



PANEL DISCUSSION ON DATA PROTECTION BILL 2019

Organised By

CENTRE FOR CYBER LAWS

and

CENTRE FOR COMMUNICATION GOVERNANCE

on

Saturday 30th January 2021

at 11:00 AM – 01:00 PM

Zoom link: <https://zoom.us/j/94151181013>

About the Organizers:

CENTRE FOR CYBER LAWS:

The Centre for Cyber Laws, National Law University Delhi has been established to understand the socio-legal issues related to ever evolving cyberspace. Cyberspace is infinite and has potential to grow and evolve infinitely. The issues related to cyberspace are also evolving with the advancement of information technology. The global IT revolution and the emergence of new technologies such as artificial intelligence, Internet of Things, e-commerce industry, new form of currency, issues pertaining to the governance of cyber space have necessitated the need to focus on the legal research pertaining to new kinds of cybercrimes, issues related to cyber security and data protection and online privacy laws and above all into the new evolving cyberspace trends and patterns which shall shape the future of human civilization and legal issues pertaining to it.

The objective of the Centre is to bring the professionals, academicians, cyber law experts, technology experts, law enforcement agencies, researchers and students together to have focused deliberations, discussions and debates related to issues of cyber space and cyber laws.

CENTRE FOR COMMUNICATION GOVERNANCE:

The *Centre for Communication Governance at National Law University Delhi* (CCG) was established in 2013 to ensure that Indian legal education

establishments engage more meaningfully with information law and policy, and contribute to improved governance and policymaking.

Through its Technology and Society team, CCG seeks to embed human rights and good governance within information policy and examine the evolution of existing rights frameworks to accommodate new media and emerging technology. It seeks to protect and expand freedom of speech, right to assembly and association, and the right to privacy in the digital age, through rigorous academic research, policy intervention, capacity building, and strategic litigation. The Technology and National Security team looks at the role of international and domestic law in India's national security matters from a legal and policy perspective, with a particular focus on cybersecurity and cyber conflict. It aims to build a better understanding of national security issues in a manner that identifies legal and policy solutions that balance the legitimate security interests and national security choices with the constitutional liberties and the rule of law.

Concept Note of the Panel Discussion

The Centre for Cyber Laws & the Centre for Communication Governance at National Law University Delhi are pleased to host a panel discussion on online privacy and data protection issues under the Data Protection Bill 2019 including focused discussion on the recent change announced in the WhatsApp policy, contours of non-personal data under the 2019 Bill and online surveillance by the government as well as the business sector.

WhatsApp recently announced its new privacy policy and latest update which allows the messaging platform to share user data with Facebook and third-party apps which garnered severe criticisms from technology experts, privacy advocates, and government organizations. When WhatsApp was launched back in 2009, it had made commitments that it will not sell user data to any third party. This changed after Facebook's acquisition of the platform in 2014, and in 2017, it started sharing data with its parent company - but users were given a choice to not opt for this. However, under the new terms and conditions, this has changed into a 'take it or leave it' policy.

With the new update, WhatsApp will be able to share metadata like user's profile picture, usage data, phone's unique identifier, business chats, phone number, location information to Facebook. The objective for this policy change, according to WhatsApp, is to be able to integrate with other Facebook and third party products. Seemingly, this is to allow the aid the formulation of more targeted advertisements based on the user's habits. Lawyers have noted that if India had data protection laws like the European Union, WhatsApp would not have been able to go ahead with its new privacy policy. To the contrary, in 2017

Facebook was fined for integrating WhatsApp users' data with itself. This was because Facebook had been permitted to purchase and operate WhatsApp by the Competition Commissions of certain European jurisdictions on the condition that it would not share WhatsApp user's data with Facebook.

WhatsApp's policy change has brought up important questions on the absence of data protection law in India and the insufficiency of the present Information Technology Act, 2000 to protect Indian users from big data companies especially in this age of the Internet.

Similarly, there are other equally important issues relating to the use of non-personal data under the 2019 Bill, the ongoing debate around the online surveillance done by the government and non-government bodies as well as the debate around the effectiveness of the Data Protection Bill 2019.

Esteemed Panelists:

1. Dr. Gulshan Rai, Former Director General, Cert-In
2. Prof.(Dr.) Sudhir Krishnaswamy, Vice-Chancellor, NLSIU, Bengaluru
3. Sh. Vijayashankar Nagaraja Rao, Chairman, Foundation of Data Protection Professionals of India (FDPPI)
4. Ms. Rama Vedashree, CEO, Data Security Council of India (DSCI)

Event Coordinators:

Dr. Aparajita Bhatt
Asst. Professor, NLUD
Director, Centre for Cyber Laws, NLUD

Smitha Krishna Prasad
Director, Centre for Communication Governance, NLUD

We are pleased to invite you all to participate in this event.