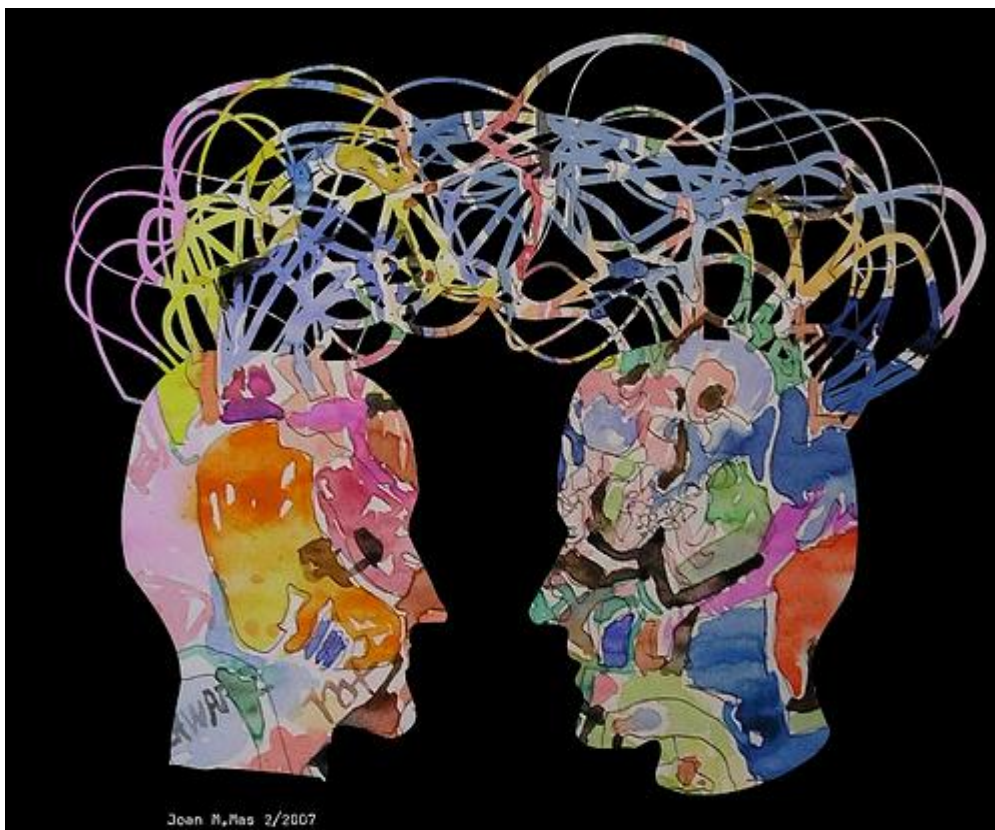


# PRIVACY MATTERS CONFERENCE REPORT



MADRAS INSTITUTE FOR DEVELOPMENT  
CHENNAI. AUGUST 6<sup>TH</sup> 2011

Image by: Beverly Chandler, Opalesque London

NO. 79, 2<sup>ND</sup> MAIN ROAD ADYAR,  
CHENNAI 600020  
NO. 194, 2<sup>ND</sup> 'C' CROSS, DOMLUR 2<sup>ND</sup> STAGE  
BANGALORE 560 07



# PRIVACY MATTERS

## CONFERENCE SUMMARY

On August 6<sup>th</sup> 2011 the public conference “Privacy Matters” was held at the Madras Institute for Development (MIDS) in Chennai. The conference discussed the challenges and concerns of privacy in India, with a focus on consumer privacy and privacy and telecommunications.



The daylong consultation was organized in partnership with Citizen consumer and civic Action Group, MIDS, and IDRC. The event was attended by consumer activists, grass root NGO representatives, students, local press, and advocates.

Welcoming the participants, Prashant Iyengar lead researcher for Privacy India, gave an introduction to the objectives of Privacy India, and briefed the gathering about the thematic “Privacy Matters” consultations previously held across the country in Kolkata, Bangalore, Guwahati, and Ahmedabad. Mr. Iyengar also gave a background to issues that India is facing in concern with privacy, explaining the many contexts that privacy can be found in, and raising questions such as: Why is privacy important? How can it be maintained with the way technology is encroaching upon our lives? And how can we make privacy laws practical and functional?

*“Privacy India’s objectives are to raise awareness, spark civil action, and promote democratic dialogue around privacy challenges and violations in India. One of Privacy India’s goals is to build consensus towards the promulgation of a comprehensive privacy legislation in India through consultations with the public, legislators and the legal and academic community” – Prashant Iyengar, Privacy India.*

---

## KEY NOTE SPEECH

---

Speaking in the keynote session was Dr. Santosh Babu, Sashi Kumar Menon, and R. Ramamurthy. Dr. Santosh Babu, the Secretary of IT for the Tamil Nadu Government shared his personal experiences with e-governance projects and privacy. He emphasized the importance of privacy, and explained how e-governance projects, such as electronic grievance systems, can bring great benefits to all classes in society, but they can also pose a risk to privacy, because they depend on the collection of information and formation of databases. Therefore, the pros and cons of every project developed must be weighed with privacy in mind. Sashi Kumar Menon, founder Chairman of the Media Development Foundation spoke on the relationship between the media and privacy. In his presentation he pointed out that care needs to be taken when addressing privacy and the media, as the right to privacy could, if not properly framed, work to censor the media rather than protect a fundamental right. R. Ramamurthy, Chairman, Cyber Society of India spoke about different threats to national security that the internet has brought about. Because of these threats, when it is a case of national security, national security must take precedence.



---

## SESSION I PRIVACY AND TELECOMMUNICATIONS

---



In the first session, Usha Ramanathan, advocate and social activist and Mrs. Desikan, Consumer Association of India, spoke on privacy and telecommunications. Mrs. Ramanathan pointed out that telecommunications are just one way in which the State is collecting information about individuals. New initiatives such as the UID and other e-governance projects also work to build databases and collect information about individuals. This collection of information is a threat to individual privacy as people lose the ability to control who has access to their information, what that information says about them, and how that information is used. Mrs. Ramanathan also spoke about the new draft Privacy Bill, pointing

out that we should look at what the Privacy Bill is protecting in terms of privacy, but also what the Bill is accepting as areas that need privacy protection. Using the example of files being inserted with RFID chips to ensure that they moved from one desk to another desk, Mrs. Ramanathan pointed out that in many cases today technology is being used as a band aid solution to a problem, and in doing so is also violating individual privacy.

Mrs. Desikan spoke predominately about consumers rights in concern with telecommunications and telemarketers. Members of the audience voiced their discontent over the telemarketing calls that they receive multiple times a day. Mrs. Desikan responded to these complaints by pointing out that though TRAI can do a better job of enforcing regulations and bringing redress for violations, it is also the responsibility of the consumer to know the contracts that they are signing and the products that they are purchasing.



Also speaking in this session was Mr. S Martin, Advocate and Consumer Activist. Mr. S Martin spoke on financial transactions and privacy. He argued that an individual's financial information should be held to the highest level of privacy, unless the information involves public money. In his presentation Mr. Martin emphasized to the audience the importance of disclosing financial information only when consent has been given.

### QUESTIONS TO CONSIDER

- What does the leaked Privacy Bill say about India's cultural perspective about what needs the protection of privacy?
- Are there ways to design policies to ensure that technology does not become an inappropriate solution?
- What are ways in which consumers can become more informed about the products they are consuming, the information they are sharing, and the privacy implications involved?



---

## SESSION II PRIVACY AND CONSUMER RIGHTS

---



In the second session Dr. Revathi, Associate Professor at the Dr. Ambedkar Law University in Chennai, looked at consumer privacy from a legal perspective. Noting that as consumers we are always exchanging personally identifiable information, and thus our privacy is always at risk, she talked about how consumer privacy is mainly concerned with how ones information is collected, what information is collected, and how that information is used. Her presentation highlighted different regimes and bodies that protect privacy in India such as the RBI, and discussed different obligations that corporates have in India to protect consumers' privacy.

### QUESTIONS TO CONSIDER

- Is a comprehensive data protection of a sectoral approach more suited to the needs of India?
- Does India want to become compliant with international standards for data protection?
- How will privacy policies be enforced and how will organizations be held accountable for protection of client privacy under the legislation?
- Will consumers be notified if their information is breached? If so – what will be included in the breach notification?
- How can legislation ensure that consumers are aware of their privacy rights?
- How can privacy legislation address the need for different levels of protection for different types of data?

---

## SESSION III PRIVACY AND HUMAN BASIC NEEDS

---

The last session focused on Privacy and Basic Rights/Needs. Dr. N Manimekalai, head of the gender studies department at the Bharathidasan University in Trichy, spoke on how protecting human rights of individuals can also work to protect their privacy. Her presentation highlighted how the lives of the underprivileged are concerned with privacy in many ways including: the right to sanitation, the right to shelter, and the right to familial privacy, labor rights in the work place bodily integrity, the right to public space, and the right to clothing. Dr. N Manimekalai also spoke about how women face specific challenges to privacy such as lack of



CRDI

THE internet  
CENTRE  
FOR & SOCIETY



SAG  
society in action group

PRIVACY  
INDIA

Madras  
Institute of  
Development  
Studies



CAG

proper public restrooms and lack of privacy over personal choices concerning her body.



Speaking on privacy and natural resources was Mr. Ramkumar. Mr. Ramkumar pointed out that when talking about natural resources - rights and entitlements are very important. What the UID seeks to do is to deny those who are not in the UID system entitlements, because you do not have the accepted identity. He also brought out the point that the UID will work to take away the informal sector in India, but the impact of this must be considered as currently, India is largely comprised of the informal

sector.

### QUESTIONS TO CONSIDER

- How can privacy be formed as a right that provides individuals the ability to be private individuals i.e. proper infrastructure, basic human needs etc.?
- How can land resourced by allocated and distributed to protect individual privacy?

---

### CONCLUSION

---

Many themes relating to privacy were brought out over the course of the day. On one note the audience discussed different consumer violations they had experienced, and noted that consumers need to be aware of what information that is being collected, how that information is being used, and what are the forms of redress on can take if the information is abused. Over-collection of information by the Government was another theme. Members of the audience voiced concerns about the amount of information the Government is collecting through different schemes, and the way in which this will change the relationship between the State and the citizen. The need to protect the privacy of the underprivileged as a basic human right emerged as another theme.

- Property rights and privacy
- Privacy rights of minorities
- Privacy and the UID
- Privacy and consumer rights
- Privacy and telecommunications
- Cultural perceptions of privacy