



KHAITAN
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Advocates since 1911

Outsourcing Trends in India

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Overview

- Overview of Indian Data Privacy Laws
- Key Watch-out Areas
- Outsourcing Trends in India
- Outsourcing - India Advantage
- Key Considerations for Indian Organisations handling EU Data
- How can Khaitan help?



Overview of Indian Data Privacy Laws

- 'Right to Privacy' as a Fundamental Right - Judicial developments
- No exclusive data privacy legislation in India as yet - Section 43A and Section 72A of the Information Technology Act, 2000 ("IT Act")
- Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 under Section 43A of the IT Act ("Privacy Rules")
- Sectoral regulations
- Other legislations
- Justice Srikrishna Committee and the upcoming data privacy and protection law in India



Key Watch-out Areas

**REASONABLE
SECURITY PRACTICES
AND PROCEDURES**

COLLECTION

DISCLOSURE

PRIVACY POLICY

CONSENT

TRANSFER

GRIEVANCE OFFICER

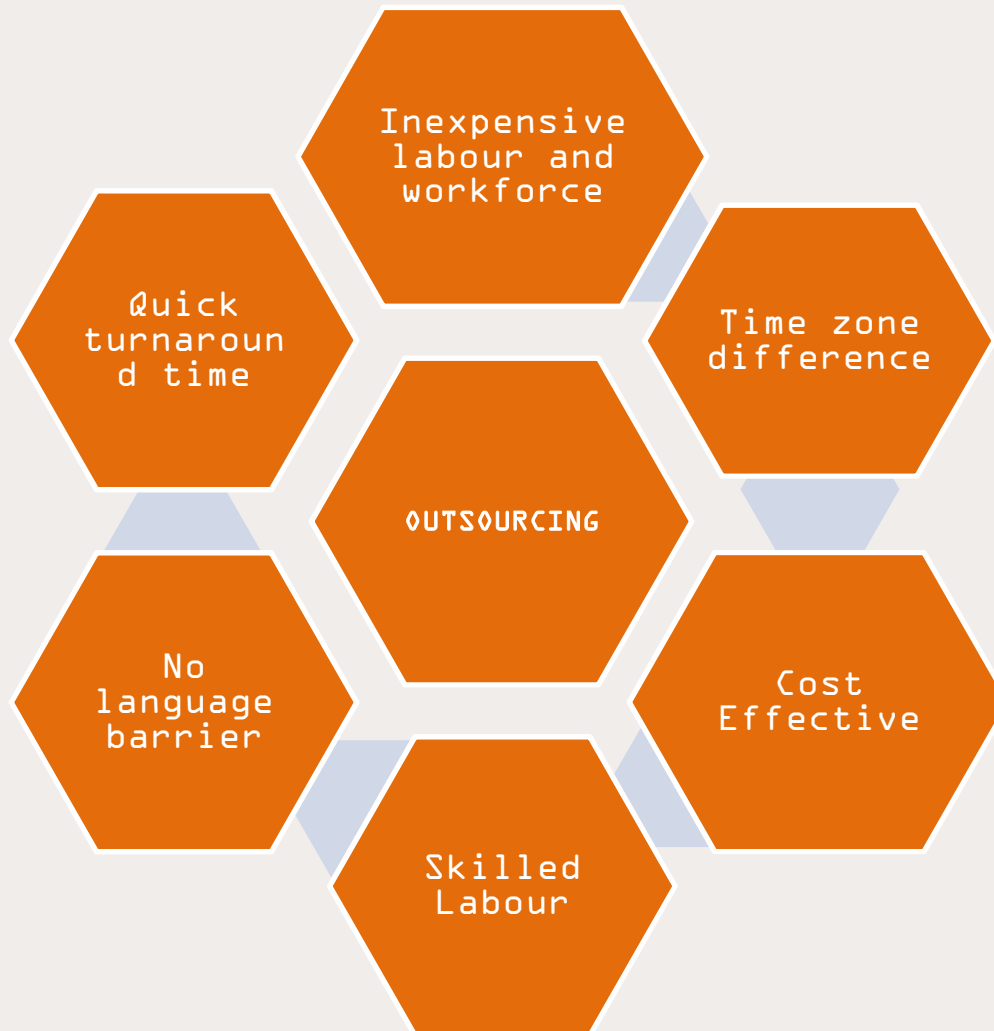


Outsourcing Trends in India

- Outsourcing accelerates pace of the business and increases the efficiency.
- Initial reluctance of EU companies to outsource to countries, other than US
- Since 2000, India has emerged as an attractive outsourcing destination
- Outsourcing sector is estimated to be worth over USD 150 billion and contributes nearly 9.3% to India's GDP.
- Sectors such as IT, healthcare, retail, finance, etc. contribute significantly towards outsourcing



Outsourcing - India Advantage



Key Outsourcing Services offered by Indian BPOs:

- ✓ Customer Support Services, Cloud Services
- ✓ HR and payroll processing
- ✓ Telemarketing Services
- ✓ Data entry and data processing
- ✓ Data conversion services
- ✓ Insurance processing
- ✓ IT desk services
- ✓ Technical support services
- ✓ Book keeping and accounting services, etc.



Key Considerations for Indian Organisations handling EU data

- Compliance with GDPR is a must now for Indian organisations dealing with personal data of EU data subjects
- India's own privacy laws are weak, and enforcement is a big challenge
- Cross-border data transfer restrictions under GDPR - no adequacy decision for India - does India meet the adequacy test under GDPR?
- Greater risk of penalties, and losing out EU business
- GDPR should be seen as an opportunity, instead of a compliance burden



How KCO assists? 1/2

- Review/ legal analysis of organisational data protection and security practices/ policies

- Draft/ review privacy policy

- Draft/ review consent letters, emails or forms

- Draft/ review data processing and outsourcing agreements including agreements with sub-contractors and vendors

- Drafting/ reviewing terms of use, terms and conditions and disclaimers for websites/apps

- Assisting entities in ascertaining whether certain principles in relation to data protection/ data privacy are applicable to them



How KCO assists? 2/2

- Legal aspects of data transfer/disclosure

- Privacy and cyber security aspects of legal due diligence

- Data privacy and cyber security warranty provisions for M&A transactions

- Conducting privacy/cyber security compliance programmes



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