

“Right to Privacy and Digital Security Act 2018”



Daffodil
International
University

DEPARTMENT of LAW

“Right to Privacy and Digital Security Act 2018”

Course code- LAW-812

Course Title- Research Monograph

Submitted by:

Md. Namanul Asrafi	ID- 193-38-358
---------------------------	-----------------------

Supervised by:

Dr. Kudrat-E-Khuda Babu

Associate Professor and Coordinator, LLM

22 October, 2020

Letter of Approval

October 22, 2020

To

The Supervisor

Dr. Kudrat -E-Khuda Babu

Associate Professor and Coordinator LLM

Department of Law

Daffodil International University

102 Sukrabad, Mirpur Road, Dhaka 1207

Subject: Approval of final year thesis report.

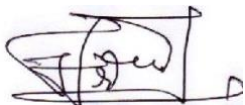
Dear Sir,

I am writing to let you know that this thesis report titled as “Right to Privacy and Digital Security Act 2020” has been for the final evaluation. The whole report is prepared based on proper study and analysis of related belongings.

Therefore, it will highly be honored if you kindly accept this thesis report and consider it for final evaluation.

Yours Sincerely

Signature of the Supervisor



.....
Dr. Kudrat-E-Khuda Babu

Associate Professor and Coordinator LLM

ACKNOWLEDGEMENT

Above all, thanks to Almighty Allah who enabled me to research on such an important issue.

I submit my warm and heartiest gratitude to my respected supervisor for his unreserved guidance and support. His sincere guidance and support made it possible for me to complete this research work.

Finally, I express my sincere gratitude to my father, mother, brother and sister for their continuous support and love during my study.

-The Author

**Dedicated
To
My Respected Parents**

ABSTRACT

Digital Security Act 2018 was published by the government of the Bangladesh on October 8, 2018 which is also known as Cyber Security Act in other jurisdictions. This law is on the behalf of the protection of the privacy or protection of data and information. Over time, now “right to privacy” is need as the basic human needs. Because in this modern era anyone can easily get access to another personal information can express it through sharing with digital devices. It may create harmful effect on anyone’s life as one’s personal data belongs to only the individual himself. So the Bangladesh government has enforced a law to ensure the right to privacy of data of any individuals. Specially, the media professional is associated with this law. Because many times investigative journalist excess the limits to expressing the privacy of an individual. So, this cyber security act mainly based on the investigative journalism associated with persons. This paper describes the impact of the Digital Security Act 2018 on the right to privacy of data and information. Moreover, this article explains how this law can combat with the upcoming circumstances of data protection.

INDEX

Sl. NO	Topic Name	Page No.
CONTENTS PAGE		
	LETTER OF APPROVAL	I
	ACKNOWLEDGEMENT	II
	DEDICATION	III
	ABSTRACT	IV
	INDEX	V
CHAPTER-1:	INTRODUCTION	1
CHAPTER-2:	LITERATURE REVIEW	4
CHAPTER-3:	THE CONCEPT OF RIGHT TO PRIVACY	
	3.1 The origin of Right to Privacy	6
	3.2 Importance of Right to privacy	6
	3.3 Privacy Violations in Bangladesh	7
	3.4 Protecting Right to privacy in Bangladesh	8
CHAPTER-4:	RIGHT TO PRIVACY AND DIGITAL SECURITY ACT 2018	
	4.1 Digital Security Act 2018	11
	4.2 Protection of Right to Privacy through Digital Security Act 2018	11
	4.3 The impacts of Digital Security Act 2018 on Investigative Journalism	13
CHAPTER-5:	CONCLUSION	15



CHAPTER-1
INTRODUCTION

“Right to Privacy and Digital Security Act 2018”

Introduction

In the era of this modern age, it is so difficult to ensure the protection of privacy while the whole world is connected through the internet. As a result privacy violations are happened in different cases with the help of the digital technologies. This scenario is going worst day by day. Therefore, two European Courts i.e. European Courts of Human Rights (ECtHR) and Court of Justice of the European Union (CJEU) have emerged data protection as a symbol of the right to privacy. Thus it is clear that the data protection is a subset of right to privacy. Data protection means the protection of data from external and the privacy is to protect individual data which are essential to the human dignity. In this issue many jurisdictions including UK, USA, EU and India have declared few unique principles. Bangladesh government is also dealing with this issue in a strict way. In Bangladesh, Digital Security Act 2018 is such a law that imposes the serious restrictions on freedom of expression. In a word this act refers control over personal information, control over one's own body and control over personal identity [1].

The revolutionary change in information and technology has brought a new dimension in everyone's life. Moreover the use of internet expanded in all sectors of life of human being. The use of digital device like, computers, mobile phones has made the internet based communication system more strong. Though it has great positive impact but the digital security issues rise when the mass communication is related with the digital devices. As everyday life is impossible nowadays with the information facilitated by the internet, so establishment of digital security is vastly needed. Digital security means cyber security. Digital security means protecting the information from different types of malware and preventing the hacking. Through digital device if anyone does any kind of hacking and harmful activities regarded as crime under Digital Security Act 2018 in Bangladesh.

Digital Security Act 2018 has various provisions that ensures the protection of people from any harmful person who is involved with the illegal activities. Also through this law justice is served by punishing the culprit. The main aim of this law is to offer digital security and also detect, prevent, investigate the offences which is correlated with the digital medium (Draft Digital Security Act 2016). Although in 2016 this law was discussed in primarily, after much discussions the final stage of this law is established in 2018. The Digital Security Act was granted as a new law which has updated the shortcomings of ICT Act 2016 and its amended version (2013). This law contains 45 sections that elaborates different categories of rules and regulations of information and communication system.

Through the Act government of Bangladesh has taken several strategies to ensure the free flow and fair use of data, utilizing the data for appropriate people and putting the cyber - crime down to zero. The government has enacted different laws to detect the needs of ICT users and to create awareness among the people of all classes. Moreover, media workers has a great responsibility with this act as media profession has become ICT dependent nowadays. Due to the great rate of expansion of internet in our country a manifold use of

“Right to Privacy and Digital Security Act 2018”

digital devices with corresponding websites is seen. As our country has accessed into the era of fourth generation mobile internet the users of the internet has increased in a giant rate. As a result over one crore Bangladeshi reads online based daily newspaper through digital devices like computers or mobile phones. So cyber security is a must needy thing and Digital Security act is the ultimate result of all issues. In section 3 of Digital Security Act it is said that if any argumentative situation turn out with other active law then this law will get supremacy. Moreover, section 5 has called for forming a digital security council under the supervision of ICT division to protect national digital security. A unit named of Bangladesh Computer Response Team Bangladesh (CERT) is a special unit which will work under this agency. All kind of cyber security concern issues will handle this team by making coordinating efforts with other corresponding institutions. If any cyber- attack happens this unit will initiate prompt response.



CHAPTER-2
LITERATURE REVIEW

“Right to Privacy and Digital Security Act 2018”

In this modern society right to privacy is considered as a fundamental rights of human being. With the development of digital technology and communication, maintaining privacy has become a hard issue. Froomkin et al. reported in his article on “The Death of Privacy” which indicates ‘exclusive privacy is an impossible factor in today’s life [2]. Moreover, Faruque et al. reported that in respect of protection of privacy Bangladesh has scattered a set of provisions. Also stated that few recent laws are inadequate to protect individual’s privacy [1]. So to protect privacy through the digital devices many functional law has been established. Digital Security Act, 2018 is one of the prominent law by the government of Bangladesh. This act provides safe harbor protection for intermediaries and penalizes illegal use of “identity information”. Siddique et al. reported that ‘digital security tools can ensure privacy of the human and are developed for the promotion of human rights’ [3]. Salam et al. mentioned one of his article that Digital Security Act will reduce human harassment while using digital technology and essential data will remain secured. Also reported if anyone hurts anyone’s religious sentiment then he or she will be punished through this act, so religious practice and events have gained a protection through this act [4]. Rahman et al. presented that Digital Security Act has gained an international level for saving the financial sector from various dangerous cyber-attacks [5]. Hasan et al. reported that Digital Security Act, 2018 has passed to ensure the privacy of personal information of private life associated with the state security [6]. Through Digital Security Act 2018 government collect, preserve and decrypt data and information to protect the rights to freedom of expression, privacy [7]. In addition, Runa et al. mentioned that Bangladesh government has approved Digital Security to tackle digital crimes [8].

The Digital Security Act, 2018 has been granted with the intention to ensure national digital security along the prosecuting digital offences and preventing human privacy [9]. Moreover, Digital Security Act 2018 has drawn serious attention as right to freedom of expression and press freedom is associated with it and the law imposes dangerous restrictions on freedom of expression”. [10].

From the above literature review it is clear that the law imposes a great potentiality in reserving or protecting privacy or personal information of human being. This law has many provisions which has focused on preventing privacy violations through digital devices. Also this act can be prominent one to protect from different kind of cyber attacks as well as establishing a secured management system.



CHAPTER- 3

THE CONCEPT OF RIGHT TO PRIVACY

2.1 The origin of Right to Privacy

The right to privacy is a new phenomenon in this digital era as so many security issues have arisen against the protection of private data and information. It is considered that at first the concept of right to privacy was declared at the ‘fourth amendment of U.S constitution’ [6]. In 1791 James Madison addressed the privacy as a right in this ‘fourth amendment of U.S constitution’ which is also known as Bill of rights. Later in 1801, Thomas Jefferson stated “Our rules can have no authority over such natural rights only as we have submitted to them”. In ancient time the concept of right to privacy was grounded in natural law. From time to time it gained more recognition as a result it drew an attention in the constitution. In 1831 the concept was adopted in a similar version of ‘fourth amendment of U.S constitution’ by the constitution of Belgium. Moreover, the Constitution of Mexico placed this concept in a similar pattern like the Belgium constitution of 1831. However, in 1886 Luxembourg constitution stated that “the home is inviolable. No domiciliary visit may be made exception cases and according to the procedure laid down by the law” which has brought this concept in a strong zone [6].

In 19th century numerous scholars acknowledged this concept and in the 20th century it has begun to accept that the concept of privacy and the right to privacy are the back of the coin. The right got international recognition when it was granted as a human right under Article 12 of the Universal Declaration of Human rights (hereinafter UDHR) [11]. European Convention on Human Rights (hereinafter ECHR) accepted the provision of right to privacy in Article 8.

In this 21st century with the development of information and technology it has become more complex to protect the right to privacy. The ‘Digital revolution’ of the 21st century has created a scenario that speed of information passing is unpredictable. As a result the incomplete information of any individual can be useful to know more about the individual. With the rapid impact of information and technology the legislative and judicial process has failed to protect digital privacy in a proper way [12]. So nowadays it has become vulnerable to protect one’s personality, dignity, intimacy and private information of any individual.

2.2 Importance of Right to privacy

The importance of right to privacy is beyond description. It is necessary to protect self-autonomy, liberty which keep human dignity. What should be shared and what should not be shared can be decided by the person who is self-autonomous. With the advent of technologies like social networking, gaming, cloud computing, online business, e-commerce has brought the people in a risk as sharing their own personal information. How vulnerable can be happened from the leaking of any classified data is assumed from the Cambridge Analytica incident by Edward Snowden. From the incident it was reported that,

“Right to Privacy and Digital Security Act 2018”

a third party app has hacked millions of Facebook user’s private information [13]. In 2016 USA Election that information was used without any consent. As Facebook was failed to protect personal data and information, Facebook was fined. Crimson Hexagon incident has pointed that without the permission of Facebook Boston-based enterprise had been extracting data from Facebook. Facebook has flashed that this firm shared personal information with 61 companies about names, birth dates and genders. Nowadays another problem has become turned out from extracting private information by the systematic Government without seeking any permission. Moreover, tracking phone calls and reading unauthorized emails has become a trend in corporate world.

However, in many jurisdictions, reading of unauthorized emails have been held illegal. The USA district court held such illegal activities as a violation of Computer fraud and Abuse Act (CFAA) and stored Communication Act (SCA) [14, 15].

The amount of generated information through the digital device is vast. Bank withdrawal, every second interaction with internet, interaction with social media, possibly everything is linked to an individual users. The right to privacy has been affected greatly by the digitalization of the world. Because due to globalization a vast amount of personal data or information is stored in electronic system which can be hacked by any person. As the world is connected through internet based system, the lacking of control mechanism of data protection may be disaster by any cyber-crime activities. In 20th century checking private letters and wiretapping telephonic conversation was regarded as violation of right to privacy. As in 21st century data can easily get and transfer using digital devises through internet, recording someone’s private information like credit card transaction information, someone’s social network information which can cause harassment considered as violation of right to privacy. So apart from all this circumstances right to privacy is a must for a human being.

2.3 Privacy Violations in Bangladesh

Privacy violations is considered as a violation by any actions of a wrongdoers who cause such activity that the victim faces mental distress, harassment and embarrassment. The incidents of privacy violations are occurred frequently in Bangladesh. This violations are being occurred in individual, collective and national level. As we everyone knows that the biometric details of every person of our country is stored in database of service provider companies, it is indicated that in many countries this private information has been misused. This misuse of personal information can be made a harassment for any person. Another great risk is that these information is stored in government database which is not secured. The Election Commission’s website was hacked where the private information of the voters was stored. Bangladesh Air Force’s website was also hacked in 2013. As a result private information of many stakeholders was extracted which generate a risk factor.

In individually, sometimes it is seen that someone private stuffs to be gone viral. Likewise, a photo of couple kissing in the Teacher Student Center, University of Dhaka gone viral.

“Right to Privacy and Digital Security Act 2018”

The photographer did not take this photo with the permission of this couple. It was the first violation of privacy. Rather the photographer posted this photo in social networking site without their consent. This was the ultimate violation of the privacy because for such of this activity the couple faced a great consequence in their natural life.

Recently nearly \$81 million was hacked from the central Bank of Bangladesh in 2016. In June 2019 cyber-attack happened in three local banks where a bank lost approximately \$3 million and the two others were able to handle the losses [16]. A survey says that 28 percent bank have no adequate steps to prevent such an attack, 38 percent are have full prevention mechanism to protect them from cyber-attack and remaining 34 percent are prepared partially [17]. So ensuring right to privacy has become a challenge in 21st century.

Moreover, Bangladesh Telecommunication Regulatory (Amendment) Act , 2006 has been passed where it has been stated that the government can tape any phone call without any warrant or order and such type to information will considered as a piece of evidence. Under this Act any service provider is bound to help the government providing such type of information [18]. But when there comes talking about right to privacy, the tapping of phone calls of two persons is surely is an infringement of fundamental rights [19].

2.4 Protecting Right to privacy in Bangladesh

The fundamental rights of the citizens of Bangladesh has been specified by the Constitutions of the People’s Republic of Bangladesh. But there is no indication that right to privacy is a fundamental right. The Constitution of Bangladesh has reported ‘the right to privacy’ in Article 43 by stating, ‘every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health- (a) to be secured in his home against entry, search and seizure; and b) to the privacy of his correspondence and other means of communication.’

So the sub article (a) of the Article 43 states that ‘every citizen shall have the right to be secured in his home against entry, search and seizure’. This sub section is as similar as the provision of the ‘Fourth amendment of the U.S Constitution’, Article 29 of the Constitution of Moldova, Article 16 of the Constitution of Belgium, Article 15 of the Constitution of Luxembourg. The difference is “house” is reported in Constitution of Bangladesh whereas this is addressed as “privacy protected zone” in those given constitutions.

Furthermore, ‘every citizen shall have the right to privacy of his correspondence and other means of communications’ is stated by the Constitution of Bangladesh which is recorded in sub-article (b) of Article 43. Here communication means telephones, letters, postal pathways and other legal ways of communication. Here subset of privacy is indicated as ‘the right to privacy’ of correspondence and other medium of communication.

So from the Article 43 of the Constitution of Bangladesh it can be said that two types of privacy is ensured by the government of Bangladesh. Firstly ‘the right to home privacy’

“Right to Privacy and Digital Security Act 2018”

and another is privacy of correspondence and other communication system. Our constitution has declared ‘private protected zone’ where the constitution of Israel, Hungary, Georgia, Greece and Nepal have indicated it as ‘Private Life’.

In addition Bangladesh judiciary has given special attention on right to privacy. As we know biometric SIM registration has been declared legal in our country, HCD ordered the related companies and concerned authorities to take necessary steps to protect the confidential information from being hacked or leaked. Therefore Bangladesh Telecommunication Regulatory Committee (BTRC) has also taken necessary steps to protect user’s personal data or information. It is also declared that if the authority fail to protect this private information then the authority can be fined with a heavy amount of money.

To protect right to privacy many act has been established in Bangladesh. Bangladesh Telecommunication Regulatory Act, 2001, was established to provide protection of privacy of telecommunication. As BTRC control all the authorities to assure the protection of confidential information, under this Act BTRC may be fined up to 300 crore if it fails to maintains its direction. Furthermore, BTRC has declared the authorities that any fingerprint cannot be stored in any form and should be stored in a highest security order [20].

Information and Communication Technology Act, 2006 has made punishment for those who intentionally changes any source code of computer or any digital system used for any network or any system which is recorded in section 55 [21]. Also under this Act the privacy and secrecy of any individual’s digital signature are kept in a secured space by the concerned authority [22]. Hacking has been declared as a crime under the section 56 of this Act. If any person damages or extract any personal information from any electronic system or digital device considered as hacking. And for this the person is punishable with an imprisonment of not exceeding 10 years or may be fined with money not extend to 1 crore taka.



CHAPTER -4

RIGHT TO PRIVACY AND DIGITAL SECURITY ACT 2018

4.1 Digital Security Act 2018

The Digital Security Act of 2018 has turned out with a great impression that protect the private data, personal information. In section 2(26), any information which identifies a person or system or the name, date of birth , address and any kind of personal details is regarded as identity information. This identity information included fingerprint, voice print, iris image, retina image, digital signature or other identities which can detect a person more efficiently.

A new agency called ‘Digital Security Agency’ was proposed under the act which control the activities of the act. There is a director general who lead the agency along with other directors. This agency will provide digital security of any digital system and responsible for maintaining privacy online [23]. This agency provides digital security of computer network and other digital network of both voice and data for preventing cyber-crimes. As this agency is responsible for controlling criminal activities, they are under an obligation of patrol on privacy violation. There is also a team named Bangladesh Cyber Emergency or Incident Response Team (Bangladesh-CERT) which work for privacy violation cases taking emergency remedies [24].

If anyone try to instigate others personal information or attempt to do illegal cyber activities will be punished accordingly to this act. It is prohibited to try to get access to any computer, digital devices for doing any crime under section 18 of the bills. To ensure the protection of the private information of any person the section 26 state that ‘if a person accesses or uses or transfers any ‘contact information’ of any other person without the permission or authorization then the wrongdoer will be guilty under the section.’ There the ‘contact information’ symbolize that any information directly or indirectly related to any individual which can detect the person. This ‘contact information may be picture, date of birth, TIN number, passport number, DNA profile, credit card, debit card, address, bank account number, national identity, signature or any kind of private information.

In addition under section 29, doing any illegal cyber activities by using any websites or electronic media is strictly prohibited. Besides, under section 34 of this act hacking has been strictly restricted. So it can be said the Digital Security Act 2018 is established to ensure the protection of information of any individual, information of state or information of any public organization which will assure the right to privacy.

4.2 Protection of Right to Privacy through Digital Security Act 2018

Many countries have enacted many kinds of cyber security act. Digital Security Act 2018 was such kind of act in Bangladesh which was established to ensure the security of personal and organizational information which transmits through digital devices and the internet. This law has many provisions in which there declared punishment for cybercriminals depending on types of cyber crime. So this law was established to protect personal data people in digital medium [25]. Nowadays the use of ICT has become a lifestyle as it has

“Right to Privacy and Digital Security Act 2018”

entered into every steps of our everyday life. That’s why government has taken necessary steps through Digital Security Act 2018 to protect the personal information, dignity of the people of the nation as well as the nation as people enter into the advanced communication and technology system through digital media [26].

The Digital Security Council works as a pathfinder to detect all types of cyber relating problems associated with the use of digital devices. This Council is the highest council body for the cyber security and provide necessary directions and advice to the ICT division and its subordination institutions (Digital Security Act 2018).

As right to privacy is an essential need for an individual, Digital Security Act ensures the protection of personal and institutional information. Maximum five years imprisonment can be sentenced for scams related to computer, mobile and other digital devices under the section 10 of this law. In addition if any kind of threatening or harassment occurs through any kind of digital devices appropriate punishment is assured. So this law creates a barrier for the users of the digital devices to access anyone’s personal data or information (Digital Security Act 2018).

The law also give an imphasis on religious sentiments or values. Publishing or broadcasting anything that hurts religious values through any electronic media or websites will be treated as punishable offence (Section 28, Digital Security Act, 2018). Also, if anyone intentionally publish anything that creates hostility, destroy any communal harmony, creates hatred among the people then imprisonment for a term not exceeding 7 years or fine not exceeding TK. 5 lacks or with both can be sentenced (Section 31, Digital Security Act 2018). This surely can provide a discipline environment in any country and gives a protection various propaganda. There is a harsh punishment for those culprits who hack others digital devices for blackmailing them and gaining advantage. So anyone can use their digital devices keeping in mind that there is a proper justice if he or she is hacked by any criminals [27]. The digital Security Act also provides a protection from any kind of propaganda which is against the liberation war of Bangladesh. If anyone spread anything against the liberation war of Bangladesh through any electronic device or digital device the person will be punished accordingly to this law. The person who publish anything against the Father of the Nation will be treated in a same way also. So, this law protects the dignity of country’s liberation war (Digital Security Act 2018). Moreover, this law also ensure protection from the network service provider. If any user does any illegal activities, the network provider will not convict accordingly to this law.

So establishing Digital Security Act by the government of Bangladesh was a tremendous decision for protecting privacy of the personal or institutional information. Through this act basically ‘right to privacy’ is preserved for human beings.

4.3 The impacts of Digital Security Act 2018 on Investigative Journalism

Investigative journalism is a way to find out in-depth information. It may take several years to find out the specific information where a reporter may bets his life to collect confidential truth. This work often does in a separate way to find out something confidential which can

“Right to Privacy and Digital Security Act 2018”

affect public interests. In this method digital devices work as a medium as digital device is used to collect data and information. But in this circumstance Digital Security Act 2018 has made a barrier from collecting information secretly from any confidential source [28]. The journalism society mentioned that the law will create dangerous pressure on journalism if the law is implemented without protective measurement [26]. As the field of journalism will be squeezed by Digital Security Act 2018, so it will be a great concern for journalists, human rights defenders and representative of social societies [29]. Furthermore, it is reported that the freedom of expression will no longer exist if the law is executed [30].

So in a word the impact of Digital Security Act 2018 is negative on investigative journalism. The law containing 45 sections having some of the sections which make tremendous threats to the practice of investigative journalism. This act is enacted to protect National Digital Security associated with Digital Crime Identification, suppression, prevention and other related matters. Moreover, this act will squeeze the freedom of expression because some sections are used as the alternative of section 57 of the previous ICT Act 2016 which creates more controversy. Section 32 of the Digital Security Act says: “if any person commits or aids and abets in committing an offence under Official Secrets Act, 1923 (Act No XLX of 1923) through computer, digital device, computer network, digital network or through any other digital medium then he will be punished to a term of imprisonment not exceeding 14(fourteen) years or with fine not exceeding TK. 25 (Twenty Five) Lac or both. 92) If any person commits the offence mentioned in sub-section (1) for the second time or recurrently commits it, he will be punished with life imprisonment or with fine not exceeding TK.1 (one) crore or both”. This section has created a barrier in collecting information for investigative reporting. Basically journalists use different technique or mechanism to collect information that is for public benefits. On the contrary, there are some evil body who wants to hide essential information. In this circumstances, it is not only challenging to gather information but also a risky path [31]. So in some situation the life of a journalist may be threatened as they use digital devices to collect information in secret. But through this law any kind of activity which used to collect information secretly is regarded as ‘Breaching Government Secret’. It was declared in the earlier version of the law as an act of ‘espionage’.

In addition the common people are being affected by the rules as they are in a condition of fear of using digital devices and or computer. So this act has affected not only the investigative journalism but also the common people. This law has indicated any ‘unlawful’ access as to collect information, videos, photo as a criminal activities. That means it is a warning for investigative journalism [32]. So due to some sections of this act journalists will be bound to discard from any kind of independence journalism. Moreover, in chapter seven (Sections 39-54) of the law there is provisions to search and arrest suspected persons without any warrant or prior notice (Digital Security Act 2018). So law enforcement agencies has turned out as a statue of fear in this field. In addition crime defined under the sections 9, 15, 18 and 20 are declared as cognizable and non-bailable through the section 36 (Digital Security Act 2018). So it gives a clear phenomenon that the opportunity for investigative journalism is have been closed.



CHAPTER -5
CONCLUSION

“Right to Privacy and Digital Security Act 2018”

The Digital Security Act 2018 is considered as a prominent step by the government of Bangladesh to protect the privacy related things or information of an individual or organization from the free flow of internet. The main aim of enacting this act is to reduce cyber crime activities by using digital devices. It also reduce the feuds which is involved with religious matters. Spreading misinformation about the founder of the nation is treated as a serious crime under this law. To ensure privacy through this act the hacking activities is strictly banned and the person who will do such type of activities will be punished.

In the term of freedom of expression this act has some limitation. Although this act preserve the privacy of a human being but the freedom of expression is limited by the law enforcement society. But above all through this act there is established some rules and regulation for using digital devices against anyone’s privacy.

“Right to Privacy and Digital Security Act 2018”

References:

- [1] Faruque, M.O. and Habibullah, S.M., 2018. Privacy as a Human Right in the Digital Age: In Quest of a Safer Protection Regime in Bangladesh. Privacy as a Human Right in the Digital Age: In Quest of a Safer Protection Regime in Bangladesh (October 10, 2018). ELCOP Yearbook of Human Rights.
- [2] Fromkin, A.Michael, “The Death of Privacy?”, *Stanford Law Review* 52.5, (2000) also available as “Cyberspace and Privacy: A New Legal Paradigm?” (2000): 1461-1543, <<http://www.jstor.org/stable/1229519>> accessed on 16 October 2015.
- [3] Siddique, M.A. and Akter, S., 2016. Right to privacy and counter-terrorism in the digital age: A critical appraisal for Bangladesh. *IOSR Journal of Humanities and Social Science*, pp.64-72.
- [4] Salam, M., 2018. Critical Analysis on the Cyber Crime and Cyber Security in Bangladesh (Doctoral dissertation, Daffodil International University).
- [5] Rahman, M., 2019. Subduing Cyber Threats to Secure the Financial Sector of Bangladesh. *Subduing Cyber Threats to Secure the Financial Sector of Bangladesh* (July 7, 2019).
- [6] Hasan, S., 2018. The Right to Privacy in Bangladesh in the Context of Technological Advancement. Available at SSRN 3298069.
- [7] Bangladesh: analysis of the Digital Security Act NOVEMBER 12, 2019
<https://www.article19.org/resources/bangladesh-analysis-of-the-digital-security-act/>

“Right to Privacy and Digital Security Act 2018”

[8] Runa, S.J., 2019. The Challenges of Freedom of Expression and the Digital Security Act 2018. BiLD BANGLADESH, p.75.

[9] New Digital Security Act in Bangladesh deepens threats to free expression 21 SEPTEMBER 2018

<https://www.accessnow.org/new-digital-security-act-in-bangladesh-deepens-threats-to-free-expression/>

[10] “Bangladesh: New Digital Security Act imposes dangerous restrictions on freedom of expression”, Amnesty International, 20 September 2018, Available at:

<https://www.amnesty.org/en/latest/news/2018/09/bangladesh-new-digital-security-act-imposes-dangerous-restrictions-on-freedom-of-expression/>

[11] UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), < <http://www.refworld.org/docid/3ae6b3712c.html>> Last visit 20 July 2018

31“Article 12: No one shall be subjected to arbitrary interference with his privacy,

[12] Jerry Berman & Deirdre Mulligan, The Internet and the Law: Privacy in the Digital Age: A Work in Progress (1999) 23 Nova Law Review. pp. 549- 554

[13] Julia Carrie Wong, ‘Mark Zuckerberg apologises for Facebook’s ‘mistakes’ over CambridgeAnalytica’ The Guardian, 22 March, 2018, Available at:

<<https://www.theguardian.com/technology/2018/mar/21/mark-zuckerberg-response-facebook-cambridge-analytica>> accessed 8 August 2018

“Right to Privacy and Digital Security Act 2018”

[14] 18 U.S.C. § 1030

[15] 18 U.S.C. § 2701

[16] “Three banks hit by cyberattacks”, The Daily Star, 22 June, 2019 [online], Available at: <https://www.thedailystar.net/frontpage/news/three-banks-hit-cyberattacks-1760629>

[17] BIBM, “IT security of banks in Bangladesh: threats and preparedness.”

[18] Bangladesh Telecommunication Regulatory (n 129), s 97A

[19] Arafat Amin, “Bangladesh Telecommunication (amendment) Ordinance, 2005: National Security or Infringement on Civil Rights?” Odhikar <<http://odhikar.org/wp-content/uploads/2012/09/Bangladesh-...Article-2006.pdf>> accessed 8 August 2018

[20] Staff Correspondent, ‘HC clears biometric registration’ The Daily Star, April 13 2016, Available at:

<<https://www.thedailystar.net/frontpage/hc-clears-biometri-1208275>> accessed 17 July August 2018

[21] *ibid* Explanation to s 55

[22] *ibid* s 31(c)

[23] *ibid* s 5(12)

[24] *ibid* s 5(13) (n 109)

“Right to Privacy and Digital Security Act 2018”

[25] Ittefaq, Daily. (29 January 2018). Digital Nirapotta Aine jachhe 57 Dharar bishoybostu. Retrieved Ryb 18, 2018, from <http://www.ittefaq.com.bd/national/2018/01/29/145270.html>

[26] Salam, S. A. (3 May 2018). Bangladeshi Media and Digital Security Act: Fears and ways to recover. (P. 1-12). Dhaka: Dhaka Universit Journalism Alumni Association.

[27] Hosain, Altaf, Assistant Professor, Dept. of Al-Fiqh and Legal Studies, Islamic University, Bangladesh (07 April, 2020).

[28] Zaman, Mir Mashrur, Senior News Editor, Channel I, Dhaka (01 June, 2018).

[29] Mannan, M. (11 February 2018), Digital Nirapotta Aine Shadhin Shangbadikotar Porishor Shonkuchito Hobe (The room of independent journalism will be squized by the Digital Security Act): Dhaka: Daily Inqilab: Retrieved June 13, 2018, from <https://www.dailyinqilab.com/article/116768/>

[30] “Bangladesh steps into the data protection regime”, The Daily Star, 08 April 2019, [Online], Available at:

[https://www.thedailystar.net/opinion/human rights/news/bangladesh-steps-the-data-protection-regime-1726351](https://www.thedailystar.net/opinion/human-rights/news/bangladesh-steps-the-data-protection-regime-1726351)

[31] Ferdous , R; Rahaman, A. (February, 2008)Tothaya Odhikarer Shwarup Sondhane, Dhaka: Masline Media Centre

[32] Rahman, M.A. and Rashid, H.O., 2020. Digital Security Act and Investigative Journalism in Bangladesh: A Critical Analysis. CenRaPS Journal of Social Sciences, 2(2), pp.216-236.