

Compliance Risks and Countermeasures for Minors' Personal Information Disclosure in Document Publication: A Case Study of 358 Documents (Postprint)

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Abstract

In the digital rule-of-law era, non-compliant disclosure of minors' personal information in the online publication process of judicial documents spreads rapidly and has far-reaching impacts. Studying the compliance risks associated with minors' personal information disclosure in document publication can provide countermeasures for protecting minors' personal information. By examining the composition of the compliance system for minors' personal information disclosure in document publication, reviewing non-compliant phenomena in current document publication practices, and analyzing the compliance dilemmas faced by publishers of judicial documents regarding minors' personal information disclosure, this study identifies risks of inadequate information desensitization and non-compliant information disclosure in current publication practices. Based on an analysis and summary of the causes of non-compliance, this article addresses the needs for both disclosure and protection of minors' personal information in document publication, and proposes countermeasures including improving the compliance system for minors' personal information disclosure in document publication and implementing compliance obligations for such disclosure.

Full Text

Abstract

In the digital rule-of-law era, non-compliant disclosure of minors' personal information during online publication of judicial documents spreads rapidly and carries far-reaching consequences. This study examines the compliance risks associated with disclosing minors' personal information in document publication to provide countermeasures for protecting minors' personal information. By analyzing the composition of the compliance system for minors' personal

information disclosure in judicial documents, reviewing current non-compliant practices, and examining the compliance dilemmas faced by judicial document publishers, this paper identifies risks of inadequate information desensitization and non-compliant information disclosure. Based on an analysis of the causes of non-compliance, the paper proposes countermeasures including improving the compliance system for minors' personal information disclosure in document publication and implementing compliance obligations for such disclosure.

Keywords: minors' personal information; document publication; information disclosure; personal information protection; compliance obligations

1. The Compliance System for Minors' Personal Information Disclosure in Document Publication

1.1 The Concept of the Compliance System

The compliance system for minors' personal information disclosure comprises three concepts: minors' personal information, disclosure, and compliance. Chinese law adopts both narrow and broad standards to define personal information. Against a backdrop of legislative uncertainty and limited normative frameworks, the boundaries of minors' personal information have expanded in the big data era to include not only traditional identifiers but also device unique identification codes, browsing records, search histories, and location data. Disclosure of personal information in the digital age requires comprehensive consideration of scope and method, combined with updated desensitization techniques. Compliance represents a broader concept than mere legal adherence. As German criminal law scholar Ulrich Sieber argues, compliance programs involve procedures for adhering to ethical or other predetermined objectives beyond legal requirements. Wang Xizheng similarly contends that personal information processors fulfill compliance obligations regarding privacy protection through processing rules. In the context of judicial document publication, compliance extends beyond minimum legal requirements to encompass the proper exercise of state power in the digital realm.

1.2 Legal Basis for the Compliance System

The legal basis for minors' personal information disclosure consists of laws, implementation rules, and supporting systems that must coordinate with one another. The most direct compliance basis is the Personal Information Protection Law of the People's Republic of China, which designates personal information of minors under 14 years of age as sensitive personal information requiring special protection. The legal framework also includes the Civil Code, Law on the Protection of Minors, and relevant judicial interpretations. However, the principle that only anonymized minors' personal information may be disclosed creates tension between protection and transparency requirements.

1.3 Implementation Rules and Supporting Systems

Implementation rules for disclosing minors' personal information in judicial documents are primarily formulated by courts at various levels. For instance, the Shaoxing Intermediate People's Court established approval and filing systems for non-publication of documents, while the Zhejiang Provincial High People's Court emphasizes quality control and accountability. The Sichuan Provincial High People's Court specifically mandates deletion of information that could identify minors in criminal cases involving juvenile victims. However, these rules often suffer from insufficient coordination with laws and regulations, vague standards regarding processing scope and necessity, and inadequate mechanisms for ensuring minors' personal information rights.

2. Compliance Dilemmas in Minors' Personal Information Disclosure in Document Publication

2.1 Research Sample and Current Situation

To examine actual compliance conditions, this study conducted a full-text search on China Judgments Online using "minor" as a keyword, limited to judgment documents from 2021, yielding 1,000 documents for analysis. After screening for duplicates and irrelevant materials, the sample distribution revealed that only 50% of documents fully complied with disclosure requirements. Both basic-level and intermediate courts exhibited similarly severe non-compliance issues. The primary sources of compliance risk were inadequate desensitization and non-compliant information disclosure methods.

2.2 Main Compliance Problems

Inadequate Desensitization: According to the Personal Information Security Specification (GB/T 35273-2020), any information that can identify an individual, either alone or in combination with other data, constitutes sensitive personal information. While some courts perform basic anonymization before publication, processing procedures remain non-standardized, leaving minors' personal information vulnerable to re-identification. Desensitization often focuses only on document headers and party information fields while neglecting other sections, such as litigation costs or evidence materials, resulting in substantive information leaks.

Non-Compliant Disclosure Methods: Courts frequently fail to fulfill their statutory protection obligations, with unclear accountability mechanisms and insufficient remedies for harm caused. For example, some documents disclose minors' schools and classes unrelated to judicial transparency, constituting privacy violations. The permanent nature of online disclosure creates irreversible impacts, as even when courts withdraw information, privacy breaches and negative social consequences cannot be fully eliminated.

3. Causes of Non-Compliance in Minors' Personal Information Disclosure

3.1 Incomplete System Construction

The compliance dilemma stems from inadequate institutional development and courts' failure to fulfill their compliance duties. Legal coordination remains insufficient, with unclear relationships between the Personal Information Protection Law, Cybersecurity Law, and other regulations. Regulatory authority is fragmented among cyberspace administration departments, local government agencies, and judicial bodies, creating management gaps and enforcement challenges. Standards have not kept pace with technological developments, with rules based on pre-digital era assumptions about information dissemination.

3.2 Courts' Failure to Fulfill Compliance Duties

Judicial document publishers, as both state organs and personal information processors, have not adequately fulfilled their dual compliance obligations. While laws provide for disciplinary action against non-compliant state organs, implementation mechanisms remain vague. Many courts' internal accountability measures, such as point-based penalty systems or criticism protocols, fail to address substantive legal liability. Moreover, damage compensation mechanisms are unclear, and the concept of "harm" remains ambiguously defined, making it difficult for minors to obtain effective relief.

3.3 Inadequate Remedy Mechanisms

Although the Personal Information Protection Law requires processors to establish convenient mechanisms for individuals to exercise their rights, practical implementation faces significant obstacles. The China Judgments Online platform provides correction and withdrawal application channels, but these are limited to parties in the case and often discovered only after severe consequences emerge. Minors, as vulnerable groups lacking self-rescue capabilities, face extended relief cycles and increased difficulties in protecting their rights.

4. Countermeasures for Compliance in Minors' Personal Information Disclosure

4.1 Constructing a Unified Legal System and Implementation Mechanism

To address these challenges, China should build a coordinated legal framework that balances protection and transparency needs. The Supreme People's Court should issue judicial interpretations clarifying disclosure standards for minors'

personal information across different document types, establishing tiered protection criteria. Regulatory responsibilities should be clearly allocated, with cyberspace administration departments taking primary enforcement roles due to their technical expertise, while other agencies provide feedback and coordination. The system should incorporate both subjective intent and objective impact assessments to translate abstract legal concepts into practical standards.

4.2 Improving Supporting Policy Systems

The Supreme People's Court should promptly issue operational norms and technical standards, codifying effective practices to guide lower courts. Courts should implement privacy impact assessments (PIA) to evaluate whether disclosing specific minors' personal information is necessary for judicial transparency. Establishing clear withdrawal and deletion mechanisms, including complaint channels for non-parties, would strengthen legal remedies. Regular publication of compliance reports and establishment of review processes for non-compliant disclosures would create accountability loops that enhance protection effectiveness.

4.3 Optimizing Disclosure Content and Methods

Courts should adopt a "default non-disclosure" approach for minors' personal information, disclosing only when strictly necessary. Data protection by design principles should be integrated into document processing, using text processing technologies to systematically identify and desensitize sensitive information. Type-based disclosure models should replace individual information disclosure, with continuous refinement of norms for similar information categories. Courts should establish specialized compliance management mechanisms, designate personnel for minors' personal information protection, and conduct pre-processing impact assessments to ensure systematic risk prevention.

5. Conclusion

Protecting minors' personal information aims to safeguard their legitimate rights and interests, while online publication of judicial documents serves judicial fairness. The frequent conflicts between these objectives stem from both legal application errors and institutional failures, as well as courts' non-fulfillment of compliance duties. Through institutional improvement and duty fulfillment, China can establish clear boundaries for disclosing minors' personal information, creating an effective risk governance structure that maximizes protection while accommodating judicial transparency. This approach reflects China's commitment to human rights protection and represents an optimal path for advancing Chinese-style modernization while enhancing the influence of personal information legislation.

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