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INSTITUTION OF EMINENCE DEEMED TO BE
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You are cordially invited to the

WORKSHOP ON

Mapping Data Protection Expectations:

A Glimpse of the EU GDPR and India's Data Protection Framework

under Jean Monnet Chair by European Union (E.U.)

PROGRAMME

- | | |
|-----------------------|---|
| ■ 10:00 AM – 10:15 AM | Session 1 – Introductory session
Welcome address : Prof. Indranath Gupta, Jean Monnet Chair, Professor, O.P. Jindal Global University |
| ■ 10:15 AM – 11:00 AM | Special Address: Prof. Katarzyna Klafkowska-Waśniowska
Jean Monnet Chair, Faculty of Law and Administration Adam Mickiewicz University |
| ■ 11:00 AM – 11:15 AM | Break 1 |
| ■ 11:15 AM – 12:45 PM | Session 2 - The EU GDPR experience: A journey of compliance in the EU
Mr. Sahil Ahmed, Manager, Tsaaro
Mr. Deepanshu Singh, Manager, Tsaaro |
| ■ 12:45 PM- 1:30 PM | Lunch Break |
| ■ 1:30 PM – 3:00 PM | Session 3 - The Indian experience: The past, present, and future of data protection
Mr. Supratim Chakraborty, Partner, Khaitan & Co. |
| ■ 3:00 PM – 3:15 PM | Break 2 |
| ■ 3:15 PM - 4:45 PM | Session 4 - The way forward for data controllers/data fiduciaries
Mr. Kailas Karthikeyen, Founder, Policy Consultant, Attorney, Gestalt Strategy Consulting |
| ■ 4:45 PM – 5:00 PM | Vote of Thanks |

» SATURDAY, 8TH JULY, 2023 «

Venue: JGU International Academy, Taj Mahal Hotel, Mezzanine Floor, 1, Man Singh Road, New Delhi



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Mapping Data Protection Expectations: A Glimpse of the EU GDPR and India's Data Protection Framework

Data protection has emerged as an important area of discussion in recent times. While the European Union (EU) has led the way with the enactment of the EU General Data Protection Regulation (GDPR) in 2018, the discussions on a viable data protection framework in India have not yet resulted in the enactment of a comprehensive legislation. India has placed various propositions that have been discussed and published in the last five years. The propositions include the Personal Data Protection Bill, 2018 (PDP Bill, 2018), the PDP Bill, 2019, the Joint Parliamentary Commission Report on PDP Bill, 2019, the Data Protection Bill, 2021, and the latest draft Digital Personal Data Protection Bill, 2022. These various data protection bills seek to protect the personal data of data principals (the person who can be identified from personal data) by requiring data fiduciaries (the entity that decides the purposes and means of processing personal data) to have a ground of processing and follow data protection principles. In the EU GDPR, data principal and data fiduciary are termed data subject and data controller respectively. Alongside the developments on data protection bills in India, there have been discussions on the existing framework including the Information Technology Act and Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011. There have also been discussions on the KS Puttaswamy judgement ((2017) 10 SCC 1) of the Supreme Court of India that identified privacy as a fundamental right under Article 21 of the

Constitution of India. In the data protection developments around the world including India and the EU, one of the core issues is the data controllers' / data fiduciaries' compliance with data protection measures to protect the individuals' right to privacy. The experience of the EU GDPR shows how data controllers have been fined for non-compliance as evident from several decisions in the past few years from EU member states' supervisory authorities. Further, there are questions about how the law must be interpreted and applied by data controllers to comply with the data protection expectations. While the European Data Protection Board and CJEU judgments provide guidance, concerns exist about how data protection principles and provisions can be practically applied. For instance, there are questions about how the notice and consent requirement must be operationalised. Importantly, what can India learn from the EU experience while framing its future data protection law and rules?

The workshop will facilitate discussion on issues including the following-

1. How should the letter of the law be interpreted and applied in practise?
2. What can India learn from the EU experience of enforcing the GDPR?
3. What global best practices can help inform India's drafting of data protection legislation?

Session Plan

Session 1 - Introduction to Data Protection and Privacy

Session 2 - The EU GDPR experience: A journey of compliance in the EU

Session 3 - The Indian experience: The past, present and future of data protection

Session 4 - The way forward for data controllers / data fiduciaries