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ORIGINAL ARTICLE

Protection of Personal Data in AI-Driven Journalism Under the Iranian Legal System: An Analysis of the "DAVAM" Law and the Computer Crimes Act

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EXTENDED ABSTRACT

Introduction:

With the recent development and widespread global application of AI technologies and systems, concerns regarding the collection and processing of personal data have emerged as one of the most contentious issues surrounding this technology worldwide. Given the legal capacities associated with the protection of individuals' privacy, this matter has rapidly attracted the attention of major legal traditions and the leading judicial systems influenced by them.

Undoubtedly, this imperative to protect privacy has been intensified by the global development and deployment of AI technologies in news collection, processing, and algorithmic generation, driving profound and ongoing transformations in media and journalistic activities. Crucially, the collection and processing of journalists' personal data-unlike that of ordinary citizens or even other professional groups-not only constitutes a violation of privacy but may also amount to an encroachment upon journalistic sources, which themselves represent a vital interest in a democratic society. Therefore, if an environment of trust and

reliability is established within the framework of AI-driven journalism, journalists can take effective steps toward fulfilling their crucial mission and advancing societal progress.

Within this framework, the central problem of this research is to examine the legal capacities for the protection of personal data in the process of AI-driven journalism under Iranian law. Although the Constitution of the Islamic Republic of Iran has established general principles regarding privacy protection, no specific legal research has yet been conducted on the capacities of the National Data and Information Management Act and the Computer Crimes Act for safeguarding personal data within AI-driven journalism. Accordingly, the main research questions are: What is the normative scope of application of the National Data and Information Management Act and the Computer Crimes Act in guaranteeing data privacy? What challenges are posed to media activities by the absence of exceptions, such as the protection of personal data in the process of AI-driven journalism?

Method:

This research is conducted using a library-based methodology and textual analysis of the legal framework of the Islamic Republic of Iran. In other words, it provides a legal analysis of the current regulatory order governing the protection of journalists' personal data in Iran, focusing on the DAVAM Act and the Computer Crimes Act. Accordingly, the researcher relies on the interpretation and legal analysis of the provisions of these laws, as well as on ascertaining the current legal status. Therefore, in addition to the primary sources mentioned, secondary sources-such as legal literature related to media law, computer crimes, and personal data protection-have also been utilized.

The analytical method is based on descriptive analysis and verbal-interpretative analysis, with the ultimate objective of presenting a clear picture of a coherent legal framework concerning the protection of personal data in AI-driven journalism under Iranian law. Consequently, the scope of this research is strictly limited to the legal dimension, aiming to provide an authoritative preliminary interpretation of the subject matter in Iranian law based on valid findings, thereby addressing and remedying potential legal gaps through the enactment of specific regulations or the amendment of existing laws.

Findings:

An examination of the foundations and principles governing freedom of expression and freedom of the press in the Constitution of the Islamic Republic of Iran clearly demonstrates that the role, status, and privacy of journalists are envisioned in a manner commensurate with a democratic society. Consequently, such a role and status-coupled with global experiences-must be extended to the protection of personal data in the process of AI-driven journalism. Obtaining an interpretive opinion from the Guardian Council regarding such a constitutional capacity constitutes a preliminary and essential step toward expanding and enacting the necessary regulations.

In the legal system of the Islamic Republic of Iran, journalists' personal data is protected-based on the aforementioned foundations and principles-under two general statutes: the DAVAM Act and the Computer Crimes Act, broadly in the same manner as that of other individuals. In other words, there is no specific and explicit law in this regard, and journalists are treated on par with ordinary citizens.

The analysis of the provisions of the DAVAM Act revealed that, although this statute provides a general and robust normative framework for the protection of personal data under national ownership and sovereignty, data protection governance at all levels, and duties and obligations backed by necessary enforcement mechanisms, it does so despite possessing the structural capacities required to enact specific regulations for safeguarding journalists' personal data with a view to securing and guaranteeing freedom of expression and the press, given its special role in democratic societies.

Furthermore, the Computer Crimes Act, acting as a criminal guarantee, addresses data generally and without making a distinction between personal and non-personal data. In general, personal data is not specifically addressed in this statute, and only instances of it are occasionally referenced.

Conclusions:

The results of this research, framed around its main research questions, demonstrated that the role and status of journalists in a democratic society are distinct from those of other individuals, and that even their private lives are inextricably linked to the theoretical foundations of media law and freedom of expression. This is because the right to freedom of expression constitutes the primary cornerstone of media law, while other freedoms and media rights-such as freedom of the press, freedom of information, media independence, and freedom from censorship-are deeply rooted in and entirely influenced by this fundamental human right. Therefore, any systemic disruption in the private lives of journalists within AI-integrated infrastructures can exert a negative impact on this entire chain and its communications.

From this perspective, the protection of personal data in the process of AI-driven journalism assumes special importance and necessity, as the sphere of journalism and journalistic activities is directly affected by it, thereby fostering the enhancement of freedom of expression and the press. This, in turn, can pave the way for public awareness, the continuity of public participation and oversight, as well as governmental transparency, accountability, and the combatting of administrative corruption. Moreover, the primary function of the fourth estate of democracy-specifically the theoretical foundations of media law, namely media independence, media pluralism, and media regulation-is guaranteed thereby.

The examination of the legal order governing freedom of expression and press freedom under the Constitution of the Islamic Republic demonstrated that the role, status, and protection of privacy are envisioned in a manner consistent with a democratic society. Meanwhile, journalists' personal data within the Islamic Republic is protected under national sovereignty based on the aforementioned principles, pursuant to two general regulations: the National Data and Information Management Act (Dowam) and the Computer Crimes Act, identically to other individuals. In other words, there is no specific regulation tailored to this profession, and journalists are treated on par with ordinary citizens.

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