

## Draft IT Amendment Rules, 2018

### Why in news?

The Electronics and IT Ministry has recently released draft Information Technology Amendment Rules, 2018 focussing on social media platforms.

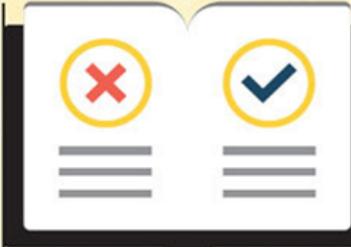
### What is the background?

- The draft rules have been prepared to replace the IT rules notified in 2011.
- Internet intermediary refers to a company that facilitates the use of the Internet.
- Such companies include internet service providers (ISPs), search engines and social media platforms.

### What does it contain?

- **Incorporation** - All platforms with more than five million users will be required to have a registered entity in India under the Companies Act.
- It should also have a permanent registered office in India.
- They would have to appoint a nodal person of contact and alternate senior designated functionary in India.
- These functionaries would provide for 24X7 coordination with law enforcement agencies and officers to ensure compliance to their orders or requisitions made in accordance with provisions of law or rules.
- The platforms also required to share cyber security incidents related information with the Indian Computer Emergency Response Team (CERT).
- **Restrictions** - A user cannot host, display, upload, modify, publish, transmit, update or share information, which is pornographic, paedophilic, racially or ethnically objectionable, invasive of another's privacy, harms minors in anyway, etc.
- Social media platforms have to publish rules and a privacy policy in this regard.
- These platforms should also keep a record of "unlawful activity" for a period of 180 days.

## What the Amended Rules Propose

<p>Cos have to <b>trace and report origin</b> of messages within <b>72 hours</b> of receiving a complaint from law enforcement agencies</p> <hr/> <p>Will have to <b>disable access within 24 hours</b> to content deemed defamatory or against national security and under other clauses of Article 19 (2) of the Constitution</p>		<p>They will have to appoint a nodal officer in India to deal with <b>law enforcement agencies on a 24x7 basis</b></p> <hr/> <p>Cos also must <b>send communication to users once a month</b> about their privacy policies</p> <hr/> <p>Platforms must <b>deploy tools to identify and remove</b> or disable public access to unlawful information or content</p>
<p>Such info and associated records will have to be <b>preserved for 180 days</b></p> <hr/> <p>Platforms with more than <b>5m users</b> must have <b>registered entity</b> in India under Cos Act</p>		

- **Reporting** - The intermediaries need to trace and report the origin of messages within 72 hours of receiving a complaint from law enforcement agencies.
- They should also disable access within 24 hours to content deemed defamatory or against national security and other clauses under Article 19 (2) of the Constitution.
- Also, any information which threatens critical information infrastructure should also be advised against by the social media platform.
- **Compliance** - A communication must be sent to users once a month about their privacy policies.
- In case of non-compliance with rules and regulations, user agreement and privacy policy, the intermediary has the right to immediately terminate the usage rights of the users.
- **Tracing** - The intermediary should enable tracing out the originator of information on its platform as may be required by government agencies who are legally authorised.
- This information would help in preventing offences which may include mob violence, lynching, online sexual abuse, etc. and in registering an FIR.
- **Grievance redressal** - The intermediary should publish the name of the Grievance Officer and his/her contact details on its website.
- It should also lay down a mechanism by which it redresses the concerns of users who suffer as a result of access or usage of computer resource by any person in violation of rule.
- **Usage of technology** - Technology based automated tools or appropriate mechanisms shall be deployed for proactively identifying and removing or

disabling public access to unlawful information.

- **Implementation** - Once an intermediary receives information in the form of a court order or is notified by a government agency under the IT Act, it should remove or disable access to unlawful acts.

**Source: The Hindu, Business Standard**

