

TRAINING AI MODELS UNDER THE DPDP ACT

What the Digital Personal Data Protection Act, 2023 says about a training run, though it never uses the words “artificial intelligence”

The Act and the Digital Personal Data Protection Rules, 2025 do not use the words “artificial intelligence”. The Act regulates processing, and training a model on digital personal data is processing. This note sets out the search, the definition of processing, the duty that follows a withdrawal of consent and the opening words of section 7 and, on the next page, short notes on what each means for a build.

Searched on 14 October 2026 in the Gazette texts of the Act and the Rules, line breaks ignored

<i>Words searched</i>	<i>The Act</i>	<i>The Rules</i>
“artificial intelligence”	0	0
“AI”, as a word	0	0
“legitimate interest”	0	0
“artificial”	1	0
“algorithm”, in any form	0	1

The one “artificial” in the Act is in “artificial juristic person”, in the definition of “person” in section 2(s). The one “algorithm” in the Rules is in rule 13(3): a Significant Data Fiduciary must observe due diligence to verify that its technical measures “including algorithmic software” are not likely to pose a risk to the rights of Data Principals.

Section 2 (Definitions), clauses (x) and (za)

(x) “processing” in relation to personal data, means a wholly or partly automated operation or set of operations performed on digital personal data, and includes operations such as collection, recording, organisation, structuring, storage, adaptation, retrieval, use, alignment or combination, indexing, sharing, disclosure by transmission, dissemination or otherwise making available, restriction, erasure or destruction;

(za) “specified purpose” means the purpose mentioned in the notice given by the Data Fiduciary to the Data Principal in accordance with the provisions of this Act and the rules made thereunder; and

Section 6 (Consent), sub-section (6)

(6) If a Data Principal withdraws her consent to the processing of personal data under sub-section (5), the Data Fiduciary shall, within a reasonable time, cease and cause its Data Processors to cease processing the personal data of such Data Principal unless such processing without her consent is required or authorised under the provisions of this Act or the rules made thereunder or any other law for the time being in force in India.

Section 7 (Certain legitimate uses), opening words

7. A Data Fiduciary may process personal data of a Data Principal for any of following uses, namely: ...

Clauses (a) to (i) follow in the Act. What they cover is noted on the next page.

The Digital Personal Data Protection Act, 2023 (No. 22 of 2023).
Gazette of India, Extraordinary, Part II, Section 1, No. 25, 11 August 2023.

NOTES

Processing. Clause (x) defines processing as a wholly or partly automated operation, or set of operations, performed on digital personal data. Collection, storage, structuring, adaptation, use and combination are all in its list. Training a model performs operations of that kind on the data it is given. Where that data is digital personal data, the training is processing. The Act gives a training run no category of its own.

Purpose. Section 4(1) allows processing only for a lawful purpose for which the Data Principal has given her consent, or for certain legitimate uses. Under section 6(1), consent signifies agreement to processing for the specified purpose, and clause (za) ties that purpose to the notice. Data collected for one purpose does not become training data because the plan for the product has changed. Training for a purpose the notice did not name needs a basis of its own.

Withdrawal. Sub-section (6) of section 6 requires the Data Fiduciary, within a reasonable time, to cease processing and to cause its Data Processors to cease, unless the processing without consent is required or authorised by law. In a build, the stop has to reach every processor and every copy of the data held for training. That is cheaper to build in at the start than to add once the copies have spread.

Basis. Section 7 lists nine uses, clauses (a) to (i). Clause (a) covers the specified purpose for which the Data Principal voluntarily provided her data, where she has not indicated that she does not consent. Clauses (b) to (e) concern the State, legal duties to disclose information to the State and compliance with judgments, decrees and orders. Clauses (f) to (h) concern medical

emergencies, health services during an epidemic and safety during a disaster or a breakdown of public order. Clause (i) concerns employment. No clause calls for the fiduciary's interest to be weighed against the Data Principal's. A use falls within a clause or it does not.

An illustration (the writer's, not part of the Act). A photo-editing app collects users' photographs to edit them, and its notice names that purpose. A year later the team wants to train an image model on the stored photographs. That is a purpose the notice did not name. Of the uses in section 7, only clause (a) comes near, and it is tied to the purpose for which the photographs were given. The team would need the users' consent for training, with a notice that names it. If a user later withdraws that consent, section 6(6) applies to her photographs in the training set as well.

Commencement. The provisions quoted come into force on the dates the Central Government appoints by notification under section 1(2), and different dates may be appointed for different provisions. The dates are not set out here. They should be checked before this note is relied upon.

Not dealt with here. Whether the Act applies at all (section 3, including its exclusion of personal data that the Data Principal has made publicly available); the exemptions in section 17, among them processing necessary for research, archiving or statistical purposes on the conditions stated there; children's data (section 9); whether a trained model itself holds personal data; and the law of any other country.

Sources

The Digital Personal Data Protection Act, 2023 (No. 22 of 2023), Gazette of India, Extraordinary, Part II, Section 1, No. 25, 11 August 2023.

The Digital Personal Data Protection Rules, 2025, G.S.R. 846(E), Ministry of Electronics and Information Technology, Gazette of India, Extraordinary, Part II, Section 3(i), No. 760, 13 November 2025.

Kept with the other documents at wolfgangrush.github.io/resources.

General information on Indian law. Not legal advice; no advocate-client relationship arises. Nothing here is a statement of the law of any country other than India.