

No. 1/2017/SeMT/DGR/ 2196-97  
Government of Punjab  
Directorate of Governance Reforms  
SCO-162-164, Sector-34A, Chandigarh

Dated: 27/04/17

To

- I. All Additional Chief Secretaries/Financial Commissioners/Principal Secretaries and Administrative Secretaries of all departments
- II. All Deputy Commissioners of the State.

**Subject: Data sharing-compliance of the IT Act 2000 and Aadhaar Act 2016**

I will like to draw your kind attention to office memorandum Letter no. OM No. 10 (36)/2015-EG-II (Vol-V) dated 25.03.2017 from e-Governance Group, MeitY, Gol regarding the policy of data sharing vis-à-vis the provisions of IT Act 2000 and Aadhaar Act, 2016 (copy enclosed). The letter explains the duty of the State Government to comply with IT Act 2000 and Aadhaar Act 2016. The highlighting features are:-

- i. State Should ensure that the personal identity or information of residents including Aadhaar Number and Demographic Information should not be published, shared either online or offline mode.
- ii. Publishing or sharing identity information i.e. Aadhaar number alongwith demographic information such as name, date of birth, address etc. is in clear contravention of provisions of the Aadhaar Act 2016.
- iii. Publishing of financial information including Bank Account details is in contravention of provisions under Information Technology Act 2000 and Rules framed thereunder & violators are liable to pay damages by way of compensation to affected persons.
- iv. Publishing of identity information i.e. Aadhaar number along with demographic information is in clear contravention of the provisions of the Aadhaar Act 2016

and contributes an offence punishable with imprisonment upto 3 years. Further publishing of financial information including bank details being sensitive personal data is also in contravention of provisions under IT Act 2000 with variations liable to pay damages by way of compensation to person affected.

In this regard, may, I request your kind self to issue necessary directions to all the concerned in your department/offices and offices in the field:-

- i. To adhere with the guidelines about Data sharing as laid down in the IT Act 2000 and Aadhaar Act 2016.
- ii. To secure and safeguard the data available in print or in the form of soft copies and no data should be shared in any form directly or indirectly with any individual or agency without express permission of the Office of RGI or UIDAI.



(Dr. Abhinav Trikha, IAS)  
Special Secretary

Endst. No:-01/2017/SeMT/DGR/ 2198

Dated:- 27/04/17

A copy of above is forwarded to:-

- i. PS/CS for the kind information of Chief Secretary, Punjab



Special Secretary

  
27/04/17.

o/c

No. 10(36)/2015-EG-II (Vol-V)  
Government of India  
Ministry of Electronics & Information Technology  
e-Governance Group  
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Electronics Niketan,  
6, CGO Complex,  
Lodhi Road  
New Delhi - 110003  
Dated: 25.03.2017

Office Memorandum

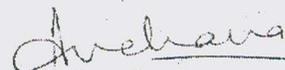
**Subject: Data Sharing - Compliance of the IT Act, 2000 and Aadhaar Act, 2016**

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 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)