

Section 8(1)(j) after the Digital Personal Data Protection Rules, 2025: the PIO's reply, the file noting, and the practice

Notice on DPDP Rules, 2025. The Digital Personal Data Protection Rules, 2025 were notified on 14 November 2025. With this notification, Section 44(3) of the Digital Personal Data Protection Act, 2023 became operational and amended Section 8(1)(j) of the Right to Information Act, 2005. The earlier public interest override within clause (j) stands removed. Public interest reasoning now operates through Section 8(2) of the RTI Act, which has not been amended. This page has been reviewed in the light of this change. For the full practitioner note, see [DPDP Rules, 2025: The amendment to Section 8\(1\)\(j\) of the RTI Act](#).

A practitioner note on how a Public Information Officer is to decide an application that engages personal information after the notification of the Digital Personal Data Protection Rules, 2025. Covers the substantive test, the entries to be recorded on the file, and the drafting of the reply. The note is for Central Government use. State-level practitioners should read the note with the rules in force in the relevant State. The note is to be read with the template at [PIO reply with severability](#) and with the earlier practitioner note at [DPDP Rules, 2025: The amendment to Section 8\(1\)\(j\) of the RTI Act](#).

What changed on 14 November 2025

The Digital Personal Data Protection Rules, 2025 were notified in the Gazette of India on 14 November 2025. With that notification, Section 44(3) of the Digital Personal Data Protection Act, 2023 became operational and substituted clause (j) of sub-section (1) of Section 8 of the Right to Information Act, 2005.

Before the substitution, clause (j) read 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 the privacy of the individual, unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information. The clause carried the public interest override within its own proviso.

After the substitution, clause (j) reads that there shall be no obligation to give a citizen information which relates to personal information. The override within the clause stands removed.

The public interest override has not been removed from the RTI Act. It continues to sit in Section 8(2), which has not been amended. The route to disclosure on public interest grounds now runs through Section 8(2) and not through the text of clause (j).

The test the Public Information Officer must apply

The Public Information Officer should address five questions, in order, on the file.

1. Is the information sought "personal information"?

The term "personal information" is a term in the RTI Act. It has been developed by the Supreme Court and the High Courts through a line of cases beginning with *CBSE and Anr. v. Aditya Bandopadhyay*, (2011) 8 SCC 497, and given its clearest statement in *Girish Ramchandra Deshpande v. CIC*, (2013) 1 SCC 212. The test looks at whether the information has a relationship to the public activity of the authority and whether the disclosure would cause an unwarranted invasion of privacy.

The Digital Personal Data Protection Act, 2023 uses the term "personal data" in its Section 2. The two terms are not identical. The amendment to clause (j) of Section 8(1) of the RTI Act substitutes the text of the clause. It does not redefine "personal information" within the RTI Act. The body of case law on "personal information" under the RTI Act continues to guide the question of scope, subject to the removal of the proviso.

The Public Information Officer should record whether the information is personal information and set out the reason for the conclusion.

2. Is there a case for disclosure under Section 8(2)?

Section 8(2) reads that notwithstanding the Official Secrets Act, 1923 and notwithstanding any of the exemptions in sub-section (1), a public authority may allow access to information if the public interest in disclosure outweighs the harm to the protected interests.

Section 8(2) is broader than the earlier clause-(j) proviso in two respects. First, it applies to all exemptions in sub-section (1), not only to clause (j). Second, it requires a balancing of public interest in disclosure against harm to protected interests, not a unilateral finding that the public interest justifies disclosure.

The Public Information Officer should apply the balancing and record the balancing on the file. A bare recital that Section 8(2) has been considered is not sufficient. The file should identify the public interest in disclosure asserted, the harm to the protected interest, and the reason for the conclusion.

3. Is the record severable under Section 10?

Section 10(1) provides that where part of a record contains information that is exempt and part does not, access shall be provided to the non-exempt part. The Public Information Officer is required to record the reason for the severance in writing. The duty to sever is not affected by the amendment to clause (j).

4. Is third-party procedure engaged under Section 11?

Where the information sought concerns a third party and has been treated as confidential by that party, Section 11 requires a notice to the third party within five days of receipt of the request. The third party may make a representation within ten days. The Public Information Officer must take a view within forty days of receipt.

Section 11 is not affected by the amendment to clause (j). Third-party procedure applies

whenever the information concerns a third party and confidentiality has been asserted, not only where the Public Information Officer proposes to disclose.

5. Is the proportionality test satisfied?

The Supreme Court in *K. S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 set out a four-limb proportionality test for any State action that interferes with informational privacy. The limbs are legitimate aim, suitability, necessity, and proportionality stricto sensu.

After the amendment to clause (j), the Public Information Officer does not have a public interest override within clause (j). Any disclosure of personal information now runs through Section 8(2). The Public Information Officer should record the proportionality analysis as part of the Section 8(2) balancing. The file should identify the legitimate aim of disclosure, the suitability of the disclosure, the necessity of the disclosure, and the proportionality of the disclosure to the harm.

What should be recorded on the file

The file noting on a Section 8(1)(j) matter should contain the following entries, in the sequence set out below. Each entry should carry a short reason.

1. **Identification of the information.** A one-line description of the information sought, with the application number and date.
2. **Classification.** A finding whether the information is personal information within the meaning of the RTI Act as developed in *CBSE v. Aditya Bandopadhyay and Girish Ramchandra Deshpande*.
3. **Relationship to public activity.** A finding whether the information has a relationship to the public activity of the public authority.
4. **Section 11 consideration.** A finding whether third-party procedure applies. If it applies, the date of the notice under Section 11(1), the representation received from the third party, and the reasoning on the representation.
5. **Section 8(2) balancing.** Identification of the public interest in disclosure, the harm to the protected interests, and the reason for the conclusion. The proportionality limbs should be addressed expressly where the Commission's practice on the subject is engaged.
6. **Section 10 severability.** A finding whether the record can be severed, the part to be disclosed, and the part to be withheld.
7. **Decision.** A short statement of the disclosure and of any withholding, with the clause relied on.
8. **Signature and date.** The signature of the Public Information Officer, the date, and the designation.

The file noting is the primary record for the first appeal and the second appeal. A bare decision without the supporting reasoning is vulnerable on appeal. The First Appellate Authority is required to record a speaking order under Section 19(5), and a thin first-stage file makes that task harder.

Drafting the reply

The reply to the applicant is shorter than the file noting but must still carry the essential elements of reasoning. A reader should be able to tell, from the reply alone, which information

is being released and on what legal ground information is being withheld.

Structure

1. Reference to the application and to the date of receipt.
2. Position on fee under the Right to Information (Regulation of Fee and Cost) Rules, 2005, including any additional charges for photocopies, certified copies, or information in electronic form.
3. List of items of information being provided. Where a document is enclosed, the reply should name the document and its number of pages.
4. List of items of information being withheld. For each withheld item, the clause of Section 8(1) relied on and a short statement of the reason. For clause (j) after 14 November 2025, the reply should describe the clause as substituted by Section 44(3) of the Digital Personal Data Protection Act, 2023.
5. Position on Section 8(2) where engaged. Where the Public Information Officer has declined to invoke Section 8(2), a short statement of the reason. Where Section 8(2) has been applied and disclosure is being made on that basis, a reference to the balancing.
6. Position on Section 10 severability. Where the record has been severed, a short statement to that effect.
7. Appeal rights. The name, designation, and address of the First Appellate Authority, and the thirty-day period to file.
8. Signature, designation, and date.

Sample paragraph for a withholding on Section 8(1)(j)

A paragraph in the reply for a matter where personal information is withheld can run as follows.

The information at item [number] of the application relates to [name and description of the information]. The information is personal information and is exempt from disclosure under Section 8(1)(j) of the Right to Information Act, 2005, as substituted by Section 44(3) of the Digital Personal Data Protection Act, 2023, with effect from 14 November 2025. The information has no relationship to the public activity of this public authority. The undersigned has considered Section 8(2) of the Right to Information Act, 2005 and is of the view that the public interest in disclosure does not outweigh the harm to the protected interest, for the reasons recorded on file.

Sample paragraph for a partial release under Section 10

The record at item [number] of the application contains two parts. The first part, annexed at page 1 to [n], relates to [description] and is disclosed. The second part, namely [description], is personal information and is exempt under Section 8(1)(j) of the Right to Information Act, 2005, as substituted on 14 November 2025. The second part has been severed under Section 10 and is not enclosed. The reason for severance is recorded on file.

Sample paragraph for a third-party procedure

The information at item [number] of the application concerns a third party, namely [name].

A notice under Section 11(1) of the Right to Information Act, 2005 was issued on [date]. A representation was received from the third party on [date]. The representation has been considered. For the reasons recorded on file, the information is [disclosed / withheld / partially disclosed under Section 10].

What should not appear in the reply

Three phrasings that were acceptable before 14 November 2025 are no longer appropriate on a post-amendment matter.

- “The larger public interest justifies the disclosure under the proviso to Section 8(1)(j).” The proviso within clause (j) has been removed. Reasoning on public interest now runs through Section 8(2).
- “The information is withheld under the proviso to Section 8(1)(j) as there is no larger public interest.” There is no such proviso to invoke. The withholding rests on the substituted clause (j), not on the removed proviso.
- “The matter is governed by the DPDP Act, 2023.” The Digital Personal Data Protection Act, 2023 does not govern an RTI request. It has substituted clause (j) of Section 8(1) of the RTI Act. The matter is decided under the RTI Act as amended.

A worked example

An applicant seeks the Annual Property Returns of a named Section Officer in the Department. The Public Information Officer addresses the five questions on the file.

1. The information is personal information within the meaning of the RTI Act. The test in Girish Ramchandra Deshpande applies. The Annual Property Returns relate to the individual's private assets.
2. The information has no relationship to the public activity of the Department.
3. Section 11 is engaged. The Public Information Officer issues a notice to the third party within five days. The third party makes a representation objecting to disclosure.
4. On Section 8(2), the applicant has not set out a public interest in disclosure beyond general curiosity. The Public Information Officer records that the public interest in disclosure is not identified and that disclosure would cause harm to the third party's reasonable expectation of privacy. The proportionality limbs are addressed. The balancing is against disclosure.
5. The record is not severable in a way that would allow a partial release, as the returns as a whole constitute personal information.

The Public Information Officer records the reasoning and the decision on file. The reply to the applicant uses the standard paragraph above, with the item details filled in, and informs the applicant of the right of first appeal under Section 19(1) within thirty days.

New to RTI? File your first application in ten minutes. See [How to File RTI Online in India — 2026 Step-by-Step Guide](#) with a ready-to-use English and Hindi template, the Rs 10 online fee flow, and the appeal path.

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twenty-five-question FAQ.

Related

- DPDP Rules, 2025: The amendment to Section 8(1)(j) of the RTI Act. The practitioner note on the amendment itself.
- Template: PIO reply with severability. Ready-to-use drafting template for partial release.
- Template: standard PIO reply within 30 days. Ready-to-use drafting template.
- Template: third-party notice under Section 11. Ready-to-use drafting template.
- Grounds for rejection. Concept-wise note on the ten exemptions.
- Privacy. Concept-wise note, reviewed after 14 November 2025.
- Girish Ramchandra Deshpande v. CIC. The leading authority on Section 8(1)(j).
- CBSE and Anr. v. Aditya Bandopadhyay. The leading authority on the scope of "information".

Sources

1. The Right to Information Act, 2005 (No. 22 of 2005), Sections 8(1)(j), 8(2), 10, 11, and 19.
2. The Digital Personal Data Protection Act, 2023 (No. 22 of 2023), Section 44(3).
3. The Digital Personal Data Protection Rules, 2025, notified on 14 November 2025.
4. Central Board of Secondary Education and Anr. v. Aditya Bandopadhyay and Ors., (2011) 8 SCC 497.
5. Girish Ramchandra Deshpande v. Central Information Commissioner and Ors., (2013) 1 SCC 212.
6. K. S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

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rti, pio, reply, section-8-1-j, section-8-2, section-10, section-11, dpdp-2025, file-noting, practitioner



Right to Information Wiki

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



Read online

<https://www.righttoinformation.wiki/blog/pio-reply-section-8-1-j-after-dpdp-2025>

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<https://www.righttoinformation.wiki/>

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