

Legal protection of network privacy rights in China

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Abstract:

Along with the rapid development of information technology, people's private information rapidly spread to the cyberspace. In the cyberspace, the disclosure of privacy is closely related to personal reputation and property interests, so that the protection of network privacy has become a popular and the most difficult matters today. Faced with the present situation of China's legal system, the protection of network privacy is obviously insufficient compared with the developed countries. There are defects in the protection of network privacy which need to be further improved. The government must accelerate the development of the legal system to strengthen the protection of citizens' online data and information. Only in this way, the citizens' network privacy will not be infringed upon, and the internet will be fully utilized. In this paper, the related concepts of network privacy are introduced first. Then, the behavior mode and characteristics of violating the network privacy right is deeply analyzed. Finally, the problems and causes of the legal protection of network privacy in China is fully discussed and several suggestions are given in the end. The research conclusion of this paper can provide a reference for relevant legislation and personal network privacy protection.

Keywords: network privacy, protection, legislation

1. INTRODUCTION

1.1 Background

Due to the swift advancement of computer network technology and the widespread adoption of personal computers, the dissemination of information has transcended geographical boundaries, and the network allows information to travel around the world, bringing human beings into the real information age, and

greatly promoting the development of economy and culture. However, The Internet, along with the entire information industry it is associated with, is still in its nascent stages. For various reasons, the privacy of Internet users has not been adequately protected through legal and judicial processes, but if let this status quo continue, and let its development, in the immediate interests of the Internet users are direct damage at the same time, also to the entire Internet and related industry brings very serious consequenc-

es, cause incalculable damage. Therefore, this paper puts forward suggestions on how to establish the network privacy protection mode, conforming to China's national conditions, hoping to be beneficial to the construction of China's network privacy protection system.

1.2 Aim of this study

The study mainly focuses on responding following questions.

- (1) Is network privacy protection not enough or too much?
- (2) What are the behavior mode and characteristics of the infringement of network privacy?
- (3) What are the problems and reasons of the network privacy in China?
- (4) How to protect the network privacy right?

1.3 Reasons for the study

From my point of view, I like information technology very much, and I want to learn information security major in the future, so I first considered the topic of online privacy right protection when I was choosing the topic. I first learned the definitions in articles, and later, by looking it up on the Internet, I discovered that the network privacy protection is deeply related to relevant national laws and policies. After some investigation, I thought my research should start with the legal aspect, so I chose this subject.

1.4 Outline of the research

This study contains five parts. The first section presents a literature review on the relevant topic. The second part analyzes the behavior mode and characteristics of infringing the network privacy right. The third part firstly introduced a controversial topic at present, that is, the current network privacy protection is not enough or excessive. Then, I elaborated my own view. Next, the problems existing in the protection of network privacy in China and their reasons will be explored. The fourth part puts forward some suggestions for the construction of the legal protection system of the network privacy right. The fifth part draws the conclusion and review the whole research.

2. LITERATURE REVIEW

To understand the serious impact of online privacy on the country and society, and to deepen the awareness of network privacy protection, introducing the definition and characteristics of privacy rights and online privacy rights is the first part.

2.1 Privacy rights and protection

The right of privacy is a fundamental human right recog-

nized by the United Nations Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international or regional treaties. (Zheng, 2006). Dr.Abdalrazak elaborates on the right to privacy as a part of basic human rights, explores the various ways in which the right to privacy may be violated, and emphasizes the importance of protecting the right to privacy(Abdalrazak, 2017) . There is no clear definition of the privacy right in China, and the legal circle has interpreted the privacy right to a certain degree. Privacy refers to the right of a natural person to enjoy a peaceful private life and private information secrets protected according to law. This right does not allow others to know, collect, use or disclose without permission. At the same time, it also involves the extent to which others can participate in an individual's private life, and which private information can be regarded as public privacy, and the extent and extent of disclosure to others and the public. (Yin, 2019). Privacy is a basic right of personality that refers to the right of citizens to enjoy a peaceful private life and to ensure that their private information is protected from illegal intrusion, known, learned, collected, used or leaked by others. (Zhou ,2021). The right to privacy has two remarkable features, basically including: 1. secrecy. That is, the parties are subjectively unwilling to disclose some of their own affairs for others to know, and objectively to conceal or cover up these affairs through behavior. 2, private. That is, the individual citizens are unrelated to others or the public. Specifically, privacy includes physical secrets, personal space, personal facts and private life (Feng, 2007).

2.2 Network privacy rights and protection

2.2.1 Definition of network privacy rights

The network privacy right is not a brand-new concept of the privacy right, but the extension and concrete embodiment of the traditional privacy right in the specific environment of the network space, that is, a special form of expression in the network environment. The difference between the network privacy right and the traditional privacy right is reflected in the difference between the constituent elements of infringement and the litigation procedure (Hao, 2021). So far, there is no clear definition of the network privacy right in China, and there is no conclusion in the academic circle. It mainly includes two aspects: first, in the positive sense, the user shall protect personal information from illegal intrusion, knowing, collection, use and disclosure, and users can freely decide the status and scope of personal life and personal information, and use it, others prohibit disclosure, individuals should have the initiative to control their personal privacy (Lu, 2013).

2.2.2 The characteristics of the network privacy rights

The content of network privacy is complex, and the scope is expanding. With the progress of network technology and the further expansion of people's communication scope in social life, the traditional privacy right has gradually penetrated all levels of the emerging carrier of the network. In this process, some new content has been continuously added in. The purpose of network privacy is to protect people's data and information on the Internet. With the digitization of people's life, some new rights subjects have also become the protection objects of network privacy. And as human society continues to progress, people's comprehension of private content is bound to undergo constant shifts, evolving, and developing. Given the rapid advancements in modern technology, it is inevitable that, alongside the emerging personal data already mentioned, there will be a proliferation of novel data information within the online environment in the future. It can be aptly stated that the content of privacy within the network sphere is perpetually in a state of flux (Zhao, 2017).

The perception of network privacy rights has shifted from a passive stance to a proactive one. Traditionally, privacy was viewed as a passive entitlement, signifying the right to be undisturbed by others. However, with the exponential growth of computer information, governments, businesses, and individuals alike have begun to collect and utilize vast amounts of personal information (Wang, 2002). It has become increasingly challenging to accommodate the passive nature of privacy rights with the demands of the network economy and societal development. The evolution of the network economy itself relies heavily on the extensive collection and utilization of information, and individuals now leverage their personal data to engage in beneficial online activities. Consequently, privacy rights in the digital era are not merely concerned with restricting the utilization of personal information, but also with ensuring its reasonable and lawful usage. Therefore, the passive, traditional understanding of rights must be superseded by a proactive approach, emphasizing individuals' agency in safeguarding their rights within the online ecosystem.

The essence of network privacy rights is characterized by a unique blend of personality rights and property rights. In the physical world, humans exist as material beings, engaging in various societal activities. Materiality, thus, serves as the foundation for all interactions within human society. Within the traditional framework of privacy theory, individuals have historically defined the value or function of privacy primarily in terms of its personal significance. However, in the contemporary digital landscape, privacy rights have evolved to encompass not

only the protection of one's personal sphere but also the recognition of the economic value inherent in personal data. This evolution reflects the increasing complexity and multifaceted nature of privacy in the modern world, where the boundaries between personal and property rights are increasingly blurred. Some people consider of privacy right as "maintaining personal dignity", and cannot see the economic value of network privacy right(Xie, 2015). The most eye-catching thing in the Internet era is all kinds of information on the Internet. All Internet users can find the information that they like or are interested in on the Internet. For Internet businesses, consumers' personal preferences, communication methods and other personal information are the focus of their attention. In order to expand the market, understanding the shopping tendency is needed, and then send targeted advertisements to consumer users to improve the sales level of their products(tina vukasovic,2020). Therefore, the personal information of the network has become the gold in the eyes of the merchants, which not only brings economic benefits to the individuals who provide information, the Internet and its related industries are also improved. Consequentially, the network privacy right has considerable economic value even though it attribute to personality right.

Online privacy right is vulnerable to infringement. This is because with the development Artificial Intelligence (AI) and big data, it is easier to collect, analyze, use and disseminate personal privacy than before, and privacy violation has gradually become a huge trouble caused by the Internet (Pan, 2021). As mentioned above, the right of network privacy is property-oriented, therefore, driven by interests, network privacy is not easy to be comprehensively protected, and it is vulnerable to infringement. At the same time, the result of infringement is difficult to be predicted and controlled, and the harm caused is also great.

3. DISCUSSION

3.1 Is network privacy protection not enough or too much?

As we known, the society has gone through a process from indifference to gradual attention about the topic of network privacy protection. In the developed network technology today, people are starting to attach importance to the protection of personal information, but this has spawned new problems. Some people began to wonder whether personal privacy protection is excessive.

The common view is that online privacy should be protected further. This view is mainly based on the following reasons. First of all, privacy is part of human rights, which

under international law is a protected fundamental human right. Today, the disclosure and abuse of private information is increasingly serious, so it is more important to protect the network privacy. Secondly, the leakage of network privacy may lead to serious consequences, such as identity theft and property loss, bringing great harm to individuals and the society. Therefore, the government and enterprises should protect online privacy, and formulate stricter laws and policies to regulate the use of network information. Finally, protecting online privacy is also in the overall interest of society. If personal privacy is not protected, it will lead to a decline in people's trust on the Internet, thus affecting the development of the Internet economy. At the same time, privacy leakage may also lead to social instability, because people's concerns about information security will exacerbate social conflicts.

However, there is a different point of view that has also gradually emerged recently. Some economists or sociologists consider that online privacy protection should be moderate rather than excessive. They hold the opinion that the right to privacy is not absolute, and the flow and sharing of personal information is inevitable on the Internet. Excessive emphasis on privacy protection may hinder the free flow of information and social development. Excessive privacy protection may harm the public interest. For example, in counter terrorism and crime investigations, access to personal information to conduct detection is necessary. If excessive access and use of information, it may bring difficulties to these jobs and thus affect the security and order of society. Excessive privacy protection may also have a negative impact on enterprise innovation and development. Some enterprises need to use personal information to provide customized products and services, and excessive privacy protection may limit the space for enterprise innovation and development.

From my point of view, I firmly believe that the protection of online privacy is still insufficient, rather than excessive, especially in China. According to the report of 2021 App Personal Information Use Situation Analysis Report (Donews,2021), a total of 56.3% of nearly 10,000 active App apps are suspected of illegally collecting and using personal information, with an average of 0.8 risks of violation per App. Among them, mobile game App, travel App and life shopping App accounted for the top three violation risk, more than 60%, becoming the "disaster area" of App violation risk. In addition, due to the popularity of the mobile Internet, the elderly, young children and people in rural areas in China can also have access to the Internet, but these groups lack the awareness of online privacy protection. Thus, both governments and individuals should continue to make efforts to protect online privacy. Next, I will start my discussion from three aspects: the infringement

of online privacy, the problems and causes of insufficient legal privacy protection, and personal suggestions.

3.2 The behaviors and characteristics of violating the network privacy right

3.2.1 The behaviors that infringes on online privacy.

In modern society, people rely on network tools more and more strong, and Internet as a global media knows no borders, more and more people surfing online, it is very convenient to collect and store related information. Personal privacy is exposed to the public easily, caused great harm to people's life. At present, from the perspective of the behavior subject, the infringement of network privacy is mainly include the following aspects:

1.personal tort

The subject of infringement is a natural person, and the main behavior mode is: individual promotes, publicize or transfer the privacy between others or others without authorization; unauthorized individual enters others' system to collect information or disturb the peace of others; intercepts or copies the electronic information transmitted by others without authorization; individual makes, spreads computer viruses and engage other activities that violate the network and the legitimate rights and interests of others(Wang, 2006). These infringers, some are instigated by curiosity, some are driven by economic interests, and some may be aimless, but these actions have caused great harm to users. Additionally, the opacity of the identity of the characters in the Internet world further aggravates this illegal infringement.

2. The infringement of network service providers

Network service providers are mainly divided into two categories: one is Internet access service providers, and the other is Internet content providers.

(1) ISP (Internet Service Provider), translated as an Internet service provider. Internet access services is provided by the telecom operator. It may infringe on users' privacy in two aspects: on the one hand, the ISP has subjective intention, which directly infringes on the privacy of others. On the other hand, ISP indulge and ignores the infringement of others on the website (Xiao, 2015). The legal consequences of this kind of ISP infringement are stopping the behavior, reduce the impact, apologize, etc., and the damage compensation is generally not applicable. This leads to the goal of effectively protecting online privacy rights.

(2) ICP (Internet Content provider) is the Internet content provider. Many Internet content providers use cookies to

send their files to visitors. Cookies Is a record file that a network server sends to a partial file in a network user browser by using the server (Web server). When a user visits a website, some cookies will be set in the user's browser, making the browser write specific information so that the website server can be used more easily in the future. When a user closes the browser, some cookies are stored in the computer's cookies document, and they may also track the user's network activities and collect personal information. ICP can use the information collected by cookies, make users' files, record their email addresses and some Internet habits, which sets the stage for providers to infringe on the privacy rights of netizens (Zhang, 2018). At the same time, there are many providers who do not inform netizens of the content, method, purpose and duration of the information collected, processed and stored when providing content services; do not explain the measures to protect individual rights; do not inform users of the right to access the Internet anonymously and participate in some activities; and take an indulgent attitude to spread some websites that obviously promote others' privacy.

3.The infringement of some hardware and software equipment suppliers

Some software and hardware manufacturers deliberately infringe on consumers' privacy by technically "processing" the products they sell. Windows system generates a serial number which containing the user's computer information on the office software, a "backdoor program" that has led to the user information unknowingly entering into Microsoft's data system (Wang, 2009). The various Internet tracking tools issued by equipment supply developers have been widely used, making it possible for people to be watched all the time.

4. Torts of business organizations

The internet has brought about the strong information needs, which contains big business opportunities. many companies engaged in online surveys are sprung up. Any organization and individual can get information to others you want to know. Other Internet companies add cookies (a tracking file) to someone else's hard drive without the user's permission. Cookies Will automatically record the site and content visited by the user, and send the details to the network company, the network company based on the personal information, to build a huge database. Important personal information may be stolen, which will cause capital loss to network users (Y. Liu ,2020).

3.2.2 The characteristics that infringes on online privacy.

1. Diversification of infringing subjects

The subject of the infringement of network privacy refers to the natural persons or units who illegally obtain, use and disclose private information, illegally break into private cyberspace, and illegally interfere in private network activities. From the perspective of the above infringement, the infringement subject of network privacy is very extensive, in addition to the real network users, it also includes network service providers, website service providers, hardware and hardware equipment providers, business operators, etc. Even, as long as a little understand the network technology, may become the main body of infringement.

2. Expand the scope of the infringement object

The object of the network privacy right is the combination of the privacy rights among the network private information and private activities. Due to the different network era, a lot of people enter the network environment. The object of the network privacy right has an obvious trend of expansion compared with the traditional privacy right. Perhaps a well-known person's information is more worthy of others' attention, and it is possible to be exposed and spread by others. However, in the Internet environment, an ordinary person's personal information and activities may also become the object of infringement. With the development of science and technology, the object content of the network privacy right will be expanded, so that the scope and form of infringement will also change.

3. Intelligent and concealment of infringement means

The biggest characteristic of the network era is that any information and activities can be operated through a small mouse. The collection, transmission, utilization and processing of network personal privacy are inseparable from the "mouse operation". "mouse operation" is actually an application of Internet technology. Therefore, the infringement of Internet privacy relies more on intelligence and high technology. Only with skilled operation skills and rich professional knowledge can the doer quickly and accurately collect others 'information or invade others' private network space. At the same time, the biggest characteristic of the network is fast, the web page is constantly refreshing, the information is constantly updated, some of the infringing information is constantly replaced by new information, so the infringement is more hidden. At the same time, most of the evidence of infringement on the internet are data and code, which is easy to be modified and transmitted. Common users are difficult to find these evidence to protect their rights.

4. The seriousness of the harmful consequences

The globality and the fast information transmission of Internet make the release of network information much convenient, but this double-edged sword also poses a

great threat to personal privacy. Once someone's privacy is disclosed on the Internet, there will be countless websites waiting for it, and people around the world can know it in a moment, which causes great mental and material damage to the victim (Shi, 2007). In addition, the network privacy right often has economic attributes. Once the network privacy right is infringed, it may lead to huge economic losses for the victims.

3.3 Problems and reasons of legal protection of network privacy in China

3.3.1 Problems existing in the legal protection of the network privacy right in China

Through the analysis of the laws on the protection of network privacy rights, we can see that the legislation of network privacy rights has started; but the defects of the network privacy rights protection legislation can be more clearly found. After analysis and summary, the author believes that the defects of the legislation of network privacy protection in China are mainly as follows:

1. The legislative principles remain ambiguous, resulting in a notable absence of systematization and integrity within the legal content.

Presently, China lacks both a concise legislative framework and explicit rules pertaining to the safeguarding of network privacy. Additionally, several principles outlined in the Constitution for safeguarding privacy rights are unduly general and opaque, hampering our ability to clearly delineate the boundaries between the rights and obligations associated with network privacy. Consequently, the specific actions of network users lack a definitive guiding compass.

Network environment privacy legislation protection of the content is very scattered, lack of system and integrity, in the whole network privacy protection legal origin has not yet made special personal data information protection law, lead to network users in network privacy by illegal infringement lost the normal legal relief, the legitimate rights and interests of Internet users so not law effectively safeguard. At the present stage, the legal protection of network privacy only forbids some infringing acts, and there is no specific provisions as to the principle of liability attribution, tort liability and other aspects. Without correct legislative guiding principles and systematic legal norms, various conflicts in the Internet in China cannot be solved, and the right of Internet users to enjoy free and peaceful online life will not be guaranteed, let alone promote the construction of spiritual civilization in the network society. Therefore, China should establish a clear legislative principle as soon as possible, and establish a complete network privacy legal protection system.

2. The existing legal provisions are lack of operability and coordination

In our country has not made special law about the network privacy protection, although administrative regulations, local regulations, departmental rules and local government rules involved in the protection of the relevant provisions, but because of the lack of coordination and operability between these provisions, illegal violation of citizens cannot directly through litigation to sanction the infringer cannot make up for their damage through compensation. In the judicial practice of network privacy protection in China, we often encounter the difficulty of lack of legal basis. The trial process of privacy cases by the judicial organs is generally not open, but it does not stipulate the relevant legal responsibilities. The harmonization and consistency of provisions across civil, criminal, and administrative law, as well as their respective procedural frameworks, are paramount. Only by achieving this can judicial bodies render verdicts that are grounded in objective facts, and administrative entities abide by and govern in accordance with the law. Both internet service providers and users must exercise their privacy rights while fulfilling their legal obligations, strictly adhering to the legal frameworks designed to safeguard network privacy. In the absence of clear operational laws and regulations, citizens will find themselves without a compass in cyberspace. Consequently, it is imperative and urgent to establish a robust legal protection system for network privacy within the broader framework of information network law.

3. China has yet to establish the Internet privacy right as a standalone personality entitlement.

The safeguarding of online privacy currently falls under indirect protection, meaning that it is subsumed within the realm of reputation rights. However, in the international context, privacy rights have evolved as an autonomous entitlement, which, despite its correlation with reputation rights, possesses fundamental distinctions that cannot be bridged by mere overlap. These two domains remain relatively autonomous in terms of their respective scopes of adjustment and protection. The absence of robust civil law provisions safeguarding online privacy rights in China undermines the solid and dependable foundation necessary for effective protection, thereby hindering the advancement of safeguarding network privacy rights.

3.3.2 The main cause of the problem

1. Research on the legal protection of network privacy is not yet mature

Newspapers, magazines, and television broadcasts are no longer the sole sources of information in today's world. The era of fully intelligent computer network life is no longer relegated to mere fictional narratives on the silver

screen. Furthermore, the narrative of the Matrix, depicting a human crisis arising from the misuse of computer technology, serves as a stark reminder of the importance of safeguarding our online privacy.

In the absence of robust legal frameworks, individuals could potentially intrude into others' online mailboxes with impunity, steal email passwords, peruse private correspondence, unlawfully store and utilize sensitive information, and even monitor people's daily lives through the internet. Such unchecked behavior poses a significant threat to the integrity and stability of the entire networked society.

2. The swift progress of the internet underscores the tardiness of legal frameworks.

Given the rapid pace of technological advancements in networking and the relatively low level of legal protections in China, the current legal system struggles to keep up with the diverse and emerging challenges posed by the internet. The rapid expansion of the internet has exacerbated the lag in legal developments, creating a growing disconnect between technological progress and legal oversight.

On one hand, there is a widespread desire to accelerate the development of the internet and its associated industries. On the other hand, however, the legislative protections for online privacy rights remain inadequate. Despite the efforts of numerous experts and scholars invested in researching network privacy, the lack of time and insufficient experience in addressing network-related issues has hampered the development of robust theoretical frameworks. This has led to difficulties in formulating coherent and practical theories, often resulting in new ideas being continually challenged or rejected in the process of implementation.

The theoretical exploration of network privacy still requires extensive practical testing. Only those theories that have been rigorously validated and proven effective can serve as the guiding principles for formulating relevant laws and addressing the intricate issues surrounding online privacy. The unique nature of the internet itself poses significant challenges in developing a comprehensive legal theory and framework, leaving it lagging far behind the rapid evolution of the network information era.

3. Weak legal awareness hinders the development of the legal protection system

The concept of "public" and "private" is very important in traditional Chinese culture. "In obligation standard serious residue in China, people always think of fulfill their obligations, and ignore how to exercise their rights, in our country traditional social concept, did not emphasize the importance of privacy" ancient Chinese society long denied the personal value, suppress personal living

space, unlimited violation of the underlying people's private life, requires everyone to serve the public life of the ruling class. People have gradually become accustomed to the way of living without independence and freedom, and they dare not make public when their personal privacy is seriously infringed upon, let alone seek legal relief through judicial channels. "Respect for personal privacy and the institutional protection of privacy rights first need is legal cultural resources. "In the obligation standard of Chinese legal culture, people" public to private " view has been deeply rooted and its low ego protection consciousness, and the current Chinese privacy theory research is very backward, in the 21st century after the network information age network privacy of legal protection is the lack of the basis of solid theory and practice. The awareness of legal protection of Internet users is the development force to promote the construction of network privacy law. Therefore, only by strengthening the awareness of legal protection of network privacy can we accelerate the pace of improving the network legal system and realize the sustainable and healthy development of the network society.

3.4 Suggestions on the legal protection of network privacy right

Due to the world privacy protection trend of specialization, we should actively pay attention to the international legislation trend and legislative dynamic, learn feasible experience and measures, form the network privacy of legislation protection general way and principles, and gradually to the network privacy protection of international standards, international coordination, for electronic information network construction and development in our country has just started the initiative. Therefore, China should make legal adjustments in time to strengthen the protection of network privacy. The author thinks that our country should make legal adjustments in the following aspects:

3.4.1 Formulate a special network privacy protection law

Although online privacy is an extension of traditional privacy, there are still differences between the two. The right of network privacy has the brand of the information age, and there are few laws to protect the right of network privacy in China, and the self-discipline measures are not perfect. It is in line with the development of special network privacy protection law according to the needs of The Times. In the law, should clear the definition of network privacy, content, and define the general way of the behavior of network privacy, clear network privacy of legal liability, to punish the network privacy behavior, network privacy is violated when the remedy and remedy

measures. In addition, the rights and obligations of network users, the rights and obligations of network operators, and under what circumstances, the network operators can be exempted from liability. In addition, the protection of Internet privacy is largely reflected in the protection of personal information. It is necessary to set up a special chapter in this law to make provisions for the protection of personal information. Information age, with the increasing of personal information economic value, personal information is collected, abuse of behavior is more and more, the highly developed information technology also makes the collection cost is lower and lower, cause people's personal information is violated, many netizens exclaimed "Internet as naked", therefore, to strengthen the protection of personal information. The definition, scope, infringement mode, legal liability and relief channels of personal information should be clearly stipulated, and as for the basic principles of personal information protection, so as to make the law of this department more extensive. The author believes that the special network privacy protection law should include the following aspects:

- (1) The rights of individuals to their own data. Mainly include the right to know and control, security claim right, compensation claim right and so on.
- (2) Collection of personal information and data. The collection of personal information data must be obtained with the agreement of the information data subject; Collecting personal information data must be carried out by legal means. Any personal information data obtained through fraud, theft and hacking is an infringing act.
- (3) Using personal information and data. The topic of using others' data should follow three requirements: obtain legal status; use within a specific scope; and do not arbitrarily tamper with the data content.
- (4) The disclosure of personal information and data. Without the agreement of the data subject, no one shall disclose the information data of others.
- (5) On security in the private sector. Without the consent of the right holder, no one shall enter another person's cyberspace without permission or tamper with the contents in another person's space.
- (6) Tort remedy. When an infringement occurs, the subject of right may request to stop the infringement, eliminate the influence and claim compensation according to law.

3.4.2 Improve the procedure law

The modern concept of rule of law emphasizes the importance of procedural law and substantive law, and all countries in the world pay more and more attention to the important role of procedural law in the construction of legal system. In contrast, our country "heavy entity, light program" problem has always existed, to improve the net-

work privacy protection system is extremely unfavorable, in increasing entity law to protect the network privacy also should pay attention to the improvement of the program law, to ensure the network privacy protection aspects of the laws and regulations feasibility and operability. The inherent openness and virtual nature of the internet, coupled with individuals' limited legal understanding of privacy rights, poses significant challenges in the investigation, prosecution, evidence gathering, adjudication, and other aspects of privacy infringement cases. Furthermore, given that the evidence pertaining to network privacy infringement is exclusively electronic, it is imperative to incorporate corresponding provisions into the procedural and evidentiary laws governing cases involving online privacy rights. For instance, when devising these rules, it is crucial to establish that electronic evidence possesses legal validity for submission as evidence and carries the burden of proof under specified circumstances. Only by ensuring the effective enforcement of substantive laws can we genuinely safeguard citizens' personal privacy rights online through legal means.

3.4.3 Pay attention to the protection of special groups

In the Civil Law of China, minors are mainly defined as those who cannot independently or completely independently engage in civil activities. Many network activities also belong to the category of civil activities. Such as online shopping, online paid games, etc. Minors' cognition of things is not sound, and in many cases, they can not distinguish between good and bad, especially in the face of the complex network, and it is more likely to be cheated. It is quite necessary to protect minors' online privacy rights and create a good Internet environment for them. In 1998, the US government passed the Children's Online Privacy Protection Act to strengthen the protection of children's online privacy rights. China may also refer to its reasonable place, formulate laws on the network privacy of minors. What should be the privacy of minors, which information of minors can be collected, which purpose should the collected information that can be applied to, which way to collect it, and what legal responsibilities should be borne in improper use.

4. CONCLUSION

Privacy right is the inevitable product of the development of the legal system in contemporary society. With the supremacy of human rights today, the protection of privacy right is an important embodiment of democracy and freedom. The law should protect the right to privacy accordingly. At the same time, people's life and the network are more and more inseparable. Legal protection of network

privacy in China has become an urgent requirement for social progress.

On the basis of learning from the international experience of network privacy protection and the basic national conditions, China has established and improved the comprehensive protection mode of network privacy protection in China. In the case of Internet popularization, if the full protection of Internet privacy cannot be achieved, it will affect the sustainable and healthy development of the national economy, and is not conducive to the status of the country in the international competition. The issue of online privacy is not only about personal interests, but also has a great impact on national interests. Therefore, China must take necessary measures to protect the privacy of the Internet. Only by effectively curbing the network infringement can the network economy develop, civil rights can be fully utilized, and ultimately promote the sustainable and healthy growth of the national economy, the harmonious development of the society and a healthy and orderly Internet society.

5. REVIEW

I believe that my research on network privacy protection was successful because it shed light on the problems with the development of information technology. I have discussed the important issues in the online privacy protection. Specifically, I have discussed the behaviors and characteristics of violating the network privacy right. I have also discussed the problems and reasons of legal protection of network privacy in China. and offer several suggestions. Some suggestions on establishing the legal protection system of network privacy right have been given which is meaningful to network and society research. Through my research, I have a deeper understanding the impact that information technology to people, and these gains have stimulated my interest in learning information technology related major. In the research process, I also learned a lot of skills, such as how to plan time reasonably, how to use search engines and databases to search for literature, which made me more confident in learning how to write papers in the future.

However, since this is my first time that doing research individually, the study is far from perfect.

On the one hand, the content of the research is relatively broad and lacks data support. In the next step, I plan to obtain real data through interviews, questionnaires and other forms to support my research conclusions. One the other hand, the paper is a theoretical research and lacks specific technologies. In the next step, I plan to discuss the methods of personal privacy protection from a technical perspective in combination with specific information tech-

nologies, such as big data and artificial intelligence.

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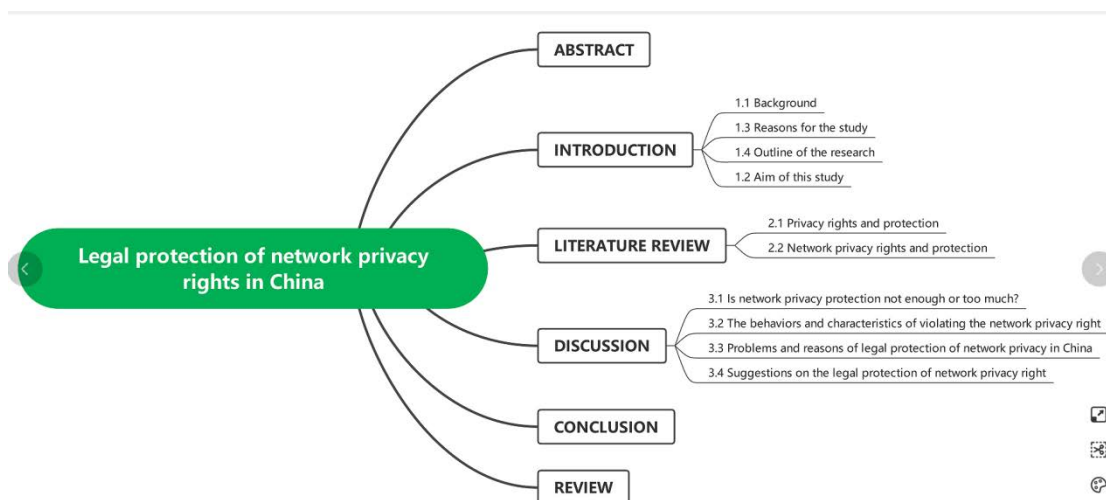
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7. APPENDIX

Mind map:



Gantt Chart:

