
Commentary: Privacy breaches and crisis management in the Uniqlo event in China

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Abstract

At midnight on 14 July 2015, an indecent video about lovers' sexual behavior in the fitting room of Uniqlo's Sanlitun store in Beijing, China, went viral on micro blogs and WeChat. This caused an uproar, which was eventually quelled by police. The core problem of this Uniqlo event is that the privacy of the lovers in the video was disclosed to the public. This commentary analyses the process and explores the reasons for privacy disclosure. It was a combination of new media and human behaviour that caused this ethical and illegal outcome. Thus the commentary rethinks the measures and recommends that netizens, network service providers and the government should take some measures to avoid similar incidents in the future.

Introduction

Since its emergence in the mid-1990s, the Internet has developed from the portal in Web1.0 to the 'we media' in Web3.0, which enables passive audiences to become active publishers and disseminators.

The rise of micro blogs allows everyone to share news and disseminate interesting and valuable information. Network convergence allows mobile phone access to the Internet, micro blog and WeChat whenever and wherever possible. However, new media brings convenience as well as inconvenience, such as spoof, online violence and privacy issues. This is the paradox of new media technology, in China and around the world.

Taking the case of Beijing Sanlitun's Uniqlo event in China in July 2015 as an example, this commentary will analyse the privacy disclosure and offer some suggested measures to avoid it.

At midnight on 14 July 2015, an indecent video about lovers' sexual behaviour in the fitting room of Uniqlo spread virally on micro blogs and WeChat, causing an uproar among people online and offline. As reported on the Hong Kong Commercial Daily website on July 16, within hours, the words 'Uniqlo', 'fitting room' had become synonymous with the Canto pop star Edison Chen Koon-hei nude-picture scandal 2015 (many sex pictures in Chen Koon-hei's computer were stolen and disclosed by the technician who fixed his computer), triggering a creative competition between many businesses, marketing accounts and punsters, and boosting related stocks on the capital market. Netizens began searching for the original video on the Internet. Some hunted down the male and female in the video and exposed their personal information such as ID numbers, micro blog accounts, chat log, their schools and their love story. Many people came to the store in Beijing's busy Sanlitun district and took photos of it (Zynews, 2015).

On July 15, the official micro blog of Beijing bureau of public security, Ping'an Beijing, posted that local police were investigating the incident. On July 20, local police revealed that the man and woman in the video had sex in the fitting room and shot the steamy video. Then the video was uploaded on the Internet when the man shared it with friends offline. Local police detained the protagonist's friend, Sun (aged 19), for uploading an obscene video on Sina's micro blog, and three others for 'spreading obscene messages'. Allegedly, the sex video could not be found on Baidu (a Chinese language search platform founded in 2000), but it still went viral on porn sites (Lyly, 2015).

Privacy disclosure in the Uniqlo event chain

Review of Uniqlo event

The core issue in the Uniqlo event lay in the breach of privacy, which was manifested in every segment of the process.

Openness of private sex space—blurring boundary between public and private space

Sexual behaviour is of high privacy and “should be confined to private space and should not happen in the public space” (Liu, 2006, p. 6). Sex in the fitting room of Uniqlo, though relatively private, was still a part of public space. The sexual behaviour was a hidden danger for the emergence, development and escalation of the event.

Having premarital sexual behaviour can be traced back to people’s open minds about sex since the economic reform and opening up of China in the late 1970s. Premarital sex is not regarded as a social taboo by the public any more. As the vice chairman of China Sexology Association, Zhu Qi said, “the 1980s is a watershed, the first 30 years, deviant sexual behaviour was under very strict constraints of social morality, but after reform and opening up, the Chinese people’s original sexual attitudes have changed” (Fei, 2003, p. 46). People’s attitudes and behaviours toward premarital sexual activity are becoming more and more open (Ying & Yiqing, 2014), but still observe the ‘private affairs principle’ (sexual behaviour should happen in the private space). Thus the male and the female in the Uniqlo event took risks in site selection.

However, lawyer Wenbo Ye in Beijing explained that those engaging in sexual behaviour in the public space should suffer social morality condemnation and be aware that they are violating public security management (Zynews, 2015). Of a random sample of 350 netizens, 31% believed that the sex in the fitting room was immoral and detrimental to public morality, 29% said that the behaviour generated such a big social impact that the parties should be punished for violating public morality, 12% suspected that the parties wanted to be famous for that sexual behaviour, 10% just joked about the event, 8% still suspected that it was Uniqlo marketing, and 8% objected that netizens launched a ‘human flesh search’ for the protagonists of the video (Yun, 2015). ‘Human flesh search’ is a primarily Chinese Internet phenomenon of massive researching using

Internet media such as blogs and forums. It has generally been stigmatised as being for the purpose of identifying and exposing individuals to public humiliation.

Viral transmission of the sex video —the Internet thinking of sharing

After capturing the video, the man sent it to his friend. If the video was kept to himself, things were still under control. Once his friend shared it on the Internet, the video was no longer private property but a relay baton passing on from one to the other. The Internet was designed initially for the sharing of ideas, thoughts and anecdotes. The video was like a micro film, but was more exciting, more realistic than a film. As a result, netizens shared it with friends and the video shocked the online publics. Even when it was removed by the police, there were still numerous netizens asking for the original video.

French scholar Jean Baudrillard (2001) argues that sex is a preoccupation in modern consumer society and a key influencer on mass media content. Sex is thus talked about, seen, done, entertained and commercialised.

Sex traditionally belongs to the private domain. Now under the influence of new media, it is open to the public, so netizens are satisfied by watching and sharing the sex tape. These sorts of social shifts are happening in China and around the world, and have implications for communication with audiences and the field of strategic communication more generally.

Internet mass hunting — a satisfaction to curiosity

Curiosity is an innate psychological need, but if not satisfied ethically, it equates to snooping. In general, people are contradictory, not wanting to be spied upon but showing a great interest in others’ privacy. They try to dig out others’ privacy to seek identity and catharsis of emotion, and eliminate loneliness so as to enhance their self-confidence and determination to live (Taolian, 2003).

The sex tape triggered netizens’ curiosity about the identity and privacy of the male and female involved and they started to search for their personal information. Enabled by the high anonymity and participation of the Internet, netizens disguised themselves as police, to hunt down the protagonists’ identity, the accounts of

their micro blogs, life photos, love story, and the woman's chat log with her friend. These were exposed on the Internet without the participants' consent, attracting millions of views, thousands of comments and even the rumour of the female college student committing suicide. Such a collective behaviour violated the privacy of the protagonists, further damaged their reputation and disrupted their real private life (Dongmin, 2015).

The three points aforementioned are closely intertwined, with the initial sex act as the trigger. Capturing the video and then the leakage of the video on the Internet put the participants in the hot seat. Netizens' curiosity about their identity led them to search for their personal information and to further expose their privacy.

The rethinking and recommendations to solve the crisis

The Uniqlo event was not only an ethical event, but also a legal case. The spreading and forwarding of pornographic video was contrary to the *Criminal Law of the People's Republic of China Article 364* (National People's Congress, 2015) and the *Administrative Measures for the Security Protection of Computer Information Networks Linked to the Internet* (The State Council, 2011). The disclosure of the participants' private information without consent violated the *Tort Liability Act Article 36* (Standing Committee of the National People's Congress, 2009).

Netizens enhance moral standards and media literacy

The viral transmission of the sex video and privacy disclosure in the Uniqlo event reflected netizens' lack of moral values and legal consciousness. Young netizens displayed no awareness of the consequences of uploading by one click. Some netizens showed an extreme attitude to attack the participants as 'moral judges', and some netizens forwarded the female college student's suicide rumour.

Consequently, there is a need for netizens to improve their own moral quality, and establish more empathic values. Moral civilisation is the guidance of behaviour, and the correct values can enhance the individual's ability to identify

right from wrong. Young people need to develop better habits of verifying network information before spreading it, and strive to create a healthy Internet environment.

Netizens should also strengthen their legal consciousness and learn basic network behaviour norms. Learning the legal system can enhance self-responsibility, self-control and the ability to supervise others in communication. Universities can offer courses on Internet communication regulations and safety to help students understand the restrictions and authority of law and internalise it into self-discipline. Leaflets related to Internet communication laws can be handed out in communities to promote the cultivation of civilised netizens. Due to the characteristics of information dissemination across countries and regions, international conventions should be formulated in time and popularised among international netizens so as to jointly prevent and combat the obscene and pornographic communication, and the collective behaviour of privacy invasion.

Network service providers strengthen regulatory ability

The quick speed of 'we media' increases the supervision difficulty of network service providers. The Uniqlo event video was exposed at midnight, so it was difficult for Sina, Tencent and other companies to monitor, shield and remove the massive amount of information generated by the indecent video spreading for several hours on the Internet. When the video was prohibited by law, the relevant discussion topic still occupied the media hot search list.

Therefore, this commentary argues that network service providers need to implement the gatekeeper role, to monitor, constrain or delete promptly the posts of privacy invasion. Once extreme speech is located, network service providers need to deal with it at once, constantly improving the ability to control and trace the network information source, and kill the tort before it spreads.

Government accelerates network legislation

In the afternoon of 15 July, the National Internet Information Office interviewed Sina and Tencent staff and commanded them to actively cooperate with relevant departments to carry out the investigation, improve the system,

strengthen management, and punish vulgar behaviours (Beijing Times, 2015). That helped the relevant departments identify the problems and take action. But the development of media technology continues to challenge the speed and validity of the legal system building in China.

Although *Regulation on Internet Information Service of the People's Republic of China* (The State Council, 2011) can regulate the emergency incidents of new media communication, and *Administrative Measures for the Security Protection of Computer Information Networks Linked to the Internet* (The State Council, 2011) and *Telecommunication Regulation of the People's Republic of China* (The State Council, 2016) can protect the rights of privacy, they are simple and lack refinement. Moreover, China has no law specialising in the 'human flesh search'. Therefore, it is still difficult to create effective management (Jie, 2014).

In order to solve the problem fundamentally, the Chinese Government must develop its regulatory laws and regulations, speed up the legislation of the network system and systematic process, and provide a good institutional environment for healthy network development. The Chinese Government should classify the network speech violence through legislative means, be stricter in punishment systems, and achieve the governance according to law. For example, they might explicitly limit the 'human flesh search', strictly define the difference between freedom of speech and the invasion of privacy rights, and restrict and punish the network violence with clear legal provisions.

Conclusion

New media like micro blogs and WeChat allow free communication and content posters to become gatekeepers. It also causes issues such as privacy disclosure and leaving people under Internet attack, making freedom impossible.

The unconscious behaviour of the Uniqlo event violated the privacy of the parties, disseminated pornographic materials, and broke social order and norms in China. However, similar events can occur in different ways around the world. British crisis management

expert Michael Regester said that "prevention is the best way to resolve the crisis; the key of the crisis management is to prevent" (Popenoe, 1987, p. 588). To prevent such things like the Uniqlo event from happening again, netizens need to enhance media literacy and moral standards; network service providers need to strengthen regulatory ability, and the Chinese Government needs to accelerate network legislation. It is the intent of this commentary to draw attention to the many and various ways that such online crises can develop, and encourage strategic communication scholars to learn from examples around our increasingly networked world.

Acknowledgement

Taolian Yang is an Associate Professor in Department of Communication, Donghua University, Shanghai, China. She chairs the research projects "Analysis of Micro-bloggers' Social Identity Construction" (Funded by China National Social Science Foundation, Code 12CXW045), "College Students' Self-identities in China" (Funded by China Ministry of Education, Code 12YJC860050) and the Central Planning Project in Colleges and Universities (Code 13D111014). This article is one of the research outcomes funded by these projects.

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