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THE KEY PROVISIONS, COMPLIANCE REQUIREMENTS AND CONCERNS OF THE NEWLY RELEASED DIGITAL PERSONAL DATA PROTECTION RULES, 2025

~ Swastika Ghosh¹

Background Context

Advisory Note examines the regulatory consequences and compliance expectations arising from the Digital Personal Data Protection Rules 2025, notified by the Ministry of Electronics and Information Technology under the framework of the Digital Personal Data Protection Act 2023². The Act laid down the foundational principles governing the protection of digital personal data by recognising individual rights and imposing corresponding obligations on entities engaged in data processing, while deliberately refraining from prescribing detailed procedural mechanisms³. The notification of the Rules in November 2025 addresses this legislative gap by providing operational clarity and translating statutory intent into enforceable regulatory standards applicable to data processing within India and to certain extraterritorial activities involving individuals located in India, thereby reinforcing the Act's extended territorial reach⁴.

The Rules operationalise statutory principles by imposing specific compliance obligations relating to informed consent, structured notice requirements, timely personal data breach disclosures and defined norms governing data retention and erasure⁵. They further strengthen individual control over personal data through the effective exercise of rights of access, correction, erasure and grievance redressal while establishing the Data Protection Board of

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² Ernst and Young India *Transforming Data Privacy Digital Personal Data Protection Rules 2025* EY Insights Cybersecurity <https://www.ey.com/en/in/insights/cybersecurity/transforming-data-privacy-digital-personal-data-protection-rules-2025>

³ ELP Law *Key Highlights of the Digital Personal Data Protection Rules 2025* <https://elplaw.in/wp-content/uploads/2025/01/Key-Highlights-of-the-DPDPA-Rules-2025-1.pdf>

⁴ Corrida Legal *Digital Personal Data Protection Rules 2025 Explained Compliance Rights Penalties and Business Impact* <https://corrida.legal.com/digital-personal-data-protection-rules-2025-explained-compliance-rights-penalties-business-impact>

⁵ Ernst and Young India *Digital Personal Data Protection Rules Operationalising Consent and Security Obligations* EY Insights 2025

India as the central authority for enforcement and adjudication⁶. A risk-based compliance framework is introduced through the designation of Significant Data Fiduciaries subject to enhanced obligations and through the formal recognition of Consent Managers as intermediaries in consent governance⁷. This Advisory Note is confined to analysing the legal and operational implications of the Rules for organisational actors with particular emphasis on compliance preparedness, interpretative ambiguities, and practical challenges emerging from regulatory and professional commentary⁸.

Issues for Consideration

1. The Rules introduce detailed operational requirements for consent notice formats, withdrawal mechanisms, and the management of personal data throughout its lifecycle, creating a potential implementation burden on organisations that have not previously documented mature data governance frameworks⁹.
2. The compliance timelines outlined in the Rules require fiduciaries to implement substantial security safeguards, breach response protocols and consent tracking infrastructure within a compressed time horizon, posing resource and readiness challenges, particularly for small and medium enterprises¹⁰.
3. The draft Rules establish mandatory breach notification protocols including immediate notification to the Data Protection Board and affected individuals within defined time windows which may expose fiduciaries to heightened regulatory scrutiny and legal risk without clear benchmarks for compliance¹¹.
4. The requirement to provide verifiable consent for children and persons with disabilities raises legal questions regarding age and disability verification methods and the

⁶ Vision IAS *Draft Digital Personal Data Protection Rules 2025* Monthly Current Affairs Magazine February 2025 <https://visionias.in/current-affairs/monthly-magazine/2025/02/22/security-draft-digital-personal-data-protection-rules-2025/>

⁷ *Regulatory update: Digital Personal Data Protection Rules 2025*. (2025, December 18). Lex Counsel. <https://lexcounsel.in/newsletters/regulatory-update-notification-of-the-digital-personal-data-protection-rules-2025/>

⁸ *Digital Personal Data Protection Act: Things you should know - Corporate Professionals*. (2025, December 2). Corporate Professionals. <https://www.corporateprofessionals.com/articles/digital-personal-data-protection-act-things-you-should-know/>

⁹ Ravindra, A. (2025, July 23). *India's Digital Personal Data Protection (DPDP) Rules, 2025 – A Brief Overview* | *Inspira Enterprise*. Inspira Enterprise. <https://inspiraenterprise.com/indias-digital-personal-data-protection-dpdp-rules-2025-a-brief-overview/>

¹⁰ Lawrbit *Digital Personal Data Protection Rules 2025* (outlining applicability procedural requirements fiduciary obligations and governance implications) available at lawrbit.com/article/digital-personal-data-protection-rules-2025 accessed 2025

¹¹ Elangovan, N. (2026, January 1). *Compliance Guide for India's Digital Personal Data Protection Act*. TaxGuru. <https://taxguru.in/corporate-law/compliance-guide-indias-digital-personal-data-protection-act.html>

mechanisms fiduciaries must adopt to operationalise such verifiable consent in practice¹²

5. Provisions relating to cross border processing and export of personal data suggest potential constraints on multinational operations and uncertainty regarding the categories of data that may be subject to sovereign control or export prohibition under Government direction¹³.
6. The differentiated duties imposed on Significant Data Fiduciaries including mandatory audits impact assessments and data localisation expectations invoke concerns of proportionality, especially for entities with large user bases and sensitive datasets¹⁴.
7. Ambiguities persist regarding the scope of exemptions for certain categories of data processing, including research archiving and instances where other statutory obligations, such as banking or securities law require extended retention beyond the three-year use-it-or-lose-it period¹⁵.

Applicable Legal and Regulatory Framework

The Digital Personal Data Protection Act 2023 forms the cornerstone of India's data protection regime by regulating the processing of digital personal data and striking a balance between individual privacy and legitimate data-driven activities¹⁶. It recognises the rights of Data Principals, assigns corresponding duties to Data Fiduciaries and establishes the enforcement architecture while reserving matters of procedure and implementation for subordinate legislation. In furtherance of this framework, the Central Government has notified the Digital Personal Data Protection Rules 2025 under Section 40 of the Act to operationalise its provisions through enforceable compliance obligations¹⁷.

The Rules specify mandatory requirements concerning notices, consent management, security safeguards, breach reporting, data retention, erasure, and grievance redressal, and set out the procedural functioning of the Data Protection Board of India, including adjudication and penalty mechanisms¹⁸. Enhanced obligations apply to entities designated as Significant Data Fiduciaries, reflecting the scale sensitivity and risk of their data processing operations¹⁹. The regime is supplemented by executive guidance issued by the Ministry of Electronics and Information Technology and continues to coexist with sector-specific regulations where consistent with the Act and the Rules. Collectively, the framework reflects a measured

¹² Point 1: *ibid*

¹³ Point 2: *ibid*

¹⁴ Point 3: *ibid*

¹⁵ Point 1: *ibid*

¹⁶ Parliament. (2023). THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023. In *THE GAZETTE OF INDIA EXTRAORDINARY*. https://prsindia.org/files/bills_acts/bills_parliament/2023/Digital_Personal_Data_Protection_Act_2023.pdf

¹⁷ Mali, A. P. (n.d.-b). *SECTION 40 | INTERPRETATION*. <https://dpdpa.com/dpdpa2023/chapter-9/section40.html>

¹⁸ Government of India. (2025). DPDP Rules, 2025 notified. In *Digital Personal Data Protection Rules* [Press-release]. <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2025/nov/doc20251117695301.pdf>

¹⁹ Bahl, R., Bagai, R., Ghoshal, S., & Iyer, A. (2025c, July 21). Data Protection Laws and Regulations India 2025-2026. International Comparative Legal Guides International Business Reports. <https://iclg.com/practice-areas/data-protection-laws-and-regulations/india>

alignment with global data protection principles while remaining rooted in India's constitutional and administrative context²⁰.

Analysis

The Digital Personal Data Protection Rules 2025 give operational force to the framework established under the Digital Personal Data Protection Act 2023 by converting normative principles into binding compliance obligations for regulated entities²¹. Data Fiduciaries are now required to redesign governance practices so that legality transparency and accountability are embedded across the entire data processing lifecycle. Consent is no longer a procedural formality but an auditable and ongoing process requiring verifiable records accessible withdrawal mechanisms and continuous oversight. Deficient consent practices invite regulatory action and reputational exposure²².

The Rules substantially raise organisational preparedness standards through mandatory notice disclosures enhanced security safeguards and strict timelines for reporting personal data breaches to the Data Protection Board of India and affected Data Principals. While these measures advance individual protection, they also reduce response margins and heighten enforcement risk particularly for entities with underdeveloped incident response systems. Data retention is confined to periods strictly necessary for declared purposes rendering indefinite storage practices legally untenable²³.

Entities designated as Significant Data Fiduciaries face intensified obligations including impact assessments audits and elevated governance oversight reflecting the scale sensitivity and risk of their data operations. Although grounded in a risk based approach concerns of proportionality persist especially where size rather than harm potential triggers heightened compliance burdens²⁴.

Uncertainty also remains regarding statutory exemptions sector specific retention mandates and cross border data transfers where governmental directions may restrict operational flexibility for multinational enterprises. In the absence of clear harmonisation fiduciaries may encounter conflicting regulatory demands⁵.

Collectively the Rules establish a compliance architecture that demands sustained organisational transformation rather than nominal adherence. Organisations that treat data protection as a governance function supported by documentation accountability and workforce

²⁰ Treelife. (2025b, July 22). Understanding the Draft Digital Personal Data Protection Rules, 2025 - TreeLife. *Treelife*. <https://treelife.in/legal/understanding-the-draft-digital-personal-data-protection-rules-2025/>

²¹ Trilegal. (2025b, December 26). *Draft DPDP Rules 2025: What businesses need to know*. <https://trilegal.com/dataprotection/the-draft-digital-personal-data-protection-rules-2025-operationalising-indias-data-protection-law/>

²² *DPDP Act Compliance Checklist for Indian Businesses*. (n.d.-b). <https://www.dpdconsultants.com/blog.php?id=59&title=dpdp-act-compliance-checklist-step-by-step-guide-for-indian-businesses>

²³ Janardhanan, B. (2025c, November 26). India passes the Digital Personal Data protection rules, ushering in a new digital age in India. *The National Law Review*. <https://natlawreview.com/article/india-passes-digital-personal-data-protection-rules-ushering-new-digital-age-india>

awareness are better placed to mitigate enforcement risk and preserve institutional credibility in a data conscious economy⁶.

Advisory and Opinion

Organisations subject to the Digital Personal Data Protection Rules 2025 must now treat data protection as a core governance responsibility rather than an auxiliary operational function¹. The regulatory regime has shifted decisively toward enforceable obligations carrying meaningful legal and reputational consequences.

Compliance must begin with a structured assessment of existing data processing practices to identify the nature of personal data processed the purposes served and the lawful basis relied upon. These findings should inform updated data inventories privacy notices and internal controls that demonstrate statutory alignment². Consent frameworks require immediate reform with clear specific and revocable mechanisms replacing vague language and legacy click through models³.

Breach preparedness is equally critical. Organisations must maintain tested incident response frameworks capable of timely detection escalation and notification to the Data Protection Board of India and affected Data Principals⁴. Security safeguards must be proportionate to data sensitivity and risk and supported by documented cybersecurity measures aligned with recognised standards⁵.

Contracts with processors and vendors must reflect obligations relating to data subject rights breach cooperation and regulatory compliance as deficiencies within the supply chain will attract direct enforcement exposure⁶. Oversight must be demonstrably board driven through periodic reporting and resource allocation. Entities that institutionalise these measures will mitigate enforcement risk strengthen stakeholder trust and secure long-term credibility in a privacy conscious digital economy⁷.

Conclusion

The Digital Personal Data Protection Rules 2025 complete the statutory architecture envisaged by the Digital Personal Data Protection Act 2023 and mark a defining moment in the evolution of data governance in India²⁵. The Rules transform abstract legislative principles into specific enforceable obligations that demand immediate organisational attention. Entities engaged in the processing of digital personal data must therefore treat compliance not as a peripheral administrative task but as a central governance imperative with direct legal consequences.

The advisory recommendations advanced in this note emphasise proactive readiness comprehensive data mapping robust consent frameworks rigorous incident response protocols and enhanced governance for entities designated as Significant Data Fiduciaries²⁶. The

²⁵ Dixit, A. (2025, November 18). *DPDP Rules 2025: India brings a new era of Citizen-First Data Protection - DD India*. DD India. <https://ddindia.co.in/2025/11/dpdp-rules-2025-india-brings-a-new-era-of-citizen-first-data-protection/>

²⁶ *Google Search.* (n.d.). https://www.google.com/search?q=Corrida+Legal+The+Digital+Personal+Data+Rules+2025+compliance+guidance+and+obligations&oq=Corrida+Legal+The+Digital+Personal+Data+Rules+2025+compliance+guidance+and+obligations&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBCTI5OTBqMGoxNagCCLACAfEFGleSVqLqCXQ&sourceid=chrome&ie=UTF-8

statutory timelines for compliance and the potential for visible regulatory enforcement underscore the urgency of implementing these measures without delay.

Organisations that respond to this regulatory shift with strategic discipline and systemised compliance frameworks will be better positioned to mitigate risk preserve stakeholder trust and derive competitive advantage in an increasingly data conscious environment. Failure to embrace these reforms carries the likelihood of regulatory intervention reputational harm and material financial exposure²⁷.

²⁷ Bahl, R., Bagai, R., Ghoshal, S., & Iyer, A. (2025, July 21). *Data Protection Laws and Regulations India 2025-2026*. International Comparative Legal Guides International Business Reports. <https://iclg.com/practice-areas/data-protection-laws-and-regulations/india>