SOCIAL NETWORKING SITES TURNING UNSOCIAL: PRIVACY ISSUES IN SUCH SITES[*]

Abstract:

The paper discusses how the present generation and the world is intertwined in the social networking and adhere to such sites in performs all forms of communication. But such users fail to pay heed one of the major malices attached to such sites with regard to privacy which subjects them to various type of problems that are discussed in length at this paper. The paper tries to analyse why such problem arises and how the present legal framework addresses the plight of the users. Moreover the paper identifies at the end has suggested some ways as to way these sites can be made a safe forum for all netizens

INTRODUCTION

The development in information technology has boomed in the change of the mode of communication and socialisation. A few years ago when people in order to connect with people in distant lands relied on email limiting connecting to only limited number of people. Then with the on growth of technology all these small communication medium were replaced by social networking sites. Social Networking website as defined in Computer Desktop Encyclopaedia as a website that provides a virtual community for people interested in a particular subject or simple who wish to "hang out together"[1]

One of the growing concerns in the on growth of this social networking sites is that security and privacy concerns that arise as a result of it. The major reason for this is that most of its users post personal information on these websites without analysing the consequences of it.

PRIVACY IN SOCIAL MEDIA VS RIGHT TO SPEECH AND EXPRESSION

One of the major doubts that raise out of any concerns of privacy in social media is that if such is against right to freedom of speech and expression enshrined in Article 19(1)(a) of the Constitution. Courts have opined that if the freedom falls under the reasonable restrictions put forward in Article 19(2) then such would stand protected under the garb of privacy. In the

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[1] www.answers.com/topic/social-networking-site-(Last accessed as on 10/04/2017 at 00:35)

arrest of girls with regard to facebook controversy judges criticized the ill effects of Section 66A and opined that their act of commenting fell within the ambit of Article 19(1)(a).[2]

DIFFERENT TYPES OF SOCIAL NETWORKING SITES

Before delving in detail about the different malices attached to the use of social networking sites it is important at first to analyse what are the different kinds of social networking sites that exist on the internet. A list of this is provided below on the basis of their purpose [3]

- **Social connections-**Users open an account in these sites to make new friends or keep in contacts with the old friends. Examples of these websites include Facebook,Twitter,My-space,Google[+]

- **Multimedia sharing-**Another important type of social networking sites include those by which sites indulge in sharing multimedia be it videos, photos etc. Of late the growth of these sites have increased at an alarming rate. Examples of these include Youtube,Instagram,Flicker,Picassa

- **Professional social networks-**These sites help in expanding or creating professional networks. This help users seek job opportunities .While some of these sites are job specific while others are general. It is to be noted in the present world mostly all job advertisements except the PSU (Public Sector Undertaking) are through these sites. Examples of these sites include Linked-in,Classroom 2.0

- **Informational**-These communities are made up of people who seek answers to everyday problems. It is basically a forum where all the questions of the people are answered like for example how to go green at home .Examples of these include Super Green Me and Do it Yourself Community

- **Educational-**These sites are developed for students to interact with other students in for better research purposes or to have access to classroom lectures etc. Examples of these websites include The Student room, The Math room.

- **Hobbies-** One of the primary reasons why people surf the net in most circumstances is to innovate more on the hobbies that they have. The basic psychology behind this is that in such a way such an user can connect to a whole bunch of people from across the globe who profess the same passion .Examples of these include Oh my bloom,My place at Scrapbook.com

- **Academic-**Academic researchers who feel the urge to share their contributions so that their fellow colleagues or students can have access to it uses such websites.Examples of these websites include Academia.Edu,Connotea Collaborative Research

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[2] http://cis-india.org/internet-governance/blog/bal-thackeray-comment-arbitrary-arrest-295A-66A-(Last   accessed as on 10/04/2017 at 00:15)

[3] http://socialnetworking.lovetoknow.com/What_Types_of_Social_Networks_Exist-(Last   accessed   as   on 10/04/2017 at 00:55)

CONTENT SHARED BY USER IN THESE SITES

Sharing has become one of the common attributes of the working of these websites. Therefore to begin with it is important to discuss what all information does these site demand from the users that can have a negative impact on the user's privacy.

Beginning with Facebook ,while opening an account these are the following information that generally one has to fill up apart from name and occupation

- Interests

- Relationship status

- Sexual Orientation

- Phone number

- Present city

- Hometown

The task of sharing does not end here .In the due course of using Facebook when one puts up any status ,the update shows the place from where such status has been updated. Moreover the various tests that are put up on face book by different sites have access to all kind of information that any user has provided to facebook.

The data policy provided by facebook would help one get a more clarity as to what all information facebook has access to that even the user accedes to while opening the account and clicking on the " I accept" button.

- Attributes such as the operating system, hardware version, device settings, file and software names and types, battery and signal strength, and device identifiers.

- Device locations, including specific geographic locations, such as through GPS, Bluetooth, or WiFi signals.

- Connection information such as the name of your mobile operator or ISP, browser type, language and time zone, mobile phone number and IP address.

But the scenario is a bit more tedious with the recent app culture. It has seen in recent times that most of the online users have shifted their use from computers to mobiles. While on when any of such apps are accessed by mobile phones the app has access to the location of the particular device, the gallery of any particular user .

The need thereby arises at this juncture to analyse what can be the possible threats that any user can face because of such exposure of private information online.

PRIVACY SETTINGS OFFERED BY EACH OF THE WEBSITES

It is to be kept in mind as discussed before that social networking sites urge its users to provide authentic information while opening an account. But it is to be remembered that most sites has certain privacy settings by which an user can keep a tap on all such information shared and updated by him.

Take for example facebook it has a separate privacy settings where any user can make significant alterations as to who can view his/her profile, who all can have access to the status updates and the pictures posted.

Instagram for example doesnt have an option of saving the pictures that are put up by any other user. One of such privacy hacks taken up by instagram is to make an account private, so that users only accept the follow request of users whom they know personally or think to be genuine.

But with the present revolutionary change in information technology nothing remains unaccomplished or impossible in the virtual world. This is more prevalent with regard to those that are explicitly prohibited. So to say when privacy concerns are talk of the day there are professionals who work to find a loophole so as to have access to such information even after the restricted access and use them to their own benefit.

REASONS FOR PRIVACY THREATS IN SOCIAL NETWORKING SITES

The major reasons for users in social networking sites exposed to such threats are because of the following reasons

- Most of these sites do not make their users aware about the possible threats that they might be subjected to by divulging their personal information. It is a fact that even if they want to protect their privacy ,it becomes really tedious with too much of data and in case of facebook when any such user has too many friends.

- Another major reason is that the privacy tools provided by such sites are not flexible enough to protect user data. For example most of such sites gives an option for its users to make the profile either wholly public or wholly private. Parts of the profile cannot be private or public. The present facebook privacy settings are complex enough for a normal user.

- The major reason that arises in this area is that though an user can control to whatever he/she posts but he/she has no control with what others post about them. For example a friend can post any obscene picture of a person without the person's content and the only option left with the person is to either untag oneself from the picture or to spam the picture which is not at all efficacious.

PRIVACY RISKS INVOLVED IN SOCIAL NETWORKING SITES

So discuss about the main essence of the discussion it is important to note that privacy risks involved in social networking sites can be grouped into two categories namely[4]

- Security risks

- Credibility and reputation risks

- Profiling risks

Security risks include identity theft and phishing[5]. Identity theft is one of the major prevalent practices in cyber space. It basically means using personal information of another person to commit fraud and other illegal practices[6].Most of the cases of identity theft in cyber space arise from social networking sites. It is one of the notable factors as discussed before that the young brigade which forms part of these sites do not hesitate to share their information and study shows the recent generation use these sites not as a mode for reconnecting with old friends but as a medium for online chatting.[7] They at many times even ignore the privacy settings offered by these sites. So many such fake profiles are created with the profile picture of a person to do illegitimate activities[8]. Phishing on the other hand is a kind of fraud by which the culprit tries to learn information such as login in credentials or account information by masquerading into a specific body in email.[9] One of the major factors that driving more phishing in the social networking sites are because of the following factors[10]

- The prevalence of social games in these sites .Such games are free till the user wants go a step further and obtain special power upgrades. This indulges the user to make payment thereby involving financial transactions via Facebook. Hence phishers apart from having access to the user's personal information also has access to such card details triggering them to phish more.

- Another factor that instigates phishing is that when enterprises go social. For example if a bank opens a facebook page inviting users .This also impliedly allows phishers to have access to such model and indulge in phishing.

With regard to **credibility and reputation risks** are involved it can be said that the present world communicates through these sites, be it expressing their feelings or expressing an

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[4] Ai Ho, Abdou Maiga, Esma Aïmeur,*Privacy Protection issues in Social Networking Sites* -Available at http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.821.1770&rep=rep1&type=pdf-(Last accessed as on 10/04/2017 at 00:05)

[5] *Id*

[6] https://www.justice.gov/criminal-fraud/identity-theft/identity-theft-and-identity-fraud--(Last accessed as on 10/04/2017 at 00:45)

[7] Dr.Saswati Gangopadhay, *Social Networking Sites And Privacy Issues Concerning Cyber Space,*Global Media Journal Vol. 1 No. 4 (June 2014)

[8]*Id*

[9] http://searchsecurity.techtarget.com/definition/phishing-(Last accessed as on 10/04/2017 at 00:38)

[10] https://www.advantiscu.org/fraud-prevention/beware-of-phishing-scams-in-social-media.html-(Last accessed as on 10/04/2017 at 00:25)

opinion on some political issue. Many companies before recruiting any particular employee does a background check on him based on such accounts and reject such resume if any unprofessional content is posted by them on such sites.[11]

Profiling risks on the other hand includes unsolicited content and spam that jeopardizes the privacy of an user.

Other risks that are involved in this aspect are comments controversies and hacking. **Comment controversies** [12] refers to the controversies that any user indulges in intentionally or unintentionally while commenting on anything on these sites. Take for example in case of Facebook it is seen that whenever anything is posted friends of such user to appreciate react to such post and also comment. Many a times this commenting forum is used to indulge in chatting thereby exposing a lot of information that are not meant to be portrayed there but should be restricted to private chats.

Hacking[13], one of the major threats in cyberspace is also propagated through these sites. For example there are forwarded texts that are circulated .Generally these are used by hackers .So any person receiving such texts when clicks on this link, the hacker can have access to the user's profile.

CASE STUDY ON PRIVACY INVASION IN SOCIAL NETWORKING SITES

One of the overturning incidents in this area was the arrest of two girls In mumbai with reagrd to commenting and linking a status that discussed about the shutdown of the sity because of the legend's death. One of the girl merely liked the status while others in her comment vehemently opposed such a bandh in the city and mentioned "one should follow the ideals of Bhagat Singh and Sukhdev. Several charges under IPC[14] and under the Information Technology Act,2000 were levelled against the girls.[15]

REMEDIES

Before indulging into the discussion as to what legal remedies are available under various statutes in India ,it is first important to know what are the other ways that can be adopted before taking resort to law. The list of such remedies are as below

- At the outset it is to be kept in mind that every user must read the terms and conditions, data policy and the privacy concerns of each of such website before indulging into sharing of any kind of information.

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[11] *Supra* N. 3
[12] *Supra* N. 6
[13] *Id*
[14] The Indian Penal Code,1860
[15] Press Trust of India, *Two Mumbai Girls arrested for Facebook post against Bal Thackeray get bail,* India Today,November 19 ,2012 -Also available at http://indiatoday.intoday.in/story/2-mumbai-girls-in-jail-for-tweet-against-bal-thackeray/1/229846.html-(Last accessed as on 10/04/2017 at 00:07)

- Media liability insurances can be created through insurance companies who through their policies cover costs of defamation and other damages that are caused due to such privacy issues in social media.[16]

- User in order to prevent from cyber-stalking should refrain from revealing any kind of personal information to strangers on social media[17]

- Users should refrain from sending their personal pictures to strangers as there might be high likelihood of such pictures being used for illegitimate purposes like pornography etc.[18]

- Users should not send their card details in any site or to any person which is not guarded.[19]

- Use of firewalls may be beneficial to a great extent[20]

- Web servers maintaining public sites should must be physically seperately protected from internal corporate network.[21]

Privacy concerns are addressed to a great extent by the Information Technology Act,2000 with the help of the following provisions.[22]

- **Section 72** of the Act discusses about the penalty for breach of confidentiality and privacy. The section imposes such penalty on any person who has secured access to any electronic data,register,information etc and leaks such data to any other person he is punishable with a term which might extend to two years and or find of one lakh rupees.

- **Section 43** of the Act discusses in length the different cyber contraventions which includes computer trespass and violation of privacy,spamming,data theft all of which are issues with regard to privacy concerns with regard to social networking sites.

- **Section 65-74** deals with the penalties involved for a wide range of cyber offences which includes unauthorised alteration deletion ,addition, alteration of data.

- **Section 66** deals with penalties with regard to hacking which is one of the major concerns in the social networking sites.

- **Section 79** which talks of the intermediary's liability would thereby also include liability of these sites which aids in contravention of the privacy of any such user.

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[16] http://www.legalservicesindia.com/article/article/right-to-privacy-and-social-networking-websites-1701-1.html-(Last accessed as on 10/04/2017 at 00:57)
[17] *Id*
[18] *Id*
[19] *Id*
[20] *Id*
[21] *Id*
[22] http://www.legalserviceindia.com/article/l288-Breach-of-privacy-&-Confidentiality-.html-(Last accessed as on 10/04/2017 at 00:37)

CONCLUSION

The world wide web and the social networking sites have revolutionized the concept of communication. The sites now not only attract the younger bunch of the society but also attracts people from all age groups. Online word is abmyssal and what may be projected might not be real. At the very outset all the users should be warned from before about the pros and cons of such sites

Legal framework in India with regard to privacy issues in social networking sites in dealt in not specifically but through piecemeal initiatives in some chapters of the Information Technology Act,2000. So the need arises for India to address such issues in a single legislation so that such sites becomes safe to access by all netizens be it old or young.