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Blogging down Privacy Rights **谁"博"了你的隐私?**

By [Sandy Lin](#)¹

Many believe that they can disclose other people's private affairs on blogs without any legal consequences, this notion, however, is absolutely untrue!

Do a quick search of your name on Google or Baidu, and you might discover some of your "secrets" are actually open to public view. You might even find blogs that exaggerate and twist them into something more salacious. With the rise of the Internet and other modern media, the publication and dissemination opinions have become easier than ever. In China alone, the number of blogs rises to the tens of millions, and any kind of content may be found on them. This is certainly a kind of progress. But on the other hand, some Internet users can now exploit the new opportunities and create new social problems. An increasing number of blogs expose other people's private affairs, and they do so with such impunity as to attract ever more attention.

Undeniably, everyone is to some extent guilty of a voyeuristic interest in others' affairs. As such, individual private lives naturally attract attention like nothing else can. But the current state of near-anarchy in the blogosphere forces us to wonder: Can it be that there is no place left for privacy in an age of mass-blogging? Can it be that under the banner of "free speech," bloggers can trample on privacy and humiliate others in public?

Currently, China does not have specific laws and regulations regulating blogs and supervising blogger behavior, not do China's laws specifically protect privacy or even define it. This state of affairs may lead many into thinking that that they can disclose other people's private affairs on blogs without legal consequences. But this is not true. In China, the right to privacy is protected as a part of the right of reputation. Although blogs can be regarded as a new means of communication, it cannot be considered beyond the realm of the law. As the *General Principles of the Civil Law of the People's Republic of China* stipulate: "Exposing others' privacy in written or oral form, or spreading falsehoods to denigrate others' personality, and the use of insults, libel or other means to damage the reputation of others, shall be considered conduct infringing the right of reputation." Therefore anyone who uses a blog to expose others' private information shall bear civil liability, administrative liability or even criminal liability.

It is regrettable that, even though personal privacy is definitely protected by law, we still don't have an explicit definition of the right to privacy as an independent right. We merely regard the right to privacy as a part of the right of reputation. I believe this is out of step with the times.

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Right of reputation doesn't equal right to privacy. Conduct infringing on the right to privacy doesn't always infringe on the right of reputation. They are two distinct legal concepts. China's current legislative indifference to privacy is related to the country's tradition of imperial supremacy. Adopting legal procedures for investigating wrongdoers would be costly in time, energy, and money. Moreover, litigation risks further privacy exposure, and many victims have no choice but to ignore the situation.

But whether we choose litigation in defense of our rights, without a doubt the law should protect every individual's right of privacy.

The Information Office of the State Council, as early as 2003, entrusted a group of experts in the Law Research Institute of the Chinese Academy of Social Sciences with drafting the *Law on the Protection of Personal Information*. The experts' opinion was brought to the Information Office in early 2005, but the *Law* has not yet been promulgated.

Of course, the law is not the only way to resolve disputes. In a civilized country, bloggers should discipline themselves and adhere to the principle to "Do unto others as you would have others do unto you." Internet service providers should also remind bloggers not to publish contents that infringe upon others' privacy.

In any case, it would be a step back for our civilization and the rule of law for us to indulge bloggers in their privacy infringements. The Chinese government should issue the *Law on the Protection of Personal Information* as soon as possible and formulate of the right to privacy as an independent right and safeguard the rights of every Chinese citizen.

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