

# DPDP Rules—THE PARADIGM SHIFT

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## NEWSLETTER



This newsletter will dive deep into the ways and reasons why DPDP Act is not just a law but a behavioral and cultural shift in the way we deal with our personal data and share during our day to day businesses.



You walk into your Favourite Restaurant, the waiter comes with list of suggested meals based on your previous ordered meals.



You visit your regular Physician and the Clinic software indicates not only about last allergic infection and treatment but also the routine scans that you missed.

The above 2 scenarios have one thing in common. Both the businesses have employed targeted advertising to their client database without the client permission. In Data privacy parlance I would like to call "consent". Consent which was meant to be free, specific, informed, unconditional and unambiguous. These businesses have processed client and patient data for their advertising and marketing purpose without client consent. An act which is not permitted under India's new Data protection legislation.

### Lets look another use cases:



You purchased new car with car insurance a year back and now just before the expiry insurance brokers are thronging and bombarding your inbox with the best possible deals much ahead of the expiry date.



You want to apply for home loan and check various interest rates across banking and financial institutions. Next moment your handset keeps ringing buzzing by customer care for loan application benefits.

Now this one leaves you intriguing and questioning about the source of your contact to other insurance and banking companies. To much of your surprise your preferences, requirements are shared with third party vendors again without your consent. Now let me ask you 2 questions:



Did you read fully the Privacy notice on their website ?

Did Privacy notice spoke about your data sharing to third parties only once you consent?

Did you click "Accept all Cookies" while browsing?



## A "NO" to 1<sup>st</sup> and 2<sup>nd</sup> and "YES" to 3<sup>rd</sup> question solves your puzzle.

While it seems to be digital boon, few know the repercussions of digital footprints that are left behind us.

The message is loud and clear. Businesses from all industry sectors catering to your daily necessities are processing your personal data without knowing the consequences. Business owners store and share your personal data irrespective of you being agreeing to their business decisions.

This practice will terminate henceforth after the landmark release of India's Digital Personal Data Protection Rules 2025. A revolutionary act that will strengthen and preserve the data privacy foundation pillars of public and private organizations.

The Act that recognizes both the right of individuals to protect their personal data and also the need to process such personal data.

Once enforced, the data protection law will be a paradigm shift in the way business transact with the data of end users and organisations functions to meet their business objectives



# India DPDP 2023: A paradigm shift

DIGITAL PERSONAL DATA PROTECTION ACT received the assent of the President on 11<sup>th</sup> August 2023. This Act provides for the processing of digital personal data in a manner that recognizes both the right of individuals to protect their personal data and the need to process such data for lawful purposes.

Two years after the **Digital Personal Data Protection Act** was passed by parliament, the centre finally notified the administrative rules that are required for putting the law into effect on 13 Nov 2025 signifying greater user control over digital data.



## How DPDP rules will impact lives of Aam Nagrik?

**Personal data is now a powerful weapon that can be used by user to threaten against any data misuse.**



### 1. No processing without consent.

Organisation, companies, businesses can only process user data once free, specific, informed, unconditional and unambiguous consent is given by the user.

### 2. Free withdrawal of consent any time.

The process of consent withdrawal should be as simple and user friendly as giving the consent.

### 3. Supreme authority on correction and erasure of own data.

User can anytime request the businesses to update , edit and delete their own data if required.

#### 4. Transparency on Data sharing

User now has the right to question the businesses about what summary of personal data which is processed and the identities with whom their data is shared.

#### 5. Power to raise grievance against Data Fiduciary

User has the right to raise grievance in respect to any of the obligations if not performed as per the Act.

#### 6. Report any Data breach directly to Data protection Board

On intimation of personal data breach without delay User can report to Data protection board

### The DPDP rules have placed the entire onus on the Data Fiduciary for complying to the provisions.

Data fiduciaries should follow **3A staged approach** to meet the implementation timelines

## ANALYSE

1. Inventorise each byte of personal data
2. Determine the purpose of Data processing
3. Identify whether consent is in place
4. Identify the duration of data retained



## APPOINT

5. Appoint Data protection officer
6. Appoint an independent data auditor
7. Set a Robust Grievance Redressal Mechanism

## AUTOMATE

8. Strengthen technical security controls
9. Maintain logs for demonstrating compliance
10. Establish Breach notification mechanism



# Are you aware of knows and how's of DPDP rules implementation.

## What is known and is done -10% of implementation

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- The image features an iceberg floating in the ocean. The tip of the iceberg, which is above the water line, represents the 10% of implementation that is known and done. This tip is labeled with six items: 1. Data protection officer, 2. Consent Manager, 3. Internal audit, 4. Data protection impact assessment, 5. Security controls, and 6. Grievance Redressal. The much larger part of the iceberg, which is submerged below the water line, represents the 90% of implementation that is unknown and should be done. This submerged part is filled with a dense pile of various documents, forms, and papers, representing the complex and often overlooked aspects of data protection.
1. Data protection officer
  2. Consent Manager
  3. Internal audit
  4. Data protection impact assessment
  5. Security controls
  6. Grievance Redressal

1. Tracking the source of data, purposes, location and consent related

2. Behavioural, cultural, structural shift in ways and means of

· Data sharing

· Data collection

· Data storage

· Data tracking

· Advertising

· End user training

## What is unknown and should be done -90% of the implementation

**DPDP is not just about avoiding penalties, its an opportunity to build trust with the audience and differentiate your brand through responsible data practices.**

**OIDPM by ALPHA MD is not just a platform for gap assessment, OIDPM is a benchmark against global standards for privacy and security, that empowers the Digital application by providing independent certification that meets essential standards of safety, privacy and usability.**