

From,

Dr. B. Srinivasa Kakkilaya,
Dr. Yogananda Reddy,
Dr. Ravindra R,
Dr. Vani Kori,
Dr Devaraj Raichur
(Members of the Committee Constituted by the IMA KSB Meeting held on May 8, 2016)

Through:

The President,
Indian Medical Association,
Karnataka State Branch

To,

The Hon'ble President,
Karnataka Medical Council,
Bengaluru

Respected Sir,

Further to the discussions that we held at IMA House, Bengaluru and also at KMC Vaidya Bhavana, Bengaluru, on May 8, 2016, we are placing on record the legal and expert opinions on the issue of collection of biometric data from the registered medical practitioners of Karnataka.

As per the existing provisions of law, it is necessary for holders of the data to be legally responsible for the data that they collect and hold it on behalf of the data givers. We hereby express our concern at the lack of legislative sanction for the proposed collection of such data from registered medical practitioners, as the Karnataka Medical Registration Act 2003 or the Indian Medical Council Act 1956, as amended to date, do not provide any sanction for collection of biometric data of medical practitioners, either at the time of registration or any time later.

Further, as per the different provisions of the Information Technology Act, 2000 and the recently enacted The Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, the enrolling agencies must provide notice to the data givers at the time of enrolment as to how their information will be used, stored and shared. These Acts also specify that all biometric information collected and stored in electronic form will be deemed to be "electronic record" and "sensitive personal data or information".

Therefore, we request you to decide on this matter after due deliberations, considering all these legal issues.

Dr Srinivas Kakkilaya Dr Yogananda Reddy Dr Ravindra R Dr Vani Kori Dr Devaraj Raichur

Sent through Dr Prabhakara GN, President, IMA KSB, May 9, 2016