

DPDP Act, 2023 Upholds Privacy While Preserving Transparency Under RTI

Amendment to RTI Act Strikes Balance Between Right to Privacy and Right to Information

As done for the Act, Government has held extensive consultations for the Rules including discussions with various media organizations

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The Digital Personal Data Protection Act, 2023 (DPDP Act) provides for the processing of digital personal data in a manner that recognises both the rights of the individual to protect their personal data and the need to process such personal data for lawful purposes.

The DPDP Act was enacted following an extensive and comprehensive public consultation process, during which over 22,600 comments were received on the Digital Personal Data Protection Bill, 2022 (DPDP Bill). After careful consideration of these inputs, the DPDP Bill was introduced in Parliament and subsequently enacted as the DPDP Act, 2023.

The amendment to Section 8(1)(j) of the RTI Act through the DPDP Act balances the fundamental right to privacy, as affirmed by the Supreme Court in *Justice K.S. Puttaswamy v. Union of India*, with the right to information. This amendment aligns with established judicial reasoning on reasonable restrictions, codifies existing jurisprudence, and helps avoid potential conflicts between the laws.

Further, under Section 8(2) of the RTI Act, a public authority may allow access to information if the public interest in disclosure outweighs the harm to the protected interests. This section reads as follows:

“Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.”

The said amendment does not restrict the disclosure of personal information; rather, it balances individuals' privacy rights with right to information. This ensures that the transparency framework under the RTI Act and privacy framework under the DPDP Act continue to exist harmoniously, preserving the balance between transparency and privacy.

As done for the Act, Government has held extensive consultations for the Rules including discussions with various media organizations.

This information was submitted by Union Minister of Information and Broadcasting Shri Ashwini Vaishnaw in Lok Sabha today

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