The Public Financial Institutions (Obligation as To Fidelity and Secrecy) Act, 1983 (Sections Relevant to Privacy)

## ****3. Obligation as to fidelity and secrecy.****

(1) A public financial institution shall not, except as otherwise provided in sub-section (2) or in any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the public financial institution to divulge such information.

(2) A public financial institution may, for the purpose of efficient discharge of its functions, collect from, or furnish to,-

(a) The Central Government; or

(b) The State Bank of India constituted under section 3 of the State Bank of India Act, 1955(23 of 1955), any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959(38 of 1959), any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970( 5 of 1970) or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank within the meaning of the Reserve Bank of India Act, 1934(2 of 1934); or

(c) Any other public financial institution, such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

Explanation. For the purposes of this sub-section, the expression “credit information” shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934(2 of 1934) subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section or a public financial institution.

## ****4. Declaration of fidelity and secrecy.****

Every director, member of any committee, auditor or officer or any other employee of a public financial institution to which this Act applies, shall,-

(a) Before entering upon his duties; or

(b) Where he has entered upon his duties as such before the date on which this Act became applicable to such institution, within thirty days from the date on which this Act became applicable to such institution, make a declaration of fidelity and secrecy in the form set out in the Schedule to this Act.