

Invasion of privacy law essay sample

Law



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A doctor who uses medical reports without permission and posts them on a website, a neighbor who eavesdrops to a private conversation and causes harm, a competition which reveals the winners addresses, phone numbers, or private information on a radio show, all of these scenarios listed violate a person's right of privacy because the violation was deliberately done. Privacy law is a regulation or act that protects a person's right to be private.

(Business Dictionary, 2014) The Universal Declaration of Human Rights, article 12, states: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks. (Ice land Human Right Centre, 2014) There are four types of privacy invasions which are:

Intrusion of Solitude

This type of invasion happens when a person intrudes another person's private life, such as snooping through someone's private records, or personal conversations, or taking photographs of someone inside their home, or sometimes never-ending phone calls even after being asked to stop. This type of invasion does not include any publications; it merely concentrates on personal intrusion which would mostly harm a person's emotions which by itself violates the law.

Appropriation of Name or Likeness

Pursuers may prosecute if someone uses their name or likeness without their permission. A good example would be if a company uses a celebrity name or likeness to promote an item. The person's name or likeness is considered a person's property. For celebrities it is usually called the "right of publicity."

For example, in March 2003, eight members of the cast of *The Sopranos* alleged that electronics retailer Best Buy used their images in newspaper ads without permission. Public Disclosure of Private Facts

If an individual publicity reveals information that is not public concern and the person feels offended by the act then it is considered a violation and a legal action must be made. For example, “ if the defendant reveals private facts about plaintiff that are contained in a last will and testament, the plaintiff cannot bring a cause of action based on this disclosure because a will is a public document and thus, anything contained in it, no matter how private or personal to the plaintiff, is a matter of public record.” (National Paralegal College, 2014) The accuser must prove that the expose is highly offensive for example, if the respondent exposes that the accuser likes to drink orange juice before going to bed it is not highly offensive but if the respondent exposes that the accuser has multiple affairs then it would be highly offensive. False Light

It is an invasion of privacy which occurs when information is published about a person that is false or places the person in a false light. The false light allows the individual to sue for public expose of information that is deceptive and the defendant must prove that the public have the wrong impression about him/her. For example, “ in 1992, a 96-year-old woman sued an Arkansas newspaper for printing her picture next to the headline, “ Special Delivery: World’s older newspaper carrier, 101, quits because she’s pregnant!” The woman, who was not pregnant, was awarded damages of \$1.5 million.” (Thomson Reuters, 2014) Privacy Law in the UAE

The UAE's federal law no 34 of 2005, article 378 punishes any person who attacks the sanctity of an individuals' private or family life by committing any of the following acts without the victim's permission. (UAE Penal Code, 2012)

a. Eavesdropping or recording any kind of conversation held at a particular place. b. Taking or transmitting by any system an individual's pictures, the same punishment is also given if a person publishes news, pictures, or comments concerning the secrets of a person's private life. A punishment of confinement for a period not exceeding seven years and a fine shall be inflicted. c. In all cases, systems and other tools used in the crime shall be confiscated and the recordings found shall be obliterated or destroyed. According to law taking a picture or a video of a person without asking for permission is a violation and therefore will be penalized.

A good example of a case that occurred in the UAE in July 2013 which went viral when a video was taken of an official beating a van driver, and the video initiated the arrest of the official. The official's family filed a case against the person who took the video and the uploader was also arrested. Media is a powerful tool and through it many amateur post videos or pictures that might violate someone's privacy. However, it is not the first such case to appear in court. " Cases like these appear in the UAE courts from time to time particularly due to the developments in technology and its increased usage," said Hassan Arab, Deputy Managing Partner and Regional Head of Litigation at Tamimi and Company. Major General Khamis Mattar Al Muzinah, Acting Chief of Dubai Police, confirmed earlier, " It is not allowed for anyone to film others without the permission of the public prosecutor, or with the written permission of the person(s) who appear in the pictures. In this case it

will be considered a violation of privacy,” he said. Hassan commented: “ At modern times in my view this law is highly significant in protecting a person’s private/family affair and one has to be mindful in respecting other’s personal affair.” (Leijin, M., Emirates 247, 2013). Importance of Shari’ah in Muslim Communities

Shari’ah is a collection of fundamental principles derived from a number of different sources, which include the Holy Quran and the Sunnah. Shari’ah protects a person’s right for privacy; disclosure of secrets is prohibited, unless the person agrees or it is public interest. This is evident from the some of the verses of the Holy Quran: ‘ Do not spy on one another’ (49: 12); ‘ Do not enter any houses except your own homes unless you are sure of their occupants’ consent’ (24: 27). The Prophet Mohammed (peace be upon him) has gone to the extent of instructing his followers that a man should not enter even his own house suddenly or sneakily. (Hayat, M, 2007) The punishment of the violation of privacy is deemed by the judge, either by a fine, deprivation of a certain right or imprisonment. Data Protection in the UAE

The UAE does not have a data protection law but data protection issues could be referred with regulations that are relevant to Article 379 of the Penal Code, which relates to the use or disclosure of “ secrets” without the consent of the person to whom the secret relates: [...] Any individual who, by reason of his profession, craft, circumstance or art is entrusted with a secret and who discloses it in cases other than those permitted by the law, or who uses it for his own advantage or another person’s advantage, shall be

[punished] unless the individual to whom the secret pertains has consented that it be disclosed or used. (O’Connell, N, 2014)

Conclusion

Having the absolute privacy is a myth however most countries have a law to protect the right of privacy. With emerging new media and technology, it became very hard to monitor the individuals’ usage. In the old days when people used traditional cameras it was obvious when someone would capture a photo, however nowadays with the small cellphones cameras it has become impossible to know if someone was invading an individual’s privacy, and what’s worse is the act of posting it on the internet and showing it to the entire world which became very harmful to people’s image and reputation. Every countries law authority should update its law correspondently with the apprising media. Also, awareness campaigns should promote the rights to privacy and should emphasize on the harms that might lead to an individual’s family break-ups or even suicide.

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