
PUBLIC OPINION ON RIGHT TO PRIVACY ON SOCIAL NETWORKING SITES

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ABSTRACT

The right to privacy is a concept which is guaranteed under article 21 of Indian constitution on the question of right to privacy on social networking sites has been discussed in this paper. The main objective of the paper is to study the privacy issues faced off and social networking sites and analyse the law to protect it. There is such as following empirical research with a convenience sampling method, the sampling size covered by the researcher is 200. The results are observed from the analysis that there is a lack of legal protection when the question on privacy on social networking is raised, However the possible solution is the guidelines of social media and messaging apps by the Ministry of Electronics and Information Technology is needed to solve this issue.

Keywords: Guidelines, legal protection, privacy, social networking sites, social

Introduction

The appearance of social networking spots was since 2000 the question of privacy evolved after 10 times from the arrival. Around 2010, The particular information of people using social networking spots has been stored in the pall raise a massive discussion related to the database's capability to safely store similar particular information, and the social media platforms directors can also pierce the stoner's profile arise the question of privacy on social networking spots.

The government takes a step to help abuse of formerly privacy in social networking spots, under the Information Technology (reasonable security practices and procedures & sensitive particular data or information) Rules, 2011 define vittles for particular information & security and define what constitutes sensitive particular data. Compensation for failure to cover data under section 43A. Discipline for violation of privacy under Section 66E, and Preservation and Retention of information by interposers under Section 67C of Information technology correction act 2008. Composition 21 of Indian constitution as a privacy of fundamental rights.

The major factors that affect are information posted in social media can be fluently used by vicious people or hackers to track your information and misuse it and impacts warrant of privacy on social networking sites. some factors like a person influence tone exposure due to fear or trouble similar as perceived benefits, perceived pitfalls, privacy enterprises, information control, and perceptivity of the person.

The Ministry of Electronics and Information Technology working on the rules and guidelines for social media and messaging apps, the guidelines was still in process, according to Indian Association of Mobile association of India (IAMAI) the guidelines substantially concentrated on all interposers social media, and messaging apps.

In Japan people are largely sensitive when it comes to privacy and aren't interested or unintentional to put particular information for everyone to see. In America, Numerous state laws are largely ineffectual when it comes to guarding one's privacy rights under social media spots, As social media spots grow in fashionability and come decreasingly central to the lives of Americans. Since 2014, Russian authorities have been putting pressure on online messaging operations to misbehave with other new laws to insure privacy in social networking spots.

Objectives

- To study the privacy issues faced in social networking sites.
- Analysis on the percentage of social media lack of privacy.
- To analyse the Information technology act.
- Analysis on awareness of laws protects privacy while using social networking sites.

Literature review

Privacy, Social Network Sites, and Social Relations 2010 With the growth of the Internet comes a growth in a ubiquitous networked society. Common Web 2.0 applications include a rapidly growing trend for social network sites. Social network sites typically converged different relationship types into one group of “friends.” However, with such vast interconnectivity, convergence of relationships, and information sharing by individual users comes an increased risk of privacy violations. (Clemmitt and CQ Press 2013).

RIGHT TO PRIVACY: CONCERNS VIS-À-VIS SOCIAL MEDIA 2019 With the development and popularity of social networking sites, cybercrimes have immensely increased. It has become necessary for the country to prioritize the issues and make strict laws with the developing technology. Social media is becoming a great interest of individual users especially women and children who are falling prey to the unknown people with whom they mingle through their online registered profile. (Warren and Brandeis 2019).

FACEBOOK AND THE RIGHT TO PRIVACY: WALKING A TIGHT ROPE Arun Mal & Jenisha Parikh While there has been a spate of public outcry against rampant privacy violations on social networking sites in the recent past, the current law of privacy appears to be ill-equipped to reinvent itself in the internet age and rise to the emerging challenge of affording adequate protection to personal information online. (National Research Council et al. 2013)

Social Media Users’ Legal Consciousness About Privacy 2017 This article explores the ways in which the concept of privacy is understood in the context of social media and with regard to users’ awareness of privacy policies and laws in the ‘Post-Snowden’ era. In the light of presumably increased public exposure to privacy debates, generated partly due to the European “Right to be Forgotten” (Warren and Brandeis 2019).

In the article of **Right to privacy (2017), written by S. S. Rana** and others explain that the growing rise in online threats, such as hacking, ransomware, identity theft, e-commerce fraud, cyber-stalking, cyber-bullying, to name just a few, data privacy measures have become a priority security concern for the international community.

In the article “ The rights of privacy in social media” . (2020), Written by **Sumit Batra and Naresh Arora** explains that Trolling has become a part of internet culture and it started affecting many people’s personal lives. (Altshuler et al. 2012).

In the article “ Privacy Leaks and Social Networks”(2013)Written by **Agrima Srivastava** and others focused on privacy issues and concluded that the users are unaware of the privacy risks involved when they share their sensitive information in the network. (Agoi 2020).

In the article “Policy-Making and Privacy in India”(2010) Written by **Subhajit Basu** explains that one's private sphere is subjective and depends on one's culture, environment and economic condition so EU policy cannot be implemented in India . (Lambert 2013).

In the article of “Privacy and data protection laws in India” (2012) written by **Vidhi Agarwal** Although ‘protection of right to privacy, property and data’ is not specified in the article 21, the Supreme Court of India interprets and includes it under ‘personal liberty’ so there needs protection and the author recommends some legislation to protect one's privacy. (Andrews 2012).

In the article PROTECTING CITIZENS FROM THE STATE POST PUTTASWAMY (2018) Written by **Vrinda Bhandari and Renuka Sane**, The government of India is trying to come up with recommendations of the Justice Srikrishna Committee Report and draft Personal Data Protection Bill, 2018 from the land judgement of K. S. Puttaswamy(Retd) vs Union Of India for protection of once privacy. (Boyd 2014).

In the article " data privacy as a fundamental right in India” written by **Chatterjee, S. (2019)**, explains that the recommendations provided to the policymakers and other authorities of India have wide implications for formulation of new policy and management of personal data, so that it should not go to wrong way and the personal data and privacy is protected of the citizens. (Boyd 2014; Reiman 2012).

In the article of A Study of the Privacy Attitudes of the Users of the Social Network(ing) Sites and Their Expectations from the Law in India, written by **Sandeep Mittal**, explains that there

is large amount of personal data is disclosed by the users intentionally or negligently in the social networking sites, the protection is needed and the guidelines may clear the issues. (Solove, Rotenberg, and Schwartz 2006).

In the article “Data Protection as a Social Value” written by **Jyoti Panday**, (K Puttaswamy v Union of India 2017b, para 20). The bench does not go into the details of the mechanisms of data protection and clarifies that the obligation to create such legislation was the prerogative of Parliament alone. (Clemmitt and CQ Press 2013).

In the article “Evolution of Right to Privacy in India: Legislative and Judicial perspective” written by **Shivangini Sharma** explains . Privacy is a right through which a person enjoys the privileges of protecting his personal data and life from getting disclosed in the public. (Clemmitt and CQ Press 2013; Lambert 2013).

In the article “ **Social Media Law: Knowing the Rights of Privacy.** ”The intent behind any news or information being shared or circulated through social media must be regulated and evaluated. The authenticity must be verified as it can have a vast impact on the population which receives such information. While the law in this particular field is still at a nascent stage, it is evolving with time. (Warren and Brandeis 2019).

In the article “Privacy as a Right. ” Written by **Kostidou**. The defining of privacy is difficult and subjective in nature, it depends on the culture of a society during a certain period of time, privacy has had different meanings from the years and which has been influenced by political, social and technological developments. (Tunick 2014).

In the article “Social Media Safety and Privacy. ”written by **Smith, Daniella**, explains that Protecting privacy includes not sharing information about family, addresses, account numbers, and locations. Social media consumers need to know the types of information they sign up to give away for free with new accounts. (Deutch et al. 2021).

In the article “**Right To Privacy, written by Rana, S. S., and Co Advocates**, It is becoming all important that the government treat privacy matters with as much seriousness as the Supreme Court has done and take active legislative steps to protect the data privacy of its citizens, through judgement in Justice K. S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors. (Coppersmith et al. 2018)

Social media come with potential problems, as well as gains. This new phenomenon presents us with a range of fresh challenges. One important issue is how to ensure that Internet regulations do not strangle freedom of expression. “Blocking”, for example, is nowadays frequently used to prevent specific content from reaching a final user. (Smith and Knudson 2016).

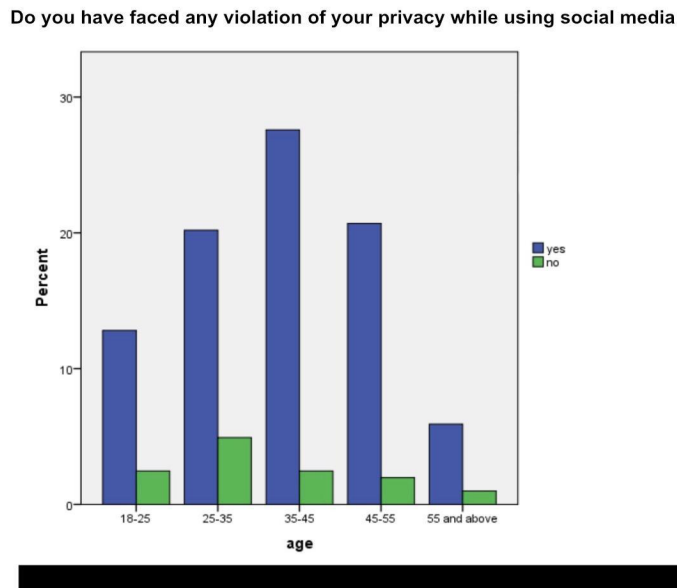
Social Networking Privacy: How to be Safe, Secure and Social Every social network allows you to post some information that is completely publicly accessible. This can be anything from your username to individual posts, to your entire account. These kind of “public” posts are not blocked behind any kind of access restriction. Anyone, including strangers, can view whatever is posted as “public. ” (Altshuler et al. 2012)

Methodology

The research method followed here is empirically research . A total of 200 samples here have been taken out of which is taken through convenient sampling. The sample form taken by the researcher through online using google forms . The independent variable taken here is age, gender and occupation. The dependent variables are Do you have faced any violation of your privacy while using social media, lack of privacy while using the social networking sites. The statistical tool used by the researcher is graphical representation.

Analysis

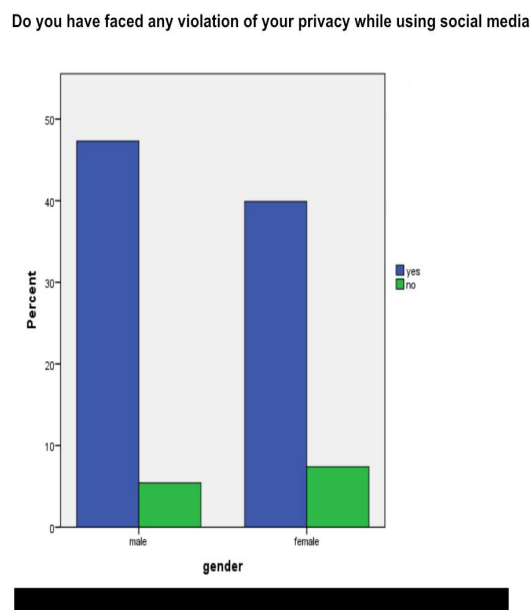
Figure 1



Legend:

From the Figure 1, it is observed that it exhibits the age distribution of the respondents and their opinion on violation of privacy faced while using social media.

Figure 2

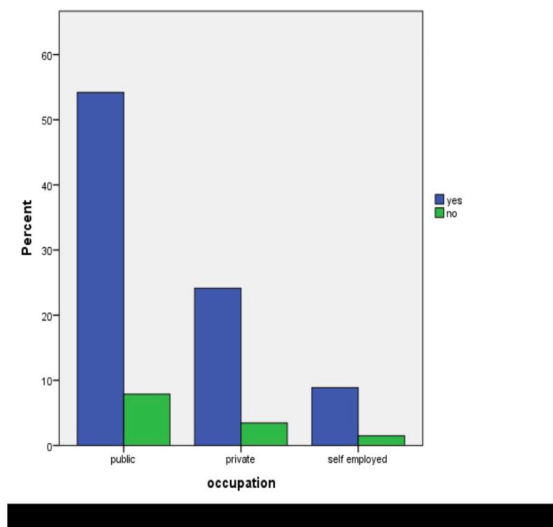


Legend:

From the Figure 2, it is observed that it exhibits the gender distribution of the respondents and their opinion on the violation of privacy faced while using social media.

Figure 3

Do you have faced any violation of your privacy while using social media

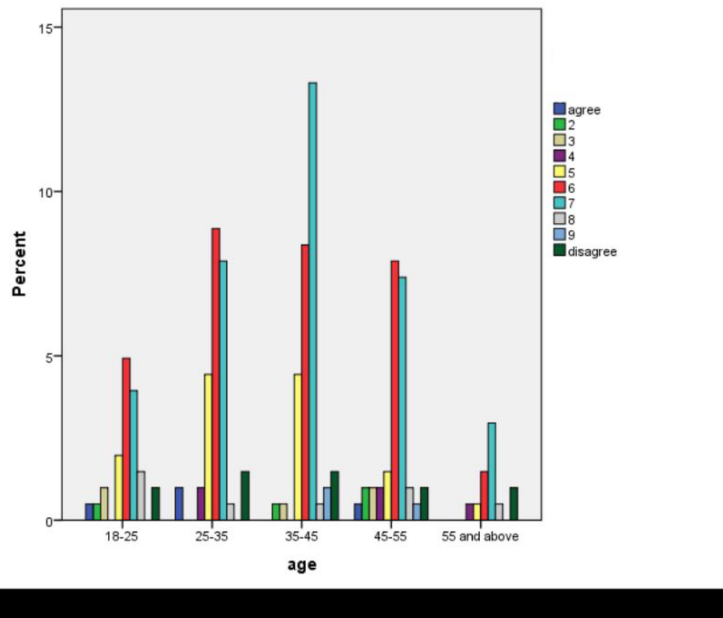


Legend:

From the Figure 3, It is observed that it exhibits the occupation of the respondents among different genders of the respondents and their opinion on violation of privacy faced while using social media.

Figure 4

Rate 1-10 for lack of privacy while using the social networking sites

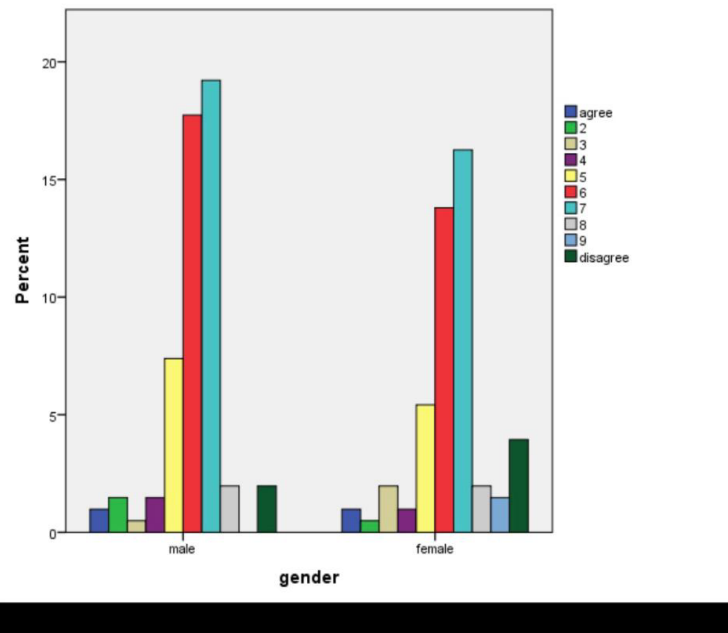


Legend:

From the Figure 4, it is observed that it exhibits the age distribution of the respondents and their opinion on rate 1-10 about lack of privacy while using the social networking sites.

Figure

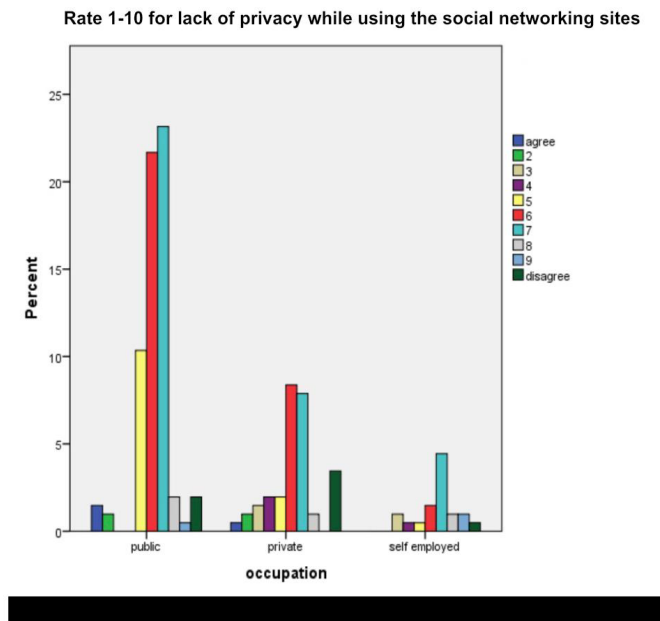
Rate 1-10 for lack of privacy while using the social networking sites



Legend:

From the Figure 5, it is observed that it exhibits the gender distribution of the respondents and their opinion on rate 1-10 about the lack of privacy while using the social networking sites

Figure 6



Legend:

From the figure 6, It is observed that it exhibits the occupation of the respondents among different genders of the respondents and their opinion on rate 1-10 about the lack of privacy while using the social networking sites.

RESULT:

From the survey: In Figure 1, it is observed that it exhibits the age distribution of the respondents and their opinion on violations of privacy faced while using social media. The maximum number of responses were collected from between the age group 35 to 45 agree with the statement whereas the minimum respondents between the age group 55 and above disagree with the statement.

From the survey: In Figure 2, it is observed that it exhibits the gender distribution of the respondents and their opinion on violations of privacy faced while using social media. The maximum number of responses were collected from the male respondents.

From the survey: In Figure 3 It is observed that it exhibits the occupational distribution of the respondents and their opinion on violation of privacy faced while using social media. The maximum number of responses were collected from Male and female respondents who are workers of the public.

From the survey: In Figure 4, it is observed that it exhibits the age distribution of the respondents and their opinion on rate 1-10 about the lack of privacy. The maximum number of responses were collected from between the age group 35 to 45 agree with the statement whereas the minimum respondents between the age group 55 and above rated 7 with the statement.

From the survey: In Figure 5, it is observed that it exhibits the gender distribution of the respondents and their opinion on rate 1-10 about lack of privacy while using the social networking sites. The maximum number of responses were collected from the male respondents.

From the survey: In Figure 6 It is observed that it exhibits the occupational distribution of the respondents and their opinion on rate 1-10 about lack of privacy while using the social networking sites. The maximum number of responses were collected from Male and female respondents who are workers of the public.

DISCUSSION

From the survey, in figure 1, it is found that there is no Privacy issue faced by the people in the social media since most of them answered as they have not faced any violation of their privacy while using social media and on the other hand almost to 40 responses as they are not aware of the privacy.

From the survey, in figure 2, it is found that there is no Privacy issue faced by the people in the social media since most of them answered as they have faced violation of their privacy while using social media and on the other hand almost to 20 responses as they are not aware of the privacy.

From the survey, in figure 3, it is found that there is no Privacy issue faced by the people in the social media since most of them answered as they have faced violation of their privacy while using social media by public sector.

From the survey, in figure 4 For the question on what rate there's a lack of privacy while using the social networking sites almost 80 percentage of them answered as they have a faced lack of privacy about 6 to 7 rate while using social networking sites, they have opinion that sharing the information like post or status feels them there is lack of privacy to them.

From the survey, in figure 5 For the question on what rate there's a lack of privacy while using the social networking sites almost 25 percentage of them answered as they have a faced lack of privacy about 7 in male and 7 in females rate while using social networking sites, they have opinion that sharing the information like post or status feels them there is lack of privacy to them.

From the survey, in figure 6 For the question on what rate there's a lack of privacy while using the social networking sites almost 27 percentage of them answered as they have a faced lack of privacy about 7 and those who are working in public sector rate while using social networking sites, they have opinion that sharing the information like post or status feels them there is lack of privacy to them.

Limitation:

The major limitation of my study is collecting samples online via Google phones there was no proper legislation to protect when there is a lack of privacy on using social networking sites has been raised is a drawback, The restriction area of my sample sizes also on another major drawback.

Conclusion & Suggestion

From all the analysis part from the exploration it was plant that there's an lack of privacy while using social networking spots and the right to privacy is one of the fundamental rights it should be granted to every citizen And there must be certain law to discipline the lawbreaker who

misuse the privacy of formerly. And from the response that numerous of them as not endured any privacy violation while using the social networking spots but the IT act of India isn't enough for protection, As in the case JusticeK. S. Puttaswamy (Retd) vs Union Of India on 26 September, 2018, suggested that the guidelines of social media and messaging apps by the Ministry of Electronics and Information Technology is demanded to break this issue.

REFERENCES

1. Agoi, Rodgers. 2020. *Why Is Privacy Important in Social Media?* GRIN Verlag.
2. Altshuler, Yaniv, Yuval Elovici, Armin B. Cremers, Nadav Aharony, and Alex Pentland. 2012. *Security and Privacy in Social Networks*. Springer Science & Business Media.
3. Andrews, Lori. 2012. *I Know Who You Are and I Saw What You Did: Social Networks and the Death of Privacy*. Simon and Schuster.
4. Boyd, Danah. 2014. *It's Complicated: The Social Lives of Networked Teens*. Yale University Press.
5. Clemmitt, Marcia, and CQ Press. 2013. *Social Media Explosion: Do Social Networking Sites Threaten Privacy Rights?*
6. Coppersmith, Glen, Ryan Leary, Patrick Crutchley, and Alex Fine. 2018. "Natural Language Processing of Social Media as Screening for Suicide Risk. " *Biomedical Informatics Insights* 10 (August): 1178222618792860.
7. Deutch, Natalie T., Erika Beckman, Meghan C. Halley, Jennifer L. Young, Chloe M. Reuter, Jennefer Kohler, Jonathan A. Bernstein, et al. 2021. "Doctors Can Read about It, They Can Know about It, but They've Never Lived with It': How Parents Use Social Media throughout the Diagnostic Odyssey. " *Journal of Genetic Counseling* 30 (6): 1707–18.
8. Lambert, Paul. 2013. *Social Networking: Law, Rights and Policy*.
9. National Research Council, Division on Engineering and Physical Sciences, Computer Science and Telecommunications Board, and Committee on Public Response to Alerts and Warnings Using Social Media: Current Knowledge and Research Gaps. 2013. *Public Response to Alerts and Warnings Using Social Media: Report of a Workshop on Current Knowledge and Research Gaps*. National Academies Press.
10. Reiman, Cornelis. 2012. *Public Interest and Private Rights in Social Media*. Elsevier.
11. Smith, Gloria Copeland, and Troy Keith Knudson. 2016. "Student Nurses' Unethical Behavior, Social Media, and Year of Birth. " *Nursing Ethics* 23 (8): 910–18.
12. Solove, Daniel J., Marc Rotenberg, and Paul M. Schwartz. 2006. *Privacy, Information, and Technology*. Wolters Kluwer.

14. Tunick, Mark. 2014. *Balancing Privacy and Free Speech: Unwanted Attention in the Age of Social Media*. Routledge.
15. Warren, Samuel, and Louis Brandeis. 2019. *The Right to Privacy*. Litres.
16. *Policy-Making, Technology and Privacy in India 6 Indian Journal of Law and Technology 2010*
17. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/indiajoula6&div=6&id=&page=>. Accessed 27 June 2020.
18. Rana, S. S., and Co Advocates. "Right To Privacy: The Next Step Supreme Court On Data Privacy On Social Media - Privacy - India." *S. S. Rana & Co. Advocates*, 11 Oct. 2017,
19. Smith, Daniella. "Social Media Safety and Privacy." *Growing Your Library Career with Social Media*, 2018, pp. 129–38, doi:10.1016/b978-0-08-102411-9.00008-x.
20. Sharma, Shivangini, and Mr Ramakant Tripathi. "Evolution of Right to Privacy in India: Legislative and Judicial Perspective." *Studies in Indian Place Names*, vol. 40, no. 3, Feb. 2020, pp. 5148–54.