

**TABULAR MAPPING OF STAKEHOLDERS’ RESPONSES TO THE TRAI PRIVACY CONSULTATION PAPER – PART IX OF XII – KEY ISSUES
PERTAINING TO ENCOURAGING THE CREATION OF NEW DATA BASED BUSINESSES**

The following table was prepared after an analysis of all fifty three (53) responses to Question 5 of the Consultation Paper, *"What, if any, are the measures that must be taken to encourage the creation of new data based businesses consistent with the overall framework of data protection?"*

The table identifies the stances of the stakeholders and their response to the question. It also states the suggestions they have made to the TRAI in view of the question posed.

Sl. no.	Stakeholder	Suggestions/ Recommendations	Issues Addressed			Miscellaneous
			Uniformity and consistency in the framework to ensure the level playing field	Avoidance of Prescriptive Approach and Excessive compliance	Promotion of technological innovation	
1.	Internet and Mobile Association of India (IAMAI)	Framework should aim at building an ecosystem which includes industry self-regulation, grievance redressal system, user awareness, active civil societies and research.	Regulatory framework must be simple, predictable, uniform, and unambiguous in interpretation.	Avoid excessive compliance as it is detrimental to growth of digital economy. Avoid being prescriptive and absolutist and make Companies accountable through self	Care needs to be taken to prevent rules from being a hindrance in technological innovation.	–

				regulation		
2.	Association Of Competitive Telecom Operators (ACTO)	There must be a distinction between data based residential services (sold to consumers) and data based nonresidential services (sold to (large) business customers) to avoid automatically extending consumer protection obligations to the enterprise providers...		Framework to be based on general standards and not be prescriptive in nature.	Regulations to keep pace with rapidly evolving technology.	–
3.	The Associated Chambers of Commerce and Industry of India (ASSOCHAM)	Self-regulation schemes, certification schemes and other measure to promote innovation must be encouraged. Also, the use of datasets – anonymised or not – must be permitted subject to basic transparency and accountability norms.	The data controllers rights and the extent to which they may use user data must be prescribed to ensure business certainty.	–	A balanced framework that facilitates innovation, along with promoting disruption led business models and low costs of doing business. _	–
4.	Cellular Operators Association of India (COAI)	The approach of the regulation should be ex post rather than ex ante.	The framework should be clear, consistent and uniform for all the players to ensure level playing field.	Framework should be light touch and future fit to encourage rather than inhibit innovation. Stringent approach should be limited to matters pertaining to national security._	The framework should facilitate rather inhibit innovation.	–

5.	Global System for Mobile Communications (GSMA)	There must be a privacy protective framework which permits businesses to engage in commercial contract. Encourage a system of internal policies with external certified compliance is the suitable approach.	Creation of new data based businesses must be encouraged by building regulatory certainty.	-	To ensure that the existing mechanisms work well, incentives to invest and innovate must be given. _	-
6.	Internet Service Providers Association of India (ISPAI)	-		-	-	-
7.	National Law University Delhi (NLUD)	-		-	-	-
8.	Span Technologies	-		-	-	-
9.	TRA	-		-	-	-
10.	The National Association of Software and Services Companies (NASSCOM) - Data Security Council of India (DSCI)	The framework must encourage already available solutions and encourage innovative products and services in privacy space.	The framework should be implemented with certainty and consistency.	It should not be over prescriptive _	Internet-enabled services and apps and data driven innovation must not be negatively impacted by the regulation	The framework should recognise the already available solutions
11.	The App Association (ACT)	-		-	-	-

12.	Zeotap India Pvt. Ltd.	The framework should identify data uses that pose minimal risks and ensure that the personal data security rules are not overly burdensome		The personal data security rules should not be overly burdensome.	Dynamic and scientific measures to foster innovation must be taken. _	The regulatory body must be accountable for removing causes of delay within the stipulated time (say 30 days).
13.	Takshashila Foundation	The regulatory body should not be merely punitive. It should allow for rectification of errors and must only use aggregates of data and not personal information.		-	-	Processing of big data by anonymising the underlying data must be considered. For data that cannot be effectively anonymised the process of pseudonymisation must be considered.
14.	Information Systems Audit and Control Association (ISACA)	-		-	-	-
15.	International Business Machines Corporation (IBM)	Implementation of appropriate safeguards is required for the security of information used in Analytics, and it must be	Rules that create a level playing field must be created.	-	-	Entities must adopt accountable processes

		reasonable in relation to the kind and usage of information collected.				acknowledging the beneficial as well as the negative impact it can have on the individuals.
16.	MakeMyTrip	–		–	–	–
17.	AccessNow	–		–	–	–
18.	U.S. India Strategic Partnership Forum (USISPF)	The regulation must prevent harm and promote security in the market without over-regulating. It must be properly backed by an adequate implementation mechanism including effective grievance redressal system.		The government's role by way of regulation should, therefore, be to prevent harm and promote security in the market, without over-regulating.	Best techniques for improving services and user experiences, such as data analytics, aggregation and anonymization, must be encouraged by devoting sufficient resources to research and development and focusing on innovation.	–
19.	Information Technology Industry Council (ITI)	–		–	–	–
20.	Sigfox	An overall framework of data		–	–	–

		protection distinguishing between Personal data, ie. data identifying individuals and non-personal data, i.e, data that would help growing data market by providing new services.				
21.	Exotel Techcom Pvt. Ltd.	–		–	–	–
22.	KOAN	Businesses should be encouraged to share relevant data in order to help other technology businesses in developing new products.		–	To ensure innovation and research, ministries and departments regularly update pertinent information on open-source websites. _	The ministries and departments regularly update pertinent information on open-source websites _
23.	Internet Freedom Foundation (IFF)	–		–	–	–
24.	Mozilla	–		–	–	–
25.	Internet Democracy Project (IDP)	Collection of data must be for specific purposes with a written agreement enforcing the purpose specification. There must be an assessment body to ensure ethical use of data. There must be reassessment at regular interval to keep in check the		–	–	–

		new threats brought by advancement in network technologies and business models.				
26.	Citibank	–		–	–	–
27.	Indian Software Product Industry Round Table (iSPIRT)	The regulator must provide for a Regulatory Sandbox mechanism through which startups can experiment with new data-based businesses in a relaxed regulatory environment.		A relaxed regulatory environment must be provided where startups can experiment with new data-based businesses.	To encourage more innovation, the regulator must evaluate the results of the sandbox to see which of the modified regulations should ‘graduate’ into the larger regulatory framework.	–
28.	The Centre for Internet and Society (CIS)	–		–	–	–
29.	US India Business Council (USIBC)	The regulation must maintain a flexible and clear approach going forward to enable Indian digital innovators. The economic benefits that India has received from the flexibility permitted to its ICT services industry to send and receive data from all over the world		Over-regulating the market may interfere with the freedom of trade.	Policymakers should maintain a flexible and clear approach enabling Indian digital innovators	–

		must be kept as a foundation of any regulation to be formed.				
30.	Disney Broadcasting (India) Ltd	–		–	–	–
31.	BSA	The policy framework should facilitate seamless transfer of data globally.		–	An effective framework for personal data protection must aim to protect consumers without hampering innovation.	Policymakers and regulators should take a fact based and incremental approach to regulation.
32.	IT for Change (ITfC)	A mixed model of commons plus private data should be encouraged rather than the current model of monopolistic private ownership of social and personal data.	A mixed economy model of commons plus private data will enable competitive digital economy and will also ensure level playing field for domestic digital businesses that is not available today.	–	–	–
33.	Software Freedom Law Centre (SFLC)	The nine principles outlined by the A.P. Shah Committee as the National Privacy Principles, i.e, Notice, Choice & Consent, Collection Limitation, Purpose	There should be certainty in the legal framework with respect to legal framework related to	The regulations need to be properly drafted to make sure that they do not encroach upon	Certainty in the legal framework will ensure innovation and creation of new	The fine must act as a deterrent and therefore, the fine must be

		Limitation, Access & Correction, Disclosure of Information, Security, Openness and Accountability must be adopted to meet the needs of privacy & security. –	data protection.	the ability to innovate because of being excessively restrictive _	businesses._	tied to the global revenue of the body.
34.	European Business Group Federation (EBG)	Internet based services should not be burdened with a regulated environment as it has developed to where it is globally in total freedom.		–	–	Best Techniques such as data analytics aggregation and anonymisation must be promoted for improving user experience and creating a strongly competitive environment.
35.	AT&T Global Network Services India Pvt. Ltd. (AT&T)	Sensitivity of the data collected and used must form the basis for the privacy regulation. With the objective of fairness and accountability, the framework must also provide for the circumstances under which the private companies shall be compelled to provide	Privacy Rules consistent across the entire digital ecosystem must be formed.	–	–	Cross border data transfer mechanism must be predictable and interoperable.

		<p>information.</p> <p>De-identification and pseudonymization of data should be considered for dealing with privacy risk and thus they should be encouraged. Further, the enforcement of policies needs to be done through a transparent and stable review process.</p>				
36.	Broadband India Forum (BIF)	<p>The capacity of users needs to be built through education and awareness. The privacy framework should focus on building the necessary ecosystem which encompasses institutional capacities and capabilities, industry self-regulation, effective grievance redressal system, user awareness, active civil society, and research.</p>	<p>The public policy focus should be on providing certainty and consistency.</p>	<p>To make data driven innovation compatible with data privacy, it is critical to empower the users, without over-regulating the data controllers or data collection –</p> <p>The public policy should focus on making companies accountable through self-regulation without being prescriptive. –</p>		<p>The technology companies must constantly find better ways of using data for consumer benefit such as data aggregation & anonymization, and analytics.</p>
37.	Sangeet Sindan	<p>The scope and meaning of data controller, data processor and data subject must be clearly defined in the applicable law.</p>		–	–	<p>Prior approval of Indian Supervisory Authority to m</p>

						made compulsory in cases of cross transfer of personal data.
38.	Redmorph	–		–	–	–
39.	Baijayant Panda Jay	–		–	–	–
40.	Apurv Jain	To promote open availability of data, the Open Government Data platform must be expanded with digitisation of records available only on papers and thereby making the data freely available. Public corporations and government departments need to be encouraged to transact with data oriented businesses. Further, the government should set standards to facilitate the creation of such businesses.		–	–	–
41.	Reliance Jio Infocomm Limited (RJIL)	–		Government should refrain from micro management –	It would be prudent to continue using light touch regulatory approach which has been followed in Telecom and IT	–

					section. It would allow both innovation for the business and ease of usages for the customers. –	
42.	Bharti Airtel Ltd.	Along with encouraging creation of new data based businesses, Government must implement programmes and take measure to build trust of individuals whose data is being collected by various entities.	The rules under the data protection framework should be uniform and should involve consideration for all stakeholders. The consideration should be irrespective of the service they provide or the sectors they operate in.	–	–	–
43.	Idea Cellular Ltd.	–	The regulatory framework should be made applicable to all the players to make sure there is a level playing field among all the players.	–	To encourage new data based businesses Government must create an ecosystem whereby new players are able to bring in innovative services. –	–
44.	Mahanagar Telephone Nigam Limited (MTNL)	The framework should be thoroughly controlled through auditing practices.	There should be symmetric regulations and level	–	–	–

			playing field for all stakeholders.			
45.	Reliance Communications Ltd. (RCOM)	Anonymization of data can be an effective measure for incentivising creation of new data based businesses. The licensed operators should be allowed to exploit their user's database for commercial purposes.		–	–	–
46.	Tata Teleservices Ltd. (TTL)	–	–	–	–	–
47.	Bharat Sanchar Nigam Limited (BSNL)	The audit mechanism should be industry-friendly for protection of personal data. Products/services/ applications should include data protection as a core element of design and development.		–	–	–
48.	Telenor		The regulations should be consistent and predictable and not conflicting.	Lighter touch and future fit legislation approach should be followed and applied equally to all the stakeholders. –	–	–
49.	Vodafone	The rules should not be sector		–	–	–

		specific and they should be applied horizontally across all sectors. The approach to data protections needs to be different in different categories of data, with use of meta data being freely permitted and protection standards must be laid down for personal data.				
50.	Federation of Consumer and Service Organizations.	–		–	–	–
51.	Consumer Unity & Trust Society(CUTS)	There is a need to frame optimal laws related to data export in order to make sure that domestic data is available to domestic start-ups.		–	The regime for data privacy must be pro-competitive but it must not hamper innovation. –	–
52.	Consumer Guidance Society	A sound communication eco-system should be put in place.		–	–	–
53.	Consumer Protection Association (CPA)	–		–	–	–