



SUGGESTIONS ON DRAFT DIGITAL PERSONAL DATA PROTECTION RULES 2025



SUBMITTED BY CKS ON 18TH FEB 2025

COMMENTS ON THE DRAFT DPDP RULES

1. In order to ensure that we retain 'Data localisation' and ensure 'Data sovereignty' suggestion can be made to the rule related to Data transfer outside the country: The Draft Rule under Rule 12(4) states that "A Significant Data Fiduciary shall undertake measures to ensure that personal data specified by the Central Government on the basis of the recommendations of a committee constituted by it is processed subject to the restriction that the personal data and the traffic data pertaining to its flow is not transferred outside the territory of India." This being an important provision in the rule can ensure data sovereignty but its effectiveness depends upon what gets defined or recognised as 'SIGNIFICANT DATA.' Government must take care in defining and identifying crucial data 'SIGNIFICANT DATA.'
2. Rule 5 and 8 should be clearly expanded with clear words expressing the use of or storage of data for the purpose of 'investigation, inquiry, trail or any other legal or lawful purpose' so that the State may access it or use it when it is necessary not just on the grounds of security, integrity and sovereignty of state but also for the purpose of 'investigation, preention, detection and regulation of crimes' or for any other lawful purpose.
3. The rule in First Schedule Part A states "The applicant is a company incorporated in India." This may be changed to "The "applicant may either be a person who is a national of India or a a company incorporated in India." This will make the provision wider to cover an individual too under its ambit.
4. The rule in First Schedule Part A states under sub-rule (4) as "The net worth of the applicant is not less than two crore rupees." This may be changed to "The net worth of the applicant is not less than two crore rupees, unless he is an individual registered as a Consent Manager." This will also help in accommodating the appointment of an individual as a Consent Manager.



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