

DIGITAL PRIVACY- FACT OR MYTH?

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Abstract :

Privacy is a fundamental human right as recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other human rights conventions. It is known as the right of any citizen to exercise a substantial degree of control over their personal information. The appointment of the 1st UN Special Rapporteur in 2015 on the Right to Privacy in the Digital Age reflects its rising importance and the need to address privacy rights issues at global as well as national levels. In the age of digitalization, the right to privacy has become a challenging issue as personal data is routinely collected and traded in the new economy.¹

Introduction:

What is Digital privacy?

Digital Privacy is a promotion to advocate layers between every individual and consumer privacy in e-services, e-business, e-marketers etc....

Well in layman's, language digital privacy is protection against cybercrimes, cyber bullies, hacking, Fishing and whatnot.

Digital Privacy is a medium through which meetings, and affairs, whether commercial or private are conducted which also tend to leave their prints on the go. There is a get called computer protocol witches Internet protocol address

(IP address) which can trace back the axis of the websites people keep using alternatively or constantly throughout the day and keep a record of them,

IP address can also be used to find the location of the person using a particular app or website which may also be injurious to mental health and can have a huge impact on people's personal lives.

- i. Online Safety means some of the practices to save consumers from malicious use and practices. The only difference between privacy and safety comes very much before the confidentiality of the information but software makes sure that they are safe with service providers which in turn is called privacy.
 - ✦ For Instance, Many of us while using the internet do not realize that our website logging patterns or passwords or locations keep getting stored while we constantly use an application or a website.
- ii. Whenever we talk about digital privacy, we cannot miss domain names, as the domain owners take some steps to protect their information by providing domain privacy services to the consumers.
 - ✦ For instance, in a website privacy service, his name, address email address and other associate details come in from of public.

Privacy remains a topic to be in front of the customer's thoughts as they attempt to navigate the internet and embrace the technology to find out ways to protect themselves from being bullied. This is only because privacy is evolving in our technologies and the landscape is very dynamic and keeps on changing the terms and conditions of the environment. One of the major reasons why consumers become victims of digital victims is lack of awareness. A

major survey showed that around 81% of the population does not even know about digital privacy and ways to protect themselves from cybercrimes. The corporations keep registering consumers' information like addresses, names etc. to retain their databases, and keep invading the privacy of consumers by texting their customers as an advertisement. Hence, it will not be surprising at all that all the online activities, interesting, browsing histories, shopping patterns, and ordering patterns are documented meticulously.

¹ <https://www.lawyersclubindia.com/articles/right-to-privacy-and-data-protection-indigital-age-possibility-of-myth--10682.asp>

Significance of Right to Privacy:

Invasion of two or private information or any database is an infringement of a fundamental right under Article 21, Part-III of the Constitution of India which is the right to privacy. Article 21 of the Constitution, states that every citizen has a right to live and the right to have personal liberty which also includes the right to privacy among citizens as well.

The landmark case of Justice K.S.Puttaswamy and Anr v. the Union of India and ORS is the landmark case for infringement of Article 21 of the Constitution for the right to privacy.

- The facts of the case initiated through a petition made by Justice K.S. Putaswamy the retired judge of Karnataka High Court about the Aadhaar project which provided a 12digit identification number issued by UIDAI to the residents of India, the Aadhaar project was linked to various other schemes and projects with a view of stream streamlining the services but also invaded with privacy issues of the citizens.
- Issue: Whether the right to privacy was a fundamental right under Part III of the Constitution of India or not?
- Decision: there is The Supreme Court pronounced privacy to be a distinct and independent fundamental right under Article 21 of the Constitution they also said that it was not a narrow right against physical invasion or derivative right but one that covers the mind and body including decisions, choices, information, privacy, freedom and much more. The court also affirmed that the right to privacy is protected under the right to life and personal liberty of Article 21 of the Constitution guaranteed under Part III of the act.

Ways to protect data:

There are several ways to protect your digital privacy and regulate access to our data freely without any interruption :

- 1) Reducing Web Browsing Tracking: All types of ads, social media, and all the buffering gather information about your location and browsing activities you doing on the internet. This regularly supplies the data of your browsing habits what kind of person you are and what are your interests.
- 2) Protecting Your Online Accounts: we all have seen that all high-profile firms or celebrities are sometimes found to be victims of data breaches or data leaks and password leaks hence we should keep our passwords so unique and undetected that no one can cross-refer them.
- 3) Use good Anti-virus software: All the annoying advertisements that pop up on our mobile phones screens or laptops can scan our personal information, and can be malicious software that can cause a lot of damage to our software computers mobile phones et cetera. We should have good antivirus software that prevents any such annoying pop-ups and viruses from getting into our system.
- 4) Updating your devices: nowadays we see our phones mobile phones and desktop operating systems get software upgrades every month or so which helps to protect our software and data from being hacked.

Encrypting and password-protecting your laptops, mobiles, and computers: A unique

Password and security keys help to encrypt our laptop hard disk mobile phones etcetera because without any password or security keys data is accessible to anybody who wishes to eavesdrop or do fishing in our software. Websites like Instagram, Gmail, and WhatsApp are now available with factor authentication which provides a unique code or a secondary security layer over our website so that they are secured and protected from outside attacks. Even after providing all the security methods and ways to protect our digital information from being hacked, we live in a dynamic digital world where we shop online and share our lives digitally on a wide scale hence, the government tend to go digital to perform task more efficiently to increase safety and security to combat frauds and also businesses are now in a scope to run more effectively online than off-line basis. All these systems to provide safety and security for governmental and business purposes collect a huge amount of reports and data which are monitored continuously and influence us without being aware of it.

However, in every case that comes in the eyes of law, WhatsApp always claims that they have end-to-end encryption and still we see some of the other WhatsApp chats being leaked, any high profile data being tracked, and any business information leaked online even though they are protected by layers of security and software protection therefore, we can make out that digital privacy is a total mate and blinds the consumers from its usage and benefits of going out to the real world. The latest news we all have known about is the

death of actor Sushant Singh Rajput case² in 2020, the WhatsApp chats between the house helper and other people, actors asking for drugs et cetera will be dead even after the claim made by WhatsApp about end-to-end encryption. WhatsApp in addition to protecting itself from the swamp simply said that once the chats have been backed up in Google Drive they are no longer encrypted.

In the latest case where the Supreme Court³ directs WhatsApp to publicise by April 20 23 talks about the issue that WhatsApp states about its policy of controlled access for the minimum usage of personal information of the users and the same in every fashion. But as well the petitioner laid down various issues and also allied a question on the introduction of payment services on the WhatsApp mobile application that has increased the range of data collection of WhatsApp including sensitive financial information as well which can also easily lead just like the chats which have been leaked earlier therefore no services to WhatsApp users should be given which can deplete right to privacy of the individuals.

Instagram's owner Company Meta, and Meta's owner Mark Zuckerberg once on national television in an ad said that Instagram listens to everyone and serves everyone's needs which is a highly dangerous and digital privacy invasion for us.

□ For instance, have you ever thought of having something like a pizza or Coca-Cola or burger and the moment you pick up your phone you have the same advertisement popping on your phone well that's true right that's what you called digital invasion and invasion of our privacy.

Not only this Apple Watch or Google Watches connect your phone to Safari or Google and transfer the data from phone to Apple Watch to the world and our data keeps on transferring towards the globe it is no longer a private setup now and people keep running after buying Apple Watch is thinking it is safe. Buying any smartwatch is never a good idea as it not only

multiplies your data and transfers it to the world but also in ways in your privacy which can make you guys land in trouble much faster. All the analysis I have done above all I can make out is privacy in today's world is 100% myth. Privacy cannot be fully safe as communication travels across the world in the open air some of them are infected and some of them or not. Even though emails are not safe places to store information, Google employees have very easy access to email and can easily enter into their private lives through email. Google WhatsApp also claims that day I have end-to-end encryption which I don't feel is true and my communications keep on being dragged from one place to another through a medium. GPS tracking the most 80-90% effective way of tracking any person from anywhere across the globe is the most dangerous thing and is affecting our lifestyles as well as the privacy of the world. We all have seen that whenever we open a new application all our application asks is to share location which is not at all good therefore GPS communication should be turned off while using an application or travelling on airplanes to protect our privacy.

Not only this, do you know our browsing history is clean, history is always linked to our identity, our buying behaviours, or characters and as a person how we hour and therefore even if we go incognito or in a private mode or browsing history cannot be cleared and this is a myth that people live in that history is can be cleared.

Conclusion:

Nowadays, privacy is directly connected to the ownership of information we write, create, discuss, and share on the internet. We can surely say that we should use our smartphones laptops personal computers very smartly and effectively and not keep data in a way that can create trouble for us shortly for our private lives and professional lives as well.

² <https://privacylibrary.ccgmlud.org/case/justice-ks-puttaswamy-ors-vs-union-of-india-ors#:~:text=The%20Bench%20unanimously%20held%20that,the%20Supreme%20Court%20in%20M.P>

³ <https://www.sconline.com/blog/post/2023/02/03/directed-whatsapp-to-widely-publicise-stand-that-itsusers-in-india-do-not-have-to-accept-its-2021-privacy-policy-in-order-to-use-mobile-application/>