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LIU Yun

The non-pecuniary damage of personal information mainly includes the damage of external risk and inner anxiety, which are the most common types of damage in the practice of personal information infringement. In China, the United States and Europe, there are significant differences in the court decisions of personal information non-pecuniary damage, but more and more courts begin to recognize that non-pecuniary damage of personal information is compensable. The scope of “damage” of non-pecuniary damage is the main direction of expansion in modern damage law. The significance and objectivity of non-pecuniary damage are still the necessary conditions for personal information damage compensation. As far as the scope of compensation is concerned, the risks damage includes the reasonable cost of taking measures to reduce the risk, and

the reasonable cost of living increased by the infringement of personal information is regarded as risks damage; the anxiety damage is mainly applicable to sensitive personal information that carries important property security and personal interests, and it can also be regarded as the personal rights and interests of personal information damage to fill the protected value of data property that cannot be protected by laws and regulations. Article 65 of the Law on Personal Information Protection Law (Draft) needs to construct the legal damage compensation rules, clarify the scope of discretionary compensation and the factors of damage compensation; it also needs to further improve the strict liability relief rules, and adopt to a more exemption clause for the purpose of instruction.

Non-pecuniary Damage; Risk; Anxiety; Damage; Infringement