



# A Study on the Right to Privacy of Webcasting in a Self-media Environment — Taking the Case of Drone Candid Camera as an Example

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**Abstract:** Privacy protection is closely related to the progress of science and technology, and privacy risk and privacy protection are hot topics from all walks of life. With the rapid development of digital economy and media technology, the network has created a new space. More and more people use live broadcast for online social behavior, but at the same time, there are many problems. The root cause of the frequent news leakage of other people's privacy is that people have found that satisfying other people's desire to peep can bring considerable profits, and the boundary of privacy in the era of live broadcast is becoming more and more blurred. The issue of citizen privacy in the "live broadcast +" era should not be underestimated, and solving it will help the whole live broadcast industry to improve the bad situation and develop in a sustained and healthy direction.

**Keywords:** self-media, webcast, right to privacy

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## 1. Introduction

According to CCTV news reports, on September 4, a netizen broke the news, Hubei Chongyang a blogger in the live use of no manned aircraft to follow women home, not only in the live broadcast exposed to be followed by the women's home address, but also in the live broadcast of verbal insults. The live video was recorded and forwarded by netizens, causing public outrage.

On September 5, the Xianning Public Security Bureau released an apology video of a man, Wang Mou, after he was investigated and punished. In the video, Wang said that he had been criticized and educated by the public security authorities for using a drone to follow the girl and film her, and for broadcasting a rumor on a web-based platform, which had a very negative impact. on September 4, Wang was sentenced to 10 days of administrative detention, a penalty that was enforced on the same day.

Some lawyers said that the behavior of drones following women home is an illegal act of voyeurism, secretly filming the privacy of other people's body parts, infringing on the privacy of others, but also infringing on social order and morality, will be subject to administrative punishment, civil tort liability. Should the netizens and the live broadcasting platform who rewarded the coaxing in the live broadcasting room bear the corresponding responsibility? According to the above lawyer, both of them may also be responsible for the corresponding responsibility, "for the illegal behavior also played a role in helping, the circumstances are serious also need to bear the responsibility for the violation of the law. Live platform has the obligation to supervise, for the platform of illegal behavior also need to bear the corresponding responsibility".

## 2. The development and current situation of webcasting

### 2.1 Origin of webcasting

The development of the Internet continues to produce subtle changes in people's lives and learning. With the development of technology, the traditional ways of sharing text, pictures, videos, etc. can no longer meet all the needs of people. Live broadcast interaction has become an important symbol of communication for people to inquire about information with its real-time and interactive features. Webcasting originated in the West and began to step into the track of rapid development in China in 2014.

### 2.2 Status and characteristics of webcasting

Data shows that there are more than 1 billion webcasting users in the world. Among them, the country with the largest live streaming market in the world is China, which has more than 400 million users. The unique characteristics of webcasting are limited by the adaptability of previous communication ethics. Live content involves a wide range of fields, scene diversity, low threshold, anyone can be a viewer, participant, or performer, which results in inconvenient supervision,

difficult gatekeeping, and frequent occurrence of live chaos.

### **3. The current situation and main types of privacy infringement in webcasting**

#### **3.1 The current status of privacy infringement in webcasting**

The development of media technology and the boom of Netflix economy have made the live broadcasting industry flourishing, and webcasting has penetrated into every aspect of today's culture and society. Because of its low barrier to entry, synchronous communication to meet the demand for instant communication, strong interactivity and large traffic flow, webcasting has gained the favor of many industries, and is regarded as an excellent means of promotion and attracting traffic. Network, webcasting in the infringement of rights, infringement of a variety of ways, some participants are unaware of for, or even more knowingly, in order to gain attention, get traffic desperate, think you can drill the network regulation, the loopholes in the law.

#### **3.2 Main types of privacy infringement in webcasting**

Webcasts involving the right to privacy in the Internet environment are broadly of the following types: First, live broadcasts in public space. Public space generally refers to the outdoor space that everyone has the right to enter and is used by the public, such as streets, squares, parks and so on. The second is the live broadcast in semi-public space, semi-public space refers to the public behavior but relatively confined space environment, such as restaurants, gyms, etc., which belongs to the transition zone of public space and private space. Third, the live broadcast in the field of private space. Private space is expressly protected by law, no one shall enter, film, peep into other people's homes, hotel rooms and other private space, unless the anchor himself decided to publicize his personal space for everyone to watch, so that it is not considered an invasion of privacy.

### **4. Causes of ethical communication problems such as "privacy infringement" in webcasting**

#### **4.1 Technological development lowers the entry threshold of the live broadcasting industry and increases the difficulty of regulation**

Data shows that there are more than 1 billion cell phone Internet users in China, of which more than 99% of Internet users use mobile smart devices to access the Internet. There are more than 700 million live broadcasting users in China, accounting for 68.1% of all Internet users. Because live broadcast content is real-time and synchronized, shooting and broadcasting are synchronized and not edited or reviewed in advance, which makes it easy for the anchor to violate privacy without the consent of others. Such behavior is difficult to predict and may be fleeting, and can only rely on manual identification for supervision, and generally can not be stopped immediately, which further increases the difficulty of supervision.

#### **4.2 Weak legal awareness and lack of responsibility among users and platform parties**

Nowadays, webcasting is in full swing, but the quality of live practitioners is uneven, and violations of citizens' personal privacy abound in the realm of semi-public space. They are allowed to use cell phones and other devices for live broadcasting, but there is no restriction on the threshold of legal knowledge, which is one of the reasons for the frequent infringement of webcasting. On the other hand, the platform in dealing with privacy infringement related issues, used to use the registration of the format of the terms and conditions and the law of the "safe haven principle" to avoid the risk, in order to prove that they are not responsible for the infringement of the corresponding responsibility. Profit-seeking businessmen, coupled with an indifference to legal concepts, are the major reasons why privacy infringement is so common in webcasting.

#### **4.3 Users' voyeurism and curiosity fuel the flame**

Prying into other people's private information is a kind of psychology that many people will have, which is called voyeurism. Curiosity and voyeurism are inherent in human nature, which is amplified by the anonymity and collective behavior of the Internet, and the impact of this nature is also amplified. In traditional Chinese culture, the sense of privacy has always been missing, overly valuing the collective and ignoring the rights of individuals makes the protection of individual private space is not very strong, so the users of the network to watch the privacy of other people through the live broadcast of this behavior of the sense of guilt is relatively not so strong, coupled with the anonymity of the network and the "law is not to be blamed for the public" psychology In addition, the anonymity of the Internet and the mentality of "not blaming the public" further dissipate their already weak sense of insecurity and guilt.

#### **4.4 Difficulty for infringers to defend their rights**

Infringed in the face of live infringement is usually in a passive position, one is the characteristics of live real-time, so that the infringer's privacy is directly exposed, and the infringer in addition to fleeing the scene or refused to be photographed without other options, the second is the infringer choose to defend the rights after the fact is very difficult. Unless deliberately recorded, live infringement evidence is difficult to retain, and rights need to invest more energy and time, many infringers in this case do not pursue, or choose to live platform, the relevant departments to complain. Live platform to close the relevant infringement of the account and live infringement and can not be fully comprehensive management of violators, and the work of the relevant departments is often difficult to implement. These factors have exacerbated the live broadcast infringement chaos.

### **5. Countermeasures to "privacy infringement" of webcasting**

#### **5.1 Improvement of laws and regulations related to the right to privacy**

In the modern society where the network is so developed, the protection of privacy is facing a serious test, and the right to privacy as a basic right is getting more and more attention from people. First of all, the definition and extension of the right to privacy should be clarified, and the system of maintaining the right to privacy should be improved. Secondly, the theory of privacy should be constantly refined, constantly according to the reality to distinguish between specific different circumstances of the right to privacy, in what kind of circumstances of what kind of behavior belongs to the invasion of others' right to privacy and more complete, so that there is a law to be based on, and at the same time increase the popularization of the right to privacy, and lastly, should be improved on the rules of the safe haven, and to strengthen the supervision of the live broadcasting service industry.

#### **5.2 The platform should clarify the norms of live broadcasting and enhance the censorship efforts**

When the phenomenon of webcasting begins to appear in all walks of life, the platform as a service provider should consciously assume the responsibility of reviewing and supervising. Live platforms can increase the penalty for infringement and violations, currently only the use of sealing the number of this means of sealing instead of punishment does not seem to have achieved significant results, you can consider cooperation with a number of platforms on the unqualified boycott. Finally, the platform should carry out the replacement of technical means to increase the strength and effectiveness of the review. The current 24-hour manual supervision is not enough, and consideration can be given to increasing the accuracy of automatic identification and developing corresponding protection technology against privacy violations.

#### **5.3 Live broadcasters raise legal awareness and assume corresponding ethical responsibilities**

Individuals living in a risky society should have a basic knowledge of the law, firstly, this can protect their own rights from outside infringement, can have the courage to refuse and through the law to defend their legitimate rights and interests; secondly, it can be in their own minds to draw a red line, understand what kind of behavior is not allowed by law. Live broadcasters should assume the ethical responsibility borne by the communicator, and should not use other people to achieve their own goals of gaining attention and attracting eyeballs.

### **6. Conclusion**

Digital technology has brought about a new round of media changes, and deep mediaization has created a new living space for human beings and constructed a new social logic, which has given individuals more rights to communicate, but has also pushed the issue of privacy to a new and complex context. The report of the 20th Party Congress singles out and focuses on the rule of law in a comprehensive manner, further demonstrating the important status and safeguarding role of the rule of law. Only all sectors of society can participate in strengthening education on information security awareness, raising awareness of privacy protection, and jointly building a social environment that emphasizes the right to privacy.

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