INDIAN MEDICAL ASSOCIATION (HQs.)

(Registered under the Societies Act XXI of 1860)
Mutually Affiliated with the British & Nepal Medical Associations
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National President	Immediate Past National President	Honorary Secretary General	Honorary Finance Secretary
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IMA/NP/2024/ **26/04/2024**

New Delhi

To,
Ms. Deepti Gaur Mukerjee, IAS
Chief Executive Officer
National Health Authority

Respected Madam,

I, Dr. R V Asokan, National President of Indian Medical Association am a member of the Advisory Council for adoption of ABDM. I am writing this letter to seek certain clarifications regarding ABDM.

1. Indian Medical Association had expressed opinion on NDHM ecosystem on 21/09/2020 (Annexure 1)
2. The urgency in our communication has arisen due to exigencies like the Government of Andhra Pradesh linking ABDM to the Clinical Establishment Act (Annexure 2)
3. Large gaps exist in the Healthcare delivery system of India. Substantial work is yet to be accomplished. A transformation of the underlying data is neither necessary nor sufficient for solving these deeper problems. In sequence, it would make sense to solve the fundamental problems of health and then come back to large-scale data digitization. We may also hope that there would be improvements in civil liberties in India over this period.
4. IMA believes in the confidentiality of the Health records of all patients. The state is not eligible for this data except under special situations like epidemics and notifiable diseases. We are afraid that ADHM might have crossed several redlines in this regard without a clear legal mandate. Hence we are constrained to seek the following clarifications :
    i. Which law of the Indian state under which does ABDM operate ?
    ii. What is the quality of consent that is being obtained from a largely semi-literate and poor population ?
    iii. Large section of the population avails health care from the neighbourhood healthcare outlets, district centers or medical colleges. Whom does the interoperability at national level benefit ?
    iv. Has the Government exempted itself from the Digital Personal Data Protection Act 2023 (DPDPA) ?

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v. Is there any legal basis for linking ABDM with CGHS benefiaries or Clinical Establishment Act institutions?

vi. Are private pharma companies, private health insurance companies and foreign companies included under the definition of Data fiduciary?

The concerns of IMA on the confidentiality and security of the nation's health data are genuine and legitimate.

Any digital Health Mission is bound to abide by the fundamental right of the patients. Clarifications on the above points would enable us to understand the system better.

Thanking you,
Yours sincerely,



Dr. R V Asokan
National President, IMA

Copy to:
1. **Dr. Anilkumra J Nayak, Honorary Secretary General, IMA**
2. **Dr. Basant Garg, Addl. Chief Executive Officer, National Health Authority**