

CONVERGENCE OF TECHNOLOGICAL INNOVATION, GLOBAL MEDIA, CULTURE AND ECONOMICS IN INFORMATION SOCIETY

PRETVARANJE TEHNOLOŠKIH INOVACIJA, GLOBALNIH MEDIJA, KULTURE I EKONOMIJE U INFORMATIČKOM DRUŠTVU

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“The right of access to information” covers the right of users to seek and receive information and the obligation of public authorities to provide access to the requested information , or to publish information independently of a request when such disclosure arises from the obligations defined by law or other regulations.“

*The Law On Right To Acces The Information ,
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ABSTRACT:

The development of the information society includes all aspects of life in modern society and all types of activities. In the field of development of information technology, the environment of modern technologies, globalization processes play a very important role as well as impact of global media. At the same time, sustainable cultural development is both: a goal and a mean of this development as well as the measure of its success.

In this paper, a survey and critique of convergence of technological technological innovation, global media, culture and economics are presented by using the existing concepts of information society. The concept of „information“ value in “contemporary information society” and „information economy“ will be introduced as well. The main components of the information society concept are analyzed, i.e., information, information technologies and data privacy . Changes are considered in the mains spheres of human acitivities. The author will present the characteristics and processes of the information society in cultural, economic, social and technological dimensions of information society; information and communications technologies as an agent of change in information provision and their use as well as their convergence. The paper will also include the overview of development of global media and their role in information society, characteristics of information workflow and the role of the data in information society. The subsegment willll also be given to legal issues which subsequently undergo changes in the field of right to acces information, data collectioan and especially on presence of informatioan in media with emphasis on other connected contemporary challenges and issues in modern information society.

Keywords: *technological innovation, information, media, culture, information economy, information society, right to access information*

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‘Pravo pristupa informaciji’ pokriva prava korisnika da traže I dobiju informaciju I obaveze javnih vlasti da obezbijede pristup traženim informacijama, ili da objave informaciju nezavisno od zahtjeva kada se za tim javi potreba prema obavezama definisanim zakonom ili drugim regulativama.’

*Zakon o pristupu informacijama,
Službeni glasnik Hrvatske br. 25/2013.*

Sažetak:

Razvoj informatičkog društva uključuje sve aspekte života u modernom društvu I svim vrstama aktivnosti. U polju razvoja informacionih tehnologija, okruženje modernih tehnologija, process globalizacije igra veoma važnu ulogu kao I uticaj globalnih medija. U isto vrijeme, održiv kulturološki razvoj je I cilj I sredstvo ovog razvoja kao I mjera uspjeha.

U ovom radu, istraživanje I kritika prevaranja tehnoloških inovacija, globalnih medija, kulture I ekonomije su predstavljene uz korištenje postojećeg koncepta informatičkog društva. Koncept ‘informatičke’ vrijednosti u ‘savremenom informatičkom društvu’ I ‘informacionoj ekonomiji’ će takođe biti korišten. Glavne komponente koncepta informatičkog društva su analizirane, npr. informacija, informacione tehnologije I privatnost podataka. Promjene su posmatrane u osnovnim sferama ljudskih aktivnosti. Autor će predstaviti karakteristike I procese informatičkog društva u kulturološkoj, ekonomskoj, društvenoj I tehnološkoj dmenziji informatičkog društva, informacione I komunikološke tehnologije kao agent promjene u informacionoj odredbi I njihova upotreba, kao I pretvaranje. Rad će takođe sadržati pregled razvoja globalnih medija I njihove uloge u informatičkom društvu, karakteristike protoka informacija I uloga podataka u informatičkom društvu. Jedan dio će se baviti pravnim pitanjima koji posljedično prolaze promjene u polju prava pristupa informaciji, prikupljanju informacija I posebno prisutnost informacije u medijima sa naglaskom na druge savremene izazove I pitanja u modernom informatičkom društvu.

Ključne riječi: tehnološke inovacije, informacija, mediji, kultura, informaciona ekonomija, informatičko društvo, pravo pristupu informacijama.

INTRODUCTION

Due to the expansive growth of information technology and being influenced by the trend of globalization, increasing emphasis is placed on the issue of privacy in the media and the ethics of communication in general. In the new „information way“ of development, the so-called „area of information technology universe“, the source of productivity lies in the technology of creating knowledge, information processing and communication symbols. Renowned scholars of information science emphasize that knowledge and information are always key elements in all modes of development because the production process is always based on a certain level of knowledge and information processing.² Development of the information society influences all of the aspects of life in modern society and all forms of activity. In the area of development of information technology, in the environment of globalization processes, the protection of personal data and development of the

2 According to Daniel Bell knowledge is defined as »a set of organized statements of facts or ideas that represents a thoughtful judgment or the result of the experiment, which is transmitted to others through some communication medium in some systematic form.« Cf. BELL, D., *The Coming of Post-Industrial Society: A Venture in Social Forecasting*, New York: Basic Books, in 1973. P. 175 As regards information, some authors admit in the area, such as Machlup, defined simply as information communication knowledge. Cf. MACHLUP, F., *The Production and Distribution of Knowledge in the United States*, Princeton University Press in 1962., P. 15, However, Bell Machlup's definition of knowledge is also broader defined as operational definition of information most frequently cited definition proposed by Porat, M., in his classic work "Information Economy", so it is defined in the way that "Information is organized data transmitted communication." Cf. PORAT, M., *The Information Economy*, U.S. Department of Commerce, Washington, DC, in 1977., P. 2

legal framework in the domain of personal data protection plays a very important role. At the same time, sustainable cultural development is both a goal and a mean of this development and also a measure of its success. Therefore, as the relevant theoretical framework that enables understanding of the issue of the impact of the media and media literacy to privacy and the ethics of communication in the contemporary information society we need to consider just the theory which is based on the strong influence of the development of new information technologies on privacy and personal data protection with sustainable cultural development based on individuality. Also as the part of that same theory we have to consider the aspect of communication privacy legislation which is based on "protection" of the communication as an aspect of the right to privacy of the individual because the development of techniques and technologies, starting with the written forms of communication, as brought to the highest level of technology development that delivers electronic data exchange as a form of communication the individual has become a major source of public interest.

Firstly, in order to establish the convergence between the technological innovation, global media, culture and economics in information society it is important to give the answer to the question about the source and origin of the information - which is the foundation to any discussion in this field. We could indirectly come if we follow the history and development of information, or if we knew the answers to the questions: is the information occurrence developing in the communication process, as an internal development information in the information system or whether we can define it as a key impact factor in the modern information economy? In any answer from above the important role will take the complexity of the changes that have affected digital economy, as well as modern society in whole.

THE IMPORTANT ROLE OF INFORMATION PHENOMENA IN GLOBAL INFORMATION SOCIETY

For information science³ the fundamental concepts are information as a phenomena and communication as a process. The notification has become a key concept for all the sciences who are dealing with any form of symbolic communication, from mathematics to computer science, of logic to linguistics, from electronics to the library of the humanities and the arts to documentaristic, from social sciences to medicine. Information⁴, on the other hand, (eng. information, germ. Information, franc. Information) is defined as a concept that is the subject of information science, but the term itself is not new.⁵ There is an opinion that the information has become an interdisciplinary phenomenon, and each science has tried, and tried, explain only a part or form of this complex phenomenon. In-

3 Information science emerged 60s when there were already a number of explanations of these phenomena information. There are a number of definitions of information science, but one of the most frequently cited is the definition of information science as an organized body of knowledge based on principles that interpret or try to find and formulate outline the conditions under which they occur facts and events related to the generation, transmission and use of information. According to SARACEVIC, T., *An Essay on the Past and Future (?) Of Information Science Education and Historical Overview, Information Processing and Management* (15) 1-15 (1979), p. 3

4 According to Legal lexicon's definition: Information is a term often used in everyday communication. It is defined as: any type of knowledge about facts, concepts or instructions that may be the subject of communication., Contextual information, the end product of interpretation of the context, legal, data, text, photographs, drawings, cartoons, film, oral report, the value court or other articles published in the media. - *Legal lexicon, Lexicographic Institute, Zagreb, 2007.*, p. 445

5 See TUĐMAN, M., *Introduction to Information Science*, School Book, Zagreb 1993, p.29

formation Society, on the other hand, is usually defined as a new level of social cultural development that will affect the privacy and personal security from the perspective of the functioning of society and the internal, external, and existential security, and development of a person, democratic procedures and methods, democracy labor, peace, order and productivity globally.⁶

From the viewpoint of information science from the 1950s, theorists have warned that the information can be interpreted in a technical, semantic and behavioral level that is the fundamental problem of communication that is at the same point on or about playing a message selected at another point. The messages often have meaning - meaning that they refer to or are associated with some system with certain physical or conceptual properties and these semantic aspects of communication are irrelevant to a technical problem. However, most scientists ignored the fact that the mathematical theory of information does not deal with semantic or social aspects of information, but it delighted the possibility of using theoretical models to analyze the information and / or communication processes.⁷ Thus, the Shannon-Weaver model of communication became the forerunner and the paradigm of other communication models⁸. The model is shown in Figure 1.:

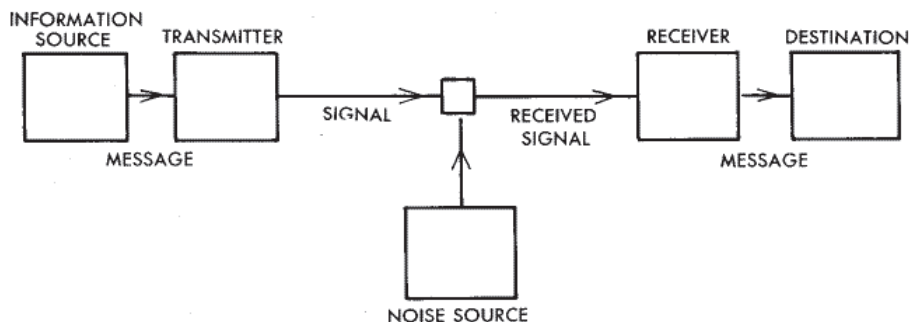


Figure 1. The communication model by C. Shannon and W. Weaver⁹

In all these models, information is a key phenomena, an entity which is exchanged in the communication process, the nature of which can never be fully explained: either because the definition of partial and focused only on certain aspects or fragments of the communication process, or it never reached a consensus on the definitions offered. What was not in dispute in the settings of information science is that the occurrence and development of information science is directly associated with: the exchange of knowledge, communication media and methods and techniques of data processing. What was controversial in these theories is their partiality and inconsistency-despite (fragmentary) truthfulness of their thesis. Thus, there was no explanation of the historical development information functions and information phenomenon because they explored the relation between knowledge, communication media information procedures.¹⁰

6 See. WEBSTER, F., *Theories of the Information Society*, Cambridge: Routledge, 2002., p. 10

7 See TUĐMAN, M., *"Theory of Information Science"*, Informator, Zagreb, 1990., p. 15

8 For more see Tudman M. (1993.) p. 29 by SHANNON, M. WEAVER, WC, *"The Mathematical Theory of Communication"*, University of Illinois Press, Urbana, in 1949.

9 Ibid. p. 29

10 Ibid. SARAČEVIĆ, T., (1979), p. 3. See also TUĐMAN M., *"Presentation of knowledge"*, Croatian University Publications, Zagreb, 2003., p.13

The concept of information we encounter in the most varied situations of use in everyday life to those in specialized scientific fields. It is a basic feature of the information age, information science, technology and society itself. From the variety of meanings which owns, in this part of the processed information is one aspect of which are associated with the concept of the message as the information carrier. Information is the result of processing, analyzing and organizing data in a way that adds a note to the recipient. In other words, it is primarily the context in which the data was obtained. Information as a concept has a variety of meanings, from the mundane to the technical use. Generally speaking, the concept of information is still closely associated with notations constraints, communication, control, data, form, instruction, knowledge, meaning, mental stimulus, causes, perception and representation.¹¹

Since the data and information are often used interchangeably, it is important to distinguish these terms. Specifically, the definition of information is that this is data put into the semantic context, while the data outside of the context. According to the Law on Data Secrecy, Official Gazette . 79/2007 (hereinafter LDS) “ data presents any document , or any written , amplified , drawn image , printed, filmed , photographed , magnetic , optical, electronic , or any other record of information , knowledge , measure , process , object, oral communication or information, which, given its content, has the importance of confidentiality and integrity of their owners. “ (LDS Art. 1 Paragraph 1). Or in other words , the data is useless until it conveys some information . According to the definition of information is a set of characters that mean something to the recipient , or discovering something new . Information is a term with many meanings depending on the context , but as a rule closely related to such concepts as meaning, knowledge , perception, instruction , communication , and various mental processes . Simply put , the information is received and understood as the message . But above all , it is the result of processing , manipulating and organizing data in ways that they build on the knowledge the person who receives this information.

On the other hand, the message is materialized form of information. The main feature of the message is that it is informative, and that the person to whom it is intended (the recipient) provides a (new) information. Information is always about something, and in this sense, it may be true or false. To be as useful or appropriate it is important that all participants in the communication channel have a certain knowledge about the subject matter. Although theories and models that consider the recipient necessarily imply the existence of the sender and therefore do not attach importance to the idea that information can come from the environment, it should be noted that the information and the message we must look at is always strictly linguistic context, because even us and the noise that interferes with the flow communication gives specific information. Information technology is a research, development, implementation, design and management of information systems, especially software models (software programs) and a circuit computer support (hardware,

11 On the one hand, the analysis of the conceptual nature of the term of information often leads to a kind of relative historicism which reflects the constant change of meaning, and a confusing number of arbitrary definitions that do not provide the foundations of a new understanding of the term. On the other hand, the analysis by setting nature of the term information points to two problems: a large number of equivalent evidence fails to show the available information and certain personality when choosing. This presents a serious difficulty of each researcher's history one clue who wants genealogically and critical to clarify the concept of information with etymological methods. See HORIĆ, A., “*Information - history of a term on Capurro understanding of the term information*,” *Croatian Library Journal* 50, 1/2 (2007), p. 98. See also CAPURRO, R., “*Information: ein Beitrag zur etymologischen und ideengeschichtlichen Begründung des Informationsbegriffs*” Saur. Munich, in 1978. p. 116.

computers) using computers for transmitting, processing, analyzing, storing and protecting data. In general - presents the term for any technology that helps us to work with the information. Information technology specialists perform a wide range of acts of installing up to designing complex computer networks and information databases. Area activities include development of IT experts themselves computer circuits, networking, software design, development of database system as well as operation and maintenance of the entire system. Information technology is a combination of computer and information management information via a computer, and is called the information technologies. Information technology helps the transfer of knowledge and education.

Exhaustive legal definition of personal data on the Personal Data Protection Act (Official Gazette no. 103/0, 118/06 - hereinafter PDPA), according to which personal information is any information relating to an identified natural person or a natural person who is can identify that a person whose identity can be determined directly or indirectly, in particular on the basis of one or more factors specific to his physical, physiological, mental, economic, cultural or social identity (PDPA Article 2.) However, in an attempt to define a thorough personal data the question whether the concept of distinguishes personalities from the concept of privacy was left open? If we try to primarily determine the meaning of personality in Croatian language should provide some preliminary remarks. If we were to literally translate the words used in the western countries, then we are talking about the same word or translation would be the same as the English word privacy¹², similar to the personality of the German -Croatian-English dictionary, the word privacy is translated as secrecy of trust, privacy, solitude, peace, and so on until the word Personlichkeit, or in English, personality translates as personality, identity, personality, etc.¹³ Thus, the concept of personality¹⁴ covers an area that explicitly represents a person and her personal life, and the concept of privacy encompasses a wider range of features people taken individually, do not have to have some meaning, but linked to a stable structure resulting portrait of the person, which usually only the person needs to know . Therefore, the origin of the narrower the definition of personal data as well as information specifically related to an

12 According to the dictionary of foreign words the word » private« (derived from the word » PRIVATUS » - personal , Your) means something personal and has no official character (unofficial). Further defined as confidential, secret, private, confidential, pets, domestic, exclusive, limited, closed. See KLAIC, B., *Dictionary of foreign words, foreign words and loanwords*, Croatian Heritage Publishing House, Zagreb, 1990. , p. 1090. The term of privacy itself has been derived from the Latin word, which originally just means those places that are not allowed access to the public. Indicated the need for the inviolability of the private sphere is sublimated in the rich tradition of human thought, especially in the writings of luminaries like Voltariae , Montesquieu , Diderot , Rousseau, Bentham , Gibbon , Hume , Adam Smith , Kant, Locke, B. Franklin , Th. Jefferson and many others. But before it was recognized as an individual right provided with adequate protection, privacy has long figured only as a moral- philosophical ideal. On this see RADIC , Ž. , " *The genesis of the right to privacy* " , Proceedings of the symposium 'Right to privacy , Novalja - Split, 2008., p. 46

13 The United States Supreme Court has stated that American citizens have the protection of the Fourth Amendment (freedom from search and seizure absent warrant) when there is a reasonable expectation of privacy. Without a reasonable expectation of privacy, however, there is no privacy right to protect. »Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment. The Third Amendment in its prohibition against the quartering of soldiers. The Fourth Amendment explicitly affirms 'the right of the people to be secure in their persons, houses, papers, effects, against unreasonable searches and seizures'. The Fifth Amendment in its Self Incrimination Clause. The Ninth Amendment provides: 'The Enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.« Griswold v. Connecticut, 381 U.S. 479 (1965) See GUARDSTER , *The Right to Privacy* , "p. First available at http://www.guardster.com/?Tutorials-The_Right_to_Privacy (25. 07. 2015.).

14 Instead of the notion of privacy as synonymous in the Croatian language uses the term »personality" since according to its content, which is determined by factors outside the person, in connection with it, is a component of "persona". See. BREZAK, M. "The right to privacy", Croatian Heritage Publishing House, Zagreb, 1998, p. 12 by Tomislav Ladan, editor of Croatian Lexicographic Institute in Zagreb (conversation led with him on January 11, 1995) (1998), p. 12

identified natural person or a natural person or a person whose identity can be determined directly or indirectly.

Also, privacy is one of the supporting values of Western legal culture. It is based, on the one hand, the belief that every human being has value in itself, and on the other to the primal human need for the existence of a particular protected area from which everyone else was off psychologically and materially.¹⁵ Using the phrase "right to privacy" when determining primarily legal and safety and protection of the methodology, as well as a set of rules that should be included in the protection of all the features of the situation, the conditions and circumstances in which the individual realizes his need for inner peace, what I want and which, taking into account all social conditions, have the right, it should be clear when it comes to normative regulation.¹⁶

In today's information society threats to privacy rights have the effect of violation of information personality that in the strictest sense of the word is defined as a claim of individuals, groups or institutions to independently decide when, how and what information about yourself to cede to others.¹⁷ In a broad, generally accepted meaning of the term information personality actually defines the term information security under which implies that the individual, in terms of the information society, decide when, where, how and how much will disclose personal information, taking into account their rights and needs, but and the rights and needs of the community where the person lives.¹⁸ Circumstances and conditions of personal rights are defined depending on different variables: depending on the culture, structure or sociological tradition of a society.¹⁹

TECHNOLOGICAL INNOVATION AND NEW MEDIA CULTURE IN CONTEMPORARY INFORMATION ECONOMY

New trends in the development of the information economy and development information technologies have a significant impact on the free flow of information and the right to communication.²⁰ For these settings, contemporary information economy emerges sove-

¹⁵ Ibid., p.13.

¹⁶ Also, it is important to compare the perception of personality through property relations that even possible violation of personal data is seen as a violation of people (causing mental anguish, etc.) and is not a property in the classical sense, nor of material values. See KRNETA, S., Civil law protection of the private life in European law, Yearbook of Law Faculty in Sarajevo, 1970., p. 81-97. See also, DIKA, M., "Protection of personal rights in litigation and enforcement", in Klaric, P. (ed.) "Responsibility for non-pecuniary damages for the infringement of personal rights, , Zagreb, 2006.,, p. 267. Also see RADOLOVIĆ, A., "The right of personality in the new Law on Obligations," Journal of Faculty of Law in Rijeka, Vol 27 no.1, p.133-134.

¹⁷ According to WESTIN, A., *Privacy and Freedom*, Athenaeum, New York, 1970., p.7

¹⁸ As a basis for the definition of personal data protection is primarily defined by the concept of personal data. In accordance with the legal point of view, personal rights are defined as subjective immaterial rights legal system recognizes a person in respect of its personal, compensates personal resources and opportunities as their protection of private rights. On this definition, it is necessary to interpret the definition of personal rights as one of the key foundations of the protection of persons and personal data. With respect to protecting people and individual rights is important to distinguish the concept of protecting the physical security of the person and the protection of privacy and individual personality. Personality is, however, necessarily related to privacy, which is based on deep personal definition of each individual. Interference on the personality of violating the fundamental rights guaranteed by the legislation and the question is can you ever recover damages in this case. Cf. BREZAK, M. p. 22

¹⁹ For example, privacy in certain cultural communities is given by hiding women's faces on foundation in religion, but this is a good example of how the protection of personal rights is functioning. In the same way, in modern terms, the »chat-room-in« or talking through aliases or nicknames of people who access this website in order to protect the personality not to sign their data on the first and last name in order to prevent misuse of the same. Every person on earth is born with the need for personality, for its own framework in which to develop and prosper. On this see beyond TUCAK, I., »Rule of Law and Human Rights,“ Legal Life, no. 14/2007., p. 483

²⁰ According to M. Spremić trends in the new economy are primarily based "on an intensive application of information and

reignty of modern technology, interent technologies and communications while developing new technologies sovereignty. New technology was developed in the 20th century, in the 21st century experienced is its global updates and completeness. civilization rests on openness and ability to accept what is a crucial factor for the prosperity of communication sovereignty.²¹

The right to privacy in legal terminology is most often mentioned by the Anglo-American version of "Right to privacy". In French law however most times designated as "the right to respect for private life - *droit au respect de la vie*", and in Germany it is called "*Recht auf Privatheit*" or "*Recht auf Privatsphäre*". It presents a basic human right, as internationally, as well as the constitutional right of public-legal significance and personal right of civil-legal significance as one of the indispensable elements of human existence that protects humans from excessive encroachment of state government, the public and other individuals in the individual's decisive mental, physical and information privacy.²² Thus, the right to privacy can be considered from several aspects: as a human right international legal nature, as a fundamental right guaranteed by the Constitution, and as an individual right protected by the instruments of civil rights. However, by itself, the right to privacy has absolute significance and operates "erga omnes" - to everyone - has a vertical relationship to the state authorities, and the horizontal relation to third parties. However, by itself, is only important to act toward everyone, but not unlimited.²³ o, setting boundaries - either horizontal to other individuals or third parties, either vertically to government authorities, the foundation of the study of this paper.

When and to what extent an individual can "interfere" in the performance of the privacy rights of another individual?²⁴ There is only one right answer to this question. It is - illegality.²⁵ Illegality, as a legal term, is defined as the limit that an individual may not

communication technologies in business to form a radical change in the perception of business resources - from physical (tangible) to digital (electronic) or intangible resources. Consequently this has not changed and specifically applies only to the technological characteristics but on all the activities, processes, structures, models, and thus changes the way of creating new values. "Cf. SPREMIĆ, M., "Business models in the new economy," Modern businesses, number 4, April 2004, p. 93 Likewise, according to Panian transition from the traditional to the new economy in any case is not seen as a revolution, a sudden or unexpected turn of events, but "a series of small but irreversible developmental steps that rapidly alternating one another." More on this subject see in PANIAN, Ž., *Challenges of e-business*, OG, Zagreb, 2002.

21 ČIZMIĆ, J.; BOBAN, M., *The impact of the development of the Internet as a global infrastructure to information security and network data transmission*, Internet, government and politics - Proceedings of international scientific and professional conferences, Kemerovo, 2013. 286-305

22 Instead of the notion of privacy as synonymous in the Croatian language is used and the concept of »distinctiveness: whereas according to their content, which is determined by factors outside the person, in connection with them, component the personality. Cf. BREZAK, M. *The right to privacy*, Publishing Department Nuts Croatian, Zagreb, 1998th, p.12th by Tomislav Ladan, the editor of Croatian Lexicographic Institute in Zagreb (led conversation with him on the subject of Jan. 11, 1995.). Also, it is important to compare and understanding personality through property relations, which in turn possible breach of personal data is seen as a violation of the person (causing mental anguish, etc.) and not a property in the classical sense, nor on material values. About this broader KRNETA, S., Civil law to protect the privacy of European law, Proceedings of Law Faculty in Sarajevo, 1970, p. 81-97 See also DIKA, M., *Protection of personal rights in litigation and enforcement proceedings*, in Klaric P. (ed.) Responsibility for non-pecuniary damages for the infringement of personal rights, OG, Zagreb, 2006, p. 267

23 See HENDRICKS, E., *Your Right to Privacy*, ACLU, Carbondale, 1990., p. 12

24 It is known in American law that the government of President Ronald Reagan facilitated access to data collection to private offices reporting creditworthiness when it came to people due the state. The result of these agreements was reflected in a series of injuries in the use of sensitive data on loans and debts among state and private institutions and establishing a de facto national office for the collection and sharing of such data, which meant a serious encroachment on the right to privacy of citizens. About this broader DETLEFSEN, R., "Civil Rights Under Reagan," ICS, San Francisco, 1981, p. 17

25 Unfortunately, in recent history, more and more examples of violations of the right to privacy in the practice of European courts, whether it be a violation of the right to communication, or spatial information and privacy breaches and threats of personal data of citizens One of the recent examples of violations of the right to privacy and endangering personal data in the labor-law relation occurred in the retail chain Lidl in April 2009. Trading company Lidl again found itself at the center of a scandal in Germany related to improper monitoring of their employees, and state agencies for the protec-

exceed in achieving the opposite interest to preserve the inviolability of the right to privacy and the right to privacy.²⁶ Only a violation of privacy rights in the interest of the individual to maintain their privacy that prevail over the interests of that individual in exercising their rights, interfere with the right of privacy of another individual. Protecting data from abuse, ultimately protects the data subject, or person.²⁷ So, the only distinction is grounded in the fact that it is not a violation of the data in the classical sense, but the violation of a person. With regards to the allegation that we can only establish that the person who increasingly becomes an object and all are less able to preserve its interests, rights, freedom, and especially intimate life.

One of the assumptions of the development of modern democratic society is the right to create conditions for self-determination of citizens who are aware of their rights with the obligation of authorities to be informed about them. On the other hand, the modern state is obliged to ensure the protection of citizens' personality and therefore their dignity while preventing various forms of misuse of their personal data collected by government bodies. With a commitment accomplishment of these principles, the Republic of Croatia has created a normative framework which allows citizens access to information about the work of public authorities and ensures the privacy of citizens by prescribing ways of using personal data.

Cultural trends as a result of the technological revolution of the media, postmodern attitude towards the issue of privacy has changed and the practice of journalism to privacy issues. It is increasingly appearing in the media and encourage media genres that supersede the right to privacy, where people follow, recorded and publicly demonstrate the most intimate moments. Therefore, a new media culture, supported by electronic media, which is contrary to the ethical standards to which the human society.²⁸ Get a basic human right-the right to privacy as a fundamental right of every individual, leading to a crisis of identity and personality. The foundation of thesis is that communication rights are fundamental human rights as it is strongly put in the *Constitution of the Republic of Croatia* ("Official Gazette" no. 56/90, 135/97, 8/98-revised text, 113/2000, 124/2000 - consolidated text, 28/2001, 41/2001-consolidated text, 85 / 2010-consolidated text - hereinafter Constitution). They guarantee the right to information (Constitution Art. 38, para 4), the right to participate in the media (Constitution Art. 38, paragraph 2, and the right to privacy (Constitution Art.

tion of personal data have launched an investigation on Monday against the retail chain Offices for the protection of personal data of citizens launched in Düsseldorf and Stuttgart procedures that would examine the extent to which Lidl violated laws on personal data of its employees storing and comparing data on sick leave and the types of diseases that have afflicted employees. 'There is no legal basis for that employer records the reasons sick, »said a spokesman for the office for data protection of citizens of North Rhine-Westphalia Niels Schroeder. He expressed astonishment at the fact that Lidl and after the outbreak of the recent scandal of their employees, even though it is illegal, sought information on the type of disease which is prescribed sick leave. The scandal erupted last weekend after being in Bochum in one container for waste paper found writings which were subsequently published online portal Spiegel Online. Lidl is less than half a year ago was fined in the amount of 1.9 million euro's because with the help of video cameras and private detectives for years stalked their employees. Lidl is also for years is under fire because of union pressure on employees and poor working conditions and trade union Verdi on published and called. Lidl black book. Taken from the T-Portal, <http://www.tportal.hr/vijesti/svijet/16263/Lidl-ugrozio-osobne-podatke-zaposlenika.html> -(06. 08. 2015.)

26 For more see BOBAN, M., *Right to privacy and freedom of information in the modern information society*. Proceedings of the Faculty of Law in Split. 49 (2012), 3 (105); p 576-577

27 RADLOVIĆ, A., "The right of personality in the new law on obligations" Proceedings of the Faculty of Law, University of Rijeka, vol 27 no. 1, p. 133-134.

28 A good example is the issue that caused the greatest interest, for example, Big Brother, which is aired in almost all countries of the world. For more on this see BRITZ, J., *Access to information: The ethical challenges of the information era-The ethics of electronic information in the twenty first century*, ed. Lester Pourciau, West Lafayette, Purdue University Press, 1999., p. 351

35).²⁹ On the other hand, it also leads to a crisis of journalism, which means that journalists do not respect the ethical and legal standards of the profession. The fundamental right of communication emerge primarily from the right to information. However, the trends of industrialization and commercialization just right to information is the highest element of endangering. Through the process of commercialization of the media reduces the diversity and quality of the program and manages the awareness of citizens. Also, the commercialization of the media has resulted in market-driven journalism that seeks sensationalism and violation of the right to privacy by publishing citizens' personal data.³⁰

According to the given legal definition, the concept of privacy encompasses a number of spheres of human life, and the information about them: intimate sphere, private sphere, private-public sphere and public sphere of life. However, for the purposes of considering the protection of personal data, as a "fundamental element" of person in a defined legal requirements, national legislation of the Republic of Croatia popularly used term until the end of privacy that binds the value of personal data for intangible essence of each individual - each person. It is this relationship between the various features that define a person and that person, and their possible impact on personal life, a need that, and such a person's right to protection compromising malicious use of such facts, is named „right to privacy“. It presents namely basic human right, both internationally and constitutional right of public-legal significance and in broader aspect personal right of civil-legal significance as one of the indispensable elements of human existence which protects a person from resorting to excessive government power, the public and other individuals in the individual's decisive mental, physical and informational privacy.

IMPLICATION OF INFORMATION ECONOMY SURROUNDINGS ON CULTURE, MEDIA AND THE ETHICS OF COMMUNICATION IN THE CONTEMPORARY INFORMATION SOCIETY

In the modern, information economy surroundings, information³¹ is made pursuant to the process of public information, an integral part of the democratic and political process. Information becomes an important element of freedom and the right to disseminate information to a large extent depends on the legitimacy and management capabilities of data collections. It is clear that the process of disseminating information, their printing, publishing or broadcast media is subject to their wrong interpretation. Logically, one of the constitutional and differentiating means limiting the freedom of public information for the protection of personal rights is the right to correct information. Croatian Constitution guarantees the right to a correction to anyone whose constitutional and legal rights have been violated by public announcement (Constitution Art. 38). The procedure of the information, their printing, posting or displaying is governed by the national legal regulations

29 The Constitution of the Republic of Croatia Art. 36 explicitly state that "*The freedom and privacy of correspondence and all other forms of communication is guaranteed and inviolable*" (Official Gazette No. 85/10, revised).

30 See BOBAN, M., *The genesis of conflict of rights of access to information and the right to privacy in public administration*, Proceedings of the second international conference "Development of Public Administration" / Vlado Belaj (ed.), London: Polytechnic Lavoslav Ruzicka in Vukovar, 2012., p 51 -79

31 Information is a term that is often used in everyday communication. It is defined as any kind of knowledge of facts, concepts or instructions which may be the subject of communication.; Data in the context of the end product of the interpretation of data from the context; Legally, data, text, photographs, drawings, cartoons, film, oral report, a value judgment or other articles published in the media. - The Information - Legal Lexicon, (2007)., p. 445

of public information. In Republic of Croatia it is achieved by the media that subjected to the national legislation and the Media Law ("Official Gazette", no. 59 / 04, still-ML).³²

Legally speaking, it is interesting to view the correction information is one of the logical, constitutional and differentiating means limiting the freedom of public information to protect the rights of personality. ZM entitles legal or natural person that within 30 days of the publication of false or incomplete information required by the chief editor of the publication of a correction notice that they violated her rights and interests.³³ A correction must be published in the first, and if you arrive late in the second program content upon receipt; without changes and additions; the same or an equivalent site programming space; the same or equivalent manner in which the information was published; in radio and television programs published by reading in the same program and the period of time or in the same type of program equivalent ratings. The law also regulates the rules of court proceedings if the chief editor refuses to publish a correction or not to publish it in time and in the manner prescribed by law. Considering the essence of freedom of mass media in the legal freedom of reporting, proponents of logical restrictions on freedom of the press in the correction information see the means to support the principle of duty of truth, ie, transmitting only truth in reporting. For supporters of the constitutional limitations on freedom of media boundaries of public information derived from the protection of personal honor, and the principle of equality of citizens. In theory differentiating demarcation correction information is intent on defending certain konstitucionaliziranih and "Privileged" (The constitution and law) established by law. The Croatian Constitution guarantees "the right to correct anyone who is public information violated the constitution and legal rights." (Constitution Art. 38)³⁴

Through the mass media exercised the constitutional right to freedom of thought and expression. The exercise of this right requires freedom of the press and other mass media, freedom to establish any public information, prohibition of censorship and the right of journalists to freedom of reporting and access to information. In the Republic of Croatia guarantees the freedom of expression and freedom of the media, which includes the freedom of thought and expression, collection, research, publication and dissemination of information, printing and distribution of newspapers, the flow of information, media openness, pluralism and diversity of media, access to public information, production and broadcasting of radio and television broadcasting, freedom of establishment of legal persons for the performance of public information (ML Art. 3 para 1 and 2). However, freedom of information can lead to the publication of false and derogatory information and cause

32 The media: newspapers and other print, radio and television programs, news agencies, electronic publications, teletext and other forms of daily or periodical publishing editorial program content transmission media, voice, sound or image. The media are not books, textbooks, newsletters, catalogs or other carriers to publish information that are intended exclusively for educational, scientific and cultural process, advertising, business communication, operation of companies, institutes and institutions, associations, political parties, religious and other organizations, school papers, "Official Gazette" of the Republic of Croatia, The official journal of local and territorial (regional) governments and other official announcements, posters, flyers, brochures, banners, and video sites without live pictures and free information, unless this Act provides otherwise. (ML, Article 2., Paragraph 1)

33 According to ML everyone has the right to demand from the general manager to publish, without compensation correction of information that has been violated their rights or interests. The right to have redressed and legal persons and other organizations and bodies, if the information were violated their rights and interests. The purpose of the adjustment is to correct inaccurate or incomplete information. Publication of correction may be requested within 30 days of the publication of information. (ML Art. 40, paragraphs 1 and 2)

34 On this see ZLATOVIĆ, D., »The right to redress and response under the new media,« Law and taxes, no. 3rd, March 2007., P. 38 - 42

a violation of privacy. (ML Art. 7 para 1) is therefore legally entitled to a correction and reply and the right to compensation for the damage caused. On the other hand, preventing printing, distribution, broadcasting and printed items is a criminal offense.³⁵

Also, the right of journalists, chief editors, editors and authors of published reports that refuses to give information on the source of published information or information that is intended to publish, protect yourself by ML in a specific way. The “journalistic secret”, a term that is ingrained in this form of information storage, differs from professional secret in that it is just right, but not the obligation. So, the reporter may refuse to reveal the source of information, but there is no legal obligation to maintain the confidentiality of the data. (ML Art. 30 para 1) The court shall request for paying sources adopted if necessary to protect the public interest, in particular the important and serious circumstances, and no reasonable alternative measures of detection of this data, and if the public interest in disclosure of the source clearly prevails over the interest of its protection. According to the interpretation of the Code of Criminal Procedure (Official Gazette 62/03- still CPC) journalist released the duty to testify about sources of information obtained in carrying out their profession, except in criminal proceedings for offenses against honor and reputation committed mass communication (CPC art. 244, paragraph 1)

Still, the question remains whether indeed litigation to undo the damage the publication correction of incorrect information? Although the court cases related to disclosure and correction of information dealt with on an expedited basis left as an open issue of compensation and protection of personal data and personal information security in order to prevent encroachment into the foundations of human rights and dignity. Furthermore, remains the question of “irreparable” harm of violation of the personality, the honor, reputation, dignity of one’s private and intimate sphere, the name, character or work.

CONCLUSION

Cultural trends as a result of the technological revolution of the media , postmodern attitude to the issue of privacy, has indeed changed the practice of journalism towards the privacy issues . The media increasingly encourages appearance of media genres that supersedes the right to privacy , where people are followed , recorded and publicly presented in the most intimate moments . Therefore , a new media culture is developed. It is supported by electronic media on the standards which are in contrary to the ethical standards of the human society . In this surroundings of new media culture the basic human right - the right to privacy as a fundamental right of every individual , is lost. What is even worse – this is leading to a crisis of identity and personality . On the other hand , it also leads to a crisis of journalism, what means that journalists do not respect the ethical and legal standards of their profession. The basic communication rights arise primarily from the right to information . However, the determined trends of industrialization and commercialization of media present the highest element of threat to the right to information.

The author has given an survey of convergence of technological innovation, global media, culture and economics in information society towards current legislation and sec-

³⁵ According to. art. 233 paragraph 3 of the CPC in the criminal proceedings are not subject to seizure records of facts that have been done by journalists and their editors in the media about the sources of information and data that they learned in the course of their professions and are used when editing the media media, which are in their possession or in the editorial in which they are employed.

tion of contemporary information society in which the process of commercialization of the media decreases the diversity and quality of the program and manages the awareness of citizens. Also, the commercialization of the media has resulted in market-driven journalism that seeks sensationalism by publishing citizens' personal data which directly violates fundamental human right - the right to privacy.

As the results of survey the author in this paper strongly indicates introduced problems in the aspect of policy relating to the collection of data about individual (personal data), the management of this data and its use. It refers also to the use of personal data in the media that require the consent of the person for their use by third parties and defines the solutions in the cases of infringement of personal data in the media and media literacy in today's contemporary information society. The communication privacy in the media is defined as an entry into the domain of privacy, but the damage caused concerns the person and therefore the value that should be protected by privacy.

Further more, survey indicates that the important role in protection of privacy in media is legislative role of the Constitution of the Republic of Croatia – especially the Art. 23 - Physical protection of an individual, the Art. 34 - Illegal interference with the family and other environment and the Art. 37 - which concerns the confidentiality and protection of personal data (law prohibits the collection, processing and use of personal data without the consent of respondent). Also the Article 36 of the Croatian Constitution, which reads: "The freedom and privacy of correspondence and all other forms of communication is guaranteed and inviolable" allows citizens to have protection and safety, which will be limited in the conditions necessary for the protection of state or conduct of criminal proceedings. Coordinately, the idea of human rights is based on the premise that every member of society has the right to full participation in social and political activities and the protection of limiting the achievement of these civil rights. In many countries, the law amended by the inclusion of cultural and socio-economic rights (such as rights to health care, housing and clean environment), which are called second and third generation rights. It also opens the question of supplementing the existing group rights to the 'information society' or formulate new rights groups such as communications, digital and Internet rights and their contents.

Also while introducing the survey results, it is important to indicate the overwinding „communication revolution“ which leads to new and different „communication scenarios“ in the future - new communication platforms, mobile phones, digital systems, synergy and convergence of media. The presence of information and personal data in the media whether it be about public figures or news (for example, Crime News) when the disclosure of personal data is directly and sometimes on unfounded facts and without the consent of the person to whom they refer. A multitude of information that we are bombarded daily by media calls into question the very relevance of the information as well as the sources of the information.

In Croatian Media Law, which is harmonised with European Media Law the legal entity entitles the chief editor of media who is required to publish a correction notice that they violated personal rights and interests an individual that within 30 days of the publication of false or incomplete information. (ML Article 40.) A correction must be published in the first, and if it arrives late, in the second program content upon receipt; without changes and additions; the same or an equivalent site programming space; the same or equivalent manner in which the information was published; on radio and television programs it is pu-

blished by reading in the same program and the time or in the same type of program with equivalent ratings. Within a month, which is a rather long period, the damage to a person or at person's right can not be „really“ measured and can be regulated afterwards only by a legal suite in civil law. Also, the importance of protection of privacy and ethics of communication in the modern information society rises in the modern information society through the process of commercialization of the media which reduces the diversity and quality of the program and manages the awareness of citizens. The commercialization of the media has resulted in market-driven journalism that seeks sensationalism by publishing citizens' personal data which directly violates fundamental human right - the right to privacy.

All above can be easily introduced by evident changes in cultural trends as a result of the technological revolution of the media, postmodern attitude towards the issue of privacy has changed and the practice of journalism towards privacy issues. Increasingly in the media appears and encourages media genres which supersede the right to privacy, where people are followed, recorded and publicly show the most intimate moments. Hence to a development of a new media culture, a new media culture is developing, supported by electronic media, which is contrary to the ethical standards to which the human society is based. The slowly the basic human right is lost-the right to privacy as a fundamental right of every individual, leading to a crisis of identity and personality. The reasons can be found in the new domain of communication privacy and impact of media in such cases as harmful media content and their impact (violence is developing, stereotypes are developing, pornography), media habits of children and adults, media genres - news, advertising, big brother, reality shows, soap operas and young people, regulation and self-regulation - national laws and codes of ethics of journalists and advertisers, new technologies - and changes in media habits - interactive communication; new media genres wikipedia, blog, web and new -electronic media.

In the order to protect communication rights it is strongly stated in the paper that communication rights are fundamental human rights adding here that communication rights for children are human rights of the child. Their protection guarantees the right to information, right to participate in the media and the right to privacy avoiding and – banning the media's insufficient respect communications rights of (privacy) for children.

Proposed solution of this paper is bringing the media literacy as the ability to access, analyze, evaluate and transmit messages through the media based privacy protection - legal and security aspects on the highest level by education which includes:

- TECHNICAL COMPETENCE: education - the ability to access the media
- CRITICAL COMPETENCIES: understanding the media, the ability to interpret and critically evaluate
- PRACTICAL COMPETENCE: the ability to create media messages

Given „roadmap solutions“ are based on author's survey which has been given coordinately to territorial research in the last five years. The measures that are strongly suggested are firstly going in the direction of applying the legislation and increasing the awareness of the dangers and how to protect the information flow in the media towards technological innovation and their commercialisation in the information economy as well as identifying issues and awareness of the importance of media policy in global cultural trends. Without application of the proposed solutions citizen's privacy and the protection of the fundamen-

tal human right to privacy and personality were brought under the tag of the questionnaire. The only positive step is that in recent years the importance of protecting communication privacy in media is emphasized (and privacy in general) and more attention is paid to finding appropriate solutions in the information flow through the media and data collection in information economy in broad.

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