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MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

India's digital laws for foreign companies: what applies, and when

India's digital laws reach foreign companies serving people in India, office or not. The Digital Personal Data Protection (DPDP) Act covers processing abroad connected with offering goods or services to people there, from about May 13, 2027. The Information Technology (IT) Act covers offenses abroad involving a computer in India. CERT-In, India's cyber security agency, requires a Point of Contact.

FIVE LAWS AND RULE sets from the Ministry of Electronics and Information Technology (MeitY) reach a company with no office in India: the DPDP Act, the IT Act, the IT Rules, CERT-In's directions and the Online Gaming Act. The gaming ban has applied since May 1, 2026. Most DPDP duties start about May 13, 2027.

KEY FACTS

DATA PROTECTION

Digital Personal Data Protection Act, 2023

DATA RULES

Digital Personal Data Protection Rules, 2025

IT LAW

Information Technology Act, 2000

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Which of India's digital laws reach a foreign company with no office in India?

Five laws and rule sets from the Ministry of Electronics and Information Technology (MeitY) reach a company with no office in India: the DPDP Act, the IT Act, the IT Rules, CERT-In's directions and the Online Gaming Act. The gaming ban has applied since May 1, 2026. Most DPDP duties start about May 13, 2027.

The government told Parliament in July 2026 that entities incorporated abroad or foreign-owned must follow India's applicable laws when serving users in India (Rajya Sabha, July 24; Lok Sabha, July 29).

What reaches you, and from when (as of October 31, 2026)

Law	What triggers it	Office or officer in India	Starts	Source
DPDP Act, 2023	Processing in India, or abroad in connection with offering goods or services to people in India	Only a Significant Data Fiduciary's Data Protection Officer	About May 13, 2027, section 3 included	DPDP Act, sections 3 and 10(2)(a); G.S.R. 843(E), para (c)
IT Act, 2000	An offense or contravention abroad involving a computer or network in India	Not needed for the Act to apply	In force	IT Act, sections 1(2) and 75
IT Rules, 2021	Acting as an intermediary, such as a platform, or as a news or streaming publisher, for users in India	A Grievance Officer, in India for a publisher; three resident officers for large social media platforms	Since February 25, 2021; synthetic content rules since February 20, 2026	IT Rules, 2021, rules 3, 4, 8(2) and 11(2)(a); G.S.R. 120(E)
CERT-In directions	Cyber incidents, for providers serving users in India	A named Point of Contact	60 days after April 28, 2022; some parts September 25, 2022	Directions; CERT-In FAQ, Q26 and Q29; extension of June 27, 2022
Online Gaming Act, 2025	Offering an online money game in India, or running one from outside India	Not needed for the ban to apply	Since May 1, 2026	Online Gaming Act, section 1(2); S.O. 1994(E)

CERT-In is India's agency for cyber security incidents (IT Act, section 70B). For AI, the India AI Governance Guidelines of November 5, 2025 say a separate AI law isn't needed at this stage. Every regime has its own guide, listed in our MeitY guide.

What counts as offering goods or services to people in India?

The DPDP Act doesn't define offering. Section 3(b) reaches processing outside India "in connection with any activity related to offering of goods or services to Data Principals within the territory of India": the people in India the data is about (section 2(j)).

The DPDP Act uses the same words twice more. A Data Fiduciary may use a processor for any activity related to offering goods or services only under a valid contract (section 8(2)). After two or more penalties, the government may, on the Board's advice and after a hearing, order public access to the Data Fiduciary's service in India blocked (section 37).

Do you need a representative, officer or office in India?

Usually not. Neither the DPDP Act nor the DPDP Rules require most companies to have a local representative. Three kinds need people in India: a Significant Data Fiduciary, for its Data Protection Officer; a social media platform with over 50 lakh registered users in India, for three officers; and a news or streaming publisher, for its Grievance Officer.

Who must be in India (as of October 31, 2026)

Law	Who	Must live or sit in India	Source
DPDP Act	Every Data Fiduciary's published contact for questions	No	DPDP Act, section 8(9); DPDP Rules, rule 9
DPDP Act	A Significant Data Fiduciary's Data Protection Officer	Yes, based in India	DPDP Act, section 10(2)(a)
IT Rules	Every intermediary's published Grievance Officer	No residence rule	IT Rules, 2021, rule 3(2)(a)

IT Rules	A significant social media intermediary's three officers, and a physical address	Yes, all in India	IT Rules, rules 4(1) and 4(5); S.O. 942(E)
IT Rules	A news or streaming publisher's Grievance Officer	Yes, based in India	IT Rules, rules 8(2) and 11(2)(a)
CERT-In	A Point of Contact for CERT-In	Needed even with no office; no residence rule	CERT-In FAQ, Q29; direction (iii)

No Significant Data Fiduciary had been notified among the documents read to October 31, 2026. MeitY may order another intermediary to meet the large platform duties if its service risks material harm to India's sovereignty and integrity, State security, foreign relations or public order (IT Rules, rule 6(1)). What CERT-In expects is in our guide to the CERT-In directions.

Do you need to register to process Indian personal data?

No registration duty for a business processing Indian personal data was found among the documents read to October 31, 2026. The DPDP texts set registration with the Data Protection Board only for Consent Managers, which help people give, manage and withdraw consent. A Consent Manager must be a company incorporated in India.

A Consent Manager also needs a net worth of at least ₹2 crore (DPDP Rules, First Schedule, Part A, items 1 and 4), so a foreign group can run one only through an Indian company. Registration opens about November 13, 2026 (DPDP Act, section 6(9); G.S.R. 843(E), para (b)).

Does a GDPR program cover the DPDP Act?

A GDPR program covers the DPDP Act only as far as it meets India's own texts, so check it point by point. Under the Act a child is anyone under 18, and the DPDP Rules require telling each affected person of a breach and a full report to the Board within 72 hours.

What India's texts require that a program should check

Point	India's rule	Source
Child	Anyone under 18; verifiable consent from a parent comes first	DPDP Act, sections 2(f) and 9(1)
Lawful basis	Consent, or a legitimate use the Act lists, such as employment	DPDP Act, sections 4(1) and 7
Notice language	English or any Eighth Schedule language, at the person's option	DPDP Act, section 5(3)
Breach: people	Each affected person, without delay	DPDP Rules, rule 7(1)
Breach: the Board	A description without delay, then a full report within 72 hours, unless the Board allows longer	DPDP Rules, rule 7(2)
Retention	Data, traffic data and logs for at least 1 year	DPDP Rules, rule 8(3)
Penalties	Up to ₹250 crore (safeguards), ₹200 crore (breach notices; children's data), ₹150 crore (Significant Data Fiduciary duties), ₹50 crore (other)	DPDP Act, Schedule
Significant Data Fiduciaries	Only those the government notifies	DPDP Act, section 10(1)

These start about May 13, 2027, and our DPDP Act guide explains each.

Can you keep sending Indian users' data abroad?

Yes. The DPDP Act lets the government restrict transfers to a country by notification (section 16), and no country had been notified among the documents read to October 31, 2026. Stricter Indian laws on transfers still apply, and rule 15 adds any requirements set by order on making data available to a foreign State.

Both start about May 13, 2027 (DPDP Act, section 16; DPDP Rules, rule 15). What else must stay in India is in our cross-border data transfer guide.

What applies to a foreign platform or app?

A foreign platform that stores or carries users' content is an intermediary, and keeps its section 79 shield from liability only by following the IT Rules' due diligence. Every intermediary publishes a Grievance Officer. A social media platform with over 50 lakh registered users in India also needs three officers living in India.

The shield needs the platform to only provide access, or not start a transmission, pick its receiver or pick or change what it carries, and to observe due diligence (IT (Amendment) Act, 2008, section 79(2)). It's lost if the platform takes part in the unlawful act, or doesn't quickly remove the material on actual knowledge or a government notice (section 79(3)). The three officers are a Chief Compliance Officer, a nodal contact for law enforcement around the clock and a Resident Grievance Officer (IT Rules, 2021, rule 4(1)). The deadlines are in our guide to the IT Rules 2021.

Can a foreign game publisher offer games in India?

Yes, for e-sports and online social games, which the Online Gaming Act promotes (sections 3 and 4). No one may offer an online money game, even from outside India (sections 1(2) and 5). When the government notifies games for registration, it may weigh the provider's country of origin or head office.

Only some games must register: those the government notifies, e-sports, and those the Online Gaming Authority picks while ruling on an application (Online Gaming Rules, 2026, rule 12). Our Online Gaming Act 2025 guide covers the bans and penalties.

Can a foreign company claim MeitY's incentives?

Through a company in India, for some of them. The Production Linked Incentive (PLI) 2.0 scheme for IT hardware and Target Segment 1 of the Mobile Phone Manufacturing Scheme (MPMS) take companies registered in India. Target Segment 2 and Semicon 2.0's chip design pillar need Indian owners. Government cloud needs an Indian company.

Any company registered in India may apply for PLI 2.0 (PLI 2.0, para 10.1). It closed on August 30, 2023, but MeitY may reopen it before it ends on March 31, 2031 (memorandum of July 31, 2023; PLI 2.0, paras 6.2 and 6.3).

MPMS Target Segment 1 needs a maker registered in India with a 2025-26 turnover of at least ₹10,000 crore (MPMS, para 7.1), counted worldwide with group companies (guidelines, para 3.1). An applicant or its brand owned or controlled, directly or indirectly, from a country that shares a land border with India faces the same checks as foreign direct investment (para 3.2). Our guide to Press Note 3 covers them.

Target Segment 2 is for Indian brands that, among other conditions, are incorporated in India, under the management control of Indian citizens and more than 51% Indian-owned, with their IP in India (MPMS, para 8.1). Semicon 2.0's design pillar takes only companies incorporated and headquartered in India, with significant operations and staff there. They must be owned and controlled by Indian citizens, or for commercial chips by Overseas Citizens of India (Semicon 2.0, paras 3.1.3 and 3.2.3). They may work in a consortium with global companies.

A government cloud provider must be incorporated in India and have operated there for three consecutive years, among other tests (cloud call of July 2026, Annexure 6).

See our guides to electronics manufacturing schemes, Semicon 2.0 and MeitY cloud empanelment.

Which ministry handles what for a foreign company in India?

MeitY handles data protection, platforms, cyber security, gaming, incentives and government cloud. The Ministry of Information and Broadcasting runs the IT Rules' part for news and

streaming. The Directorate General of Foreign Trade (DGFT) authorizes restricted IT hardware imports. The Department for Promotion of Industry and Internal Trade (DPIIT) handles foreign investment and the Make in India order.

- **MeitY:** every other regime on this page, Part II of the IT Rules included (IT Rules, 2021, rule 2(1)(l)).
- **Information and Broadcasting:** Part III of the IT Rules, for news and streaming publishers (rule 8(1)).
- **DGFT:** import authorizations for restricted IT hardware (Policy Circular No. 08/2025-26), in our guides to DGFT import authorization and exporting to India.
- **DPIIT:** foreign investment (see investing in India as a foreign company) and the Make in India procurement order (MeitY circular of December 3, 2025).

MeitY: India's data, platform, cyber security and electronics rules →

MeitY questions, answered from the official texts →

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Frequently asked questions

Does the DPDP Act apply to data an Indian company or GCC processes for clients abroad?

Mostly not. When a company based in India processes the data of people outside India under a contract with a person outside India, most duties in the DPDP Act don't apply to that data (section 17(1)(d)). Reasonable security safeguards and responsibility for processors still do (section 8(1) and (5)).

Do employers need consent to process employee data?

Not for the purposes of employment. Section 7(i) of the DPDP Act lists employment, and protecting the employer from loss or liability such as corporate espionage or leaked trade secrets, among the legitimate uses that need no consent. The other duties, such as security safeguards, still apply from about May 13, 2027.

Does the gaming law reach offshore operators and foreign game publishers?

Yes. The Online Gaming Act covers online money gaming services offered in India or run from outside India (section 1(2)), and information about one that breaks the bans may be blocked (section 14). The Online Gaming Authority's advisory of July 29, 2026 tells anyone in the chain, from app stores and cloud providers to banks and ad agencies, to stop enabling such games.

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