

## ABSTRACT

Social media is a platform for people to discuss their issues and opinions. It's a place to gain knowledge; to share ideas and details. Social media allows people to share or exchange information, ideas, images, videos and even more with each other through a network. Technology has a rapid development and it has many new inventions of portable equipment which are user-friendly and easy access to SMNs. With all these social media network and small devices i.e. pocket computers, laptops, iPads and even smart mobile phones (which support internet) everyone in the world can meet each other at once. Easy access to social media makes more easy way to challenge and violate privacy rights. There is a doubt to SMN users that, are there proper laws and regulations to monitor the information or the privacy of the people? This dissertation first focuses on the privacy-related challenges faced by the users of social media networks. Secondly, it focuses on identifying the limitations of the existing Sri Lankan laws to battle the invasion of privacy issues on social media.

In Sri Lanka, there are several statutes aiming to protect online users. Those include Computer Crimes Act, No. 24 of 2007, Right to Information Act, No. 12 of 2016 Interconnection Rules of 2003 under Sri Lanka Telecommunication Act No 25 of 1991 (as amended by Act No 27 of 1996), Evidence (Special Provisions) Act, No. 14 of 1995 and Information and Communication Technology Act No. 27 of 2003, (ICT Act). However, as observed by this dissertation there is not a single statute explicitly addresses the issue of protecting online privacy of social media users, leaving that to be handled by the social media platforms. Nevertheless, it can be noted that Computer Crimes Act, No. 24 of 2007 attempted to address some criminal aspects of protecting online privacy of users. Criminal Investigation Unit of Sri Lankan Police also actively participate to protect users from computer crimes. On the other hand, there is no protection in civil laws of Sri Lanka for the privacy. However, when considered Roman Dutch

Law; the common law of Sri Lanka, it has a kind of protection from violations of privacy rights under *Actio Injuriarum*. Whereas many scholars believe that *Actio Injuriarum* merely focuses on the protection against defamation (*fama*) it is a broad action which covers the protection of bodily integrity (*persona*) and dignity (*dignitas*). A violation of privacy rights may amount its defamation or a threat to dignity of a person. Therefore, a victim can file injuriarum action to recover damages which occurred as a result of invasion of privacy via social media. Also, there are new aspects for injuriarum action because of judicial interference and new aspects of wider interpretations. As such, this thesis argues that given that Sri Lanka does not have adequate legal framework to address the civil aspects of social media based privacy issues, the most viable available solution to address the issue is to file injuriarum action.

In a comparative perspective, the EU and the USA have common mission to protect privacy of the people from social media. They consider privacy as a fundamental right. There are several directives and laws to protect privacy of users in EU and USA.

This dissertation examines the manner in which the law has evolved by reviewing the writing of scholars, legislative enactments, European Union directives, USA legislative enactments mainly Consumer Privacy Bill of Rights Act of 2015, reports of law commission and judicial pronouncements. Overall, the main objective of this dissertation is to examine the challenges in formulating a legal regime to encounter privacy interferences in cyber space, i.e. internet especially in the context of social media in the Sri Lankan context. In conclusion, it considers the appropriateness of introducing privacy related regulations as means of protecting online privacy.

**Keywords:** social media, right to privacy