

## Worried SC calls for robust data protection regime

**Security concerns:**The SC said dangers to personal data originate from government as well as private players.

The Supreme Court on Thursday urged the government to put in place a robust mechanism for data protection.

Noting that “informational privacy is a facet of the right to privacy”, a nine-judge Bench, led by Chief Justice of India J.S. Khehar, said dangers to personal data originate not only from the government but also from private players.

“The dangers to privacy in an age of information can originate not only from the state but from non-state actors as well. We commend to the Union Government the need to examine and put into place a robust regime for data protection,” Justice D.Y. Chandrachud wrote.

### Legitimate aims of state

The court observed that the creation of a regime requires careful and sensitive balance between individual interest and legitimate concerns of the state. “The legitimate aims of the state would include for instance protecting national security, preventing and investigating crime, encouraging innovation and the spread of knowledge and preventing the dissipation of social welfare benefits,” the apex court observed.

The court said the introduction of a “carefully structured” data protection regime and its contours were matters policy matters to be considered by the Centre.

The court also took note of the Centre's move to constitute a committee of experts led by former Supreme Court judge, Justice B.N. Srikrishna, on July 31, 2017 to identify “key data protection issues” and suggest a draft Data Protection Bill.

The Office Memorandum of the Justice Srikrishna Committee notes that the “government is cognisant of the growing importance of data protection in India. The need to ensure growth of the digital economy while keeping personal data of citizens secure and protected is of utmost importance”.

### Panel report

The Centre has undertaken in the court that the Ministry of Electronics and Information Technology would work with the panel and hand over all necessary information to it within the next eight weeks, after which the latter will start its deliberations. The Committee is expected to submit its report expeditiously.

The government has already indicated in the court that the committee would be framing a data protection Bill similar to the “technology-neutral” draft Privacy Bill submitted by an earlier expert committee led by former Delhi High Court Chief Justice A.P. Shah to the Planning Commission of India in 2012. No steps were taken on the recommendations of the Justice Shah Committee.

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