

'Not one case of data leak from UIDAI has been reported yet'

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Ajay Bhushan Pandey, chief executive of the Unique Identity Authority of India (UIDAI), speaks in an interview on data security and making Aadhaar mandatory for a host of services. Edited excerpts:

First, there has been a lot of negative criticism around Aadhaar in the last few weeks, rather in the last few years. Aadhaar advocates say that this will definitely streamline the system and weed out duplicates as well as frauds, but critics are concerned about data security breach and also on privacy. What are your comments on the recent developments around this and the campaign that has been going as far as Aadhaar is concerned?

What we would like to say is that whatever data that is with UIDAI is fully safe and secure. One fact that I would like to present to you is that ever since we started Aadhaar—Aadhaar was started on September 29, 2010—and since then, we have given Aadhaar to more than 113 crore people. We have also started authentication service where you can give your Aadhaar number and give your biometrics and then our system will tell yes and no.

Till now, we have done more than 500 crore of authentications, more than 100 crore of Aadhaar based e-KYC (know your customer) for various purposes, for opening bank accounts, for getting SIM cards and these things.

Now, not a single case of data leak from the UIDAI, data breach from UIDAI, not a single case of identity theft or financial loss has been reported to us. So, this is the only thing that I would like to say and then the people should make a judgement whether Aadhaar is safe or not.

To follow up on this question, you are definitely saying that Aadhaar database is absolutely secure, there was a backlash on social media last week over the online publication of personal information, be it Aadhaar numbers to bank account details and also names and addresses. Several privacy advocates alleged that information collected by ministries, departments and state governments are readily available just by

an online search. So how secure really is the Aadhaar database? How do you allay these concerns?

Let me explain. There are two parts to this whole problem. One is, as you know, the database which is inside the UIDAI and as I mentioned, no breach has happened and we are quite vigilant about it because we can never say that we are 100% and absolutely secure. In the security world, there is nothing called fully secure and absolutely secure.

But you are saying that this is fool-proof?

It is secure as much as any other contemporary system. This is number one. Now, the social media and the other parts of the media, the story that has come out that some people's personal data which could include even the bank account details, financial information and including his Aadhaar number, that was outside the UIDAI system.

Let us say, suppose somebody went to receive some benefits or somebody went to some school for getting school admission, he wants to apply for a scholarship. Now he has to give some form of ID.

Now, because most people have Aadhaar, they may have given Aadhaar identity and also they have given their bank account number. Publishing bank account number is also an offence under the Income Tax Act and then the banking laws.

Similarly, publishing Aadhaar number also is an offence. So, what has happened is in the overall scenario, some users of Aadhaar as well as the financial information they were not very vigilant (about) and therefore, they published the list of the beneficiaries online along with their names, addresses and Aadhaar number, bank account number.

So, that is what the government, last week, gave an advisory to all ministries of the central government and also the state government saying that please be vigilant, be respectful to the privacy of people and do not publish such data including Aadhaar, including bank account details and other things because we need to respect the privacy of the people whom you try to serve.

But so far, data from Aadhaar itself was never leaked.

Who has access to the Aadhaar database because the Aadhaar Act says that the information will be disclosed at the Centre's orders if national security is threatened, but there is no specific definition of national security in the Act itself. How do you



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really define that?

First of all, the Aadhaar database access is defined only in two manners. One is that if a person wants to authenticate and confirm his identity, then he gives his Aadhaar number and gives his biometric and then he also gives consent to the person who is collecting this that I hereby give you consent to collect my biometric and also my Aadhaar number so that you can authenticate from the UIDAI server. This is one.

Also, we have another kind of service where you give your biometric and your Aadhaar number and we give the e-KYC information—your name, address, photograph—so that it will help you open bank accounts and in this manner, more than 4.47 crore people have opened bank accounts through Aadhaar e-KYC because they did not have any other IDs. This is a very important point.

However, there could be some case where for national security purpose, supposing accessing to Aadhaar database is required, then Aadhaar Act provides a very stringent condition which is not there in any other contemporary law.

For example, in case of Aadhaar, if this data is required without the consent of the individual, then an order of a joint secretary in the ministry of home will be required and before that order takes effect, this order has to be vetted and approved by a committee headed by cabinet secretary and secretary of ministry of information technology and secretary of ministry of law, such senior officers.

They would weigh whether it is a case of national security

or not and in the national security, if they decide that yes, in certain cases, Aadhaar data has to be shared, then Aadhaar Act allows that.

My question is what is the scope of definition of national security? In what kind of cases does this conform to? When can the centre access the information of general public?

The definition of national security, whether a case falls into the overall situation of national security or not, it will be decided by the committee headed by the cabinet secretary.

What are the remedies available to a citizen, if you could really tell this to our viewers out here, in case of a data breach of course, or a fraud? For instance, money being taken out from a bank account, what is the redressal system? Should a person go to the court, file a police complaint or come to you for redressal?

I will give you an example. Let us say suppose somebody finds out that some money has been withdrawn from his bank account. Basically, he should go to the police and lodge a complaint saying that my money has been withdrawn from my bank account and I do not know how the money has been withdrawn, through the debit card or credit card or somebody forged the signature and then he withdrew the money.

Now during the investigation, supposing if the police comes to know that yes, it is a case of a signature fraud, then in that particular case, police

will take a different course of action. But during the investigation if it is found that this particular fraud was committed through Aadhaar number, then in that particular case, police will approach us and take our approval under the Aadhaar Act and we will give approval in that particular case.

So, the fact is that anyone who is aggrieved by any fraud first has to go to the normal police under the Criminal Procedure Code (CrPC) and then follow the due process of law. The law also provides that you can go to court and then the court can direct the police to conduct investigation.

So, these are the options available but as and when it comes to the notice during the investigation that Aadhaar data was used to commit this fraud or commit this offence then at that particular time, if it is a violation of Aadhaar Act, they can come to us and we will give approval.

Would bringing perhaps a privacy bill settle some of the data security concerns? Is there something in the making, has the government internally discussed on the way forward and how to tackle the privacy concerns? Of course as you said it is very much secure, but any privacy bill?

There are two parts to the problem, one is the privacy relating to Aadhaar. So, far as the Aadhaar Act is concerned, this whole privacy protection features have been inbuilt into the Aadhaar Act itself. For example Aadhaar Act Section 29 describes what privacy protection measures are there.

Section 29 says that your core biometric cannot be shared with anyone for any reason whatsoever. Supposing if somebody comes and says that I want the biometric of this person, even if the resident says that I have no objection if my biometric is given to this person, we will say no. Aadhaar core biometric cannot be given to anyone.

If any agency has collected Aadhaar number, he has to take his consent that we want to have your Aadhaar number because we want to give you some service.

At the time of collection of Aadhaar number and biometric that agency has to disclose the purpose for which Aadhaar number is being collected. Then this Aadhaar number can be used only for the purpose which was disclosed to that resident.

In case if there is any violation then again it is a serious offence under the Aadhaar Act.

The Aadhaar Act also says

that Aadhaar information, Aadhaar number and other details cannot be published online. If anyone does that he is committing an offence. So, that is precisely the point, that in the social media that you talked about in the beginning some people were inadvertently publishing this data along with name and other details and we told them that this is technically an offence and please don't do this otherwise tomorrow you will have to face action.

The government's decision to make Aadhaar mandatory for a host of services including filing of the Income Tax Returns now has been criticised by not only experts but also the opposition which says that the centre has unconstitutionally bypassed the Rajya Sabha and disregarded the Supreme Court order that has called for Aadhaar not to be made mandatory. So, this leaves citizens with no option but to enrol. Why is there an extreme hurry to mandate Aadhaar in terms of these kind of services?

Aadhaar Act was passed by the Parliament last year and then it has been notified by the government in September last year. So, it has become the law of the land. What does this law of land say?

The law of land says, and which is passed by the parliament, that if government wants to give any service from the consolidated fund of India or benefits or subsidy from consolidated fund of India like scholarship or PDS (public distribution system) benefit or MNREGA (Mahatma Gandhi National Rural Employment Guarantee Act), housing or various health benefits, in all these programmes the money comes from the consolidated fund of India, so the government can say that Aadhaar is required.

However the government also recognises that not everyone in the country even today, even though we have given Aadhaar to more than 113 crore people, still there could be a very few people who may be left out and there is no justification for denying them the benefit just because they have not been able to enrol for Aadhaar.

Therefore the provision of giving an alternate means of identifications to those who do not have Aadhaar is provided in the Aadhaar Act itself.

So, what Aadhaar Act says, that if anyone wants benefit from the government then he has to give Aadhaar and if he doesn't have Aadhaar then he should try to enrol for Aadhaar.

Till he is able to enrol for Aadhaar and till he is given Aadhaar number from the UIDAI, the benefit shall be given by the concerned department through the alternate means of identification without an Aadhaar card, that is the law of the land.