

India Digital Personal Data Protection Act, 2023 (DPDP Act)



● What is DPDP Act?

This Act governs the processing of digital personal data in India, regardless of whether the data was originally collected in digital or non-digital format and subsequently digitized.

● Who is impacted by the DPDP Act?

Any company processing **digital personal data** related to **offering of goods or services** to people within India—regardless of where the company is based.

● What is “personal data”?

Any data about an individual who is identifiable by or in relation to such data.

● DPDP Act effective from 13 November 2025

Full compliance and enforcement by stakeholders within 18 months.

● Tough penalties*

Up to **INR250 crore** for failure to have reasonable security safeguards

Up to **INR200 crore** for data breach notification failure

Up to **INR200 crore** for violation of children's data

● Data Principals have the right of **access, correction, completion, updating and erasure**. Additional rights of grievance redressal and nomination.



● Organizations to be categorized as

Data Fiduciary



Significant Data Fiduciary

● Lawful processing include - Legitimate use and Consent



- freely given
- informed
- unambiguous
- affirmative action

Provisions for verifiable consent for processing children's personal data



● Obligations of Data Fiduciary

Data fiduciary is responsible for any processing undertaken by it or on its behalf by a Data Processor

▪ Notice	▪ Reasonable safeguards
▪ Consent	▪ Breach notifications
▪ Storage period limitation	▪ Contracts with Data Processors



● Obligations of Significant Data Fiduciary

Specific obligations include -

- Appointing a Data Protection Officer (DPO) based in India
- Appointing an Independent Data Auditor
- Conducting Data Protection Impact Assessment (DPIA)
- Regular audits

Digital Personal Data Protection Rules, 2025

The Digital Personal Data Protection Rules, 2025 ('Rules') were notified on 13 November 2025. However, Rule 3, 5 to 16, and 22 and 23 - relating to compliance and enforcement - shall come into force after 18 months, giving time to stakeholders for technical and operational readiness



Notice given by Data Fiduciary to Data Principal

- Independent in clear and plain language
- To include itemized description
- To give particular communication link to exercise their rights under the Act



Data Principal's Rights

- Access, correction, completion, updating, erasure, grievance redressal (within 90 days) and nomination
- Can furnish business contact information of DPO or any other person responsible for ensuring rights of Data Principals



Personal data of children/person with disability

- Verifiable consent and identity verification of parent/lawful guardian as prescribed



Personal data breach

- 72 hours to furnish report to Data Protection Board (DPB)
- Intimation, without delay, to the Data Principal and DPB concerned



Data retention timeline

- Prescribed, based on registered users, for E-commerce, gaming, social media companies
- For others: 1 year or as required by any law



Reasonable security safeguards

- Encryption, obfuscation, masking, maintaining data backups or use of virtual tokens mapped to personal data
- Access control management and maintenance of access logs
- In case of unauthorized access, retention of personal data and logs for a period of 1 year or as required by any law



Significant Data Fiduciary (SDF)

- Conduct Data Protection Impact Assessment
- Annual audit and report to be furnished to DPB
- Observe due diligence of algorithmic software
- Data not to be transferred outside India - yet to be specified
- Government of India can carry out an assessment to classify any Data Fiduciary as SDF



Exemptions

- Research, statistical and archiving purposes as specified
- Processing of children's data subject to conditions prescribed in Fourth Schedule: Clinical, mental health, educational establishments in respect of children/ person with disability



Transfer of personal data outside India

- Transfer of personal data outside India is allowed subject to restrictions to be specified by central government



Consent Manager

- First Schedule lays down requirements and obligations of registering as a Consent Manager with the DPB
- Registration and obligations commence from 13 November 2026