

## **The Privacy Act, 2075 (2018)**

Date of Authentication

2075.6.2 (18 September 2018)

Act Number 14 of the year 2075 (2018)

### **An Act Made to Provide for Privacy**

#### **Preamble:**

Whereas, it is expedient to make legal provisions on promoting dignified living standards by making provisions to ensure the right to privacy of the matters relating to body, residence, property, document, data, correspondence and character of every person, to manage the protection and safe use of personal information remained in any public body or institution, and to prevent encroachment on the privacy of every person;

Now, therefore be it enacted by the Federal Parliament.

#### **Chapter-1**

##### **Preliminary**

1. **Short title and commencement:** (1) This Act may be cited as the "Privacy Act, 2075 (2018)."  
(2) This Act shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-
  - (a) "Residence" means a house, rented room, apartment, room or place of residence where any person resides, and this term also includes a hotel, resort, lodge, guesthouse or camp room or any other place of similar nature where he or she stays to spend a night.
  - (b) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.
  - (c) "Personal information" means the following information related to any person:
    - (1) His or her caste, ethnicity, birth, origin, religion, color or marital status,
    - (2) His or her education or academic qualification,
    - (3) His or her address, telephone or address of electronic letter (email),

- (4) His or her passport, citizenship certificate, national identity card number, driving license, voter identity card or details of identity card issued by a public body,
  - (5) A letter sent or received by him or her to or from anybody mentioning personal information,
  - (6) His or her thumb impressions, fingerprints, retina of eye, blood group or other biometric information,
  - (7) His or her criminal background or description of the sentence imposed on him or her for a criminal offence or service of the sentence,
  - (8) Matter as to what opinion or view has been expressed by a person who gives professional or expert opinion, in the process of any decision.
- (d) "Property" means a movable, immovable, physical or abstract, tangible or intangible property, and this term also includes intellectual property.
- (e) "Public body" means the following body:
- (1) The Government of Nepal, Provincial Government or Local Level or government office under the Government of Nepal, Provincial Government or Local Level,
  - (2) A court, other judicial body, constitutional body or office thereunder,
  - (3) A regulatory body or office thereunder,
  - (4) A company, bank, committee having full or partial ownership or control of the Government of Nepal, Provincial Government or Local Level or commission, corporation, authority, incorporation, academy, board, center, council and other body corporate of similar nature established by the Government of Nepal, Provincial Government or Local Level pursuant to law.
  - (5) A political party and organization registered under prevailing law,
  - (6) A university, college, school, research center and other similar academic or educational institution that has been

established or operated by the Government of Nepal, Provincial Government or Local Level or that has obtained full or partial grants from the Government of Nepal, Provincial Government or Local Level.

- (7) An institution operated with credit, grant or guarantee of the Government of Nepal, Provincial Government or Local Level.
  - (8) An institution having full or partial ownership or control of the body mentioned in sub-clause (1), (2), (3) or (4).
  - (9) Any other institution specified by the Government of Nepal as a public entity by publishing a notice in the Nepal Gazette
- (f) "Person holding public post" means a person holding any post of a public body upon being elected, nominated or appointed to such post.
  - (g) "Body corporate" means an organization, company, bank, committee, cooperative association, federation or other body corporate of similar nature established under the prevailing law.

## Chapter-2

### Privacy of Body and Family of Person

3. **Privacy of body and personal life of person:** (1) The privacy of the matters relating to physical and mental condition of every person shall be inviolable.
- (2) The matters of privacy of the body of any person shall be inviolable without the consent of the person concerned, except in cases of conducting his or her health examination, health treatment or emergency relief work.
- (3) Every person shall have the right to maintain the privacy of the matters such as biological or biometric identity, gender identity, sexuality, sexual relation, conception or abortion, virginity, potency, impotency or physical illness related to his or her personal life.
- (4) No person shall publish, or cause to be published, any matters referred to in sub-section (3) which are related to any person so as to affect, inflict or insult in the personal life of such a person, by writing, speaking, publishing or using electronic means or any other manner.

(5) Notwithstanding anything contained in this Section, the privacy of physical or mental condition or private life of a person may be disclosed on the following condition:

- (a) If it is a matter involving the consent of the person concerned,
- (b) If it is the matter already made public by the person concerned with his or her own will,
- (c) If it is the matter investigated in the course of any offence, by the investigating or prosecuting official,
- (d) If the matter related to sub-section (3) or physical condition or private life of a person has to be disclosed for obtaining any facility or concession, and he or she obtains or desires to obtain such facility or concession.

**4. To have family privacy:** (1) Every person shall have the right to maintain family privacy for maintaining the family life or the family integrity.

(2) The matter related to mutual privacy that is known only between the husband and wife in the course of conjugal life shall be inviolable except in the cases where it is necessary in the context of the case running between the husband and wife.

**5. Not to search body:** (1) Without obtaining the consent of any person, his or her body or anything with him or her or used by him or her shall not be searched.

(2) Notwithstanding anything contained in sub-section (1), in cases where it is necessary to carry out any security check under the prevailing law or to search any person in the course of investigation of a criminal offence, the authorized official or any person or security deputed for the purpose of security in accordance with his or her order may carry out search in accordance with law.

(3) The officials deputed for conducting security check pursuant to sub-section (2) shall have to retain with him or her the authority obtained for the security check, and show it before conducting search if the person concerned wants to see it.

(4) The security person deputed to follow the duty for regular or emergency security check at any public place, wearing the badge and uniform according to his or her post, shall be deemed to have had the authority for the security check.

- 6. Privacy relating to reproductive health and pregnancy:** The matter relating to reproductive health and pregnancy of every woman shall be inviolable and, without her consent, information of such matter shall not be given to anyone else or be made public.

Provided that, it shall not bar to hold discussion between the concerned specialists about such matter in the course of health treatment or providing information for the member of his or her undivided family and for his or her guardian, if he or she has not attained the age of eighteen years or is of unsound mind.

### **Chapter-3**

#### **Privacy Relating to Residence**

- 7. To have privacy of residence:** (1) Every person shall have the right to privacy of his or her residence.

(2) Except for searching under the law by the authorized official or in accordance with his or her order, entering, or causing other to enter into, the residence of any person, or searching or getting it searched shall be forbidden.

(3) While entering pursuant to sub-section (2), entering or causing other to enter into, or searching or getting it searched, by breaching the privacy of the personal life of the person concerned or member of his or her family, shall be forbidden.

(4) When any person is arrested outside his or her residence by the authorized official or pursuant to order of such official, searching or causing his or her residence to be searched, simply because he is arrested, shall be forbidden.

(5) If there is a reasonable cause to search his or her residence as well when any person is arrested pursuant to sub-section (4), his or her residence may be searched for that purpose by obtaining a separate order of the authorized official pursuant to law.

(6) Notwithstanding anything contained elsewhere in this Section, for the purpose of carrying out disaster management or emergency rescue, any person's residence may be entered into.

(7) Other provisions relating to maintaining privacy of the residence and search or investigation shall be in accordance with the prevailing law.

- 8. To provide notice while entering into residence:** (1) If anybody's residence is to be searched pursuant to Section 7 in the course of any criminal offence, he or she shall have to be provided with a written notice setting out the purpose for so entering into the residence thereof.

(2) The conditions and procedures under the prevailing law shall have to be fulfilled while entering into the residence of any person pursuant to sub-section (1).

Provided that if the accused person is likely to flee or escape or evidence is likely to be destroyed if search is not conducted immediately, it may be entered into by maintaining the record of such matter.

- 9. Not to install CCTV camera in the residence:** No person shall install, or cause to be installed, CCTV camera at the residence of any person without his or her consent, or for collecting personal information related to the user of such residence.

#### **Chapter-4**

##### **Privacy Relating to Property**

- 10. To have privacy of property:** (1) Every person shall have the right to keep his or her property and details relating to such property confidential.

(2) No person shall enter, in an unauthorized manner, into other's house, land, vehicle or other property without permission or consent of the owner of such property.

(3) The public body or body corporate or any employee working in such a body that keeps the details relating to the property of a person or that can have information thereof shall not inform anyone else, or publish or cause the details of property of any person published in any way, without the consent of the concerned person.

(4) Notwithstanding anything contained in sub-section (1) or (3), when the details of property is demanded in accordance with the order of authorized official in the course of investigation of any offence, or when demand is made by the court in the context of the case filed against any person on the same issue, the concerned agency, body corporate or official that maintains the records of the details of property shall provide such record.

## Chapter-5

### Privacy Relating to Document

**11. To have privacy of document:** (1) Every person shall have the right to privacy of the personal document related to him or her.

(2) For the purpose of sub-section (1), the following documents shall be deemed to be the personal documents of the concerned person:

- (a) Certificate relating to educational qualification,
- (b) Medical history, certificate or health examination report,
- (c) Citizenship certificate, passport, voter identity card, driving license or other documents of such nature revealing identity,
- (d) Bank account in a bank or the details of amount in such account,
- (e) Cheque, draft, debit card, credit card or bank statement or other negotiable instrument related to banking and financial transaction,
- (f) Biological or biometric data and thumb impression,
- (g) Land ownership certificate related to immovable property or other document relating to ownership of land,
- (h) Vehicle ownership card (Blue Book) or document relating to the ownership of other property,
- (i) Securities or details related thereto,
- (j) Identity card of the Employee Provident Fund, pension card or other document of similar nature,
- (k) Other documents as prescribed.

(3) No person shall publish, or cause to be published, personal document of anyone held in a public body pursuant to sub-section (2).

(4) Notwithstanding anything contained in sub-section (1) or (3), personal document or any of its details may be published, or caused to be published, or any details thereof may be made subject of study, research or examination on the following conditions:

- (a) If there is consent of the concerned person,
- (b) If the identity card revealing the identity of any person is required for the purpose of using public service,
- (c) If order is issued under the law by the court or authorized official in the course of any case,

- (d) If any order is so issued by the authorized official in the course of investigation and prosecution of a criminal offence.

## Chapter-6

### Privacy Relating to Data

**12. To have privacy of data:** (1) Every person shall have the right to keep the personal data or details related to him or her confidential.

(2) While collecting personal or family data of any person, his or her consent shall be obtained.

(3) The data collected by a public body or body corporate upon obtaining the consent of the concerned person shall be used only for the purpose for which such data have been collected.

Provided that if any data are demanded for the national security or peace and order, it shall not be deemed to bar to provide such data in accordance with the prevailing law.

(4) No person shall, without obtaining the consent of another person, provide the following data related to that person to anyone else or publish, or cause to be published, such data:

- (a) Details relating to health examination,
- (b) Details relating to property and income generation,
- (c) Details relating to employment,
- (d) Details relating to family matters,
- (e) Biometric details and thumb impression,
- (f) Signature or electronic signature,
- (g) Details relating to political affiliation and election,
- (h) Details relating to business or transaction.

(5) Notwithstanding anything contained in sub-section (4), in cases where it is necessary to provide any personal data or details to the court or the agency or official authorized under law in the course of investigation of any criminal offence, such data or details shall be provided.

(6) Notwithstanding anything contained in sub-section (4), if there arises a question as to the issues such as age, qualification, character, sexuality, disability of any person, and the authorized official so demands, the concerned person shall provide such details or documents.



## Chapter-7

### Privacy Relating to Correspondence

**13. To have privacy of correspondence:** (1) Every person shall have the right to maintain privacy of his or her letters, correspondence or electronic letters (emails) or the dialogue transmitted through electronic means or other correspondence of similar nature.

(2) No person shall, in an unauthorized manner, read, see, provide to anyone else, publish, broadcast, or otherwise make public the letters, correspondence or electronic letters (emails) or dialogue transmitted by electronic means or other correspondence of similar nature referred to in sub-section (1).

(3) Notwithstanding anything contained in sub-section (2), the letters, correspondence or electronic letters (emails) or dialogue to be transmitted through electronic means or other correspondence of similar nature may be provided, or cause to be provided with the consent of the concerned person or by the order of the authorized official in the course of the investigation of any criminal offence.

**14. Not to open letters:** (1) Except with the consent of the person concerned, or the order issued under the prevailing law by any competent authority in the course of the investigation of any criminal offence, no one shall open, or cause to be opened, personal letters of such person.

(2) No person shall open, see or forward the electronic letters (emails) of other person.

## Chapter-8

### Privacy Relating to Character

**15. To have privacy of character:** (1) Every person shall have the right to maintain privacy of his or her character, personal conduct and behavior.

(2) Except in the case of taking action under law by inquiring into any question that is raised regarding the character, conduct or behavior of any person, no person shall make any comments on the character of that person.

(3) No person shall do any kind of act or action so as to affect the character of any person, defame or insult him or her, harm his or her self-esteem

or affect in his or her family life, or publish, or cause to be published, any matter relating to his or her conduct or behavior.

- 16. Not to take or sell photograph:** (1) No person shall take photograph of any person without his or her consent so as to damage his or her character or social prestige, or make another picture by putting picture of other person together with his or her picture by any way with the intention to defame him or her or to make another picture by mixing some part of the picture of one person with another part of the picture of another person, or publish or cause to be published or made public the same.

(2) Notwithstanding anything contained in sub-section (1), if the picture of another person in the same place also happens to be taken by anybody while taking the picture of any public place or any person, it shall not be deemed to be the offence.

Provided that the picture happened to be so taken also shall not be used is contrary to sub-section (1).

(3) No person shall publish, disseminate, buy, sell or publish the picture of any person that has been taken without obtaining his or her consent with the intention to annoy, distress or take any improper advantage or get profit by making commercial use of the picture, or cause such act to be done.

- 17. Not to make the person under investigation public:** Until the charge sheet has been filed in the concerned body regarding the offence of which any person under investigation in accordance with the law has been accused, the authorized official shall not make him or her public in any manner.

Provided that it shall not bar to publish the name of such accused person and detail or information of the charge against him or her.

- 18. Not to disclose confidential matter:** If any person has obtained any matter relating to the conduct of anyone from any other person in the course of his or her professional duty, that person shall not disclose such matter to anyone except where the concerned person has so consented or order has been made by the authorized official to that effect.

## Chapter-9

### Electronic Means and Privacy

- 19. To have privacy of electronic means:** (1) Every person shall have the right to maintain privacy of the matter relating to any of his or her personal information, document, correspondence, data or character that remained in electronic means.
- (2) No one shall obtain the notice, information, correspondence of any person remained in electronic means in unauthorized manner, violate or provide its privacy for anybody in unauthorized manner.
- (3) Except for the consent given by the concerned person or order issued, under law, by authorized official, no one shall listen to any dialogue or talks held between two or more than two persons through electronic means, or mark or record the sound of such talks by making use of any mechanical device.
- Provided that in the case of a speech or statement made publicly, the provision of this sub-section shall not be applicable.
- (4) Notwithstanding anything contained in sub-section (2) or (3), any notice, information or correspondence may be listened to, marked or recorded, or cause to be listened to, marked or recorded with the consent of the concerned person or order of the authorized official.
- (5) Other provisions relating to the privacy of electronic notice and data shall be as prescribed.
- 20. Relating to installing CCTV camera at public place:** (1) If it is necessary to install CCTV camera at any public place, such camera may be installed, or caused to be installed, at a place other than the toilet, bathroom or changing room.
- (2) Provision shall be made to give a notice of such camera installed at the place where the camera has been installed pursuant to sub-section (1) so that all can see and be informed.
- (3) The provisions relating to the installation of the CCTV camera at any place shall be as prescribed.
- 21. Not to make surveillance or espionage:** In order to make surveillance or espionage of the residence of any person or any office, or for the purpose of obtaining anything confidential pursuant to this Act, no electronic means, photography or method may be used.

22. **Not to use drone:** No drone of any kind or similar kind of other device shall be used or no act shall be done with the purpose of obtaining any secret information of any public body, archaeologically important place, building of security agency, protected zone or zone of mine or mineral or at the residence of any person, without permission of the authorized official or such a person, except in border area or public place of the country.

## Chapter-10

### Collection and Protection of Personal Information

23. **Not to collect personal information except in accordance with law:** (1) No one except the official authorized under law or the person permitted by such official shall collect, store, protect, analyze, process or publish the personal information of any person.

(2) Notwithstanding anything contained in sub-section (1), information provided by the concerned person may be collected after obtaining his or her consent for the purpose of conducting any study, research or collection of public opinion.

(3) While collecting information pursuant to sub-section (2), it shall not be collected without fully informing him or her regarding the purpose for which the information is collected.

**Explanation:** When the notice about collecting data is broadcast or published through the media of mass communication by addressing the general public, such notice shall be deemed to have provided information for the purposes of this Section.

(4) While collecting information pursuant to sub-section (2), the following matters shall be clearly set out:

- (a) Time of collecting information,
- (b) Content of information,
- (c) Nature of information,
- (d) Objective of collecting information,
- (e) Method and process of testing information,
- (f) Certainty of the matter of maintaining privacy of the collected information,
- (g) Matters including the protection of the collected information.

(5) While collecting information of any person, the official authorized for collecting information pursuant to law shall have to collect it by obtaining information from the concerned person.

(6) Notwithstanding anything contained in sub-section (5), the following person may provide the information on behalf of the following person:

- (a) In the case of the person who has not attained to the age of eighteen years or who is of unsound mind, his or her guardian or curator, provided there will be no harm to him or her when such information is so provided.
- (b) In the case of the other person, the attorney or representative authorized by him or her.

(7) Except in the following circumstance, the official authorized pursuant to sub-section (1) shall not collect personal information:

- (a) If the personal information has been collected by such official using authority under the same law under which it is collected,
- (b) If there is provision for collecting such information by such official under the prevailing law,
- (c) If it is collected in the course of investigation, prosecution of criminal offence or action under the court proceeding or enforcement of law,
- (d) If the person regarding whom any body corporate or public body collects information, holds or is about to hold any post of such a body, or if such information remain under the approved programs of such a body corporate or body.

(8) Other provisions relating to the collection, processing, analysis and use of personal information shall be as prescribed.

**24. Not to deem to be personal information:** Except as otherwise provided in the prevailing law, the following information regarding the person holding a public post shall not be deemed to be his or her personal information:

- (a) The matter as to of which public body he or she is an incumbent official,
- (b) His or her post and office address, telephone number or address of electronic letter (email) through which contact may be established,

- (c) Name of the person signing any letter or document issued or written by a public body, and his or her post,
- (d) Description of job to be performed by him or her and its nature,
- (e) Matters relating to the conditions of his or her service.

**25. Protection of collected information:** (1) The personal information that has been collected by any public body or remained under the responsibility or control of such a body shall be protected by such body.

(2) For the purpose of sub-section (1), the public body shall have to make appropriate arrangement against unauthorized access likely to occur to personal information, or against the possible risk of unauthorized use, change, disclosure, publication or transmission of such information.

(3) Notwithstanding anything contained elsewhere in this Section, the public body may disclose or get any personal information disclosed under the prevailing law.

**26. Not to use personal information without consent:** (1) Except in the following circumstances, the personal information collected by or remained under the responsibility or control of a public body or body corporate shall not be used or given to any one without the consent of the concerned person:

- (a) It has been published or distributed for the purpose of which the personal information has been collected,
- (b) If demanded in written form, in the course of investigation or prosecution of a criminal case, by the official authorized for making such investigation or prosecution,
- (c) If an order is made by the court in the course of taking action on a sub-judice case,
- (d) If question is to be solved, when it is raised about the qualification or any other matter of the person, who is holding a public post under the prevailing law,
- (e) If the authorized official demands for any particular kind of information in written form, in order to solve the question raised on any particular matter.

(2) Notwithstanding anything contained in sub-section (1), the authorized official of the body having the responsibility for collection and protection of information may, in the following circumstances, publish, or cause to be

published, any personal information for the purpose of a study or investigation for the public purpose:

- (a) If the matter about which investigation has been made cannot be fulfilled without personal identity,
- (b) If damage and loss is not caused to the concerned person while giving personal information of any matter that has been given for the purpose of investigation,
- (c) If the concerned person has consented at the time of obtaining information or any time thereafter for the public purpose.

(3) Notwithstanding anything contained in this Section, for the purpose of archives officially established by the Government of Nepal or Provincial Government, personal information may be provided, in the following circumstances:

- (a) If there is any information that does not affect negatively to the personal status, professional or personal privacy of the concerned person,
- (b) If such information is provided for the historical research or collection or accumulation of historical facts or information,
- (c) If it is personal information of any person thirty years or more than thirty years has passed after the death of such person.

Provided that such information shall not be provided if he or she gets insulted or it causes damage and loss or insultation in any manner to his or her heir or children, as a result of the publicity of personal information of such person.

- (d) If such information has been recorded since one hundred years or more than that period.

**27. Not to process sensitive information:** (1) A public body shall not process, or cause to be processed, any sensitive personal information remained under its responsibility or control.

(2) For the purposes of sub-section (1), the following information shall be deemed to be sensitive information of the concerned person:

- (a) His or her caste, ethnicity or origin,
- (b) Political affiliation,
- (c) Religious faith or belief,

- (d) Physical or mental health or condition,
- (e) Sexual orientation or event relating to sexual life,
- (f) Details relating to property.

(3) Notwithstanding anything contained in sub-section (2), such information may be processed in the following circumstances:

- (a) In the course of alleviation of disease, public health protection, disease identification, health treatment, management of health institution and providing health service by the licensed doctor in the concerned subject or by the health worker under direction of the licensed doctor, without insulting or letting the concerned person feel inferior.
- (b) If the concerned person has published the information himself or herself.

**28. Application may be made to correct information:** (1) If any person thinks that any information related to him or her which is remained under the responsibility, protection or control of any public body is wrong or is not based on the fact, he or she may, at any time, make an application to the concerned public body in the prescribed form to correct such information.

Provided that if he or she has already taken any advantage or facility on the basis of such information, application may not be made to correct such information.

(2) While making an application pursuant to sub-section (1), he or she shall have to submit the details of why such information has been wrong or has not been based on the fact, and also the evidence to justify the fact or details claimed by him or her.

(3) If an application is made pursuant to sub-section (1) and the public body thinks that it is necessary to correct such information as prescribed by making inquiry, it may correct such information by making necessary improvement.

## Chapter-11

### Offences and Punishment

**29. Offence and punishment:** (1) If a person does, or causes to be done, any of the following acts, he or she shall be deemed to have committed the offence under this Act:



- (a) Any act contrary to sub-sections (1), (2) and (4) of Section 3,
- (b) Any act contrary to sub-section (2) of Section 4,
- (c) Any act contrary to sub-section (1) of Section 5,
- (d) Any act contrary to Section 6,
- (e) Act contrary to Sub-section (2), (3) and (4) of Section 7,
- (f) Any act contrary to Section 9,
- (g) Any act contrary to sub-section (2) and (3) of Section 10,
- (h) Any act contrary to sub-section (3) of Section 11,
- (i) Any act contrary to sub-section (4) of Section 12,
- (j) Any act contrary to sub-section (2) of Section 13,
- (k) Any act contrary to Section 14,
- (l) Any act contrary to sub-sections (2) and (3) of Section 15,
- (m) Any act contrary to Section 16,
- (n) Any act contrary to Section 18,
- (o) Any act contrary to sub-sections (2) and (3) of Section 19,
- (p) Any act contrary to Section 21,
- (q) Any act contrary to Section 22,
- (r) Any act contrary to sub-sections (1), (3) and (7) of Section 23,
- (s) Any act contrary to sub-section (1) of Section 26,
- (t) Any act contrary to sub-section (1) of Section 27,
- (2) Punishment of imprisonment for a term not exceeding three years or fine not exceeding thirty thousand rupees or both shall be imposed for the offence referred to in sub-section (1),
- (3) The Government of Nepal shall become the plaintiff in the cases on the offences as referred to in clause (c), (m), (p), (q), (r), (s) or (t), and such offences shall be deemed to have been included in Schedule-1 of the National Criminal Procedure Code, 2074.

**30. Complaint may be made:** (1) When any offence under this Act, other than that mentioned in sub-section (3) of Section 29, is committed, the concerned person may make a complaint to the concerned District Court.

(2) While making a complaint pursuant to sub-section (1), it shall have to be made within three months from the date of commission of such act.

**31. Compensation:** (1) If any kind of damage, loss or injury is caused to any person due to the commission of any act deemed to be the offence or any other act under

this Act, the concerned person or victim may make a complaint to the concerned District Court to get compensation paid for such damage, loss or pain, as well.

(2) If a complaint referred to in sub-section (1) is made, the concerned District Court shall cause to be paid the reasonable compensation to the victim from the offender if it thinks that compensation has to be paid.

- 32. To award departmental punishment:** If the person holding a public post does not perform the act to be performed under this Act, or performs any act which is forbidden to be performed, the departmental or other punishment shall be awarded to him or her in accordance with the prevailing law relating to the conditions of his or her service, in addition to the punishment imposable pursuant to this Act.

## **Chapter-12**

### **Miscellaneous**

- 33. To obtain consent of guardian or curator:** Notwithstanding anything contained elsewhere in this Act, if the matters mentioned in this Act that they may be published or privacy may be disclosed with the consent of the concerned person are related to the person who has not attained the age of eighteen years or who is of unsound mind or who has intellectual disability, such matters may be published or privacy thereof be disclosed only when his or her guardian or curator gives consent and if it benefits him or her while publishing such matters or disclosing privacy related to them.
- 34. Not to deem to be a bar:** (1) Nothing contained in this Act shall be deemed to bar the doing of the following in relation to the person mentioned in sub-section (2):
- (a) To obtain any notice or information in the course of court proceedings,
  - (b) To obtain any personal information or details from any person, regarding investigation or prosecution of any offence under the law,
  - (c) To publish his or her details relating to property under the prevailing law,
  - (d) To publish by the body concerned, his or her details disclosing the identity including educational qualification, citizenship, passport, driving license,

- (e) Except for the matters prohibited by the prevailing law relating to the press and newspapers and national broadcasting, to publish or broadcast or make public any notice, information, data, news, picture obtained or collected in course of maintaining public welfare and transparency or conducting investigative journalism, in any manner, without making it contrary to the basic norms of privacy of the person,
- (f) To publish or transmit opinion, thoughts publicly expressed by him or her or audio-visual and picture captured in a publicly organized program,
- (g) To make fair comments, along with the basis, reason or evidence, about the details related to his or her property or the details referred to in clause (d) or the opinion, views expressed publicly by him or her or details related to his or her public function.

(2) For the purposes of sub-section (1), the term "person" means the following persons:

- (a) A person holding a public post,
- (b) A person involved in the formal process of being appointed, nominated or elected to a public post, or recommended for such a post,
- (c) A person retired from the service or relieved of a public post,
- (d) A person known publicly or who may be one of the public interest or concern,
- (e) A person who so appears that it is required to transmit a notice or information to the general public, owing to public welfare, decency or morality or regarding the act that has been done or about to be done against the law.

**35. Not to act contrary to this Act:** The body which transmits any public information shall transmit such information in a manner not to be contrary to this Act.

**36. Power to frame Rules:** The Government of Nepal may frame necessary Rules in order to implement this Act.