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Dy. No. 1238

F. No. O-21030/3/2017-Coord.
Government of India
Ministry of Finance
Department of Revenue

FTS-431234/17

New Delhi, dated 5th April, 2017

OFFICE MEMORANDUM

Subject : Data Sharing – Compliance of the IT Act, 2000 and Aadhaar Act, 2016.

The Undersigned is directed to refer to O.M. No. 10(36)/2015-EG-II (Vol-V) dated 25th March, 2017 received from Ministry of Electronics & Information Technology (e-Governance) on the above mentioned subject for information and necessary action.

2. The enclosure is uploaded on KMS (Knowledge Management System) of e-office Portal and may be retrieved from that Portal.

Narendra Kumar
5/4/2017
(Narendra Kumar)
Under Secretary (Coord)
Telefax No: 23095539

Ch(EC) - in mtg

1. Chairperson (CBEC)
2. Chairman (CBDT)
3. Director, Enforcement Directorate
4. DG, CEIB
5. Director, FIU-IND
6. DS (Hqrs), Revenue Hqrs
7. DS (NC), Revenue Hqrs
8. Deputy Secretary (Admn), Revenue Hqrs

M(C/T)

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(AD, A. Divedi)

24/4/17
Smt. Ganga A.D.
Asm/4
24/4/17

Smt. Sunita
Supt

MS Meena EA
24/4/2017

11/4

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24/4/17

No. 10(36)/2015-EG-II (Vol-V)
 Government of India
 Ministry of Electronics & Information Technology
 e-Governance Group



Electronics Niketan,
 6, CGO Complex,
 Lodhi Road
 New Delhi - 110003
 Dated: 25.03.2017

Office Memorandum

Subject: Data Sharing - Compliance of the IT Act, 2000 and Aadhaar Act, 2016

It has come to notice that there have been instances wherein personal identity or information of residents, including Aadhaar number and demographic information, and other sensitive personal data such as bank account details etc. collected by various Ministries/Departments, State Government Departments, in the administration of its various welfare schemes etc. has been reportedly published online and is accessible through an easy online search.

The said act of publishing identity information i.e. Aadhaar number along with demographic information such as name, date of birth, address etc. is in clear contravention of the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, more specifically Section 29 (2), Section 29 (3) and 29 (4) and constitutes an offence under Sections 37, 40 & 41 punishable with imprisonment upto 3 years.

Further, publishing of financial information including bank account details, being sensitive personal data, is also in contravention of provisions under the Information Technology Act, 2000 and the Rules framed thereunder, more specifically Rule 3 & Rule 6 of the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal data or Information) Rules, 2011 and constitutes an offence under Section 43 A of the Information Technology Act, 2000 and the offending parties are liable to pay damages by way of compensation to persons affected.

In view of the above, it is hereby informed that any act of publishing personal identity or information i.e. Aadhaar number and demographic details alongwith personal sensitive information such as bank details, in contravention of the Aadhaar Act, 2016 and the Information Technology Act, 2000 may be refrained with immediate effect. Further, any such content already published and still appearing publicly may be discontinued with immediate effect.

Archana
 Archana Dureja
 Scientist 'F'
 Phone: 011-24362528

- To:
1. All Secretaries, Government of India
 2. Chief Secretaries of all States/UTs
 3. IT Secretaries of all States/UTs
 4. Web Information Manager of websites (NIC)

A
27.3
AS/ry
CH (DT)
CH (EC)

IS/ry
29.3
 To:

Dir (Coord)
P. place on
KMS of
e-office
for consumption &
all subordinates
attached
Office.
22/3
3/12/12
MW
3/11/17
IS (Coord)
HY