

# Data deletion is costly: Privacy-related regulations underscore the need for a more nuanced approach

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Privacy-related regulations underscore the need for a more nuanced approach.

**By GV Anand Bhushan & Surabhi Bhandari**

The role of data in India's increased GDP and economic growth has led to the enactment of the Digital Personal Data Protection (DPDP) Act, 2023. This legislation aims to safeguard citizen's data, including cross-border sharing. But it presents a paradox by simplifying regulations, yet increasing businesses' accountability and responsibility, particularly through Sections 8(7) and 8(8) which mandate the deletion of personal data either when the user withdraws consent or the purpose for which the data was collected is no longer relevant. This raises a crucial question: Does the DPDP Act, in pursuit of individual privacy, overlook the needs of the fast-evolving digital realm?

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### **Impact of data deletion on user experience**

In the digital landscape, a robust user experience is crucial, driving engagement, customer loyalty, and sales. Data plays a key role in enhancing user-friendliness and utility. The mandated data deletion, say in the case of X, risks diluting the rich tapestry of shared experiences, thoughts, and opinions, potentially diminishing the platform's value. Even accounts not actively managed by their owner, but which continue to engage the community via likes, comments, and shares, face interruptions due to data deletion policies.

### **Costly challenge for digital advertisers**

Social media platforms have revolutionised advertising by offering targeted reach and personalised message tailoring. However, data deletion poses a threat to influencer relationships, disrupting long-term connections and brand collaborations. Consider an influencer with a substantial following. Over the years, she builds a strong brand and cultivates a loyal audience. Due to regulatory changes, her platform is required to enforce mandatory data deletion, leading to removal of historical content, including posts, collaborations, and interactions. As a result, she loses access to content which impacts the storytelling aspect of her brand, the history that helped establish her authenticity and connection with the audience is erased, and brands that she collaborated with now find it challenging to trace the success of past campaigns or assess the long-term impact of their association, leading to reduced opportunities.

This impact extends to industries with slow-moving goods or services or sectors with longer sales cycles. For a wedding planning company, sharing videos of its successful events, engaging with clients through comments and using social media for client acquisition are a part of its marketing strategy. Data deletion obligations could erase a valuable portfolio that potential clients rely on to assess a company's capabilities; besides, client testimonials are lost and the company loses valuable leads and accumulated audience data which otherwise helps to target specific demographics effectively.

### **Erosion of digital crime footprint**

Indian courts accept electronic documents as admissible evidence, including digital evidence like instant messaging histories and audio-visual files. The Regional Forensic Science Laboratory in Nagpur has experienced a surge in analysis requests, particularly for mobile phone data and audio and video clips that are critical to criminal investigation. However, limited infrastructure and manpower result in prolonged periods of analysis. Extended data retention periods are crucial for preserving digital crime footprints and aiding law enforcement, while deleting data hampers cyber crime probes, compromises security, and reduces users' trust in online platforms.

### **Complications in account recovery**

The complications in account recovery, aggravated by data deletion obligations, frustrate people, including senior citizens, who are internet users. The two-factor authentication process, which allows users to add another layer of defence to their platform's use in the form of one-time passcode sent to mobile phones, fingerprints or generated keys, has become popular. Erasing data may complicate account recovery, reducing user engagement and retention.

### **Challenge for investigative journalism**

The wealth of digital information has revolutionised investigative journalism. Journalists frequently start their research by delving into an array of online reports and social media content. They analyse data from social media profiles of key figures and public reactions to major issues, drawing on historical data to add depth to their stories. This helps uncover complex stories and present them in engaging ways, through infographics and social media analytics. Long-standing web information not only enhances reporting but also fosters transparency and builds trust. Mandating data erasure could hinder journalists' ability to access vital information, impeding the flow of authentic news and undermining public trust.

In the digital era, balancing user privacy with the needs of technological innovation is imperative. The challenges posed by privacy related regulations, such as the DPDP Act, underscore the need for a more nuanced approach that preserves privacy while supporting the vibrant dynamics of the digital economy, including areas like advertising, investigative journalism, and user-centric platforms.

To achieve this balance, we need to focus on three key areas. First, we should use better technology that keeps personal information safe without losing its usefulness. This means using methods that hide personal details through anonymisation or encryption but let us understand data trends. Second, we need to make it easier for people to understand and control how their data is used. This means clear choices about sharing personal information and making sure people know what they're agreeing to while providing consent. Lastly, the rules about data privacy should be flexible and able to change as technology evolves. This

way, our approach to privacy stays effective and up-to-date. Safeguarding digital privacy requires a united effort: we must diligently protect personal information while nurturing the growth of innovative technologies and ideas for the future.

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