

**"Media and Privacy during Pandemics"***Kushi Rajanahalli**Symbiosis Law School, Pune**Symbiosis International University***ABSTRACT**

Today we live amidst a grave public health emergency. There is little uncertainty that the government is best positioned to handle the COVID-19 pandemic. Doing so expects it to take exceptional activities. This is the reason the endeavors of the Central and State governments to keep up with the countrywide lockdown, to uphold standards of social distancing and to limit movement, have been met with help. This paper sheds light on the role and the importance of media and privacy during pandemic. It avails the readers with the ongoing issues and probable fixes. It also elucidates the steps taken by both the central and state government.

**PRIVACY AMID A PANDEMIC**

The world is tussling with the sort of circumstance that it has never observed. The quick pace of COVID-19 spread has made it essential for the governments around the globe to wield extraordinary methods and measures that would some way or another be viewed as draconian measures. In typical occasions, such measures are focused against hoodlums; while additionally examined vide security and civil liberty concerns. Be that as it may, the public wellbeing crisis of such phenomenal size is being touted as a substantial defense for conveying tech-empowered surveillance and disruption of individual privacy rights. As a matter of fact, the World Health Organization (WHO) has set out to make light of privacy concerns in these phenomenal occasions, by naming such measures as "public wellbeing surveillance". The WHO has basically legitimized the government's contention that the pandemic circumstance requires the utilization of a phenomenal modus operandi of mass surveillance.

Initially, in India, neither the Central nor the state governments have given any lawful premise for coordinating such measures. For example, neither the official public statement of the Aarogya Setu application and Karnataka's imperative selfie direction notice, any lawful rationale for such activities nor have they furnished any privacy policy affixed with it. The total deserting of liberties and privacy in light of a legitimate concern for public wellbeing, without an iota of lawful principles, foreshadows negative outcomes. The government has evoked the Epidemics Diseases Act, 1897 and Disaster Management Act (DMA), 2005 to manage the COVID-19 flare-up. Both, the provincial time Acts don't explicitly cover reconnaissance in their ambit. Notwithstanding, there is a contention that because of the

essential residuary force vested with governments under referenced laws, the administration can take 'important' steps, for example, observation to subdue the spread of the virus<sup>1</sup>.

Due to utilization of technologies of fluctuating degree of intrusiveness, there are questions with respect to the requirement and proportionality of such measures in correlation to right to privacy and individual liberty. The *K.S. Puttaswamy*<sup>2</sup> judgment upheld, expressly acknowledged the respect of public wellbeing that to lawfully confining fundamental rights, for example, privacy for executing a measure, such measure ought to be pro rata in nature.

There is nothing to knock-back that specific confinements can be forced on liberties given the direness of the COVID-19 emergency. Nonetheless, in a democracy like India, it is envisaged from the legislature that its activities be straightforward. All the troublesome facet identified with public health observation measures can be stifled by putting forth purposeful attempts to present lawful reinforcement for its activities, to set up institutional oversight and to utilize the least meddling methods. For giving the lawful premise, the government can give the standing guidelines that would set out the legitimate and accountability measures for the concerned authorities undertaking measures for public wellbeing.

The dilemma is resolved the report and the PDP Bill articulates the significant standards of personal data protection which are a part of the right to privacy of an individual. According to these standards, the consent of the individual whose personal information is gathered (Data Principal) is important before any individual or the government (Data Fiduciary) can gather and process such information. The individual information gathered must be utilized distinctly for a particular, clear and legal reason for which the assent of the Data Principal is acquired (reason constraint). The individual information should likewise be utilized in a reasonable and sensible way (legal handling). A proportionate contravention of the right to privacy in the event of a public health emergency, can likewise be found in the Report and the PDP Bill. Clause 12 of the PDP Bill initiates an instrument for the collection and processing of information during a health emergency. Under the said component, the Data Fiduciary is excluded from taking the assent of the Data Principal, given that the assortment and handling of personal data is approved under law.

Despite the fact that the PDP Bill has not been enacted as law, the principles of data privacy cherished in that have just been perceived in *Puttaswamy II*, and the instrument in that is a declaration of a proportionate contravention of right to privacy of a person is morally justified during a health emergency. Thus, the infringement of the right to privacy of people in a health crisis is proportionate just when the infringement is authorized by law and the principles of information protection are followed.

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<sup>1</sup> The Hindu, Privacy concerns during a pandemic: The government's technology solutions to fight COVID-19 do not meet minimum legal requirements, (Apr. 29, 2020, 11:18 AM), <https://www.thehindu.com/opinion/oped/privacy-concerns-during-a-pandemic/article31456602.ece>.

<sup>2</sup>K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

Just 66 percent of the countries around the world shield individuals' information and security, in spite of a 11 percent increment in ratifying data protection and privacy legislation in the period betwixt 2015 and 2020, as indicated by new United Nations Conference on Trade and Development (UNCTAD) data. India is among the countries that have initiated legislations for electronic exchanges, security and information insurance and cybercrime. Nonetheless, it is yet to take care of its standards for customer security<sup>3</sup>.

## COVID 19 AND THE MEDIA

To educate the general public during these dubious occasions, newsrooms across the nation have focused on pandemic. In any case, the ever-changing and now and then unsubstantiated nature of COVID-19 information being discharged has left journalists and analysts with challenges in giving precise data to the general public.

In any case, this consistent bombardment of new information, new cases and new advice has been demanding to keep pace with. It not only makes the story hard to keep pace with from a journalist's viewpoint, it makes it perplex for anybody attempting to follow the story. A news piece you read one day could be totally obsolete by the following morning, and this has implied there have been numerous inquiries from people in general encompassing the outbreak and the virus.

In a webinar facilitated by representatives from the International Federation of Red Cross and Red Crescent Societies (Geneva, Switzerland), BBC Media Action (London, UK), Internews (CA, USA) and the WHO it was examined that journalists and media associations ought to do their paramount to stay up with the latest news regarding the outbreak and using copper-bottomed info from particular health offices and the WHO, and that the two of them should fact- and reality-check information so as to stay a certitude source.

A squeezing issue with present day, online media is the spread of falsehood – this has been highly discussed in political circles yet has additionally been a common issue in medicinal services in regard to sentiments towards inoculation. The spread of deception on SARS-CoV-2 has been the same – speculations have been skimming around that the virus was built in a lab as a bioterrorism operator, or that the manifestations are really brought about by the 5G versatile system. Also, a huge number of postings on Amazon advancing phony COVID-19 fixes have been accounted for, and the costs of some sanitizers and facemasks have expanded by over 2000%, regardless of by and large not being fit for reason.

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<sup>3</sup>Business Today, Privacy in a Pandemic: only 66% countries with data protection laws, says study, (Apr. 29, 2020, 4:18 PM), <https://www.businesstoday.in/technology/news/privacy-in-a-pandemic-only-66-countries-with-data-protection-laws-says-study/story/402375.html>.

Another challenge in the social media age has been eschewing stigma. Right off the bat in the COVID-19 flare-up, before the disease or the virus were formally named, numerous outlets alluded to the virus as 'Wuhan virus' or comparative, with this hashtag trending on Twitter. Shockingly, this wording tends to disparage people from that city, and furthermore builds a relationship with those of a specific ethnicity, at times stirring trepidation and xenophobia.

Pertinent language can likewise be significant in countering stigma – especially concerning places or nations. The virus doesn't separate between nationalities or something else, so there's no explanation journalists should. Likewise, questions have been raised around wording, for example, 'patient zero' and 'superspreaders', with much broadside raised when the character of the primary British instance of COVID-19 was discharged in the UK media, reporting should take a gander at the bigger picture and move away from the subtleties of people to maintain a strategic distance from stigma and its conceivably obliterating impacts.

## **CONCLUSION**

Unarguably, the current circumstance requires the legislatures to take worthwhile measures to secure the lives and wellbeing of the public everywhere, except this ought not occur in the articulate dismissal of standards of constitutional democracy. There is no hard decision between public health and person's right to privacy and liberty. Both can mutually co-exist together under the lawful structure. It is first time any living generation has encountered a pandemic of this scale, and we're simply starting to comprehend media's beau ideal role. In years to come, it will fill in as a phenomenal case study in the ways people in general and businesses alike react to such an unparalleled worldwide event, and how those reactions on an open stage impact the activities of people, yet of corporations and governments.