

PRIVACY AND SOCIAL ISSUES IN SMART CITIES

Mr. Dnyandeo Changoji Wankhede¹

¹ The author was served as Senior Superintendent of Post officer and now perusing LL.M. from V.N. Patil law college, Aurangabad, MS. Any suggestion, correction and criticism may address to dcwankhade@gmail.com

Abstract

Advanced technologies improve quality of life and provide protection to Right to life with human dignity. The smart tools and technology trigger development in quality life of human being. It is scientific invention to improve quality life for individuals. At the same time it may hamper privacy of individual. The smart tools and technological advancement leads towards violation of right to privacy same is utmost concern with individual's rights. Due to violation of right to privacy the individual secrecy the economic activities are hampering.

There are series of law which provides protection against violation of privacy same is recognised and assured as fundamental right of individuals. These rights are available against the individual but if the rights are violated through using technology and smart tools may not within the ambit of existing law. The inadequate laws and lack of mechanism of its implementation may hamper rights to privacy of individuals. The violation of right to privacy cause social implication and ever hanging sword of violation of rights to individual.

People while using smart facilities and tools were given consent the parties to contract are free to use to exploited the information and data of individual. The probable threat to data stealing and data misuse is everlasting on the individual. For the management of data and maintenance of secrecy, privacy and security of every individual is great concern of the management of smart cities. The facilities in smart cities are interconnected with smart devices and same is managed by the individual same is great threat to steal data from the devices.

Taking in to consideration the factual problem it is necessary to change, modify the existing law, procedure, court structure and other tools for improvement in normal life of common people in smart cities.

Keywords: Privacy, Security, Secrecy, Data Handling, Right to Privacy, Violation of Rights.

¹ The author was served as Senior Superintendent of Post officer and now perusing LL.M. from V.N. Patil law college, Aurangabad, MS. Any suggestion, correction and criticism may address to dcwankhade@gmail.com

Introduction

Privacy is not things which can be given by other simply because he/she shall be entitle. Privacy is kind of vision and idea which can be given through implication of laws and policy in real sense. It is idea of wisdom for others. It is pure ideology and omnipresence towards others. It is kind of vision free from all kind of encirclements. Privacy is an ideology free from all kind of barriers such as race, religion, sex, place of birth; colour etc. if we consider the privacy through the eye of religion aspects no one can enjoy the privacy fullest. If we wear the glass of religious barriers and see the privacy then we found that privacy has different meaning and implication. If we see the privacy through Hindu religion then we found that, the privacy has different meaning reflect under Muslim, Christian, Parsi, and Jew religion unless we remove the glass of discrimination, religious barriers and communal difference privacy will not preserve and protect at the most. The vision for privacy should be impartial and free from all kind of discrimination.

Right to privacy is essential component of right to life guaranteed under various international instruments and domestic laws. In reality the right to privacy is developed and guaranteed through the judicial interpretation at the globe level. It has no absolute right of individual it may enjoy along with the right to life and personal liberty. Right to privacy to individual is inferred only for protection against probable invasions resulting to harm or threaten to life and liberty. Right to privacy is part of rule of law where protection of these rights is for maintains of social justice and public order. Protection of social life allowed the individual to live with human dignity. The balance between right to life and dignity is core idea of right to privacy.

Right to privacy is part of right to life same is part of liberty and dignity of individual. Right to privacy is part of fundamental rights assured the freedom to choose various rights assuring the overall development and progress of own and family members. It is specific right of individual to insure and preserved its own space. Right to privacy is recognised as fundamental rights in constitution of every state at globe level.² As constitution of the country is fundamental law of land and state is bound to assure and protect the fundamental rights of every individual. Additionally the international convention inspired through the United Nations Organisation also guarantees right to privacy is basic human rights for every individual. Right to privacy includes under the arch of human dignity of every individual. Privacy is given with intent to protect one life from the interference from all external precincts. Right to privacy provides limitations of permission to interfere in own life and

² Shivnath Tripathi, Right to Privacy as a Fundamental Right: Extent and Limitations, online available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2273074

liberty. Privacy is kind of assurance and protection given by law where person has choice to allowed other to coalesce with own life. It is kind of individual's protection to restrict other from interfering in own life.

The basic philosophy behind privacy is to ability of individual to maintain balance between his rights and other concern. It is way where people can protect themselves from any kind of arbitrary threaten to life and personal growth by denying to access in own personal life. It is kind of control over other liberty and unjustified activities in other life. As a result privacy is essential and vital component in human life when one want to enjoy the utmost satisfaction of life. It provides umbrella to live life with dignity and full of freedom.

Right to Privacy

Right to privacy is fundamental rights guaranteed by the constitution of India and various international conventions. The rights are guaranteed human dignity of individual which is essential and core for the overall development of every individual. The various Supreme Court decisions make it integral and democratic principle of individual rights. Right to privacy includes autonomy and bodily integrity of individual. Right to privacy is significant aspect of human life which protects the freedom of individual³ and control significant aspect of life. Right to privacy is at the core of the right to equality, life and non-discrimination and life.⁴ The fundamental principle of right to privacy is derived and based on the principle of right to life and personal liberty⁵. Right to privacy is not common law rights but part of fundamental rights guaranteed under part III of constitution of India⁶. Additionally, privacy is one of the most important rights to be protected both against State and non-State actors and be recognised as a fundamental right.⁷ Privacy lies in functional relationship with dignity. Privacy is a pliable concept which covers various aspects of psychology, relationship; secrecy etc. privacy is more concern with the social structure and social background. One must said that, privacy is outcome of social and cultural development. Privacy may attribute not only groups but society at large.

Technological Development and Privacy Issues

The technological development and advancement trigger various issues involving privacy of person. The smart machines and devices are entering in our day to day life which threatening to privacy of every individual. The value of privacy and control over privacy

³ See Article 19 of Constitution of India, 1950

⁴ Justice K.S. Puttaswamy Vs. Union Of India Writ Petition (Civil) No 494 Of 2012 decided on 24 August 2017

⁵ Art. 21 of Constitution of India, 1950

⁶ ADM, Jabalpur v. Shivakant Shukla, (1976) 2 SCC 521

⁷ Justice K.S. Puttaswamy Vs. Union Of India Writ Petition (Civil) No 494 Of 2012 decided on 24 August 2017

rights is in alarming stage. Due to use of technological development the personal data and privacy can monitor and observed by anyone without any restrictions. The technical advancement control over collection of data, storage of data, surveillances on any person are not under the preview of right to privacy and for the reasons the right to privacy is controversial issue. The intervention by social media and technological advancement leads towards the violation of privacy right of individual. The interference by technology may leads towards ethical impacts on privacy of individual. The electronic monitoring of people at the work place, the recording of personal movement/ activities of individual etc. hampers the right to privacy of individual. Privacy and technological inventions and its protection are fundamental rights of individual.⁸ The technological innovations hamper ethical values and freedom of association and freedom of speech and expression including right to privacy. The technological advancement and privacy are two tangled ideas which commonly based on the same principle of ethics and moral use.

The violation of privacy due to interference by advancement in technology is not clearly defined sometime the people were unaware about intervention of technology and violation of their right of privacy. The protection of privacy through technological advancement is based on the principle of accountability and secrecy by its makers which lead sometime misconceptions among the policy makers.

Privacy and Smart Cities

Due to advancement in technology the smart cities are grooming at globe level. The people were more attracted towards the smart cities where they enjoy luxury life with click of brooch. The development of smart cities uses different technological methods and sensors to collect data. The activities of people in smart cities are managed by electronic devices. The use of technology reduces the pain of individual and improved the condition of life. The traffic activities, waste, crime control, power plant utility services etc. were managed by the smart devices. When all activities were done through smart devices means the individual who is resident of smart cities gives permission to use their privacy data and used for availing services. The permission of interference with data is leads towards violation of privacy in smart cities.

Basically smart cities will work on the concept of communication and information technology and various smart instruments connected through internet. The use of technology will increase efficiency of services and operation of cities⁹. The interconnectivity through

⁸ Michael Friedewald & Ronald J. Pohoryles, Innovation: The European Journal of Social Science Research The European Journal of Social Science Research, 2013 Vol. 26, Nos. 1-2, 1-6 P.N. 1

⁹ Peris-Ortiz, Marta; Bennett, Dag R.; Yábar, Diana Pérez-Bustamante Smart Cities: Creating Spaces for Technological, Social and Business Development. Published by Springer, 2016

internet between individual and city will improve the quality of life of people. The individual can easily access the facilities and services with minimum efforts maximum. The technological system directly connected with the infrastructure and monitors every activity in the city. The observation through smart devices will leads intervention in the right to privacy. The activities of individual are not private in smart cities. The smart city may therefore be more prepared to respond to challenges than one with simple transactional relationship with its citizen which leads openness of every individual.

In smart cities the things are treated differently the data being collected through sensors and internet where consent of the individual is not required. The data collected through sensor and internet will be used anytime by the proprietor or manager which leads towards violation of right to privacy of individual. The information can be accessed by anyone who having the custody of data. But if governments hope to respect their citizens' right to privacy, standards will need to be set. Governments and businesses will need to work together and install security safeguards for citizens. City services will need to be careful about collecting data, ensuring that citizens are warned of future data collection and analysis. For instance, the EU's General Data Protection Regulation (GDPR) restricted the use of facial recognition in smart cities. Privacy standards for future Public Private Partnership's need to keep the citizen's privacy in mind, building technology and infrastructure around citizens' need for privacy and security¹⁰.

For overcome this problem of violation of privacy rights it is need to offer and manage the things in proper way where the data of person will be safe. It is necessary to provide the basic rules and regulations for the smooth functioning of data privacy. For the better protection of data of individual it is necessary to consider the following measures.

- Need to display and convey the rules and procedure how data is processed in smart cities
- Protection on data secrecy by offering specific rules in the society
- Transparency should be maintain about the use of data
- The data which would be used by the city should be clearly indicated in the cities notice board
- Clear indication and information about how data will be used by third party contractors
- Need to clear who will used the data of individual
- The details about ownership of data of individual

¹⁰ <https://www.urbanet.info/why-smart-cities-treaten-citizens-right-to-privacy/> access 01/03/2021

- The person who will be accountable if anything goes wrong with data of individual
- The responsibility shall be fixed in case of loss of data of individual and misused by third-party
- The clear rules and regulations shall be made about how long data will be retained with the person who will use it
- Assurance shall be made about IOT devices, data bank and connected platforms with full security future
- Assurance shall be made that, no personal data will be used and accessible to the other people who are not connected with smart cities
- Assurance and confirmation shall be made on limit access to data only privilege people who are directly responsible has right to access in data.

If the above precaution shall be followed by the smart cities then the privacy of people will be protected at most otherwise the privacy of individual will be in great threat.

Conclusion

The development of smart cities in every corner of the world is need of time. By smart cities the life of people will be very easy and smart. The development of smart cities will reduce the misuse of natural resources. Through smart cities we can save so many natural resources for our future generations. The smart cities provide satisfaction and overall happiness of resident to the individual which leads full satisfaction of individual. In the smart cities the threat is continued with the various aspects of privacy and rights of individual. The people are not techno-saving which leads towards violation of their rights. The only expectation from the smart cities to serve their citizen essential facilities and protect their rights in all shapers.