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Instances of Privacy Territory

Existed limits and impediments for presenting a definite and a single definition for privacy territory causes that mostly instead of its definition, its instances have been expressed.

While expressing different instances and areas of privacy determines the scope of this natural right of human beings to a considerable extent, as it has been mentioned, the disagreements on the degree of the influence of the remarkable elements for determining private criteria impede coming to a suitable conclusion about the single meaning of this right.

General Instances of privacy can be counted as follows:

1. Bodily and Corporeal Privacy

Any kind of attack and disturbance to a person's bodily and corporeal entirety (such as hurting with harmful nuclear radiation, intro-corporeal inspections and so on) without the person's permission, is taken as a violation of his bodily and corporeal privacy. The owner allows this right to resist against elements, caused such a violation of his privacy to defend his bodily and corporeal privacy.

2. Mental and Psychological Privacy

Enjoying of mental and psychological privacy is a certain right of all human beings, particularly in their own private rights.

According to this right, taking any action causing the disturbance or deprivation of people's mental and psychological peace or endangering this peace is being taken as violations of his privacy. There are several elements for depriving of people's mental and psychological security. Among them include, illegal inspections, supervisions and investigations, revealing of personal secrets and information and generally revealing of the affairs that revealing of them results in people's disturbance and bothering and illegal and concealed keeping people under surveillance can be mentioned.

3. Physical Privacy

Every person's home and residing place is considered as his privacy and any kind of illegal and without the owner's permission entering and trespassing to this place is the person's privacy violation.

Meanwhile, any inspection or investigation into the person's private place is considered as a violation to his physical privacy and solitude.

Besides the person's living place and his isolation, his working environment is known as his privacy provided by not being public and any kind of direct surveillance or using of technologies (like installing candid cameras) illegally and without the privacy owner's permission or forcing restriction about the person's private solitude (either in his personal working or residing place) is as the breach of this right.

Illegal investigation and inspection of people's private affairs such as their pockets, wallets, places of keeping their personal documents and certificates, computers and other things having a personal feature is also a violation of people's privacy.

4. Communication Privacy

Correspondences, mobile and telephone conversations, telegrams, faxes, telexes and e-mails and any communicative forms are a part of people's privacy.

Investigation, revealing, recording, bugging, not transmitting, censoring, misusing and illegal inspection in all communicative instruments and methods, is a breach of people's privacy.

It should be noted that accessing the human being to new and developed technologies and expansion of communicative instruments and equipment facilitate the possibility and violation grounds of people's communications.

Therefore, it is necessary for privacy right safeguarding to take actions for redefining the area of this right and its violation cases in accordance with the expansion of communications technologies.

5. Information Privacy

People's personal secrets and information consist a significant part of their privacy and revealing or publicizing of this information is regarded as a violation to their privacy area whether taking such violation of people's information privacy is either deliberate and knowingly or arises from violating person's mistake or imagination.

Information put in people's privacy territory includes all their private secrets and information such as the information related to medical affairs, personal correspondences, private family life, judicial and penal cases and verdicts against them, financial and economic affairs, their jobs issues, people's private facts

and even people's hidden and secret specifications and habits.

Considering this important point is significant that violation of people's information privacy is not only just in cases in which the information and secrets of people are publicized wrongly and incorrectly or in the forms of the publication of slander or untruths but also even the publicizing of true and referable information about people is known as violation of their privacy. Even revealing of information which are presented to others in professional and job-related relations (like doctor-patient treating relation or lawyer-client one) is a violation of the information owner's privacy. Because the person receiving the information in the working area according to accepted bases and conventions about keeping the professional and job-related secrets is obliged to protect his clients personal information and secrets.

6. Personality Privacy

Every person has an independent and legal identity and personality and this specified privacy includes the person's identification marks such as: name, titles, family names and nicknames, his picture and social reputation (such as reputations of science, art, economics, religious etc.).

No one has the right to utilize from a person's name, identity and reputation that are part of his privacy for commercial, business or any other purposes without the person's permission and satisfaction. Any kind of misusing from the person's reputation or identification marks or possessing them are evident instances of privacy violation and resulted in social and legal charges for illegal users of them.

7. Religious and Economic Privacy

Thought freedom means human beings are free in their selection of ideas without any pressure elements. This is of all human beings certain rights and is regarded a part of their privacy.

Any kind of people's personal idea inspection or investigation about his religious beliefs by other people or governmental agents or even under the coverage of state orders and regulations is illegal and violation of people's privacy.

Beliefs and observing religious rules are in fact the most internal dimension of a human characteristic. He has always been granted the right to keep his religions and beliefs concealed and obstruct his personal opinions from others' access.

It should be noticed that these beliefs and opinions by expressing and verbalizing from their owner are taken as revealed and will be out of the circle of privacy. The feature of this kind of privacy is that it never consists of legal restrictions and violations.

8. Marriage and Family Privacy

Doubtlessly, family privacy is the most important segment of a people's personal and private affairs. Any kind of interference or violation of family life is a violation of people's privacy and causes charges for the transgressors and the right of defending and encountering for the privacy right owner.

In family privacy, besides the fact that other people and the government do not have the right of investigation and interference within the families' privacy and the information and affairs of each family is only related to that family members, there is a dependant privacy among members of families that no member of the same family has the right to attempt to violate or transgress the privacy of any other family member.

In the family area mothers and fathers, as the main axis of family center, have special rights and privacy that other family members, specially the children, should attempt to observe these rights and privacy. Among the cases of parents' specified privacy that observing of it is a must is married and sexual privacy of the parents that has specified and exclusive aspect for them and interference with it is regarded an offense to the parents' specified and exclusive privacy.

Meanwhile, each of the parents has a specific privacy that spouses must attempt for its safeguarding and protecting.

Accordingly, husbands have a special privacy that should be respected from their wives' sides and wives also in particular cases have privacy that should be kept and respected by husbands.

Children as the results of marriages and members of the family, in their own turn, have privacy that not observing of it from parents and other family members can cause problems threatening family stability and durability seriously.

Generally, peace, security, independence and freedom in a family relies on this that every family member recognizes the privacy of other members of the family observe the privacy right.

It is obvious that legal interference of parents is necessary for children's training and preventing them from deviation are considered as conventional and natural duties of parents and applying them in the determined areas and taking the element of the society culture into account are not regarded illegal violation of children's privacy.

9. Dignity and Prestige Privacy

Prestige, reputation, chastity, credit and social fame and honesty are important parts of people's privacy and violation of any of them is considered as personal privacy violation.

Revealing of people's secrets and wrong and inappropriate interpretation of others' deeds and talks,

misusing of others' correspondences and publicizing their information that result in offenses to people's dignity and prestige or the jeopardizing of their social reputation are obvious instances of violation of people's privacy.

To consider the title of privacy violation to the act of revealing of information and publicizing people's affairs, it is not necessary that these revealed and publicized information and affairs or what affiliated to them be untrue or false or the revealing or publicizing person did this intentionally. Even unintentional publicizing of correct and right information and news that the owner(s) of them desires not others to access them can also cause the jeopardizing of people's reputation and social credit and their privacy is violated either intentionally or unintentionally.

Presenting of pornographic pictures and sexy texts or publicizing of immorally personal issues of people with the aim of destroying their honesty and reputation by means of internet, satellite, telephone messages and other forms of media is a violation of privacy, social credit and prestige.

10. Professional and economic privacy

Usually people have no desire that the information about the amount, source and ways of income, their assets and generally speaking their personal and business data be at others' access or other people be informed of their bank accounts turnover or balances, their credits, debts, interest-free loans and claims. These data and similar information like the name and people business identity marks and names are in fact in the area of people's privacy and violation of this kind of information is a violation and transgression of the information owner's privacy.

Certainly, eligible government legislators have the right of investigation of people's financial and professional information.

Nevertheless, this right firstly has been applied just within an area determined by the government regulations and laws (like the law of people's income tax). Secondly, government officials who enjoy this authority and due to their job responsibilities have access to such information and gather them must take the information about people's economic situation as their own professional and vocational secrets and avoid from revealing them before others.

In addition to the people's possession of assets that is of their privacy, rights related to their intellectual possession such as inventions and innovations are instances of people's economic privacy.

In the resolution of international congress of lawyers held in 1967 in Stockholm, 10 instances about violation of people's privacy have been expressed, and this resolution is not of enough comprehensiveness since about five decades have passed since its issuance and due to political and social developments and a review on that seems to be a must.

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