TRAI’s Recommendation on Right to Data

Why in news?

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Telecom Regulatory Authority of India has ruled that People should have right to their data.

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What is TRAI’s recommendation about?

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- In a move with far-reaching ramifications, the Telecom Regulatory Authority of India (TRAI) said that users owned their data, while entities in the digital ecosystem storing or processing such data were mere custodians.
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- The recommendations have come at a time when there are rising concerns around privacy and safety of user data, especially through mobile apps and social media platforms.
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- The authority said it was limiting its recommendations to telecom service providers (TSPs) as the larger issues on data protection.
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- For all other sectors the issues would be addressed by the committee headed by Justice B N Srikrishna.
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What are the highlights of TRAI’s recommendations?

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- TRAI claimed that existing norms “not sufficient” to protect consumers and ruled that entities processing user data mere custodians sans primary rights
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- The regulatory authority stated that firms should disclose data breaches in public and should list actions taken for mitigation, preventing breaches
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- Apart from that consumers should be given right of consent, right to be forgotten and study should be undertaken to formulate the standards for de-identification of personal data
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- TRAI’s right to be forgotten empowers users to delete past data that they may feel is unimportant or detrimental to their present position.
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- Past data could be in terms of photographs, call records, video clippings and so on.
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- Mandatory provisions should be incorporated in devices so that users can delete pre-installed applications
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- Terms and conditions of data use should be disclosed before the sale of a device
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- Data controllers should be prohibited from using pre ticked boxes to gain user’s consent.
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How such recommendations would be implemented?

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- To ensure the privacy of users, national policy for encryption of personal data, generated and collected in the digital eco-system, should be notified by the government at the earliest.
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- Till such time a general data protection law is notified by the government, the existing rules/licence conditions applicable to service providers for protection of users' privacy be made applicable to all the entities in the digital ecosystem.
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- For this purpose, the government should notify the policy framework for regulation of devices, operating systems, browsers, and applications.
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- It has also been proposed that privacy by design principle coupled with data minimisation should be made applicable to all the entities in the digital ecosystem.
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- These recommendations when accepted by the government will mean that entities like browsers, mobile applications, devices, operating systems and service providers, among others.
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- Such entities will not be able to share personal data with third parties without getting the consent of customers.
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Source: Business Standard

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