

Personal Data Protection Bill, 2019 (“PDP Bill”)

The Central Government on August 3, 2022, withdrew the PDP Bill tabled before the Parliament of India. In the ongoing Parliamentary session, the Union Minister for Railways, Communications, Electronics & Information Technology, Ashwini Vaishnaw, withdrew the PDP Bill.

The PDP Bill, which was first introduced on December 11, 2019, was subsequently referred to a Joint Committee of the Parliament (“JPC”) for examination and the JPC submitted its report to the Lok Sabha on December 16, 2021 marking the culmination of a 2 (two) year long review process. The JPC Report had changed the name of the proposed bill to the ‘Data Protection Bill, 2021’ which contained over 80 proposed amendments and 12 (twelve) recommendations, including addition of ‘non-personal data’ to the ambit of the PDP Bill.

The explanatory note circulated by the Minister ahead of withdrawing the PDP Bill explains that “*Considering the report of the JCP, a comprehensive legal framework is being worked upon. Hence, in the circumstances, it is proposed to withdraw ‘The Personal Data Protection Bill, 2019’ and present a new bill that fits into the comprehensive legal framework.*”

This marks a setback to the process of revamping data protection laws in India, which has been underway since 2018 when the first iteration of the PDP Bill was tabled. However, this may be an indicator of a significant overhaul of the proposed law, which saw numerous criticisms being levied by various stakeholders. Aspects of the PDP Bill such as data localization, exemption to government agencies and data mirroring requirements have previously been criticized by companies handling large amounts of personal data, however it remains to be seen if the revised law proposed by the Centre will address these issues specifically.

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