

## **RTI APPLICATION**

01.08.2020

To,

*The Concerned CPIO(s)*

**Sub:** *RTI application in relation to the Aarogya Setu Data Access and Knowledge Sharing Protocol, 2020 as notified by the Ministry of Electronics and Information Technology on 11<sup>th</sup> May 2020.*

**Sir/Madam,**

Some parts of the RTI may be related to the NIC and some may be related to Ministry of E&IT's departments. The Nodal officer/CPIO is requested to transfer the portions of the RTI which are related to such other public authorities that are concerned to it and answer the portions that are relevant to the CPIO's department.

**Such transfers must and should take place within 5 days from receipt as per Section 6(3) of the RTI Act. The nodal officer/CPIO is requested to comply with the law.**

**NOW,**

Under the provisions of the RTI Act, you are requested to furnish the following-

1. Whereas under Para 6(c) of the Protocol - Principles for sharing of response data reads as under-

**"NIC shall, to the extent reasonable, document the sharing of any data and maintain a list of the agencies with whom such data has been shared. Such documentation shall include the time at which such data sharing was initiated, the persons or agencies who are being provided access to such data, the categories of data that are being shared and the purpose for which such data is being shared."**

Furnish a certified true copy of this document/information which has the names and information of such people/agencies/private companies/organisations who are

being provided access to such data or have been provided access to such data in the past. All details must include-

- a) Whether the response data shared includes personal data also or is de-identified data. **Mention this for each person/agency/organisation** with whom the data has been shared with.
- b) the time at which such data sharing was initiated
- c) the persons or agencies who are being provided access to such data
- d) the categories of data that are being shared
- e) the purpose for which such data is being shared

**ALL POINTS SHOULD BE ANSWERED SEPARATELY AND SPECIFICALLY.**

“De-identified” in this case means data which has been stripped of personally identifiable data to prevent the individual from being personally identified through such data and assigned a randomly generated ID.

2. Para 7(a) of the Protocol reads as follows-

*“Any Ministry, Department of the Government, NDMA, SDMAs or public health institution shall also implement reasonable security practices and procedures as prescribed under any law for the time being in force.”*

Kindly furnish the security practices and procedures implemented by such agencies/persons that have been given access to the data.

Kindly transfer the RTI to such concerned parties, if the CPIO does not hold the information, that have been given access to this data for them to answer this question. The CPIO may also invoke section 11 of the RTI Act to specifically ask all such parties to furnish the answer to the CPIO so that it may be furnished to the applicant.

3. Para 7(b) of the Protocol reads as follows-

*“Any response data accessed under Para 7(a) shall ordinarily not be onward shared with any third party. However, **response data may be shared with such third parties only if it is strictly necessary to directly formulate or implement appropriate health responses.** The Ministry or Department of the Government of India or State/ Union Territory Government/ local government, NDMA, SDMAs or public health institution of the 4 Government of India/ State Governments/ local governments referred to in Para 6 that is sharing such information shall remain responsible for adherence to this*

*Protocol by any other entity with which it shares information. Any third party with whom data is onward shared under this para shall be subject to the same obligations as under para 7(a) of this Protocol. In addition they shall not re-use the data for any other purpose or disclose the data to any other entity and remain subject to audit and review of their data usage by the Central Government.”*

- a) Kindly furnish the list of third parties with whom the data has been onward shared.
- b) For which purpose the data was shared
- c) Whether data shared also contains personal data or is de-identified data in each case.
- d) Date when it was shared
- e) Categories of data shared, etc. be provided.

**ALL POINTS SHOULD BE ANSWERED SEPARATELY AND SPECIFICALLY.**

“De-identified” in this case means data which has been stripped of personally identifiable data to prevent the individual from being personally identified through such data and assigned a randomly generated ID.

Again, the CPIO may either transfer the RTI to all such agencies/persons that may have shared the data to other third parties or may invoke section 11 of the RTI Act.

**4. Para 8(a) of the Protocol reads as follows-**

*“Hard anonymisation refers to a series of technical processes which ensure that any individual is incapable of being identified from the response data through any means reasonably likely to be used to identify such individual. **This anonymisation shall be done in accordance with anonymisation protocols that are to be developed, reviewed and updated on a periodic basis by an expert committee appointed by the Principal Scientific Advisor to the Government of India.** Such review shall have regard to the nature and sensitivity of the data being processed, the robustness of the anonymisation protocol and advances in technology.”*

- a) Furnish the details of such an expert committee appointed by the Principal Scientific Advisor that has been put in place.
- b) Date when such anonymisation protocols were developed.
- c) All the Dates when such anonymisation protocols were reviewed.
- d) All the dates when such anonymisation protocols were updated.

**ALL POINTS SHOULD BE ANSWERED SEPARATELY AND SPECIFICALLY.**

5. In reference to para 8(b) and (c), furnish the list of Universities/research institutions/research entities/private organisations/private individuals/companies that have sought access to response data.
- a) Whether data given access to in each case was anonymised or de-identified or included personal data also. Furnish for each entity the data has been given access to.
  - b) Purpose of the request.
  - c) Whether given access or rejected.
  - d) Whether any complaints have been received by the expert committee or the concerned Ministry/Authority on misuse of the data by such universities/entities/research institutions. If so furnish the details and action taken.
  - e) Whether any terminations have taken place. Details be furnished including names of such entities whose rights have been terminated.

**ALL POINTS SHOULD BE ANSWERED SEPARATELY AND SPECIFICALLY.**

6. Para 7(b) of the Protocol reads as follows-

*“Any third party with whom data is onward shared under this para shall be subject to the same obligations as under para 7(a) of this Protocol. In addition they shall not re-use the data for any other purpose or disclose the data to any other entity and **remain subject to audit and review of their data usage by the Central Government.**”*

Kindly furnish what audit and review mechanism has been put in place to ensure this. Details including-

- a) members/agencies that will do the audit,
- b) what type of audit it is
- c) when the audit will be done (time period),
- d) whether periodic audits will be done,
- e) what review mechanism is in place,
- f) details of the review system,
- g) whether only after a complaint is received an audit and review will be done? If so, furnish the complaint procedure.
- h) If not, furnish whether any audits and reviews have taken place till date.

**ALL POINTS SHOULD BE ANSWERED SEPARATELY AND SPECIFICALLY.**

In a previous instance, the concerned CPIO did not conform to the time limits established within the Act and was therefore in violation of it. Since the lockdown was in force and pandemic restrictions at its peak at that time, I was considerate of this fact. However, now if the concerned CPIO violates the provisions of the RTI Act and does not furnish the information within 30 days, I shall directly move a complaint under Section 18 of the RTI Act and seek for an urgent hearing and action on the matter. The information being sought for is crucial and in larger public interest. Any delays in furnishing the same will send a wrong signal to the public. The CPIO is requested to furnish the information within 30 days or earlier.

**ALL POINTS SHOULD BE ANSWERED SEPARATELY AND SPECIFICALLY.**

Thank you

**SAURAV DAS**

**Member, National Campaign for People's Right to Information**