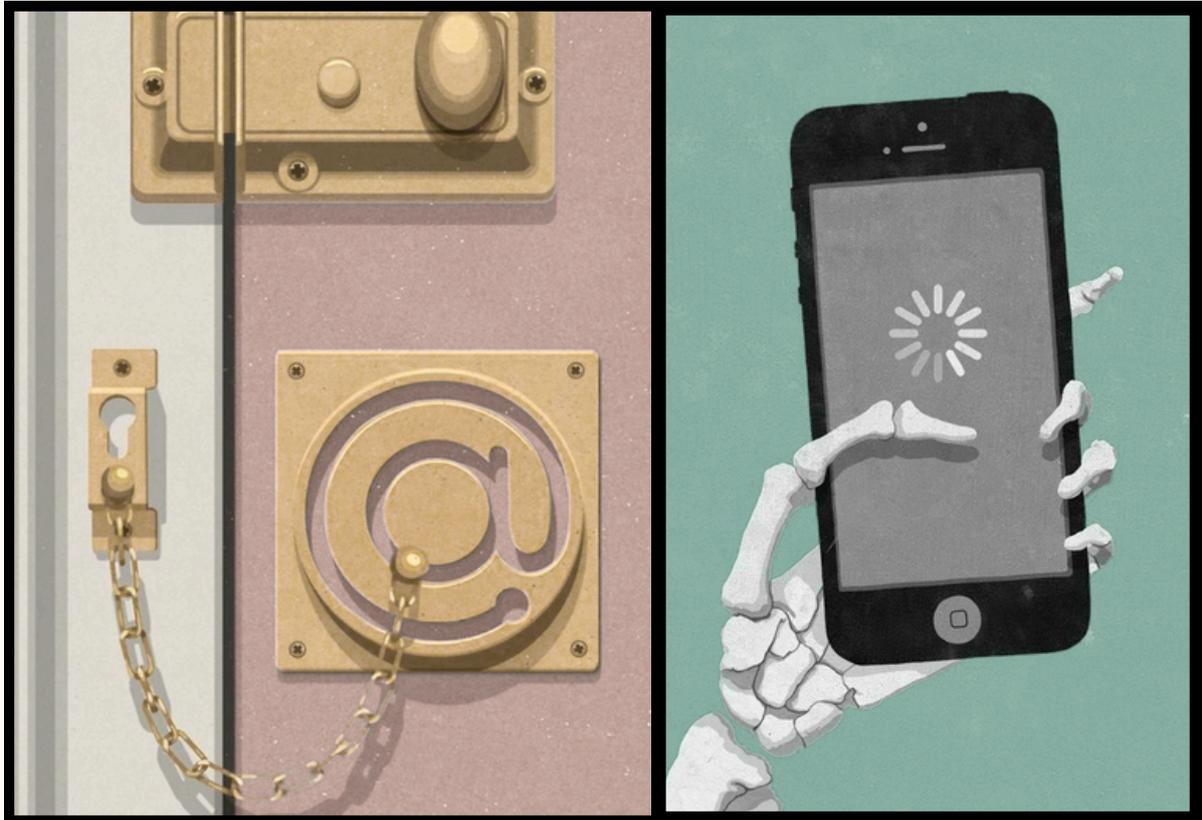


LAW CRUMBS



DIGITAL RIGHTS VS DATA DUTIES

Digital Personal Data Protection (DPDP) Rules 2025

Data Fiduciary

An organisation that decides why personal data is collected and how it is used.

Example

An E-commerce platform that decides how your name, address and contact number are processed.

Data Processor

An organisation that processes personal data on behalf of a Data Fiduciary.

Example: A cloud storage company engaged by another organisation.

Consent Manager

A platform through which a person can give, manage, review or withdraw consent. Consent Managers must be based in India.

Appellate Tribunal

The authority that hears appeals against the decisions of the Data Protection Board.

Data Principal

The individual whose personal data is being used.

For children and certain persons with disabilities, a parent or lawful guardian acts on their behalf.

Digital Personal Data Protection Board of India

The Digital Personal Data Protection Rules establish a fully digital Data Protection Board of India with four members. The Board will receive complaints online, conduct digital inquiries, issue corrective directions, impose financial penalties and provide a dedicated portal and mobile application for case filing and tracking. Appeals against the decisions of the Board will be heard by the Telecom Disputes Settlement and Appellate Tribunal.

Penalties Under the DPDP Act

- Up to **₹250 crore** for failure to maintain reasonable security safeguards
- Up to **₹200 crore** for failure to report a personal data breach or for violating obligations relating to children
- Up to **₹50 crore** for other violations of the Act or Rules

Data Principals (Individuals and Citizens)

Data Principals are individuals whose personal data is being processed. They are granted strengthened rights, including the **right to give or refuse consent, the right to withdraw consent, the right to know how personal data is used, the right to access their data and the right to correct, update or request erasure in permitted situations.** Individuals may also nominate another person to act on their behalf, and they must be informed promptly in the event of a personal data breach. This framework places the individual at the centre of data governance.

Data Fiduciaries

Data Fiduciaries are organisations that decide why personal data is collected and how it is used. They must seek **clear consent**, notify individuals of **data breaches**, provide contact details for queries and enable **access, correction, updating and erasure of data.** All requests must be answered within **ninety days.** Significant Data Fiduciaries have additional obligations, including **audits, data protection impact assessments and stricter checks** for sensitive technologies.

The Three Key Stakeholders

Organisations and Processors

Organisations and Data Processors support Data Fiduciaries by processing data **only as instructed**, maintaining required **security safeguards**, preventing unauthorised use and assisting with compliance requirements. These entities include **technology service providers, cloud storage companies and Consent Managers**, creating a shared and accountable system.

