



Draft India Data Accessibility & Use Policy 2022

For Prelims: Data Accessibility Policy, High Value Data, India Data Office, Data Protection Law.

For Mains: Government Policies & Interventions, Cyber Security, IT & Computers, Data Accessibility Policy and its Challenges.

Why in News?

Recently, the Ministry of Electronics and Information Technology (MeitY) released a policy proposal titled as, **“Draft India Data Accessibility & Use Policy, 2022”**.

- The policy objectives mentioned in this draft are **primarily commercial in nature**. It aims to **radically transform India’s ability to harness public sector data**.
- Earlier, a government committee headed by Infosys co-founder Kris Gopalakrishnan has suggested that **non-personal data generated in India be allowed to be harnessed by various domestic companies and entities**.

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THE FINE PRINT

<ul style="list-style-type: none">▪ Stakeholders like start-ups, enterprises, individuals and researchers will be able to access enriched data	<ul style="list-style-type: none">▪ India Data Council will oversee metadata standards, comprise the India Data Office and data officers of five other government departments
<ul style="list-style-type: none">▪ Pricing of datasets will be done by the respective government departments in a transparent manner	
<ul style="list-style-type: none">▪ Draft policy says guidelines will be framed to decide how long datasets can be held by the government	<ul style="list-style-type: none">▪ Every Ministry/ Department shall have data management units headed by chief data officers

Why has the Draft Data Accessibility Policy been Proposed?

- **Increased Data:** The generation of citizen data is slated to increase exponentially in the next decade and become a **cornerstone of India's USD 5 trillion-dollar digital economy.**
- **Benefits of Data Exploitation:** The **National [Economic Survey, 2019](#)** noted the commercial benefits of Government data exploitation.
 - The **private sector may be granted access to select databases for commercial use.**
- **Absence of Policy:** A background note that accompanies the policy **outlines existing bottlenecks in data sharing and use.**
 - It includes the **absence of a body for policy monitoring** and enforcement of data sharing efforts, absence of technical tools and standards for data sharing, identification of high value datasets and licensing and valuation frameworks.
- **To Unlock High Value Data:** It indicates a way forward to **unlock the high value of data across the economy**, congruent and robust governance strategy, making Government data interoperable and instilling data skills and culture.

What are the Major Proposals of the Draft Data Accessibility Policy?

- **India Data Office:** The document proposes the establishment of an **India Data Office (IDO)** to streamline and unify data access and sharing among government and other stakeholders.

- It will **define frameworks for high-value data sets, finalise data standards and metadata standards** and review policy implementation, among others.
- Every ministry or department should have **Data Management Units**, headed by Chief Data Officers, which will work closely with the IDO to ensure the implementation of this policy.
- **Coverage:** All data and information generated, created, collected, or stored by the central government and authorised agencies shall be covered by the policy. The measures can also be adopted by state governments.
- **Restricted Data:** All government data will be open and shareable unless it falls under a **negative list of data sets**.
 - Data categorised under the **negative list of datasets that won't be shared, and restricted access and shared only with trusted users**, as defined by the respective ministry or department, under the controlled environment.
- **Data Toolkit:** All ministers or departments will receive a **data-sharing toolkit to help assess and manage risk associated with data sharing and publication**.
 - The framework **will assist data officers in determining whether a data set qualifies for release, restricted sharing, or must be placed on the negative list**, as well as the proper release channel and degree of anonymity required.
- **Aligned to Existing Laws:** Data shall remain the property of the agency/ department/ ministry/ entity which generated/collected it. Access to data under this policy shall not be in violation of any acts and rules of the government of India in force.
 - The legal framework of this policy shall be aligned with various acts and rules covering the data.

What are the Issues with the Draft Data Accessibility Policy?

- **Privacy:** India **does not have a [data protection law](#)** (Data Protection Bill) that can provide **accountability and remedy for privacy violations** such as coercive and excessive data collection or data breaches.
 - Here, **inter-departmental data sharing poses concerns related to privacy** since the open government data portal which contains data from all departments may result in the creation of 360 degree profiles and enable **state-sponsored mass surveillance**.
 - Even though the policy considers anonymisation as a desired goal there is a **lack of legal accountability and independent regulatory oversight**.
 - There is also a **failure to consider scientific analysis and the availability of automated tools** for the re-identification of anonymous data.
 - The commercial value of the data increases with greater amounts of personal data. The absence of an anchoring legislation further **leads to the policy not being able to fulfil the threshold of legality for state intervention into privacy** which was put in place by the **Supreme Court** of India in its landmark **right to privacy** decision (**K.S. Puttaswamy v. Union of India i2017**).
- **Transparency:** While adopting the language of open data it **strays from its core principle of providing transparency of the Government towards its citizens**.
 - There is only one mention of transparency and little to no mention of how such data sharing will help ensure demands for accountability and redress.
- **Perverse Revenue Objective:** The second issue is that the policy bypasses parliament as it contemplates large scale data **sharing and enrichment that will be borne from public funds**.
 - Further, the constitution of offices, prescription of standards that may be applicable not only to the Central government, but even **State governments and schemes administered by them require legislative deliberation**.
- **Federalism:** The policy, even though it notes that State governments will be, “free to adopt portions of the policy,” **does not specify how such freedom will be achieved**.
 - It becomes relevant, if specific standards are prescribed by the Central government for data sharing, or as a precondition to financial assistance.
 - There is also the **absence of any comment on whether data gathered from States may be sold by the Central government** and whether the proceeds from it will be shared with the States.
- **Lack of Clarity on Definitions for Key Concepts:** New concepts introduced by the Policy have been **defined in a vague and ambiguous manner** which opens them up to misinterpretation.

- The Policy creates a separate category of '**High-Value Datasets**' which it deems essential for governance and innovation, access to which will be accelerated.
- However, **nowhere in the Background Note or the Policy has the category been concisely defined.**

[Source: TH](#)

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