

Exploring the Protection of Personal Information in the Situation of Epidemic Prevention and Control

Dongdong Tian

Qingdao University of Science and Technology Law, Qingdao, China

Abstract

With the sudden outbreak of new crown, people's life and property safety are threatened, with the normalization of epidemic prevention and control management, disease personnel's personal information is collected, storage and public, this move is conducive to epidemic management, but in the process of personal information is an excessive collection, improper public, illegal use even crime, the protection of citizens' personal information became a serious security hidden trouble. By analyzing the legal risks of personal information in epidemic prevention and control, this paper tries to put forward perfect suggestions for the protection of personal information under epidemic prevention and control from three aspects: standardizing the collection process of relevant subjects, following the minimum and strict supervision responsibility.

Keywords

Personal Information; Epidemic Prevention and Control; Illegal Use.

1. The Definition of Personal Information

About the overview of personal information, in the civil code, personal information refers to the electronic or other records that can separately or combined with other information of specific information, including a natural person's name, date of birth, id number, biometric information, address, telephone number, E-mail, health information, whereabouts information, etc [1]. At the same time, the Personal Information Protection Law, adopted by the resolution of the Committee the Standing Committee of the 13th National People's Congress in 2021, provides for more detailed and systematic provisions for the protection of personal information in the Civil Code. With the introduction of the Personal Information Protection Law, the scope of personal information has been further expanded. The Personal Information Protection Law did n't relevance based on the steain the Civil Code. Recognition refers to defining individuals by information that can be directly identified by their name, address, and ID number. The Personal Information Protection Law did n't relevance to the definition of personal information, that is, as long as the information is related to an individual and can have an important impact on an individual, although it cannot be directly identified, it also belongs to the identified the category of personal information. Thus it can be seen that the complementarity of the Civil Code and the Personal Information Protection Law makes the concept and category of personal information it information more clear and facilitate strengthening the protection of personal information [2].

2. Legal Risks Existing in Personal Information in Epidemic Prevention and Control

As the epidemic prevention and control is normalized, to avoid large infections and the effective isolation of densely connected populations. In our daily life, we need to scan the code or register for public places or transportation. This includes our travel records, vaccinations, identity information and other citizens' personal information, while such a large amount of information

is being gathered. It also greatly increases the risk of information leakage, however, the laws and regulations on the protection of personal information in emergency situations are not perfect. The government did not fully supervise the relevant actors during the epidemic prevention and control period, in addition, we personally lack the awareness of protecting our personal information for the purpose of cooperating with the government. As a result, a large number of personal information was leaked during the epidemic prevention and control period, which also spawned many online fraud cases, it adds a lot of legal risks to the protection of personal information.

2.1. Blindly Expand the Scope of Personal Information Collection

In the process of epidemic prevention and control, in order to take better prevention and control measures to avoid large-scale infection, the government, public institutions, health departments, CDC and other relevant departments will collect our personal information, including ID number, travel records, personal physical conditions, and transportation facilities. But relevant subjects in collecting personal information without boundaries, with epidemic prevention to blindly expand the scope of personal information is collected, such as some schools in statistics students back to school information, ask students to fill in himself and resident id number, contact information, namely all with the life, living personal information statistics, information details although the implementation of the administrative work, but also virtually expand the scope of information collection, some irrelevant information is excessive collection, thus increasing the risk of information leakage. At the same time, the power of citizens to collect personal information subject do not know, citizens are difficult to timely and accurately distinguish the collection subject has the relevant power, and the relevant subject in the collection of personal information cannot strictly perform for the collection of personal information confidentiality obligations, to collect personal information which can be used and what can not use no clear boundaries. As a result, some criminals take advantage of the epidemic and collect a large amount of personal information and engage in illegal and criminal activities. So according to the network security law of the People's Republic of China and other relevant laws and regulations, suggest that each subject in collecting personal information data should strictly comply with the legal, legitimate, necessary and minimum principle, strictly limit work purpose, reasonably determine the scope of personal information collection, avoid collecting personal information has nothing to do with the epidemic prevention and control [3].

2.2. Improper Disclosure of Personal Information of Persons

Since the beginning of COVID-19, cases of leaking personal information have never stopped. From the beginning of the outbreak in Wuhan, Wuhan personnel names, id numbers, home addresses, and other detailed personal information is public, some harassment by phone, followed by Chengdu confirmed girl flesh search, to now Shaanxi medical staff leak patient case, etc., citizens' information security suffered great challenges during the outbreak. For natural persons, as stipulated in Article 111 of the Civil Code, any personal information that needs to obtain and ensure information security according to law, shall not illegally collect, use, process or transmit personal information, or illegally trade, provide or disclose personal information [4]. Article 253 of the Criminal Law also stipulates the crime of violating citizens' personal information. It can be seen that in the process of epidemic prevention and control, even the relevant subjects should collect, store and disclose citizens' personal information from the perspective of public interest to be legal and compliant, otherwise it will lead to illegal and even constitute the risk of crime.

2.3. Illegal Use of Personal Information

There is no doubt that the epidemic prevention and control measures to collect personal information to determine the crowd and quickly and efficiently control the outbreak plays a

vital role, but due to the mastery of personal information body, quality, management, consciousness is not strong the objective existence, lead to a lot of personal information is improper used, about the new outbreak network fraud arises at the historic moment. Some fraud gangs posing as staff of the Center for Disease Control or community grid members call or send SMS messages to victims asking them to provide their names, phone numbers, ID numbers, and other personal information about themselves and the people they have recently contacted; there are also various kinds of grocery shopping groups, shopping groups, courier companies, online e-commerce companies, etc. to lure victims to click on links or scan codes to pay, or ask them to The victim is asked to fill in the bank card number, password, cell phone verification code, and even direct transfer, and so on.

According to Article 12 of the Law on the Prevention and Treatment of Infectious Diseases, " All units and individuals in the territory of the People's Republic of China must accept prevention and control measures such as investigation, inspection, samples collection, isolation and treatment of disease prevention and control institutions, and medical institutions, and truthfully provide relevant information." Article 21 of the Regulations on Public Health Emergency Response stipulates: " No unit or individual shall conceal, delay, falsely report or instruct others to conceal, delay or falsely report an emergency [5]." During the epidemic prevention and control period, due to the public interest, they followed the law and actively cooperated with the government's epidemic prevention policies to fill in various personal information, but left an opportunity for criminals. At the same time, it also reflects that in the form of epidemic prevention and control, the government and other decision-making departments on the personal information collection procedures and the lack of vigilance of individual citizens on the protection of personal information, leading to a large number of fraud groups during the epidemic prevention and control period.

3. Measures to Improve Personal Information Protection under Epidemic Prevention and Control

The protection of personal information in the network security regulations at the beginning of the country, the country strengthened the legislation of personal information security, and finally, with the introduction of the protection of personal information security. Taking China's COVID-19 epidemic as an example, the following suggestions are put forward for the protection of citizens' personal information in the process of epidemic prevention and control:

3.1. Standardize the Process of Personal Information Collection

Personal information collection is a relatively complex procedure, want to standardize its process, the first to clear the subject of collecting personal information, the prevention and treatment of infectious diseases at or above the county level, health departments, and relevant departments of disease control enjoy the right of information collection, utilization, so shopping malls, supermarkets, residents' committees, and another subject when collecting personal information should be the department, and not under the banner of epidemic prevention. The second is the storage and utilization of the citizens' personal information collected, Many shopping malls, pharmacies, communities, and other doors use the paper version of the register, The personal information collected by citizens is unsupervised and placed at will, This greatly increases the risk of citizens' personal information being compromised, In this regard, the author suggests that the government and other relevant departments should increase the preservation and supervision of the collected personal information, Establish a dedicated website system to preserve this personal information, The authorized non-governmental organs or individuals shall require them to use special links and channels when uploading the collected personal information, Strengthen the awareness of prevention, Protect the privacy of citizens' personal information, Reduce the risk of personal information being leaked. Only by

strictly standardizing the whole process of personal information collected can we ensure that personal information will not be leaked at will to the greatest extent. Once there are problems such as personal information leakage, we can also divide the responsibility and confirm the responsibility subject more clearly, effectively protecting the rights and interests of the information subject.

3.2. Adhere to the Principle of "Minimum Limit" for Personal Information Collection

Because the novel coronavirus is highly contagious, Whenever in contact with novel coronavirus patients, Being easily infection under conditions without protection, In this regard, local governments, from the perspective of epidemic prevention and control and comprehensive social zero clearance, Tracking of key groups such as positive persons, close contacts and secondary close contacts, Their whereabouts track, personal identity, residence information and other investigation and make public, The government's move is to better control the outbreak, There is nothing wrong with protecting the public good, However, to the limit of objective needs, For some non-key populations, we should reduce the monitoring of personal information, Do not blindly expand the collection scope of citizens' personal information; For citizens who have to collect their personal information, Basic identity information can be recognized, do not collect health, marriage and other private information; For citizens' personal information that must be stored, Should use a special system and set up a firewall, special password and other measures to strengthen the security of personal information; For personal information about citizens that must be made public, According to the "Information Security Technology Personal Information Security Code", the processing of personal information should involve the citizens' personal private, sensitive information for desensitization, anonymity, deidentification processing in the public, In the protection of the public interest, Minimum infringement on citizens' personal information, Safeguard the personal rights and interests of individual citizens[6].

3.3. Strict Personal Information Supervision and Responsibility to Increase the Punishment

Have responsibility, the government as the public authority, in authorized other subjects can collect personal information while also bearing the supervision responsibility of authorized institutions, strictly monitor the behavior of authorized institutions, ensure the authorized institutions for the collection and storage of personal information legitimate, legalization, limited authorized use of personal information, shall not illegally open or used for-profit and other ways, avoid authorized institutions abuse of personal information or to personal information crime. At the same time, the government as the guardian of the civil rights in personal information collection, personal information management problems, the government work negligence leak citizens 'personal information caused it is personal information is illegal disclosure, illegal use and even lead to criminal cases, so the government in the exercise of regulatory duties itself to accept supervision, such as the people's procuratorate legal supervision, the public supervision by public opinion, and so on. Government response during the epidemic prevention and control of government keep open, transparent, facilitate citizens query personal information is public at any time, prompting the government to strengthen the management and of personal information protection, due to improper operation or negligence leak citizens' personal information, causing serious consequences, in the corresponding administrative responsibility, constitute a crime should also bear criminal responsibility.

4. Conclusion

With the development of network information technology and people's life increasingly intelligent, citizens' personal information is collected and storage becomes easier, and with the epidemic prevention and control situation normalized, personal information is collected more and more frequent, the resulting excessive collection of personal information, improper disclosure, illegal use of legal risk is increasing, in this case, how to protect personal information security and ensure the epidemic prevention and control situation has become the problem to be solved. By regulating personal information collection process, limited subject, personal information storage mechanism, and the relevant subject adhere to the principle of personal information collection minimum finally strict personal information supervision responsibility for illegal punishment, to cause the government and other public authority during the epidemic prevention and control of citizens ' information protection also improve citizens' information security consciousness, improve personal information protection system, ensure the epidemic prevention and control work while also ensure the safety of personal information.

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