
MeitY Committee Report on Non-Personal Data Governance Framework – open to public comments until 13 August 2020

July 28, 2020

In brief

The Committee of Experts (Committee) on Non-Personal Data Governance Framework was formed by Ministry of Electronics and Information Technology (MeitY) on 13 September 2019, and their report of recommendations¹ was released on 12 July 2020. The framework outlines a set of guiding principles and makes a case for the regulation of non-personal data (NPD).

The highlights of the report on the NPD framework are summarised below.

In detail

Definition of NPD

The committee has defined NPD as any data that is not related to an identified or identifiable natural person or is personal data that has been anonymised. The committee has also recognised that certain categories of NPD can also be sensitive in nature if it relates to national security, is business sensitive, anonymised sensitive personal data or bears the risk of collective harm to a group.

Classification of NPD

The committee recommends that NPD should be classified into three categories as follows:

1. **Public NPD:** NPD collected or generated by the Government, or by any

agency of the Government, and includes data collected or generated in the course of execution of all publicly funded works. Examples: Anonymised data of land records, public health information, vehicle registration data, data on pollution levels collected by a university, etc.

2. **Community NPD:** NPD, including anonymised personal data, and NPD about inanimate and animate things or phenomena, whether natural, social or artefact, whose source or subject pertains to a community of natural persons and is raw, without any processing or derived insights. Examples: This can include datasets collected by municipal corporations

and public electric utilities, datasets comprising user-information collected even by private players such as telecom, e-commerce, ride-hailing companies, etc., should be considered community data.

3. **Private NPD:** NPD collected or produced by persons or entities other than Governments, the source or subject of which relates to assets and processes that are privately owned by such person or entity and includes those aspects of derived and observed data that result from private effort.

Data ownership

The report recommends that ownership of NPD collected in India be defined and the concept of “beneficial

¹ [Report by the Committee of Experts on Non-Personal Data Governance Framework](#)

ownership/ interest” be adopted. It states that public NPD will be treated as a national resource; community NPD collected in India is ‘beneficially owned’ by the related community, but rights over it vest with the data trustee of that community and private NPD, raw/ factual data related to a community might be shared. However, where data processing adds value to raw data, remuneration may occur.

Different roles in the NPD ecosystem

1. **Data principal:** The entity/ individual to whom the collected data pertains.
2. **Data custodian:** The entity that undertakes the collection, storage and processing of data, considering the best interest of the data principal.
3. **Data trustee:** The data principal or community will exercise its rights through a data trustee. The framework/ guidelines to be provided for who can act as an appropriate data trustee for a group/ community.
4. **Data trusts:** Institutional structures for sharing a given dataset as per specified rules and protocols, etc., are recommended.

Data business and data sharing

The purposes of data sharing are provided as sovereignty/ national security, core public interest, i.e., R&D, delivery of public services, policy making, etc., and economic purposes. The committee recommends creating a new category of business – “*data business*,” which would mean and include any commercial, Government, or non-Government entity that processes or manages data beyond a certain data-related threshold. It is also recommended that individuals

and organisations be allowed controlled access to NPD for sovereign, public interest and economic purposes, define data-sharing mechanisms for private NPD, creation of a Non-Personal Data Policy Switch, as a single digital clearing house.

Data localisation

The report also recommends that the localisation aspects of the NPD may follow guidelines derived from the corresponding personal data-related provisions of the Personal Data Protection Bill, 2019. It further provides that sensitive NPD be transferred outside India but shall continue to be stored within India. Critical NPD (which will follow the definition of critical personal data, which is to be notified by the Central Government) can only be stored and processed in India. General NPD may be stored and processed anywhere in the world. For all Indian community NPD or public NPD taken outside India, Indian laws and regulation will continue to apply on such data, in precedence over the law or regulation of any other jurisdiction.

NPD authority

The committee recommends that a separate legislation should govern NPD and it should be regulated by a new regulatory body, the Non-Personal Data Authority (NPDA) for the collection, processing, storage and sharing of NPD. Such authority would enable legitimate sharing requests and requirements and it would regulate the supervision of corresponding data-sharing arrangements, involving data businesses, data trustees and data trusts. The NPDA shall also address market failures and supervise the market for NPD, including certifying rules and technology frameworks for various types of data sharing,

data safety, anonymisation, etc., and set standards.

The case for regulation made is as follows:

- To generate economic benefits for citizens and communities in India and unlock the immense potential for social/ public/ economic value data.
- To create certainty and incentives for innovation and new products/ services creation in India. To encourage start-ups in India.
- To create a data-sharing framework such that community data is available for social/ public/ economic value creation.
- To address privacy concerns, including from re-identification of anonymised personal data, preventing collective harms arising from processing of NPD and to examine the concept of collective privacy.

Next steps

- The report of recommendations on the framework is now open for stakeholder comments/ consultation until 13 August 2020.
- The report of recommendations is expected to go through inter-ministerial consultation with the Central Government, and thereafter, the Joint Parliamentary Committee may form a view on if the concept and framework of NPD should be included in the Personal Data Protection Bill, 2019, and the upcoming e-commerce policy.

Let’s talk

For a deeper discussion of how this issue might affect your business, please contact your local PwC advisor

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