



Union Budget announced allocation of Rs 2 crore to meet the establishment & salary expenses of the **DATA PROTECTION BOARD** in FY25.



So, **DPDP RULES** are on the Horizon!



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QUICK RECAP  
OF THE DPDP  
ACT!

**What is the  
Digital  
Personal Data  
Protection Act,  
2023 (DPDP  
Act)?**

- An Act that provides for the processing of digital personal data in a manner that recognizes both the right of individuals to protect their personal data and the need to process such personal data for lawful purposes and for connected matters.

**What is Digital  
Personal Data  
Protection  
Board of India  
(DPB)?**

- DPB is established under the DPDP Act, India's inaugural regulatory body dedicated to oversee the law and enforce its rules under the DPDP Act. Aligned with its international counterparts, the DPB is tasked with enforcing compliance & levying sanctions on entities that fail to adhere to data protection standards.

## Key Components

“Data Fiduciary”:- Any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data.

“Data Principal”:- Individual to whom the personal data relates. Where such an individual is a child, the term includes the parent or lawful guardian of the child. Where the individual is a person with disability, it includes their lawful guardian acting on behalf of such individual.

“Data Processor”:- Any person who processes personal data on behalf of a data fiduciary.



# System For Processing Personal Data

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giving Data Principal the right to specify a limited purpose of usage of data

burden of sending notice to Data Principal on Data Fiduciary where the specified purpose is being altered

providing Data Principal an option to withdraw the consent

personal data to be deleted once specified purpose is served or the Data Principal withdraws the consent







# Penalties

The DPB may levy substantial monetary penalties on data fiduciaries, consent managers, and intermediaries for significant breaches of data protection obligations. The penalty structure is tiered, with maximum penalties for severe infractions such as failure to safeguard personal data or report breaches. The DPB considers multiple factors when determining the penalty amount, including the breach's severity, impact, and the entity's remedial actions.

The DPDP Act does not explicitly provide for penalising the individual responsible, rather the entity. To enhance transparency, we expect the DPB to publish penalty guidelines and make its decisions publicly accessible.







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We gather that the draft rules for the DPDP Act has been finalized. It will be released in August for public consultation.

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The Government plans on giving sufficient time for consultation.

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We hope with our fingers crossed that the rules notified will consider the concerns around the implications and feasibility of the processes that are required to be put in place to comply with the DPDP Act & rules.



# Any further Questions or Queries?

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