Separate provisions for disabled persons in Digital Personal Data Protection Rules, 2025

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Why in News?

The Electronics and Information Technology Ministry has made a Separate Section in DPDP Rules for persons with disabilities recently.

- **Verifiable Consent via Lawful Guardian –** The Rules mandates that when processing personal data of a person with a disability who has a lawful guardian, the data fiduciary must obtain ***verifiable consent*** from that guardian.
- The fiduciary needs to do due diligence to verify that the guardian is legally appointed either by a court, or by a "designated authority" or "local level committee" under relevant guardianship law.
- **Definitions Related to Disability & Guardianship –**
  - **Designated authority** - Defined as the authority under Section 15 of the Rights of Persons with Disabilities Act, 2016.
  - **Law applicable to guardianship -** For individuals with long-term physical, mental, intellectual, or sensory impairments (who cannot make legally binding decisions), the law refers to the Rights of Persons with Disabilities Act, 2016.
  - For persons with autism, cerebral palsy, mental retardation, or multiple disabilities, it refers to the National Trust Act, 1999, and its rules.
- **Definition of Data Principal in the DPDP Act -** In the DPDP Act itself, the definition of "Data Principal" includes a person with disability and their lawful guardian acting on their behalf.
- This means that under the law, PwDs (who need a guardian) are explicitly recognized in the definition of whose data is being protected, in a way that considers their guardian relationship.
- **Clubbing with Children -** Section 9 of the DPDP Act requires verifiable

consent before processing data of (a) children or (b) a person with a disability who has a lawful guardian.

- **Security and Due Diligence Obligations -** The DPDP Rules require data fiduciaries to take technical and organizational measures to verify the identity and legal status of the guardian.

Reference

The Hindu | Separate Section created for persons with disabilities