

BGMI Gets Green Signal from Indian Government: Legal Implications and Key Details

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On March 20, 2023, the Government of India (“GOI”) released a notification, stating the Battlegrounds Mobile India (“BGMI”) unbanned. Given the current controversy surrounding the popular mobile game’s data privacy problems, this decision has substantial legal ramifications.

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From Ban To Relaunch: The Controversial Journey Of PUBG Mobile And BGMI In India

The GOI banned PUBG Mobile, BGMI’s predecessor, in September 2020, claiming national security concerns. The restriction comes amid escalating tensions between India and China, where Tencent Games, the game’s developer, is based. In India, PUBG Mobile got over 175 million downloads, making it one of the most popular mobile games in the country. Following the ban, Krafton, the South Korean video game developer that acquired PUBG Corporation, said that a new version of the game would be released particularly for the Indian market. BGMI, a new game, was published in July 2021 and quickly gained popularity, with over 50 million downloads in the first two months.

However, the GOI has continued to express concerns about the game's data privacy and security. The Ministry of Electronics and Information Technology ("MEITY") conveyed a warning to Krafton in November 2021, requesting clarification on the game's data storage and sharing methods. In response, Krafton modified the game's data storage and sharing procedures, such as holding Indian users' data on servers in India and not sharing it with any third party without prior consent.

Implications for Data Privacy and Security in the Digital Age

However, on March 20, 2023, the GOI decided on BGMI's un-ban. The specifics of these considerations are yet to be revealed.

The decision of the Indian Government to BGMI unban with minor amendments has important legal ramifications. For starters, it demonstrates that GOI is open to altering its position on banned apps if data privacy and security issues are effectively handled. This decision establishes a precedent for other app developers whose apps have been blocked in India on similar grounds to resolve the government's concerns and work toward relaunch. Secondly, the decision of the Indian government to unban BGMI emphasizes the significance of data privacy and security in the digital era.

As more individuals rely on mobile apps for daily activities, their data must be protected from unwanted access and exploitation. The GOI's emphasis on data being stored on servers in India reflects this worry. It shows that the GOI values data privacy and security and expects app developers to do the same.

Thirdly, the decision of BGMI's unban may heighten scrutiny of other mobile apps operating in India's data privacy and security policies. This was indicated by the GOI's notification to Krafton asking for clarity on BGMI's data storage and sharing methods. With the government indicating a readiness to take action against apps that violate data privacy legislation, other app makers in India may face similar scrutiny. Finally, the decision emphasizes the need for app developers to be aware of and adhere to India's data privacy legislation.

Current and upcoming laws & regulations

The Information Technology Rules, 2011, and the Draft Digital Personal Data Protection Bill, 2022, are the current legislation in India that govern data privacy and security.

- The Information Technology Rules, 2011, require companies collecting sensitive personal data or information to develop a privacy policy defining the purpose of collection, usage, and dissemination. It also demands that businesses have proper security procedures and processes in place to protect sensitive personal data or information.
- The Draft Digital Personal Data Protection Bill, 2022, proposes to establish a framework for personal data protection as well as a regulating authority. The bill categorizes all personal data as either sensitive or non-sensitive, as well as data localization, which includes storing a copy of all personal data within India. It also includes provisions for the right to be forgotten, data portability, and being notified about the use of personal data.

Conclusion

App developers in India are expected to follow certain laws to appropriately protect their users' personal information. As indicated by its notification to Krafton demanding clarification on BGMI's data storage and sharing procedures, the government has been actively enforcing these regulations.

With the upcoming approval of the Draft Digital Personal Data Protection Bill, 2022, app developers are expected to face increasing regulatory scrutiny, and failure to comply with data privacy regulations may result in severe legal penalties.

The GOI's decision to BGMI's unban the go-ahead for a relaunch with certain tweaks is a big move for India's mobile gaming business. It emphasizes the necessity of data privacy and security in the digital age, as well as the importance of app developers taking these concerns seriously. It is unclear what adjustments would be made to the game, but the GOI's decision will have far-reaching legal ramifications.

FAQs

What is BGMI, and why was it banned in India?

BGMI is a popular smartphone game, and PUBG Mobile, its predecessor, was banned in India in 2020 owing to national security concerns.

What Changes Were Made To BGMI To Address Data Privacy And Security Concerns?

The game's creator, Krafton, amended the game's data storage and sharing processes, such as storing Indian users' data on servers in India and employing a data protection officer stationed in India.

What legal implications does the Indian government's approval of BGMI's relaunch have?

The approval sets a precedent for other app developers whose apps have been blocked in India to address the government's concerns and relaunch their apps. It also outlines the need for data privacy and security in the digital era, as well as the requirement for app developers to follow India's data privacy legislation.

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