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Inspection of the Personal Credit Information Collection Boundary Under the Digital Background

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Abstract:

The article will examine the boundary of personal credit information collection. The current credit business management method did not establish an equilibrium to adapt to the complex digital social credit of credit information collection rules, and lack of credit data security sharing, personal credit bureaus access to low problem limits the expected use effect of credit information. To accelerate the construction of a social credit investigation system, it is suggested to strengthen the security sharing of credit data and, at the same time, ensure the balance of credit interests and improve the unified subject standard of the credit investigation supervision market.

1. Introduction

The protection of the rights and interests of citizens' personal credit information is related to the people's livelihood of the country and also contributes to the development of the credit investigation industry under the background of socialism with Chinese characteristics. However, under the digital background, the fuzzy boundary definition of personal credit information collection makes the distortion of personal credit evaluation occur from time to time, resulting in the lack of rights and interest protection. This paper sorts out the problems existing in the social credit investigation system under the digital background of China, according to the actual demand and market background of China, draws on the international experience according to local conditions, and puts forward relevant perfect paths and solutions to the unclear collection boundary of China's digital credit investigation system.

2. The lack of personal credit information collection rules

2.1. Lack of credit data sharing

China's credit investigation system is mainly based on the credit investigation agencies of the People's Bank of China, supplemented by market-oriented credit

investigation agencies (mainly referring to commercial banks) as a supplementary construction, and jointly realizes the two-wheel driven development pattern based on the concept of "extensive consultation, sharing, joint construction and win-win." The market-oriented credit investigation-related service subjects mainly include three types: enterprise credit investigation service providers that complete enterprise credit investigation records, personal credit investigation business providers that carry out personal credit investigation business, and capital market credit investigation rating agencies (this paper mainly takes personal credit investigation business providers that carry out personal credit investigation business as the research object). Data is the core resource of the sharing economy, which is based on data accumulation and sharing. The development of the sharing economy is accelerating data accumulation in China's credit system and related fields. At the same time, there are also some problems in the accumulation, application and sharing of credit and data, which not only bring new contradictions between the government, enterprises and individuals but also intensify the problems of circulation channels such as data sharing security and credit risk.

First of all, at present, the market credit investigation has not become thorough and stable in collecting personal credit information, mainly showing that it has not obtained the support of policies and legal measures compared with public credit investigation service agencies in the scope of credit information data disclosure. The difficulty in such data disclosure also creates a development bottleneck for enterprises. This can be supplemented by perfect enterprise platform data such as transportation department released annual travel information, freight industry practitioners punish information, and other important personal credit information data is not only difficult to open, even if the open will appear too little information. Thus, enterprises face a dilemma, and want to develop conducive to the enterprise but face difficulty in collecting a more convenient and quick-read interface situation[1].

Secondly, the construction of the social credit system should follow the market trading rules and norms. The high quality of public resource trading requires the legal and efficient realization of fair competition, which is not only an important direction of the market economy reform but can also bring public resource credit into

the legalization track[2]. In allocating resources, the government should not only consider the macro-control of the market but also maintain social fairness according to the administrative management authority to improve social governance in improving resource use efficiency. Whether considering the market operation compliance degree or the integrity and compliance degree of the resource users, credit is undoubtedly the key determinant factor when paying attention to fairness. The resource allocation of credit situation mainly exists among enterprises or individuals. The benefit of reasonable allocation of resources lies in the promotion of good credit culture, the maintenance of credit awareness in society, and the fair adherence to credit behavior in the market[3].

2.2. Access conditions for personal credit investigation agencies are relatively low

As early as 2021, the Measures for the Management of Credit Investigation Business regarded credit information as financial services and defined credit information with credit information to identify the credit status of legal persons and individuals. In 2022, through the regulations on social credit in Guizhou province, for example, the social credit information refers to the credit subject of legal or agreed obligations measured data, and in 2021, through the Chongqing social credit regulations also broadly to credit report, credit evaluation of credit products into the market within the scope of the adjustment of credit information. All this reflects that the regulatory authorities have extended the boundaries of personal credit information to financial aid and other broader areas to prevent financial risks and protect the rights and interests of consumers. On financial-related aspects of change and regulation, although, of course, conducive to the rectification work of market chaos, the current big data application widely makes credit channels and convenient access, making personal credit collection wide expansion, and no qualification credit agency credit information makes it leaked. On the one hand, this will lead to the credit label and other sensitive information of credit information users. On the other hand, it will also put the safety of citizens' property and social stability in an unfavorable position[4].

As a pre-supervision barrier to maintain the market

supervision order and promote the security of the flow of data information, it can not only continuously promote the realization of the goal of the market data governance system but also adjust and optimize the data management system of China's credit investigation market. Theoretically, it is divided into two regulatory modes: the behavior access supervision that drives business compliance management and the subject access supervision that tends to qualification management. The governance of behavior access supervision is mainly from collecting, processing and processing the compliance boundary of market business in the process of pre-inspection and standardization. In contrast, subject access supervision focuses more on the qualification approval of compulsory obligations of credit investigation business institutions [5].

The maintenance of credit order in today's society still takes the necessary values, such as integrity and compliance, as the index of the stable circulation of credit data. With the development of the current society and economic transformation [6] and gradually exploring the system design and development supply adapted to the mature market economy, the development of China's credit investigation market has gradually shifted from the subject access supervision of the qualification management system to the compliance behavior access supervision mode that relies on collection, processing and other behaviors. Data security protection is mainly on the risk of infringement of visibility as the control standard, as a factor of production early and cyberspace information dissemination, because of its attachment to the carrier of the characteristics of the risk determines once the credit information risk difficult to quickly like destroy physical using stop infringement, eliminate nuisance, eliminate dangerous real right claim and need the relevant judicial organs [7]. This not only has difficulties in the physical procedure, but also sets limits for the relief of the parties. On this basis, only by realizing the source management of credit information can we completely solve the problem that the low access conditions of the credit investigation market destroy the credit circulation order of the credit investigation market [8].

3. Suggestions on perfecting the boundary of personal credit information collection

3.1. Strengthen the security and sharing of credit data

The co-construction and sharing of credit data in the modern economic system ensures high-quality and efficient development [9]. In the current market, credit bureaus should give full play to the public credit and market credit of double driving force, focusing on the stability of the current credit information dissemination, compliance and security, rich advantages of timely and complete advantage, break the barriers of information, apply to the personal credit information collection, processing and use in a series of stages, common departments joint supervision based on the new regulatory mechanism, and constantly assigned can explore to enhance the level of new regulation [10].

Next, it is important to strengthen the support of relevant policies and legal measures related to personal credit information collection. In the market-oriented credit investigation, personal credit information collection has not obtained policy and legal support in payment and settlement, investment and financing, and agency service business comparable with public credit investigation, so it is difficult for data disclosure and security sharing to some extent. Big data information under credit information's background is increasingly complex and changeable. The future should speed up the building and improve the government credit service management and service system, enterprise credit service management and service system, and personal credit service management and service system of the three main body systems, only paying attention to the credit information infringement case has the complexity, harmfulness and high concealment, to optimize the existing legal guarantee mechanism constantly, this is fundamental to promote the development of Shared economy [11]. Credit collection must have laws, sharing the breadth and depth of the economy directly relying on the influence of the credit protection law and restriction. For personal credit information collection to make a clearer definition of the corresponding punishment mechanism is crucial, so the Shared economic development at the same time to play a

sharing economy give era with the great potential [12].

3.2. Formulate unified subject qualification standards for the credit investigation and supervision market

China has provided the construction, operation and maintenance by the relevant professional operation institutions. In addition, under the background of the administration of public credit investigation, the government is one of the sources of credit information (including individuals and enterprises) for the government to obtain credit investigation data. So, the government sometimes has to obtain relevant credit information from individuals and enterprises. On this basis, government departments can disclose information according to law, such as industrial and commercial information, judicial information, and intellectual property information, which can be collected separately without being authorized by the information subject [13]. Such in the government strictly controls the case of information acquisition, individuals or enterprises in need to obtain relevant information, or approved by the government, the information subject authorized to its collection, or the creation of credit information value based on liquidity in the open market release economic value or social value makes the credit data control play its due role [14].

Currently, the boundary of unclear rights and responsibilities in supervising personal credit information in China leads to the blurred access conditions of personal credit investigation institutions. Under the deployment of a strong development strategy by the government and the market, it is urgent to clarify the scope of rights and responsibilities of regulatory agencies and establish the security management standards of relevant personal credit information collection. Can the authority supervision be centralized and the political power work achieve the effect of streamlining, unification and energy saving? The powers and responsibilities of regulatory agencies are clearly defined to avoid overlapping and weakening powers and vacuum. Effective regulation accelerates the personal credit information flow at the same time, also needs big data and artificial intelligence technology in the financial sector, the "compliance," "legal," and other important concepts based on protecting personal credit information security, realize the orderly free flow of personal credit information. At present, the more principled provisions in personal credit information collection are difficult to deal with in the supervision practice of personal credit information collection [15].

Secondly, there is still the problem of information asymmetry between personal credit information collectors and information subjects. Hence, a series of problems cause harm to individual information risks due to the unequal legal status of credit investigation agencies and individuals. Li Shaohua (quoted from "Credit Investigation") believes that China's existing credit investigation legislation, such as the Regulations on the Management of Credit Investigation Industry, only covers the collection of personal credit information based on principle and lacks detailed practical explanation [16]. China needs to continue to regulate the scope and method of personal credit information collection through laws. Moreover, due to the seriousness of the damage consequences of traditional public law relief, the high cost of traditional private relief, the difficult implementation of proof and the different status of personal credit information collectors and regulators, the credit information collection institutions are often in a passive situation. As a result, once privacy leakage, illegal use and other acts occur, it is difficult for the collection subject to obtain effective relief and relief difficulties occur [17].

4. Conclusion

In order to give full play to the important role of information security service in the credit investigation market and fully mobilize the initiative of the regulatory subject in the credit investigation market, it is necessary to adjust the essence to ensure the value balance between credit information security and freedom, while considering fairness and efficiency. Details its meaning in the source governance based on credit information collection by the relevant regulatory departments to develop a feasible personal credit information collection of regulatory standards, guarantee the scope of fair, and regulators of the collection process of fair supervision and management, and focus on the stability of the current credit information sharing and compliance, break the barriers of information, optimize the allocation of credit data resources control and credit beneficial right, and

help optimize the environment of business construction in our country [18]. Based on the access supervision of credit investigation subjects focusing on qualification management, the behavior access supervision mode of business compliance management is driven, classified and graded in the credit investigation market. The relevant regulatory subject should approve the qualification and security of the collection subject based on fairness and justice and guarantee the legality, legitimacy and necessity of personal credit information collection to avoid the bad phenomenon of excessive collection of credit information by the information subject [19].

Disclosure statement

The author declares no conflict of interest.

Reference

[1] Zhang L, Wang L, 2024, Collection of Personal Credit Information: The Improvement of the Principle of Clear Standards and Informed Consent. Journal of Taiyuan University of Technology (Social Science Edition), 2024(2): 90–98.

[2] Hu L, 2023, The Legal and Institutional Structure of Personal Credit Information Processing. Applied Law of China, 2023(2): 36–48.

[3] Ran K, 2023, The Construction and Regulation of Individual Credit Right in the Digital Age. Chinese Law, 2023(4): 49–68.

[4] Guo J, Liu T, 2024, Research on China's Credit Investigation Market Access Supervision System Based on Data Governance. Credit Investigation, 2024(6): 1–9.

[5] Weng X, Zhang M, 2023, Study on Credit Evaluation and Credit Legislation Path of Public Resource Transaction in China. China Bidding, 2023(6): 44–46.

[6] Ran K, 2023, On the Public Attribute and Legal Regulation of Personal Credit Information. Journal of Social Sciences, 2023(6): 102–110.

[7] Zhang L, 2023, On Social Credit Information Rights: Category, Content and Its System. Law of Time, 2023(3): 57–69.

[8] Ran K, 2023, The Structure and Implementation Mechanism of Enterprise Credit Right in the Digital Era. Legal System and Social Development, 2023(3): 99–117.

[9] Hu L, 2023, The Legal and Institutional Structure of Personal Credit Information Processing. Applied Law of China, 2023(2): 36–48.

[10] Wang Y, 2023, Private Law Protection of Credit in the Context of Credit Big Data. China Law Review, 2023(1): 68–78.

[11] Yang F, 2022, The Legal Dilemma of Network Consumer Credit Evaluation and Its Solution. Journal of Dalian University of Technology (Social Science Edition), 2022(5): 91–100.

[12] Wu G, 2022, Legal Structure of Personal Credit Information Rights and Interests. Journal of Yunnan University (Social Science Edition), 2022(5): 125–134.

[13] Chang B, 2022, Research on the Legal Issues of Personal Credit Supervision in the Background of Digital Society, thesis, Jilin University.

[14] Lu D, 2023, Research on the Public Credit Evaluation System, thesis, Huazhong University of Science and Technology.

[15] Wang Y, 2022, Research on the Legal Issues of Intelligent Punishment for Trust-Breaking, thesis, Hainan University.

[16] Zhao D, 2022, Research on the Criminal Law Protection of Personal Credit, thesis, Southwest University of Political Science and Law.

[17] Yin Y, 2022, Research on the Privacy Protection of Personal Credit Information, thesis, Xiangtan University.

[18] Tan J, 2022, Research on the Legal Protection of Personal Information in Internet Credit Investigation, thesis, Shandong Normal University.

[19] Hu L, 2022, Research on Personal Information Protection in the Field of Internet Credit Investigation, thesis, Shandong University.

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