

# All India Congress Committee

24, Akbar Road, New Delhi - 110011

**Dr Sravan Dasoju**  
**National Spokesperson**

**5<sup>th</sup> August, 2019**

**To**  
**The Honorable Union Minister for State**  
**Ministry of Home Affairs, Government of India**  
**North Block**  
**New Delhi – 110 001**

**Subject: Illegal gathering and integrating data pertaining to citizens of Telangana, through digital footprints, without their consent, in violating of Article 21 of the Constitution of India, the Data (Privacy & Protection) Act, 2017 & Information Technology Act, 2008, and the dictum of the Hon'ble Supreme Court. – Reg.**

**Ref: Speech delivered by Shri Jayesh Ranjan, IAS, Principal Secretary, IT Department, Govt of Telangana on the access to Digital Footprint of Citizens through Samagra Vedika Initiative at the National Conference on "Digital Accounting" held on 5<sup>th</sup> July, 2019 by the Institute of Chartered Accountants of India, at Hyderabad.**

Sir,

I write to you in furtherance of the statements and claims made by Mr. Jayesh Ranjan, the Principal Secretary of Information & Communications Technology Department, Govt of Telangana at the National Conference cited above.

That the Learned Principal Secretary, while addressing in the above said conference had made statements to the effect that the Government of Telangana has developed an algorithm which gathered the private data pertaining to various citizens available with various departments of the State and otherwise.

Extracts from the speech of the Principal Secretary is as follows:

*".....In fact, we have a tool, a very efficient tool, a very robust tool which is called citizens 360. In our local language we call it **samagram**, that has been spoken about in the economic survey and let me share very briefly with you what this tool is all about:*

*So, as all of us are aware....all of us have digital footprints. Whenever we do some kind of a transaction where record maintenance is required, we leave behind a digital footprint. For example, if you open a bank account, the bank database records you. If you buy a mobile phone, a sim card rather, the operator's database records you. You will be recorded on the voters' list, if you are paying property tax, you will be recorded in the property tax list. If you have any commercial activity going, suppose you pay GST then you will be there in GST database and so on. Each of us exists on multiple databases that constitutes of our digital profile.*

*So what we have done is that we have accessed large number of databases largely, which are available within the government systems. Actually 30 of them and without using Aadhar as you know the usage Aadhar has been restricted by the Supreme*

*Court. So minus Aadhar we have tried to integrate all these databases. We have created a best algorithm through which this machine learning capabilities has become so robust that today we have reached a level of almost 96 – 97% accuracy. So if you tell me one person's name I can give his entire digital footprint at about 96% accuracy to then... this tool throws up the results in a matter of seconds and the tool also is very useful in doing what is called family tree analysis or relationship analysis."*  
[Sic]

Sir, I wish to submit to you that the statements made by Shri Jayesh Ranjan clearly reflect that the Government of Telangana has illegally indulged in secretive collection, integration and storage of data, more particularly, private and personal information of the citizens without their permission or consent.

The Principal Secretary in the aforesaid speech made a claim that the information gathered by the Government of Telangana has almost 97% accuracy. However, it is still in dark that who was competent independent authority to have validated the data collection procedure and verified the accuracy of the data collected. Further, which agency developed and certified the data algorithms to create digital footprints of the citizens.

With the statements of Shri Jayesh Ranjan, it is apparent that the Government of Telangana is literally tracking every digital transaction of citizens from various Govt departments, private organisations and banks and financial institutions including personal emails, passwords etc. Otherwise, it is impossible to claim such an accuracy of digital footprint by a government agency.

The Government of Telangana appears to have dubious intent to utilize this massive people's data for political or private purposes and hence without any prior consent or without any specific reason has indulged in collation and storage of large amount of private information of individuals/citizens. And the innocent citizens as a part of their day-to-day general transactions and requirements furnished information before various governmental and private entities without knowing that the Government of Telangana is indulging in preparing the digital foot prints with the help of unknown algorithms.

I submit to you that the actions of the State indulging in collection and integration of such data without any specific reasons and that too without the consent of citizens is completely arbitrary, illegal and is contrary to the law established by the Hon'ble Supreme Court.

The Hon'ble Supreme Court in the case of *Justice Puttaswamy (Retd.) and Anr. v Union of India and Ors*, [WP (Civil) No. 494 of 2012 dated 26.09.2018] had actively dealt with the issues pertaining to the Aadhar Law (involving identical issues as the present one) and held that various actions of the State in collection and usage of the data of the citizens is in violation of the Fundamental Rights of the citizens.

The Hon'ble Supreme Court had categorically opined that **the right to privacy can't be impinged without a just, fair and reasonable law**. This required existence of a law, which serves a legitimate state aim and is proportionate to the objective sought to be achieved. The Supreme Court further clarified that the *proportionality test* is based upon 4 factors, **i.e. Legitimate Goal, Rational Connection to the legitimate goal, Necessity and Balancing the right of the citizen**.