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ARTIFICIAL INTELLIGENCE AND DATA PRIVACY IN INDIA

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ABSTRACT

The rapid development of Artificial Intelligence, especially Generative AI, has brought about major changes in the way literary, artistic and other creative works are created. This has raised important legal questions under Copyright Law regarding authorship, ownership and originality. This research examines whether the current Indian Copyright Law is sufficient to provide clear answers to these questions regarding works created by or with the help of AI. This study uses Doctrinal Legal Research Methodology and analyses relevant legal provisions, judicial decisions and secondary legal literature. The research focuses on the legal framework related to computer-generated works, first ownership and originality. The research reveals that Indian Copyright Law provides a legal basis for computer-generated works, but there are still some uncertainties in the context of highly autonomous generative AI systems. This paper recommends giving importance to meaningful human creative contribution and creating clearer legal and policy guidelines on copyright protection.

This study explores how artificial intelligence systems learn and solve complex problems.

KEYWORDS: Artificial Intelligence, Data Privacy, Data Protection, Digital Personal Data Protection Act, 2023, Right to Privacy, Article 21, Consent, Data Processing, Cyber Law, Data Misuse, Surveillance, Privacy Protection, Personal Data, Fundamental Rights, Data Protection Authority, Personal Information, AI Regulation, Data Breach, User Rights

INTRODUCTION

AI is currently developing rapidly in India and all countries of the world and has become an important part of the technology. Based on AI, many tasks have become easier in various fields, in which many tasks like education, health, care, banking, social media, online services, communication and content creation and information gathering are being done

easily through AI. AI analyzes information, creates structures, and performs many other tasks. It is also important for a person to make decisions and solve any problem, so the increasing development and use of AI has created new opportunities for humans in many ways, for businesses, and for the government, but this increasing use of AI has also raised questions of legal and ethical concerns.

Among the main problems related to AI, the question of protecting the privacy of a person's information is the most important. For AI systems to learn, to do any editing in the AI system, to generate any image, and for all other things, a person has to provide a large amount of his information, and AI may need it in a large amount, and this information mainly includes the confidential information that a person has. As the use of AI systems increases, the use of personal information also increases, and the collection of personal information by AI increases, hence the question arises as to why this information is collected by AI, how it will be processed, and who can access this information, along with how long this information will be stored, such various questions arise on the basis of personal information, along with the questions of whether the security of personal information is safe or not with the use of AI.

Using AI systems raises many questions regarding the privacy of human data. An individual can never understand whether or not their data is being protected by an AI system, or how it is being used. This raises questions of transparency, purpose limitation, data security, unauthorized use and personal data, as AI uses human data. Therefore, with the increasing development and increasing use of AI, it is necessary to carefully examine the available legal provisions to protect personal data. Privacy rights in India have a strong constitutional basis, in the case of Justices K. S. Puttaswamy, R. Eagle, vs. Union of India, the Supreme Court of India recognized privacy as a constitutionally protected right arising primarily from Article 21 of the Constitution. The court emphasized the importance of provisions related to the collection and protection of personal data. The recognition of the right to privacy as a fundamental right provides an important constitutional basis for examining the collection and use of personal data in the digital environment.

India has also developed a specific legal framework for the protection of digital personal data through the Digital Personal Data Protection Act 2023. This Act regulates the processing of digital personal data and provides a legal framework on concepts such as personal data processing, data principles and data fiduciaries, covering issues such as consent, notice, duties of data fiduciaries, rights of individuals and breaches of personal data. This legal framework has been further developed and expanded by the Digital Personal Data Protection Rules 2025. These rules provide for the implementation of various provisions of the Act and

the requirements under them, including requirements related to notice, consent and other compliance. These rules were notified by the Central Government in November 2025 and various provisions are being implemented in various phases. Therefore, it is necessary to examine the current legal situation when considering the application of data protection principles to new technologies such as AI.

These legal developments, despite the rapid development of AI in the present day, raise questions as to whether the current legal framework is sufficient for the protection of personal data. Complex AI systems can pose difficulties in the implementation of traditional data protection principles, as such systems process large amounts of data, and use personal data for training, analysis, further processing, or any other services, thus requiring increased legal scrutiny of personal data in terms of transparency, accountability, security, etc.

Against this backdrop, this research paper examines the relationship between AI and data privacy in India, focusing primarily on the Digital Personal Data Protection Act 2023 and the Digital Personal Data Protection Rules 2025. This study analyses the issues and concerns of personal data protection in AI and its context and whether the current Indian legal framework provides adequate protection to individuals. The study also considers the judicial developments related to the constitution and rights of privacy under Article 21.

The study focuses on various issues such as consent, notice, purpose limitation, data security, liability, protection of personal data, protection of children's data, where necessary, using a limited comparative approach to understand how other countries are addressing privacy concerns related to AI. Finally, this paper seeks to identify the issues arising from the increasing use of AI and examine possible legal and regulatory measures that can strengthen the protection of personal privacy in India and promote the responsible development and use of AI.

Review of Literature

3.1 Literature on Privacy and Data Privacy

This research Privacy has become an important legal issue with the development of digital technology and the large-scale collection of personal information. The development of digital technology and the scope of privacy include the information privacy inherent in it as well as the ability of an individual to control their own data. In the current era, the literature on data protection sees privacy not only as the right to keep information confidential but also as an issue related to control and responsibility for personal data. Data privacy is becoming increasingly important with the development of AI. AI systems use large amounts of

information and data to identify patterns and make predictions and make decisions related to it. More research has also been done by experts on whether individuals can control the effective processing of their data when personal information is processed by complex technological systems.

3.2 Literature on the Constitutional Right to Privacy in India

The constitutional implications of privacy in India were further clarified by the Supreme Court's decision in Justice K. S. Puttaswamy vs. Union of India. A nine-judge bench recognised privacy as a constitutionally protected right, primarily enshrined in Article 21 of the Constitution and linking privacy with dignity, liberty and individuality. The Importance of data privacy in this digital age has also been recognised. After Puttaswamy's decision, privacy has been identified in the literature as an important constitutional basis for the development of data protection laws in India. The need to protect individuals from the risks posed by profiling and the excessive collection of personal data has also been emphasised as a process that AI systems can analyse personal data on a much larger scale than technology.

3.3, Literature on the Development of Data Protection Law in India

The development of data protection framework in India has been discussed in the legal literature. The Digital Personal Data Protection Act, 2023, is seen as a significant development in the data protection sector in India. Its use in academic literature has been analysed in terms of duties of data fiduciaries, rights of data principals, consent requirements, exemptions and enforcement mechanisms. A study analysing the DPDP Act has presented the Act as the first comprehensive data protection law in India, and its provisions have been analysed through doctrinal and comparative legal research.

The study has also identified some areas that require interpretation and further legal development.

Other literature has analyzed such legislation from the perspective of digital citizens and considered whether the current legal framework can strike an effective balance between privacy, protection and innovation, economic development, and legitimate data use.

3.4. Literature on the Digital Personal Data Protection Act, 2023

A significant body of literature to date has focused on the interpretation of the Digital Personal Data Protection Act, 2023 and its practical implications. The literature has discussed concepts such as data principles, data fiduciary, consent, notice, lawful use, data protection, rights of individuals and breaches of personal data. The legal literature to date has also

questioned the effectiveness of the Act, including accountability, algorithmic governance, surveillance, cross-border data transfers and the purposeful functioning of the Act. A recent legal analysis has identified areas for further consideration, in particular, algorithmic transparency and the need for stronger regulatory protections for AI and automated decision-making. This literature provides an important basis for understanding the DPDP Act. Applying such principles to AI systems requires separate thinking, as AI-based processes can involve complex models, large data sets, and automated processes.

3.5 Literature on Artificial Intelligence and Personal Data

Recent research has increasingly acknowledged the strong relationship between AI and data protection. AI systems rely heavily on data to learn, make predictions and improve their performance. When such data sets include personal information, the collection and processing of such information can pose privacy risks. Research on AI and data protection law in India has examined the compatibility between the DPDP framework and AI technology. Experts have suggested approaches such as data protection impact assessments, stronger accountability of data fiduciaries, security measures and privacy by design.

Some literature also discusses the possibility of providing stronger protections against certain types of automated decision-making.

3.6. Specific privacy challenges arising from AI

The literature has identified a number of challenges that are particularly important when personal data is used by AI systems.

One of the key issues is meaningful consent. While consent is an important principle of data protection, individuals do not always fully understand how their information will be used by an AI system, especially when the system is technically complex or the future uses of the data are difficult to predict in advance. Another important issue is transparency. AI systems may involve processes that are difficult for the average user to understand. This raises questions about whether individuals can effectively know how their information is being used, and whether they can exercise their rights. Profiling and automated decision-making are also important issues. The Supreme Court's privacy jurisprudence has recognized the risks associated with technology-based surveillance, profiling, and large-scale data use. Thus, the current literature has highlighted the need for stronger mechanisms for transparency, accountability, impact assessment, and oversight in AI governance.

3.7. Comparative Literature.

Comparative research is also an important part of understanding the approach to AI and data privacy in India. Experts have compared the DPDP Act with international legal frameworks such as the European Union's General Data Protection Regulation. Such comparisons help identify different approaches to issues such as consent, individual rights, liability, automated processing and regulatory oversight. Comparative literature does not mean that India should directly adopt the laws of other countries. It provides a basis for examining whether certain principles or security arrangements should be adopted taking into account India's legal and technological environment.

3.8. Research Gap

There is currently a sufficient amount of discussion in the literature on privacy, the constitutional right to privacy, the DPDP Act and the general relationship between AI and data protection.

However, there is still a need to examine the legal framework for AI in India, how appropriate it is for the protection of personal data and how this framework protects personal data.

Conceptual Framework

The conceptual framework within this study focuses on the relationship between AI, personal data and privacy rights in India.

The increasing use and rapid development of AI has led to an increase in the collection, processing and analysis of personal data.

Therefore, it is essential to understand the relationship between AI and data privacy to assess whether the existing legal framework in India provides adequate protection to individuals.

1. AI and Personal Data.

AI refers to a set of technologies and systems that can be used to analyze data, identify patterns, make predictions and display a variety of outcomes. Many AI systems rely on big data to improve their training, learning processes and operations. When such data relates to identifiable individuals, their collection and processing may raise questions about the protection of personal data.

2. Data Processing and Privacy

The use of personal data by AI systems demonstrates the direct relationship between data processing and privacy. Personal information can be collected and processed for a variety of purposes, including providing services, personalizing services, predicting, and making decisions. If individuals do not have sufficient information and control over how their information is used, this can have an impact on their privacy.

3. Privacy risks associated with AI.

The increasing use of AI can pose a number of privacy risks.

These include insufficient or unclear consent, lack of transparency, excessive collection of personal data, as well as overuse, profiling, data breaches, and difficulties in exercising individual rights.

The complexity of AI systems can also make it difficult for individuals to understand how their personal information is being used.

4. Indian Legal Framework

India has a significant legal framework for privacy, as well as the protection of personal data. In particular, Article 21 of the Constitution, the constitutional recognition of the right to privacy, provides the basis for the protection of personal privacy.

The Digital Personal Data Protection Act, 2023, also provides the legal framework for the processing and protection of digital personal data.

This legal framework for AI can be examined on the basis of principles such as consent, notice, purpose of data processing, data security, accountability and individual rights.

5. Individual rights and data protection.

An important part of this conceptual framework relates to the protection of individuals whose personal data is being processed.

Therefore, this study also demonstrates whether individuals themselves can exercise meaningful control over their personal information, and whether the legal framework provides effective protection against data misuse, unauthorized processing, and personal data breaches.

6. Accountability, and Responsible AI.

In this framework, the importance of accountability in AI-based data processing has also been considered. Organizations using AI should take appropriate measures to ensure that personal data is processed lawfully and securely. Therefore, transparency, security, and responsible data processing are important to maintain trust in AI technology.

7. Relationship between key concepts.

The conceptual relationship identified during the examination in this research can be shown as follows.

AI

Collection and processing of personal data

Privacy risks and challenges

Need for legal protection

Constitutional right to privacy, DPDP Act 2023

Related Transparency, Security and Accountability

Protection of Personal Privacy

Responsible Development and Use of AI.

Thus, this conceptual framework examines the security of personal data based on AI in India and provides a basis for assessing whether the Indian legal framework is adequate for the protection of personal data. It also provides a basis for identifying legal loopholes and for striking a balance between technological innovation and the protection of personal data, and facilitates deliberation.

Analysis and Discussion

The growing development and increasing use of AI in India is creating developments and innovations in various sectors, including education, health, banking, communication, online services and digital services, etc. As a result, many AI systems rely on and store large amounts of personal data, which raises important legal issues between the protection of personal data and the protection of individual privacy. This section analyses the main privacy concerns arising from the processing of personal data by AI, and examines the adequacy of India's legal framework to address these issues.

5.1 Processing and Privacy of Personal Data Based on AI

AI systems help facilitate various tasks such as providing services, providing personalized services, advancing and making decisions, and for all these tasks, they collect, analyse and process personal data. In addition, the speed at which AI processes information can pose different privacy risks compared to traditional information processing. Throughout this process, a key concern is whether individuals have full knowledge and control over the use of their personal information. When personal information is used by complex AI, it can be difficult for individuals to understand what information is being used, for what purpose, and how the results may affect them. Therefore, with the increasing use of AI, transparency and individual control become important components of personal information privacy.

5.2 Consent and Notice

Consent is important in the protection of personal information, although obtaining meaningful consent in the context of AI can be challenging. AI systems can use information for multiple processing or changing purposes, so it is not possible to understand all possible future uses of the information provided by an individual. The effectiveness of consent therefore depends not only on obtaining consent, but also on whether the individual is given clear and easily understandable information about the processing of their data. Notice is also important, as it is necessary to understand what information about the individual is being collected and for what purpose it is being processed. Thus, the Indian data protection legal framework recognises consent and notice as important safeguards, but further investigation is needed into their practical effectiveness in the environment of complex AI.

5.3 Transparency Profiling and Automated Decision Making.

When AI systems use complex algorithms to analyse personal data, transparency of personal data becomes more difficult, individuals do not have a proper understanding of their privacy information and how their data is being used for a particular promotion, recommendation or decision, thus raising concerns for individuals about whether they can question and challenge their data.

AI is also used for profiling, in which information related to a person is also analyzed, in which a person chooses his preferences, characteristics and patterns of behavior, thus profiling information is helpful in providing personalized services, but having such information in the hands of AI to a large extent raises questions about the privacy of the person, but also affects the autonomy of the person, hence, the processing of personal information by AI does not result in improper or unfair use of the information, and

transparency and accountability are important to prevent this, which should be ensured in advance.

5.4 Data Security and Personal Data Breaches

AI systems collect and process large amounts of personal data, raising concerns about the security and privacy of personal data and whether the data will be misused. Personal data breaches can have serious consequences for individuals, particularly when AI holds large amounts of personal data. Therefore, organizations should take appropriate measures when using AI, and adopt technical and organizational security measures, and ensure that they are properly controlled. Paragraph, The legal framework for the protection of Indian information security provides for appropriate security and obligations related to personal data breaches, but the effectiveness of these safeguards in the face of the rapidly growing development of AI depends on their proper implementation, monitoring, and enforcement.

5.5. Children's Data and AI

The rapid development of AI has increased in recent times, in which AI is also used by children to a large extent, including in education, social media, online platforms, games, cartoons, etc., thus children's information is also processed, and children are not aware of the privacy of their information and the risks associated with it, and are not capable enough to know about the misuse and inappropriate use of information, hence the need to protect children's information is even more important. The Indian legal framework protects the personal information of children, and provides special protections, but despite this, children's information is processed on a large scale, which raises questions about security, in such a situation, it becomes necessary to check whether the protections are sufficient or not.

5.6 Completeness of the Indian legal framework.

The Indian Constitution provides an important basis for the protection of personal privacy, and recognizes privacy as a constitutionally protected right, while the Digital Personal Data Protection Act, 2023 also provides an important legal framework for the protection of digital personal information. The current legal framework provides protection in several respects, including various issues such as consent, notice, data protection, individual rights, liability, and breaches of personal information, and thus provides protection against privacy risks in the context of AI. Paragraph, But AI poses special problems in certain circumstances, which become difficult to fully challenge even by traditional data protection principles, including the complexity of AI, profiling, automated processing, data used for the development of AI, etc., the results remain liable. Paragraph, Therefore, it is necessary to examine whether the

Indian legal framework is suitable for protecting privacy in the context of AI, the mere existence of privacy principles is not enough.

5.7 Balancing AI Innovation and Privacy Protection

AI can be important for technological and other economic development in India, for which strong regulations should be followed, but when not followed properly, it can become a risk to personal privacy, hence it is necessary to strike a proper balance between the legal framework and the technological development of AI, so that principles such as transparency, appropriate security, responsibilities, personal information and control of individuals over AI will be helpful and important in establishing a balance. Paragraph, this is not intended to stop the development of AI, but to ensure that the development of AI protects personal information and that the development of AI helps people in their lives.

5.8 Overall Discussion

This study found that AI and data privacy are closely linked, as personal information is required for the use of AI. AI systems also rely on personal information. The legal framework in India plays an important role in protecting personal information, but new issues also arise in comparison to the current evolving AI, which raises questions about the protection of relevant information, responsibilities, profiling, protection of children's information, transparency, etc. The effectiveness of the legal framework should not only be limited to legal obligations, but it should also be properly implemented with current technology. Paragraph, Therefore, there should be approaches to AI and personal information in India that keep in mind the development of technology and can face changing challenges, the development of a balanced legal framework will protect personal privacy information and will be helpful to everyone with the rapid development of AI technology.

FINDINGS

1. AI and Personal Data:

AI systems are increasingly dependent on the collection and processing of personal data, which raises important privacy issues.

2. Right to Privacy:

The Indian Constitution provides an important legal basis for the protection of personal privacy within the digital environment.

3. Current Legal Framework:

The Digital Personal Data Protection Act 2023 currently provides the legal framework for the protection and processing of digital personal data in India.

4. Consent and Transparency:

Meaningful consent is important as individuals do not always understand how their personal information is being used by AI.

5. Data Security.

The increasing use of AI may increase the risks of unauthorized access, misuse and loss of personal data, hence effective data security is essential.

6. Profiling and Automated Processing:

AI-based profiling and automated processing can impact an individual's privacy and autonomy, hence appropriate safeguards are required.

7. Children's Data:

There is a need for stronger privacy protections, as well as responsible data processing, when using AI with children's personal data.

8. Need for continued legal development:

The current Indian legal framework provides an important basis, but legal and regulatory development is required to address the multiple privacy challenges posed by AI.

9. Balance between AI and Privacy:

There is a need to strike a right balance between technological innovation and effective protection of individual privacy in India at present.

SUGGESTIONS

(1). For AI and personal information, AI developers and organizations should adopt provisions that ensure the protection and storage of personal information and proper control over AI processes.

(2). Strengthening privacy protection, in which the development and use of AI technology should be properly protected, constitutional privacy rights should be properly protected.

(3). Effective implementation of the DPDP Act, the Digital Personal Data Protection Act, 2023 should be properly implemented and effective in addressing the challenges of AI-related information privacy. Number four, consent...

(4). There should be an AI system regarding consent and transparency, clear and simple information should be provided about the collection and use of personal information, so that the person can easily understand it and give consent.

(5) Steps should be taken to protect information, so that its misuse, data breaches, etc. can be prevented. For which security measures and complex steps should be taken.

(6). Develop appropriate safeguards for profiling and automated processing, so that personal data is protected.

(7). Appropriate safeguards should also be taken to protect children's data, and AI systems should take into account stronger security and privacy protections when processing children's data.

(8). Continuous legal development, the Indian legal framework for protecting data based on AI should evolve with the evolving AI, so that the legal framework becomes effective. Number eight,

(9). A balanced approach should be adopted in India to balance innovation and privacy, which is effective for the development of AI and the protection of personal data.

CONCLUSION

- AI has become an integral part of the digital environment today, and its use is growing in various sectors such as healthcare, education, banking, employment and public service.
- The development of AI is dependent on the large-scale collection and processing of personal data, which raises important questions about personal privacy, data security and responsible use of information.
- This research shows that India has a constitutional recognition of the right to privacy and important legal services for the protection of digital personal data.
- This act looks at important issues such as consent, notice, security and accountability to regulate the processing of digital personal data.
- However, the rapid growth and increasing complexity of AI require continued legal and regulatory attention
- This study also highlights the need for stronger safeguards in areas such as meaningful consent, transparency, data security, profiling, automated processing and protection of children's data.
- The provision of privacy protections should not be limited to legal provisions but should be properly implemented and adapted to new technologies.
- India needs a balance and forward-looking approach that inspires responsible AI innovation while protecting the privacy and personal data of individuals.
- A strong legal framework with accountability, effective security measures and greater transparency can strike a balance between technological development and the fundamental right to privacy in India.

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