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Journalist at Crossroad: Balancing Privacy Rights, Ethics, and Public Right to Know in Nigeria

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Abstract

The Nigerian media landscape is undergoing significant transformation as journalists confront the complex task of balancing individuals' rights to privacy with the public's right to information. This seminar paper explores the constitutional, ethical, and practical tensions inherent in navigating these dual responsibilities. Anchored in the legal provisions of Section 37 and Section 39 of the 1999 Nigerian Constitution, the study critically examines how journalists interpret and apply these rights in practice. The analysis extends to the evolving role of social media, investigative journalism, and digital reporting, which have further complicated the ethical boundaries of journalistic practice. Drawing on legal frameworks, professional ethical codes, and illustrative case studies, the paper identifies the key challenges and dilemmas confronting Nigerian journalists, including invasion of privacy, sensationalism, and the erosion of public trust. It concludes with actionable recommendations aimed at promoting ethical balance and accountability within the media sector. These include the reinforcement of ethical training, the development of newsroom policies on privacy and public interest, and greater awareness of media law among practitioners. The paper underscores the urgent need for a journalism culture that respects individual rights while fulfilling its democratic duty to inform the public.

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Keywords: Privacy Rights; Public Right to Know; Media Ethics; Media Law; Dilemmas in Journalistic Practice

Introduction

In democratic societies, a free press plays a critical role in disseminating information, promoting accountability, and fostering civic participation. In Nigeria, journalists are constitutionally empowered to report freely, yet they are also bound by ethical and legal limitations, particularly concerning individuals' privacy rights. The right to privacy is a fundamental human right recognized in many democratic societies, including Nigeria. It protects individuals from unwarranted intrusions into their personal lives by the government, media, organizations, or other individuals.

Journalists serve as intermediaries between the government and the public, bearing the responsibility to inform, educate, and hold those in power accountable. In Nigeria, however, the press operates within a complex terrain of conflicting interests—where the demand for transparency clashes with individual rights to privacy. This challenge is further complicated by the rise of digital platforms that have democratized news production while simultaneously eroding ethical standards (Eze, 2022; Uche & Ndolo, 2021).

Globally, journalism is experiencing a crisis of trust and Nigerian journalists are not exempted. As public expectation for immediate and unfiltered access to information grows, so too does the risk of violating ethical standards, especially in relation to privacy (Okoye & Adegbola, 2020). While the public has a right to know, particularly in matters concerning public officials or public interest, this right is not absolute. Journalists are expected to strike a balance between the public's need for information and the individual's right to dignity and personal space (Ojebode, 2019).

The Constitution of the Federal Republic of Nigeria (1999) guarantees both freedom of expression (Section 39) and the right to privacy (Section 37), highlighting a legal paradox that journalists must constantly navigate. The Freedom of Information Act (FOIA) 2011 further strengthens the media's role in fostering accountability, yet it also imposes conditions to protect sensitive or private information (Yusuf, 2023). Furthermore, the ethical conduct of journalism is increasingly under scrutiny as sensationalism and digital misinformation take root. The Nigerian Press Council (2023) and Nigerian Union of

Journalists (NUJ) code of ethics advise practitioners to respect privacy except where public interest overrides. Nonetheless, these ethical codes often lack enforceability, leaving journalists vulnerable to legal suits or public backlash.

In a digital era defined by citizen journalism, surveillance and viral media, the stakes are higher than ever. Understanding how Nigerian journalists manage these competing expectations offers critical insight into the broader discourse on press freedom, responsible journalism, and democratic values (Alabi, 2021; Hassan & Uduak, 2022).

Balancing these rights is particularly challenging in a digital age characterized by rapid information dissemination, viral news, and an increasingly polarized public. Ethical journalism becomes even more complex when societal interests and personal freedoms intersect. As the Nigerian public grows more informed and more demanding of transparency, the pressure on journalists to deliver compelling stories sometimes leads to ethical transgressions.

This paper examines the theoretical and practical dimensions of the tension between privacy and the public right to know in Nigeria. It reviews relevant legal instruments, ethical codes, and professional practices, drawing on real-world examples to highlight best practices and propose reforms. In the era of social media, mobile journalism and digital surveillance, these challenges have become more acute. There is a growing need for ethical recalibration and legal frameworks that align with the realities of modern journalism. This paper investigates how Nigerian journalists balance these imperatives and offers recommendations for ethical and legal harmonization.

Conceptual Framework

Theoretical framework

Ethical Theories in Journalism Journalists often rely on ethical frameworks to guide their decision-making. Utilitarian ethics suggests choosing actions that produce the greatest good for the greatest number, while deontological ethics focuses on duties and rules regardless of outcomes. Social responsibility theory emphasizes the journalist's role in serving the public good while respecting individual rights. These ethical pathway help media professionals navigate complex scenarios where public interest and privacy conflicts.

Privacy Rights

In any given developed society, the right to privacy is pivotal in their constitution, any individual is entitles to privacy and personal space. Encroaching on that privacy and personal space is a criminal offence. Privacy rights refer to an individual's entitlement to control personal information and to be free from unwarranted public scrutiny. In Nigeria, this is constitutionally guaranteed under Section 37, which safeguards citizens' homes, correspondences, telephone conversations, and telegraphic communications (Owoeye, 2021). Privacy Rights entails individual protection from Intrusion upon Solitude, Invasion of Privacy and Trespassing. Privacy is essential in upholding human dignity, preventing defamation, and ensuring mental well-being. The Nigerian Press Council Code of Ethics instructs journalists to avoid intrusions into private lives unless overriding public interest justifies it. Similar principles are echoed in the Nigerian Broadcasting Code. The only instances when right to privacy can be bridged is when the national security is at stake. For example, a situation where there is a terrorism threat, privacy rights can be bridged to counter the terrorism threat by invading into suspects phones, computers, homes etc.

The Constitutional Backing of the Right to Privacy

Constitution of the Federal Republic of Nigeria (1999), as amended Section 37 provides the constitutional basis for the right to privacy: "The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected." However it is important to note that the constitutional scheme for rights protection assumes a two pronged inquiry in the consideration of an alleged infringement of rights. The first line of inquiry is to determine whether a particular right has been infringed. The second line of inquiry is to thereafter undertake a limitation analysis in the context of section 45 of the 1999 Constitution, as to whether there is justification of the alleged infringement (ES Nwauche). This section is enforceable under Chapter IV of the Constitution and can be enforced via Fundamental Rights (Enforcement Procedure) Rules 2009. The key terms of this constitution are:

Privacy of citizens: Broad protection of personal life and dignity.

Their homes: Protection from unlawful search, surveillance, or entry without due process (e.g., court warrant).

Correspondence: Covers letters, emails, and other forms of private communication.

Telephone conversations: Protects against illegal wiretapping or call interception.

Telegraphic communications: Though outdated in terminology, it broadly refers to electronic communications, including texts, emails, and data transmissions.

Cybercrimes Act (2015)

This legislation criminalizes the dissemination of personal information without consent, especially on digital platforms. It imposes a duty on journalists to verify and safeguard personal data. It can also be seen as criminal activities carried out using computers, digital device or the internet. To combat this, Nigeria has developed laws and enforcement mechanism called Cybercrime Act, 2015

Nigerian Data Protection Regulation (NDPR), 2019*:* Introduce by the National Information Technology Development Agency (NITDA), this regulations sets out standard for data collection, processing and consent.

Public Right to Know

The public right to know entails citizens' access to information necessary for participating effectively in democratic governance. This right is supported by Section 39 of the Constitution and bolstered by the Freedom of Information Act (2011), which mandantes public institutions to make information available to citizens (Umechukwu, 2018). Public interest reporting typically covers governance, corruption, public safety, and national development. In a true, democratized society, the citizenry have the right to know the fundamental issues affecting them which border on economy, politics, religion and facets of human life. This is translated in the manner that would make officials of government accountable to the people whom they serve. This right could be access to public records such as contracts, budget provisions, legislative votes, rules and regulations and other government decisions. Access to information is the engine room upon which any democracy depends. Information helps a society to confront its true condition with sober sense and make swift developmental strides. Note, not all that interests the public qualifies as public interest, legitimate public interest includes issues that affect public health, safety, welfare, and corruption. Media must evaluate whether a story contributes to public understanding or merely satisfies curiosity.

The Constitutional Backing of the Public Right to Know

While the 1999 Constitution of the Federal Republic of Nigeria does not explicitly use the phrase "right to know," it provides several important provisions that support and enable the concept. These constitutional rights lay the foundation for freedom of information, freedom of the press and public accountability, which collectively underpin the public's right to know. The public's right to know in Nigeria is constitutionally backed, especially through Section 39 on freedom of expression and Section 22 on press freedom and accountability. These provisions form the basis upon which the Freedom of Information Act 2011 is built. While the Constitution doesn't use the exact phrase "right to know," it clearly enshrines the values and rights necessary to support that principle in a democratic society

Section 39 - Freedom of Expression and the Press

Section 39(1): "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference." This provision is the core constitutional basis for the right to know.

Application

- Guarantees citizens the freedom to receive information, not just to express it.
- Supports the free flow of information, which is essential for transparency and democratic participation.
- Protects journalists, media houses, and individuals seeking or disseminating public-interest information.

Section 22 — Press and Media Accountability Role

Section 22: "The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people."

Application:

- Gives the media a constitutional mandate to hold government accountable.
- Emphasizes the media's role in informing the public about how they are governed.
- While part of Chapter II (non-justiciable), it serves as a moral and policy foundation for laws like the Freedom of Information Act (FOIA) 2011.

Freedom of Information Act (FOIA) 2011 – Constitutional Alignment

Though not part of the Constitution, the Freedom of Information Act 2011 is a legislative implementation of the rights embedded in Section 39 and supported by Section 22.

FOIA operationalizes the public's right to know by mandating public access to records, documents, and data held by public institutions.

It is enforceable in court, which gives practical effect to constitutional rights

Conflict with Public Interest and Privacy Rights

In democratic societies, there is an inherent tension between two fundamental rights:

- The public's right to know, which supports transparency, accountability and informed decision-making
- And the individual's right to privacy, which safeguards personal dignity, autonomy, and freedom from intrusion.

In journalism, this conflict becomes most pronounced when the pursuit of truth or exposure of wrongdoing clashes with the right of individuals—especially public figures or private citizens to control personal information. In Nigeria, this dilemma is further complicated by weak legal enforcement, poor ethical compliance, little awareness and the increasing influence of social media.

Privacy rights often conflict with the public's right to know—a core principle of journalism. For example: Publishing a politician's medical history may violate privacy, but may also inform voters about the leader's fitness for office.

Investigative journalism may involve exposing private communications or financial records, often without consent.

The Nigerian Press Council Code of Ethics advises journalists to "respect the privacy of individuals, except where the public interest dictates otherwise."

To balance privacy with freedom of expression and public interest, journalists and lawmakers must consider:

- The proportionality test: Is the intrusion proportional to the public benefit of disclosure?
- Public interest standard: Is the disclosed information essential for democratic accountability or public health/safety?

- Anonymization: Can sensitive stories be told without revealing identifiable personal details?

Journalistic Ethics

Journalistic ethics encompass principles such as truthfulness, accuracy, objectivity, fairness, accountability, and respect for privacy. These principles guide journalists in balancing their duties to the public with respect for individual rights (Ajibola, 2020). Journalistic ethics are the moral principles and professional standards that guide journalists in their duties to the public. In Nigeria, ethical journalism is crucial to safeguarding democracy, promoting transparency and protecting human dignity—especially in a context marked by political tension, misinformation and press repression. This are morals and believes that a journalist should stick to when practicing

Key Ethical Frameworks

- Code of Ethics for Nigerian Journalists (1998) Issued by the Nigeria Union of Journalists (NUJ), Nigerian Press Council (NPC), and Nigerian Guild of Editors (NGE).
- Freedom of Information Act (FOIA) 2011 Strengthens ethical responsibility to seek truth and promote transparency. The Act promotes transparency in governance by enabling the public and the press to access government-held information. However, it includes exemptions for personal data, thereby recognizing privacy rights. FOIA provides legal rights to access information, data, records and documents held by government bodies and private's bodies carrying out public function.
- NBC Code (for broadcasters) Sets conduct standards for radio and TV stations in Nigeria.

Legal/ Ethical Dilemmas in Journalistic Practice

Journalists frequently confront dilemmas in reporting stories that blur the boundaries between public interest and privacy violations. An ethical dilemma occurs when a journalist is faced with conflicting values, making it difficult to decide what the most ethical action is. These dilemmas often involve a tension between professional duty and other ethical

principles such as truth, privacy, public interest, harm minimization, and fairness. Several factors influence these decisions:

Nature of the story: Investigative pieces involving corruption, abuse of office or national security may necessitate disclosures.

Status of the individual: Public officials and celebrities have a reduced expectation of privacy.

Potential harm: Stories exposing individuals to harm or ridicule demand restraint.

Examples include coverage of sexual assault victims, where anonymity protects victims, versus exposure of corrupt public officials, which serves the public interest (Adebayo, 2020). Other examples include;

- **Truth vs. Privacy**

  Scenario: A journalist uncovers the medical records of a public figure showing a terminal illness.

  Legal/Ethical tension: Truth / public's right to know vs Individual's right to privacy and dignity

  Dilemma: Should the journalist publish details that could inform public debate (e.g fitness for office) or respect the person's privacy?

- **Public Interest vs. Harm Minimization**

  Scenario: Reporting on communal violence or terrorist attacks.

  Legal/Ethical tension: Informing the public vs Risk of escalating panic or provoking more violence

  Dilemma: Should a journalist publish graphic images or names of victims, knowing it might traumatize families or fuel conflict?

  Example: Coverage of attacks in Jos or Kaduna with emotionally charged imagery

- **Victims of Sexual Violence**

  Some Nigerian media houses have published names or photos of rape victims or minors involved in abuse cases, often without consent.

  Legal/Ethical Dilemma: Even when the public is concerned, revealing such details may compound the trauma and violate privacy rights.

- **Independence vs. Pressure from Advertisers or Owners**

  Scenario: A media house's biggest advertiser is involved in a major scandal.

  Legal/Ethical tension: Journalistic independence and truth-telling vs Commercial survival or employer pressure

  Dilemma: Should the story be spiked to protect revenue, or should the media outlet risk losing a major sponsor?

  Example: Self-censorship in reporting corruption involving telecom or oil companies.

- **Victims of Sexual Violence**

  Some Nigerian media houses have published names or photos of rape victims or minors involved in abuse cases, often without consent.

  Legal/Ethical Dilemma: Even when the public is concerned, revealing such details may compound the trauma and violate privacy rights.

- **Confidential Sources vs. Legal/Personal Risk**

  Scenario: A whistleblower reveals high-level government corruption.

  Legal/Ethical tension: Duty to protect source confidentiality vs Legal threats, jail time, or national security laws

  Dilemma: Should a journalist risk arrest by protecting a source, or cooperate with authorities and potentially betray public trust?

- **Objectivity vs. Advocacy**

  Scenario: Reporting on social justice issues like gender violence, #EndSARS protests, or environmental destruction.

  Legal/Ethical tension: Neutral and balanced reporting vs Advocating for justice and human rights

  Dilemma: Should journalists remain completely neutral, or take a moral stance when injustice is clear?

  Example: Media coverage during the #EndSARS protests in 2020.

- **Freedom of Expression vs. Hate Speech Regulation**

  Scenario: A columnist writes an opinion piece sharply criticizing a religious group.

Legal/Ethical tension: Protecting free speech vs Preventing incitement or sectarian violen Dilemma: Should the piece be published under freedom of expression, or censored to prevent societal unrest?

Example: Articles about Boko Haram, religious practices, or ethnic tensions.

Case Study

- **Stella Oduah and Asset Disclosure (2013)**

  A major newspaper published reports on then-Aviation Minister Stella Oduah's alleged undeclared assets. While serving the public interest by exposing possible corruption, the report raised ethical questions about accessing and publishing personal financial data without consent (Olatunji, 2019).

- **President Umaru Musa Yar'Adua Health Records**

  When President Umaru Musa Yar'Adua became critically ill in 2009, the lack of transparency regarding his health created a national crisis. Media efforts to uncover the truth were met with accusations of privacy invasion. This raised the question: does a public officeholder have the same privacy rights as a private citizen? Should the public's right to know about a president's ability to govern outweigh his right to medical privacy?

- **#EndSARS Protests (2020)**

  During the nationwide protests, journalists and citizen reporters livestreamed events, often showing faces and disclosing identities of protesters and police. While fostering transparency, this practice also subjected individuals to retaliation and raised privacy concerns (Eze, 2022).

- **Celebrity Lifestyle Reporting**

  Nigerian entertainment media often report on celebrities' private affairs—divorces, infidelity, and health issues—sometimes without consent. While these reports attract attention and generate revenue, they often lack public interest justification (Okoye, 2021).

Social Media and the Challenge of Ethics

The rise of social media has complicated the boundaries of ethical journalism. News travels fast, sometimes before verification. Journalists now compete with bloggers and influencers who are not bound by traditional ethical standards. This "race to break the news" can

result in privacy breaches and misinformation (Eze, 2022). Social media has transformed the way journalists gather, distribute, and interact with news. While it offers speed, reach, and engagement, it also introduces significant ethical challenges that traditional journalism frameworks are often unprepared to manage.

In Nigeria, these challenges are magnified by factors such as poor regulation, political polarization, misinformation, and blurred lines between professional journalists and citizen content creators.

Media professionals must verify social media information, anonymize sensitive data, and contextualize reports before publication.

Key Ethical Challenges of Social Media

a. Misinformation and Disinformation: Misinformation is an act of giving false information shared without intent to deceive or malicious intent while Disinformation is a false information deliberately created to mislead.
   Ethical concern: Journalists risk spreading unverified or false content, especially during breaking news. Due to lack of gatekeeping on social media, bloggers can decide to post or share information that aren't correct. Example is false election results or fake kidnapping alerts going viral on Twitter/X or Facebook.
b. Blurred Professional Boundaries: Journalists often use personal accounts that mix opinions, personal life and reporting.
   Ethical concern: Lack of separation between fact and opinion undermines objectivity and credibility. Example: A journalist's tweet attacking a politician may be seen as biased reporting.
c. Speed vs. Accuracy: Social media rewards being first not necessarily being right.
   Ethical concern: Pressure to publish without verification leads to harmful mistakes.
   Example: Premature reporting of a celebrity's death or government action without confirmation.
d. Privacy Violations: Sharing unblurred photos or names of victims, minors, or suspects without consent.
   Ethical concern: Infringes on individual rights and can cause long-term reputational or psychological harm. Example: Viral videos of accused thieves beaten in public before trial.

e. Fake Personas and Manipulated Content: Deepfakes, AI-generated images, or anonymous accounts.

Ethical concern: Harder to verify sources, images, or videos-risk of amplifying false narratives. Example: Photoshopped political campaign flyers used to defame opponents.

Strategies for Balancing Competing Rights

- To uphold journalistic integrity while respecting privacy, the following approaches are essential:
- Public Interest Threshold: Disclosures must be justified by significant public interest—not mere curiosity or sensationalism.
- Editorial Gatekeeping: Strong editorial oversight can help filter ethically questionable stories and ensure compliance with legal standards.
- Redaction Techniques: Using pseudonyms, blurring faces, and withholding identities in sensitive cases can protect individuals while telling impactful stories.
- Consent and Clarity: Where possible, journalists should seek informed consent and explain the implications of public disclosure.
- Training and Awareness: Journalists must receive continuous training on ethical journalism, media law, and data protection.

Conclusion

The tension between privacy rights and the public's right to know will persist as long as journalism continues to serve democratic goals. Nigerian journalists operate in a complex legal and ethical environment where privacy rights and the public's right to know frequently intersect. For Nigerian journalists, the challenge is to remain both ethical and effective. This balance is achievable through legal reform, professional integrity, and public engagement. Only then can the media fulfil its duty without undermining the rights of the individuals it serves. While legal and ethical frameworks exist to guide media conduct, enforcement remains a critical weakness. The evolving media landscape, driven by digital technology and commercial interests, further complicates this balance.

Recommendations

- Legal Clarity: Clearer guidelines on balancing press freedom with privacy rights should be developed, particularly concerning digital journalism. The Digital media have limited regulatory bodies and legal outline on their activities.
- Ethical Reforms: Professional bodies should revise and enforce ethical codes to reflect modern challenges.
- Digital Ethics Code: A specialized code for online reporting should be created.
- Public Sensitization: Citizens should be educated on their rights and the limits of press freedom.
- Support for Investigative Journalism: Independent, ethical investigative journalism should be incentivized.

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