CHAPTER - II

REVIEW OF LITERATURE

2.0 EVOLUTION OF PRIVACY

The pioneering article on privacy was ‘The Right to Privacy’ published in the Harvard Law Review 193 (1890) by Samuel Warren and Louis Brandeis. In this article privacy was defined by the authors as ‘the right to be left alone’.1

It so happened that Mrs Samuel D. Warren, a matron of Boston and the wife of a wealthy businessman held a series of entertainment parties on a massive scale at her home. These events were covered extensively by a leading Boston daily, the Saturday Evening Gazette and reports published carried personal and embarrassing details of the events. This annoyed Mr. Samuel Warren, her husband, who along with his law partner Louis D Brandeis published the noted article “the right to privacy” where they defined protection of the private realm as the foundation of individual freedom. They contended that existing laws which accorded legal protection in cases such as trespass, assault and such other invasive acts were too inadequate to cope up with the technological advances which provided an edge to the privacy intruders. Louis Brandeis remained as a champion of privacy and defined it as “the right to be left alone” in his famous dissent in Olmstead Vs United States(1928). He categorised privacy
as “the most comprehensive of rights and the right most valued by civilized men”

Warren and Brandies in their path breaking article ‘The Right to Privacy’ focussed not on government coercion but the prying eyes of yellow journalists and gossip mongers. They decried what they viewed as a shocking erosion of respect for private repose, fuelled by sensational media that has become increasingly heedless of the ‘obvious bounds of propriety and of decency’ and by the ‘intensity and complexity of life, attendant upon an advancing civilization.’ They called upon courts to use the common law to safeguard ‘some retreat from the world’ and to provide a legal remedy through tort law against journalistic and other invasions of life.2

2.1 DIMENSIONS OF PRIVACY

According to Ruth Gavison (2012) in the ‘Privacy and the limits of the Law’ published in the Yale Law Journal 89(1980) privacy is our concern over our accessibility to others; the extent to which we are known to others, the extent to which others have physical access to us and the extent to which we are the subject of others attention. Gavison favours a more expansive view of privacy in the greatest detail because according to him interests in privacy are related to concerns over accessibility to others which means the extent to which other people have information about us and their accessibility to us and the extent to which we are the subject of attention of others. So privacy can be said to be a concern for limited accessibility and a person who is totally inaccessible to others enjoys perfect privacy. Gavison has identified three principal ways of preserving privacy: (a) through secrecy when totally inaccessible to others (b) through anonymity when no
one pays any attention to the person and (c) through solitude when no one has physical access to the person. Gavison interprets privacy as a concept which is based on the notion of accessibility because he believed the functions of privacy are ‘the promotion of liberty, autonomy, selfhood, human relations and furthering existence of a free society’.  

Robert C. Post (2001) in Three concepts of privacy [89 GEO Law Journal 2087(2001)] opined that ‘Privacy is a value so complex, so entangled in competing and contradictory dimensions so engorged with various and distinct meanings that I sometimes despair whether it can be usefully addressed at all’.  

Priscilla Regan (1995) is of the opinion that privacy protection can be ensured if we recognize the collective good value of privacy and the public value of privacy.  

For the next few years since Warren and Brandeis published their article there was continuous dispute as to whether the right to privacy existed at all and if it should be recognized as a right by American law. Though Judge Sir Cooley defined privacy as a ‘right to be left alone’ various judgements in American courts recognized four different forms of invasion of privacy.

2.2 TYPES OF VIOLATION

(a) **Intrusion:** Intrusion occurs when there is invasion of what constitutes the personal life. A person’s private conversation may be recorded without his knowledge or intrusive photographs may be taken of his intimate moments and put up for public consumption.
(b) **Public disclosure:** Public disclosure of private life is another form of privacy intrusion. Media will be held responsible if there is public disclosure of private facts of a high profile personality, if such offensive details are not of legitimate concern to the public.

(c) **False light:** Distorting news about an individual placing him/her in false light also constitutes privacy invasion.

(d) **Appropriation:** This type of privacy intrusion refers to the unauthorized use of a person’s name without his knowledge.  

Ross Anderson (2001) in ‘Security Engineering – A guide to Building Dependable Distributed Systems’ describes the concept of privacy as ‘the ability and/or right to protect your personal secrets; it extends to the ability and/or right to prevent invasions of your personal space. Privacy can extend to families but not to legal persons such as corporations’.  

Right to Privacy can also be defined as a right to decide what aspects of our personal lives are owned by us and where we have to accept public interference. The Organisation for Economic Cooperation and Development (OECD) issued guidelines for privacy protection relating to trans-border flow of personal data which maybe be seen as:

- Collection limitation-obtain the data lawfully with the consent of the data subject.
- Data quality-the data should be relevant to a specific purpose and up to date.
c. Purpose specification-the purpose should be settled in the beginning.

d. Use limitation-usage of the collected data should be limited to specific purposes.

e. Security-collect and store the data safe from theft, modification and less.

f. Openness-be open about policies, practices and developments relating to data.

g. Individual participation-the data subject should have the right to access their data.

h. Accountability-managers who handle data must be liable to fulfil these principles.\(^8\)

2.3 BROADCAST GUIDELINES

In “The Public Interest, the Media and Privacy, a report for BBC Broadcasting Standard Commission” Professor David E. Morrisson and Michael Svennevig (2002) have outlined a perception of the Right to Privacy.

a. It was held that everyone has a right to privacy but such right is conditional on the grounds of the behaviour of an individual or organisation and the space the individual inhabits.
b. Instead of rights to privacy it was found to be useful to operate with the expectations of privacy. Respondents distinguish three types of space wherein expectations to privacy differed. They were closed space (at home); restricted public space (the office or secluded beach); open public space (town centre, shopping precincts, and open public beach).

c. Depending on the type of space, one has a duty of care not to behave in a manner that one would not wish to become public.

d. In an open public space it is acceptable to film or take a picture of a person but only as part of a crowd, not to be singled out for attention.

e. The idea of privacy might be subject to change over time but the concepts of the public interest seem effectively a constant.

Regarding what constitutes public interest certain parameters have been laid down.

a. The broad concept of the public interest is familiar to large proportions of the public and it is considered a suitable defence for media intrusion of privacy under appropriate circumstances.

b. The lack of precise definition of public interest means that it can be used as a post hoc defence of practices where no real public interest is obvious.
c. The concept of public interest involves matters that are held to affect a considerable number of people. It cannot in general be something that people are merely interested in knowing about.

d. Many things appear to constitute a public interest in a weak rather than strong sense. There are issues and media stories which are not felt to be public interest per se but which nevertheless are of great interest to many members of the public. These include coverage of celebrities’ lives (and deaths) and may well involve emotional responses on the part of the audience. It is felt that for something to be in the public interest it has to be in the interests of a collective and not a single individual, such as the promoting of some benefit or the avoidance of some harm. Some firm parameters should be set for the media for what can be done in the name of serving ‘the public interest’.

Regarding the **degree and methods of intrusion**, it is said that:

a. The degree and methods of intrusion into an individual’s privacy are held as being dependent upon the degree of public interest. The higher the degree of public interest, the greater the degree of intrusion permitted.

b. The consequences of intrusion are also important: how media exposure/publication impacts the people concerned must be appropriate to the reason for the intrusion in the first place.
Audiences look to the media to offer more than just material or public interest. They also want to be entertained, to be emotionally involved and to be reassured. These important media ‘functions’ can mean that some apparent media infringements on privacy are not regarded as particularly reprehensible since they can and do offer audience benefits other than purely public interest ones.9

An official attempt to define privacy came from the UK government response to the National Heritage Select Committee (Government Response to the National Heritage Select Committee, Privacy and Media Intrusion, Cmnd, 2918, HMSO 1995) which said that

“Every individual has a right to privacy comprising:

a. A right to be free from harassment and molestation and

b. A right to privacy of personal information, communication and documentation.”

The Younger Committee (an official inquiry into privacy which reported in 1972: report of the Committee on Privacy, Cmnd 5012, HMSO 1972) identified the principal areas of complaint with regard to intrusions into privacy:

a. Unwanted publicity-by the Press and broadcasting.

b. Misuse of personal information-e.g. banks, employers, educational institutions (student research), credit rating agencies.
c. Intrusions on home life e.g. industrial espionage including trade secrets.

To these listed may also be added in the public sector such matters as:

a. Intrusion in the course of the administration of the criminal law.

b. The misuse of information held by public authorities.¹⁰

In the review of the book Privacy and the Press by British journalist Joshua Rozenberg (2004), Christopher Shortell (2004) says that the author Rozenberg tries to explain the inherent tension between the right to privacy for individuals and the freedom of the press to report what constituted ‘public interest’. The book contains case studies of Great Britain and the European Court of Human Rights relating to privacy and the freedom of the press. The book by Rozenberg reviews privacy and press related cases at both domestic and international levels with a view to understanding how courts reconcile freedom of expression with respect for a person’s private and family life. Since the Human Rights Act came into effect, Rozenberg argues that the Courts have been hard pressed to turn the law into a tort of privacy. Lord Philips, the second ranking judge in England used his Bentham Club presidential lecture to state his position that “either the courts or the legislature are going to have to establish a tort of invasion of privacy if this country is to comply with its…..obligations under the European Convention on Human Rights.” Rozenberg also does a review of the Article 10’s protection of free expression as well as its numerous exceptions in the light of decisions of the European Court of Human Rights.
in Strasbourg as also protection of privacy under European Convention’s Article 8.\textsuperscript{11}

In several chapters it is opined by Shortell that the author also looks at what is “responsible journalism” and contends that journalists can protect their sources only if they make the argument that the source revealed sensitive information in the public interest. Rozenberg also reviews the power of the Press Complaints Commission an industry funded independent media watchdog the aim of which is to “stave off moves towards what it describes as ‘any form of legal or statutory control.’” Rozenberg views this as “better than any of the alternatives on offer.”

This book which throws light on the English law in the event of England’s participation in the larger European community does an overview of the current British laws and the legal challenges presented during privacy protections.\textsuperscript{12}

\textbf{2.4 THE DEBATE}

Richard Sennet (1977) in his book The Fall of Public Man throws some interesting questions on the public private debate. Sennet discusses about what does it mean—what has it meant—to be in public or to be a public person. What is the substance of our public life?\textsuperscript{13} Sennet tries to trace a complicated history of public and private, showing the scope of interchange ability among the two. This view is put forward by Jenny Rice (2012) while writing a review of the book.\textsuperscript{14}

Alan Westin (1967) in Privacy and Freedom gives a detailed and comprehensive evaluation of the conflict between privacy and surveillance
in the modern society. Westin has divided the book into four parts (a) the function of privacy in society (b) a description of the advances in surveillance technology (c) the response of American society to the introduction of these new techniques and (d) an evaluation of the past and future role of American law in this area. In this book, the author tries to stress upon the social value of privacy which is a welcome deviation from studies harping only on the technical and legal aspects of privacy violations.

Privacy has been interpreted by Austin as the claim of individual groups or institutions to determine for themselves when, how and to what extent information about them is communicated to others since each individual is continually engaged in a personal adjustment process in which he balances the desire for disclosure and communication.  

In a review of the book by Robert C. Bland (1968) it is opined that according to Westin, privacy provides individuals and groups in society with a presentation of autonomy, a release from role playing, a time for self-evaluation and for protected communication. Nowadays organisations and governments are resorting to increased and superior methods of surveillance on the pretext of ensuring safety and security. According to Westin, this is due to low cost and easy availability of surveillance equipment. Westin does not limit the scope of surveillance to physical observation, wiretapping or eavesdropping. According to the author, the American law is equipped to tackle the increased surveillance by ensuring protection of privacy under the Fourth Amendment. Westin thinks an additional factor for attacks on privacy is the change in social moves
evidenced by individual willingness to divulge more information on living habits and a general element of curiosity present in all societies reflected by popular demand for intimate details of the lives of public figures.\textsuperscript{16}

In another important book on privacy Understanding Privacy, the author Daniel Solove (2008) has identified taxonomy of privacy problems under four broad groups—information collection, processing, dissemination and invasion. Each group is subdivided into subgroups of potentially disruptive activities. He suggests that in the event of societal norms not compatible to the norms of a minority, judicial deliberations must be open to a possibility that it may be best for the society to curtail its norms to the benefit of the minority. Solove identifies systemic problems in the circuits of information gathering; processing and sharing that expose individuals to future harm as architectures of vulnerability and compares them to diseases that weaken the immune system. Solove has attempted in this book to show how privacy protections have profound effects on the culture of trust, political culture, power relations, structural inequalities, state and corporate power, freedom, democracy and overall quality of life.\textsuperscript{17} Vida Bajc (2009) one of the book reviewers is also of the opinion that Solove’s approach to guarding against privacy violations to the individual for the benefit of social relations in society as a whole is a very welcome—-if also a tough call. It requires a sociological imagination, the ability to conceptualize the interconnectedness of individual life in the context of a larger social group. Law makers and policy makers need to be sensitive to these relations for framing a broad policy on privacy. Bajc feels that Daniel Solove’s book is a call to social scientists and educators interested in individual--state relations,
globalization, corporate cultures and interpersonal relations mediated by technology.\textsuperscript{18}

Solove also says that views on privacy expressed in the ‘Limited Access to the Self’ theory as unsatisfactory and claimed that in so far as ‘not all access to the self-infringes upon privacy.’ In another review Hamza. S. Dawood (2009) says in a sweeping remark, Solove rejects all extant theories of privacy as being either too narrow or too broad. His view is that we should have a bottom up approach towards examination of problems perceived to be privacy violations which can help in making sound judgements.\textsuperscript{19}

2.5 THE INDIAN CONTEXT

In the Indian context, the book The Roots of Privacy by K.D. Sharma (1991), assumes significance. In the book, Sharma has stressed on the underlying principle behind the distinction between the public realm and private realms as ‘equals the distinction between things that should be shown and things that should be hidden.’ The private and public realms are characterized by distinct locations, organisational patterns, and philosophical bases, percept of morality, authority structure and very clear nature of social relationships. It has also been proved that private and public are rooted in the design of our being and the way we perceive information to be public or private is formed by the way we are ‘wired’ biologically to receive and interpret information on things around us. In this regard, culture acts as a catalyst for facilitating its implementation in the society. With every layer of the privatization process there is a consequential change in the role and statutes of the persons concerned with the change. In the Indian context, privacy is a relatively new concept
compared to the European countries and the US. The Hindu philosophy conceived the social organisation in the world as an orderly phenomenon. The texts did not encourage the people to see beyond what is in their own land. As such there were no attempts in ancient or medieval India by explorers to conquer new land. The people were content to live in their own place pursuing the path of ‘dharma’ to achieve ‘moksha’. It was immaterial to think for a person beyond his own people his private realm. To think of a world which constitutes the public realm was not required and hence there was no dividing line between the public and the private realm. The Indian culture has by evolution developed the inherent tradition of privatizing the public realms. The Hindu festivals of ‘rakshabandhan’ and ‘bhaiyadooj’ are unique festivals where a man and a woman not connected by blood relations can develop a relationship of brother and sister entirely in the private domain. Any person can accept each other as brother and sister by the sister tying the ritual thread or ‘rakhi’ on the brother’s wrist. In India it is quite common for people to sleep under the sky during hot summer months whether be the poor or affluent and well-off people. In the western countries this is unthought-of as sleeping is considered as an activity of the private realm. The reason is that the failure of the people to identify the same as a private activity coupled with the weather conditions leading to privatization of the public space. In the Western societies the demarcation of the public and private realm is quite clear. People follow a particular dress code in their private world and shift to a formal dress code when they step out in the public realm. In India, it is quite natural to find a lady in a nightgown gossiping in a street or a gentleman in a dhoti strolling in the neighbourhood. In such cases, the public realm has been privatized. Sharma
is of the opinion that it is for this aspect of the Indian history and culture that the right to privacy has not been expressly seen as a Fundamental Right by the Indian Constitution.\textsuperscript{20}

\section*{2.6 PUBLIC SPHERE}

Jurgen Habermas (1991) in ‘The Structural Transformation of the Public sphere’ defines the ‘public sphere as the sphere of private people who join together to form a public’.\textsuperscript{21} He traces the origin of the division between public and private in language and philosophy. Habermas’s attempt to demonstrate the bourgeois public space during the eighteenth century still has relevance in the twenty-first century. The private sphere comprised civil society in the narrower sense, that is to say the realm of commodity exchange and of social labour; embedded in it was the family with its interior domain (Intimsphere).

The public sphere in the political realm evolved from the public sphere in the world of letters; through the vehicle of public opinion it put the state in touch with the needs of society (pp. 30-31).

Before the bourgeois public sphere came representative publicity which existed from the Middle Ages until the eighteenth century. It involved the king or lord representing himself before an audience. The king was the only public person. The public and private realms were not separated.

In the fully developed Greek city state the sphere of the ‘polis’ which was common (koine) to the free citizens, was actively separated from the sphere of the ‘oikos’; in the sphere of the ‘oikos’ each individual is in his own realm (idia). The public life, ‘biospolitikos’, went on in the market place (agora)
but of course this did not mean that it occurred necessarily only in the specific locale. The public sphere was constituted in discussion (lexis), which could also assume the forms of consultation and of sitting in the court of law, as well as in common action (praxis), be it the aging of war or competition in athletic games.

The reproduction of life, the labour of the slaves and the service of women went on under the aegis of the master’s domination; birth and death took place in its shadow; and the realm of necessity and transitoriness remained immersed in the obscurity of the private sphere. On the contrary, the public sphere was a realm of freedom and permanence. Only in the light of the public sphere did that which existed become revealed, did everything become visible to all. Economic developments were vital in the evolution of the public sphere. Habermas emphasizes the role of capitalist modes of production and of the long distance trade in news and commodities in this evolution. The most important feature of the public sphere as it existed in the eighteenth century was the public use of reason in rational-critical debate. This checked the domination by the state or the illegitimate use of power. Rational-critical debate occurred within the bourgeois reading public in response to literature and in institutions such as salons and coffee houses.

Habermas sees the public sphere as developing out of the private institution of the family and from what he calls the literary public sphere. The author says that entry into this public sphere depended on the person’s education and affluence.
The public sphere developed first in Great Britain around the eighteenth century. It became institutionalized within the European bourgeois society around this time when public conscience became a way of checking dominations.

Habermas contended that self-interpretation of the public sphere took shape in the concept of ‘public opinion’ which he considers in the light of the work of Marx, Kant, Hegel, Mill and Tocqueville. This public sphere eventually eroded because of economic and structural changes leading to the refeudalization of society. State and society became involved in each other’s spheres; the private sphere collapsed into itself. The key features of Habermas’s arguments are that the world of mass media is cheap and powerful. Habermas is of the opinion that we need a strong public sphere to check domination by the State which may not, however, be a permanent feature in the days to come.

During the eighteenth century public life had been dominated by the clergy and the court. However, the growing wealth of capitalist achievers undermined this supremacy. This occurred as the capitalist class gave increased support to the world of letters—theatre, art, coffee houses, novels and criticism—thereby reducing dependence on patrons. According to Habermas, ‘conversion turned into criticism ‘and ‘bons mots’ into arguments. Moreover as a consequence of market growth there were demands for ‘free speech’ and parliamentary reform. In the struggle for parliamentary reform there was also a fight to increase the freedom of the press since it was important to those who wished for reform that political life should be subject to greater public inspection. Alongside was a
protracted struggle to establish newspapers independent of the state, one much hindered by government antipathy. The upshot of such developments was the formation of the ‘bourgeois public sphere’ by the mid nineteenth century with its characteristic features of open debate, critical scrutiny, full reportage, increasing accessibility and independence of actors from economic interest as well as from state control.\textsuperscript{22}

In the book, Normative Theories of the Media: Journalism in Democratic Societies, the authors Clifford G. Christians, Theodore L. Glasser, Denis McQuail, Kaarle Nordenstrang and Robert A. White (2009) reveal that freedom of the press depends on the social, political and economic pressures within which the media operates as well as traditions of the media itself. They further draw on the theoretical work of such scholars as Raymond Williams and Noam Chomsky to question the relevance of western models of freedom of the Press for the developing world.\textsuperscript{23}

In a review of the book Vanessa Freije (2010) says that the authors wrote the book to overhaul the foundational 1956 work Four Theories of the Press which sought to theorize the role mass media assumed in the world, focussing especially on Western Europe, the United States and the Soviet Union in the wake of the second World War.

Freije says the authors were particularly sensitive to the fall of the erstwhile Soviet Union and the increasing availability of the Internet which was accompanied by ‘a political ideological shift away from social responsibility in media governance and toward deregulation and entrepreneurial growth’ (pg.15). It is also said - in the book the authors disentangle the perception that democracies naturally engender media independence.
The authors intend their examination to demonstrate that the strict demarcation between ‘free’ and ‘unfree’ media is an illusion. They say that new journalistic norms to adopt itself to the changing world of the information technology have not arisen. So more attention is to be paid to the means of accountability that exist in the civil society and the role of the media in altering definitions of democracy.24

2.7 THE BIG BROTHER CONCEPT

Nineteen Eighty Four, a novel written by George Orwell and published in 1949 is remembered for popularising the adjective ‘Orwellian’ which described official deception, secret surveillance and manipulation of the past by a totalitarian or authoratian state. The novel is set in Airstrip One, a province of the super state Oceania which is always in a state of perpetual war, government surveillance and manipulation controlled by political system which presented all liberal and independent thinking as ‘thought aimed.’ At the helm of the system is Big Brother who enjoys an intense cult of personality. Big Brother justifies his oppressive actions for the cause of a supposed greater good.

The Oceanic society mentioned in the book is based upon the USSR under Joseph Stalin. The people in the Oceanic Society have no real privacy. They live in apartments equipped with two way televisions and they are continuously watched or listened to. Letters are regularly opened and read before being delivered. The police posing as ordinary citizens regularly keep watch for suspicious activity. Surveillance – control the people in this society and the smallest sign of rebellion can result in immediate arrest and imprisonment.
References to the themes, concepts and plot of Nineteen Eighty Four have appeared frequently in popular music and video entertainment. An example is the worldwide hit reality show ‘Big Brother’ in which a group of people especially celebrities live in a house isolated from the world but continuously watched by television cameras.

A replica of the same show has also been aimed recently on Indian television channels under the banner ‘Big Boss’.

It may be noticed that though George Orwell wrote the book as a satire criticizing Stalin way back in 1948 but its impact can be felt in 2014 also.

In the book Orwell spoke about invasion of privacy and continuous surveillance through hidden cameras.

Today the apprehensions of Orwell appear to be true as we are subjected to surveillance both in the developed countries like USA, UK and Germany as well as the countries of the developing world like India, China and Brazil.

In the US, the NSA has been regularly monitoring the internet traffic of its citizens as well as of other countries through clandestine surveillance programmes while in India our activity in the virtual world is monitored by the CMS or the Central Monitoring System which is a mass electronic surveillance program installed by C-Dot, a government owned department.

It was reported by various newspapers in the US that after the NSA scandal emerged through revelations of Edward Snowden, the sale of Nineteen Eighty Four increased seven times within the first work of 2013 itself.25
S.K. Agarwal (1993) in his book Media and Ethics says that despite the difficulty of formulating a satisfactory and exhaustive legal definition of privacy popular demands for protecting this right with statutory sanctions against unwarranted invasions and unauthorised intrusions by unscrupulous media men, detectives and others upon the private lives of the people have been made with increasing stridency after the Second World War. The author says the justification and demands for protecting this right has been neatly summed up by the Second Press Commission (1982).

The concept of privacy has been widely discussed and the result yield is mainly because of two developments:

a. The growth of the modern state into a powerful administrative body capable of governing way aspect of life of its citizens, and

b. The technological revolution which has thrown up devices with which it is possible to fantastically pry into a man’s house even without his knowledge. Microphones reduced to the size of a matchbox can pick up sound waves and transmit the same to eavesdroppers. Infra-red light techniques enable a room to be watched and photographed from an adjoining room even through opaque walls (p. 75)

The Second Press Commission also endorsed the 42nd Report of the Law Commission of India (1979) which advised that those invasions of privacy be made penal offences which would amount to eavesdropping and unauthorised photography (p. 76)
After examining the question of privacy in the context of the Press, the Commission concluded:

‘We are of the view that the Press should not be unduly inhibited in performing its important functions of giving news in the public interest as distinct from news that may pander to prurient or morbid curiosity. But a correct balance has to be struck between the citizen’s claims to privacy and the public’s right to information. We recommend that the Press Council should be interested with the responsibility of looking into complaints of invasion of privacy and monitoring the performance of the Press in this regard. To this end, Section 13(2) of the Press Council Act, 1978 may be suitably amended’. (p. 77).

Daniel Solove (2002) in Conceptualizing Privacy has tried to develop a new approach for understanding privacy.

In the first part, he discusses and analyses the various prevalent theories on the concepts of privacy.

In the second part, Solove seeks to understand privacy in terms of certain practices which refers to ‘various activities, customs, norms and traditions.’ By understanding privacy we need to look into the ‘specific ways in which privacy manifests itself within these practices and the degree to which privacy is linked to the purposes’. According to Solove, when we are protecting privacy we are actually guarding against disruption of certain practices. Disruption of these practices can be through interference with peace of mind and tranquillity, invasion of solitude, breach of confidentiality, loss of control over facts about oneself, searches of one’s
person and property, threats to or violations of personal security, destruction of reputation, surveillance and so on.

Anne Hintz 28 while doing a review of ‘Privacy and Media Freedom’ (2013) by Raymond Wacks says that while Wacks is concerned about privacy protections from the intrusive media he does not advocate expansion of the existing privacy norms. He criticises the ‘perils of privacy inflation’ as according to him as the current laws relating to privacy are too broad and vague for proper privacy protection. Wacks stresses on the need for proper privacy protection of ‘personal information’ and the specific interests of the individual in controlling the distribution of personal details. Rather than including the notion of privacy in the wide and fuzzy area of ‘private life’ the author makes a convincing case for the law to secure key personal facts and sensitive information and to prevent offensive intrusions by media. The author seeks to make privacy operational with a proposal for a privacy bill. Wacks believed that a robust legislation is necessary for protecting personal information.

References


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