



About Akshara Foundation

Akshara Foundation (<https://akshara.org.in>): Akshara Foundation is a non profit based in Bangalore, India. The Organization was founded in March 2000, with the belief that quality education is the undeniable right of every child. Our vision is to improve the quality of Education in govt schools. The current reach of the organization is ~16,660 government primary schools across Karnataka and Odisha states impacting over 800,000 children. The flagship programme focuses on improving the math learning levels of children in government schools. The organization uses technology extensively to monitor and measure its programmes. The organization has an open data platform called KLP (Karnataka Learning Partnership: <https://klp.org.in/>) with the primary objective of making data related to education accessible and actionable.

Our Recommendations

The Personal Data Protection Bill, 2018^[1] has come at the right time and we really appreciate that the Government of India recognises this as a right of citizens . We truly appreciate the fact that “children” are considered as citizens who have “equal rights” from whom prior consent is required before we collect the data. We also, appreciate adding of a special section 23 under “Chapter V - Personal And Sensitive Personal Data Of Children”. The proposed bill is comprehensive in defining all the aspects of data protection. We appreciate the fact that data collector is now responsible for the complete data management and has onus to adhere to privacy concerns of the subjects from whom he is collecting the data.

For the purpose of this document, the key definitions remains the same as listed in the bill^[1]. Based on our experience of working in primary education sector in Karnataka, we suggest following amendments to the draft bill^[1]:

1. We request the committee to revise sub-section 7 under section 23 of “Chapter V - Personal And Sensitive Personal Data Of Children” to include exemption of guardian data fiduciaries registered as societies(registered under Societies Registration Act, 1860^[2]) and trusts(registered under Indian Trusts (Amendment) Act, 2016^[3]) to obtain parental consent, if these guardian data fiduciaries are working with the State to assist in implementation and execution of Integrated Child Development Services (ICDS)^[4] schemes and key schemes in National Education Mission like Saakshar Bharat, Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA), Teachers Training, etc.

2. We also request the committee to revise section 13 under “Chapter III - Grounds For Processing Of Personal Data” to include assistance of the State to guardian data fiduciaries registered as societies(registered under Societies Registration Act, 1860^[2]) and trusts(registered under Indian Trusts (Amendment) Act, 2016^[3]) to obtain parental consent and associated withdrawal process for various educational activities (not directly included as activities listed under Integrated Child Development Services (ICDS)^[4] schemes and key schemes in National Education Mission) for the data principal. Though guardian data fiduciaries still shall be responsible of verifying the parental consent, exercising opt-out mechanisms and associated notices mentioned under section 8 under “Chapter II - Data Protection Obligations”.
3. We request to committee to also advise guardian data fiduciaries on various possible storage and archival processes around the personal data collected via non-digital media like pen & paper, etc for helping the State for measuring and improving learning outcomes in schools. This will help various societies(registered under Societies Registration Act, 1860^[2]) and trusts(registered under Indian Trusts (Amendment) Act, 2016^[3]) to define required mechanisms to maintain data lifecycle of non-digital media.

References

[1] MeitY’s Personal Data Protection Bill, 2018

http://meity.gov.in/writereaddata/files/Personal_Data_Protection_Bill,2018.pdf

[2] Societies Registration Act, 1860:

http://www.mca.gov.in/Ministry/actsbills/pdf/Societies_Registration_Act_1860.pdf

[3] Indian Trusts (Amendment) Act, 2016:

[http://www.prsindia.org/uploads/media/Indian%20Trust/Indian%20Trusts%20\(Amendment\)%20Act,%202016.pdf](http://www.prsindia.org/uploads/media/Indian%20Trust/Indian%20Trusts%20(Amendment)%20Act,%202016.pdf)

[4] Integrated Child Development Services Schemes:

<https://www.icds-wcd.nic.in/icds.aspx>