October 31, 2026

MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

DPDP Act penalties: fines, the Data Protection Board and appeals

DPDP Act penalties go up to ₹250 crore for failing to take reasonable security safeguards and up to ₹200 crore for a missed breach report or a breach of the children's data duties. The Data Protection Board, set up under the Digital Personal Data Protection (DPDP) Act, imposes them only for a significant breach, from about May 13, 2027.

THE LARGEST DPDP ACT penalty is up to ₹250 crore, for failing to take reasonable security safeguards against a personal data breach. The Act's Schedule sets a ceiling for each kind of breach, down to ₹10,000 for a person who files a false or frivolous complaint. The Data Protection Board sets each amount.

KEY FACTS

DATA PROTECTION

Digital Personal Data Protection Act, 2023

DATA RULES

Digital Personal Data Protection Rules, 2025

IT LAW

Information Technology Act, 2000

UPDATED

October 31, 2026

DPDP Act penalties: fines, the Data Protection Board and appeals

Ministry of Electronics and Information Technology · October 31, 2026

DPDP Act penalties go up to ₹250 crore for failing to take reasonable security safeguards and up to ₹200 crore for a missed breach report or a breach of the children's data duties. The Data Protection Board, set up under the Digital Personal Data Protection (DPDP) Act, imposes them only for a significant breach, from about May 13, 2027.

How large are the DPDP Act penalties?

The largest DPDP Act penalty is up to ₹250 crore, for failing to take reasonable security safeguards against a personal data breach. The Act's Schedule sets a ceiling for each kind of breach, down to ₹10,000 for a person who files a false or frivolous complaint. The Data Protection Board sets each amount.

A Data Fiduciary decides, alone or with others, why and how personal data is processed (Digital Personal Data Protection Act, 2023, section 2(i)). A Significant Data Fiduciary is one the government notifies, with extra duties (section 10).

Penalty ceilings in the Schedule, as enacted in 2023

Breach	Penalty up to	Schedule item
No reasonable security safeguards to prevent a personal data breach (section 8(5))	₹250 crore	Item 1
Not telling the Board or affected people of a personal data breach (section 8(6))	₹200 crore	Item 2
Breaking the extra duties for children's data (section 9)	₹200 crore	Item 3
Breaking the extra duties of a Significant Data Fiduciary (section 10)	₹150 crore	Item 4
An individual breaking their duties under section 15, such as filing a false or frivolous complaint	₹10,000	Item 5
Breaking a voluntary undertaking the Board accepted (section 32)	The ceiling for the breach that started the proceedings	Item 6
Breaking any other provision of the Act or the Rules	₹50 crore	Item 7

The Schedule sets ceilings ("May extend to"), not fixed amounts, and penalties go to the Consolidated Fund of India (sections 33(1) and 34). The government may raise a ceiling by notification, but never to more than twice the amount first enacted (section 42(1)).

For the ministry's other rules, see MeitY: India's data, platform, cyber security and electronics rules.

How does the Board decide a penalty?

The Data Protection Board imposes a penalty only where its inquiry finds a breach significant, and only after a hearing (section 33(1) of the DPDP Act). It sets the amount by seven matters in section 33(2), such as the breach's gravity and duration. Otherwise, it may close the proceedings (section 28(11)).

Section 33(2) of the Act lists them:

- (a) the nature, gravity and duration of the breach;
- (b) the type and nature of the personal data affected;
- (c) whether the breach is repeated;
- (d) any gain made or loss avoided through the breach;
- (e) any action to limit the breach's effects, and how timely and effective it was;
- (f) whether the penalty is proportionate and effective, given the need to secure compliance and deter breaches;
- (g) the penalty's likely impact on the person.

After a breach report, the Board may order urgent steps to limit the harm (section 27(1)(a)). It may close a complaint without sufficient grounds (section 28(4)) or issue interim orders (section 28(10)). It may send a dispute to mediation (section 31), or accept a voluntary undertaking that bars proceedings on what it covers unless broken (section 32).

From about May 13, 2027, the Board has a civil court's powers to summon people and inspect data and documents (section 28(7)). It may not bar access to premises or seize equipment that may disrupt a person's day-to-day functioning (section 28(8)).

When can the Board impose penalties?

The Data Protection Board can impose DPDP penalties from the eighteen-month step of G.S.R. 843(E), about May 13, 2027, when section 33 starts. That step also starts its inquiries into

complaints and breach reports. On October 31, 2026, the Board can neither inquire into a complaint nor impose a penalty.

The one-year step, about November 13, 2026, brings only Consent Manager registration and the Board's power over breaches of its conditions (G.S.R. 843(E), para (b)). It prints neither date; both count from the Gazette of November 13, 2025, whose ID carries November 14.

Every step is on DPDP Act timeline: what starts when, and what hasn't changed.

Is the Data Protection Board working, and who sits on it?

The Data Protection Board of India exists in law: G.S.R. 844(E) set it up on November 13, 2025, with its head office in the National Capital Region. On August 12, 2026, the government told the Lok Sabha the posts had been advertised in the Employment News on June 6, 2026. Its answer named no appointee.

The question also asked how many breach reports and complaints the government had received since November 2025; the answer gave no figure.

The texts disagree on the Board's size. G.S.R. 845(E) says it "shall consist of four members", and the Act's Member "includes the Chairperson" (section 2(q)). The call of May 6, 2026 from MeitY, the Ministry of Electronics and Information Technology, lists one Chairperson post and four Member posts, and the Lok Sabha answer says "Chairperson and four Members", five in all.

Search-cum-selection committees chaired by the Cabinet Secretary, for the Chairperson, and the MeitY Secretary, for Members, recommend appointees (DPDP Rules, rule 17). Members serve two years, may be reappointed and must include a legal expert (sections 19(3) and 20(2)). Rule 20 makes the Board a digital office.

How does a person complain to the Board?

A person complains to the company first: section 13(3) of the DPDP Act says you must use the Data Fiduciary's grievance system before going to the Data Protection Board. The company

answers within the period it publishes, at most 90 days. Then you complain to the Board, from about May 13, 2027.

1. Find the company's contact.

Every Data Fiduciary must publish the business contact of its Data Protection Officer, or of someone who answers questions on its processing (section 8(9); rule 9). The company's notice to you must say how to complain to the Board (rule 3(c)).

2. Raise a grievance with the company.

The company must run an effective grievance system and answer within the period it publishes, which may not exceed 90 days (sections 8(10) and 13(2); rule 14(3)).

3. Go to the Board.

Once you've used the company's route, complain to the Board (section 13(3)).

4. Complain in good faith.

A false or frivolous complaint can draw a warning or costs (section 28(12)) and a penalty of up to ₹10,000 (Schedule, item 5).

Rule 19(9) of the DPDP Rules gives the Board six months from a complaint to finish its inquiry, extendable by up to three months at a time with written reasons. It's a limit, not a promise of when a case ends.

Where do appeals go, and how long do they take?

Appeals against the Data Protection Board's orders and directions go to the Telecom Disputes Settlement and Appellate Tribunal (TDSAT). You file within 60 days of receiving the order, in digital form (DPDP Act, section 29(2); DPDP Rules, rule 22(1)). TDSAT may admit a late appeal for sufficient cause (section 29(3)).

Section 29(6) of the Act asks TDSAT to try to decide an appeal within six months of filing, and to record its reasons if it can't (section 29(7)). The fee is that of an appeal under the Telecom Regulatory Authority of India Act, 1997, unless TDSAT's Chairperson reduces or waives it (rule 22(2)).

Civil courts can't hear any matter the Board has power over, and no court or other authority may grant an injunction against action under the Act's powers (section 39).

Can the government block a service for DPDP breaches?

Yes, but only after the Data Protection Board has penalized a Data Fiduciary in two or more cases. On the Board's advice and after a hearing, the government may order public access blocked to information on any computer resource that lets the Data Fiduciary offer goods or services in India (DPDP Act, section 37(1)).

The government must find blocking necessary or expedient in the public interest and record why. An intermediary it directs must comply (section 37). Section 37 starts with the penalties, at the eighteen-month step (G.S.R. 843(E), para (c)).

How IndusDesk helps with the Board and penalties

We watch the authorities, tell you what each change means for your products and plans, represent you while a decision is still open, and carry the work through, with every step on record in your workspace.

Government affairs →

Regulatory & trade advisory →

Talk to our desk about DPDP penalties Message us on WhatsApp

Frequently asked questions

Is each DPDP penalty per breach, or capped per inquiry?

The DPDP Act doesn't say. Section 33(1) lets the Board impose "such monetary penalty specified in the Schedule" for a significant breach, and the Schedule gives one ceiling for each kind of breach. Neither says whether ceilings add up when one inquiry finds several breaches, though section 33(2)(c) makes a repeated breach one of the matters the Board weighs.

How do you find out which companies hold your data, and make them delete it?

Ask each company you gave consent to. From about May 13, 2027, a Data Fiduciary must, on request, summarize your data and name others it shared it with, except authorities that asked in writing about offenses or cyber incidents (DPDP Act, section 11). It must erase your data on request unless the purpose or a law needs it kept (section 12(3)); see DPDP Act: what India's data protection law asks of a business.

Can you still claim compensation under IT Act section 43A for a data breach?

Yes, until about May 13, 2027, when section 44(2) of the DPDP Act deletes section 43A of the Information Technology Act, 2000. Section 43A makes a business handling sensitive personal data pay compensation when its negligent security practices cause wrongful loss or gain; DPDP penalties go to the Consolidated Fund of India (section 34). Among the documents read to October 31, 2026, none says what happens to claims about earlier breaches; see DPDP Act timeline: what starts when, and what hasn't changed.

Sources

- The Digital Personal Data Protection Act, 2023 (Act No. 22 of 2023), August 11, 2023: sections 2(a), 2(i), 2(q), 8(5) to 8(10), 9, 10, 11 to 15, 19, 20, 27 to 34, 37, 39, 42 and 44(2), and the Schedule
- G.S.R. 843(E), November 13, 2025: the dates on which the provisions of the Digital Personal Data Protection Act, 2023 come into force, paras (a) to (c)

- G.S.R. 844(E), November 13, 2025: establishment of the Data Protection Board of India, paras 1 and 2
- G.S.R. 845(E), November 13, 2025: the number of members of the Data Protection Board of India
- G.S.R. 846(E), November 13, 2025: the Digital Personal Data Protection Rules, 2025, rules 1, 3(c), 9, 14(3), 17, 19(9), 20 and 22
- MeitY, F. No. 2(1)/2026-Pers.I, May 6, 2026: appointment to the posts of Chairperson and other Members in the Data Protection Board of India, para 2
- Lok Sabha unstarred question 3960, answered August 12, 2026: appointment of the Chairperson and Members of the Data Protection Board of India
- The Information Technology (Amendment) Act, 2008 (Act No. 10 of 2009): section 43A

IndusDesk

hello@indusdesk.com · +91 11 4141 3939

9th Floor, Hemkunt House, Rajendra Place, New Delhi, Delhi 110008, India

Read online: indusdesk.com/meity/dpdp-penalties/