

# Privacy & Surveillance

Prasanth Sugathan

Counsel



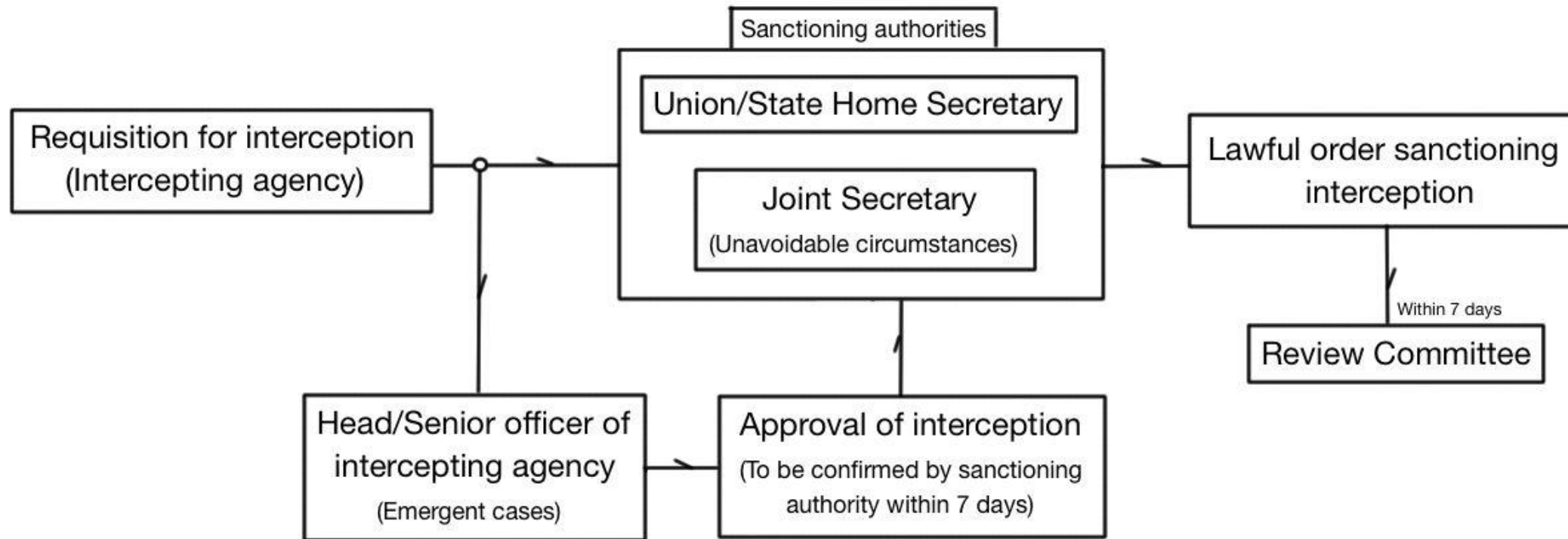
# Privacy – Online Space

- Surveillance – Government v/s Private
- Online Intermediaries and data
- Free email to Free Internet
- User data – business

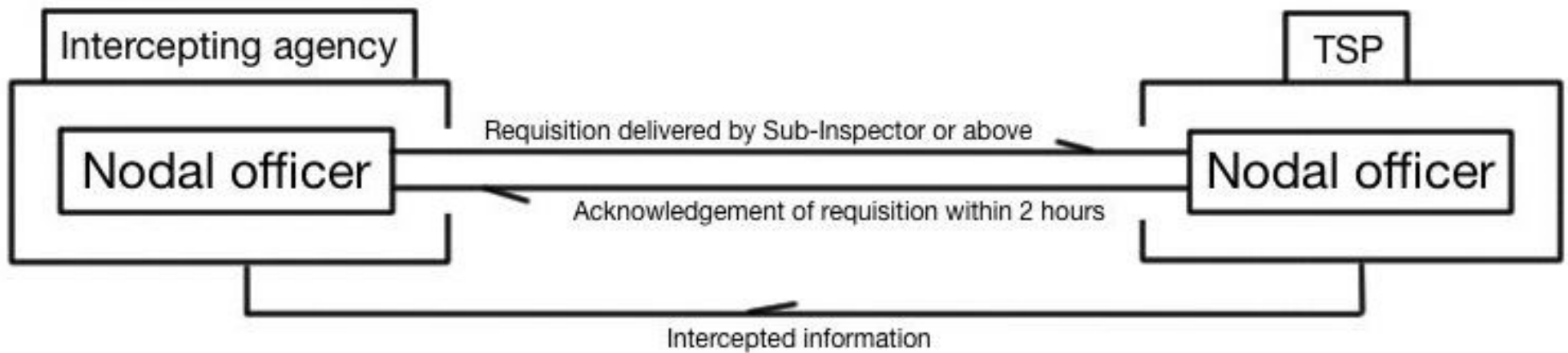
# Laws- Surveillance in India

- Telegraph Act /Rules
- Information Technology Act/Rules
- S.91, Code of Criminal Procedure

# Telephone Tapping



# Telephone tapping



# Review Mechanism

## Central Review Committee

- Cabinet Secretary as Chairman
- the Secretary to the Government of India In-charge, Legal Affairs
- the Secretary to the Government of India, Department of Telecommunications

# Review Mechanism

## State Review Committee

- The Chief Secretary as Chairman
- Secretary Law/Legal Remembrancer In-charge, Legal Affairs
- Secretary to the State Government (other than the Home Secretary)

# Internet - Monitoring

- Section 69, Information Technology Act
  - Internet data
- Section 69, Information Technology Act
  - Internet meta – data
- Section 28, Information Technology Act
  - Controller of Certifying Authorities
- Section 29, Information Technology Act



- **Rule 6 of the Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011**
- **Rule 3(7) of the Information Technology (Intermediaries Guidelines) Rules, 2011**
- **Rule 7 of the Information Technology (Guidelines for Cyber Cafe) Rules, 2011**

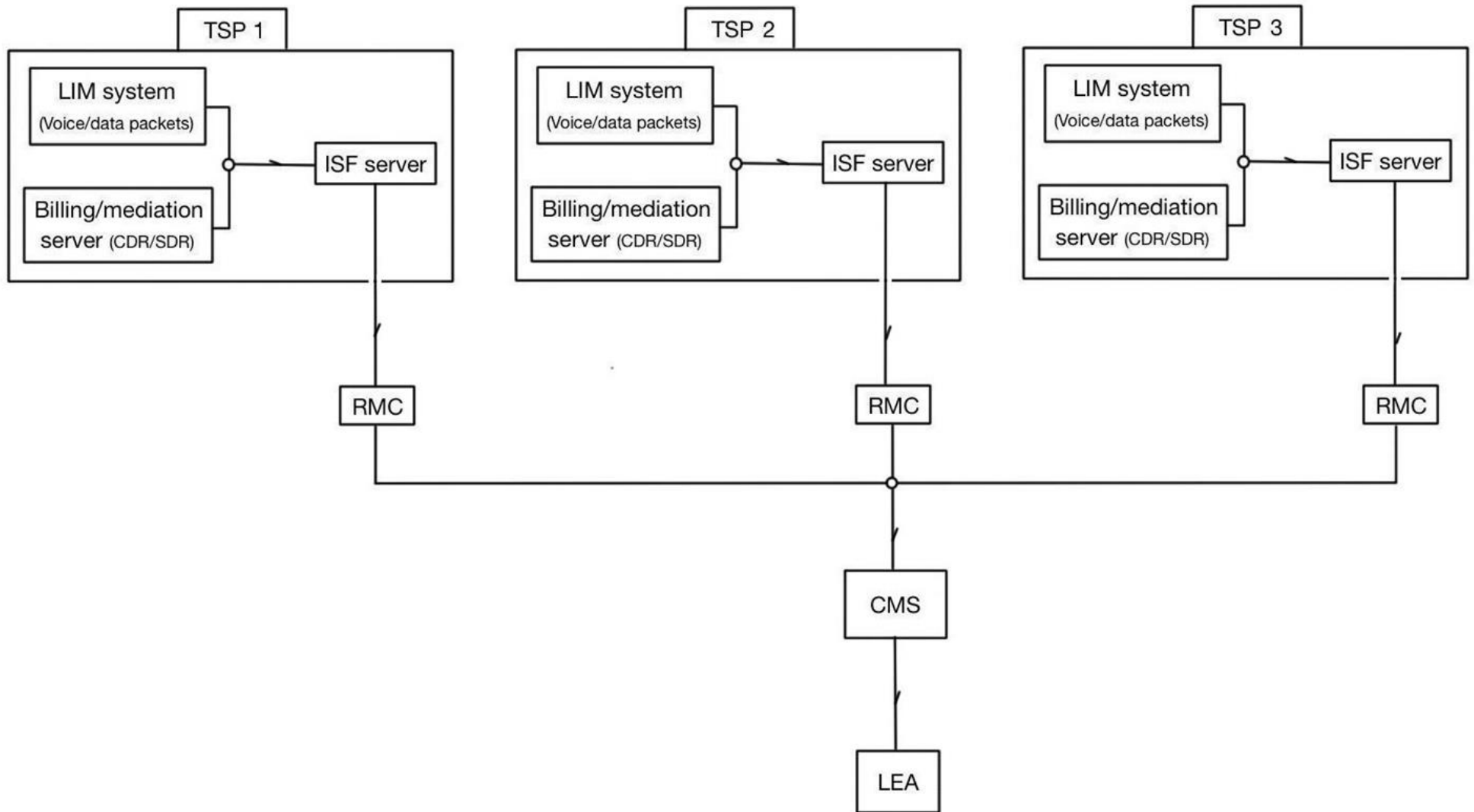
# .Section 91 - CrPC

- Widely used
- Bodhi Commons case
- Mouthshut case

# Surveillance Mechanisms

- Lawful Intercept and Monitoring Systems
- Centralised Monitoring System
- NETRA(Network Traffic Analysis)
- NATGRID(National Intelligence Grid)

# CMS



# Statements for discussion

- We love the convenience of Google and Facebook and don't mind sacrificing our privacy.
- Mass surveillance is a necessary evil to protect the security of citizens
- Real name policies are essential for a safe Internet. Anonymous usage of Internet and services should be prevented.

# Questions?

- [prasanth@softwarefreedom.in](mailto:prasanth@softwarefreedom.in)
- Twitter: @prasanthtweets  
@SFLCin