

DPDP Rules, 2025: The amendment to Section 8(1)(j) of the RTI Act

Did you know? The **14 November 2025 amendment** to Section 8(1)(j) quietly removed the proviso that said *information which cannot be denied to Parliament cannot be denied to a citizen*. It is the most significant structural change to the RTI Act since 2005.

A practitioner note on what changed on 14 November 2025, how the amended clause must be read, and what Public Information Officers, First Appellate Authorities, and applicants should do differently.

The event

On 14 November 2025, the Ministry of Electronics and Information Technology notified the Digital Personal Data Protection Rules, 2025. The notification brought Section 44(3) of the Digital Personal Data Protection Act, 2023 into force. By the operation of that sub-section, clause (j) of sub-section (1) of Section 8 of the Right to Information Act, 2005 stood substituted. The effect is immediate. Every RTI application pending on or filed after 14 November 2025 is to be decided under the substituted clause.

The text: before and after

Before the substitution, Section 8(1)(j) of the RTI Act read, in substance, that there shall be no obligation to give a citizen information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of privacy, unless the Central Public Information Officer or the State Public Information Officer or the appellate authority was satisfied that the larger public interest justified the disclosure. The clause was followed by a proviso that information which could not be denied to Parliament or a State Legislature could not be denied to any person.

After the substitution effected by Section 44(3) of the DPDP Act, clause (j) reads that there shall be no obligation to give a citizen information which relates to personal information.

The difference is structural. Three elements of the earlier clause are no longer part of the text.

1. The public-activity test has been removed.
2. The unwarranted-invasion-of-privacy test has been removed.
3. The larger-public-interest override has been removed.

The accompanying proviso regarding information that could not be denied to Parliament has also been removed.

Definition of "person" under the DPDP Act

Clause (j) is now to be read with the DPDP Act's definition of "person". Under Section 2(s) of the DPDP Act, "person" includes an individual, a Hindu undivided family, a company, a firm, an association of persons or a body of individuals whether incorporated or not, the State, and every

artificial juristic person not falling within any of the preceding categories.

The definition is wider than the ordinary meaning. Public Information Officers should note two consequences.

First, information relating to a corporate entity, a firm, or an association of persons may fall within the scope of clause (j) if the information is “personal information” with reference to that entity. The position is not identical to the earlier jurisprudence under the unamended clause, which the Supreme Court had developed primarily with reference to natural persons.

Second, information relating to the State as a juristic person is now within the scope of the definition. The implications of this position will be tested in litigation.

How the clause must be read

The Supreme Court in *Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1 held that the right to privacy is a fundamental right under Article 21. The Court also held that any restriction on a fundamental right must satisfy the proportionality test.

The substituted clause (j) does not displace this constitutional baseline. A Public Information Officer applying clause (j) must therefore read it alongside the proportionality standard and in a manner consistent with Article 19(1)(a) of the Constitution, under which the right to information is derived.

The practical reading is this.

1. The Officer must first determine whether the information requested is “personal information” as understood under the DPDP framework.
2. Where the information is not personal information, clause (j) does not apply and the application must be decided on its merits.
3. Where the information is personal information, the Officer must record a speaking order identifying the information, the nature of the privacy interest, and the legal basis for denial.
4. Section 10 of the RTI Act continues to apply. Where a record contains both exempt and non-exempt information, the non-exempt part must be severed and disclosed.
5. Section 8(2) of the RTI Act has not been amended. Where a public authority is satisfied that the public interest in disclosure outweighs the harm to the protected interest, access to the information may be allowed notwithstanding clause (j).

Section 8(2) is therefore the central provision through which the public interest reasoning continues to operate. Officers who previously relied on the larger-public-interest override within clause (j) must now route the same reasoning through Section 8(2).

Guidance for Public Information Officers

Public Information Officers should consider the following sequence when dealing with an application that seeks information relating to an individual.

1. Record whether the information is held by the public authority, fully, partly, or not at all.
2. If the information is held, examine whether any exemption under Section 8 or Section 9 applies.
3. If clause (j) is invoked, identify the specific privacy interest and the connection between the information and that interest.

4. Examine whether Section 10 permits severance of non-exempt portions.
5. Examine whether Section 8(2) applies on the facts. Where the application engages a matter of public interest such as the utilisation of public funds, the discharge of statutory duty, or the conduct of a public servant in the course of duty, Section 8(2) must be considered on its own motion.
6. Issue a speaking order that sets out the reasoning, the clause invoked, and the relief granted or denied.

A denial without reasons is not a denial in law. The requirement of a speaking order is unaffected by the amendment.

Guidance for First Appellate Authorities

First Appellate Authorities should note that a routine reliance on the substituted clause (j), without reasoning, is not sustainable in appeal. The authority must examine whether:

1. the Public Information Officer has recorded the privacy interest with sufficient particularity;
2. severance under Section 10 has been considered;
3. Section 8(2) has been considered where the facts engage the public interest;
4. the denial is proportionate to the privacy interest asserted.

Where any of these elements is absent, the appellate order should either direct disclosure or remand the matter for a fresh order by the Public Information Officer.

Guidance for applicants

Applicants seeking information that relates to an individual, an entity, or the State should frame requests with the following elements.

1. State the information sought with precision. Broad requests are more likely to attract the clause.
2. Where the information concerns a public servant acting in the course of duty, state this element in the application and request the Officer to consider Section 8(2) on its motion.
3. Where severance is possible, state the request in terms that permit severance under Section 10.
4. In a first appeal or second appeal, the grounds should engage Section 8(2) and the Puttaswamy proportionality standard. A mere assertion of the right to know is unlikely to succeed without a public interest reason tied to the specific information.

Pending legal and policy questions

Several questions are expected to be decided in coming months.

1. The constitutional validity of Section 44(3) of the DPDP Act has been raised in public statements by senior members of the legal community, including a letter from Justice A.P. Shah, former Chief Justice of the Delhi High Court and former Chairperson of the Law Commission of India, urging reconsideration of the provision.
2. In April 2025, a petition signed by more than one hundred and twenty Opposition Members of Parliament was submitted to the Union Minister of Electronics and Information Technology seeking repeal of Section 44(3).

- Civil society organisations and press bodies have submitted representations during and after the draft rules consultation. The Editors Guild of India and the Press Club of India have both recorded concerns on the effect on journalistic work.
- The Government's position, stated in press releases and parliamentary replies, is that the amendment harmonises the RTI framework with the fundamental right to privacy affirmed in *Puttaswamy*, and that Section 3 of the DPDP Act preserves disclosures required by other laws and disclosures of information voluntarily placed in the public domain.

The position of Information Commissions on the application of the substituted clause will develop through orders passed in the next cycle of second appeals.

Action points

- Officers are advised to review Office Memoranda and standing instructions on Section 8(1)(j) and update them to the amended text.
- Training material used for PIO and FAA capacity building should be revised to reflect the routing of public interest reasoning through Section 8(2).
- Applicants who had filed applications before 14 November 2025 and are awaiting reply or appellate decision should expect that the substituted clause will apply to the pending decision.
- Second appeals turning on the earlier text of clause (j) should engage Section 8(2) and *Puttaswamy* expressly.

Sources

- The Right to Information Act, 2005 (Act 22 of 2005).
- The Digital Personal Data Protection Act, 2023 (Act 22 of 2023), Section 44(3) and Section 2(s).
- The Digital Personal Data Protection Rules, 2025, notified by the Ministry of Electronics and Information Technology on 14 November 2025.
- Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1.
- Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal* (2020) 5 SCC 481.
- Girish Ramchandra Deshpande v. Central Information Commissioner* (2013) 1 SCC 212.
- Press Information Bureau, Ministry of Electronics and Information Technology, Release dated 14 November 2025 on notification of the DPDP Rules, 2025.
- Letter of Justice A.P. Shah to the Attorney General, July 2025, on Section 44(3) of the DPDP Act.
- Joint petition of Opposition Members of Parliament to the Union Minister of Electronics and Information Technology, April 2025.

Last reviewed

19 April 2026

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online fee flow, and the appeal path.

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Related

- The RTI Act, 2005.
- Raj Kumar Goyal sworn in as Chief Information Commissioner; CIC reaches full strength.
- Right to Information at twenty: the Information Commissions' report card for 2024-25.

rti, dpdp, section-8, personal-information, amendment, 2026



Right to Information Wiki

The working reference for India's Right to Information Act, 2005.



Read online

<https://www.righttoinformation.wiki/blog/dpdp-rules-2025-amendment-to-rti-act>

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