



DRAFT DPDP RULES 2025

SURVEY REPORT



About Dhirubhai Ambani University, School of Law

True to the vision of its founding father, Lt. Shri Dhirubhai Ambani, the School of Law at Dhirubhai Ambani University is dedicated to creating a community of lawyers and non-lawyers driven by the ideals of industry-academia collaboration and an entrepreneurial spirit. The school aims to equip professionals to thrive in a globalized Indian economy.



Who We Are

The School of Law will offer an interdisciplinary and practical approach to legal education. Offering a diverse range of courses, it will provide students with insights from leading academicians hailing from Ivy institutions, Russell Group Universities, and the Top 100 Law Schools (as per QS Rankings). Our classes will be League conducted in an intimate learning environment, ensuring the highest nationwide teacher-to-student ratio for personalized attention and enhanced learning.



What We Do

At the School of Law, we will focus on building legal capacity and fostering continuous education through:

- **High-Quality Education:** Offering industry-focused programs and niche legal courses tailored to meet the evolving needs of professionals and students.
- **Industry-Academia Partnerships:** Collaborating with key industry experts and global organizations to provide cutting-edge legal insights and practical exposure.
- **Executive Development Programs:** Delivering specialized training for professionals in legal and regulatory fields, equipping them with strategic tools to navigate the complexities of law and policy effectively.

DPO CLUB

About DPO Club

Welcome to DPO Club, India's premier community dedicated to empowering Data Protection Officers (DPOs) and privacy professionals. Our mission is to create a collaborative space where experts, practitioners, and enthusiasts in the field of data privacy and protection can connect, learn, and grow together.



Who We Are

DPO Club is a thriving platform designed for individuals and organizations navigating the complex and ever-evolving landscape of global data protection laws like GDPR, DPDPA, KVKK, and other privacy frameworks. Whether you are an experienced DPO, a privacy professional, or an organization striving for compliance, DPO Club serves as your go-to resource for insights, best practices, and industry updates.



What We Do

At DPO Club, we focus on fostering knowledge-sharing and professional growth through a range of initiatives:

- **Workshops and Training:** Gain expertise with hands-on workshops and specialized training programs tailored to address real-world privacy challenges.
- **Networking Opportunities:** Connect with a robust network of like-minded professionals, experts, and leaders in data privacy.
- **Insights and Resources:** Access exclusive content, whitepapers, and updates on global privacy laws and emerging trends.
- **Certification Support:** Prepare for industry-recognized certifications with guidance and resources from our expert team.

Table of Contents

- 01** Introduction
- 02** Executive Summary
- 03** Survey Methodology
- 04** Participant Demographics and Profiles
- 05** Analysis of Survey Results
- 06** Participants' Suggestions
- 07** Path Ahead
- 08** Conclusion

Introduction

► The Draft DPDP Rules 2025

The **Ministry of Electronics and Information Technology (MeitY)** has released the draft **Digital Personal Data Protection Rules 2025 (DPDP Rules/ Rules)** on January 3, 2025, for public consultation. This marks a significant step forward toward operationalizing the **Digital Personal Data Protection Act, 2023 (DPDP Act)**.

The draft Rules aim to balance the dual objectives of safeguarding citizens' rights to data privacy and fostering innovation in India's rapidly growing digital economy.



Surveying Perspectives

To evaluate the draft Rules, a survey was conducted with experts from law, policy, IT, e-commerce, and academia. The study examined the Rules' impact, clarity, and practicality for businesses, with a focus on critical issues like data localization and parental consent for children's data.



Key Challenges and Insights

The survey highlighted several gaps and challenges in the draft Rules that could affect business practices.

These include potential compliance difficulties, industry-specific concerns, and the adequacy of proposed mechanisms for implementation.



Paving the Way Forward

The insights gathered from stakeholders are crucial for refining the DPDP Rules. This feedback will help create a robust, balanced framework that addresses business needs while safeguarding individual privacy.

We believe this survey will be crucial in shaping the draft DPDP Rules, 2025 by providing valuable insights from industry experts and stakeholders. It enables a deeper understanding of the practical challenges, potential gaps, and areas for improvement in the draft Rules, ensuring they are aligned with the needs of businesses and individuals.

We extend our sincere gratitude to all participants who contributed valuable feedback and suggestions on the draft DPDP Rules, 2025. Their insights are instrumental in refining the draft Rules to create a robust, practical, and balanced data protection framework for India.



Executive Summary

➤ **A comprehensive overview of the DPDP Rules aimed at operationalizing India's transformative data protection framework**

The Ministry of Electronics and Information Technology (Meity) has released the draft of the much-anticipated Digital Personal Data Protection Rules 2025 (DPDP Rules/ Rules) for public consultation on January 3, 2025. In 2023, after several iterations of the bill, India finally enacted the Digital Personal Data Protection Act, 2023 (DPDP Act). This has transformed the landscape of data protection. The draft Rules are aimed at operationalizing the DPDP Act.



The draft DPDP Rules are designed to empower citizens in a rapidly growing digital economy. They seek to protect citizens' rights in accordance with the DPDP Act, while achieving the right balance between regulation and innovation, so that the benefits of India's growing innovation ecosystem are available to all citizens and India's digital economy.

The draft DPDP Rules prioritize citizens' rights by placing them at the core of the data protection framework, empowering them with informed consent, data erasure rights, and grievance redressal mechanisms. The framework strikes a balance between innovation and regulation, supporting economic growth while reducing compliance burdens for smaller businesses and startups.

It adopts a digital-first approach, with streamlined processes for consent, grievance handling, and adjudication through the Data Protection Board's digital office, ensuring speed and transparency. The draft Rules address stakeholder concerns with graded responsibilities, sector-specific measures, and a fair adjudication process, fostering trust and inclusivity across industries.

The draft Rules are now open for stakeholder feedback. Once implemented after the consultation, these draft Rules will operationalize the DPDP Act. The consultation process is important as it enables the government to gather the views of stakeholders, including policymakers, businesses, and other interested parties, allowing them to submit their concerns, grievances, and suggestions. This feedback will help shape the final DPDP Rules, ensuring they are effective, practical, and address the needs of all stakeholders involved and provide a robust measure for data protection in India.



Executive Summary Cont.

To gather insights about the draft DPDP Rules, a survey was conducted by DPO Club in collaboration with Dhirubhai Ambani University School of Law, with participation from experts across various fields, including academia, law, policy, IT, and e-commerce, who work in data privacy or related areas. The survey participants possess key expertise in their respective fields, with a range of experience spanning from 2 to 20 years, bringing a wealth of knowledge and insight to the consultation process.

The survey addressed several key questions, including participants' familiarity with the DPDP Act and the draft DPDP Rules, 2025. It further explored whether the draft Rules clearly define important terms and concepts, adequately outline the responsibilities of Data Fiduciaries, and provide sufficient clarity on frameworks related to the functioning of Consent Managers. Additionally, participants were asked about the processes for obtaining and managing user consent, the clarity on the rights of the Data Principals, and the practicality of verifying parental consent for children's data in accordance with the mechanism outlines in the draft Rules.

Furthermore, the survey asked about the appropriateness of data localization requirements as outlined in the draft DPDP Rules in today's globalized world and their potential impact on various industries.

It also touched on the requirements for notifying data breaches to Data Principals and the Data Protection Board. The survey question further inquiries about the adequacy of the draft DPDP Rules and how confidently these draft Rules complement the DPDP Act, 2023 and protect their data online.

The survey further asked about the clarity and appropriateness of penalties and consequences for non-compliance and invited suggestions and comments from these participants on the draft DPDP Rules.





OBJECTIVES OF THE SURVEY

The survey on the draft Digital Personal Data Protection (DPDP) Rules, 2025, aims to collect opinions on key provisions such as consent management, data localization, penalties, and rights of Data Principals. It also focuses on the mechanism of parental consent, which is an important aspect of protecting children's personal data.

1

Understanding Awareness and Clarity

The survey aims to evaluate the level of awareness and clarity among stakeholders, including professionals, about the draft DPDP Rules, 2025.

This includes examining stakeholders' understanding of key provisions, their implications, and their adequacy in defining obligations for Data Fiduciaries when processing personal data, especially for children.

2

Identifying Implementation Challenges

The survey seeks to uncover challenges and gaps in implementing the draft Rules. It focuses on critical areas such as:

- Consent management processes, including obtaining verifiable parental consent, for the processing of children's data.
- Breach notification requirements.
- Feasibility of data localization measures from the perspective of various industries.

3

Recommendations for Improvement

The survey collects actionable feedback from data privacy experts to enhance the draft DPDP Rules.

It aims to make the Rules globally benchmarked while being tailored to India's unique socio-economic context. The goal is to provide a framework that balances individual data rights with the operational and economic needs of businesses and industries.



Key Findings and Insights

The survey findings indicate that while the draft DPDP Rules, 2025 are generally well-aligned with the DPDP Act, 2023, certain areas require further clarification. Key concerns raised by participants include data localization, parental consent verification mechanism, and the clarity of penalties for non-compliance.

Although most stakeholders are familiar with the draft Rules, further clarification is needed on areas such as consent management, user consent processes, and compliance procedures. Providing more detailed guidance on these aspects will help ensure that the draft Rules strike a balance between safeguarding privacy and minimizing operational challenges for businesses, particularly smaller ones, while maintaining effective data protection.

Survey Methodology



The Draft DPDP Rules 2025

The survey aimed to gather insights from professionals across diverse fields such as education, law, IT, and policy. Its primary focus was to assess the practicality, clarity, and adequacy of the draft Digital Personal Data Protection (DPDP) Rules, 2025, and their alignment with the Digital Personal Data Protection Act, 2023.

Mixed Question Types for Comprehensive Feedback

Ensuring Participant Anonymity

Data Prepared for Analysis

The survey featured a mix of structured objective and open-ended questions, enabling the collection of both quantitative and qualitative feedback. To seek the response of the participants, questionnaires were circulated online in early January 2025, after the release of the draft of the DPDP Rules, 2025 for public consultation.



The survey allowed participants to maintain complete anonymity by avoiding the collection of personally identifiable information, such as name and email. Responses were systematically logged with start and completion times. "No Response" values in the dataset indicate that some participants skipped certain questions.

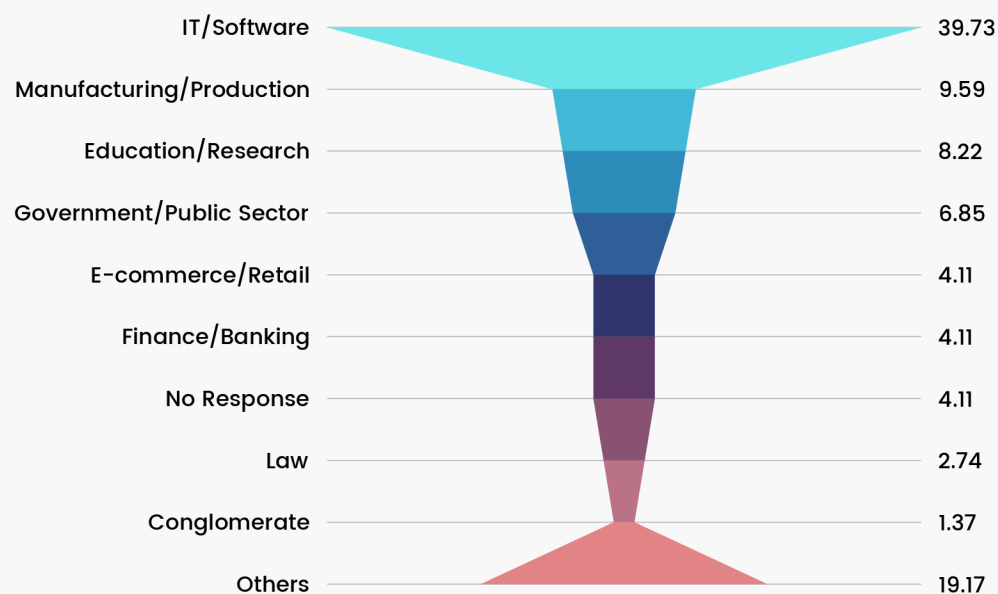
The structured data format ensures readiness for effective qualitative and quantitative analysis of stakeholder perspectives on the draft DPDP Rules and gives some key insights on it.

Participant Demographic



Profiles and Demographics of Participants

The survey included participants from diverse industries such as IT/Software, Manufacturing, Education/Research, Government/Public Sector, E-commerce/Retail, Finance/Banking, and Law. All these participants had varied levels of experience in data privacy and related fields, ranging from early-career professionals with less than two years of experience to seasoned experts with over two decades in the field.



Almost 93% of the survey participants stated that they are working in data privacy or allied fields, indicating a high level of familiarity with the subject. A small proportion (2.89%) of the participants mentioned that their work is not related to data privacy or allied field, while 4.11% of participants did not respond to this question.

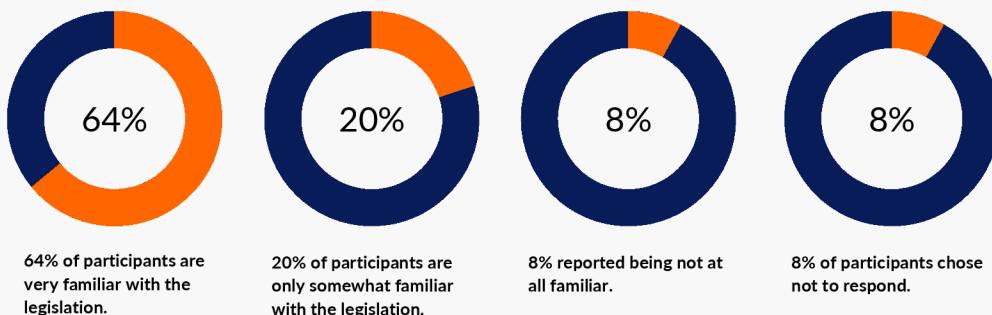
Survey Results

The survey findings present some key insights into the draft Digital Personal Data Protection (DPDP) Rules, 2025, based on participant responses. These insights indicate how data privacy stakeholders perceive effectiveness of the proposed regulations through their perspectives on the clarity, practicality.....of the DPDP Rules. By analyzing the responses, we can identify some prominent areas of concern, key amongst them being clarity of consent management frameworks, adequacy of data localization requirements, and the practicalities of verifying parental consent for children's data.

Let's explore the participants' feedback on these crucial aspects.



How Familiar are the participants with the DPDP Act and the draft DPDP Rules?



The survey findings show that the majority of participants have a strong understanding of the DPDP Act, 2023, and the draft DPDP Rules, 2025. A significant majority, comprising of almost 64% of the participants, reported being very familiar with the legislation, indicating a strong awareness or understanding of these legal frameworks. This suggests that the draft DPDP Rules which are out for public consultation have successfully garnered attention and engagement among professionals in data privacy and related fields.

However, the presence of respondents who are "Somewhat Familiar" (20%) or "Not at all Familiar" (8%) highlights the need for continued efforts to promote awareness and accessibility of the draft Rules. 8% of the participants did not respond to the question and this may further reflect gaps in outreach or the complexity of the draft DPDP Rules, signaling that more targeted communication and simplified resources could help bridge this gap and enhance understanding among a wider audience.



Clarity on the Framework and Functioning of Consent Managers

The survey sought feedback on whether the draft Rules adequately clarify the framework and functioning of consent managers. The survey results indicated a mixed response to the clarity of the framework for consent managers. 29% of participants felt that the draft Rules did not adequately clarify the framework, while another 29% considered the clarification to be somewhat sufficient. 25% of respondents felt that the draft Rules effectively explain the role and functioning of consent managers, and 17% of participants chose not to respond.



29% of participants felt that the draft Rules did not adequately clarify the framework for consent managers.



29% of participants considered the clarification to be somewhat sufficient.



25% of respondents felt that the draft Rules effectively explain the role and functioning of consent managers.



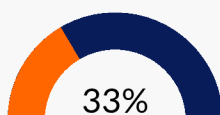
17% of participants chose not to respond.

These findings are crucial and suggest that while the concept of consent managers is understood, there are concerns regarding the level of detail and guidance provided in the draft DPDP Rules. Therefore, there is a need for further elaboration on it.

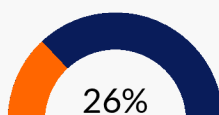
The participants were of the view that there should be greater clarity regarding the roles of consent managers. Some respondents have questioned the need for engaging third-party organizations to manage consent, suggesting that Data Fiduciaries should ideally manage consent directly. Third-party involvement should only be considered when absolutely necessary.



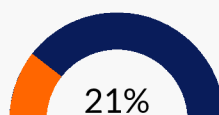
Clarity on the Process for Obtaining and Managing User Consent



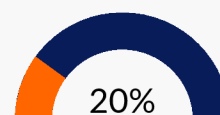
33% of participants felt that the draft Rules clearly outline the process for obtaining and managing user consent.



26% of participants felt that the draft Rules do not adequately address the consent process.



21% of respondents indicated that the draft Rules provide partial clarity on the matter.



20% of participants chose not to respond.

The survey asked participants whether the draft DPDP Rules clearly outlined the process for obtaining and managing user consent. The responses reveal a mixed level of confidence. 33% of participants felt that the draft Rules provide clear guidance on the process, while 26% felt that the draft Rules do not adequately address this aspect. Further, 21% of participants indicated that the draft Rules provide partial clarity, and 20% chose not to respond.

These results suggest that while some participants find the draft DPDP Rules sufficiently clear in outlining the consent process, there are notable concerns about the level of detail and comprehensiveness. There appears to be a need to delve deeper into the challenges that may arise during the implementation of these consent mechanisms. Furthermore, the participants have sought clarity regarding the handling of legacy data.

Legacy data is information that is stored in obsolete systems, formats, or technologies. These include structured and unstructured data as well. It includes data generated by humans as well as machine-generated. The responses highlight that businesses require more detailed guidance on how to manage consent for such data, ensuring compliance with the laws.



Adequacy of Defining the Rights of Data Principals

The survey asked participants whether the rights of Data Principals are adequately defined in the draft DPDP Rules. The responses indicate strong confidence in the clarity of Data Principals' rights under the draft Rules. 64% of participants believe that the rights are well-defined, while 14% think they are somewhat defined. A smaller portion of the participants (8%) feel that the rights are not adequately defined, and 14% chose not to respond. This positive feedback suggests that the draft DPDP Rules provide sufficient clarity on the rights of Data Principals.



64% of participants believe that the rights of data principals are well-defined in the draft DPDP Rules.



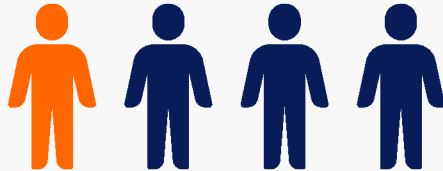
14% feel the rights are somewhat defined.



14% chose not to respond.



8% believe the rights are not adequately defined.

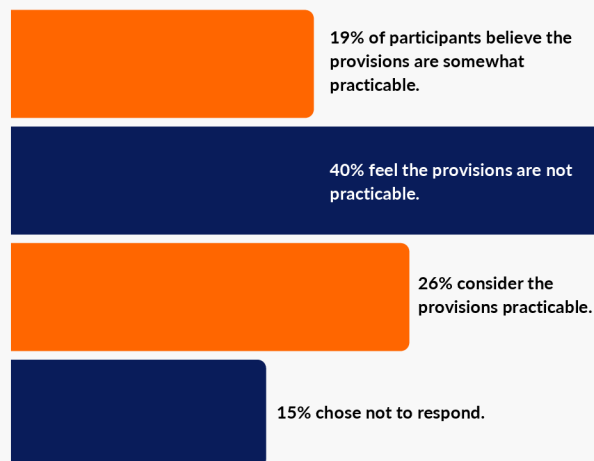


Nearly 1 in 4 participants either felt the rights were only somewhat defined, not defined at all, or chose not to respond. This highlights that a significant minority perceives gaps or lacks sufficient clarity regarding the rights of data principals, warranting further refinement and communication in the draft DPDP Rules.



Practicality of Verifying Parental Consent for Processing Children's Data

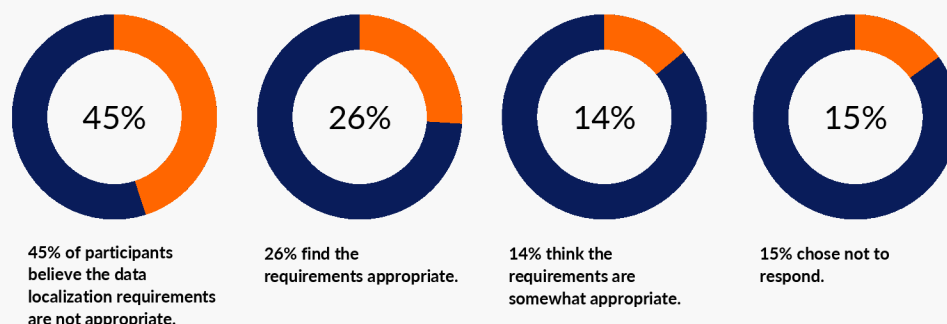
The survey asked participants whether the provisions in the draft DPDP Rules regarding the verification of parental consent for processing children's personal data are practicable. The results indicate mixed opinions. 40% of respondents felt that the provisions are somewhat practicable, while 26% found them not practicable. Further, 19% of participants believed the provisions are practical, 15% chose not to respond.



These findings suggest that there are concerns regarding the feasibility of implementing these provisions, particularly from a business perspective. While some respondents find the framework somewhat workable, a significant portion sees challenges in verifying parental consent, which could complicate compliance for businesses handling children's data. Further clarification or adjustment may be necessary to ensure the process is both effective and practical for organizations, especially small and medium-sized enterprises.



Appropriateness of Data Localization Requirements in the Draft DPDP Rules

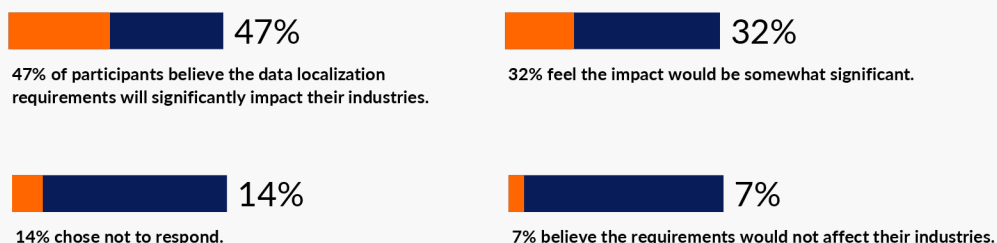


The survey asked participants whether the data localization requirements outlined in the draft DPDP Rules are appropriate in the context of today's globalized world. 45% of participants disagreed, feeling that the data localization requirements are not appropriate in a globalized environment. 26% of respondents found the requirements appropriate, while 14% felt they were somewhat appropriate. 15% chose not to respond.

These responses reflect a notable concern regarding the feasibility and impact of data localization on businesses operating in a global market. The high percentage of respondents who disagree with the requirements suggests that more detailed considerations and possible alternatives might be needed to balance local data protection with international data flow.



Impact of Data Localization on Industry/ Business



When asked about the potential impact of the data localization requirements on their industries, 47% of the participants felt that the draft Rules would have an impact. 32% thought the impact would be somewhat significant, while 14% did not provide a response. Only 7% of respondents believed that the requirements would not affect their industries.

These results show that many industries anticipate challenges with the implementation of data localization provisions, especially in terms of operational costs, compliance hurdles, and possible disruptions to global data transfer practices. Further clarification or modifications to these provisions might be needed to address industry-specific concerns.



Reasonability of Providing Breach Intimation to Data Principals

The survey also explored the reasonability of requiring businesses to notify every affected individual in addition to the Data Protection Board when a data breach occurs. 80% of respondents found this requirement to be reasonable, while 5% did not, and 15% chose not to respond.

The overwhelmingly positive response suggests that participants generally believe this approach is feasible. However, some concerns likely remain regarding the administrative burden and potential impact on businesses, particularly those with large customer bases or high volumes of data.



80% of participants consider it reasonable to notify every affected individual in addition to the Data Protection Board in the event of a data breach.



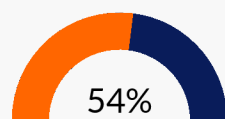
5% believe the requirement is not reasonable.



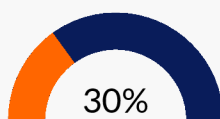
15% chose not to respond.



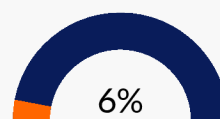
Do the draft DPDP Rules align with the DPDP Act?



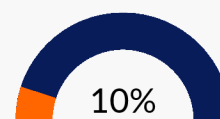
54% of participants were somewhat confident that the draft DPDP Rules complement the DPDP Act.



30% of participants were very confident about the alignment between the Rules and the Act.



6% were not confident in the effectiveness of the draft Rules.



10% chose not to respond.

When participants were asked about the adequacy of the draft DPDP Rules in complementing the DPDP Act, 54% expressed that they were somewhat confident, while 30% were very confident. 10% chose not to respond, and 6% were not confident in the draft Rules' effectiveness. This indicates that, overall, the draft DPDP Rules align with the DPDP Act.

However, some participants were of the view that there are areas where the alignment may need further refinement, particularly with respect to data localization. Some respondents have pointed out potential gaps that could impact the comprehensive nature of the framework. These gaps should be addressed to ensure that the draft Rules fully complement the Act and provide a robust data protection environment.

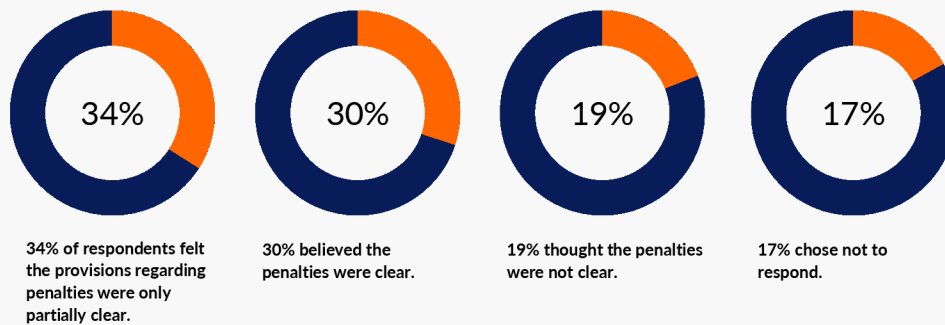
1 in 7 Participants Indicate Uncertainty or Gaps



Approximately 16% of participants (10% non-response + 6% not confident) highlight potential gaps or a lack of clarity in the draft Rules' ability to fully complement the DPDP Act.



Clarity and Proportionality of Penalties for Non-Compliance:



On the question regarding the penalties and consequences for non-compliance under the DPDP Act and draft DPDP Rules, 34% of respondents felt that the provisions were only partially clear, while 30% felt they were clear. 19% thought the penalties were not clear, and 17% chose not to respond.

This indicates a level of uncertainty about the penalties, suggesting that some respondents may require more clarity on what constitutes non-compliance and how penalties will be enforced. Some of the participants were of the view that there is a need of further clarification on how penalties will be determined and what factors will be considered when assessing the severity of non-compliance.



Participant's Suggestion

The majority of the participants expressed that the draft DPDP Rules, 2025 are generally clear and aligned with the objectives of the DPDP Act, 2023. They acknowledged that the draft Rules strike a balance between safeguarding individuals' right to privacy and addressing the interests of businesses.

However, certain things are highlighted regarding specific provisions by the participants.

The key issues identified include:



Data Localization Requirements

Survey participants highlighted concerns regarding the draft DPDP Rules, 2025, which reintroduce data localization requirements, deviating from the DPDP Act, 2023. The proposed dual-layered regulatory framework for cross-border data transfers, involving a government-appointed committee, could increase regulatory burdens, conflict with other countries' legal obligations, and hinder business operations.



Clarity on Parental Consent for Children's data

Participants emphasized the need for clarity on mechanisms for verifying parental consent as mandated by the DPDP Act. The draft Rules require Data Fiduciaries to ensure consent is obtained using reliable identity and age verification methods. Concerns were raised about the practicality of these measures, particularly for economically disadvantaged groups affected by India's digital divide, and further clarifications were requested.



Clarity on Penalties and Consequences

Participants called for a clear, proportional penalty framework that differentiates between minor and severe violations. They recommended opportunities for rectification in minor cases to encourage compliance without overly penalizing inadvertent errors. A fair and transparent penalty system would ensure accountability and foster a compliance-driven culture.



Participant's Suggestion Cont.

Here are some excerpts from participant responses when we invited their comments and suggestions on the Draft DPDP Rules, reflecting valuable insights and constructive feedback aimed at shaping the final framework effectively.

“ More clarity/guidance needed in-

- 1.Understanding the penalty slabs factoring in severity, frequency, data types exposed etc.
- 2.Risk based approach to inform breach affected individuals.
- 3.Retention periods for other class of data fiduciaries.
- 4.Exemptions for not being able to fulfill DPR requests like disproportionate effort, unable to verify the principal, active DPN etc.
- 5.DPR requests timeline for simple and complex requests.

“ For managing consents, Government should plan to introduce a tool similar to what Turkey has done. Their iYS tool is a centralized repository and is regulated by Data Protection authority, which is a user friendly interface for all companies and citizens to manage their consent across various websites efficiently.

“ There are few shortcomings with the rules. We anticipated the Rules to have obligations defined for Processor, which did not materialize. Overall, the entire focus was given to Data-fiduciary and minimal to zero focus was given to the Processor which missed the overall balance. Also, when introducing a whole new requirements around 'CONSENT MANAGER', the rules would have been more clearer and detailed.

“ Explicit details required on:

- Mode of consent Manager,
- Specific criteria for SDF
- Mode of Parental consent,
- Threshold for reporting data breach instead of clouding (excessive) the data principle which all breaches, Alignment of Data Breach reporting with CERT-IN guidelines
- Data localization clarity

Path Ahead

As the draft DPDP Rules, 2025 are under the consultation process, this survey report provides valuable insights into the perceptions and concerns of various stakeholders, which can significantly contribute to shaping the final framework.

The MeitY is encouraged to review the feedback highlighted in this report and address the key issues raised.



Data Localization Guidelines

To evaluate the draft Rules, a survey was conducted with experts from law, policy, IT, e-commerce, and academia. The study examined the Rules' impact, clarity, and practicality for businesses, with a focus on critical issues like data localization and parental consent for children's data.



Solutions for Verifying Parental Consent

The survey highlighted several gaps and challenges in the draft Rules that could affect business practices.

These include potential compliance difficulties, industry-specific concerns, and the adequacy of proposed mechanisms for implementation.



Clarity on Penalties and Compliance

Clarity is also needed on the proportionality and transparency of penalties to ensure fairness and encourage compliance without imposing unnecessary burdens. Addressing these concerns and providing the necessary clarifications will foster trust and confidence among stakeholders while supporting innovation and economic growth.

CONCLUSION

The draft DPDP Rules, 2025 mark a significant step toward operationalizing the DPDP Act, 2023, and safeguarding individuals' privacy rights. While the survey findings reflect broad alignment with the objectives of the Act, they also highlight critical areas requiring further clarity and refinement.

Issues such as localization requirements, mechanisms for parental consent verification, and the proportionality of penalties for non-compliance remain key concerns among stakeholders. Addressing these issues will not only enhance the effectiveness of the draft DPDP Rules but also ensure a balanced framework that supports both privacy protection and ease of doing business. The MeitY should take these insights into account during the consultation process to refine the draft DPDP Rules further. By addressing these gaps, the government can create a robust and inclusive data protection framework that fosters trust, compliance, and innovation across industries.

Contact Us

Dhirubhai Ambani University, School of Law



 DA-IICT Road, Gandhinagar, 382007, Gujarat, India

 Infosol@daaiict.ac.in

 <https://sol.daiict.ac.in/>

 (+91) 079-68261700

DPO Club



 Workflo, Krishna Reddy Industrial Estate, Bengaluru,
560016

 info@dpoclub.in

 <https://dpoclub.in/>