

Urgent

No-EDN-HE(21)B(15)15/2017-V

Directorate of Higher Education,
Himachal Pradesh, Shimla-1

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Dated Shimla-1 the April,2017

To

1. All the Principals,
Govt. Degree/Skt. Colleges in,
Himachal Pradesh
2. All the Deputy Directors of Higher Education,
Himachal Pradesh

Subject:- Data sharing - compliance of the IT Act, 2009 and Aadhaar Act, 2016.

Memo,

In pursuance of Government of Himachal Pradesh letter No.PER (AR)E(5)-3-2011-Misc dated 30-03-2017, received from the Secretary (AR) to the Government of Himachal Pradesh, vide which it has been mentioned that Ministry of Electronics & Information Technology, e-Governance Group, Government of India, has noticed that personal identity or information of residents on websites are easily accessible through online search engines, which is in contravention of the IT Act, 2008 and the Aadhaar Act, 2016.

Your attention is invited towards office Memorandum No. 10(36)/2015-EG-II(Vol-V) dated 25-03-2017 vide which it has been clearly mentioned that publishing of 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 (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, more specifically Sections 29(2), 29(3) and 29(4) thereof and constitutes an offence under Sections 37, 40 & 41, punishable with imprisonment upto 3 years under the Act, *ibid*.


Publishing of financial information including Bank Account details, being sensitive personal data, is also in contravention of the 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, you are, therefore, directed that any act of publishing personal identity or information i.e. Aadhaar Number and demographic details and personal sensitive information such as bank details, in contravention of the Aadhaar Act, 2016 and the Information Technology Act, 2000 may be refrained and if any, such content already published and still appearing publically may be discontinued with immediate effect.

Furthermore, all the aforementioned instructions may also be brought to the notice of ~~all the Officials/ Institutions~~ working under your administrative control.





(Dr. B.L. Vinta),
Director of Higher Education,
Himachal Pradesh

Endst. No. Even dated Shimla-1 the April, 2017

Copy for information and necessary action is forwarded to:-

1. The Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla-2.
2. The Secretary (AR) to the Government of Himachal Pradesh, Shimla-2, w.r.t. letter number and date as mentioned herein above.
3. All the Branch Superintendents, Directorate of Higher Education, alongwith copy of letter including enclosures, received from the Secretary (AR) to the Government of Himachal Pradesh, for taking appropriate action in the matter accordingly.
4. The Incharge, IT Cell, with the direction to upload the same on the departmental website.
5. Guard file.


Director of Higher Education,
Himachal Pradesh