

Preface

Today, privacy is one of the most hotly debated topics worldwide. However, the development of privacy protection in the People's Republic of China is at least 30 years behind that of Western countries. At present, in China, there are no comprehensive legal principles protecting privacy interests. Most importantly, due to the fact that there is no working definition of privacy in China, the general population of China does not know what the concept of privacy is.

The main aim of this book is to consider how to effectively protect privacy in China. The book thus examines privacy standards in both traditional and modern Chinese society. Moreover, in order to consider how the Chinese laws ought to protect the privacy of the individual, this book also involves a study of other developed countries' experiences. This is because, compared to China's privacy protection, there is a high level of privacy protection in certain Western developed countries. Some real advances have not been reflected in Chinese laws, such as the effective protection of privacy interests through information-handling practices.

Based on the Chinese traditions and overseas principles for privacy protection, I realize that two prerequisites of protecting privacy are necessary. First, it is necessary for China, which is moving toward greater democracy, to create the general right to privacy under the Chinese legal system. The creation of the right to privacy will be beneficial to both individual and public. Second, if China wishes to participate fully in the global information community and achieve benefits, we must be prepared to establish an effective privacy protection regime. I believe that the question of how to reasonably deal with privacy issues will be the most significant debate in the Chinese juristic domain in the near future. Therefore, it is hoped that this book will provide an inspiration, or a precedent, for further studies in relation to the protection of privacy in China.

This book is designed to meet the needs of a range of people. Those who study or want to understand Chinese Privacy Law or Industrial Relations streams in Chinese Law will benefit from the book's concise presentation of material. The book also has sufficient detail on key points and a convenient layout that enables it to be a study partner for students of law.

I have been fortunate during the preparation of this book to have received the help and encouragement of many people. First, I owe the greatest thanks to Professor Peter Gillies and Mr John Selby for their valuable support and guidance. Second, I would like to thank Associate Professor Hope Ashiabor, who encouraged me constantly during my study. In addition, many other colleagues in Law School of Macquarie University, including Ms Jiang Xiaoyi and Mr Zhao Xiaobo, have assisted me greatly during this study.

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Protecting Privacy in China

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Possibility of Establishing the Right to Privacy and the
Information Privacy Protection Legislation in Modern
China

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