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Questions for CLAT Exam.

Legal Reasoning Quiz 3

Directions: Study the following information carefully and answer the questions given beside.

The outbreak of COVID-19 and its development into a pandemic has led governments across the world to take extraordinary measures to protect their residents. The Central Government and various State Governments in India, along with public-health authorities, not-for-profit organizations and corporates, are collecting, tracking, and using information about individuals to slow down the spread of COVID-19; however, since a large proportion of such information could be categorized as 'personal data' or 'sensitive personal data' its use is subject to the data protection laws in India. It is, therefore, essential that a balance is struck between an individual's right to privacy and public interest at large. Separately, as a result of the COVID-19 pandemic, corporates are also required to implement aberrant measures to safeguard their employees and extended workforce. In this regard, the collection of personal data by corporates will need to be undertaken in compliance with the requirements of data protection laws in India.

The Information Technology Act, 2000 (the "**IT Act**") read with the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 (the "**SPDI Rules**", together with the IT Act "**Data Protection Laws**") contain specific provisions governing protection of personal data in India. The SPDI Rules classify information related to physical, psychological and mental health condition of a person as sensitive personal data or information ("**SPDI**") and any other information that relates to a natural person which is capable of identifying such person as personal information ("**PI**").

The public-health authorities and corporates are able to collect personal information of an individual, such as medical records, data related to physical and mental health condition, body temperature, etc., however, such information is classified as SPDI under the Data Protection Laws and may only be collected subject to compliance with certain conditions specified under law. Further, information such as personal and official travel history of an individual or such individual's family members may not constitute SPDI but will be considered as PI.

SPDI is subject to greater protection under the Data Protection Laws. For example, such information may only be collected for a lawful purpose connected with a function or activity of the body corporate when such collection is necessary for that purpose; a person concerned must be aware of the fact that such information is being collected, intended recipients of the information, and the purpose for which the information is being collected; the provider of the information shall be given an option to not provide the information sought; and any organization or person holding such SPDI shall not retain that information for longer than is required for the purpose for which such information may lawfully be used. An organization collecting SPDI is required to obtain informed consent of the information provider prior to disclosing such information to any third party, except when such information is shared to government agencies in accordance with the Data Protection Laws (example in case of pandemic). The SPDI Rules also specify that a corporate collecting personal data is required to comply with reasonable security practices and procedures such as the International Standard IS/ISO/IEC

27001 on "Information Technology – Security Techniques – Information Security Management System – Requirements".

Pursuant to the landmark decision of the Supreme Court of India in *KS Puttaswamy v. Union of India* (2017), the court held that right to privacy is a part of the right to life and personal liberty and is a fundamental right under the Constitution of India. The Supreme Court of India also observed that the right to privacy is not absolute; however, any restriction is required to be within the framework of law.

Questions :

1. The author of the passage is trying to convey which of the following scenarios for dealing with the handling of personal data in COVID 19?

- A. Public Interests are supreme over Private interests of Individual
- B. Private Interests are supreme over Public interests of Individual
- C. There should be a balance between public and Private rights of Individual.
- D. Private rights of Individual reign supreme after in *KS Puttaswamy v. Union of India* (2017).

2. A Social media company called Macebook collects the personal data of its users which contains specific details of their health data with strict privacy laws. Due to a prevailing conditions of pandemic it reveals the data to national health agencies. Is it valid under the Indian laws?

- A. The company is liable for revealing the data
- B. The company is liable for collecting the data.
- C. The company is not liable under the Indian laws for sharing the data
- D. The company is liable under the Indian laws for sharing the data

3. An employee named X who had gone to various countries including enemy alien countries was subjected to an excessive check during hi further air tours. The employee was later asked to submit compulsorily his travel details to his defence organization for safety purposes. He sued the organization in the Supreme Court citing intrusion of privacy of his passport. In this case:-

- A. The employee will succeed.
- B. The employee will succeed as his right was indeed violated.
- C. The employee will not succeed as his right was not violated
- D. The employee will not succeed as his right is not covered under any law.

4. A data collected by a corporate is leaked online due to a minor level Trojan which was released by hackers in their system. A group of personnel reached the High court and filed a complaint. The company pleaded that it was not a mistake on their part but a

third party hacker who infiltrated their security system. What will be the decision of the High Court?

- A. The corporation will succeed as it took all the safety measures.
- B. The corporation will not succeed as it didn't take all the safety measures.
- C. The high court will quash the petition.
- D. The High court will give decision in favour of the litigants due to lack of evidence from corporate.

5. Organization X collects the personal data of the user for statistical purposes and keeps it updated. X gets very lucrative and beneficial deal for its users which it had to confirm data share in a very limited time span of 20 hours. The director of Organization X decided to sign the deal considering its extreme beneficial for its users and the company. Later Organization X is dragged to court by an old aged man named D who got none of the benefits as he failed to fill the beneficiary form and feels cheated by company X. The decision of the court will be:-

- A. Organization X is liable.
- B. Organization X is liable because no benefits reached the old man.
- C. Organization X is not liable
- D. Organization X should'nt be held liable as it was the mistake of old man.

Correct Answers:

1	2	3	4	5
C	C	C	B	A

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Explanations :

1. Clearly mentioned in the first passage that a balance must be struck between Public interests and Private interests.

Hence option C is the right answer.

2. Clearly mentioned that data can be shared with agencies in case of pandemic.

Hence option C is the right answer.

3. The right is not absolute as mentioned in the puttaswamy judgment.

Hence option C is the right answer.

4. As clearly mentioned in the passage that the SPDI Rules also specify that a corporate collecting personal data is required to comply with reasonable security practices and procedures such as the International Standard IS/ISO/IEC 27001. The minor level Trojan should have been blocked by the corporate.

Hence option B is the right answer.

5. Company x is liable since data was shared without the consent of its users.

Hence option A is the right answer.





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