



Centre for Information Policy Leadership (CIPL) and Trilegal Joint Workshop

**Global Dialogue on Best Practices in Implementing India's  
Proposed Personal Data Protection Law in the Context of the  
Data Driven Economy**

14 November 2019, New Delhi

## Opening Remarks



**Bojana Bellamy**

*President, CIPL*



**Rahul Matthan**

*Partner, Trilegal*

# Opening Keynote

## India's coming Data Protection Law: What are its principal promises?

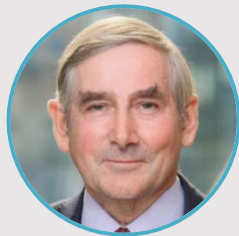


**Mr. Gopalakrishnan, S.**  
*Additional Secretary, Ministry of Electronics  
and Information Technology (MeitY)*



## **Topic I: India's Future Data Protection Authority: Roles, Responsibilities and Challenges**

# Regulating for Results: Strategies and Priorities for Leadership and Engagement



**Richard Thomas**

*Global Strategy Advisor, CIPL  
Former Information Commissioner, UK ICO  
Chairman of Guernsey Data Protection Authority*

# The Importance of a Central Data Protection Authority of India



# Functions of the Authority

**“It shall be the duty of the Authority to protect the interests of data principals, prevent any misuses of personal data, ensure compliance with the provisions of this Act and promote awareness of data protection”**

- **Plus 24 specific functions (a)-(x):**
  - Leader / Teacher / Voice of Authority
  - Police officer
  - Ombudsman
- **Prioritise:**
  - “Selective to be Effective”
  - “Plagiarise with Pride”

Outcome-based and risk-based approaches produce better results than box-ticking or compliance for its own sake

Deterrence and punishment have limited effectiveness - except for worst cases, as a last resort and to raise awareness

Top Priority for Leadership role

Strengths and limitations of Police-Officer role

Dangers of being swamped by complaints

Exploit "Enlightened self-interest" - Most organisations are trying to do the right thing most of the time



## “Data Protection - Protecting People”:

*“Strengthening public confidence in data protection by taking a practical, down to earth approach – simplifying and making it easier for the majority of organisations who seek to handle personal information well, and tougher for the minority who do not”*



## Regulating for Results – Shifting to outcome-based regulation



### **Strategic, prioritised, risk-based, transparent regulatory policy**

- Innovative regulatory methods (e.g. Regulatory sandbox)



### **Constructive engagement with regulated organizations**

- Maximum consultation, participation and frank exchanges



### **Incentivise and encourage accountability**

- E.g. Showcase best practices and accountability efforts; differentiating factor in enforcement



### **Act in a connected way with other regulators**

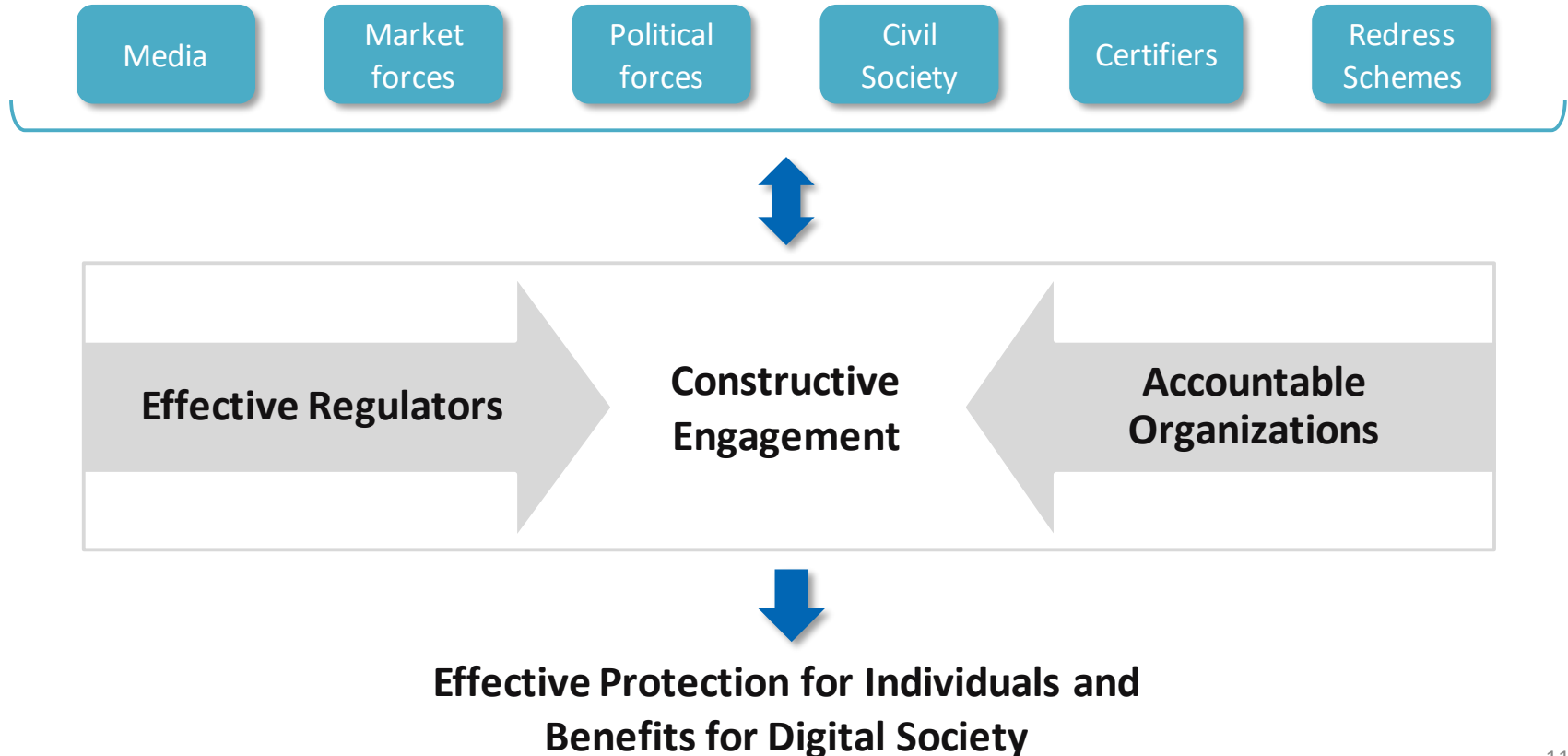
- Regulatory guidance, approaches to enforcement, mutual cooperation



### **Build bridges with different regimes**

- Accountability frameworks (e.g. APEC CBPR and EU BCR)

# Framework for Trusted Digital Age



# Topic I – Discussion Leads



**Moderator**

**Bojana Bellamy**

*President, CIPL*



**Dr. Renuka Sane**

*Associate Professor,  
National Institute for  
Public Finance and  
Policy*



**Gopalakrishnan, S.**

*Additional Secretary to  
the Ministry of  
Electronics and  
Information Technology*



**Christine Wilson**

*Commissioner, US  
Federal Trade  
Commission*



**Shuhei Ohshima**

*Commissioner  
for International  
Cooperation,  
Japan PPC*



**Hielke Hijmans**

*Director, President of the  
Litigation Chamber, Belgian  
Data Protection Authority*



**Ashish Aggarwal**

*Senior Director and Head -  
Public Policy, NASSCOM*



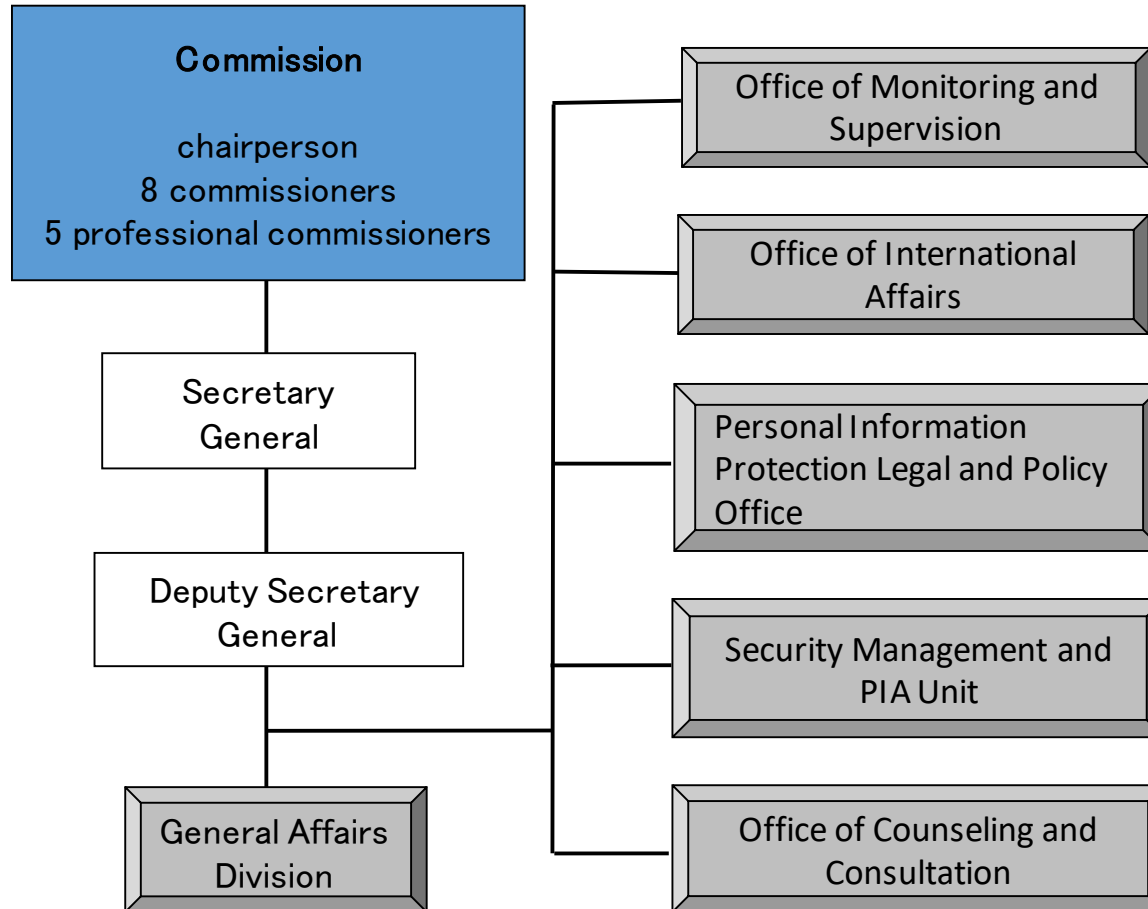
**Richard  
Thomas**

*Global Strategy  
Advisor, CIPL*

*Former  
Information  
Commissioner, ICO*

*Chairman of  
Guernsey Data  
Protection  
Authority*

# Organization



# PPC's Activity Results (From 2018.4 to 2019.3)

## Consultations and counseling

**17,590** cases

Received by the PPC

## Public information activities

**215** seminars

Approx. **21,000**  
attendees

## Monitoring and supervision

**1,495** cases

Data breach notifications

**85** cases

Onsite inspections

**325** cases

Administrative  
instructions

**391** cases

Requests of  
Report

**31** cases

Mediations



## **Topic II: Key Requirements of India's Data Protection Law in the Context of Innovation, Emerging Technologies and the Data Driven Economy**

## Topic II – Discussion Leads



**Moderator**

**Nikhil Narendran**

*Partner, Trilegal*



**Hielke Hijmans**

*Director, President of the  
Litigation Chamber, Belgian  
Data Protection Authority*



**Tanuj Bhojwani**

*Fellow, iSPIRT Foundation*



**Rama Vedashree**

*CEO, Data Security Council of  
India*



**Rudra Chaudhuri**

*Director, Carnegie India*



**Bojana Bellamy**

*President, CIPL*



**Belson Devarajan**

*Legal Counsel, Accenture*





## **Topic III: Enabling Cross-Border Data Flows**

# Impact Assessment of Data Localisation - A Macro and Micro Perspective, in the context of India's Digital Exports and Consumers of Digital Services



**Shagufta Gupta**

*Director and Head - Centre for  
Competition, Investment and Economic  
Regulation, CUTS International*

## Topic III – Discussion Leads



**Moderator**

**Rahul Matthan**

*Partner, Trilegal*



**Sahil Kini**

*Co-Founder, Setu*



**Shivnath Thukral**

*Public Policy Director,  
Facebook*



**Junichi Ishii**

*Director for  
International  
Affairs, Japan PPC*



**Yolynd Lobo**

*General Manager – Public  
Policy, Amazon Web Services*



**Betsy Broder**

*Counsel for International  
Consumer Protection, US  
Federal Trade  
Commission*



**Derek Ho**

*Senior Vice President and Assistant  
General Counsel, Privacy and Data  
Protection, Mastercard*

## **Interoperability between the bilateral framework**

- ✓ Increasing the volume of cross-border personal data transfer under the existing bilateral frameworks

## **Seeking New Certification Approach**

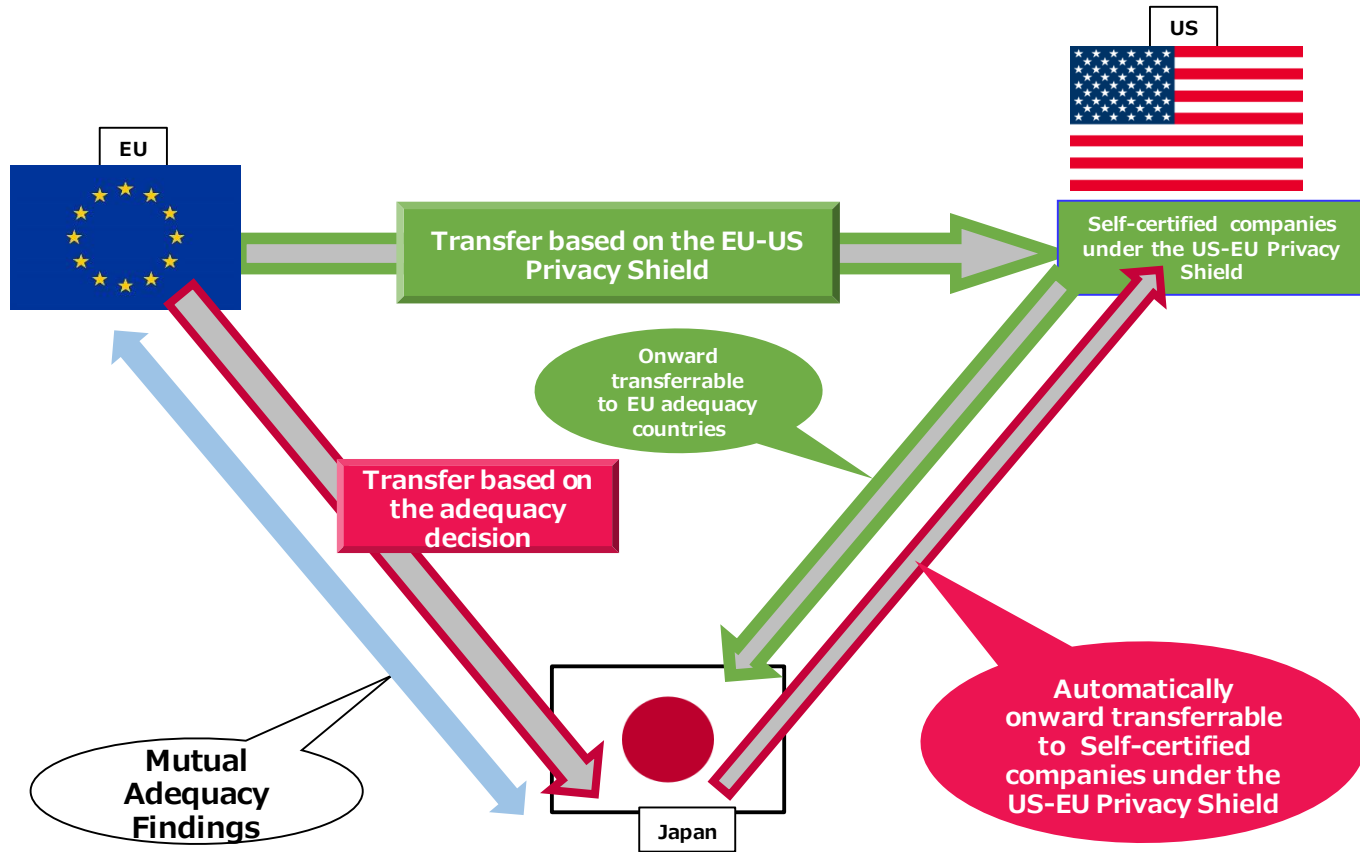
- ✓ Enhancing global interoperability / scalability of certification systems for business operators

## **OECD Privacy Guidelines as global standard**

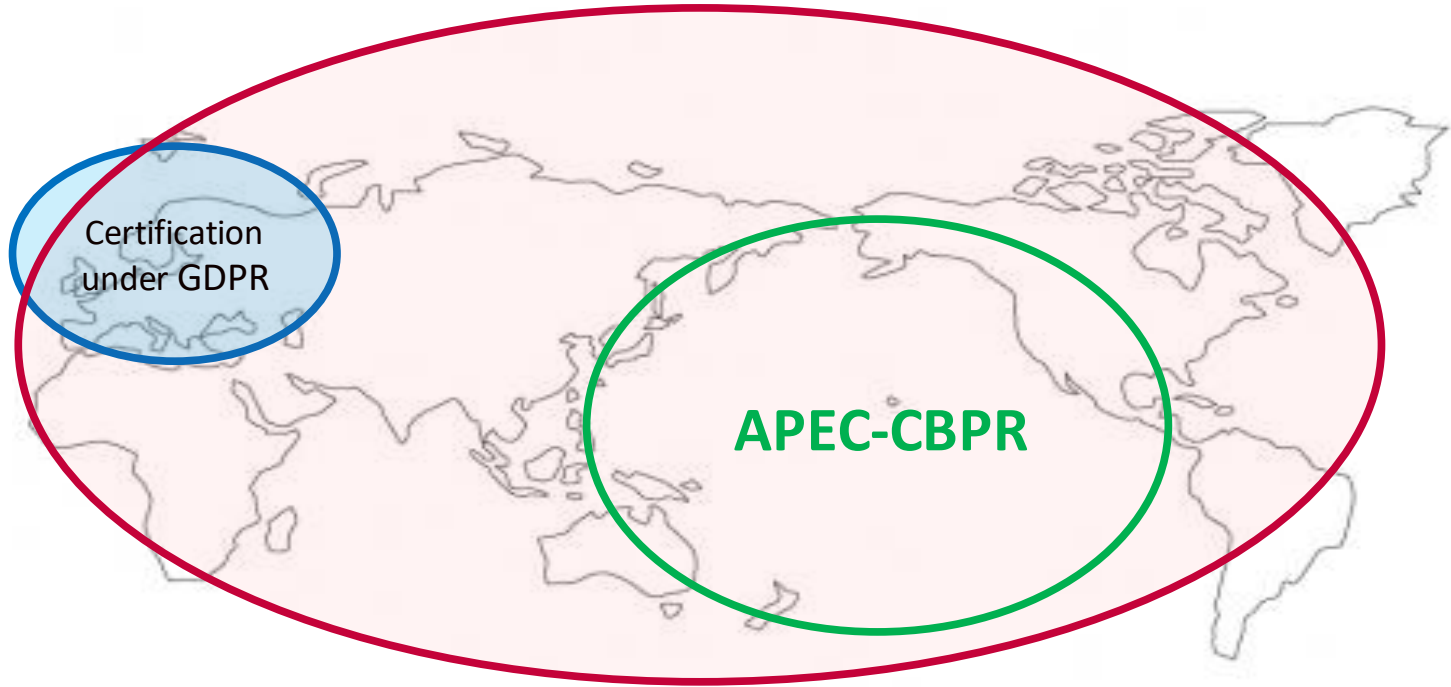
- ✓ Being principles for personal data protection policy around the world
- ✓ Taking into account present-day risk factors

# Future Interoperability across the borders

2



## A global certification scheme





## **Topic IV: Consent Artefacts, Privacy Centric Architectures, and their potential to Transform the Indian Economy**

## Topic IV – Discussion Leads



**Moderator**

**Vinay Kesari**

*General Counsel, Setu*



**Abhijit Bose**

*Head of India, WhatsApp*



**Smriti Parsheera**

*Fellow, National Institute of  
Public Finance and Policy*



**Siddharth Shetty**

*Data Empowerment And  
Protection Architecture Lead  
& Fellow, iSPIRT*



**Saranya Gopinath**

*Co-Founder, Digital India  
Collective for Empowerment  
(DICE)*



## Centre for Information Policy Leadership

[www.informationpolicycentre.com](http://www.informationpolicycentre.com)

## Hunton Andrews Kurth

### Privacy and Information Security Law Blog

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