



SOCIAL MEDIA INFLUENCERS AND DATA PRIVACY: LEGAL OBLIGATIONS AND RESPONSIBILITIES

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Abstract: *This article explores the legal duties and liabilities that social media influencers have when it comes to data privacy. The increasing impact of social media has sparked considerable worries regarding the collection, utilization, and safeguarding of personal information. This research examines existing laws, rules, and scholarly studies to offer a thorough comprehension of the legal environment that influencers need to navigate. The main concern is making sure that influencers follow data privacy laws to safeguard the personal information of individuals.*

Keywords: *Social Media Influencers, Data Privacy, GDPR, CCPA, Uzbekistan Personal Data Law, Legal Obligations, Transparency, Consent, Data Security, Cambridge Analytica, FTC, TikTok, Privacy Law, Compliance, Digital Marketing, Personal Data Protection, Privacy Policy, Legal Framework, Cybersecurity, Ethical Implications, Cross-Border Data Transfers.*

Introduction

The emergence of social media influencers has revolutionized marketing and advertising, leading to fresh possibilities and difficulties in data privacy. Influencers, who frequently have a significant number of followers, have a special opportunity to gather and utilize personal information. This prompts important inquiries regarding their legal duties and obligations. This article seeks to examine the legal issues involved, specifically looking at ways influencers can adhere to data privacy laws and safeguard their followers' data.

Social media influencers are people who have amassed large numbers of followers on sites like Instagram, YouTube, TikTok, and Twitter. They utilize their platforms for sharing content, endorsing products, and interacting with their audience. The impact of these individuals is undeniable, as they frequently have more authority in shaping opinions and trends than traditional celebrities or media platforms. Nevertheless, significant influence entails significant responsibility, especially when it comes to managing personal data.

Social media influencers can gather and utilize personal data in a variety of methods. Influencers frequently host contests and giveaways where followers must share personal details like names, emails, and home addresses. In addition, influencers might employ tracking technologies like cookies to collect information on their followers' online actions and preferences. This information is extremely valuable for directed marketing, enabling influencers to provide tailored content and ads. Nevertheless, the gathering, retention, and utilization of this information result in notable privacy worries.



The importance of data privacy has significantly increased in the digital era, as highlighted by prominent data breaches and scandals that emphasize the dangers of mishandling personal information. The Cambridge Analytica scandal highlighted the weaknesses in data protection and the broad impacts of data misuse. The scandal consisted of illegally collecting personal information from countless Facebook users, then utilizing it for political ads. The aftermath of the Cambridge Analytica scandal underscored the immediate necessity for strong data privacy regulations and effective enforcement measures.¹

Several regions have implemented strict data protection laws due to increasing worries about data privacy. The GDPR, implemented by the European Union in 2018, is considered one of the strictest data privacy regulations worldwide. The GDPR establishes clear rules for gathering, utilizing, and safeguarding personal information, enforcing severe consequences for failure to comply. Likewise, the California Consumer Privacy Act (CCPA), which was passed in 2020, provides strong privacy rights to residents of California and places strict demands on companies that gather personal information.²

The Law on Personal Data in Uzbekistan, established in 2019, offers a legal structure for safeguarding data. This legislation details the duties of those managing data and stresses the importance of being transparent and implementing data protection measures.³ According to this legislation, people are entitled to receive information on how their personal data is being collected and used, as well as the ability to view, correct, or delete said data.

Many social media influencers may not be aware of their legal responsibilities regarding data privacy, even though laws are in place. The informal nature of influencer marketing, combined with the quick expansion of social media platforms, results in influencers frequently working within a legal grey zone. This lack of understanding may result in unintentional data privacy law breaches, putting influencers at risk of legal action.⁴

Many social media influencers may not be knowledgeable about their legal responsibilities regarding data privacy, even though laws are in place. The casual style of influencer marketing, combined with the quick expansion of social media sites, results in influencers frequently functioning in a legal undefined zone. Not

¹ Cadwalladr, C., & Graham-Harrison, E. (2018). Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach. *The Guardian*

² California Legislative Information. (2018). California Consumer Privacy Act (CCPA).

³ Government of Uzbekistan. (2019). Law on Personal Data.

⁴ Schaumann, D. (2015). Privacy and Social Media Influencers: The Legal Ramifications. *Journal of Internet Law*, 19(1), 3-17



being aware can result in unintentional breaches of data privacy regulations, putting influencers at legal risk and harming their reputation.

Transparency is a basic aspect of data privacy. Influencers need to transparently reveal their methods of gathering, utilizing, and distributing personal information. This involves making sure that followers can easily find the privacy policy. The privacy policy must outline the personal data types collected, the reasons for using the data, and any third parties the data is shared with. Transparency helps build trust between influencers and their followers by giving followers confidence that their data is being handled in a responsible manner.⁵

Consent is another crucial element of data privacy. To collect personal data, influencers must first get permission from their followers. Followers must understand what data is collected and why, making this consent informed. Consent must be given voluntarily, clearly outlined, and without any doubt. As an example, influencers need to refrain from utilizing pre-selected options or default settings that presume consent. Instead, they ought to give followers distinct choices for agreeing to or refusing data collection.⁶

Social media influencers are required by law to ensure data security. Influencers need to establish strong security protocols to safeguard personal information against unauthorized access, breaches, or misuse. This involves utilizing encryption, secure storage options, and access restrictions. Data breaches can cause significant ramifications, impacting both the victims and the influencers accountable for the data. Data security failures can lead to legal consequences, financial setbacks, and harm to reputation.⁷

Several well-known examples demonstrate the significance of adhering to legal regulations in data privacy for social media personalities. The Cambridge Analytica scandal, which was previously discussed, acts as a clear warning of the possible outcomes of data abuse. The controversy resulted in important legal measures, such as penalties and litigation, and sparked a worldwide dialogue on data security.

Another noteworthy example is the Federal Trade Commission's (FTC) legal action regarding TikTok. The FTC penalized TikTok for gathering children's personal information without parental authorization, breaching the Children's Online Privacy Protection Act (COPPA). This situation highlights the significance of adhering to data protection regulations, especially when handling sensitive information like children's data.

⁵ Solove, D. J., & Schwartz, P. M. (2020). *Information Privacy Law*. Aspen Publishers

⁶ Warren, S., & Brandeis, L. (1890). *The Right to Privacy*. *Harvard Law Review*, 4(5), 193-220.

⁷ Cate, F. H. (2010). *The Privacy Problem: A Broader View of Information Privacy*. *University of Pennsylvania Law Review*, 155(3), 215-245.



The legal environment for data privacy is always changing, as new rules and recommendations are being developed to tackle new issues. With the rising worries over data privacy, it is expected that more stringent rules will be established, heightening influencers' legal responsibilities. As an example, the upcoming California Privacy Rights Act (CPRA), scheduled to be enforced in 2023, aims to strengthen privacy safeguards and introduce more obligations for companies and influencers.⁸

Establishing universal guidelines for data protection could establish a unified legal structure for influencers working across various regions. At present, influencers face challenges due to the lack of uniformity in data privacy laws in various regions where they have a global audience. Having global standards would make complying easier and establish a consistent method for protecting data.

Methods

This research uses qualitative methods, including a thorough examination of literature, legal papers, and case studies. The methods section is segmented into three primary sections: review of literature, analysis of laws, and examination of cases.

1. Literature Review:

- **Source Selection:** The literature review included choosing ten peer-reviewed articles and ten books to gain a comprehensive understanding of data privacy and social media influencers. These references were selected for their importance, number of citations, and impact on the field. The process of selection involved researching legal databases, academic journals, and university libraries.

- **Key Themes Analysis:** The literature was examined to pinpoint key themes including legal definitions of personal information, consent processes, ethical consequences of data gathering, and the influence of data privacy regulations on influencers. Every topic was thoroughly examined, emphasizing the key points and conclusions found in the research.

- **Findings Synthesis:** The literature findings were combined to give a complete understanding of the current knowledge on data privacy and social media influencers. This analysis aided in pinpointing deficiencies in the research and highlighting potential areas for future studies.

2. Legal Analysis:

- **Evaluation of Data Privacy Legislations:** The legal examination included an extensive evaluation of key data privacy legislations, such as the GDPR, CCPA, and Uzbekistan's Personal Data Law. These laws were chosen because of their importance and influence on data privacy practices worldwide. The assessment

⁸ California Privacy Rights Act (CPRA). (2020). California Legislative Information.



involved examining the complete text of these legislations, formal instructions, and opinions from legal professionals.

- **Comparative Analysis:** An analysis was done to compare data privacy laws in various jurisdictions to identify differences and similarities. This examination assisted in finding shared principles and specific needs that influencers must manage. Comparison encompassed definitions of personal data, consent mandates, transparency duties, and consequences for failing to comply.

- **Analysis of Legal Responsibilities:** The legal responsibilities pertaining to social media influencers were carefully scrutinized. This involved the need for transparency, securing explicit consent, and putting in place data security measures. The study also looked into how these responsibilities are carried out in reality and the difficulties influencers encounter in meeting them.

3. Case Studies:

- **Case Selection:** The case studies examined important legal cases concerning social media influencers and data privacy. Cases were chosen according to their importance, legal significance, and influence on data privacy practices. Prominent instances where the Cambridge Analytica scandal and the FTC's enforcement action on TikTok.

- **In-depth Case Analysis:** Each case underwent a thorough analysis, examining the facts, legal issues, outcomes, and implications for data privacy. The analysis consisted of examining court documents, legal opinions, and commentary from legal experts. The study also analyzed how each case affected data privacy practices and regulations.

- **Strategies for Compliance:** The case studies examined how influencers responded to legal challenges by implementing compliance strategies. This involved looking at how influencers dealt with matters surrounding transparency, consent, and data security. Guidance for influencers was derived from the lessons learned in these cases.

Results

Legal Framework:

- The GDPR imposes strict rules for data gathering, utilization, and safeguarding within the European Union. In order to gather personal information, influencers need to first get approval from their followers and use the data only for the intended purposes. Influencers located outside the EU are also required to comply with GDPR if they handle data of EU citizens due to its extraterritorial scope.⁹

⁹ European Union. (2016). General Data Protection Regulation (GDPR). Official Journal of the European Union.



- The California Consumer Privacy Act (CCPA) is like the GDPR in that it gives strong privacy protections to residents of California, mandating influencers to reveal how they collect data and giving users the option to opt-out of data sales. The CCPA also requires businesses to address consumer requests for data access and deletion.

- The Law on Personal Data in Uzbekistan details the obligations of data controllers and processors, stressing the importance of transparency and safeguarding data. According to this statute, individuals are entitled to view their data, ask for edits, and receive information on how their data is being used.¹⁰

Influencer Responsibilities:

- **Transparency is crucial:** Influencers need to openly explain their processes for gathering, utilizing, and disseminating personal information. This involves having a privacy policy that can be easily accessed by followers. Transparent practices include giving clear and concise data handling information, allowing followers to make informed choices.¹¹

- **Consent:** It is vital to get explicit permission from followers before gathering personal data. Followers need to be informed and understand what data is collected and for what purposes to give their consent. To obtain consent, influencers should make sure to receive it through active steps, like checking a box or pressing a button.

- **Data Security:** It is a legal requirement to establish strong security measures to safeguard personal data against unauthorized access, breaches, or misuse. Influencers should follow the highest standards in data protection, such as encryption, safe storage, and frequent security evaluations.

1. Case Studies:

- The Cambridge Analytica Scandal showcases the impact of using data improperly and a lack of transparency. It highlights the significance of adhering to legal requirements in data privacy. The controversy showed that information taken from Facebook users was utilized without appropriate permission, resulting in intense regulatory inspection and legal consequences.¹²

- FTC fined TikTok for gathering personal information from minors without parental approval, highlighting the importance of adhering to data protection regulations. This situation highlighted the significant need to follow COPPA

¹⁰ Government of Uzbekistan. (2019). Law on Personal Data.

¹¹ Allen, A. L. (1988). *Uneasy Access: Privacy for Women in a Free Society*. Rowman & Littlefield.

¹² Cadwalladr, C., & Graham-Harrison, E. (2018). Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach. *The Guardian*.



guidelines when handling children's information and the harsh consequences for not obeying them.

Discussion

The examination shows that social media influencers are required to fulfill important legal duties and responsibilities concerning data privacy. Adherence to regulations such as the GDPR, CCPA, and national laws is crucial. Influencers need to focus on being transparent, getting clear permission, and enhancing data security measures.

Challenges and Solutions:

- Many influencers have a lack of knowledge regarding data privacy laws. Giving access to education and resources can enhance adherence. Educational opportunities like online classes, webinars, and legal resources can improve influencers' comprehension of their legal responsibilities.¹³

- Using privacy-enhancing technologies can assist influencers in better safeguarding their personal data. Privacy by design, anonymization, and data minimization technologies can lower the dangers linked to data processing and boost compliance.¹⁴

- Legal assistance is essential for influencers to navigate the intricate legal realm of data privacy. Legal professionals can offer customized guidance on adherence tactics, assisting influencers in incorporating optimal procedures and steering clear of legal traps.¹⁵

Future Directions:

- Tighter rules: With growing data privacy concerns, stricter regulations will probably surface, heightening the legal responsibilities of influencers. Upcoming laws could bring stricter consent rules, increased rights for individuals whose data is collected, and harsher penalties for not following the regulations.¹⁶

- Establishing worldwide standards for data privacy can enable influencers working in various regions to operate within a uniform legal structure. Working together internationally to align data privacy laws can make it easier to follow regulations and provide consistent protection for personal information on a global scale.¹⁷

Practical Implications for Influencers:

¹³ Hoofnagle, C. J. (2016). *Federal Trade Commission Privacy Law and Policy*. Cambridge University Press.

¹⁴ Spiekermann, S., & Cranor, L. F. (2009). Engineering Privacy. *IEEE Transactions on Software Engineering*, 35(1), 67-82.

¹⁵ Solove, D. J. (2006). A Taxonomy of Privacy. *University of Pennsylvania Law Review*, 154(3), 477-564

¹⁷ Kuner, C. (2012). *Transborder Data Flows and Data Privacy Law*. Oxford University Press.



- **Setting Clear Guidelines:** Influencers need to set clear privacy policies that detail how they collect, use, and share data. It is important to frequently revise these policies to align with evolving laws and practices.¹⁸
- **Teaching Followers:** Influencers need to educate their followers on data privacy practices and their rights. Achieving this is possible by utilizing clear communication, transparency reports, and responsive support channels.¹⁹
- **Regularly reviewing and evaluating data privacy practices** through audits and assessments can assist influencers in discovering and remedying potential vulnerabilities. The evaluations need to cover consent procedures, security measures for data, and adherence to applicable laws.²⁰

Impact of Non-Compliance:

- **Consequences of not following data privacy laws** can lead to severe legal outcomes such as fines, penalties, and legal proceedings. Influencers should understand the possible legal dangers and actively work to reduce them.²¹
- **Data privacy breaches** have the potential to cause harm to reputation, trust, and bring about negative publicity. To uphold their reputation and establish lasting connections with their followers, influencers need to make data privacy a top priority.²²
- **Financial consequences:** Data breaches and failure to comply can lead to financial impacts like penalties, legal expenses, and compensation requests. Putting in place strong data protection measures can reduce the financial risks associated with them.²³

Case Study Insights:

- **The scandal emphasized the importance of strong consent mechanisms and transparency in collecting data.** In order to prevent similar problems, influencers must make sure that their followers are fully aware of data collection and usage practices.²⁴
- **FTC's legal battle with TikTok emphasized the necessity of following rules regarding children's data.** Influencers need to be extra careful when handling

¹⁸ Richards, N. M. (2013). The Dangers of Surveillance. *Harvard Law Review*, 126(7), 1934-1965.

¹⁹ Allen, A. L. (1988). *Uneasy Access: Privacy for Women in a Free Society*. Rowman & Littlefield.

²⁰ Nissenbaum, H. (2010). *Privacy in Context: Technology, Policy, and the Integrity of Social Life*. Stanford University Press.

²¹ Federal Trade Commission. (2020). *FTC Imposes \$5 Billion Penalty and Sweeping New Privacy Restrictions on Facebook*.

²² Cate, F. H. (2010). The Privacy Problem: A Broader View of Information Privacy. *University of Pennsylvania Law Review*, 155(3), 215-245.

²³ Schaumann, D. (2015). Privacy and Social Media Influencers: The Legal Ramifications. *Journal of Internet Law*, 19(1), 3-17.

²⁴ Cadwalladr, C., & Graham-Harrison, E. (2018). Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach. *The Guardian*.



sensitive information, like using parental consent measures and following relevant laws.²⁵

Emerging Trends and Technologies:

- Enhancing data privacy is facilitated by emerging technologies like blockchain and artificial intelligence. Influencers should utilize these technologies to enhance their data privacy strategies.²⁶
- **Data Minimization:** Implementing data minimization principles can assist influencers in decreasing the volume of personal data gathered and handled. This method complies with optimal data privacy practices and minimizes the likelihood of data breach occurrences.²⁷
- Empowering users with more control over their data is a major trend in data privacy, known as user empowerment. Influencers need to offer their followers tools to control their data, such as the ability to view, edit, and remove personal information.²⁸

Conclusion

Social media influencers carry important legal duties and responsibilities when it comes to safeguarding data privacy. Adherence to current laws, raising awareness, and enacting strong data protection measures are crucial steps. Upcoming changes in regulations and international norms will continue to impact the legal environment for influencers.

Influencers need to focus on transparency, get clear consent, and put in place robust data security measures. By taking this approach, companies can establish trust with their followers and successfully maneuver through the intricate legal terrain of data privacy. Influencers must remain up-to-date and take proactive measures to comply with the constantly changing data privacy laws. With the increasing worries about data privacy, influencers need to adjust to new rules and upcoming developments to safeguard their followers' personal data.

In summary, the legal terrain for data privacy is intricate and constantly changing. Social media influencers need to keep up to date on their legal responsibilities and follow the best practices to safeguard personal information. By giving importance to data privacy, influencers can establish trust with their audience, improve their image, and steer clear of legal troubles. It is expected that there will be tighter regulations and more collaboration on a global scale in the future regarding

²⁵ Federal Trade Commission. (2019). TikTok Settles FTC Allegations That it Violated Children's Privacy Law. FTC Press Release.

²⁶ Solove, D. J., & Schwartz, P. M. (2020). Information Privacy Law. Aspen Publishers.

²⁷ Spiekermann, S., & Cranor, L. F. (2009). Engineering Privacy. IEEE Transactions on Software Engineering, 35(1), 67-82.

²⁸ Nissenbaum, H. (2010). Privacy in Context: Technology, Policy, and the Integrity of Social Life. Stanford University Press.



data privacy, which will bring new challenges and opportunities for influencers. By staying updated on these advancements, influencers can guarantee adherence and aid in creating a more secure online space.

References:

1. European Union. (2016). General Data Protection Regulation (GDPR). Official Journal of the European Union.
2. California Legislative Information. (2018). California Consumer Privacy Act (CCPA).
3. Government of Uzbekistan. (2019). Law on Personal Data.
4. Solove, D. J., & Schwartz, P. M. (2020). Information Privacy Law. Aspen Publishers.
5. Warren, S., & Brandeis, L. (1890). The Right to Privacy. *Harvard Law Review*, 4(5), 193-220.
6. Cate, F. H. (2010). The Privacy Problem: A Broader View of Information Privacy. *University of Pennsylvania Law Review*, 155(3), 215-245.
7. Cadwalladr, C., & Graham-Harrison, E. (2018). Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach. *The Guardian*.
8. Federal Trade Commission. (2020). FTC Imposes \$5 Billion Penalty and Sweeping New Privacy Restrictions on Facebook.
9. Schaumann, D. (2015). Privacy and Social Media Influencers: The Legal Ramifications. *Journal of Internet Law*, 19(1), 3-17.
10. Spiekermann, S., & Cranor, L. F. (2009). Engineering Privacy. *IEEE Transactions on Software Engineering*, 35(1), 67-82.
11. Richards, N. M. (2013). The Dangers of Surveillance. *Harvard Law Review*, 126(7), 1934-1965.
12. Kuner, C. (2012). *Transborder Data Flows and Data Privacy Law*. Oxford University Press.
13. Hoofnagle, C. J. (2016). *Federal Trade Commission Privacy Law and Policy*. Cambridge University Press.
14. Solove, D. J. (2006). A Taxonomy of Privacy. *University of Pennsylvania Law Review*, 154(3), 477-564.
15. Westin, A. F. (1967). *Privacy and Freedom*. Atheneum.
16. Nissenbaum, H. (2010). *Privacy in Context: Technology, Policy, and the Integrity of Social Life*. Stanford University Press.
17. Allen, A. L. (1988). *Uneasy Access: Privacy for Women in a Free Society*. Rowman & Littlefield.
18. Regan, P. M. (1995). *Legislating Privacy: Technology, Social Values, and Public Policy*. University of North Carolina Press.
19. Cohen, J. E. (2019). *Between Truth and Power: The Legal Constructions of Informational Capitalism*. Oxford University Press.
20. Lessig, L. (2006). *Code: Version 2.0*. Basic Books.