



Right to Privacy

For Prelims: Data Protection, Personal Data, Privacy, Personal Data Protection Bill, Data Localisation, Other Related Laws

For Mains: Right to privacy

Why in News?

The Supreme Court rejects WhatsApp-Meta pleas against **Competition Commission of India (CCI)** probe into **privacy policy of 2021**.

- Both WhatsApp and Meta have argued that the anti-trust watchdog cannot investigate the privacy policy as it has been kept in abeyance until the introduction of the **revised [data protection bill](#)**.
- The CCI is an independent authority to consider any violation of the provisions of the Competition Act of 2002 and cannot be dissuaded from investigation and alleged violation of Competition Act, 2002.

What are Issues with the Privacy Policy of WhatsApp?

- The information that **WhatsApp automatically collects and will be sharing with Facebook** includes the mobile phone number, user activity, and other basic information of the WhatsApp account.
 - WhatsApp's privacy policy to share commercial user data with Facebook establishes that it is the **owner of the data rather than an intermediary**.
- The policy essentially **takes away the choice** users had until now to not share their data with other Facebook-owned and third-party apps.
- The WhatsApp policy contradicts the recommendations of the **Srikrishna Committee report**, which forms the basis of the Data Protection Bill 2019. For Example:
 - The principle of Data Localisation, which aims to put curbs on the transfer of personal data outside the country, may come in conflict with WhatsApp's privacy policy.

What was the Personal Data Protection Bill?

- The Personal Data Protection Bill, 2019 was introduced in **[Lok Sabha](#)** by the Minister of Electronics and Information Technology, on December 11, 2019.
- Commonly referred to as the "Privacy Bill", it intended to protect individual rights by regulating the collection, movement, and processing of data that is personal, or which can identify the individual.
- The govt withdrew the bill due to various concerns raised by technology giants and other issues raised by the common people.

What is Right to Privacy?

- Generally understood that privacy is synonymous with the right to be let alone.
- The Supreme Court described privacy and its importance in the landmark decision of **[K.S.](#)**

Puttaswamy v. Union of India in 2017 that - **Right to Privacy is a fundamental** and inalienable right and attaches to the person covering all information about that person and the choices that he/ she makes.

- The right to privacy is protected as an intrinsic part of the right to life and personal liberty under **Article 21** and as a part of the freedoms guaranteed by Part III of the Constitution.
- **Restrictions (as stated in the Judgement):**
 - The right may be restricted only by state action that passes each of the three tests:
 - First, such state action must have a legislative mandate,
 - Second, it must be pursuing a legitimate state purpose, and
 - Third, it must be proportionate i.e., such state action- both in its nature and extent, must be necessary in a democratic society and the action ought to be the least intrusive of the available alternatives to accomplish the ends.

What are the Government Steps to Protect Privacy?

- **B N Srikrishna Committee:**
 - Government appointed a committee of experts on data protection under the chairmanship of Justice B N Srikrishna that submitted its report in July 2018.
- **Information Technology Act, 2000:**
 - The IT Act provides for safeguard against certain breaches in relation to data from computer systems. It contains provisions to prevent the unauthorized use of computers, computer systems and data stored therein.

What is the Competition Commission of India (CCI)?

- **About:**
 - The CCI was established in March 2009 by the Government of India under the Competition Act, 2002 for the administration, implementation, and enforcement of the Act.
 - It primarily pursues three issues of anti-competitive practices in the market:
 - Anti-competitive agreements.
 - Abuse of dominance.
 - Combinations.
- **Objectives:**
 - Eliminate practices having adverse effects on competition.
 - Promote and sustain competition.
 - Protect the interests of consumers.
 - Ensure freedom of trade in the markets of India.
 - Establish a robust competitive environment through:
 - Proactive engagement with all stakeholders, including consumers, industry, government, and international jurisdictions.
- **Composition:**
 - The Commission consists of one Chairperson and six Members who shall be appointed by the Central Government.
 - The commission is a **quasi-judicial body** which gives opinions to statutory authorities and also deals with other cases.
 - The Chairperson and other Members shall be whole-time Members.

UPSC Civil Services Examination Previous Year Question (PYQ)

Q. 'Right to Privacy' is protected under which Article of the Constitution of India?

- (a) Article 15
- (b) Article 19
- (c) Article 21
- (d) Article 29

Ans: (c)

Source: IE

PDF Refernece URL: <https://www.drishtias.com/printpdf/right-to-privacy-3>