



# Rights of Consumers: With Special Reference to Data Protection

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## Abstract

Consumers constitute the largest unorganised public body. The consumer represents the last point of the process of production, distribution, exchange and consumption. Every person is a consumer in one form or another. Consumers do not constitute a separate class as everybody is included in it. Consumer rights have evolved when e-commerce and e-shopping are becoming vital parts of our lives. No transaction is possible without allowing permission to share personal information through online mode and it provides the rights to data protection of consumer in online sphere.

The momentum of digitization witnessed among various business sectors has led to unprecedented amount of collection, sharing and exchanging of consumer information. Data surrounds us in our day to day lives with every action that we perform even a single word typed is a kind of data. Data is central to the process of digitization. It is important to incorporate data privacy centric designs for security and privacy, especially keeping in mind the growing regulatory interventions in this space. While organizations tend to take adequate measures to protect consumer privacy consumer data is increasingly crossing the organizational boundary due to the ubiquitous nature of digitization. Regulatory requirements obligations and liabilities are increasingly making organisations accountable for consumer privacy. For successful digitization gathering confidence of consumers and satisfying increasing obligations privacy protection should be beyond organizational boundary and should enable consumers with instruments, tools and alternatives to protect their data in diverse operating environment.

*Key Words:* - Consumer, Data Protection, Digitization, E- commerce, Organisation

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"Law is what the law does and so the test of law-making fulfilment for the seekers of consumer justice is not the broad language of the text but the easy capacity to redressal"

*Justice V R Krishna Iyer*

### 1.INTRODUCTION

Consumer is the main element of the economic cycle of apiece country because all other developmental events are run on him in a competitive economy, it is the consumer who decides the success or failure of business either by buying or rejecting the product. The eventual purpose of all the economic movement is to gratify the consumer.<sup>1</sup> Market is the place where the buyer and seller have personal confront. Consumer is a victim of many unfair and unscrupulous tactics adopted at the marketplace in the present socio-economic state. He is powerless to assess the quality and number of goods and services provided by businessman in a systematized manner.<sup>2</sup> They adopted various methods to meet their selfish ends. They have made the consumer a target of their crooked practices. Consumers do not get suitable response from the producer to resolve their grievances. As a result, consumers have become victim of various types of manipulations.<sup>3</sup> The issue of consumer protection is concerned with the important nature of the seller-consumer relationship, and as such strikes to the actual core of economic basis of society.<sup>4</sup>

Every individual is a consumer in one or another form. Consumers do not establish a distinct class as one and all is included in it. Consumer rights have progressed when e-commerce and e-shopping became dynamic shares of our lives. No transaction is possible without permitting permission to share personal information through online means and it provides the rights to data protection of consumer in online domain. Data protection has its emphasis on the individual itself irrespective of the data content and legal constraints. Data security turns around protecting the integrity and privacy of data and is accomplished by technical and organizational measures.

### 2.Concept of Consumer and Data Protection

According to Mahatma Gandhi, A customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider on our trade. He is a part of it. We are not doing him a favour by serving. He is doing a favour by giving us an opportunity to do so. The consumers need the protection by law when goods fail to live up to their promises or caused injury indeed.<sup>5</sup>

<sup>1</sup> M.O Mathew, *Indian Consumer and Consumerism*, (Special lecture series. 1993, University of Mysore, Mysore, 1984),

<sup>2</sup> V. K. Agarwal, *Consumer Protection (Law and practice)*, 1 (BLH Publishers & Distributors. Ltd, New Delhi,1992)

<sup>3</sup> Chandrakant Sharma, *Role of Consumer Organizations in Consumer Protection*, 1 (Kanishka Publishers, New Delhi, 1995)

<sup>4</sup> Laurence P. Feldman: *Consumer Protection: Problems and Prospects* (P-4

<sup>5</sup> Peter Smith & Dennis Swann, *Protecting the consumer – An Economic and Legal Analysis* (1979).

“Consumer”<sup>6</sup> means any person who - buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment, when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or hires or avails of any service for a reflexion which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such service other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person, but does not include a person who avails of such service for any commercial purpose. **Explanation.** —For the purposes of this clause, —(a) the expression “commercial purpose” does not include use by a person of goods bought and used by him exclusively for the purpose of earning his livelihood, by means of self-employment. (b) the expressions “buys any goods” and “hires or avails any services” includes offline or online contacts through electronic means or by teleshopping or direct selling or multi-level marketing.” Mahatma Gandhi as far back as 1934, held the customer in high esteem when he said: “The customer is the most important visitor in our premises. He is not dependent on us; we are dependent on him. He is not an interruption of our work; he is the purpose of it. He is not an outsider on our business; he is part of it. We are not doing him a favour by serving him; he is doing us a favour by giving us an opportunity to do so.”<sup>7</sup> For instance, the Longman Dictionary of English Language defines consumer as ‘one who purchases goods or services’.<sup>8</sup> The Oxford Advanced Learners Dictionary also defines consumer as a ‘person who buys goods of uses services’.<sup>9</sup> However where as a consumer according to the Collins English Dictionary is ‘a person who purchases goods and services for his own personal needs’.<sup>10</sup> The Random House Dictionary defines consumer as ‘a person or an organization that uses a commodity or services’.<sup>11</sup>

Apart from the above definitions, the term ‘Consumer’ has always been given a slighter meaning for the purposes of consumer protection law in almost all dominions of the world. ‘Consumer’ as ‘a person who acquires consumer goods or services primarily for his personal use or for use in his private household’.<sup>12</sup> Almost identical definition has been used in Section 1 of Draft Consumer Protection Act for Slovenia which defines ‘consumer’ as ‘a person who acquires goods and services in the first place for his personal use or in his/her household’.<sup>13</sup> Section 20(6) of the Consumer Protection Act, 1987 of United Kingdom defines the term ‘consumer’ as under:- a) in relation to any goods,

<sup>6</sup> The Consumer Protection Act, 2019 (Act 35 of 2019) s. 2 (7).

<sup>7</sup> Deepa Sharma, Consumer Grievance Redressal, under the *Consumer Protection Act*, Delhi: New Century Publications, 2002 p. 1 (qtd. In)

<sup>8</sup> The Longman Dictionary of English Language (2006)

<sup>9</sup> The Oxford Advanced Learners Dictionary (2006).

<sup>10</sup> The Collins English Dictionary (2005).

<sup>11</sup> The Random House Dictionary of English Language (2005).

<sup>12</sup> The Consumer Protection Act, 1978, Finland.

<sup>13</sup> Draft Consumer Protection Act, Slovenia.

means any person who might wish to be supplied with goods for his own private use or consumption; b) in relation to any services or facilities, means any person who might wish to be provided with any services or facilities otherwise than for the purposes of any business of his and c) in relation to any accommodation, means any person who might wish to occupy the accommodation otherwise than for the purpose of business of his.<sup>14</sup>

### Data Protection

Data protection is the procedure of protecting data and includes the association between the collection and spreading of data and technology, the public insight and prospect of privacy and the political and legal underpinnings surrounding that data. It aims to strike a balance between individual privacy rights while still permitting data to be used for business purposes. Data protection is also known as data privacy or information privacy. Data protection should always be pragmatic to all forms of data, whether it be personal or corporate. It deals with both the integrity of the data, protection from corruption or errors, and privacy of data, it being accessible to only those that have access freedom to it.<sup>15</sup>

Rights are inherent and inalienable characteristic of human society, have been condense into a visible and implementable document in international and national domain.<sup>16</sup> Some rights find clear mention in such documents while others are introduced through interpretative tool due to fundamental linking with such rights. Among all these, right to privacy is one of the most imperative and acceptable personal right. It affords power to individual snooping from others. Right to privacy finds mention in the Universal Declaration of Human Rights and International Covenants of Civil and Political Rights, Convention on the Rights of the Child.<sup>17</sup> Right to Privacy is the most fundamental part of human life.<sup>18</sup> The notion of data protection is taking the significant place in worldwide. Progressively all nations are embracing the concepts of Data protection and implementing laws regulating the use and abuse of personal information.<sup>19</sup>

### 2.1 Data Protection & Consumer

The consumer's relation with the society is very vital to articulate the 'data protection' matter. In the case of *Shakankarlal Agarrwalla v. State Bank of India*<sup>20</sup>, the Calcutta High Court held that a banker is

<sup>14</sup> The Consumer Protection Act, 1987, UK

<sup>15</sup> Available at <http://www.techopedia.com/definition/29406/data-protection>. Visited on 29-10-2022.

<sup>16</sup> Prakash Shah, "International human Rights: A perspective from India," *Fordham International Law Journal*, Vol. 21, Issue 1, Article 3, (1997): 24- 38.

<sup>17</sup> Article 12, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." Accessed October 21, 2016, <http://www.un.org/en/documents/udhr/>, Article 17 (1), "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation." Accessed October 21, 2022

<sup>18</sup> 3 Samuel D. Warren and Louis D. Brandeis, "The Right to Privacy," *Harvard Law Review*, Vol. 4, No. 5 (1890): 193-220.

<sup>19</sup> 1 Section 2 (o) of the Information Technology Act, 2008 provides "Data" means 'a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalized manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form (including computer printouts magnetic or optical storage media, punched cards, and punched tapes) or stored internally in the memory of the computer'.

<sup>20</sup> AIR 1987 Cal 29.

under an obligation to secrecy. According to Lord Halsbury's laws of England, "it is implied term of the contract between a banker and his customer that the banker will not reveal to third person without the express and implied consent of the customer either the state of the customer's account or any of his transactions with the bank save as otherwise provided the banker is compelled to do so by order of a court or the circumstances give rise to a public duty of discovery or protection of the banker's own interest requires it." Therefore, the idea to put forward the relation of the banker and customer must be preserved. Due to e-commerce data protection is in danger and the misuse is growing every day. The only matter is relating to collection, storage, correctness and use of data offered by internet users. The most apprehension about this is BPO (Business-process outsourcing) fraud, all this fraud come under the penal provision of the Information Technology Act, 2000.<sup>21</sup> This phenomenon is only because of the customer relation with the authority. If the authority i.e., the service provider sustains the proper privacy policy then this situation will not arise. But the ill-fated part is that the authority is not at all bothered about this kind of privacy policy. The enforcement activities are also not aware of all such kinds of violation of rights. The privacy problem along with the data protection only be gratified by the well-equipped 'right based approach'.

### 3.General Data Protection Regulation

General Data Protection Regulation (GDPR) was launched in 2016, intending to deliver one set of privacy laws for the European Union. The GDPR exists to protect our personal data on all levels. It is protected on all platforms, regardless of the technology used, and it applies to both manual and automated processing. Personal data laws also apply irrespective of how the data is stored, be it an IT system, paper, or video surveillance. The GDPR provides strategies for organizations and businesses regarding how they handle information that relates to the individuals with whom they interact. It has made it easier for the citizens of the European Union to understand their rights when it comes to their personal information, and it should be used.<sup>22</sup> According to Article 9 GDPR, *special categories of personal data*, also referred to as 'sensitive personal data', include (i) racial or ethnic origin, (ii) political ideas, (iii) religious or philosophical views, (iv) trade union membership, (v) genetic data, (vi) biometric data, (vii) data regarding health, (viii) sex life or sexual orientation. These data carry a higher notch of risk for the data subject, thus requiring further compliance steps for any entity processing them. Data points that can be used as proxies for certain features fall within in the scope of the definition of special groups of personal data. For example, certain nutritional requirements in passenger name records were deemed to be sensitive data as data subjects' religious principles could be incidental from them.<sup>23</sup>

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<sup>21</sup> Adv. Swati Sinha, "Data Protection Law in India-Needs and Position," Accessed October 10, 2022, <http://www.legalserviceindia.com/article/I368-Data-Protection-Law-In-India.htm>

<sup>22</sup> Available at, [GDPR personal data – what information does this cover? \(gdpreu.org\)](https://gdpreu.org/).

<sup>23</sup> [The EU's General Data Protection Regulation \(GDPR\) in a Research Context - Fundamentals of Clinical Data Science - NCBI Bookshelf \(nih.gov\)](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6888888/).

## 4.HISTORICAL BACKGROUND OF DATA PROTECTION

Mentioning to the practices under World War II era the wide European privacy regulation can be acceptable. Europeans were a bit anxious of unchecked use of personal information. World War II and the post-War period was a time in Europe that disclosure of race or ethnicity led to secret condemnations and seizures that sent friends and neighbours to work campsites and awareness camps. With the technical leaps, Europeans started taking data protection seriously.<sup>24</sup>

### 4.1 EUROPEAN COUNTRIES

The European Union was authoritatively recognised only when the Maastricht Treaty came into force on 1 November 1993. Maastricht Treaty officially replaced the name European Community to European Union.<sup>25</sup> As programmed processing became more relevant during the seventies this led in 1980 to the “Convention for the Protection of Individuals with Regard to the Automatic Processing of Personal Data” (also called Convention 108).<sup>26</sup> The Convention was the first lawfully binding international instrument in the data protection field only for the countries that sanctioned it. According to the Convention, the events desiring to sanction with the agreement were required to amend their national legislation in concurrence with the principles laid down for processing of personal data. The Convention outlined the fundamental privacy principle for automatically processing of personal data that are –

1. assembled and successively processed in a legal manner.
2. deposited for specific and legal purposes only and not any other interests.
3. adequate, relevant and suitable information must be stored for attaining the said purpose.
4. correct and up to date with latest data.
5. the identifiers aspects of the data should not be kept for longer than what is required.<sup>27</sup>

### 4.2 UNITED STATES OF AMERICA

United States and the E.U, aims on data protection. However, both their tactics are different. In the U.S data is separated into different kinds according to their use and sensitivity.<sup>28</sup> The government awards a certain level of protection to each class of data. Beyond the constitutional interpretations agreed by the court and international treaties, there are many other laws that deal only with data protection. While deliberating history of data protection in USA, the Privacy Act of 1974 and the Computer Matching and Privacy Act were the first laws which dispensed with the data stored by the government and do not administer data held

<sup>24</sup> The History of the European Union, available at [http://europa.eu/about-eu/euhistory/index\\_en.htm](http://europa.eu/about-eu/euhistory/index_en.htm), visited

<sup>25</sup> International Relations, fourth edition book by Peu Ghosh published by Eastern Economy Edition.

<sup>26</sup> Council Of Europe, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, (ETS No. 108), Strasbourg, 28/1/1981, available at <http://conventions.coe.int/treaty/en/Treaties/Html/108.htm>,

<sup>27</sup> Council of Europe, available at <http://www.coe.int>, visited on 2nd June 2016

<sup>28</sup> CYBER TERRORISM, available at <http://www.nato.int>

by other corporates or ancillary government entities.<sup>29</sup> Moreover the Computer Security Act of 1987 also governs personal records of people kept by the government systems. The Act articulated standards for computer security and dispenses responsibility for those values to National Institute of Standards. The law beyond that pleads the government to recognise the most sensitive systems and articulate suitable precautions regarding them.<sup>30</sup>

#### 4.3 DATA PROTECTION IN INDIA

The Constitutional Law of India in general does not have any direct provision regarding the Fundamental Right to Privacy but still by the means of judicial decisions the right is said to be under Part III of the Constitution. Following are the provisions which are said to have the provisions related to the 'right to privacy':

- **Article 19:** Freedom of Speech and Expression- Article 19(1) (a) provides that "all citizens shall have the right to freedom of speech and expression." However, this is justified by Article 19(2), which says that it will not affect the implementation of any current law or prevent the State from creating any law, insofar as such law imposes reasonable limitations on the practice of the right in the interests of India's sovereignty and integrity, state security, friendly bonds with foreign countries, public order, decency or morality.<sup>31</sup>
- **Article 21:** Right to Life and Personal Liberty- Article 21 of Indian constitution provides citizens and non-citizens the right to privacy. This is not clearly stated in it, but as a statutory justification, the Supreme Court directed the same. Article 21 of the Constitution states as follows: "No individual shall be denied of his lives or personal freedom except as provided by the procedure established by law." The terms "procedure created by law" in this article have been the subject of discussion since the Indian constitution was enacted. The right policy that is needed is that, in the scope of personal freedom, the implication of the operation created by law is not very different from that of the due process clause of the Fifth Amendment to the American Constitution.<sup>32</sup>

#### 5. RIGHTS OF DATA SUBJECT

The European Commission having a code of conduct specific to the sector, so it can help in appropriate implementation of the data practices.<sup>33</sup> Data Protection Directive, Member States also need to articulate a standard procedure for assessing the Code of Conduct framed. The above said procedure would necessitate

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<sup>29</sup> Data Protection Law in India by Pankaj Kumar - Student of 4th year student, Bangalore Institute of Legal Studies, published on website of Legal Service India (Website for Lawyers), available at <http://www.legalserviceindia.com/article/137-Data-Protection-Law-in-India.html>, visited on October 13th 2022

<sup>30</sup> Data Protection and Privacy in the United States and Europe', by J.S Stratford, Yale University. New Haven, Connecticut: University of California, published in IASSIST Quarterly

<sup>31</sup> HM Seervai, *The Constitutional Law in India: A Critical Commentary* 43 (Central book publication, New Delhi, 2003)

<sup>32</sup> JN Pandey, *Constitutional Law of India* 92 (Central Law Agency, New Delhi, 2007)

<sup>33</sup> Data Protection Directive, Art. 27 (1), available at [www.dataprotection.ie](http://www.dataprotection.ie).

the national authority contribution along with the support of trade associations and other bodies representing categories of controllers.<sup>34</sup>

Every data subject should be assumed rights to question controller if his/her data is being processed. Thus, national law provides them the following-

- access their personal data by requesting the controller who has their data for processing.
- have their data edited in case the data controller has incorrect data.
- get their data removed or blocked-in case it is found that the data has been unlawfully obtained for processing by the controller.
- to raise queries about the data processing if it has unwanted consequences.
- to object in case their own data is being used by marketing companies.

### 5.1 Right of access

The Article 12 of Data Protection Directive states that certain provisions such as the right to access along with the right to get authorisation from the controller about their data being processed or not, persistence of processing of data, classes of data concerned and receivers to whom the data is unveiled. Also, the data subject has right to acquire information like modification, termination or blocking of data processing that does not comply systematically with the Data Protection Directive. As per Article 13 of the Data Protection Directive there may be some inconsistent legal interests of others as an outcome of which the data controller may be incapable to accept the data subject's request for his/her data. Overriding legal interests can be many kinds such as national security, public security, prosecuting of criminal offences and occasionally private interests where the interest of data subject subsides. The Data Protection Directive allows processing of data for technical research of statistical purposes with hardly applicable access rights by the national law; however, precautions need to be always in place. Article 13(2) of the Data Protection Directive commands that no decisions are taken concerning about the data subject based on data processing and at no point should the data subject's privacy be breached.<sup>35</sup>

### 5.2 Right to Access One's Own Data

Right to access one's own data is provided under in Article 12 of the Data Protection Directive. Data subject should have full access and information about his data being used and even the data at present in process by the data controller. Controller is duty bound to describe the data subject in detail about what type of data is to be processed. Information about source of data which is processed must be provided to the data subject by the controller. Data subject can also get information as to what type of data is being used and to

<sup>34</sup> Data Protection Directive, Art. 27 (2), available at [www.dataprotection.ie](http://www.dataprotection.ie).

<sup>35</sup> Data Protection Directive, Art. 13 (2), available at [www.dataprotection.ie](http://www.dataprotection.ie).

whom is it going to be distributed. In case data is being processed by way of computers without human involvement the data subject must be clarified logic being used to process this data.<sup>36</sup>

### **5.3 Right to rectification, erasure and blocking of data**

According to the Data Protection Directives Recital 41, all data subjects have a right to enquire for any modifications or also blocking of their data if they feel that data processing is not done in accordance to the data protection directive.<sup>37</sup> Precisely this provision provides the data subject with the right for modification, erasure and blocking of his own data.<sup>38</sup> It is significant that in case there is any rectification done in data or it is mandatory to be erased then all parties to whom it is unveiled need to be contacted and recommended of it unless it is impossible to reach out to so many parties. Contacting data recipients for the modification, deletion or blocking of data is mandatory, “unless this proves impossible or includes an inconsistent effort” as per the provisions of Data Protection Directives.<sup>39</sup>

### **5.4 Right to object to automated individual decisions**

Data subjects have a right to compete to any automatic decisions that take place relating to personal data. Such decisions taken by automatic means based on inappropriate data can damage the data subject leading to unwanted consequences. If such decisions are likely to have substantial effect on the lives of individuals as they relate, for instance, to creditworthiness, performance at work, behaviour or consistency, special protection is compulsory to avoid inappropriate consequences. The directives mandates that the individual be given rights to evaluate the automatic decision affecting him/her.<sup>40</sup> Member states need to ensure that since data in question concerns the data subject so appropriable provisions need to be kept in place.<sup>41</sup>

**5.5 Right to Object about the processing of their data if it leads to disproportionate results** There is no general right of data subjects to object to the processing of their data. There is a provision under Article 14 (a) of the Data Protection Directive wherein a data subject may object to a condition that leads to undesired consequences. Such requirements aim at finding the accurate balance between the data subject's data protection rights and the legitimate rights of others in processing the data subject's data. If such right is applied, then the data controller has no authority to continue processing the data. However, if such data is previously processed before the data subject protested, then the data processes remain lawful.

### **5.6 Right to object to further use of data for direct marketing purposes**

According to Article 14(b) of the Directive, the data subject may have right to object for their data agreed out for direct marketing purposes. Similar rights are also conferred in the Direct Marketing Recommendations. This right can be applied before data is unveiled to third party marketing companies.

<sup>36</sup> Data Protection Directive, Article 12(b), available at [www.dataprotection.ie](http://www.dataprotection.ie).

<sup>37</sup> Data Protection Directive, Recital 41, available at [googleweblight.com](http://googleweblight.com).

<sup>38</sup> Data Protection Directive, Article 12(b), available at [www.dataprotection.ie](http://www.dataprotection.ie).

<sup>39</sup> Data Protection Directive, Art.12 (c), available at [www.dataprotection.ie](http://www.dataprotection.ie).

<sup>40</sup> Data Protection Directive, Art.15 (1), available at [www.dataprotection.ie](http://www.dataprotection.ie).

<sup>41</sup> Data Protection Directive, Art.15 (2), available at [www.dataprotection.ie](http://www.dataprotection.ie).

Hence, the data subject must be given the chance to workout his right to object before the data is shifted for marketing purpose.

### 5.7 Independent Supervision

The Data Protection Directive mandates there should be an autonomous supervising body that would efficiently ensure that data defence is accumulated in the right manner. The supervisory authorities have powers to direct data controller and data subjects on all the matters, to confirm that they are following the finest practices to protect the data, to study and interfere in the data processing operations, to warn the controllers, to order alteration, blocking, scoring and devastation of data, to order for momentary or absolute ban on processing and to refer the matter to court. During an enquiry the supervising body should have full access to personal data so they can examine and take any compulsory action. Supervisory authorities are also authorised to ban or restrain data controllers from processing data if they feel that it is being done in a manner which is not in the best interests of the data subject.

### EFFECTS OF DATA PROTECTION ON SOCIETY

“Change is the only persistent”. As this proverb defines the only thing which keeps the manhood going to the evolution. Today’s era is the era of information, and it is the only thing upon which people trust. Today the society is associated through a single thread of information by means of social internet platforms like Facebook, skype, WhatsApp, etc. people today are so dependent upon these social media platforms that they share each minute detail of their life over it with different people. These social media platforms have formed new dimension of world on which people from around the places of the world share their data with each other. So, it is of great significance to protect the data from being misused by the people or the authorities by providing the efficient laws.<sup>42</sup> In today’s era protection of data is the primary concern as data is available in the bulk far and wide and is quite easy to access an unidentified person’s data without getting him informed.<sup>43</sup> This creates the massive risk of offences like identity theft, cyber-crimes, hacking, etc. Data protection contains safeguarding information. People in the computer system have discovered means of misusing / abusing information for different purposes. Almost all nations have laws on privacy here and there; a case of this would be tax assessment law, which frequently needs the sharing of near-home wage or profit data.<sup>44</sup>

### CONCLUSION

Privacy is an individual's or gathering's ability to detach or uncover information about themselves unambiguously. The boundaries and substance of what is perceived as personal varies between cultures and individuals, yet they share basic subjects. Occasionally, privacy is recognised with namelessness, the desire to continue in the open domain unseen or unidentified. When something is private to an individual, it mostly directs that something is seen as essentially extraordinary or by and by touchy inside them. Protection

<sup>42</sup> Rakesh Chandra, *Right to Privacy in India with Reference to Information Technology* 98 (YS Book International, New Delhi, 2017)

<sup>43</sup> Rahul Mathan, *Privacy 3.0: Unlocking Our Data Driven Future* 55 (Harper Collins, Lucknow, 2018)

<sup>44</sup> Gaurav Goel, *Right to Privacy in India: Concept & Evaluation* 26 (Partridge India, New Delhi, 2016)

mostly transcends privacy, including, for example, ideas about the proper use of data as well as insurance. Practically all nations have laws on privacy here and there; a case of this would be tax assessment law, which often requires the sharing of near-home wage or profit data. Singular privacy in some nations may struggle with the right to speak laws freely, and some laws may require open disclosure of data that would be viewed in different nations and societies as private. Privacy could be abandoned wilfully, usually in exchange for obvious benefits and with specific perils and misfortunes all the time, despite the reality that this is a crucial outlook on social links.

The study of different themes highlighted data protection has preserved as a right on different perspective. All the Subjects like right to privacy, right to material, information technology, Indian Penal Code, corporate affairs and consumer were giving special stress to accept the fact data protection as a right. The purpose of the problem is strengthening the position of data protection as a right in this technological liberalization era. The scope of technology day by day increasing to uphold this phenomenon, it is requiring strengthening data protection regime for the protection of individual liberty. The purpose of this research work is to establish right to privacy and data protection right as a fundamental right and after analysis; it is justified to treat as right. From others interference and violation of individual liberty can only be satisfied the entire legal prerequisite as a right of data protection. Institutional position of data protection can give a world-wide approach to data protection. To give special status to data protection as a right, the facets of data protection like data group, processing, storage, security and access should provide a platform together in legal context. The awareness about the right base approach of data security and privacy must spread worldwide unanimously.

