Children's Data:

- Organizations must get **parental or guardian consent** before processing data of children.

9. Government Powers:

- The government can request data for specific purposes but must get prior approval before disclosing sensitive data.

Advantages of the Digital Personal Data Protection Rules 2025:

The rules create a “**LIGHT BUT TIGHT**” framework offering several benefits:

- **Legal Certainty:** Clear laws reduce confusion for businesses and individuals.
- **Increased Trust:** Builds confidence by ensuring privacy and security of data.
- **Global Competitiveness:** Aligns with international standards, helping Indian businesses compete globally.
- **Harmonized Approach:** Creates consistent rules across sectors.
- **Technological Innovation:** Encourages the development of privacy-enhancing technologies.
- **User Empowerment:** Gives individuals control over their personal data.
- **Trustworthy Ecosystems:** Promotes responsible and ethical data usage.

Challenges with the Framework:

Though the framework is strong, some challenges remain:

1. **New Technologies:** Emerging technologies like AI and IoT can be hard to regulate, especially in terms of **bias** and **misuse**.
2. **Technological Limitations:** Existing technologies may struggle to secure data from **cyber threats**.
3. **Social Impact:** Issues like the **digital divide** and potential misuse for **social surveillance** need to be addressed.
4. **Operational Challenges:** Organizations may face difficulties in **implementing** these rules.
5. **International Cooperation:** Data protection must be coordinated across borders, which can be complex.

Way Forward:

To ensure the rules are effective, the following steps should be taken:

1. **Awareness & Education:** Continually educate the public and organizations about data protection rights.
2. **Data Protection Impact Assessments (DPIAs):** Encourage organizations to assess privacy risks proactively.
3. **Enforcement & Compliance:** Strengthen the **investigative** powers of the **Data Protection Board** and enforce penalties for non-compliance.
4. **Quality Assurance:** Regular audits and certifications will help ensure data protection

standards are met.

5. **User-Centric Approach:** Focus on empowering individuals to control their data.
 6. **Adaptability:** The framework should be flexible and updated regularly to meet emerging challenges.
 7. **Technological Advancements:** Leverage technologies like **differential privacy** to enhance data protection.
 8. **Continuous Evaluation:** Regularly assess the effectiveness of the Act and its rules.
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Conclusion:

The **Digital Personal Data Protection Rules 2025** provide a strong foundation for protecting personal data in India. While there are some challenges, such as adapting to new technologies and coordinating international data policies, the rules offer a path forward for creating a **secure, trustworthy, and innovative** digital environment. By continuously updating and adapting the framework, India can strengthen its data protection system, benefiting both businesses and individuals alike.



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