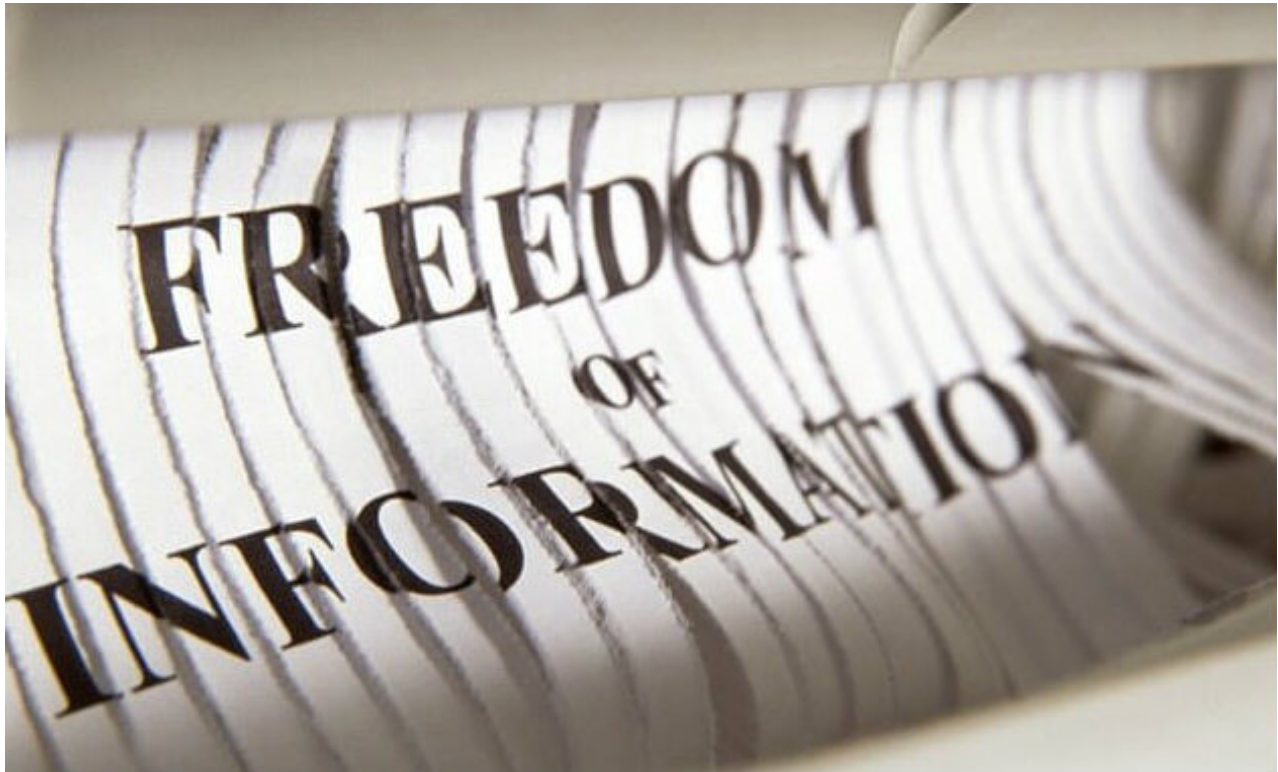


Revisiting Right to Information in India: Is the DPDP Act counterproductive to RTI Act?

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Despite its obvious merits, the current RTI Bill is unconscious of the deep conceptual relevance of RTI to the issue of enforced disappearance. (Image credit: jordan23queen via Flickr)

by [Sanya D. Kishwar Sadqua Khatoon Kritika Vatsa](#) | Jul 11, 2025



About [Sanya D. Kishwar Sadqua Khatoon Kritika Vatsa](#)

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The [Right to Information Act of 2005](#) ('RTI Act') in India empowers citizens to demand transparency and accountability from the government. However, the [Digital Personal Data Protection Act, 2023](#) ('DPDP Act') weakens it by amending [Section 8\(1\)\(j\)](#), limiting access to personal data without any public interest evaluation. This change threatens openness, accountability, and the constitutional right to freedom of speech and expression under Article 19(1)(a) of the [Indian Constitution](#).

The Indian Supreme Court has interpreted right to information to be included under Article 19 (1) (a) in cases such as [State of Uttar Pradesh v. Raj Narain](#) and [S.P. Gupta v. Union of India](#). The RTI Act empowers every citizen with the right to information and provides for the mechanism to realise this right. Corollary to this right is the duty of every public authority, under Section 7 of the RTI Act, to maintain records and publish them in a timely manner for the public. However, this right is subject to exceptions under Section 8. For instance, if citizens seek secret or privileged information, or information that could affect

the sovereignty of the nation, there is no obligation on the information officers (Central Public Information Officer ['CPIO'] or State Public Information Officer ['SPIO']) to release such information.

One such exception is provided under Section 8 (1) (j), which has been amended by the DPDP Act. Earlier, Section 8 (1) (j) allowed the CPIO as well as the appellate authority to disclose personal information if they were satisfied that a "larger public interest" existed in such disclosure. However, the amendment [creates obstacles](#) for obtaining vital information about asset declarations and misconduct records. This is because the amended clause only presents one test before the CPIO and appellate authority which is whether the information is "personal". The RTI Act does not define "personal data", and the [definition](#) under the DPDP Act is broad. According to Section 2 (t) of the DPDP Act, "personal data" means "any data about an individual who is identifiable by or in relation to such data". This is wide enough and could easily encompass into its ambit any kind of information/data relating to an individual. In [S. Muthumalai v. CPIO](#) (2020), the Central Information Commission clarified that Section 8(1)(j) of the RTI Act, which protects third-party personal information from disclosure, can only be applied if the information is private, has no public interest relevance, and would cause an unwarranted invasion of privacy. However, after the amendment in 2023, the jurisprudence remains unclear as to the scope of Section 8 (1)(j). This approach [threatens](#) both transparency and decision-making based on accurate information and democratic governance as the CPIO may now take help of this definition and refuse information claiming that it is of personal nature. The RTI Act was created to empower citizens and enhance their participation in monitoring public institutions. These changes oppose the original intentions of the RTI Act.

In effect, 'personal data' could also include names of voters, beneficiaries of welfare schemes, and people who get subsidies. This puts social audits and anti-corruption efforts at risk by making programs like [Mahatma Gandhi National Rural Employment Guarantee](#) and [Public Distribution System](#) less transparent. More than hundreds of RTI applications are filed [every month](#), mostly by people from disadvantaged backgrounds seeking [access to essential services](#) like food and financial aid. RTI empowers them to demand information on delays or denial of benefits, helping expose corruption and ensure accountability. Weakening this system harms these vulnerable groups the most, [worsening](#) inequality. Additionally, it might no longer be possible to search for election rolls and other public records such as land records, company registries etc. These changes could make it easier for the government to escape accountability.

The amendment violates the Indian Supreme Court's four-part proportionality test, as laid down in [Anuradha Bhasin v. Union of India](#), to determine the legality of a restriction on a fundamental right. First, while protecting personal data is a valid goal, the amendment imposes a blanket exemption on all personal information, even when disclosure serves public interest, thereby failing to establish a reasonable connection with the said goal of protecting privacy of individuals. Second, such broad restrictions on access to information are neither proportionate nor the least restrictive means available. A more balanced

approach could have been allowing disclosure when public interest outweighs privacy. Instead, the amendment limits access to crucial information, weakening public oversight and press freedoms.

[Constitutions and Human Rights](#) [Right to Freedom of Speech and Expression](#) [Right to Information](#)