

FREQUENTLY ASKED QUESTIONS: DIGITAL PERSONAL DATA PROTECTION FRAMEWORK [DPDP ACT, 2023 AND DPDP, RULES 2025]

THEME: NOTICE MANAGEMENT

Question	Answer	Relevant Section of DPDP Act, 2023	Relevant Section of DPDP Rules, 2025
What is a “notice” under the Digital Personal Data Protection Act, 2023?	<p>A notice is an intimation given by a Data Fiduciary to a Data Principal before or along with a request for consent, informing the individual about:</p> <ul style="list-style-type: none"> - The personal data being collected and the purpose of processing. - How the individual can exercise her rights under the Digital Personal Data Protection Act, 2023. - How to make a complaint to the Data Protection Board of India. 	Section 5	Rule 3
When must a notice be provided by the Data Fiduciary?	<ul style="list-style-type: none"> - Before or at the time of requesting consent for processing personal data - If consent was obtained before the Digital Personal Data Protection Act, 2023 commenced, the Data Fiduciary must provide notice as soon as is reasonably practicable after commencement. 	Section 5(1) and Section 5(2)	
What is the primary function of the notice, and what minimum details must it contain?	<p>The primary function of the notice is to provide a clear and accurate account of the details necessary to enable the Data Principal to give specific and informed consent for the processing of their personal data.</p> <p>At a minimum, the notice must include:</p>	Section 5(1) and Section 5(2)	Rule 3(b)

	<ul style="list-style-type: none"> - An itemised description of the personal data being processed. - The specified purpose or purposes of the processing. - A specific description of the goods or services to be provided or uses to be enabled by such processing. 		
In what language should the notice be provided?	The Data Fiduciary must give the option to access the notice in English or any language specified in the Eighth Schedule to the Constitution.	Section 6(3)	
Is there a prescribed format for the notice?	<ul style="list-style-type: none"> - The manner of presenting notices (clear, plain language). - Accessibility in multiple languages. - Digital or physical delivery methods (e.g., email, in-app notification). 		
What must the notice provide regarding the Data Principal's rights and ability to complain?	<p>The notice must provide the specific communication link for accessing the Data Fiduciary's website or app, or both, and a description of any alternative means. Using this link or means, the Data Principal must be able to:</p> <ul style="list-style-type: none"> - Withdraw her consent, with the ease of doing so being comparable to that with which such consent was given. - Exercise her rights under the Act. - Make a complaint to the Board. 	Section 5(1) Section 5(2) Section 6(3)	Rule 3(c)
Does the notice requirement apply to all Data Fiduciaries?	Generally, yes. However, certain startups or notified classes of Data Fiduciaries may be exempt from Section 5 requirements under Section 17(3).	Section 17(3)	

What happens if a Data Fiduciary fails to provide notice?	Failure to comply with notice requirements can result in penalties under the Digital Personal Data Protection Act, 2023 of up to ₹50 crore for breaches of any provision not specifically covered elsewhere.	Schedule u/s 33, Item 7	
Can notices be combined with consent requests?	Yes. The Digital Personal Data Protection Act, 2023, allows notices to accompany or precede consent requests, provided they meet all prescribed requirements.	Section 5(1)	
Are there special notice requirements for children's data?	Yes. Before processing a child's personal data, the Data Fiduciary must obtain verifiable parental consent and provide notice in the prescribed manner.	Section 9(1)	Rule 10 Rule 12
How should notices be delivered for ongoing processing?	For data processed before the Digital Personal Data Protection Act, 2023, came into effect, notices should be sent via email, in-app notifications, or other effective methods of communication.	Illustration under Section 5(2)	
What is the Data Fiduciary required to do when giving notice of a Personal Data Breach to the affected Data Principals?	<p>Upon becoming aware of any personal data breach, the Data Fiduciary must, to the best of its knowledge, intimate each affected Data Principal without delay. The intimation must be in a concise, clear and plain manner, provided through her user account or any mode of communication registered by her with the Data Fiduciary.</p> <p>The breach notification must include:</p> <ul style="list-style-type: none"> - A description of the breach, including its nature, extent, and the timing of its occurrence. - The consequences relevant to her that are likely to arise from the breach. 	Section 8(6)	Rule 7

	<ul style="list-style-type: none"> - The measures implemented and being implemented by the Data Fiduciary, if any, to mitigate risk. - The safety measures that the Data Principal may take to protect her interests. - The business contact information of a person able to respond to the Data Principal's queries. 		
What notice must a Data Fiduciary give to a Data Principal before erasing personal data?	<ul style="list-style-type: none"> - A Data Fiduciary must inform the Data Principal that her personal data shall be erased upon completion of the specified retention period at least forty-eight hours before that period ends. - This notice informs the Data Principal that the erasure will occur unless she logs into her user account or otherwise initiates contact with the Data Fiduciary for the performance of the specified purpose or exercises her rights in relation to the processing of such personal data. 	Section 8(7)	
Must the Data Fiduciary (or Consent Manager) publish information about how a Data Principal can exercise her rights?	Yes, for enabling Data Principals to exercise their rights under the Digital Personal Data Protection Act, 2023, the Data Fiduciary and, where applicable, the Consent Manager, shall prominently publish on its website or app, or both, the details of the means used to make a request for the exercise of such rights and any particulars (like a username or identifier) required for identification under its terms of service.	Section 6(7) Section 6(9)	Rule 4 r/w First Schedule Part B, Item 3
Does the State need to give notice when processing	Yes. Where the processing is done under Section 7(b) of the Digital Personal Data Protection Act, 2023 (for the provision or issue of any subsidy, benefit, service, certificate, licence or permit), the State or its instrumentalities must undertake this	Section 7(b)	Rule 5

<p>personal data for welfare programs?</p>	<p>processing while giving the Data Principal an intimation in respect of the same.</p>		
<p>What is the difference between a notice and a privacy policy?</p>	<ul style="list-style-type: none"> - Privacy Notice: A short, clear statement provided to individuals at the point of data collection, explaining how their data will be processed. - Privacy Policy: A comprehensive document detailing an organisation’s overall data handling practices, governance, and compliance measures. 		
<p>What is the role of the Act when it comes to automated decision-making models? Why is it mandatory to inform the Data Principal about the use of such models?</p>	<p>The Digital Personal Data Protection Act, 2023, requires the disclosure of automated decision-making processes because they can significantly impact individuals (e.g., eligibility decisions, profiling). Informing Data Principals ensures fairness and accountability, allowing them to exercise rights such as requesting human intervention or explanation.</p>		