

# Privacy Matters Far Beyond Aadhaar

Needed, separate law to secure personal data

The ongoing hearing before a nine-member bench of the Supreme Court on the right to privacy should focus more on the conditions that would warrant its infraction than on its constitutional validity. As Abhishek Manu Singhvi argues in the current issue of ET Magazine, India is party to international conventions that uphold the right to privacy, making it a part of the country's jurisprudence until a specific piece of legislation explicitly contravenes it. The right to free speech and assembly are fundamental rights, but subject to conditions. Hate speech or child pornography would not pass muster and a mob gathering to lynch someone would be unlawful, not an exercise of the fundamental right to assemble. Thus, even if a right to privacy exists, it would not be an absolute right, but allow similar constraints.

It is ridiculous in a country where it is increasingly routine for employees to log attendance pressing their thumb against a flashing electronic reader and for individuals



to blithely use their fingerprints to unlock mobile phones to restrict privacy considerations to Aadhaar. The unique identity scheme promises immense benefits, particularly for the less-well-off and the health of the fisc, which outweigh the potential costs of its misuse. But Aadhaar is a minor

part of digital intrusions into privacy. People sign away their consent to collection of their own and their contacts' data, when they download and instal assorted applications on their phones. India lacks any legal requirement for those who collect such data to safeguard the data. The focus of judicial engagement with privacy should be the degree to which individuals can have control over their personal data and the complex trade-offs in the digital world between having behavioural data of an entire population analysed, say, to train better artificial intelligence algorithms, than the existence of a right that, in any case, can be qualified.

That calls for a separate law on privacy that allows collection and portability of data while safeguarding people against the misuse of personal data.