DPDP IMPLEMENTATION MOVES FORWARD: DATA PROTECTION BOARD WEBSITE GOES LIVE WITH CONSENT MANAGER REGISTRATION

A. WHAT HAPPENED

The website of the Data Protection Board of India (**"Board"**) is now live, with registrations for Consent Managers commencing on **13 November 2026**, in accordance with the phased implementation timeline notified under the Digital Personal Data Protection Act, 2023 (**"DPDP Act"**) and the Digital Personal Data Protection Rules, 2025 (**"DPDP Rules"**).

Although these provisions specifically concern Consent Managers, their significance extends beyond entities seeking registration. **The commencement of registrations as scheduled indicates that the Government is adhering to the notified implementation timelines**, with the principal compliance obligations set to take effect on 13 May 2027.

The next significant development to watch is the operationalisation of the Board. In *C.R. Neelakandan v. Union of India*, the Kerala High Court, by its order dated 7 October 2026, recorded that the Board had been constituted but was not yet functional. The court expressed its expectation that the Board would become functional within eight weeks. Viewed alongside the launch of the registration portal, this suggests that the appointment of the Board's Chairperson and Members and its operationalisation could follow in the near future.

The Board becoming functional would also be significant for the practical implementation of the DPDP framework. While the DPDP Act and DPDP Rules establish the legal requirements, certain aspects continue to raise operational questions, including:

- **Section 7(a) – Voluntary provision of personal data:** The practical application of the specified purpose requirement, particularly in situations where individuals voluntarily share their personal data with businesses.

- **Consent Manager interoperability:** How registered Consent Managers will interact with organisations' existing consent management tools and the technical standards and assurance framework that may be published by the Board.

- **Regulatory proceedings and enforcement:** How the Board will operationalise complaint handling, breach inquiries and determination of penalties, including the expectations around demonstrating compliance.

While the Board's operationalisation may bring greater clarity on certain aspects, not all interpretative questions necessarily fall within its mandate. Further guidance may also require clarification from the Central Government or develop through regulatory practice.

FOUNTAINHEAD LEGAL
C-2106, Oberoi Garden Estate, Chandivali Farm Road, Powai - 400072
T. +91 98338 62234 E. rashmi@fountainheadlegal.com
www.FountainheadLegal.com

B. WHAT DOES THIS MEAN FOR BUSINESSES

With only 6 (six) months remaining until 13 May 2027, businesses should not wait for every regulatory ambiguity to be resolved before commencing implementation.

Organisations should use the remaining transition period to assess their personal data processing activities, identify compliance gaps, implement appropriate notices and consent mechanisms, establish procedures for Data Principal rights and grievances, review security and breach management practices, and strengthen retention and vendor management arrangements.

The latest developments reinforce an important message: India's data protection framework is progressively becoming operational, and businesses must ensure that their internal compliance efforts keep pace.

C. HOW CAN FHL SUPPORT

Fountainhead Legal helps organization identify what needs to change, put the essential documentation in place and support implementation. The scope can be tailored to the business model of the organization and priority risks, with a defined scope and fee for each phase.

1. Phase I – Gap Assessment:
We Review existing personal data processing activities, business processes, policies and contractual arrangements to identify compliance gaps and develop a prioritised implementation roadmap.

Outcome: A concise gap assessment and prioritised action plan, identifying responsibilities and implementation timelines.

2. Phase II – Essential Documentation
We prepare or refine the priority notices, consent language, policies and contractual clauses needed to address the identified gaps. A proportionate record of processing activities (ROPA) and practical procedures for rights, retention and breaches support day-to-day compliance.

Outcome: An agreed set of usable documents and workflows, adapted to the organization's operations.

3. Phase III – Implementation and Handholding
We help the designated teams put the agreed framework into practice, address legal queries and conduct a focused staff orientation. Where tools are being considered, we help define legal requirements for consent management, Data Principals' rights and breach management, and coordinate with the chosen technology provider.

Outcome: Supported rollout of the priority actions, with clear ownership and a review of progress.

To discuss a suitable scope, please contact:

Rashmi Deshpande (Partner) – E: rashmi@fountainheadlegal.com or Mob: +91 98338 62234

Aarushi Ghai (Senior Associate) – E: aarushi@fountainheadlegal.com or Mob: +91 91314 15290

Vaibhav Gupta (Associate) – E: vaibhav@fountainheadlegal.com or Mob: +91 77987 96778

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