

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

IMPACT OF DATA PROTECTION LAW ON RIGHT TO INFORMATION: ANALYZING CONFLICT BETWEEN INDIVIDUAL PRIVACY AND PUBLIC TRANSPARENCY

AUTHORED BY - VISHAL KUMAR* & DR. MAHENDRA KR. BAISHYA*

Abstract

Right to information is a powerful weapon that enables citizens to access information from the government. Thereby it should not be exploited for obtaining unnecessary personal information, but also at same time information should not be withheld under the aegis of privacy specially in case of involved public interest. Privacy is a crucial aspect of individual autonomy while public transparency is essential norm of constitutional democracy. In India, where personal privacy and individual autonomy are cherished, Digital Personal Data Protection Act, 2023 emerges as a pivotal instrument, however the absolute privacy protection in public affairs can pose significant challenges to public transparency. The Right to Information (RTI) generally focuses on accessing information under the control of public authorities. When it comes to privacy, RTI Act in India had already an exemption to protect sensitive personal information. In many instances in India, personal information had been withheld if its revelation would infringe upon personal privacy rights. However, the amendment to RTI Act through DPDP Act has introduced potential conflict between privacy rights and right to information. It has also been asserted that such amendment prioritizes privacy over public transparency that potentially undermines the paramountcy of RTI law. The study focuses on desired need for balancing both constitutional rights by considering expert opinions, judicial rulings and democratic principles.

Keywords: Right to Privacy, Right to Information, Transparency & Accountability, Public Interest, Constitutional Principles.

Introduction

Technological development has led to the digitization of global data, and India is also witnessing rapid digitalization which has transformed the frequency of sharing of personal data and information, prompting significant concerns around personal privacy of any person. Currently, we are part of a modern society where information about our lives is constantly

acquired and exchanged by different institutions and groups. Technological dependency and usage have facilitated the collection and circulation of data at a higher frequency, ignoring privacy rights as insignificant.¹ Thus, in order to tackle the challenges posed by mass data collection and circulation, the government has introduced the Digital Personal Data Protection Act, 2023² (hereinafter referred to as DPDP Act) to regulate collection, storage and circulation of personal data in lawful manner while protecting personal privacy.

The DPDP law described as a crucial piece of legislation to safeguard personal data in this digital era. However, the amendment made to the Right to Information Act, 2005³ (hereinafter referred to as RTI Act) through the DPDP Act has altered the scenario of information disclosure by granting absolute protection to personal information from public access. This amendment sparked a significant apprehension among numerous activists, civil societies, and information commissioners who argues that the amendment is an attempt to make the functioning of the RTI obsolete by undermining democratic right.⁴ The RTI Act, which empowers and enable the citizens to participate in public governance, is recognized as an inherent component of freedom of speech and expression under *Article 19* of the Indian Constitution by the Supreme court in several of its landmark judgments.⁵ In India, this development reflects the complex constitutional challenge of guaranteeing two rights simultaneously, i.e. protecting fundamental right to privacy and citizens' freedom of speech & expression through the right to information in public matters.

The research aims to analyse the legal and practical implications of the two competing rights through examining the provisions of Indian Constitutional law, statutory frameworks, and judicial decisions. The article highlights the development of privacy rights in India and the role of RTI as an instrument of public accountability, and analyses the jurisprudence by which courts have attempted to harmonize these rights through their decisions. As India is going through digital transition, striking a constitutional balance between the right to privacy and the

¹ Ishaan Singhee, "The Effect of the Digital Personal Data Protection Bill on the RTI And Freedom of Speech" *II JLRJS* 130 (2023)

² The Digital Personal Data Protection Act, 2023, (Act 22 of 2023).

³ The Right to Information Act, 2005, (Act 22 of 2005).

⁴ <https://timesofindia.indiatimes.com/city/jaipur/activists-seek-withdrawal-of-amendments-to-rti-act/articleshow/120244037.cms> (visited on 15 Oct 2025).

⁵ *Bennett Coleman and Co v. Union of India*, AIR 106 (SC:1973); *SP Gupta v. Union of India* AIR SC 149 (1982); *Indian Express Newspapers (Bombay) Private Ltd v. Union of India*, AIR 515 (SC:1986); *State of U.P v. Raj Narain* AIR 865 (SC:1975), *Union of India v. Association for Democratic Reforms*, AIR 2110 (SC:2002), *People's Union for Civil Liberties v. Union of India* SCW 2353 (SC 2003).

right to information is crucial for ensuring transparency in governance, public accountability, data protection, and privacy rights.

Conceptualizing Right to Privacy in Information Age

Adequate privacy protection is an essential component of an individual's ability to develop and maintain their identity. The method of data collection, storage, and process by private organizations and public authorities has posed a new challenges and concerns in the field of privacy protection.⁶ Personal data can be turn out to be a potentially harmful asset if not collected, processed and transferred ethically and lawfully in a transparent manner. In this digital age, handling data lawfully and ethically is essential for a working democracy.⁷

The right to privacy has emerged as a cornerstone of India's constitutional framework, though its explicit recognition in the text of the Indian Constitution occurred only through judicial interpretation. *Article 21* of the Indian Constitution⁸, which guarantees fundamental right to life and personal liberty forms the constitutional ground for recognition of right to privacy as fundamental right by the Supreme Court in the case of *Justice K.S. Puttaswamy (retd.)*⁹, an outcome of Constitutional interpretation by the apex court in the light of evolving society and rapid digitization. Previously the supreme court in the cases such as *M.P. Sharma v. Union of India*¹⁰ and *Kharak Singh v. State of Uttar Pradesh*¹¹, invalidated the concept of privacy as an inherent fundamental right under the Indian Constitution. However, the coming decades witnessed a gradual shift in judicial reasoning, with subsequent decisions establishing privacy protection in certain cases without firmly confirming privacy an essential fundamental right.¹² But, the Supreme Court in *Justice K.S. Puttaswamy (Retd.) v. Union of India*¹³ held that right to privacy is an inherent fundamental right protected under Article 21 of the Indian Constitution. This landmark judgment acknowledges that privacy has become indispensable to individual autonomy and human dignity in the contemporary society. However, the Supreme Court after declaring privacy as a Fundamental Right has not expressly defined it but extended

⁶ Attila Peterfalvi, "Data Protection and Freedom of Information on Digital Platforms" 2021 (2) *Law Review of Kyiv University of Law* 348 (2021).

⁷ Salman Qasmi, "Impact of Data Protection Laws on The Right to Information: A Comparative Analysis of India and The United Kingdom" *ILI Law Review* (2024).

⁸ The Constitution of India, art. 21.

⁹ *Justice K. S. Puttaswamy (retd.) v. Union of India*, (2017) 10 SCC 1.

¹⁰ 1954 AIR 300.

¹¹ AIR 1963 SC 1295.

¹² <https://blog.ipleaders.in/different-aspects-of-right-to-privacy-under-article-21/> (visited on 10.11.2025).

¹³ 2017 10 SCC 1.

to include bodily integrity, personal autonomy, dignity, covering intimacies like family, marriage, sexual orientation and personal data protection.¹⁴

After Puttaswamy judgement, the Government of India appointed *Justice B. N. Srikrishna Committee (2017)*¹⁵ to examine and analyse the challenges and issues involved in legal framework for data protection and privacy rights in India. Thereafter, the Personal Data Protection Bills of 2019 & 2022 were introduced by the Central Government which had been withdrawn later due to lag in provisions related with data localization, transparency, compliance, etc. as well as major changes suggested by Joint Parliamentary Committee.¹⁶ Subsequently, the Parliament enacted *The Digital Personal Data Protection Act, 2023* for protecting and regulating personal data of the individuals.

Like the other fundamental rights, right to privacy is also not absolute right. The judgment safeguards the right of an individual to control his personal data on the internet but not absolutely.¹⁷ The supreme court in *R. Rajagopal vs. state of Tamil Nadu*,¹⁸ laid down important principles regarding privacy, freedom of speech, and the limits of state authority. The court recognised privacy rights as implicit in article 21 but it is not absolute and can be restricted in matter involving public interest. Therefore, public officials cannot demand privacy protection for acts related to their official conduct. Similarly, in *Justice K.S. Puttaswamy*¹⁹ judgement, supreme court states that right to privacy is not an absolute right and therefore subjected to reasonable restrictions where limitations on privacy rights must satisfy the triple test of legality, necessity and principle of proportionality. This judgement balances privacy rights with public interest by allowing reasonable restrictions and not excessive.

Right to Information for Transparent and Accountable Governance

The Indian Constitution does not expressly mention a "right to information", courts have recognized that this right has a genesis in *Article 19(1)(a)* of the Constitution, which guarantees

¹⁴ *Justice K.S. Puttaswamy vs. Union of India* (2017) 10 SCC 1; *Gobind v. State of Madhya Pradesh* (1975) 2 SCC 14.

¹⁵ Justice B.N. Srikrishna Committee, "A Free and Fair Digital Economy Protecting Privacy, Empowering Indians" Government of India (2017).

¹⁶ <https://economictimes.indiatimes.com/tech/technology/government-to-withdraw-data-protection-bill-2021/articleshow/93326169.cms?from=mdr> (visited on 12.11.2025)

¹⁷ Nandini Chhabra, "Striking a balance between Right to Privacy and Right to Information: Critically studying the Indian Scenario" *Indian Journal of Integrated Research in Law* (2022).

¹⁸ AIR 1995 SC 264.

¹⁹ *Supra* note 9

"freedom of speech and expression" to all citizens and has been interpreted to encompass a right to access information held by the state.²⁰ The democratic value underlying the right to information rests on the premise that citizens in a democracy must be able to make informed decisions about public affairs and that public accountability requires that government actions and decisions be subject to public scrutiny.²¹ Citizens cannot meaningfully participate in elections or engage in political discourse if they are denied access to information about government operations.²² The right to know a every public act of the government authority serves as a significant check on arbitrary or corrupt government action, allowing civil society organizations, media, and informed citizens to scrutinize government conduct and advocate for changes.²³ In the case *R. Rajagopal v. State of Tamil Nadu*²⁴, court observed that "our system of government demands constant vigilance over exercise of governmental power by the press and media amongst others."

Enabling the realization of constitutional right to information, Parliament introduced the Right to Information Act, 2005.²⁵ The RTI Act is characterized as a symbol of democracy as it prevails over colonial law of Official Secrets Act, 1923,²⁶ which deny disclosure of government information except under narrow circumstances. In contrast, the RTI Act incorporates a presumption in favour of disclosure, allowing citizens to seek information without furnishing any reasons for their requests²⁷ and mandating public authorities to respond within thirty days.²⁸ RTI Act also provides exceptions to the general rule of disclosure for certain categories of information needs to be protected.²⁹

Since the enactment of RTI Act, it has played a vital role in promoting transparency and accountability in government offices. The study shows that RTI has improved the efficacy of public service delivery system by eradicated the secrecy culture and corruption in public offices to some extent.³⁰ Thus, it became necessary for the country of democratic values to protect and promote the core provisions of RTI law to uphold constitutional democracy.

²⁰ *Bennet Coleman & Co. v. Union of India*, AIR 1973 SC 106.

²¹ *People's Union for Civil Liberties v. Union of India*, 2003 SCW 2353 SC.

²² *State of U.P. v. Raj Narain*, AIR 1975 SC 865.

²³ *SP Gupta v. Union of India*, AIR 1982 SC 149.

²⁴ AIR 1995 SC 264.

²⁵ *Supra* note 3.

²⁶ *Ibid.*, s. 22.

²⁷ *Ibid.*, s. 6(2).

²⁸ *Ibid.*, s. 7(1).

²⁹ *Ibid.*, s. 8(1).

³⁰ Chetan Agarwal, "Right to Information: A tool for combating corruption in India" *Journal of Management & Public Policy* (2012).

Impact of Digital Personal Data Protection Act on Right to Information Law

The RTI Act is a vital tool that make government authorities more responsible and empowers citizen to seek any information under the control of public authorities while the DPDP Act, 2023, regulates the processing of digital personal data in a manner that safeguards individuals' privacy rights. The interplay between these two laws, especially DPDP Act's amendment to RTI Act, introduces potential conflict between right to privacy and public's right to know.³¹ However, Section 38(2) of DPDP Act³² says that in case of conflict between DPDP law and other laws (including RTI Act), the data protection law shall prevail. Thus, this provision directly undermines the sanctity of RTI law having overriding effect on most democratic and citizen centric law of the land. Another contentious provision of the DPDP Act is Section 44(3), which amended the Section 8(1)(j) of the RTI Act. Section 44(3) of DPDP Act insert a provision "information which relates to personal information" which replaces Section 8(1)(j) of RTI Act granting absolute protection to personal information under the RTI law. Under the original Section 8(1)(j) of the RTI Act, personal information could be denied from disclosure unless the public authority was satisfied that disclosure was justified by "larger public interest".

The DPDP Act substantially eliminates the expression clearly mentions the "larger public interest" by amending section 8(1)(j) of the RTI Act, granting absolute exemption to disclosure of all personal information. However, the government asserts that DPDP Act, 2023 aims to reconcile the conflicting rights by justifying that the amendment does not nullify the possibility of disclosure under larger public interest doctrine, as the Section 8(2) of the RTI Act continue to allow disclosure where public interest outweighs harm to protected interests.³³ However, it can be argued that public information officer may deny disclosure of information citing privacy protection even if larger public interest outweighs the protected interest under the pretext of Section 38(2) of DPDP Act which has overriding effect on other laws (including RTI Law) while the section 8(2) of the RTI Act is discretionary in nature and public authority cannot be compelled to disclose information despite larger public interest involves. Also, the application related to third-party information under the RTI Act, 2005 poses significant challenges even in case where larger public interest warrants disclosure under the RTI framework because the right to erasure or restriction under DPDP framework may prohibit

³¹ PRS Legislative Research, 2023.

³² *Supra* note 2.

³³ <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2158506®=3&lang=2> (visited on 15 Nov 2025)

public authorities from disclosing personal data sought through the RTI requests. For instance, information may be denied if a third party exercises their right to erasure of data essential for public accountability.³⁴

Several concerns have been raised by the activists and information commissioners that this amendment will institutionalize the denial of information under the excuse of being personal information.³⁵ First, the amendment allows public authorities to broadly categorize and declare certain information as "personal information" and deny disclosure without considering genuine public interest analysis.³⁶ Second, the amendment has increased the risk of compromising transparency and accountability in matters of significant public concern. For example, performance of public servant, disciplinary actions taken against government officials, approval of public projects or environmental clearances, and allocation of public resources could all potentially be categorized as "personal information" and withheld from disclosure.³⁷ This enables a secrecy culture in the areas where public accountability and transparency is significant. Third, the amendment may negate the jurisprudence and principles evolved by the courts that establishes "larger public interest" test to serve legitimate democratic purposes. Hence, the amendment attempts to erode the established jurisprudence by making disclosure dependent on the discretion of the public authority even where the larger public interest is involved.

The original provision of the RTI Act was the only law that addressed 'privacy' in a limited sense and offered public servants the ability to protect their personal information from disclosure, which has no link to any public activity or involves large public interest. However, the majority of RTI applications were rejected by public information officials under the guise of section 8(1)(j), intended to shield the public servants from scrutiny or action against their corrupt practices. The objectives of the Act were not fully realized because of the colonial mindset of withholding information and secrecy culture in public offices. The ultimate

³⁴ Dharmendra Kumar, "Impact of the Digital Personal Data Protection Act, 2023 on Third-Party Information under the Right to Information Act, 2005: A Critical Analysis" *International Journal for Multidisciplinary Research (IJFMR)* (2025).

³⁵ Gaurav Vivek Bhatnagar, Activists, "Information Commissioners Fear Data Protection Bill Will Crush RTI Act Provisions" *The Wire* (14 Dec 2022) <https://thewire.in/rights/activists-information-commissioners-fear-data-protection-bill-will-crush-rti-act-provisions> (visited on 27 Nov 2025).

³⁶ Shailesh Gandhi, "Ten instances show how the digital data protection bill will undermine the RTI Act" *Scroll.in* (Feb 2023) <https://scroll.in/article/1042602/these-instances-show-how-the-digital-data-protection-bill-will-undermine-the-rti-act> (visited on 28 Nov 2025).

³⁷ *Ibid.*

objective of this legislation is to allow public scrutiny of the official conduct of every public servant, which is a significant democratic norm.³⁸ Before such amendment there were several grounds on which personal information could still be disclosed.³⁹ The original Section 8(1)(j) clarifies the scope of protection provided to personal information of public servant and outlines exceptions of disclosure in the larger public interest. The section 8(1)(j) had effective provision that adequately balanced both the rights by allowing access to information in public interest on one hand while protecting public servant from the harm due to unwarranted invasion of privacy on the other.⁴⁰

The amendment made to section 8(1)(j) of the RTI Act has rendered accountability mechanisms ineffective. Citizens cannot meaningfully participate in governance if information regarding major policy decisions and their implementation is classified as personal and withheld from disclosure. This legal change will derail the purpose of the RTI law that endeavours to exposing corruption and inefficiencies in public affairs for two decades and will encourage a culture of secrecy, opaque decision-making processes and render public servants' actions unaccountable. Thereby, such amendment leads to the weakening of the RTI Act by depriving citizens' constitutional right to access information.⁴¹

Balancing Individual Privacy with Public Transparency and Accountability

A prosperous data protection law needs to strike a balance between competing constitutional rights. One such conflict exists between the right to free flow of information through freedom of speech and expression and the right to restrict such information which invades privacy rights. In order to harmonize such constitutional rights and to ascertain when one right outweighs another, it is significant to be guided by the principle of public interest test which was established and applied by the Supreme Court in resolving many significant legal and constitutional questions before it.

³⁸ M Sridhar Acharyulu, "Personal Data Protection Bill' vis-à-vis Freedom of Expression (including RTI)" P 32 *Bennett Journal of Legal Studies* (2020).

³⁹ *Ibid.* P 39.

⁴⁰ *Ibid.*

⁴¹ P Arun, "Beyond Citizen Oversight Problems with the Trade-off between Transparency and Privacy" *Economic & Political Weekly EPW* (May 2025) <https://www.epw.in/journal/2025/20/commentary/beyond-citizen-oversight.html> (visited on 2 Dec 2025)

The amendment clearly contrasts the *A.P Shah Committee Report*⁴² on Privacy which noted that privacy is the narrow exception to the right to information under RTI law where public interest necessitates disclosure of personal information. The committee also recommended five exceptions to the right to privacy namely, national security; public order; disclosure in public interest; Prevention, detection, investigation, and prosecution of criminal offences; and Protection of the individual or of the rights and freedoms of others.⁴³ Thus, disclosure of information in public interest is recognised as an important exception to privacy rights.

The unamended section 8(1)(j) of RTI Act, 2005 had provided balanced approach where personal information of any individual granted protection from disclosure, but such protection is not absolute, as it can be circumvented by establishing that "larger public interest" justifies disclosure of personal information or if it is related to any public activity.⁴⁴ This was also recognised by the Supreme court in *Thalappalam Service Cooperative Bank Limited and Others v. State of Kerala and Others*,⁴⁵ which stated that the RTI Act contains adequate safeguards for privacy protection.

Judicial Approach towards Balancing Conflicting Rights

Indian courts have continuously recognized that fundamental rights may frequently coincide with one another and with legitimate public interests. When such conflicts arise, courts have laid down the effective mechanism for harmonizing competing rights rather than treating them as absolute and irreconcilable. The application of the "larger public interest" test has been extensively developed through judicial rulings. In *Girish Ramchandra Deshpande v. Central Information Commission*,⁴⁶ the Supreme Court held that the performance and conduct of public servants was primarily a matter between employer and employee which falls under the expression 'personal information' and the disclosure of such information has no connection to any public interest. In another case, *CPIO, Supreme Court of India v. Subhash Chandra Agarwal*,⁴⁷ the Court upheld the disclosure of information regarding judges' asset declarations, affirming that while such information is personal in nature, the public interest in judicial accountability justified disclosure. The court also provides detailed guidance for balancing

⁴² Justice A.P. Shah Committee, "Report of the Group of Experts on Privacy, Government of India" (2012).

⁴³ *Id.* P 57.

⁴⁴ *Supra* note 3, s. 8(1)(j).

⁴⁵ (2013) 14 SCR 479.

⁴⁶ (2013) 1 SCC 212.

⁴⁷ (2019) 16 SCALE 40.

privacy and transparency in RTI context. The Court also held that information about individuals' core personal and intimate relationships such as details of medical condition, family matters, religious beliefs, or sexual orientation warrants the highest protection from disclosure. However, information related with public servants' compliance with legal rules, financial disclosures made to the government, or decisions affecting public welfare receives less protection, as such information has clear relevance to public activity and accountability.

In practice, Section 8(1)(j) of RTI has been mostly used to deny information on privacy grounds and concerns have been raised that courts and Information Commissions have sometimes granted excessive protection to personal information at the cost of legitimate public interests.⁴⁸ In some cases, civil society organizations have reported instances where courts and Information Commissions have refused to disclose public servant's salary and benefits related information, despite the fact that such information is relevant to public accountability regarding utilization of public funds.⁴⁹

Through balancing both the rights, RTI Act worked as a due diligence mechanism for protection of personal information and regulation of public information but DPDP Act's rigid approach towards privacy protection in government functioning may erode the RTI Act's transparency mechanisms. Citizens cannot meaningfully participate in governance if information regarding major policy decisions and their implementation is classified as personal and withheld from disclosure. As India implements the DPDP Act, it must ensure a balanced legislative and judicial jurisprudence to uphold both the right to privacy and citizen's right to information.

Conclusion

Privacy is fundamental need for human being. No one can compel any individual to reveal their personal information which is not relevant to general public interest. However, prioritizing individual privacy over public transparency by amending section 8(1)(j) of the RTI Act through DPDP Act creates significant challenge for constitutional democracy. Consequently, such amendment will have negative implication in realizing the purpose of RTI law. New legal

⁴⁸ Shailesh Gandhi, "How the Supreme Court's flawed judgment in Girish Ramchandra Deshpande case has led to denial of information under Section 8(1)(j) of the RTI Act" (29 April 2022) <https://theleaflet.in/information-and-transparency/how-the-supreme-courts-flawed-judgment-in-girish-ramchandra-deshpande-case-has-led-to-denial-of-information-under-section-81j-of-the-rti-act> (visited on 25 Nov 2025).

⁴⁹ *RK Jain vs. Union of India* (2013) 14 SCC 794; *Canara Bank vs. C.S. Shyam* (2018) 11 SCC 426.

framework has existing loopholes, such as the absence of a public interest test and undefined term 'personal Information', lead to legal ambiguity and inconsistent application, undermining the role of RTI Act in ensuring transparency and accountability in public activity. Legal and policy reform to reinstate a balanced public interest test and defining 'personal information' in RTI context are significant to align the two frameworks. It also requires the cooperation between Central Information Commission and Data Protection Board to ensure consistent and equitable application of both laws.

Balancing privacy and transparency in governance require the robust legal framework with several key insights. First, both fundamental rights must be balanced through context-specific analysis guided by constitutional democratic principles. Second, the principle of proportionality emphasized in the *Justice K.S. Puttaswamy* ruling laid down a framework basis for striking balance, enabling courts and public authorities to determine whether limitations on one fundamental right are warranted by the need to protect another fundamental right. Third, the "larger public interest" test emerged through judicial interpretation for determining whether certain information requires privacy protection or disclosure to serve democratic purposes.

Addressing conflict between right to privacy and right to information does not require favouring or protecting one right over another. Instead, it demands formulation of holistic and inclusive framework that embrace and promote privacy and transparency as complimentary rights within a constitutional democracy. The coexistence of privacy rights and right to information depends on the constitutional balance through context-specific evaluation rooted in principle of proportionality and public interest. Thus, individuals can be protected from unwarranted disclosure of legitimate personal information while also having access to information necessary to make public authorities accountable. Government agencies can employ precautionary measures in place for protecting personal data while being subject to adequate public scrutiny. Indian constitutional framework has been enriched by decades of judicial philosophies on both privacy and transparency, provides the conceptual strategies necessary to maintain this balance. Political will is required for establishing comprehensive framework that respect both fundamental rights rather than that prioritizes one over another.