

The Principle of Personal Information Protection based on the Perspective of Civil Code

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Abstract: With the rapid development of the information revolution, the quality of information equipment has gradually improved. The successful development of the information revolution has brought people into the information age. In this new era, information has the same unpredictable value as knowledge, and to a certain extent can provide necessary support for the country to improve its international competitiveness. At present, personal information has become an important resource for the new era of technology. Transforming the objective world has become an important part of the human concept, and there is a corresponding information record for every social practice. On the one hand, information brings convenience to our lives. On the one hand, bad information threatens our healthy life. In this paper, the author takes personal information as the basic entry point and actively explores the principle of personal information protection based on the perspective of civil code.

1. Introduction

The protection of personal information rights is particularly important, both in terms of ideas and from a practical perspective. The author makes an appropriate analysis of the current law in the field of personal psychology in China. From the perspective of the Civil Code, the Tort Liability Law is the basic point of agreement to give relevant opinions on the legislation of personal information rights, so as to help the protection of personal information rights in China. Go on smoothly.

2. Basic Overview of Personal Information Rights

In order to have a fuller understanding of the right to personal information, it is first necessary to clarify personal information. What is information, in fact, in the traditional era is actually the meaning of the message. It is necessary to know that the means of transmitting information in ancient China is very limited, and most of the information must be transmitted orally, or in the form of a written book [1]. Living in a new era, after the rapid development of scientific information technology, information has gradually become the focus of modern scientific research. Especially in recent years, after the rapid development of the Internet, information transmission means began to enrich, which also brought new opportunities and challenges for the use and development of personal information. In order to improve the efficiency of service in the industry, the service industry has increased the application of computers and networks, using computers and networks to collect personal information, and collecting personal information for storage [2]. After mastering a large amount of personal information, it can fundamentally reduce the cost of services, while at the same time improving service efficiency, which is beneficial to the development of the service industry. But driven by the interests, personal information is easily threatened, and eventually personal information is abused madly. Unexpectedly, the society has also developed an industrial chain for personal information, with professional teams and staff engaged in the personal information trading industry.

3. The Connotation of Personal Information Rights

3.1. The subject of personal information rights

Speaking of the subject of personal information, it is easy to understand. This theme is the person born under natural conditions. The person is actually the deity of the subject of information. After the birth of a person, there will be a unique personal interest, and the legal organization does not have such a personal interest. Therefore, we say that organizations such as people cannot be the subject of personal information rights. The reputation and information rights related to organizations such as legal persons should actually be planned in the fields of trade secrets and business reputation. The personal interests of trade secrets and people's mind information are very different. Natural persons are the main body of personal information rights. Natural people contain a wide range of content, including their own citizens, foreign citizens, stateless people, and of course, living and deceased. For some deceased, the dispute over the civil subject qualification regarding property rights is not obvious [3]. Whenever a person dies, his personal property will be transferred, the property can be inherited according to law, and the transfer can be realized within the scope permitted by law. The full protection of personal information is, in a sense, the protection of the property of the natural person associated with the deceased.

3.2. Objects in the right to personal information

The object of personality rights is a personal interest, and this is beyond doubt. Until recently, the right to commercial personality began to appear in everyone's vision, and property interests have become the main object of discussion on personality rights. Some scholars insist that the object of personality rights should also contain property interests, which means that property interests and personality rights should not be separated from each other. Nowadays, the personality right has become more and more oriented towards the development of commoditization, and property interests should be included in the object of personality rights. Careful study of the legal relationship of personal information, we can find that in the legal relationship not only contains personal interests, but also includes property interests. However, by comparing personal interests and property interests with other personal rights, it is possible to discover the value of the property that does not fully display the personal interests. Commercializing personal information can easily lead to unprecedented damage to personal property.

3.3. Content of personal information rights

Everyone has their own opinions about the rules of personal information. Some scholars believe that the content of personal information rights should roughly include several rights such as information confidentiality right, information correction right, information decision right, information inquiry right, information block right, information reward request right and information deletion right. Of course, some scholars believe that in addition to these rights, they also need to join the right to claim personal information. When personal information is infringed, it needs to be based on relevant laws. It should be based on relevant laws to obtain appropriate compensation for itself.

4. Civil Law Relief against the Right to Personal Information

4.1. Tort liability for damage to personal information rights

To look at the blame from a legal point of view means actually taking responsibility. Imputation not only reflects the judgment of legal value, but also provides relevant basis for accurately determining whether the perpetrator has to bear civil liability. In tort law, the principle of imputation is a system of imputation principles established by several rules. Infringement liability elements that infringe on the right to personal information mainly affect facts, illegal acts, causal relationships and subjective faults. Personal information is damage is an indelible factual state that can present an intuitive damage result. Once the actual problem of personal information infringement can be accurately identified, it can be considered to constitute personal information infringement in terms

of various interests. Bad behaviors that infringe upon the right to personal information can be divided into different types of patterns under different classification methods. Causality is a major and difficult problem in determining the infringement of personal information rights. In actual cases, when judging the violation of the right to personal information, the first task is to determine the necessary conditions for the damage caused by this behavior, and use the power of social experience to make objective judgments, remember not to use theory purely to speak. It is necessary to judge based on objective facts. In addition, we must fully understand the theoretical basis of the causal relationship. When judging whether a tort is the root cause of a certain damage result, it does not necessarily require the information subject to prove that the causal relationship is absolutely accurate. As long as it can produce evidence to prove that this infringement greatly increases the possibility of harm according to social experience. When the perpetrator conducts the infringement, it will be condemned both in law and morally. This deliberate negligence state is the fault of the tort liability law. Generally speaking, all infringements require the infringer to meet the subjective fault condition, and once this condition is met, the infringement can be determined.

4.2. Liability for breach of contract and other responsibilities in the Personal Information Protection Act

With the information society as the background of the times, the speed of information circulation and dissemination has become extremely rapid. Personal information has become an important resource in today's society. The value of property contained in personal information has also been recognized by more and more people. Personal information has appeared more frequently in the social market. At the same time, many contract laws have added personal information content. . However, in China's existing system of placement, most of the civil liability for personal information rights is simply to stipulate tort liability. Damage to the right to personal information is not simply as simple as the Tort Liability Act, but it has also brought unprecedented adverse effects in the civil sphere. From the perspective of the personality of natural persons, the regulation and punishment of the damages of personal information rights can fundamentally protect the personal interests and property interests of natural persons from infringement.

5. The Status Quo of Legal Protection of Personal Information Rights in China

China's existing legal provisions do not clearly stipulate the content of personal information rights. The legal protection of personal information rights presents a decentralized and unprofessional state, and there are not enough professional departments and provisions to regulate and protect. In fact, the legislative protection against the right to personal information has become a major trend in the world, and China is constantly striving in this direction. In recent years, China has gradually expanded the scope of protection of personal information rights. The promulgation and formulation of the Regulations on the Administration of Credit Information has made relevant provisions for the rights of personal information subjects. For example, in the Regulations, the rules for personal credit information business are elaborated, and the collection of personal information by the credit bureau is also prohibited and restricted. It also stipulates that the information subject has the right to inquire about the information. The right to file an objection.

6. The Correct Strategy for the Legal Protection of Personal Information Rights in China

6.1. Develop a Personal Information Protection Act

In order to further promote the development of the economy and society, the creation of the Personal Information Rights Protection Law is an indispensable task, and the formulation of the Personal Information Rights Protection Law can guarantee the fundamental smooth flow of information. Living in the age of information that tells development, the value of personal information is very important. It is undeniable that China's existing legal system does not effectively protect the right to personal information. Therefore, if China wants to deeply protect the right to personal information, it is necessary to formulate professional rules and regulations, and

stipulate in the legal provisions the responsibilities that must be assumed after infringing upon the right to personal information. After making an act of infringing on the right to personal information, the infringer needs to bear administrative responsibility, criminal responsibility, and reasonable compensation for the information subject. The protection of personal information rights by government departments needs to be strengthened, especially in the private sector. It is worth noting that the government departments do not need to vigorously expand public power.

6.2. Improve the personal credit information legal system

At present, China's existing personal credit management regulations are not perfect, and there are many loopholes. The reason is that the operation of a large part of the clauses is not clear enough. A common problem is that when obtaining the authorization of the information subject, there is no relevant legal regulation to stipulate whether the authorization of the information subject can be obtained in batches. Moreover, it is not clear whether the information subject can authorize multiple organizations at the same time. These conditions occur frequently in our daily lives. For example, when an individual goes to the bank to conduct business, the individual does not have an advantage. For many terms, it can only be accepted, and this has seriously led to the exposure of personal information. At the same time, there is still a problem that the branch of the People's Bank of China does not fully clarify the responsibility for credit reporting. Generally speaking, the people who provide information and the people who use the information are not only bank financial institutions, but also the symbolic institutions and some financial credit information basic data collection organizations. The telecommunications department and the utility payment department that we are more common in life are There is a phenomenon of collecting personal information. These departments are organized by the branches of the People's Bank of China, but they do not have legal obligations to provide information to the People's Bank of China. In addition, some of the existing provisions also lack strict coordination features, which will seriously affect the protection of personal information rights. Therefore, the relevant state departments have actively formulated and issued the "Regulations on the Management of Credit Information Industry" and made detailed planning on some of the details. For example, it is accurate to indicate that the information provider can implement bulk information authorization when authorizing the information subject, but it must limit the volume authorization to third parties. When accepting complaints, the People's Bank of China needs to carry out rigorous planning and prohibit written responses. In addition, it is also necessary to establish a local government to the credit information center department, and strictly establish a management plan, and include the credit information center in the entire credit management system. Of course, it is also necessary to fundamentally recognize the functions of the credit reporting business and credit management of the branches of the People's Banks at all levels, do a good job in maintaining the financial information database, and conduct a high degree of supervision and management of the relevant credit information industry.

6.3. Create a legal system for regulating the sharing of personal information transactions

Personal information has a value attribute, it is difficult to avoid being commercialized, and it is inevitable that it will be widely distributed in major social platforms. In a sense, we can treat these two forms as personal information commercialization and personal information sharing. The so-called commercialization of personal information is actually based on the application value of personal information, and flows in a certain market platform to achieve profitability in business. In order to seek more benefits, the first task requires in-depth analysis of data, mastering the marketing situation and the pattern of personal information transactions. The sharing of personal information is mainly based on the complementarity of the advantages and disadvantages in the social platform, and the mutual exchange of personal information is realized in the social group. This kind of information sharing does not have obvious economic transactions, but in reality it is a free way. At present, the information sharing platform does not form a unified market, but it has attracted people's attention. Information sharing can be formed in the network, in the phone, in the enterprise or in some social groups. The creation of a personal information sharing system can avoid some difficult problems in the shared information, and thus effectively protect the personal information

rights. Create a relatively complete personal information sharing platform to provide more convenient inquiry services for the society and individuals, and do the basic work of hardware security.

7. Conclusion

Generally speaking, from the perspective of the Civil Code, we can find that the protection of personal information rights in China is extremely weak. It is very necessary to actively formulate a personal information protection law that is of high quality and conforms to China's basic national conditions. Things. China needs to learn from the legislative experience of other countries, create a legal system that conforms to China's characteristics, and effectively solve the problem of the lack of protection of personal information rights in China, so that the protection of personal information rights in China can be legally enforceable.

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