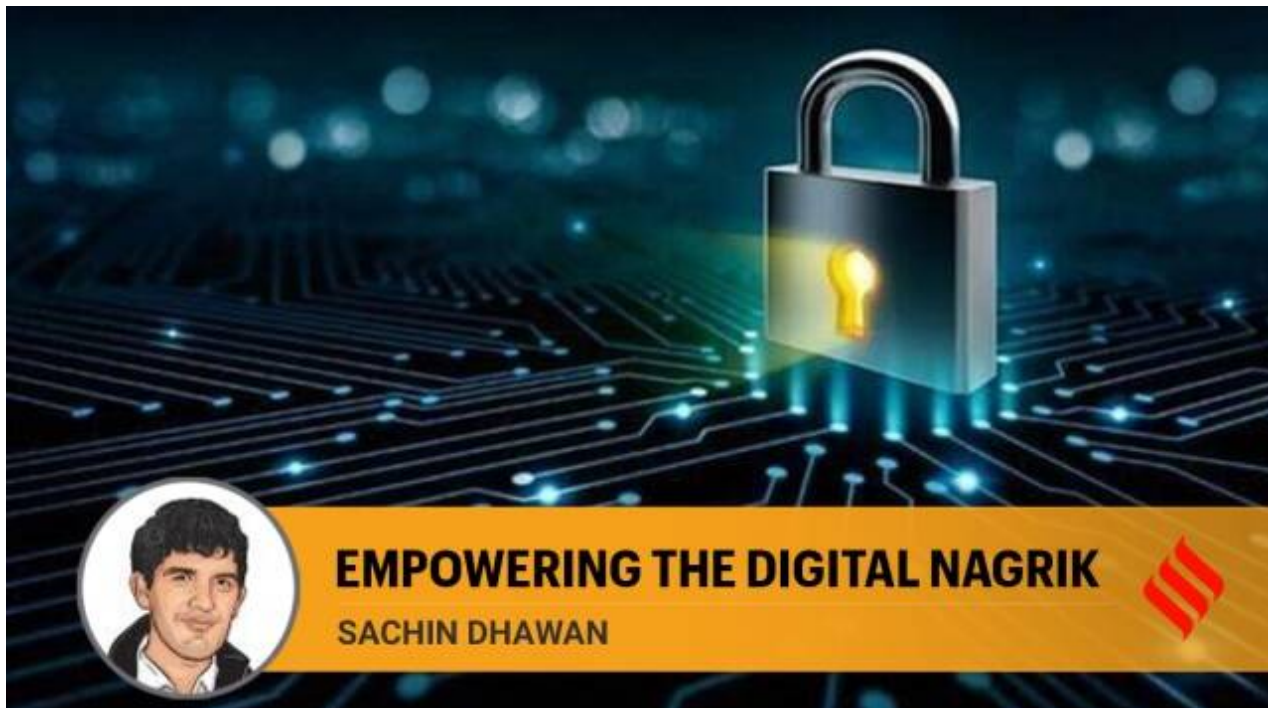


# What Data Protection Bill needs to do to actually protect

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The government will reportedly introduce a **revised version of the Digital Personal Data Protection Bill** in the upcoming Monsoon session of Parliament. This is an opportune moment for the government to consider making further improvements to the Bill. One of the provisions in an **earlier version of the Bill** concerned data portability, which empowers users to “port” or transfer their data across different platforms. The government should bring back such a provision and also introduce an interoperability provision. Interoperability empowers users to escape the walled garden platforms that the internet has currently siloed users into.

Data portability and interoperability have several advantages. They will empower ordinary users or digital *nagriks*. Right now, users online are powerless when it comes to the scope and extent to which their data is collected, stored and processed by data-hungry platforms. They have little choice but to sign up for digital platforms that use their data carelessly, as evidenced by the recent spate of breaches in India. This is because they are dependent on these platforms for essential services — everything from education to

employment. These platforms have become chokepoints or gatekeepers that come in between users and their friends, customers, constituents, etc. So, users haplessly agree to one-sided take-it-or-leave-it contracts that essentially empower platforms with near-absolute power over their data.

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With data portability, digital *nagriks* will be able to vote with their feet. They won't be at the mercy of powerful platforms, forced to suffer harms such as pervasive surveillance. Indeed, some of the ways in which users are exploited by big data systems are harrowing. Many small businesses, for example, sell their wares on large e-commerce platforms in the hope of supplementing their income. Only to find that the same e-commerce platforms leverage the data they generate to launch rival products and undercut their business.

Data portability will put platforms on notice that they cannot continue to irresponsibly exploit their users' data. These platforms will have to live up to the title of "data fiduciaries" (entities which act in the best interest of their users) assigned to them in the Bill. This is because if they don't, their users can easily port their data to a rival platform.

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Moreover, users will not be the only beneficiaries of such a regime of easy data transfer or data portability. The nascent ecosystems of start-ups in India will also benefit. They will be able to overcome the barriers to entry that have been stymying competition in the technology sector. This is because they will now have an effective pitch to attract users who are dissatisfied with incumbent platforms. At the moment users may be dissuaded from moving to new platforms even if they want to because they will lose access to their existing data. But the promise of better privacy and data security will work in a world with data portability because users can move to new services, gain better treatment and still have access to their previously generated data.

If the government introduces interoperability then the situation becomes even better for users and start-ups. Interoperability means that not only will users get to port their data — take their data with them — they will also get to keep in touch with the original platform they were on and engage with the platform users that they leave behind. A Twitter user for instance could leave the microblogging site with her data in tow to join a rival start-up platform. In addition, thanks to interoperability, she can continue to communicate with her Twitter contacts. The barriers that dissuaded her from moving will no longer constrain her.

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Think of how e-mail currently works. You don't have to have a Gmail account to send an e-mail to someone with a Gmail account. And vice versa. This is because e-mail is interoperable. People can communicate with each other across platforms. If interoperability is introduced then the rest of the internet will look like e-mail. People will be able to break through the walled gardens that currently prevent them from engaging in cross-platform interaction.

Thus, the government should in the spirit of user empowerment consider introducing data portability and interoperability provisions in the Bill. Doing so will constrain incumbent tech platforms from abusing user data, empower digital nagriks and provide a boost to the start-up ecosystem. The stakes are high given the indispensability of the internet to modern life. Now is the right time for the government to act, to strike while the iron is hot.

***The writer is Programme Manager, Centre for Communication Governance at National Law University, Delhi.***