



Government of Haryana/ हरियाणा सरकार
Secretariat for Information Technology
सूचना प्रौद्योगिकी सचिवालय

G-135
4/5/17

From
Vijayendra Kumar, IAS
Secretary to Govt. Haryana,
Electronics & Information Technology Department,
Haryana Civil Secretariat,
Chandigarh

4/5/17
DT
CE
Drg./Accts
Works/Estt.

To
1. All the Head of the Departments/ Boards/ Corporations etc. in the State
2. All the Commissioners of the Divisions in the State of Haryana
3. All the Deputy Commissioners in the State of Haryana
4. SIO, National Informatics Centre, Haryana Unit, New Secretariat, Chd.

Suptd.
Engineer
Panchayati
Raj

No.SIT:2017: 4803

Dated: 25.04.2017

Subject: Data sharing - Compliance of the IT Act, 2000 and Aadhaar Act, 2016.

Reference to the communication of MeitY, Govt. of India on 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 or 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), Sector 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 43A 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.

Attention is also drawn to the communication of Joint Secretary and Additional Registrar General, office of Registrar General & Census Commissioner, India, Ministry of Home Affairs,

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Govt. of India. They have intimated that an exercise of collecting Aadhaar numbers for the purpose of NPR (National Population Register) was got done through the Deputy Commissioners in the field. They have intimated that:-

- 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 the provisions of the Aadhaar Act, 2016.
- iii) Publishing of financial information including Bank Account details which also is in contravention of Provisions under Information Technology Act 2000 and Rules framed thereunder.

It is pertinent to mention here that the data collected during survey of National Population Register and its updation, contains vital information of Aadhaar and other demographic information which is available on paper with the State Depts., district and sub district levels of the State Govt. It is requested to secure and safeguard the data available in print or in the form of soft copies. No data should be shared in any form directly or indirectly with any individual or agency without express permission of the office of RGI of UIDAI.

Action taken report on all above may please be send to this office.

Secretary to Govt. Haryana
Electronics & Information Technology Department,

Endst. No.SIT:2017: 4804

Dated: 25.04.2017

A copy of the above is forwarded to the following for information please:-

1. Director General, National Informatics Centre, Govt. of India, Ministry of Electronics & Information Technology, E-Governance Group, Govt. of India, A-Block, CGO Complex, Lodhi Road, New Delhi-110 003
2. Ms. Archana Dureja, Scientist 'F', Ministry of Electronics & Information Technology, E-Governance Group, Govt. of India, Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi-110 003
3. Joint Secy. & Addl. Registrar General, Office of Registrar General & Census Commissioner, India, Ministry of Home Affairs, Govt. of India, 2-A, Mansingh Road, New Delhi-110 011.
4. PS to PSEIT for kind information of worthy PSEIT.

Secretary to Govt. Haryana
Electronics & Information Technology Department,

9th Floor, Haryana Civil Secretariat, Chandigarh/नौवीं मंजिल, हरियाणा सिविल सचिवालय, चण्डीगढ़

Tel./दूरभाष:Secretary/सचिव: 0172-2704922, Fax/फैक्स:0172-2705529
E-mail/ई-मेल: mcharon-hry@gov.in Website/वेबसाईट:www.haryanait.gov.in

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No. 10(36)/2015-E.G-II (Vol-V)
Government of India
Ministry of Electronics & Information Technology
e-Governance Group

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 U.Ts
 3. IT Secretaries of all States U.Ts
 4. Web Information Manager of websites (NIC)

चित्तरंजन खेतान, भा.प्र.से.
संयुक्त सचिव एवं अपर महारजिस्ट्रार
C.K. Khaitan, IAS
Joint Secy. & Addl. Registrar General



भारत के महारजिस्ट्रार एवं
जनगणना आयुक्त का कार्यालय
गृह मंत्रालय
भारत सरकार

Office of the Registrar General &
Census Commissioner, India
Ministry of Home Affairs
Government of India

Off. Pr. Secy. in WE & IT
Diary No. 1119
Dated 12/04/17



D.O. No 9/37/2013-CRD (NPR) Vol-II

Dated: 06.04.2017

Dear Mr. Dhesi,

I would like to draw attention of the State for an urgent matter related to data sharing, compliance of the IT Act 2000 and Aadhaar Act 2016. A letter has been sent by the Ministry of Electronics and Information Technology vide OM No. 10(36)/2015-EG-II (Vol-V) dated 25.03.2017 from e-Governance Group regarding the policy of data sharing (copy enclosed). The letter explained the duty of the State Government to comply with IT Act 2000 and Aadhaar Act 2016. The letter highlights the following main points:-

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 the provisions of the Aadhaar Act 2016.

iii) Publishing of financial information including Bank Account details which also is in contravention of Provisions under Information Technology Act 2000 and Rules framed thereunder.

2. Therefore, the Office of RGI request the Chief Secretary to convey in writing to all concerned Departments/ Ministries to comply with the OM mentioned above.


3. It is pertinent to mention here that the data collected during survey of National Population Register and its updation, contains vital information of Aadhaar and other demographic information which is available on paper with the state Depts., district and sub-district levels of the State Government. The digitisation of the updated data of NPR is in progress in your state. I would like to request you to kindly issue necessary direction to all the concerned authorities/ functionaries of the state at every level for securing and



safeguarding the data available in print or in the form of soft copies. 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. } 'c'

4. An Action Taken Report should be sent within two days through DO letter to undersigned. I shall be grateful for the quick action in this regard.

With regards,


6/4/2011
(C.K. Khaitan)

Shri Depinder Singh Dhese
Chief Secretary
Government of Haryana
Haryana Civil Secretariat
Chandigarh-160 001