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Digital Privacy: Case Study Analysis on Whatsapp Privacy Policy Changes

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ABSTRACT

The United Nations (UN) recognizes Privacy as a human right which entails two aspects – personal data or knowledge and to what extent it can be shared. In this era of universal and virtually free internet access with innumerable apps on various electronic devices, the quantum and significance of information has magnified a lot. One such app is WhatsApp. Much of the information that flows through WhatsAppcontains personal data that can be tapped by companies and hackers for their own monetary benefits. Security of such data is main concern of users. The objective of this paper is to study the awareness of Digitization of data flow in India and its Security Legislations. It also discusses the changes in WhatsApp Privacy Policy and its acceptance by Government of India.

Keywords: Digital Privacy, Data Digitization, WhatsApp Privacy Policy, Data Identity Theft

It is a well-established fact that Digital is the new normal. But as we look back in time, we will realize that it is a rather recent phenomenon. For context, Internet services and Mobile Telecommunication were first launched in India in 1995[16]; a stable and reliable internet connection was materialized only a few years ago, yet today Our Nation thrives on digital, emphasizes on promoting digital and digitalizing the old age manual systems and processes.

This rapid change has made many a people to intentionally or unintentionally make some presumptions regarding the digital way of life, and leave their digital profile vulnerable. Although it is true that digital interactions and transactions are safer compared to the traditional means to a certain extent but to presume that the digital way is 100% safe and foolproof will be an act of negligence.

With the advent of the 'Digital Era' the cost of such negligence is on a sharp rise. The number of digital

frauds has risen hand in hand with digitalization. The susceptibility of the Digital way and the negligence of users have caused numerous cases of Identity Theft, Fraudulent Financial Transaction, Data Leaks and what not[19].

Objectives of the Research Study

❐ To test and analyze the awareness of Indians with regard to the concept and availability of Digitization of Data and Digital Privacy,

❐ To evaluate the perception with regards to Digital Privacy Legislations,

❐ To analyze the WhatsApp Privacy Policy Changes.

Literature Review

Dilip Kumar Rath and Ajit Kumar[12] in their research "Information privacy concern at individual, group, organization and societal level - a literature review" have carried out a detailed study to recognize the different levels of challenges faced by digital privacy. Their paper provides valuable information about consumer's attitudes towards privacy concerns at the individual level in various application domains.

Dr. Govind Singh Rajpurohit and Dr. Raj Kumar Yadav[11] in their research "A Socio-Legal Analysis of WhatsApp Privacy Policy 2021 in India: A Contemporary Study" discusses the new WhatsApp Privacy Policy, 2021 and how the citizens do not have ability to bargain with the messenger service since they either must accept the policy or leave the application. It recommends that the Government needs to take strict steps to secure its citizens data flow through internet, to reduce the exploitation of citizens by private corporations like WhatsApp.

Purushotham Kittane, Inika Charles, Aarin Kamath and Gowree Gokhale[8] have studied in their research "Privacy and Data Protection – India Wrap 2020", the impact of the pandemic on data and dataflow through digital mediums. It highlights the significant steps taken by the Government of India in tech policy and regulation of personal data, non-personal data, financial data, health data and e-commerce related data.

Pawan Kalyani[7] in his paper "An Empirical Study on "WhatsApp Privacy Policy" Analyzing the Real Cost of "Free" Apps in an Online Social Network: In Contrast to Other Player like Telegram, Signal etc.", have done a comparative study on the effects of changes in WhatsApp Privacy Policy on various other social media platforms. He has also studied the mindset of WhatsApp users' shift towards other platforms having less stricter policies.

"Digital Capitalism and Surveillance on Social Networking Sites: A Study of Digital Labor, Security and Privacy for Social Media Users" by Rianka Roy and Nilanjana Gupta[13] elucidates restructured concepts of security and privacy of social media. it discusses how the social media culture has altered the social relations in the dynamic world of privacy and surveillance. It addresses to the role of the State Laws and governance that modifies the pattern of access of citizens to the internet access.

Buddhadeb Halder in his research "Privacy in India in the Age of Big Data"[6] studied about the clear understanding of big data and its issues regarding privacy. The study discussed how good governance is incomplete without proper implementation of digital services. This means full support of the citizens of the country. In order to have full recommendation the government needs to protect and secure all the data exchanged among the people through digital platforms. The research scrutinizes the challenges and risks faced by the data flow through various online platforms.

Research Methodology

Primary data for the study has been collected using a structured questionnaire through Google Forms. All the participants have access to digital devices with internet facilities using WhatsApp besides other apps. Although the sampling technique was random, the focus was within family and relatives in Kolkata (W.B.). The collection period was 45 days with a sample size of 100. Out of the total sample size, only 66 valid data has been utilized for analysis. Only those questions required for analysis have been given as figures in the article. In these times of COVID-19, collection of primary data was done Google Forms. Secondary data has been collected through various sites and sources. All the sources have been mentioned and due credits have been provided with. The study is conceptual and analytical.

Conceptual Framework: Wake of Digitization in India

It is a well-established fact that Digital is the new normal. Everyone, be it individuals or governments or institutions everyone is thriving to digitalize their functioning. If we look back a few years we will be able to appreciate the rapid pace at which we have been successful in digitizing our modern world[13].

As we look back in time, we will realize that it is a rather recent phenomenon. For context, Internet services and Mobile Telecommunication were first launched in India in 1995. A stable and reliable internet connection was materialized only a few years ago. And the access of cheap and fast internet was made available to the masses only after the entry of Reliance Jio in the market[21].

Today Our Nation thrives on digital, emphasizes on promoting digital and digitalizing the old age manual systems and processes. With the coming years more and more functions and process are getting digitized. There are a few problems associated with digitization. Acceptance by people at large, complexities in performing transaction, generating fake IDs, stealing identities to gain trust of people and looting them, corrupting devices and associated systems, disabling services for personal interests are a few of them. The applications installed and used by people need to monitored from time to time, keeping them away from committing any frauds or crimes. Citizens need to be more cautious about various apps and must do a background check before installing and using them. They need to understand the importance of their privacy and how it can be stopped from leaking out. They need to update their applications, which will make their devices more efficient[10].

The threats and harms using devices and applications will always be present. Today, if we find a way to stop them from stealing our data, it will mutate into some other form. Yet, it is impossible to stay away from this digital world. People will need to be aware and cautious of how they keep their private details masked.

Awareness Among Indians

One very important prerequisite of a successfully digitized world is awareness among the masses regarding every aspect of the digital life[5]. The people should be aware of their Digital Rights, Precautions and Safeguards available to them. But as far as India and Indians are concerned one concerning trend is the lack of awareness among the masses. A majority of the population is ignorant about Privacy issues.

A study by PreCog Group of IIIT Delhi surveyed more than 10000 Indians concluded that about three-fourth of the participants are ignorant of the privacy policies on any websites or applications that they

interact with or install[4]. Out of those aware, most of them do not read the privacy policies before sharing his/her personal information.

Some people also tend do believe that some law exists to safeguard their digital profile but at present no such law or regulation exists. Such trends showcase the mentality of the people and also highlight the urgent need for legislation in this regard.

Principles of Digital Security

The cyber security principles provide strategic guidance on how one can protect their systems and information from various cyber threats. The following are the cyber security principles[3]:

- ❒ Govern: The security risks need to be spotted and dealt with.
- ❒ Protect: Execute advanced security controls to reduce the risks.
- ❒ Detect: Recognize the digital events that may cause security risks.
- ❒ Respond: Acknowledging the incidents of security threats and reclaiming normalcy.

Digital Privacy Legislation

At the moment, India does not have any clear data security regulations in effect.

The Information Technology Act of 2000 ("the IT Act") and the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 ("the IT Rules") are India's legislative framework for data protection and privacy[2].

But these acts have a lot of limitations in the context of the present time.

Under the leadership of Retd. Justice B.N. Srikrishna, a committee was formed to formulate a data security law. Based on the committee's recommendations, the Indian government released the Personal Data Protection Bill 2019 ("the Bill")[14]. This Bill, if passed by both houses, would be India's first law on personal data security.

Safeguards Against Digital Exploitation

- ❒ Use a full-service internet security suite.
- ❒ Use strong passwords.
- ❒ Keep your software updated.
- ❒ Manage your social media settings.
- ❒ Strengthen your home network.
- ❒ Talk to your children about the internet.
- ❒ Keep up to date on major security breaches.
- ❒ Take measures to help protect you against identity theft.
- ❒ Know that identity theft can happen anywhere.
- ❒ Keep an eye on the kids.
- ❒ Know what to do if you become a victim.

Whatsapp Privacy Policy Changes

WhatsApp's latest privacy policy update has sparked a firestorm of debate. Not only consumers, but also the Indian government, have opposed the new strategy. It was first made available in January of this year. WhatsApp, however, had to suspend the rollout and postpone the policy change until May 15th. The organization now faces the difficult task of informing customers about how the new initiatives affect them and their privacy.

WhatsApp have announced that its users have the time till 15th May to accept the updated privacy policy. So, the question arises what if a user does not accept the updated privacy policy? Does his account get deleted; the answer is NO, as per the spokesperson of WhatsApp' they have started pushing Banner Ads to educate the users regarding the updated privacy policy[18].

The users who refuse the accept the updated privacy policy up until 15th may will find thereon some functionalities of WhatsApp become inoperative as per the sources the user will still be able to take calls and messages, but certain restrictions would be put on sending messages and making calls.

However, even in July 2021, the Delhi High Court has requested WhatsApp Messenger to keep their updated Privacy Policy on hold[17]. The Government of India is not ready to accept the policy until the Personal Data Protection Bill has been passed[9]. WhatsApp has agreed not to compel the users to accept the new privacy policy.

Whatsapp Revised[20]

❑ Whatsapp has more clarity now on how they are going to collect, use and share data. The Privacy Policy is more detailed with new add-on sections. To make the policy more user friendly , the layout has also been simplified.

❑ The report of users' accounts and settings is just a click away.

❑ Users will be able to talk to more bussinesses and make things work faster through Whatsapp Chats than phone calls and emails. Customers will not have to wait in queue of the online help desks or late replies through mails. They can easily place queries, gather information and make purchases through chats. However, this option is not mandatory for users. They can remove or even block businesses from their contact lists whenever they wish to do so.

❑ This policy will also benefit larger business houses to respond quickly to continuous queries from thousands of customers. They may also use Facebook as a technology provider to control and supervise their client requests on their behalf. The users will be notified timely with labeled chats for such actions.

❑ New settings like auto delete of chats after a specified time and controlling people who can add you to groups (only your contact list) provide added layers of protection to users.

What Remains Same[20]

❑ Whatsapp is remains loyal to its feature of end-to-end encryption. The personal details of the users are not shared with Facebook and Whatsapp does not keep an account of everyone the user is texting or calling. The content exchanged by the users including any kind of attachments and personal data is neither seen by Whatsapp or Facebook.

☐ The users are still the masters of their accounts. Whatsapp does not give user numbers to any businesses. The businesses are prohibited to contact any user on Whatsapp without their prior consent.
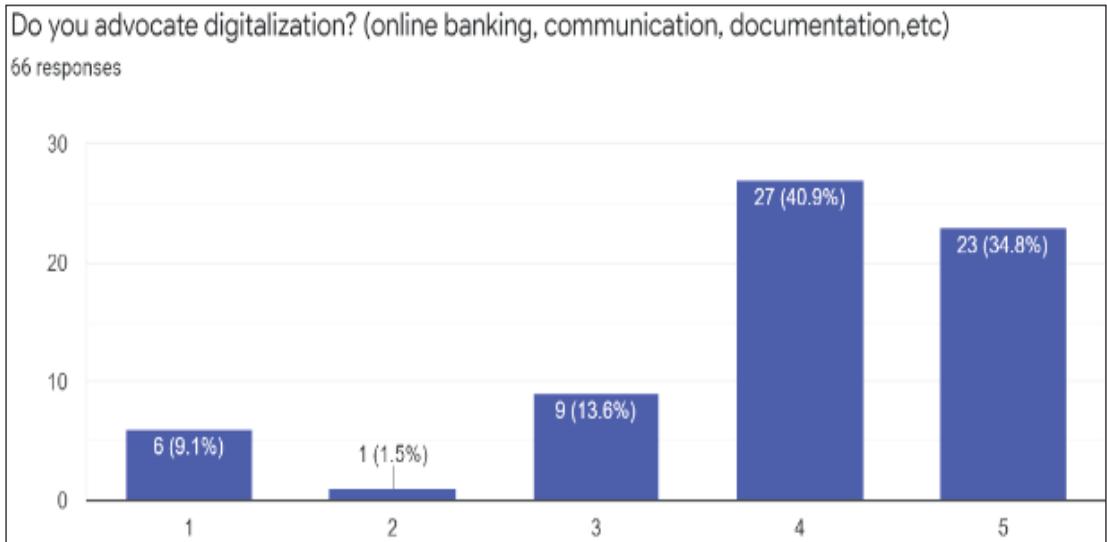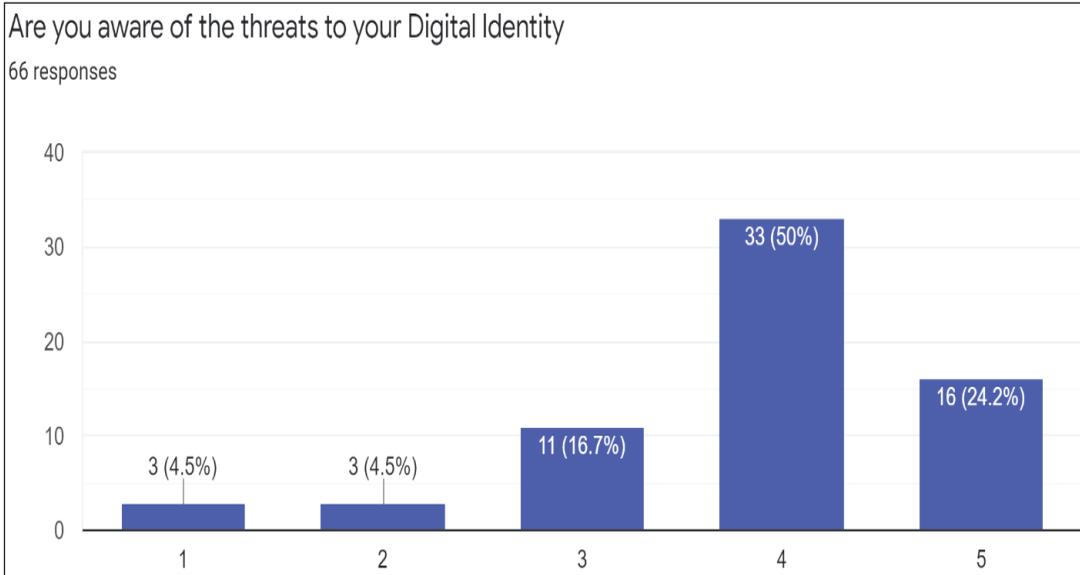

Source: Authors

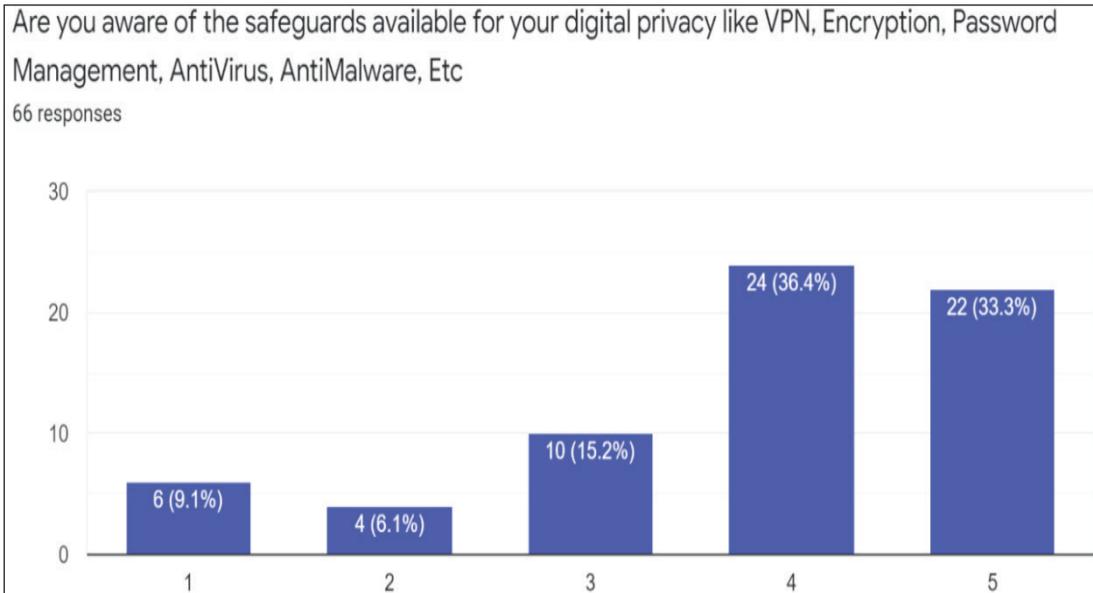**Fig. 1:** Response Regarding Advocation of Digitization of Transactions
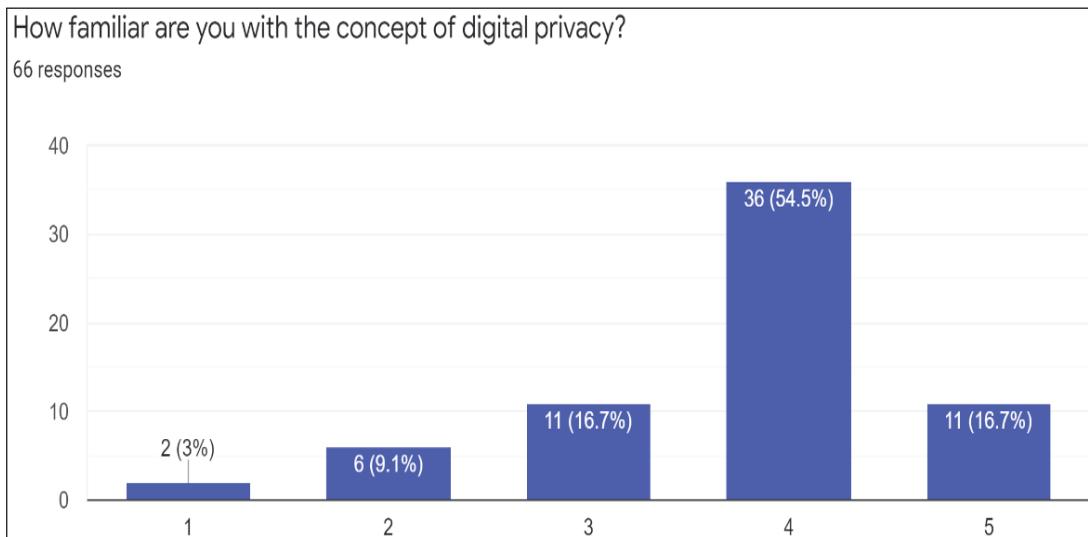
Source: Authors

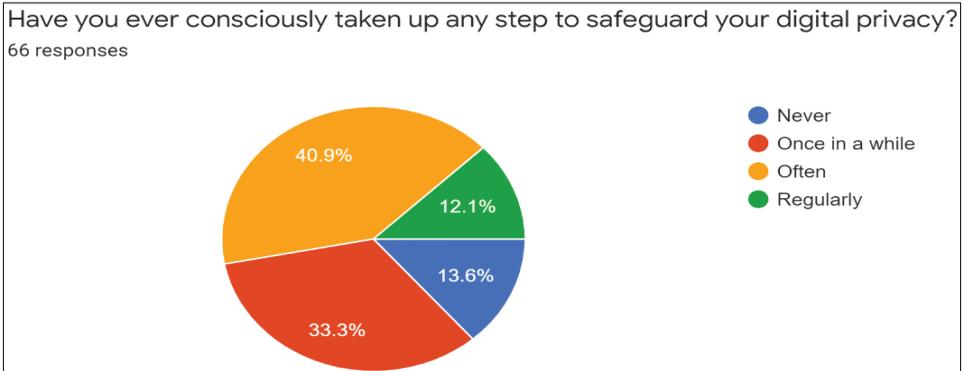**Fig. 2:** Response Regarding Familiarity with Digital Privacy

Source: Authors

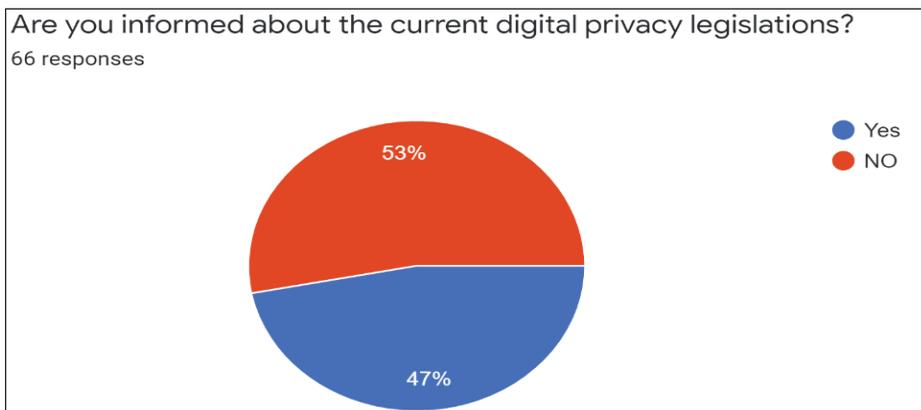**Fig. 3:** Response Regarding Awareness of Digital Identity

Source: Authors

Fig. 4: Response Regarding Methods of Digital Data Security
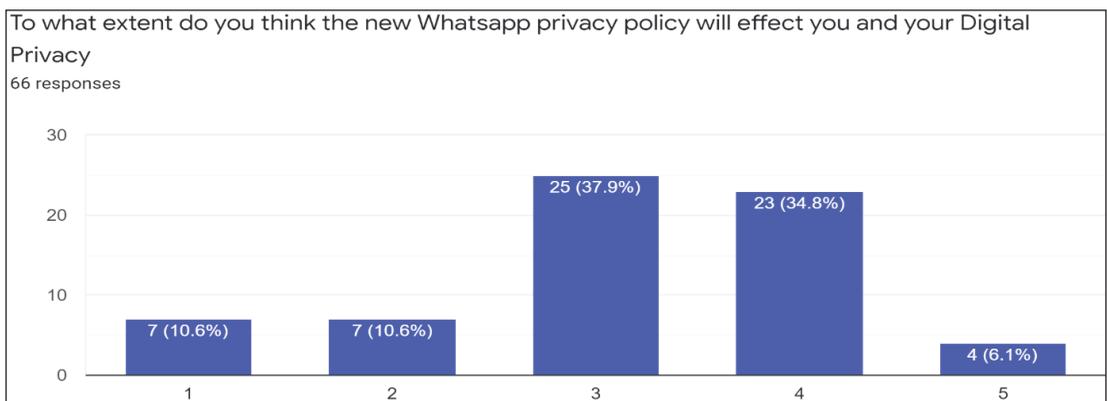
Source: Authors

Fig. 5: Response Regarding Steps towards Digital Data Security

Source: Authors

Fig. 6: Response Regarding Digital Privacy Legislation Information

Source: Authors

Fig. 7: Response Regarding the Extent of Effect of New WhatsApp Policies

Findings and Analysis

1. The data has been collected on a scale of 1-5, where 1 is least likely and 5 is most likely.

2. We find that a majority of the respondents are advocates of digitization, pushing for digitizing all their interactions. These further cements the facts that in the coming time digitization in only bound to grow more and more at an even rapider pace [Fig. 1].

3. On enquiry regarding digital privacy we find that 1 in 3 people are severely ignorant regarding their digital privacy. This aims towards the immediate need of spread of awareness regarding digital privacy [Fig. 2].

4. Digital Identity Theft which is one of the most prevalent thefts in the digitalized world. But we find that even though the majority admits to be aware of it but only a quarter of the respondents were confident enough regarding the security of their Digital Identity. No matter how aware the people are regarding digital security, it will be of help only if they take proactive steps to safeguard it. But we find that almost 50% of the respondents rarely take any step to safeguard it, which is a rather concerning signal [Fig. 3 & 5].

5. One major positive trend that turned up during the research was awareness regarding safeguards like VPN, Encryption, etc. Besides, the willingness of the people to devote their time and energy towards the protection of your digital privacy is increasing. This is mainly because although slowly, but the awareness regarding digital privacy has also started to spread and the people are now considering investing their time and energy to safeguard their digital profile [Fig. 4].

6. One very concerning trend to come out of the statistics is that almost 47% of the sample have no knowledge that there is some sort of digital privacy legislation in action to safeguard their rights, although a digital privacy law is in the pipeline but the unnerving faith of the masses without any actual basis for such belief is a matter of concern[Fig. 6].

7. The updated statistics show that the people have accustomed themselves to accept the new changes. Most of the people is no longer against WhatsApp and continues using it. Yet, some respondents are of the opinion that they are going to get affected by the privacy policy changes, the people were looking for alternatives like SIGNAL and Telegram [Fig.7].

8. It was concluded from the study that age does matter as a factor for promoting digitization and awareness regarding security issues. Where elderly people are more reluctant to use online platforms for unknown threats, younger generation are more aware of the threats as well as the security measures. So, they are more willing use WhatsApp as a medium for information exchange.

CONCLUSION

The present scenario of mindset of the masses about digital privacy is concerning, people have a trend of taking their privacy for granted but the truth is everything which gets online is very much vulnerable to attacks and thefts. The trends also show a slow growth in awareness regarding digital privacy, these figure will start growing rapidly once digital crimes become more prevalent but that might be of consequences to the suffering party; As the popular saying goes, 'Better Safe, Then Sorry' applies here perfectly.

In the coming years every function and process are bound to get digitalized, in such times it is imperative for the users to give due importance to the privacy aspect of the digital world[1]. As everything gets

digitalized the scope for any mistake/fraud in the process will decline rapidly but people will be more into finding loopholes in the digitalized process to carry on with their fraudulent activities.

Basically, Digital crimes has started to rise and in the coming years it is expected to rise even rapidly so it is pertinent for the user, provider, and government to join hand to work towards the digital privacy; Only then can the idea of a Digitalized world be successful.

RECOMMENDATION

- ❒ The Government shall speed up the enactment of cyber security law as it is of immediate need and importance for the nation.
- ❒ People should be educated about the perks and cons of digital world.
- ❒ Awareness should be spread about the importance of Digital Privacy[15].
- ❒ It should be mandated to put forward a crisp, clear, and transparent privacy policy so that the user could make an informed decision.

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