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Tensions, nodes, and the questions we left open from

Pacta's Community of Practice (CoP) on

Verifiable Parental Consent (VPC) (Section 9 / Rule 10)

Date: 20 August 2026



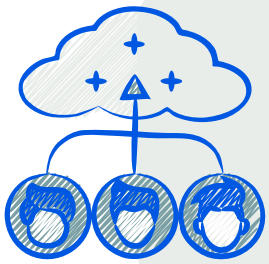
Reflections by Nivedita Krishna,
Founder-Director, Pacta

What Counts as Consent



When we gathered to reflect on VPC under the DPDP Act, I was struck by how far behind the room was in the journey towards meaningful adoption and compliance of the DPDP Act. Everyone in the room ran programmes touching children's data: WhatsApp chatbots, Anganwadi registers, school workshops, health records. And each had several fundamental questions ranging from whether consent can be taken orally, whether consent was indeed required for practices that non-profit professionals were conditioned to, like taking photographs of children while on a “field visit”, submitting identifiable beneficiary data to the funder assuming that “consent” was the settled part. It isn't. As with every CoP, the value came not from a reading of the rules but from watching practitioners test them against the messiness of their own work. These are the nodes we kept returning to, each a genuine tension, each leaving a question we could not close.

The discussion revealed several nodes:



The First Node
Collecting Less than You are Able to

The founding principle sounds simple and turns out to bite: collect only the data the specific purpose requires, because excess data invalidates the consent entirely. A school gathering child health records for an education programme hasn't merely over-reached; it has voided its consent, an automatic violation.

What complicated the room was anonymisation, which we agreed is far weaker than we tell ourselves: in a cluster of twenty households, a handful of indicators re-identify a family without a name in sight. Minimisation, then, is not a form-design task; it is a discipline about what you deliberately choose not to know.

Still open:

With populations this small, is meaningful anonymisation even available to us or are we leaning on a protection that doesn't actually hold?

The discussion revealed several nodes:



The Second Node
Who Becomes the Fiduciary, and When?

Fiduciary status, we realised, is not a badge you apply for; it attaches the moment you decide the purpose or means of collection, and it can arise mid-project. In an NPO-designed programme, the non-profit, not the government partner, is usually the fiduciary, because the NPO defined the purpose. It can also happen inadvertently: a chatbot where users volunteer names and locations makes you a collector whether you intended it or not, so you disclaim clearly at sign-up and delete what slips through as fast as you can. For WhatsApp programmes using numbers sourced from schools, the safest posture the room found was to take consent directly at onboarding and treat yourself as a fiduciary, rather than lean on “we are only a processor.”

Still open:

Does your MOU with the government actually permit sharing identifiable data with you for this purpose or have you assumed a coverage the document never gave?

The discussion revealed several nodes:



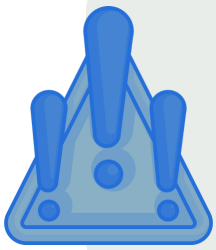
The Third Node
What “Verifiable” Actually Verifies

Section 9 draws hard lines: consent before processing and never after; no processing that harms a child's wellbeing, with no exception to that clause; no tracking or targeted advertising. Rule 10 then offers verification routes: details already in your records, details given at onboarding, or a virtual token through something like DigiLocker. But “verifiable” is where we lingered, because it most likely means confirming the consenting person is an adult, not proving they are the parent. If a child misrepresents their identity, that is their breach to answer for; your duty is best efforts, not omniscience. The hardest case was the absent parent, a child with a guardian, parents in another city. The answer wasn't a rule but a practice: document the efforts made, identify the next responsible adult and the basis for it, take consent with whatever verification is possible. Defensibility rests on documented due diligence, not on perfect compliance.

Still open:

When the parent genuinely cannot be reached, who counts as “responsible enough” and how much diligence is enough to stand behind months later?

The discussion revealed several nodes:



The Fourth Node
The Exemptions that Exempt Less than they Seem

The Fourth Schedule tempts everyone, and the room's caution here was the sharpest insight of the day. The exemptions are purpose-specific, never blanket, and crucially they lift the verification requirement, not consent itself, which is still expected. Registered health providers, educational institutions tracking educational activity or child safety, daycare and transport operators tracking location for safety, state benefit schemes: each fits a narrow purpose. And the exemption evaporates the instant that data is used for donor reporting, monitoring and evaluation, or a third-party impact assessment beyond the core service, which is, uncomfortably, what most of us do as a matter of routine.

Still open:

Can a programme obliged to report to funders and evaluators ever truly sit inside an exemption or does the reporting we are required to do quietly disqualify us?

The Art of
Discovering Together



What I carried away was less a checklist than a posture: read the Fourth Schedule against what you actually do rather than what you wish it covered, audit your government MOUs for the data-sharing clause you assumed was there, and push back when donors ask for personally identifiable data, because sharing it likely breaches the Act whatever the grant agreement says. But the deeper thing, again, was the format itself, a room of people who each held one piece of the answer, discovering together that none of us held all of it. That is what a community of practice is for.

This is a personal reflection on a community-of-practice session and the discussion within it. It captures tensions and interpretations raised in the room, not settled legal positions, and it is not legal advice. Organisations should confirm specifics - forms, deadlines, fees, and the status of pending legislation - with qualified FCRA counsel before acting.

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