

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

THEME: DATA RETENTION AND DATA ERASURE

Question	Answer	Relevant Section of DPDP Act, 2023	Relevant Section of DPDP Rules, 2025
When is a Data Fiduciary required to erase personal data?	Personal data must be erased (and the Data Processor must be instructed to do the same) upon the individual withdrawing consent or as soon as it is reasonable to assume the specified purpose is no longer being served, whichever is earlier.	Section 8(7)	Rule 8
When is a "specified purpose" deemed no longer served?	It is deemed no longer served if the individual does not approach the Fiduciary for the purpose or exercise their rights for a prescribed time period.	Section 8(8)	Rule 8(1) r/w the Third Schedule
What are the specific erasure timelines for large platforms?	For e-commerce entities (≥ 2 crore users), social media intermediaries (≥ 2 crore users), and online gaming intermediaries (≥ 50 lakh users), the timeline is three years from the date the user last initiated contact or exercised a right.	-	Rule 8(1) r/w the Third Schedule
Are there exceptions to the three-year erasure rule?	Yes. Fiduciaries may retain data necessary to enable the individual to access their user account or to	-	Third Schedule

	access virtual tokens (used for money, goods, or services) issued by the Data Fiduciary.		
Is there a mandatory minimum retention period for logs?	Yes. For purposes such as sovereignty, integrity of India, or security of the State, a Fiduciary must retain personal data, associated traffic data, and processing logs for a minimum of one year from the date of processing.	-	Rule 6(1)(e) and Rule 8(3)
Must the Fiduciary warn the user before deleting their data?	Yes. The Fiduciary must inform the individual at least forty-eight hours before the erasure deadline. The data will be erased unless the user logs into their account or initiates contact for the specified purpose.	-	Rule 8(2)
How long must Consent Managers retain records?	A Consent Manager must maintain records of consents given, denied, or withdrawn, along with associated notices, for at least seven years.	-	First Schedule, Part B, Item 4