

Report of Committee of Experts on Non-Personal Data : A Snapshot of Major Recommendations*

Backdrop

In order to deliberate on framing rules for Non-Personal Data Governance, the Ministry of Electronics and Information Technology (“MeitY”) has set up a Committee of Experts on Non-Personal Data Governance Framework (“NPD Committee”) under the Chairmanship of Infosys co-founder and angel investor Kris Gopalakrishnan on September 13, 2019. The NPD Committee has been tasked to study various issues relating to non-personal data and to make specific suggestions for consideration of the central government on the regulation of non-personal data. It has submitted the draft report to the government now.

The Committee of Experts on non-personal data governance framework (“NPD Committee”) released its report on July 12, 2020 and the government has invited feedback from the public on a draft report latest by August 12, 2020.

Major Recommendations: Snapshot

With the recommendations of NPD Committee, a wide gamut of data protection and regulation over it is looking forward its way in the coming future. Further in the era of Digital India and especially in the present time, when Internet has emerged as a major source of communication, it becomes apt to understand the Non-Personal Data Governance Framework recommended by the committee.

Therefore, to upraise and motivate the enhanced knowledge of our readers in this area, a snapshot of the major recommendation of the committee is listed below:

Recommendation - 1: Definitions

- The draft report has provided a detailed definition of various terms like Non – Personal Data.
- Definition of Non-Personal Data: the committee has defined non-personal data as any data that is not related to an identified or identifiable natural person, or is personal data that has been anonymised.
- Along with NPD, the committee further defined the three categories of non-personal data as Public Non-Personal Data, Community Non-Personal Data, Private Non-Personal Data
- While defining and regulating NPD, the draft report also Assess sensitivity of Non-Personal Data
- The Report requires consent for anonymisation and usage of Non-Personal Data

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Recommendation 2: Data Stakeholders and Their Roles

- The Report defines the stakeholders as well their roles in the non-personal data ecosystem. Stakeholders included here are Data Principal, Data Custodian, Data Trustees, Data Trusts.
- It contours their obligations and mechanisms to enable data sharing.
- It has also sets circumstances under which a private organisation, that collects non-personal data, needs to be remunerated.

Recommendation 3: Data Ownership

- For NPD derived from personal data of an individual, the data principal remains the same for NPD.
- Different owners of different types of Non-Personal Data

Recommendation 4: Data Businesses

- The Report suggests creating a new category of business – “Data Business”.
- It also discusses various related concerns including what is a Data Business, What would be the obligations of Data Businesses, what would be the compliance mechanism of Data Businesses and what would be the registration process.

Recommendation 5: Controlled Access

Allow individuals and organisations controlled access to non-personal data for sovereign, public interest and economic purposes.

Recommendation 6: Data Sharing Mechanisms

- The government needs to improve on Open Government Data initiatives, and make high-quality public non-personal datasets available. Moreover, data sharing principles must be applied uniformly to all three categories of non-personal data.
- Process for requesting data
- Checks and balances for data sharing
- Appointment of Academic-Industry Advisory Body that is headed by a globally recognised technical expert, to *suo moto* suggest changes to the standards, algorithms and fund improvements of these tools and systems.

Recommendation 7: Non-Personal Data Authority

- It has said that Non-Personal Data (NPD) should be regulated by a new regulatory body, the Non-Personal Data Authority (NPDA).
- To create a separate Non-Personal Data Authority
- NPDA will be responsible for regulating data principal, data custodian, data trustees and data trusts and will need specialised knowledge of data governance, technology, latest research and innovation, etc.
- NPDA will work in consultation with DPA, CCI and other sectoral regulators to deal with issues of data sharing, re-identification, and collective privacy.

- To Harmonise the roles of the Data Protection Authority, Competition Commission of India, and the Non-Personal Data Authority

Recommendation 8: Guiding Principles

- Enshrine technology-related guiding principles for creating and sharing data directories

Recommendation 9: Non-Personal Data Policy

- Creation of a Non-Personal Data Policy Switch as a single digital clearing house.

Concluding Remark

At last it has to be noted that in an overall consultation, the Committee of Experts on Non-Personal Data Governance Framework has recommended that a separate legislation be formulated to govern non-personal data, and a new regulatory body shall addressing long standing questions as to what exactly is Non-Personal Data and how it need to be used as well as protected.

References:

- <https://www.medianama.com/2020/07/223-summary-non-personal-data-report-meity/>
- <https://economictimes.indiatimes.com/news/economy/policy/govt-invites-feedback-on-non-personal-data-governance-draft-report/articleshow/76937136.cms>
