

F.No.402/14/2017-ITCC  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Direct Taxes

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North Block, New Delhi,  
Dated 25<sup>th</sup> April, 2017

**OFFICEMEMORANDUM.**

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

The undersigned is directed to forward herewith a copy of Communication No.10(36)/2015-EG:II(Vol.V) dated 25.03.2017 received from Joint Secretary, Ministry of Electronics & Information Technology along with a copy of OM dated 25.03.2017 of e-Governance Group, Ministry of Electronics & Information Technology on the above mentioned subject.

It is requested that any act of publishing personal identity or information i.e. Aadhaar number and demographic details along with personal sensitive information such as bank details, in contravention of the Aadhaar Act, 2016 and the Information Technology Act, 2000 be refrained with immediate effect. Further, any such content already published and still appearing publicly discontinued with immediate effect.

Further, it is requested to ensure that these instructions are brought to the notice of all concerned for immediate compliance. It is also requested to furnish a report of compliance w.r.t. the e-Governance Group's OM dated 25.03.2017 to this Division at the earliest for onward transmission to them.

Encl: as above

*S Rawat*  
25/4/17

Under Secretary to the Govt. of India  
Tel. 23095461

All Joint Secretaries/CsIT in CBDT.

Copy to :- Data Cell for placing on the website.

भारत सरकार  
 Government of India  
 इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय  
 Ministry of Electronics & Information Technology  
 इलेक्ट्रॉनिक्स निकेतन, 6, सी जी ओ कॉम्प्लेक्स, नई दिल्ली-110003  
 Electronics Niketan, 6, C G O Complex, New Delhi-110003  
 Website: www.meity.gov.in



संख्या 10(36)/2015-EG-II(Vol-V)  
 No.....

दिनांक 25.03.2017  
 Date.....

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

This has reference to OM no. 10(36)/2015-EG-II(Vol-V) dated 25 03 2017 on the subject(enclosed).

It is requested 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.

Further, it is requested to ensure that these instructions are brought to the notice of all concerned for immediate compliance. A report of compliance with the attached OM may be furnished to this office at the earliest.

*RSingh  
 Advt in act  
 m (luc)*

*23 3/4  
 CIT CC 2/17*

*Jain*  
 25/03/17  
 (R. K. Sudhanshu)  
 Joint Secretary

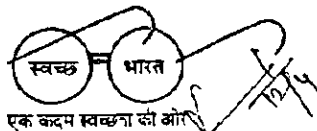
- To:
1. All Secretaries to GOI
  2. All Chief Secretaries of States/UTs
  3. All IT Secretaries of States/UTs

*may like to circulate  
 CIT (IT 2/17) 2/5/17*

*These circulate  
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 on IRS online.*

*Sh. Pillay  
 436737/17-USCITCC  
 12/4/17*

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 us (me)  
 7/4/17*



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

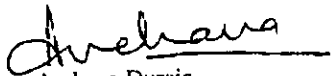
**Subject: Data Sharing - Compliance of the IT Act, 2000 and Aadhaar Act, 2016**

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 along with 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)