

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

THEME: DATA PROTECTION BOARD OF INDIA

Question	Answer	Relevant Provision – DPDP Act, 2023	Relevant Provision – DPDP Rules, 2025
What is the Data Protection Board of India?	The Data Protection Board (DPB) of India is a statutory body corporate established by the Central Government to enforce the DPDP Act and adjudicate non-compliance.	Section 2(c)	-
What is the legal status of the Board?	The Board has perpetual succession, a common seal, and the power to acquire property and to sue or be sued.	Section 18	-
How is the Board composed?	The Board consists of a Chairperson and such number of Members as may be notified by the Central Government.	Section 19(1)	-
What qualifications are required for the Chairperson and Members?	Members must be persons of ability, integrity, and standing with special knowledge or experience in data governance, law, administration, ICT, the digital economy, regulation or techno-regulation, or in any other field which in the opinion of the Central Government may be useful to the Board, and at least one among them shall be an expert in the field of law.	Section 19(3)	-
How are the Chairperson and Members appointed?	The Chairperson and other Members shall be appointed by the Central Government in such manner as may be prescribed.	Section 19(2)	Rule 17

Who selects the Chairperson of the Board?	A Search-cum-Selection Committee recommends names to the Central Government. This committee is chaired by the Cabinet Secretary and includes: - Secretary, Department of Legal Affairs - Secretary, Ministry of Electronics and IT (MeitY) - Two subject-matter experts	Section 19(2)	Rule 17
Who selects the other Members of the Board?	A separate Search-cum-Selection Committee recommends names for Members (other than the Chairperson). This committee is chaired by the MeitY Secretary and includes: - Secretary, Department of Legal Affairs - Two subject-matter experts	Section 19(2)	Rule 17
What is the term of office of the Chairperson and Members?	The Chairperson and Members hold office for two years and are eligible for reappointment.	Section 20(2)	-
How does the Board function as a “digital office”?	The Board is designed to function digitally, enabling online filing, hearings, inquiries, summon and enforce the attendance of any person, and issuance of orders and may adopt techno-legal measures to conduct proceedings in a manner that does not require physical presence of any individual.	Section 28(1), Section 2(m)	Rule 20
What are the powers and functions of the Board?	The DPB is empowered to: • Direct urgent remedial or mitigation measures and impose penalties in cases of personal data breaches. • Inquire into complaints from Data Principals regarding data breaches, non-compliance by Data Fiduciaries, or violations of Data Principal rights,	Section 27	-

	including references from governments or courts. • Examine breaches by Consent Managers, including violations of registration conditions, and impose penalties. • Inquire into breaches by intermediaries upon reference from the Central Government. For effective discharge of its functions, the Board may issue binding directions after giving the concerned party an opportunity to be heard. The Board may also modify, suspend, withdraw, or cancel its directions upon representation or government reference.		
What is the timeline for completion of an inquiry?	Inquiries must be completed within six months, from the date of receipt of the intimation, complaint, extendable by up to three months at a time with reasons recorded in writing.	-	Rule 19(9)
Can the Board impose monetary penalties?	Yes. The Board may impose monetary penalties as prescribed in the Schedule to the Act. If an inquiry concludes that a breach is significant, the Board can impose monetary penalties. These range from up to ₹10,000 for Data Principal duties to ₹250 crore for a Data Fiduciary's failure to take reasonable security safeguards.	Section 33	Schedule
What factors are considered while imposing penalties?	Nature, gravity, duration of breach, type of personal data affected, recurrence, and financial gain or loss avoided.	Section 33(2)	-
Can the Board take action against Consent Managers?	Yes. The Board handles the registration of Consent Managers. If a Consent Manager fails to adhere to its obligations, the Board may, after a hearing, suspend or cancel its	Section 6(9), Section 27(1)(c)	Rule 4(4)

	registration and issue directions to protect Data Principals.		
How can a complaint be filed before the Board?	Complaints must be filed digitally after exhaustion of the Data Fiduciary's grievance redressal mechanism.	Section 27	Rule 9
Which authority hears appeals against Board orders?	The Telecom Disputes Settlement and Appellate Tribunal (TDSAT).	Section 2(a), Section 29	-
Who can appeal against a decision made by the Board?	Any person aggrieved by an order or direction of the Board may file an appeal with the Appellate Tribunal (TDSAT). Such appeals must be filed in digital form.	Section 29(1)	Rule 21, Rule 22
What is the time limit for filing an appeal against a DPB order?	An appeal must be filed within 60 days from the date of receipt of the order or direction of the DPB.	Section 29	-