DATA PROTECTION AND DIGITAL LIVELIHOODS: PROTECTING SOCIAL MEDIA INFLUENCERS IN THE CREATOR ECONOMY

Bhumika Tulsyani, SVKM NMIMS School of Law

ABSTRACT

Social media has evolved into a place where creators can earn income, build their own businesses and find meaningful employment. Influencers use the same social media accounts for both collecting personal information about themselves and for creating a revenue-generating digital asset that can be supported through paid partnerships with brands, ad revenue and community engagement. Unfortunately, as social media accounts have developed into valuable assets for creators, they also remain vulnerable to hacking, identity theft, wrongfully being suspended from their accounts, and being deplatformed. These issues can cause significant financial and professional losses for creators.

This research considers the connection between digital livelihood protections and protection provided by current Legislative measures, including constitutional provisions, privacy regulation, criminal cyber forensics, data regulatory laws, and platform governance in India. It identifies that ultimately, the current legal protections for creators primarily relate to protecting their privacy and data only; and that there is insufficient legal protection for creators whose accounts are lost and how this negatively impacts their earning capability and livelihood. Thus, this research suggests that legislation needs to create more robust legal protections for creators through creating mechanisms to recover their accounts, holding platforms accountable, creating processes for creators to address grievances, and creating legal recognition of their digital livelihood interests.

Ultimately, the research finds that the loss of a creator's social media account is not just a data protection issue; it is an issue of right to livelihood as well as a right to constitutionally guaranteed digital rights.

Keywords: Data Protection, Digital Livelihoods, Social Media Influencers, Creator Economy, Deplatforming.

Introduction

The fast-paced growth of platforms that allow you to create things (aka the creator economy) have changed how we use social media. It started off as a way to communicate with others, but has now become an area for people to work, be entrepreneurs and make money[1]. The rise of social media influencers is a perfect illustration of how much influence these platforms have had on creating jobs in the digital world. Influencers are using their accounts on Instagram, YouTube and X to gain followers, develop a brand or identity and make money via sponsorships, paid advertisements, affiliate programs (linking to products) and getting paid for use of the platforms. While there are some influencers that only use their accounts for personal interaction, many of them see their social media accounts as digital assets that they will rely on in order to support themselves and build their own business.

Nevertheless, with growing dependence on digital platforms, influencers face a variety of new vulnerabilities. Hacking of accounts, unauthorized access, suspension or removal from platforms and being impacted by algorithms have all become commonplace. These events often lead to unanticipated losses of follower counts, loss of content, loss of audience interaction and loss of revenue. Legal protections or remedies for traditional forms of employment are well established, but most social media influencers are engaged within platform-controlled ecosystems and have limited transparency and options for recourse when their livelihood is suddenly disrupted. Therefore, losing a social media account can have serious long term economic and professional impacts beyond just losing the data associated with your social media account.

The recognition of the right to privacy as a fundamental right under Article 21[2] of the Indian Constitution has enhanced the legal framework that has emerged around questions of data protection and individual freedom in the age of technology. In addition, judicial interpretations of Article 21 have also acknowledged that the right to livelihood forms part of the right to life.[3] Although this representation of livelihood rights in the Constitution has evolved, very little has been done to recognise the interaction between data protection and digital livelihoods, particularly those of digital content creators and social media influencers who rely on access

[1] Malcolm Katrak & Shardool Kulkarni, The Regulation of Influencer Labour in India: Situating a Novel Form of Labour Amidst Colonial Continuities of Informality, in The Hashtag Hustle 149, 150–53 (Edward Elgar Publ'g 2024).
[2] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.
[3] Olga Tellis v. Bombay Municipal Corp., (1985) 3 SCC 545.

to digital platforms for their economic survival.

The aim of this paper is to assess whether social media accounts are digital assets and a source of livelihood and therefore require a higher level of legal protection under the law, as well as the adequacy of the current legal frameworks for providing legal recourse for influencers in situations where their accounts have been hacked, suspended, or deplatformed, and to examine how the relationship between data protection, platform governance and digital livelihood will need to be considered in determining what legal protections need to be established to prevent influencers from suffering loss of their digital identities and means of livelihood as the nature of work continues to evolve within the creator economy.

Meaning of Digital Livelihood

In this paper, "digital livelihood" refers to a person’s capability to generate income through a long-term commitment to using digital platforms and the online ecosystem. For social media influencers who work in the creator economy, their income comes from how much their audience interacts with them and from being sponsored by brands, having paid advertisements, getting paid by companies to sell products as an affiliate of theirs, and working with online platforms that monetise content. Therefore, continuing to have digital accounts, reach an audience, and have access to the platform infrastructure is vital for economic viability. Digital livelihood reflects how digital assets and access to platforms can serve similar purposes as a traditional workplace and/or a conventional business in today’s economy.

Research Questions

1. Is it possible to classify social media accounts as digital assets that provide income for their users?

2. Is there sufficient protection for an influencer whose social media account has been hacked, suspended, or deplatformed under existing Indian laws?

3. Should influencers be entitled to other forms of legal protection or remedy when their social media account is lost, causing financial loss?

Research Hypothesis

- **Null Hypothesis (H_0)**

The loss of a social media account does not have a significant effect on the status of an influencer's livelihood under current law; existing legislation provides satisfactory protection against such eventualities.

- **Alternative Hypothesis (H_1)**

The loss of a social media account does negatively impact an influencer's livelihood and current legislation is not sufficient for protecting such individuals; therefore, stronger forms of legal protection for influencers and greater accountability of social media platforms is required.

Research Gap

The majority of studies on influencer marketing, social media platform governance, and data privacy indicate that there is little research on the use of social media accounts as sources of digital livelihood and how loss of those accounts, including hacking and/or deplatforming, create economic harm for influencers and potential violations of constitutional rights and legal protections. The objective of this research is to fill those gaps in the literature.

Social Media Influencers and the Creator Economy

- **Rise of the Creator Economy**

With digital technology improving and more social media platforms available, a creator economy (or an income-generating online content-production ecosystem) has emerged[4] in which individuals create and publish content on digital channels to earn money. Examples of social media platforms that have enabled content creators to connect with their audiences & build personal brands are Instagram, YouTube and Twitter.

Previously viewed as just a hobby, many individuals now see social media influencing as an actual career.[5]

The creator economy has seen significant development in India in recentod like TikTok, so now we have a variety of other domestic short video site such as Moj, Josh, and

---

[4] Boston Consulting Group, From Content to Commerce: Mapping India's Creator Economy (2025).
[5] Malcolm Katrak & Shardool Kulkarni, supra note 1.

many others being built while at the same time, Instagram reels and YouTube shorts gained popularity; therefore, the growth of content creators led to new economic opportunities for content creators and growth of influencer-based marketing.[6]

- **Social Media Accounts as Sources of Income**

Influencer's primary source of income is via digital platforms, which they use as their main source of income. Influencers use different types of monetization such as; sponsorships, affiliate marketing, ad revenue, subscriptions and promotions to generate an income.

The value of an influencer is determined by how big the influencers audience is, the amount of engagement they receive, the amount of exposure their content receives and how well they're viewed online by their audience.

Traditionally you have some type of place of employment that is used for professional use, however, for influencers their work is completed through their social media accounts, which creates professional activity and establishes commercial relationships for them. Therefore, a social media account serves as both a personal account for the influencer, but it also functions as an income-generating asset in which they support themselves.

- **Dependence on Platform Access**

The economic outcomes for individuals classified as influencers is highly dependent on their ongoing ability to generate revenue through continued access to the digital platforms utilized to do so (for example, through followers, archived content, various metrics of engagement, and brand partnerships) associated with their account and digital presence as a whole. Therefore, when an influencer's account is disrupted from being accessed (e.g., hacking, account suspension, deplatforming, or restrictions placed on the account by the platform) they can have significant negative economic impacts as a result (for example, unable to reach targeted audiences, unable to maintain commercial relationships, and/or unable to generate income).

---

[6] Boston Consulting Group, supra note 4.

The growing dependence of influencers on digital platforms raises the necessity to view social media accounts as assets that support the digital livelihood of influencers and not merely storage facilities for personal data. This perspective will provide the necessary background to act as an analytical foundation for considering whether existing legal frameworks offer appropriate protections for influencers to mitigate the economic impacts associated with loss of their account and/or other forms of disruption dictated by the digital platform.

Social Media Accounts as Digital Assets

- **Audience Value**

A social media profile is strongly influenced by the number of people who follow you, since the larger your following, the more valuable it becomes to you. An influencer dedicates considerable time and energy to produce content, engage with their audience, and establish trust and rapport among the members of their community. An influencer's audience size and engagement rate are often the key drivers of their ability to obtain sponsorships and business partnerships. Because of this, many times an influencer's followers are seen as a key asset[7] much like any economic resource of value rather than being viewed simply as a number relating to an influencer or even measuring influence by relative number of followers.

- **Brand Value**

High social media accounts have enough worth to be classified as brands. By regularly creating content and connecting with audiences, influencers have built personal networks that attract both businesses and consumers. These two things help to determine how much credibility and how good of a reputation an influencer has built for themselves; therefore, how successful an influencer is regarding endorsement deals and long-term partnerships. An influencer's account is considered both a way of showing their professional persona and an extension of their commercial reputation.[8]

---

[7] M. M. Shafeeque & Anjali M. S., Content Creators Between Platform Control and User Autonomy, 65 Bus. & Info. Sys. Eng. (2023).
[8] Id.

- **Economic Significance**

An increasing creator economy indicates the economic significance of social media accounts, where influencers monetize accounts via sponsorships and marketing. For most creators, these platforms are their primary income source[9]; thus, losing access to an account for any reason (e.g., hacking, or suspension) will result in loss of both audience and income opportunities.

Therefore, it is reasonable to consider that the potential loss of these digital resources makes them, like many assets, have value to the influencer; thus, it is essential to examine how influencers with a reliance on continuing access to digital services are legally protected and what protections might be applicable should an influencer lose access to their account.

Data Protection and Digital Livelihoods

- **Account Hacking**

Social media accounts are now considered to be a form of property, thus, they have become larger targets for cyber-attacks. Influencers who use social media are at risk of having their accounts hacked, such as through unauthorized access and phishing, and their accounts may be taken from them altogether. When an influencer has their account hacked, they lose control over their content, their audience and how they communicate with those people. For an influencer that depends on their presence online for income, this can lead to immediate damages—financially and reputational.

The Information Technology Act of India, 2000 offers some protections against unauthorized access to digital accounts. For example, Section 43 creates a civil liability[10] for unauthorized access, downloading, disruption or damage to computer resources. Section 66 makes it an offense[11] to commit an act of dishonesty or fraud as described by the prior Section 43. Section 66C creates an offense for identity theft[12] that involves the use of a password, digital signature or other unique identifying

[9] Boston Consulting Group, supra note 4.
[10] Information Technology Act, 2000, § 43.
[11] Information Technology Act, 2000, § 66.
[12] Information Technology Act, 2000, § 66C.

information without permission. Section 66D creates an offense[13] for cheating by impersonation using computer resources.

These protections may be used when an influencer loses control of his or her social media account due to unauthorized access (hacking) or unauthorized access (credential theft). The Act focuses on cybercrime, but does not include any provisions that offer specific remedies for financial harm resulting from the use of a creator's own social media accounts in order to earn an income.

- **Identity Theft**

Many personal details about influencers can be accessed through their social media accounts (e.g., identity, photos, communication). Cybercriminals who gain unauthorized access to these types of accounts can impersonate the creator, unlawfully use their private information, or commit other crimes against them. Identity theft can have an impact not just on an influencer's privacy but also on the influencer's reputation and ability to connect with their followers and business partners.

- **Account Recovery Challenges**

The creation of an economic impact from social media accounts will continue to grow, yet the means of recovering them are still somewhat controlled by the private owners of these platforms. Many times, the influencers who are attempting to recover their accounts will experience delayed processing, little to no assistance, and a lack of transparency in the recovery process. The loss of access to compromised accounts can affect their ability to receive ongoing sponsorships, the level of engagement with their existing audience, and they will also lose their revenue for the duration of the time the account is inaccessible.

The increase in the number of hackers, identity thieves and account recovery failures are evidence that a social media account is much more than just a place for storing an individual's personal data. They are instead, digital assets of value which support the lives of those influencers. As a result, the protection of these accounts should not only be treated as a data security issue, but also as an economic stability and digital

[13] Information Technology Act, 2000, § 66D.

livelihood issue.

Platform Power and Deplatforming

- **Account Suspension**

  Social media sites are able to disable, limit or permanently delete an account at their discretion when they feel they have violated a site's terms and conditions, usually under safety or content moderation purposes. Creators that earn a living would be strongly impacted due to lack of access to their account should it be disabled. The result may include losing followers, brands they partner with and therefore revenue-producing options. In addition, creators often do not receive much information regarding how the suspension occurred and face great difficulty finding an appropriate remedy.

- **Algorithmic Control**

  The way that content can be seen on different social media channels depends on the algorithms that control how the content is shared with others and how many people see it. The algorithm that you post to will determine if your post gets viewed by many people; is it getting shared? Recommended? Blocked? Your engagement with others and how much you earn can change depending on how an algorithm is programmed to make those decisions. Because the algorithms have limited transparency, and due to the fact that creators have such a small amount of power over any of the changes from the algorithm(s) on the social media channel(s), creators/influencers are reliant on an algorithm that they have very little power over.

- **Platform Governance**

  Platform governance is the formal framework which governs how social media platforms enforce policies for users of their platforms. Through the use of community guidelines, content moderation guidelines and account management processes, social media platforms have significant authority to govern the digital space in which influencers operate. However, there are many issues with transparency, accountability and procedural safeguards in platform governance.

The Intermediary Guidelines and Digital Media Ethics Code (2021)[14] provide a regulatory framework for social media platforms in India where they serve as intermediaries. The rules require these intermediaries to develop grievance redressal mechanisms and exercise due diligence[15] for managing user-generated content. However, at no point do the rules cover disputes involving a monetised creator, wrongful deplatforming, delayed account recovery or loss of digital livelihoods. Because of this, influencers are often reliant on internal platform processes that may not be transparent and provide limited effective remedies to them.

With the increased reliance of influencers on digital platforms, the relationship between influencers and social media platforms is becoming increasingly unbalanced. Thus, the outcomes of social media platform decisions, such as account suspension, content removal, and algorithmic visibility, impact the economic livelihood of influencers in very direct ways. Therefore, it is critical that we take a closer look at whether existing governance structures sufficiently protect influencers from arbitrary or disproportionate actions by social media platforms that could jeopardize the economic livelihoods of influencers.

Social media platforms are not just communication platforms; they are significant influencers on the economic opportunities and digital livelihoods of influencers through their account suspension processes, control of algorithms and platform governance.

Case Studies

- **Ranveer Allahbadia (BeerBiceps) YouTube Hacking Incident**

On September 2024, one of India's leading digital creators, Ranveer Allahbadia aka BeerBiceps, had all of his YouTube channels hacked[16] by third-party actors. This meant that they changed the names of his channels, took down content previously posted, and suspended access to the platform by removing his username from all channel pages. Due to significant coverage from media sources and other creators on YouTube, this incident has brought to light the precarious position that digital creators find themselves

[14] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
[15] Id.
[16] Ranveer Allahbadia (@BeerBiceps), Instagram Statement on YouTube Channel Hacking (Sept. 2024).

in when they operate their business from a digital platform. For influencers, incidents like this will result in loss of audience engagement, interruption of commercial partnerships they had with advertisers while their account(s) remain unavailable, and reputational damage to their businesses. The BeerBiceps incident shows us how a cyber-attack can impact a creator's professional business activities as well as the revenue generated from their professional career as a professional creator.

- **TikTok Ban and Creator Income Losses**

In 2020, the TikTok ban in India had a huge effect[17] on the appearance and income of many content creators using the platform to grow their brand. A majority of Influencers experienced a dramatic drop in their followers from TikTok overnight creating issues for sponsored content as well as partnerships with local and national brands. Due to this mass exodus of creators from TikTok to competing platforms including Instagram Reels, YouTube Shorts, Moj and Josh; creators that had built-audience loyalty over the years were forced to spend large amounts of time to reengage with their existing audience. Finally, the TikTok ban highlights how the ability to access platforms like TikTok is directly related to digital livelihoods and that the sudden loss of access to these types of platforms creates uncertainty with regard to the economic situation of creators.

- **Other Account Loss Incidents**

Some influencers and digital creators reported incidents of hacking accounts, unauthorized access, wrongful suspension, and heavy recovery periods. In several cases, the creators faced difficulties in communicating with platform operators and regaining access to their accounts. Such incidents have been causing temporary or permanent follower attrition, reduced engagement, and disruptions in earning ventures. Hence, these experiences tell us that social media accounts are valuable economic assets, and the loss of such an asset may have grave financial and professional consequences.

The magnitude of these risks is evidenced by government statistics surrounding

[17] Economic Impact of the TikTok Ban in India, Int’l J. of Novel Research & Development (2023).

cybercrime. According to the Ministry of Home Affairs, Government of India, there has been a marked increase in the number of complaints of cybercrime[18] made via the National Cyber Crime Reporting Portal. A particular concern is hacking of social media accounts, and online impersonation, which are some of the most frequently reported types of cybercrime. In addition, the Indian Cyber Crime Coordination Centre (I4C)[19] has cited that the increasing misuse of social media platforms is attributable to unauthorised access to (hacking) accounts, identity theft, and fraud. These trends suggest that an increasing number of digital accounts are being targeted for loss of access, and that the ramifications of having access to one's account(s) lost are not only a matter of inconvenience personally but can also have significant consequences on someone's ability to make a living, economically or professionally.

The above case studies all show that social media accounts represent much more than just a means to communicate with others. They also represent networks of audiences, reputations of professionals, and income-generating opportunities. Therefore, when an account is hacked, a creator has their account deplatformed, or they lose access to that account, it should be viewed as not only a technical issue, but also an issue impacting the livelihood of content creators in the digital world.

Constitutional and Legal Analysis

- **Article 21 and the Right to Livelihood**

Article 21 of The Constitution of India[20] protects the rights of individuals to life, liberty and the ability to earn a living. The Supreme Court, and through its interpretation of Article 21, has also expanded the definition of the right to earn a living. In the case of Olga Tellis v. Bombay Municipal Corporation[21], The Supreme Court held that the right to earn a living is an essential part of your right to life, as no one can exist without the ability to make a living.

[18] Ministry of Home Affairs, Government of India, National Cyber Crime Reporting Portal Annual Statistics (latest available year)

[19] Indian Cyber Crime Coordination Centre (I4C), Ministry of Home Affairs, Annual Report (latest available year).

[20] INDIA CONST. art. 21.

[21] Olga Tellis v. Bombay Municipal Corp., (1985) 3 SCC 545.

In Anuradha Bhasin v. Union of India[22] the Supreme Court recognised Internet Access as essential to modern day living. The Supreme Court found that the freedom to carry out a profession or occupy a particular profession through Internet was protected[23] by Constitution. While the Supreme Court's case dealt specifically with the issue of the U.S. government shutting off access to the Internet, the reasoning of the case is obviously applicable to all digital influencers whose entire business exists through the Internet. Therefore, this judgement continues to demonstrate the growing importance of the Internet as being the place to assert and enforce Constitutional and Economic Rights.

In like fashion, the Kerala High Court can be seen through its decision in Faheema Shirin v State of Kerala[24] to affirm that access to the internet is essentially a building block for both individual liberties and development and affirm the reality that thus far people are becoming increasingly reliant on digital access for their educational, communicative and participatory needs in today's society. Current trends in the case law affirm the validity of the proposition that economic activity carried out through digital means deserves to be afforded substantive legal protection.

Social media has created new opportunities for the creation of jobs and the generation of income, particularly for influencers. Many influencers use their social media accounts as their primary means of earning a living (through brand collaboration, advertising revenue, affiliate marketing and monetizing content). When an influencer has their account hacked, suspended or removed, they may be unable to create income as they do not have access to the means to do so.

Although in the past, Article 21 of the Constitution has primarily been interpreted in relation to action taken by state agencies, the increasing reliance upon digital platforms raises fundamental issues with regard to the protection of individuals' digital livelihoods when operating within digitally governed spaces.

Thus far, Indian courts have not yet recognized a "digital livelihood right"; however, as many individuals—including artists, musicians, and other creative professionals—

[22] Anuradha Bhasin v. Union of India, (2020) 3 SCC 637.
[23] Id.
[24] Faheema Shirin R.K. v. State of Kerala, AIR 2020 Ker 35.

become increasingly reliant upon access to digital platforms (see also “shareable economy), judicial advancements may ultimately need to evaluate whether the arbitrary removal of an individual’s digital account, through no fault of the individual, may have an indirect impact upon an individual’s right to livelihood as guaranteed by Article 21.

- **Privacy Jurisprudence and Data Protection**

The judgement in Justice K.S Puttaswamy v Union of India[25] recognised privacy as not just an important issue but rather a fundamental human right This has led to increased protection of both personal data and the privacy of one's information in India. Many of the things found on social media sites contain personal data (such as photos, communication, creative works) and they also contain information about the creator’s audience and business (such as analytics). If an individual is not allowed to access his/her account on a social platform this not only results in a financial loss but it can also be considered a breach of privacy and a violation of their right to control how their information is used.

The Digital Personal Data Protection Act 2023[26] is the principal legislation in India governing how digital personal data will be processed. This Act establishes requirements for protecting digital personal data, identifying requirements for data fiduciaries, as well as establishing the rights of data principals[27]. While the legislation provides additional privacy protections, the legislation focuses on personal data as opposed to the economic impact that hacking or suspension will have on the influencer's digital account. In this regard, an influencer that has their account hacked or suspended could incur significant amounts of economic loss, despite the underlying personal data protections still being formally intact. This illustrates the disconnect between data protection law and the protection of digital livelihoods.

- **Platform Accountability**

Through their terms of service, content moderation policies[28] and governance systems, social media platforms control user accounts on a significant scale. To some degree, decisions regarding account suspension, inappropriate removal of content and de-

[25] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.
[26] Digital Personal Data Protection Act, 2023, No. 22 of 2023.
[27] Id. §§ 11–15.
[28] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

platforming can have serious consequences on influencer accounts that rely on platform access to earn a living.

However, the decision-making processes on platforms often lack transparency and appropriate mechanisms for redress of grievances. Consequently, influencers may find it difficult to secure the appeal of unjustified suspensions, recover (hacked) accounts, or receive timely responses from platform operators. With the economic value of social media accounts increasing, more accountability and procedural fairness of social media platforms, and a clear enforcement process to ensure that all users are treated fairly, are essential to protect the right to livelihoods and privacy, and to promote stronger protections for digital livelihood, as the creator economy continues to rely heavily on social media account holder foundations of value creation.

The growing importance of social media accounts as valuable economic assets will require new and/or expanded legal frameworks and legal doctrines that specifically address all of the unique aspects of the creator economy and the significant importance of social media accounts generally to supporting digital livelihoods for content creators.

- **Balancing Creator Rights and Platform Autonomy**

It is helpful to protect influencers from aggressive regulation, but social media platforms also have real interests in regulating users. They must remove abusive content; limit fraud; enforce community standards; and protect the safety of all users. Unrestricted rights over social media accounts could impact the ability of social media platforms to moderate content and govern themselves.

This paper does not propose that all users have a right to access social media platforms; however, it does propose to offer greater procedural safeguards (e.g., notice of potential removals, opportunities to appeal) for creators whose ability to monetise their work might suffer due to actions taken by the platform. Such procedural safeguards will provide greater protections to creators while allowing digital platforms to operate autonomously.

This paper has identified that while there are laws in place in India to protect people's personal information, their right to privacy and the security of their information, there is no legislation in India that would protect social media profiles as a source of income because of their economic value. Because of this lack of protection, many content creators will experience significant losses due to the lack of legal solutions specifically designed for this type of income-producing property.

Recommendations

Due to their growing reliance on digital platforms for sustaining their incomes and livelihoods, social media influencers require a legal framework that provides a balance between the autonomy of those digital platforms and protecting those digitally-based incomes. In response to the challenges that have been identified within this paper, the below proposals are recommended.

1. Creator Account Recovery Process

A specific, rapid process for account recovery for verified and monetized creators should be established.

Platforms will provide acknowledgment of hacking and account takeover complaints within 24 hours.

Upon verification of ownership, the creator should receive their account restored or some level of interim access. Separate support teams should be created for those creators whose primary income is on these platforms.

2. Digital Creator Dispute Resolution Process

An independent resolution process should be established for disputes between creators and digital platforms.

Creators should have a forum for appealing wrongful suspensions and delayed account recovery.

All complaints and appeals should be resolved in a timely manner.

3. Transparency Prior to Account Suspension

Digital platforms should provide a notice prior to suspending a creator's account long-term or removing them from the platform unless in an emergency situation.

Digital platforms will be required to disclose the reasons for account suspension in a clear and understandable manner.

All creators will have the opportunity to respond before an adverse decision and to appeal it.

Finally, there should be an independent process for reviewing cases that have been disputed.

4. Increasing Platform Accountability

Platforms will be required to publish periodic transparency reports on the suspension or recovery of creator accounts.

Uniform sets of standards will be created for content moderation of those creators who monetize their content.

Finally, platforms will be accountable for unreasonable delay in responding to confirmed hacking complaints from creators.

5. Acknowledge Social Media as a Valuable Digital Asset

Influencer accounts can also be considered as a valuable digital asset because they are able to generate income and goodwill commercially. When calculating the economic loss to an influencer from losing their account, the assessment should include factors such as the networks of audiences, metrics of engagement, and the value of the influencer's brand.

Provide a legal framework to protect these digital assets as they are integrated into new regulations.

6. Recognize Digital Livelihood

Social media platforms are becoming the primary source of income for many creators. The concept of digital livelihoods as a source of employment should therefore also be included in the development of future governance structure of social media and the protection of data. Additionally, the regulations governing these livelihoods must take into account the financial consequences of being suspended or deactivated from an account.

7 Recognition of "Digital Livelihood Interests"

There should be recognition within the legal system of a narrowly defined right to digital livelihood as a continuation of a constitutional right to livelihood under Article 21[29]. This will ensure that an influencer cannot be denied access to their income-generating digital assets through arbitrary or unfair actions taken by their platform provider. Further, there will need to be a balancing of the autonomy of the platform with the protection of the influencer through due process.

8. Presumption of Economic Harm for Monetised Creators

When a verified or monetized creator has lost their social media account due to hacking, a wrongful suspension or failed attempts to recover their account for a long time, there should be a rebuttable presumption that there has been an economic loss for that individual. This recognition allows for the understanding that social media accounts often have the capacity to generate income and that if there is an interruption of access to those accounts, the individual will potentially suffer economic loss, regardless of whether or not those damages can be objectively measured with precision.

By implementing this strategy, it may provide stronger legal remedies to creators that would incentivize these platforms to create better systems for protecting and recovering from hacked accounts.

Conclusion

Traditionally, the legal system has focused on safeguarding tangible assets, established employment relationships, and material forms of economic value. Today's creator economy expands this challenge to traditional means of producing income. Rather than working at a physical location, there are now millions of people earning income through digital media where a person's social media account creates the basis of their professional identity and their connection with the audience, goodwill, and income.

Based on evidence found throughout this paper, a social media account inherently possesses

[29] Olga Tellis, (1985) 3 SCC 545.

value for the audience, value for the brand, and overall economic value. For influencers, these accounts are not only composed of personal information but rather represent a business that has been built up over time through hard work, ingenuity, and investment. Thus, when an influencer's only access to their social media account is removed - for example, by being hacked, suspended or deplatformed - the impact suffered is similar to closing a business or losing their workplace.

Despite the Indian legal system having achieved certain advancements with respect to privacy and data protection rights, Indian law still considers digital accounts primarily as personal information[30]. The lens of personal information is increasingly insufficient in today's digital economy where access to online platforms often determines whether or not an individual can earn a living.

There is a significant gap between the existing legal protections afforded to digital creators following hacking, being banned from platforms, or suspended from their accounts and the real-world conditions faced by these users engaging in digital work, illustrated by their lived experiences.

The paper's primary argument is that, when examined through a legal lens, social media account-related discussions cannot be confined solely to discussions on data protection. Losing an account, when it functions as a source of income, access to an audience, and creating a commercial opportunity, is also a question of losing one's livelihood.

Therefore, legal and regulatory frameworks must acknowledge that digital assets can have associated value or livelihood value; and as such, deserve to be afforded greater levels of procedural and legal protection than currently provided under Indian law.

With the shift of employment from physical locations into digital environments, the main legal consideration has moved from whether people can work online to whether current laws will adequately protect those online jobs. Digital Rights may ultimately not only be about the protection of personal data, but also about recognizing that, in many cases today, an individual's social media account represents a combination of a location of employment, place of business, and source of income.

[30] Digital Personal Data Protection Act, 2023, No. 22 of 2023.