



NIFTY

Sun Pharma 1795.80 (-1.67%)

TATA Cons. Prod 972.10 (0.21%)

Tata Motors 786.45 (0.81%)

Tata Steel 129.44 (-0.3)

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DPDP Draft Rules – could they be the pillars of privacy protection

The Draft Rules give data fiduciaries significant discretion in deploying security safeguards, tailored to their needs, but their adequacy must be reviewed by the Data Protection Board, writes Nangia & Co LLP's Rakesh Nangia and Mayank Arora.



By Rakesh Nangia | Mayank Arora

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The Digital Personal Data Protection Act, 2023 (DPDPA 2023) received assent of the President of India on 11 August 2023. First-of-its kind for India, the legislation seeks to provide for a notice and consent-based framework for collecting and processing digital personal data of individuals.

In furtherance to the same, the Ministry of Electronics and Information Technology ('MeitY') released the Digital Personal Data Protection Rules, 2025 (Draft Rules) on January 3, 2025, for public comments.

While the DPDPA 2023 provides for a broad framework for processing of personal data, the rules guide stakeholders through the manner of implementation of the DPDPA 2023. Cumulatively, they form a comprehensive data protection framework for striking a balance between the Right to Privacy of individuals with that of processing of personal data by businesses for performing their functions.

It is pertinent to note that the Supreme Court of India held the Right to Privacy as an intrinsic component of fundamental right to life and personal liberty under Article 21 of the Constitution and a part of the freedoms guaranteed by Part III of the Constitution (Justice K.S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors.). Taking cognizance of the apex court, a committee of experts was set up by the Government of India which published a white paper providing a roadmap for digital data protection framework in India.