

Legal Supervision Based on Privacy Protection of Personal Credit Information

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ABSTRACT. *Establishing the personal credit information system as the basis for the development of modern credit economy, in the multi-operational link of the credit information system, it is necessary to increase the effective protection of the privacy rights of personal credit information. In this study, we outline the privacy rights in the personal credit information system, and point out the conflicts between personal credit information and privacy protection. We propose to strengthen the legal supervision and protection of personal credit credit protection in China, and provide guidance for similar research.*

KEYWORDS: *personal credit information; Privacy protection; Legal supervision*

1. Introduction

1.1 Personal Credit Privacy Object

The personal credit information system is a system for collecting and processing personal credit information. Since information is recorded by means of words, data, etc., information is more easily acquired and utilized than other forms of privacy rights, and with the support of modern computers and network technologies[1], information can be obtained across time and space. And more concealed. "We are living in a transparent society." "The privacy of everyone in society is disappearing." The increasing transparency of personal privacy information has become an indisputable fact. Therefore, in the process of personal credit information, the protection of privacy rights with personal information as the object is particularly prominent.

1.2 Personal Credit Information Privacy Related Property Rights

In the credit information system, the credit information agencies use the collected personal credit information to process into credit information products. The credit information products can bring benefits to the credit reporting agencies[2]. Through the use of credit information products in credit applications, both the creditors and the trustees Can benefit, and with the maturity of the credit industry,

the use of credit information products is also increasingly widespread, such as insurance, employment, commercial sales. Therefore, the use of credit information in the credit information system is inherently rooted in the economy and for economic purposes. The relationship between privacy rights and property rights in the credit information system is even more difficult.

1.3 Personal Credit Privacy Attributes Attributes

Entering the information society, the convenient way of information transmission makes information have unprecedented value. Information has become a scarce resource in modern society, and the retention and competition for information has intensified. With the development of computer network technology and e-commerce, the ability of governments and businesses to collect, store, control, and disseminate information related to personal privacy has been unprecedentedly improved. Therefore, the meaning of modern privacy rights should not be constrained by the traditional defensive meaning[3], but should be incorporated into more positive factors. That is, rights holders should be given the right to proactively protect their privacy so that they can be actively protected before they are violated, rather than seeking negative relief measures after being violated.

2. Personal Credit Information Privacy Protection Conflict

The personal information of the information subject has to undergo three public disclosures in the personal credit report:

The first time is that the information subject provides some of the personal information to the latter in the process of credit transaction with the financial institution, and discloses some of the personal information to the relevant administrative agency due to legal provisions; the second is the credit information. The provider (that is, the financial institution or the relevant administrative agency in the first procedure) transfers the personal credit information of the information subject to the credit reporting agency; the third is that the credit reporting agency sells the personal credit information collected by the credit reporting agency to the information user. . In the flow of information, the origin of the information transferred by the credit information provider and the credit information agency comes from the personal information of the information subject. It can be seen that the entire personal credit information system is carried out almost exclusively in the personal information surrounding the information subject. The establishment of the system is based on the disclosure of the information subject's credit information within a certain scope, which inevitably involves The privacy issue to the information subject.

The particularity of the operation of the personal credit information system makes the whole process of personal credit information spread around the personal credit information of the information subject, and most of the personal information in the personal credit information overlaps with the content of the personal privacy

protection. Personal information that was originally private is no longer enjoying full protection as a privacy right in the personal credit information system[4]. On the one hand, according to the privacy rights determined by law, citizens have full freedom and absolute dominance when they control private information; on the other hand, a large part of private information as a subject of privacy will be treated as a commodity, a society-specific institution. Collect, process, organize and sell. Obviously, the protection of personal information or privacy rights and the need to obtain verification of personal credit information in credit transactions are in conflict. The essence of this kind of conflict lies in the conflict between the information society's demand for information and the privacy requirements of individuals.

3. Strengthening the Legal Supervision and Recommendation of Privacy Protection of Personal Credit Information

3.1 Improve the Legal Provisions on Privacy Protection

First, the constitutional basis of privacy should be clarified. Recently, China's Constitution did not directly regulate privacy issues. Only a few spirits can be found to protect the privacy of the law. It is suggested that the Constitution should state that "the right to privacy is a basic human right protected by the Constitution". In this way, there is a clear stipulation in the Constitution as the fundamental law of the country that the right to privacy can be protected by strong laws.

Second, privacy should be established as an independent personality right. It is suggested to add a general provision in the General Principles of Civil Law to "confirm the protection of the dignity of citizens" and to define the concept of protecting the dignity of citizens as a specific personality right including the right of portrait right[5], reputation, and privacy. In addition, in the personal rights system, the provisions on personality rights are further highlighted, and the important personality rights of the children, such as the citizen's name right, portrait right, and reputation right, are separately stipulated, and their connotations and extensions are clearly defined.

Third, increase the civil liability for privacy infringement. The types, contents, infringements, imputation principles, and civil liability for infringement of privacy rights should be stipulated as soon as possible.

Finally, add criminal liability for privacy infringement[6]. At present, the protection of privacy rights is mainly limited to the field of civil law and tort law. The current criminal law plays a very limited role. The monitoring and monitoring technology and information collection and dissemination technology pose severe challenges to the protection of citizens' privacy rights. Therefore, in order to effectively protect the privacy rights of citizens, the criminal liability of their infringements should be added. When the conditions are ripe, the crime of infringement of citizens' privacy rights is uniformly stipulated in the criminal law. When a certain violation of the privacy of the citizen is serious and causes serious consequences, it is necessary to apply the crime to adjust it.

3.2 Develop a Personal Information Protection Act

In the information society, personal credit information is only part of personal information, and personal privacy rights should be protected in the construction of personal credit information systems. The first thing to follow is the general rule of openness in the information society and the use of privacy protection in information materials. Therefore, China should learn from the Japanese practice. The personal information protection law should be generalized, that is, to stipulate certain common matters for the protection of personal information in the public and non-public sectors, and then to carry out special legislation on personal credit information. In the modern information society, consumer personal information data has great commercial value. Under the internal driving of certain interests[7], the market economy entity must have a strong impulse to collect, process, disclose, use and exchange such information, and it must also be accompanied by a variety of problems that damage the legitimate rights and interests of the information data subject. It is most common and typical to violate personal privacy and make personal credit benefits difficult to achieve. Therefore, if we want to effectively circumvent all kinds of damage that the personal information data subject may encounter in the credit information, and realize the full power of the comprehensive right of privacy rights, we must establish the confidentiality, knowledge, error correction and domination of the personal information of the consumer personal data subject. , relief and other rights.

3.3 Building Personal Credit Activity Rules

Legally restrict the protection of privacy in personal credit activities, not only to maintain the right of information providers, users and credit reporting agencies to collect, use and disclose personal information, but also to ensure that these institutions and individuals do not abuse power to infringe consumption. Privacy. Therefore, based on the relevant legal documents already in China, we should make specific legislation for the personal credit industry on the basis of improving the general legal provisions of privacy and enacting information legislation, drawing on the more mature legislative experience from abroad. The first is to clearly determine the scope of credit information, and the provisions can be disclosed and allowed to collect by credit agencies; first, the means of clear credit, mandatory, semi-mandatory or completely based on the will of the creditors; third, how to ensure the accuracy of credit information Complete and timely.

4. Conclusion

All in all, from a long-term perspective, the complete marketization of the credit information industry is the development trend of the credit information system. In the process of the credit market becoming mature, the credit system will also turn to the industry self-discipline. A regulatory model supplemented by regulation.

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