

Awareness of Right to Privacy among College students of India: An Empirical Study

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Abstract

Technology has changed the way to send and receive the information. This technological way of communication has impacted the right to privacy of individual. Technology today is not only concerned with business or making friends. It has a great importance in the education system. The entry of technology in education has changed the way of giving and receiving knowledge. From the past years the concept of online learning has emerged as a trend in education system. Many universities and colleges are providing a platform for many students to opt for distance education or online learning. This system has helped many students to opt for many courses that are beneficial for their career. But this has also emerged as threat to privacy of many students. As many colleges are going for technological education and opting for different software to store data, this has created a threat to Right to Privacy of the students. This paper discusses the Right to Privacy and its awareness among the college students and measures to curb the threats related to privacy. This paper will also highlight various laws enacted to protect the Right to Privacy.

Keywords: *Right to Privacy, Right to Privacy, Online Learning, Privacy Perception, Data Protection Law*

Introduction

The Supreme Court recently ruled that the right to privacy is a fundamental right in a historic decision. The Supreme Court's Constitutional Bench decision in Justice K.S. Puttaswami v. Union of India case attracted enormous accolades because this case added a very important fundamental right in the constitution of India called Right to Privacy. This right holds a very important place in the era of digitization where data is referred as valuable resource. The Court acknowledged informational privacy as one of its key aspects in its judgment. The ability of an individual to clearly and unambiguously influence her existence and personality by monitoring her personal information is a basic element of the right to privacy and data protection. This suggests that a person's right to exert power over the data, use, and full transparency of her personal information must be guaranteed by the law. This right has taken on a special significance in the modern era, when people are willing to share vast amounts of personal data in order to access digital services. Additionally, both state and non-state players have direct exposure to an individual's personal online activity styles, geographical information, financial data, etc. With more than 50% of the global outsourcing market, India is one of the key performance in the digital and knowledge-based economy. Programs like Aadhaar, My-Gov, Government e-market, Digi-locker, Bharat Net, Startup India, Skill India, and Smart Cities,

which are innovative and technologically-inspired, are advancing India's technological transformation and competence. India is currently the third-largest global hub for tech based, digital based and innovation based startups (Chaturvedi, Singh, Gupta, Bhattacharya, 2014).

The Right to Privacy has been established as fundamental right but there should be a clear concept of privacy. Privacy can be defined as protection of individual's property or personality from mistreatment, exploitation and misapplication. The term privacy is personal but due to its constitutional importance it holds a legal importance. It also holds a debate to what extent the Right to privacy should be applied because it has positive as well as negative implications. The negative point covers that the individual's life and liberty is compromised due to the interference of the government while the positive side protects the individual's privacy as government is necessary steps to protect it. To protect the individual's private data the legislature of India enforced many laws like IT act, where personal and sensitive data like password, financial data, biometric data, etc are protected. Though many laws have been enacted and enforced to protect the privacy of individual but it is more important to find to what extent the students and teenagers of India are aware of the same. Right to Privacy is a complex approach and there is need to inform the young population of India how they can protect their private data from exploitation and misuse (Chandra, 2018).

Literature Review

In a study it was established that due to the emergence of technology in every field and the need to share information to authenticate the identity of individual has simulated the threat to the privacy of individual. As the online courses are taking place and becoming a trend, most of the students are opting for it. They are supposed to share their personal information and sometimes biometric data. Due to lack of awareness and knowledge about the privacy threats the students share their data which can be manipulated and misused. Many universities demand them to submit online projects on their social media accounts. The concept of e-learning is very wide and challenging at the same time. The reason behind this is many students opt for free or inexpensive courses that might breach the data and alert the cyber attackers. The lack of awareness and interest in laws related to privacy and data protection has created an urgency to spread awareness among the college students and young population of India. The e-learning programs should be secured to protect the personal information of students like e-mail IDs, passwords, and other accounts. Many laws have been enacted in India to protect the data and information of individual but the understanding about it is different in students (Attri, Dev and Sharma, 2013).

There isn't national data security legislation in India, according to a study. A comprehensive regulatory framework for online presence was intended by the Information Technology Act (IT Act 2000), a set of rules and regulations that the government enacted in May 2000. Yet, there are no safeguards in the Act that would protect personal information. Although it has occasionally been employed as evidence in privacy-related disputes, its area of application is somewhat

limited. For instance, although if the use of covert surveillance cameras is not prohibited, the IT Act 2000 outlaws the electronic transfer of obscene photos, including those taken using hidden cameras. Video objectification has attracted a lot of attention. There have been debates in recent years regarding enacting privacy legislation in India. Concern over India's lack of privacy legislation is growing as other countries are interested to conduct businesses in India. There have been calls for legislation that would require privacy safeguards for foreign data handled by India's outsourcing sector. In the intervening time, India's National Association of Software and Service Companies announced in April 2005 that it has started creating a data-base of all employees working in the outsourcing industry called "Fortress" in response to recent incidents in which Indian outsourcing industry workers are allegedly using individual data of clients of US foreign companies to commit fraud (Kumaraguru, 2006).

In a research it was found that college students of India are aware of the Right to Privacy but they are not aware of the scope and limitation, advantages and disadvantages of the same. While talking about the scope and limitations of the laws related to data protection and privacy they apply to a certain kind of variables that are thought to be "sensitive" in nature. This contains details regarding sexual identity, psychological and physical conditions, health history, biometric information, as well as other topics. Secondly, since they solely apply to the private sector, the government is allowed to gather and utilize individuals' private information when it deems right. Additionally, it places a limited responsibility on the government to keep such information secret while allowing for limitless transmitting data with the GOI on a variety of broadening principles, including protection, identification, examination, including of cyber security incidents, indictment, and penalty for violations. While taking into consideration the advantages and disadvantages of Right to Privacy it includes many different dimensions, some of which unquestionably belong under the category of fundamental rights. Even before being acknowledged as a constitutional right, the right to privacy has always existed as a basic right and will always do. Many countries and court rules, have acknowledged it as a legal provision, basic right, and constitutional obligation. Nonetheless, the right to privacy is not unassailable and is governed by laws. If the extent of the right to privacy is unreasonably expanded, it could affect state administration or the constitutional rights of other people. Similarly, if the Right to Privacy is strictly defined it will compromise the fundamental right of an individual (Singh, 2011).

In a research it was concluded that students who use the Internet for social interaction are more likely to be concerned about possible personal information breach and related threats and want reassurance that their interactions are taking place in a safe and secure setting. Students in a digital environment frequently fail to differentiate between social contacts for personal or academic purposes, which might pose harm to their social skills. Although some students worry that their rights and privacy may be compromised if their posts or comments are exposed to everyone, most students don't censor their posts or comments when using social networks. This indicates that educational institutions ought to talk about these issues significantly more frequently. It was also found that most of the students are only aware of the privacy issues that

pop on their screen. Many student posses no or zero knowledge regarding the privacy act and data and information protection act. There is need of an hour to spread the awareness regarding the privacy threats among the college students (Tu, & McIsaac, 2002).

A research has established a conclusion that India still lacks a suitable asset of something like data storage structure, including premises that are impenetrably secure and equipped with all the necessities, etc. There is a need to create a new system based on the finest practices of the US, European Union, and other western nations. The maintenance of computers, servers, and other important papers demands for an efficient infrastructure. The college students need a basic training regarding the privacy policies established by the law. They also need to aware that while considering data collection human plays an important role. As many of the students might deal with the data in future, it is also very important to inform student about the importance of data and its implications. There is a need to educate students about the misuse, misinterpretations, mismanagement and exploitation of data. There is a need to address the problem of data protection comprehensively. Only legislation that covers all of it is inadequate (Goel and Chengalur Smith, 2010).

Objectives of the study:

To know the Awareness of Right to Privacy among college students of India: an Empirical Study.

Research Methodology:

This study is empirical in nature. In this study 191 respondents were contacted to know awareness of Right to Privacy among college students of India: an Empirical Study. The data analysis was done with the help of the frequency distribution and pie charts were used to present the data.

Data Analysis and Interpretation:

Table 1 College students are aware of the Right to Privacy but they are not aware of its scope, limitation, advantages, and disadvantages

Particulars	Agree	Disagree	Can't Say	Total
Respondents	161	11	19	191
% age	84.29	5.76	9.95	100

Table 1 and Figure 1 presents that with the statement College students are aware of the Right to Privacy but they are not aware of its scope, limitation, advantages, and disadvantages, it is found that 84.29% of the respondents agree with this statement.

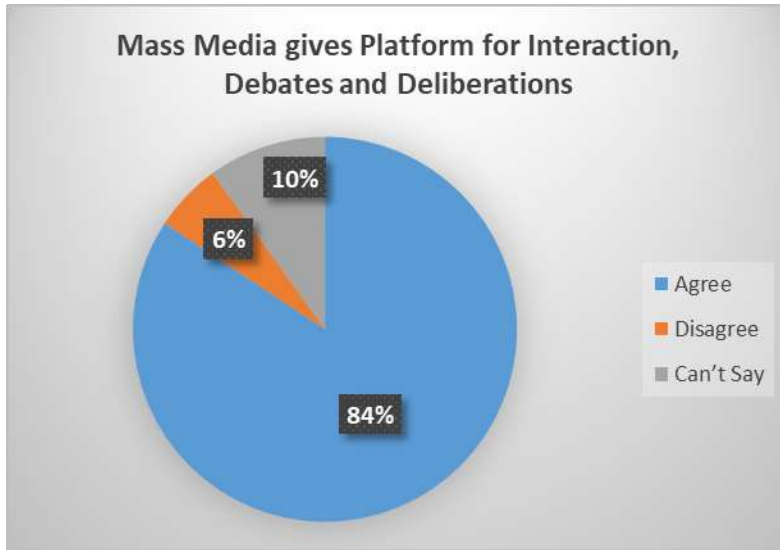


Figure 1 Mass Media Gives Platform for Interaction Debates and Deliberations

Table 2 Young population of India must be informed about how they can protect their private data from exploitation and misuse

Particulars	Agree	Disagree	Can't Say	Total
Respondents	153	17	21	191
% age	80.10	8.91	10.99	100

Table and Figure 2 presents that with the statement Young population of India must be informed about how they can protect their private data from exploitation and misuse, it is found that 80.10% of the respondents agree with this statement.

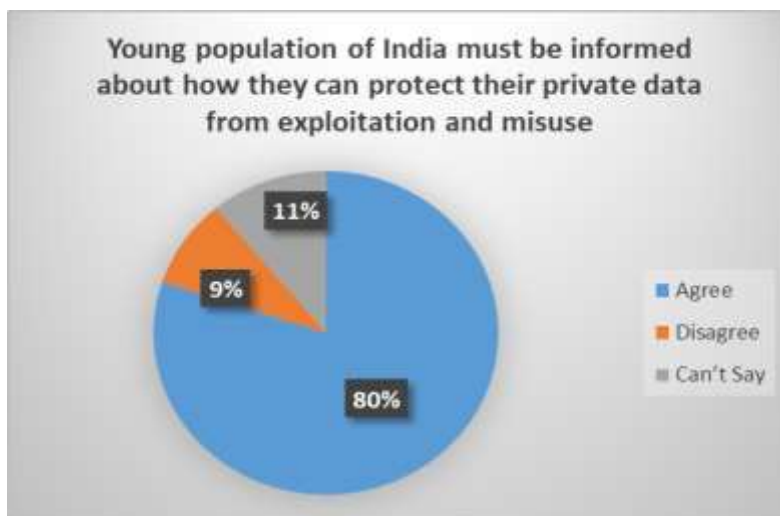


Table 2 Young population of India must be informed about how they can protect their private data from exploitation and misuse

Table 3 Students who use the Internet for social interaction are more concerned about privacy, and aware about Right to Privacy

Particulars	Agree	Disagree	Can't Say	Total
Respondents	147	19	25	191
% age	76.96	9.95	13.09	100

Table 3 presents that with the statement Students who use the Internet for social interaction are more concerned about privacy, and aware about Right to Privacy, it is found that 76.96% of the respondents agree with this statement.

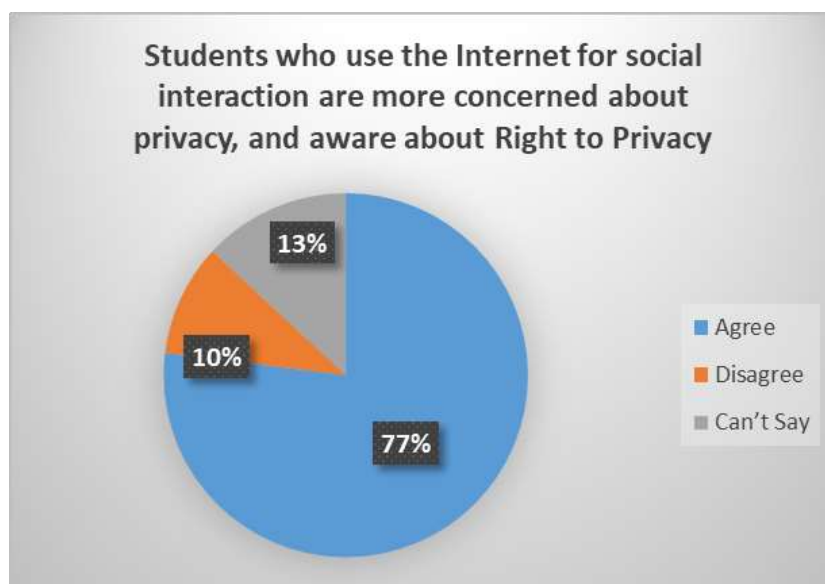


Figure 2 Students who use the Internet for social interaction are more concerned about privacy, and aware about Right to Privacy

Table 4 Majority of student possess no or zero knowledge regarding the privacy act and data and information protection act

Particulars	Agree	Disagree	Can't Say	Total
Respondents	133	21	37	191
% age	69.63	11.00	19.37	100

Table 4 presents that with the statement Majority of student possess no or zero knowledge regarding the privacy act and data and information protection act, it is found that 69.63% of the respondents agree with this statement.

Conclusion

In the technological era where everything is digitally connected, the importance of Right to Privacy has created an urgency to be established as a fundamental right. Since, Right to Privacy is very wide it has many positive and some negative points. Students though are aware of the basic rights, rules and regulations related to privacy but they are not aware of scope and limitations about the same. It has also been concluded that a balance must be maintained between the need to preserve the data sovereignty and the need to make their information available for genuine concerns, legitimate interests, and India's progress. But, innovation and privacy must be balanced so that people's rights are prioritized. Individuals must be specifically protected from unjustifiable government snooping, not just unlawful snooping. Any invasion of privacy must be authorized by a court order, and a parliamentary committee. To secure personal information there is a need for proper legislation and a responsible regulator. Any data protection legislation must adhere to Indian law. Since many laws are established to prevent the data and information there are many laws established by the parliament. College students of India need to be educated regarding the same and its importance.

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