

# Information Technology and Its Impact on Right to Privacy: A Critical Study

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**Abstract –** *The Information Technology, as far as we might be concerned today, immensely affects putting away data on each possible subject important to humanity which has changed the correspondence framework as entirety. Advances in data innovation and media transmission networks have drastically expanded the measure of data and information that can be put away, recovered, got to and examined promptly. In genuine sense, the headways in Information Technology have been determined, and yet, these have negative and destroying sway likewise covering a wide scope of issues of social concern. In Indian point of view Information Technology' ideated difficulties is not, at this point a hallucination yet it shows the forthcoming effect of the Information Communication Technology as the new boondocks of developments in crimes covering the worldwide viewpoint through the organization of overall wave (www) and other modern and improved techniques for innovation.*

**Keywords –** Technology, Right to Privacy

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## INTRODUCTION

Advancement in any field of information gives new roads to cater the necessities and to satisfy the goals of any edified society at some random mark of time. Appearance of innovation enlarges its utilization as well as stances expected difficulties for the overall set of laws and legitimate universe all in all. As of now, this is by all accounts extremely obvious according to Information Communication Technology (ICT) and related improvement as alleged Information Revolution. The Information Technology, as far as we might be concerned today, unfathomably affects putting away data on each possible subject important to humankind which has changed the correspondence framework as entirety. In genuine sense, the progressions in Information Technology have been determined, and yet, these have negative and destroying sway additionally covering a wide scope of issues of social concern.

In Indian viewpoint Information Technology related difficulties is not, at this point a fantasy however it shows the forthcoming effect of the Information Communication Technology as the new boondocks of advancements in crimes covering the worldwide point of view through the organization of overall wave (www) and other modern and improved techniques for innovation.

In these innovation arranged turn of events, the most recognized and personal right of any individual is at the stake which is also called 'Right to Privacy'. The privilege to protection alludes to the particular right of a

person to control the assortment, use and divulgence of individual data. Individual data could be as close to home records, propensities and exercises, family records, instructive records, clinical records, monetary records and personal correspondences, for example, telephonic talks and email. Further, Right to security is additionally influenced in a way that adds up to infringement of public ethical quality and goodness in a socialized society with the utilization of assembly of advancements. The more extensive utilization of these imaginative advancements has produced another and complex arrangement of issues concerning singular security and data protection for example information security. The lawful ramifications and principles of law to be seen comparable to secure the socio-social and good standards is by all accounts deficient in PC and correspondence related violations. In this manner, the opportunity has already come and gone to accept it as a test and to foster the legitimate structure likewise. The issue of data for example information security is additionally an excellent worry to ensure the framework just as society. Since, network safety is a major test in current Indian viewpoint, consequently we need a decent lawful structure in the space of digital law, network safety to secure e-exchanges and the regular interests of overall population on the loose.

In the current Indian lawful setting, the Information Technology Act, 2000 is a piece make enactment that is powerless on the facades of digital protection and different spaces of digital culpability and hence influencing the security privileges of Indian residents

and different parts of e-governance. The advancements in correspondence innovation and alternate path patterns of improvement in Information Technology have gone into making the captivating developments. To speak with the assistance of Internet and www would not have had the effect that it has had in each circle of life known to human civilization in winning situation. Initially, the current general set of laws and system has shown insufficiency of legitimate security managing Information Technology comparable to protection rights. Besides, the Constitution of India doesn't allow in a particular and express terms any privilege to protection accordingly. Right to security isn't listed as a Fundamental Right in the Constitution. In any case, a privilege has been separated by the Supreme Court of India from Article 21 and a few different arrangements of the Constitution read with the Directive Principles of State Policy.

Subsequently, the current examination is an endeavor to unite different points of view of data innovation and its complex effect on 'Right to Privacy'. In this examination, the Right to Privacy has been dissected with hypothetical, innovative and socio-legitimate points of view of data innovation based arrangement of telecom and electronic exchange in modern times. The significance of the investigation is basic to advance and to foster legitimate directional, controlled and orderly measures to ensure the most appreciated human need of protection in very much acknowledged and exhaustive way.

### Evolution of Internet: A Brief History

An unobtrusive correspondence explore, which was started by a group of researchers under an examination project in the 1960's established by the United States Federal Government has brought about worldwide connected organization of PCs is known as the Internet. Before the finish of 1969, four PCs were associated together into the underlying set up and the adventure of the Internet had initiated. ARPANET, the main Internet, was dispatched in the year 1969. The Internet is an organization of PC connecting as conceivable as various sorts of PCs everywhere on the world. It is likewise called as organization of organizations sharing a typical system for tending to or recognizing PCs, and a typical arrangement of correspondence conventions for interchanges inside the organization (for example between two PC on the organization). As cited over, the Internet has its root in the ARPANET arrangement of the Advanced Research Project Agency (ARPA) of U.S. Branch of Defense (USA).<sup>^</sup> ARPANET was the principal WAN and just four locales in 1969. The primary enormous and effective show of the ARPANET happened at the International Computer Communication Conference (ICCC) in the year 1972.<sup>^</sup> The Internet developed from fundamental thoughts of ARPANET for entomb associating PCs, and was utilized by research offices, associations and colleges at first to share and trade data.

In 1989, the Government of United States of America (USA) lifted limitations on utilization of the Internet, and permitted it to be utilized for business purposes and from that point forward the Internet has developed internationally to turn into the world's biggest organization permitting practically all countries all throughout the planet to speak with one another. The essential administrations given by the Internet to its clients are electronic mail (email), document move convention, telnet and utilize net news.

### The World Wide Web

The US Government delivered the control of Internet in 1994 and WWW was born. The World Wide Web (called WWW or W3) is the most famous and promising technique for getting to the Internet. Primary justification its prominence is utilization of an idea called Hypertext. Hypertext is another method of data stockpiling and recovery that empowers creators to structure data in novel manners known as a successfully planned Hyper Text Markup Language (HTML). HTTP was composed by Tim Berners-Lee in 1989, yet came online just in 1993.

The WWW utilizes customer worker model and an Internet Protocol called Hyper Text Transfer Protocol (HTTP) for communication between PCs on the Internet. Any PC on the Internet utilizing the HTTP convention is known as a Web Server, and any PC getting to that worker is known as a Web Client. Utilization of customer worker model and the HTTP permits various types of PCs on the Internet to communicate with one another.

### Implications of Computers and Internet

In the current period of data innovation and globalization of exchange and trade, it isn't workable for anybody to avoid the effect of data and correspondence advancements. In addition, it has certain momentary and legitimate ramifications with the utilization and application as far as control and guidelines outlined for new innovation. New correspondence frameworks and advanced innovation have rolled out sensational improvements in consistently exchanges. Deals are being made, with the assistance of PCs and Internet. Business people group just as people are transcendently utilizing PCs to make, send and store data in the electronic structure rather than conventional paper archives. Data put away in electronic structure is less expensive. It is simpler to store, recover and speedier to convey. Since, electronic trade dispenses with the requirement for paper based exchanges; consequently to work with internet business, there is need for administrative changes for example switch over from conventional paper based business to online business. Web rises above public limits. The client in cyberspace<sup>^</sup> navigates a purview less sovereign area that isn't liable to any state ward. As of now there is no exhaustive enactment on the internet ward, anyplace on the

planet because of the way that the internet has no predefined regional limits.

### **Indian Information Technology Law**

The United Nations Commission on International Trade Law (UNCITRAL) embraced in June 1996, a Model Law on Electronic Commerce<sup>^</sup> proposed to give expresses an administrative structure to eliminate hindrances to electronic business (internet business). In promotion of the United Nations, General Assembly Resolution No. 51/162, dated 30<sup>^</sup> January, 1997 asking the part states to institute or reconsider their laws to establish a uniform lawful climate for the elective controlling system to paper based techniques for correspondence, along these lines, India being signatory to it needs to amend its laws according to the said Model Law. The Information Technology Bill was passed by both the Houses of Indian parliament, and it got the consent of the President on 9 June, 2000 and turned into The Information Technology Act, 2000. The Information Technology Act, 2000(1 T Act, 2000) is India's reaction to control the utilization of PCs, PC frameworks and PC networks as additionally information and data in the electronic configuration. The said enactment has the arrangements for the legitimacy and legitimacy of electronic exchanges (e-exchanges). The I T Act, 2000 has fluctuated nature of arrangements relating to electronic confirmation of records, secrecy of security and data, advanced marks, cybercrimes and obligation of organization specialist co-ops for example Web access suppliers (ISP's). From 17 October, 2000, when the I T Act, 2000 came into execution, the said enactment has stood up to for certain intriguing points of view of digital difficulties and digital guiltiness.

Notwithstanding, certain deficiencies are additionally at the bleeding edge presenting reasonable challenges in the execution of the said enactment because of the steady developments and enhancements in innovation. Thinking about the item and reasons of the I T Act, 2000 after is imperative: "The Act is to give legitimate acknowledgment to exchanges completed through electronic information trade and different methods for electronic correspondences, which includes utilization of choices to paper based strategies for correspondence and capacity of data to work with electronic exchanges of documents".<sup>^</sup> Thus, the Act works with the route for electronic administration (e-governance) in view of the utilization of data innovation in Indian general set of laws. The expanding utilization of data and correspondence innovation has led to genuine dangers of data security and subsequently consistence worries according to security strategy endorsed for maintenance of electronic records and security of information. To forestall the potential abuses emerging out of exchanges and different dealings finished up ridiculous medium the I T ACT, 2000 makes common and criminal liabilities for negation of the important arrangements.

### **REVIEW OF LITERATURE**

The improvement of data innovation in current occasions has exceptional pertinence to the law of protection. The innovation has made it conceivable to bring the private issue of a person into the public area, in this way uncovering the danger of an attack of room and security. Advances in data innovation and media transmission networks have profoundly expanded the measure of data and information that can be put away, recovered, got to and ordered immediately. Innovation obscures the limits and move towards intermingling of strategies guarantee that all of data is separated and logged. The Internet has worked with this in a remarkable way as a data unrest in present situation. The development of innovation in the modern world can be seen as an overwhelming drive for productivity, a persistent inclination to accomplish the most extreme creation of labor and products with least of human exertion.

A component of innovative injury shows up as an inescapable result of this headway, against which the advantages that stream from the innovation must be adjusted. A general public is a modern society which misuses PC strategies and where the progression of data is more prominent and effectively gathered, recorded, accessed and communicated.

Consequently a general public where the limits made to restrict the progression of data might be superceded to the hindrance of the protection of the person. The existence of the person in a general public needs to find some kind of harmony among opportunity and limitations. It is unavoidable that if any general public administered by law, there should be a level of control contingent on the data with respect to the past, present and anticipated conduct of the people and gatherings in a specific framework. In this manner, the state is keen on acquiring the data even at the danger of meddling with singular security and it happens in light of the perceived and certifiable need of the state to ensure the public interest against undercover work (demonstration of discovering the restricted intel) and rebellious exercises towards the state.

The improvement of science and innovation has been utilized to infiltrate and control what the individual may profess to be his exclusive issues and activities. Endeavors at the intrusion of security have likely happened in completely humanized social orders from however the extension was as of not long ago confined by the mechanical impediments on the spread of light and sound from the person under observation to a secret eyewitness or snoop.

The creation of the telescope and photography started to expand the constraints of perception and these were enlarged further by the mouthpiece and phone however the occasion that prompted the modern blast of observation methods was the disclosure of the electron in 1897 by J. J. Thomson.

Also, the present circumstance changed after the development which was maybe more significant than the revelation of electron itself. Electronic hardware could, consequently, be progressively little, bountiful, modest and not exclusively did this yet made individual observation gear simpler to acquire and to hide. It has likewise made conceivable the development of enormous PCs with their extraordinary stockpiling limit of information banks that are themselves presently turning into a genuine danger to protection (for example information security).

### Right to Information vis-a-vis Right to Privacy

The concept of an open government is the direct emanation from the right to know which seems to be understood justified of the right to speak freely of discourse and articulation presented under Article 19(1) (a) of the Constitution of India.

Notwithstanding, in India, the privilege to security is anything but a particular major right yet has acquired Constitutional acknowledgment. Shockingly, the encroachment of right to protection isn't covered by the articulation "sensible limitations" 'to one side to the right to speak freely of discourse and articulation under Article 19(1) (a)

The aftereffect of the limitations being comprehensively counted in, that except if a distribution that attacks the person's protection is "corrupt" or "foul", it isn't in opposition to Article 19 (2). In any case, this has not limited the activism of the Courts from cutting out a Constitutional right to protection by an inventive understanding of the privilege to life as revered under Article 21 of the Constitution of India.

Matching with these lawful ramifications and mechanical improvements a public lively for example a participatory and significant law was sanctioned in India on opportunity of data, specifically, The Freedom of Information Act, 2002 was instituted to accommodate opportunity to each resident to tie down admittance to data heavily influenced by the public specialists, predictable with public interest, to advance receptiveness, straightforwardness and responsibility in organization and related issue, however it never came into power. From there on, on the suggestions made by the National Advisory Council, a more complete law guaranteeing more prominent and more viable admittance to data was visualized. Therefore, the Right to Information Act, 2005 was instituted by the Indian Parliament and it got the President's consent on 15.6.2005.<sup>^</sup> simultaneously, it has likewise brought into a showdown between the privilege of the general population to know and the privilege of the person to be left alone (right to protection).

### Sting Operations and Right to Privacy

Opportunity of press began with spread of pertinent data about open undertakings or the happenings that

straightforwardly affected public government assistance. Yet, the purported fourth mainstay of popular government I. e, media (Print and Electronic media) has violated the outline that isolates the legitimately passable substance from illicit one. Consequently, the guideline and control of flighty reportage as a rule and sting tasks specifically is exceptionally a matter of extraordinary concern. Since, sting tasks started with a commendable evenhanded of uncovering defilement in high places and deteriorated into easy distraction, it is from here that a discussion began on abuse of sting operations."<sup>\*</sup> Regarding the privilege to opportunity of press, it isn't prudent to put chains on free spread of data, as it frames the actual premise of majority rule esteems. It too must be in any way perceived that the security of the people whose activities are generally in open area is likewise ensured.

The subject of ethical quality may consistently be a substantial inquiry regarding a public interest; the inquiry ought not be gotten through sketchy methods. Public interest should not be mistaken for a wide range of 'interests'. The private existence of an individual must be isolated from his public life and every one of his activities that make little difference to his public undertakings and capacities should be avoided media glare. Right to the opportunity of press, which suggests inside the privilege to the right to speak freely of discourse and articulation, is certifiably not a limitless advantage for the good of its own. It is a restricted option to be practiced for public great and in compliance with common decency. The vital issue engaged with sting activities is on the right track to protection; it is admirable sentiment that at one point all sting tasks do disregard right to security in one way or the other in light of the fact that during a sting activity, in every one of the cases, the individual being covered doesn't know about the secret electronic instruments or camera and so forth for recording. This implies that the individual has not offered agree to be covered or shot, without which, in customary course, anybody has the privilege to uncover any individual. Consequently, the privilege to security is penetrated.

In any case, it could be mollified that an unlawful demonstration being submitted by a community worker during his authority obligations and maltreatment of his authority limits are not deserving of security under right to protection law. Other than this, when a community worker playing out his authority obligations is shrouded in open area. In these cases, public interest is by all accounts more important in contrast with the privilege to security. However, in situations where, there is no maltreatment of force according to public workplaces yet about an ethical wrong dedicated by a private individual, the scales would shift for the privilege to privacy.

It is hence presented that public interest must be found comparable to public obligation. In the event

that an individual has no obligation towards overall population, his ethically off-base direct isn't sketchy and not open to public investigation except if he abuses the law by such lead. Each individual has a privilege to settle on an existence of his decision and seek after such things as he might suspect fit. This is very quintessence of all freedoms.<sup>^</sup>

All in all, every individual has a sacred option to be left alone in his own interest insofar as he doesn't do any damage to some other individual or to the general public on the loose. In this way, without right to security, option to any remaining opportunities will be lacking corresponding "to one side to life" as given under the Constitution of India. Also, it is vital that privilege to security isn't permitted to be meddled misleadingly. Simultaneously, the privilege to the right to speak freely of discourse and articulation has additionally to be kept up to ensure the popularity based set up.

Protection is the case of people, gatherings or organization to decide for themselves when, how and how much data about them is to be imparted to others.<sup>^</sup> Viewed as far as the connection of the person to social support, security is the willful and brief withdrawal of an individual from the overall society through physical or mental methods, either in a condition of isolation or little gathering closeness or, when among bigger gatherings, in a state of secrecy or save. Right to protection is a greater amount of a suggested commitment. It is the 'option to be not to mention'. Thus, 'Right to life', "the Right to be not to mention" has arisen. <sup>^</sup> The worry for the Right to protection was appeared by Thomas M. Cooley toward the finish of the nineteenth century when he saw that security was inseparable from the option to be let alone<sup>^</sup>. Along these lines, security as right is the option to be left alone without unjustifiable interruption by government, media or different foundations or people.

Hence, in like manner legitimate speech, the privilege of security makes them mean for example a legitimate option to be left alone; the option to carry on with life liberated from inappropriate exposure. In more extensive sense, protection is the capacity of an individual to control the accessibility of data about and openness of oneself It is identified with having the option to work in the public arena secretly (counting Pseudonymous or dazzle accreditation recognizable proof).

## **THE OBJECTIVE OF THE STUDY**

1. To analyze the development of information technology and its impact on right to privacy.
2. To examine the current and existing legal frame work to protect the right to privacy

## **RESEARCH METHODOLOGY**

The investigation is doctrinal and logical. It depends on relative and basic investigation of Constitutional and lawful components in global general sets of laws especially U.S.A., U.K. also, European Union (EU) and Indian Legal structure identifying with data innovation. The examination has its own constraint because of the effect of consistent creating advances and its applications in this cutting edge arrangement of administration and lawful turns of events.

## **DATA ANALYSIS**

Today in numerous fields of human movement data innovation has been utilized an alternative for a few or the entirety of the capacities performed by people and as result, these actually performed capacities can possibly struggle with the principal basic freedom of security and in this manner brings a legitimate worry up in a period where the innovation has made all information similarly open, paying little mind to the locale in the internet. In this unique situation, the PC world and The Internet {world wide web, www} are ideal models for both of the sides for example constructive outcome just as adverse consequence internationally and its exercises in a far reaching way like interchanges, organization, administration, connections, monetary Services (Banking and Non Banking), clinical records and individual data.

## **CONCLUSION**

Modern innovative turns of events and specifically the supposed intermingling of PC and data correspondence advances has established a climate in which there is prepared admittance to individual data. It is basic for the assurance of individual security as well as a danger for data protection for example information protection. Likewise, it is of indispensable significance to foster a far reaching strategy that might have the option to make an empowering structure for generally speaking insurance of security and discovering fitting harmony among protection and other contending interests. In this way, an agricultural country like India needs to endeavor to keep a harmony between the arrangements of generally applied laws and Indian lawful foundation identifying with combination of innovation basically dependent on data innovation applications for example Transmit, Electronic-media. Link Broadcasting, Satellite and Internet. Admittance to new innovation (for example Innovation Inclusion) is of most extreme significance for the accomplishment of wanted social and financial objectives. Accessibility of moderate and viable correspondence mechanism for the residents with due vision of care.

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