



सत्यमेव जयते

MINISTRY OF
**ELECTRONICS AND
INFORMATION TECHNOLOGY**
GOVERNMENT OF INDIA

INDIA DATA **ACCESSIBILITY** AND USE POLICY (DRAFT)

FEBRUARY 2022

1. Preamble

- 1.1 Non Personal Data is a valuable resource offering better ways of service delivery for citizens, businesses, and governments. With increasing digitization and engagement, the volume of data is also increasing exponentially, providing opportunities for better governance, service delivery and innovation in sectors critical for societal transformation.
- 1.2 India's ambitions of becoming a \$5 trillion-dollar digital economy depends on its ability to use data for better service delivery. Considering this, the India Data Accessibility and Use Policy aims to enhance access, quality, and use of non-personal data, in line with the current and emerging technology needs of the decade.

2. Objectives & Purpose

This policy aims to radically transform India's ability to harness public sector data for catalysing large scale social transformation. Any data sharing shall happen within the legal framework of India, its national policies and legislation as well as the recognized international guidelines. Objectives of this policy are:

- 2.1 Maximising access to and use of quality non personal data available with public sector
- 2.2 Improving policymaking, evaluation, and monitoring
- 2.3 Enhancing the efficiency of service delivery
- 2.4 Facilitating the creation of public digital platforms
- 2.5 Protecting the privacy and security of all citizens
- 2.6 Streamlining inter-government data sharing while maintaining privacy
- 2.7 Promoting transparency, accountability, and ownership in data sharing & release
- 2.8 Building digital & data capacity, knowledge & competency of government officials
- 2.9 Promoting data interoperability & integration to enhance data quality and usability
- 2.10 Ensuring greater citizen awareness, participation, and engagement with open data
- 2.11 Enabling secure and privacy compliant pathways to share detailed datasets for research & development
- 2.12 Increasing the availability of datasets of national importance
- 2.13 Improving overall compliance to data sharing and privacy policies and standards

3. Definitions

Refer Annexure - I

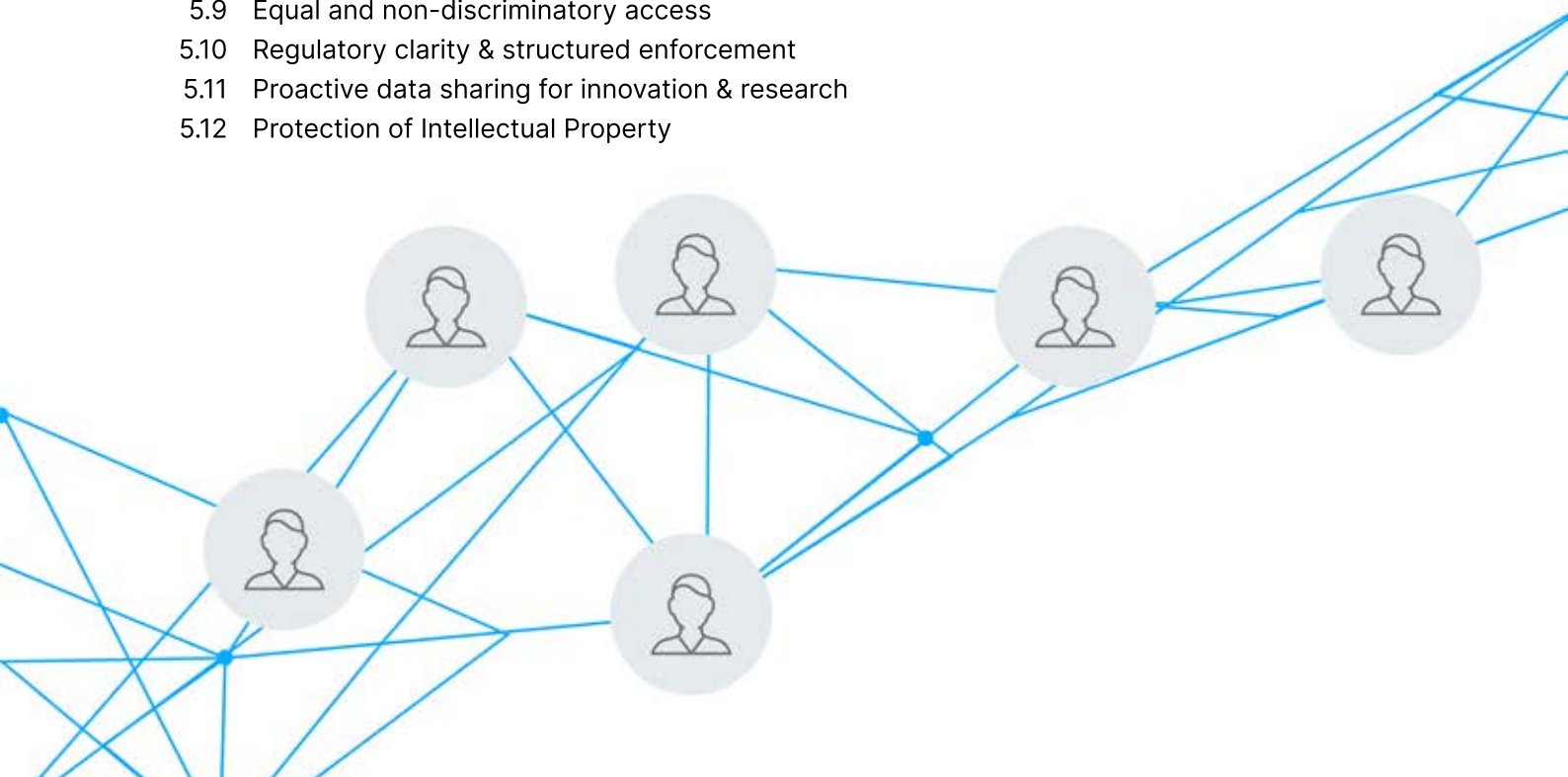
4. Applicability

- 4.1 This policy will be applicable to all non personal data and information created/generated/collected/archived by the Government of India directly or through authorised agencies by various Ministries/Departments/Organizations/Agencies and Autonomous bodies.
- 4.2 State Governments will also be free to adopt the provisions of this policy and the protocols as applicable.

5. Principles

The principles on which data sharing and governance need to be based include:

- 5.1 Identification of datasets for sharing
- 5.2 Transparency in operations
- 5.3 Interoperable, integrated & technology agnostic
- 5.4 User-centred practices & systems
- 5.5 Risk management over risk avoidance
- 5.6 Trust among stakeholders, systems, and transactions
- 5.7 Privacy & Security by Design
- 5.8 Well-defined accountability for all stakeholders
- 5.9 Equal and non-discriminatory access
- 5.10 Regulatory clarity & structured enforcement
- 5.11 Proactive data sharing for innovation & research
- 5.12 Protection of Intellectual Property





6. Institutional Framework

- 6.1 India Data Office (IDO) shall be set up by MeitY with an objective to streamline and consolidate data access and sharing of non personal data repositories across the government and other stakeholders.
- 6.2 Every Ministry/Department shall have Data Management Units headed by Chief Data Officers which will work closely with India Data Office for ensuring implementation of the Data Accessibility & Use Policy.
- 6.3 India Data Council – comprising India Data Officer and Chief Data Officers of Departments of Government of India and State Governments – shall be constituted with an objective of undertaking tasks that requires deliberations across Ministries, Departments and State Governments. This shall include but not limited to defining frameworks for defining important Datasets, finalizing Data standards and Metadata standards as also reviewing the implementation of the policy. The nomination of Departments and state governments in India Data Council shall be on rotation with a tenure of 2 years for one Department.
- 6.4 The India Data Council will be supported by a dedicated support unit to coordinate data sharing across Ministries, provide technical support and periodically evaluate their performance.
- 6.5 The India Data Office will coordinate closely with line ministries, states and other schematic programs to identify and accelerate access to non personal datasets housed with these custodians.
- 6.6 Through the IDO, stakeholders including researchers, start-ups, enterprises, individuals and government departments will be able to access non personal data through mechanisms for data licensing, sharing, and valuation within the overall framework of data security and privacy.

7. Identification of Datasets

Every Government Ministry / Department / Organisation shall identify the non-personal datasets available with it and classify them as open, restricted or non-shareable.

8. Government-to-Government Data Sharing

- 8.1 All government ministries/departments shall identify all existing data assets and create detailed, searchable data inventories with clear metadata and data dictionaries.
- 8.2 Approved inventories will be federated into a government-wide searchable database for government-to-government data sharing. This will minimize duplication of data processing efforts and enable better delivery of citizen centric services.

9. Integrated Data Portals

- 9.1 All data portals/dashboards maintained by line ministries/departments should be integrated through APIs or other appropriate integration mechanisms with the open government data portal.
- 9.2 Technical & implementation support required by line ministries/departments to integrate their dashboards/data portals shall be provided by India Data Office.

10. Protocols for sharing of non-personal datasets

- 10.1 India Data Office will notify protocols for sharing of non-personal datasets. Most datasets shall be made available at no cost to promote innovation and research & development
- 10.2 Departments/Ministries of Central & State Government organisations and institutions may notify certain datasets for restricted access and define the protocols and processes for access and sharing of such datasets.
- 10.3 To incentivise and promote such data sharing, innovative and just licensing frameworks that enable fair access and use will be made available by India Data Office which can be used by concerned ministries/departments.
- 10.4 For restricted access data sharing as per the licensing model adopted, the processes and protocols will be decided by the concerned government department or agency and must be notified in a transparent manner

11. Data Quality & Meta-Data Standards

- 11.1 Each Central Ministry / Department shall adopt and publish its domain-specific metadata and data standards. These standards should be compliant with the interoperability framework, policy on open standards, Institutional Mechanism for Formulation of Domain-specific Metadata and Data Standards and other relevant guidelines published on the e-govstandards portal.
- 11.2 Data standards that cut across domains shall be finalised by India Data Council and once finalised adopted by all concerned government ministries/departments.

12. Data Anonymisation & Privacy Preservation

- 12.1 Reference anonymisation tools and decision-making frameworks will be provided to all ministries/departments to assist data officers in managing data sharing requests.
- 12.2 All ministries/departments must comply with the anonymisation standards defined by IDO/MeitY or by any statute/act/policy issued by the government of India.
- 12.3 Any data sharing shall happen within the legal framework of India, its national policies and legislation as well as the recognized international guidelines. This will prevent misuse of data and assure security, integrity and confidentiality of data.

13. Data Retention

- 13.1 Each Central Ministry / Department shall define its data retention period for specific datasets and ensure compliance with the same while managing storage and sharing of datasets.
- 13.2 A broad set of guidelines would be standardized and provided to help ministries / departments define their data retention policy. These can be based on the DQGI framework notified by NITI Aayog.

14. Capacity & Skill Building Measures

- 14.2 Competitive capacity building and training initiatives for government officials is imperative to build capacity in all government agencies to manage, publish and make use of data.
- 14.2 India Data Office will assist in setting up of Data Management Units in Ministries and Departments to create dedicated capacity for data management.

15. Data Sharing Toolkit

- 15.1 A data-sharing toolkit will be provided to all ministries/departments to help assess and optimally manage risk associated with data sharing and release. The framework will help data officers to identify whether the data set qualifies for release, restricted sharing or needs to be on the negative list, identify the appropriate release mechanism and the required degree of anonymisation.
- 15.2 Data shall remain the property of the agency/department/ ministry/ entity which generated/collected it. Access to data under this policy shall be strictly in accordance with any act and rules of the government of India in force. Legal framework of this policy shall be aligned with various acts and rules covering the data.
- 15.3 The acquiring organization/ individual shall always cite the original data source and assume all responsibilities as to the use, analysis and interpretation of the data being provided.
- 15.4 All data being shared must ensure compliance to guidelines for legal, security, IPR, copyrights and privacy requirements.

16. Policy Monitoring & Enforcement

- 16.1 India Data Office, constituted by MeitY shall be entrusted with the responsibility of monitoring the implementation and enforcement of this policy.
- 16.2 India Data Council shall be the entity responsible for finalizing Data standards and Metadata standards. The department which is the primary owner of a particular dataset shall also be an associate member of India Data Council for the concerned dataset.
- 16.3 The India Data Council will be supported by a dedicated support unit to coordinate data sharing across Ministries, provide technical support and periodically evaluate their performance.

17. Implementation Manual

Detailed implementation guidelines including the data sharing toolkit, criteria and mechanism for restricted access data sharing, licensing frameworks and sharing models would be brought out by the Ministry of Electronics & Information Technology.

Annexure - I

1. **Open Data** - A dataset is said to be open if anyone is free to use, reuse, and redistribute it. It should be machine-readable and easily accessible.
2. **Open Government Data Portal** - The Open Government Data Platform developed by MeitY through NIC (Data.Gov.In). The OGD platform is a single point of access to datasets in open machine-readable format published by Ministries/Departments under the NDSAP 2012 policy.
3. **Negative List** – The list of data assets deemed non-shareable by ministries/departments; Datasets that are confidential in nature and/or are in the interest of the country's security in not opening to the public.
4. **Restricted Access Data Sharing** - Datasets that are accessible only through a prescribed process of registrations and authorization by respective departments/organisations.
5. **Data Inventories** - An exhaustive catalogue of existing data assets maintained by an entity.
6. **Licensing Framework** - It refers to the agreed legal framework for the exchange of data between two or more entities, the permitted use of datasets and the access term for those datasets.
7. **Open Government Data License** - Open Government Data License of India has been released in 2017 to ensure that the data sets released are not misused or misinterpreted (for example, by insisting on proper attribution), and that all users have the same and permanent right to use the data.
8. **Meta Data & Data Standards** - Metadata standards are intended to establish a common understanding of the meaning or semantics of the data, to ensure correct and proper use and interpretation of the data by its owners and users.
9. **E-Gov Standards** - E-Gov Standards ensure sharing of information and seamless interoperability of data across e-Governance applications for better decision-making, cooperation, and coordination among the stakeholders.
10. **e-Govstandards Portal** - It is the official portal for e-Governance Standards to provide a platform for sharing ideas, knowledge, and draft documents among the members of various committees involved in the standards formulation process. The duly approved standards by Government's Apex body would be released on this portal for free download and usage.
11. **Data Anonymisation** - The process of transforming or converting personal data to a form in which a data principal cannot be identified, which meets the standards of irreversibility specified by the competent authority.
12. **Data Retention Policy** - A data retention policy is a set of guidelines that define how long information must be kept and how to dispose of the information when it's no longer needed.



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