

— TECHNOLOGY INSIGHT

Gol to Assemble Anonymised Data Sets

Digital Competition Bill

Cold Chain Sector To Get Guidelines Soon

EV Battery Rules

Amendment to IT Rules - Governing Online Gaming & Fake News



Assembling Anonymised Datasets

The Government of India intends to assemble anonymised datasets under its proposed National Data Governance Framework Policy.

An 'anonymised data set' is a data base of information which has been segregated from personally identifiable information associated with it either by stripping the identifiers off or by encrypting the identifiers to protect privacy, sensitivity and confidentiality of information. The anonymous data sets are likely to be helpful in training of AI models and in machine learning. Availability of large anonymised data sets is further likely to spur innovation and prevent misuse of data.

The Government of India had released a draft of its National Data Governance Framework for public consultation that aims to ensure that non-personal data and anonymized data from both Government and Private entities are safely accessible by Research and Innovation ecosystem. The policy also aims to provide an institutional framework for data/datasets/metadata rules, standards, guidelines and protocols for sharing of non-personal data sets while ensuring privacy, security and trust.

The Policy proposes to establish India Data Management Office (IDMO) to oversee the formulation of all specific standards and guidelines for data storage and data anonymisation.

Digital Competition Bill

The idea of a legislation to regulate how Big Tech operates in India has been under discussion for a while now. In September of 2022, concerns were expressed in the parliament over use of data for stifling competition that sparked an inter-ministerial deliberation amongst the representatives of Ministry of Electronics and IT, Ministry of Corporate Affairs and the Competition Commission of India. The deliberations were aimed at regulating collection and use of data by Big Tech and one of the ideas floated during the deliberation was to pass a 'Digital Markets Act' designating Big Tech companies as 'Gatekeepers', i.e. platforms connecting business owners with end users, based upon the number of its service platform users.

The reference, to 'Digital Markets Act' and 'Gatekeepers', was in light of the Digital Markets Act ('EUDMA') that had then recently found consensus between the European Council and Parliament and was awaiting formal adoption by the two. Since then, the Act has come into force starting 1st November 2022 and will become applicable starting 02nd May 2023, with deadline for 'Gatekeepers' to comply with it by 06th March 2024. The EUDMA seeks to regulate Big Tech's ability to influence markets through their service platforms that allows for mass data collection and processing with its global reach.

Earlier this month, the Ministry of Corporate Affairs accepted the Parliamentary Standing Committee on Finance's proposal of December 2022 to have a legislation similar to the EUDMA stating that the traditional anti-trust regulations



are insufficient for the highly dynamic online marketplaces and to ensure fair and competitive practices in the digital economy.

Cold Chain Sector To Get Guidelines Soon

As per a report in the Mint, The Bureau of Energy Efficiency is planning to come up with guidelines and O&M (operations and maintenance) best practices for cold chain sectors. The guidelines will recommend the design for cold storages as the layout is a major aspect for making cold storages energy-efficient. The guidelines will also have commodity-wise specifications and parameters for pulses, fruits and vegetables.

EV Battery Rules

The Government of India is likely to come up with rules and standards for battery safety and performance without yet touching upon the subject of battery dimensions and sizes. The decisions to not yet regulate and standardise battery sizes and dimensions is intended to spur innovation in the industry.

Amendment to IT Rules

Governing Online Gaming

The Ministry of Electronics and Information Technology (MeitY) marked the beginning of the year with the publication of draft of yet another set of amendments to Information Technology (Intermediary Guidelines and Digital Media Ethics

Code) Rules, 2021. The draft amendment this time around, seeks to expand the scope of the Rules to govern online gaming. The draft of the amendment was published a week after MeitY was appointed as the nodal ministry for online gaming.

The draft defines key terms such as 'online gaming' and 'online gaming intermediary'. The draft proposes the Online Gaming Intermediaries and their Online Games to be registered with a Self Regulatory Body to be constituted under the amended rules by representatives from online gaming intermediaries. The draft proposes to extend due diligence obligations imposed upon social media intermediaries to Online Gaming Intermediaries. It further proposes additional due diligence and grievance redressal obligations upon an Online Gaming Intermediary.

The draft amendment has been found wanting by members of the gaming industries and the legal fraternity alike. One of the major concerns around the draft is the very constitutionality of the proposed amendment surrounded with several concerns relating to the over-arching authority of the Ministry and the Union Government and the ambiguity of the provisions.

It deserves noting that the operative portions of Part III of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 have been stayed by Bombay and the Madras High Court. In fact, a transfer petition is presently pending before the Hon'ble Supreme Court of India to club the various challenges to the IT Rules, 2021 and hear them

together. It is in this background that the Union Government has not only published the above draft amendments but also notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2022 providing for establishment of Greivance Appellate Committees.

Governing Fake News

Subsequent to the publication of the draft amendment governing online gaming, MeitY has recently revised the said draft to govern fake news requiring social media companies to ensure users do not publish any content that has been identified as fake or false by the fact check unit at the Press Information Bureau of the Ministry of Information and Broadcasting or other agency authorised by the central government. The legal character of the identification by the PIB determining contents as fake or false remains a questions yet unanswered.





E 10 SF Defence Colony
New Delhi - 110024



asp@sinhapartners.com
www.sinhapartners.com



+91 11 41 046 911
+91 11 40 536 008