

SRIKRISHNA PANEL REPORT

# 'Amend Aadhaar Act to bolster privacy guards'

● Body seeks more autonomy for UIDAI

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THE JUSTICE SRIKRISHNA panel on data protection has recommended that the Aadhaar Act be amended 'significantly' to bolster privacy safeguards and mooted that only public authorities approved by the UIDAI or entities mandated by law be given the right to request for identity authentication.

The panel — whose views on Aadhaar are captured in its 213-page report, but are not part of the draft Personal Data Protection Bill, also submitted by it to the government on Friday — seeks greater auton-

## KEY RECOMMENDATIONS

- Only **public authorities approved by the UIDAI** or entities mandated by law be given the right to request for identity authentication
- For entities that do not perform a public function, but where identification of individuals may still be required, only offline verification of Aadhaar numbers with the consent of the **Aadhaar holder** should be used for **identity verification**
- UIDAI should be autonomous in its **decision-making, functioning independently of the user agencies** in the government
- UIDAI should be vested with **powers akin to a traditional regulator for enforcement actions**



omy, both functional and financial, for the Aadhaar-issuing body.

The panel asserted that the Unique Identification Author-

ity of India (UIDAI) should not only be autonomous in its decision-making, functioning independently of the user agencies in the government,

but also be vested with powers akin to a traditional regulator for enforcement actions.

It has prescribed that UIDAI should be granted powers to impose civil penalties on various errant entities and be armed with power to give directions, issue cease and desist orders to state and private contractors in cases involving statutory violations or non-compliance, and for actual or impending privacy breach.

"The Aadhaar Act needs to be amended significantly to bolster privacy protections and ensure autonomy of the UIDAI," said the report by the panel, a telling statement given the numerous reports of personal information being allegedly compromised with increasing use of biometric identifier Aadhaar in an array of services.

The recommendations of the committee also assume

significance as the Supreme Court has reserved its judgment on a clutch of petitions challenging the constitutional validity of the Aadhaar Act.

"...it is salient that the data protection regime proposed by the committee will require close introspection by the government on various aspects pertaining to the existing functioning of the UIDAI. Currently, the Aadhaar Act is silent on the powers of the UIDAI to take enforcement action against errant companies in the Aadhaar ecosystem," the report said.

Citing 'several instances' in the recent past of companies wrongly insisting on Aadhaar numbers, those using the numbers for unauthorised purposes and those leaking the numbers, the report said these episodes can affect informational privacy and 'requires urgent redressal'.