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In March this year, the National Database and Registration Authority (NADRA), which is responsible for regulating government databases in Pakistan and managing the registration records of the citizens, clarified that the digital national identity card has the same legal status as the physical identity card (Radio Pakistan, 2026). The digital identity card is seen as a sign of modernisation. However, in Pakistan, data breaches continue to occur periodically. The absence of a comprehensive personal data protection law further compounds the situation. This opinion piece explains how the Pakistani government's gradual adoption of digital authoritarian practices is converting the digital identity infrastructure into a political architecture of visibility.

The Constitution of Pakistan recognises the right to privacy as a fundamental right under Article 14(1). The text refers to the privacy of the home. However, legal judgments in Pakistan have made it clear that 'home' should not be taken in the literal sense (Amin & Hassan, n.d.). Therefore, the concept of the right to privacy under the Constitution has been broadened to places beyond the home where a person is presumed to be free from invasion. However, the right to privacy under the Constitution is not an absolute right. Various court judgements have given a specific and limited interpretation to the phrase "subject to law" as mentioned alongside the right to privacy under Article 14(1).

In Pakistan, there are primarily four stakeholders who are directly related to the privacy of citizens in one way or another. The four stakeholders are state actors, local firms, the public, and foreign actors. The government is considered the most important stakeholder in ensuring citizens' privacy owing to its political dominance. It is also the principal driving force in promoting policy and legal developments regarding citizens' privacy. By possessing the main decision-making power, the government controls the pace of policy and law implementation. Therefore, the government is primarily responsible for formulating personal data protection law to protect citizens' privacy.

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Local firms are also considered stakeholders in safeguarding citizens' privacy. The local firms primarily focus on economic growth using digital means. However, it has limited influence compared to foreign firms in shaping the policy or legal measures the government takes to protect citizens' privacy. On the other hand, foreign forces generally consist of governments, corporations, non-governmental organisations, civil society, and influential individuals. EU officials have highlighted the importance to regulating digital spaces in Pakistan by ensuring the right to privacy and other human rights (European External Action Service, 2021). The US Chamber of Commerce have commented on Pakistan's latest personal data protection bill by objecting to provisions affecting data transfers, localisation, government access, and business compliance. Digital rights organisations and other foreign entities regularly offer their perspectives on Pakistan's approach towards formulation of personal data protection and securing citizens' privacy and remind Pakistani officials of their international commitments to rights to privacy and other fundamental rights coupled with the right to privacy.

The public is the fourth major stakeholder and the weakest one. The public is relatively powerless in influencing the setting of the legislative agenda. The absence of a personal data protection law in the country means that citizens have no legal protection if their personal data is unlawfully processed or breached. There is generally a limited understanding of privacy and personal data protection awareness among the public. Likewise, there is no prominent influencing actor, either in legacy or social media, who talks about personal data rights protection. People have generally come to know of the importance of privacy and personal data protection through news coverage of data breaches. Local digital rights organisations and civil society regularly highlighted the issues in Pakistan's proposed data protection framework and how it is inconsistent with Pakistan's commitments to the right to privacy under the international human rights regime (Digital Rights Foundation, 2023).

According to Surfshark, Pakistan currently ranks 48th globally in the ranking of global personal data breaches. Since 2004, more than 28.2 million email accounts have been breached, and nearly 83 million data points, e.g., full names, genders, etc., have also been compromised. There is a 103 per cent increase in the first quarter of this year compared with the last quarter of 2025. This indicates the urgency that needs to be demonstrated to protect the personal data of Pakistani citizens. Personal data breaches, occurring periodically, contribute to a surge in cybercrime across the country. Last year alone, more than 150,000 cybercrime-related complaints were made, and citizens suffered financial losses of about Rs. 2.7 billion (about US\$9.7 million). Every third educated Pakistani has become a victim of



cybercrime. Educated Pakistanis are observed to have mainly become victims of hacking, cyber bullying, and cyber harassment. 58 per cent educated Pakistanis believed that the state should be involved in surveilling every citizen for social security. However, 72 per cent educated Pakistanis are not in favour of state authorities having unfettered access to citizens' data.

In the past two decades, five personal data protection bills have been prepared. The first such attempt was made in 2005 when a bill was prepared. However, the bill was never tabled in parliament, and no reason was given for not doing so. Some believe that the draft was too weak (Digital Rights Foundation, 2020). After 13 years, another similar effort was made in the form of the 'Personal Data Protection Bill 2018' (Ministry of Information Technology and Telecommunication, 2018). However, the bill was largely plagiarised from the Malaysian Personal Data Protection Act 2010 (Personal Data Protection Act 2010, 2010). Revised bills were presented again in 2020 (Ministry of Information Technology and Telecommunication [MoITT], 2020) and 2021 (National Telecom Computer Emergency Response Team, 2021). The latest bill draft was presented in 2023 (Ministry of Information Technology and Telecommunication, 2023) and continues to remain under discussion for parliamentary approval. The recently released 'Data Governance Policy 2026' draft does not give a timeframe for when a personal data protection law will be introduced. While a comparative analysis of personal data protection bills is beyond the scope of this piece, it is important to note that, from the 2021 bill onwards, the proposed data protection law's relationship with other laws is of a 'bare minimum' standard. In other words, if there exists another applicable law on the subject, then the provisions with the stricter impact shall prevail.

Pakistan's journey towards a proposed personal data protection law is largely rooted in its colonial past. The framing of privacy in various personal data protection bills is largely inspired by the Government of India Act, 1935. Under the 1935 Act, the colonial state was entitled to keep its intelligence, deliberations, and records confidential. At the same time, the citizens were given no right to protection from state information-gathering or surveillance (Government of India Act, 1935). Beyond the 1935 Act, Pakistan's approach to a proposed personal data protection law has a colonial genealogy and draws inspiration from various other colonial-era laws.

The current data protection bill draft reveals that it will substantially elevate the level of personal data protection by laying out a basic regulatory framework with only minimally



acceptable enforceability, primarily driven by national security concerns and the needs of digital economic growth. However, the state prefers a lenient personal data protection strategy, as it remains the leading power in regulating personal data protection. It will continue to treat 'national security' as a paramount priority.

References

Amin, M. H., & Hassan, M. (n.d.). *Digital privacy in Pakistan: Ending the era of self-regulation*. Shaikh Ahmad Hassan School of Law, Lahore University of Management Sciences. <https://sahsol.lums.edu.pk/node/17036>

Digital Rights Foundation. (2020, May 5). *Personal data protection bill 2020: Civil society submission to the Ministry of Information Technology and Telecommunications*. https://digitalrightsfoundation.pk/wp-content/uploads/2020/05/PDPB-2020_-Final-Analysis_05.05.2020-1.pdf

Digital Rights Foundation. (2023, July 18). *Analysis: Personal data protection bill 2023*. <https://digitalrightsfoundation.pk/wp-content/uploads/2023/07/Legal-Analysis-Statement-on-PDPB-July-2023.pdf>

European External Action Service. (2021, February 12). *Press release: European Union hosts webinar to explore the economic potential of digitalisation*. https://www.eeas.europa.eu/delegations/pakistan/press-release-european-union-hosts-webinar-explore-economic-potential-digitalisation_en

Government of India Act 1935, 26 Geo. 5 & 1 Edw. 8 c. 2 (UK). https://www.legislation.gov.uk/ukpga/1935/2/pdfs/ukpga_19350002_en.pdf

Ministry of Information Technology and Telecommunication. (2018, July). *Personal data protection bill 2018*. <https://moitt.gov.pk/SiteImage/Legislations/PERSONAL-DATA-PROTECTION-BILL-July-18-Draft.pdf>

Ministry of Information Technology and Telecommunication. (2020, April 9). *Personal data protection bill 2020*. <https://moitt.gov.pk/SiteImage/Legislations/Personal%20Data%20Protection%20Bill%202020.pdf>



National Telecom Computer Emergency Response Team. (2021, August 25). *Personal data protection bill 2021*. https://ntcert.pta.gov.pk/sops/Personal_Data_Protection_Bill_2021.pdf

Personal Data Protection Act 2010 (Act 709) (Malaysia). <https://www.investmalaysia.gov.my/media/3x4fsqum/personal-data-protection-act-2010.pdf>

Radio Pakistan. (2026, March 13). *Digital CNIC legally equivalent to physical CNIC: NADRA*. <https://radio.gov.pk/13-03-2026/digital-cnic-legally-equivalent-to-physical-cnic>

