

Research on the Protection of Network Privacy Rights of Citizens in the Big Data Era

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Abstract. The twenty-first century is the era of big data. The rapid development of internet technology and the concepts of data mining, cloud storage, cloud computing and others are constantly emerging. While we enjoy science and technology, we must also face ethical thinking and legal challenges. While we use the functions of big data, like preference analysis, public opinion prediction, data mining, to manage social affairs, we should bear its challenges brought by the existing privacy protection system. The protection of network privacy right should be established on the basis of perfect legislation. We take the measures of strengthening the justice administration, legal popularization, industry self-discipline and internal cooperation to realize the protection of network privacy right in the big data era.

Along with the progress of the times and the development of science and technology, the circulation of information is speeding up and the communication between people is more and more close. Big data refers to the data of the generation, accumulation of user behavior data network in the daily operation. The world-renowned consulting firm McKinsey first proposed the concept of "big data era". The big data is divided into 4 V: mass data scale (volume), fast data transfer and dynamic data system (velocity), multiple data types (variety) and the huge data value (value).

Outline of network privacy right in the era of big data

The emergence of big data technology to the rise of e-commerce as an opportunity to rely on the ability to operate the computer, the Internet transmission capacity, electronic data storage technology to enhance the rapid development of self-realization.

Privacy is that we can control their own information independently, independent decisions in certain occasions to show certain aspects of certain people. The right of privacy is a kind of right of personality, which is protected by the private information of the citizens, and is known and collected by others. Its contents include the confidentiality of personal information, the right to interfere with personal life, the freedom to decide personal affairs. If the scope of the voluntary disclosure of the parties is not consistent with the actual results, it relates to the right of privacy. The era of big data, the traditional right of privacy derived from the network privacy, protection of privacy data security is the top priority to protect the privacy of the network. Data security is free to control the user's personal information data, such as the ability to control their own information in the scope of the public, their information will be used for what purpose, etc., but the data is easy to leak.

The appearance of the Internet not only makes us get the convenience of communication, but also makes the behavior of collecting data become extremely easy. In the process of using the network, all traces of network activity can be recorded.

Compared to the previous used traditional methods to collect data, the era of big data in the data collection work showed a stronger ability to find and processing ability, can the massive information quickly analyze and discover the value. The Consumers Association and other consumer rights units in thirty provinces and cities in 2015 released the big data era of personal information protection survey report shows that 76% of respondents believe that personal information in the era of big data easier to disclose.

Problems of protection of network privacy right under the background of big data age in China

The era of big data, China's lack of protection of civil rights laws and regulations, but the right to privacy legislation is still in its early stages. For example: first, the lack of special legislation to protect network privacy. At present, the legislative protection of privacy in China is reflected in the constitution, criminal law, civil law and other laws. Privacy related legislation is more dispersed, the network privacy is the lack of specialized legislation.

China's legislation on a variety of cybercrime is not perfect, the relevant provisions of the general summary. In the law on the protection of minors and women's rights protection law, law on the protection of disabled persons, consumer protection law and elderly protection law and other laws, are set up to protect the legitimate rights and interests of the parties of the provisions, expressed or implied in the contents of privacy protection.

2.3 Necessity of criminal regulation of personal information to better protect network privacy right

Provisions of the criminal law protection of privacy in China is mainly 246th: violence or other methods affront others or fabricating facts to slander others, the circumstances are serious, three years' imprisonment, criminal detention, control or deprivation of political rights. In 2015 the introduction of the People's Republic of China criminal law amendment (nine), provides a strong protection of the right to privacy on the Internet, but the specific provisions of the operation still need to be further refined.

Due to the uniqueness of the network and the network related system is imperfect, resulting in weak network service provider regulation. First, weak self-regulatory network service providers. The law does not specify in detail the standards and obligations of the network service providers. The network service providers tend to regulate the behavior of the network practitioners in the way of self-signed conventions. These internal self-discipline convention does not have the force. The restraint effect is not good. Two weak external regulation. Network service providers tend to sign a variety of agreements with the user on the network to pursue accountability. If the network users refuse to agree to the site's privacy statement, often cannot be normal access, the user's own right of choice was disguised deprivation. To strengthen the supervision of the Internet service provider, we should start from two aspects: legislation and self-discipline through strengthening the legislation,

detailed provisions of network service provider shall perform the obligation of what a reasonable supervision in daily work; strengthen self-discipline, clear network service providers should bear the responsibility and obligation of privacy in the network case, make our country the network service industry healthy development.

European countries take corresponding legal measures to protect network privacy. In 1995 the EU adopted the "personal data protection directive" (EU Data Protection Directive). In 2001, it has promulgated the special rules of the organization of the standard community to deal with and disseminate personal information, and established a unified and effective legal system for the protection of the right of privacy in its members. Through the way of legislation, the EU has established a complete set of network behaviour norms, strengthened the protection of network privacy, and achieved good results.

The United States mainly rely on industry self-regulation measures to regulate the network of personal privacy information collection, utilization, exchange behaviour. First, the right to privacy alliance self-regulatory organizations. For example, in 1998 the United States announced the online privacy guidelines, online alliance organization, there are more than and 100 well-known Internet companies to join. The provisions of the self-regulatory organization, web site to collect users' personal data, should complete the obligation to inform, inform the type and use of the information collected, and whether the disclosure to third parties, and commitment to the user's personal information security, reasonable use of them. However, this kind of alliance can only provide a widely accepted model for the protection of network privacy. It is the emergence of a variety of network privacy certification organizations.

Protection of network privacy right should be strengthened in the big data era

Compared with the developed countries in Europe and America, our country has not paid enough attention to the protection of network privacy, but with the advent of the era of big data, the voice of the people to protect the privacy of the network is getting higher and higher. In order to better protect the privacy of the Internet in the background of big data, we should take the following measures:

Under the background of big data era, the network is closely related to our work and life, the network privacy is more vulnerable to infringement. We cannot be one-sided pursuit of economic benefits, we should learn from the advanced experience of western protection of privacy on the Internet, give full play to the government and social forces, gradually refine and increase the protection of network privacy provisions, perfect for the network privacy legislation, so that to protect the privacy rights of citizens. That law enacted to protect network privacy specially when conditions are ripe, supplement and perfect the relevant legal provisions are time-consuming way short, but the previous legal provisions are too simple and is not suitable for the needs of the era of big data of actual judicial practice, therefore recommends the introduction of relevant laws to protect the rights of citizens dedicated network.

In view of the current situation of network privacy infringement cases, it is suggested that the relevant departments to further strengthen the judicial, and constantly improve the level of justice.

In the big data era, if the judiciary is complacent, will not only in the judicial practice of the law appear to understand the error, error situations, but cannot keep up with the times, adapt to the demand of the information society. In particular, the cybercrime in the judicial practice, more requirements of judicial personnel in judicial justice at the same time, consciously from the legal theory of the rich seek support to solve the problem of theory, spontaneously through the network and other channels to learn, and constantly improve our professional level, continue to learn and to continue to explore the precise application the law, to highlight the strict judicial credibility and authority.

To improve the network privacy legislation, we should further build the characteristics of China's network culture, also proposed to further strengthen the right to privacy of the network publicity and legal education, popularization of network privacy and other rights, to make the public aware of the importance of network rights, recognize the potential danger of network privacy infringement consciousness, raise awareness of self-protection, the basic method of self-protection rights, create a good social atmosphere of public knowing law-abiding.

In the process of network governance, industry self-regulation plays an important role. China's legislation on the right of privacy is not perfect, in the absence of effective legal regulation, the protection of the right to privacy on the Internet is more dependent on industry self-regulation. Even if the relevant laws in the future gradually improve, the Internet industry self-regulation is still a useful complement to the legal regulation. We can learn from the United States two ways of industry self-regulation, combined with China's relevant legislation, continue to play an important role.

The Internet breaks the limits of space and time, while the social, political and legal backgrounds of different countries and regions have significant differences, but the protection of the privacy of network users is not limited to one country. To strengthen international cooperation to better protect the privacy of network: on the one hand, through legislation to further protect foreign users of Internet privacy; on the other hand, we also need to protect our users in the foreign network privacy. It can be predicted that the international cooperation is becoming closer and closer.

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