

UIDAI Headquarter
Bangla Sahib Road, Behind Kali Mandir
Gole Market, New Delhi – 110 001
Dated 8.8.2023

OFFICE MEMORANDUM


Subject: Clarifications on issues relating to sharing of Aadhaar and related data amongst government departments – reg.

In partial modification of the UIDAI OM of even number dated 15.7.22, clarification to query no. 5 has been revised as given below:

Sl. No.	Query	Clarification
5	What should be the mechanism for sharing of Aadhaar and related data between Central Govt. and State Govts. in case the requirement is for the same purpose for which Aadhaar was collected?	<p>It is understood that in many cases, while implementing Central Govt. schemes, the data is collected by the State Govts. In such a scenario, full Aadhaar number can be shared if the State Govt. had collected the data which is now in possession of a Central Govt. Ministry/Department. For example, the data collected in a particular state for a specified purpose like Pradhan Mantri-Fasal Bima Yojana (PM FBY), full Aadhaar number can be shared by Ministry of Agriculture with that State Govt. for that purpose.</p> <p>Similarly, if data has been collected for a centrally sponsored scheme or other scheme/purpose which is implemented/pursued jointly, data can be similarly shared between the Central Govt. and the State Govt.</p> <p>Further, as clarified in the response to query no. 1 above, while a State Govt. can be treated as a single entity for effective formulation of various government schemes and selection of beneficiaries, a separate consent of the beneficiary must be taken</p>

	<p>by the implementing State Govt. department at the time of final delivery of subsidy, benefit and service.</p> <p>Moreover, if the concerned State Govt. wants to utilize same data for some other purpose/ scheme, a separate consent must be taken from the residents by that State Govt.</p>
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This issues with the approval of the Competent Authority.


(Sanjeev Yadav)
Director

To,

- (i) The Ministries/ Departments of Govt. of India
- (ii) The Chief Secretaries of States/UTs

Copy to: For information

Secretary, Ministry of Electronics & Information Technology, Govt. of India.

Government of India,
Ministry of Electronics and Information Technology,
Unique Identification Authority of India
(Authentication and Verification Division)

3rd Floor, Bangla Sahib Road,
UIDAI Hqrs, Near Kali Mata Mandir,
New Delhi- 110001
Dated: 15.07.2022

OFFICE MEMORANDUM

Sub:-Clarifications on issues relating to sharing of Aadhaar and related data amongst government departments - reg.

In order to leverage Aadhaar i.e. the Unique Identity as a tool of good governance to promote ease of living of residents and enabling better access to services for them and to facilitate a smooth, seamless, efficient, transparent and error-free targeted delivery of benefits, services and subsidies to residents, a number of references were received from various Govt. entities to clarify on the possibilities and modalities of sharing of Aadhaar related data amongst various Govt. entities. Accordingly, OMs dated 27.10.2021, 06.12.2021 and 10.12.2021 have been issued by UIDAI providing necessary clarifications in this regard.

2. Though these OMs have addressed broader issues related to sharing of Aadhaar related data between various Central/ State Government entities UIDAI has been receiving references seeking further clarifications on specific issues pertaining to the enquiring departments which have since been duly provided to the concerned departments from time to time. It has been felt that the clarifications would be equally relevant to other departments. Therefore, the queries and clarifications thereto have been compiled and given in the table below for the convenience of user government departments:

Sl. No.	Query	Clarification
1	Vide UIDAI OM dated 27.10.2021, it has been clarified that different Ministries and Departments of the Government of India, can be treated as a single entity, i.e. the "Central Government" for effective formulation of various government schemes and selection of beneficiaries. Can different departments of State Government be treated as a single entity on similar lines?	As per the provisions of Article 166(3) of the Constitution of India, different departments of a State Government can be treated as a single entity, i.e. the "State Government" for effective formulation of various government schemes and selection of beneficiaries. However, a separate consent of the beneficiary must be taken by the implementing State Govt. department at the time of final delivery of subsidy, benefit and service. Further, attention is invited to Para 5 of the UIDAI OM dated 27.10.2021 which shall be applicable to various departments of a particular State Govt. also.

Contd.. on page 2

2	What is the information that can be shared amongst different departments of Central Govt. or State Govt., as the case may be?	Identity information including demographic information (name, date of birth, gender & address of residence) and photograph of beneficiaries, along with full Aadhaar number can be shared amongst different departments of Central Govt. or State Government, as the case may be, considering that these are to be treated as a single entity.
3	What is the information that can be shared between Centre and State Governments and States <i>inter-se</i> ?	Identity information including demographic information (name, date of birth, gender & address of residence) and photograph of beneficiaries, along with partially masked Aadhaar can be shared between Centre and State Governments and States <i>inter-se</i> . However, in case the consent as per Annexure to OM dated 06.12.2021 has been taken, full Aadhaar number can be shared between Centre and State or States <i>inter-se</i> .
4	While sharing of data between two departments for the purpose of formulation of a scheme and selection of beneficiaries thereto, which department should take consent of the beneficiaries?	The department which had originally collected the data should preferably take the consent of resident. However, such original department might get requests from different departments at different points of time and it will be functionally difficult to get consent of the resident repeatedly. Therefore, in such cases the borrowing department may seek consent.
5	What should be the mechanism for sharing of Aadhaar and related data between Central Govt. and State Govts. in case the requirement is for the same purpose for which Aadhaar was collected?	It is understood that in many cases, while implementing Central Govt. schemes, the data is collected by the State Govts. In such a scenario, full Aadhaar number can be shared if the State Govt. had collected the data which is now in possession of a Central Govt. Ministry/ Department. For example, the data collected in a particular state for a specified purpose like Pradhan Mantri-Fasal Bima Yojana (PM FBY), full Aadhaar number can be shared by Ministry of Agriculture with that State Govt. for that purpose. However, if the concerned State Govt. wants to utilize same data for some other purpose/ scheme, a separate consent must be taken from the residents by that State Govt.
6	What should be the mechanism for sharing of Aadhaar and related data between Central and State Governments in case the requirement is for different purpose for which Aadhaar was collected?	In such a case, only partially masked Aadhaar number along with related demographic details can be shared for formulation of schemes. For example, if a State Govt. seeks PM-FBY data from the Ministry of Agriculture, Govt. of India for implementation of another scheme, then only partially masked Aadhaar number can be shared by Govt. of India with that State Govt.

7	Whether Aadhaar and related data pertaining to schemes/ purposes notified under section 4(4)(b)(ii) of the Aadhaar Act read with the Aadhaar Authentication for Good Governance (Social Welfare, Innovation, Knowledge) Rules, 2020 can be shared by Central or State Government departments, as the case may be, amongst themselves and also between Central Government and State Governments?	Aadhaar and related data can be shared amongst different departments of Central Govt. or State Govt., as the case may be, considering that these are to be treated as a single entity. Further, demographic information (name, date of birth, gender & address of residence) and photograph of beneficiaries, along with partially masked Aadhaar can be shared between Centre and State Governments and States <i>inter-se</i> . However, in case the consent as per Annexure to OM dated 06.12.2021 has been taken, full Aadhaar number can be shared between Centre and State or States <i>inter-se</i> .
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3. This issues under approval of the Competent Authority.


(Sanjeev Yadav)
Director

To,

- (i) The Ministries/ Departments of Govt. of India
- (ii) The Chief Secretaries of States

Copy to: For information

The Secretary,
Ministry of Electronics & Information Technology,
Govt. of India.

सं. के- K-11022/764/2019 -यूआईडीएआईआय-।।।

भारत सरकार
इलेक्ट्रॉनिकी एवं सूचना प्रौद्योगिकी मंत्रालय
भारतीय विशिष्ट पहचान प्राधिकरण (यूआईडीएआई)
(अभिप्रमाणन विभाग)

यूआईडीएआईमुख्यालयभवन, तीसरीमंजिल,
बंगलासाहेबरोड, कालीमंदिरकेपीछे,
मोलमार्केट, नईदिल्ली-110001.

दिनांक: 06.12.2021

OFFICE MEMORANDUM

Subject: Form for enabling seamless implementation/formulation of various government schemes using Aadhaar related data under Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).

The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) ["Aadhaar Act"] was enacted to provide for efficient, transparent and targeted delivery of subsidies, benefits and services, to individuals residing in India through assigning of unique identity number to such individuals. The Central and State governments formulate many social welfare schemes/programmes across various sectors which in some cases cover crores of beneficiaries. There are already in position over 300 Central schemes notified under Section 7 of the Aadhaar Act which cover a huge number of individuals depending upon their eligibility for each one of the schemes.

2. UIDAI has received requests from various Government Ministries/ Departments, having Aadhaar-related data collected by them during the course of implementation of respective welfare schemes, to provide guidance regarding use of such data for future schemes of their own or of other Ministries/ Departments. This requirement can be appropriately addressed by a Form (attached as Annexure) which should be communicated to the individual concerned by calling upon them to submit their identity information for authentication, and at the same time, indicating that the demographic information and photograph alone will be used for the purposes of the schemes for which they are eligible and would be disclosed further so as to effectively ensure the benefits of all the different schemes for which they are eligible.

3. Towards this end, as per the requirements of Section 7 read with Section 29(3)(a) and (b) of the Aadhaar Act, a Form is attached as Annexure, for use by different Central Government Ministries/ Departments at the time of authentication of the resident.

4. It is further mentioned that Section 4 of the Information Technology Act, 2000 ["IT Act"] lays down that the requirement in any statute to have the information in writing would be deemed to have been satisfied if such information is made available in electronic form. Therefore, the requirement of Section 29(3) of the Aadhaar Act to inform the resident in writing of the purposes for which his/her Aadhaar number may be used and /or disclosed further would be met if the same is done through electronic form including by email, SMS to the mobile number of the Aadhaar number holder, or by accessing the Form on the website of the concerned Ministry/ Department of the Government of India.

5. This issues with the approval of the CEO, UIDAI.

Encl:-As above.

21/12/2017
06/12/2017
(Amit Bhargava)
Deputy Director

To,

The Ministries/ Departments of Govt. of India

Copy to: For information

The Secretary,
Ministry of Electronics & Information Technology,
Govt. of India.

Form for Intimation of Purposes for prospective data sharing

1. I understand that my Aadhaar number, photograph and demographic information, as understood under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and services) Act, 2016 (18 of 2016) and regulations framed there under, is being collected by the Government of India for the following Purposes:

- i. Authenticating my identity by way of the Aadhaar authentication system;
- ii. Registering on the Portal (*Name of the Portal*), after authentication, for availing subsidies, benefits & services under Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016);
- iii. Sharing of my Aadhaar number and demographic information and photograph, for verifying my identity for the purpose of determining my eligibility across Government welfare programmes, which are in existence and for future programmes, run by the Central Government and State Governments under Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016);

2. I understand that the Government of India shall create an Aadhaar-seeded database containing my Aadhaar number, photograph and demographic information for all or any of the purposes enlisted in paragraphs 1(i)-(iii) of this form, and that the Government of India shall ensure that requisite mechanisms have been put in place to ensure safety, security and privacy of such information in accordance with applicable laws, rules and regulations.

3. I have no objection to provide my Aadhaar Number, photograph and demographic information for Aadhaar based authentication for the purposes enlisted in paragraphs 1(i)-(iii) of this form and further for creation of an Aadhaar-seeded database as described Paragraph 2 of this form.

4. I also understand that my 'no-objection' accorded in this form is revocable and I have the right to withdraw the same at any time in future, through a communication of opting out.

F.No. K-11022/764/2019-UIDAI(Auth-II),
Government of India,
Ministry of Electronics and Information Technology,
Unique Identification Authority of India
(Authentication Division)

3rd Floor, Bangla Sahib Road,
UIDAI Hqrs, Near Kali Mata Mandir,
New Delhi- 110001

Dated: 27/10/2021

OFFICE MEMORANDUM

Subject :- Treating different Departments of Government of India, administering Section 7 or Section 4(4)(b)(ii) schemes, as a single entity under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016- reg.

UIDAI is in receipt of communications from several Government entities to effectively use Aadhaar in the interest of good governance to promote ease of living of residents and enabling better access to welfare services for them. A question has been raised whether different Departments of the Central Government, administering Section 7 or Section 4(4)(b)(ii) schemes, can be treated as a single entity under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

2. In this regard it is intimated that Article 77 of the Constitution of India provides that all business conducted by the executive shall be expressed to be taken in the name of the President, and the President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business. Article 77 is extracted below for reference:

77. Conduct of business of the Government of India. –

(1) All executive action of the Government of India shall be expressed to be taken in the name of the President.

2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

(3) The President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business."

3. Further, it is settled law that the Government of India is a single legal entity, and the different Ministries and Departments of the Government of India are all a part of the Government of India. This has been so held by the Supreme Court in *Villianur Iyarkkai*

Padukappu Maiyam v. Union of India and Ors. (2010) 15 SCC 230 (in paragraph 12), which is extracted below:

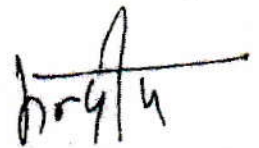
"11. The basic and fundamental fallacy from which the argument that the Ministry of Home Affairs was not impleaded as a party to the writ petition filed before the High Court of Madras and therefore relief claimed in the application should be granted, suffers is that the Union of India was represented before the Court by one of its departments. Another department, after the judgment is delivered cannot be heard to say that it was not impleaded as a party and therefore the judgment delivered by a court of competent jurisdiction is not binding on the said department. If the courts of law start entertaining such a specious plea, there would be no end to the litigation where the Union of India and or the State Government concerned is impleaded as a party nor would there be finality of any judgment whether it is delivered by the High Court or by this Court.

12. The Union of India is a legal entity. It cannot be split into various departments for the purpose of being arrayed as a party in a litigation before a court of law. Thus, the Union of India was duly represented not only before the High Court of Madras but also before this Court. It would be unjust to grant prayer of modification/recall of the order passed in LA No. 2 of 2009. Even if it is assumed for the sake of argument that the Ministry of Home Affairs was the proper and appropriate department of the Union of India to be impleaded as a party in the writ petition which was filed before the High Court of Madras, the negligence is palpable and delay on the part of the said Ministry would be fatal."

4. Therefore, the different Ministries and Departments of the Government of India, can be treated as a single entity, i.e. the "Central Government" for effective formulation of various government schemes and selection of beneficiaries.

5. However, the various provisions of Aadhaar Act and Regulations notified thereunder regarding data protection, data storage and privacy etc. and in particular, seeking consent, needs to be complied with. Further, it may be ensured that at the time of authentication for the delivery of services, benefits and subsidies, the identity information is used/disclosed only for purposes informed in writing to the Aadhaar number holder.

6. This issues with the approval of CEO, UIDAI



Dr. Mandeep Singh Lamba
Deputy Director

To,
The Secretary

Copy To,
The Secretary
MeitY - For kind information please