

WHATSAPP'S NEW PRIVACY POLICY- RIGHT TO PRIVACY-

CJI to WhatsApp: You may be 2-3 trillion firm, but people value privacy

TAGS: GS-2: Polity

CONTEXT:

- The Supreme Court noted that **WhatsApp's new privacy policy** was being brought into effect **at a time** when a **Personal Data Protection Law in India** was **pending the consideration of the central government**.
- The Supreme Court sought WhatsApp's response to restrain it from implementing its new privacy policy in the India, observing that it was the **duty of the court to protect people's privacy**.
- **Petition:** It was filed by two college students, Karmanya Singh Sareen and Shreya Sethi.

WHAT YOU GET ON WHATSAPP, OTHER APPS			
FEATURES	 WHATSAPP	 SIGNAL	 TELEGRAM
End-to-End Encryption (E2E)	Yes	Yes	Only 'Secret Chats' and all calls
Disappearing Messages	Yes	Yes	Yes
Chat backups	Yes, but third-party	No, stored locally on device	Yes, but on Telegram's Cloud
Screen Lock	Yes	Yes	Yes
Advertisements	No	No	No, but plans to add
Group Chat Security	Yes, E2E	Yes, E2E	No
Video and Voice Calls	Yes	Yes	Yes

CONCERNS:

- **'Personal chats private':** Amid continuing concerns over its new privacy policy, WhatsApp had clarified that the policy changes nothing for those messaging **friends and family**.
 - It had also said that in some conditions, **business messages** can be **read by Facebook**, and could be used for marketing purposes.
- **Privacy v. trillion-dollar Enterprise:** Chief Justice of India S A Bobde told: "People have grave concern about their privacy. **You may be a two trillion or three trillion company, but people value their privacy more.**"
 - It's court's duty to protect people's privacy."

- **National apprehensions of data sharing:** The CJI said, “People have grave apprehension about the sharing of data... We will tell you what we read in the media. People think if A messages B, then the fact that A messages B is disclosed to Facebook.
 - Intervening, Solicitor General Tushar Mehta said: “There are **national apprehensions.**”
- **Sharing of metadata to Companies:** Senior Advocate Shyam Divan, who appeared for the petitioners, said there was substance in the apprehensions articulated by the court. He said there was huge metadata that was being shared for the profit of the companies.
- **Discriminated Privacy Policy: Europe v. India:** The **new privacy policy announced in January** has one set of **privacy standards for Europe and another for India.**
 - This comes at a time when the **Personal Data Protection Bill** remains **pending.**

WHATSAPP’S RESPONSE:

- Senior Advocates **Kapil Sibal and Mukul Rohatgi**, who appeared for the Social media companies **sought to deny** suggestions that they were **sharing no data of Indian users.**
- **No Store no Share:** “We can swear that we neither store or share personal data. All this is a red herring.”
- The messages are **fully encrypted**, and even **WhatsApp can’t see** them.
- WhatsApp had **extended the deadline** for accepting the new policy **to May 15.**
- Kapil Sibal said the **plea lacked substantive grounds**, and added that Delhi High Court was already considering similar petitions.
- He said the policy was **applicable to all the rest of the world except Europe**, because Europe has a **special law.**

CONCLUSION:

Whether a law is there or not, **right to privacy is a fundamental right** and it cannot be infringed or violated”

RIGHT TO PRIVACY:

- The right to privacy is to restrain government and private actions that threaten the privacy of individuals.
- **Article 21** – It provides for protection of life and personal liberty which also include right to privacy.
- **People’s Union for Civil Liberties vs Union of India** and in **Kharak Singh vs State of UP:** Supreme Court held that the right to privacy is a part of right to protection of life and personal liberty under Article 21.

MCQs:

Q. Right to Privacy is a part of which of the following article of Indian Constitution?

- a) Article 19
- b) Article 21**
- c) Article 32
- d) Article 14

Ans: B

SOURCE: Indian Express

MCQs: