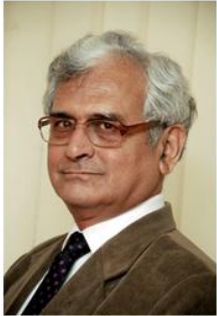




# January 28, 2014



**Dr. Kamlesh Bajaj**

CEO, Data Security Council of India

*It should not surprise anyone that 'dictionary.com' chose 'Privacy' as the word of the year in 2013. Snowden revelations on privacy violation of not only American citizens but of global citizens, serialized in The Guardian, The New York Times, The Washington Post, Der Spiegel beginning June last year, did contribute to this selection in a big way, though there were other developments too.*

*The National Security Agency (NSA) of the US government has been conducting global surveillance of citizens in the name of counterterrorism. But it was also surveilling the mobile phones of heads of states that included Dilma Rouseff, President of Brazil; Angela Merkel, Chancellor of Germany amongst others. There was much furore, as expected. Brazil and Germany introduced a privacy resolution 'Right to Privacy in Digital Age' in the United Nations General Assembly, which was passed unanimously on 18<sup>th</sup> December, 2013. President Obama, in his address on the 17<sup>th</sup> January, 2014 has not scaled down the surveillance program, although some reforms on the metadata collection have been outlined. The privacy groups are not satisfied more so because the privacy of global citizens guaranteed by the Convention on Human Rights has been largely left unattended.*

*The European Union strongly condemned the global surveillance by the NSA on such a large scale, as was expected, since Europe views privacy as a fundamental right. The European Parliament's Civil Liberties Justice and Home Affairs (LIBE) Committee draft report held more than 15 hearings and received submissions from the EU and US experts, EU institutions and others. The report recommends the suspension of Safe Harbor between the US and EU till "only after a full review is conducted and current loopholes are remedied", and the urgent adoption of General Data Protection Regulation (GDPR) which has been in the making for three years. Does the LIBE report call for stopping massive data flows between the EU and rest of the world? Some experts interpret it thus. But can it really happen when the global data flows are increasing and there is every reason for it to be made easier so that privacy is not viewed as a non-tariff trade barrier?*

*The EU GDPR calls for stricter norms for data flows from the EU to rest of the world. The European Parliament, its expert Committee and the Council seem to have tied themselves in knots after they received thousands of submissions on the difficulties associated with the implementation of GDPR, and the possibility of making European industry even more non-competitive. It remains to be seen how GDPR will progress this year. It is of great interest to us, since India is engaged with the EU on adequacy status. Our argument is based on implementation of best practices to secure the data, and protect privacy of end users whose data flows from data processors in the EU to data processors in India.*

*A positive outcome in the year 2013 was the emergence of the revised OECD Privacy Guidelines. The Working Group setup by OECD went into details of the changes that technology had brought about over the last thirty years since the guidelines were first released in 1980, economic value of information and increasing data flows over the Internet and globalization leading to increased dependence of organizations on one another in different parts of the world. It debated a great deal on some of the existing principles such as consent, the need for accountability of organizations to implement privacy, and the difficulties with regard to implementation of "right to be forgotten". While individuals are putting more data in the open, especially on social media sites, they are having lesser control on their ability to decide who all can view and use such data.*



*Also, the Asia-Pacific Economic Cooperation (APEC) Cross Border Privacy Rules (CBPR) came into existence. It is a co-regulatory initiative that addresses cross border data flows between the APEC member economies via voluntary and enforceable codes of conduct adopted by participating businesses, to establish consistent privacy protections.*

*It is against this background of global developments that DSCI's work may be seen. We worked with the Justice A P Shah Committee to draft a Privacy Bill that promotes the use of globally accepted privacy principles, and self-regulation by the industry supported by the data protection authority under the proposed privacy law. In the meantime, Adjudicating Officers under the IT Act are giving judgments on privacy violating consumers, which reinforce the right of consumer privacy.*

*DSCI continued to work on promoting its privacy framework – DPF© - and its Assessment Framework. It gives me pleasure to report that our efforts in creating the DSCI Privacy ecosystem in the country are beginning to show results. Gartner recognized DSCI and its privacy framework, and recommended organizations to adopt it – its July 2013 Privacy Hype Cycle report may be referred. We launched the **DSCI Certified Privacy Lead Assessor (DCPLA)** certification to train privacy and security consultants to perform the dual task of consulting and assessing privacy programs of organizations. To date 133 professionals are 'DCPLA certified' including those from Big 4 consulting firms, ISO assessing organizations, IT-BPM companies, banks and telecom service providers, manufacturing, which number 46 organizations. We also partnered with the Big 4-KPMG, Pricewaterhouse Coopers, Deloitte, Ernst & Young and BSI, TuV and DNV to create a pool of seven Assessment Organizations (AOs) for auditing and assessing the implementation of privacy programs in organizations with a view to recommending them for DSCI privacy certification. It is very encouraging to see the response of organizations in IT, banking and telecom sectors to get themselves "**DSCI Privacy Certified**".*

*DSCI has also developed the content for **DSCI Certified Privacy Professional (DCPP)**. This certification will be launched during the current year to certify individuals, working in industry and government, as privacy professionals. This will be a lean program compared to the DCPLA certification. Our aim is to certify professionals in thousands of numbers across the country, in all the industry verticals, and also in e-governance projects. DCPP and DCPLA along with the AOs, and DSCI Program for certifying privacy implementation will take privacy to the level that is befitting our status as a growing economy, benefitting from ICT, and in line with the regulatory requirements under the IT Act.*

*I look forward to your continued support in getting India recognized as a leader in privacy protection in the world."*

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**Mr. R. Chandrashekhar**

President, NASSCOM



*“It is the adoption of industry best practices that reinforces trust and confidence of our clients, both global and domestic, in the IT/BPM service providers. NASSCOM has encouraged this through its initiative - DSCI – to build thought leadership in security and privacy, and reach out to the industry and global clients. DSCI data protection frameworks have helped industry strengthen its processes and mature its practices. Data Privacy Day is a reminder that we should continue to strive to enhance industry best practices so as to ensure that India remains a secure global sourcing destination.”*

**Dr. Gulshan Rai**

DG, CERT-In



*“Data Privacy Day is a great initiative to connect all stakeholders – government, industry and users - to exchange best practices and ideas that enhance data protection. The focus of the organizations should be to proactively manage data privacy challenges and contribute to build a secure cyberspace.”*

**Mr. Rajesh Aggarwal**

Pr. Secretary (IT), Govt. Of Maharashtra



*“The awareness around privacy, and specially around IT Act, is still not adequate. Privacy is an important concept and awareness about one’s right and legal requirements can help build a well informed data protection regime. While the industry is more aware of data protection, the Data Privacy Day should be brought to the notice of government agencies, and they should be encouraged to participate in this campaign, along with the industry and users.”*

**Mr. Rajendra Pawar**

Former Chairman, NASSCOM & Chairman and Co-Founder, NIIT Group



*“Organizations in India, especially in the IT-BPM sector, have been highly proactive in implementing best security and privacy practices. This has helped raise the baseline of data protection level in the country, and provides assurance to clients that India is a secure destination for outsourcing. At NIIT, data protection practices go well beyond the basic hygiene factor; continuous upgrading of employee awareness and skills, and best practices implementation are part of the culture, since security is part of the Board agenda. We have also set up privacy practice as an independent entity.”*



**Mr. Srinath Batni**

Member of the Board, Infosys Ltd

*“At present we are witnessing technology invasion into our personal life like never before. Social networking for example has already changed the way we interact with each other. While all these have a positive impact on the development of the society Data Privacy (DP) of the individuals is assuming importance. Perfect balance between DP and the free information availability is a complex subject spanning physical boundary of nations. India has joined the band of select nations in ensuring proper data protection by enacting required laws. DP day celebrated all over the free world is a recognition and tribute to this important aspect of our social life”.*

**Mr. Michael Kaiser**

Executive Director, National Cyber Security Alliance



*“The Internet is a global platform. Therefore, global engagement in education and awareness on Data Privacy Day is critical measure of its success. We’re thrilled to have international partners like the Data Security Council of India working to promote a culture of privacy. Creating a culture of privacy where understanding, respecting and protecting the personal information of others is fundamental to building a safer more secure and trusted Internet.*

*I want to thank the Data Security Council of India for its ongoing leadership and efforts to support initiatives like STOP. THINK. CONNECT. India and Data Privacy Day. I hope very much your efforts will spread throughout India giving people the tools they need to navigate the online world with the level of privacy they desire and in a safe and secure manner. Your efforts make Data Privacy Day a truly global event and you should be proud of your impact in protecting all digital citizens.”*

**DATA SECURITY COUNCIL OF INDIA (DSCI)**

**A NASSCOM® Initiative**

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