

To Share User Data or Not? Tech Cos Not on Same Page

Proposed provision allows govt to seek any non-personal data from cos

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New Delhi: Companies such as e-commerce players and cab aggregators aren't on the same page over the issue of sharing non-personal, or anonymous, information that the government may seek from them for better policy-making, as proposed in the Personal Data Protection Bill.

Amazon expressed apprehension over sharing the data during meetings last month with a committee headed by Infosys cofounder S Gopalakrishnan, two people aware of the matter said. The Gopalakrishnan committee is tasked with recommending regulations on sharing such data. Amazon's rival Snapdeal and cab-sharing platform Uber, however, have sounded amenable to sharing of anonymous bulk data, they said.

Uber already shares such data under its Uber Moment and, therefore, the company has broadly agreed for sharing such information, said a person familiar with Uber plans. Flipkart too has expressed reservations over the issue during its discussions, said the person.

Walmart-owned Flipkart called the information about it expressing reservation over the issue as "incorrect". "We are engaging with the government and other stakeholders to explore how we can support the objective of creating wider public good, under the right framework, using our resources including data and intelligence," a spokesperson said.

Amazon said it was aligned with the government's objectives towards creating a robust and secure digital economy for Indian customers. "We are following the progress of the Bill and we cannot specifically comment on any provision till it is open for public comment," an Amazon spokesperson said.

Uber and Snapdeal declined to comment.

Last week, the Union Cabinet cleared the Bill which has proposed a new provision allowing the government to ask any

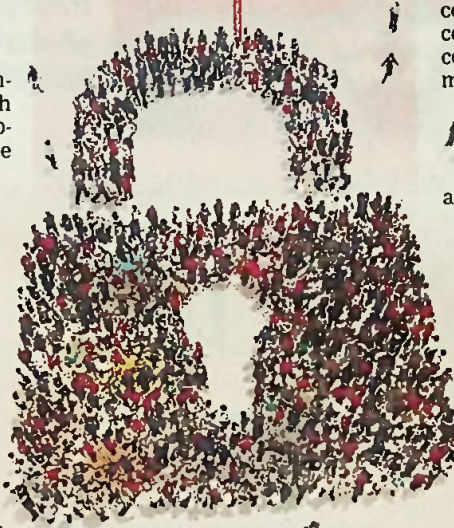
Divided Over Data

Amazon expressed apprehension over sharing the data

Flipkart has expressed reservations

Uber already shares data under its Uber Moment

Personal Data Protection Bill's new proposed provision will allow govt to ask any data fiduciary to part with non-personal information



data fiduciary to part with non-personal information — such as the number of cars on ride-hailing platforms like Uber — for better targeting of services, framing of policies and better governance.

"When you give discretionary powers and authority to ask for the data whenever the needs arise, who would have the discretionary power is the challenge," said an industry executive. "For cybersecurity-related cases, they come with a court or magistrate's orders and only then such information is shared. There you have an extra layer of authenticity, apart from the executives who are seeking such data," the person added.

The Gopalakrishnan committee will

provide a framework as to what types and categories of anonymous information tech companies would have to part with. Now that the provisions have become part of the Bill, which will apply to all companies and any organisation which is processing data of individuals, the issue is expected to gain much more prominence.

A government official told ET before the Bill was passed on Wednesday that companies could have some reservations to it initially. "Globally, no country has regulations around non-personal or community data so far, so there is no precedence for the subject which is also very complex," he said, asking not to be named. "So, companies obviously will have some apprehensions initially like they do to any new policy."

Another government official confirmed that Amazon had met officials at the Ministry of Electronics and Information Technology and said the company had huge plans for business in India. "Whoever has to operate in India, has to follow the rules and the regulations of the land," said the person, without disclosing whether Amazon had expressed concerns over sharing non-personal data.

An industry executive said: "The government first needs to get clarity on who is the owner of data. According to Justice BN Srikrishna Committee (on data protection), the individual is the owner of his or her personal data so by that basis, the ownership of any derivative of personal data should also lie with the individual. If the company invests in an IP and the proposition is so interesting to a user that that person agrees to share his/her personal data, then how can the government argue that such data belongs to the community?"

An industry expert said community data was playing a big role in this age of artificial intelligence. "Most of leading countries are building their AI strategy on data sharing, we will lose out if we don't," this expert added.