

Top Post



1. *Courtesy The Hindu Business Line (September 20, 2023)... Thanks to the newspaper for the update.....* The Industry expects the DPDP Rules, this week or in another 10 days to come.
2. Mr.Rajeev Chandrasekhar, Hon’ble Minister of State for Electronics and IT told reporters that Data Protection Board and guidelines for the eight-nine ‘key rules’, including consent management, will be put in place within a month.
3. The Hon’ble Minister told that the Companies/entities may be given around a year’s time, and even some more to smaller organisations or startups, to comply with norms of Digital Personal Data Protection (DPDP) Act, 2023.
4. “Industry wants some more time for age-gating, different timelines for transition for different data fiduciaries. We expect transition for most of the rules except age-gating will happen in 12 months from now...over the next 30 days, there will be necessary rules prescribed for the Act. We will also work on forming the Data Protection Board (DPB) in the upcoming month,” Chandrasekhar said.
5. Businesses like startups and MSMEs and establishments like hospitals that handle people’s data might get more time to adhere to these rules.
6. We, at HR Vidyalaya Corporate Services LLP, tried to interpret the provisions of the Legislation for layman to understand.
7. These interpretations are non-legal and we make an attempt to provide a basic understanding only. We disclaim that the comments made in this volume of Newsletter is not a Legal advice.
8. Kindly wait for the Rules and consult your Legal team for more appropriate interpretation of the Legislature.

Disclaimer

The views, opinions and information provided in this Newsletter are in no way to be considered legal or consultative advice. We do not make any warranties (Anandan Subramaniam – Author)

Value Payable Post: ASKSREE

By Gayathiri Sridharan

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Dear “The Insight” Readers,

We launched “**AskSree**” column to answer your questions regarding Work Life. Renowned Organizational Psychologist, **Gayathiri Sridharan** uses psychological research to answer your everyday dilemmas. She received her training from Loughborough University, UK, and a thorough HR professional with almost a decade of praxis in various realms of Strategic Human Resource Management. You may please send your queries to the email ID: itsmegayathiri@gmail.com. Solutions will be published in “HRV POST.”

Quest & Solution

Dear Sree,

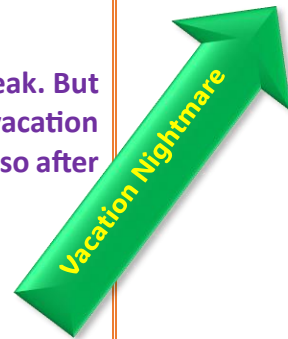
As pooja holidays are just around the corners, I am looking forward to have good break. But it should not be something like when I am back on Monday, all the benefits of the vacation have melted away. Is there a way to really feel better on just during the holiday but also after getting back to the work? - Durga

Dear Durga,

Sabine Sonnetag is an organizational psychologist at the University of Mannheim in Germany, and she’s one of the world’s foremost experts on time off and recovery. Sabine has published landmark studies of job stress and how we recover from it.

Through her studies she suggests people to consider two types of recovery activities. The first is “Relaxation” where people unwind from everything like doing nothing.

The second one is called as “Mastery Experience” where people can engage in physical activities, physical exercise that is in most instances not immediately relaxing, but activating. Mastery activities provides a sense of progress and confidence. But they also help us detach from work-related thoughts.



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Some people choose activities that are challenging. So for instance, learning a new language or having a hobby that really asks to step outside one's comfort zone.

So, Durga, depending on the kind of relief you need, you might opt for a relaxing beach vacation or a mountain climbing expedition, or dissolve yourself in an art project — and feel rejuvenated either way.

And remember, research suggests that the frequency of vacations is more important than the duration. A number of studies have shown that taking a 2-week vacation isn't any more restorative than going away for one week. So if you want to reduce stress and boost well-being, instead of one long holiday, probably take short bursts of vacation throughout the year.

For their research, gratitude to the following lead authors:

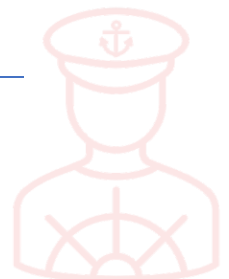
- *On paid time off and vacations: Jessica de Bloom, Sabine Geurts, Jana Kühnel, Charlotte Fritz, and Cassie Mogilner Jones*
- *On recovery, Bonnie Hayden Cheng and Christina Guthier*
- *On sabbaticals and extended leaves: Dalia Etzion, Kira Schabram, Oranit Davidson, Dov Eden, and DJ DiDonna*

HRV Speed

The Digital Personal Data Protection Act, 2023 (DPDP)

Why does one need to be more cautious if the Rules are Notified?


*If any data is leaked, it may amount to
fines up to Rs 250 crores.*











HRV Speed


Snippets on Data under DPDP Act, 2023

 It is **Applicable** in India and Outside India (extended to the Data processed outside India)

 **Recognizes** both the **rights of the individuals** to protect their Personal Data and the need to process such Personal Data for lawful purposes and matters connected therewith or incidental thereto

 **DATA:** Any representation of information,
 fact(s),
 concept(s),
 opinion(s), and
 instruction(s)
which is capable of being communicated, interpreted, and **processed by human beings** or by **automated** means

 **DATA is:**
 (i) in digital form, or
 (ii) in non-digital form and is digitised subsequently

 **DATA PRINCIPAL:** an individual who is identifiable by or in relation to such data has been referred to as Personal Data in the Act



PROCESSING OF PERSONAL DATA:

- collection,*
- storage,*
- indexing,*
- sharing,*
- use,*
- disclosure,*
- dissemination, and*
- includes erasure thereof*



CONSENT: Personal Data may be processed,

- * only for the specified purpose and
- * after obtaining the consent of the Data Principal (individual)



Consent has to be

- free,*
- specific,*
- informed,*
- unconditional, and*
- unambiguous with a clear affirmative action.*



Every request for Consent must be accompanied by a Notice to the Data Principal, stating the purpose of using the Data



Appropriate security measures shall be taken to prevent data breaches.



Data is to be retained for as long as it is required to.

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<p>Rights and Duties of Data Principal: (Individual)</p> <p>An individual whose data is being processed shall have certain rights as per Sections 12 to 14 of the Act, which include the right to.....</p>	<ul style="list-style-type: none">a) obtain information about processing,b) seek correction and erasure of Personal Data,c) nominate another person to exercise rights in the event of death or incapacity,d) for any grievance redressal ande) withdraw consent at any time during or after the processing of Personal Dataf) Register Grievanceg) Nominate (in case the Data Principal is below 18 years or Persons with Disability)
<p>As per Section 15 of the Act, Data Principals will be duty-bound & under an obligation not to:</p>	<ul style="list-style-type: none">a) register a false or frivolous complaint;b) suppress any material information while providing her Personal Data; andc) furnish any false particulars or impersonate in specified cases.

The breach of said duties will attract a penalty (Rs.10,000) as per the Schedule to the Act.

Data Fiduciary

is defined as any person who alone or in conjunction with other persons determines the purpose and means of processing of personal data

Data Processor

is any person who processes personal data on behalf of a data fiduciary
(Third party Service Providers)

SAMPLE DATA CONSENT NOTICE

(3 pages)

Dear (Data Principal)

This Data Processing Consent Notice describes how, HR Vidyalaya Corporate Services LLP, collects, process, store the personal data of yours for the purpose mentioned below.

Kindly sign this consent notice to acknowledge that you have read and understood the details below:

Anandan S
Data Protection Officer
HR Vidyalaya Corporate Services LLP
Date:

Data processor	HR Vidyalaya Corporate Services LLP TVS Emerald Flourish Plot No.31 & 32 Vandalur to Walajah High Road Salamangalam Pin:601301
Data Fiduciary	Anandan S DATA Protection Officer HR Vidyalaya Corporate Services LLP
Purpose of Data Processing	<ol style="list-style-type: none">1. PF Membership2. ESI Membership and3. Remittances after processing Payroll
Data to be collected	<ol style="list-style-type: none">1. AADHAR details (PF and ESI)2. PAN details (PF)3. Bank Account Details (PF and ESI)4. Employees Personal Details (PF and ESI)5. Employees Family Details for the purposes of Medical cover and Nominations (PF and ESI)6. Personal Mobile number (PF and ESI)7. Personal Email ID (PF and ESI)

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Legality of collecting the Data	It is mandatory for the Employee/Member to share such details to <ol style="list-style-type: none">1. become Member and2. avail Benefits
Recipients of Data	EPFO ESIC
Duration for Data Storage	Until the Employee / Member separates from the Organization
Rights of Data Principals (Employee)	<ul style="list-style-type: none">- Access your shared data.- Obtain a copy of shared personal data.- Modify inaccuracies in your data.- Request for deletion of your data under certain circumstances.- Restrict the processing of your data.
To Exercise the Right, please contact	Anandan S, Data Protection Officer service@hrvidyalaya.in
Declaration by Data Fiduciary	<ol style="list-style-type: none">1. We, HR Vidyalaya Corporate Services LLP, recognize and value your privacy.2. We are committed to protecting confidentiality of your personal data.3. As stated above we will receive, process and store your personal Data.4. We wish to get your Consent.
Consent	By Signing up below, you consent to <ol style="list-style-type: none">1. Collection,2. Processing and3. Sstorage of your Personal Data, as stated in this Consent Notice
Withdrawal of Consent	<ol style="list-style-type: none">1. Withdrawal of Consent is your Right and it is easy.2. You can do the same at any time, provided it is not legally required for processing of your PF and ESIC remittances.

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	<p>3. Upon your separation from the employment, it is deemed that the Consent is ended and Data will be deleted from our storage.</p>
Process to withdraw	<p>Please write an email stating withdrawal of your consent to:</p> <p>Anandan S, Data Protection Officer service@hrvidyalaya.in</p> <p>You will get an acknowledgement of consent withdrawal within 24 hours of receipt of the same.</p>
How your Personal Data is Protected	<ol style="list-style-type: none">1. We have restricted access to our workplace.2. We use genuine IT software and Tools.3. The IT infrastructure has limited and restricted access, given only to authorized persons.4. The Data is stored in the Cloud.5. The Data can be accessed for processing only after multiple authentications.
Contact details of Data Fiduciary and Jurisdiction	<p>Anandan S, Data Protection Officer HR Vidyalaya Corporate Services LLP Salamangalam, Pin 601301 Service@hrvidyalaya.in</p>
Consent by Data Principal	
Name: Employee Code: Date of Consent	
Declaration:	
<p>I,..... (Data Principal), do hereby give my consent after duly acknowledging that I have read and understood this Consent Notice. I agree to the processing of my personal data for the purpose specified.</p>	
Name:	Signature;

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HRV's Inland Letter

Few Employers duty:

1. You may collect Employee, Client Information, upon consent.
2. Ensure it is secured/protected (by you & by your Vendors)
3. Even if it is outsourced (to Data Processor), it become your duty as you will be considered as Data Fiduciary
4. Implement appropriate technical and organizational measures in ensuring effective adherence to the provisions of the Act
5. In the event of a personal data breach;
 - a. notify the Board and
 - b. each affected data principal in the form and manner as may be prescribed;
6. Ensure that the Data is deleted by itself and cause deletion by the data processor(as applicable), upon the data principal withdrawing her consent or as reasonably assumed that the specified purpose is no longer being served, whichever is earlier

Impacting Data (for Human Resources):

Employee Personal Data	During Process, on employment <ul style="list-style-type: none">🎵 Payroll🎵 PF🎵 ESI🎵 Maternity🎵 Gratuity🎵 Labour Welfare Fund🎵 Profession Tax, etc.
Employee Personal Data	Post Separation <ul style="list-style-type: none">🎵 Background Verification Companies (without consent you cannot provide such information)

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Wishing all Readers, Patrons, Clients

Happy NAVARATHIRI



We Ensure

CALM

To all your "PEOPLE" Related
**Compliance
Chaos**

All Employment
Contracts

Performance &
PIP

Organizational
Policies

Industrial
Relations,
POSH

HR & Regulatory
Compliance,
Payroll

Solutions from HR Vidyalaya Corporate Services LLP

HR Vidyalaya
Corporate
Services LLP

The name
You can
Trust for

HR Operations
Compliance
Solutions