

The Digital Personal Data Protection Act, 2023

A Detailed Reading of the Act, Sections, and Compliance Structure

Part 2 - Review of Chapter 1

Detailed Tutorials

<https://www.youtube.com/@dpdpamentor>



Chapters of the Act

9 Chapters



CHAPTER I – PRELIMINARY

Introduction and Definitions



CHAPTER II – OBLIGATIONS OF DATA FIDUCIARY

Duties of Data Controllers



CHAPTER III – RIGHTS AND DUTIES OF DATA PRINCIPAL

Entitlements & Responsibilities



CHAPTER IV – SPECIAL PROVISIONS

Specific Situations



CHAPTER V – DATA PROTECTION BOARD OF INDIA

Regulatory Authority



CHAPTER VI – POWERS, FUNCTIONS AND PROCEDURE TO BE FOLLOWED

Board Processes



CHAPTER VII – APPEAL AND ALTERNATE DISPUTE RESOLUTION

Appeals & Mediation



CHAPTER VIII – PENALTIES AND ADJUDICATION

Fines & Enforcement



CHAPTER IX – MISCELLANEOUS

General Provisions

Chapter 1 - Preliminary



CHAPTER 1-
PRELIMINARY

Introduction and Definitions



TOTAL
SECTIONS

3



TOTAL
DEFINITIONS

28



KEY ENTITIES
DEFINED

5



SCOPE
COVERAGE

2



EXEMPTIONS

2

Section 1:
Title &
Timing

Section 2:
Key
Definitions

Section 3:
Scope
(Who &
What)

Sec 1: Short title and commencement.

- (1) This Act may be called the **Digital Personal Data Protection Act, 2023**.
- (2) It shall come into force on such date as the **Central Government may, by notification** in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Sec 2. Definitions.

- (a) **“Appellate Tribunal”** means the **Telecom Disputes Settlement and Appellate Tribunal** established under section 14 of the Telecom Regulatory Authority of India Act, 1997;
- (b) **“automated”** means any digital process capable of **operating automatically** in response to instructions given or otherwise for the purpose of processing data;
- (c) **“Board”** means the **Data Protection Board** of India established by the Central Government under section 18;
- (d) **“certain legitimate uses”** means the uses referred to in **section 7**;
- (e) **“Chairperson”** means the Chairperson of **the Board**;

Sec 2. Definitions. (continued)

(f) “**child**” means an individual who has not completed the **age of eighteen** years;

(g) “**Consent Manager**” means a person **registered with the Board**, who acts as a **single point of contact** to enable a **Data Principal to give, manage, review and withdraw** her consent through an accessible, transparent and interoperable **platform**;

(h) “**data**” means a representation of **information, facts, concepts, opinions or instructions** in a manner suitable for **communication, interpretation or processing** by human beings or by automated means;

Sec 2. Definitions. (continued)

- (i) **“Data Fiduciary”** means any person who alone or in conjunction with other persons **determines the purpose and means of processing of personal data**;
- (j) **“Data Principal”** means the individual to whom the **personal data relates** and where such individual is—
 - (i) a **child**, includes the **parents or lawful guardian** of such a child;
 - (ii) a person with **disability**, includes her **lawful guardian**, acting on her behalf;
- (k) **“Data Processor”** means any person who **processes personal data on behalf** of a Data Fiduciary;

Sec 2. Definitions. (continued)

- (l) **“Data Protection Officer”** means an individual **appointed by the Significant Data Fiduciary** under clause (a) of sub-section (2) of section 10;
- (m) **“digital office”** means an office that adopts an **online mechanism** wherein the proceedings, from receipt of intimation or complaint or reference or directions or appeal, as the case may be, to the disposal thereof, are **conducted in online or digital mode**
- (n) **“digital personal data”** means personal data in **digital form**

Sec 2. Definitions. (continued)

(o) **“gain”** means—

(i) a gain in **property or supply of services**, whether temporary or permanent; or

(ii) an opportunity to **earn remuneration or greater remuneration** or to gain a **financial advantage** otherwise than by way of legitimate remuneration

(p) **“loss”** means—

(i) a loss in **property or interruption in supply of services**, whether temporary or permanent; or

(ii) a loss of opportunity to **earn remuneration or greater remuneration** or to gain a **financial advantage** otherwise than by way of legitimate remuneration

Sec 2. Definitions. (continued)

- (q) **“Member”** means a **Member of the Board** and includes the Chairperson
- (r) **“notification”** means a **notification published in the Official Gazette** and the expressions “notify” and “notified” shall be construed accordingly

Sec 2. Definitions. (continued)

- (s) “**person**” includes—
- (i) an individual;
 - (ii) a Hindu undivided family;
 - (iii) a company;
 - (iv) a firm;
 - (v) an association of persons or a body of individuals, whether incorporated or not;
 - (vi) the State; and
 - (vii) every artificial juristic person, not falling within any of the preceding Sub-clauses

Sec 2. Definitions. (continued)

(t) **“personal data”** means any data about an individual **who is identifiable by or in relation to such data**

(u) **“personal data breach”** means any **unauthorised processing** of personal data or **accidental disclosure, acquisition, sharing, use, alteration, destruction or loss of access** to personal data, that compromises the **confidentiality, integrity or availability** of personal data;

(v) **“prescribed”** means prescribed by **rules made** under this Act

(w) **“proceeding”** means any **action taken by the Board** under the provisions of this Act

Sec 2. Definitions. (continued)

- (x) **“processing”** in relation to personal data, means a wholly or partly **automated operation or set of operations performed** on digital personal data, and includes operations such as **collection, recording, organisation, structuring, storage, adaptation, retrieval, use, alignment or combination, indexing, sharing, disclosure by transmission, dissemination** or otherwise **making available, restriction, erasure or destruction**
- (y) **“she”** in relation to an individual includes the reference to such individual **irrespective of gender**
- (z) **“Significant Data Fiduciary”** means any Data Fiduciary or class of Data Fiduciaries as may be **notified by the Central Government** under section 10

Sec 2. Definitions. (continued)

- (za) **“specified purpose”** means the purpose **mentioned in the notice** given by the Data Fiduciary to the Data Principal in accordance with the provisions of this Act and the rules made thereunder
- (zb) **“State”** means the State as defined under **article 12 of the Constitution.**

Sec 3. Application of Act.

(a) apply to the **processing of digital personal data within the territory of India** where the personal data is collected—

(i) in **digital form**; or

(ii) in non-digital form and **digitised subsequently**

(b) also apply to **processing of digital personal data outside the territory of India**, if such processing is in connection with any activity related to **offering of goods or services to Data Principals within the territory of India**

Sec 3. Application of Act. (continued)

(c) not apply to—

(i) personal data processed by an individual for any **personal or domestic purpose**

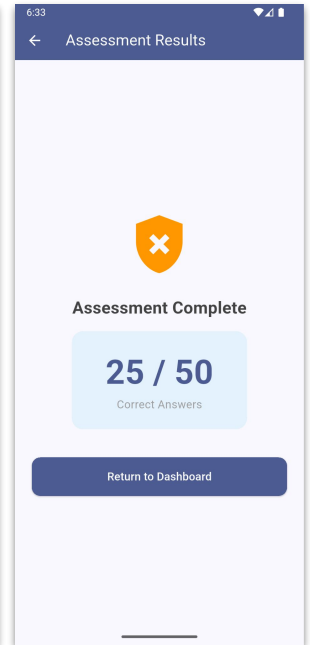
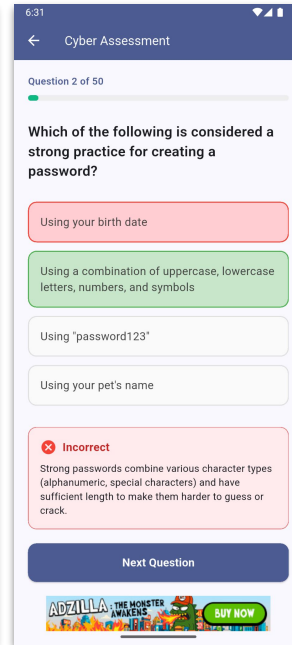
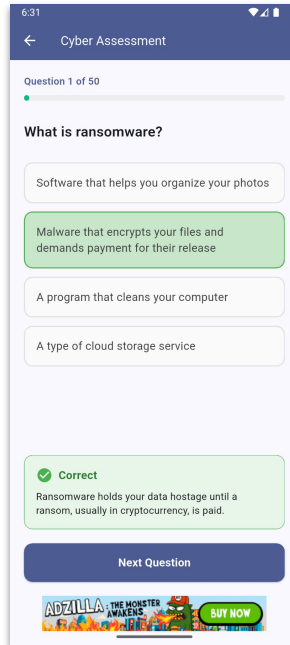
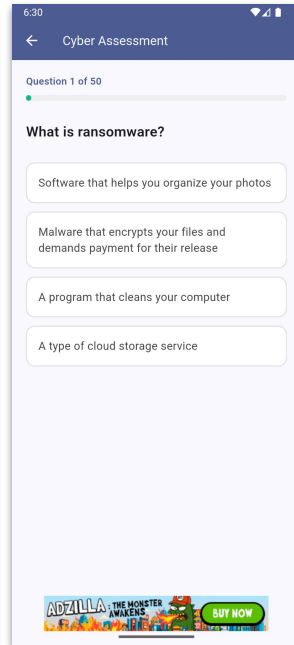
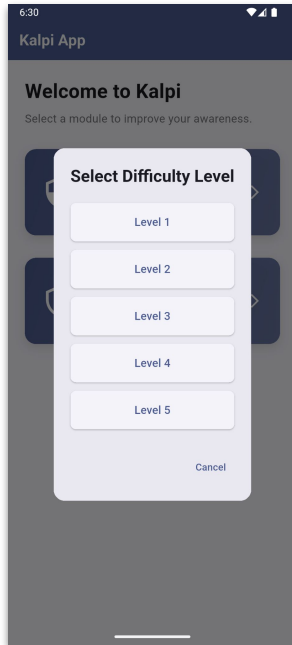
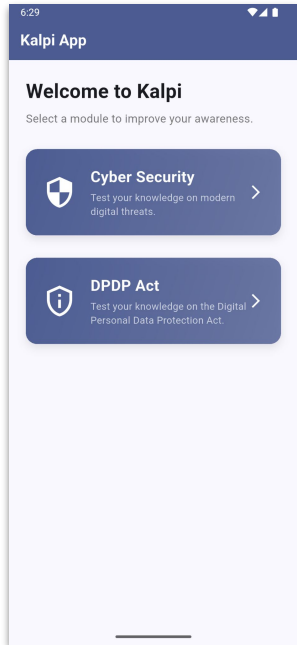
(ii) personal data that is made or caused to be **made publicly available** by—

(A) the **Data Principal** to whom such personal data relates; or

(B) any **other person** who is under an **obligation under any law** for the time being in force in India to **make such personal data publicly available**.

Quiz App

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Thank You

Any Questions? We are here to help.



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