

DELETING BIOMETRIC DATA IS DIFFICULT

Relevant for: Governance in India | Topic: E-governance - applications, models, successes, limitations, and potential incl. Aadhar & Digital power

Though the majority opinion in the Aadhaar verdict is silent on deleting biometric data already collected by phone companies, Justice D.Y. Chandrachud's direction to do so will open a Pandora's box, if implemented.

The Constitution Bench on Wednesday was unanimous in declaring that seeding of Aadhaar with SIM cards was unconstitutional.

However, even as the majority judgment written by Justice A.K. Sikri restricts itself to a paragraph on the issue of Aadhaar-SIM linkage, Justice Chandrachud, the dissenting judge on the Bench, goes a step ahead to say that whatever data collected so far by service providers should be deleted forthwith.

A Pandora's box

Justice Chandrachud's direction may open a Pandora's box for future litigation, experts say.

Justice Sikri, writing for himself, Chief Justice Dipak Misra and Justice A.M. Khanwilkar, was silent on the status of personal data collected by service providers so far even as the court was deciding the very validity of the Aadhaar scheme.

The bone of contention is the circular issued by the Department of Telecommunications on March 23, 2017, mandating the linking of mobile numbers with Aadhaar. The petitioners said the circular was illegal and unconstitutional.

"Circular dated March 23, 2017 mandating linking of mobile number with Aadhaar is held to be illegal and unconstitutional as it is not backed by any law and is hereby quashed," Justice Sikri held. But Justice Chandrachud said the "conflation of biometric information with SIM cards poses grave threats to individual privacy, liberty and autonomy".

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