

On the Protection of Personal Information by Civil Law in the Era of Big Data

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Abstract: In the era of big data, every citizen's network data will be recorded, which can provide users with personalized service experience, but personal information and privacy security has also begun to be deeply concerned and attached importance to. Strengthening the protection of personal information by civil law can not only effectively strengthen the protection of the rights and interests of citizens, but also make use of the law to actively restrain and crack down on groups and individuals who use personal information for profit. This paper will give a brief overview of personal information, and elaborate on the principles and ideas of civil law protection of personal information in the era of big data, hoping to strengthen the comprehensive protection of personal information in the era of big data, and to actively promote the reform and improvement of civil law.

1. Introduction

In the Internet era, China is actively promoting the development of big data technology, and has issued the Notice on the Organization and Implementation of Major Projects to Promote the Development of Big Data. This notice not only proposes to strengthen the construction of big data, but also actively use big data to improve the level of social governance. However, with the development of big data, the problem of personal information leakage has also become prominent. An investigation report on the protection of rights and interests of Chinese netizens released by the Internet Society clearly states that China's netizens lost nearly 8.1 billion yuan due to information leakage in 2015, which also shows that the protection of personal information is an urgent issue. The country must promote the perfection of legislation to promote the sound development of the information society.

2. Overview of Personal Information

1) the connotation of personal information

Personal information includes all data and information related to a person, even his social activities and contacts with others. But from the perspective of personal privacy, the sensitive information that citizens do not want to disclose belongs to personal information. "Network Security Law" clearly stipulates: in any form of record can identify the identity of others information, belong to personal information. It can be seen that personal information has a very wide range, so it is necessary to strengthen all-round cognition of it in order to comprehensively

protect individual rights and interests in legislation. For example, a citizen's ID number, health status, phone records, website visits, name and so on are all part of the personal information category.

(2) the composition of personal information

The subject of personal information is a natural person. Generally, when a citizen dies, he or she does not have the capacity for civil rights. Therefore, information protection at this time mainly plays a comforting role for relatives, and does not need to be included in personal information protection. Natural persons should not only strengthen the protection of personal information, but also the consumption information, browsing records and other information that they do not pay attention to at ordinary times. Only in this way can they guarantee their legal right of control and protect their basic rights and interests. At the same time, personal information not only has the personality right, but also has the property right. This also shows that when personal information is leaked, natural persons will suffer both spiritual and material losses, which also shows the importance of personal information protection. For example, many illegal individuals and enterprises make illegal profits by selling personal information.

3. Principles of Civil Law Protection of Personal Information in the Era of Big Data

1) The principle of decentralized legislation

In the era of big data, when personal information is protected by civil law, decentralized legislation can strengthen the coordination of personal information right. This will not only make legislation easier, but also strengthen the comprehensive protection of citizens. Big data technology will be scattered in different fields and different websites, and mining personal information among them. For example, citizens' online shopping information, account registration information, call records, network browsing records and so on can all be taken by using big data technology. In the case of theft and sale of information uncovered by the Ministry of Public Security, an employee of Jingdong colluded with criminals to steal as much as 5 billion pieces of information. In addition, there have also been information leakage incidents in companies such as Home Inns and Tencent, which also shows that the current legal protection is not perfect. Decentralized legislation can regulate tort acts and make citizens use detailed laws to strengthen self-protection by specifying relevant rules and regulations. However, decentralized legislation has high requirements for law enforcement officers, and there may be insufficient integration between many legal systems, which will also bring pressure to law enforcement. With the continuous improvement of civil law, the civil judicial interpretation of personal information will become more and more scientific, which will also lay a foundation for law enforcement officers to enforce the law scientifically.

2) the principle of value balance

When protecting citizens' right to personal information, it is necessary to find a balance point of value, so as to ensure the fairness, impartiality and openness of relevant legal mechanisms. For example, big data technology can provide personalized service experience by collecting personal information. Many platforms and public accounts also provide functions such as face recognition and fingerprint recognition. Although these technologies bring convenience to people's lives, they also have information security problems. Therefore, while ensuring the convenience of related APP development, it is also necessary to strengthen the protection of personal information and establish a balance point, so as to realize personalized service and ensure information security at the same time. The General Principles of the Civil Law clearly states that the Supreme People's Court can interpret relevant regulations that are not listed in the judicial process. This also brings some convenience for the flexible enforcement of law enforcement. At the same time, personal information rights and interests can not be directly linked to the value, but this is not conducive to

citizens in litigation claims for compensation. Therefore, the relevant law enforcement can actively refer to other laws. For example, the Tort Liability Law clearly stipulates that when an individual's rights and interests are infringed, property losses can be calculated and compensation can be made. This also enables the infringer to bear relevant civil liability and compensation liability, which is more conducive to strengthening the comprehensive protection of personal information.

4. Civil Law Protection of Personal Information in the Era of Big Data

1) Guide citizens to foster awareness of personal information protection

In the era of big data, every citizen should establish the awareness of personal information protection, so as to strengthen the protection of personal information. First of all, citizens should be guided to strengthen self-restraint, not only to strengthen the protection of personal information but also to respect the information of others, so as to reduce the occurrence of infringement. At the same time, new and traditional media should also actively strengthen the moral propaganda, and guide citizens to actively strengthen the importance of information protection. For example, no organization or individual can collect personal information for any reason, let alone spread information of others without their permission. In addition, when citizens' personal information is disseminated, they can use legal weapons to strengthen self-protection; Secondly, in the Internet age, the number of netizens is increasing. Netizens should also actively strengthen social behavior constraints, not only rational use of relevant social platforms, but also try to reduce the use of real information and photos, so as to avoid personal information disclosure. At the same time, the development of e-commerce also makes the security of citizens' account information can not be guaranteed. Although online shopping is convenient for people, it is important to be vigilant when setting passwords. It is not only necessary to set more complex accounts and passwords, but also to ensure that you can log into the relevant accounts in formal software, so as to ensure the security of the accounts as much as possible.

2). Actively improving the Law on the Protection of Personal Information

In order to strengthen the protection of personal information in the era of big data, relevant laws and regulations must be introduced to prop up the information protection barrier for citizens. First of all, the protection of personal information and personality rights should be of equal value. At the same time, information leakage will also bring about the corresponding property loss to citizens, so it is necessary to strengthen the restriction of information collection on relevant websites and platforms, so as to reduce the occurrence of information leakage. For example, in the information protection law, information closely related to individuals can be included in the scope of legal protection, and the consent of the information subject must be obtained when the information is collected, so as to limit and prohibit the collection of personal information. Second, information collection must be within a specific scope. Different institutions and units collect personal information for different purposes, and relevant units need to register the purpose of collecting information in advance, so as to reduce the occurrence of non-compliant collection. For example, the Guidelines on Privacy Protection and Cross-border Circulation of Personal Data clearly stipulates that personal data should not be made public under unlimited conditions unless authorized by the subject law. Only in this way can information collection be regulated and the legitimate rights and interests of citizens be protected. Finally, the civil law can clarify the subject of liability for infringement, which is conducive to citizens to take up legal weapons to protect themselves, and can also clarify the property property of personal information, so as to protect people's dignity through law.

3). Establishing a legal guarantee and relief system

At present, personal information leakage incidents occur frequently, which is also caused by the

imperfect relevant legal system. Many people disclose their information, but they have no way to complain. Therefore, it is necessary to construct the legal guarantee and relief system for citizens actively, so as to provide legal aid for the citizens. First, mechanisms for reconciliation and litigation could be established. For example, in the nationwide case of stealing citizens' information by Zhu Wujin, the criminals led by Zhu Wujin obtained users' mobile phone numbers to log in their passwords, screened their Alipay accounts, and set the interception function on relevant accounts, thus tampering with users' Alipay passwords and carrying out theft. This act caused direct loss of 238,228.71 yuan to citizens, and indirect loss was countless. This case directly promoted the perfection of China's personal information law. It is necessary to strengthen the supervision of personal information on the network platform in order to effectively strengthen the protection of personal information; Secondly, in many tort cases, the infringed party cannot provide strong evidence to prove the infringement of the other party. Therefore, the traditional "who claims who presents evidence" can be transformed into an inversion of the burden of proof, in which the infringer provides the evidence of his own non-infringement. Only in this way can citizens' sense of powerlessness be reduced and the protection of citizens' legitimate rights and interests be strengthened. At the same time, when personal information is infringed, relevant compensation should be strengthened, not only to compensate for its material loss, but also to compensate for its spiritual loss. Double compensation can increase the cost of personal information theft, so as to reduce the occurrence of infringement. Finally, China should also set up a special online complaint organization, which can not only strengthen network supervision, but also timely understand personal information infringement cases and assist victims to collect relevant infringement evidence.

5. Conclusion

Big data technology has brought a lot of convenience to people's life and work, but at the same time, the corresponding problems have gradually emerged. The protection of citizens' information has become a hot topic of public concern. Relevant government departments should actively strengthen all-round research on the issue of personal information, which can not only promote the perfection of civil law, but also help people to use legal weapons to protect their own interests. At the same time, all sectors of the society can deeply study the value of personal information protection by civil law. By understanding its value, the importance of personal information protection can also be deeply recognized. Only in this way can the whole people establish the awareness of personal information protection and actively promote the perfection and scientization of relevant regulations of civil law.

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