



# Digital Privacy Laws and Media Ethics: Navigating the Challenges of Data Protection and Journalism

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## Abstract

The goal of this research is to better understand how media ethics and data protection can coexist. The research looks at how privacy laws affect journalistic practises as well as the ethical ramifications of managing and reporting data under the law. The research shows the importance of addressing these challenges and finds gaps in current knowledge via a thorough literature review. The research is inductive and uses an exploratory design with an interpretivist mindset. The study makes use of secondary data from pertinent sources. Insights for policymakers, journalists, and media organisations are provided by the findings, which clarify the intricate link between digital privacy laws and media ethics. In order to successfully manage these problems while maintaining data protection and journalistic integrity, the proposals stress the need of clear norms, ethical frameworks, and cooperation amongst parties.

## Introduction

The convergence of digital privacy laws and media ethics has gotten more difficult in this age of pervasive digital technology and information sharing (Sold and Junk, 2021). It is becoming more difficult to balance the public's right to know and individuals' privacy rights due to the fast expansion of data protection regulations and the ethical considerations journalists encounter. The influence of digital privacy laws on journalistic practices and the ethical difficulties that occur when reporting on sensitive personal data are both explored in this research, which digs into the complexities of an ever-changing world (Munoriyarwa, 2021). By negotiating these obstacles, this research intends to illuminate the difficult balance between responsible data protection and the essential tenets of digital journalism in the digital era.

**Research aim**

The aim of this research is to identify the digital privacy laws and media ethics along with exploring the challenges of data protection and journalism.

**Research objective and question****Research objectives**

- To examine the impact of digital privacy laws on journalistic practices.
- To explore the ethical dilemmas arising from reporting on sensitive personal data.
- To propose strategies for navigating the challenges of data protection and journalism.

**Research Questions**

- What is the impact of digital privacy laws on journalistic practices?
- What are the ethical dilemmas arising from reporting on sensitive personal data?
- What are the strategies for navigating the challenges of data protection and journalism?

**Rationale**

The first step in comprehending how regulations concerning digital privacy affect the methods used by journalists in the information collection, processing, and dissemination process is to research the effects of such laws on journalistic practices (Porlezza and Eberwein, 2022). Journalists now have to comply with new laws like the General Data Protection Regulation (GDPR), which require them to get people's permission before using their personal information, ensure the security of their data, and be open about their information practices. Examining how these laws will be implemented will help journalists anticipate and prepare for issues like source protection, international data transfers, and the right to be forgotten (Munoriyarwa, 2021). It will ultimately lead to more efficient strategies for compliance and responsible journalism.

Second, maintaining journalistic integrity and safeguarding people's privacy rights necessitates examining the ethical difficulties when reporting sensitive personal data (Sold and Junk, 2021). The public interest against privacy, permission, and the potential for damage is only some ethical difficulties journalists confront while reporting on subjects, including personal data. Investigating these ethical considerations will illuminate journalists' complicated decision-making processes and ethical frameworks (Oppegaard and Schmitz Weiss, 2022). It will show how well current media ethics standards and professional codes of conduct handle these issues and suggest ways to strengthen them to guarantee responsible journalism in the digital era.

Finally, suggestions for dealing with data protection and journalism issues will help journalists, news outlets, and legislators. This research will help journalists comply with data protection laws while respecting the values of responsible journalism by synthesising the results from the aims above (Porlezza and Eberwein, 2022). It will also help to build best practices, tools, and frameworks. Additionally, it will provide lawmakers with evidence-based suggestions to balance data protection with the public's right to access essential news.

### **Significance**

This research all significantly impacts the domains of digital privacy, media ethics, and journalism. This study contributes to developing informed practises, policies, and strategies that balance data protection and responsible journalism in the digital age by examining the effect of digital privacy laws on journalistic practices and addressing the ethical dilemmas involved in reporting on sensitive personal data.

### **Literature review**

#### **Digital Privacy Laws and Journalistic Practices**

Many traditional journalistic practices have evolved in response to new data privacy laws like the General Data Protection Regulation (GDPR) in the European Union. Scholars have examined how these laws have affected journalism, specifically regarding consent, data security, and openness. One study that examined how GDPR affected journalists' methods of gaining permission for data collection and processing was conducted by Duffy and Ang (2019). They discovered that journalists struggled to get legal permission to publish some information while protecting the public's right to know. The necessity for more openness in data processing practises to meet GDPR requirements was also underlined by research by Posetti *et al.* (2020). In reaction to digital privacy laws, these studies highlight the changing environment of journalistic practices.

#### **Ethical Dilemmas in Reporting on Sensitive Personal Data**

Combining data protection and journalism creates ethical quandaries when reporting on sensitive data protection. Scholars have investigated these conundrums, concentrating on the contradictions between the public interest in information availability and individuals' privacy rights. The need for responsible data management and minimising damage to impacted persons is emphasised by Gasser *et al.* (2020), who explored the ethical aspects of reporting on personal data gained via data breaches. Scholars have also investigated the ethical considerations of sharing sensitive information such as health data, sexual orientation, and criminal histories (Banks *et al.* 2020).

Ethical norms, professional codes of conduct, and the public's right to information must be carefully balanced when dealing with these delicate issues.

### **Media Ethics Guidelines and Professional Codes of Conduct**

Media ethics standards and professional codes of conduct greatly aid journalists' decision-making processes regarding digital privacy and data protection concerns. Current standards and codes' effectiveness and translation into the digital sphere have been studied. Regarding data-driven journalism, for instance, Gaillard and Peek (2019) looked at the ethical frameworks journalists use. Researchers discovered that journalists think through public interest, openness, responsibility, and individual effect when faced with an ethical problem. Similarly, research by Wellman *et al.* (2020) highlighted the significance of media ethics standards in establishing responsible journalistic practices concerning data privacy and protection. These studies show how vital ethical principles and codes are for journalists when dealing with intricate digital privacy issues.

### **Strategies for Navigating the Challenges of Data Protection and Journalism**

Scholars have offered a variety of methods for journalists, news organisations, and policymakers to deal with the difficulties of complying with data protection laws while still practising responsible journalism (Gasser *et al.* 2020). Protecting people's privacy while allowing for useful reporting is partly facilitated by anonymising and aggregating data. One method for striking this balance between data use and privacy protection is the "differential privacy" suggested by Duffy and Ang (2019). It is also critical to guarantee openness and responsibility in data management practices. Scholars have emphasised the need for news organisations to enact strong data protection policies, train journalists in data ethics, and establish transparent practices for dealing with sensitive personal information.

### **Code of conduct**

A code of conduct is a collection of rules and principles that defines proper conduct and high ethical standards for members of a certain group, whether they are a profession, an organisation, or a community (Cooper, 2019). It offers a framework for responsible and ethical behaviour and acts as a guide for making ethical decisions. In journalism, like in many other professions, codes of conduct are essential for maintaining the honesty and reliability of the work. Typical principles outlined in journalistic codes of conduct include objectivity, balance, openness, and confidentiality (Cooper, 2019). They recommend responsibly handling sensitive subjects, including source protection, conflicts of interest, information verification, and accurate reporting.

## **Theory**

The social responsibility theory of journalism is an important area of research for this study. According to the social responsibility theory, news outlets must act in the public's best interest by reporting fairly and ethically (Ward, 2019). This theory emphasises the necessity for journalists to deal with the difficulties of data protection while keeping their ethical obligations to respect the privacy rights of persons in the context of digital privacy legislation and media ethics. To promote responsible and accountable journalism in the digital age, journalists should follow this theory and work to balance the public's access to knowledge and the protection of personal data (Jami and Appiah-Adjei, 2019).

## **Literature gap**

There is a gap in the literature regarding the actual tactics and frameworks that journalists can use to deal with the difficulties of data protection while still upholding responsible journalism in the digital age, even though there is a body of research on the intersection of digital privacy laws, media ethics, and journalism.

## **Research Methodology**

### **Research Philosophy**

This research was appropriate for an interpretivist philosophy since it sought to grasp the intricacies of digital privacy legislation, media ethics, and journalistic practises within their own social and cultural contexts. This philosophical approach recognised that numerous perspectives and subjective interpretations shape the topic under study (Zangirolami-Raimundo *et al.* 2018). It acknowledged the value of investigating how different people understand and practice data protection and journalism. This research adopted an interpretivist stance to understand better the nuanced relationship between digital privacy legislation and media ethics and the contextual circumstances that shape that relationship.

### **Research approach**

Existing ideas and conceptions were tested against actual data using a deductive approach. In this research, preexisting theories, such as the social responsibility theory of journalism, offered a framework for comprehending the ethical issues and difficulties journalists encounter concerning data protection. The deductive method entailed developing research questions and hypotheses based on the existing literature and ideas and then gathering data to support or disprove these assumptions (Dźwigoł and Dźwigoł-Barosz, 2018). This method facilitated the creation of generalisable findings by providing a transparent framework for data analysis.

## Research Design

An exploratory design aimed to learn more about the research question and develop new ideas used in subsequent studies. Because of its modular structure, this study of media ethics and digital privacy was tailored to the needs of individual students. Investigating the literature, codes of conduct, and ethical principles on journalism and data protection were crucial to this process (Cr, 2020). More research on this complicated issue was conducted using an exploratory design to understand it better.

## Data Collection Method

This research used secondary data from various sources, including academic publications, reports, legal papers, and media ethics codes. Information on the relationship between legislation protecting digital privacy, journalistic ethics, and media practices were abundant in these sources. This research filled a gap in the present understanding of the issue by analysing and synthesising available literature and records (Mishra and Alok, 2022). Secondary data provided a more all-encompassing picture of the research topic by including a variety of viewpoints and instances (Newman and Gough, 2020). It paved the way for a methodical analysis of the state of data protection and journalism as it now stands, including prevalent practices, ethical concerns, and obstacles.

## Data Analysis and Findings

### Shreya Singhal v. Union of India (2015)

The Supreme Court of India reviewed the constitutionality of Section 66A of the Information Technology Act of 2000 in the case of Shreya Singhal v. Union of India (Shreya Singhal v. Union Of India AIR [2015] SC 1523). The petitioners claimed that Section 66A's provisions exceeded the limits on freedom of speech allowed by Article 19(2) of the Indian Constitution, which the petitioners believed made the law unconstitutionally vague. As argued by the petitioners, the Supreme Court struck down the whole of Section 66A. The court ruled that the clause did not allow for legitimate limitations on the right to free speech (Bhadauria, 2019). The Court determined that Section 66A might possibly stifle a great deal of constitutionally protected and innocent speech due to its use of vague and imprecise phrases like "annoyance" and "inconvenience." The clause potentially harmed the right to free speech because of its wide and vague phrasing.

The arrests of two women stemmed from their reportedly disrespectful Facebook posts on the closure of Mumbai after the death of a political leader (SINGH, n.d.). The arrests were conducted per Section 66A, which made it illegal to transmit anything blatantly offensive or designed to irritate, inconvenience, danger, insult, damage,

hostility, or ill will via the use of computers or other electronic sources. The event received widespread media coverage and condemnation, prompting the women to challenge Section 66A's legality. Previously, as an interim remedy, the Supreme Court had barred police from using Section 66A to make arrests without the agreement of higher-ranking officers. Since protecting free speech is so important, the Supreme Court of India ruled that Section 66A was unconstitutional. It was a landmark decision because it upheld the principles of free speech and privacy in the digital sphere (Pranjali, J. and Anand, n.d.). A clause that may be abused to restrict free speech on digital platforms was struck down.

In 2000, the Indian Parliament passed the Information Technology Act, formally published on October 17. It is India's primary cybercrime and e-commerce law (Pattnaik and Misra, 2022). The significance of preserving free speech in the digital arena is emphasised in the case of *Shreya Singhal v. Union of India*, consistent with the literature review's findings on digital privacy legislation and media ethics. The case illustrates the worries expressed in the literature about the possible abuse and misapplication of vague and overbroad provisions, such as Section 66A of the Information Technology Act (*Shreya Singhal v. Union Of India AIR [2015] SC 1523*). In light of the Supreme Court's decision to strike down Section 66A, it is more important than ever to have well-defined legal frameworks that strike a fair balance between individuals' right to privacy and their right to freedom of speech in the digital era.

### **K.S. Puttaswamy (Retd.) v. Union of India (2017)**

Specifically, the Supreme Court of India's historic judgement in the case at hand, which established the right to privacy as a separate and distinct fundamental right under Article 21 of the Constitution, is examined (GN, 2023). The case arose from a challenge to the constitutionality of the Aadhaar card programme, and it required a reevaluation of two prior judgements, *M.P. Sharma* and *Kharak Singh*, both of which had concluded that the Constitution did not expressly protect the right to privacy. Successive Supreme Court decisions have expanded the right to privacy. It argued that the concept of privacy extended beyond protecting an individual's physical space to include the security of that individual's personal decisions, information, and liberties. The court adopted a broad perspective, rejecting the restrictive position that basic rights should be considered separately (Misra, 2020).

It reaffirmed that privacy was a fundamental right in India and overturned the judgements in *M.P. Sharma* and *Kharak Singh* (Gautam, 2022). The right to privacy was held to have limitations based on legality, need, and

proportionality, which were emphasised in the judgement. It also established procedural guarantees to limit unwarranted government intervention. The court ruled that the right to privacy was not a privilege enjoyed only by a select few and so could not be sacrificed to fund social programmes. However, the Petitioners argued that *A.K. Gopalan vs. the State of Madras* (1950 SCR 88) provided the foundational principles upon which *M.P. Sharma and Kharak Singh* were built (Shrivastava and Malik, 2021).

In *Rustom Cavasji Cooper vs. Union of India* ((1970) 1 SCC 248), the eleven-judge bench rejected the Petitioners' claim that *A.K. Gopalan*, which interpreted each section in the Chapter on Fundamental Rights as constituting a different protection, was sound law. Therefore, the Petitioners argued that the precedent the two prior cases set was not sound (GN, 2023). It was further argued that Justice Subba Rao's minority judgement in *Kharak Singh* was particularly supported by the seven-judge bench in *Maneka Gandhi vs. Union of India* ((1978) 1 SCC 248), whereas the majority's decision was overturned.

Aligning with the literature review on digital privacy legislation and media ethics, the case on the acknowledgement of the right to privacy emphasises the need to safeguard people's privacy rights in the digital age (Misra, 2020). The case responds to arguments in the literature for stricter legal frameworks and more judicial scrutiny to balance privacy and other interests like national security and social programmes. In today's increasingly digital and data-driven society, the judgement highlights how crucial it is to preserve privacy as a basic right (Gautam, 2022).

### **Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal (1995)**

The case study illuminates the connection between media ownership, regulation, and the right to free speech. It aligns with the media ethics literature review because it focuses on preventing monopolies and ensuring diversity in the broadcasting business. According to the case, Article 19(1)(a) of the Constitution protects the right to view television and radio broadcasts as a basic right (*Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal* [1995] AIR 1236, 1995 SCC (2) 161). This shows how important it is to strike a balance between this right and government regulation placed to regulate the use of limited resources like radio waves and frequencies.

The Supreme Court's decision upholds that freedom of speech includes sharing and receiving information. It emphasises public oversight and independence in the broadcasting sphere to avoid monopolisation by the government or private companies (Paul and Das, 2021). The Court contends that people's freedom of speech is



violated when there is a monopoly in media ownership since it may limit the diversity of thoughts, viewpoints, and ideas. It's also important to note that the case acknowledges radio waves as a public benefit and underscores the necessity for government oversight and regulation of this resource (Sarkar *et al.* 2019). To secure the fair and equitable regulation and distribution of radio waves, the Court has ordered the creation of such an organisation that represents all sectors and interests of society.

The case is consistent with the literature review's suggestions for open and accountable media governance since it emphasises public control and favours an independent regulating agency. It highlights the necessity of safeguarding democratic ideals, combating the abuse of power, and fostering media diversity (KUMAR, n.d.). All things considered, the case adds to the existing literature by stressing the significance of media ownership regulation, broadcasting diversity, and the protection of people's freedom of speech. It stresses the need to strike a balance between protecting individual freedom of information and the needs of society.

## **Conclusion**

In conclusion, the research illuminates the intricate relationship between data privacy law and digital journalism ethics. It emphasises journalists' difficulties in maintaining ethical standards while complying with the law. This research helps policymakers, media professionals, and society comprehend the challenges better by delving into the relevant case laws and theoretical viewpoints.

## **Recommendations**

Several suggestions may be made based on the findings of this research. Policymakers should review and revise current digital privacy laws to guarantee that they balance safeguarding people's data and ensuring journalistic freedom. Journalists need unambiguous rules on handling confidential data and safeguarding sources while also upholding ethical principles. Furthermore, media outlets should make educating journalists on privacy-conscious practices a top priority and prioritise the deployment of strong data protection safeguards. Collaboration between media professionals, legal experts, and technical specialists is crucial to properly negotiating the changing terrain of digital privacy laws. Public awareness campaigns should be performed to inform people about their rights and the value of data protection in journalism.

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