



Data Privacy Detective Podcast – Episode 74: Data Localization, the Case of India

Nov 02, 2021

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In this second podcast episode about data localization, we spotlight India. Since 1993 the world's largest democracy has enacted data localization laws aiming to keep certain personal records within India or otherwise restrict data transfers of Indians' personal data. When in 2017 the Indian Supreme Court found personal privacy to be a fundamental constitutional right, a Personal Data Protection Bill (PDPB) was promptly drafted. It has since been percolating towards adoption. The draft bill defines certain personal data as "critical" and so must be stored only within India. Other data is called "sensitive," and may be processed outside of India with a copy kept within India. A third category of "regular" data could be transferred abroad, pursuant to data transfer rules.

Unlike China, reviewed in [podcast episode 73](#), India has a robust tech industry heavily involved in processing foreign data. India processes more personal data than any other country, so that parochial data laws would stand in stark contrast to this essential industry of India. Yet, Amazon, Facebook, Google and other global businesses dominate the Indian home markets, unlike their absence from China. Protectionist forces within India are calling for strict data controls, purportedly to protect the privacy of Indian residents while also favoring the interests of local tech and other firms. Indian businesses such as Reliance talk of "data colonization," the idea that foreign companies control too much of the data of Indian residents and are plundering the wealth of India as measured by the data of its 1.3 billion people.

Indian sources expect the PDPB to be enacted in the winter session of 2021–22. The enacted version will reveal whether India adopts a protectionist approach to data or embraces a more global approach to how personal data is collected and processed. This in turn will affect how other nations will respond. The outcome will affect how data privacy is enhanced or diminished as the rules governing data evolve country by country.

If you have ideas for more interviews or stories, please email info@thedataprivacydetective.com.

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