Conceptualization of Privacy in Chinese Legal Context and Current Legal Framework for the Protection of Online Privacy

Abstract

To better understand the current state of Internet privacy laws in China, this paper explores broader cultural patterns that have been key to the construction of the legal meaning of privacy. The Chinese concept of privacy is analyzed in comparison with its Western counterpart to highlight its complex connections with the historical, cultural, and socio-political particularities of the Chinese context. The paper also examines how a new conceptualization of privacy is being developed to cope with ever-changing social conditions, especially the proliferation of digital communication technologies, by chronicling the transformation in the definition and interpretation of privacy within Chinese legal framework since 1949. The paper argues that a recent Internet regulation represents a critical turning point in this effort of reconceptualization, in which “privacy” is replaced by “information security”. Ramifications of this new regulation and future challenges to the protection of Internet privacy in China will also be discussed.