

DATA PROTECTION

Celebrating Partnerships



OVERVIEW

Khaitan Legal Associates is a full-service Indian law firm with offices in London, Mumbai, and New Delhi, as well as correspondent offices across different cities in India.

In an age where technology, the growth of e-commerce, social media, and the Internet of Things are creating a large expanse of data, the disruption of existing norms around individual privacy is a foregone conclusion. Understandably, countries across the world are responding to the technological revolution by creating path-breaking jurisprudence and statutory provisions in this regard. We, at Khaitan Legal Associates, have regularly assisted our clients in assessing, reviewing, and strengthening their data safety framework and ensuring compliance with the constantly evolving legal landscape in this regard. Data protection is a growing concern in the Indian markets, and we provide specialized services to ensure our client's seamless transition through every evolution in the law.

Our clients range from Fortune 500 blue-chip companies to growing and start-up businesses across a cross-section of sectoral competencies. This diversified experience enables us to understand not only the legal but also the business and commercial requirements of our clients.

THOUGHT LEADERSHIP

- Chaired a committee constituted by a leading industry body, providing recommendations to the Ministry of Electronics and Information Technology, Government of India, on the impact of The Personal Data Protection Bill, 2018, on various stakeholders of the Indian insurance sector such as insurers, reinsurers and intermediaries and other data analytics and risk solutions providers.
- Advised a regulated insurance data repository on the provisions of the proposed Personal Data Protection Bill, 2019, and suggested potential submissions to be made to the Insurance Regulatory and Development Authority of India on the impact of the bill on stakeholders in the sector.
- Conducted data protection workshops for students and faculty across several leading universities in India, with a view to enhancing awareness around privacy and data protection.

SELECT EXPERIENCE

DATA PROTECTION AND DATA PRIVACY

- Advised on data protection, privacy, and requests from governmental bodies relating to the decryption, processing, and disclosure of data.
- Opined on the equivalence of India's current data protection regime compared with the EU GDPR to enable a European processor of financial services data in fulfilling its GDPR's equivalence requirements for cross-border transfer of data.
- Advised a leading Indian insurance and reinsurance broker on evolving data protection laws and their commercial and legal impact.
- Undertaken a thorough data protection audit for a leading data centre service provider and licensed telecom service provider of India.
- Conducted a comprehensive data protection impact assessment ("**DPIA**") for a UK based risk management and consultancy firm taking into account the applicability of Indian, UK and EU data protection regulations.
- Commenced a comprehensive DPIA of an Indian digital consumer behaviour intelligence platform.
- Commenced a comprehensive DPIA of a leading Indian general insurance company with specialised focus on the applicability of specific requirements under the Insurance Development Authority of India ("**IRDAI**") regulations and guidelines.
- Commenced a comprehensive DPIA of a leading Indian general insurance company in collaboration with a technical service provider for detailed data mapping and discovery analysis as part of the DPIA.
- Advised start-up companies and other entities drafted terms and conditions for websites, disclaimer policies for products and services, and privacy policies for websites.
- Drafted data processing agreements for various clients, ranging from start-ups to Fortune 500 companies.
- Advised a US entity on the transfer of data from India to an offshore affiliate.
- Advised a multinational company on proactive measures to be adopted by businesses to address data security and deal with the response to data security breaches.
- Advised Indian corporates and Indian branches / subsidiaries of foreign corporates on a full range of data protection issues arising for employers, including monitoring at work, inclusions of policies and clauses in employee handbooks, employment contracts, consents for sharing, forensic investigations, and processing of sensitive personal data.
- Advised a leading insurance broker on their business arrangements and prepared terms and conditions and a privacy policy for proposed services that were to be undertaken through an online portal.
- Advised a leading life insurance company on the wording of the proposal form to strengthen it from data protection and privacy perspectives in light of policy issuance and underwriting functions.
- Advised a leading life insurance company on its third-party contracts in light of data protection laws in India.
- Advised a leading life insurance company on its privacy policy and changes to be effected with regard to the proposed changing regime.

SELECT EXPERIENCE

DATA PROTECTION AND DATA PRIVACY

- Advised clients on exclusions under India's data protection rules; privacy-compliant monitoring and recording of intra and inter-organizational communications; disclosure of data during due diligence processes; cross-border transfer of data; and potential liabilities and negotiating indemnities under contractual arrangements relating to data sharing and transfers.
- Advised regulated entities on the data privacy and indemnification clauses in the contracts, including insurance and reinsurance contracts.
- Reviewed and drafted terms of use, privacy policies, and cookie policies for a mobile application and advised on compliance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, pertaining to OTT and online curated content platforms.
- Assisted a global provider of mobile-based gaming and sports entertainment services in compliance with GDPR and conducted a gap analysis for potential compliance issues with India's proposed Personal Data Protection Bill, 2019.
- Reviewed and standardized Data Protection provisions under a medical research outsourcing agreement for a multinational pharmaceutical and biotechnology company.

SELECT EXPERIENCE

CYBER INSURANCE

- Collaborated with and represented a cyber-security company to prepare a-la-carte policy terms for its cyber insurance policy.
- Reviewed an Information and Network Technology Liability Policy and conducted a gap analysis for clients in the software and technology space to assess the scope of the policy and the risk mitigation value under the policy for such clients.
- Advised a multinational company engaged in the business of providing insurance technology software and information technology services on coverage of a claim arising from a service agreement under an errors & omissions policy and a cyber liability policy.



Shruti Dvivedi Sodhi

Partner

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With decades of in-house and law-firm experience, Shruti heads the Delhi office. Shruti is an expert in Data Protection, Start-Ups and TMT.



Sangeeta Jhunjhunwala

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Sangeeta is a dual-qualified corporate advisory and regulatory specialist partner based out of Mumbai.

OUR DATA
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