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Right to be Forgotten

Ms. Bhawna Solanki

A reality show competitor has filed a petition with the Delhi High Court, requesting that his recordings, images, and articles be removed from the internet, invoking his "Right to be Forgotten (RTBF)."

The petitioner further claims that the "Right to be Forgotten" is compatible with the "Right to Privacy," which is enshrined in Article 21 of the Constitution (Right to Life).

About the Right to be Forgotten:

The right to be forgotten (RTBF) is "the right to have publicly available personal information erased from the internet, search engines, databases, websites, and other public platforms when it is no longer essential or relevant." Following the Court of Justice of the European Union's ("CJEU") judgment in the Google Spain case in 2014, the RTBF acquired prominence.

Under the General Data Protection Regulation, RTBF has been recognised as a statutory right in the European Union (GDPR). A number of courts in the United Kingdom and Europe have affirmed it.

India's situation is as follows:

There is no law in India that particularly protects the right to be forgotten. The Personal Data Protection Bill of 2019 did, however, recognise this right. The Information Technology Act of 2000 establishes safeguards against some data breaches from computer systems. It has mechanisms in place to prevent unauthorized access to computers, computer systems, and the data they contain.

Personal Data Protection Bill and RTBF:

The Personal Data Protection Bill was tabled in the Lok Sabha in December of this year. Its goal is to establish measures for the protection of persons' personal data. The "Right to be Forgotten" is mentioned in Clause 20 of Chapter V of this draft proposal, which is headed "Rights of Data Principal."

It states that the Data Principal (the person to whom the data is related) should have the right to restrict or prevent a data fiduciary from publishing his personal data. As a result, users can de-link, limit, erase, or modify the disclosure of their personal information held by data fiduciaries under the Right to be Forgotten.

Any person, whether the state, a firm, a legal organization, or an individual, who chooses the purpose and means of processing personal data alone or in collaboration with

others is referred to as a data fiduciary. DPA (Data Protection Authority): Even yet, the sensitivity of personal data and information cannot be evaluated freely by the individual involved; instead, the Data Protection Authority will be in charge of monitoring it (DPA).

This means that, while the proposed law allows a data principal to request that his or her data be removed, such requests must be accepted by the DPA's Adjudicating Officer. This officer will need to consider the sensitivity of the personal data, the scope of the disclosure, the degree of accessibility sought to be restricted, the role of the data principal in public life, and the nature of the disclosure, among other things, when evaluating the data principal's request.

Right to Privacy and RTBF:

The RTBF is controlled by the Personal Data Protection Bill, 2019, which protects an individual's right to privacy. In the historic Puttaswamy case, the Supreme Court proclaimed the right to privacy to be a fundamental right in 2017.

The right to privacy is safeguarded as an integral aspect of the right to life and personal liberty under Article 21 and also as a part of the freedoms granted by Part 3 of the Constitution, the court stated.

Challenges

Right to be Forgotten and Public Records: The right to be forgotten may collide with situations regarding public records. For example, according to Section 74 of the Indian Evidence Act-1872, 'judgements have always been recognised as public documents and fall under the concept of a public document.' The RTBF cannot be extended to official public records, particularly court records, because this would erode public trust in the judicial system over time.

Individual vs. Society: The right to be forgotten creates friction between people's right to privacy and society's right to information and freedom of the press.

Way Forward

The right to privacy and the protection of personal data (Article 21) must be balanced with internet users' freedom of information (Article 19).

A comprehensive data protection law must address these concerns while minimizing the conflict between the two basic rights that make up the Indian constitution's golden trinity (Articles 14, 19, and 21).

Role of Public Relation (PR) in Education sector

Mr. Sonia Arora

The Educational sector is a very large sector in India. It includes primary and high schools, under-graduate and post-graduate colleges, B-schools etc. Though a large part of India is still rural, the education institutions at that level include small government and private schools and vocational colleges.

Today, good public relations are vital to the successful functioning of any educational institutional. Public relations in education institutes at lower levels are almost non-existent. The schools never go in for conferences or promotion. The awareness is not very high. The only PR tool they end up using without realization is promotion through word of mouth.

In urban areas, however, education has become a crucial factor for survival. In the last few years, higher and specialized education has topped the trend. Higher education has its own challenges. Critics call it too expensive. University faces competition for students and declining resources. Universities usually have three charges to fulfill: Teaching, Service, and Research. Therefore, the role of PR comes in to picture. Institutes use PR techniques to promote themselves and gather brand recognition. This gives them better visibility and attracts crowd. Also, Alumni play a very crucial role as they have their own interest in their Alma matter.

The work of public relations is to create a favorable image of any organization. In such cases, PR benefits the small educational hubs but the customers they attract are at a loss. Maintaining community relations applies for those activities dedicated to upholding the image of the institution or maintaining and promoting understanding and favorable relations with the community or public at large.

It also requires funds although the expenditure is much less than any advertising tool. Research says that the general public would trust a public relation activity more than any advertising which they know has been paid for. Education Institutes use public relations both internally and externally. Internal PR stands for PR within the organisation and its employs. External PR stands for maintaining favourable relations with the public.

Events are held within the organisation for the members to build a good rapport amongst themselves and smoothen communication. Faculty/Staff Handbook, Faculty meetings, Faculty luncheons, News releases e-mailed to F/S & posted online are other tools to facilitate internal PR.

The purpose of internal PR is to clear communication about organizational intentions, activities and performance, improve sense of cohesion among employees, and circulate adequate task-related information, positive information regarding an organization's ability to provide challenging and meaningful tasks.

The external PR of any organization is when the institute holds several conferences, sends out press releases, manages events and keeps itself much in the public glare for better promotion and more recognition. Institutes these days maintain special ALUMNI Relations Cell through which they keep in constant contact with their students who have passed out and are doing well in the industry. They do it for the purpose of a better brand name and to ensure decent placements to the upcoming batches through their contacts. And with, internet taking the centre stage for all communication, the role of PR here becomes precise yet demanding. Use of social media sites, blog, pod-cast etc is the tools available on the PR professional at the fingertip giving them a wide scope of reaching out.

Future Trends

Today the public is already online, and the internet allows anyone to be a publisher. Public relations practitioners must learn how to use the internet efficiently to address these issues for their clients.

The future of PR in education sector says that the clients will expect more. They would want exclusive access to information as media is transforming. There would be information flow in every dimension. People would ask for transparency in information. Public relations specialists are struggling to recognise the impact that the internet, and its associated communication tools (such as, virtual communities), will have on how communication occurs. Reaction is slow to the changes being made in business and culture.

The five major trends in the next three years that impact public relations are as follows.

- More individual publishing (blogging).
- More noise (that is, the amount of information people are bombarded with each day including advertisements and so forth
- More media outlets
- Greater direct communication and
- Public relations becoming more accountable