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The Meaning of the 'Privacy Territory' Concept

The word 'privacy territory' is composed of two parts of 'territory' and 'private.' The first part means restriction and ban, and the second part means personal and being independent. According to the mentioned meanings, the first and simple definition of 'privacy territory' is: an area that due to its specialty, first, people have the right to decide about themselves independently and exclusively. Second, others do not have the permission to enter and attend there, and the owner of the territory has the right to be secured against any kind of interference in his private life and affairs made through publicizing of his personal information or by means of physical instruments. Furthermore, he has the right to resist and stand against any unwanted presence and transgression of others in this exclusive area.

Even though there is a general and common interpretation of this term of 'privacy territory,' scholars during all ages till now could not present a monotonous and decisive definition for this term due to high dependency of this kind of right to the environmental culture and conditions. Instead of that, for making known the concept of this kind of right (which is one of the most tangible and applicable rights of humanity), they expressed some specifications of that (like individualistic characteristics, religious dependency, political and social opinions and ideas, individualistic and family relationships) or attempted to determine the area of 'privacy territory' by separating the private area from public one and based the definition of both these two areas on distinguishing aspects of them.

Based on these aspects, the personal and private area includes just those affairs related to the person's own life and destiny and others have no detriment or benefit from them. Public area consists of the affairs of whose benefits and detriments not only the person himself, but also others have some shares.

The absence of a decisive and exact definition of 'privacy territory' is regarded as one of the significant challenges of today's legal systems. The basic reason for disagreements on a single definition for this right is resulted from one side from different elements that have strong effects in determining the area of human privacy (like: cultural and customs, political and economic structure, faiths and society beliefs) and vary from terms and situations point of views in different societies and on the other side from different personal and social states and positions of human, originating from his characteristic complexity

and putting them together in a single and simple definition is impossible.

The necessity and significance of presenting a decisive definition for the right of privacy territory is because this causes a suitable and correct recognition of this right and provides the possibility of its safeguarding and supporting against others' illegal violation and transgression.

To define 'privacy territory' as a violation-proof area of each human personal life, considering paying attention to the elements and fundamentals of this right is necessary. These fundamentals are:

A. Being private

In fact, this element is the distinguishing characteristics of the private area from the public one. What is placed in the private area is solely related to the person's destiny; however, affairs related to the public areas are common among individuals of society and do not have any specific aspect.

B. Being secure

Security and safeguarding of a person's privacy area against others' violation and transgression are taken as the main fundamentals of this right. In the territory of this right, people expect that others cannot access or interfere with their zones of privacy or find command or surveillance over them except with privacy owners' permission and satisfaction. Security in people's privacy causes them to be able to keep their personal life's affairs safe from other's access and violation and to prevent these personal and special data from revealing.

C. Having freedom

On the basis of this important element, people in their own private life can determine their ways of lives freely and independently within their guarded and secure privacy and away from any pressure and imposition and without any anxiety about the disclosing of their private life information decide to what extent and under what conditions others can be informed about his personal affairs or interfere with their privacy.

The result of people's freedom in their own privacy territory is that they can independently think either at the level of ideas or practically and act accordingly.

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