Greetings from Bombay Chamber of Commerce and Industry! Hope you are well and safe.

Renewal of Membership for the year 2020-21

For details contact:

Ms. Meena Kesarkar

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Certificate of Origin Service

1. **Online:** The Chamber started issuing **Digital Certificates of Origin** from April 2020. We have issued online certificates to more than 500 organisations.

2. The Chamber has resumed issuing the Certificate of Origin from the **Chamber's Ballard Estate Office from June 8, 2020. Monday to Friday from 10.00 a.m. to 4.00 p.m. -** Contact No. 022 4910 0200 /0215

3. **Bombay Chamber issues Visa Recommendation Letter for overseas visit for commercial purposes.**

For details contact :

Mr. Pravin Rane, Joint Director

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Upcoming Events (December 1 to 15, 2020)

Economic Policy Research & Development Committee

- Interactive Webinar on **"India's Labour Reforms and Fiscal Imperatives"** – **December 1, 2020**
  http://www.bombaychamber.com/upcoming-event-award?id=886

International Trade & Commerce Committee

- Webinar on **"Pricing and Costing in International Business"** – **December 4, 2020**
  http://www.bombaychamber.com/upcoming-event-award?id=887

- Web Conference on **"Role of FTAs in Growth of Exports and Understanding the Procedures"** – **December 4, 2020**
  http://www.bombaychamber.com/upcoming-event-award?id=888

CSR Committee

- Webinar on **"Design for Change"** – **December 10, 2020**
  For details contact – aneeha.rajan@bombaychamber.com

Past Events (November 16 to 30, 2020)

HRM Committee
- Webinar on **"Business and Leadership Responsiveness in Complex Times"** – **November 26, 2020**

Human Resource Management Committee
- Webinar on **"Frugal HR – Cost Consciousness for Today's HR Manager"** – **November 27, 2020**

Bombay Chamber in Association with The Compliance & Ethics Academy
- Online Certificate Course on **"Data Protection and Privacy Laws, Level II"** - **November 30, 2020**

BOMBAY CHAMBER OF COMMERCE AND INDUSTRY
The Ruby', 4th Floor, NW, 29 Senapati Bapat Marg (Tulsi Pipe Road), Dadar (W), Mumbai 400 028

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Summary impression of the Expert Committee Report on Non-personal Data Governance Framework

Article by Corporate Governance Committee –
Guest Authors – Lokesh Jain & Aditya Uparkar, EY

➢ **Background**

The Ministry of Electronics & Information Technology (MeitY) constituted a Committee of Experts under chairmanship of Infosys Co-founder Shri Kris Gopalakrishnan to deliberate on a study of various issues relating to Non-Personal Data by making Non-Personal Data Governance Framework to make specific suggestions for consideration on regulation of Non-Personal Data. The Committee released its report on 12 July 2020 for public feedback and has set a deadline of 13 August 2020 for comments from the public.

We have summarized the key principles and recommendations of the Committee.

➢ **Broad classification of Non-Personal Data**

Non-Personal Data can be broadly classified into three types: **Public Non-Personal Data**, **Community Non-Personal Data and Private Non-Personal Data**.

- Public Non-Personal data refers to the data collected or generated by the government or in the course of publicly funded work and excluding data that is treated confidentially under any law, such as anonymised land records and vehicle registration data.

- Community Non-Personal data refers to the non-personal data collected or generated from a community, i.e. from a group of people that are bound by common interests and purposes and involved in social and/or economic interactions. While the definition of Community NPD is very broad, it specifically excludes Private NPD.

- Private Non-Personal data means non-personal data collected or produced by persons or entities other than government, where the source or subject of the data relates to assets and processes that are privately owned by a person or entity. It includes data derived and observed from private effort.

➢ **Key Highlights of Non-Personal Data Governance Framework**

- **Definition of Key roles:** Proposed non-personal data governance framework defined key role such as data principle, data custodian, data trustees and data trusts etc.

- **Ownership of non-personal data:**

  - **Data Sovereignty:** Some data sets about the people of India and collected in India, can be considered a national resource and, therefore, will be owned by the State.

  - **Legal basis for establishing rights over Non-Personal Data:** In case of community NPD, rights over the NPD would vest in a trustee (who is the 'closest and most appropriate' representative of the community), and the community would be the beneficial owner, in whose interest such NPD ought to be utilised.

- **Data Sharing:** The committee defines purposes for which data sharing of non-personal data can take place. The purposes can be sovereign, core public purpose or economic purpose. Various checks such as location, tools, contract, Liability, Expert probing, advisory body etc.

- **Data Sharing Mechanisms:** With respect to sharing private data, the following mechanisms may be developed:

  - Only the raw / factual data pertaining to community data that is collected by a private organization need to be shared.

  - At points or levels where processing value-add is non-trivial with respect to the value or collective contribution of the original community data and collective community resources used, data sharing may still be mandated but on FRAND (fair, reasonable and non-discriminatory) based remuneration.

  - Subsequently, with increasing value-add it may just be required that the concerned data is brought to a well-regulated data market and price be allowed to be determined by market forces, within general frameworks of openness, fairness etc.

  - And, at a certain level of high value-add it may indeed largely be left to the private organisation that collects the data as to how it

wishes to use the data, whereby economic privileges are mostly considered now to appropriately inhere in it.

Some of the considerations for data sharing mechanism are as follow:

- Indian citizens and organizations (combined known as 'Stakeholders') would have access to the meta-data about data collected by different Data Businesses. It is possible for these stakeholders to identify opportunities for combining data from multiple Data Businesses and/or governments to develop innovative solutions, products and services.

- The process of data sharing starts with a data request being made to the relevant Data Business. This request can be made for detailed underlying data.

- A business including start-up may raise a data sharing request to a data. A business including start-up may raise custodian based on the meta-data of the data custodian.

- If the data custodian services the request, the transaction is complete. However, If the data custodian refuses to share the request, the request is made to the Non-Personal Data Authority which will further decide if data sharing request is genuine or not. If the request is genuine, data custodian must share data with requester.

- **Data Business:** Data Business is new category / taxonomy of business

defined in non-personal data governance framework that collects, process, store, or otherwise manages data, and meets certain threshold criteria. Require Data Business organizations (companies, govern-ments, non-government organiza-tions, etc.) to disclose data elements collected, stored and processed, and data-based services offered. Every Data Business must declare what they do and what data they collect, process and use, in which manner, and for what purposes

- **Non-Personal data Authority**: The committee defines Enabling role and Enforcing Role for data authority. Enabling role ensures that data is shared for sovereign, social welfare, economic welfare and regulatory and competition purposes and thus spurring innovation in the country while Enforcing role ensures that all stakeholders follow the rules and regulations laid, provide data appropriately when data requests are made, undertaking ex-ante evaluations of the risk of re-identification of anonymised personal data and so on.

- **Technical Architecture**: Proposed governance framework also highlight the need of technical architecture such as API for data access, data security through distributed format, standardized data exchange approach etc.

➢ **Way Forward**

There is an immense potential in non-personal data in spurring innovation and growth and hence makes the case to urgently regulate the same. Non personal data governance framework supports upcoming Personal Data Protection Act and aligned with existing Competition Act, 2002 as well as intellectual property laws.

Even though Non-Personal Data governance framework are in nascent stage and need to be scrutinized and considered before implementation as they may have a significant impact on technology companies and data processing companies, there are few steps organizations can perform to make themselves ready with upcoming changes:

- Define important non-personal data roles as per mentioned in the article.

- Define purpose for sharing non-personal data. It can be Sovereign purposes, Core Public Interest purposes or Economic Purpose.

- Assessment of the data sharing mechanism to make sure appropriate mechanisms are in place while sharing of non-personal data

- Focus on technological architecture by focusing on distributed format of data sharing or creating standard data sharing approach or preventing de-anonymization etc.

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Government Notifications / Orders

Date	Notifications/Orders
November 25, 2020	Ministry of Home Affairs issues Guidelines for Surveillance, Containment and Caution for COVID 19 for mandatory enforcement by States/UT's - to be in force from 1.2.2020 to 31.12.2020 - *http://www.bombaychamber.com/newsdetail.html?news=518*
November 25, 2020	Maharashtra issues SOP for persons travelling from Delhi, Gujarat, Rajasthan & Goa into Maharashtra - *http://www.bombaychamber.com/admin/uploaded/NEWS%20Block/Mission%20Begin%20Again%20Maharashtra%20Lockdown.pdf*

Legal updates

Visit at -
http://bombaychamber.com/service?LegalUpdates.html

Latest News

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About Bombay Chamber

The Bombay Chamber of Commerce and Industry is India's premier Chamber of Commerce and Industry situated in Mumbai, the industrial, financial and commercial capital of India. Established in 1836, it is one of the oldest Chambers in the country and has a long & illustrious history of 184 years of continuous service to trade and industry.

The Bombay Chamber has been conducting webinars on various topics covering areas such as Legal, Taxation, Mediation, Sustainability, Banking and Finance, Media, Films, FemPower, Policy Research, International Trade, Information & Communications Technology, Labour Laws, Chamber has also been conducting in-house seminars earlier and can conduct similar company specific webinars on request.

For more information, visit our website **www.bombaychamber.com**

For any queries please feel free to write us - einfo@bombaychamber.com