Chapter 62
A Privacy Perspective of Open Government:
Sex, Wealth, and Transparency in China

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ABSTRACT

Open government and freedom of information are key values in today's democracy, rule of law, and public governance. Their further development may have to be equally taken into consideration with other important public interests, such as state secret, public security, and other individual rights including reputation and privacy. In particular, there is the need to consider how individual privacy can be protected in the digital era in which both the concept and practice of open government may claim more territory. Taking China as an example, this chapter tries to reveal the complex, dynamic relationship between open government (transparency) and privacy protection, in particular by studying two specific privacy-related issues: the disclosure of official's public interest-related private life and the disclosure of family asset. In the sense that they can be regarded as the benchmarks to measure the level of open government and FOI development in a community, both can reflect the cultural and political complexities that affect such developments.

INTRODUCTION

In recent decades, digital technology advancement has increasingly facilitated the development of open government across the world. This has improved many public goods by means of citizen's increasing access to more open information/data, including transparency, efficiency, decision making quality, e-governance, freedom of information, etc. Personal data collection and processing nowadays become an indispensable, fundamental element of open government information (OGI). This is especially the case in view of: firstly, the wide spreading data set platform sharing among different government bodies, and secondly, the procurement of data processing to the private sector that usually acts on behalf of public bodies. Also new categories of personal data are available for abuse or misuse in government's posses-

DOI: 10.4018/978-1-5225-7113-1.ch062

sion, including biometric data such as IRIS and finger print, and the increasing connectivity crossing data platform also makes data profiling possible which might be against data subjects' interest.

In general, the ever growing large data set that serves open government meanwhile can lead to other problems of increasing public concern, for instance, data quality, data security, data integrity, data reach and abuse, and potential biased decision making. Especially privacy concern has been on the rise in the context of the global movement of open government and freedom of information (FOI) in recent years. When citizens demand accessing more information held by government for transparency and exercising their FOI right, they might be asking for personal data/information, whose disclosure is an intrusion of other's privacy. Disclosure of sensitive personal information may affect a person's reputation in some communities as well; for instance, disclosure of the extramarital affairs of a government official. This is the reason why debate over the dynamics between privacy, freedom of expression and transparency has been on the rise, not only at national level, but also at international level.

What personal information in possession of government bodies can, or cannot, be disclosed *to the public* becomes a critical issue, and the relationship between privacy and open government (transparency) shall be reconsidered an increasingly digitized, connected world. Privacy protection can be used to justify non-disclosure of personal information and thus may hinder the development of open government and transparency on the one hand. On the other hand, however, good privacy protection can indeed enhance open government and transparency. Having faith in good privacy protection, individuals are willing to provide more personal information to improve open government, public governance and economic efficiency. Privacy and open government are thus both competitive with and complementary to each other. In reality, they unfold much complicated relationships which are dispensable on concrete political, social and economic contexts. Scholars have studied open governance from many aspects already. However, how privacy protection may hinder or improve the development of open government lacks further reflection, despite some initiative work in recent years (Cannataci, Zhao, Bonnici, & etc., 2016).

This chapter, *by taking China as an example,* explores some dimensions of the much complicated relationship between privacy and open government against the backdrops of the digitalization of public governance. In order to do that, it will address two important aspects of privacy in China's open government context, namely the disclosure of asset and extramarital life of Chinese officials. By analyzing the selected Chinese cases, which are not necessarily legal ones, this chapter describes how privacy protection can facilitate, or hinder open government development, and what are the implications of China's open government practices, especially in view of China's trapped political-societal transition from an authoritarian state to a democracy(Pei, 2006).

OPEN GOVERNMENT AND PRIVACY PROTECTION IN CHINA

The concept of open government has been popular in the recent decade. With fast development and deployment of Information and Communication Technology (ICT) in the public sector, the concept of open government now refers not only to transparency of government information and data to the public, or open access, but also encompasses public participation and interaction in public affairs. Transparency and information sharing at different levels within government, between government and the public, and in the public sphere, mean that information shall be accessible by default to promote the understanding of accountability, and that information is interoperable and open for reuse both by different government agencies and the private sector (Hansson, Belkacem, & Ekenberg, 2015, p. 1).