

Assignment No. 3

Professional Practices for IT



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Privacy Issues / Crimes on Social media

National Level Cases

Case No. 1 - Twitter

On November 27 2022, the FIA arrested Senator Azam Swati for the second time over a **“highly obnoxious campaign of intimidating tweets against state institutions”**.

The arrest came after an FIR was registered by the FIA on the complaint of the state through Islamabad Cyber Crime Reporting Centre Technical Assistant Aneesur Rehman.

Prosecuted Under

FIA booked him in a case registered under Section 20 of the Prevention of Electronic Crime Act 2016 (PECA), which deals with offences against the dignity of a person.

Court Decision

On December 2, Swati was brought to Quetta from Islamabad in one such case registered at the Kuchlak police station, after the end of his initial 14-day remand. Subsequently, the judicial magistrate of Kuchlak remanded Swati in police custody for five days.

But on Friday, the Balochistan High Court ordered the quashing of all five cases registered against him in the province.

Reference

<https://www.dawn.com/news/1727173>

Case No. 2 – Different SM Sites

Federal Investigation Agency (FIA) has found singer Meesha Shafi and eight others guilty of running a smear campaign against singer and actor Ali Zafar on social media.

According to details, the agency’s cybercrime Lahore wing has completed the investigation of the case and prepared a challan, stating, “During the course of inquiry so far Meesha Shafi, Iffat Omar, Maham Javaid, Leena Ghani, Haseemus Zaman, Fariha Ayub, Syed Faizan Raza, Humna Raza and Ali Gul Pir have been found guilty as per available oral and documentary evidences.”

FIA stated that Meesha had posted false allegations of sexual harassment against Ali Zafar on April 19, 2018 as she failed to justify them or produce any witness.

Prosecuted Under

FIR was registered on the court’s order in September last against them under section 20 (1) of Prevention of Electronic Crimes Act 2016 and R/W 109-PPC.

Court Decision

The court granted bail and the case is still in progress.

Reference

<https://dunyanews.tv/en/Entertainment/578426-FIA-finds-Meesha-Shafi-guilty-running-smear-campaign-Ali-Zafar>

International Level Cases

Case No. 1 – Tiktok Prank Videos

Bacari-Bronze O'Garro, known on social media as Mizzy, was charged for his actions in widely shared social media footage showing him walking into someone's home without permission. Other videos allegedly show him pestering train passengers and entering a man's car claiming it is his Uber. The case gained significant attention due to its presence on social media.

Prosecuted Under

O'Garro was charged with failing to comply with a Community Protection Notice. This charge typically involves behavior that is having a detrimental effect on the quality of life for those in the locality and is persistent or continuing in nature.

Court Decision

As of the latest update, O'Garro is due to appear in court. The final decision is pending.

Reference

<https://www.bbc.com/news/uk-england-london-65693309>

Case No. 2 – Misuse of WhatsApp

Five Dorset Police officers faced allegations of breaching the force's professional standards. They were accused of posting pornographic, misogynistic, and racist messages in a team WhatsApp group, creating a "toxic" and "bullying" environment.

Prosecuted Under

The officers were accused of gross misconduct, which typically involves a serious breach of the standards of professional behavior that the public expects of police officers.

Court Decision

The officers deny the allegations and the case is currently in a disciplinary hearing. The final decision is pending.

Reference

<https://www.bbc.com/news/uk-england-dorset-65685789>

Implemented Privacy Laws

Mexico

- **Federal Law on Protection of Personal Data Held by Private Parties (LFPDPPP):** This law regulates the processing of personal data by private entities and individuals. It requires data controllers to provide notice to data subjects about the purposes of processing, obtain consent for processing, ensure data quality, implement security measures, and respect data subject rights.
- **General Law on the Protection of Personal Data Held by Regulated Subjects:** This law applies to the processing of personal data by any authority, entity, organ and body of the Executive, Legislative and Judicial Powers, autonomous bodies, political parties, public trusts and funds. It establishes the basis and principles for the protection of personal data.
- **Federal Telecommunications and Broadcasting Law:** This law contains specific provisions related to the protection of personal data by telecommunications concessionaires and authorized parties.

Hong Kong:

- **Personal Data (Privacy) Ordinance (Cap. 486) (PDPO):** This ordinance regulates the collection and handling of personal data. It was significantly amended in 2012/2013 with regard to direct marketing and further amended in 2021 to introduce new offences of doxxing and corresponding penalties.
- **Personal Data (Privacy) (Amendment) Ordinance:** This amendment introduces new offences of doxxing and corresponding penalties. It also proposes to expand the definition of personal data to cover anonymized information where the relevant individual can be re-identified.
- **Data User Return Scheme (DURS):** Under this scheme, certain classes of data users are required to submit data returns containing prescribed information to the Privacy Commissioner for Personal Data (PCPD), which will compile them into a central register accessible by the public.