

Privacy Law and Journalism in Nigeria: Knowledge, Uses and Challenges

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ABSTRACT

The mass media sector has been plagued by a number of privacy issues, some of which are attributed to media professionals and others to the advancement of digital media technology. This study looked into how Nigerian journalists understood, applied, and struggled with privacy law. The Communication Privacy Management Theory served as the study's conceptual foundation. (CPMT). A mixed-methods research design was used for the study. (Qualitative and quantitative). To working journalists in Abuja, Nigeria, a random sample of 30 interviews and 195 surveys were administered. The decision to base the capital of Nigeria in Abuja on its multiculturalism ensures that the city's journalist population fairly represents all of Nigeria's regions. The study's key findings revealed that 95% of journalists have a thorough understanding of privacy law and apply it to their work as journalists. The 30 interviewee journalists all shared the same opinion. Everyone involved in the investigation agrees that implementing privacy laws will be extremely challenging and that the age of rapidly advancing high technology will only exacerbate the issue. The conclusion suggests that privacy concerns are more implementation-related due to the complexity associated with the development of digital media technology.

Keywords: Privacy Law, Journalism, Digital Media Technology, False Statement, communication privacy

INTRODUCTION

Researchers are concerned about privacy, which is the state of not being observed or bothered by people. This is especially true in the era of new media technologies. In the modern age, privacy law has continued to be an issue of concern in society. In line with the foregoing, Thomson (2018) holds the view that certain information is personal and therefore, should be treated as such. This shows the ethical principle or legal right that an individual has. Behind this obvious delight that the media of mass communication has given humanity concern about

privacy has become a hot issue more than ever and people are more vulnerable to predator journalists and blackmailers. Thus, this requires physicians, health professionals, and other professionals including journalism practice to hold secrets regarding information related to an individual (Robinson, 2011 and Heflin, 2015). According to the UNO's 2020 report, everyone has the right to protection against such intrusions or attacks (Henry and Philip, 2022).

In accordance with the aforementioned, Thomson (2018) believes that some information is personal and should be handled as such. This demonstrates the moral code or legal authority that an individual possesses. Behind this apparent joy that the mass media of communication has brought humanity, privacy concerns are hotter than ever, and people are more susceptible to predatory journalists and extortionists. In light of this, it is necessary for doctors, health professionals, and other professionals, such as journalists, to maintain patient confidentiality (Robinson, 2011 Heflin, 2015). In light of the fact that privacy is a person's right to solitude, an invasion takes place when someone's reasonable expectation of solitude is violated. It is unethical for journalists to snoop on people's private lives without their consent. Nwache (2007) gave a more thorough explanation of the invasion of privacy by mentioning the four privacy invasion torts. These include invasions of privacy, unauthorized use of one's name or likeness, publication of information, and flat-out false information. An invasion of someone's solitude is referred to as an "intrusion of solitude" (ARLC, 2014). This implies that it is improper to invade another person's privacy by listening in on or recording his private activities. An example would be when a reporter covertly uses a smartphone or recording device to interview a subject. Sometimes, information shared about the subject is false or inaccurate, which constitutes "defamation" or a "false statement" according to the law. The Constitution safeguards the right to privacy because it is fundamental and highly regarded by all people. When a person's right to privacy is violated, they have the legal option to file a lawsuit in a court with the necessary jurisdiction. According to Ward (2018), who is debating the philosophical foundations of global journalism ethics, the rise of high-tech and global media has made the problem of privacy even more challenging. The law of privacy is very complicated because there is so much information stored on the internet every day—millions and millions of pieces. According to Holloway (2016), there are many barriers to the application of privacy law brought about by cyberspace or digital technology. This is amply demonstrated by the passage of the Cybersecurity and information protection agency bill in numerous countries around the world. As a result of this bill, the Nigerian Cybersecurity and Information Protection Agency was established. This group is in charge of policing Nigeria's information technology industry and preventing cyberattacks. New laws have been passed in order to prevent the disclosure of information without authorization and the monitoring of transactions with or without malice (UNO, 2022).

Press freedom is guaranteed by the Federal Republic of Nigeria's 1999 constitution, as amended. Journalists and other media professionals are cautioned not to make "false statements" that could damage someone's reputation or cause them to lose their standing in society while exercising their right to free speech. Therefore, the law of defamation is applicable when a claim about someone is thought to be false. Malemi (2017) describes defamation as "the publication of information which reduces or lowers a person in the estimation of the right-thinking persons generally," which is in line with tandem. This demonstrates unequivocally how information or statements that are "false" or "wrong" defame a person. A person's

reputation is tarnished or diminished in the eyes of society's upstanding citizens. It is noteworthy that defamation results from false statements or publications (Akintayo, 2018). This indicates that reporters and/or media outlets generally need to confirm and make sure that the information they publish is accurate and has the permission of the person or organization in question. This is done in an effort to avoid legal action brought about by the dissemination of false information or statements that harm or diminish someone else's reputation or invade the privacy of any citizen, regardless of that person's standing in society. In light of the foregoing, it is crucial to obtain the opinions of journalists in Nigeria regarding their knowledge of privacy law, its applications, and its challenges. The purpose of this paper is to learn more about Nigerian journalists' knowledge, application of, and challenges with, privacy law.

Objectives of the Study

The study is set to:

- 1) find out the knowledge of Privacy Law among Journalists in Nigeria.
- 2) ascertain the application of privacy law in journalism practice by journalists in Nigeria.
- 3) determine the possible challenges being faced by journalists in the application of privacy law.

CLARIFICATION OF CONCEPTS

Journalism

Journalism is a field of study that focuses on managing news media or gathering and editing news. It is also referred to as writing that is intended for publication in a newspaper or magazine or as writing that presents facts or describes events in a straightforward manner without making an attempt at interpretation. Journalism is also characterized as writing that aims to capture popular culture or the interest of the general public (Robinson, 2011; Heflin, 2015).

Journalism is a profession that refers to the techniques or processes of gathering information while utilizing literary devices. Print, television, radio, the internet, and newsreels are all forms of journalism. The idea and application of the appropriate role for journalism varies from nation to nation. Government intervention and partial government control of the news media exist in some countries. In other countries, news organizations operate as private businesses that are not regulated by the government.

These are mostly motivated by profit. In addition to the varying nature of how media organizations are run and funded, countries may have differing implementations of laws handling the freedom of speech and libel cases.

The media landscape has undergone significant change in recent years as a result of the Internet and smartphones. In contrast to the more conventional formats of newspapers, magazines, and television news channels, people are increasingly consuming news through e-readers, smartphones, and other personal electronic devices. This has caused a shift in the consumption of print media channels. It can be difficult for news organizations to fully monetize their digital division while also adjusting the context of their print publications. Print revenue declines for newspapers have outpaced the growth of digital revenue (Harcup, 2009). The definitions and

analysis of the term "journalism" have helped to identify some distinct types of journalism. They consist of citizen journalism, broadcast journalism, advocacy journalism, data journalism, and access journalism. Data journalism was invented by the US news organization ProPublica. Drones are used in drone journalism to record news footage. Gonzo Journalism is a "highly personal style of reporting," also referred to as idiosyncratic, subjective, or biased journalism. It was first promoted by Hunter S. Thompson. Telling true stories through images or photographs taken by photojournalists is known as interactive journalism, investigative journalism, and photojournalism. Sensor journalism is the application of sensors to reporting. Journalism in tabloids is fun and entertaining but less trustworthy than journalism in other media. Sensationalism, also known as yellow journalism, is a style of writing that places emphasis on exaggerated claims or rumors. (Thomson 2018, Ward 2018) sums it up thus:

Almost every area of human endeavor is covered by journalism practice, including the arts, business, entertainment, environment, fashion, music, politics, sports, and weather, among others. Journalists cover and report on news events, both natural and man-made, that are of interest to people. Advocacy, analytical, blogging, broadcast, civic, cooperative, comic-based, fact-checking, and other types of journalism are among its subgenres. Journalists use a variety of writing styles when they report the news. The ethics of the profession, such as objectivity, fairness, news values, attribution, defamation, editorial independence, and others, must be followed, though. The social effects of journalism practice include the use of privacy laws and the monitoring of fake news.

This emphasizes how important it is for journalists to be well-versed in all facets of human endeavor. Therefore, it is crucial to address the issue of journalists' knowledge of privacy law, its applications or implementation, as well as the difficulties they encounter while practising journalism in Nigeria.

Privacy Law

Privacy is the quality of keeping something private or secret. Privacy law is the body of legislation that controls the alteration, archiving, and application of personally identifiable information (Ward, 2018). Media outlets, governments, nongovernmental organizations, and other people may gather personal health-related data, financial data, and/or any other information about an individual. It also applies to issues like trade secrets and the duty that directors, officers, and staff members have to exercise when handling private information in the workplace.

Privacy laws are also considered within the context of an individual's privacy rights or within reasonable expectation of privacy. The Universal Declaration of Human Rights (UDHR, 1948) declares that everyone has the right to privacy. Though universal, the interpretation of these rights differs from country to country and are not always common among the nations of the world. However, UNO (2022) broadly classified privacy into general privacy laws that have an overall bearing on the personal information of individuals and affect the policies that govern many different areas of information. such as trespass, negligence, and fiduciary.

There are instances of invasion or intrusion into a person's privacy that are considered to be violations. In *Campbell v. MGN Ltd.* 27, the Court of Appeal recognized the difference between

privacy infringement as a free-standing tort (which occurs when there is an intrusion into privacy without the disclosure of private facts) and privacy infringement as a type of breach of confidence. (Which involves the misuse or disclosure of personal or private information). The Court of Appeal stated that the courts were in the process of identifying, on a case-by-case basis, the principles by which the law of confidentiality must accommodate the rights under Art.8 and Art.10 of the Convention. The Court observed that the development of the law of confidentiality since the Human Rights Act 1998 came into force had seen information described as “confidential” not only where it has been confided by one person to another, but also where it relates to an aspect of an individual’s private life which he chooses not to make public, and that it considered that the unjustifiable publication of such information would better be characterized as a breach of privacy rather than as a breach of confidence. This further explains the need to draw a line between what is considered privacy and the breach of it; which makes it imperative to investigate the knowledge, uses and the challenges of privacy law among journalism practitioners in Nigeria.

THEORETICAL FRAMEWORK

This study is anchored on Communication Privacy Management Theory (CPMT).

Petronio (1991 and 2002) introduced the Communication Privacy Management Theory (CPMT), a social science theory that can be divided into micro and macro theories. The three (3) main presumptions of the Communication Privacy Management Theory (CPMT) are that humans are decision-makers, that humans are rule-makers and rule-followers, and that humans base their decisions and rules on taking into account both the needs of others and their own. The theory, which addresses common communication problems among individuals, groups, and organizations, has undergone two (2) decades of name and fundamental premise evolution. The theory is pertinent to this study because it discusses human decision-making and how it affects both their own privacy and other people's privacy. In a nutshell, this paper's main focus is on how to manage the boundaries between private and public interactions when deciding what information to share or not in relationships.

In the contemporary digital world, this theory also applies to this study because as individuals, groups organizations, and even nations, the quest for digital visibility is growing by the day. Driven by this desire, a lot of information is not only voluntarily disclosed, but also registered in the public domains via digital technology which makes the management of such information even more complex.

LITERATURE REVIEW

Several scholars have done series of studies about the law of privacy as it relates to confidentiality, false statement and appropriation as well as the knowledge, uses and challenges of privacy law and journalism in Nigeria. This section of the study analytically reviewed the related literature which focused mainly on the evolution of the law of privacy, the main concepts in the study for clarity and better understanding of the study. The review also explores the journalists’ knowledge, uses and challenges of privacy law in Nigeria.

Importance of Privacy Law in Journalism

The history of "privacy" can be traced back to the dawn of humanity. Despite being as old as humanity, there is no universally accepted definition of privacy among academics. Due to the ever-evolving nature of the era, society, individual, and legal definitions of what is private, as well as the advancement of technology, there is no universally accepted definition of privacy. However, Louis Brandeis and Samuel Warren conducted a study titled "The Right to Privacy" in 1890, which is still regarded as famous and the origin of the modern notion of privacy. The right to privacy was described as "the right to be left alone" by the authors of this seminal study. What is now widely and universally recognized as a fundamental human right in contemporary societies was born out of this. Although human legal systems have developed over time and are intended to protect people's privacy, there is still disagreement about what privacy is and exactly what needs to be protected. Numerous lawyers have attempted to define the term "privacy," but their efforts have only been successful in highlighting one aspect of it. There are many reasons for this, including the fact that a person's private sphere is constantly changing, the term is unfathomable, and technology is advancing quickly. With the long history of both scholars and legal luminaries dealing with privacy, one would have thought that there should be nothing left to do with this concept again. Nevertheless, privacy remains a key issue in the 21st century which demands a solution. The aim of this review is to critically examine the long history of privacy, the scholars dealing with it, and why there is a need to do more to protect privacy of the individuals in the age of fast technological development. (Lukács, 2021).

Studies have shown that privacy has a very long history and that between the 19th and 20th centuries, privacy became accepted. Even biblical passages describing the beginning of creation and earlier ancient societies where privacy violations were evident demonstrate that invading someone's privacy was met with anger and shame. Following a privacy violation, a person experiences shame and rage. Adam and Eve gave this example when they hid themselves in the garden of Eden using leaves in an effort to maintain their privacy.

A review of the various studies reveals that the concept of privacy goes beyond the division between "private" and "public," illuminating the fact that no one lives in isolation and that society engages in a range of sociocultural, political, religious, economic, commercial, and technological activities. Exist now any distinctions between what is private and what is public? Is it clear what information is private and what is public? If so, what limitations are there? The limits are different depending on the time and environment in which we live, say academics. The Laws, a book by Plato, provides an example of this phenomenon where the dialogue depicts a situation where the state and what it wants to achieve determine the members of the society's lives. Society has a strong influence on what is private to an individual. Sadly, the situation described in the book is one in which personal autonomy and freedom were never achieved. In other words, the interests of the general public heavily or significantly influenced life. This occurrence is still occurring today. (Solove, 2013).

The development and dissemination of tabloids, or newspaper, has a fascinating history. The growth of newspapers, which in turn fosters public discourse and photojournalism, led to the publication of a very famous article by Samuel D. Warren and Louis D. Brandeis titled "The Right to Privacy" in the Harvard Law Review in 1890. This article recognized the dangers that societal and technological advancement poses to privacy. The article became well-known among legal

academics because it was regarded as the "undisputed classic" and "the most influential law review article of all time." The authors argued that the law must be changed to create new rights in order to "meet the demand of society" because political, social, and economic changes have an impact on society.

According to them, doing so would help to guarantee the complete protection of the person and the property. Their research identified and emphasized two phenomena as threats to privacy: technological advancement (at the time, instantaneous photographs were the norm), and gossip, which was the stuff of newspaper headlines. This is what led them to define the right to privacy as "the right to be left alone." This definition by Warren and Brandeis served as the foundation for all subsequent laws and changes to laws pertaining to an individual's right to privacy. Lukács (2021) asserts that the right "to be left alone" is intended to guarantee protection against the uninvited or unlawful disclosure of private information, including facts, ideas, and emotions. The four privacy misdemeanors that emerged from US case law were influenced by this article on the right to privacy, which was read as the origin of the law in many nations of the world, including the United States of America. Due to numerous societal and technological developments that favored public acceptance of the concept of privacy, this was seen as a huge success. A closer look reveals that the article had an impact on the legal theory that supported numerous attempts to define privacy. Following that, Europe investigated the idea of the right to privacy and followed America's lead by creating its own system of security.

The ability to keep something secret or private is known as privacy. In some cases, an individual's privacy may be violated by intrusive requests for information. In *Campbell v. MGN Ltd.* 27, the Court of Appeal acknowledged the difference between privacy infringement as a form of breach of confidence and privacy infringement as a separate tort. (which occurs when there is an invasion of privacy without the disclosure of private facts). (which involves the misuse or disclosure of personal or private information).

The standards by which the law of confidentiality must be applied to the rights protected by Articles 8 and 10 of the Convention are decided by the courts on a case-by-case basis, according to the Court of Appeal. The Court noted that as the law of confidentiality has evolved since the Human Rights Act of 1998 was put into effect, information has begun to be referred to as "confidential" not only when it has been revealed by one person to another, but also when it concerns a private matter that a person has chosen not to make public. The Court also stated that it thought the unauthorized disclosure of such information was more appropriately classified as a breach of privacy than a breach of confidentiality.

Privacy in Relation to Confidentiality

The confidentiality provision between the parties acknowledges that each party may, as a result of this "Agreement," have access to and receive from the other party nonpublic, individually identifiable financial and/or health information (NPI), as that term is defined by federal and state law, relating to consumers, customers, former customers, and/or their beneficiaries. (Ward, 2018). The parties understand that such NPI must be kept private. Additionally, they concur that such NPI may only be accessed, used, disclosed, or provided by the parties' duly authorized employees and agents for the purposes of carrying out their obligations under this Agreement.

Each party further agrees to set up and maintain administrative, technical, and physical safeguards to further protect the security, confidentiality, and integrity of the NPI. No man is an island, and no one lives in isolation, which leads to difficulties. Due to this, it is now even more challenging to enforce privacy laws, attempt to protect individuals' privacy, etc.

Accurate information is necessary for federal agencies, Congress, and courts to make informed decisions. Therefore, it is against the law under federal law to provide false information to federal agencies, Congress, or courts. False statements, perjury in court, perjury in other situations, and the encouragement of perjury are all forbidden. Each of the four sections of the constitution carries an imprisonment sentence. With the aid of precise information, the courts and other governmental and non-governmental organizations or agencies can make informed decisions. Fairness, objectivity, impartiality, and public accountability are all part of the Nigeria Press Council's code of ethics. Journalists ought to respect people's and their families' privacy, unless it interferes with the interests of the general public.

Privacy as it Relates to the Law of Appropriation

The term "appropriation" refers to taking something for one's own use—typically without the owner's consent—such as "The Appropriation of Parish Funds." It also describes the artistic process or method of using images from well-known paintings, photographs, etc. in one's own creations. According to the article, it is "the hallmark of postmodernism, which has proven to be appropriation." Although it is stated in Section 37 of the 1999 Constitution of the Federal Republic of Nigeria as amended that "the privacy of citizens of Nigeria, their homes, correspondence, telephone conversations, and the telegraphic communications is hereby guaranteed and protected," there is no such thing as absolute privacy. This is the constitutional guarantee of everyone's right to a private and family life in Nigeria. Although this right is enshrined in the Nigerian constitution, it is still not clear whether or not every Nigerian citizen actually has access to, and can enjoy this right. Is your right to a private and family life, as stated in the constitution, actually guaranteed and protected for you as a citizen of the Federal Republic of Nigeria? When the researchers asked some Nigerians they interviewed for this study the same question, they all responded with a resounding "NO!"

There are restrictions on the right to a private and family life. The Federal Republic of Nigeria's 1999 constitution, as amended, states that this right is subject to the following limitations in Section 45(1): "Nothing in Sections 37, 38, 39, 40, and 41 of this constitution shall invalidate any law that is reasonable in a democratic society:

In the interest of defense, public safety, order, morality, or health; or a) In order to defend the freedom and rights of others.

According to this clause, an individual's right to a private and family life ends where it threatens the security or general well-being of the country; instead, the national interest takes precedence. As a journalist or media organization, it is therefore illegal according to section 39(2) without affecting subsection (1) to reveal the source of or the information that has been given to you in confidence or trust. Journalists shouldn't reveal the source of their information unless doing so would cause public disorder, a lack of safety, endanger public health, or be immoral. As it relates to privacy, this inevitably leads to confidentiality. The Freedom of

Information Act? Yes. but with restrictions! The Official Secret Act of 1962 comes into play for reasons of national security and other matters of national interest. Any information or material that is deemed to be classified is prohibited from being disclosed to the public under this Act. When revealing information to the public poses a risk to national security or otherwise harms it, this is necessary. The Classified Information and Official Secrets Act requires those with access to or exposure to information that is deemed classified to take an oath of secrecy (secret) upon taking office. The officer is not expected to reveal office secrets after taking such an oath, and journalists are not expected to leak or publish such information.

A grave offense against the state is compromising national security. Do not divulge confidential or privileged information. Certain information is very sensitive. Therefore, you should not report or publish information that has not been declassified.

Spying on the security of the nation? They do, indeed! If a journalist publishes information that has not been declassified, that journalist may be accused of being an espion or spy. He or she will have compromised or violated that nation's national security by doing so. Alex Bade is an example of a former defense minister.

The freedom to know is unalienable. Nevertheless, it is clear from the foregoing that the purpose of the Act is to discourage the publication of sensitive information and to safeguard national security. The purpose of the official secret Act is to guard against espionage and sabotage of the country's vital military and security installations. (Malemi, 2017). The complexity of the privacy issue is further increased by the high-tech era's constant change. How much of your personal data does your phone have stored? Online shopping, messaging on social media, and Google Search are just a few examples of information that we try to obtain from Google. Additionally, data from other search engines that we believe is crucial for us to get from the internet (www).

Nowadays, it is practically impossible to carry out any action without revealing specific personal information or details. On a daily basis, Google and Facebook gather a lot of personal data about you. The study looks at how the law of privacy has changed in relation to defamation, confidentiality, and appropriation. It also discusses the need for journalists to constantly work to uphold the moral and legal standards of their esteemed field.

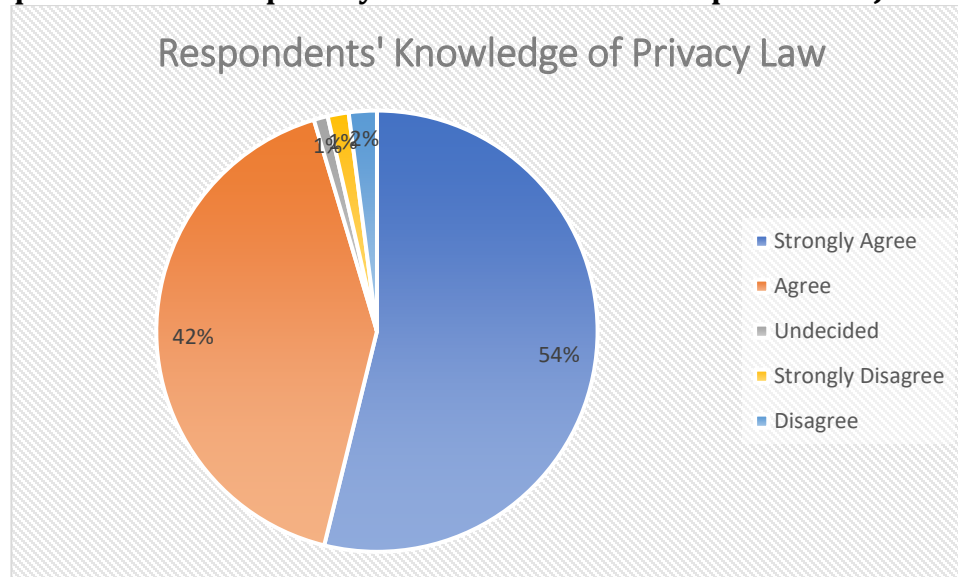
METHODOLOGY

Using a critical analysis of the Communication Privacy Management Theory (CPMT), quantitative and qualitative research techniques were used to answer the questions posed for the study. Out of the six municipal area councils in Abuja, the Abuja Municipal Area Council (AMAC) was deliberately chosen. To arrive at a sample size of 195 respondents, the Yamane (1967) method of sample size determination was used. In-depth interviews were also used in the paper to gather information from an additional five (5) participants. The five interviewees were carefully chosen from among Nigerian journalists with extensive experience in both print and broadcast media. This is based on the estimated 500 registered practicing journalists in Abuja (NUJ, 2022). The sample size for the study is 200, with a 95% confidence level and a margin of error of 5%. There were 195 survey respondents and 5 specifically chosen journalists, totaling 200 for the study's sample size. (Yamane, 1967).

Data Presentation

This section of the study presents and analyzes the primary data collected through the use of questionnaire and interview.

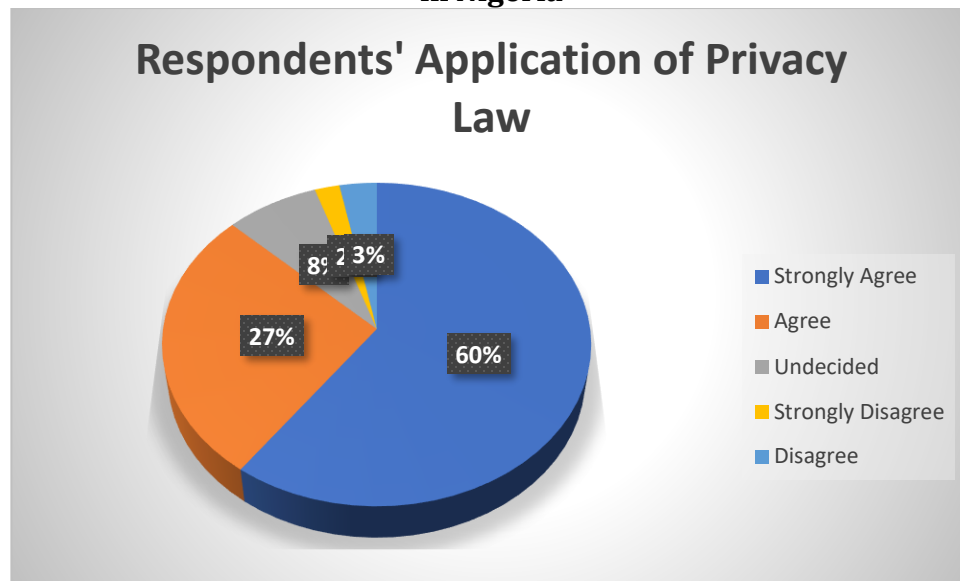
Table 1: Table 1 presents the analysis of data on Respondents' Knowledge of Privacy Law. The following statement was presented to the respondents to get their view/opinion on their knowledge of privacy law: "I have acquired the requisite principles and skills of privacy law as it relates to the practice of Journalism".



Source: Field Survey, 2022

According to the data analysis on Table 1, the majority of respondents (96) are aware of privacy law. The proportion of respondents who strongly agree and agree with the statement about their knowledge of privacy law is indicative of this. 105 respondents, or 54%, strongly agree, while 81 respondents, or 42% of the total respondents, agree that they have learned the privacy law's fundamentals and practical applications. A negligible percentage of respondents (1%), those who strongly disagree (1%) and 2% of those who agree with the statement disagree. To put it another way, only nine (9) respondents (or 4%) opted to withhold their familiarity with privacy law. This analysis suggests that Nigerian journalists were aware of privacy law and had learned it in order to practice their profession.

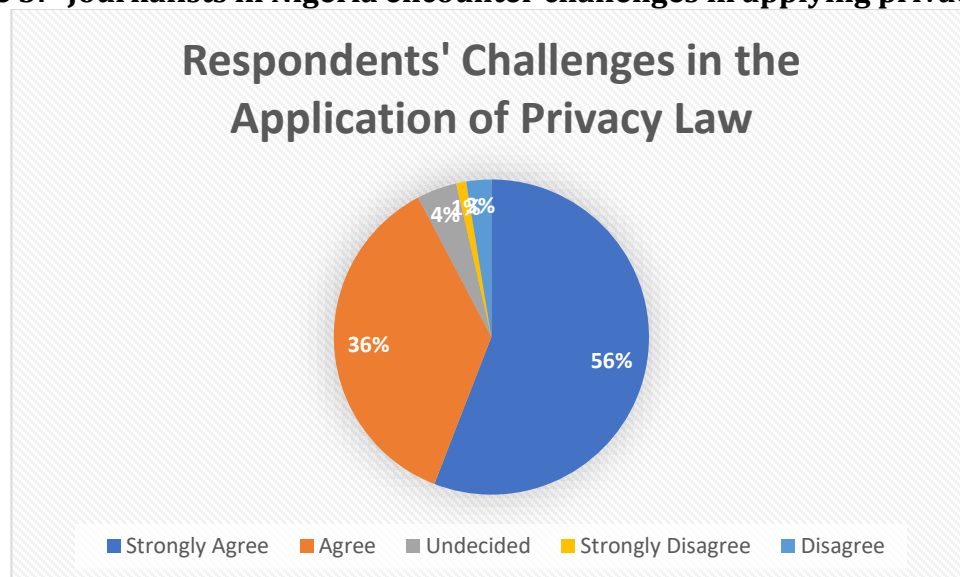
Table 2: Presents Respondents' opinion on the application of privacy law by journalists in Nigeria



Source: Field Survey, 2022

According to the analysis of table 2, the majority (87%) of journalists are considerate of privacy laws when performing their duties. Even though 25 respondents, or 13%, gave different answers, the analysis clearly demonstrates that the majority of respondents used privacy law when working on their journalistic assignments. This finding has the implication that Nigerian journalists minimize or downplay the issue of privacy violations while performing their primary duty.

Table 3: Journalists in Nigeria encounter challenges in applying privacy law.



Source: Field Survey, 2022

Table 3's data analysis suggests that there are difficulties in implementing privacy laws because a resounding 92% of journalists said that these difficulties arise in their daily work.

Presentation of Interview Data

Interviews were conducted with thirty (30) seasoned journalists (minimum of five (5) years and above). The three (3) research questions that concerned the journalists' knowledge of privacy law, the use or application of privacy law, and the difficulties they face when writing and reporting news were all addressed in the interview. For ease of identification, the thirty (30) journalists were split into six (6) groups of five (5) each. These groups are designated as Groups One (G1), Two (G2), Three (G3), Four (G4), Five (G5), and Six (G6), respectively.

During and after their training in universities and polytechnics, as well as through the numerous conferences, seminars, and workshops on privacy Law and journalism practice that they attended, all of the interviewees confirmed that they had a solid understanding of privacy law.

P1 states and I quote:

"I am fully aware of Nigerian privacy laws and the need to abide by their ethical and legal ramifications. During my time at the university studying journalism as an undergraduate, I learned about privacy law. In addition, I have participated in a number of conferences, seminars, and workshops on the subject of privacy law in journalism since I began practicing. Furthermore, **P3** state:

I have undergone numerous trainings on the understanding and application of privacy law, beginning with a core mass communication course in college. (Media Law and Ethics). I have also participated in a good number of conferences and workshops on the use of privacy law in journalism.

All of the participants agreed that journalists strictly follow privacy law, respecting the privacy of all the people and organizations they come into contact with while performing their duties. This was in response to the question of whether or not journalists apply or adhere to the principles of privacy law while practicing journalism. The following are a few of the interviewees' highlights: Participant in Group four (**P4**) affirms:

While performing my duty as a journalist, I am constantly aware of the laws that are in place; however, some of them require review and implementation has proven to be problematic.

On the uses or application of privacy law, all the interviewees affirmed that they do apply privacy law in the practice of journalism in Nigeria.

A Participant in Group two (**P2**) states:

"Yes, I do apply privacy law, especially in the area of nondisclosure of sources of information. Because it makes the informants to have confidence in the journalists".

On whether or not there are challenges in the implementation of privacy law, the interviewees are of the view that challenges exist. "Yes, there is challenge of implementation". The others

said and I quote "The implementation is presently scuttled by tribalism, religious bigotry, egocentrism and all manner of narrow-identity politics". In a nutshell, the opinions of the interviewees agree with the responses of the survey.

RESEARCH FINDINGS AND DISCUSSION

This study was undertaken mainly to find out the perception of journalists about their knowledge of privacy law, its uses or application and the challenges associated with privacy law in journalism practice in Nigeria.

The study's primary goal was to gauge the journalists' familiarity with privacy law. The analysis of the data shows that a sizable portion of journalists are familiar with Nigerian privacy laws as they apply to their work as journalists. The author makes the case that because political, social, and economic changes affect society, the law must also change to create new rights in order to meet societal demands. According to some, this will ensure that both people and property are completely protected.

The study's second goal is to ascertain how Nigerian journalists adhere to or use the law of privacy in the course of their reporting. The results demonstrate that the majority of the journalists who took part in the investigation adhere to privacy laws when conducting their journalism. This finding implies that journalists in Nigeria are conscious of citizens' right to privacy and, as a result, exercise caution when practicing their craft so as not to intrude on the privacy of those they come into contact with while performing their duties. The study acknowledges and draws attention to two phenomena that threaten privacy: technological advancement (back then, instantaneous photographs were common), and gossip, which was the stuff of daily newspaper headlines and informed their definition of the right to privacy as "the right to be left alone." This definition by Warren and Brandeis served as the foundation for all laws pertaining to an individual's right to privacy and changes to those laws. (1890).

In *Campbell v. MGN Ltd.* 27, the Court of Appeal recognized the difference between privacy infringement as a free-standing tort (which occurs when there is intrusion into privacy without the disclosure of private facts) and privacy infringement as a type of breach of confidence. (which involves the misuse or disclosure of personal or private information).

Identifying the difficulties in applying the law of privacy is the third goal of the study. According to research, journalists encounter many difficulties as they practice their profession and work to uphold privacy laws. A closer look reveals that the article had an impact on the legal doctrine that supported numerous attempts to define privacy. After that, Europe looked into the concept of the right to privacy and imitated America by developing its own system of protection. In 1890, Samuel D. Warren and Louis D. Brandeis published "The Right to Privacy" in the *Harvard Law Review*, which quickly gained notoriety for recognizing the dangers that societal and technological advancement pose to privacy. The growth of newspapers stimulates public discourse and photojournalism at this time.

One might wonder if real privacy still exists today. Members of the community kept a close eye on things back then, but issues with urbanization and the growth of economic and commercial

activity in modern cities are present today. These also have serious consequences on the physical and mental privacy of an individual.

In 1890, Samuel D. Warren and Louis D. Brandeis published "The Right to Privacy" in the Harvard Law Review, which quickly gained notoriety for recognizing the dangers that societal and technological advancement pose to privacy. The growth of newspapers stimulates public discourse and photojournalism at this time.

One might wonder if real privacy still exists today. Members of the community kept a close eye on things back then, but issues with urbanization and the growth of economic and commercial activity in modern cities are present today. As a result, despite the fact that 95.5% of journalists are familiar with privacy law, privacy issues are not solely dependent on journalists' knowledge of and application of the law to their work. The New York Times article "How Trump Consultants Exploited the Facebook Data of Millions" and the articles "Pew, Research Americans and Cyber Security" and "7 Biggest Privacy Threats Online" from Pocket_lint and Pocket_lint, respectively, all support this assertion. (2020). The main finding of this study also supports the Communication Privacy Management Theory's (Petronio, 1991 & 2002) central tenet that "humans are choice makers" and that choices people make in everyday communication have an impact on both their own privacy and the privacy of others.

The real conflict today, however, is between a person's right to privacy and the power and resources of governments and corporations. Government organizations like the Central Bank of Nigeria (CBN), the National Population Council (NPC), the Independent National Electoral Commission (INEC), the National Identification Number (NIN), etc., as well as businesses like internet and telecom service providers like MTN, Glo, Airtel, and 9mobile are constantly gathering information about us. Despite their ardent advocacy for the law that safeguards us, the main goal is to monitor us. The more control we have over our privacy, the more control we have over our lives. Privacy is about power. Since the beginning of time, there has never been a large-scale system or set of tools fighting against the right to privacy as there are today. Sometimes the very society or law that seems to uphold a citizen's rights actually does the opposite.

Leaks of documents and the 21st century's privacy challenges have brought digital privacy to an unheard-of level. The future of high technology in the twenty-first century presents no less of a challenge to the law governing privacy than it does to the real privacy enjoyed by those who aspire to it. Privacy was much better than it is now in the pre-digital era when there was communal life and no man-made laws. Is there anything really to hide today, I wonder? Just take a look at the following: Personal data exhaust, data brokers, online trackers, GDPR compliance in European countries, and gross hacking.

Data privacy and consent, including volunteering and hacked data, have a significant impact on us. Each year, at least 50 trillion pieces of data about us are collected by all online and digital businesses! The purpose of the law is to protect us from harm of all kinds, including harm to our privacy. Invasion of privacy, as it is known, is still a major problem in the twenty-first century. This includes peeping into a person's private space, intentionally invading their space,

Misappropriation of a person's name or likeness is illegal, as is the public disclosure of personal information or the casting of a person in a false light.

It should be noted that everyone is susceptible to appropriation; it is not just celebrities. The challenges are enormous and extremely complicated as a result of these.

The "Freedom of the Press" guarantee of the First Amendment is likely to be violated if media outlets are forbidden from using newsworthy figures' names or images when reporting or commenting on the news because some of them have privacy restrictions. In light of this, names and images of newsworthy individuals can be published or printed by newspapers and other media without necessarily getting their consent. This particular element would have been crucial. The benefits, however, are still very far from being realized, as evidenced by the experience or reality on the ground during journalism practice in both developed and developing countries.

CONCLUSION

Nigerian journalists are proficient in the application of privacy laws. The application of privacy law has been made significantly more difficult by the advancement of digital technology. Does a Privacy Law actually exist? Yes, every person's right to privacy is protected by a constitutional and statutory provision. There are also challenges. One of the challenges is the disregard for each person's right to privacy. For instance, the recent search of Sunday Adeyemo's home in the South West of Nigeria, also known as Sunday Igboho, is a flagrant illustration of how the APC-led government of Buhari is violating the constitutional right to privacy of its constituents. By 2 am, the Nigerian Security agencies (DSS, among others) had raided Sunday Igboho's home, killing some people and destroying property worth millions of naira.

The right to privacy has always been and will always be essential to human life. Prior to the development of the various constitutional, legal, and provisions for personal privacy, mankind had the instinct to decide what should be kept private and what should be made public. There are certain body parts that individuals consider to be "private" and are not anticipated to be exposed or disclosed to others, even within the same individual.

It's much more difficult than it seems to comprehend the idea of privacy. The result is that academics do not have a common definition of privacy. Researchers have discussed privacy from a variety of sociocultural, religious, and legal perspectives. The fact that this term has so many definitions shows that it can be used in a variety of contexts.

The concept of privacy is becoming more and more difficult as human knowledge and population have grown, evolving into socio-cultural, socioeconomic groups, communities, and eventually the complexity of human societies and technological advancements of the modern era. Therefore, a number of laws and regulations are made to safeguard citizens' rights to the privacy of their personal, family, and professional lives. The review demonstrates or identifies the opportunities and difficulties presented by the Law of Privacy, as well as its various definitions, historical context, legal and constitutional provisions, and practical applications to the practice of journalism in Nigeria today.

RECOMMENDATIONS

Based on the findings, the study recommends that

- 1 Upcoming journalists should endeavour to acquire and apply the knowledge of privacy law.
- 2 Government law enforcement agencies should make sure that each citizen's privacy is respected and safeguarded. Legislators should formulate laws and policies which provide for protection of citizens.
- 3 Tech firms should ensure that private information of their subscribers is protected from intrusion.
- 4 Media companies should make an effort to hire journalists who have received training and are knowledgeable about privacy law as well as the fundamentals of journalism, and they should make sure that the journalists they hire uphold the standards and ethics of the industry.
- 5 The Nigeria Union of Journalists (NUJ) should make it a requirement for all trained journalists to register with the union in order to have an accurate count of registered journalists in each of Nigeria's major towns and cities.
- 6 Journalism training institutions such as Universities and Polytechnics in Nigeria should include privacy law in their curriculum.

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