

DPDP Readiness Checklist

Digital Personal Data Protection Act, 2023 (the "Act") | For Tech Startups & SaaS Companies

HOW TO USE THIS CHECKLIST

Work through each section with your product, engineering, and legal teams. Items marked as applicable to your operations should be completed before the Act's compliance requirements take full effect. This checklist is a scoping tool. It does not constitute legal advice. For a detailed gap analysis or compliance programme, contact DRN Legal.

SECTION 1: DATA MAPPING

- We have identified all personal data we collect, process, and store.
- We have mapped personal data flows across our product, systems, and third-party integrations.
- We have classified data by type (general personal data vs. children's data).
- We have identified whether we are a Data Fiduciary, Data Processor, or both under the Act.
- We have assessed whether we qualify (or are likely to qualify) as a Significant Data Fiduciary.

SECTION 2: NOTICE AND CONSENT

- We provide a clear, itemised notice to users before or at the point of data collection.
- Our notice specifies: (a) what data is collected, (b) the purpose of processing, and (c) how to exercise rights.
- We have implemented a mechanism to obtain free, specific, informed, and unambiguous consent from Data Principals.
- Consent is obtained separately for each distinct purpose of processing.
- We do not bundle consent with terms of service or make it a condition of accessing our core service (where the purpose is separable).
- We have a mechanism for users to withdraw consent at any time, with equal ease as giving it.
- Withdrawal of consent triggers cessation of processing and, where required, deletion of data.
- We maintain verifiable records of consent obtained.

SECTION 3: LAWFUL BASES BEYOND CONSENT

- We have identified processing activities that rely on legitimate uses (as defined under the Act) rather than consent.
- We have documented the legal basis for each processing activity.
- We do not process data beyond the stated purpose for which consent or a legitimate use was established.

SECTION 4: DATA PRINCIPAL RIGHTS

- We have a process for users to access a summary of their personal data and processing activities.
- We have a process to fulfil correction and erasure requests within a reasonable timeframe.
- We have implemented a grievance redressal mechanism with a published point of contact.
- Our grievance mechanism acknowledges complaints and resolves them within the timeframe that will be prescribed.
- We have considered how to handle nomination rights (ability of a Data Principal to nominate another person to exercise rights on their behalf).

SECTION 5: OBLIGATIONS AS DATA FIDUCIARY

- We process personal data only for lawful, specified purposes.
- We collect only data that is necessary for the stated purpose (data minimisation).
- We take reasonable steps to ensure personal data is accurate and up to date.
- We have defined retention periods for each category of personal data.
- Personal data is deleted or de-identified once the purpose is fulfilled or consent is withdrawn.
- We have implemented reasonable security safeguards (technical and organisational) to prevent unauthorised access, use, or disclosure.
- We have a documented personal data breach response procedure.
- We notify the Data Protection Board of India of a breach in the prescribed form and within the prescribed timeline.
- We notify affected Data Principals of breaches as required.

SECTION 6: DATA PROCESSOR MANAGEMENT

- We have identified all third-party vendors and processors that handle personal data on our behalf.
- We have written contracts with each Data Processor that bind them to our instructions and the Act's requirements.
- Our vendor contracts address: data security, breach notification, sub-processing restrictions, and deletion on termination.
- We conduct periodic due diligence on processors handling sensitive or high-volume data.

SECTION 7: CHILDREN'S DATA

- We have assessed whether any of our users are or may be children (under 18 years).
- Where children's data is processed, we obtain verifiable parental consent before collection.
- We do not process children's data in a manner that is detrimental to their wellbeing.
- We do not conduct behavioural monitoring or targeted advertising directed at children.
- Our age verification or parental consent mechanism is documented and auditable.

SECTION 8: CROSS-BORDER DATA TRANSFERS

- We have identified all instances where personal data is transferred outside India (e.g., cloud infrastructure, SaaS sub-processors, analytics tools).
- We monitor the Government's list of permitted/restricted jurisdictions for data transfers (to be notified).
- Our data transfer arrangements are updated when the permitted jurisdiction list changes.
- Our privacy notice discloses cross-border transfer practices to users.

SECTION 9: SIGNIFICANT DATA FIDUCIARY

Complete this section only if you have been notified as, or believe you may qualify as, a Significant Data Fiduciary.

- We have appointed a Data Protection Officer (DPO) based in India.
- We have engaged an independent Data Auditor for periodic audits.
- We conduct Data Protection Impact Assessments (DPIAs) for high-risk processing activities.

- We publish the DPO's contact details for Data Principals.
- We have a programme to ensure ongoing compliance with SDF-specific obligations.

SECTION 10: GOVERNANCE & DOCUMENTATION

- We have assigned internal ownership of DPDP compliance (DPO, General Counsel, or nominated officer).
- We maintain an up-to-date record of processing activities.
- Staff with access to personal data have received basic awareness training on DPDP obligations.
- Our privacy policy has been reviewed and updated to reflect DPDP requirements.
- We have a process to review and update this checklist as rules and Board guidance are issued.

NEXT STEPS

If you identified gaps, DRN Legal can assist with:

- Detailed DPDP gap analysis and risk prioritisation
- Consent and notice drafting
- Data Processor contract review and updates
- Ongoing regulatory monitoring as the DPDP Rules are finalised

Contact DRN Legal

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