

# Surveillance & Intrusive Technologies The Indian Scene

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# Intrusive Technologies – The Indian Scene

- Research by SFLC.in – Privacy and Surveillance
- Hacking Team disclosures
- The law or the lack of it

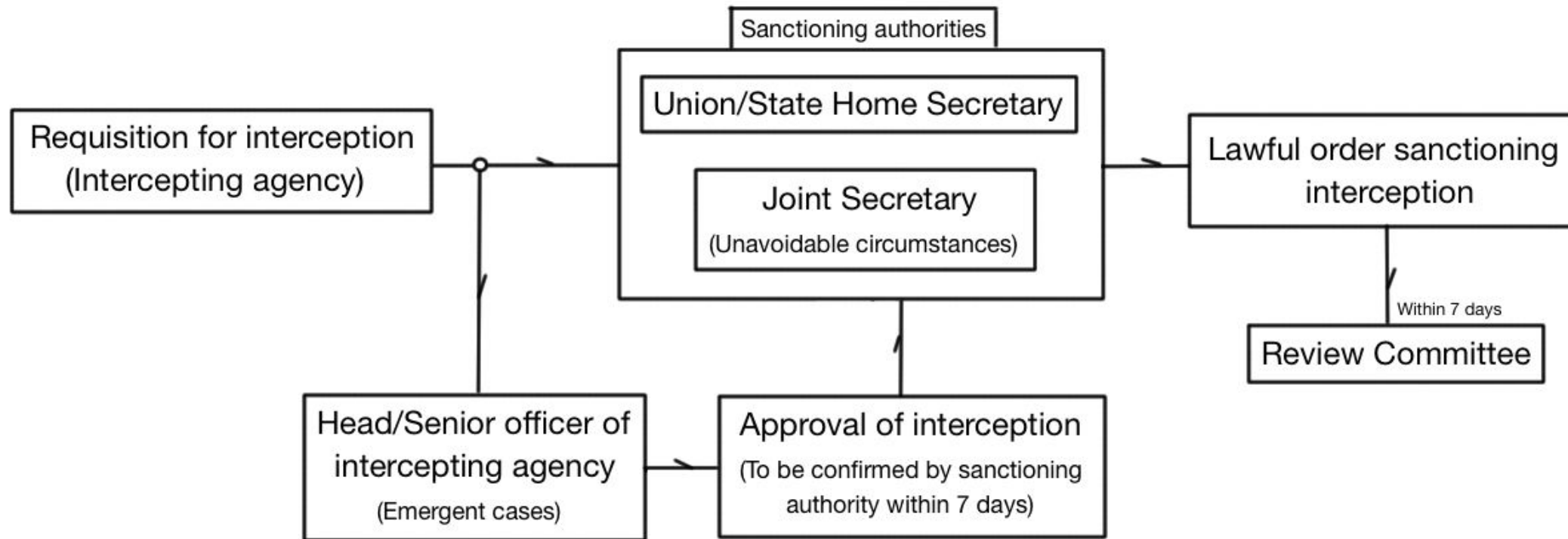
# Right to privacy

- Not explicit in the Constitution
- Courts have interpreted the “Right to Life and Personal Liberty” to include the “Right to Privacy”
- Recent legal battles

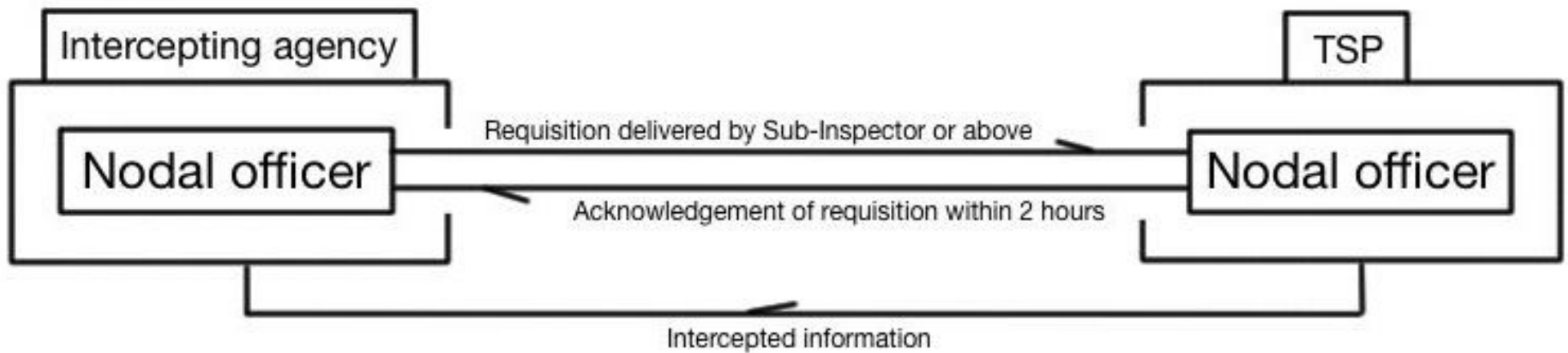
# Laws- Surveillance in India

- Telegraph Act /Rules
- Information Technology Act/Rules
- S.91, Code of Criminal Procedure

# Telephone Tapping/ Internet Monitoring



# Telephone tapping



# Review Mechanism

## Central Review Committee

- Cabinet Secretary as Chairman
- the Secretary to the Government of India In-charge, Legal Affairs
- the Secretary to the Government of India, Department of Telecommunications

# Internet - Monitoring

- Section 69, Information Technology Act
  - Internet data
- Section 69, Information Technology Act
  - Internet meta – data
- Section 28, Information Technology Act
  - Controller of Certifying Authorities
- Section 29, Information Technology Act

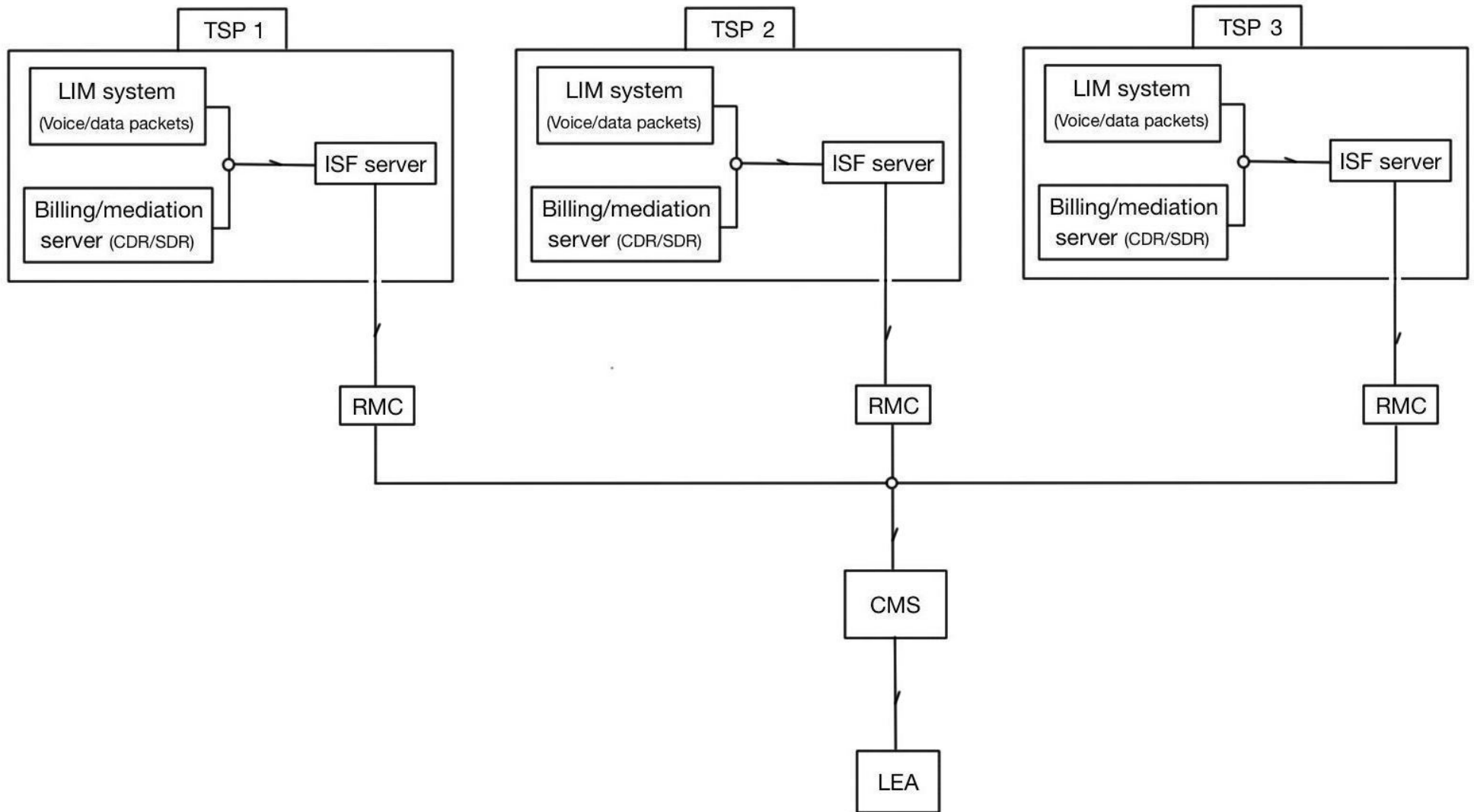


- **Rule 6 of the Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011**
- **Rule 3(7) of the Information Technology (Intermediaries Guidelines) Rules, 2011**
- **Rule 7 of the Information Technology (Guidelines for Cyber Cafe) Rules, 2011**

# Surveillance Mechanisms

- Lawful Intercept and Monitoring Systems
- Centralised Monitoring System
- NETRA(Network Traffic Analysis)
- NATGRID(National Intelligence Grid)

# CMS



# Solutions

- Law
  - International co-operation
    - Opinion of the European Data Protection Supervisor
  - Domestic Laws
- Tech
  - Privacy by Design

# Questions?

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