

## **WhatsApp's New Privacy Policy - Violations**

### **Why in news?**

The Ministry of Electronics and Information Technology has asked the Delhi High Court to step in and restrain WhatsApp from rolling out its new privacy policy.

### **What is the policy about?**

- The controversy relates to WhatsApp's decision in January 2021 to enforce a new privacy policy.
- The policy will allow it to share some data about users' interactions with business accounts with its parent company Facebook.
- The users will not have an option but to consent to the sharing if they want to keep using the application.
- The privacy policy also does not provide the opportunity to review or amend the full information submitted by a user.

### **What is the reason for IT Ministry's demand?**

- The IT Ministry cited several Supreme Court judgments.
- The Supreme Court has placed a responsibility upon the Ministry to come out with a "regime on data protection and privacy."
- In effect, this would "limit the ability of entities" such as WhatsApp to issue "privacy policies which do not align with appropriate standards of security and data protection."
- Given this, WhatsApp must be stopped from rolling out the services.
- Thus, in a counter-affidavit, the IT Ministry has listed five major violations of the current IT rules that the policy of WhatsApp, if rolled out, could entail.

### **What are the violations listed by the IT Ministry?**

- WhatsApp failed to specify the type of sensitive data being collected by it.
- This is a violation of Rule 4 (1) (ii) of the IT Rules of 2011.
  - It mandates a company to provide a privacy policy for handling of or dealing with personal information including sensitive personal data or information.
  - It also mandates specifying the types of sensitive data being collected.
- The second violation is with respect to collection of information.
- Rule 5 (3) of the IT Rules says that any person or corporate collecting

information shall notify the user if it is collecting any sensitive information.

- It should also inform the purpose for which it is being collected, and the intended recipients of the said information.
- Besides these, the policy has also failed to provide the user an option to review or amend the users' information being collected by it.
- The changes allowed to be made are limited to the name, picture, mobile number, and "about" information.
- For the policy to be compliant with the recent [IT Rules 2021](#), it must allow the users to exercise this option for all kinds of data collected by WhatsApp.
- The policy also fails to provide users an option to withdraw consent on data sharing retrospectively, and fails to guarantee non-disclosure by third parties.
- These again violate Rule 5 (7) and Rule 6 (4) of the IT Rules of 2011.

**Source: The Indian Express, Hindustan Times**

