

THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023¹

(Act No. 22 of 2023)

An Act to provide for the processing of digital personal data in a manner that recognises both the right of individuals to protect their personal data and the need to process such personal data for lawful purposes and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Chapter - I Preliminary [Sections 1 to 3]

Section 1: Short title and commencement.

Enforcement date	Sub-section (1): 12 August 2023 Sub-section (2): 13 November 2025
Other Sections of DPDP Act Referred	--
Rules prescribed	Rule 1 of the Digital Personal Data Protection Rules, 2025
Referred provisions of other laws	--

- (1) This Act may be called the **Digital Personal Data Protection Act, 2023**.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

¹ Introduced in the Lok Sabha on 03 August 2023. Passed by the Lok Sabha on 07 August 2023 and by the Rajya Sabha on 09 August 2023. Assented by the President of India on 11 August 2023. Published in the Gazette of India, Extraordinary, Part II, Section 1, No. 22 of 2023 dated 12 August 2023.



Notification

Vide Notification No. G.S.R. 843(E) dated 13/11/2025, the Central Government hereby appoints –

- (a) the date of publication of this notification in the Official Gazette as the date on which the provisions of sub-section (2) of section 1, section 2, sections 18 to 26 sections 35, 38, 39, 40, 41, 42, 43, and subsections (1) and (3) of section 44 of the said Act shall come into force;
- (b) one year from the date of publication of this gazette on which the provisions of sub-section (9) of section 6 and clause (d) of sub-section (1) of section 27 of the said Act shall come into force.
- (c) eighteen months from the date of publication of this gazette, on which the provision of sections 3 to 5, sub-sections (1) to (8) and (10) of section 6, sections 7 to 10, sections 11 to 17, section 27 except clause (d) of sub-section (1) of the said section, sections 28 to 34, 36, 37 and sub-section (2) of section 44 of the said Act shall come into force.



The Digital Personal Data Protection Rules, 2025

Dated: 13th November, 2025

G.S.R 846(E).— Whereas draft of the Digital Personal Data Protection Rules, 2025 were published, as required under sub-section (1) of section 40 of the of the Digital Personal Data Protection Act, 2023 (22 of 2023), *vide* notification of the Government of India in the Ministry of Electronics and Information Technology *vide* number G.S.R. 02 (E), dated the 3rd January, 2025, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 3rd January, 2025, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which copies of the Official Gazette containing the said notification were made available to public;

And whereas copies of the said Official Gazette were made available to the public on the 3rd January, 2025;

And whereas objections and suggestions were received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore in exercise of powers conferred by sub-sections (1) and (2) of section 40 of the Digital Personal Data Protection Act, 2023 (22 of 2023), the Central Government hereby makes the following rules, namely: –

Rule 1. Short title and commencement. –

- (1) These rules may be called the Digital Personal Data Protection Rules, 2025.

- (2) Rules 1, 2 and 17 to 21 shall come into force on the date of their publication in the Official Gazette.
- (3) Rule 4 shall come into force one year after the date of publication ²[in the Official Gazette].
- (4) Rules 3, 5 to 16, 22 and 23 shall come into force eighteen months after the date of publication ³[in the Official Gazette].



Reference Material

Legislative Clause

Clause 1. — *This clause seeks to provide for short title and commencement of the proposed Legislation.*

Concise Commentary

Key Features

- **Statutory Title:** The legislation is formally titled the *Digital Personal Data Protection Act, 2023*.
- **Phased Commencement:** The Act does not come into force automatically; its provisions become operative **only upon notification** by the Central Government.
- **Staggered Enforcement:** Different provisions may be brought into force on **different dates**, allowing selective and phased implementation.

Objective & Rationale

- To enable a smooth transition from the pre-DPDP regime to the new data protection framework.
- To allow time for drafting rules, setting up the Data Protection Board, and enabling the necessary technical infrastructure.
- To permit prioritisation of critical provisions such as consent, breach reporting, and enforcement mechanisms.

² Substituted for the words “of this Gazette” by Corrigenda vide Notification No. G.S.R. 892(E) dated 10/12/2025.

³ Substituted for the words “of this Gazette” by Corrigenda vide Notification No. G.S.R. 892(E) dated 10/12/2025.

Section 2: Definitions.

Enforcement date	13 November 2025
Other Sections of DPDP Act Referred	Sections 7, 10, 10(2)(a) and 18
Rules prescribed	Rule 2 of the Digital Personal Data Protection Rules, 2025
Referred provisions of other laws	<ul style="list-style-type: none"> • Section 14 of the Telecom Regulatory Authority of India Act, 1997 • Article 12 of the Constitution of India

In this Act, unless the context otherwise requires, –

- (a) **“Appellate Tribunal”** means the Telecom Disputes Settlement and Appellate Tribunal established under **section 14 of the Telecom Regulatory Authority of India Act, 1997** (24 of 1997);
- (b) **“automated”** means any digital process capable of operating automatically in response to instructions given or otherwise for the purpose of processing data;
- (c) **“Board”** means the Data Protection Board of India established by the Central Government under **section 18**;
- (d) **“certain legitimate uses”** means the uses referred to in **section 7**;
- (e) **“Chairperson”** means the Chairperson of the Board;
- (f) **“child”** means an individual who has not completed the age of eighteen years;
- (g) **“Consent Manager”** means a person registered with the Board, who acts as a single point of contact to enable a Data Principal to give, manage, review and withdraw her consent through an accessible, transparent and interoperable platform;
- (h) **“data”** means a representation of information, facts, concepts, opinions or instructions in a manner suitable for communication, interpretation or processing by human beings or by automated means;
- (i) **“Data Fiduciary”** means any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data;
- (j) **“Data Principal”** means the individual to whom the personal data relates and where such individual is –
 - (i) a child, includes the parents or lawful guardian of such a child;
 - (ii) a person with disability, includes her lawful guardian, acting on her behalf;

- (k) **“Data Processor”** means any person who processes personal data on behalf of a Data Fiduciary;
- (l) **“Data Protection Officer”** means an individual appointed by the Significant Data Fiduciary under **clause (a) of sub-section (2) of section 10**;
- (m) **“digital office”** means an office that adopts an online mechanism wherein the proceedings, from receipt of intimation or complaint or reference or directions or appeal, as the case may be, to the disposal thereof, are conducted in online or digital mode;
- (n) **“digital personal data”** means personal data in digital form;
- (o) **“gain”** means –
 - (i) a gain in property or supply of services, whether temporary or permanent; or
 - (ii) an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of legitimate remuneration;
- (p) **“loss”** means –
 - (i) a loss in property or interruption in supply of services, whether temporary or permanent; or
 - (ii) a loss of opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of legitimate remuneration;
- (q) **“Member”** means a Member of the Board and includes the Chairperson;
- (r) **“notification”** means a notification published in the Official Gazette and the expressions “notify” and “notified” shall be construed accordingly;
- (s) **“person”** includes –
 - (i) an individual;
 - (ii) a Hindu undivided family;
 - (iii) a company;
 - (iv) a firm;
 - (v) an association of persons or a body of individuals, whether incorporated or not;
 - (vi) the State; and

- (vii) every artificial juristic person, not falling within any of the preceding sub-clauses;
- (t) “**personal data**” means any data about an individual who is identifiable by or in relation to such data;
- (u) “**personal data breach**” means any unauthorised processing of personal data or accidental disclosure, acquisition, sharing, use, alteration, destruction or loss of access to personal data, that compromises the confidentiality, integrity or availability of personal data;
- (v) “**prescribed**” means prescribed by rules made under this Act;
- (w) “**proceeding**” means any action taken by the Board under the provisions of this Act;
- (x) “**processing**” in relation to personal data, means a wholly or partly automated operation or set of operations performed on digital personal data, and includes operations such as collection, recording, organisation, structuring, storage, adaptation, retrieval, use, alignment or combination, indexing, sharing, disclosure by transmission, dissemination or otherwise making available, restriction, erasure or destruction;
- (y) “**she**” in relation to an individual includes the reference to such individual irrespective of gender;
- (z) “**Significant Data Fiduciary**” means any Data Fiduciary or class of Data Fiduciaries as may be notified by the Central Government under **section 10**;
- (za) “**specified purpose**” means the purpose mentioned in the notice given by the Data Fiduciary to the Data Principal in accordance with the provisions of this Act and the rules made thereunder; and
- (zb) “**State**” means the State as defined under **article 12 of the Constitution**.



The Digital Personal Data Protection Rules, 2025

Rule 2. Definitions. –

- (1) In these rules, unless the context otherwise requires, –
 - (a) “**Act**” means the Digital Personal Data Protection Act, 2023 (22 of 2023);
 - (b) “**techno-legal measures**” means as referred to under rules 20 and 22;
 - (c) “**user account**” means the online account registered by the Data Principal with the Data Fiduciary, and includes any profiles, pages, handles, email

address, mobile number and other similar presences by means of which such Data Principal is able to access the services of such Data Fiduciary; and

(d) “**verifiable consent**” means a consent as specified in rule 10 or 11.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act.



Reference Material

Legislative Clause

Clause 2. – This clause seeks to define certain expressions occurring in the proposed Legislation.

Referred provision of other laws

SECTION 14 OF THE TELECOM REGULATORY AUTHORITY OF INDIA ACT, 1997

Section 14 - Establishment of Appellate Tribunal

The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Telecom Disputes Settlement and Appellate Tribunal to—

- (a) adjudicate any dispute—
- (i) between a licensor and a licensee;
 - (ii) between two or more service providers;
 - (iii) between a service provider and a group of consumers:

Provided that nothing in this clause shall apply in respect of matters relating to—

- (A) the monopolistic trade practice, restrictive trade practice and unfair trade practice which are subject to the jurisdiction of the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);
- (B) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission

- established under section 9 of the Consumer Protection Act, 1986 (68 of 1986)⁴;
- (C) the dispute between telegraph authority and any other person referred to in sub-section (1) of section 7B of the Indian Telegraph Act, 1885 (13 of 1885);
- (b) hear and dispose of appeal against any direction, decision or order of the Authority under this Act.
- (c) any disputes to be adjudicated by the Adjudicating Officer or the Designated Appeals Committee under the Telecommunications Act, 2023;
- (i) the Appellate Tribunal under the Information Technology Act, 2000;
- (ii) the Appellate Tribunal under the Airports Economic Regulatory Authority of India Act, 2008; and
- (iii) the Appellate Tribunal under the Digital Personal Data Protection Act, 2023.
- (d) hear and dispose of appeals under section 39 of the Telecommunications Act, 2023.

Any action instituted under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and pending immediately before the appointed day in the Telecom Disputes Settlement and Appellate Tribunal, shall continue to be heard and disposed of by the Telecom Disputes Settlement and Appellate Tribunal as if this Act had not been passed.

ARTICLE 12 OF THE CONSTITUTION OF INDIA, 1950

Article 12 – Definition

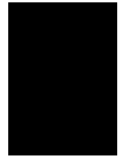
In this Part, unless the context otherwise requires, “the State” includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

Concise Commentary

- The Act provides an exhaustive set of definitions covering key actors (*Data Principal, Data Fiduciary, Data Processor, Consent Manager*), regulatory bodies (*Board, Appellate Tribunal*) and operational concepts (*processing, personal data breach, digital office*).
- **Technology-Neutral:** Terms such as “*automated*”, “*processing*” and “*digital personal data*” are broadly framed to cover present and future technologies.

⁴ Now refer the Consumer Protection Act, 2019 (35 of 2019)

- **Rights-Oriented Definitions:** Inclusion of guardians within the definition of *Data Principal* for children and persons with disabilities ensures enforceability of rights.
- **Expanded Scope of Processing:** “Processing” includes the entire data lifecycle i.e. from collection to destruction, making compliance end-to-end.
- **Neutral Gender Usage:** The Act adopts gender-neutral interpretation through inclusive drafting.



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Section 3: Application of Act.

Enforcement date	13 May 2027
Other Sections of DPDP Act Referred	--
Rules prescribed	--
Referred provisions of other laws	--

Subject to the provisions of this Act, it shall –

- (a) apply to the processing of digital personal data within the territory of India where the personal data is collected--
 - (i) in digital form; or
 - (ii) in non-digital form and digitised subsequently;
- (b) also apply to processing of digital personal data outside the territory of India, if such processing is in connection with any activity related to offering of goods or services to Data Principals within the territory of India;
- (c) not apply to–
 - (i) personal data processed by an individual for any personal or domestic purpose; and
 - (ii) personal data that is made or caused to be made publicly available by –
 - (A) the Data Principal to whom such personal data relates; or
 - (B) any other person who is under an obligation under any law for the time being in force in India to make such personal data publicly available.

Illustration

X, an individual, while blogging her views, has publicly made available her personal data on social media. In such case, the provisions of this Act shall not apply.

**Reference Material****Legislative Clause**

Clause 3.— This clause relates to “Application of Act”. This clause seeks to clarify the application of the proposed Legislation about personal data.

Concise Commentary**Key Features**

- **Territorial Applicability (India):** Applies to processing of digital personal data within India, irrespective of whether data is:
 - Collected directly in digital form, or
 - Collected offline and later digitised.
- **Extra-Territorial Reach:** Extends to processing outside India where such processing is connected with offering goods or services to Data Principals in India.
- **Explicit Exclusions:** The Act does not apply to:
 - Personal or domestic processing by individuals.
 - Personal data voluntarily made public by the Data Principal.
 - Personal data made public by another person under a legal obligation.

Objective & Rationale

- To ensure protection of personal data across its entire digital lifecycle, including digitised legacy records.
 - To prevent circumvention by foreign entities targeting Indian users while processing data overseas.
 - To exclude purely personal activities and lawfully public data, in order to avoid over-regulation and chilling effects on freedom of expression.
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Chapter - II

Obligations of Data Fiduciary

[Sections 4 to 10]

Section 4: Grounds for processing personal data.

Enforcement date	13 May 2027
Other Sections of DPDP Act Referred	--
Rules prescribed	--
Referred provisions of other laws	--

- (1) A person may process the personal data of a Data Principal only in accordance with the provisions of this Act and for a lawful purpose, —
 - (a) for which the Data Principal has given her consent; or
 - (b) for certain legitimate uses.
- (2) For the purposes of this section, the expression “lawful purpose” means any purpose which is not expressly forbidden by law.



Reference Material

Legislative Clause

Clause 4.— This clause relates to “Grounds for processing personal data”. This clause seeks to lay down grounds on processing of personal data in accordance with the provisions of the proposed Legislation and for a lawful purpose.

Concise Commentary

- **Two Lawful Bases of Processing:** Personal data may be processed only:
 - With consent of the Data Principal; or
 - For certain legitimate uses as expressly recognised under the Act.
- **Mandatory Compliance:** Processing must strictly conform to the DPDP Act and Rules.

- **Broad Definition of “Lawful Purpose”:** Any purpose not expressly prohibited by law qualifies as lawful.

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Section 5: Notice.

Enforcement date	13 May 2027
Other Sections of DPDP Act Referred	Sections 6 and 13
Rules prescribed	Rule 3 of the Digital Personal Data Protection Rules, 2025
Referred provisions of other laws	Eighth Schedule to the Constitution of India

- (1) Every request made to a Data Principal under **section 6** for consent shall be accompanied or preceded by a notice given by the Data Fiduciary to the Data Principal, informing her, —
- (i) the personal data and the purpose for which the same is proposed to be processed;
 - (ii) the manner in which she may exercise her rights under **sub-section (4) of section 6** and **section 13**; and
 - (iii) the manner in which the Data Principal may make a complaint to the Board,

in such manner and **as may be prescribed**.

Illustration

X, an individual, opens a bank account using the mobile app or website of Y, a bank. To complete the Know-Your-Customer requirements under law for opening of bank account, X opts for processing of her personal data by Y in a live, video-based customer identification process. Y shall accompany or precede the request for the personal data with notice to X, describing the personal data and the purpose of its processing.

- (2) Where a Data Principal has given her consent for the processing of her personal data before the date of commencement of this Act, —
- (a) the Data Fiduciary shall, as soon as it is reasonably practicable, give to the Data Principal a notice informing her,—
 - (i) the personal data and the purpose for which the same has been processed;
 - (ii) the manner in which she may exercise her rights under **sub-section (4) of section 6** and **section 13**; and
 - (iii) the manner in which the Data Principal may make a complaint to the Board, in such manner and **as may be prescribed**.

- (b) the Data Fiduciary may continue to process the personal data until and unless the Data Principal withdraws her consent.

Illustration

X, an individual, gave her consent to the processing of her personal data for an online shopping app or website operated by Y, an e-commerce service provider, before the commencement of this Act. Upon commencement of the Act, Y shall, as soon as practicable, give through email, in-app notification or other effective method information to X, describing the personal data and the purpose of its processing.

- (3) The Data Fiduciary shall give the Data Principal the option to access the contents of the notice referred to in sub-sections (1) and (2) in English or any language specified in the **Eighth Schedule to the Constitution**.



The Digital Personal Data Protection Rules, 2025

Rule 3. Notice given by Data Fiduciary to Data Principal. –

The notice given by the Data Fiduciary to the Data Principal shall –

- (a) be presented and be understandable independently of any other information that has been, is or may be made available by such Data Fiduciary;
- (b) give, in clear and plain language, a fair account of the details necessary to enable the Data Principal to give specific and informed consent for the processing of her personal data, which shall include, at the minimum, –
 - (i) an itemised description of such personal data; and
 - (ii) the specified purpose or purposes of, and specific description of the goods or services to be provided or uses to be enabled by, such processing; and
- (c) give, the particular communication link for accessing the website or app, or both, of such Data Fiduciary, and a description of other means, if any, using which such Data Principal may –
 - (i) withdraw her consent, with the ease of doing so being comparable to that with which such consent was given;
 - (ii) exercise her rights under the Act; and
 - (iii) make a complaint to the Board.



Reference Material

Legislative Clause

Clause 5. — *This clause relates to “Notice”. This clause seeks to lay down the requirement of notice for collection or processing of personal data and description of notice.*

Referred provision of other laws

EIGHTH SCHEDULE TO THE CONSTITUTION OF INDIA

Languages

1. Assamese
2. Bengali
3. Bodo
4. Dogri
5. Gujarati
6. Hindi
7. Kannada
8. Kashmiri
9. Konkani
10. Maithili
11. Malayalam
12. Manipuri
13. Marathi
14. Nepali.
15. Odia
16. Punjabi
17. Sanskrit
18. Santhali
19. Sindhi
20. Tamil
21. Telugu
22. Urdu.

Concise Commentary

Key Features

- **Mandatory Pre-Consent Notice:** Every consent request must be **preceded or accompanied by a clear notice** from the Data Fiduciary.
- **Core Disclosures Required:** Notice must specify:
 - Personal data proposed to be processed and purpose;
 - Mechanism to exercise Data Principal rights (consent management, access, grievance);
 - Complaint mechanism before the Data Protection Board.
- **Regularisation:** For consents obtained prior to commencement of the Act, fresh notice must be issued as soon as practicable, though processing may continue until withdrawal.
- **Language Accessibility:** Notice must be available in English or any Eighth Schedule languages.
- **Standalone & Plain Language Notice:** Must be independent, easily understandable, and not buried within general terms.
- **Ease of Withdrawal:** Withdrawal of consent must be as easy as giving consent.

Objective & Rationale

- To ensure that consent is meaningful, specific and informed & not implied or coerced.
- To empower Data Principals with clear information on what data is used, why it is used and how it is processed.
- To smoothly integrate pre-DPDP data processing into the new legal regime without business disruption.

Practical Implications

- **Redesign of Privacy Notices:** Long, generic privacy policies must be replaced or supplemented with layered, purpose-specific notices.
- **Consent Journey Mapping:** UX/UI flows must embed notices before data capture (e.g., KYC, onboarding, sign-ups).
- **Multilingual Compliance Burden:** Platforms must support **regional language notices**, especially consumer-facing services.

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Section 6: Consent.

Enforcement date	Sub-section (9): 13 November 2026 Sub-sections (1) to (8) and (10): 13 May 2027
Other Sections of DPDP Act Referred	--
Rules prescribed	Rule 4 of the Digital Personal Data Protection Rules, 2025 (w.e.f. 13 November 2026)
Referred provisions of other laws	--

- (1) The consent given by the Data Principal shall be free, specific, informed, unconditional and unambiguous with a clear affirmative action, and shall signify an agreement to the processing of her personal data for the specified purpose and be limited to such personal data as is necessary for such specified purpose.

Illustration

X, an individual, downloads Y, a telemedicine app. Y requests the consent of X for (i) the processing of her personal data for making available telemedicine services, and (ii) accessing her mobile phone contact list, and X signifies her consent to both. Since phone contact list is not necessary for making available telemedicine services, her consent shall be limited to the processing of her personal data for making available telemedicine services.

- (2) Any part of consent referred in sub-section (1) which constitutes an infringement of the provisions of this Act or the rules made thereunder or any other law for the time being in force shall be invalid to the extent of such infringement.

Illustration

X, an individual, buys an insurance policy using the mobile app or website of Y, an insurer. She gives to Y her consent for (i) the processing of her personal data by Y for the purpose of issuing the policy, and (ii) waiving her right to file a complaint to the Data Protection Board of India. Part (ii) of the consent, relating to waiver of her right to file a complaint, shall be invalid.

- (3) Every request for consent under the provisions of this Act or the rules made thereunder shall be presented to the Data Principal in a clear and plain language, giving her the option to access such request in English or any language specified in the Eighth Schedule to the Constitution and providing the contact details of a Data Protection Officer, where applicable, or of any other person authorised by the Data Fiduciary to respond to any

communication from the Data Principal for the purpose of exercise of her rights under the provisions of this Act.

- (4) Where consent given by the Data Principal is the basis of processing of personal data, such Data Principal shall have the right to withdraw her consent at any time, with the ease of doing so being comparable to the ease with which such consent was given.
- (5) The consequences of the withdrawal referred to in sub-section (4) shall be borne by the Data Principal, and such withdrawal shall not affect the legality of processing of the personal data based on consent before its withdrawal.

Illustration

X, an individual, is the user of an online shopping app or website operated by Y, an e-commerce service provider. X consents to the processing of her personal data by Y for the purpose of fulfilling her supply order and places an order for supply of a good while making payment for the same. If X withdraws her consent, Y may stop enabling X to use the app or website for placing orders, but may not stop the processing for supply of the goods already ordered and paid for by X.

- (6) If a Data Principal withdraws her consent to the processing of personal data under sub-section (5), the Data Fiduciary shall, within a reasonable time, cease and cause its Data Processors to cease processing the personal data of such Data Principal unless such processing without her consent is required or authorised under the provisions of this Act or the rules made thereunder or any other law for the time being in force in India.

Illustration

X, a telecom service provider, enters into a contract with Y, a Data Processor, for emailing telephone bills to the customers of X. Z, a customer of X, who had earlier given her consent to X for the processing of her personal data for emailing of bills, downloads the mobile app of X and opts to receive bills only on the app. X shall itself cease, and shall cause Y to cease, the processing of the personal data of Z for emailing bills.

- (7) The Data Principal may give, manage, review or withdraw her consent to the Data Fiduciary through a Consent Manager.
- (8) The Consent Manager shall be accountable to the Data Principal and shall act on her behalf in such manner and subject to such obligations **as may be prescribed.**

- (9) Every Consent Manager shall be registered with the Board in such manner and subject to such technical, operational, financial and other conditions **as may be prescribed.**
- (10) Where a consent given by the Data Principal is the basis of processing of personal data and a question arises in this regard in a proceeding, the Data Fiduciary shall be obliged to prove that a notice was given by her to the Data Principal and consent was given by such Data Principal to the Data Fiduciary in accordance with the provisions of this Act and the rules made thereunder.



The Digital Personal Data Protection Rules, 2025

Rule 4. Registration and obligations of Consent Manager. —

- (1) A person who fulfils the conditions for registration of Consent Managers set out in Part A of First Schedule may apply to the Board for registration as a Consent Manager by furnishing such particulars and such other information and documents as the Board may publish in this behalf on its website.
- (2) On receipt of such application, the Board may make such inquiry as it may deem fit to satisfy itself regarding fulfilment of the conditions set out in Part A of First Schedule, and if it—
- (a) is satisfied, register the applicant as a Consent Manager, under intimation to the applicant, and publish on its website the particulars of such Consent Manager; or
 - (b) is not satisfied, reject the application and communicate the reasons for the rejection to the applicant.
- (3) The Consent Manager shall have obligations as specified in Part B of First Schedule.
- (4) If the Board is of the opinion that a Consent Manager is not adhering to the conditions and obligations under this rule, it may, after giving an opportunity of being heard, inform the Consent Manager of such non-adherence and direct the Consent Manager to take measures to ensure adherence.
- (5) The Board may, if it is satisfied that it is necessary so to do in the interests of Data Principals, after giving the Consent Manager an opportunity of being heard, by order, for reasons to be recorded in writing,—
- (a) suspend or cancel the registration of such Consent Manager; and
 - (b) give such directions as it may deem fit to that Consent Manager, to protect the interests of the Data Principals.
- (6) The Board may, for the purposes of this rule, require the Consent Manager to furnish such information as the Board may call for.