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Watched, Rated, Unprotected: Domestic Workers, Digital Gate Management, and the Personal Exemption Trap Under India's DPDP Act, 2023

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Watched, Rated, Unprotected: Domestic Workers, Digital Gate Management, and the Personal Exemption Trap under India's DPDP Act, 2023

ABSTRACT

India's gated communities are increasingly administered through digital gate-management platforms that record, verify and circulate information about domestic workers. Entry and exit times, worker identities, photographs, biometric identifiers, attendance histories and resident-generated ratings can now become part of a worker's digital profile even where the worker is not a user of the platform and has little practical ability to refuse participation. This article examines the legal consequences of that asymmetry under India's Digital Personal Data Protection Act, 2023 (DPDP Act), with particular focus on the personal or domestic purpose exemption in section 3(c)(i). It argues that the exemption should be construed narrowly and cannot plausibly immunise a commercial platform or a Resident Welfare Association that determines the purposes or means of processing. The more difficult problem is structural: where digital registration is made a condition of entering the premises in which a person earns her livelihood, formal consent may cease to be genuinely free, specific and informed. The article connects this consent problem with Article 21 privacy jurisprudence, the emerging debate on horizontality, Maharashtra's domestic-worker welfare framework, and the socio-legal literature on gated communities as sites of labour control. It also argues that the present transitional period is a critical regulatory gap: although the DPDP Rules, 2025 have been notified, the principal substantive provisions of the Act are scheduled to commence only in May 2027. Drawing on Indian constitutional doctrine and the comparative jurisprudence on household exemptions, the article proposes a worker-centred legislative and regulatory framework based on data minimisation, non-biometric alternatives, independent notice, contestable ratings, short retention periods, purpose limitation, RWA accountability and effective grievance redress. The aim is not to weaken genuine residential security, but to prevent security infrastructure from becoming an invisible labour-control system.

KEYWORDS

Domestic Workers, Gated Communities, Resident Welfare

*Associations, Digital Surveillance, Digital Personal Data
Protection Act, 2023, Consent, Biometric Data, Article 21,
Informational Privacy, Labour Rights.*

1. INTRODUCTION: THE DIGITAL GATED COMMUNITY

In urban India, there has been a significant change in how residential communities manage visitor access and security. At present, apps like MyGate, NoBrokerHood and ApnaComplex are operational in over 40,000 residential complexes across the country. These apps automate the surveillance by recording the entry and exit of guests, delivery persons and domestic helpers and alert residents about their entry or exit.¹ They have raised hundreds of millions of dollars in funding, with big names such as Google, Tiger Global and Tencent backing these platforms.²

The technology, however, is not without its darker implications. As Rest of World documented in its August 2023 investigation, these apps have made it remarkably easy to monitor domestic workers, often without their consent or knowledge.³ Take the case of Anjali, a domestic worker who slipped out early one day because of a leg injury – only to have her employer receive an instant exit notification through MyGate and erupt at her, never once asking what had happened or giving her a chance to explain. What makes this dynamic even more troubling is the rating system baked into these platforms, which allows residents to evaluate workers on everything from punctuality to attitude, while the workers themselves are left entirely in the dark – unable to see how they've been judged, and with no way to evaluate the people they work for in return.⁴

What makes this problem genuinely troubling is the stark imbalance between who holds the data and who bears the consequences. The DPDP Act, 2023 – India's first real attempt at comprehensive data protection – includes a personal and domestic purpose exemption under Section 3©(i), and a resident using one of these apps could, in theory, claim that shield. But the platform sitting behind the app is an entirely different creature. It is a commercial entity quietly harvesting biometric and visitor data from thousands of non-users spread across thousands of housing societies, and no court or regulator has yet been asked to draw that line clearly. That silence is not a technicality – it is a live, breathing gap in the law. With the DPDP Rules notified on 14 November 2025 and

¹ Article title – The apps were designed for home security. They're being used to watch and harass domestic workers Contributing Authors, <https://restofworld.org/2023/home-monitoring-mygate-digital-bias/> Date accessed – September 08 2026, Date published – August 10 2023.

² Ibid.

³ Ibid.

⁴ Ibid.

substantive provisions set to take effect only on 14 May 2027, there is a window right now where the harm is real but the accountability is not.⁵

2. THE ARCHITECTURE OF SURVEILLANCE: HOW APPS OPERATE

A. Infrastructure in Technical Way

Neighbourhood management apps have quietly become the invisible gatekeepers of gated communities, bundling together visitor entry, utility payments, resident messaging, and amenity bookings into a single platform – and in doing so, building a surveillance architecture that most people living outside these walls never consented to and may not even know exists.⁶ Every visitor who steps through the gate gets logged: entry time, exit time, photograph, and in some societies, a biometric scan. Domestic workers bear the sharpest end of this. Their daily routines are tracked, their faces stored, and in some implementations their fingerprints captured – not because they chose to participate in a digital system, but because their livelihood depends on showing up to work. The Internet Freedom Foundation's community forum thread on app-based apartment security management captures this unease with striking plainness: visitors, helpers, and guests are being pushed to download the app or register themselves, creating a running digital record of every single visit.⁸ What the forum also reveals, almost in passing, is something far more troubling – that these platforms allow residents to rate their maids and domestic help, and that the workers being rated are, in many cases, people who cannot read the app, let alone understand what it is doing with their data.⁷

B. One Side Rating of Economy

What makes this rating architecture so troubling is not just what it does, but what it quietly refuses to do for the people it most directly affects. Residents sitting comfortably inside their flats can score a maid

⁵ Shahana Chatterji & Kirti Mahapatra, Enforcement of the DPDP Act and Notification of the DPDP Rules, Regulatory Alert, Shardul Amarchand Mangaldas & Co. (Nov. 2025), <https://www.amsshardul.com/wp-content/uploads/2025/11/Regulatory-Alert-Enforcement-of-DPDP-Act-and-Notification-of-DPDP-Rules.pdf>.

⁶ Tanya Maheshwari & Sureet Singh, The Apps were Designed for Home Security. They're Being Used to Watch and Harass Domestic Workers, Rest of World (10 August 2023), available at: <https://restofworld.org/2023/home-monitoring-mygate-digital-bias/>.

⁷ Gyan Tripathi, 'Privacy Invasion by App-based Apartment Security Management System/s' (Internet Freedom Forum, 14 March 2020) <https://forum.internetfreedom.in/t/privacy-invasion-by-app-based-apartment-security-management-system-s/264> accessed 8 September 2026.

on her punctuality, her attitude, her conduct — judgments that follow her from one apartment to the next within the same complex — yet she cannot see a single word of what has been written about her, let alone respond to it. As digital researcher Srinivas Kodali observed, these platforms are essentially walled gardens that the upper classes have built to block out the world outside, and within those walls, access has become something “highly monitored, gamified.”⁸ A worker’s entry pass can be cancelled on a whim; a string of poor ratings can quietly shut doors across the building; and if she steps out early for a medical emergency, she risks a phone call full of accusations before she has even reached the gate.⁹ What the system offers her in return is nothing — no interface of her own, no rating of the employer, no mechanism to contest, clarify, or appeal.¹⁰ The asymmetry is not incidental; it is the product.

3. THE LEGAL FRAMEWORK: THE DPDP ACT 2023 AND ITS EXEMPTION

The Digital Personal Data Protection Act, 2023 — India’s first comprehensive statutory framework for data protection — applies to the processing of digital personal data within India and, by extension, to processing outside India where it relates to offering goods or services to data principals within the country.¹¹ Section 3 (c) of the Act carves out two specific exemptions: first, personal data processed by an individual for any personal or domestic purpose; and second, personal data made publicly available by the data principal or any person under a legal obligation to do so.¹² The Act does not define either “individual” or “personal or domestic purpose,” a silence that carries real interpretive weight.¹³ The 2018 Justice B.N. Srikrishna Committee Report, which set the intellectual foundations for the Act, acknowledged the need to exempt activities “carried out by individuals for a private purpose, or in fulfilment of a daily domestic task,” while insisting that this exemption remain “narrowly tailored” so as not to accidentally shelter data

⁸ Tanya Maheshwari and Sureet Singh, 'The Apps Were Designed for Home Security. They're Being Used to Watch and Harass Domestic Workers' (Rest of World, 10 August 2023) <<https://restofworld.org/2023/home-monitoring-mygate-digital-bias/>> accessed 8 September 2026.

⁹ Ibid.

¹⁰ Ibid. See also Anushka Jain (Policy Counsel, Internet Freedom Foundation), quoted in Maheshwari and Singh (n 10): workers collecting data through such platforms operate in a legal vacuum that constitutes a continuing violation of their right to privacy.

¹¹ Digital Personal Data Protection Act 2023, No 22 of 2023, s 3(a)–(b) (India).

¹² Ibid, s 3(c)(i)–(ii).

¹³ Arko Mitra, 'Harmonising Regulation and Routine: Analysing the DPDP Act's Exemption of Personal and Domestic Purpose' (TLH Advocates & Solicitors, 9 February 2026) <<https://tlh.law/insights/dpdp-acts-exemption-of-personal-and-domestic-purpose>> accessed 8 September 2026.

processing that ought to be regulated.¹⁴ Comparable architecture exists in Article 2(c) of the GDPR, which withholds the regulation from processing done “by a natural person in the course of a purely personal or household activity,” and Recital 18 sharpens this by adding that there must be “no connection to any kind of professional or commercial activity” – crucially, it also makes explicit that controllers or processors who merely provide the means for such processing are not entitled to shelter behind the exemption.¹⁵ That distinction travels directly into the present context: a resident managing her domestic worker’s access through an app might plausibly claim the personal or domestic exemption, but the platform company aggregating biometric and visitor data across thousands of societies is engaged in an unmistakably commercial enterprise and falls entirely outside any defensible reading of that protection. The Digital Personal Data Protection Rules, 2025, were notified on 14 November 2025 vide G.S.R. 843 €, with substantive obligations notice, consent, security safeguards, and the penalty regime deferred to a phased implementation concluding on 14 May 2027, leaving a live and consequential regulatory gap in the intervening period.¹⁶ As one authoritative analysis puts it, “the substantive provisions of the DPDP Act and DPDP Rules come into force in 18 months, i.e., 14 May 2027.”¹⁷

4. THE CONSTITUTIONAL DIMENSION: PRIVACY AS A HORIZONTAL RIGHT

The Supreme Court of India’s unanimous nine-judge Bench in *Justice K.S. Puttaswamy (Retd.) v. Union of India* recognised the right to privacy as a constitutionally protected fundamental right, closely connected with life, personal liberty, dignity, autonomy and the freedoms guaranteed under Part III of the Constitution.¹⁸ The Court described privacy as an

¹⁴ Ministry of Electronics and Information Technology, *A Free and Fair Digital Economy: Protecting Privacy, Empowering Indians – Report of the Committee of Experts on a Data Protection Framework for India* (Government of India 2018) 141 (Justice B.N. Srikrishna Committee Report).

¹⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data [2016] OJ L 119/1, art 2(c) and Recital 18.

¹⁶ Ministry of Electronics and Information Technology, ‘Notification: Digital Personal Data Protection Act 2023, Commencement Dates’ GSR 843€ (13 November 2025), *Gazette of India Extraordinary*, Part II, Section 3(i); Digital Personal Data Protection Rules 2025, GSR 846€ (13 November 2025).

¹⁷ Shardul Amarchand Mangaldas & Co, ‘Enforcement of the DPDP Act and Notification of the DPDP Rules’ (November 2025) <https://www.amsshardul.com/insight/enforcement-of-the-dpdp-act-and-notification-of-the-dpdp-rules/> accessed 8 September 2026.

¹⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

inherent and inalienable right and recognised informational privacy as an important dimension of the broader right to privacy.¹⁹ The judgment also acknowledged that, particularly in the digital age, threats to privacy may arise not only from the State but also from non-State actors, and it called for a robust legal framework capable of protecting personal data from such risks.²⁰ This aspect of the decision is particularly relevant to domestic workers whose personal information may be collected and processed by privately operated residential-management platforms. At the same time, it would be doctrinally inaccurate to suggest that Puttaswamy conclusively established a general rule that the fundamental right to privacy is directly enforceable horizontally against every private actor. Rather, the judgment recognised the constitutional significance of privacy in relation to non-State actors while leaving the precise mechanism through which constitutional privacy operates in private relationships to further legal development.²¹ The unresolved issue therefore lies at the intersection of constitutional privacy and statutory data protection: while the Constitution traditionally regulates State action, private entities may nevertheless become subject to legal obligations protecting privacy through legislation and other recognised avenues of law. The Digital Personal Data Protection Act, 2023 provides such a statutory framework, but its personal or domestic exemption requires careful examination. Section 3(c)(i) excludes personal data processed by an individual for a personal or domestic purpose; the wording does not, on its face, exempt every processing activity merely because the data concerns a domestic relationship.²² Accordingly, where a commercial platform such as a residential-management application collects, stores, verifies or otherwise processes information concerning domestic workers as part of its business operations, the stronger argument is that such processing cannot automatically be characterised as a purely personal or domestic activity of the platform itself. The crucial legal question is therefore not whether the underlying interaction between a resident and a domestic worker is domestic in nature, but who is carrying out the processing, for what purpose, and within which statutory and constitutional framework that processing falls.

¹⁹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, paras. 42, 169, 248, 521.

²⁰ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, paras. 5, 17-18, 587-593.

²¹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1. See also Gautam Bhatia, "The Supreme Court's Right to Privacy Judgment – VII: Privacy and the Freedom of Speech", LiveLaw, Sept. 17, 2017, available at <https://www.livelaw.in/supreme-courts-right-privacy-judgment-vii-privacy-freedom-speech> (last visited Sept. 8, 2026).

²² The Digital Personal Data Protection Act, 2023 (Act 22 of 2023), s. 3(c)(i).

5. THE LABOUR LAW DIMENSION: THE UNPROTECTED WORKER

India has historically lacked a dedicated central statute dealing comprehensively with domestic workers, and their legal protection has therefore developed through a number of general and sector-specific measures. The Unorganised Workers' Social Security Act, 2008 expressly included workers employed by households, including domestic workers, within the category of unorganised workers and contemplated social-security measures relating to life and disability cover, health and maternity benefits and old-age protection.²³ However, that legislation has since been subsumed by the Code on Social Security, 2020, which came into force on 21 November 2025 and now provides the principal central statutory framework for social security in the unorganised sector.²⁴ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 also expressly recognises domestic workers within its protective framework.²⁵ In the case of a domestic worker, however, section 11 provides that where the Local Committee finds a *prima facie* case, it is to forward the complaint to the police within seven days for appropriate action.²⁶ This procedure is significant because it differs from the ordinary inquiry mechanism applicable to employees and places domestic workers within a predominantly criminal-law enforcement route under the POSH framework, which may create practical difficulties for workers who face economic dependence, informal employment arrangements and unequal bargaining power.²⁷

6. THE UNEXPLORED LEGAL GAP: WHERE THE LINE FALLS

The central tension in applying the DPDP Act to neighbourhood management platforms lies in a question that has, so far, gone unasked: does the personal/domestic exemption under Section 3(c)(i) actually shield these companies?

It should not. The exemption was designed for individuals acting in private capacities – not for commercial entities processing biometric and

²³ The Unorganised Workers' Social Security Act, 2008, ss. 2(n), 3.

²⁴ The Code on Social Security, 2020 (Act 36 of 2020), ss. 109–114; Ministry of Labour and Employment, Government of India, Government Makes Four Historic Labour Codes Effective from 21 November 2025, Press Information Bureau, 30 Dec. 2025.

²⁵ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Act 14 of 2013), s. 2(a).

²⁶ *Id.*, s. 11(1).

²⁷ See generally Ministry of Women and Child Development, Government of India, Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

behavioural data across thousands of residential societies to refine algorithms and court investors. Purpose changes everything. A resident hiring domestic help acts domestically; a platform aggregating that data across cities acts commercially. What makes this particularly urgent is the complete absence of interpretive guidance. No Indian court has tested this boundary. The DPDP Rules, 2025 clarify procedure but leave the exemption's scope entirely untouched. That silence is not neutral – it functions effectively as a permission structure, allowing platforms to operate without meaningful accountability while domestic workers carry all the risk.

The human rights dimension cuts deeper still. Domestic workers already sit outside most labour protections. Subjective rating systems and continuous surveillance compound that precarity in ways inseparable from caste, class, and gender hierarchies. Puttaswamy recognised privacy as fundamental. The harder question – still unanswered – is how that recognition becomes enforceable against private commercial platforms in any practical sense.

7. CONCLUSION THROUGH CRITIQUE WAY FORWARDING

The DPDP Act 2023 is a meaningful step, but its personal/domestic exemption leaves domestic workers dangerously exposed. Apps like MyGate collect and process their data on fully commercial terms yet invoke an exemption built for private households – a contradiction no court has ever examined. With enforcement due in May 2027, the regulatory gap is live. The Data Protection Board must clarify Section 3©(i); courts must extend Puttaswamy's horizontal reach; Parliament must close this blind spot explicitly. Domestic workers cannot remain invisible in India's growing surveillance economy. Protection must follow the data – not just the consenting user.