SC to review DPDP-RTI Conflict

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Why in News?

Recently, the Supreme Court referred petitions challenging the DPDP Act amendment to the RTI Act (blanket exemption for personal information) to a Constitution Bench.

- **Digital Personal Data Protection (DPDP) Act –** Provides legal framework for the protection of personal data of individuals (known as data principals) which they share with other persons, companies and government entities (data fiduciaries).
- **Origin of DPDP Act – Puttaswamy Judgment (2017) –** Declared Right to Privacy as a *Fundamental Right under Article 21 and linked to Article 19.*
- **Justice B.N. Srikrishna Committee (2017-18) –** Proposed data protection framework.

The Right to Information (RTI) Act of 2005 was enacted to provide citizens with the right to seek information from public authorities.

- **DPDP Amends RTI – RTI Act Section 8(1)(j) (Earlier) –** Information relating to personal information could be disclosed if the appropriate authority was satisfied that a larger public interest justified the disclosure.
- **DPDP Act Section 44(3) –** Amends Section 8(1)(j) of the RTI Act to provide a blanket exemption to any information which relates to personal information, without any exceptions.
- **Issue – Blanket Exemption –** Section 44(3) of the DPDP Act amends Section 8(1)(j) of the RTI Act to provide a blanket exemption for any information relating to personal information without exception.
- **RTI Balance Removed –** Earlier, personal information could be disclosed if a larger public interest justified it, and this balancing mechanism has been removed.
- **Constitutional Challenge –** The amendment is challenged as ultra vires because it violates the Right to Information, which the Supreme Court recognizes as a fundamental right under Articles 19 and 21.
- **Transparency Impact –** Earlier, assets and liabilities of public servants were disclosed in the public interest to probe corruption.

The 2nd Administrative Reforms Commission (ARC) report titled "Right to Information: Master Key to Good Governance" positioned the RTI Act (2005) as

the primary tool to shift administration from a culture of secrecy to openness.

- **Risk of Over-Exemption –** Authorities can reject requests related to procurement records, audit reports, or public spending by claiming they involve personal information.

Reference

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