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Investigating the efficacy of the Egyptian Data Protection Law on Media Freedom: Journalists' perceptions

Abstract

The purpose of this study is to investigate the effectiveness of the Egyptian Personal Data Protection Law No. 151 for 2020, as well as its implications for journalistic practice. More specifically, the focal point of this study was to explore how Egyptian journalists interpret the law and its implication for press freedom in Egypt. The underpinning theoretical framework was informed by the Authoritarian school of thought. Questionnaires were distributed to 199 journalists from both independent and semi-governmental representing thirteen official newspapers of Egypt, while in-depth interviews were done with (3) Editors, (4) journalists, and (3) human rights lawyers. The finding of the study indicated that the government placed restrictions on journalists by using Data Protection Law relating to the media. That law is negatively impacting journalists and media houses. It was clear from the findings that the journalists see the law as an obstacle to media independence, as it allows the government to exercise greater information control through digital policy and puts rules of regulation against journalists.

Keywords

Egyptian Data Protection Law, Media legislation, personal information, Egyptian Constitution, Egyptian Journalism, Egyptian journalist.

1. Introduction

Egypt recognising that rapid developments in digital technology have increased the scale, scope, and speed at which personal data are collected, used, the use of computerized databases to store information about individuals became widespread after the Arab Spring revolutions. Accordingly, the government began to appear in 2020 data protection legislation that enhances the rights of "data subjects." and to secret surveillance by the state, all of which had potentially chilling effects on individual privacy and personal freedoms (Mohiuddin, 2019).

To establish the law, the Egyptian Parliament has drawn examples from General Data Protection Regulation "that took full legal effect across the European Union (EU), with the addition of amendments and standards that contribute to strengthening the protection of personal data, which views privacy as a fundamental human right" (Dove, 2018). Based on that model, the Parliament established a committee in 2019 comprising of elected journalists and political officials with profound experience in laws relating to personal data and freedom of

information, to evolve ways to protect private information and establish Egyptian Data Protection law (Ibrahim, 2019).

After that, the Egyptian Parliament approved law No. 151 issued in 2020 consists of 49 legal articles it is divided into fourteen chapters, the first chapter is related to personal data directly such as name, voice, image, etc., sensitive personal data, and whereas processing. Through the other chapters, the law defines the frameworks concerned with the data, users, and controller. The task of the ending chapter for the establishment of the Personal Data Protection Center is to monitor the enforcement of the Personal Data Protection Law. The law also allocates the right of judicial seizure to certain individuals from the center and defines crimes and penalties (Ashour, 2020).

The law appears to not have considered the media freedom Act in the Constitution; the authority has always maintained legislative protection that protected data with more control through media laws such as Article 17 about the professional performance of the principles. Provides that the editorial policy of the newspaper or any media outlet should consider ethical issues relating to citizens' rights and freedoms. On the other hand, Articles 32, 29, 30, 31, and 28 of the Penal Code were incorporated. In addition, there is no legal protection of journalists to enable them to perform their work with safeguards all information, if they get the data from outside sources; Article 195 imposes criminal liability of imprisonment for publishing information without getting permission from the government (Mansour, 2016).

In view of this, conflict arises from laws established by both Parliament and the media institutions, with regards to media and the right to information; crimes against journalists are the biggest threat to press freedom. The reality of the matter in Egypt is that journalists are not allowed to access information legally, as a result, they use spyware tools to expose corrupt people and publicize corruption issues (Khayun, 2019).

This study analysed journalists' perspectives on Personal Data Protection Law No. 151 of 2020 which is based on the General Data Protection Regulation (GDPR), agreed upon by the European Parliament and Council in April 2016, will replace the Data Protection Directive 95/46/EC in Spring 2018 as the primary law regulating how companies protect EU citizens' personal data, to promote democracy in Egypt.

However, the law has many consequences that have affected the freedom of journalists and individuals. This law has many legal provisions to impede journalistic work in obtaining data by using some phrases it condemns journalists to imprisonment and works to reduce the index of freedom of the press.

2. Literature Review

2.1. Information Privacy Rights

The first concept of the right to information privacy in the United States (Warren & Brandeis, 1890) is discussed in the contemporary public theory law. According to this concept, the United States developed the first legal system, and then other countries have taken the US as a model to establish the law, for example:

Asia and Bavaria in 1970, after that Sweden in 1973 and German established the Data Protection Act in 1977 to protect the right to privacy, then France in 1978, Luxembourg and Denmark in 1979, Austria and Norway in 1980, Iceland's in 1982, Great Britain in 1984, Finland in 1988, the Netherlands in 1990, Portugal in 1991, Spain, Switzerland and Belgium in 1993 (Pelteret & Ophoff, 2016, p. 297).

In Egypt, there was no provision for privacy or freedom of information rights. The first law came with the Constitution in 1971 in Article 47 about affirmed privacy as an independent right to all citizens. This means that every person has the right to express their opinion and publish it by speech, writing, photography, or other means of expression without restrictions

(Zeinhom, 2013). During that period, the country faced many challenges, including war with Israel, so the government published laws about self-criticism to guarantee the safety of the national structure. Similarly, Article 210 confirms that “Journalists have the right to obtain news and information according to the conditions specified by law, and there is no authority over them in their work.” This means that the Constitution explicitly guarantees the right to information and privacy (AlAshry, 2016); however, with limitations on the exercise of the rights of the journalists.

Freedom of information was indirectly guaranteed in Article 48: “Freedom of the press, printing, publishing, and the media is guaranteed” (Mohamed, 2016). The censorship of newspapers is forbidden and their warning, suspension, or cancellation by administrative means is prohibited (Altoukhi, 2002). On the other hand, media censorship increased hugely with censorship laws, not only due to strict rules but also as a result of the war. Some self-censoring journalists saw themselves as part of the regime’s cause and thus voluntarily became its mouthpieces. According to those laws, many journalists would face torture in prison, while those who worked in the regime’s media had the privilege of owning private press and enjoying membership in the National Union, thereby compromising the independence of the media (Mohamed, 2010).

In 2014, the Egyptian government established a new Constitution which approved the right to privacy, Article 57 states that private life is inviolable, safeguarded, not to be infringed upon, and all communication is inviolable, and confidentiality guaranteed without being confiscated, examined, or monitored by causal judicial (Belgacem, 2019, p. 7). Othman (2016) argues that Article 68 was the first one to support privacy and access to information, which means people can get access to data, statistics, and official documents, the disclosure thereof from various sources state guaranteed that right to all citizens Hamzawy (2017) noted that the Constitution added laws about “crimes” to protect citizens, such as the laws of defamation, insult, and slander, with Article 302 of the Penal Code defining “journalists as having the right to criticize those who hold public office, without harm or insulting them” (Khodary, 2015, p. 17).

One implication of the above laws is that criticism should be done in good faith and with evidence. But, if journalists insult public officials, they will be tried under Article 306 of the Penal Code. Article 99 also stipulates the inviolability of the private life of citizens (Ahmed, 2016). From these articles, the government implements strict laws to protect citizens from journalists’ crimes and give them more personal freedom, but journalists are subjected to imprisonment or unfair dismissal. In addition, the government has created more laws to restrict the internet through the “Electronic Crime Law number 175 of 2018” passed by the Egyptian Parliament and the Press and Media Regulation to restrict digital rights and media freedoms. Other provisions of this law stated that if journalists do not comply, they would be imprisoned or pay a penalty fee of EGP 100,000 (Ezz El Din, 2018).

2.2. Data Protection Law

After a long and intense reform, the European Union (EU) adopted the new Regulation 2016/679 on the protection of natural persons with regards to the processing of personal data and the European Parliament and of the Council of 27 April 2016 as a free movement of such data [general data protection regulation (GDPR) (Gascón, 2019).

Egyptian Parliament established a new law “Personal Data Protection Law,” to be under Regulation 2018/1725 sets forth the rules applicable to the processing of personal data by European Union institutions, bodies, offices, and agencies, which reaffirms its attachment to the protection of fundamental rights and freedoms of individuals, notably those related to the protection of individual’s privacy, including the specific fundamental right to personal data protection enshrined within the Charter of the Fundamental Rights of the EU and within the primary EU law Treaty on the Functioning of the EU (Mansour, 2016; Harb, 2018).

The law comprises some provisions governing the confidentiality of personal data. These include principles related to rights to individual privacy. The first article about protecting the inviolability of citizens Act 57 states that all communications may not be confiscated, and Article 2 provides for the privacy of data such as any personal data consumers all online information should be stored and not disclosed. If anyone requests access to information, he needs to get permission from the judicial authority (Abdul Jalil, 2019; Mohiuddin, 2019; Khayun, 2019).

While comparing with the General Data Protection Regulation and Egyptian data protection law, the GDPR aims to follow the directive and reinforce the data subjects' rights in a digitalised and evolutive environment for them to regain control over their personal data. In addition, to create legal certainty and sustainability of the data protection measures in a technologically neutral approach (Gascón, 2019). While Egyptian data protection law, which mandates individuals or journalists to "get permission from the judicial authority" also the law imposes an array of sanctions against entities and individuals that commit crimes related to personal data. For instance, any entity or individual that processes an individual's personal data without obtaining the consent of the person who owns the data and causes harm to that person is punishable by a term of imprisonment of not less than 6 months and a fine of 200,000–2 million Egyptian pounds (EGP) or one of these penalties Article 26, in para. 2 (Sadek, 2020).

Eid (2019) argues that the Personal Data Law was established to address rising crimes committed online, for example, under that law, the government blocked more than 34,000 websites in April 2019, among them Batel, a platform for opposition to the proposed constitutional amendments. However, to compare with the GDPR, there are several updates to individual rights and procedures which are important to individuals and journalist's data protection is a fundamental right set out in Article 8 of the EU Charter of Fundamental Rights, which states: "everyone has the right to the protection of personal data concerning him or her. Such data must be processed fairly for specified purposes and based on the consent of the person concerned, or some other legitimate basis laid down by law". This compliance with these rules shall be subject to control by an independent authority, while Egypt has authority to control the journalistic work.

This means that every individual is entitled to have their personal information protected, used in a fair and legal way, and made available to them when they ask for a copy. If an individual feels that their personal information is wrong, they are entitled to ask for that information to be corrected (Palmer, 2019).

Previous research found that data protection laws approved by many countries include limitations on sharing personal data within jurisdictions which do not get full protection. An example is the international information security standards meant to reduce information security risks that journalists may face (Hulsman, 2017; Helmy, 2015). But the situation in Egypt has many controversial aspects. Citizens suffered intrusion on their privacy as a result of social media; the new law poses some limitations on journalistic work –if they want to write a news story, the only way to get the information is through the government, which did not implement the Freedom of Information law (Hussein, 2018; Mansour, 2016).

Shawkat (2020) noted that there are Articles in the law with opposing words or phrases, such as the law prohibits individuals' data spreading by any means without the permission of concerned individuals and should be legally authorized, these phrases are subject to court rulings and all the information made available to journalists must be obtained from the government. In case of violation, offenders will be liable to imprisonment.

2.3. Theoretical framework

Normative theories relate to a framework to explain and categorize media (policy) systems in the world to achieve or maintain prevailing social values (McQuail, 2010, p. 14). Siebert,

Schramm and Peterson (1956, pp. 1-2) state that “the press always takes on the form and coloration of the social and political structures within which it operates. Especially it reflects the system of social control, where the relations of individuals and institutions are adjusted.” Siebert *et al.* (1956) came up with this categorization to elucidate the various media systems existing in the world which are mainly affected by restrictions and media freedom in various circumstances and how this affects the media and society.

The authoritarian state system requires direct governmental control of the mass media. The media professionals are not allowed to operate any operational independence in their media organisations or take any decision. The media houses and journalists are subordinate to the authority and the repressive legislation restricts the media organisations. The main concept under authoritarianism media is to publicise and propagandise the government's ideology. Particularly, the press is an instrument and mouthpiece of the government (Vaca-Baqueiro, 2017).

Recently, in some countries, electronic media is subjected to greater control than print media, because the autocratic governments believe that electronic media is easily accessible and reaches out to greater citizens than print media, so governments continue to justify suppression of the media (Moyo *et al.*, 2014).

In the Egyptian context, after the revolution in 2011, a new authoritarian regime emerged to close the public space cracking down on autonomous journalists. The government's primary strategy is to institute wide-scale repression through lawmaking such as the Protest Law, NGO Law, Penal Code, Terrorism Law, and Military Court Law, this legal amendment to targeting the press and restrict the freedom of Expression (Hamzawy, 2017). Abdul Jalil (2019) affirms that the state controls the media through engaging intelligence services and security agencies in direct or indirect control over most of the newspapers, television, and radio stations.

This study will highlight the impact of the personal data protection law on journalistic work through the following research questions.

- RQ1. What are the principles and provisions of regulation in the law?
- RQ2. What are the controller obligations in the law?
- RQ3. What are the rights of present privacy and information security policy in the law?
- RQ4. Is personal data law (clear or comprehensive or fair)?
- RQ5. How much freedom does your media outlet give to you?
- RQ6. What are the obstacles that journalists face after data personal law is implemented?

3. Methodology

3.1. Study instrument and data collection

This study aims to investigate journalist's perceptions of the Egyptian Personal Data Law and to assess the effects of the law on journalistic work, in relation to access to information and the extent to which government control affects using the new law. The instruments that were used for data collection in this study were the questionnaires and in-depth interviews collected from October to December of 2020.

3.2. The sample

In Egypt, there are 9260 Egyptian journalists under the Egyptian Journalists' Syndicate (EJS) (2020). Based on that list of names provided by the Syndicate the sample was 199 journalists were invited to participate in this study because of geographical coverage, all of the journalists from the sample published news, reports, interview, and investigation when the Parliament implemented the law. The sample:

First, Questionnaires were distributed to 199 journalists divided to:

- (100) journalists from semi-governmental newspapers as follows: (35) Al-Ahram, (10) Akhbar el-Yom, (16) Al Gomhuria, (9) khbar El Hawadeth, (30) Al-Ahram Weekly.
- (99) journalists were sampled from the independent newspaper as follows: (10) *Al Borsa*, (12) *Albaṭāḥnews*, (5) *Al-Dustour*, (19) *Al Esbou*, (13) *Al Fagr*, (5) *Sut El Umma*, (19) *Youm7*, (12) *Egyptian Streets*, (4) *Egypt News*.

Second, in-depth interviews with (3) Editors, (4) journalists, and (3) human rights lawyers, because they had knowledge of media laws in Egypt were adopted.

3.3. Data analysis

All returned valid questionnaires were coded using the SPSS data matrix. The following methods of analysis were undertaken with each sample: frequency counts, percentage, mean, and standard deviations for the listed categories in the questionnaire; one-way analysis using the Mann-Whitney U test is used to compare two independent group differences when the dependent variable is either ordinal or continuous. In our case, the variables are ordinal (degree of agreement) and we have two independent groups: semi-governmental and independent newspapers.

4. Findings of the study

About the journalists, most of them male 60.3% and 39.6% female, the age of the journalists 29.6 % from 21 less than 30; 20.6% from 30 less than 40; from 50 less than 60; 16.6% from 40 less than 50, and 13.1% from 60 and over. Journalists were also asked to indicate their education level. Of the 199 journalists, 60.3% were BA holders; 24.6 % held a master's degree, and 15.0 journalists had a Ph.D. degree. The years of experience in journalistic work, the highest percentage from 5 Less than 10 years 36.2%; 15 years and over 28.1%; from 10 less than 15, 20.1%; and less than 5 years 15.6%. This study found the highest percentage of journalists work as editor 33.2%; reporter 16.1 %; head of the department, editor in chief and photographer 15.1%; design 12.1% and deputy managing 5.0%.

4.1. Principles of the source protection in the Egyptian law

The GDPR maintains by fixing general principles to be observed in the context of personal data processing, including archiving purposes in the public interest, and regardless of the kind of personal data, which is sensitive personal data, to compare that with Egyptian law the finding found data protection principles Article 3, Principle 1 about personal data held by and processed for personal use the journalists agree with (13.6%); neutral (18.6); disagree (67.8%) and $M=1.457$; $SD=0.7226$.

Then, Principle 2 personal data can be used for the purpose of obtaining statistical data or legal text, most of the journalists disagree (57.3%); agree (25.1%); and, neutral (17.6%) and $M=1.678$ $SD=0.8511$. Principle 3 about personal data can use for media, provided and it should be correct, accurate, and not used for any other purposes, without prejudice to the legislation governing of press and media, most of the journalists agree (45.7%); disagree (35.7%); neutral (18.6%) and $M=2.096$; $SD=0.8989$.

The study found most of the sample disagree with Principle 4 about personal data related to the record of judicial seizure, investigations, and lawsuits disagree 106 (53.3%) and the percent the same with agree (22.6%) neutral (24.1%) and $M=1.693$; $SD=0.8174$. So, the highest degree of agreement between (2 out of 3). In addition, Principle 5 about any personal data should get from national authorities, most of the journalists disagree (50.8) from that principle the government will control more the data and (19.6%) 39 agree; neutral (29.6%) and $M=1.688$; $SD=0.7807$. Principle 6 about personal data by the Central Bank is subject to control and supervision, the highest percentage disagree (51.8%); and neutral (27.6%) and agree (20.6%) and $M=1.688$; $SD=0.7935$. So, the degree of agreement varies between 1.4 and 2 (see Table 1).

The above findings dispute what the editors said during an interview.

Editor #1: Egypt must grapple with a serious challenge, there are controversial issues in Egyptian society, while the same journalists used illegal ways to report the news, others used illegal means to access personal information from the online sites in the absence of privacy and freedom of information laws. Based on that, 80% of fake information 80% became commonplace in the Egyptian media.

Editor #2: The government allows information gathering under their supervision, which means the government is the only source of information to individual people, media, and journalists. If the journalists publish fake information, they risk being prosecuted.

Human rights lawyers disagree with the editors and say:

Lawyer #1: The media and press in Egypt have witnessed varying amounts of control by successive governments. Nevertheless, in recent years journalists have come under tight restriction by the ruling government, particularly after the Arab Spring.

Lawyer #2: Imposing limits on data sharing and making it easier for the government, the consequences of which could be severe to journalists.

To compare Egyptian law with the GDPR adds three new general principles of importance according to Article 6 of the GDPR; personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject; collected for specified, explicit, and legitimate purposes (Chassang, 2017). This contradicts the findings of the journalists and Hashish (2020) affirms that if any journalist publishes any confidential information, the government tightens the punishment for those who divulge a secret entrusted with their positions with imprisonment extended for a period not exceeding six months.

Table 1. Data Protection law Principles.

		%	Mean	S.D
Held by and processed for personal use	Agree	13.6	1.457	0.7226
	Neutral	18.6		
	Disagree	67.8		
Can use for the purpose of obtaining statistical data or legal text	Agree	25.1	1.678	0.8511
	Neutral	17.6		
	Disagree	57.3		
Can use for media, provided it should be correct, accurate, and not used for any other purposes, without prejudice to the legislation governing of press and media	Agree	45.7	2.096	0.8989
	Neutral	18.6		
	Disagree	35.7		
Related to the record of judicial seizure, investigations, and lawsuits	Agree	22.6	1.693	0.8174
	Neutral	24.1		
	Disagree	53.3		
Should get from national authorities	Agree	19.6	1.688	0.7807
	Neutral	29.6		
	Disagree	50.8		
Central Bank control and supervision the data	Agree	20.6	1.688	0.7935
	Neutral	27.6		
	Disagree	51.8		

Source: Own elaboration.

Asking the journalists about the provisions of regulation in the law, the findings showed that the law has a regulation to protect the data, the law protects the sources but under the government, most of them disagree (64.8%); neutral (24.1%) and agree 22 (11.1%) M=1.462; SD = 0.6871, and the percentage of agreement from (1.4 out of 3). Then, the highest percentage who

agree with the law protects society from feck news (57.8%); disagree (31.7%); neutral (10.6%) and $M=1.739$; $SD = 0.9112$.

The law gives the public the right not to collect his data without government permission, the government should know the main purposes for collecting that data, in the end, the government has to decide if they can give the public right to withdraw consent to obtain data at any time, or to amend it, most of the sample disagree (66.8%); agree (21.6%), and neutral (11.6%) and $M=1.548$; $SD = 0.8266$.

Moreover, the law protects personal freedoms from chaos and attacks from his personal account, the journalists disagree (61.8%) because this point has controversial issue the law protects personal privacy and did not give any rights to journalists, and the percentage the same between agree (20.6%) and neutral (17.6%) and $M=1.588$; $SD = 0.8109$. Furthermore, the law protects national security, such as the crime of attacking bank cards and electronic payment. Most of the journalists disagree (53.3%); neutral (26.1%) and agree (20.6%) $M=1.673$; $SD = 0.7970$ (see Table 2). These results applied with Mohamed (2010) and Altoukhi (2002) studies which confirm that journalists seek to acquire information from confidential sources without protection from the government, which affects their newsgathering and online publishing.

Asking the editors on whether personal data law puts strict regulations to control journalism.

Editor #1: State protects only the identity of a confidential source for protecting national security.

Journalist #2: State protects the identity of a source whether or not you have promised the source confidentiality, comparing with the other countries law protects not only the identity of a source, but also unpublished information collected during newsgathering, such as information provided by a source, a reporter's unpublished notes, outtakes, and work product so that law will protect our country from media chaos.

Editor #3: We have to ask ourselves first, did the government give space for media freedoms or just implement a law to control us the only reason for that law and not to protect data personal information put to control press institutions.

Lawyer #3: The Principles affirm that the State duty to protect individuals but not abuse journalists the most requires the authority to take appropriate steps through effective policies, legislation, regulations and adjudication. Data protection legislation should address the interest of individual citizens and address the conditions for journalists under which protected data can be accessed.

Some journalists argue that the interference of these laws reflect the Authoritarian theory which applies in dictatorial societies such as Egypt. Alyaqoubi (2019) points out that the government draws on the provisions of the Penal Code, Article 9 of Law 260 of 1960 in the matter of Civil Affairs as amended by law number 11 of 1965. Law number 158 of 1980 stipulated that the data contained in civil status records are considered confidential, for examples include the secrecy of statistical data, statement of individual data, information about the industry, trade secrets and other methods of work. This means more censorship, restriction of the free press and extensive state surveillance that may lead to self-censorship.

Table 2. The provisions of regulation of protection.

		%	Mean	S.D
The sources	Agree	11.1	1.462	0.6871
	Neutral	24.1		
	Disagree	64.8		
Protects society from misinformation	Agree	57.8	1.739	0.9112
	Neutral	10.6		
	Disagree	31.7		
Gives the public the right not to collect his data without government permission	Agree	21.6	1.548	0.8266
	Neutral	11.6		
	Disagree	66.8		
Personal freedoms from chaos	Agree	20.6	1.588	0.8109
	Neutral	17.6		
	Disagree	61.8		
National security	Agree	20.6	1.673	0.7970
	Neutral	26.1		
	Disagree	53.3		

Source: Own elaboration.

4.2. *The controller obligations in personal data law*

As shown in Table 3, with reaped to whether the law includes many obstructions, this study revealed that the largest number some articles in the law may be ambiguous, allowing the interpretation of many phenomena, most of the journalist disagree (64.8%); the same percentage with agree (15.6%) and neutral (19.6%) $M=1.51$; $SD = 0.751$. Then, restrictions on journalistic work for example authority issue decisions to block websites, the journalists agree (68.3%) and disagree (17.6%); and neutral (14.1%) $M=1.49$; $SD = 0.778$.

This percentage agree with (Khayun, 2019) results that show, Al-Masry Al-Youm7 newspaper had published the headline on March 29, 2018, the Supreme Council for Media Regulation decided to sum the newspaper LE 150,000 to the Council considered an accusation against the state, according to that the authority about violations of digital rights is governed by violation of the freedom of digital expression and censorship.

Moreover, the in whereas authority withholds information, the percentage was the same between agree (40.7%); disagree (49.7%), and neutral (9.5%) and $M=1.91$; $SD = 0.949$. Then, the law hindered journalists from publishing newspaper stories and monitoring all communications, agree (58.8%); disagree (22.6%), and neutral (18.6%) and $M=1.64$; $SD = 0.829$. Also, the law holds responsibilities for journalistic work, the journalists agree (39.2%); neutral (14.1%); and disagree (46.7%) and $SD = 0.926$ so that the highest degree of agreement (1.9 out of 3). On whether law blocked journalists from accessing information, journalists agree (61.3%); disagree (25.1%); and neutral (13.6%) and $M=1.64$; $SD = 0.859$. Many punitive articles in the law hinder journalistic work agree (55.8%); disagree (36.7%); neutral (7.5%) and $M=1.81$; $SD = 0.945$.

However, there were mixed reactions from those interviewed, some of the participants must acknowledge the main obligations imposed on data controllers to ensure data is processed properly. The journalists argued that,

Journalist #1: Data protection law not regulating information for journalists and the data controllers do not exist under the law. The law restricts the media in their efforts to obtain information.

Journalist #2: Access to information from the government depends on goodwill and contacts rather than on any clearly established rules.

Journalist #3: The Act prohibits the distribution or public exposure of indecent or obscene material. So that any news published can be obscene material and no exemption is granted on any material. The penalties are a fine or a prison sentence of up to six months. Furthermore, officials may, upon receiving a complaint which they believe to be well founded, seize impugned material by force and destroy it where warranted. Such power is subject to an appeal to the courts by the owner.

Journalist #4: The obligations regarding collecting data for specific purposes and spelt out in ban secret databases of personal information, these words is a contradictory statement because it only allows the government to collect data and ignores journalists and individual, also there are no laws refer to the protection of the confidentiality of journalistic sources or can get information.

To compare the EU law and the Egyptian law in the EU, the ‘controller’ needs to ensure that the processing of data follows the rules of the regulation (GDPR, art. 5, para. 2). In addition, the controller is “the natural or legal person, public authority, agency, or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data” (GDPR, art. 4, para. 7) (Marcen, 2019). But Egyptian law has some Articles which are ambiguous and make restrictions on journalistic work.

Table 3. The law obstructs.

		%	Mean	S.D
Some articles in the law may be ambiguous	Agree	15.6	1.51	0.751
	Neutral	19.6		
	Disagree	64.8		
Restrictions on journalistic work	Agree	68.3	1.49	0.778
	Neutral	14.1		
	Disagree	17.6		
Authority withholds information	Agree	40.7	1.91	0.949
	Neutral	9.5		
	Disagree	49.7		
Monitoring all communications	Agree	58.8	1.64	0.829
	Neutral	18.6		
	Disagree	22.6		
The law holds responsibilities for journalistic work	Agree	39.2	1.92	0.926
	Neutral	14.1		
	Disagree	46.7		
The law hindered journalists from accessing information	Agree	61.3	1.64	0.859
	Neutral	13.6		
	Disagree	25.1		
Many punitive articles in the law hinder journalistic work	Agree	55.8	1.81	0.945
	Neutral	7.5		
	Disagree	36.7		

Source: Own elaboration.

4.3. *The rights of present privacy and information security policy in the law*

The findings of this study revealed the provisions related to the Article 6 on the Rights of the Data Person in the law, an individual has given assent to the processing of their personal data, a third of the sample disagree (54.8%); and (39.2%) agree and M=1.84; SD= 0.959. Then, the processing is necessary and required by obligation, most of the sample disagree (66.3%) and the percentage the same with agree (17.6%) and neutral (16.1%) and M=1.51; SD= 0.778, so, the degree of agreement varies between 1.3 and 1.8.

Moreover, a third of the sample disagree with processing as necessary with a legal obligation imposed by the court, (74.9%) and $M=1.35$; $SD= 0.657$ and allow the controller to fulfill its obligations under the law, provided not offend against the individual's rights (71.9%) and $M= 1.44$; $SD= 0.756$, so this percentage got the highest degree of agreement 1.8 out of 3 (see table 4).

Journalist #4: The most important issue, in the law, did not concern “transparency and modalities for the exercise of rights,” we don't have to force controllers to provide transparent information and not the data under the authority agenda.

This shows that there is no right of access for journalists, as observed by a Lawyer and an editor:

Editor #1: I think we should develop the law required to facilitate data subject rights' by providing mechanisms to journalists' requests and responses. The government has to establish a complaint and reporting system, for journalists and handle complaints within 15 days, and the controllers should explain the consequences of refusing if they are directly related to national security according to Constitution exemptions and what are the other exemptions this part the government dropped from the law to use it from their perspective.

Lawyer #3: The law should explain what is the information obligations in detail, such as “the data subject has the right to know” it is available for journalists to get personal data for investigating their story, actually the law being processed, and to obtain a copy of these data only from the authority according to Articles 135 and 188 of the “Criminal Procedure Code” confirmed that preventive detention is not permissible for a violation committed by newspapers, Temporary detention shall not be permitted for crimes committed by means of newspapers unless the crime is stipulate under Articles 173 and 179, additionally those articles from other law. So that the journalists have to search and go through from law to law to find the right way to work.

To follow the rights in Egyptian law to be under General Data Protection Regulation, the data subjects have several rights allowing them to maintain a certain degree of control over their personal data processed, the GDPR adds many rights such as the right to be forgotten or the right to data portability, the EU having only a support competency in these fields remaining principally regulated by national laws. Thus, Member States should provide appropriate safeguards for the processing of personal data for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes (Chassang, 2017).

Table 4. Article 6 on the Rights of the Data Person.

		%	Mean	S.D
Individual has given assent to the processing of their personal data	Agree	39.2	1.84	0.959
	Neutral	6.0		
	Disagree	54.8		
The processing is necessary and required by obligation	Agree	17.6	1.51	0.778
	Neutral	16.1		
	Disagree	66.3		
The processing is necessary with a legal obligation imposed by court	Agree	10.1	1.35	0.657
	Neutral	15.1		
	Disagree	74.9		
Allow the controller to fulfil its obligations under the law, provided not offend against the individual's rights	Agree	16.1	1.44	0.756
	Neutral	12.1		
	Disagree	71.9		

Source: Own elaboration.

4.4. Journalists' perceptions about personal data law are clear, comprehensive, and fair

The question that was asked with regards to personal data law is clear. Semi-governmental shows (12.1%) between clear and not clear and $M=2.00$; $SD= 0.495$, and newspapers show some extent clear (80.0). Moreover, the same percentage (10.0%) between clear and not clear and $M=2.00$; $SD=0.449$. The study showed no significant differences between the degree of agreement for both semi-governmental and independent newspapers as the p-value is 1 (> 0.05).

Additionally, asked the journalists if the law is comprehensive, which means to protect the public and journalists a third of the sample noted the law has some coverage with (75.8%) journalists from semi-governmental newspapers; while (79.0%) from independent newspapers. In addition, (11.1%) mention it is not comprehensive from both types of newspapers. The study showed no significant differences between the degree of agreement for both semi-governmental and $M=2.02$; $SD= 0.494$ and independent $M=1.99$; $SD=0.460$, as the p-value is 0.654 (> 0.05).

Moreover, journalists were asked about fairness in the law. A third of the sample noticed that law has some fairness (72.7%) in both semi-governmental and independent; while (9.0%) explained that the law is not fair. The study showed no significant differences between the degree of agreement for both semi-governmental $M=2.09$; $SD= 0.517$ and independent $M=2.10$; $SD= 0.522$, as the p-value is 0.899 (> 0.05).

According to Belgacem (2019) consider that the government as a source of information and the state protects personal data. On the other hand, the government does not implement Article 68 law of Freedom of Information about access to information and official documents.

Asking the journalists and lawyers about whether personal data law is clear, comprehensive, and fair for journalistic work, these are some of the responses which emerged from the participants:

Editor #2: The law follows several internationally accepted fundamental principles and procedures. But it is not totally comprehensive, there are many parts missing in the law, which cannot govern the practices of organizations in Egypt.

Journalist #1: The law principles should be based on an approach that requires the newspapers to collect data for specific issues, legitimate and public purposes, the government should not process it in a manner inconsistent with journalistic work.

Editor #3: The law is not clear; the governments provide the right to restrict data processing in certain circumstances and give data subjects the right to receive the personal data they provided to a controller without mentioning how the controller can transmit the information.

Moyo *et al.* (2014) note that these laws are quite clearly in serious breach of the right to freedom of expression as guaranteed under the General Data Protection Regulation. These laws significantly fail to strike a balance between the legitimate interests of the State, for example in preserving national security and public order, and the rights to freedom of expression and democracy.

4.5. Press freedom affected by government

Asking the journalists how much freedom your media outlet gives to you half of the sample explain no freedom with (43.4%) semi-governmental; (45.0%) independent. Then the percentage is the same with little freedom (25.0%) while (6.1%) with some freedom. The study showed that there are no significant differences between the degree of agreement for both semi-governmental $M= 3.74$; $SD= 1.454$ and independent $M=3.79$; $SD= 1.431$, as the p-value is 0.797 (> 0.05). According to Alyaqoubi (2019), the study results indicate that freedom in Egypt is a habitual response to an environment characterised by flawed laws after the post-2011 era

brought hope for freedom to the press, but the dictatorial presidents' rule seems to have brought limited freedom.

In addition, asking the journalists how press freedom affected a media organization, the findings of the study revealed that many journalists did not get freedom from press institutions (63.0%); while half of the journalists got little freedom (22.2%); (24.0%). In addition, (0.0%) with a great deal of freedom with both types of newspaper. The study showed no significant differences between the degree of agreement for both semi-governmental $M=4.31$; $SD= 1.157$ and independent $M=4.36$; $SD= 1.097$ as the p -value is $0.875 (> 0.05)$.

Asking the journalists and editors about freedom they said,

Journalist #1: The journalists face many obstacles that impede the development of the laws' potential, particularly there are pressures to publish the material, to the lack of editorial support and the new design of legislation such as exceptions, vague and broad; those are related to law's implementation.

Journalist #2: we face many legislations related to freedom of media, such as Content censorship using Penal Code Articles 179,184 and 186 to threaten the journalists in the work.

Journalist #3: The new legislation adds other restrictions as well as a ban on media organizations and press syndicates. The violations come with hefty administrative penalties, fines, and periods of imprisonment for journalists; and they remain legally unspecified, the lack of objective legal definitions creates additional avenues for repression and subjects' journalists to permanent threats of bans, criminalization of their practices, and other punishments. Moreover, there is a need for media houses to defend the rights and freedoms. They leave the press unions more vulnerable to repressive measures if they oppose official policies. All of this contributes to a prevailing fear of being targeted.

Editor #1: after the Syndicate Council allowed new media law is issued they amended Article 68 which states that the national press institutions and the editors in chief of newspapers and publication thereof, and may substitute them with whom it deems suitable, which means you are under the authority or you will be out so that this Act provides more restrictions on freedom of the press that are in conflict with restrictions applicable under international law, this Act should be revoked.

4.6. The obstacles that face journalists after data personal law implemented

The findings of the study revealed that the highest percentage with imprisonment with (41.4%) and (40.0%); while the percentage the same with prosecutions (20.2%) from semi-governmental newspapers; (19.0%) from independent newspapers; and (13.1%) journalists from semi-governmental noticed the government close the newspaper; while (14.0%) from independent. However, the study found no significant differences between the degree of agreement for journalists from both the Semi-governmental newspapers and independent newspapers, as the p -value is $0.731 (> 0.05)$, and the $SD= 1.535$ for semi-governmental newspapers; $M=4.36$; $SD= 1.554$ for independent newspapers.

Asking the journalists about the obstacles that they face following the implementation of the data personal law, they noted:

Journalist #1: If I publish a story that is so critical to the government, they'll surely hunt me down. If I publish the story that is promoting and praising them, then I... good for them.

Journalist #2: In Egypt, it's unique that we have a parliament that has established all the time laws to restrict us.

Journalist #3. You cannot report or talk about certain stories..., I don't want to call that "dictatorship," but there are certain stories that cannot be released to the public, and that has played a very big role in press freedom.

It is a fact that news organisations increasingly depend on freelance journalists, who unfortunately are exposed to risks, with many journalists facing the court's charges for publishing fake news. In 2019 alone, 31.5% of the total court cases involved journalists, up from 15.5% in 2018 (Mostafa, 2019).

5. Discussions

The analysis of the Egyptian personal data law and press freedom shows that the laws play a strong and important role among journalists in the country which claims to be slowly adopting democratic laws, while in reality; the journalistic practice is still under siege, the government does not allow journalists to freely operate in a professional media environment, due to the applied of that personal data law, and freedom to information law was not implemented because the authority wants to control the data.

As indicated earlier, the results of the study show that journalists disagree about Article 3 in law Data Protection Principles and the journalists need the data when they write their news stories, Personal Data law only protects the privacy of personal data and the source of information. This means that journalists may not be independent in the exercise of their journalistic work, but they are rather influenced by the government. Although this study is the first study conducted among such journalists in Egypt, in particular after the implementation of the law, its findings are in line with some earlier studies (e.g., Zeinhom, 2013; AlAshry, 2016) which found that there were no articles for privacy or freedom of information rights, they were just mentioned in the Constitution 1971, Article 47 and 210 without being implemented. While European Union law aims to avoid the realisation of privacy risks, namely the occurrence of the so-called 'personal data breach' defined as a breach of security leading to the accidental or unlawful destruction, and make damage to natural persons, such as loss of control over their personal data or limitation of their rights, discrimination, identity theft or fraud, unauthorised reversal of pseudonymisation, damage to reputation, loss of confidentiality of personal data protected by professional secrecy the GDPR developed new rules for the controller and the processor, focusing on the need to be rapid and efficient, in the respect of transparency (Chassang, 2017).

Based on the findings, more than a quarter of the journalists disagree (67.8%) of Personal Data held by and processed for personal use, were found to disagree (57.3%) of personal data can use for the purpose of obtaining statistical data or legal text; while (45.7%) of the sample provided the agreement of personal data that can use for media and the data should be accurate, not used for any other purposes, without prejudice to the legislation governing of press and media; and (53.3%) journalists' disagree of personal data related to the record of judicial seizure, investigations, and lawsuits; (50.8%) of the journalists disagree with personal data because the information did not get from national authorities; while (51.8%) of the journalists disagree because the Central Bank control and supervision all of the data.

The study found the highest significant barrier faced by journalists, followed by lack of information sources, and lack of credibility of the news sources. However, the General Data Protection Regulation (GDPR) took full legal effect across the European Union (EU) that provides a comprehensive legal framework for the protection of personal data, as well as for the promotion of responsible data processing for a range of legitimate purposes. It overhauls the ways in which organizations collect, use, and share personal data without government control over this data (Dove, 2018).

The law includes many obstructions indicated that over two-thirds of the journalist (64.8%) found the law to be ambiguous, allowing the interpretation of many phenomena, this

study revealed that the largest number of some articles in the law may be ambiguous, allowing the interpretation of many phenomena, most of the journalist disagree. Then, restrictions on journalistic journalists agree (68.3%); the authority withholds information the journalists disagree (49.7%); the law hindered journalists from publishing newspaper stories and monitoring all communications, agree (58.8%).

These results support previous studies, such as those by AlAshry (2016); Mohamed (2010); Altoukhi (2002) that provisions related to Article 6 on the Rights of the Data Person in the law, showed that more than two-thirds disagree (54.8%) individual has given consent to the processing of their personal data, a third of the sample disagree (54.8%), and 78 (39.2%) agree and $SD = 0.959$. (16.1%) the processing is necessary and required by obligation; (74.9%) the processing is necessary with a legal obligation imposed by the court; (71.9%) provided not offend against the individual's rights. While the EU law faces obstacles, concerns that differences in the level of protection of the rights and freedoms of Europeans with regards to the processing of personal data in the Member States, could prevent the free flow of personal data throughout the EU, constituting an obstacle to the pursuit of economic activities (Dove, 2018).

This study showed that more than a quarter of the journalists noticed the law is to some extent clear (80.0%); comprehensive (75.8%) and fair (72.7%). Although these results support those by Ahmed (2016); Harb (2018); Hulsman (2017) they do not agree with those of Álvarez (2014); Ashour (2020); Abdul Jalil (2019) who found that the Egyptian legislative structure lacks a special law that protects the confidentiality of private data with rights. On the other hand, laws should be linked with data personal law and include many provisions to protect journalists, as government sources remain the most important regardless of it not being clear or fair.

However, journalists' perception is that there is no freedom with (43.4%) when they select news. Also, the main finding of the survey says no freedom from press institutions (63.0%). Governments put journalism ethics at the top of regulations and the media systems at the bottom, which reflects the power from the regime as a driving force in journalism to be under the government. Although these results support those by Akiti (2012); Shawkat (2020) found that there is a real structural and political system in Egypt, barriers that hinder both the journalism to produce information, and the ability of journalists to claim their right to information for public services. However, in interviews, the respondents noted that the authority placed restrictions on journalists and limited media freedom, which is supported by authoritarian theory.

Personal data protection law promotes excessive government control over both categories to media houses, as well as intimidation of media personnel through direct legal harassment, thereby impacting negatively on the journalistic work. Previous research (Ashour, 2020; Alyaqoubi, 2019; Al zaftawi, 2019) revealed that these legislative law developments have a significant impact on the journalists' violations, in terms of digital rights and media freedom issues, by using the Supreme Council for media regulation, they have the authorities who impose those restrictions in (monitoring and documentation unit).

6. Conclusion

Egyptian personal data law did not have equilibrium between the necessities of effectively protecting data subjects' rights and gives the journalists more freedom, including sensitive data, for journalists. While the General Data Protection Regulation system reinforces cooperation duties and transparency between the actors of the processing, internally and regarding the supervisory authorities, who should create a more integrated system.

In addition, Egyptian law has very contradictory provisions with specific provisions to control data, the field remains widely regulated at the national level, which is still very narrow, in particular, regarding the application of journalists' rights. However, the EU data protection

system has the merit to set up clearer rules that will positively serve the media houses regarding consent, regarding the rules for reusing personal data for another purpose, assessing the risks of data processing in the context of DPIA, but in Egypt adopting accountable management from the authority which they process operations and build or reinforce internal data protection competencies.

The results summarize that the authority wants to control the data because they fear external penetration and attempted access to data threaten national security, this may be justified in some cases. However, in others, we should consider if the use of blocking the press is not a better solution. This must be analysed with special care to try to apply solutions proportional to the problems and the interests at stake.

It is especially important to think about what consequences any regulation will have in law practice and, above all, for human rights and press freedom, freedom of expression, and information. The General Data Protection Regulation (GDPR) is a global normative leader in data protection laws. For this reason, its Egyptian legislators should think about being under the laws to seek democratic values.

Finally, the Egyptian government should change the Articles in the law to be totally under EU law, because the concept of Personal Data Law has transformed and should evolve in today's information age the privacy of personal information has become of paramount importance. We all face the simultaneous need to maintain privacy and reveal personal information in order to interact socially and obtain services.

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