

## Aadhaar leak may sway polls, fears SC

Justice D.Y. Chandrachud said the interaction of Aadhaar with the 'outside world' was an area of concern for the court.

It is a "real apprehension" that a leak in the Aadhaar data may sway elections and cause a severe dent to democracy, the Supreme Court expressed its fears about data protection at an age when private players are increasingly taking over what used to be exclusively governmental functions.

Senior advocate Rakesh Dwivedi, for Aadhaar's nodal agency UIDAI, tried to allay the fears of the Constitution Bench led by Chief Justice Dipak Misra, by submitting that the Aadhaar Act provides for data protection.

Mr. Dwivedi countered that the UIDAI cannot be compared to any Cambridge Analytica.

He submitted that data protection should be "fair, reasonable and just." In fact, no one could assure 100% data protection.

### 'No learning algorithms'

The senior advocate said the UIDAI did not have any learning algorithms, which can aggregate and analyse data. Besides the UIDAI can refuse a private enterprise from becoming a requesting entity under the Aadhaar Act. He said whether the requesting entity is a taxi aggregator or a software app, it has to have a prior contract with the UIDAI.

But Justice D.Y. Chandrachud expressed fears about what use the requesting entities themselves would make of the personal data provided to them by the public. The judge said the interaction of Aadhaar with the "outside world" was indeed an area of concern for the court.

The judge illustrated that a private hospital, which may have data about the number of visits of its patients and their medication, could possibly pass the information over to insurance or pharma companies for commercial use.

Justice Chandrachud referred to Sections 8(3) and 29(3) of the Aadhaar Act which shows that requesting entities have "identity information" of citizens with them. They get access to this information when individuals come to them for authentication.

Justice Chandrachud said the authorities cannot risk a blinkered vision of reality. Mr. Dwivedi dissuaded the court from giving into the "hyperphobia" of the petitioners challenging the Aadhaar scheme. He reiterated that Aadhaar data was not subject to any kind of analysis and the people should trust the UIDAI with their data.

Mr. Dwivedi sought to reply to allegations made by the petitioners that Aadhaar reduces a person to a number, robbing him of his individuality. He said human beings were not reduced to numbers just because they were assigned a number as in proximity cards, passports, etc.

END