

THE NEED FOR DATA PROTECTION IN A SRI LANKAN CONTEXT: A CRITICAL REVIEW WITH SPECIAL REFERENCE TO THE PANDEMIC PERIOD

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The Covid-19 has had a profound impact on the daily lives of the individuals where everyone has been put under surveillance with the ultimate objective of keeping them protected from the Covid-19 pandemic. Many systems were put in place to track the movements of people when they travel from one place to another, where biometric data belonging to such were collected using both primitive means as taking their information in a record book to advanced systems of data gathering such as using QR scanners. While these data are extracted from individuals which is a part of their identity, the extent to which these data are going to be processed and used is not properly mentioned at the time of collecting such data and the legal system in the country is inept to provide any protection to those individuals since neither the statutory law or the common law has recognized a right to privacy which could come in aid to help these people protect their data. In this background, by using a qualitative method with a comparative analysis of the existing law in the United Kingdom, this paper attempts to critically evaluate the rights of the data subjects from whom such data is gathered and to propose changes in the existing legal system to better protect the personal integrity of those who have to give their personal data to both governmental and private institutions, especially in situations where the national security and public health becomes a major concern, as in the instance of the Covid-19 pandemic. The results reveal that the existing legal framework in the country is totally inadequate to provide any kind of protection to these data subjects and developing a legal framework based on the eight principles of data protection as advanced in the United Kingdom inclusive of Fairness, specificity, adequacy, accuracy, time limitation, consideration of other rights, security and non-sharing with unprotected countries is a sine qua non to protect the data subjects in Sri Lanka.

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