

# Studies on privacy protection of web accounts in the case of a user's death in China

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## Abstract

Privacy issues of social media accounts have been a hot topic in many countries as well as Internet communities. As a result, many concerns on privacy protection have been raised by users frequently, especially as the developing application of big data and intelligent information technology seems to gradually reduce the concealment of individual privacy. Besides, the extensive use of social media and similar platforms such as forums further expose the information of individuals to more people. This paper is going to focus specifically on the information privacy protection of the deceased users, by discussing two aspects: respectively from the perspective of regulation and the perspective of individual actions.

**Keywords:** *Internet privacy, social media, deceased user*

## 1. INTRODUCTION

“Potholing” is a buzzword that has been popular for years in the Chinese internet community. It refers to a behavior of replying to remote postings, thus putting them into users' sight again. For example, after Liu Cixing, a successful Chinese science fiction writer, gained international recognition, many netizens “potholed” some messages posted by him approximately a decade ago, which conveyed radical claims and a few inappropriate expressions for a public figure. Of course, Liu has not admitted that those postings were his. But what if some postings that are once belonged to the dead are “potholed” as well? Those users surely are not able to defend their reputation.

For natural mortalities, many companies have made feasible rules on how internet accounts would be inherited (including the right to use), destroyed, frozen, or reserved. But these rules are not consistent. For unnatural mortalities, however, namely when companies do not have testaments to follow, how to deal with those accounts becomes an essential problem.

Some have suggested constructing one online cemetery, which could be used for mourning. But still, we have to manage the information left. Currently, most companies would leave that problem to family members of the deceased, to decide whether to freeze the account or not. Nonetheless, it is still a long and complex process, without a uniform standard of operating.

To handle this problem, the cultural background must be concerned. That is to say, different policies and standards should be applied to different contexts. Thus, only solutions under the context of the Chinese internet community would be discussed here:

First of all, it is a common phenomenon that people would

like to mourn in the comment area of the dead. Therefore, the previous idea of establishing an online cemetery is quite reasonable as a response to this phenomenon. It would also help to eliminate the people's tendency to expose the accounts of the dead.

Secondly, most companies currently use the login situation of accounts to determine how to deal with them. (Only social network software has such function, whereas most forums do not) Namely, the accounts of deceased users are not treated specially. Therefore, relevant measures to enable Internet companies to manage accounts according to the status of users themselves are essential. And based on such measures, the network operators could make more reasonable policies.

Last but not least, it is also important for users to improve individual temperance, which would be the most fundamental and effective measure since the regulations would be unnecessary if there is no inappropriate information to deal with.

## 2. DISCUSSIONS

### 2.1. Typical events

The influence of privacy disclosure of deceased users is mainly reflected in two aspects: the influence on his personality image, and the influence on people who are closely related to the deceased one. In China, especially, the protection of the deceased's privacy has been recognized by both judicial interpretation and practice. [1] Not to mention, sudden attention to people caused by their acquaintance or relative's death is very likely to impose a negative psychological effect on them. Therefore, it is important to decrease such influence if spreading is not necessary.

The influence would be even larger if the deceased people are famous or become famous after death. For the second situation, the most common case is that the deceased person is related to a hot event.

For instance, if a famous writer died, her death would probably be a piece of news. As a result, sudden attention from different corners of the internet would be drawn to the information she left on the internet. And if she has left messages that do not match with the public's perception of her, those messages are likely to reshape the public's opinion about her. However, those messages do not necessarily represent her personalities but are enough for people to form a new perception of her.

As for the influence on deceased people's related people, a true example could reveal the problem vividly. After Hai Zi, a famous modern poet in China, died in 1989. The diaries and letters written before were collected and the information contained was open to the public. In the posthumous papers, two university professors—who are actually two acquaintances of him—were claimed by him to be responsible for his death. Although Hai Zi claimed that his death was not relevant to anybody later, those messages largely influenced the public opinions. Such an effect even lasted until today, which once led to negative pressure on the two professors. If such an event happens in today, with the platform of the internet, such messages would cause much larger negative effects to related people.

## ***2.2. Comparison and contrast between different media platforms' policy on dealing with the accounts of deceased users***

Currently, no country, state, or region has made specific laws to protect the privacy of the deceased internet users. As a result, the network operators usually serve as the one who manages such issues. In this part, the relevant policies of different media platforms would be discussed.

Facebook has the relatively most comprehensive policy. [6] The platform would deal with the account in the measure asked by the user in priority. The account of a deceased user is likely to be deactivated, but not permanently deleted. [5] As claimed by the platform, the account could be closed if a formal request which satisfies certain criteria is submitted. However, the legacy contact of the deceased user could still access the deleted content if he or she writes a request evaluated by the relevant department as reasonable. [5]

Instagram's policies are more limited. [6] The platform does not provide options for users to select before death. There are two ways to deal with the account of a deceased user: one is memorializing, which means that the account could no longer be logged into or changed in any form, but it still remains visible; the second is the removal of the account if it is requested by verified immediate family members of the deceased user. Twitter, similarly, offered the policy of removal as well.

In contrast, Chinese media platforms have made very few relevant policies. Only recently did Sina microblog

implement a new regulation that directly deals with such situations: once a user is verified as deceased, the account would be memorialized similarly to Instagram's first option: the account could no longer be logged into or changed in any form. This new policy also covers the accounts that are stolen.

In short, Chinese media platforms currently lack policies to protect the information of deceased users. The new policy made by Sina microblog undoubtedly serves as huge progress. Nevertheless, more actions are still needed to improve the protection of users' personal interests and privacy. Perhaps relevant policies of foreign media platforms could be used for reference.

## **3. PROPOSAL**

### ***3.1. Establishing an online cemetery***

Applications that allow users to hold memorial ceremonies for deceased people already exist. With the rapid development of online activities, it is worth trying to establish an online cemetery, however, for people to respect not only their families and acquaintances but also some public figures or net friends of them. Such a platform could only be applied to some social events in which some deceased people are involved, thus many people would like to hold memorial ceremonies for them even though they are not public figures.

If there exists such a platform for people to carry out activities such as memorial ceremonies, netizens would be less likely to make relevant comments under the accounts of deceased people. Consequently, less attention would be paid to the accounts themselves and, therefore, the possibilities of negative privacy disclosure would be reduced.

Consequently, the accounts of deceased users would have less potential economic value, since there would be less potential Internet flow. Thus as the value in use for the information of these users is limited, it would less likely to be disclosed and even overexposed for profits.

### ***3.2. Policies***

#### ***3.2.1. Platform Regulations***

According to the new policy made by Sina microblog, vast users are encouraged to report deceased users' accounts. However, such a measure is certainly not the most efficient one. If the related government department could provide essential information to the platform, the media platform will be able to utilize the registration information to determine the account of the deceased immediately, and then set the account into appropriate status. Such actions would not add much burden to relevant department, but would save a lot of costs for the Internet platforms,

encouraging them to carry out policies and regulations concerning decedents' privacy.

Besides, the current policy of Sina microblog does not deal with the information that has already been posted by the user. However, if the information could cause negative effects, the platform should consider temporarily close the account. There are two ways to carry such a policy out: one is giving the immediate family members the right to make a request. If the request is reasonable, then the platform should deactivate the account at least temporarily or act according to the request. This measure has the advantage of avoiding network operators from selling users' privacy and information due to the pursuit of profit. [3] The other measure is to make a contract with users before death. The platform could provide options to deal with their accounts after death for them to select. In this way, the platform could either deactivate the account or let it remain the same according to the contract. It is a good solution since the management measure is totally under the user's own will, thus the platform would take no responsibility in dealing with the protection of users' privacy. Besides, it is also worth considering to transferring the corresponding rights to another people after a user's death, either someone appointed before death or the one who has the closest relationship with him or her. This measure will be discussed further in next part.

Of course, other media platforms should take actions as well, especially those with heavy traffic. Regarding the deceased users' accounts as a special group of accounts that need to be managed specially is the first step—in order to solve a problem, one should recognize the problem first. After that, if Sina already shows successful experience with more advanced regulations concerning this problem in the future, similar policies could then be widely popularized and applied. However, this does not mean that other platforms should wait until the results of Sina's policies occur. The more platforms take actions actively and early, the faster effective solutions in Chinese Internet Community will be revealed.

### *3.2.2. Official Governing*

Official governing, as an efficient measure to prevent cyberspace accidents, surely can serve as another feasible approach to solve this problem.

For instance, whether the inheritance of virtual property should be allowed has been discussed for long. Many scholars have made relevant analysis, proving that network virtual property inheritance is actually instrumental in protecting the privacy of deceased users. [3] Though the balance between the cost and risk of the network operators should be considered carefully, to allow the inheritance would promote the information safety of deceased users, as others who have specific relationship with the users are less likely to utilize the information for unconscionable purposes. On the contrary, the Internet platforms, due to their pursuit of profit, might either sell the information for short-term economic interests or use the information of these users to draw the public's eyes for long-term

economic purpose. [4]

The topic of the inheritance of virtual property indeed provides an important line of thought: one effective way to prevent the privacy disclosure for the accounts belonging to deceased users is to protect their information from spreading to "the third person". Namely, to keep the information only under the control of the network operators and the current account holders. In this way, the information of the deceased users is kept in a relatively safety place and is less likely to be disposed as will. [15]

Another relevant topic worth discussing is the contradiction between the publication right and privacy right of deceased people. Whether to disclose information of deceased people that might has value to some certain extent—for instance, an unpublished collection of poems written by deceased writer—or to protect the integrity of the personality of the decedents sometimes comes to be a dilemma. Therefore, a certain balance must be reached between these two factors. Namely, to disclose information of deceased people, both the public will which defines the value of the information and the individual's rights and interests must be considered. [2] Information that might severely affect the personality integrity of the decedents, that might cause harm to others (as discussed in the Hai Zi's case), or that is against the decedents' will before death should not be disclosed, just to name a few. Hence, the official governing can play a significant role here: to set a standard for this dilemma, considering both the value of the information and the individual rights and interests.

This is not to say that there must be some reforming changes of the official rules though. Nevertheless, it would be a great motivation to solving the problem of the privacy of deceased users through either making certain policies or promoting the Internet platforms to carry out essential actions and regulations.

### *3.3. User behavior*

As mentioned above, if the users are able to prevent inappropriate information from being left on the internet before death, there will be much easier to protect their privacy. Therefore, it is important for netizens to pay attention to screening information with potential negative effects in daily life and taking protection measures in advance such as deleting such messages termly. If media platforms carry out new policies such as making a contract, users should seriously regard them. They should not only carefully think about whether they wish their information be disclosed or not, but also deliberate on who should be responsible for and manage the information after their death. Namely, it is not a simple "yes or no" question, but a complicated issue that requires comparative considerations on various aspects. Normally, contracts for other use would draw no attention from users because they usually cannot use the media platform or software if not agreeing on the contract. However, the contract regarding their privacy should be taken gravely, thus people need to raise concerns in this case. It would also be better if the contract is presented in the form of selecting options, thus forcing

users to read it seriously. Either ways, the awareness of protecting users' own rights and profits should be raised among ourselves.

#### 4. CONCLUSION

To sum up, Chinese media platforms at present quite lack of policies to protect users' information and privacy after death. Many platforms actually do not have any policy or regulation that deal with the privacy and information protection of deceased users specifically. Even though Sina microblog recently implemented a relevant regulation, more reasonable policies are still essential to be made. For instance, either the deceased users themselves or their immediate family members should have the right to partly or completely hide the information left on the internet. The measure to achieve this purpose could either be a contract made before a user's death or the inheritance of virtual information ownership. Besides, establishing an online cemetery would be helpful to reduce the negative effect that might be caused by the inappropriate information posted by deceased users. Last but not least, it is important for users ourselves to raise concerns and pay attention to protect privacy in daily life. However, since the balance between costs and risks and profits would be likely to be considered in priority due the capital profitability of companies, official governing might serve as a more effective measure. Either ways, relevant new policies should be put into practice in the future, in order to find out the best solution to protecting the privacy of deceased social media users in Chinese internet community.

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