

## Privacy Rights during a Pandemic: A Comparative Study

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### Abstract

The pandemic situation seems like a combatant in which every nation is suffering, that is paranormal because no one knew that this kind of prophecy could happen to the world.

This situation has generated perpetual and persistent privacy issues for the common person of the nation. When the country is approaching the second position in terms of the per day positive cases with the tremendous increase in the hospitalization process, the demand for COVID centers is increasing, and the country is trying to build up better equipment and services. Still, nothing is pre-defined on the nature of this COVID-19 pandemic. As the number of positive patients increases, they are being transferred to the COVID centers for better treatment. Officers are curtailing the right to information as the patients are not informed about anything like what has happened to them and at what level their disease is (condition). They are being taken at which center or at which hospital, even their family members have no information about the patient they left ideal, and nothing is provided to them. Over here right to be here and the right to privacy has been curtailed by the respective bodies that are monitoring the whole process. This research paper has talked about the patients' privacy issues and their families at hospital centers and COVID centers. Impotently the Aargya Setu app, as well as PM care funds the government has used this app as a Aatm Nirbhar Bharat but the question, is that, which kind of information has been collected, in what way that information will be used and for what time period that information will be there in the apps and different software, which government have created and this raise a question on Right to Privacy.

Article Received: 18 October 2020, Revised: 3 November 2020, Accepted: 24 December 2020

### Introduction

'Right to Privacy' has had a long enough journey in India. The various judgments made in over 60 years have shaped the right to what it is now. However, the inconsistency in two judgments, M.P. Sharma V. Union of India<sup>1</sup> and Kharak Singh V. State of UP<sup>2</sup>, diverged opinions on whether or not the Right to Privacy is a fundamental right not. Article 21 of the Indian Constitution, Right to Life and Personal Liberty protects the Right to Privacy as its essential part, rightly mentioned by the nine-judge bench, in the Supreme Court, in Justice K.S.

Puttaswamy (Retd.) V. Union of India<sup>3</sup>, overruling the judgments made in M.P. Sharma V. Union of India and Kharak Singh V. State of UP.

Even after there being many cases under the Right to Privacy, the right was acknowledged and considered 'naturally' a part of Article 21 of the Indian Constitution.

Before jumping into the definition of the Right to Privacy, let us know Article 21. Article 21 deals with the Right to Life and Personal Liberty as, "No person shall be deprived of his life and personal liberty except according to the procedure established by law."<sup>4</sup> Article 21 is one such article that includes all the human rights within its ambit, as so transformed by the Supreme Court.

<sup>1</sup>M.P. Sharma V. Union of India, Civil Writ Petition No. 14400 of 2004 (India)

<sup>2</sup>Kharak Singh V. State of UP and Others, AIR 1964 S.C.R.1 332 (India)

<sup>3</sup>Justice K.S. Puttaswamy (Retd.) V. Union of India, Civil Writ Petition No. 494 of 2012 (India)

<sup>4</sup> Pg. 74, The Constitution of India, PM Bakshi

The Black's Law Dictionary mentions the Right to Privacy as a right to be, let alone; the right of a person to be free from unwanted interference.<sup>5</sup>

However, the Right to Privacy is categorized as an amorphous term and cannot be categorized as an absolute right. Hence, it cannot restrict the state from imposing certain reasonable restrictions on the citizens.

### **The conflict between Right to Privacy and Right to Public Health: COVID-19 Outbreak**

The current pandemic not only has caused chaos and trauma all around the world, lakhs of deaths, disrupted and damaged economy, profound changes in peoples' lifestyles, but has also proposed several legal challenges.

The most common and important challenge is the Right to Privacy vs. the Right to Public Health. The governments' aggressive mechanism worldwide during such an acute public health crisis has caused certain privacy concerns among citizens. However, it can be contended that the Right to Privacy cannot be protected during such public health crisis. Indian Privacy Laws do not make available allowances on the exercise of privacy during such life-impairing emergencies. Thus far, there exists no special exception issued by the government. According to the new Indian Laws, the collection, possession, relief, storage, and transfer of Personal Information (PI) and Sensitive Personal Data or Information (SPDI) of natural peoples via microelectronics means is controlled by the Information Technology (IT) Act, 2000<sup>6</sup> and the Information Technology (Reasonable Securities Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011<sup>7</sup> also known as Privacy Rules.

<sup>5</sup>Definition of privacy (Sep. 23,2020, at 8:30PM) <https://dictionary.thelaw.com/right-to-privacy/html>

<sup>6</sup>( Sep. 23,2020, at 8:30PM) <https://www.mondaq.com/india/privacy-protection/625192/supreme-court-declares-right-to-privacy-a-fundamental-right>

<sup>7</sup>(Sep. 23,2020, at 8:30PM) <https://thewire.in/law/india-right-to-privacy-aadhaar-srikrishna-committee>

Medical data is a Sensitive Personal Data Information (SPDI), meaning that if an employee/advisor/consultant/ other business delivers you with the information that they are unwell, and provides you the data, be aware not to circulate or publish their identity and health records, as such revelations of the SPDI is illegitimate and unlawful if you do not have specific consent and permission. This, however, is challenged in such COVID times.

In the 2017 Judgment, the Supreme Court of India set off four tests – Necessity or Legitimacy, Legality, Proportionality, and Procedural safeguards – that the government must pass if and when it wants to infringe the privacy in such emergencies.

In India, the symptomatic COVID patients - without clear delineation of patients' rights in the context of employment, residence, quarantine, access to essential services, etc., have no incentive to report the truth.

In India, the Disaster Management Act 2005<sup>8</sup> is one unprecedented and grim event. Data tracking and data analysis have emerged as life-saving heroes in such a pandemic situation. These analyses have enabled various states to Implement measures to stop the pandemic at its source and prevent deaths, unnatural burden on healthcare systems, social disruptions, and economic loss.

### **Objective**

This paper tries:

1. To analyze the actions of the government about the right to privacy during a pandemic.
2. To analyze the Right to Privacy as Fundamental Right under Article 21, whether or not government actions can restrict it.

### **Research Methodology**

The method used to analyze this paper is both primary as well as secondary. Primary data has been taken from the general talks and the statements given by persons on television and social networking sites. The source of secondary

<sup>8</sup>(Sep. 23,2020, at 8:30PM) <http://www.legalservicesindia.com/article/1630/Right-To-Privacy-Under-Article-21-and-the-Related-Conflicts.html>

data is a newspaper, journal, and so on. The paper is written descriptively.

### Privacy Rights of COVID Patients

There has been a constant tussle in the current pandemic situation regarding the privacy rights of the persons infected with the deadly coronavirus (COVID-19). There has been a continuous dispute between the disclosure of Personal Information (PI) and Sensitive Personal Data or Information (SPDI) of the infected persons and the Right to Information of those not infected by the virus.

The Supreme Court of India, in the landmark case right to privacy judgment,<sup>9</sup> declared that Article 21 of the Constitution of India impliedly recognizes the right to privacy. Again, compared with other fundamental rights, the right to privacy is not absolute and, therefore, subject to reasonable restrictions. In the following judgment, the Supreme Court laid down three steps to reasonably restrict the following right. The test implies legality, necessity, and proportionality<sup>10</sup> to curtail the right to privacy in certain conditions. Therefore, to reasonably curtail the right to privacy of corona patients, the authorities need to comply that (1) the restrictions are backed up by legislative provisions, (2) the action is based on a legitimate aim, and (3) the action undertaken is the least restrictive measure.

In the current situation, the Union Government and the respective State Governments have the power to undertake steps to prevent the extension of infectious diseases under entry 29 of the Concurrent List in the Seventh Schedule.<sup>11</sup> Moreover, the Epidemic Diseases Act (1897),<sup>12</sup> the

<sup>9</sup>Justice KS Puttaswamy (Retd.) and Another v. Union of India and Others, (2017) 10 SCC 1.

<sup>10</sup>Suhrith Parthasarathy, Gautam Bhatia & Apar Gupta, Privacy concerns during a pandemic, THE HINDU (April 29, 2020). <https://www.thehindu.com/opinion/oped/privacy-concerns-during-a-pandemic/article31456602.ece>

<sup>11</sup>Prevention of the extension from one state to another of infectious or contagious diseases or pests affecting men, animal or plants.

<sup>12</sup>2. Power to take special measures and prescribe regulations as to dangerous epidemic disease.—(1) When at any time the 7 [State

Disaster Management Act (2005)<sup>13</sup> empowers the Union and State Governments to exercise preventive measures.

Countries like China, Israel, the USA, Singapore, and others have undertaken several surveillance, data tracking, biometric data integration, and electronic application-based techniques to acquire the personal and sensitive data of infected persons to undertake measures to curb the extension of the virus scrupulously. This involves acquiring personal information such as name, age, sex, residential address, phone numbers, etc., of those infected. On the other hand, India has undertaken Geographic Information System (GIS) and Bluetooth application-based techniques to map the location of infected persons.<sup>14</sup>

Government] is satisfied that 7 [the State] or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the 8 [State Government], if 9 [it] thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as 9 [it] shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

<sup>13</sup>6. Powers and functions of National Authority.—(1) Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster.

(i) take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;

<sup>14</sup>Ankoosh Mehta, Ria Lulla & Sanika Gokale, Double Trouble in 2020 – Tackling COVID-19 while Protecting the Right to Privacy, INDIAN

The Indian government, while undertaking such preventive measures, has been continuously criticized for its ostensibly malicious actions. While some believe that the disclosure of personal information on public platforms is a complete violation of the right to privacy, others criticize that non-disclosure of information regarding infected persons is a threat to life.

Albeit, there isn't any specific law or provision allowing the Union and State Governments to acquire personal information of the citizens, the Indian Telegraph Act (1885) under section 5(2)<sup>15</sup> allows the Union and State government to intercept information lawfully. Section 69<sup>16</sup> of the

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CORPORATE LAW (May 27, 2020). <https://corporate.cyrilamarchandblogs.com/2020/05/tackling-covid-19-while-protecting-the-right-to-privacy/>

<sup>15</sup>(2) On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order:

Provided that press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section

<sup>16</sup>69. Power to issue directions for interception or monitoring or decryption of any information

Information Technology Act (2000) allows the Union and State government to intercept, monitor or decrypt information lawfully. Thus, the residuary measure can be undertaken under a grave disastrous situation to acquire the persons' confidential information. But the following provisions do not grant any power or privilege to publicize any personal, sensitive, or confidential information of the persons. The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation (2002) specifically states that confidential information to be retained unless any law specifically allows its disclosure.<sup>17</sup>

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through any computer resource.—(1) Where the Central Government or a State Government or any of its officers specially authorised by the Central Government or the State Government, as the case may be, in this behalf may, if satisfied that it is necessary or expedient so to do, in the interest of the sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence, it may subject to the provisions of sub-section (2), for reasons to be recorded in writing, by order, direct any agency of the appropriate Government to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted any information generated, transmitted, received or stored in any computer resource

<sup>17</sup>2.2 Patience, Delicacy and Secrecy: Patience and delicacy should characterize the physician. Confidences concerning individual or domestic life entrusted by patients to a physician and defects in the disposition or character of patients observed during medical attendance should never be revealed unless their revelation is required by the laws of the State. Sometimes, however, a physician must determine whether his duty to society requires him to employ knowledge, obtained through confidence as a physician, to protect a healthy person against a communicable disease to which he is about to be

Amidst the pandemic, the Kerala government publicized a list of 722 names on the social media platforms suspected to be infected (positive) of the virus and those being home quarantined.<sup>18</sup> A similar view had been observed in several other states across India.

Therefore, the three steps laid down in the privacy judgment might pass the first step of acquiring the personal information of those infected by the virus. Still, it does not certainly pass the second step of acquiring the information of a legitimate and rational nexus only to disclose it to the public. The third step is completely unattainable because acquiring personal information might be one of the best measures, but it lays down a question for being the “least restrictive.”

Among other things, a Public Interest Litigation (PIL) was also filed in Bombay’s state urging to disclose the names and other essential personal information of those being infected with the virus. The PIL stated that the right to life stood superior when compared to the right to privacy.<sup>19</sup>

The ongoing dispute regarding patients’ privacy rights is due to an adequate data protection law’s lacuna. Although section 12(e)<sup>20</sup> of the Personal

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exposed. In such instance, the physician should act as he would wish another to act toward one of his own family in like circumstances.

<sup>18</sup>Apurva Vishwanath , Abantika Ghosh , Karishma Mehrotra, Lists of Covid names raise issues of public health vs private information, THE INDIAN EXPRESS (March 29, 2020). <https://indianexpress.com/article/india/coronavir-us-names-private-information-privacy-home-quarantine-6336611/>

<sup>19</sup>Swati Deshpande, PIL seeks names of Covid-19 patients be disclosed; says public health takes precedence over privacy rights, TIMES OF INDIA (July 09, 2020). <https://timesofindia.indiatimes.com/city/mumbai/pil-seeks-names-of-covid-19-patients-be-disclosed-says-public-health-takes-precedence-over-privacy-rights/articleshow/76879167.cms>

<sup>20</sup>12. Notwithstanding anything contained in section 11, the personal data may be processed if such processing is necessary,—

Data Protection Bill (2019) lays down the provision to process sensitive and personal information during epidemics, the same cannot be exercised. The bill lacks the consent of the president to make it applicable.

The continuous urge to disclose personal information of infected persons might be of bonafide intention to protect the citizen’s right to life but, it lacks the essential element of living a life with dignity. Disclosure of personal information is a colossal threat to the citizens’ right to live with utmost dignity, respect, and esteem. Therefore, protecting and preserving sensitive information is an obligation of the state and a concomitant element to maintain the constitutional spirit’s sanctity.

### Aarogya Setu and Right to Privacy

Due to this chaotic and unprecedented pandemic in the country, an app named Arogya Setu, a contact tracing app, has been designed. It was mandated by the ministry of home affairs that the public must use this app. This app tracks COVID-19 patients tested positive through Bluetooth and location generated in the social graph. It spreads awareness to the registered users about other registered users who tested positive not to be a victim of COVID-19 and may not come in contact. This app alerts the registered users about how to self-isolate and how they can assess the help and get support if they test positive.

But this app has raised questions on the right to privacy. Recently many arguments have been raised related to the privacy policy of this app. However, the Centre says that there is no vulnerability of this app to data breach and privacy. Still, many cyber activities have been put forth that this app is inefficient in providing legal protection and privacy.

Justice B.N. Srikrishna has expressed his views that it is “utterly illegal” to push people for using this app as this app has no Roberts legislative framework to protect the personal data as per the personal data protection bill, 2019. Right to privacy is a fundamental right encompassed under **Article 21** of The Constitution of India, which was

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(e) to undertake any measure to provide medical treatment or health services to any individual during an epidemic, outbreak of disease or any other threat to public health; or

held in *Kharak Singh v. State of Uttar Pradesh*<sup>21</sup> as in this case, Justice Subba Rao said that there is nothing more harmful to a man's physical happiness and help than any intentional interference which is privacy. Still, in *Gobind v. State of Madhya Pradesh*<sup>22</sup>, after eleven years, it was decided that in Article 21, the right to privacy is implicit, bolstered by personal liberty. But a historical turn took place in the case of *K.S Puttaswamy v. Union of India*<sup>23</sup>. The Supreme Court passed the judgment that the right to privacy is a fundamental right. It will not lose its significance among the golden trinity of Article 14, Article 19, and Article 21.

### Arguments against this app

As the government can access the location and the demographic data of the registered users, so many arguments have been raised against this app, and they are as follows:

1. Instead of getting sanctioned by the legislative, the app got imposed on the executive's order. Under what legal provision, the violation of the fundamental right to privacy has been made reasonable. Why did it fail to comply with the orders of the Supreme Court?
2. What kind of safety measures would be taken in case of data theft and any other breach that infringes the right to privacy as this app makes the government liable to a very limited extent?
3. It is a complete infringement of the right to privacy as it does not give the registered user the right to control their data. In terms of this app's services, it is mentioned that the government must delete data after thirty days but the user does not get any right to check whether their data is deleted. If the user once enters the data, then he further has no control over modifying or deleting the data entered. There was some update in this app's privacy policy in April and that too without any notice to its user, which becomes one reason why the users are losing their trust in this app.

<sup>21</sup>Kharak Singh v. State of Uttar Pradesh, AIR 1964(1) S.C.R (India).

<sup>22</sup>Gobind v. State of Madhya Pradesh (1975) 2 S.C.C 14 (India).

<sup>23</sup>K.S Puttaswamy v. Union of India (2017) 10 S.C.C 1 (India).

4. There is a probability of false-positive cases that may put someone else's life at risk through this app. And this risk has been acknowledged in the terms and services of this app.
5. As Britain has India tested this app with a limited population. Through an old-fashioned manual contact tracing, Kerala demonstrated that human touch might be vital. To test such apps is very important for a country like India, where a lot of stigmatization has already occurred.

The government must openly address these concerns when this right to privacy case came to the supreme court's knowledge. An unprecedented occasion was marked by it where the government was against the citizens' rights. It was held that the government will not put citizen's rights in jeopardy and will not snatch their rights.

### Critical Analysis of Arogya Setu App

As this app didn't provide adequate legal provisions leads to security issues. One of the hackers stated that he could access the app's code and skip all those pages that require the user's information. He also said that he was able to go through all those pages that require his details. He could get through the permission page, which requires the user's location, Bluetooth, and data permission. He told BuzzFeedNews that if we are having someone's location for a month, we can know about one's personal life very easily. He also revealed the security issues that this app is so weak even without downloading it. He was able to show a green badge to others who asked for it.

The government has said that this app is completely safe, but what if the hackers get into this app and leak the details? Then who would be responsible for such data leakage?

In respect to the legislative foundation, the government has said that there is no plan to make any legislation for it as it is made to deal with this pandemic. It has also been said that the legislation would not be made accountable for using such an app.

### Comparative Analysis: Privacy Rights on Pre and Post Corona Virus Emergence

The emergence of coronavirus has challenged various legal aspects, and one of them is the right

to privacy. Right to privacy, which is defined under Article 21 of the Indian constitution, was given a fundamental right in a landmark case of **KS. Puttaswamy v. Union of India**<sup>1</sup> by the Supreme court of India under a nine judges bench. In various cases, the right to privacy has been given extreme importance.

The right to privacy is given an important status as a fundamental right by various nations of the world such as the UK, USA, etc. But this coronavirus crisis has raised a very important question that this situation can be handled at the cost of violation of privacy rights?

After the emergence of the corona virus in the country, various steps were taken by the government like:

1. Establishment of Aarogya setu app for tracking the location of the suspected COVID patients.
2. I am using the reservation data of railways and airlines to track the suspects.
3. The state of Kerala has used CCTV, GPS systems, telephone call records, and tracking and publishing the movement of COVID positive.
4. Other states such as Karnataka, Rajasthan, and Mohali district (Punjab) have published the coronavirus patients' names and their addresses on the official websites and local newspapers.
5. Many states such as Himachal Pradesh have made it mandatory to paste the posters containing names of the people who visit Himachal Pradesh when this coronavirus is prevailing.

Many more are the cases where related things happened. Many of them are against the right to privacy, like not giving any information to one who is corona virus-positive about where he is being taken for the medical treatment or isolation is against his/her dignity.

Although a writ petition filed for the same, i.e., revealing the identity of the corona virus-positive patients for the sake of awareness, comes under the scope of violation of right to privacy, it was dismissed by the Madras High court.

The state has been very conscious many times for the rights related to privacy in many cases, even in

**Siddharam Satlingappa Mhetre v. the State of Maharashtra.** The right to life is one of the basic human rights, and even the state cannot violate it.

But the current situation is just prevailing for the last 6-7 months. In this case, the state can't make or enact laws to efficiently handle this situation. Various countries have handled this situation by following the digital tracking system like US and UK are finding the positive patients by way of tracking location for the same private companies are being coordinated. From where the coronavirus originated, China is also tracking people's movement and using other techniques such as facial recognition technology.

Like India, countries such as Israel, Russia, Iran, Singapore are using mobile applications. Disclosure of the names of the patients done by various state governments to make other people aware and take certain actions to avoid people to come in contact with the corona positive patients is reasonable. The regulations in **The Epidemic Diseases Act, 1897**,<sup>24</sup> prohibits disclosing the person's name, address, or phone number. Still, there are certain exceptions to it, i.e., in any case where the circumstances are such that are affecting the public health at large or safety, then it can be done so.

Individuals whose location, name, identities are being published or publicly exposed face a threat of stigma and discrimination that can affect private individuals or their families.

Tracking the movement of people without violating the right to privacy is not an impossible task. It is possible to do so, and for the same various scientists and tech companies are making efforts to manage the pandemic by preserving privacy. Under the various international human rights instruments, the right to privacy, including data protection, is fundamental.

In this civilized world of ours, where every aspect of an individual's life and his interaction with government tends to be regulated by the government and the subordinate authorities' various rules and regulations, it is critical to find out a balance between such regulations and individual freedom for the sake of development of his personality as well as the enjoyment of his liberty which is the base of a meaningful life.

In contrast to the medical times where the state exercised paramount authority, even to the extent of denying individual liberty, the modern world is based on a check to such powers and respect for others' rights.

This consciousness about the individual rights and their importance in leading a meaningful life inspired many to stand up to achieve such rights and compelled the governments to accept the same.

A right of paramount importance in such rights is the right to privacy. Unlike many other rights provided expressly by the founding fathers of our constitution, right to privacy was provided in an implied form under article 21, and that too by the acknowledgment and judicial innovation of India's Supreme court.

However, as is true for any set of rights, the right to privacy is and ought to be subjected under some reasonable restrictions for the sake of a greater and compelling public cause.

This promulgation is well accepted by almost every nation in the world, and perhaps this is the reason that all the democracies in the world agree that curtailment of few individual rights is acceptable under extraordinary circumstances, though to a reasonable extent and manner and backed by a reasonable law both substantial and procedural.

The present situation is one of such situations where governments worldwide find themselves compromising the rights they are supposed to protect.

This seems even more true with an abstract right, such as the right to privacy.

### **Situation before the pandemic**

There has always been a conflict between civil societies and governments relating to the acceptance and implementation of civil rights. The right to privacy has been a prime amongst them, especially when in this era of the internet, the data has become the new oil for many.

This new oil to be mined requires not only the consent of government and a cutting-edge technology but the most important of all, the consent of individual which is hard, hectic and costly to receive.

This is why now a day's commercial giants try to find a way for flouting such hectic and costly procedures as well as regulations placed for such privacy protection. Often such ways include a backhand deal with those commercial originations which have a mass outreach. They thus by controlling this flow of data have become the boss of this new emerging oil field. This situation becomes more complicated and graver for the sake of the fact that these bosses are in unitary in number and control a disproportionately large portion of such data flow. In other words, all the life history and the private details are in just few hands.

A conscious mind is enough to foresee what repercussions it may have on the private lives of millions and if the situation is still not fully understood one may just surf about the crimes against Chinese stud.

It is for these reasons that data protection and privacy are considered to be of utmost importance for protection of individual lives.

However, in the light of above discussed points and after considerations of the present situation it can be understood that sometimes it may be necessary to accept primacy of one right over other. Here the right to health and life is perhaps more important than right to privacy. In such times as of today, it is better to accept the primacy of right to health though it may be counterproductive for right to privacy for a limited period.

### **Conclusion**

In today's world digitalization has significant role even the countries growth factor depends upon the kind of man force are working. Even people of the nation are the soul animation in the productive development of the nation. In the phase of digitalities nothing is safe! we have created different kinds of app and software's but all are having some or other problem that are today interrelated to information. which are present in the software, we need to create a catastrophe link between the government body and information (people) that are feuded within the software. In this pandemic situation people have supported the rule making body (government) there decision but the government need to maintain the people's faith within the ambit of the nation (software that are created) for the privacy reasons.

So, that important information of the people should not disclose any one data's that well ultimately lead to privacy issue and that are occurring very easily. We need to have a proper mechanism so that proper control should be maintain on the software so that particular information will only be collected at any cost. The information that are prevalent and important that will only be collected. This can be only done with complete transparency within the working body and it also requires cognizance within the common people.