

## **A Study on Right to Privacy under RTI Act 2005**

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### **ABSTRACT**

Against this foundation concerning the privilege to security and the RTI Act, we consider a 2007 lawful case that utilized the RTI Act to uncover persistent data of an open authority and contend that "people in general intrigue" guaranteed for this situation didn't legitimize exposure of the official's private wellbeing data. We infer that the arrangements of the RTI Act, when appropriately deciphered, are perfect with the significant benefit of shielding quiet protection. Protection is a key segment of individual self-sufficiency, and a voluminous writing has built up the two its useful incentive in human services settings and its status as an essential, yet not supreme moral right. Since the Right to Information Act (2005) licenses residents to pick up data under government control, it may be thought to undermine the security of patients and research subjects, particularly those in government organizations. It is significant for clinicians, chairmen, data officials, patients, and research subjects to comprehend that the RTI Act for the most part doesn't require or allow divulgence of individual wellbeing data to outsiders. Just under abnormal conditions when the bigger open intrigue is appropriately ensured to warrant it, would data shared or made inside the guardian connections of clinical care or research be required to be uncovered. This paper clarifies that patients, people in general and open data officials (PIOs) ought not misconstrue the Right to Information Act to require or allow the rupture of patient secrecy aside from in extremely uncommon conditions.

**KEYWORDS:** public interest, PIO, government, regulation ,regulatory

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### **I. INTRODUCTION**

Privacy is valuable because it helps individuals who maintain their autonomy and develop their individuality. Physical privacy allows people to act and to express themselves alone or with a group of chosen others, (Anna Jonsson and Jonsson 2016) without shame or fear of public censure. A small child may dance or play with imaginary friends when adults are not watching but may become self-conscious and stop such expression when adults begin to observe. Similarly, a mature adult may act freely among friends, or express sexual desires with a spouse, in a way she or he would not in front of other people. (Anna Jonsson and Jonsson 2016; Loewy, n.d.) Privacy of information is also important because people define themselves by exercising control over information about themselves. A free society permits people to make their own choices about what information is shared and what is held close. Respect for privacy and the duty to safeguard information as confidential are also important for practical, consequence-oriented reasons (4u). The right to confidentiality, and the related duty, allows the sharing of information within a specified sphere. The person who initially shares the information can gain the benefit of this limited sharing without incurring the risk of the information becoming more generally known. In the healthcare context, the importance of maintaining patients' confidentiality is clear. Patients must feel comfortable sharing private information about their bodily functions, physical and sexual activities, and medical history. (Goyal and Kumar 2016) This is information that they would not want widely known because it may be embarrassing or may have negative practical consequences. If an individual has poor health and if the condition of his health is made public, he may have difficulty in finding a spouse, obtaining health or life insurance, or obtaining employment. Some health conditions are stigmatising and, if known, may cause an individual embarrassment or difficulty in interpersonal relations. Therefore, healthcare providers need to keep patients' health information confidential. (Goyal and Kumar 2016; Otto 2016). **The main aim** of the study is to know the right to privacy under the right to information act 2005.

## II. OBJECTIVES:

To analyse the right to privacy under the right to information act  
 To study deeply about the grounds for right to information act  
 To know about the right to information act

## HYPOTHESIS:

**NULL HYPOTHESIS:** There is no significance on right to privacy under RTI act 2005

**ALTERNATIVE HYPOTHESIS:** There is significance on right to privacy under RTI act 2005

## III. REVIEW OF LITERATURE

- The law of privacy is not much developed in India as in the United States of America, but the Supreme Court of India had looked for how different countries court decided the issue. (Agrawal, B. M. D. 2016)
- Historically judicial pronouncement of the Supreme Court of India provides the basic resources for both the purposes and the content of the (right to privacy). (Goyal, Gaurav), and (Ravinder Kumar. 2016)
- The concept of privacy is not new in India, the ancient Indian theory of knowledge based on upanishadic literature, prescribes meditation, which is to be done without any outside disturbances, "The policy underlying the rules regulating the construction of the houses found in Grihya sutras, The Ramayana, The Mahabharata manifests ample consideration and respect for one's privacy. (Louis D)(Warren. 2018)
- A person was not to be disturbed while studying, sleeping, meditating and while attending and discharging his religious duties. Huggins, Michael L. 2011
- The use of curtains as described in the Ramayana is pointer in the same direction. Islamic law explicitly protects privacy of home as a fundamental human right. Privacy is an important aspect of human dignity.(The Right to Privacy)(U of Nebraska Press.)
- It is acquisition and transmission of private information about the persons without his or their consent or knowledge. The Right to Privacy. BoD – Books on Demand.
- Distinct from the right of publicity protected by state common or statutory law, a broader right of privacy has been inferred in the constitution. Although not explicitly stated in the text of the constitution. Craig M. n.d. "Taking Privacy Seriously under the Fourth Amendment.
- The concept of privacy as a legal entity was unheard in the seventeenth century and neither eighteenth and nineteenth century case law nor precedent established for their arguments. Stephanie E. Trapnell. 2016.
- Both in the United States and United Kingdom, a properly called right was protection of privacy interest was mentioned only in dicta and judicial philosophy, never as precedent. In fact, the right of privacy in both its statutory and constitutional forms is purely an American development. (Barowalia, J. N. 2010.)
- In this context Quran states. This is for your own good, so that you might bear in mind, if you find no one in the house do not enter it until you are given leave; and if you are told "turn back" then turn back. (Barowalia, J. N. 2010.)

## IV. MATERIAL AND METHODS:

This research has been adopted empirical study. Empirical research is based on observed and measured phenomena and derives knowledge from actual experience rather than from theory or belief. Key characteristics for an empirical research is Specific research questions to be answered And Description of the process used to study this population or phenomena, including selection criteria, controls, and testing instruments such as surveys. the statistical tools are used for this research work is chi square, correlation. SPSS graphics and diagrams are attached in this research work. cross table has been used for this research work.

## SAMPLING SIZE:

The essence of survey method can be explained as "questioning individuals on a topic or topics and then describing their responses". Random sampling method was used for the purpose of this study. There are a total of 1542 samples collected for this study.

## FREQUENCY TABLE:

		Age			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-25	572	37.1	37.1	37.1
	25- 35	513	33.3	33.3	70.4
	35- 45	438	28.4	28.4	98.8
	50 and above	19	1.2	1.2	100.0
	Total	1542	100.0	100.0	

**Gender**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Female	455	29.5	29.5	29.5
	Male	984	63.8	63.8	93.3
	Prefer not to say	103	6.7	6.7	100.0
	Total	1542	100.0	100.0	

**Education qualification**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	10th	118	7.7	7.7	7.7
	12 th	337	21.9	21.9	29.5
	Illiterate	44	2.9	2.9	32.4
	PG	371	24.1	24.1	56.4
	UG	672	43.6	43.6	100.0
	Total	1542	100.0	100.0	

**Occupation**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Business	702	45.5	45.5	45.5
	Govt job	82	5.3	5.3	50.8
	Self employed	302	19.6	19.6	70.4
	Unemployed	456	29.6	29.6	100.0
	Total	1542	100.0	100.0	

**Table 1:**  
**Gender\* 36. Are you aware about the concept of “Right to Privacy”?**

Crosstab  
Count

		36. Are you aware about the concept of “Right to Privacy”?		Total
		1	2	
2.Gender	1	479	264	743
	2	176	119	295
	3	131	233	364
	5	50	90	140
Total		736	688	1542

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	77.797 <sup>a</sup>	3	.000
Likelihood Ratio	78.543	3	.000
Linear-by-Linear Association	58.225	1	.000
N of Valid Cases	1542		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 67.64.

**V. RESULT**

As we examined above, From table 1, the invalid speculation is demonstrated, so it is obviously tells that there is no connection between age and right to privacy. The respondents had been taken by irregular testing strategy. The example estimate is 1542. The pearson's chi square test has been broken down in the above (Table 1).With cautious examination it very well may be seen that, In the principal chi square table the Pearson the esteem is 0.000, which is less than 0.05. The reliant variable utilized here is the expansion in exchange can result into right to privacy.

**Table 2:**  
**2.Age \* 37. Are you aware of the concept of right to private**

Crosstab

Count

		37. Are you aware of the concept of right to privacy?			
		1	2	3	4
2.Age	1	181	135	226	76
	2	41	138	58	45
	3	74	114	120	52
	5	30	31	44	26
Total		326	418	448	199

Crosstab

Count

		37. Are you aware of the concept of right to privacy ?	
		5	Total
2.Age	1	7	743
	2	13	295
	3	4	364
	5	9	140
Total		33	1542

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	111.559 <sup>a</sup>	12	.000
Likelihood Ratio	107.999	12	.000
Linear-by-Linear Association	9.451	1	.002
N of Valid Cases	1542		

a. 1 cells (5.0%) have expected count less than 5. The minimum expected count is 3.24.

**VI. RESULT**

As we examined above, From table 1, the invalid speculation is demonstrated, so it is obviously tells that there is no connection between age and there is a difference between Are you aware of the concept of right to privacy . The respondents had been taken by irregular testing strategy. The example estimate is 1542. The pearson's chi square test has been broken down in the above (Table2).With cautious examination it very well may be seen that, In the principal chi square table the Pearson the esteem is 0.000, which is less than 0.05. The reliant variable utilized here is the expansion in exchange can result into Are you aware of the concept of right to privacy

**VII. DISCUSSION:**

The quest of privacy is an inherent instant of all human beings. As a matter of fact it is a natural need of an individual to establish individual boundaries with almost perfect seclusion. The concept of privacy in its broad sweep covers a number of prospects like non- disclosure of information, sexual affairs, business secrets and no observance by others. It may be said that the privacy is antithesis of being public, if any private letters to one's fiend are published by anyone without his express or implied permission then his privacy would come to be violated. Similarly if one's neighbour peeps into in his house from outside then it would also constitute a violation of his right to privacy. Thus privacy is a state of isolation and separation from others. Privacy in general means the right to be let alone. This Expression was used by Justice Cooley in 1888. This abbreviated meaning of privacy was followed by Samuel Warren and Louis Brandeis in 1890 in one of their articles.They

were of the view that object of privacy is to protect 'inviolate personality'. They elaborated the proposition and said that in early times, the law gave a remedy only for interference with life and property, for trespasses. Then the right to life served only to protect life from battery in its various forms; later there came recognition of spiritual nature and his feelings and his intellect. Gradually the scope of these legal rights came to mean the right to enjoy life and the right to be let alone.

### VIII. CONCLUSION AND RECOMMENDATIONS

Security and classification are significant qualities, connected to the insurance of self-rule and distinction, which are themselves exceptionally prized in a popularity based society like India. (Lemieux and Trapnell 2016) Protection of security and secrecy in the guardian specialist persistent relationship serve significant individual and general wellbeing interests as their assurance urges individuals to look for vital medicinal consideration and reveal data fundamental for individual and general wellbeing. (Barowalia 2010) The RTI Act advances different qualities basic in a vote based system straightforwardness and responsibility of government activities. None of these qualities is supreme.

For sure, utilization of the RTI Demonstration in explicit cases requires adjusting of these qualities when a solicitation is made for data contained in medicinal or investigate records (Oster, n.d.). We propose that the idea of "open intrigue" utilized in the Demonstration ought to be translated moderately when it is being adjusted against the assurance of data imparted to a desire for secrecy inside a trustee relationship. Additionally, when a break of secrecy is thought about, just the least meddlesome and most constrained exposure of data conceivable ought to be allowed.

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#### Content Checked For Plagiarism

ABSTRACT Against this foundation concerning the privilege to security and the RTI Act, we consider a 2007 lawful case that utilized the RTI Act to uncover persistent data of an open authority and contend that "people in general intrigue" guaranteed for this situation didn't legitimize exposure of the official's private wellbeing data. We infer that the arrangements of the RTI Act, when appropriately deciphered, are perfect with the significant benefit of shielding quiet protection. Protection is a key segment of individual self-sufficiency, and a voluminous writing has built up the two its useful incentive in human services settings and its status as an essential, yet not supreme moral right. Since the Right to Information Act (2005) licenses residents to pick up data under government control, it may be thought to undermine the security of patients and research subjects, particularly those in government organizations. It is significant for clinicians, chairmen, data officials, patients, and research subjects to comprehend that the RTI Act for the most part doesn't require or allow divulgence of individual wellbeing data to outsiders. Just under abnormal conditions when the bigger open intrigue is appropriately ensured to warrant it, would data shared or made inside the guardian connections of clinical care or research be required to be uncovered. This paper clarifies that patients, people in general and open data officials (PIOs) ought not misconstrue the Right to Information Act to require or allow the rupture of patient secrecy aside from in extremely uncommon conditions. KEYWORDS: public interest, PIO, government,regulation,regulatory

Sources	Similarity
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INTRODUCTION Privacy is valuable because it helps individuals who maintain their autonomy and develop their individuality. Physical privacy allows people to act and to express themselves alone or with a group of chosen others, (Anna Jonsson and Jonsson 2016)without shame or fear of public censure. A small child may dance or play with imaginary friends when adults are not watching but may become self-conscious and stop such expression when adults begin to observe. Similarly, a mature adult may act freely among friends, or express sexual desires with a spouse, in a way she or he would not in front of other people.(Anna Jonsson and Jonsson 2016; Loewy, n.d.)Privacy of information is also important because people define themselves by exercising control over information about themselves. A free society permits people to make their own choices about what information is shared and what is held close. Respect for privacy and the duty to safeguard information as confidential are also important for practical, consequence-oriented reasons (4). The right to confidentiality, and the related duty, allows the sharing of information within a specified sphere. The person who initially shares the information can gain the benefit of this limited sharing without incurring the risk of the information becoming more generally known In the healthcare context, the importance of maintaining patients' confidentiality is clear. (Goyal and Kumar 2016)This is information that they would not want widely known because it may be embarrassing or may have negative practical consequences. If an individual has poor health and if the condition of his health is made public, he may have difficulty in finding a spouse, obtaining health or life insurance, or obtaining employment. Some health conditions are stigmatising and, if known, may cause an individual embarrassment or difficulty in interpersonal relations. Therefore, healthcare providers need to keep patients' health information confidential. (Goyal and Kumar 2016; Otto 2016).The main aim of the study is to know the right to privacy under the right to information act 2005.

Sources	Similarity
(PDF) Privacy and the Right to Information Act, 2005Compare text respect for privacy and the duty to safeguard information. as confidential are also important for practical, consequence-. oriented reasons (4), the right to confidentiality, and the related. duty, allows the sharing of information within a specified sphere. the person who initially shares the... <a href="https://www.researchgate.net/publication/23455585_Privacy_and_the_Right_to_Information_Act_2005">https://www.researchgate.net/publication/23455585_Privacy_and_the_Right_to_Information_Act_2005</a>	23%

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15% Plagiarism	85% Unique	4 Plagiarized Sentences	22 Unique Sentences
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OBJECTIVES: To analyse the right to privacy under the right to information act To study deeply about the grounds for right to information act To know about the right to information act HYPOTHESIS: NULL HYPOTHESIS: There is no connection between the age and the right to privacy under the rti act 2005. ALTERNATIVE HYPOTHESIS: There is a connection between the age and the right to privacy under the rti act 2005. REVIEW OF LITERATURE Privacy is an important aspect of human dignity. It is acquisition and transmission of private information about the persons without his or their consent or knowledge. **Distinct from the right of publicity protected by state, common or statutory law, a broader right of privacy has been inferred in the constitution.** Although not explicitly stated in the text of the constitution. The concept of privacy as a legal entity was unheard in the seventeenth century and neither eighteenth and nineteenth century case law nor precedent established for their arguments. Both in the United States and United Kingdom, a properly called right was protection of privacy interest was mentioned only in dicta and judicial philosophy, never as precedent. In fact, the right of privacy in both its statutory and constitutional forms is purely an American development. The law of privacy is not much developed in India as in the United States of America, but the Supreme Court of India had looked for how different countries court decided the issue. Historically judicial pronouncement of the Supreme Court of India provides the basic resources for both the purposes and the content of the right to privacy. The concept of privacy is not new in India, the ancient Indian theory of knowledge based on upanishadic literature, prescribes meditation, which is to be done without any outside disturbances, "The policy underlying the rules **regulating the construction of the houses found in Grihya sutras, The Ramayana, The Mahabharata manifests ample consideration and respect for one's privacy.** A person was not to be disturbed while studying, sleeping, meditating and while attending and discharging his religious duties. The use of curtains as described in the Ramayana is pointer in the same direction. Islamic law explicitly protects privacy of home as a fundamental human right. In this context Quran states. This is for your own good, so that you might bear in mind, if you find no one in the house do not enter it until you are given leave; and if you are told "turn back" then turn back. MATERIAL AND METHODS: This research has been adopted empirical study. Empirical research is based on observed and measured phenomena and derives knowledge from actual experience rather than from theory or belief. **Key characteristics for an empirical research is Specific research questions to be answered And Description of the process used to study this population or phenomena, including selection criteria, controls, and testing instruments (such as surveys).**the statistical tools are used for this research work is chi square,correlation. SPSS graphics and diagrams are attached in this research work.cross table has been used for this research work. SAMPLING SIZE: **The essence of survey method can be explained as "questioning individuals on a topic or topics and then describing their responses".** Random sampling method was used for the purpose of this study. There are a total of 1542 samples collected for this study.

Sources	Similarity
Privacy Definition - Indian Privacy   Indian Privacy <a href="https://www.youtube.com/watch?v=xxbR9x4rnts">https://www.youtube.com/watch?v=xxbR9x4rnts</a>	7%
empirical report.pdf   Econometrics   StatisticsCompare text the essence of survey method can be explained as "questioning individuals on a topic or topics and then describing their responses"[1]. in business studies survey method of primary data collection is used in order to test concepts, reflect attitude of people, establish the level of customer... <a href="https://research-methodology.net/research-methods/survey-method/">https://research-methodology.net/research-methods/survey-method/</a>	5%





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#### Content Checked For Plagiarism

CONCLUSION AND RECOMMENDATIONS Security and classification are significant qualities, connected to the insurance of self-rule and distinction, which are themselves exceptionally prized in a popularity based society like India. (Lemieux and Trapnell 2016)Protection of security and secrecy in the guardian specialist persistent relationship serve significant individual and general wellbeing interests as their assurance urges individuals to look for vital medicinal consideration and reveal data fundamental for individual and general wellbeing. (Barowalia 2010)The RTI Act advances different qualities basic in a vote based system straightforwardness and responsibility of government activities. None of these qualities is supreme. For sure, utilization of the RTI Demonstration in explicit cases requires adjusting of these qualities when a solicitation is made for data contained in medicinal or investigate records(Oster, n.d.). We propose that the idea of "open intrigue" utilized in the Demonstration ought to be translated moderately when it is being adjusted against the assurance of data imparted to a desire for secrecy inside a trustee relationship. Additionally, when a break of secrecy is thought about, just the least meddlesome and most constrained exposure of data conceivable ought to be allowed.

Sources	Similarity
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