

Institutional Improvement of Public Interest Litigation for Personal Information Protection from the Perspective of the Procuratorial Public Interest Litigation Law

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Abstract: Public interest litigation for personal information protection represents a significant expansion of the public interest litigation system in the digital age. Its institutional improvement bears profound significance for safeguarding social public interests and promoting the sound development of the digital economy. This article has conducted its analysis from three dimensions: the justification of public interest, the orientation of litigation types, and the order of priority among initiating subjects. It maintains that in the big data environment, personal information has transcended the attribute of purely private rights and carries a notable connotation of public interest. Adopting the abstract standard of "unspecified persons" to identify "numerous" is more consistent with the original intent of the public interest litigation system. With respect to litigation types, Article 70 of the Personal Information Protection Law should be interpreted as encompassing both civil and administrative public interest litigation. The two types function respectively at the levels of regulating infringements and urging regulatory oversight, and a progressive coordination mechanism of "administrative public interest litigation first, civil public interest litigation following" should be established. With respect to the order of priority among initiating subjects, based on the professional capacity and functional positioning of the procuratorial organs, they should be placed in the first-priority position, so as to effectively drive the operation of the system. In the future, with the formal promulgation of the Procuratorial Public Interest Litigation Law, the relevant rules are expected to be further clarified, and the practical application of public interest litigation for personal information protection will continue to improve, thereby better achieving the maximum protection of the public interest in digital governance.

Keywords: Public Interest Litigation; Personal Information Protection; Public Interest; Litigation Types.

1. Current Situation and Problem Statement

The report of the 20th National Congress of the Communist Party of China explicitly called for accelerating the development of the digital economy. The digital economy is regarded as the most innovation-active, fastest-growing, and most broadly influential sector in economic development. It plays a significant role in enhancing new drivers of growth, improving developmental resilience, and smoothing development circulations, and constitutes an important pillar for cultivating and strengthening new quality productive forces. Among these, personal information serves as the foundation of data elements. It not only involves the personality interests of right holders but is also crucial for safeguarding the development of the digital economy and maintaining order in the data trading market. The promulgation and implementation of the Personal Information Protection Law in 2021 marked the entry of China's personal information protection into the era of specialized legislation. Article 70 of this Law established the public interest litigation system for personal information protection, which represents a significant expansion of China's public interest litigation system in the digital age. However, due to the relatively principled nature of the legislative provisions, theoretical disputes and practical divergences surrounding this system have emerged one after another. In September 2023, the Legislative Plan of the Standing Committee of the 14th National People's Congress

included the Procuratorial Public Interest Litigation Law in the first category of legislative projects. By February 2024, the Procuratorial Public Interest Litigation Law (Draft Proposal) had been formulated. The first version of the draft simply incorporated "personal information protection" into the domain in which the people's procuratorates and people's courts may handle public interest litigation in accordance with the law, while the second version revised it to read: "Where a personal information processor processes personal information in violation of legal provisions, infringing upon the lawful rights and interests of numerous individuals, and thereby harming state interests or social public interests, the procuratorate may initiate civil public interest litigation in accordance with this Law and relevant legal provisions." Personal information protection public interest litigation itself involves multiple fields, including civil and administrative public interest litigation. The introduction and revision of the draft of the Procuratorial Public Interest Litigation Law have endowed the resolution of the relevant disputes with urgent practical significance. Through close reading of legal texts and practical investigation, the following issues urgently require resolution: First, what types of conduct infringing upon personal information should be permitted to be regulated through public interest litigation—that is, the question of how to identify the public interest in public interest litigation for personal information protection. Second, what are the justifications for choosing civil public interest litigation, whether administrative public interest litigation for personal information protection may also be initiated, and how the two should be coordinated. Third, the question of the

order of priority among the initiating subjects. Whether the provision of Article 70 of the Personal Information Protection Law, which stipulates that "the people's procuratorates, consumer organizations prescribed by law, and organizations designated by the state cyberspace administration may initiate lawsuits in the people's courts in accordance with the law," breaks through the precondition set forth in Article 58 of the Civil Procedure Law, namely, that procuratorial organs may initiate civil public interest litigation only "in cases where no prescribed organs or organizations exist, or where the organs or organizations prescribed in the preceding paragraph fail to initiate litigation"—and how to understand this systemic "conflict." This article intends to proceed from the above issues, aiming to better harmonize personal information protection public interest litigation with the overall public interest litigation framework, so as to achieve the effect of collaborative governance.

2. Justification and Identification of Public Interest in Public Interest Litigation for Personal Information Protection

2.1. Theoretical Basis for Civil Public Interest Litigation in Personal Information Protection

In both domestic and foreign theories and practices concerning personal information protection, most theoretical frameworks and institutional designs are based on the principle of "individual control" or "individual self-determination." That is, individuals are endowed with certain powers enabling them to control their own personal information and to decide whether and how to share such information with others. However, public interest litigation is a type of litigation action centered on social interests, with its primary objective being the protection of "public interest." Therefore, how to connect personal information, which possesses a private nature, with public interest constitutes the foremost issue that civil public interest litigation for personal information protection must resolve.

From a practical perspective, the traditional individual control paradigm has become inadequate to cope with the technological developments of the era of the Internet of Everything. The individual control paradigm presupposes two necessary conditions: first, when collecting and using information, personal information processors must clearly specify their purposes of use and inform the information owners thereof, thereby binding themselves accordingly; second, information owners must know when and by what means the information processors collect and use their information, so as to make clear and informed responses. However, with the application of big data technologies, every individual is immersed in a torrent of information and is powerless to understand and control the conduct of each information processor in different contexts. Moreover, the boundary between personal information and non-personal information has become increasingly blurred, imposing higher demands on individuals' cognitive and discriminatory capacities. Ultimately, the personal information protection paradigm premised on individual control cannot function effectively in a world where individuals are unable to exercise control. In this context, public interest litigation for personal information protection can be regarded as an important

mechanism of the social protection paradigm. To a certain extent, public interest litigation can compensate for the deficiencies of private interest litigation, addressing problems such as the limited capacity of private interest litigants to bear the burden of proof, their lack of necessary litigation resources and information, and the imbalance of power positions. By allowing organs or organizations prescribed by law to initiate litigation, it helps promote parity in power status. Furthermore, public interest litigation can combine relatively scattered claims with comparatively small individual interests into a collective action, thereby generating economies of scale, deterring potential infringers, and curbing opportunistic tendencies.

From a theoretical perspective, the interpretation of public interest embedded in personal information can be approached from two angles. One approach proceeds from a binary framework of aggregate public interest and pure public interest, holding that personal information partakes of a dual nature. On the one hand, personal information bears the characteristics of aggregate public interest. However, because the public interest carried by personal information cannot be readily reduced to private interests, and the aggregated benefits cannot be traced back to specific sources, it is not merely a sum of individual rights and interests. On the other hand, personal information itself possesses a pure public interest attribute: personal information has a social dimension and is not an exclusive asset of individual citizens; the purpose of legal protection of personal information is to enable its proper use by various social actors. The other angle places greater emphasis on the interwoven nature of private and public interests inherent in personal information itself. This view maintains that although personal information appears to bear a distinctly private interest character, it is in fact a combination of private and public interest attributes, concerning the common interests of others and society at large. In the digital age, the strong dependence of information subjects on digital life has weakened their control over personal information. Once personal information flows into the public domain, it acquires public interest attributes. The purpose of public interest litigation for personal information protection is to safeguard the public order of information security.

This article maintains that, from the perspective of the operational mechanism of personal information, the collection of personal information through big data is typically carried out on a massive scale. For network operators, the value of a single individual's data is limited; the value of data lies in the aggregation and analysis of large quantities of personal data. Therefore, when network operators set out to collect and use personal information data, they take unspecified individual citizens—that is, the social public interest—as their object. In the big data environment, the use of accumulated data can directly affect social public interest. At the same time, such personal information can also be exploited by wrongdoers to infringe upon public interest. Consequently, in the big data environment, the collection and use, as well as the leakage and trading, of personal information have entirely transcended the scope of "private rights" and acquired the attribute of public rights. Isolated individuals find it difficult to set boundaries for the protection of their own personal information. The degree of protection afforded to an individual's personal information not only affects the protection of others' personal information but may also affect the functioning of social mechanisms involving

personal information. Public interest litigation for personal information protection is aimed not only at protecting the legal interest of "the sum of group interests" but also tends to protect against the collective risk of harm caused by information processing activities, which may be characterized as a legal interest "beyond the sum of group information rights and interests." Therefore, it is necessary to employ the public interest litigation system to safeguard rights and interests in personal information protection.

2.2. Identification of Public Interest in Public Interest Litigation for Personal Information Protection

Article 70 of the Personal Information Protection Law provides: "Where a personal information processor processes personal information in violation of the provisions of this Law, infringing upon the rights and interests of numerous individuals, the people's procuratorates, consumer organizations prescribed by law, and organizations designated by the state cyberspace administration may initiate lawsuits in the people's courts in accordance with the law." Through analysis of the relevant provisions, the constitutive elements of public interest litigation for personal information protection may be extracted as follows: (1) competent defendant: the personal information processor, specifically referring to the organization or individual that independently determines the purposes and means of processing in personal information processing activities; (2) competent plaintiffs: the people's procuratorates, consumer organizations prescribed by law, and organizations designated by the state cyberspace administration; (3) grounds for prosecution: acts in violation of the provisions of this Law that infringe upon the rights and interests of numerous individuals. As long as the conduct constitutes a violation under the Personal Information Protection Law, and the personal information processor, at any stage of collection, storage, use, transmission, disclosure, deletion, or the like, commits acts that infringe upon the rights and interests of numerous individuals, such conduct may be included within the scope of cases for civil public interest litigation in personal information protection. According to the litigation elements, the identification of public interest litigation primarily relies on point (3), namely, that the personal information processor, through acts in the collection, storage, or other stages of information processing, has infringed upon the rights and interests of numerous individuals.

Although the meaning of "unlawful processing of personal information" has been clearly defined by law, the term "infringement upon the rights and interests of numerous individuals" remains only vaguely defined in both the Personal Information Protection Law and the Procuratorial Public Interest Litigation Law (Draft Proposal). The controversy primarily centers on the difficulty of quantifying the concept of "numerous"—that is, how many individuals' rights and interests must be infringed to be deemed "numerous"? If the conditions for prosecution are not clearly specified, two opposing scenarios may arise: first, where the infringing conduct has in fact reached the threshold for prosecution as intended by the legislature, but due to the lack of clarity in the prosecution conditions, the relevant litigation subjects refrain from initiating suit on the ground that the threshold has not been met, thereby allowing the infringing conduct to continue unchecked; second, where the infringing conduct has not in fact reached the threshold, but due to the

lack of clarity in the prosecution conditions, the relevant litigation subjects mistakenly deem the threshold satisfied and initiate public interest litigation, thereby wasting judicial resources. Surveying the current body of academic research, scholarly understanding of "the rights and interests of numerous individuals" primarily encompasses two approaches: first, determining "the rights and interests of numerous individuals" by adopting a quantitative standard based on the number of persons whose rights are infringed; second, rejecting the equation of the numerosity or plurality of infringed persons with "the rights and interests of numerous individuals," and instead requiring a comprehensive assessment that takes into account the degree of harm to social public interest, while at the same time maintaining a principle of restraint in the initiation of civil public interest litigation for personal information protection—namely, that when private interest litigation can adequately resolve the matter, public interest litigation should not be initiated. In addition, some scholars advocate understanding the meaning of "numerous" from the perspective of the degree of harm to social public interest.

Public interest is more appropriately characterized as a kind of public good and social welfare, pertaining to unspecified persons and a majority of persons, and such unspecified and multiple persons either actually enjoy the public interest or have the possibility of realistically enjoying it. The most typical feature of public interest lies in the openness of the category of "unspecified persons." Since the purpose of public interest litigation for personal information protection is to safeguard the public interest, the standard of "numerous" in the conditions for prosecution need not, and should not, be quantified into specific numbers. From the legislative purpose of Article 70, as long as the infringing conduct is not directed at specific individuals but rather renders numerous persons potential victims, the public interest has been infringed, and public interest litigation for personal information protection is accordingly applicable. This article maintains that defining the concept of "numerous individuals" in an abstract manner, rather than by limiting it to a specific number of persons, is more consistent with the legislative purpose.

3. Orientation of Litigation Types in Public Interest Litigation for Personal Information Protection in China

3.1. Theoretical Divergence between Monism and Dualism

With respect to the scope of standing subjects in public interest litigation for personal information protection, the final version of the Personal Information Protection Law removed the provision in earlier drafts that administrative organs could serve as plaintiffs in public interest litigation for personal information protection, and stipulated that the entities entitled to initiate such litigation are "the people's procuratorates, consumer organizations prescribed by law, and organizations designated by the state cyberspace administration." The Procuratorial Public Interest Litigation Law likewise provides only that: "Where a personal information processor processes personal information in violation of legal provisions, infringing upon the lawful rights and interests of numerous individuals, and thereby harming state interests or social public interests, the procuratorate may

initiate civil public interest litigation in accordance with this Law and relevant legal provisions." The question thus arises whether, beyond this, the procuratorate may initiate administrative public interest litigation for personal information protection. In other words, does the type of public interest litigation established by Article 70 of the Personal Information Protection Law include administrative public interest litigation in addition to civil public interest litigation? The position that public interest litigation for personal information protection should not include administrative public interest litigation is termed monism. Monism maintains that Article 70 establishes only civil public interest litigation for personal information protection, excluding administrative public interest litigation. Professor Cheng Xiao is a representative scholar of this view, who directly characterizes Article 70 as providing for civil public interest litigation in personal information protection, with the primary reasons being that the Administrative Procedure Law imposes relatively strict restrictions on the circumstances under which administrative public interest litigation may be initiated, and that nearly all administrative organs bear the duty to protect personal information within the scope of their respective functions and responsibilities. Professors Zhang Xinbao and other scholars contend that Article 70 does not mention a pre-procedural requirement analogous to that in Article 25, paragraph 4, of the Administrative Procedure Law. Therefore, "in the field of personal information protection, it should be understood that the law has provided only for civil public interest litigation and has not provided for administrative public interest litigation." With respect to administrative acts or omissions by administrative organs that infringe upon the personal information rights and interests of numerous individuals, Article 68 of the Personal Information Protection Law has already prescribed a resolution path outside of public interest litigation; accordingly, the existing special resolution path should be followed, and it would be inadvisable to break through the existing rules of administrative law. Dualism maintains that the public interest litigation established by the Personal Information Protection Law includes not only civil public interest litigation but also administrative public interest litigation. Professor Jiang Hongzhen is a representative scholar of this view, who argues that, viewed from the perspectives of subject qualification, applicable fields, and conditions for initiation and procedure, Article 70 has reserved institutional space for the operation of administrative public interest litigation mechanisms. Shao Jun, an assistant researcher at the Institute of Procuratorial Theory of the Supreme People's Procuratorate, also maintains that personal information public interest litigation includes both civil and administrative public interest litigation, and that where a department performing the duty of personal information protection commits omissions or unlawful acts, thereby harming social public interest, the procuratorial organ should issue procuratorial suggestions and initiate administrative public interest litigation.

3.2. Justification of Dualism

This article maintains that the public interest litigation established by the Personal Information Protection Law should include administrative public interest litigation. The reasons are as follows. First, the phrase "where a personal information processor processes personal information in violation of legal provisions, infringing upon the lawful rights and interests of numerous individuals" itself contains two

layers of behavioral elements. The positive behavioral element refers to the personal information processor's unlawful processing of personal information. The determination of "processing personal information in violation of legal provisions" may be examined from three dimensions: violation of specific rules of the Personal Information Protection Law, violation of the fundamental principles of the Personal Information Protection Law, and violation of other relevant legal provisions. The negative behavioral element refers to "failure to perform the duty of supervision over personal information protection," which is directed at administrative public interest litigation. When an administrative organ or authorized organization serves as the regulatory authority for a relevant industry or sector, or as a department performing the function of personal information protection, it may also be regarded as a personal information processor in the negative sense. Through semantic expansive interpretation and teleological interpretation, administrative public interest litigation should be brought within the scope of Article 70 of the Personal Information Protection Law. Second, both Article 58 of the Civil Procedure Law and Article 25, paragraph 4, of the Administrative Procedure Law contain the character "等" (etc.), which signifies an incomplete enumeration in substance, thereby providing an indirect superior legal basis for administrative public interest litigation in personal information protection. Third, at the practical level, judicial practice of administrative public interest litigation for personal information protection had already commenced as early as 2018, when the People's Procuratorate of Haishu District in Ningbo City issued a procuratorial suggestion to the local communications administration. Meanwhile, among the typical cases published by the Supreme People's Procuratorate, administrative public interest litigation accounts for more than half, covering many fields such as education, market regulation, public security, cyberspace administration, and agriculture and rural affairs. In light of the above, it should be recognized that "the people's procuratorates, consumer organizations prescribed by law, and organizations designated by the state cyberspace administration" may not only initiate public interest litigation against private subjects but should also be entitled to initiate administrative public interest litigation.

3.3. Coordination Mechanism between the Two Types of Public Interest Litigation

From the perspective of functional orientation, civil public interest litigation is directed at the unlawful processing conduct of personal information processors, aiming to remedy harm, stop infringements, and punish illegality, with its defendants being private subjects such as enterprises and platforms. Administrative public interest litigation, by contrast, is directed at the omissions or unlawful acts of administrative regulatory authorities, aiming to urge the performance of duties, improve regulation, and repair institutional deficiencies, with its defendants being departments performing the duty of personal information protection, such as cyberspace administration, market regulation, and public security authorities. The two types of litigation are not mutually exclusive but rather approach the issue from two different dimensions, jointly serving the goal of protecting the public interest in personal information. It may be said that one is "curing the existing disease"—directly regulating infringers—while the other is "preventing the

disease before it occurs"—reducing infringements at the source by urging regulatory action. At the macro level of procedural coordination, a progressive logic of "administrative public interest litigation first, civil public interest litigation following" should be established: upon discovering clues of personal information infringement, procuratorial organs should first examine whether there is an absence of regulation. Where administrative organs fail to perform their regulatory duties in accordance with the law, procuratorial organs should prioritize the issuance of pre-litigation procuratorial suggestions to urge the performance of duties, leveraging the expertise and initiative of administrative regulation to promote problem resolution, so as not to render existing administrative remedies inoperative. Only where the administrative organ refuses to rectify or fails to rectify adequately, or where the infringing conduct primarily stems from the subjective malice of the personal information processor and administrative regulatory measures have been exhausted without effectively curbing the infringement, should civil public interest litigation be initiated to pursue the infringer's civil liability. This sequential arrangement not only conforms to the institutional design intent of the pre-litigation procedure in administrative public interest litigation, but also maximizes the front-end governance function of administrative regulation while avoiding duplicate investment of judicial resources. At the micro level, such as in the discovery and referral of leads, a two-way intercommunication mechanism should be established: regulatory loopholes and institutional deficiencies discovered in the course of handling civil public interest litigation cases should be promptly transferred to the administrative public interest litigation department, which shall then urge administrative organs to establish rules and regulations and plug loopholes. Conversely, serious unlawful conduct by enterprises infringing upon personal information rights and interests discovered in administrative public interest litigation cases should be promptly transferred to the civil public interest litigation department, which shall pursue civil liability through litigation and increase the cost of illegality. With respect to jurisdiction and adjudication procedures, in situations where the same incident involves both types of litigation simultaneously, it may be explored to have the same adjudicatory body handle the case or to establish a coordination mechanism, so as to avoid inconsistencies in fact-finding or conflicts in adjudicative outcomes. Through the above measures, the effect of collaborative governance may be achieved.

4. Clarification of the Order of Priority among Standing Subjects in Public Interest Litigation for Personal Information Protection

4.1. Doctrinal and Practical Disputes concerning the Order of Priority among Initiating Subjects

The Personal Information Protection Law provides for three categories of initiating subjects, namely, the people's procuratorates, consumer organizations prescribed by law, and organizations designated by the state cyberspace administration. The lack of clarity in the legislative provisions has given rise to divergences in the application of initiating subjects, primarily centering on the order of priority of the

procuratorial organs. With respect to whether the procuratorial organs may serve as the first-priority plaintiffs, three views have emerged in academic circles: (1) The procuratorial organ as the residual claimant—the procuratorial organs should be placed at the end of the order of priority, and may initiate litigation only when the consumer organizations prescribed by law and the organizations designated by the state cyberspace administration have failed to do so. This is because, within China's public interest litigation legislative framework, procuratorial public interest litigation occupies a position of supplement, guarantee, and residual recourse throughout the entire judicial remedy system; placing the procuratorate at the first position would be inconsistent with both existing legislative texts and established judicial practices. (2) The procuratorial organ as the priority claimant—the Personal Information Protection Law has already placed the procuratorial organs at the first position, therefore they should enjoy priority in initiating litigation and may initiate suit on their own initiative without regard to whether other organizations have done so; even if other organizations intend to initiate litigation, they should yield to the procuratorial organs. The legislature's provision to this effect takes into account that, in personal information infringement cases, infringing parties often employ information technology means to increase the difficulty of evidence collection, rendering the advantages of the procuratorial organs more prominent; priority in initiating litigation is thus more conducive to the protection of personal information. (3) No priority order among the plaintiffs—this view does not emphasize any order of priority, maintaining that the three categories of subjects stand in a parallel relationship, with the first to initiate litigation taking precedence.

According to the Personal Information Protection Law, the three categories of subjects are placed in the same order of priority. However, Article 58 of the Civil Procedure Law provides that the organs and organizations prescribed by law shall initiate litigation first, with the procuratorial organs occupying the second position. Did the legislature intend to place the procuratorial organs in a position of priority in initiating litigation? Is there a normative conflict between the two laws? In response to this question, divergent approaches are also found in judicial practice: in the first case in Haikou City, Hainan Province, concerning public interest litigation for infringement of citizens' information, the procuratorial organs directly initiated litigation in the absence of any other organization having done so. By contrast, in the first case of public interest litigation for personal information protection brought by the Hubei Provincial Consumer Committee, the Hubei Provincial Consumer Committee initiated the litigation first, having obtained leads from a public notice issued by a certain authority concerning cases of infringement of citizens' personal information, and submitted the case filing materials to the Wuhan Intermediate People's Court in May 2024, whereupon the case was formally docketed.

4.2. Determination of the Order of Priority among Initiating Subjects in Civil Public Interest Litigation

Under the value framework of the public interest litigation system, the order of priority in initiating civil public interest litigation as established by the Civil Procedure Law is primarily based on the professionalism of specific social organizations. Therefore, where social organizations and

procuratorial organs coexist, social organizations should enjoy a priority position in the order of initiating litigation, while the procuratorial organs should occupy a residual position. This is corroborated by the Supreme People's Procuratorate's Interpretation on Several Issues Concerning the Application of Law in Procuratorial Public Interest Litigation Cases: Article 13 of this judicial interpretation explicitly provides that, in civil public interest litigation, the people's procuratorates may initiate public interest litigation in the people's courts only where the organs and relevant organizations prescribed by law fail to initiate litigation. The original intention of this design is that entrusting the priority right to initiate civil public interest litigation to social organizations helps improve the efficiency of civil public interest litigation, reduce costs, and better realize the purpose of public interest litigation in protecting the public interest. However, the content of Article 70 of the Personal Information Protection Law substantially differs from that of Article 58 of the Civil Procedure Law. From the perspective of personal information protection, the consequences of personal information infringement tend to expand rapidly within a relatively short period of time. The procuratorial organs possess stronger litigation capabilities, while social organizations are able to more promptly detect and identify infringing conduct; different initiating subjects each have their own advantages. In practice, the focus should not be on disputing which party should take precedence, but rather on the protection of personal information: if the first initiating party can better protect citizens' personal information, its initiation of litigation possesses legitimacy. By placing the procuratorial organs at the forefront of the list of qualified plaintiffs in Article 70 of the Personal Information Protection Law, the legislature has demonstrated its reliance on the procuratorial organs in public interest litigation for personal information protection, as well as its recognition of their function in safeguarding the public interest. As the first-priority subject, the procuratorial organs are able to safeguard the public interest in personal information public interest litigation through means such as procuratorial protest, transfer of evidence, and urging administrative organs to initiate timely litigation. Their leading role contributes to breaking through institutional bottlenecks in the application of the system, and carries significant normative implications for the digital market environment, which urgently requires administrative regulation and judicial intervention. Therefore, in determining the order of priority of standing subjects, the principle that "the new law prevails over the old law, and the special law prevails over the general law" should be applied, regarding the Personal Information Protection Law as the special law in relation to the Civil Procedure Law as the general law, with Article 70 of the Personal Information Protection Law being given priority in application. Accordingly, the procuratorial organs constitute the first-priority qualified plaintiffs in public interest litigation.

4.3. Determination of the Order of Priority among Initiating Subjects in Administrative Public Interest Litigation

The Administrative Procedure Law explicitly provides that the subject of administrative public interest litigation is the procuratorial organs. From a practical perspective, administrative public interest litigation is directed at the unlawful and derelict conduct of administrative organs, and is characterized by broad scope of involvement, high

requirements for professional knowledge, and lengthy litigation proceedings. If initiated by the general public or other organizations, such litigation inevitably faces difficulties in funding, evidence collection, and the likelihood of success. By contrast, as the statutory legal supervisory organs, the procuratorial organs possess greater advantages in investigation and evidence collection compared to ordinary citizens and social organizations. The professional corps of procurators, by virtue of their unique status as state organs, can better contend with the sued administrative organs during litigation proceedings, more effectively realize the checks and balances of judicial power over administrative power, and establish a "functional order" in which judicial power constrains administrative power. From a theoretical positioning perspective, China's Constitution explicitly stipulates that the procuratorial organs are legal supervisory organs. Regardless of how the connotation of their functions may evolve, their status and basic function in exercising legal supervisory power within the structure of state power have remained unchanged; they have always been specialized organs for safeguarding the unity of the legal system, ensuring judicial justice, and restraining public power. The initiation of administrative public interest litigation is precisely a manifestation of the procuratorial organs' restraint over administrative public power, preventing its "arbitrary exercise," and protecting the public interest. The initiation of administrative public interest litigation by the procuratorial organs is a function of performing legal supervision; the two are inseparable and mutually constitutive. The procuratorial organs exercise legal supervision over administrative organs through the means of litigation, a process that runs through the entirety of the proceedings. On this basis, in accordance with the principle that the special law prevails over the general law, the procuratorate should likewise be placed in the first-priority position. Although the subjects in administrative public interest litigation for personal information protection include the three categories of the people's procuratorates, consumer organizations prescribed by law, and organizations designated by the state cyberspace administration, from a practical perspective, the other two categories of subjects exhibit obvious deficiencies. The primary function of consumer organizations is to protect consumer rights and interests; for consumer organizations to supervise the incompetent conduct of administrative organs would exceed their professional competence. The provisions concerning organizations designated by the state cyberspace administration have to date remained largely in a state of virtual non-implementation. According to practical data, procuratorial organs account for over 90% of the initiated cases in public interest litigation for personal information protection. From the perspective of maintaining the systemic integrity of public interest litigation, the order of priority among subjects in administrative public interest litigation for personal information protection should be consistent with that in civil public interest litigation for personal information protection, upholding the procuratorial organs as the first-priority position.

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