

Thoughts on the Protection of Civil Law Based on Personal Information of Network in China

Qiao Qiuzhen

Shaanxi Technical College of Finance & Economics, Shaanxi, Xi'an, China, 712000

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Abstract: While the Internet and information technology continue to develop, the world has entered the Internet age. Network technology can effectively increase the speed of people's information transmission, and people can get the information they need in a variety of ways. Although the Internet has brought convenience to people, it has also brought certain threats to personal information security. This paper analyzes some problems in the protection of civil personal information in China's network personal information, and studies the measures to strengthen the protection of personal information in the network personal information.

1. Introduction

In recent years, China's social economy has developed rapidly, and network and computer technology have been widely used. Although the Internet can facilitate people's life, work and study, improve the speed of information transmission, and also pose a certain threat to people's personal information security, the requirements for legal protection are gradually increasing. In order to ensure the security of personal information and ensure the legitimate rights and interests of the people, China needs to improve the civil law and restrict the network behavior of all people.

2. The Necessity of Strengthening the Protection of Personal Information in Network Personal Information

The requirements for achieving the goal of governing the country according to law. At this stage, China is committed to building a legalized society. To achieve the goal of ruling the country according to law, it is necessary to cooperate with all sectors of society and various industries, and at the same time, it is necessary to establish and improve relevant laws and regulations. In order to ensure the security of citizens' personal information in the network environment, it is necessary to protect their legitimate rights and interests through relevant laws and regulations, and to protect the personal information security of the network is also an important way to realize the spirit of ruling the country according to law.

Protect the legitimate rights and interests of netizens. Personal information not only proves the identity of the individual, but also clarifies its property. Therefore, Chinese citizens enjoy the right to personal information, which will affect the material and spiritual interests of the network. Therefore, China needs to establish and improve relevant laws to reduce the violation of the right to

personal information, which is of great significance to the protection of the legitimate rights and interests of citizens.

Purify the network environment. The Internet has an open nature, and anyone can post or access information on the Internet. In this context, citizens' personal information security will be threatened. Therefore, China needs to establish sound laws and regulations, clarify the stimulation and handling of personal information on the Internet, so as to reduce the illegal acquisition and leakage of users' personal information. This is also an important basis for establishing a good network environment and promoting the sustainable development of the network.

3. Problems in the protection of civil personal information in China's network personal information

3.1. Scattered articles

There is no unified and applicable principle of personal information protection. In the network environment, the incident of personal information is often infringed. An important reason for this problem is that China does not strictly restrict the collection of personal information and the behavior of managers, and does not clarify the principle of personal information collection. Although the Law on Tort Law stipulates the illegal act of punishing the right to infringe on the personal information of others, it stipulates the punishment measures for serious consequences caused by the infringement. Such laws are more limited and passive. Only when the criminals do not appear to infringe on the right to information of others can the probability of infringement be reduced and the personal information of the citizens be guaranteed. Therefore, China needs to scientifically formulate the corresponding principles of conduct. Although the "Personal Information Protection Guide" clearly stipulates the principle of personal information security protection, it does not clearly stipulate the punishment measures for illegal acts, so this protection principle cannot be fully implemented. In the rapid development of information technology, some enterprises in China use big data technology to collect and process user personal information, such as Google, Alibaba and other enterprises. Through big data processing technology, not only can a large amount of data information be collected, but also can be processed quickly and reasonably. Utilize big data technology and cloud computing technology to save enterprise data collection costs. Through data analysis results, companies can provide targeted services to users to improve customer satisfaction. When collecting user information, the user needs to be informed to collect his personal information on the basis of the user's permission. However, some information collectors have transferred their information without using the user's consent, and the users and the law have not emphasized the importance of this issue.

Failure to pay attention to protecting minors' network information. With the development and promotion of network technology, the number of Internet users in China has increased rapidly, and minors can also register. As people's income levels increase, many children have their own smart devices such as mobile phones and computers, and they are proficient in operating these devices. Most of them use these devices for games, shopping, socializing, etc. Since a minor is a person without civil capacity, he does not believe that the collection and processing of personal information will have a negative impact on it, such as entering a payment password on the shopping platform, and a link to the motor phishing website. These will affect the personal information of minors. The Law on the Protection of Minors clearly states that all organizations and individuals must respect and protect the privacy of minors. At the same time, some laws and regulations clarify the need to protect the information of minors. However, in the network environment, the protection of minors' personal information has not been strengthened. The survey found that China's Weibo, Taobao and other websites have not restricted the registration of minors, and did not indicate how to

protect the information collected by the platform.

It is also necessary to analyze and study related theories. At this stage, China has not strengthened the protection of personal information. The lack of theoretical research on personal information is one of the reasons. Since the definition of the protection of personal information in China is not clear enough, the definition of information subject and information right is not clear enough. At this stage, most of China's protection of personal information is jointly protected with privacy rights. Therefore, such protection measures are relatively passive. The judges cannot determine the legal liability of the infringer according to relevant laws, and will also increase the infringement and compensation amount. Difficulty. In the rapid development of Internet technology, the original laws and regulations can no longer be applied to the current level of market development.

3.2. The low legal cost of online infringement

If the proceeds obtained by the offenders through criminal acts are greater than their costs, these offenders will be driven by the interests. If the offender fails to obtain the expected benefits through illegal activities, and needs to bear greater legal responsibility, most illegal elements will abandon this behavior. When illegal elements infringe upon the personal information right of others, they will analyze their costs and benefits. If they find that the cost they pay is higher than the income, they will abandon the infringement, which is very important to ensure the security of personal information. China has not established a punishment system for illegal acts that infringe on personal information that do not meet the criminal standards, and does not clearly stipulate how to compensate the civil losses of the infringed. When citizens have violated their personal information rights, they must go to the court to sue. The judges will judge the compensation according to the circumstances, and the evidence in such cases is more difficult.

In actual life, some citizens did not take civil action to protect their legitimate rights and interests after the personal information right was infringed. The study found that most victims do not resort to the law to protect their personal information rights, but instead use the method of swallowing, or complain to the competent authorities. For those who violate the lawful rights and interests of others, such as tracking and personal video leakage, only a small number of victims will use civil lawsuits to solve the problem. The main reason is that some citizens in China lack legal awareness and judicial deficiencies. Some citizens in China believe that litigation needs to spend a lot of time, and the economic cost is high, and some citizens may not get compensation after winning the lawsuit. Therefore, some citizens choose to solve these problems in a way that solves or complains on their own, and they are not willing to resort to legal solutions.

3.3. The imbalance between the rights of personal information controllers and information subjects

The private institutions and public administrations that collect and manage personal information are personal information controllers. The public administration is in a strong position because it exercises public management authority. The private organization may collect and store customer information during its operation, and when it signs a contract with the customer, there may be some overlord clauses that infringe on the personal information security of the user, such as an agreement between the mobile phone user and the mobile application merchant. More famous is the year-end bill of Alipay platform. If the user clicks on the web interface, the default user agrees to Alipay's Sesame Service Agreement, which involves many user personal information. After the default, Alipay will collect user information. User information can be provided to third parties, and Alipay will push relevant information according to user information, and third parties can query user

information. The content of the agreement change agreement is also unfavorable to the user. If the agreement is changed, Alipay will inform the user through the website or other means, and will not notify the user separately. If there is a risk arising from this Agreement, it will be borne by the user. In short, the above agreement contains a large number of unequal treaties, which will infringe the rights of users and consumers. After the problem broke out, Alipay launched a “disarming” remedy, but did not eliminate the negative impact of the terms of the its unequal individuals information. With the development of technology, various computer applications and mobile phone applications are gradually increasing. Most of these application vendors use the terms and conditions to inform users of their rights and obligations. Even if users find that their terms are unfair, they cannot negotiate with the application providers. Some applications require users to agree to the terms of the applicator. If they do not agree, they will not be able to use the app. This kind of behavior will infringe on the legitimate rights and interests of users.

3.4. The poor awareness of personal information security protection

The study found that Chinese citizens did not correctly establish personal information security awareness, and did not grasp the ability to use the law to protect their information security. When some citizens find that their right to personal information has been infringed, they have not adopted laws to protect their legitimate rights and interests. The choice of handling their anger is so unscrupulous. In addition, some citizens did not have a detailed understanding of the nature and content of civil law, and they did not know enough about the protection of civil law rights.

4. Measures to strengthen the protection of personal information in network personal information

4.1. Strengthening the promotion of cybersecurity legal knowledge

At this stage, the awareness of civil law protection in China's citizen network is not high enough. Therefore, in order to solve this problem, China needs to use various media such as bulletin board, TV, radio, Weibo, WeChat, etc. according to several important festivals and publicity days. Strengthen the promotion and protection of personal information security on the Internet. In addition, in order to ensure the smooth progress of the publicity work, it is necessary to establish and improve the network security publicity system, strengthen the promotion of relevant laws and regulations through various publicity activities, so that people can enhance the importance of network personal information security, and correctly understand the importance of civil law to protect the individuals' information security, while understanding how to use civil law to protect their legitimate rights and interests.

4.2. Learning foreign personal information civil law protection experience

As human society enters the Internet era, network information security and network personal information protection issues have become issues that all countries in the world attach great importance to. Some developed countries have established relevant laws and regulations to protect citizens' personal information security, and have accumulated certain experience. China still has some shortcomings in this respect. Therefore, China needs to learn the advanced experience of these countries and improve relevant civil laws to ensure citizens' Personal information security, such as: China can compile the Civil Code on the basis of the General Principles of the Civil Law to ensure the security of personal information in the citizen network environment.

4.3. Scientifically establishing network personal information civil law protection mechanism

The study found that some provisions in the civil law can guarantee the personal information security of citizens in the network environment, which is also an important basis for protecting the security of personal information. Therefore, China needs to raise the awareness of legalization, and analyze in detail the role of information technology, big data technology in promoting network technology, and the threat to citizens' personal information security, timely adjust the content of civil law, and classify various new network information problems in the scope of civil law protection, the establishment of a civil law protection mechanism for personal information on the Internet can ensure that citizens can protect their personal information security in accordance with relevant laws. In addition, China needs to establish a personal information protection system to protect citizens' information security in advance and afterwards. First, prevent beforehand. It is necessary to clarify the citizens' personal information rights in accordance with the provisions of the Constitution and the Civil Law of China, which is of great significance for ensuring the personal information security of citizens' networks; secondly, after-the-fact relief. In relevant laws and regulations, it is necessary to clarify the elements, responsibilities, and punitive measures for infringing citizens' personal information in the network environment. At the same time, contractual means can be used to stipulate personal information breach of contract liability to relieve the rights holder's personal information right.

4.4. Scientifically establishing network personal information protection laws and regulations

At this stage, China's relevant laws do not involve the protection of citizens' personal information security. Therefore, China needs to actively study relevant laws, establish and improve relevant civil laws, and clarify the scope of protection of personal information, the main body of information obligations, and the division of responsibilities in relevant regulations. Relief methods and other content, which can form a network personal information protection law together with the "General Principles of Civil Law" and other laws, thereby effectively protecting the personal information security of citizens.

4.5. Strengthening the self-discipline and supervision of relevant personnel

In addition to the above points, China needs to strengthen supervision and management of various network platforms (such as e-commerce, online stores, etc.). If it finds that there are any illegal activities such as leakage and sale of user information, it needs to be severely cracked down. First, China needs to improve relevant laws and regulations, and strengthen the supervision and management of the use of citizens' personal information on various online platforms. In this process, it is necessary to give full play to the supervision role of various media and public opinion, and publish various network platforms in online media. Illegal application of personal information, online fraud cases, improve citizens' attention to personal information security; Second, strengthen the punishment of violation of citizens' personal information rights, so as to alert some illegal elements and reduce the probability of cybercrime. Relevant regulatory authorities need to formulate a personal information protection responsibility system and fully implement it, scientifically establish standards for penalties for violations of laws, and punish them according to law and according to the nature of illegal activities and harm to society and citizens. In addition, relevant departments need to strengthen supervision over networks and personal information, scientifically formulate complaint systems, and create a good network environment for netizens, which is very important to ensure citizen information security.

5. Conclusion

While information technology such as computer technology, Internet technology, and cloud computing technology is rapidly developing, people's use and dependence on the network is gradually increasing. Many people will choose to use electronic and data-based methods to record and save relevant information, and then establish an information network mechanism with a certain scale. At present, personal information security has become a problem that all sectors of the society attach great importance to, especially the security of personal information on the Internet. In order to achieve the goal of establishing a legal society, China needs to protect the personal information security of the network, and provide a legal basis for ensuring the security of personal information on the network by improving the civil law system.

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