
SOCIAL MEDIA PRIVACY: LEGAL RIGHTS AND RESPONSIBILITIES

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ABSTRACT

The rapid rise of social media platforms has revolutionised the ways people communicate, share information, and interact within society. Yet, this surge has also brought about significant concerns surrounding privacy, legal rights, and digital responsibilities. Users frequently reveal personal information intentionally or unintentionally that may be leveraged for commercial interests, surveillance, or even cybercrime. While legal frameworks strive to protect privacy through data protection regulations, consent mechanisms, and increased platform accountability, effective enforcement is complicated by jurisdictional differences and the pace of technological change. Simultaneously, individuals must remain vigilant in curating their online presence, respecting others' privacy, and following community standards. Ultimately, grasping the balance between legal protections and user responsibilities is crucial for promoting digital safety, preserving trust in online platforms, and safeguarding fundamental human rights in the digital era. Social media has blurred the boundaries between personal and public life, making privacy a contested yet essential right in the digital era. Legal frameworks provide important safeguards, but they must evolve alongside rapidly changing technologies.

INTRODUCTION

Over the past two decades, social media platforms have become vast and powerful tools for connecting, communicating, sharing content, conducting business, and disseminating news and information.¹ Today, millions or billions of users populate major social networks, including Facebook, Instagram, Snapchat, YouTube, Twitter, LinkedIn, and dating apps like Tinder. But the extraordinary growth of social media has given platforms extraordinary access and influence over the lives of users. Social media is playing a vital role in our everyday lives. About half of the world's population uses social media platforms for various purposes, including business, education, and marketing, among others. Social networking companies harvest sensitive data about individuals' activities, interests, personal characteristics, political views, purchasing habits, and online behaviours. In many cases, this data is used to algorithmically drive user engagement and to sell behavioural advertising, often with distortive and discriminatory impacts. The privacy hazards of social networks are compounded by platform consolidation, which has enabled some social media companies to acquire competitors, exercise monopolistic power, and severely limit the rise of privacy-protective alternatives. Personal data held by social media platforms is also vulnerable to being accessed and misused by third parties, including law enforcement agencies. While the positive impacts of social media often overshadow its negative effects, the rise in social media usage has also led to an increase in various crimes, such as cyberstalking, cyberbullying, identity theft, online threats, hacking, and child exploitation. Additionally, protecting our privacy on social media has become a significant challenge. Users frequently encounter privacy violations, making it a major concern in today's digital landscape. Social media has brought numerous positive impacts both on individual lives and in society as a whole. One of the most notable advantages is its significant influence on marketing. Businesses can reach a wider audience and engage directly with customers, leading to more effective promotional strategies. Additionally, social media facilitates better communication, allowing people to build and maintain relationships, regardless of geographical boundaries. It serves as a platform for spreading news rapidly and creating awareness about social issues, helping to keep communities informed.

GROWTH OF SOCIAL MEDIA AND ITS INCREASING INFLUENCE ON YOUTH

The growth of social media over the past two decades has significantly transformed

¹ <http://legaleye.co.in>blog-news>social-media-laws-an>

communication, lifestyle, and cultural values, especially among young people. Platforms like Facebook, Instagram, Twitter (now known as X), and YouTube have become essential to daily life, facilitating the instant sharing of ideas, images, and experiences. The rise of smartphones and affordable internet has further fuelled this expansion, making social media the main way young people interact worldwide. For today's youth, social media serves not only as a communication tool but also as a platform for identity formation, self-expression, and networking. It grants access to diverse cultures, global events, educational resources, and career opportunities, empowering young voices to engage in social movements, activism, and awareness campaigns. However, this influence brings some challenges as well. Overuse can lead to addiction, reduced physical activity, and mental health issues like anxiety, depression, and low self-esteem. Young users are also at risk of encountering cyberbullying, misinformation, and privacy threats. In summary, the rise of social media has connected a generation to the digital landscape like never before. While it presents unprecedented opportunities for learning and development, it is crucial to use these platforms responsibly to ensure that their impact remains beneficial and constructive.

Social media has emerged as one of the most significant influences on today's youth, shaping their communication, learning, and worldview. Platforms like Instagram, YouTube, and Twitter (X) provide avenues for self-expression, creativity, and social connection. Young people increasingly turn to these platforms not just for entertainment, but also for education, news, and career opportunities.² Social media enables youth to create networks, explore diverse viewpoints, and engage in global discussions, fostering a sense of empowerment and social belonging. However, the impact of social media is not entirely positive. The constant exposure to idealised lifestyles and beauty standards can create immense pressure, contributing to anxiety, low self-esteem, and various mental health issues. Excessive use may lead to addiction, a decline in academic performance, and weakened face-to-face communication skills. Moreover, young users are at risk of experiencing cyberbullying, misinformation, and privacy infringements, which can have long-lasting effects. In summary, social media profoundly influences youth, serving both as a tool for personal growth and a source of potential risk. To maximise its benefits, promoting digital literacy, encouraging responsible usage, and implementing strong regulatory measures are crucial so that the younger generation can flourish in a safe and balanced digital landscape.

² Ishanvi Biswal, Social Media Laws and their Implications, 1JLRJS 692 (2022)

IMPACT OF SOCIAL MEDIA ON THE RIGHT TO PRIVACY

Social media has become an essential part of daily life for many individuals. Users typically share a variety of personal information, such as their names, phone numbers, email addresses, and even home addresses, on these platforms. Unfortunately, this information can be misused, leading to significant privacy concerns for users.³ When considering social media privacy, it encompasses all the sensitive information that can be gleaned from user accounts. For cybercriminals, even an email address or phone number can provide a pathway to hack accounts and gather more information. Once they have access, these offenders can bombard users with inappropriate messages or trick them into clicking on harmful links. By observing users' posts, the content they engage with, and their likes, criminals can gain insights into their moods, preferences, and situations. This information can make individuals more vulnerable to security threats. Oversharing personal circumstances and emotions on social media can allow offenders to exploit that vulnerability. For example, if someone frequently posts about their whereabouts or feelings, they could inadvertently provide a criminal with the information needed to threaten or intimidate them. A high-profile case that illustrates this danger involved a well-known model who was robbed at gunpoint in a Paris hotel. Investigators found that the robbers had been tracking her on social media and learned of her hotel stay following a major fashion event. This incident raises serious questions about privacy rights. It's important to recognise that such threats are not limited to celebrities; many individuals face similar risks, even if their stories don't capture public attention. Protecting privacy on social media is crucial, and users should be cautious about the personal information they share. In many instances, social media platforms collaborate with third-party services, which increases the potential for sharing user information with these external entities. This partnership raises significant privacy concerns for users. We've all experienced the connection between the ads that appear on our social media feeds and our previous searches on other websites. While we often engage with these ads, we seldom consider how our information is being shared. Though these third-party services can enhance our experiences online, they also pose a serious threat to our privacy by potentially sharing our data without our explicit consent. This raises important questions about privacy violations. You might wonder why privacy is so important. Some people believe there's no reason to be concerned if they have nothing to hide. However, consider the implications of a company having access to your personal information, including every conversation you've

³ <https://bisanilegal.com>right-to-privacy-lawyer-in-jaya>

had, your daily movements, and even details about your past. Such extensive knowledge can be used to predict your future behaviours. Holding this amount of information about you carries the potential for harm and creates significant security risks. Ultimately, protecting our privacy is essential, as it safeguards us from unwanted scrutiny and potential manipulation. As users, we must remain vigilant about our online presence and the information we choose to share.

The right to privacy is a fundamental human right, enshrined in international documents like the **Universal Declaration of Human Rights** and supported by various national constitutions, including India's. However, in the digital era, social media has emerged as one of the most challenging spaces for safeguarding this right. Social media platforms gather extensive personal data through consent agreements often buried within complex terms and conditions. This information is utilised for targeted advertising, user profiling, and sometimes even surveillance, leading to concerns about misuse and transparency. When users voluntarily disclose personal details such as photos, locations, and personal opinions, they expose themselves to risks like identity theft, cyberbullying, and reputational damage. The balance between freedom of expression and privacy is particularly pronounced on social media. While these platforms facilitate open dialogue, they also blur the lines between public and private spheres. To ensure privacy, strong legal protections, effective enforcement of data protection laws, and ethical accountability from social media companies are essential. Simultaneously, users have a responsibility to exercise caution and digital awareness to safeguard their personal information effectively.

SOCIAL MEDIA AND PRIVACY-RELATED LAWS IN INDIA

The rapid growth of social media in India has brought about serious concerns regarding personal data protection and the right to privacy. The rapid growth of social media in India has brought about serious concerns regarding personal data protection and the right to privacy. In the landmark case of Justice ⁴**K.S. Puttaswamy v. Union of India (2017)**, the Supreme Court recognised the right to privacy as a fundamental right under Article 21 of the Constitution. ⁵This ruling has been pivotal in establishing a framework for stronger data protection norms in the digital era. It emphasises the need for robust safeguards to ensure that individuals' personal information is handled with care and respect, ultimately aiming to enhance user confidence in

⁴ AIR 2018 SC (SUPP)1841,2019(1) SCC1,(2018)12 SCALE 1

⁵ Jonathan Peters, Free Speech and the Regulation of Social Media Content.

digital platforms. As social media continues to play a crucial role in everyday life, the protection of personal data and privacy rights remains a critical issue that requires ongoing attention and legislative action.

In 2017, a nine-judge constitutional bench of the Supreme Court of India ruled in *Justice K.S. Puttaswamy v. Union of India* that the right to privacy is a fundamental right protected under Article 21 (Right to Life and Liberty) of the Constitution of India. This landmark decision initiated the process of establishing a comprehensive data protection framework for the country. Following various drafts and stakeholder consultations, the **Ministry of Electronics and Information Technology (MeitY)** released the draft of the **Digital Personal Data Protection Bill** in 2022 (**DPDP Bill**). The version of the DPDP Bill that was ultimately passed by both houses of Parliament included several significant modifications from the original draft. On August 11, 2023, the Government of India published this final version as the Digital Personal Data Protection Act, 2023 (DPDP Act), which is set to establish the regulatory framework for personal data protection in India. The DPDP Act outlines obligations regarding the collection, processing, storage, and transfer of digital personal data. However, further government action is needed to make the DPDP Act fully effective, including notifying specific provisions, repealing existing Privacy Rules, and implementing the necessary regulations for enforcement. It's important to note that the DPDP Act applies exclusively to personal data in digital form and does not govern non-personal or non-digital data, which currently remains unregulated in India. At present, the existing privacy framework is governed by the Information Technology Act and the Privacy Rules. While the Government has released a draft of the rules under the DPDP Act, the provisions of the Act have not yet taken effect, leaving gaps in the regulation of personal data protection.

On January 3, 2025, the Ministry of Electronics and Information Technology (MeitY) released a draft of the Digital Personal Data Protection Rules, 2025 (Draft Rules), inviting public comments and feedback from stakeholders until February 18, 2025. The government will consider the responses received after this deadline. The rules concerning the establishment and operation of the Data Protection Board of India are expected to take effect immediately once the final rules are published in the Official Gazette, following the implementation of the Digital Personal Data Protection Act (DPDP Act). For the other rules outlined in the Draft Rules, a transition period may be provided for entities to ensure compliance before the rules go into effect. However, the specific timeline for this compliance period has not yet been detailed in

the Draft Rules.

The ⁶**Shreya Singhal v. Union of India (2015)** case is a landmark judgment that highlights the intersection of freedom of speech, online expression, and privacy rights on social media. The case challenged **Section 66A** of the **Information Technology Act, 2000**, which criminalised sending “offensive” or “annoying” messages through electronic communication, including social media platforms like Facebook. The case is closely related to privacy concerns because vague provisions like Section 66A allowed authorities to monitor, access, and penalise individuals for their online activities without due process. Users’ private posts, personal opinions, or shared content could be arbitrarily targeted, violating their right to control personal information and expression online. Such unchecked powers created a chilling effect, discouraging individuals from sharing personal or political views on social media, which is a direct intrusion into their digital privacy. The Supreme Court, by striking down Section 66A, reinforced that arbitrary surveillance and censorship of social media content violate constitutional rights, including privacy. The judgment underscored the need for clear, reasonable, and proportionate legal safeguards to protect both freedom of expression and the privacy of individuals in the digital sphere. It set a precedent for safeguarding online privacy against misuse of law and state authority.

RIGHT TO PRIVACY IN INDIA

The Acts and guidelines which deal with the right to privacy and data protection in India are listed below:

IT ACT 2000: According to Section 43A of the IT Act, any company or organisation that possesses or handles any "sensitive personal data" or information is required to ensure reasonable security for such data. In cases of negligence, the company can be held liable to compensate the affected individual. The IT Act defines "personal information" as any information related to a natural person that can be used to identify that person. Moreover, "sensitive personal data or information" is categorised as a subset of personal information and includes various types of data, such as usernames, passwords, financial information, health data, biometrics, and sexual orientation, among others. This definition highlights the

⁶ Shreya Singhal v. Union of India, AIR 2015 SC 1523 (INDIA)

importance of protecting sensitive information, given its potential implications for an individual's privacy and security.

IT RULES 2011: The IT Rules, 2011, address the withdrawal of consent by individuals regarding the collection of personal data. Under these rules, personal data is primarily focused on sensitive personal data; however, they do not specify what actions should follow if an individual withdraws their consent. This lack of clarity can create uncertainty for both individuals and organisations regarding the handling of data after consent is retracted. Additionally, the IT Rules stipulate that any information collected must be used solely for the purpose for which it was originally gathered. This provision emphasises the importance of purpose limitation in data processing, ensuring that personal data is not misused beyond its intended scope.

AADHAR ACT: There has been a lot of controversy about the Aadhaar scheme and privacy-related issues. The Aadhaar Act has provided provisions that allow for the storage of an individual's data for a period of five years. This Act also ensures the protection of the data of Aadhaar holders from illegal disclosure. The information and other confidential data collected on the UIDAI software are encrypted to prevent leaks during transit. The system has also implemented comprehensive security policies to ensure the safety of the data. Additionally, the Aadhaar Act outlines civil and criminal penalties for unauthorised access, such as hacking and tampering with data.

DIGITAL PERSONAL DATA PROTECTION ACT, 2023: The first law in India that exclusively addresses data protection and aligns the country with global standards is the Personal Data Protection Act. This legislation ensures that individuals' personal data is handled transparently and responsibly by entities, setting clear guidelines for data usage. Key principles of the Act include data minimisation, meaning only necessary data should be collected; storage limitations, which require data to be kept only for as long as needed; and accountability, holding entities responsible for protecting personal data. While the Act was adopted as a whole, only certain provisions took immediate effect, allowing businesses and organisations to gradually comply with the remaining requirements.

CONCLUSION

Social media's data privacy is an important matter that requires an appropriate balance of user

awareness, legal frameworks, and technological advancements. Transparent policies and strong security measures should be implemented by platforms, while users must take proactive steps to protect their information. The digital age poses challenges that need to be addressed through regulations; therefore, governments and organisations should continue to improve regulations to keep pace with emerging challenges. The growth of social media has blurred the boundaries between the private and public spheres, creating new challenges for the protection of the right to privacy. While platforms provide opportunities for communication, self-expression, and social engagement, they also collect and process vast amounts of personal data, often beyond the awareness of users. This has made individuals vulnerable to surveillance, profiling, identity theft, and misuse of sensitive information. In India, constitutional recognition of privacy as a fundamental right and the enactment of laws like the IT Act, 2000 and the Digital Personal Data Protection Act, 2023 represent crucial steps toward safeguarding individual rights. However, the effectiveness of these measures depends on strict enforcement, greater accountability of social media companies, and increased digital literacy among users. Ultimately, ensuring privacy in the digital age requires a balanced approach, where governments, platforms, and users share responsibility. Protecting privacy on social media is not only a legal necessity but also essential for upholding trust, dignity, and democratic values in a connected society.