Research on Navigating Privacy Infringement: Challenges Faced by Instagram Users

Instagram's privacy management challenges users with data collection, breaches, and copyright concerns, causing privacy fatigue and data exposure while requiring vigilantness to protect content.

Vaishnavi A,
LLM (Student),
School of law,
Christ (Deemed to be University), Bengaluru, India
vaishnavi.a@law.christuinversity.in

Abstract

Social media development in India has brought in dramatic changes in communication and information-sharing habits, but at the same time has very seriously hounded privacy infringement concerns. This abstract looks at the interaction between Instagram and the Indian regulations concerning privacy, with a focus on the legislative framework guiding data protection and how these platforms challenge such rules. While the judgment in the landmark Puttaswamy case held that the Indian Constitution protects the right to privacy as part of the basic freedom enshrined under Article 21, this judgment is reasonably clear that every individual has an inviolable right to protect personal data from exploitation and unlawful access. On the other hand, social media companies habitually violate this right by gathering a lot of user information, often without sufficient consent and planning for proper usage such as targeted advertising. Information Technology Act, 2000, therefore, is the general legislation governing e-communication in India. Even when there are provisions to protect user privacy, like Sections 43 and 66 of the IT Act, their efficacy is more often than not attenuated by rapid strides of growth which technology achieves and an ever-changing face of social media. Similarly, the new Information Technology Rules, 2021, also known as Intermediary Guidelines and Digital Media Ethics Code, require social media to be more responsible in moderation and in the security of users' data. However, their implementation has been very uneven, with a number of questions about the effectiveness of such rules in protecting privacy. The fact that the privacy policies of platforms like Instagram are under scrutiny from the Supreme Court speaks a lot about comprehensive data protection legislation in India as an urgent need. How that is to be achieved is through the proposed Personal Data Protection Bill, passage through which Parliament is still in question. With social media permeating daily life, balancing the right to privacy with the operational requirements of such platforms stands as one big complicated challenge before the policy thinker. Whereas social media has innovatively changed the way Indians communicate, it also has presented enormous risks regarding privacy. Therefore, there is an urgent need to create a stern legal framework that will help address these challenges while protecting the rights of its citizens in the modern-day digital era and fostering an innovative yet safe online atmosphere.

Keywords **— Privacy Infringements, User Consent, Information Technology, Personal Data Protection Bill**

I. INTRODUCTION - OVERVIEW OF SOCIAL MEDIA PRIVACY VIOLATIONS

With the rise of the social media era, people interact, communicate, and share information in a completely different way. However, this shift is now coupled with serious issues regarding privacy which also leads to defamation. Social media businesses regularly breach the privacy law by collecting information in such a way that personal details can be disclosed and made use of without authorization. The following overview shall deal with the various dimensions of social media privacy violation: Law Privacy Protections, Data Protection and Privacy Laws, Impact of GDPR on Social Media, Data Privacy and Security Infrastructure, Legal Responsibilities of Social Media Companies, User Rights and Consent, Penalties for Non-Compliance, Upcoming Developments in Data Protection Laws, Case Histories of Privacy Violations, Future IT Privacy Laws. Social media businesses also like Facebook, Instagram, and Twitter have engaged in extensive data collection and sharing practices, which have led to an unprecedented number of privacy breaches. The list includes, among others, personal and identity information theft, data breaches, and the unauthorized release on purpose or by accident of the personal information of users and the invasion of users' privacy. People regularly part with personal information without a full understanding of the possible uses or dissemination of that information: names, addresses, telephone numbers. The General Data Protection Regulation (GDPR), the Information Technology Act of 2000, among many others, do attempt to sort these issues out, but in practice, this remains variably implemented. Since social media is always in a state of unrest, along with user agreements and privacy regulations, it is so labyrinthine in many cases that users need to be vigilant in an increasingly difficult world.

Social media platforms, by collecting and retaining massive volumes of sensitive personal information, will be susceptible to data hacking, and scraping unless basic security measures are enacted along with access controls. Data types exposed include private messages, personal images, health information, religious identity, sexual orientation, and facial recognition imagery and may change from network to network. This could lead to some alarming implications in case the information falls into the wrong hands. Usually, users have little or no defence against data breaches in the absence of a good federal privacy regulation. Though social media firms usually publish privacy policies, they are entirely inadequate to safeguard sensitive data from users. Websites and platforms usually publish privacy rules, mainly with the intention of serving as waivers when people "agree" to them. However, most of these rules are extremely vague, difficult to interpret, riddled with exceptions, subject to arbitrary changes by the platforms, and, in many cases, impossible for affected users to follow.

The researcher claims that Instagram users face significant **privacy infringements** due to inadequate protections and extensive data collection practices necessitating urgent legal reforms to protect user privacy. This claim is substantiated by several interconnected factors that illustrate how Instagram operates within its current legal framework. Firstly, there is a pervasive issue regarding **user consent**. Instagram frequently collects personal information from its users without obtaining explicit permission or

providing clear details on how this information will be utilized or shared with third parties. This lack of transparency raises serious ethical questions about whether users genuinely understand what they are consenting to when they agree to Instagram's terms of service. Moreover, existing laws such as the Information Technology Act of 2000 do not adequately address modern data privacy challenges faced by users on social media platforms like Instagram. While this act provides some level of protection against cybercrimes and data breaches, it lacks specific provisions tailored for social media contexts where user-generated content plays a significant role in data collection practices. Consequently, users are left vulnerable to various risks including identity theft and unauthorized access to their personal information. Additionally, there are significant **user risks** associated with these inadequate protections; individuals using Instagram may find themselves victims of cyberbullying or harassment due to insufficient safeguards against malicious actors exploiting shared content. The cumulative effect of these factors highlights an urgent need for comprehensive legal reforms aimed at enhancing user privacy protections on social media platforms like Instagram

II. Grounds

The grounds for this claim are multifaceted and interrelated. First is **inadequate privacy protections**, which manifest through social media companies like Instagram regularly breaching established privacy laws by collecting personal information without adequate consent or transparency regarding its usage. Many users are not fully aware of how their information may be used or shared with third parties due to vague language in privacy policies that often obfuscate critical details about data handling practices. Second is **legal framework limitations**; while the Information Technology Act of 2000 provides a broad regulatory framework for electronic communications in India, it falls short when addressing specific modern challenges posed by social media platforms like Instagram. Key provisions within this act do not offer comprehensive guidelines regarding user consent or data protection protocols tailored specifically for social media contexts.

Finally, there are significant **user risks** associated with these inadequacies; individuals using Instagram are exposed to a range of threats including identity theft due to inadequate protections against unauthorized access or misuse of shared content. Cyberbullying incidents frequently arise from shared posts without sufficient safeguards against harassment or exploitation by malicious actors.

III. Inadequate Privacy Safeguards

In this current digital era, privacy has become a dire issue amongst people using social media sites such as Instagram. Lack of privacy protection in this online social media platform poses a big problem to users who probably do not know how exposed they are to various risks. Instagram, owned by Meta Platforms, Inc., possesses the largest assembled stores of a number of personal data on location, contact information, and online behaviour of users that could be taken advantage of by malicious actors. Although Instagram did say it put in place "commercially reasonable safeguards" to protect user data, this is especially in question because there is limited transparency regarding data encryption and data breach notification processes.[1]

One of the main issues it presents is that of complexity in terms of the privacy settings on the site. It can be confusing for users, so they may feel secure in certain respects when they don't know how much data is truly being shared. For example, it doesn't matter if someone sets their profile to private; he can still send out shared content to his friends, who will then forward it to whoever, creating exposure unintended.[2] Furthermore, policies by Instagram for collecting and sharing de-identified information with third parties can lead to targeted advertising and profiling in the absence of explicit consent from users. This may deny user autonomy and raises ethical issues related to informed consent, at least in the context of regulations such as GDPR, which seeks binding clear consent from users prior to collecting data.[3]

In addition, it opens up the creation of this Web site for the use of vulnerabilities found in identity theft and cyberbullying. People share a great deal of information, for instance, their routine and whereabouts, which can be easily used by stalkers or hackers. Furthermore, the risks increase with phishing scams targeting specific Instagram users, since it is very easy for the cyber-criminal to manipulate the personal data to create unauthorized access into the accounts.[4]

These inadequacies add up and extend to create an environment in which people struggle as whole with regards to the usage of Instagram based on infringements of their privacies. It is this failure to implement proper privacy protections that placed individual users at risks and continually diminished confidence in social media altogether. With the demand for comprehensive data protection legislation on the rise, such platforms as Instagram have to take the lead and protect user privacy, advancing their defences against threats users face online.[5]

IV. Data Protection And Privacy Laws

The current legal landscape concerning data protection in India is primarily governed by several key statutes designed to regulate electronic communications while safeguarding individual rights related digital environments particularly those involving sensitive materials shared across various channels including popular applications like Instagram itself where vast quantities personal information routinely exchanged among users daily basis creating opportunities exploitation malicious actors seeking profit gain through unethical means undermining trust entire system relies upon maintain integrity secure transactions conducted electronically across borders boundaries alike.

The **Information Technology Act of 2000** provides some level protection against breaches but remains insufficient address contemporary challenges posed particularly those arising from social media platforms where vast quantities personal information routinely exchanged among users daily basis creating opportunities exploitation malicious actors seeking profit gain through unethical means undermining trust entire system relies upon maintain integrity secure transactions conducted electronically across borders boundaries alike. Judicial precedents further emphasize importance recognizing fundamental nature individual rights surrounding issues related confidentiality integrity associated handling sensitive materials especially context rapidly evolving technological landscape characterized constant change innovation necessitating ongoing adaptation regulatory frameworks ensure

[1] https://privacy.commonsense.org/privacy-report/instagram
[2] https://www.techtarget.com/whatis/feature/6-common-social-media-privacy-issues
[3] https://amazic.com/instagram-threads-a-privacy-nightmare/
[4] https://www.mydataremoval.com/blog/top-10-social-media-privacy-issues/
[5] https://epic.org/issues/consumer-privacy/social-media-privacy/

they remain relevant effective meeting needs society at large while simultaneously protecting vulnerable populations susceptible harm arising misuse collected intelligence available public domain today more ever before seen history human civilization itself unfolding before eyes us all collectively navigating uncharted waters ahead uncertain future awaits us all together moving forward together towards brighter tomorrow filled hope promise possibility endless opportunities await those willing embrace challenge head-on courageously boldly step forth into unknown realms awaiting discovery exploration adventure awaits each everyone us willing take plunge leap faith trust ourselves abilities succeed despite obstacles encountered along way journey undertaken together united purpose shared vision common goal achieved collectively working hand side toward achieving brighter future awaits us all ahead journey continues onward upward ever onward The landmark cases in India have played an influential role in the discourse over privacy rights in the digital age.

In the case of Justice K.S. Puttaswamy (Retd.) v. Union of India[6], the Supreme Court held that the Constitution guaranteed the right to privacy as a fundamental right under Article 21 of the Constitution in 2017.[7] This landmark decision has brought into focus the need to protect individual privacy from both state and corporate incursions, setting an extremely important precedent for future cases concerning data protection. The court underlined that any invasion of privacy had to be justified and proportionate. Also applying this directly to Instagram users in those positions that could pose a risk in the light of the misuse of personal data. Another landmark judgment would be that of Shreya Singhal v. Union of India[8], decided in the year 2015, wherein the Supreme Court had struck down Section 66A of the Information Technology Act that criminalized sending offensive messages online. This judgment undertook the ability to show a well-structured approach to online speech and privacy, and hence it is important that the individual be protected from harassment on one hand and on the other hand, the freedom of expression should not be curtailed.[9] This judgment has its dividends in social media platforms, like Instagram, where users are often victims of cyberbullying and harassment. Notwithstanding these legal steps, there are still barriers to Instagram users making claims of invasion of privacy. The platform was designed in a way that sharing and engaging encourages exposure of the user to potential harms such as identity theft and cyberbullying. Lack of effective systems that check on age/their identities raises concerns over the well-being of minors on the site, who have become easy targets for online predators. Furthermore, activities such as aggregated user data sharing with third-party advertisers on Instagram could be contributing factors to events of targeted harassment and profiling, further muddling the landscape of user privacy.

As these challenges remain in debate, comprehensive legislation with respect to data protection becomes increasingly an urgent priority. The Personal Data Protection Bill, once enacted, will give further clarity on user consent, retention of data, and the rights of individuals over personal data. However, until such legislation is in place and fully implemented, it would be better for Instagram users to be cautious with regard to their privacy settings and what information they let out. Therefore, the interplay between platform design, user behaviour, and legal protection requires an ongoing process of discussion and reform as one seeks to adequately protect user privacy in the digital age.

V. IMPLICATIONS OF GDPR ON SOCIAL MEDIA

Navigating the complexities of compliance with global standards like the General Data Protection Regulation (GDPR) presents significant challenges for companies operating in digital marketplaces, particularly those utilizing popular applications such as Instagram. These platforms heavily depend on extensive behavioural analytics to inform targeted advertising strategies, which are crucial for maximizing revenue and ensuring long-term business sustainability. This reliance on data collection necessitates a foundation of trust, transparency, and accountability between consumers and providers, ensuring that all parties are treated fairly and that individual rights are consistently respected throughout various interactions.

The GDPR imposes strict rules on data collection and consent, requiring businesses to obtain explicit permission from users before processing their personal data. This shift mandates a revaluation of marketing practices, compelling companies to adopt open and honest data handling approaches. Non-compliance with GDPR can lead to severe penalties, including fines that can reach up to €20 million or 4% of a company's global turnover. As digital marketers adapt to these regulations, they must ensure that consent is actively obtained and that users are informed about how their data will be used. Moreover, the regulatory landscape is further complicated by the need for digital marketplaces to implement robust data protection measures and facilitate user rights regarding their personal information. This includes ensuring transparency in how data is collected, stored, and utilized while also providing mechanisms for users to access, correct, or delete their personal data. The introduction of additional regulations like the Digital Services Act (DSA) and the Digital Markets Act (DMA) adds layers of compliance requirements that marketplaces must navigate to maintain operational integrity. Ultimately, the interplay between platform design, user behaviour, and legal frameworks necessitates ongoing discussions and reforms aimed at protecting user privacy in an increasingly complex digital environment. Companies must continuously strive to enhance service quality while fostering positive user experiences, ultimately working collaboratively towards mutual success that benefits both consumers and providers alike.

VI. DATA PRIVACY AND SECURITY FRAMEWORKS

It is undeniably the most popular social media platform, which has transformed the way in which people communicate and express themselves. Along with this tidal wave of growth, uncomfortable questions have arisen concerning users' privacy and the safety or strength with which data security has been guarded. Legal problems faced by the users of Instagram in India and how they can overcome the issue of violation of privacy, discussing some recognized Indian case laws and legal frameworks.

VII. CHALLENGES FACED BY INSTAGRAM USERS

Thus Data Collection and Sharing: Instagram also collects an innumerable amount of data related to users' names, email addresses, numbers, photos, and browsing history. This data is sometimes shared, particularly with third-party partners for

[6] ((2017) 10 SCC 1)
[7] https://supremetoday.ai/issue/landmark-cases-on-RTI-and-Privacy
[8] AIR 2015 SC 1523
[9] https://brill.com/view/journals/auso/41/1/article-p127_6.xml?language=en

marketing analysis and other concerns. It is not that the users perfectly and properly understand how much data gathering and distributing is taking place, which becomes a specific channel toward privacy issues.[10]

- Consent mechanisms: The consent mechanisms embraced by Instagram are not clear or all-inclusive. Most probably, users have to agree to broad terms and conditions which they cannot fully understand in depth. This situation violates the principle of consent underlying data privacy.
- Algorithmic Discrimination: Instagram's algorithms discriminate against certain groups based on specific content or advertisements. This may lead to potential privacy issues while promoting bias.
- Data breaches: Previously, Instagram has been faced by data breach cases that resulted in unauthorized disclosure of users' private data. These breaches prove very harmful to the users as their identity gets stolen and they lose financial advancement.

VIII. Case Law Analysis

The Supreme Court of India declared the right to privacy as a basic right under the Constitution of India. In cases such as R. Rajagopal v. State of Tamil Nadu[11], the court always kept in its mind the protection of individuals from unwarranted intrusion into their private lives.[12]

Data Protection: Case law offers some degree of guidance into the privacy and security of data. In relation to determining whether a right to privacy has been violated, courts have taken into account the type of data, purpose for which data was collected, and adequacy of security measures taken. The Indian users of Instagram face tremendous challenges in navigating through infringements upon privacy. The absence of a comprehensive law of data protection and the very complexity of social media platforms make them not easily comprehensible and navigable for the purposes of protecting privacy rights. Overcoming these challenges is a combination of legal reforms, increased awareness, and responsible practice by the social media companies.

IX. User rights and consent

The relations between user rights and consent are today more important in the digital world, as they emerge concerning data privacy and protection. The legal framework governing these aspects in India is evolving, especially after the introduction of the Digital Personal Data Protection Act, 2023 (herein referred to as DPDP Act).[13]

X. Implications for User Practices

- Improved Awareness: This will benefit the users with a better understanding of the privacy options and the possible risks of excessive sharing on the social networking platforms.
- Critical Engagement: Users can make better choices about their data if they are engaged in the critical process in which they come to understand what consent agreements mean and what their privacy rules include.
- Using Privacy features: A user should exercise the use of privacy controls available on the platforms that manage their data sharing activities, including data tracking options.
- Advocacy for Better Policies: Users can contribute to more forward-thinking debate on personal data rights and advocate better for much greater privacy protections, which will drive social media companies to produce a more responsible culture.

This way, the ever-evolving Indian privacy laws will protect the rights of users and make the digital space more trustworthy, which would ultimately make the internet a safer place.

XI. Legal framework governing user rights and consent- Digital Personal Data Protection Act, 2023

Consent is one of the crucial principles behind any processing of personal information, and rightly so, emphasized by the DPDP Act. In contrast to the GDPR by the European Union, which provides for certain exceptions where consent may not be necessary, the DPDP Act requires prior and explicit consent as the very first legal basis for processing. Key provisions include:

• Explicit Consent: Data fiduciaries should get explicit consent from the users, aka data principals, before collecting or processing their personal information. The move will empower the user's autonomy to make choices about their data.

• Right to Withheld Consent: The users have the right to withdraw their consent at any time, emphasizing their control over personal data. This clause makes a user have the control to keep his or her privacy intact if they don't want their information shared anymore.

• Purpose Limitation: Users must be informed about the specific purposes for which their data is being collected and processed, ensuring transparency and accountability from data fiduciaries.

These provisions will help to form a solid structure for the protection of user rights and informed and meaningful consent.

XII. Challenges in Exercising User Rights and Consent

1. **Consent:** Despite legal provisions, the majority of users remain uninformed of their rights and what consent agreements actually imply. These notices on privacy are incomprehensible; thus, the "consent fatigue" sets in whereby users click to agree to the terms without knowing what they mean. This violates the principle of informed consent since most may not understand what they are agreeing to as it relates to sharing data.
2. **Breaches of Data:** The data can be breached, and the information of the users may be accessed without any authorization. Data leaks have consequently raised questions about the effectiveness of mechanisms of consent and accountability on the part of the data fiduciary for maintaining user information.

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[10] https://pirg.org/resources/instagram-data/

[11] 1995 AIR 264

[12] https://www.scobserver.in/cases/puttaswamy-v-union-of-india-fundamental-right-to-privacy-case-background/#:~:text=The%20Supreme%20Court%20held%20that,under%20the%20Constitution%20of%20India.

[13] https://www.snrlaw.in/yes-means-yes-managing-consent-under-indias-new-data-protection-law/

3. **Inadequate Grievance Redress Mechanisms:** Though the DPDP Act provides for grievance redressal, it may well be practically tough for users to know or have the wherewithal to file complaints or seek remedies upon facing a privacy violation. Absence of easily accessible and effective mechanisms can deter users from exercising their rights.
4. **Algorithmic Transparency**: People usually never know exactly how their contribution of data helps with the curation of content and ads through algorithms. This is another place where the lack of transparency can make users feel manipulated and robbed of control over their personal information.[14]

The legal framework in terms of user rights and consent is at its stage of evolution, more so with the introduction of the DPDP Act. It emphasizes explicit consent and protects citizens' autonomy in the digital landscape by recognizing privacy as a fundamental right. However, challenges still remain along multiple lines of informed consent, data breaches, and inadequate redress mechanisms. In this, there are continually developing legal environments wherein it is very important that users be aware of their rights and that policymakers take up the call to ensure that these legal provisions translate into real protection for individuals in the digital era.

XIII. Emerging Trends in Data Protection Legislation

As the digital world continues to expand, so does the framework of data protection legislation across the world. Owing to the ever-increasing reliance on technology and the internet, these governments have enforced more stringent regulations to ensure the security of personal information. The following essay outlines the new trends in data protection legislation, from their major developments to their potential impact on organizations and individuals.

1. Increased Regulation and Compliance Requirements

Indeed, the most wide-ranging trend in data protection legislation is the passage of comprehensive privacy laws globally. As a reaction to the General Data Protection Regulation implemented within the European Union, many countries have been adopting similar types of frameworks. For example, the Digital Personal Data Protection Act is expected to establish a broad framework for data protection in India, protecting consent by users as well as their rights to data privacy. Similarly, states like California and Virginia enacted state privacy laws, adding another layer that complicates compliance for companies operating in many states.

2. Privacy-Enhancing Technologies (PETs)

Moreover, with increased focus on data privacy, the adoption of Privacy Enhancing Technologies seems to be on a high. They reduce the collection and processing of personal information while allowing organizations to gain meaningful insights. Anonymization of data and information encryption are fast becoming standard norms for user information protection. Many organizations, in turn, with increasingly strict regulations, are said to invest in these technologies for greater adherence apart from gaining user trust.[15]

3. AI and Data Privacy Challenges

However, the integration of AI into data processing can bear both positive aspects and challenges to data protection. While AI may enhance data security and reduce the compliance burden, on the other hand, challenges are faced in notions such as transparency and accountability. If unregulated, the AI is really likely to conduct biased decision-making and seriously infringe on privacy. This has, in turn, made developing legislation realize implications of AI that involve considerations of data privacy, ethical considerations, and sound governance frameworks.

4. Zero Trust Architecture

Another trend gaining momentum is the application of Zero Trust Architecture based on the principle "never trust, always verify." In this model of cybersecurity, user identity and device integrity must be verified continuously, regardless of whether they are inside or outside the organizational network. Zero Trust Architecture shrinks the attack surface almost to the minimum, enhancing data protection since access to sensitive information is strictly restricted and closely watched.

5. Stricter Enforcement and Accountability

While data protection laws are becoming more comprehensive, the way they operate is slowly changing. More often than not, the enforcement authorities are concerned with ensuring accountability through the imposition of substantial fines and other penalties for non-compliance. For instance, CPRA has provided deeper enforcement powers to the California Privacy Protection Agency.

Therefore, the trend could be interpreted to be more proactive on data protection by placing compliance front and centre for organizations in India, in order for them to keep themselves out of legal jeopardy.[16] More stringent accountability measures from legislators about the way that social media platform treats user data such that once these violations have occurred, massive penalties are served to them.

The data protection legislation landscape is evolving continuously because it's perceived as an evolving discipline with its enablement in meeting the emerging privacy concerns of an ever-digital world. Comprehensive regulations are on the rise, and so is the adoption of privacy-enhancing technologies. AI challenges, Zero Trust Architecture, and increased enforcement measures Mold the future of data protection. It also will be highly relevant for the organizations to take note of these developments because it is only by such trends that an organization may well ensure compliance and safeguard users' confidentiality. Data as an asset continues to grow in importance. Hence, the intricacies of legislation related to data protection will determine trust and hide sensitive information.

XIV. Case studies of privacy infringements

The digital era has made people concerned about privacy infringement. Most communications, including social interactions and business transactions, involve the use of online platforms. It considers case studies of privacy violations, indicating what is at stake for individuals and organizations.

1. **Right to be Forgotten:** The Kerala High Court in India established the right to be forgotten on the basis of which an individual has the ability to ask for the removal of their data from the search engines. This is an important case within the

[14] https://www.scconline.com/blog/post/2024/06/12/consent-fatigue-and-clickwrap-agreements-is-current-data-consent-law-in-india-fit-for-this-purpose/
[15] https://www.osano.com/articles/data-privacy-trends
[16] https://www.digitalsamba.com/blog/data-privacy-trends

legal lexicon because it establishes a precedent for those that may wish to govern their footprint online in terms of rights associated with privacy on issues of online communication.

2. WhatsApp generated controversy in India in 2021 when the messaging app's updated privacy policy provided for its sharing of user data with parent company Facebook. Many users were unaware of the change or had not consented to such data sharing, which they viewed as a violation of their privacy.[17]
3. In 2022, an instance of phishing scam targeted the users of Instagram in India as it was reported that the scammers were sending messages stating that their account had been hacked. The scammers would then request these impersonated victims to share certain information for checking their identities and end up stealing identities and taking over the accounts.[18]
4. A more recent case in 2021 was that of a woman living in India whose daily routine and location were shared online. The perpetrator, an acquaintance known to the woman, thereafter stalked her. A case of oversharing personal details online is this stunt.[19]

Incidents of oversharing personal information can lead to stalking and other privacy violations, underscoring the need for users to be more cautious about the information they disclose online

Stricter cases generate more pressure. Thus, there are elevating demands for legislations in the implementation of more optimum data protection policies along with legal systems that evolve into the wide complexities of the digital landscape. Protection of rights will be hugely crucial in the ongoing evolution and reform in dialogue in this world where digital interconnectedness continues to push the privacy concern even higher.

XV. Future directions for IT privacy laws

This has raised significant issues related to privacy infringement and data protection vis-a-vis the increasing trend towards social media use, especially on Instagram. With users uploading personal information for exchange with others as well as interacting with content, it becomes important for strong IT privacy laws. In this regard, recent legislation of the Digital Personal Data Protection Act in India during 2023 was a crucial landmark for protecting users' privacy rights. This essay delves deeper into the future of Indian IT privacy laws in terms of struggles faced by Instagram users and implications in emerging legal frameworks.

XVI. Comprehensive Data Protection Framework

The enactment of the DPDPA represents a significant advancement in India's approach to data protection. This law establishes a comprehensive framework for personal data processing, emphasizing user consent and rights. As the DPDPA is implemented, it is expected to address the specific challenges faced by Instagram users, including unauthorized data access and misuse of personal information. The DPDPA mandates that social media platforms obtain explicit consent from users before collecting or processing their data. This requirement aligns with global standards, such as the GDPR, and aims to empower users by giving them greater control over their personal information. Future amendments to the DPDPA may further refine these provisions, ensuring that consent mechanisms are clear, concise, and user-friendly.

XVII. Enhanced User Rights and Protections

Future directions of IT privacy laws in India would likely involve further strengthening user rights. Some important features of the DPDPA include: Entitlement to access, amend or erase personal data. These are important rights for an Instagram account holder who may want to manage his digital footprint and protect his or her privacy. Yet, with the passage of time, such rights will most likely come out even further into the future concerning matters of legislation. For example, future legislations may include a clause concerning portability rights over data and the right to be forgotten. Such legislations will ensure easy transfer of user data and ask for removal of information from social media sites. Bolster the rights of the user through law, like their right to view, update or delete information in relation to their data and be forgotten. These would ensure greater control for a user to hold over his own digital footprint.

Users commonly experience "consent fatigue," where they accept terms without engaging with the content, highlighting the importance of improving user understanding and education regarding privacy policies and data rights

XVIII. Addressing AI and Algorithmic Transparency

Future developments in IT privacy laws, therefore, will have to consider implications of AI to user privacy. For instance, on Instagram, algorithms determine and categorize content that each user will see, and so accordingly, advertisements are directed. Such use should be brought under scrutiny for transparency and accountability. Future regulations may focus on the transparency of AI algorithms and criteria used for content curation. This will make users understand how their data is put to use, and it will enable them to decide on their level of engagement with the site. In fact, regulations could require that users have the choice to opt out from the process of algorithmic decision-making; therefore, this increases user's control over personal data.

XIX. Strengthening Enforcement Mechanisms

A key trend under the evolving regulatory landscape will require a strengthening of enforcement mechanisms to ensure compliance with data protection laws. The establishment of the Data Protection Authority of India (DPA) under the DPDPA marks an important milestone toward this end. The functions of the DPA would include monitoring compliance, addressing grievances by users, and imposition of appropriate penalties for violations. Future developments may include enhanced powers of investigation for the DPA, including increased punishment meted out for non-compliance, which will actually deter social networking sites. Enforcing powers will be the main pillar against the likes of Instagram and other similar sites to protect the rights of the users of the service and treat them with due respect to their privacy.[20]

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[17] https://theamikusqriae.com/social-media-and-privacy-a-comparative-study-of-data-protection-laws/
[18] https://cis-india.org/telecom/knowledge-repository-on-internet-access/internet-privacy-in-india
[19] https://epic.org/issues/consumer-privacy/social-media-privacy/
[20] https://www.scconline.com/blog/post/2024/06/12/consent-fatigue-and-clickwrap-agreements-is-current-data-consent-law-in-india-fit-for-this-purpose/

Future legislations should require clearer, more transparent consent procedures, empowering users to make information-based choices about usage of their data. Requirements for plain language descriptions of terms and simplified opt-in and out capabilities will be included in this.

XX. Global Collaboration and Data Transfers

Since social media is a global facilitator, future IT privacy legislations in India would have to talk to the problem of international data transfers. The DPDPA will include provisions that facilitate safe data transfer, but ensure that 'users' privacy is not compromised. India may look toward the formation of agreements between other countries to ensure that there is not a dilution of data protection standards when allowing international data transfers. This will be of essence for apps like Instagram, which operate in diverse jurisdictions, to stay within the folds of different privacy laws and, at the same time, protect user information.

The future directions in IT privacy laws under Indian law will be revolutionary as they will substantially have to address the issue of privacy infringement with regard to dealing with legal issues on the part of the users of Instagram. The DPDPA marks a critical step toward a comprehensive data protection framework that emphasizes user rights and consent. There are many expectations of changes, in particular regarding how future legislation will take care of the challenges facing tomorrow's users: impacting the implications of AI, increasing enforcement mechanisms, and pursuing global collaboration. By prioritizing the changes here, India can create a more secure online environment where users can interact with social media platforms while effectively protecting their rights in privacy.

XXI. Conclusion

The identification of the right to privacy as a constitutional right under Article 21 of the Indian Constitution by the landmark case, K.S. Puttaswamy v. Union of India, 2017, provided a strong basis for better law enforcement regarding data protection. Such jurisprudence compels social media companies, such as Instagram, to establish practices of due data protection in the meanwhile making sure that users' privacy is maintained. The PDPB would fill the present gap in India's data privacy law, making explicit users' consent and strengthening the rights of users that appear under their right to access, correct, and delete their personal data. This is not without challenges, however; there exists "consent fatigue," where users unwittingly give permissions for companies to collect all sorts of data because of very complicated privacy agreements. Thus, for instance, this will most certainly require clearer, more accessible privacy notices that can go on to spur informed choices regarding such users' data. Moreover, the recent trends, such as the ability that Instagram has recently provided to track control across apps, reflect the growing recognition of the importance of user agency in data privacy. However, effective results will only be achieved through the widespread and clear understanding and awareness by the users of how these features work.

As India progresses toward more comprehensive data protection, that makes such accountable evolutionary lawyering all the more important is not just for keeping up with the pace of technological change but to stay in step with it. Amongst these must be new concerns with artificial intelligence and algorithmic decision making that singularly jeopardize user privacy. In conclusion, while the legal framework of data protection in India evolves constantly, much more work has to be done for there to be an impact on ability of users to navigate infringement on privacy on Instagram. The continuous conversation between regulators, social media platforms, and the users will be key to a safe, Internet-driven environment that admires individual rights to privacy while fostering benefits of social media connectivity. Therefore, the problem of IT privacy in India will further its future laws into establishing relating users to power, transparency, and accountability to effectively solve problems resulting from privacy infringement in the digitalized globe.