

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

THEME: CROSS-BORDER FLOW OF DATA

Frequently Asked Question	Answer	Relevant Section of the DPDP Act	Relevant Provision of the DPDP Rules
Can my personal data be transferred outside India under the Digital Personal Data Protection Act, 2023?	Yes. The Digital Personal Data Protection Act, 2023, permits the transfer of personal data outside India by any Data Fiduciary, unless the Central Government imposes a restriction on specific countries or territories.	Section 16	Rule 15
Who decides which countries are restricted to?	The Central Government has exclusive power to “blacklist” countries through notification. This means that transfers are allowed to all jurisdictions except those banned by the Central Government. For example, if a cloud region in a certain country gets banned, services using that region may need to migrate data to India or elsewhere.	Section 16(1)	Rule 15

Has the Government published a list of banned countries?	No list has been notified (as of November 2025). But the Digital Personal Data Protection Act, 2023, says that any existing Indian law with stricter transfer limits will still apply, so companies must also check other rules (if any) before moving data abroad.	Section 16(2)	Rule 15
Does the Digital Personal Data Protection Act, 2023, require data localisation?	For most organisations, no. However, Significant Data Fiduciaries may be required to localise specific categories of data if the Government mandates it based on committee recommendations	Section 10	Rule 13
Can companies store my data on global cloud servers (e.g., AWS, Google Cloud)?	Yes, unless the cloud region falls in a restricted country. Neither the Digital Personal Data Protection Act, 2023, nor the Digital Personal Data Protection Rules, 2025, impose blanket localisation.	Section 16	Rule 15
If my data is transferred abroad, do my rights still apply?	Yes. Your rights under the Digital Personal Data Protection Act, 2023, follow your data.	Chapter III	Rule 14

	The Data Fiduciary must still honour your rights to access, correction, erasure, and grievance redressal regardless of storage location.		
Do companies need my consent before transferring data abroad?	If the data processing itself is based on consent, then yes. The notice must clearly state the purpose of processing, which includes disclosures or transfers.	Section 5	Rule 3
Is sensitive or financial data treated differently for cross-border transfer?	The Digital Personal Data Protection Act, 2023, does not distinguish “sensitive personal data.” However, the Central Government may restrict transfers of certain categories if needed for national interest or security.	Section 16(1)	Rule 15
Can data be transferred abroad for government services?	State entities may process or share data, but outbound transfer still requires compliance with Section 16 of the Digital Personal Data Protection Act, 2023, and any notified restrictions.	Section 7 Section 16	Rule 5 Rule 15
What happens if a company transfers data to a restricted country?	The Data Protection Board can initiate proceedings, impose penalties, and require corrective measures.	Section 33	

	Penalties under the Schedule can go up to INR 250 Crore.		
How does this provision affect data exports?	In plain terms, India has chosen a “negative list” model: transfers to any country are permitted unless they differ from frameworks like the European Union’s General Data Protection Regulation, which requires a country to have an “adequacy” finding beforehand, Standard Contractual Clauses, or Binding Corporate Rules; instead, the government retains the flexibility to impose conditions or prohibit transfers through future notifications.	Section 16	Rule 15
Are there any exceptions allowing transfer without restrictions?	Yes. Section 17 of the Digital Personal Data Protection Act, 2023, lists certain exemptions. For example, Section 17(1)(d) exempts situations where an Indian entity processes personal data of people located outside India under a foreign contract —this can proceed without triggering the usual Indian law obligations. Other exemptions include	Section 17	Rule 16

	transfers needed for legal claims, court orders, or schemes such as mergers approved by courts. These are narrow cases, typically involving non-residents or legal processes, and don't apply to ordinary transfers of Indian users' data.		
How will I know if my data went overseas or was blocked?	The Digital Personal Data Protection Act, 2023, does not require Data Fiduciaries to proactively tell each user about every international transfer. However, companies must maintain transparency in their privacy notices. If data is sent abroad, it should be covered in the initial consent notice or privacy policy. Citizens can also ask the organisation directly whether and where their data has been transferred. If a company violates transfer rules, a complaint can be made to the Data Protection Board.	No specific section; relies on transparency obligations under Section 5 & rights under Chapter III	Rule 3 Rule 14
What if a foreign law conflicts with Indian law on data?	The Digital Personal Data Protection Act, 2023, explicitly preserves higher existing standards in Indian law.	Section 16(2)	Rule 15

	In the event of a conflict between the DPDP Act and another Indian law, the DPDP Act prevails, except where another law provides greater protection. Regarding conflicts with foreign laws, commentators suggest India may rely on legal agreements (like Mutual Legal Assistance Treaties) to lawfully share data for law enforcement. In practice, cross-border data sharing for investigations will depend on such international frameworks, not a simple override by one country.		
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