

# Data Protection Authority Registration and Data Protection Officer Requirements for Data Controllers: India

by [Supratim Chakraborty](#), Khaitan & Co LLP, with Practical Law Data Privacy Advisor

Country Q&A | Law stated as of 12-Apr-2021 | India

---

This Q&A discusses obligations for private-sector data controllers in India to notify, register with, or obtain authorization from the data protection authority under India's comprehensive data protection law before processing personal data. It also discusses any requirements for data controllers to appoint a data protection officer (DPO) and any applicable notification or registration obligations relating to DPO appointments. This Q&A does not cover notification, registration, or authorization requirements for data processors or arising under sectoral laws. For an overview of the data protection law in India, see [Country Q&A, Data Protection in India: Overview](#).

---

## Data Protection Authority

1. What is the name and contact information of the country's data protection authority or supervisory authority responsible for data protection?

### Name

India does not have a national data protection regulator. The Ministry of Electronics and Information Technology (MeitY) issues rules under the [Information Technology Act 2000](#), which the [Information Technology \(Amendment\) Act 2008](#) amended, such as the [Information Technology \(Reasonable Security Practices and Procedures and Sensitive Personal Data or Information\) Rules 2011](#), and acts as an enforcement authority.

Additionally, sectoral regulators issue data protection related regulations and standards, such as Telecom Regulatory Authority of India for telecom service providers and the Reserve Bank of India for banking and finance.

### DPA Contact Information

**W:** [meity.gov.in/cyber-security](https://meity.gov.in/cyber-security)

**E:** [mljoffice@gov.in](mailto:mljoffice@gov.in)

[Ministry People Directory](#)

[Agency Contact Webpage](#)

## Notification or Registration

2. Does the country's comprehensive data protection law require private-sector data controllers to notify or register with the data protection authority before processing personal data?

No. There are no requirements in the [Information Technology Act 2000](#), which the [Information Technology \(Amendment\) Act 2008](#) amended, or the [Information Technology \(Reasonable Security Practices and Procedures and Sensitive Personal Data or Information\) Rules 2011](#) for corporations, proprietorships, or other associations engaged in professional or commercial activities, known as body corporates, to register with or notify or register with any authority before processing personal data. Practitioners understand body corporate to exclude organizations that are not classified as engaging in professional or commercial activities.

## Authorization

3. Does the country's comprehensive data protection law require private-sector data controllers to seek authorization from the data protection authority before processing personal data?

No. There are no requirements in the [Information Technology Act 2000](#), which the [Information Technology \(Amendment\) Act 2008](#) amended, or the [Information Technology \(Reasonable Security Practices and Procedures and Sensitive Personal Data or Information\) Rules 2011](#) requiring individuals or body corporates that handle personal data to obtain authorization from any authority before processing personal data.

## Data Protection Officers

4. Does the country's comprehensive data protection law require private-sector data controllers to appoint a data protection officer?

In certain circumstances. The [Information Technology \(Reasonable Security Practices and Procedures and Sensitive Personal Data or Information\) Rules 2011](#) (Privacy Rules) require a body corporate that handles sensitive personal data or information (SPDI) to appoint a grievance officer to address data subject grievances (Rule 5(9), Privacy Rules). SPDI consists of information relating to a person's:

- Passwords.
- Financial information, including information relating to bank accounts, credit cards, debit cards, and other payment instrument details.
- Physical, physiological, and mental health condition.
- Sexual orientation.
- Medical records and history.
- Biometric information.

SPDI also includes any details relating to the above even if the body corporate receives the data in connection with providing a service or under a lawful contract. (Section 3, Privacy Rules.)

Unlike a data protection officer (DPO) under the [EU's General Data Protection Regulation \(Regulation \(EU\) 2016/679\)](#) (GDPR), who has several responsibilities like cooperating with supervisory authorities or monitoring compliance, body corporates appoint a grievance officer only to ensure that they address grievances in a timely manner. For more on other responsibilities that apply when processing personal information or SPDI, see [Country Q&A, Data Protection in India: Overview: Question 8](#).

5. If the comprehensive data protection law requires private-sector data controllers to appoint a data protection officer (DPO), do data controllers have any obligations to notify or communicate the DPO's contact details to the data protection authority or register with the data protection authority?

If a body corporate must appoint a grievance officer (see [Question 4](#)), it must publish the name of the grievance officer and contact details on its website (Rule 5(9), [Information Technology \(Reasonable Security Practices and Procedures and Sensitive Personal Data or Information\) Rules 2011](#)). There is no need to register with the Ministry of Electronics and Information Technology, which enforces the data protection laws in India.

For the Ministry of Electronics and Information Technology's contact information, see [Question 1](#).

### **Contributor Profile**

**Supratim Chakraborty, Partner**

**Khaitan & Co LLP**

**T** +91 33 2248 7000

**F** +91 33 2248 7656

**E** [supratim.chakraborty@khaitanco.com](mailto:supratim.chakraborty@khaitanco.com)

**W** <http://www.khaitanco.com/people/supratim-chakraborty>

**Professional qualifications.** India, Attorney, 2008

**Areas of practice.** Data protection; cybersecurity; IT contracts; mergers and acquisitions.

---

**END OF DOCUMENT**