

Balancing National Security and Digital Privacy Rights in Criminal Investigations

Antima Devi and Dr. Mudra Singh
Amity Law School, Uttar Pradesh, India

Abstract: *This paper assesses the tension between national security needs and protection of digital privacy rights during criminal investigations. With the pace at which digital technologies are advancing, governments and law enforcement agencies are presented with both opportunities and challenges for maintaining national security. Surveillance technologies and large-scale data collection are more frequently applied to prevent criminal behavior and safeguard citizens. Such practices, though, are inherently critical from a privacy perspective, potentially interfering with the digital rights of individuals. This study explores the legal, moral, and practical implications of balancing security requirements and privacy safeguards. It examines prominent international frameworks like the Universal Declaration of Human Rights (UDHR) and the General Data Protection Regulation (GDPR) and judicial decisions such as Carpenter v. United States (2018) and K.S. Puttaswamy v. Union of India (2017). These cases refer to varying degrees of surveillance, access to information, and privacy across jurisdictions. In addition, the paper posits the imperative of setting forth policies that bridge national security action with the protection of fundamental human rights. From the findings, it is stipulated that even though security prevails, the same should never be at the cost of citizens' freedoms. By encouraging openness, judicial monitoring, and research on privacy-enforcing technologies, policymakers can encourage a balanced level of security versus privacy. The study emphasizes constant legal framework evolving to meet changing digital threats in a manner respecting privacy rights.*

Keywords: national security, digital privacy, surveillance, criminal investigations, collection of data, privacy rights, international law, judicial monitoring, fundamental rights, privacy-enforcing technologies

