# Data Protection Law Should Focus on Privacy

## What is the issue?

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- Artificial Intelligence is increasingly shaping a “Technology Centric Human Society” but we need to recognize that technology should be people centric.
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- As many seek technological solution for even trivial issues, data protection legislation should be about protecting people and not innovation.
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## What are the concerns?

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- The Justice Srikrishna committee has been mandated with the task of making recommendations for a drafting a data protection law.
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- The committee is currently hearing the views of various stakeholders like “civil society group, academic experts, technologists, industry etc…”
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- While the committee’s work looks promising, its recently published white paper talks about the twin case of “innovation for development” and “privacy concerns”.
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- This gives out the opinion that the committee sees privacy as a hurdle to innovation, which isn’t in sync with its mandate of addressing privacy concerns.
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## What was the rationale of the privacy judgment?

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- The liberty of the individual finds expression through concepts such as

"autonomy, dignity, choice and freedom", which is violated if his privacy is.
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- In the "Puttasamy case", Supreme Court declared privacy as a fundamental right and called for a carefully structured regime for the protection of data.
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- This was based on the recognition that privacy violation is an intrusion upon the "personal liberties of citizens" and requires an obligation on the state to act.
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- The judgment's singular conclusion was that "privacy protection laws" should shield individuals rather than commercial interests or technological innovation.
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- Some may argue that such a judgment might legally disrupt innovation, but contrarily, a strong law would actually enhance human centric innovation.
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- It would make big data subject to greater legality, the Internet of Things best suited to the Internet of people, and AI subject to natural rights.
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- To forge such an understanding, one needs to acknowledge that technology is a means for development and not an end in itself.
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- The right regulatory design is hence mandatory to prevent pure market mechanisms that concentrate power in a few individuals.
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## What is the way forward?

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- 5 years ago, Justice A.P. Shah Committee proposed nine privacy principles based on a "fundamental philosophy" for data protection.
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- To operationalize these and account for "innovation" the Shah Committee also recommended, a technology neutral and generic "Privacy Act"
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- This was to ensure that the principles and enforcement mechanisms remain adaptable to "technological, social and political" changes in the society.
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- However, the recommendations were clearly acknowledged that data protection is about protecting individuals and not about protecting innovation.
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- To ignore these key points now would be a decisive blow to privacy, and hence any new recommendation needs to build on the Shah committee’s views.
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**Source: The Hindu**

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