



KHAITAN
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Advocates since 1911

Decoding the Personal Data Protection Bill, 2018

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Draft Bill | Key Definitions

Data Fiduciary

Any person, including the State, a company, any juristic entity or any individual who determines the purpose and means of processing of Personal Data.

Data Processor

Any person, including the State, a company, any juristic entity or any individual who processes Personal Data on behalf of a Data Fiduciary but does not include an employee of the Data Fiduciary.

Data Principal

A natural person to whom the Personal Data relates.

Personal Data

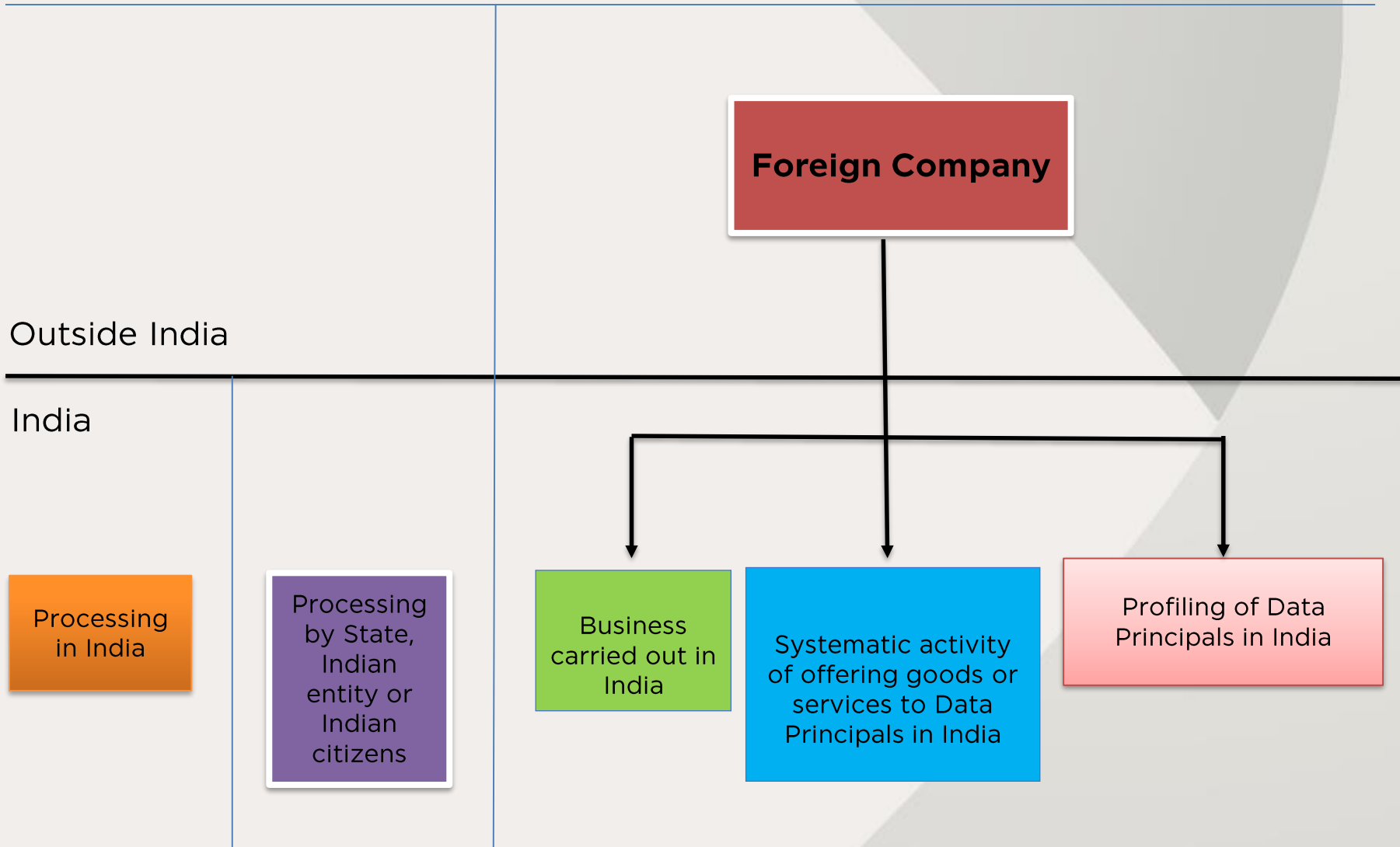
Data about or relating to a natural person in relation to any characteristic, trait, attribute or any other feature of the identity of such natural person, or any combination of such features, or any combination of such features with any other information.

Sensitive Personal Data

Passwords, financial data, health data, official identifier, sex life, sexual orientation, biometric data, genetic data, transgender status, intersex status, caste or tribe, religious political belief or affiliation, or any other category as may be specified by the Data Protection Authority of India.



Applicability | Confusion or Clarity?



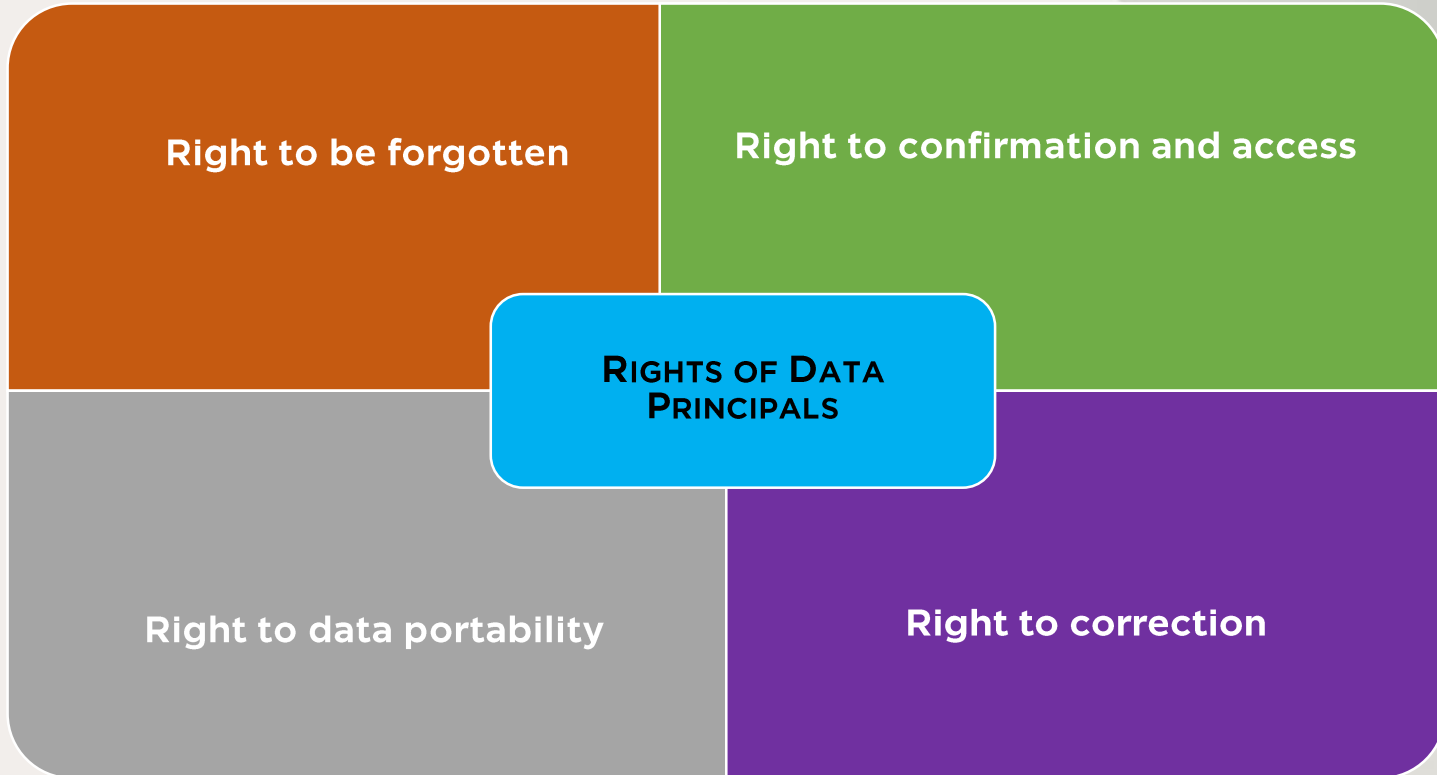


Grounds for Processing of Personal Data





Data Principal Rights



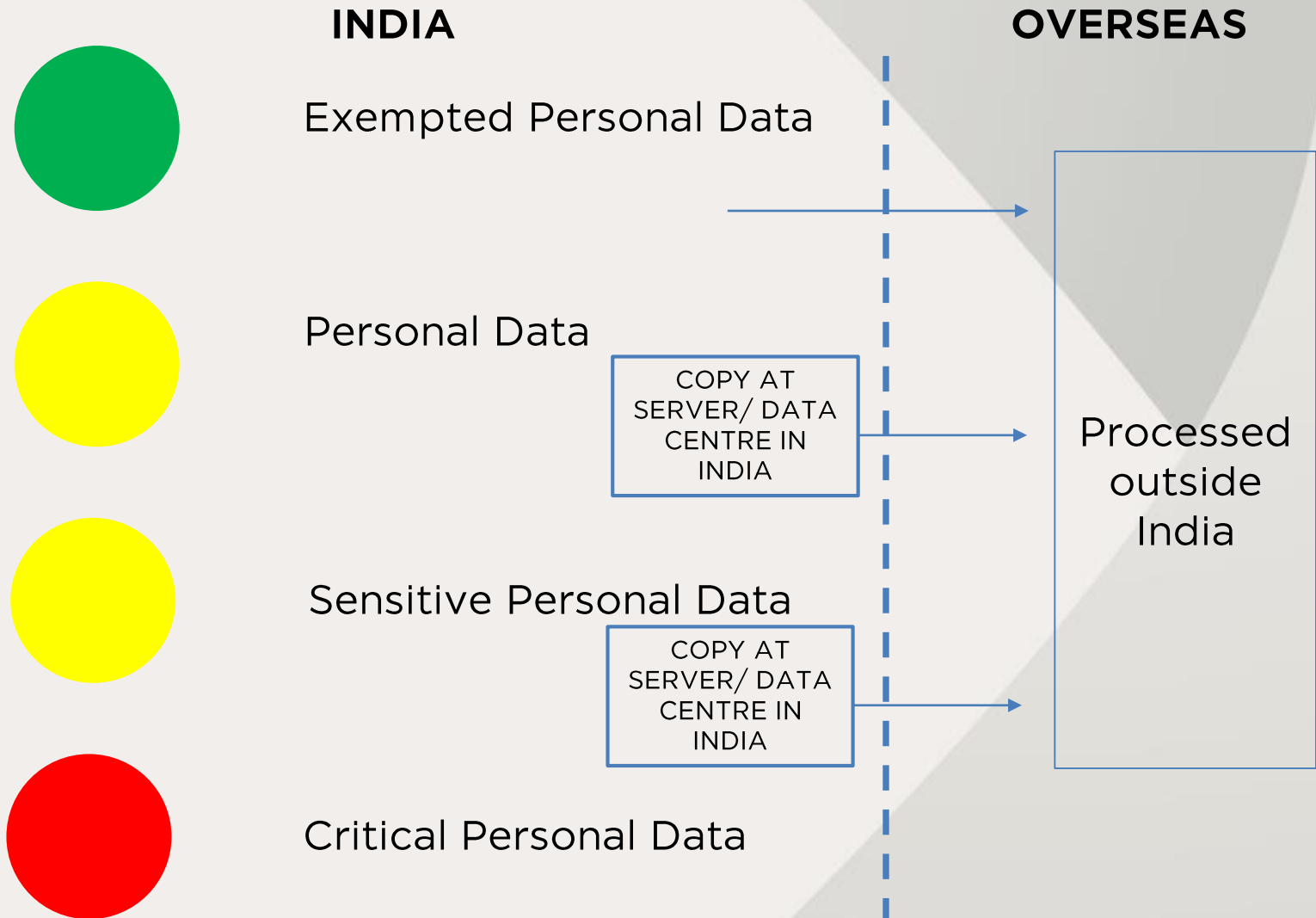


Cross-border Data Transfer

	Personal Data	Sensitive Personal Data
CONDITIONS	(a) DPA approved Standard Contractual Clauses / Intra-Group Schemes	
	OR	
	(b) Prescription by Central Government after consultation with DPA	
	OR	
	Consent of Data Principal + (a) or (b)	Explicit Consent of Data Principal + (a) or (b)
	OR	
	DPA approves transfer due to situation of necessity	

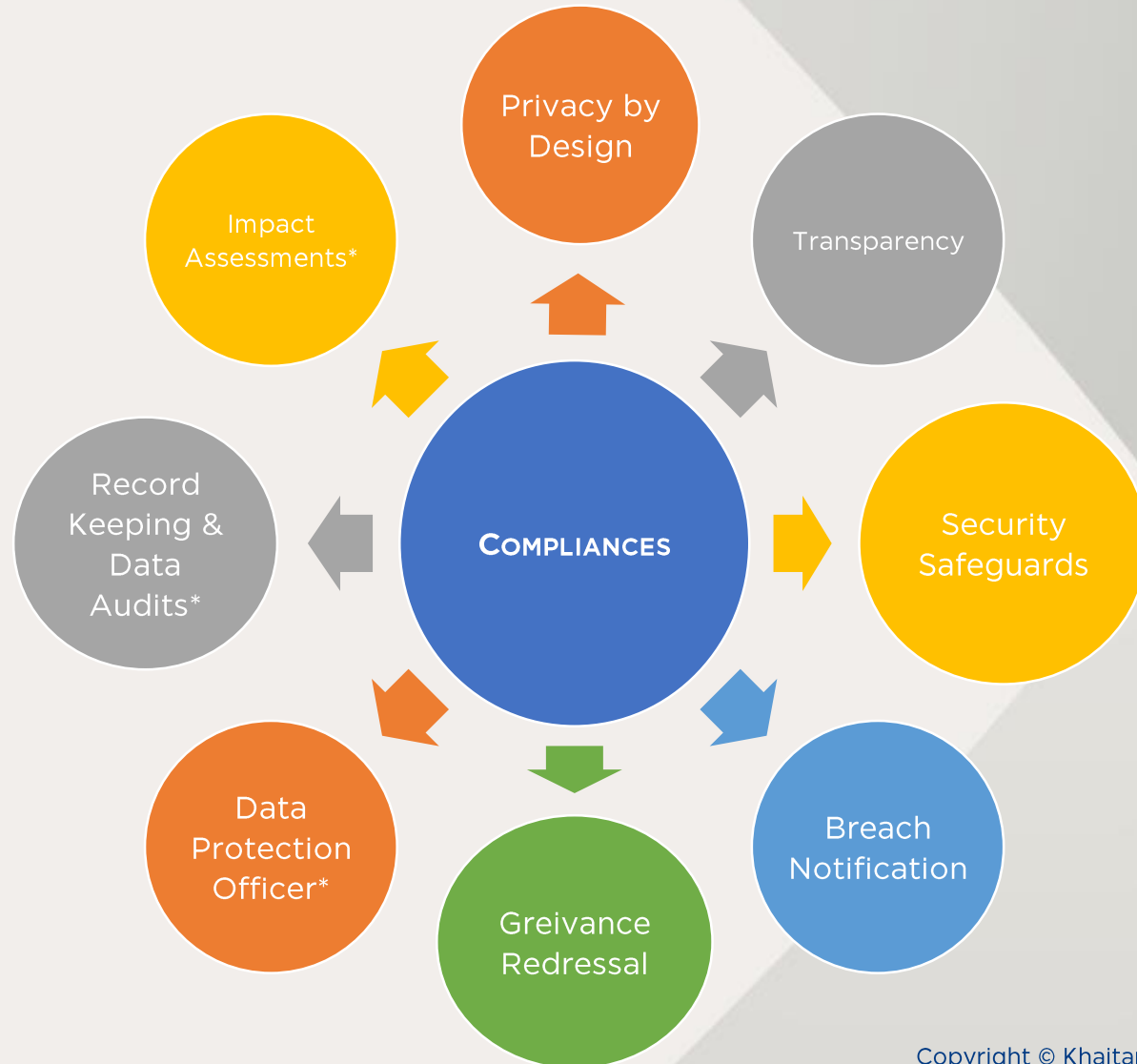


Restriction on Cross-border Data Transfer





Key Compliances | Check the Boxes!



* Applicable to Significant Data Fiduciaries ('SDF')



THANK
YOU

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