

Data Privacy and User Rights in Digital Libraries - Need for legal safeguards in India

Mr. Swaraj Jitendra Kadam¹, Mr. Arvind Nivrutti Dagale²

¹ Student, Bharati Vidyapeeth's Yashwantrao Chavan Law College, Karad

² Librarian, Bharati Vidyapeeth's Yashwantrao Chavan Law College, Karad

Abstract

Digital libraries have transformed the way information is accessed, shared, and preserved in India. Students now depend a lot on online sources for learning, from Digital Library maintained by universities. But, this fast move to digital libraries has brought up different questions about data privacy and user rights. Digital libraries collect most of data, like personal information, search history, reading habits, device data, and behavior insights. Without strong privacy protections, there's a real danger of misuse, profiling, watching, and data sharing. This paper looks at how Indian law now deals with these worries and current rules, such as the Digital Personal Data Protection Act, 2023, are good enough to protect digital library users. By comparing India's approach with international norms, the paper shows key gaps in legal protections. It also checks the technical and organizational problems libraries have in making sure of privacy and suggests changes to make a safe, clear, and rights-based digital learning space. The need for specific privacy rules in digital libraries is a key demand for India's growing knowledge system.

Keywords: Digital libraries, data privacy, user rights, India, Data Protection Act 2023

1. Introduction

Digital libraries have become an essential part of India's educational and research field. Initiatives like the National Digital Library of India and e-ShodhSindhu, along with many college collections are present & most of people depend on these sources for quick, easy, and affordable access for information. But, as we rely more on digital tools, data privacy and user rights are more of a worry. Each time someone logs in, searches, or downloads, they leave bits of information about themselves. This information can show what they study, what they read, and even what sensitive issues they look into. Many people do not know how much information is taken or the way it is kept and given to others. India has tried to control digital data through the Digital Personal Data Protection Act, 2023, but there is still no special rule for digital libraries. This lack causes worries about transparency, user consent, and data security. This research paper looks at these problems and says we urgently need stronger legal protections for user privacy in India's growing digital learning tools.

UNDERSTANDING DIGITAL LIBRARIES

Digital libraries are online sites that store and share digital resources like books, journals, articles, theses, reports, audio-visual items, and research databases. Unlike traditional libraries where people need to be there in person, digital libraries let people learn from anywhere at anytime. They aim to keep knowledge safe and make learning easier for everyone.

In India, digital libraries have grown a lot because more people have internet and the government has pushed them. The Digital Libraries gathers many resources from different places, and university collections and store data. Digital libraries use a lot of technology. They sort content, watch how people use it, and suggest things to users. This makes a lot of data, like logins, searches, reading habits, devices, and how long people use the site. This helps improve the experience, but it also leaves a trail of what people are interested in.

Since digital libraries are learning tools and tech systems, they bring up questions about who owns the data, who controls it, and how private it is. It's important to know how they work before looking at the privacy worries and legal problems around them.

DATA PRIVACY CONCERNS IN DIGITAL LIBRARIES

Digital libraries are becoming of Central importance in learning and they gather a lot more personal information sometimes without people knowing. Regular libraries usually keep things private but digital libraries track almost everything you do. This can cause worries about privacy, especially if users don't know about the information collected.

One of the issue is that digital libraries keep track of what you read and search. They often record what topics you look into, what books you read, how long you spend on each thing, and how often you visit. This makes a full picture of what you're interested in, which can be private, mainly in fields like politics, religion, gender studies, rights, or law. This kind of tracking might make people feel watched, which could affect academic freedom.

Another problem is collecting personal info like names, emails, numbers, school IDs, and passwords. If this information isn't kept safe, it could be stolen or seen by people who shouldn't. The risks are bigger when digital libraries use other companies for hosting or cloud services because data might go to other countries.

Also, digital libraries sometimes share general information or data about habits with other schools, publishers, or tech companies to study data and make things better. This might not always be bad, but it's not clear whether they tell users or get their consent. Many users agree to privacy rules without reading them, so they don't know what might happen to their data.

There's also a risk of cyberattacks. Schools often don't have much money for cybersecurity, which makes digital libraries an easy target for hackers. These worries show that we need better laws and clear ways to manage data in digital library systems.

LEGAL FRAMEWORK IN INDIA

India does not yet have a single, dedicated law that governs privacy in digital libraries. In India user data is regulated through a mix of general privacy laws, judicial decisions, and sector neutral rules. The key elements of this framework are -

1. Digital Personal Data Protection Act, 2023 (DPDP Act)

The DPDP Act is India's primary law on personal data protection.

It requires every organisation including digital libraries to collect and process data only with clear, informed consent.

Users (students, researchers, faculty) have rights such as, Right to access their data; Right to correction; Right to grievance redressal

The Act also mandates purpose limitation that means a library cannot use user data for anything beyond what it has declared.

However, the Act does not address library-specific concerns, such as reading history, academic profiling, or long-term archival data.

2. Information Technology Act, 2000 and IT Rules, 2011

These laws require organisations to adopt reasonable security practices, like encryption and secure storage.

Digital libraries often rely on these provisions to safeguard data.

But the IT Act was created for general electronic records and not for educational or academic platforms.

3. Constitutional Protection: Right to Privacy

In Justice K.S. Puttaswamy v. Union of India (2017), the Supreme Court declared privacy a fundamental right.

This protection includes the privacy of one's reading habits, research interests, and intellectual choices making it highly relevant for digital libraries.

4. Other Indirect Laws

The Copyright Act and RTI Act influence access and digital content use, but they do not deal with user privacy.

Universities typically create their own privacy policies, leading to lack of standardisation.

INTERNATIONAL LEGAL STANDARDS

Across the globe, digital libraries operate under different legal and ethical frameworks that place strong protection on user privacy. Studying these standards can help India to learn while shaping its own safeguards.

1. General Data Protection Regulation (GDPR) (European Union)

The GDPR is regarded as the strongest privacy law globally.

It requires organisations, including digital libraries to follow principles such as data minimisation, purpose limitation, and explicit user consent.

Users have the right to access, delete, or correct their data & libraries must maintain transparency about how information is stored or shared.

GDPR also mandates strict security practices which has pushed European universities to adopt strong privacy protocols for their digital library services.

2. IFLA Privacy Guidelines (International Federation of Library Associations)

IFLA provides globally recognised ethical standards for libraries.

It emphasizes confidentiality of user records, freedom of information, and non-surveillance of reading behaviour.

These guidelines treat reading habits as deeply personal and discourage unnecessary tracking of user activities.

3. United States Library Privacy Laws

Many U.S. states have laws protecting library records from being disclosed without a court order.

Public libraries follow the American Library Association (ALA) Code of Ethics which prohibits tracking or profiling users unless absolutely necessary.

After concerns raised under the USA PATRIOT Act, libraries adopted stronger encryption and data minimisation practices.

4. OECD Privacy Principles

The Organisation for Economic Co-operation and Development established early global standards for data handling.

Its principles focus on fair collection, security safeguards, and accountability, forming the foundation of many modern data protection laws.

International practices show that user privacy in libraries is treated as a core academic right. These standards shows the need for India to develop more detailed and library-specific privacy protections.

CHALLENGES IN ENSURING PRIVACY IN DIGITAL LIBRARIES

Protecting privacy in digital libraries is a complex task that involves more than safe data storage. A key problem is that many organizations have tech that isn't up to par. A no. of schools and libraries still use older software or affordable systems that lack strong security features. Because digital risk change so fast, these systems are open to attacks. This puts user information at risk from hackers.

The amount of data that digital libraries gather is also a worry. Each click, search, download, or reading habit adds to a users online track. Some data helps improve the user experience but often it is taken without a real need or clear permission. This over-collection raises the chance of profiling, where a users study interests or reading behavior could be watched or studied in ways they might not expect.

Organizational limits are also of importance. Many educational groups in India lack experts in data protection or online safety. Librarians and IT workers often handle privacy tasks along with their regular jobs. This lack of skill can cause oversights, uneven security steps, and unplanned risks. Low funding limits the power of groups to invest in current security systems.

On top of these worries, India lacks clear legal rules for libraries. Since the law doesn't set standard rules, each organization makes its own plan for user privacy. Some libraries have clear privacy policies, while others don't have any. This lack of agreement weakens responsibility and makes users unsure about how their data is handled.

NEED FOR LEGAL SAFEGUARDS IN INDIA (WITH RECOMMENDATIONS)

The expansion of digital libraries in India has broadened knowledge access but introduced serious privacy concerns. Current legal safeguards for students, researchers, and faculty lack specifics on how digital library data is handled. This highlights the need for precise legal protections that treat reading and research habits as sensitive personal information. Without this the academic freedom could be at risk.

Digital library user privacy should be a distinct legal subject similar to medical or financial data. Reading history, search queries, and downloaded materials can expose someones interests, politics, or values. This kind of information needs better protection and libraries should require permission before tracking or sharing it. Clear legal standards would also give institutions a better sense of their duties instead of depending on varied, inhouse policies.

Several steps can improve user protections,

First : India could create library privacy guidelines that define rules on data collection, storage duration, and usage purposes.

Second : digital libraries should improve consent processes making sure users understand what information is taken or collected.

Third : institutions should practice data minimisation, keeping only essential data for library operations.

Fourth : regular security checks and encryption should be required, especially for platforms managing large amounts of academic data.

Fifth : each institution should have a data protection officer to ensure rules are followed.

User awareness is also important part. Students and researchers should learn about their rights, like the right to view, fix, or delete their data. Simple, clear privacy policies can help build trust.

In short, India needs a framework that balances digital knowledge access with strong user privacy safeguards. Solid legal protections will keep digital libraries as places of open inquiry, learning, and academic independence.

CONCLUSION

Digital libraries play a important role in Indias education sector, giving new access to information and fixing problems with study materials. This ease of use brings duties. As people use online sites more for learning, keeping their information safe about what they read, and their ideas is very important. Privacy in these libraries is more than a technical thing it affects academic freedom and the right to think freely, without worry about being watched or having information misused. India's Digital Personal Data Protection Act of 2023 is a step, but it doesn't meet the special needs of digital libraries. Without clear rules, practices differ among system which can expose users to leaks, profiling, and access they didn't allow. To keep faith in digital learning, India needs better protections for libraries. These should focus on openness, collecting only needed data, getting user approval, and strong security. Protecting privacy in digital libraries helps keep info safe and protects the freedom that true learning needs.

Reference

1. Government of India. (2000). Information Technology Act, 2000.
2. Government of India. (2011). Information Technology (Reasonable Security Practices and Procedures) Rules, 2011.
3. Government of India. (2023). Digital Personal Data Protection Act, 2023.
4. International Federation of Library Associations and Institutions. (n.d.). IFLA privacy guidelines. <https://www.ifla.org>
5. Organisation for Economic Co-operation and Development. (2013). OECD privacy principles. <https://www.oecd.org>
6. Sharma, R. (2022). Data protection and user rights in the digital era. Eastern Book Company.
7. Singh, A. (2021). Digital libraries in India: Opportunities and challenges. *Journal of Library & Information Science*, 12(2), 45–57.
8. Smith, M. (2019). Protecting privacy in academic libraries. *Library Technology Review*, 33(4), 112–128.
9. Supreme Court of India. (2017). Justice K.S. Puttaswamy (Retd.) v. Union of India, 10 SCC 1.
10. University Grants Commission. (n.d.). National Digital Library of India (NDLI) documentation. <https://www.ndl.gov.in>
11. European Union. (2018). General Data Protection Regulation (GDPR). <https://gdpr.eu>
12. American Library Association. (n.d.). ALA code of ethics & privacy guidelines for libraries. <https://www.ala.org>