

# India's IT Rules undermine user security, says WhatsApp CEO

By Alnoor Peermohamed, ET Bureau • Last Updated: Sep 15, 2021, 06:07 AM IST



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## Synopsis

India, which had notified the revised IT rules in February this year, has made it mandatory for messaging apps to comply with the controversial legislation since May 26.



WhatsApp CEO Will Cathcart

India's revised **Information Technology** Guidelines that requires technology platforms to trace the origin of flagged messages "undermines security that end-to-end encryption provides", **WhatsApp CEO Will Cathcart told technology publication The Verge** on Monday, adding that the move could see more countries worldwide following suit.

"With the **IT rules** in **India**, the specific thing those rules would require is us

to build some system [to comply] if someone comes to us and says “Hey, someone said the words ‘XYZ.’ Tell us who (is) the first person who said the words XYZ.” That’s not private. And it undermines the security that end-to-end encryption provides,” Cathcart told the Verge.

India, which had notified the revised IT rules in February this year, has made it mandatory for messaging apps to comply with the controversial legislation since May 26.

"I think that there's a political question and there's a technical question. The way they wrote the rules, and what they've said, is that they only want to apply it to people in India. But I think there's a broader political question," Cathcart told The Verge . "The more some countries see other countries do it, or push for it, the more that they want to push for it, too."

India’s new IT rules require significant social intermediary companies, those with over five million registered users, to have compliance, nodal and grievance officers who are residents of the country. Messaging platforms such as WhatsApp, Telegram and Signal are required to trace the origin of the messages sent on their services.

On May 26, WhatsApp filed a case against the IT rules in the Delhi High Court saying the traceability clause undermines the right to privacy of the people.

“Requiring messaging apps to “trace” chats is the equivalent of asking us to keep a fingerprint of every single message sent on WhatsApp, which would break end-to-end encryption and fundamentally undermines people’s right to privacy,” a Whatsapp spokesperson said.

"We have consistently joined civil society and experts around the world in opposing requirements that would violate the privacy of our users. In the meantime, we will also continue to engage with the Government of India on practical solutions aimed at keeping people safe, including responding to valid legal requests for the information available to us," the spokesperson added.

ET reported on September 7 that the government has reiterated its stand in favour of traceability, making it clear that social media platforms like WhatsApp must "reengineer their platforms" if need be to help law enforcement agencies trace the origin of messages that are creating any law-and-order issue.

India has maintained that “traceability has nothing to do with breaking end-to-end encryption.” Holding that it is very “much possible” and is an “absolute

necessity” for national security and law and order in the country, despite pushback from WhatsApp.

### **Preserving Encryption**

Experts are of the view that WhatsApp has serious and deep reservations with regard to traceability under the IT Rules. The Facebook-owned company has a writ petition pending in the High Court of Delhi, “which is limited in its challenge to the requirement for the platform to make product changes in order for it to be compliant, specifically traceability,” according to Apar Gupta, executive director at Internet Freedom Foundation, an advocacy group that works on privacy, among other issues.

“It is important to note that no other platform, be it Indian or Silicon Valley-based big tech, has approached the court directly to challenge the constitutionality of a central government rule, regulation or legislation, specifically in the context of content moderation. So, there is a level of seriousness there,” he added.

Cathcart has reiterated that the Indian government mandate undermines the security that the messaging platform’s end-to-end encryption provides.

“I think 10 years from now even more of our lives will be online. Even more of our sensitive data will be online. There will be even more sophisticated hackers, spyware companies, hostile governments, criminals trying to get access to it. And not having the best security means that information is stolen. I think that has real consequences for free society,” he said in the interview with The Verge.

### **Privacy Concerns**

“If journalists’ information is being stolen, which we saw in some of the reporting around NSO Group, I think that undermines the free press. If people who want to organize can’t communicate in private, I think that undermines their ability to advocate for change. I think there’s a lot of core tenets of democracy and liberalism that actually rely on people being able to have private information,” he added.

Cathcart expressed hope that over the next few years, governments will realize that on balance, the more important thing for them to do is protect their citizens’ data.

“That the threats are growing, and so their interest in protecting people’s security is higher, and therefore they’ll be dismissive of what some other countries are asking for. But I don’t know,” he told the publication.

Last week, **WhatsApp introduced encrypted backups for its users on Android and iOS software**, which the company CEO said was an additional step to protect the privacy of peoples messages.

“Many people don’t back up their messages, but a lot of people do. And you can opt into backup on Google or iCloud if you have an Android or an iPhone. We wanted to see if we could find a way to add the same level of end-to-end encrypted security that you get when you send a message across WhatsApp to those backups,” said Cathcart.

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By Anjali Venugopalan, ET Bureau • Last Updated: Sep 15, 2021, 05:50 AM IST



### Synopsis

ET spoke to half a dozen upskilling firms - upGrad, Simplilearn, Great Learning, Coursera, Scaler Academy and Masai School - and they say there has been a significant uptick in the number of women signing up for part-time courses in fields such as software development ever since the pandemic started.

