

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 2790
TO BE ANSWERED ON: 09.12.2016

PRIVACY AND DATA PROTECTION LAWS RELATED TO AADHAAR CARD

2790. SHRI SANJAY RAUT:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether Government plans to initiate broad-ranging privacy and data protection laws that can address systematic concerns relating to breach of privacy of citizens while implementing the Aadhaar Act, if so, the details thereof; and
- (b) whether Government has taken any measures to ensure absolute safety of biometric authentication and if so, the details thereof?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P.P. CHAUDHARY)

(a): The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 [Act 18 of 2016], was passed by the Parliament on 16-03-2016. It is designed to promote good governance, financial inclusion and for targeted delivery of subsidies, benefits and services to deserving individuals in a transparent manner. In the Act, all important, legally validated and well certified principles of data privacy and protection of information have been incorporated. The specific provisions of the Act, in this regard, are as follows:-

- (i) The Act provides that the resident shall be informed, at the time of enrolment, of the manner in which the information collected shall be used and the nature of recipients with whom the information is intended to be shared during authentication [Section 3(2)]. Further, consent of the individual would be obtained for using his identity information during authentication and he would also be informed of the nature of information that may be shared upon authentication and usage thereof [Section 8 and 29(3)].
- (ii) Section 29 provides that no core biometric information (iris and fingerprints) shall be shared with anyone for any reason whatsoever and the same shall not be used for any purpose other than Aadhaar generation and authentication. It further provides that no Aadhaar number or core biometrics collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specifically provided for by the regulations framed under this Act.

(b): Yes, Sir. The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, passed by the Parliament on 16-03-2016 and subsequently, published in the Gazette of India, Extraordinary, Part II, Section I, dated the 26th March,

2016 as Act No. 18 of 2016, provide that no core-biometric information (fingerprints, iris scan) shall be shared with anyone for any reason whatsoever (Sec 29) and that the biometric information shall not be used for any other purpose other than generation of Aadhaar and authentication. Further, the Aadhaar (Authentication) Regulations, 2016 have also been notified in September 2016. These Regulations inter alia provide for biometric authentication to be done only by authentication Users Agency (AUA) authorized by UIDAI, transmission of biometric information in encrypted form, use of only certified device, etc.
