

Information Technology (Amendment) Act 2008

Section 22 - After section 43 of the principal Act. the following section shall be insened, IKW ICCIIOII

namely:-"3A. CompellU11011 '43A. Where I body corporate, possessing, dealing or h.andling any sensitivefot
wlurc 10 personal data or information in a computer resource which it owns. controls or operates,PfU'ICIOt
d.la. is negligent in implementing and maintaining reasonable security practices and procedures and lhereby
causes wrongful Ion or wrongful gain to any person, such body corporate shall be liable 10 pay damages by
way of compensation 10 the person so affected. Explaflarlofl.-for the purposes of this scction,- (1) "body
corporale" means any company and includes a firm, sole proprietorship o. other association of individuals
engaged In commertial or professionaJ activities; (iI) "reasonable securily practices and procedures" means
security practices and procedures designed 10 protte't such infonna lion from unauthorised access, damage,
usc, modification, disclosure or impainnmt, as maybe specified in an agreement be:twc:cn the parties or as
may be: specified in any law for the: time being in force and in the absence ofsuch agreement or any law,
such reasonable security practices and procedures, as may be prescribed by the Central" Govemmc:m in
conSultalion with such professional bodies or associalions as it maydeem frt; SEC. 1] THE GAZEITE OF
INDIA EXTRAORDfNARY 7 (tii) "5ensitive personal data or information" means such personal infonnation
as may be prescribed by the Central Government in consultation with such professional bodies or
associations as it may deem fit.'