

No. F.23014/1/2013-Ad.I.
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 6 December, 2014

CIRCULAR

Subject: - Advisory for use of email and web services in respect of compliance to the order of High Court of Delhi under Public Records Act, 1993.

Please find enclosed a copy of Department of Electronics and Information Technology 's O.M. No 2(103)/2014-CERT-In dated November 27, 2014 on the subject mentioned above for information and compliance.



(Ziley Singh Vical)


Under Secretary to the Govt. of India

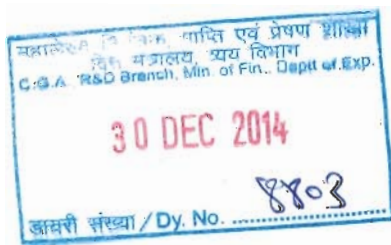
☎ 2309 5695

To

All Officers/Sections in the Department of Expenditure including FCD/CGA/O/o CA(C)/CCA/NIFM/EMC/7th CPC etc.

Adms.

ITD 



OSIEX
Sp/CPent
05/12
DUC(A)

No. 2(103)/2014-CERT-In
Government of India
Ministry of Communication & IT
Department of Electronics and Information Technology

Electronics Niketan
New Delhi.

Dated 27.11.2014

08.12.14
US(A)

Pl circulate
27/12
Lo (Adt)

OFFICE MEMORANDUM

Subject: Advisory for use of email and web services in respect of compliance to the order of High Court of Delhi under Public Records Act, 1993

Internet has given the flexibility of accessing information from anywhere, any time through variety of techniques and technology be it computer system, mobile phone or Tablets. The email and the web services have emerged today as one of the most essential mode of communication between people to people, people to organizations, and organizations to organizations. At the same time security risks have also increased while accessing information over the Internet through email or web as some of the adversaries have launched targeted attacks to steal or damage the information for different purposes and interests.

2. There are number of organizations in the country as well as outside the country providing email and web services to any person irrespective of the location. The National Informatics Centre (NIC) under Department of Electronics and Information Technology (DeitY) has hosted email and web hosting services in the country for use by employees of Government, be it Central or State Government, for government related communications and disseminating the information within government as well as outside the government. NIC has been quite liberal in creating the email and web accounts for Government employees both in the Central and State governments. They are also regularly engaged in strengthening the infrastructure both from the point of view of faster access and security.

3. It has been observed that a number of officials in the Ministries/Departments in the central and state government are using the private mail services particularly hosted and operated from outside India for official communications. Such official communications are government and also the public records. It is to mention that data pertaining to such emails and web services is stored by these service providers outside India and is fully under their control. At the time of any security breach incident or data loss it becomes very difficult to obtain data from those service providers apart from the possibility of leakage of information as they are controlled by the service providers outside the country.

13158/10441
10/12/14

10.12.14

4. The Section 4 of the Public Records Act, 1993 specifically prohibits against taking of public records out of India. The **section 4** states as follows:

“Prohibition against taking of public records out of India – No person shall take or cause to be take out of India any public records without the prior approval of the central Government:

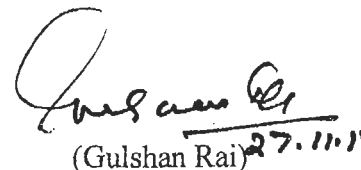
Provided that no such prior approval shall be required if any public records are taken or sent out of India for any official purpose.”

5. The High Court of Delhi in a writ petition W.P.(C) 3672/2012 K.N. Govindacharya versus Union of India has been particularly concerned with the official communications made through email and web using services provided by and from service providers outside the country.

6. Keeping in view the observations of the High Court of Delhi, the Public Records Act, 1993 and Data Privacy and the possibility of misusing/leaking of data exchanged using the email communications and web services provided by service providers outside the country, it is requested that the officials in your Ministry as well as organizations under the administrative control of the Ministry may be requested that:

All the Ministries/Departments of Central and State Governments should either use e-mail services provided by National Informatics Centre (NIC) or they should use their own e-mail and web services, being fully controlled by them and hosted in India for official communication. CERT-In security guidelines/advisories as issued time to time should be followed.

This issues with the approval of Secretary, DeitY.


(Gulshan Rai) 27.11.11

Director General, CERT-In, DeitY
Phone: 011-24368544

To,

1. The Secretary, Department of Agriculture and Cooperation
2. The Secretary, Department of Agricultural Research and Education
3. The Secretary, Department of Animal Husbandry, Dairying and Fisheries
4. The Secretary, Department of Atomic Energy

5. The Secretary, Department of Chemicals and Petro Chemicals
6. The Secretary, Department of Fertilizers
7. The Secretary, Department of Pharmaceuticals
8. The Secretary, Department of Commerce
9. The Secretary, Department of Industrial Policy and Promotion
10. The Secretary, Department of Telecommunications
11. The Secretary, Department of Posts
12. The Secretary, Department of Electronics & Information Technology
13. The Secretary, Department of Food and Public Distribution
14. The Secretary, Department of Consumer Affairs
15. The Secretary, Department of Defence
16. The Secretary, Department of Defence Production
17. The Secretary, Department of Defence Research and Development
18. The Secretary, Department of Ex-Servicemen Welfare
19. The Secretary, Department of Financial Services
20. The Secretary, Department of Economic Affairs
- ✓ 21. The Secretary, Department of Expenditure
22. The Secretary, Department of Revenue
23. The Secretary, Department of Disinvestment
24. The Secretary, Department of Health and Family Welfare
25. The Secretary, Department of AYUSH
26. The Secretary, Department of Health Research
27. The Secretary, Department of AIDS Control
28. The Secretary, Department of Heavy Industries
29. The Secretary, Department of Public Enterprises
30. The Secretary, Department of Home Affairs (Home Secretary)
31. The Secretary, Department of Official Languages
32. The Secretary, Department of Border Management
33. The Secretary, Department of Inter State Council Secretariat
34. The Secretary, Department of School Education & Literacy
35. The Secretary, Department of Higher Education
36. The Secretary, Department of Legal Affairs
37. The Secretary, Department of Justice
38. The Secretary, Department of Legislative Department
39. The Secretary, Department of Personnel & Training
40. The Secretary, Department of Administrative Reforms & Public Grievance
41. The Secretary, Department of Pension & Pensioners Welfare
42. The Secretary, Department of Rural Development
43. The Secretary, Department of Land Resources
44. The Secretary, Department of Science and Technology
45. The Secretary, Department of Scientific and Industrial Research
46. The Secretary, Department of Biotechnology
47. The Secretary, Department of Social Justice & Empowerment
48. The Secretary, Department of Disability Affairs
49. The Secretary, Department of Space
50. The Secretary, Department of Sports

- 5
51. The Secretary, Department of Youth Affairs
 52. The Secretary, Ministry of Civil Aviation
 53. The Secretary, Ministry of Coal
 54. The Secretary, Ministry of Corporate Affairs
 55. The Secretary, Ministry of Culture
 56. The Secretary, Ministry of Development of North Eastern Region
 57. The Secretary, Ministry of Drinking Water & Sanitation
 58. The Secretary, Ministry of Earth Sciences
 59. The Secretary, Ministry of Environment, Forests & Climate Change
 60. The Secretary, Ministry of External Affairs
 61. The Secretary, Ministry of Food Processing Industries
 62. The Secretary, Ministry of Housing & Urban Poverty Alleviation
 63. The Secretary, Ministry of Information & Broadcasting
 64. The Secretary, Ministry of Labour & Employment
 65. The Secretary, Ministry of Mines
 66. The Secretary, Ministry of Minority Affairs
 67. The Secretary, Ministry of Micro, Small & Medium Enterprises
 68. The Secretary, Ministry of New & Renewable Energy
 69. The Secretary, Ministry of Overseas Indian Affairs
 70. The Secretary, Ministry of Parliamentary Affairs
 71. The Secretary, Ministry of Panchayati Raj
 72. The Secretary, Ministry of Petroleum & Natural Gas
 73. The Secretary, Ministry of Power
 74. The Secretary, Ministry of Road Transport & Highways
 75. The Secretary, Ministry of Rural Development
 76. The Secretary, Ministry of Shipping
 77. The Secretary, Ministry of Statistics & Prog. Implementation
 78. The Secretary, Ministry of Steel
 79. The Secretary, Ministry of Textiles
 80. The Secretary, Ministry of Tourism
 81. The Secretary, Ministry of Tribal Affairs
 82. The Secretary, Ministry of Urban Development
 83. The Secretary, Ministry of Water Resources
 84. The Secretary, Ministry of Women and Child development
 85. The Planning Commission
 86. The Chairman, Railway Board
 87. The Principal Secretary to Prime Minister