

POLITY

PRE-CONTEXT

DIGITAL PERSONAL DATA PROTECTION ACT 2023

THE HINDU, PG.NO: 6.

News: "Draft digital data protection rules and authoritarianism."

News: "India's data protection rules need some fine-tuning."

Definitions

- **Personal data:** is defined as any data about an individual who is identifiable by or in relation to such data.
- **Processing:** has been defined as wholly or partially automated operation or set of operations performed on digital personal data. It includes collection, storage, use, and sharing.
- **Data fiduciaries:** The entity determining the purpose and means of processing.
- **Data Principal:** An individual whose data is being processed (data owner).

Applicability of the Act

- **Applies to the processing of digital personal data within India** where such data is:
 - Collected online, or collected offline and is digitised.
 - It will also apply to the processing of personal data **outside India** if it is for offering goods or services in India.

Consent

- **Personal data may be processed only for a lawful purpose after obtaining the consent** of the individual. A **notice must be given before seeking consent**, with details about the personal data to be collected and the purpose of processing.
 - **Consent may be withdrawn at any point in time.**
- **Consent will not be required for 'legitimate uses'** including:
 - Specified purpose for which data has been provided by an individual voluntarily.
 - Provision of benefit or service by the government,
 - Medical emergency & Employment.
 - **For individuals below 18 years of age**, consent will be provided by the parent or the legal guardian.

Rights and duties of data principal (Data Owner)

- Obtain information about processing.
- Seek correction and erasure of personal data.
- **Nominate another person** to exercise rights in the event of death or incapacity.
- Grievance redressal.
- **Data principals will have certain duties. They must not:**
 - Register a false or frivolous complaint.
 - Furnish any false particulars or impersonate another person in specified cases.
 - Violation of duties will be punishable with a penalty of up to Rs 10,000.

Obligations of Data fiduciaries

- Make reasonable efforts to ensure the **accuracy and completeness of data.**
- **Build reasonable security safeguards** to prevent a data breach.
- **Inform the Data Protection Board of India** and affected persons in the event of a breach.
- **Erase personal data as soon as the purpose has been met** and retention is not necessary for legal purposes (storage limitation).

P.T.O

- **In case of government entities**, storage limitation and the right of the data principal to erasure **will not apply.**

Exemptions

- Rights of the data principal and obligations of data fiduciaries (except data security) **will not apply in specified cases.** These include:
 - Prevention and investigation of offences.
 - Enforcement of legal rights or claims.
 - **The central government may, by notification, exempt certain activities from the application of the Act.** These include:
 - Processing by govt entities in the **interest of the security of the State and public order, and Research, archiving, or statistical purposes.**

Data Protection Board of India

- The **Central govt.** will establish the Data Protection Board of India.
- Chairperson is selected based on recommendations of search and selection committee **chaired by cabinet secretary.**
- **Key functions of the Board include:**
 - Monitoring compliance and **imposing penalties.**
 - **Directing data fiduciaries** to take necessary measures in the event of a data breach.
 - Hearing **grievances** made by affected persons.
 - **Board members** will be **appointed for two years and will be eligible for re-appointment.**
 - The Central govt. will prescribe details such as the number of members of the Board and the selection process.
 - **Appeals against the decisions of the Board** will lie with **Telecom Disputes Settlement and Appellate Tribunal (TDSAT).**

Transfer of personal data outside India

- The Act **allows transfer of personal data outside India, except to countries restricted by the Central govt.** through notification.

Penalties

- Penalties will be **imposed by the Board** after conducting an inquiry.
- Rs 200 crore for **non-fulfilment of obligations for children.**
- Rs 250 crore for failure to take **security measures** to prevent data breaches.

Key Issues:

- **Violations of Right to Privacy (Art.21):**
 - Processing Data **in the name of National Security** may lead to retention of Data beyond necessary.
 - **Against Puttaswamy Judgement 2017:** infringement by govt. must be reasonable.
- **Right to Equality issues:**
 - Differential treatment for Private and Government agencies. Eg. Treatment of consent and Storage Limitations.
 - **Against PUCL 1996 Judgement & Srikrishna committee recommendations:** SC mandated various safeguards including. (i) establishing necessity, (ii) purpose limitation, and (iii) storage limitation.
- **Data Protection Board:**
 - Central government to determine appointments and composition.

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- The shorter term with scope for re-appointment may affect the independent functioning of the Board.
- **The Bill allows transfer of personal data outside India**, except to countries notified by the central govt. This mechanism may not ensure adequate evaluation of data protection standards in the countries where transfer of personal data is allowed.
- **No provision for Inter-portability of data & Right to be Forgotten.**
- **Absence of time limit for reporting** like Eg. Within 72 hours.

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TECHNOLOGY

PRE-CONTEXT

AI LANGUAGE MODELS

THE HINDU, PG.NO: 8.

News: "What is different about small language models?"

AI Language Models:

- Language Models are AI systems **designed to understand, generate, and manipulate human language.**
- **Large Language Models (LLMs):**
 - **Comprise billions to trillions of parameters** (the elements of the model that are learned from training data).
 - **Trained on diverse and extensive datasets**, including books, articles, websites, and other textual sources.
 - **Examples:** OpenAI's GPT-4, Google's BERT, and Meta's LLaMA.
- **Small Language Models (SLMs):**
 - **Contain millions to hundreds of millions of parameters.**
 - **Trained on more limited and specialized datasets** compared to LLMs.
 - **Examples:** DistilBERT, TinyGPT.
 - In a country like India, where the scope of AI adoption is immense but resources are constrained, the diminutiveness of SLMs is perfect.

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ELECTIONS

THE HINDU, PG.NO: 8.

News: "Should voter IDs be linked with Aadhaar?"

National Electoral Rolls Purification and Authentication Program (NERPAP):

- Launched by Election Commission in 2015. **To address issue of Duplicate entries in electoral roll and to remove such entries.**
- **For this Election Photo Identity Card (EPIC) data is linked to Aadhaar database:**
 - More than 300 million voters linked.
 - **Supreme Court in an term order in 2015:** held that mandatory use of Aadhaar should be **only for welfare schemes and PAN linking.**
 - Following this NERPAP discontinued.
- Currently, submission of **Aadhaar is not mandatory for inclusion of name in electoral roll.**

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Thank you!