

The Science, Indigenous Technology and Advanced Research Accelerator

# Your Excellent talk on the Data Privacy Bill at the Skoch Summit

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To

Smt. Meenakshi Lekhi

Hon’ble Chairperson, Joint Parliamentary Committee

Dear Madam,

We in SITARA welcomed your comments yesterday at the Skoch Summit underlining the risks posed to Data Privacy, Security, Sovereignty and the National Interest (the 4 domains to be protected).

We also warmly welcomed your endorsement of and commitment to indigenisation. We have been following your work in the service of the nation for many years. Your point that it was critical that Indians start owning and building their own hardware/ software is one that SITARA has been promoting. **We agree with you that indigenisation is vital for Data Privacy, Security, Sovereignty and National Security**. Thus we had warned the authorities of the risks posed by Chinese control of our telecom networks, mainly due of procurement practices that excluded indigenous telecom manufacturers. We wrote to Prime Minister, the Prime Minister's Office and other government departments which were responsive to the issues we have raised. Several procurement reforms followed and the Telecom Security Directive was issued with our active input as we were the only organisation to raise the need for a Telecom Security Act to protect our Critical Information Infrastructure, along the lines of similar legislation adopted in advanced countries. **In fact we hope that we can be in touch with you on indigenisation.**

**In our inputs we wanted to reinforce the need for indigenisation/ cybersecurity in the context of the threat posed by Big Tech to these 4 domains:**

**Threat from Big Tech**:

SITARA members have been campaigning for a strong Data Privacy Bill which can deal with the danger posed by Big Tech. Many countries have woken up to the threat not just to individual liberty but to critical aspects of national life, and they are taking action to control them. On its part, Big Tech is lobbying very strongly in India against Data Privacy, Data Sovereignty and Data Localisation, which of course would be the ideal solutions to insulate ourselves from massive data privacy intrusions and dilution of national sovereignty. Some of their representatives spoke up in the session yesterday.

Big Tech has access to enormous amounts of data flowing through their India platforms through the digitisation of Services and also the manufacturing and rapidly modernising agricultural sectors. Since some of our military communications hardware is also foreign, despite the availability of word-class indigenous capabilities (which is why we have been emphasising procurement reforms), they also have access to the most sensitive data pertaining to National Security.

Their power is poised to grow even more. Access to billions of individual profiles and data from the increased use of sensors and networked devices – is continuously increasing the scale of real-time data extraction which they feed their industrial, marketing and social behavioural algorithms. ***Intelligentisation*** is following in which smart devices and predictive tools will present ready made and inflexible options for us.

In addition to that, as you pointed out, they systematically conduct influence campaigns to ensure ever greater control of entire countries and political fortunes.

Finally, the greater the control over data, the greater the innovation that will follow and therefore the greater current and future revenue generation which will be monopolized by Big Tech.

If the country does not have a strong data privacy protection framework for all data relating to Indian citizens,  then foreign entities digitally extracting our data first, will have de facto ownership and control over our data which enables them to build and sell IP-protected intelligentised products and solutions derived from "our" data back to us.  It will also ensure exponentially growing monetisation opportunities while drastically squeezing the space for indigenous small businesses building new products and services. It will force Indian PUBLIC AND PRIVATE entities to depend on the platforms/digital intelligence/solutions owned and sold by global digital corporations. **The latter will also lead to even more foreign exchange losses for the country, as we become ever more dependent on foreign-owned intelligent products and solutions (which will continue to become progressively more intelligent deriving from our data).**

This totally undermines Hon’ble PM’s Atmanirbharta campaign which promotes the development of indigenous products and services fundamental to economic, technological and national independence.

In fact, an indigenous initiative in the form of the **Atmanirbhar Digital India Foundation** (https://www.adif.in/about-us) has emerged to preserve Indian cyber space for indigenous solutions and start-ups. The legislation must ensure the success of such entities and initiatives and limit the scope for Big Tech, which have entrenched lobbies and representatives in India.

**The Parliamentary Committee may not be aware but a Government department has been freely giving out sensitive contracts to Oracle Cloud, Google and Adobe to manage critical services handling sensitive Govt and private citizens data flowing through Government channels. We are enclosing our letter to Hon’ble Prime Minister protesting IBM’s announcement that they were going to set up an AI “centre of excellence” in the path breaking Government e-marketplace (GeM) through which enormous amounts of highly sensitive commercial/ procurement data flows. We hope the legislation will ensure that such blatant disregard of basic precautions in handling sensitive national data is prohibited.**

Big Tech’s access thus must be constrained by a strong Data Privacy protection framework for all data relating to Indian citizens. The Competition Commission of India should be enlisted in the task of more pro-actively limiting the monopoly powers of Big Tech and the formation of cartels, along the lines of their anti-trust counterparts abroad and this must find mention in legislation.

We conclude by underlining that India must have strong data privacy laws and set an example as a democracy to the rest of the world. The other side of the coin of data privacy is protection of human dignity and liberties. The world is engaged in a titanic struggle between two ideologies, and a signal from the earth’s oldest continuous civilization will surely light the way forward. We recommend the exemptions in the bill not be so liberal as the real threat to National Security, stability and economic growth is Big Tech, adversarial nations and the fast paced development of intrusive technologies.

We request the draft Bill also include references to the need for cybersecurity and National Security based on indigenous products, both software and hardware. Cyber attacks are a threat not only to data privacy, data sovereignty but also to national security.

Finally the technological threat must be taken into account. Innovators are creating mind reading technologies already. So legislation has to keep up with technological advances.

Govt has made a good start by banning Chinese apps.  This has opened up the space for Indian alternatives and the private Atmanirbhar Digital India Foundation has just been launched. The JPC must consult such entities, SMEs, indigenous cybersecurity and ICT firms to understand the full scope of the threat and the legislation required to deal with it. Indian cyber start-ups, Cybersecurity and National Security experts must be consulted/ included in an independent and autonomous Data Protection Authority whose scope should be expanded to include Cybersecurity, National Security and Indigenisation.

The nation's cybersecurity very much depends on having indigenous intelligent products and solutions. **We request you to please ensure that the Data Privacy Bill supports Atmanirbhar Bharat!**

With warm and deep personal regards,

Smita Purushottam

Chairperson SITARA

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