

INTERNAL TEAM WORKSHEET

Section 7 Decision Matrix

Can You Process Personal Data Without Consent Under DPDP?

USE THIS FOR

Legal, product, marketing, and privacy teams deciding whether consent is required.

Help a business decide whether a processing activity can rely on Section 7 of the DPDP Act or needs consent under Section 6.

RECOMMENDED WORKFLOW

Complete the worksheet, assign owners, and preserve evidence.

This asset is designed to be shared with internal legal, product, operations, security, and leadership teams.

Important note: Section 7 can remove the need for consent for a specific activity. It does not remove general DPDP obligations such as security safeguards, breach notification, retention limits, processor contracts, and grievance handling.

Page 1: The Fast Decision Flow

Step 1: Describe The Processing

FIELD	ANSWER
Processing activity name	
Business owner	
Product/system involved	
Personal data categories used	
Data Principal type	Customer / employee / user / patient / applicant / other
Purpose in one sentence	
Does the activity involve children under 18?	Yes / No / Unknown
Does the activity involve health, financial, biometric, location, or high-risk data?	Yes / No / Unknown
Is any Data Processor involved?	Yes / No / Unknown

Step 2: Check Whether Section 7 Fits

QUESTION	IF YES	IF NO
Did the Data Principal voluntarily provide this data for this exact purpose?	Consider Section 7(a)	Go to next question
Is this processing required for employment, employer protection, or an employee-requested benefit?	Consider Section 7(i)	Go to next question
Is this processing required by Indian law or a statutory disclosure obligation?	Consider Section 7(d)	Go to next question
Is this processing required by a court, tribunal, decree, judgment, or qualifying civil/contractual order?	Consider Section 7(e)	Go to next question
Is this a medical emergency involving threat to life or immediate threat to health?	Consider Section 7(f)	Go to next question
Is this tied to epidemic, outbreak, or public-health response?	Consider Section 7(g)	Go to next question
Is this tied to disaster response or breakdown of public order?	Consider Section 7(h)	Go to next question
Is this processing by the State for benefits, services, certificates, licences, or permits?	Consider Section 7(b)	Go to next question
Is this processing by the State or its instrumentality for a function under law or national-security/public-order purpose?	Consider Section 7(c)	Consent likely required

Page 2: The Section 7 Matrix

SECTION 7 GROUND	TYPICAL FIT	COMMON MISUSE	PROOF TO KEEP
7(a) voluntary provision for specified purpose	Receipt, order update, user-requested callback, specific inquiry response	Adding the data to marketing, profiling, unrelated analytics, partner sharing	Collection point, user request, stated purpose, end of purpose
7(b) State benefit/service/certificate/licence/permit	Government benefit delivery, licence issuance, certificate processing	Private contractor claiming the ground without clear government role	Scheme document, authority, contract, data fields needed
7(c) State function, sovereignty, integrity, security of State	Lawful State functions, national security, public-order functions	Ordinary private processing or vague "public interest" claims	Written authority, statutory basis, purpose, recipient
7(d) compliance with Indian law	Tax, statutory filings, regulatory disclosures	Treating internal policy as legal requirement	Specific law/rule/order, disclosure log, recipient
7(e) court or tribunal order	Litigation hold, court-ordered disclosure, civil/contractual order	Treating informal legal threats as orders	Order copy, legal approval, scope of data
7(f) medical emergency	ER treatment, ambulance response, urgent health intervention	Routine healthcare marketing or non-urgent care operations	Emergency note, data accessed, access owner
7(g) epidemic/public health	Outbreak response, vaccination coordination, public-health surveillance	General health analytics or wellness campaigns	Public-health context, authority, end date
7(h) disaster/public order breakdown	Rescue, relief distribution, missing-person coordination	Ongoing reuse after the emergency ends	Event record, assistance purpose, deletion/review date
7(i) employment and employer protection	Payroll, HR admin, access control, trade-secret protection, employee-requested benefits	Broad surveillance, wellness programmes, unrelated profiling	Employment purpose, policy basis, necessity note

Page 3: Red-Flag Test

If any answer below is "yes", do not rely on Section 7 without legal review.

RED FLAG	YES / NO	NOTES
The purpose includes marketing, retargeting, newsletters, or promotional outreach.		
The activity uses data for a new purpose unrelated to why it was collected.		
The team cannot name the exact Section 7 subsection.		
The processing is useful but not necessary.		
The processing involves children under 18.		
The processing involves health, biometric, financial, or precise location data.		
The processing involves automated profiling or decision-making.		
The data will be shared with another Data Fiduciary or third party.		
The Data Principal objected or indicated they no longer want the processing.		
The processing will continue after the original purpose ends.		

Page 4: Legal Basis Record

Complete this before the processing goes live.

FIELD	ENTRY
Processing activity	
Section 7 ground relied on	
Why this ground applies	
Why consent is not required	
Why the processing is necessary	
Data categories used	
Systems involved	
Vendors/processors involved	
Retention period	
Who approved this basis	
Review date	

Page 5: Decision Outcome

Choose one.

Outcome A: Section 7 Can Be Used

Use this only if the processing clearly fits one ground and the purpose is narrow.

Required actions:

- record the Section 7 ground
- document systems and vendors involved
- maintain security safeguards
- limit processing to the stated purpose
- set retention or review date
- keep the record with your processing inventory

Outcome B: Consent Is Required

Use this if the activity is marketing, profiling, optional analytics, unrelated reuse, or anything outside the Section 7 list.

Required actions:

- create or update consent notice
- log consent timestamp and scope
- connect withdrawal to downstream systems
- separate this purpose from other purposes
- provide withdrawal mechanism

Outcome C: Legal Review Required

Use this if the activity is high-risk, ambiguous, or involves children, sensitive categories, cross-border sharing, public authority requests, or automated decisions.

Required actions:

- pause launch if possible
- involve privacy/legal owner
- document final decision
- prepare legal-basis memo
- consider DPIA-style risk review

Footer Disclaimer

This worksheet is for general information and internal planning. It is not legal advice. Section 7 decisions should be reviewed by a qualified data protection professional where the processing is high-risk, ambiguous, or material to the business.