India’s Personal Data Protection Bill, currently under review, views data as a national resource.

In 2017, the central government recognized its obligation to protect the privacy of its citizens. With this recognition, digital technologies, along with the data produced, acquired a strategic meaning. This approach viewed data as a national resource and right of the sovereign state, as well as considered privacy a matter important to both individuals and communities.

A mandate for data sovereignty demands local storage and ensures accessibility and protection of this resource.

Data located in foreign jurisdictions poses access issues for Indian law enforcement agencies. It also raises questions as to how India can counter “data colonialism,” which, like historic colonialism, acts to acquire large-scale resources (in this case data) from which economic value can be extracted (van der Spuy, LSE, 2020). A localisation mandate has gained momentum prompting Indian companies to develop their own data centres. The has, in turn, has positioned India as a business hub and data centre for major international companies.

The Indian government’s intentions vis-a-vis the Personal Data Protection Bill

The government is now attempting to set a strong regulatory framework for Big Tech in India. This is shifting the power from foreign Big Tech to local companies. Such a nationalistic approach, Amber says however, ignores the “symmetry that exists between consumers and large-scale companies” and impacts transparency mandates and the instruments that can be regulated.

The way forward for the Personal Data Protection Bill

If enacted, the Bill will need to address multiple objectives and policies originating from different ministries, as well as a myriad of private and public interests to achieve its aims. As it stands today, the Bill’s implementation will likely see the judiciary taking an active role in the future.

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https://blogs.lse.ac.uk/medialse/2020/03/19/colonising-ourselves-an-introduction-to-data-colonialism/