

Research on Existing Problems and Countermeasures of Network Privacy Infringement

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Abstract: Big data information age brings great convenience to people, but also makes the citizens' personal "privacy information nest" in jeopardy. Under the network environment, due to various factors, the personal information of citizens is facing the crisis of exposure and disclosure at any time. The protection of network privacy has become one of the directions that needs to be improved in China. As the power that has not been clearly stipulated in China, network privacy, which is one of the privacy rights, is in urgent need of optimizing and upgrading its relevant laws to provide strong protection for defenders. Therefore, by proposing how to optimize the legal protection system related to China's network privacy, this paper mainly discusses two aspects of specific laws and social management measures.

Keywords: Network Privacy; Legal Optimization

1. Legal protection of the right to internet privacy

Network privacy refers to the derivative of the right of natural persons to act on the parties and society when all private matters in the network category are not illegally violated, maliciously utilized or disseminated by others, which is the result of the synchronous deepening of scientific development and technological innovation in the information age. The arrival of the information age brings great convenience to people's lives, but also creates favorable conditions for the infringement of privacy in today's network environment and provides the necessary technological means. As a result, protecting network privacy has become one of the directions that China needs to strengthen.

Network privacy is a special right of privacy, while China's privacy provisions are comparatively scattered. Network privacy has not yet formed independent and systematic written laws and regulations. When parties are violated by the statute in this regard, it is difficult to defend their rights.

2. Current situation of network privacy infringement

2.1 Identification and Main Performance of Network Privacy Infringement

Referring to Article 12 of the People's Court's Provisions on Several Issues Concerning the Application of Law in Cases of Civil Disputes Concerning the Use of Information Network to Infringe upon Personal Rights and Interests, it is indicated that network users or network service providers make use of the Internet to disclose personal privacy and other personal information such as genetic information, medical records, health examination data, criminal records, family addresses, private activities and other personal information of natural persons, causing damage to others. If the infringer requests him to bear the tort liability, the People's Court should support it. The judicial interpretation of the means, results, and specifically lists the specific personal privacy category, providing judicial support for the confirmation of network privacy infringement. Network privacy infringement is predominantly manifested as personal privacy information mining, leakage, dissemination and fabrication or secondary processing. This is the basic situation of the current infringement of network privacy rights. The infringer and the subject of the infringed include individuals or enterprise groups. When a hot spot in society has a hot discussion among the masses, there will always be a small number of people or curiosity, or because of one's selfish desire through some means in unauthorized release of the parties' information; to fabricate unknown personal privacy information of others or to reprocess known personal privacy, exaggerate the facts, distort the truth, intentionally rise, malicious abuse, etc., so as to achieve the purpose of self-psychological satisfaction, attract traffic attention, and profit, resulting in the attention and guidance of the parties in daily life. Enterprise collective illegal cooperation, unauthorized sale of civic information, leading to the insecurity of civil life.

2.2 Reason Analysis of Network Privacy Infringement

The implementation of tort sunk cost is low. As we all know, in China, network privacy legislation is in the initial stage of development, and its process is lengthy and lagging behind. The imperfection of legislation makes it hard for the infringer to be severely attacked. This objectively makes the infringer have no worries about the infringement he is engaged in, and thinks that the legal consequences he undertakes are tickle.

The implementation of violations is simple and expeditious. In today's era, when the Internet has become an indispensable tool in life, it is not difficult to implement network privacy violations. The entire implementation process only takes a few minutes or even seconds, resulting in a high frequency of network infringement.

It is arduous to precisely define violations. Due to the lack of accurate legal positioning of network privacy, coupled with the progress of science and technology, network privacy infringement is difficult to predict and prevent. After the violations, victims frequently cannot take timely and effective measures to defend themselves; in addition, they may have no intention of invading, failing to control the edge line of whether the network privacy is violated.

The general quality of Internet users still needs to be enhanced. Although national quality is still improving today, the general quality is not high enough, and poor morality makes network public speaking unfit; superficial legal consciousness makes illegal network use generally occur. The Internet provides a medium of wanton speech for individuals, with negative consequences. With this characteristic, the Internet expands the goodwill and malice of human nature and progressively becomes an extreme gathering place. Nevertheless, the ideal Internet "Utopia" should be a sane pronoun.

3. The Solutions Of Network Privacy Infringement

3.1 Improvement and Upgrading of Legal Provisions

Though many infringers will protect their rights in accordance with the litigation process, due to China's law for the protection of network privacy is not rigorous and careful, they have many setbacks on the way to protect their rights, the task of optimizing and upgrading the relevant legal provisions is imminent. Here are the following aspects:

The right to privacy is clearly classified as an independent personality right. The right to privacy in our country's "general rules of civil law" has not been explicitly stipulated in the protection, which caused great trouble to the road of the rights of the infringed. In terms of legal personality, only when the privacy right is determined as one of the prerequisites of independent personality rights, can it be clearly stipulated that the legal protection of privacy right is an inevitable result. Consequently, only when the privacy right is recognized as an independent personality right in legislation, can the problem of network privacy right be explored in depth, and the rights of citizens can be protected more comprehensively, which is the foundation of legal and reasonable protection of network privacy right.

The concept of network privacy should be clarified, and we cannot blur the boundary. The scope of personal privacy protected by network privacy cannot be arbitrarily expanded or too limited; you cannot be indifferent to the usual information disclosure, nor can you focus too much on privacy and security to form "information nesting". Clearly dividing the boundary lines makes citizens clear their rights and obligations of network privacy, know what is the category of their network privacy, and which lines cannot be crossed by themselves, and evade the incidence of unconscious violations of the law as much as possible.

Evolving the protection of network privacy into direct protection. At present, China's existing laws and regulations on the protection of citizens' privacy belongs to the primary stage of indirect protection, but the lack of direct protection leads to network privacy infringement cases in the trial process is often prone to omissions, so the need for indirect protection and direct protection coexist, and even the direct protection of privacy is an important direction of its development.

Developing the legal protection system of network privacy. To establish relevant department groups, such as network inspection group, network privacy infringement forensics department, monitoring network information leakage at any time, not only effectively prevent the occurrence of network privacy infringement, as well as the adverse effects caused by late detection, but also actively play the role of search and litigation after the infringement. Through a net privacy legal protection chain structure dense protection network, civil rights are effectively guaranteed.

3.2 Social Guidance and Management

3.2.1 Strengthening the ideological and moral construction of social communities, from popularization of the law for all to understanding of the law for all

Improving legal awareness is the basic and long-term work of comprehensively governing the country according to law, and is a major initiative in the construction of socialist rule of law with Chinese characteristics. To promote the comprehensive popularization of the law, then guide all people to become loyal advocates, consciously observe and steadfast defenders of the socialist rule of law; from the fundamental thinking, clear the connotation of privacy and understand the legal bottom line, so as to reduce the likelihood of network privacy infringement.

3.2.2 The introduction of third-party monitoring institutions for real-time monitoring and management of network violations

Due to the particularity of network infringement events, infringers often cannot recognize that they are in a state of infringement at the time. As a result, the interval between the occurrence of the act and the result is that prolonged, it is not easy to collect evidence in time, and the infringer is easy to drill for legal loopholes, evading the legal responsibility. Hence, the daily network environment needs real-time supervision. For network service providers, social media platforms such as Sina-Weibo that make public comments should strengthen their own norms and work together to ensure the legal and orderly operation of the network environment.

4. Conclusion

The development of network privacy laws will be a subject worthy of long-term research, perhaps there are many other factors worthy of excavation. In today's big data era, almost every citizen is "transparent", everything is convenient, but how to balance the rapid development of science and technology and the basic rights of individual citizens, the answer may be gradually found in subsequent practice.

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