

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

### THEME: CONSENT MANAGEMENT

Frequently Asked Question	Answer	Relevant Section of the DPDP Act	Relevant Provision of the DPDP Rules
<b>What is consent under the DPDP Act?</b>	<p>Consent must be free, specific, informed, unconditional, unambiguous, and based on clear affirmative action.</p> <p>There are a few narrow “legitimate use” exceptions (like emergencies or legal obligations) that allow processing without consent, but these do not apply to most routine uses.</p>	<p>Section 6</p> <p>Section 7</p>	Rule 5
<b>What information must I receive before giving consent?</b>	A clear notice explaining what personal data will be processed, for what purpose, how you can exercise rights, and how to file a complaint.	Section 5	Rule 3
<b>Can I withdraw my consent anytime?</b>	Yes. Withdrawal must be as easy as giving consent. Once consent has been withdrawn, the Data Fiduciary must stop processing the personal data, unless required by law.	Section 6(4)	Rule 3(c)

	For example, if you agree to marketing emails, you should be able to unsubscribe or untick preferences just as easily.		
<b>What happens to my personal data if I withdraw consent?</b>	<p>After you withdraw consent, the data fiduciary (and any data processors they use) must stop further processing of your personal data. They may need to delete or anonymize your data unless there's another legal basis to keep it.</p> <p>For example, if you purchased goods and later withdrew consent, the seller can't use that withdrawal to refuse shipping what you already paid for; but they must stop using your data for new activities like marketing. In all cases, withdrawal of consent does not retroactively invalidate processing that happened lawfully before withdrawal.</p>	Section 6(5)	
<b>Who is a Consent Manager?</b>	A Consent Manager is a Board-registered, neutral platform that lets you give, manage, or withdraw consent across different services	Section 6(7)- Section 6(9)	Rule 4

<p><b>Who can be a Consent Manager?</b></p>	<p>Consent Managers must register with the Data Protection Board and meet prescribed conditions. The Rules require them to be Indian-incorporated companies with certain net-worth and governance standards.</p>	<p>Section 6(9)</p>	<p>Rule 4 r/w First Schedule</p>
<p><b>Are Consent Managers mandatory?</b></p>	<p>Not for users, but they must be registered with the Board one year after publication of Rules</p> <p>If you prefer, you can manage everything through a consent platform; if not, you can continue interacting directly with each service's consent notice. Either way, the data fiduciary is responsible for proving that valid consent was obtained</p>	<p>Section 6(7)</p>	<p>Rule 4</p>
<p><b>Can companies force me to give consent to unnecessary data collection?</b></p>	<p>No. Consent is limited only to data necessary for the specified purpose. Any part of consent that violates the Act is invalid</p>	<p>Section 6</p>	<p>Rule 3</p>
<p><b>Can consent be bundled for multiple services?</b></p>	<p>No. Notice and consent must be purpose-specific and provided in clear language</p>	<p>Section 5 Section 6</p>	<p>Rule 3</p>

	For example, if an app asks consent to both use your location for service and share data for unrelated marketing, you can consent to one and not the other.		
<b>Is language flexibility available for notices and consent?</b>	Yes. Notices and consent requests must be available in English or any Eighth Schedule language	Section 6(3)	Rule 3
<b>Are there any special rules for children or persons with disabilities?</b>	Yes. Verifiable parental or guardian consent is required for processing a child's data, except for essential services such as healthcare or education.	Section 9	Rule 10 Rule 11 Rule 12