

## Ethical and Professional Challenges in Digital Media and How to Ensure Primacy of Privacy

**Prof. K Shiva Shankar**

**Professor, Department of Mass Communication & Media,  
Central University of South Bihar, Gaya, Bihar**

### **Abstract:**

One basic human right that falls under the first generation of human rights is the right to privacy. However, because it lacks a clear definition, it is among the most contentious human rights. Technology advancements have altered our perceptions of privacy and the line separating private and public spheres, leading to a misunderstanding of what privacy actually is and prompting us to consider how much privacy we should actually maintain. Security concerns constantly compromise privacy protection by necessitating increased monitoring and management. The right to privacy is continuously disputed rather than regarded as an inherent right.

**Keywords:** Technology; Human Rights; Privacy; The Right to Privacy; and Security.

### **Introduction:**

Although the European Convention on Human Rights, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights all mention the right to privacy, there are many disagreements regarding what exactly this concept means and where the boundaries between the public and private domains should be drawn. One of the primary causes of this misunderstanding is the quick advancement of contemporary technology, which has significantly changed how we conceptualize privacy. It almost seems as though no one understands what the word means, and this has significant legal ramifications. What the word means to us is more of an issue than just what it means. Today, how much do we actually care about privacy? This matter is subject to interpretation, and disagreements about the definition and importance of privacy can occasionally lead to arguments even in court when it becomes challenging to reach a resolution. We are compelled to pick sides and determine who will win when this fundamental human right and the right to security collide on a regular basis. Some contend that since "we have nothing to hide," privacy is overestimated, which justifies the ever-increasing monitoring and control carried out by the military, police, secret services, banks, medical facilities, and corporate entities. However, many believe that the right to privacy should be upheld as one of the fundamentals of democracy. Colin Bennett offered a solution to this dilemma when he said that while there is disagreement over how to define privacy, there is "general agreement" that everyone requires it to some degree. Therefore, acknowledging the arbitrary nature of privacy and realizing that it is a social construct while yet recognizing its value should be the first step toward protecting it.

It is widely acknowledged that the largest privacy-related issue facing postmodern society is the growth of digital technologies for control and surveillance. It appears that the issue of legal privacy protection against technology has not yet been resolved. In actuality, "the landscape on which laws are made" was drastically altered by technology. Fitting technology into a legal framework has been a challenge since the 1970s, but as technology advances, this effort becomes more challenging. An ongoing endeavor involves addressing the effects of technology advancement, which encompass limitless opportunities for "miniaturization, convergence, interoperability, and ubiquity." For instance, the European

Convention on Human Rights' guarantee of the right to private correspondence is particularly challenging to uphold today. Letters were referred to as correspondence before the telephone was invented. These days, it also refers to email and text messaging. Maintaining privacy is becoming increasingly difficult with electronic media. The primary issue is that the conflict between privacy laws and technology is akin to a race between tortoises and hares: "It will be extremely difficult to legislate away the new databases and surveillance technologies, regardless of how many laws are established." They intend to remain here. This is why we need to adopt a different viewpoint and look at the issue from a different angle in order to solve it.

We must admit that our use of technology can be problematic, but technology itself is not the issue. James Rule asserts that as we are faced with "uncomfortable and far-reaching decisions among opposing interests and basic societal ideals," blaming technology is unquestionably the incorrect approach to solving current issues. First of all, protecting the right to privacy in the modern era necessitates some degree of control transparency. Among other things, establishing a fairly transparent system that prevents individuals from being surreptitiously monitored and gives each person the ability to view and manage precisely where and to whom their data is displayed are essential components of a democratic and equitable control system. Laws should carefully govern control, paying particular attention to human rights. While both privacy and security concerns must be addressed without compromising either, finding the ideal balance between the two is only possible in a specific setting. Control technology must be applied humanely and democratically. This implies that while there is nothing wrong with employing technology to provide security, any detrimental effects on personal freedom must be kept to a minimum.

It is concerning that technology is frequently employed for immoral ends that not only compromise privacy but also deprive people of their agency. We frequently do not realize how we are being watched. This ignorance is precisely what is frightening us. Therefore, rather than endangering our activities, the use of technology for control should be regulated in a way that gives us more control over our lives.

### **Courageous New Distrustful World**

The world is paranoid these days. Since we can never be sure of the exact methods of observation, we are always suspicious that we are being followed. In this way, technology is unpredictable and invisible. Humanity is currently dealing with a number of serious concerns related to the rapid advancement of technology. The dread of total privacy loss is one among them. Uncertainty about online privacy is one of the signs that this situation might materialize. "Internet users have just recently come to realize that every single thing they do online leaves a digital trail," according to reputable magazines. The notion that people are being monitored without their knowledge seems to be the most unsettling aspect of society. As far as common sense is concerned, it is incredibly immoral. The fact that monitoring is invisible—not in the sense of Bentham's invisible watcher—seems to be the most concerning aspect of it. Spy gadgets like tiny airborne cameras and radio frequency identification chips, of which we are completely unaware, take the role of the "in spectator." In this way, our privacy may be threatened by more than just the government. While surveillance was predominantly carried out for the purpose of political control in earlier eras, it appears that it is now mostly associated with global capitalism. David Brin enumerates surveillance tools in his book "The Transparent Society" that are accessible to the general public as well as the military, police, and secret services. These tools include infrared optics, camera robots, and sound and video equipment for indoor surveillance. CCTV does not appear to be psychologically distressing in the slightest when compared to those technologies. Deleuze's

thesis of a society of control, in which everyone controls everyone and there are millions of big brothers rather than just one, seems to be embodied by those little privacy invaders. In this way, anarchistic surveillance—which is uncontrollable and invisible—is a legitimate cause of paranoia. This covert monitoring appears to be a consequence of capitalism. Everything is for sale, even monitoring. There should be regulations that may successfully stop the misuse of technology in order to avert such possible risks associated with capitalism.

New technology also raises a lot of other concerns. One of them is that, like in the movie "The Matrix," the machines would go crazy and take over the planet. Aside from that, there is a perception that humans will start depending more on robots than on themselves to make judgments. Regarding privacy in general, there is concern that surveillance technologies will become so commonplace and inevitable that people will not even have a chance to choose whether or not to use the data captured by cameras. According to some theorists, there is a significant chance that "smart systems will turn into black boxes, closed even to citizens who possess the knowledge to understand them." Only when smart systems are transparent themselves will they increase transparency in the world. In order to prevent the worst outcomes from the development of technology, it is imperative that it be transparent.

To overcome our anxieties and regain the privacy we may have lost during the last ten years, when all the significant advancements in digital technology took place, we must first recognize that technology is not the issue because it can be used in both appropriate and inappropriate ways. We can state that "technology has negative effects on the individual, especially on his right to privacy, human identity, dignity, and autonomy." Additionally, there are a number of aspects of technology that could endanger human rights. First, networks are making it possible for personal data to move freely. Second, telemetric data collecting is being made possible by integrated services digital networks (ISDN) without requiring human intervention. As a result, "there is a danger of citizens being monitored, of an individual being cut off from the information circuit, of personal information being collected without the subject's knowledge, of that data being exploited for various purposes, and, lastly, of the power of certain public and private bodies being increased in the absence of democratic controls." We require some sort of principle-based approach to the application of information technology in order to preserve human identity, dignity, and privacy, as there is currently no appropriate method for doing so. Technology advancements have the potential to cause even more serious invasions of personal privacy. As a result, the issue needs to be resolved legally, even in terms of the constitution. First, governments need to acknowledge the issue. Second, new regulations and legislation need to be implemented. Surveillance systems should be made visible so that people are completely informed of the procedure in order to protect the right to privacy.

#### **Facebook Impact:**

Although people are afraid of losing all of their privacy, they are also demonstrating a strong willingness to exchange some of it. One may argue that social media has changed how we think about privacy in some ways. Internet users should behave as though everything they do online is public knowledge, according to a number of academics. Some of them have even argued that the growth of social networks has caused a considerable change in our view of privacy and a substantial shift in values. People are divulging secrets every day as if they do not care as much about discretion as they formerly did, despite the fact that they are aware of how difficult it is to maintain secrecy in the virtual world. However, we must remember that our drive to safeguard our intimacy and our need to expose ourselves clash significantly. According to Harry Blatterer, we appear to be in the "pursuit of publicity" while still valuing

our privacy. Clashing aspirations for social recognition and solitude have frequently been misunderstood. According to Mark Zuckerberg, the creator of the most widely used social network, "people no longer have the expectation of privacy." Social networks' immense popularity is unquestionably evidence of people's yearning to interact with one another and reveal themselves to the public. They enthusiastically display their intimacy on the wall by sharing their ideas and photos, as well as details about their relationships and coffee companions. But in addition to the fundamental need to protect their private, there appears to be a strong psychological desire to share their privacy with others. Getting more friends or becoming a more popular friend is the reason why people are eager to make their private life public. They get more attention the more information they provide. Because of how strong and addictive this attention is, privacy is greatly diminished.

However, it would be incorrect to assume that privacy is a lost idea given Facebook's current user base of hundreds of millions. First off, there are strong efforts opposing Facebook and other social media platforms whose main issue is privacy. Second, even while people are comfortable sharing details of their personal lives, they nevertheless care about maintaining their privacy. They want to be in charge of what they share and who they share it with. Since social networks gained widespread popularity, this is exactly the subject that has been addressed the most.

The introduction of the "news feed" without prior notice was the first instance in which Facebook users' privacy became an issue. All connected users might now see what had previously been a private chat between people. The fact that private correspondence had suddenly become public without users' consent was the issue here, not the fact that the new idea of communication through this network included public discussions: "When Facebook launched News Feed, it was changing the rules in the middle of the game, like a teacher who confiscates a passed note and forces the students to read it aloud." Ironically, Facebook's primary feature which briefly rose to the top of the global social network rankings was the move that initially sparked a scandal. This demonstrates that most people are open to sharing details of their personal life, but only if they have control over the process. As long as we are in charge of this activity and it is governed by the law, there is nothing wrong with disclosing our private lives, according to this new understanding of privacy that has been affected by the rise of social networks. It should be up to the users to determine the precise boundaries between private and public space. The fact that this line changed following Facebook's introduction of the "news feed" demonstrates that the differentiation is context-specific. A subject that appears to be private from one perspective may be regarded as public from another. This demonstrates once more how privacy is dependent on a specific framework. Strict laws must govern it to prevent privacy violations: "It is not how many people know something, but whether the tacit standards of private in a social setting are honored." A breach of privacy happens when we refuse to grant our consent to reveal specific information. Privacy is not an issue as long as we understand and abide by the regulations.

Therefore, the issue arises when privacy is not adequately defined in a particular setting and when laws or policies are lacking to safeguard it. A few years back, Time magazine ran a cover story on Facebook's privacy after the social media platform sparked a controversy by selling user data to advertisers. This was an obvious indication that social network privacy needs to be carefully outlined and governed by the law. Several online protests by Facebook users followed this article. Protesters demonstrated their awareness of their right to more privacy than they already enjoy by doing this. They insisted on having control over who they share information with as well as how much they disclose. What was found was that Facebook users' data was being misused. Various businesses were



surreptitiously manipulating customers. Following lengthy media discussions on social network privacy, Facebook and other companies' so-called "privacy policies" underwent substantial changes. The dust settled once more after the line separating private and public life was moved once more and a new set of guidelines governing the social game were established. This demonstrates that our loss of privacy due to social network participation was not in vain.

These days, the biggest threat to privacy is precisely the invisible control, like Facebook users being surveilled in secret. In many situations, privacy is just misused and ought to be safeguarded by law rather than even given up for something more significant. In this situation, business owners who are in charge of their clients hold the power. It is imperative that laws and regulations that prohibit abuse be put in place to limit this authority. As a result, among other things, the rule of law and procedures for safeguarding human rights determine how to properly balance privacy and control.

### **WORK IN PROGRESS**

Finding the ideal balance between control and privacy is a journey rather than a final accomplishment. Determining the ideal balance between privacy and control should also be done contextually, as privacy itself only exists within specific contexts. Since the relationship between privacy and control cannot be resolved by a single operating principle, this segment should be handled inside specific frameworks. The relationship between the two is too complicated to be reduced to a straightforward decision on which should be given priority over the other. Different approaches to the problem are required for each context or milieu. Nonetheless, discussions concerning the right to privacy frequently begin with the premise that we must choose between the two values, namely privacy and security. However, it appears impossible to make a firm decision. There are situations that show the contrary, even if security might seem like the more sensible option on the surface. As a result, we ought to consider a variety of possibilities rather than just one.

Therefore, choosing a balance between the two priorities is far more sensible than completely ignoring one of them. The rule of law and human rights protection procedures ought to create this equilibrium. But in reality, there is little balance, despite the fact that laws frequently appear to be adequate. In practice, the court ruling frequently leads to a devaluation of privacy and its sacrifice for security. It does not seem overly dramatic to state that the question is frequently whether privacy should exist at all rather than trying to figure out how and to what degree it should be preserved. There are numerous instances of an improper balance between security and privacy, such as when the law "strictly safeguards against minor intrusions of privacy but completely fails to protect against significant ones." The Fourth Amendment will shield you, for instance, if a police officer squeezes the outside of your duffel bag, but it will not prevent the government from getting your credit card information or all of your Google search searches. This demonstrates unequivocally why, in a given situation, the appropriate pro share should be sought.

Additionally, there must be some universal standards that determine what is the ideal ratio of control to privacy in a given situation. The welfare of the entire society as well as the advantage of the individual should undoubtedly be considered. The freedom and dignity of persons are at risk, in addition to security and, by extension, the right to life. Disempowering outcomes for the person should be avoided when maintaining public safety. Put another way, maximizing security and minimizing privacy infractions might be the best course of action in most situations. Nonetheless, it is important to properly assess both gains and losses.

It would be incorrect to assume that privacy is only an individual or even selfish issue, even if the two values frequently clash when individual and collective interests converge. As

David Solove goes on to say, "Balance should evaluate the privacy of location for everyone in society, not just your privacy." It is important to see privacy as a social virtue rather than merely an individual one. In actuality, a good society may be defined as one in which the demands of the community as a whole and individual wants do not conflict. Therefore, privacy should not be viewed as an unnecessary restriction of the social order, any more than control should be viewed as an unnecessary restraint of an individual (since it serves his or her own interests).

The balance between control and privacy is established and maintained by human rights protection systems. For instance, while cross-border data flow regulations for security purposes restrict privacy, systems for protecting personal data limit the ability to engage in trolling. However, despite ongoing improvements to rules, many issues remain unresolved, including online privacy. Numerous issues pertaining to security and privacy are brought about by the quick advancement of technology. Because the legislature finds it difficult to understand constant change, remedies are frequently developed after the fact.

Finding the optimal balance between privacy and control, as opposed to making a clear preferred decision between the two, should be the first guiding concept when developing legal and human rights remedies. Moreover, democratic ideals ought to guide this action. For controlling authorities to be democratic rather than autocratic, they must be continuously appeased and restrained. In other words, if control is maintained open and actively and legally restrained, there is nothing fundamentally wrong with it. Only to a limited extent—which must be assessed contextually—should control be carried out with regard to privacy. Instead of focusing on specific power structures, the key criterion of this double limitation is the benefit to society overall and to individuals. The consolidation and repression of power and control is what is to be avoided. In this way, there is always a risk that the institutions of capitalism may turn into hubs of oppressive authority that monitor people without regard for their privacy. For this reason, the democratic balance must be continuously established and upheld by the rule of law and human rights. It is still being worked on.

## **CONCLUSION**

The issue with the right to privacy appears to be clear: as technology has advanced, unaccountable and undetectable digital surveillance has resulted. Legal protection always lags behind control measures and is unable to address the increasing number of issues pertaining to privacy protection.

But our conception of privacy is the fundamental issue. What we mean by it is up for debate. Furthermore, there are differing opinions about how it ought to be safeguarded, whether it need to be safeguarded at all, or even if it ought to be sacrificed for security. Thus, it is necessary to rethink and reevaluate privacy. We must first recognize that it is a social construct. Since its meaning varies depending on the circumstance, we should accept that it is impossible to define rather than trying. Furthermore, we ought to abandon the traditional libertarian view, which holds that it is a negative right and that the government should not meddle in the private realm. On the other hand, it is as incorrect to disregard privacy and submit to the anonymous authority of the post-modern Deleuzian "societies of control."

The medium ground, between radical individuality and submission to absolute authority, is where the answer lies. This implies that control and privacy are now complementary values rather than mutually exclusive. In order to avoid the harmful effects of excessive freedom or possibly oppressive controlling authority, they should limit one another. Since proportionality cannot be found that would work for everyone, balance should be sought contextually.

However, privacy is not compatible with just any form of control. The goal of democratic governance in modern cultures should be interpreted in light of the concept of power. In order to avoid any totalitarian powers, democratic control seeks to maintain the status quo. Democratic control is preventive in this sense and is equivalent to surveillance, which is merely observation with no intention of manipulation. However, even this democratic governance must be constrained by privacy protection, as it can quickly turn into an autocratic one without it. However, control over privacy allows for greater control over life while maintaining peace and security. We should choose the answers that benefit society and the individual when determining the ideal balance between them, as governed by the rule of law and human rights procedures, with regard to contemporary technology, the monitoring data process ought to be open to the public, and there ought to be some sort of "principle of reciprocal benefits," which states that both the ruling class and the general populace not only have access to data but also benefit from the control process.

The best way to resolve the tension between privacy and security is to minimize privacy violations while maintaining security. Avoiding the disempowering effects of monitoring on people is important because upholding a decent society requires more than just delivering the public benefit. This is especially crucial in light of data spying, which is currently the largest privacy threat. Given that identity theft and the purchase and sale of data have grown commonplace, it appears like a nightmare of Kafkaesque bureaucracy is more real than ever. Even espionage is no longer limited to the military and secret agencies. For this reason, it is essential for any democratic society to restrict control through privacy rights. In this way, technology ought to benefit both parties: maintaining security and safeguarding privacy.

**References:**

1. Elliott, D., & Spence, E. H. (2017). Ethics for a digital era. John Wiley & Sons.
2. Dorr, K.N. & Hollnbuchner, K., "Ethical Challenges of Algorithmic Journalism," Digital Journalism, 5(4), 2017, pp. 404-419.
3. Dhiman B (2023) Ethical Issues and Challenges in Social Media: A Current Scenario. Global Media Journal, 21:62.
4. Gupta, N. et al., "The Plastic Surgery Social Media Influencer: Ethical Considerations and a Literature Review," Aesthetic Surgery Journal, 40(6), 2020, pp. 691-699.
5. Kade, D., Ethics of Virtual Reality Applications in Computer Game Production, Philosophies, 1(1), 2015, pp. 73-86.
6. Meng, J., Kim, S. and Reber, B. (2022), "Ethical challenges in an evolving digital communication era: coping resources and ethics trainings in corporate communications", Corporate Communications: An International Journal, Vol. 27 No. 3, pp. 581-594.
7. Richards NM, Solove DJ. (2010). Prosser's privacy law: A mixed legacy. California Law Review. 98:1887.