

# Legal Effect of Internet Privacy Policy

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**Abstract.** The legal effect of Internet privacy policies is self-evident in protecting users' personal privacy. However, in practical applications, the implementation of privacy policies faces many challenges. First, conflicts between commercial interests and privacy protection often arise, and network service providers may infringe on user privacy in pursuit of commercial interests. Secondly, considerations of national security and social stability may also conflict with the protection of personal privacy. Network service providers may need to cooperate with the investigation and regulatory requirements of government departments, thus causing certain infringements on users' privacy rights. In addition, imperfect laws and regulations on personal privacy protection also limit the legal effectiveness of Internet privacy policies. In order to respond to these challenges, this article clarifies the legal status and scope of validity of Internet privacy policies, strengthens the legal supervision and enforcement of Internet privacy policies, strengthens users' participation in Internet privacy policies and the protection of rights and interests, establishes a self-regulatory mechanism for network service providers, and Targeted suggestions were put forward in terms of industry standardization mechanisms and other aspects, hoping to improve the legal effectiveness of Internet privacy policies, solve problems and challenges in practical applications, further protect users' privacy rights, and maintain national security and social stability.

**Keywords:** Privacy policy, personal information, privacy protection, Internet privacy.

## 1. Introduction

With the rapid development and widespread application of Internet technology, people's lives are increasingly dependent on the Internet. In this information age, the Internet not only provides people with convenient information exchange and diversified services, but also brings many privacy issues. It is in this context that the legal validity of Internet privacy policies has emerged. It is related to the protection of personal privacy rights of Internet users, and is also related to the legal operations and social responsibilities of Internet service providers.

Internet privacy policies are the rules and measures established by network service providers to protect user privacy. It aims to regulate online behavior and protect users' personal information and privacy from infringement. However, in practical applications, privacy policies often face many problems and challenges, such as legal validity issues, conflicts between privacy issues, commercial interests, and national security. These problems not only affect the actual effect of privacy policies, but also cause trouble to network users and network service providers.

This study aims to explore the legal effectiveness of Internet privacy policies and their practical application. By analyzing the concept, characteristics, legal basis and legal effectiveness of privacy policies, and sorting out the problems and challenges in the practical application of privacy policies, suggestions and countermeasures are put forward to improve the legal effectiveness of Internet privacy policies. This not only helps protect the personal privacy rights of Internet users, but also promotes the healthy development of the Internet and social harmony and stability.

## 2. Concepts and Characteristics of Internet Privacy Policy

### 2.1. Concept of Privacy Policy

A privacy policy is a regulation and commitment formulated by an online service provider or data processor to protect users' personal information and privacy from infringement. Privacy policy is an important legal document that stipulates how network service providers or data processors should

collect, use, store and transmit users' personal information, as well as users' rights to their personal information and privacy [1].

In a privacy policy, it usually includes the following content: (1) The identity and contact information of the network service provider or data processor; (2) How users' personal information is collected, used, stored and transmitted; (3) Users' rights to their personal information and privacy, such as inquiry, correction, deletion, etc.; (4) The scope of application and exceptions to the privacy policy; (5) Liability and punitive measures for breach of privacy policy.

## **2.2. Characteristics of Internet Privacy Policy**

Internet privacy policy is an extension and expansion of traditional privacy protection methods in the network environment. Compared with traditional privacy protection methods, it has the following characteristics: (1) Cross-regionality: User personal information and privacy involved in Internet privacy policies can span different countries and regions, and therefore may face different laws, regulations and cultural backgrounds. (2) Real-time: Internet privacy policies need to be updated in real time to adapt to the development of network technology and data processing technology. (3) Bidirectionality: Internet privacy policies not only stipulate the obligations of network service providers or data processors, but also stipulate the obligations of users, such as complying with privacy policies, protecting their personal information and privacy, etc. (4) Technical: Internet privacy policies require the use of technical means to protect users' personal information and privacy, such as encryption, anonymization, data de-identification, etc. (5) Flexibility: Internet privacy policies can flexibly formulate different protection measures and regulations based on different network service types and user needs.

## **2.3. The Significance and Development Trend of Internet Privacy Policy**

Internet privacy policy has important significance and development trends. First of all, Internet privacy policy is an important means to protect users' personal information and privacy. It can enhance users' trust in network service providers or data processors and promote the healthy development of the Internet. Secondly, Internet privacy policy is also a necessary means to comply with relevant laws and regulations, such as the European Union's General Data Protection Regulation (GDPR) [2]. Finally, Internet privacy policy is also an important means to improve corporate image and social responsibility. It can enhance the company's brand image and social recognition [3].

As Internet technology continues to develop, Internet privacy policies will continue to develop and improve. In the future, Internet privacy policies will focus more on user participation and user control, on technological innovation and application of data security and privacy protection, and on the supervision and management of cross-border data flows. At the same time, Internet privacy policies will also pay more attention to coordination and connection with other laws and policies to achieve better protection effects and social benefits.

# **3. Legal Basis and Legal Effect of Internet Privacy Policy**

## **3.1. Legal Basis for Internet Privacy Policy**

Privacy policy is the regulations and commitments made by network service providers or data processors to protect users' personal information and privacy. Its legal basis mainly includes relevant laws, regulations and autonomous norms.

First, privacy policies are closely related to personal information protection laws and regulations. Personal information protection laws and regulations mainly stipulate the principles and standards that should be followed in the collection, use, storage and transmission of personal information, providing a legal basis for the formulation of privacy policies. Countries around the world have generally enacted personal information protection laws and regulations, such as the European Union's General Data Protection Regulation (GDPR), the United States' Privacy Bill of Rights, and China's Personal Information Protection Law. These laws and regulations put forward specific requirements

for the formulation and implementation of privacy policies so that they comply with legal norms and social ethics.

Secondly, there is also a connection between privacy policy and the regulation of autonomy in cyberspace. Autonomous norms in cyberspace are regulations jointly formulated and followed by network service providers, data processors and network users, aiming to maintain the order and security of cyberspace. Privacy policy is an autonomous specification voluntarily formulated by network service providers or data processors, reached with users through network service agreements, data processing contracts, etc., and has legal effect.

### **3.2. Legal Validity of Internet Privacy Policy**

The legal status and scope of validity of privacy policies are important issues in jurisprudence and practice. Generally speaking, the legal effect of a privacy policy is mainly reflected in the following aspects:

First of all, the privacy policy is an agreement signed between the network service provider or data processor and the user, which has the effect of contract. Users are usually required to read and agree to the privacy policy before using online services or providing personal information. Violations of the privacy policy, such as unauthorized disclosure of personal information, may constitute a breach of contract and should bear corresponding legal liability [4].

Secondly, privacy policy is the obligation imposed by law on network service providers or data processors. In personal information protection laws and regulations, network service providers or data processors are often required to formulate and disclose privacy policies to protect users' rights to know and choose [5]. For example, the GDPR clearly stipulates that data processors should inform data subjects of the scope, purpose and means of data processing before collecting personal data, and disclose the privacy policy. Failure to disclose or comply with the stated privacy policy may result in legal liability [6].

Thirdly, privacy policy is an important basis for network service providers or data processors to deal with legal disputes. Privacy policies are often considered one of the pieces of evidence in disputes involving personal information. The court will judge whether the behavior of the network service provider or data processor is legal based on the content of the privacy policy and the rights and interests of users [7]. Therefore, the formulation and disclosure of privacy policies is of great significance for preventing and resolving disputes involving personal information.

However, there are certain limitations and disputes about the legal effect of privacy policies. On the one hand, due to the lag and incompleteness of the law, privacy policies may not fully cover all aspects of personal information protection, and therefore cannot replace the effectiveness of laws and regulations. On the other hand, due to the voluntary nature and flexibility of the privacy policy, its enforcement and supervision mechanisms may be insufficient, leading to doubts about its actual effect. Therefore, while protecting users' personal information and privacy, laws, regulations and autonomous norms still need to be continuously improved to adapt to the rapid development of network technology and respond to new challenges.

In short, Internet privacy policy is an important means to protect users' personal information and privacy, and its legal basis mainly includes relevant laws, regulations and autonomous norms. The legal effect of the privacy policy is mainly reflected in the contractual effect, legal obligations and evidentiary effect. However, due to the limitations of the law and the voluntary nature of privacy policies, we need to further explore and improve relevant legal systems and practices to protect the rights and interests of users and promote the healthy development of the Internet.

## **4. Problems and Challenges in Practical Application of Internet Privacy Policy**

With the popularity of the Internet and the wide application of network services, Internet privacy policies face many problems and challenges in practical applications. As the world's largest Internet market, China's problems and challenges in the practical application of its Internet privacy policy are

particularly prominent. Among them, the three most important issues are the contradiction between privacy issues and the commercial interests of network service providers, the contradiction between privacy issues and national security and social stability, and the contradiction between privacy issues and the imperfection of personal information protection laws and regulations. contradiction.

#### **4.1. Conflict Between Privacy Issues and Commercial Interests of Network Service Providers**

In the Internet era, in order to obtain more user information and better understand user behavior, network service providers often take some privacy intrusion measures, such as collecting users' personal information, geographical location, browsing history, etc. This information may be used for commercial purposes such as advertising push, data mining, user profiling, etc., thereby infringing on the user's privacy rights [8].

In China, the formulation and implementation of Internet privacy policies face special circumstances and challenges. On the one hand, China's Internet market shows a trend of rapid development, with a large number of network service providers and fierce competition. In order to gain an advantage in the market, some network service providers may adopt unfair means to collect and use users' personal information. On the other hand, Chinese traditional culture and values are relatively weak in protecting personal privacy, which may also lead to some network service providers not respecting user privacy enough.

In practical applications, Internet privacy policies often find it difficult to balance the relationship between users' privacy rights and the commercial interests of network service providers. Some network service providers may excessively collect and use users' personal information, thereby violating users' privacy rights, while other network service providers may give up collecting and using users' personal information to protect users' privacy rights, thereby losing their rights. Business opportunity. This contradiction often occurs in practical applications, which brings great difficulties and challenges to the formulation and implementation of Internet privacy policies.

#### **4.2. Conflicts Between Privacy Issues, National Security, and Social Stability**

Another important issue is how Internet privacy policies balance the relationship between users' privacy rights, national security, and social stability. In order to maintain security and social stability, the country often needs to take some monitoring measures, such as collecting users' communication records, search records, social networks and other information. This information may involve users' privacy rights and cause privacy issues.

In order to maintain national security and social stability, according to the "Cybersecurity Law" and "Personal Information Protection Law", the Chinese government can collect and use users' personal information in accordance with the law [9]. Although this behavior helps maintain national security and social stability, it also involves users' privacy issues. When the government adopts surveillance measures, it should follow the principles of legality, legitimacy, and necessity, clarify the applicable scope and purpose of surveillance, and strengthen supervision and review of surveillance measures. At the same time, the government should also strengthen the supervision and management of personal information protection, standardize and guide the legal collection and use of personal information [10].

However, in practical applications, Internet privacy policies are often difficult to balance the relationship between users' privacy rights, national security, and social stability. On the one hand, the government needs to adopt surveillance measures to maintain national security and social stability. On the other hand, the government also needs to protect users' privacy rights. This contradiction often occurs in practical applications, which brings great difficulties and challenges to the formulation and implementation of Internet privacy policies.

### **4.3. Conflict Between Privacy Issues and Imperfect Laws and Regulations on Personal Information Protection**

The final question is how Internet privacy policies balance the relationship between users' privacy rights and the imperfections of personal information protection laws and regulations. Due to imperfect laws and regulations on personal information protection, the formulation and implementation of Internet privacy policies also face some difficulties and challenges. For example, there may be disputes about the legality and reasonableness of certain actions, and there may be loopholes in the collection and use of certain personal information.

In China, there are still some imperfections in personal information protection laws and regulations. For example, although the "Personal Information Protection Law" stipulates that the collection and use of personal information should follow the principles of legality, legitimacy and necessity, the definition of "necessary" is not clear and can easily lead to disputes. At the same time, although the "Cybersecurity Law" stipulates a network security level protection system, it does not provide detailed provisions on what security measures should be taken for different levels of networks [11].

In practical applications, Internet privacy policies often find it difficult to balance the relationship between users' privacy rights and the imperfection of personal information protection laws and regulations. On the one hand, the government needs to formulate more clear and specific laws and regulations to regulate the collection and use of personal information. On the other hand, the government also needs to strengthen supervision and management to prevent the misuse of personal information. This contradiction often occurs in practical applications, which brings great difficulties and challenges to the formulation and implementation of Internet privacy policies.

## **5. Suggestions and Countermeasures for Improving the Legal Effectiveness of Internet Privacy Policies**

With the popularization of the Internet and the wide application of network services, the problems and challenges in the practical application of Internet privacy policies have become increasingly prominent. As the world's largest Internet market, the improvement of China's Internet privacy policy will directly affect the privacy protection of the majority of users. This chapter will mainly focus on the problems and challenges in the practical application of Internet privacy policies, taking China as an example, and propose suggestions and countermeasures to improve the legal effectiveness of Internet privacy policies.

### **5.1. Clarify the Legal Status and Scope of Validity of the Internet Privacy Policy**

In China, relevant provisions of laws and regulations such as the Cybersecurity Law can be used to clarify the legal status and scope of validity of Internet privacy policies. At the same time, more specific and clear regulations and standards can also be formulated to regulate and guide the formulation and implementation of Internet privacy policies. Specifically, the content and format requirements of Internet privacy policies can be clarified, and network service providers must clearly describe the collection, use, storage and transmission of users' personal information in their privacy policies, and inform users of their corresponding rights and responsibilities. In addition, requirements for filing and publicizing Internet privacy policies can also be stipulated to ensure that the privacy policies of network service providers can be widely known and recognized by users.

### **5.2. Strengthen Legal Supervision and Enforcement of Internet Privacy Policies**

Currently, there are certain difficulties and challenges in the supervision and enforcement of Internet privacy policies. Some network service providers may violate Internet privacy policies and infringe on user privacy rights, and it is difficult for relevant regulatory authorities to effectively punish and supervise them. Therefore, it is recommended to strengthen the legal supervision and enforcement of Internet privacy policies, and strengthen the supervision and punishment of network service providers.

In China, we can learn from relevant foreign experiences and practices to establish a specialized Internet privacy regulatory agency to strengthen the supervision and enforcement of Internet privacy policies. At the same time, more severe penalties can also be formulated to punish and sanction network service providers that violate Internet privacy policies. Specifically, corresponding administrative penalties, economic penalties and credit record measures can be stipulated to punish and sanction network service providers that violate Internet privacy policies, while serving as a warning to other network service providers. In addition, it can also strengthen the protection of user rights and interests and provide compensation and relief to users who have suffered losses due to violations of Internet privacy policies.

### **5.3. Strengthen Users' Participation in Internet Privacy Policies and Protection of Their Rights and Interests**

Users are the core stakeholders of Internet privacy policies, and their participation and protection of rights and interests play a vital role in the improvement of Internet privacy policies. However, in practical applications, user participation and rights protection are often ignored or neglected. Therefore, it is recommended to strengthen users' participation in Internet privacy policies and the protection of their rights and interests, improve users' awareness and understanding of Internet privacy policies, and enhance users' awareness and ability to protect their rights and interests.

In China, we can learn from relevant foreign experiences and practices to establish a user participation mechanism and rights protection mechanism for Internet privacy policies. For example, a user comment and suggestion mechanism on the Internet privacy policy can be established to encourage users to provide opinions and suggestions on the Internet privacy policy; a user complaint and appeal mechanism can be established to compensate and relieve losses suffered by users due to violations of the Internet privacy policy. In addition, it can also strengthen user education and publicity, improve users' awareness and understanding of Internet privacy policies, and enhance users' awareness and ability to protect their rights and interests.

### **5.4. Promote Self-discipline and Industry Standards among Network Service Providers**

Network service providers are the core implementers of Internet privacy policies, and their self-discipline and industry standards play a vital role in the improvement of Internet privacy policies. However, in practical applications, the self-discipline and industry standards of network service providers are often insufficient or missing. Therefore, it is recommended to promote the self-discipline and industry standardization of network service providers and establish a self-discipline mechanism and industry standardization mechanism for network service providers.

In China, we can learn from relevant foreign experiences and practices to establish a self-discipline mechanism and industry standardization mechanism for network service providers. For example, self-regulatory conventions and industry standards for network service providers can be established to regulate and restrict the collection, use, storage and transmission of user personal information by network service providers; self-regulatory assessment and supervision of network service providers can be established Mechanism to evaluate and supervise the self-discipline and industry standards of network service providers. In addition, education and training for network service providers can also be strengthened to improve their self-discipline awareness and capabilities, encourage them to consciously abide by Internet privacy policies, and protect users' privacy rights, national security, and social stability.

To sum up, the suggestions and countermeasures for improving the legal effectiveness of Internet privacy policies mainly include clarifying the legal status and scope of effectiveness of Internet privacy policies, strengthening the legal supervision and enforcement of Internet privacy policies, and strengthening users' participation in Internet privacy policies and the protection of their rights and interests. and promote self-regulation and industry standards among network service providers. These suggestions and countermeasures will help solve the problems and challenges in the practical application of Internet privacy policies, protect users' privacy rights, national security and social

stability. At the same time, it is also necessary to note that the implementation of these suggestions and countermeasures requires corresponding institutional guarantees and technical support, and relevant laws, regulations and technical standards need to be continuously improved to ensure their effectiveness and operability.

## 6. Summary

The legal effect of Internet privacy policies is of great significance in the Internet era. This article takes China as an example to analyze the problems and challenges in the practical application of Internet privacy policies, including conflicts between privacy issues and the commercial interests of network service providers, conflicts between privacy issues and national security, social stability, and privacy issues. The contradiction between the problem and the imperfection of personal information protection laws and regulations.

In order to improve the legal effectiveness of Internet privacy policies, this article puts forward the following suggestions and countermeasures: First, the legal status and scope of effectiveness of Internet privacy policies need to be clarified so that they have higher legal effectiveness and better binding force. Secondly, it is necessary to strengthen the legal supervision and enforcement of Internet privacy policies, and strengthen the supervision and punishment of network service providers. Third, it is necessary to strengthen user participation in Internet privacy policies and the protection of rights and interests, and establish a user comment and suggestion mechanism on Internet privacy policies as well as a user complaint and appeal mechanism. Finally, it is necessary to promote the self-discipline and industry standardization of network service providers and establish a self-discipline mechanism and industry standardization mechanism for network service providers.

To sum up, suggestions and countermeasures to improve the legal effectiveness of Internet privacy policies need to start from many aspects, including clarifying the legal status and scope of effectiveness of Internet privacy policies, strengthening legal supervision and law enforcement, strengthening user participation and rights protection, and promoting network Self-regulation of service providers and industry standards. These measures will help solve problems and challenges in the practical application of Internet privacy policies and protect users' privacy rights, national security and social stability.

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