



Centre Exempts CERT-In from Ambit of RTI Act

For Prelims: [Right to Information Act, 2005](#), [Indian Computer Emergency Response Team \(CERT-In\)](#), [Cyber Security](#)

For Mains: Right to Information (RTI) Act, Transparency & Accountability, Cyber Security

Source: IE

Why in News?

The Centre, through the Department of Personnel and Training (DoPT), has recently issued a notification exempting the [Indian Computer Emergency Response Team \(CERT-In\)](#) from the purview of the [Right to Information Act, 2005](#).

- CERT-In, will now operate outside the scope of the RTI Act, 2005 **limiting public access to information about its activities and functioning.**

How was CERT-In Exempted?

- The Centre has used its powers given under **Section 24(2) of the RTI Act to exempt CERT-In from the purview of the transparency law.**
 - Section 24(2) of the RTI Act, 2005 allows the Central Government to change the Schedule by **adding or removing intelligence or security organizations** established by the Government.
 - However, the subsection does not apply to the information pertaining to the **allegations of corruption and human rights violations**, not to the cases where such allegations are made.
 - Moreover, the information related to the allegations of human rights violations can only be provided after the approval of the [Central Information Commission](#).
- The Centre can amend the Second Schedule through a notification in the Official Gazette. However, every such notification shall be laid before each **House of Parliament**.
 - Similar powers have been given to the state government under Sub-section 4 of Section 24 of the RTI Act.
- Using those powers, the Centre has included CERT-In in the Second Schedule of the RTI Act, alongside 26 other intelligence and security organizations that are already exempted from the Act.
 - The list includes prominent intelligence and security organizations such as [Intelligence Bureau](#), [Directorate of Revenue Intelligence](#), [Directorate of Enforcement](#), [Narcotics Control Bureau](#), and others.

What is CERT-In?

- **About:**
 - CERT-In is the national nodal agency responsible for handling cyber security threats, such as [hacking and phishing](#). It operates under the **Ministry of Electronics and Information**

Technology.

- CERT-In has been **operational since January 2004.**

▪ **Functions of CERT-In:**

- According to the Information Technology Amendment Act 2008, CERT-In has been designated to serve as the **national agency** to perform the following functions in the area of cyber security:
 - Collection, analysis and dissemination of information on cyber incidents.
 - Forecast and alerts of **cyber security** incidents.
 - Emergency measures for handling cyber security incidents.
 - Coordination of cyber incident response activities.
 - Issue guidelines, advisories, vulnerability notes and whitepapers relating to information security practices, procedures, prevention, response and reporting of cyber incidents.
 - Such other functions relating to cyber security as may be prescribed.

▪ **Importance for India:**

- CERT-In is important for India because it helps to **protect the country's critical information infrastructure** and **digital assets** from cyber-attacks.
- It also helps to enhance the **cyber resilience** and readiness of the country's various sectors, such as government, defence, banking, telecom, etc.
- It also contributes to the **national security and economic development** of the country by promoting a safe and secure cyber environment.

What is the Right to Information Act, 2005?

▪ **About:**

- Enacted in 2005, the RTI Act is a legislative framework granting Indian citizens access to information held by public authorities.
- Its foundation lies in [Article 19\(1\)\(a\) of the Constitution](#), ensuring freedom of speech and expression.
 - The act replaced the Freedom of Information Act 2002.

▪ **Constitutional Backing:**

- Derived from Article 19(1)(a), the RTI Act is considered a **fundamental right**, as established in the **Raj Narain vs. State of Uttar Pradesh case**.

▪ **Time Period and Exemptions:**

- In normal course, information to an applicant is to be supplied **within 30 days, or 48 hours if related to life or liberty.**
 - Section 8(1) outlines exemptions, covering national security, strategic state matters, foreign relations, and more.

▪ **Implementation:**

- The **Public Information Office (PIO)** is a pivotal component of the RTI Act's implementation.
 - A PIO is a designated officer within a public authority who acts as a bridge between citizens seeking information and the government organization holding that information.

▪ **Appellate Authority:**

- If dissatisfied with the PIO's response, citizens can appeal to the First Appellate Authority within the same public authority. Further appeals can be made to the **Central or State Information Commission if needed.**

▪ **Recent Amendments in RTI Act:**

- **Amendment in 2023:**
 - Recently, section 44 (3) of the Digital Personal Data Protection Act 2023 modified Section 8 (1)(j) of the RTI Act, **creating an exemption for all personal information from disclosure and removing** the previously established exceptions that permitted the release of such information.
- **[Right to Information \(Amendment\) Act, 2019:](#)**
 - Altered tenure and conditions of **Chief Information Commissioner (CIC) and Information Commissioners (ICs).**
 - ICs' terms made subject to central government prescription (currently set for 3 years, not the previous fixed 5-year term).

- Salary, allowances and other service conditions of the CIC and an ICs (of centre as well as states) shall be such as prescribed by the central government.
- **Eliminated provisions for deduction of pension** or retirement benefits for previous government service at the time of CIC and ICs' appointment.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains

Q. The Right to Information Act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability." Discuss. **(2018)**

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