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Extraordinary

EXTRAORDINARY

Part II—Section 3—Sub-Section (i)
PART II—Section 3—Sub-section (i)

published with authority

PUBLISHED BY AUTHORITY

No.	02]
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New Delhi, Friday, January 3, 2025/Paush 13, 1946

No. 02]

NEW DELHI, FRIDAY, JANUARY 3, 2025/PAUSHA 13, 1946

Ministry of Electronics and Information Technology

Agisu Chia

New Delhi, January 3, 2025

G.S.R. 02(A).—The Digital Personal Data Protection Act, 2023 (2023 C. 22)

This Act is made by the Central Government in exercise of the powers conferred by sub-sections (1) and (2) of section 40 of the Act. draft rules proposed to be made on or after the date of coming into force of the said Act, affected thereby

It is hereby published for the information of all persons likely to be affected; and

Notice is hereby given that the said draft rules will be considered after February 18, 2025.

will go;

Objections and suggestions, if any, may be submitted on the website of MyGov (https://mygov.in) to the above fund. we can;

Objections received from any person with respect to the said draft rules before the expiry of the period specified above

And the suggestions will not be considered as those of the person presenting them publicly and there is no freedom in presenting them independently.

50 GI/2025 (1)

To enable them to do so they will be placed in a fiduciary capacity and will be considered by the Central Government. Will go.

Draft rules

1. Short title and commencement (1) These rules may be called the Digital Personal Data Protection Rules, 2025.
et's go.
(2) Rules 3 to 15, rule 21 and rule 22 (3) These will come into effect from.
rules, except rules 3 to 15 and rules 21 and 22, shall come into force from the date of their publication in the Official
Gazette.
2. Definitions.—Unless the context otherwise requires, all expressions shall have the same meanings as they have n the Digital Personal Data Protection Act, 2023 (22 of 2023) (hereinafter referred to as "the Act").
3. Notice given by the data fiduciary to the data principal Notice given by the data fiduciary to the data principal-
(a) shall be presented and shall be independently understandable from any other information that has been, is or may be made available by such data fiduciary; (b) shall provide, in clear and simple
language, an appropriate description of the details necessary to enable the data principal to give specific and
informed consent to the processing of his or her personal data, including at least the following- (i) an item-wise description of such personal data; and
(ii) a specific purpose and an item-wise description of the
goods or services that are enabled by such processing; and
(c) details of special communication links, and other means, if any, for accessing such data fiduciary's website or app, or both, using which such data principal may-(i) withdraw his consent, with facility to do so being equivalent to the facility with which such consent was given; (ii) exercise his rights under the Act; and (iii) make a complaint to the Board.

4. Registration and liability of consent manager.- (1) Any person who fulfils the conditions for registration of consent managers as specified in Part A of the First Schedule may apply to the Board for registration as consent manager by furnishing such particulars and such other information and documents as the Board may publish in this regard on its website. (2) On receipt of such application, the Board may make such enquiry as it may deem fit to satisfy itself regarding fulfilment of the conditions as specified in Part A of the First Schedule and may, if-

- (a) is satisfied with the fact, shall register the applicant as a consent manager, inform the applicant and publish the details of such consent manager on its website; or (b) is not satisfied with the fact, shall reject the application and inform the applicant of the reasons for rejection.
- (3) The liabilities of the Concession Manager shall be the liabilities specified in Part B of the First Schedule. (4)

 If the Board is of the opinion that any Concession Manager is not complying with the conditions and obligations under this Regulation, it may, after giving an opportunity of being heard, inform the Concession Manager of such non-compliance and direct the Concession Manager to take steps to ensure compliance. (5) If the Board finds that it is necessary to do so in the interests of the data principal, it may, after giving an opportunity of being heard to the consent manager, by order for reasons to be recorded in writing,— (a) suspend or cancel the registration of such consent manager; and (b) give such other directions to the consent manager as it may in its discretion to protect the interests of the data principal.
- (6) The Board may, for the purposes of this Regulation, require the Concession Manager to supply such information as the Board may require.
- 5. Action for provision or issue of exemptions, benefits, services, certificates, licences or permits by State and its instrumentalities.- (1) The State and any of its instrumentalities may process the personal data of the data principal under clause (d) of section 7 of the Act in order to provide any exemption, benefit, service, certificate, licence or permit that may be provided or issued by law or policy or by using public money. (2) The processing under this rule shall be carried out in accordance with the standards specified in the Second Schedule. (3) In this rule and the

Second Schedule, reference to any exemption, benefit, service, certificate, licence or permit that may be provided or issued by law means –

(a) in the exercise of any power or performance of any function by the State or any instrumentality thereof under the law for the time being in force shall be construed as a reference to the provision or issue of such exemption, benefit, service, certificate, licence or permit; (b) the term under policy shall be construed as a reference to the provision or issue of such exemption, benefit, service, certificate, licence or permit under any policy or direction issued by the Central Government or a State Government in exercise of its executive power; and (c) the term using public funds shall be construed as a reference to the provision or issue of such exemption, benefit, service, certificate, licence or permit with the accrual of receipts from, or

will go,-

(i) in the case of the Central Government or a State Government, from the Consolidated Fund of India or the Consolidated Fund of a State or the Public Account of India or the Public Account of a State; or

- (ii) within the territory of India or under the control of the Government of India or of any State, any local or In the case of any other authority, from the fund or funds of such authority.
- **6. Appropriate security measures.--(1)** The data fiduciary shall ensure the security of personal data in its possession or control. including in relation to any processing carried out by it or on its behalf by a data processor takes appropriate security measures to prevent a personal data breach, including at least It will also include the following—
 - (a) appropriate data security measures, including without limitation encryption, obfuscation or masking of personal data;

 This includes securing such personal data through the use of mapped virtual tokens.

 Is;
 - (b) the computer resources used by such data trustee or such data processor;

Appropriate measures to control access;

- (c) detecting and investigating unauthorised access and taking remedial measures to prevent recurrence to verify access to such personal data through appropriate logging, monitoring and review;
- (d) the confidentiality, integrity or availability of personal data or the

In the event that data may be compromised, either through inaccessibility or otherwise, data backups appropriate measures for processing;

- (e) to detect and investigate unauthorised access, and to take measures to prevent recurrence and for the continued processing of such log and personal data in the event of any such agreement to maintain it for a period of one year, unless in compliance with any law for the time being in force I would not be otherwise required to do so;
- (d) take appropriate security measures in the contract entered into between such data trustee and such data processor adequate provision for; and
- (g) Appropriate technical and organisational measures to ensure effective compliance with safety measures remedy.
- (2) In this rule, the term "computer resource" shall have the same meaning as assigned to it in the Information Technology Act, 2000 (21 of 2000).
- 7. **Notification of personal data breach.--(1)** Upon becoming aware of any personal data breach, the Data Trustee shall, to the best of its knowledge, notify each affected data principal, in a concise, clear and unambiguous manner, and without delay, any communication registered by him with the User Account or Data Trustee shall also notify in this manner, -
 - (a) a description of the breach, including its nature, extent, and the time and place of its occurrence;
 - (b) the consequences relevant to it which are likely to arise from the breach;
 - (c) the measures implemented and being implemented by the Data Trustee, if any, to mitigate the risk;

- (d) the safeguards which he can take to safeguard his interests; and
- (d) Professional contact information of any person who is able to respond on behalf of the Data Trustee to queries from the Data Principal, if any.
- (2) Upon becoming aware of any personal data breach, the data trustee shall notify the Board, -
 - (a) without delay, a description of the breach, including its nature, extent, time and place of occurrence; and its possible effect; (b) within seventy-

two hours of becoming aware of it or within sixty-two hours of a written complaint by the Board in this behalf.

Within the extended period of time permitted by the request made, -

(i) updated and detailed information regarding such statement; (ii) broad facts relating to the events, circumstances and causes leading up to the breach; (iii) measures implemented or proposed to mitigate the risk, if any; (iv) any findings regarding the person who committed the breach; (v) remedial measures taken to prevent recurrence of such breach;

and

- (vi) A report on the information provided to the affected data owner.
- (3) In this rule, "user account" means a user account registered by the data principal with the Data Trustee. online account and includes any profile, page, handle, email address, mobile number and other similar facilities through which such data principal may avail the services of such data trustee is able to be reached.
- 8. The time period for the specified purpose shall not be deemed to be completed unless it is completed- (1) a data trustee, being a data trustee of that class and for such relevant purposes as specified in the Third Schedule, is processing personal data for the purpose of which the individual is processing personal data, shall delete such personal data, unless If its enforcement is not necessary for compliance with the law, the accompanying specified in the said Schedule For a period of time, the data owner shall not contact such data fiduciary for the performance of the specified purpose nor exercise its rights in relation to such processing.
- (2) At least forty-eight months from the date of deletion of personal data under this Regulation;
 hours in advance, the Data Trustee shall notify the Data Principal that such Personal Data will be deleted upon completion of such period.
 unless he/she logs into his/her user account or is otherwise not logged in for the purpose
 contact the Data Trustee to raise concerns or raise your concerns regarding the processing of such personal data
 Do not exercise the rights.
- (3) In this rule, "user account" means an online account registered by the data owner with the data trustee.

 Account means and includes any profile, page, handle, email address, mobile number and other similar information.

 includes the means through which he is able to access the services of such Data Trustee.
- 9. Information about the contact person to answer questions about processing —Each data fiduciary shall establish its own contact person prominently published on the website or app and respects the rights of the data owner under the Act

Each response to a request for use shall include the professional contact information of the Data Protection

Officer, if applicable, or of a person who is able to answer questions about the processing of the data principal's personal data on behalf of the data fiduciary.

- 10. Verifiable consent for processing of personal data of a person with disabilities who has a legitimate guardian. (1) The Data Trustee shall adopt appropriate technical and organisational measures to ensure that verifiable consent of the parent is obtained before processing any personal data of the child and shall exercise reasonable diligence to check that the person identifying himself as the parent is an adult who is identifiable, as required in relation to compliance with any law for the time being in force in India, in terms of -
 - (a) reliable details of identity and age available with the data fiduciary; or (b) voluntarily provided details of identity and age or a virtual token linked to the same, issued by an entity entrusted by law or the Central Government or a State Government with the responsibility of maintaining such details or a person appointed or permitted by such entity to issue such details, and includes such details or token verified and made available by the Digital Locker service provider.

Example

C is a child, P is her parent and DF is a data trustee. A user account of C is to be created on DF's online platform by processing C's personal data. Case 1: C informs DF that she is a child. DF will enable C's parents to identify themselves on its website, app or other suitable means. P identifies herself as the parent and informs DF that she is a registered user on DF's platform and has previously provided DF with details of her identity and age. Before processing C's personal data for the creation of its user account, DF will check to confirm that it has reliable identity and age details of P. Case 2: C tells DF that she is a child. DF will enable C's parents to identify themselves on its website, app or other suitable means. Before processing C's personal data for the creation of her user account, DF will check that P is an identifiable adult in terms of identity and age details issued by an entity mandated by law or government to maintain such details, or a virtual token mapped to the same. P can voluntarily provide such details by using the services of the Digital Locker service provider. Case 3: P identifies himself/herself as the parent of C and informs DF that he/she is a registered user on DF's platform and has previously provided his/her identity and age details to DF. Creation of user account of C requires the personal details of C.

Before processing the data, DF will check to confirm that it has reliable identity and age details of P.

Case 4: P identifies himself/herself as the parents of C and informs DF

that he himself is not a registered user on DF's platform. Creation of user account of C

DF shall obtain from the applicant the required details as required by law or government, before processing his/her personal data for the purpose of Identification and age details issued by the unit entrusted with the maintenance of the ID or mapped to the same In the context of Virtual Tokens, this will check that P is an identifiable adult. P Digital Locker The applicant may provide such details voluntarily by using the services of the Service Provider.

- (3) In this rule, the following means-
 - (a) "adult" means a person who has attained the age of eighteen years;
 - (b) "Digital Locker service provider" means any intermediary in which the appropriate Government includes any corporate body or agency of the Government of India, which is controlled by the Government of India under the Information Technology Act, 2000 (of 2000) as may be notified by the Central Government in accordance with the rules made in this behalf under Section 21st (C) of the said Act. it is possible;
 - (c) the meaning of "designated authority" is defined as the Act, 2016 (49 of 2016). to assist persons with disabilities under section 15 to exercise their legal capacity the nomination is from the authority;
 - (d) "the law applicable to the protector" shall mean, -
 - (i) in relation to a person who has a short-term physical, mental, intellectual or sensory disability, includes, despite obstacles, a person who, along with others in society, is able to enjoy his or her full and which hinders effective participation and which is difficult to achieve without adequate and appropriate support being provided is unable to take a legally binding decision despite the provisions of the law contained in the Rights of Persons with Disabilities Act, 2016 (49 of 2016) and the rules made thereunder; and (ii) in relation to a person suffering from autism, cerebral palsy, mental illness or similar conditions, suffers from any condition related to the combination of these and includes severe multi-disability. This includes individuals with autism, cerebral palsy, mental illness, and multiple disabilities. the legal provisions of the National Trust for Welfare of Persons with Disabilities Act, 1999 (44 of 1999) and the rules made thereunder; (e) the meaning

of "local level committee" shall mean the National

A local level committee constituted under section 13 of the Trust for Welfare of Persons with Multiple Disabilities Act, 1999 (Act 44 of 1999);

- (c) "disabled person" means and includes—
 - (i) a person who has a short-term physical, mental, intellectual or sensory disability, who together with the barriers, hinders his/her full and effective participation in society like others

a person who has a disability and who, despite being provided with adequate and appropriate support, is unable to make legally binding

decisions; and (ii) a person who has any condition related to autism, cerebral palsy, mental retardation or a combination of two or more of these conditions, including a person with severe multiple disabilities.

11. Exemption from certain obligations applicable to processing of personal data of children.-- (1)

The provisions of sub-sections (1) and (3) of section 9 of the Act shall not apply to the processing of personal data of children by such class of data fiduciaries as are specified in Part A of the Fourth Schedule, subject to such conditions as

are specified therein. (2) The provisions of sub-sections (1) and (3) of section 9 of the Act shall not apply to the processing of personal data of children for such purposes as are specified in Part B of the Fourth Schedule and subject to such conditions as are specified therein.

- **12.** Additional duties of significant data fiduciary.--(1) A significant data fiduciary shall, once in every period of twelve months from the date of establishment of the fund to which it is so notified or is included in the category of data fiduciary so notified, conduct data protection impact assessment and audit to ensure effective compliance with the provisions of this Act and the rules made thereunder.
- (2) A significant data fiduciary shall require the person conducting the data protection impact assessment and audit to submit a report containing significant comments in the data protection impact assessment and audit to the

Board. (3) A significant data fiduciary shall exercise due diligence to verify that the algorithmic software employed by it for hosting, displaying, uploading, modifying, publishing, transmitting, storing, updating or sharing personal data processed by it is not likely to pose a risk to the rights of the data principal. (4) The Critical Data Trustee shall take

measures to ensure that personal data specified on the recommendations of the committee constituted by the Central Government is processed subject to the restriction that the personal data and traffic data relating to its flow are not transferred outside the territory of India.

- **13. Rights of data principal.—** (1) To enable the data principal to exercise his or her rights under the Act, the data trustee and, where applicable, the consent manager, shall publish on its website or app, or both, as the case may be,
 - (a) a description of the means by which the data owner may request to exercise such rights; and

(b) details, if any, such as the user name or other identifier of such data principal as may be necessary to identify him/her under the Terms of Service. (2) In order to exercise the rights of the data principal under the Act, the

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data principal may request the data fiduciary to whom he/she has previously given consent for the processing of his/her personal data, to access information regarding the deletion of personal data, using the means and details published by such data fiduciary for exercising such rights. (3) Every data fiduciary and consent manager shall publish on its website or app, or both, as the case may be, the period within which its grievance redressal mechanism

has been established to respond to complaints of the data principal and shall put in place appropriate technical and organisational measures to ensure the effectiveness of the system in responding within such period. (4) For exercising the rights of the data principal to nominate under the Act, he or she may nominate one or more persons for exercising such right by using the means published by such data fiduciary and by submitting the details

as may be applicable, in accordance with the terms of service of the data fiduciary and such law as may be applicable. (5) In this rule, the expression "identifier" means any sequence of characters issued by the data fiduciary to identify the data principal and includes subscriber identification file number, subscriber acquisition form number, application reference number, enrolment ID or licence number that enables such

identification.

- 14. **Processing of personal data outside India.** Transfer of personal data processed by the Data Trustee to any country or territory outside India (a) within the territory of India; or
 - (b) outside the territory of India in relation to any activity related to the offering of goods or services to the data principal within the territory of India,

Subject to this restriction, the Data Fiduciary shall comply with such requirements as the Central Government may, by general or special order, specify in relation to making such personal data available to any foreign State or to any person or entity or any agency under the control of such State.

- **15. Exemption from the Act for research, storage or statistical purposes.-** The provisions of the Act shall not apply to the processing of personal data required for research, storage or statistical purposes if it is done in accordance with the standards specified in the Second Schedule.
- **16. Appointment of Chairperson and other Members.-** (1) The Central Government shall constitute a Search-cum-Selection Committee with the Cabinet Secretary as its Chairman and the Secretary to the Government of India in charge of the Department of Legal Affairs and the Ministry of Electronics and Information Technology as its members, for recommending persons as Chairperson,

(2) The Central Government shall constitute a Search-cum-Selection Committee consisting of the Secretary to the Government of India in the Ministry of Electronics and Information Technology and the Secretary to the Government

of India in charge of the Department of Legal Affairs and two eminent experts having special knowledge or practical experience in such field as, in the opinion of the Central Government, may be useful to the Board as Members. (2) The Central Government shall constitute a Search-cum-Selection Committee consisting of the Secretary to the Government of India in the Ministry of Electronics and Information Technology and the Secretary to the Government of India in charge of the Department of Legal Affairs and two eminent experts having special knowledge or practical experience in such field as, in the opinion of the Central Government, may be useful to the Board as

Members. (3) The Central Government may, after considering the suitability of the persons recommended by the Search-cum-Selection Committee,

After,

The Chairperson shall appoint the Chairman or other member.

- (4) No act or proceeding of the Search-cum-Selection Committee specified in sub-rule (1) of this rule shall be questioned on the ground merely of the existence of any vacancy or imbalance in or any defect in the constitution of such Committee.
- 17. Salaries, allowances and other conditions of service of the Chairman and other members.- The Chairman or every other member shall receive such pay and allowances or other conditions and conditions of service as are specified in the Fifth Schedule.
- 18. Procedure at meetings of the Board and authentication of its orders, directions and documents.- (1) The Chairman shall fix the date, time and place of meetings of the Board, approve the items of business therefor, and cause notices to be issued specifying the same, under his signature or under the signature of such other person as the Chairman may by general or special order in writing authorise. (2) The meetings of the Board shall be presided over by the Chairman and in his absence by such other member as the members present at the meeting may choose from among themselves. (3) One hundred and fifty-two members of the Board shall be quorum for its meetings. (4) All questions coming up at a meeting of the Board shall be decided by a majority of the members present and voting, and in the event of an equality of votes the Chairman, or in his absence the person presiding, shall have the second or casting vote. (5) If any member has an interest in any item of business to be dealt with at a meeting of the Board, he shall not take part in or vote on it and, in such a case, the decision on such item of business shall be taken by a majority of the other members present and voting. (6) If any extenuating situation requires immediate action by the Board and it is not possible to convene a meeting of the Board, the Chairman may, for reasons to be recorded in writing, take such action as may be necessary, which shall be notified to all the members within seven days and the same shall be placed before the Board for its consideration at its next meeting.

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- (7) If the Chairman so directs, any matter of business or issue which requires a decision of the Board may be referred to the members by circulation and such matter may be decided with the approval of a majority of the members. (8) The Chairman or any member of the Board, or any person authorised by him by general or special order in writing, may authenticate by his signature his order, direction or writing. (9) An inquiry by the Board under section 27 of the Act shall be completed within a period of six months from the date of receipt of the notice, complaint, reference or direction, unless such period is extended by it, for reasons to be recorded in writing, for a further period not exceeding three months at a time.
- **19. Board to function as a digital office.-** The Board shall function as a digital office which may, without prejudice to its power to summon and ensure the attendance of any person and to examine him on oath, adopt techno-legal measures to conduct the proceedings in a manner which does not require the physical presence of any person.
- 20. Appointment and terms and conditions of service of officers and employees of the Board .-(1) The Board may, with the previous approval of the Central Government and in such manner as the Central Government may, by general or special order, specify, appoint such officers and employees as it considers necessary for the efficient discharge of its functions under the provisions of the Act. (2) The terms and conditions of service of the officers and employees of the Board shall be as specified in the Sixth Schedule.
- **21. Appeal to the Appellate Tribunal.-(1)** An appeal by a person aggrieved by any order or direction of the Board, including any accompanying documents, shall be filed in digital form, following such procedure as may be specified by the Appellate Tribunal on its website. (2) An appeal filed with the Appellate Tribunal shall be

charged a fee of the same amount as is applicable in respect of an appeal filed under the Telecommunications Regulatory Authority of India Act, 1997 (24 of 1997), unless the same is reduced or waived by the Chairperson of the Appellate Tribunal in his discretion, and shall be payable digitally using the Unified Payment Interface or such other payment system authorised by the Reserve Bank of India, as the Appellate Tribunal may specify on its website. (3) The Appellate Tribunal- (a) shall not be bound by the procedure prescribed by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural

justice and may regulate its own procedure, subject to the provisions of the Act; and

- (b) act as a digital office which will enable summoning of any individual and taking his/her attendance may, without prejudice to its power to ensure that the accused is examined on duty, adopt techno-legal measures to conduct the proceedings in a manner which does not Physical presence of the person is not required.
- 22. Seeking information from data fiduciary or intermediary.-(1) The Central Government may, for such of the purposes of the Act as are specified in the Seventh Schedule, act through the relevant authorised person specified in the said Schedule.

 Provided that the Authority may, by notification under Section 107 of the Government of India or any other body, require any data trustee or intermediary to furnish such information as is sought, specify the time period within which it shall be furnished and where a request is made in this regard,

 Disclosure is likely to prejudicially affect the sovereignty and integrity of India or the security of the State

 be, not to disclose it without the prior written permission of the person authorized from the interest trustee or intermediary therein

 I could expect that.
- (2) The provision of information sought under this rule shall be a liability under section 36 of the Act. It will be in the form of repayment.

FIRST SCHEDULE

[See rule 4]

Part A

Conditions for registration of Consent Manager

1. The applicant is a company incorporated in

India. 2. The applicant has adequate capacity including technical, operational and financial capability to perform its obligations as a consortium manager. 3. The financial position and

general character of management of the applicant is sound. 4. The net worth of the

applicant is not less than Rs. 2 crore. 5. The volume of potential business

available to the applicant and the capital structure and earning prospects are adequate. 6. The directors, key management personnel and senior

management of the applicant company are persons of general integrity and honesty and honesty. 7. The Memorandum of Association and Articles of Association of the

applicant company contain provisions for complying with the obligations under items 9 and 10 of Part B, have policies and procedures in place to ensure such compliance, and such provisions can be amended only with the prior approval of the Board. 8. The operations proposed to be undertaken by the applicant are in the interest of the data owner. 9. It is independently certified that-

(a) the Applicant's interoperable platform that enables the data owner to consent, manage, review and withdraw data is compliant with such data protection standards and assurance frameworks as may be published by the Board on its website from time to time; and (b) appropriate technical and organisational measures are in place to ensure compliance with such standards and frameworks and to ensure effective discharge of the obligations under Item 11 of Part B.

Part B

Obligations of the Consent

Manager 1. The Consent Manager shall enable the data principal using its platform to give consent to the processing of his or her personal data by a data trustee on board such platform, either directly to such data trustee or through another data trustee on board such platform.

To a third party who retains such personal data with the consent of the data owner.

Example

Individuals are enabled to give, manage, review and withdraw their consent for the processing of their personal data through P, a platform maintained by a consent manager. X, an individual, is a registered user on P. B1 and B2 are banks onboarded on P.

Case 1: B1 sends a request to X at P for consent to process the personal data contained in his bank account statement. X maintains the bank account statement as a digital record in his digital locker. X uses P to give his consent directly to B1, and provides B1 access to his bank account statement. Case 2: B1 sends a request to X at P for consent to process the personal data contained in his bank account statement. X maintains his bank account with B2. X uses P to send his consent to B1 through B2, while also digitally instructing B2 to send his bank account details to B1. B2 proceeds to send the bank account details to B1. 2. The consent manager shall ensure that the manner in which personal data is made available or shared is such that its content cannot be read by him. 3. The

consent manager shall maintain a record of the following on its platform, namely:— (a) consents given, refused or withdrawn by him; (b) notices before or along

with the request for consent; and (c) sharing his/her personal data with the transferee

data trustee. 4. The consent manager shall— (a) provide access

to such records to the data principal using such platform;

(b) make available, at the request of the data principal and in accordance with its terms of

service, the information contained in such records in machine-readable form; and (c) retain such records for at least seven years, or for such longer period as the data principal and the consent manager may agree to, or as may be required by law.

5. The Consent Manager shall develop and maintain a website or app, or both, as the primary means through which the Data Principal can access the Services provided by the Consent Manager. 6. The Consent Manager shall not sub-contract or assign the performance of any of its obligations under the Act and these

Terms. 7. The Consent Manager

shall take appropriate security measures to prevent personal data breaches. 8. The Consent Manager shall act in a fiduciary capacity with respect to the Data

Principal. 9. The Consent Manager shall avoid conflicts of interest with the Data Trustees, including with respect to their promoters and key managerial

personnel. 10. The Concession Manager shall have measures in place to ensure that no conflict of interest arises by reason of its Directors, Key Management Personnel and Senior Management holding directorships, financial interests, employment or beneficial ownership in, or having a material financial

relationship with, the Data Trust. 11. The Concession Manager shall publish on its website or App or both, as the case may be, information about the following in an easily accessible manner-

(a) promoters, directors, key managerial personnel and senior management of a company registered as co-manager; (b) every individual who

holds more than two per cent of the shareholding of a company registered as co-manager; (c) every corporate body in whose shareholding any promoter, director, key

managerial personnel or senior management of the co-manager holds more than two per cent as on the first day of the previous calendar month; and (d) such other information as the Board may direct the co-manager to disclose in the interest of profitability.

12. The Concession Manager shall have effective audit mechanisms to review, monitor, evaluate and report to the Board the results of such audits from time to time and on such other occasions as the Board may direct, with respect to- (a) technical and organisational controls, systems, procedures and safeguards; (b) continued fulfilment of the conditions

of registration; and (c) compliance with its obligations under the Act and these Regulations.

- 13. The control of the company registered as co-manager shall not be transferred by way of sale, merger or otherwise, except with the prior approval of the Board and subject to the fulfilment of such conditions as the Board may specify in this regard. Note: In this Schedule,— (a) "body corporate" shall include a company, a body corporate,
- a firm, a financial institution, a

scheduled bank or a public sector enterprise established or constituted by or under a Central Act, a Provincial Act or a State Act and any other body corporate as defined under clause (11) of section 2 of the Companies Act, 2013 (18 of 2013);

- (b) the expressions "company", "control", "director" and "key managerial personnel" shall have the same meaning as in the case of the company. as specified therein in the Act, 2013 (18 of 2013);
- (c) the term "net worth" shall mean the aggregate value of total assets reduced by the value of liabilities of the co-manager as shown in his books of accounts; and (d) the terms "principal" and "senior management" shall have the same meanings as under the Companies Act, 2013 (18 of 2013).

are specified for them respectively in.

Second

Schedule [See rule 5(2) and 15]

The standards for processing of personal data by the State and its instrumentalities under clause (b) of section 7 and the standards for processing of personal data necessary for the purposes specified in clause (b) of sub-section (2) of section 17.

Implementation of appropriate technical and organisational measures to ensure effective compliance with the following in accordance with the law applicable to the processing of personal data, i.e.:—

(a) the processing is carried out lawfully; (b) the processing is carried out for the uses specified in clause (b) of section 7 of the Act or for the purposes specified in clause (b) of sub-section (2) of section 17 of the Act, as the case may be; (c) the processing is

limited to such personal data that is necessary for achieving such uses or such purposes, as the case may be; (d) the processing is carried out while

taking reasonable efforts to ensure the accuracy of the personal data; (b) the personal data is retained for as long

as necessary to achieve such uses or such purposes, as the case may be, or for compliance with any law;
(c) appropriate security measures are in place to protect personal data in the
possession or control of the data fiduciary, including in relation to any processing carried out by it or by a
data processor on its behalf; (d) where the processing is carried out under clause (b) of section 7 of the
Act, it is carried out after giving notice thereof to
the data principal, and -

(i) providing the business contact information of a person who is able to respond to questions about the processing of the personal data of the data principal on behalf of the data

trustee; (ii) specifying the specific communication link for accessing such data trustee's website or app, or both, and details of other means, if any, using which such data principal can exercise his/her rights under the Act; and (iii) is done in a manner consistent with such other

standards that may be applicable to the processing of such personal data under the policy issued by the Central Government or any law for the time being in force; and (h) the responsibility of the person who, alone or together with other individuals, determines the purposes and means of the processing of personal data for the effective compliance with these standards.

Third Schedule [See rule 8(1)]

S.No.	Ita came to walk	Purpose	Deadline
(1)	(2)	(3)	(4)
1.	Data Trust, an e-commerce	For all purposes, except the	three from that date
	entity having	following:	year, when the data owner
	There are at least two	(a) The data owner shall be entitled to his	has specified objective
	Crore Registered Users	User access to the feed	of Prishun or your
	Are	to enable; and	exercise of rights
		(b) the data owner shall have the right to	to the Data Trustee for
		Access to Virtual Token	last time contact
		Enabling the Data Trustee	was done, or digitally
		issued by or on behalf of	personal ÿÿÿÿ
		to be appointed, such data trustee	From the commencement of the
		digital facility of	Protection of Children Rules, 2025, which
		stored on the platform, and can	may also be in the future.
		be used to obtain money, goods	·
		or services	
		This can be done for.	
2.	Data Trustee who is a	For all purposes, except the	three from that date
	Online gaming middle school	following:	year, when the data owner
	of which there are fifty in India	(a) The data owner shall be entitled to his	has specified objective
	Registered less than lakh	User access to the feed	of Prishun or your
	are not user	to enable; and	exercise of rights
		(b) the data owner shall have the right to	to the Data Trustee for
		Access to Virtual Token	last time contact
		Enabling the Data Trustee	was done, or digitally
		issued by or on behalf of	personal ÿÿÿÿ
		to be appointed, such data trustee	From the commencement of the
		digital facility of	Protection of Children Rules, 2025, which
		stored on the platform, and can	may also be in the future.
		be used to obtain money, goods	
		or services	
		can be done for	

3.	Data Trustee who is a social	for all purposes, except as follows:	three from that date
	Media is the middle man which	(a) enabling the Data Owner	years, when the data
	has at least one presence in India	to access its User Accounts; and	owner has performed the
	There are less than two crore	(b) enabling the Data Owner to	performance or his/her owr
	registered users	access any virtual tokens	exercise of rights
		that may be created for the Data	to the Data Trustee for
			last time contact
			or digital personal
		Issued by or on behalf of a trustee,	ӱӱӱӱ
		such data is stored on the trustee's	Until the commencement of the Protection
		digital facility or platform, and can	of Children from Sexual Offences (POCSO)
		be used to obtain money, goods	Rules, 2025, whichever is later.
		or services	
L	L		

Note: In this Schedule,-

(a) "e-commerce entity" means any person who owns, operates or manages a digital facility or platform for e-commerce as defined in the Consumer Protection Act, 2019 (35 of 2019), but does not include a seller who offers its goods or services for sale in the market of an e-commerce entity as defined in the said Act; (b) "online gaming intermediary" means any intermediary who enables the users of its computer resources to access one or more online games; (c) "social media intermediary" means any intermediary as defined in the Information Technology Act, 2000 (21 of 2000) that primarily or entirely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information using its services; and (d) "user", in relation to— (i) an e-commerce entity, means any person who accesses or uses any computer resources of an e-commerce entity; and (ii) an online gaming intermediary or social media intermediary means any person who accesses or uses any computer resources of the intermediary for the purpose of hosting,

publishing, sharing, transacting,

viewing, displaying, downloading or uploading information.

Fourth Schedule [See Rule 11]

Part A

Categories of data fiduciaries in respect of whom the provisions of sub-sections (1) and (3) of section 9 shall not apply

S.No.	Ita came to walk	Shin
(1)	(2)	(3)
1. A data trustee who is a clinical		Processing is limited to the provision of health
	1. A horse who are distribution on princess (2.4 horse who are distribution on policiess (3.6 holder who are distribution on policies (4.6 holder who are di	services to the child by such entity or professiona
	Today this is additional any phonoid E.E. Door this is additional and the extra in the ex	that are necessary to protect his or her health.
	where the efficient head over professor of 10. It.	Processing is also
incides who is an affiliated health care pro	manage (1.1 hours shall an inflational comprehensive (1.2 hours shall an inflational comprehensive (1.1 hours shal	limited to the implementation of any health care
	Tours and a reflection on prince of A tour six A source of A source of A tour six A tour	treatment and referral plan recommended by suc
		professional for the child.
		is limited to supporting activities that are necessar
		to protect his or her health processing tracking
3. A Da	ta Trustee who is an educational	and behavioral monitoring is limited to –
	The institute is	
		(a) for the educational activities of such institutio
		or
		(b) in the interest of the safety of the infant
		enrolled in such
4.	The Data Trustee is the person in whose	institution, infant care centre. In the interest of th
	care the infants and children are entrusted	safety of the infant enrolled in such institution,
	in a crèche or child care centre	infant care centre, processing is limited to tracking
		and behavioural monitoring. In the
5. A da	ta trustee who is appointed by a	interest of the safety of such infant, processing is
	Appointed by an educational institution,	limited to monitoring their location during
	crèche or child care centre for the	movement to and from such institution, infant cal
	transport of children enrolled in such	centre.
	institution, crèche or centre	

Part B

Purposes for which the provisions of sub-sections (1) and (3) of section 9 shall not apply

S.No.	Purpose Conditions	
1.	Any existing law in India Under the law, milk is for the benefit of an infant. the use of any power in performance of work or any duty	Processing is a process such as drilling, cutting or cutting Restrictions only to the extent necessary for Is.
2.	in the interest of a child under clause (b) of section 7 of the Act under law or policy any person by any name, using public money providing subsidies, benefits, services, certificates, licenses or permits or for issuance	processing such provision or issuance The limit is restricted to the necessary extent only.
3.	Used for communication via email To make the food	processing is for the purpose of making such user-friendly foods is limited to the extent necessary to use the information needed to communicate by email. It is limited.
4.	to make sure that No harm to the welfare of the baby information that has an impact on his I wouldn't have passed.	restrict processing to the extent is done to ensure that so that such information does not reach the child Could.
5.	This matter has been confirmed by the Data Trustee To confirm that the Data Swami is the child and under Rule 10 Observance of due diligence	processing for such confirmation or compliance The restriction is limited to the necessary limits only.

NOTE: In this Schedule-

- (a) "allied health care professional" shall have the same meaning as in the National Allied and Health Care This is specified in the Trade Commission Act, 2021 (14 of 2021);
- (b) "clinical establishment" means and includes all establishments and places—
- (i) under section 2 of the Diagnostic Techniques (Registration and Regulation) Act, 2010 (23 of 2010);

The words "clinical evidence" in clause (c) are included within the meaning specified therein; and

- (ii) as referred to in sub-clause (i) or (ii) of the said clause, provided in sub-section (1) of the Army Act, 1950 (of 1950).
- 46), the Air Force Act, 1950 (45 of 1950) or the Navy Act, 1957 (62 of 1957)

That organisation is owned, controlled or managed by any force;

- (c) "educational institution" shall mean and include an educational institution providing vocational education; provides education including;
- (d) "healthcare professional" shall have the same meaning as defined in the National Allied and Healthcare Professional Commission; as specified in the Income Tax Act, 2021 (14 of 2021);
- (e) "health services" means the services specified in clause (j) of section 2 of the National Allied and Health Services Professional Commission Act, 2021 (14 of 2021); and
- (g) "mental health assurance" shall have the same meaning as specified in the Mental Health Services Act, 2017 (10 of 2017);

FIFTH SCHEDULE

[See rule 17] TERMS

AND CONDITIONS OF SERVICE OF CHAIRMAN AND OTHER MEMBERS

- 1. Salary.-(1) The Chairman shall be entitled to a consolidated salary of rupees four lakh fifty thousand per month without the facility of house and car. (2) Every member other than the Chairman
- shall be entitled to a consolidated salary of rupees four lakh per month without the facility of house and car. 2. Provident Fund.-The Chairman and every other member shall be entitled to contribute to the

Provident Fund of the Board.

3. Pension and Gratuity.—The Chairman and every other Member shall not be entitled to payment of pension or gratuity in respect of service rendered on the Board. 4. Travelling allowance.—(1) The Chairperson and every other Member shall be entitled to receive travelling allowance, daily allowance and reimbursement of expenditure on transportation of personal effects at the time of transfer to join the Board, or at the termination of his tenure with the Board, for visiting his home town along with his family (including in respect of journey performed by him and his family), or on a tour within India, at such scales and rates as are applicable to an officer of the Central Government at the following levels of pay, namely:- (a) Level 17, in the case of the Chairperson; and (b) Level 15, in the case of every other Member.

- (2) The Chairperson and every other Member may tour outside India only in accordance with the guidelines or directions issued by the Central Government and shall, in respect of such tour, be entitled to the same allowances as are entitled to officers of the Central Government at the following levels of pay, namely:- (a) Level 17, in the case of the Chairperson; and (b) Level 15, in the case of every other Member.
- 5. Medical aid.-(1) The Chairperson and every other Member shall be entitled to medical aid as admissible to them under any Group

 Health Insurance Scheme of the Board for officers and employees of the Board and their eligible dependents. (2) If the Chairperson or other Member has

retired from Government service, or from the service of a public sector unit or a corporate body established by a Central Act, a Provincial Act or a State Act, and there are separate rules for grant of medical aid for such service, he may opt to be governed by such rules instead of medical aid under sub-section (1). **6. Leave.-(1)** The authority competent to grant leave in respect of the Chairperson, and in respect of any other Member, shall be the Central Government. (2) The Chairperson and every other Member may, by notification under

Section 107 of the Government of India, grant leave under the State Government in such manner as may be prescribed by law.

(i) and clause (b) of sub-rule (1) of rule 26 of the Central Civil Services (Leave) Rules, 1972 (hereinafter referred to as the "Leave Rules"). (3) Leave shall be subject to the conditions applicable to a Government servant under rules 7 to 11 and 22 to 25 of the Leave Rules and the Central Government may, if satisfied that the application of any of the said rules causes undue hardship in any particular case, by order relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for the just and equitable disposal of the case. (4) The Chairman and every other Member shall be entitled to casual leave to the extent admissible to a Government servant under the instructions issued by the Central Government. (5) The Chairman and every other Member shall be entitled to encashment of earned leave standing to the credit of his/her account, subject to such conditions and under the same conditions as apply to a Government servant under rule 38-A, sub-rules (1) and (2) and clauses (i) and (ii) of sub-rule (a) of sub-rule (6) of rule 39,

rule 39-A and rule 39-C, the maximum limit of encashment under any of the said rules except rule 38-A being fifty per cent of the earned leave standing to the credit of his/her account. **7. Leave Travel Concession.-** (1) The

Chairperson and every other Member shall be admissible leave travel concession in accordance with the provisions of rule 3, clauses (a) and (d) of rule 4, rules 5 to 15 and rule 17 of the Central Civil Services (Leave Travel Concession) Rules, 1988 applicable to persons appointed to civil services and posts in connection with the affairs of the Union of India and the eligibility for such concession shall be the same as applicable to officers of the Central Government in level 17 of the Pay Scale in the case of Chairperson and to officers of the Central Government in level 15 of the Pay Scale in the case of Members. (2) The Chairperson and every other Member shall be eligible to avail of leave travel concession or to visit any

place in India during any period of two years out of the funds of his office. **8. Other terms and** conditions of service.-(1) The Chairperson and every other Member shall ensure that there is no conflict of interest in the discharge of the duties of his office and he shall not have any financial or other interest which is likely to affect prejudicially the discharge of the duties of such office. (2) The provisions contained in Parts IV to IX of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, as applicable to an officer of the Central Government who is a member of the Central Civil Services, Group 'A', shall apply mutatis mutandis to the Chairman and every other Member. (3) The Chairman and every other Member shall not be entitled to any sitting fees for attending the meetings of the Board. (4) The Chairman and every other Member shall not be entitled to any sumptuary allowance.

- (5) Any matter relating to the conditions of service of the Chairperson or any other Member in respect of which No express provision has been made in the rules, the matter is referred to the Central Government for its decision. and the decision of the Central Government thereon shall be final.
- 9. In this Schedule, the entry "Wage Masters" shall be substituted by Notification No. 1-2/2016- dated 25th July, 2016.
 Specified in Annexure 1 to the Resolution of the Central Government published in the Official Gazette by the IC
 He will be a master.

Sixth Schedule

[See rule 20(2)]

Appointment and conditions of service of officers and employees of the Board

- 1. Categories of officers.- (1) The Board may appoint officers and employees on deputation from the Central Government, a State Government, an autonomous body, a statutory body, or a public sector enterprise under the overall control of the Central Government or the State Government for a period not exceeding five years, in accordance with the fundamental rules and applicable guidelines issued by the Department of Personnel, Public Grievances and Pensions, Government of India.
- (2) The Board may appoint or appoint any officer or other employee of the National Institute for Smart Government to such post for a period not exceeding five years with pay and allowances as determined by market standards and on such other terms and conditions as the Board may determine. **2. Gratuity.-** Officers and employees shall be entitled to payment of gratuity as may be admissible under the Payment of Gratuity Act, 1972 (39 of 1972).
- **3. Travelling Allowance.-** The travelling allowance payable to officers and employees shall, mutatis mutandis, be the same as applicable to officers and employees of the Central Government.
- **4. Medical aid.-** Officers and employees shall be entitled to such medical aid as is admissible to them and their eligible dependents under any Group Health Insurance Scheme of the Board with the prior approval of the Central Government. **5. Leave.-** (1)

Officers and employees may avail of leaves admissible to Government servants under the Central Civil Services (Leave) Rules, 1972, subject to the conditions applicable under the said rules, and shall be eligible for encashment of unearned leaves as provided therein. (2) Officers and employees shall be entitled to

casual leave to the extent admissible to a Government servant under the instructions issued by the Central Government. **6. Leave Travel Concession.-** Leave Travel Concession

shall be admissible to officers and employees appointed under clause (1) of paragraph 1 in accordance with the provisions of the Central Civil Services (Leave Travel Concession) Rules, 1988 applicable to persons appointed to civil services and posts connected with the affairs of the Union of India. **7. Other terms and** conditions of service.-(1) The provisions

of the Civil Services (Conduct) Rules, 1964, shall apply to officers and employees as they apply to persons appointed to any civil service or post connected with the affairs of the Union of India under the said rules.

- (2) The provisions contained in Parts IV to IX of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, shall, mutatis mutandis, apply to the officers and employees appointed under clause (1) of paragraph 1 as they apply to a Government servant under the said rules.
- (3) Any matter relating to the terms and conditions of service of officers and employees appointed under clause (1) of paragraph 1, in respect of which no express provision has been made in these rules, shall be referred to the Central Government for its decision and the decision of the Central Government thereon shall be final.

Seventh Schedule [See rule 22(1)]

S.No.	Purpose	Shin
(1)	(2)	(3)
1.	The sovereignty and integrity of India or the State	of section 17 of the State or the Act
	In the interest of security, a data owner's personal	notified under sub-section (2)
	State of Data or by any of its instrumentalities	any such institution of his
	Use	officer to whom the Central Government or
		the head of such institution, as
		the case may be, the said Act shall be deemed to have been passed under this Act.
		should be done.
2.	by the State or any of its instrumentalities	Persons authorised under applicable law
	use for the following purposes, meaning: (i) for the	
	purpose of any law for the time being in force in India	
	the performance of any such act; or	
	(ii) any law for the time being in force in India	
	to fulfil any obligation	
	Disclosure of any information	
3.	to any data trustee or class of data trustees	Electronics and Information Technology
	Notification as Important Data Trustee	Such action of the Central Government in the Ministry
	to be evaluated for	Officer, namely:- Ministry of Information & Broadcasting
		The Secretary-in-Charge is nominated in this regard.
		should be done.

[F. No. AA-11038/1/2025-CL&ES]

Bhuvnesh Kumar, Additional Secretary

MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

NOTIFICATION

New Delhi, the 3rd January, 2025

G.S.R. 02(E).—Draft of rules proposed to be made by the Central Government in exercise of the powers conferred by sub-sections (1) and (2) of section 40 of the Digital Personal Data Protection Act, 2023 (22 of 2023), on or after the date of coming into force of the Act, are hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after 18th February, 2025;

Objections and suggestions, if any, may be submitted on the website of MyGov (https://mygov.in) by the said date;

The objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period specified above, shall not be attributed to the persons submitting publicly and shall be held in fiduciary capacity to enable them to provide the same freely, and shall be considered by the Central Government.

DRAFT RULES

- **1. Short title and commencement.—(1)** These rules may be called the Digital Personal Data Protection Rules, 2025.
- (2) Rules 3 to 15, rule 21 and rule 22 shall come into force with effect from
- (3) These rules, except rules 3 to 15 and rules 21 and 22, shall come into force on the date of their publication in the Official Gazette.
- **2. Definitions.—Unless** the context otherwise requires, all expressions shall have the meaning assigned to them in the Digital Personal Data Protection Act, 2023 (22 of 2023) (hereinafter referred to as "Act").
- **3. Notice given by Data Fiduciary to Data Principal.—The** notice given by the Data Fiduciary to the Data Principal shall—
 - (a) be presented and be understandable independently of any other information that has been, is or may be made available by such Data Fiduciary;
 - (b) give, in clear and plain language, a fair account of the details necessary to enable the Data Principal to give specific and informed consent for the processing of her personal data, which shall include, at the minimum,—
 - (i) an itemised description of such personal data; and
 - (ii) the specified purpose of, and an itemised description of the goods or services to be provided or uses to be enabled by, such processing; and
 - (c) the particular communication link for accessing the website or app, or both, of such Data Fiduciary, and a description of other means, if any, using which such Data Principal may—
 - (i) withdraw her consent, with the ease of doing so being comparable to that with which such consent was given;
 - (ii) exercise her rights under the Act; and

- (iii) make a complaint to the Board.
- **4. Registration and obligations of Consent Manager.—(1)** A person who fulfils the conditions for registration of Consent Managers set out in Part A of First Schedule may apply to the Board for registration as a Consent Manager by furnishing such particulars and such other information and documents as the Board may publish in this behalf on its website.
- (2) On receipt of such application, the Board may make such inquiry as it may deem fit to satisfy itself regarding fulfilment of the conditions set out in Part A of First Schedule, and if it—
 - (a) is satisfied, register the applicant as a Consent Manager, under intimation to the applicant, and publish on its website the particulars of such Consent Manager; or
 - (b) is not satisfied, reject the application and communicate the reasons for the rejection to the applicant.
- (3) The Consent Manager shall have obligations as specified in Part B of First Schedule.
- (4) If the Board is of the opinion that a Consent Manager is not adhering to the conditions and obligations under this rule, it may, after giving an opportunity of being heard, inform the Consent Manager of such non-adherence and direct the Consent Manager to take measures to ensure adherence.
- (5) The Board may, if it is satisfied that it is necessary so to do in the interests of Data Principals, after giving the Consent Manager an opportunity of being heard, by order, for reasons to be recorded in writing,—
 - (a) suspend or cancel the registration of such Consent Manager; and
 - (b) give such directions as it may deem fit to that Consent Manager, to protect the interests of the Data Principals.
- (6) The Board may, for the purposes of this rule, require the Consent Manager to furnish such information as the Board may call for.
- 5. Processing for provision or issue of subsidy, benefit, service, certificate, licence or permit by State and its instrumentalities.—(1) The State and any of its instrumentalities may process the personal data of a Data Principal under clause (b) of section 7 of the Act to provide or to issue to her any subsidy, benefit, service, certificate, licence or permit that is provided or issued under law or policy or using public funds.
- (2) Processing under this rule shall be done following the standards specified in Second Schedule.
- (3) In this rule and Second Schedule, the reference to any subsidy, benefit, service, certificate, licence or permit that is provided or issued—
 - (a) under law shall be construed as a reference to provision or issuance of such subsidy, benefit, service, certificate, licence or permit in exercise of any power of or the performance of any function by the State or any of its instrumentalities under any law for the time being in force;

- (b) under policy shall be construed as a reference to provision or issuance of such subsidy, benefit, service, certificate, licence or permit under any policy or instruction issued by the Central Government or a State Government in exercise of its executive power; and
- (c) using public funds shall be construed as a reference to provision or issuance of such subsidy, benefit, service, certificate, licence or permit by incurring expenditure on the same from, or with accrual of receipts to,—
 - in case of the Central Government or a State Government, the Consolidated Fund of India or the Consolidated Fund of the State or the public account of India or the public account of the State; or
 - (ii) in case of any local or other authority within the territory of India or under the control of the Government of India or of any State, the fund or funds of such authority.
- **6. Reasonable security safeguards.—(1)** A Data Fiduciary shall protect personal data in its possession or under its control, including in respect of any processing undertaken by it or on its behalf by a Data Processor, by taking reasonable security safeguards to prevent personal data breach, which shall include, at the minimum,—
 - (a) appropriate data security measures, including securing of such personal data through its encryption, obfuscation or masking or the use of virtual tokens mapped to that personal data;
 - (b) appropriate measures to control access to the computer resources used by such Data Fiduciary or such a Data Processor;
 - (c) visibility on the accessing of such personal data, through appropriate logs, monitoring and review, for enabling detection of unauthorised access, its investigation and remediation to prevent recurrence;
 - (d) reasonable measures for continued processing in the event of confidentiality, integrity or availability of such personal data being compromised as a result of destruction or loss of access to personal data or otherwise, including by way of data-backups;
 - (e) for enabling the detection of unauthorised access, its investigation, remediation to prevent recurrence and continued processing in the event of such a compromise, retain such logs and personal data for a period of one year, unless compliance with any law for the time being in force requires otherwise;
 - (f) appropriate provision in the contract entered into between such Data Fiduciary and such a Data Processor for taking reasonable security safeguards; and
 - (g) appropriate technical and organisational measures to ensure effective observance of security safeguards.
- (2) In this rule, the expression "computer resource" shall have the same meaning as is assigned to it in Information Technology Act, 2000 (21 of 2000).
- 7. Intimation of personal data breach.—(1) On becoming aware of any personal data breach, the Data Fiduciary shall, to the best of its knowledge, intimate to each affected Data Principal, in a concise, clear and plain manner and without delay, through her user account or any mode of communication registered by her with the Data Fiduciary,—

- (a) a description of the breach, including its nature, extent and the timing and location of its occurrence;
- (b) the consequences relevant to her, that are likely to arise from the breach;
- (c) the measures implemented and being implemented by the Data Fiduciary, if any, to mitigate risk;
- (d) the safety measures that she may take to protect her interests; and
- (e) business contact information of a person who is able to respond on behalf of the Data Fiduciary, to queries, if any, of the Data Principal.
- (2) On becoming aware of any personal data breach, the Data Fiduciary shall intimate to the Board,
 - (a) without delay, a description of the breach, including its nature, extent, timing and location of occurrence and the likely impact;
 - (b) within seventy-two hours of becoming aware of the same, or within such longer period as the Board may allow on a request made in writing in this behalf,—
 - (i) updated and detailed information in respect of such description;
 - (ii) the broad facts related to the events, circumstances and reasons leading to the breach;
 - (iii) measures implemented or proposed, if any, to mitigate risk; (iv) any findings regarding the person who caused the breach; (v) remedial measures taken to prevent recurrence of such breach; and
 - (vi) a report regarding the intimations given to affected Data Principals.
- (3) In this rule, "user account" means the online account registered by the Data Principal with the Data Fiduciary, and includes any profiles, pages, handles, email address, mobile number and other similar presences by means of which such Data Principal is able to access the services of such Data Fiduciary.

8. Time period for specified purpose to be deemed as no longer being served.—

- (1) A Data Fiduciary, who is of such class and is processing personal data for such corresponding purposes as are specified in Third Schedule, shall erase such personal data, unless its retention is necessary for compliance with any law for the time being in force, if, for the corresponding time period specified in the said Schedule, the Data Principal neither approaches such Data Fiduciary for the performance of the specified purpose nor exercises her rights in relation to such processing.
- (2) At least forty-eight hours before completion of the time period for erasure of personal data under this rule, the Data Fiduciary shall inform the Data Principal that such personal data shall be erased upon completion of such period, unless she logs into her user account or otherwise initiates contact with the Data Fiduciary for the performance of the specified purpose or exercises her rights in relation to the processing of such personal data.
- (3) In this rule, "user account" means the online account registered by the Data Principal with the Data Fiduciary, and includes any profiles, pages, handles, email address, mobile number and other similar presences by means of which she is able to access the services of such Data Fiduciary.

- **9.** Contact information of person to answer questions about processing.—Every Data Fiduciary shall prominently publish on its website or app, and mention in every response to a communication for the exercise of the rights of a Data Principal under the Act, the business contact information of the Data Protection Officer, if applicable, or a person who is able to answer on behalf of the Data Fiduciary the questions of the Data Principal about the processing of her personal data.
- 10. Verifiable consent for processing of personal data of child or of person with disability who has lawful guardian.—(1) A Data Fiduciary shall adopt appropriate technical and organisational measures to ensure that verifiable consent of the parent is obtained before the processing of any personal data of a child and shall observe due diligence, for checking that the individual identifying herself as the parent is an adult who is identifiable if required in connection with compliance with any law for the time being in force in India, by reference to—
 - (a) reliable details of identity and age available with the Data Fiduciary; or
 - (b) voluntarily provided details of identity and age or a virtual token mapped to the same, which is issued by an entity entrusted by law or the Central Government or a State Government with the maintenance of such details or a person appointed or permitted by such entity for such issuance, and includes such details or token verified and made available by a Digital Locker service provider.

Illustration.

C is a child, P is her parent, and DF is a Data Fiduciary. A user account of C is sought to be created on the online platform of DF, by processing the personal data of C.

Case 1: C informs DF that she is a child. DF shall enable C's parent to identify herself through its website, app or other appropriate means. P identifies herself as the parent and informs DF that she is a registered user on DF's platform and has previously made available her identity and age details to DF. Before processing C's personal data for the creation of her user account, DF shall check to confirm that it holds reliable identity and age details of P.

Case 2: C informs DF that she is a child. DF shall enable C's parent to identify herself through its website, app or other appropriate means. P identifies herself as the parent and informs DF that she herself is not a registered user on DF's platform. Before processing C's personal data for the creation of her user account, DF shall, by reference to identity and age details issued by an entity entrusted by law or the Government with maintenance of the said details or to a virtual token mapped to the same, check that P is an identifiable adult. P may voluntarily make such details available using the services of a Digital Locker service provider.

Case 3: P identifies herself as C's parent and informs DF that she is a registered user on DF's platform and has previously made available her identity and age details to DF. Before processing C's personal data for the creation of her user account, DF shall check to confirm that it holds reliable identity and age details of P.

Case 4: P identifies herself as C's parent and informs DF that she herself is not a registered user on DF's platform. Before processing C's personal data for the creation of her user account, DF shall, by reference to identity and age details issued by an entity entrusted by law or the Government with maintenance of the said details or to a virtual token mapped to the same, check that P is an identifiable adult. P may voluntarily make such details available using the services of a Digital Locker service provider.

- (2) A Data Fiduciary, while obtaining verifiable consent from an individual identifying herself as the lawful guardian of a person with disability, shall observe due diligence to verify that such guardian is appointed by a court of law, a designated authority or a local level committee, under the law applicable to guardianship.
- (3) In this rule, the expression—
 - (a) "adult" shall mean an individual who has completed the age of eighteen years;
 - (b) "Digital Locker service provider" shall mean such intermediary, including a body corporate or an agency of the appropriate Government, as may be notified by the Central Government, in accordance with the rules made in this regard under the Information Technology Act, 2000 (21 of 2000);
 - (c) "designated authority" shall mean an authority designated under section 15 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) to support persons with disabilities in exercise of their legal capacity;
 - (d) "law applicable to guardianship" shall mean,—
 - (i) in relation to an individual who has long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders her full and effective participation in society equally with others and who despite being provided adequate and appropriate support is unable to take legally binding decisions, the provisions of law contained in Rights of Persons with

Disabilities Act, 2016 (49 of 2016) and the rules made thereunder; and (ii) in relation to a person who is suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of such conditions and includes a person suffering from severe multiple disability, the provisions of law of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) and the rules made thereunder;

- (e) "local level committee" shall mean a local level committee constituted under section 13 of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy,
 Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);
- (f) "person with disability" shall mean and include—
 - (i) an individual who has long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders her full and effective participation in society equally with others and who, despite being provided adequate and appropriate support, is unable to take legally binding decisions; and
 - (ii) an individual who is suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of

such conditions and includes an individual suffering from severe multiple disability.

- 11. Exemptions from certain obligations applicable to processing of personal data of child.—(1) The provisions of sub-sections (1) and (3) of section 9 of the Act shall not be applicable to processing of personal data of a child by such class of Data Fiduciaries as are specified in Part A of Fourth Schedule, subject to such conditions as are specified in the said Part.
- (2) The provisions of sub-sections (1) and (3) of section 9 of the Act shall not be applicable to processing of personal data of a child for such purposes as are specified in Part B of Fourth Schedule, subject to such conditions as are specified in the said Part.
- **12. Additional obligations of Significant Data Fiduciary.—(1)** A Significant Data Fiduciary shall, once in every period of twelve months from the date on which it is notified as such or is included in the class of Data Fiduciaries notified as such, undertake a Data Protection Impact Assessment and an audit to ensure effective observance of the provisions of this Act and the rules made thereunder.
- (2) A Significant Data Fiduciary shall cause the person carrying out the Data Protection Impact Assessment and audit to furnish to the Board a report containing significant observations in the Data Protection Impact Assessment and audit.
- (3) A Significant Data Fiduciary shall observe due diligence to verify that algorithmic software deployed by it for hosting, display, uploading, modification, publishing, transmission, storage, updating or sharing of personal data processed by it are not likely to pose a risk to the rights of Data Principals.
- (4) A Significant Data Fiduciary shall undertake measures to ensure that personal data specified by the Central Government on the basis of the recommendations of a committee constituted by it is processed subject to the restriction that the personal data and the traffic data pertaining to its flow is not transferred outside the territory of India.
- **13. Rights of Data Principals.** (1) For enabling Data Principals to exercise their rights under the Act, the Data Fiduciary and, where applicable, the Consent Manager, shall publish on its website or app, or both, as the case may be,
 - (a) the details of the means using which a Data Principal may make a request for the exercise of such rights; and
 - (b) the particulars, if any, such as the username or other identifier of such a Data Principal, which may be required to identify her under its terms of service.
- (2) To exercise the rights of the Data Principal under the Act to access information about personal data and its erasure, she may make a request to the Data Fiduciary to whom she has previously given consent for processing of her personal data, using the means and furnishing the particulars published by such Data Fiduciary for the exercise of such rights.
- (3) Every Data Fiduciary and Consent Manager shall publish on its website or app, or both, as the case may be, the period under its grievance redressal system for responding to the grievances of Data Principals and shall, for ensuring the effectiveness of the system in

responding within such period, implement appropriate technical and organisational measures.

- (4) To exercise the rights of the Data Principal under the Act to nominate, she may, in accordance with the terms of service of the Data Fiduciary and such law as may be applicable, nominate one or more individuals, using the means and furnishing the particulars published by such Data Fiduciary for the exercise of such right.
- (5) In this rule, the expression "identifier" shall mean any sequence of characters issued by the Data Fiduciary to identify the Data Principal and includes a customer identification file number, customer acquisition form number, application reference number, enrolment ID or licence number that enables such identification.
- **14. Processing of personal data outside** India.—Transfer to any country or territory outside India of personal data processed by a Data Fiduciary—
 - (a) within the territory of India; or (b)
 - outside the territory of India in connection with any activity related to offering of goods or services to Data Principals within the territory of India,

is subject to the restriction that the Data Fiduciary shall meet such requirements as the Central Government may, by general or special order, specify in respect of making such personal data available to any foreign State, or to any person or entity under the control of or any agency of such a State.

- **15. Exemption from Act for research, archiving or statistical purposes.—The** provisions of the Act shall not apply to the processing of personal data necessary for research, archiving or statistical purposes if it is carried on in accordance with the standards specified in Second Schedule.
- **16. Appointment of Chairperson and other Members.—(1)** The Central Government shall constitute a Search-cum-Selection Committee, with the Cabinet Secretary as the chairperson and the Secretaries to the Government of India in charge of the Department of Legal Affairs and the Ministry of Electronics and Information Technology and two experts of repute having special knowledge or practical experience in a field which in the opinion of the Central Government may be useful to the Board as members, to recommend individuals for appointment as Chairperson.
- (2) The Central Government shall constitute a Search-cum-Selection Committee, with the Secretary to the Government of India in the Ministry of Electronics and Information Technology as the chairperson and the Secretary to the Government of India in charge of the Department of Legal Affairs, and two experts of repute having special knowledge or practical experience in a field which in the opinion of the Central Government may be useful

to the Board as members, to recommend individuals for appointment as a Member other than the Chairperson.

- (3) The Central Government shall, after considering the suitability of individuals recommended by the Search-cum-Selection Committee, appoint the Chairperson or other Member, as the case may be.
- (4) No act or proceeding of the Search-cum-Selection Committee specified in sub-rules (1)

of this rule shall be called in question on the ground merely of the existence of any vacancy or absences in such committee or defect in its constitution.

- 17. Salary, allowances and other terms and conditions of service of Chairperson and other Members.—The Chairperson and every other Member shall receive such salary and allowances and shall have such other terms and conditions of service as are specified in Fifth Schedule.
- **18.** Procedure for meetings of Board and authentication of its orders, directions and instruments.—(1) The Chairperson shall fix the date, time and place of meetings of the Board, approve the items of agenda therefor, and cause notice specifying the same to be issued under her signature or that of such other individual as the Chairperson may authorise by general or special order in writing.
- (2) Meetings of the Board shall be chaired by the Chairperson and, in her absence, by such other Member as the Members present at the meeting may choose from amongst themselves.
- (3) One-third of the membership of the Board shall be the quorum for its meetings.
- (4) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of Members present and voting, and, in the event of an equality of votes, the Chairperson, or in her absence, the person chairing, shall have a second or casting vote.
- (5) If a Member has an interest in any item of business to be transacted at a meeting of the Board, she shall not participate in or vote on the same and, in such a case, the decision on such item shall be taken by a majority of the votes of other Members present and voting.
- (6) In case an emergent situation warrants immediate action by the Board and it is not feasible to call a meeting of the Board, the Chairperson may, while recording the reasons in writing, take such action as may be necessary, which shall be communicated within seven days to all Members and laid before the Board for ratification at its next meeting.
- (7) If the Chairperson so directs, an item of business or issue which requires decision of the Board may be referred to Members by circulation and such item may be decided with the approval of majority of the Members.
- (8) The Chairperson or any Member of the Board, or any individual authorised by it by a general or special order in writing, may, under her signature, authenticate its order, direction or instrument.
- (9) The inquiry by the Board shall be completed within a period of six months from the date of receipt of the intimation, complaint, reference or direction under section 27 of the Act, unless such period is extended by it, for reasons to be recorded in writing, for a further period not exceeding three months at a time.
- 19. Functioning of Board as digital office.—The Board shall function as a digital office which, without prejudice to its power to summon and enforce the attendance of any person and examine her on oath, may adopt techno-legal measures to conduct proceedings in a manner that does not require physical presence of any individual.

20. Terms and conditions of appointment and service of officers and employees of Board.

- —(1) The Board may, with previous approval of the Central Government and in such manner as the Central Government may by general or special order specify, appoint such officers and employees as it may deem necessary for the efficient discharge of its functions under the provisions of the Act.
- (2) The terms and conditions of service of officers and employees of the Board shall be such as are specified in Sixth Schedule.
- **21. Appeal to Appellate Tribunal.—(1)** An appeal, including any related documents, by a person aggrieved by an order or direction of the Board, shall be filed in digital form, following such procedure as may be specified by the Appellate Tribunal on its website.
- (2) An appeal filed with the Appellate Tribunal shall be accompanied by fee of like amount as is applicable in respect of an appeal filed under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), unless reduced or waived by the Chairperson of the Appellate Tribunal at her discretion, and the same shall be payable digitally using the Unified Payments Interface or such other payment system authorised by the Reserve Bank of India as the Appellate Tribunal may specify on its website.
- (3) The Appellate Tribunal—
 - (a) shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the provisions of the Act, may regulate its own procedure; and
 - (b) shall function as a digital office which, without prejudice to its power to summon and enforce the attendance of any person and examine her on oath, may adopt techno-legal measures to conduct proceedings in a manner that does not require physical presence of any individual.
- **22. Calling for information from Data Fiduciary or intermediary.—(1)** The Central Government may, for such purposes of the Act as are specified in Seventh Schedule, acting through the corresponding authorised person specified in the said Schedule, require any Data Fiduciary or intermediary to furnish such information as may be called for, specify the time period within which the same shall be furnished and, where disclosure in this regard is likely to prejudicially affect the sovereignty and integrity of India or security of the State, require the Data Fiduciary or intermediary to not disclose the same except with the previous permission in writing of the authorised person.
- (2) Provision of information called for under this rule shall be by way of fulfilment of obligation under section 36 of the Act.

THE GAZETTE OF INDIA: EXTRAORDINARY

FIRST SCHEDULE

[See rule 4]

PART A

Conditions of registration of Consent Manager

- 1. The applicant is a company incorporated in India.
- 2. The applicant has sufficient capacity, including technical, operational and financial capacity, to fulfil its obligations as a Consent Manager.
- 3. The financial condition and the general character of management of the applicant are sound.
- 4. The net worth of the applicant is not less than two crore rupees.
- 5. The volume of business likely to be available to and the capital structure and earning prospects of the applicant are adequate.
- 6. The directors, key managerial personnel and senior management of the applicant company are individuals with a general reputation and record of fairness and integrity.
- 7. The memorandum of association and articles of association of the applicant company contain provisions requiring that the obligations under items 9 and 10 of Part B are adhered to, that policies and procedures are in place to ensure such adherence, and that such provisions may be amended only with the previous approval of the Board.
- 8. The operations proposed to be undertaken by the applicant are in the interests of Data Principals.
- 9. It is independently certified that-
 - (a) the interoperable platform of the applicant to enable the Data Principal to give, manage, review and withdraw her consent is consistent with such data protection standards and assurance framework as may be published by the Board on its website from time to time; and
 - (b) appropriate technical and organisational measures are in place to ensure adherence to such standards and framework and effective observance of the obligations under item 11 of Part B.

PART B

Obligations of Consent Manager

1. The Consent Manager shall enable a Data Principal using its platform to give consent to the processing of her personal data by a Data Fiduciary onboarded onto such platform either directly to such Data Fiduciary or through another Data Fiduciary onboarded onto such platform, who maintains such personal data with the consent of that Data Principal.

Illustration

Individuals are enabled to give, manage, review and withdraw their consent to the processing of their personal data through P, a platform maintained by a Consent Manager.

X, an individual, is a registered user on P. B1 and B2 are banks onboarded onto P.

Case 1: B1 sends a request on P to X for consent to process personal data contained in her bank account statement. X maintains the bank account statement as a digital record in her digital locker. X uses P to directly give her consent to B1, and proceeds to give B1 access to her bank account statement.

Case 2: B1 sends a request on P to X for consent to process personal data contained in her bank account statement. X maintains her bank account with B2. X uses P to route

her consent through B2 to B1, while also digitally instructing B2 to send her bank account statement to B1. B2 proceeds to send the bank account statement to B1.

- 2. The Consent Manager shall ensure that the manner of making available the personal data or its sharing is such that the contents thereof are not readable by it.
- 3. The Consent Manager shall maintain on its platform a record of the following, namely:—
 - (a) Consents given, denied or withdrawn by her;
 - (b) Notices preceding or accompanying requests for consent; and
 - (c) Sharing of her personal data with a transferee Data Fiduciary.
- 4. The Consent Manager—
 - (a) shall give the Data Principal using such platform access to such record;
 - (b) shall, on the request of the Data Principal and in accordance with its terms of service, make available to her the information contained in such record, in machine-readable form; and
 - (c) shall maintain such record for at least seven years, or for such longer period as the Data Principal and Consent Manager may agree upon or as may be required by law.
- 5. The Consent Manager shall develop and maintain a website or app, or both, as the primary means through which a Data Principal may access the services provided by the Consent Manager.
- 6. The Consent Manager shall not sub-contract or assign the performance of any of its obligations under the Act and these rules.
- 7. The Consent Manager shall take reasonable security safeguards to prevent personal data breach.
- 8. The Consent Manager shall act in a fiduciary capacity in relation to the Data Principal.
- 9. The Consent Manager shall avoid conflict of interest with Data Fiduciaries, including in respect of their promoters and key managerial personnel.
- 10. The Consent Manager shall have in place measures to ensure that no conflict of interest arises on account of its directors, key managerial personnel and senior

management holding a directorship, financial interest, employment or beneficial ownership in Data Fiduciaries, or having a material pecuniary relationship with them.

- 11. The Consent Manager shall publish in an easily accessible manner, on its website or app, or both, as the case may be, information regarding—
 - (a) the promoters, directors, key managerial personnel and senior management of the company registered as Consent Manager;
 - (b) every person who holds shares in excess of two per cent of the shareholding of the company registered as Consent Manager;
 - (c) every body corporate in whose shareholding any promoter, director, key managerial personnel or senior management of the Consent Manager holds shares in excess of two *per cent*. as on the first day of the preceding calendar month; and
 - (d) such other information as the Board may direct the Consent Manager to disclose in the interests of transparency.
- 12. The Consent Manager shall have in place effective audit mechanisms to review, monitor, evaluate and report the outcome of such audit to the Board, periodically and on such other occasions as the Board may direct, in respect of—
 - (a) technical and organisational controls, systems, procedures and safeguards;
 - (b) continued fulfilment of the conditions of registration; and
 - (c) adherence to its obligations under the Act and these rules.
- 13. The control of the company registered as the Consent Manager shall not be transferred by way of sale, merger or otherwise, except with the previous approval of the Board and subject to fulfilment of such conditions as the Board may specify in this behalf.

Note: In this Schedule,-

- (a) the expression "body corporate" shall include a company, a body corporate as defined under clause (11) of section 2 of the Companies Act, 2013 (18 of 2013), a firm, a financial institution, a scheduled bank or a public sector enterprise established or constituted by or under any Central Act, Provincial Act or State Act, and any other incorporated association of persons or body of individuals; (b) the expressions "company", "control",
- "director" and "key managerial personnel" shall have the same meanings as are respectively assigned to them in the Companies Act, 2013 (18 or 2013); (c) the expression "net worth" shall mean the aggregate value of total
- assets as reduced by the value of liabilities of the Consent Manager as appearing in its books of accounts; and
- (d) the expressions "promoter" and "senior management" shall have the same meanings as are respectively assigned to them in the Companies Act, 2013 (18 or 2013).

SECOND SCHEDULE

[See rules 5(2) and 15]

Standards for processing of personal data by State and its instrumentalities under clause (b) of section 7 and for processing of personal data necessary for the purposes specified in clause (b) of subsection (2) of section 17

Implementation of appropriate technical and organisational measures to ensure effective observance of the following, in accordance with applicable law, for the processing of personal data, namely:—

- (a) Processing is carried out in a lawful manner;
- (b) Processing is done for the uses specified in clause (b) of section 7 of the Act or for the purposes specified in clause (b) of sub-section (2) of section 17 of the Act, as the case may be;
- (c) Processing is limited to such personal data as is necessary for such uses or achieving such purposes, as the case may be;
- (d) Processing is done while making reasonable efforts to ensure the accuracy of personal data;
- (e) Personal data is retained till required for such uses or achieving such purposes, as the case may be, or for compliance with any law for the time being in force;
- (f) Reasonable security safeguards to prevent personal data breach to protect personal data in the possession or under control of the Data Fiduciary, including in respect of any processing undertaken by it or on its behalf by a Data Processor;
- (g) Where processing is to be done under clause (b) of section 7 of the Act, the same is undertaken while giving the Data Principal an intimation in respect of the same and—
 - (i) giving the business contact information of a person who is able to answer on behalf of the Data Fiduciary the questions of the Data Principal about the processing of her personal data;
 - (ii) specifying the particular communication link for accessing the website or app, or both, of such Data Fiduciary, and a description of other means, if any, using which such Data Principal may exercise her rights under the Act; and
 - (iii) is carried on in a manner consistent with such other standards as may be applicable to the processing of such personal data under policy issued by the Central Government or any law for the time being in force; and
- (h) Accountability of the person who alone or in conjunction with other persons determines the purpose and means of processing of personal data, for effective observance of these standards.

THIRD SCHEDULE

[See rule 8(1)]

S. no.	Class of Data Fiduciaries	Purposes	Time period
(1)	(2)	(3)	(4)
	ta Fiduciary who is an e-commerce entity having not less than two crore registered users in India	For all purposes, except for the following: (a) Enabling the Data Principal to access her user account; and (b) Enabling the Data Principal to access any virtual token that is issued by or on behalf of the Data Fiduciary, is stored on the digital facility or platform of such Data Fiduciary, and may be used to get money, goods or services	Three years from the date on which the Data Principal last approached the Data Fiduciary for the performance of the specified purpose or exercise of her rights, or the commencement of the Digital Personal Data Protection Rules, 2025, whichever is latest
2. Dat	ta Fiduciary who is an online gaming intermediary having not less than fifty lakh registered users in India	For all purposes, except for the following: (a) Enabling the Data Principal to access her user account; and (b) Enabling the Data Principal to access any virtual token that is issued by or on behalf of the Data Fiduciary, is stored on the digital facility or platform of such Data Fiduciary, and may be used to get money, goods or services	Three years from the date on which the Data Principal last approached the Data Fiduciary for the performance of the specified purpose or exercise of her rights, or the commencement of the Digital Personal Data Protection Rules, 2025, whichever is latest
3. Da	ta Fiduciary who is a social media intermediary having not less than two crore registered users in India	For all purposes, except for the following: (a) Enabling the Data Principal to access her user account; and (b) Enabling the Data Principal to access any virtual token that is	Three years from the date on which the Data Principal last approached the Data Fiduciary for the performance of the specified purpose or exercise of her rights, or the commencement of the Digital Personal Data Protection

	issued by or on behalf of the	Rules, 2025, whichever is latest
	Data Fiduciary, is stored on	
	the digital facility or platform	
	of such Data Fiduciary, and	
	may be used to get money,	
	goods or services	

Note: In this Schedule,-

- (a) "e-commerce entity" means any person who owns, operates or manages a digital facility or platform for e-commerce as defined in the Consumer Protection Act, 2019 (35 of 2019), but does not include a seller offering her goods or services for sale on a marketplace e-commerce entity as defined in the said Act;
- (b) "online gaming intermediary" means any intermediary who enables the users of its computer resource to access one or more online games;
- (c) "social media intermediary" means an intermediary as defined in the Information Technology Act, 2000 (21 of 2000) who primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information using her services; and
- (d) "user", in relation to-
 - (i) an e-commerce entity, means any person who accesses or avails any computer resource of an e-commerce entity; and
 - (ii) an online gaming intermediary or a social media intermediary, means any person who accesses or avails of any computer resource of an intermediary for the purpose of hosting, publishing, sharing, transacting, viewing, displaying, downloading or uploading information.

THE GAZETTE OF INDIA: EXTRAORDINARY

FOURTH SCHEDULE

[See rule 11]

PART A

Classes of Data Fiduciaries in respect of whom provisions of sub-sections (1) and (3) of section 9 shall not apply

S. No.	Class of Data Fiduciaries	Conditions
(1)	(2)	(3)
1. A C	ata Fiduciary who is a clinical health establishment, mental establishment or healthcare professional	Processing is restricted to provision of health services to the child by such establishment or professional, to the extent necessary for the protection of her health.
2. A D	ata Fiduciary who is an allied healthcare professional	Processing is restricted to supporting implementation of any healthcare treatment and referral plan recommended by such professional for the child, to the extent necessary for the protection of her health.
3. A D	ata Fiduciary who is an educational institution	Processing is restricted to tracking and behavioural monitoring— (a) for the educational activities of such institution; or (b) in the interests of safety of children enrolled with such institution.
4. A D	ata Fiduciary who is an individual in whose care infants and children in a crèche or child day care centre are entrusted	Processing is restricted to tracking and behavioural monitoring in the interests of safety of children entrusted in the care of such institution, crèche or centre.
5. A D	ata Fiduciary who is engaged by an educational institution, crèche or child care centre for transport of children enrolled with such institution, crèche or centre	Processing is restricted to tracking the location of such children, in the interests of their safety, during the course of their travel to and from such institution, crèche or centre.

PART B

Purposes for which provisions of sub-sections (1) and (3) of section 9 shall not apply

S. No.	Purposes	Conditions
(1)	(2)	(3)
1.	For the exercise of any power, performance of any function or discharge of any duties in the interests of a child, under any law for the time being in force in India	Processing is restricted to the extent necessary for such exercise, performance discharge.
2.	For the providing or issuing of any subsidy, benefit, service, certificate, licence or permit, by whatever name called, under law or policy or using public funds, in the interests of a child, under clause (b) of section 7 of the Act	Processing is restricted to the extent necessary for such provision or issuance.
3.	For the creation of a user account for communicating by email	Processing is restricted to the extent necessary for creating such user account, the use of which is limited to communication by email.
4.	For ensuring that information likely to cause any detrimental effect on the well-being of a child is not accessible to her	Processing is restricted to the extent necessary to ensure that such information is not accessible to the child.
5.	For confirmation by the Data Fiduciary that the Data Principal is not a child and observance of due diligence under rule 10	Processing is restricted to the extent necessary for such confirmation or observance.

Note: In this Schedule-

- (a) "allied healthcare professional" shall have the same meaning as is assigned to it in the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021);
- (b) "clinical establishment" means and includes all establishments and places—
 - (i) falling within the meaning assigned to the term "clinical establishment" in clause (c) of section 2 of the Clinical Establishments (Registration and Regulation) Act, 2010 (23 of 2010); and
 - (ii) as referred to in sub-clauses (i) or (ii) of the said clause that is owned, controlled or managed by any force constituted under the Army Act, 1950 (46 of 1950), the Air Force Act, 1950 (45 of 1950) or the Navy Act, 1957 (62 of 1957);
- (c) "educational institution" shall mean and include an institution of learning that imparts education, including vocational education;

- (d) "healthcare professional" shall have the same meaning as is assigned to it in the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021);
- (e) "health services" shall mean the services referred to in clause (j) of section 2 of the National Commission for Allied and Healthcare Professions Act, 2021 (14 of 2021); and
- (f) "mental health establishment" shall have the same meaning as is assigned to it in the Mental Healthcare Act, 2017 (10 of 2017).

FIFTH SCHEDULE

[See rule 17]

Terms and conditions of service of Chairperson and other Members

- **1. Salary.—(1)** The Chairperson shall be entitled to receive a consolidated salary of rupees four lakh fifty thousand per month, without the facility of house and car.
- (2) Every Member other than the Chairperson shall be entitled to receive a consolidated salary of rupees four lakh per month, without the facility of house and car.
- **2. Provident Fund.—The** Chairperson and every other Member shall be eligible to contribute to the Provident Fund of the Board, and the manner and terms and conditions applicable in this regard shall, *mutatis mutandis*, be the same as those applicable to other officers and employees of the Board for their Provident Fund.
- **3. Pension and gratuity.—The** Chairperson and every other Member shall not be entitled to payment of pension or gratuity for service rendered in the Board.
- **4. Travelling allowance.—(1)** The Chairperson and every other Member, while on transfer to join the Board, or on the expiry of her term with the Board for proceeding to her home town with family (including in respect of journey undertaken by her and her family), or on tour within India, shall be entitled to journey allowance, daily allowance and reimbursement of expense on transportation of personal effects at such scales and rates as are applicable to an officer of the Central Government in the following level of the pay matrix, namely:—
 - (a) level 17, in the case of the Chairperson; and
 - (b) level 15, in the case of every other Member.
- (2) The Chairperson and every other Member may undertake tour outside India only in accordance with guidelines or instructions issued by the Central Government, and in respect of such tour, she shall be entitled to draw the same allowances as an officer of the

Central Government, in the following level of the pay matrix, is entitled to draw, namely:—

- (a) level 17, in the case of the Chairperson; and
- (b) level 15, in the case of every other Member.
- **5. Medical assistance.—(1)** The Chairperson and every other Member shall be entitled to such medical assistance as may be admissible to them under any group health insurance scheme of the Board for officers and employees of the Board and their eligible dependants.
- (2) If the Chairperson or other Member has retired from Government service, or from the service of a public sector entity or a body corporate established by a Central Act, Provincial Act or State Act, and there are a separate set of rules for the grant of medical assistance

for such service, she may, in lieu of medical assistance under sub-paragraph (1), opt to be governed by such rules.

- **6. Leave.—(1)** The authority competent to sanction leave shall be the Central Government in respect of the Chairperson, and the Chairperson in respect of any other Member.
- (2) The Chairperson and every other Member may avail of such kinds of leave as are admissible to a Government servant under sub-clause (i) of clause (a) and clause (b) of sub-rule (1) of rule 26, rules 27, 29, 30 and 40 to 43-C of the Central Civil Services (Leave)

Rules, 1972 (hereinafter referred to as "Leave Rules").

(3) Leave shall be subject to the conditions applicable to a Government servant under rules 7 to 11 and 22 to 25 of the Leave Rules, and the Central Government may, if satisfied that the operation of any of the said rules causes undue hardship in a particular case, by order relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable

manner.

- (4) The Chairperson and every other Member shall be entitled to casual leave to such extent as is admissible to a Government servant under instructions issued by the Central Government.
- (5) The Chairperson and every other Member shall be entitled to encashment of earned leave standing to her credit, subject to such conditions and in like manner as are applicable to a Government servant under rule 38-A, sub-rules (1) and (2) and sub-clauses (i) and (ii) of clause (a) of sub-rule (6) of rule 39, rule 39-A and rule 39-C of the Leave Rules, subject to the maximum extent of encashment under any of the said rules, other than rule 38-A,

being fifty per cent. of the earned leave standing to her credit.

- 7. Leave travel concession.—(1) Leave travel concession shall be admissible to the Chairperson and every other Member in accordance with the provisions applicable to persons appointed to civil services and posts in connection with the affairs of the Union of India under rule 3, clauses (a) and (d) of rule 4, rules 5 to 15 and rule 17 of the Central Civil Services (Leave Travel Concession) Rules, 1988, and the entitlement for such concession shall be the same as is applicable to officers of the Central Government in level 17 of the pay matrix in the case of the Chairperson, and to officers of the Central Government in level 15 of the pay matrix in the case of a Member.
- (2) The Chairperson and every other Member shall be eligible to avail of either leave travel concession to home town or leave travel concession to any place in India in any period of two years from the date of assumption of their office as a Member.
- **8. Other terms and conditions of service.—(1)** The Chairperson and every other Member shall ensure absence of conflict of interest in the performance of the functions of her office and shall not have any such financial or other interests as are likely to prejudicially affect the performance of the functions of such office.
- (2) The provisions contained in Part IV to Part IX of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, as applicable to an officer of the Central

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Government who is a member of a Central Civil Services, Group 'A', shall apply, *mutatis mutandis*, to the Chairperson and every other Member.

- (3) The Chairperson and every other Member shall not be entitled to any sitting fee for attending meetings of the Board.
- (4) The Chairperson and every other Member shall not be entitled to any sumptuary allowance.
- (5) Any matter relating to the conditions of service of the Chairperson orany other Member, in respect of which no express provision has been made in these rules, shall be referred to the Central Government for its decision, and the decision of the Central Government on the same shall be final.
- **9.** In this Schedule, "pay matrix" shall mean the pay matrix referred to in Annexure I to the Central Government's Resolution published in the Official Gazette *vide* Notification no. 1-2/2016-IC, dated the 25th July, 2016.

SIXTH SCHEDULE

[See rule 20(2)]

Terms and conditions of appointment and service of officers and employees of

- 1. Classes of officials.—(1) The Board may, in accordance with the Fundamental Rules and applicable guidelines issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, appoint officers and employees on deputation from the Central Government, a State Government, an autonomous body under the overall control of the Central Government or a State Government, a statutory body, or a public sector enterprise, for a period not exceeding five years.
- (2) The Board may also receive or take on deputation any officer or other employee from the National Institute for Smart Government, for a period not exceeding five years, with salary and allowances guided by market standards and on such other terms and conditions as the Board may decide.
- **2. Gratuity.—The** officers and employees shall be entitled to payment of such gratuity as may be admissible under the Payment of Gratuity Act, 1972 (39 of 1972).
- **3. Travelling allowance.—The** travelling allowance payable to the officers and employees shall, *mutatis mutandis*, be the same as those applicable to the officers and employees of the Central Government.
- **4. Medical assistance.—The** officers and employees shall be entitled to such medical assistance as may be admissible to them and their eligible dependants under any group health insurance scheme of the Board, made with the previous approval of the Central Government.
- **5. Leave.—(1)The** officers and employees may avail of such kinds of leaves as are admissible to a Government servant under the Central Civil Services (Leave) Rules, 1972, subject to the conditions applicable under the said rules, and shall be eligible for encashment of earned leave as provided therein.
- (2) The officers and employees shall be entitled to casual leave to such extent as is admissible to a Government servant under instructions issued by the Central Government.
- **6. Leave travel concession.**—**Leave** travel concession shall be admissible to the officers and employees appointed under clause (1) of paragraph 1, in accordance with the provisions applicable to persons appointed to civil services and posts in connection with the affairs of the Union of India under the Central Civil Services (Leave Travel Concession)

 Rules, 1988.
- **7. Other terms and conditions of service.—(1)** The provisions of the Civil Service (Conduct) Rules, 1964 shall apply to the officers and employees in like manner as applicable to a person appointed to a civil service or post in connection with the affairs of the Union of India under the said rules.

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- (2) The provisions contained in Part IV to Part IX of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 shall apply, *mutatis mutandis*, to the officers and employees appointed under clause (1) of paragraph 1, in like manner as applicable to a Government servant under the said rules.
- (3) Any matter relating to the terms and conditions of service of the officers and employees appointed under clause (1) of paragraph 1, in respect of which no express provision has been made in these rules, shall be referred to the Central Government for its decision, and the decision of the Central Government on the same shall be final.

SEVENTH SCHEDULE

[See rule 22(1)]

S. no.	Purpose	Authorised person
(1) (2)		(3)
1. Use	by the State or any of its	Such officer of the State or of any of its
	instrumentalities, of personal data of a Data	instrumentalities notified under sub-
	Principal in the interest of sovereignty and	section (2) of section 17 of the Act, as the Central
	integrity of India or security of the State	Government or the head of
		such instrumentality, as the case may be, may
		designate in this behalf
2. Use	by the State or any of its	Person authorised under applicable law
	instrumentalities for the following purposes,	
	namely:—	
	(i) Performance of any function under	
	any law for the time being in force	
	in India; or	
	(ii) Disclosure of any	
	information for fulfilling any	
	obligation under any law for the	
	time being in force in	
	India	
3.	Carrying out assessment for notifying	Such officer of the Central Government,
	any Data Fiduciary or class of Data	in the Ministry of Electronics and
	Fiduciaries as	Information Technology, as the
	Significant Data Fiduciary	Secretary in charge of the said Ministry may
		designate in this behalf

[F. No. AA-11038/1/2025-CL&ES] BHUVNESH KUMAR, Addl. Secy.