

Study on Prosecutorial Public Interest Litigation in the Field of Personal Information Protection

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ABSTRACT

In the context of the big data era, incidents of infringement of personal information rights and interests are common. In order to cope with this challenge, the procuratorial civil public interest litigation system has gradually become a new way to protect personal information. Although procuratorial civil public interest litigation has achieved certain results in the field of personal information protection, the current relevant institutional norms in this field are still principled and difficult to guide judicial practice. At present, there are problems such as lack of rigidity in investigation and evidence collection, ambiguity in legal responsibility, unclear position of the procuratorial authorities, and lack of qualified subjects. The investigative and verification powers of the procuratorial authorities should be improved, the liability of infringers for damages should be clarified, and the position of the procuratorial authorities should be upgraded to encourage the participation of more qualified subjects, so as to deter and prevent related crimes.

KEYWORDS

personal information protection; prosecutorial public interest litigation; investigation and evidence collection; damages; social participation

1 Status of Prosecutorial Public Interest Litigation Practice in the Field of Personal Information Protection

Take the three public interest litigation cases of infringement of citizens' personal information brought by procuratorial organs as examples to analyze the current status of such cases.

Case 1: Beijing Municipal People's Procuratorate's Administrative Public Interest Litigation for Supervising the Protection of the Rights and Interests of Children's Personal Information

An application developed and operated by a Beijing-based company allowed children to register for accounts without the consent of their guardians, and obtained sensitive personal information such as children's online accounts, location, contact information, facial and voice recognition features. And through the background algorithm, short videos containing children's personal information are pushed to users who frequently browse children's content videos, and these users can communicate with them in private messages after following their children's accounts, and even obtain sensitive information such as children's geographic location. From January 2018 to May 2019, Xu Moumou borrowed the loopholes of the software and contacted a number of children through private messages, and eventually molested three children. In September 2020, the Yuhang District People's Procuratorate filed a civil public interest litigation case on the trail.

The data breach is not only a serious violation of minors' privacy, but also exposes them to harassment, fraud and more serious threats to their personal safety. Such behavior not only seriously undermines the legitimate rights and interests of minors, but also violates the Children's Rights Protection Act and related privacy protection regulations¹.

Case 2: Nanchang People's Procuratorate, Jiangxi Province, Supervised the Remediation of Mobile Phone APP Infringement of Citizens' Personal Information Administrative Public Interest Litigation Case

In July 2020, the Nanchang Hospital commissioned a professional testing company, and under the supervision of people's supervisors and notaries, to conduct comprehensive testing of six cell phone apps operated by a number of local enterprises. These apps were all found to be in violation of laws and regulations, as follows: failing to explicitly inform users of the specific purpose, manner and scope of the collection and use of their personal information; collecting and using users' personal information without their explicit consent; collecting far more information than is necessary for the service, in violation of the principle of necessity; and even providing personal information to a third party without the user's consent.

On August 27, 2020, the Nanchang City Court issued a pre-litigation procuratorial recommendation to the administrative organ, requesting it to regulate and punish the illegal collection and use of personal information by the

¹ Xiao Wan: "The Determination of Large Internet Platforms Infringing on the Rights and Interests of Children's Personal Information—An Appraisal of the Civil Public Interest Litigation Case of a Short Video Platform Infringing on the Personal Information of Minors", in *Laws Applied*, No. 6, 2022.

mobile app in question according to the law, and to strengthen its regulatory efforts.

Case 3: Yuhang District Procuratorate v. A network technology limited company infringement of citizens' personal information civil public interest litigation case

The Procuratorate of Yuhang District found that the application software developed by a company collected, stored and used personal information in violation of the law, and filed a civil public interest litigation with the court in accordance with the law. After mediation, the company carried out a comprehensive rectification of the software, deleted the illegally collected personal information, apologized, and promised not to collect personal information in violation of the law again. Subsequently, the procuratorate hired a third-party representative to evaluate the rectification of the app and allowed it to be re-launched only after it passed the test.

By analyzing the above three cases and combining them with theoretical research in the field of relevant personal information protection, it is possible to summarize the challenges of prosecutorial public interest litigation cases in the field of personal information protection, including, but not limited to, the problems of a relatively single litigation claim, unclear criteria for the determination of legal liability, and insufficient means of investigating and obtaining evidence.

2 The practical necessity of public interest litigation for personal information protection

2.1 Real risk

2.1.1 Complexity of information violations

In today's Internet era, the phenomenon of infringement of personal information is becoming more and more serious, and it is difficult to prevent it beforehand, difficult to stop it during the incident, and even more difficult to pursue responsibility afterwards. This phenomenon is rooted in the diversity and complexity of infringement behaviors, including but not limited to the lack of privacy policies, mandatory provision of personal information, failure to provide a means of cancellation, excessive collection of information, unauthorized storage of information and other prominent issues².

In recent years, the number of cases of personal information leakage has been on the rise, and the methods used by lawbreakers have become increasingly specialized and high-tech, making it easier for them to obtain citizens' personal information, and they are even able to build accurate "user profiles" so that they can carry out targeted infringements.

In practice, users are often at a disadvantage, having no knowledge of when and how personal information is collected and used, let alone the specific uses to which such information is put. In addition, because personal information exists mainly in electronic form, it is very easy to be copied and disseminated, and once it is leaked, the scope of the leakage is extensive, and it is almost impossible for users to recover such information. Under these circumstances, once infringement occurs, millions of users are like helpless "lambs" at the mercy of others.

2.1.2 Ineffective defense of information subjects' rights

First, it is difficult for individuals to detect the fact of a violation of the law. Because processors of personal information often take hidden and intermingled with legitimate behavior to handle personal information illegally, coupled with the technological gap, it is difficult for the subject of information to realize in time whether his or her rights and interests have been infringed upon. Even when they realize that their rights and interests have been violated, the subject of the information may not be able to identify the infringer, making it difficult for them to take measures to defend their rights and remedies.

Secondly, individuals also face many challenges in terms of proof. It is often difficult for information subjects to collect sufficient evidence to support their claims, making the process of defending their rights difficult. In particular, where information is held by multiple platforms, it is almost impossible for individuals to prove that the defendant has acted unlawfully in handling their personal information. In addition, processors of personal information often use defenses such as providing quality services, making the information subject even more passive in terms of proof.

Furthermore, individuals face the same dilemma in securing evidence. Due to the high-tech nature of information infringement incidents, controllers of personal information have great convenience in handling evidence. When the information subject collects evidence, the evidence may have been hidden or destroyed in advance, therefore, it is necessary to improve the public interest litigation system as soon as possible to better protect the personal information rights and interests of natural persons³.

Finally, victims have limited avenues for redress. On the basis of the right to claim infringement, litigation claims are

2 Wang Cheng, "Mode Choice of Civil Law Protection of Personal Information," in Chinese Social Science, Vol. 6, No. 6, 2019.

3 Zhang Chenguo, "The Procedural Logic and Normative Interpretation of Civil Public Interest Litigation for Personal Information Protection: On the "Consumerization" of Personal Information Protection", in Journal of the National Prosecutor's College, Vol. 29, No. 6, 2021.

often limited to apologies, compensation for damages, elimination of impacts and restoration of status quo ante, which are legal consequences that do not constitute a sufficient deterrent for those who deal with violations of the law.

2.1.3 Significant increase in the number of cases

In the "Judgment Website", with "personal information" as the search title, and "public interest litigation" as the full-text keyword, the types of documents include judgments, rulings, mediation, and time. As of May 2023, a total of 323 cases have been retrieved. These are basically all the public interest litigation cases in the field of personal information that can be retrieved at present, which basically reflects the current judicial status.

It can be observed that 2019 is a turning point in the number of cases of this type. Prior to this, the Civil Procedure Law adopted the "enumeration + etc." approach to define the scope of public interest litigation, which led to ambiguity in the understanding of this legal provision in judicial practice, and a low rate of application of public interest litigation for the protection of personal information, with only 17 cases of this type. However, since 2019, with the deepening of the understanding of the law and the advancement of practical operation, the number of cases of this type handled by the procuratorial authorities has surged to 8,361⁴.

On November 1, 2021, the Personal Information Protection Law was formally implemented, which clearly stipulates that procuratorial organs have the right to initiate public interest litigation in cases of personal information infringement. It is understood that in 2022, procuratorial organs nationwide handled more than 6,000 cases of this type. On May 31, 2023, the Supreme People's Procuratorate, at a press conference held jointly with the State Internet Information Office and the Office of the State Council's Working Committee on Women and Children, said that in the three-year period from 2020 to 2022, procuratorial organs handled a total of 341 public interest litigation cases related to the personal information protection of minors. In the three years from 2020 to 2022, prosecutors will handle 341 cases related to the protection of minors' personal information. This data shows the current need to improve the public interest litigation system to protect personal information.

2.2 Inadequacy of existing remedial mechanisms

2.2.1 Limitations of private remedies

In the past, the infringement of citizens' personal information was often regarded as a violation of the right to privacy, and the main mode of protection was private law, the core of which was the principle of autonomy of meaning. However, with the rapid development of the modern information society, the special attributes of personal information is becoming more and more prominent, the traditional private law-based protection has faced many challenges.

It is often difficult for the general public to understand personal information protection policies. Many people often lack the patience to read these policies, or if they do, they are confused and have difficulty accurately grasping their contents. Even if they understand the content of the policies, their lack of specialized knowledge prevents them from making accurate and effective judgments about the phenomenon of infringement and the provisions of the law.

Based on the current judicial decisions, we find that personal information private lawsuits have been quite rare in the past years, which is mainly attributed to the problem of "insufficient incentive to file lawsuits and extremely low rate of compensation"⁵. In judicial practice, even if some citizens are willing to file such lawsuits, their claims are often limited to compensatory damages, demand for cessation of infringement and apology, etc., which have a very limited deterrent effect on the infringers.

2.2.2 Absence of administrative supervision

In the face of the complexity of simple information infringement disputes, it is difficult for administrative law enforcement forces to achieve comprehensive coverage. In the course of enforcement, administrative authorities will weigh the nature of the case, prioritizing the investment of more enforcement resources in cases with significant social impact, such as infringement of national security or social public interests, while cases of infringement by ordinary information subjects may receive insufficient attention due to limited resources.

In addition, fines paid in cases of infringement of personal information are mainly paid to the State rather than being used directly for victim relief. This provides victims with a degree of justice at the legal level, but in practice they may not feel a significant relief effect.

4 Shi Shaodan and Zhang Zixuan, "Procuratorial organs handled 8,361 public interest litigation cases in the field of personal information protection in 2019", in Procuratorate Daily, November 10, 2022, p. 001.

5 Ye Mingyi, "Tort Law Protection of Personal Information," in Legal Studies, Vol. 40, No. 4, 2018.

2.2.3 Modesty of criminal remedies

In the face of diverse infringements, decentralized regulatory bodies and limited regulatory measures appear to be inadequate. Although criminal means serve as a last line of defense, the modest nature of the criminal law makes it possible to apply it often to cases of serious infringement of citizens' personal information, while it is clearly unreasonable to apply criminal means to everyday minor infringements.

3 Difficulties in handling prosecutorial public interest litigation in the field of personal information protection

3.1 Lack of rigidity in investigation and evidence collection

In the actual operation of public interest litigation, the majority of cases are filed as civil public interest litigation incidental to criminal proceedings, which highlights the inadequacy of the procuratorate's means of investigation and verification. The handling of these cases is often overly dependent on the public security organs of the investigation means, once the public security organs are absent, the collection and fixation of clues and evidence will be exceptionally difficult⁶. The reason for this is that the limitations imposed by law make it more difficult for procuratorial organs to independently investigate and collect evidence. Whether it is civil public interest litigation or administrative public interest litigation, investigation and evidence collection plays a fundamental role⁷. However, the current lack of guaranteed means of investigation and evidence collection, especially in cases involving personal information infringement, has led to difficulties in obtaining clues and evidence. This situation not only affects the efficiency of public interest litigation, but also may have a certain impact on the fairness and accuracy of the case.

In prosecutorial civil public interest litigation, the means by which platforms collect and process personal information are often extremely covert, making it very difficult for non-specialists to detect infringements by platforms. Utilizing their technological advantages and market position, these platforms, once faced with legal scrutiny, may quickly delete or tamper with relevant offending information as a means of removing traces of the offending behavior. It is often difficult for prosecutors to expect active cooperation from these service providers in the course of their cases. If they choose not to cooperate, even if the procuratorial authorities have already grasped certain clues to the violation of the law, it is often difficult to successfully obtain key evidence due to the lack of coercive means. In addition, these platform providers often have their own specialized legal teams that know how to deal with legal scrutiny, which undoubtedly adds more challenges to the prosecutors' work.

Similarly, we face a similar dilemma in prosecutorial administrative public interest litigation. Part of the administrative organs in the face of the procuratorial organs required to cooperate with the investigation and evidence collection work there is resistance and negative treatment phenomenon, which undoubtedly on the smooth progress of the case and the substantive effect of the achievement of the obstacles caused by the small.

3.2 Ambiguity of legal responsibility

The common legal liabilities for public interest litigation in the field of personal information protection initiated by procuratorial organs include elimination of influence, public apology and compensation for damages. Due to the nature of public interest litigation, compensation for damages only includes compensation for property damage, and usually does not involve compensation for moral damage.

Of the five typical cases of civil public interest litigation for personal information protection released by the Supreme People's Procuratorate in April 2021, only two cases saw the procuratorate file a claim for compensation for damages. This fact highlights the different practices of procuratorial authorities around the world on the issue of whether to claim damages from infringers. In judicial practice, a common phenomenon in personal information protection prosecutorial public interest litigation cases is that although the infringer has committed the act of handling personal information in violation of the law, it has not yet actually caused any damage to the rights of the infringed person, and it is often difficult to accurately calculate the illegal profit. In addition, due to the large number of infringers, it is impractical to negotiate a uniform amount of compensation. All of these factors have made it difficult for the procuratorial authorities to require infringers to assume responsibility for damages, and have also led to differences in the way such cases are handled in judicial practice in various regions.

6 Wang Jun and Wu Liyang, "Exploring Procuratorial Suggestions to Urge Large Platforms to Fulfill Their Social Responsibilities," in 21st Century Business Herald, March 9, 2022, p. 003.

7 Gao Jie, "Reflections on Several Issues of Prosecutorial Public Interest Litigation System", in Rule of Law Research, 2021, No. 1.

3.3 Prosecuting authority is not in the right place

There are differences between the provisions of the Personal Information Protection Law and the Civil Procedure Law regarding the subject matter of public interest litigation. Some scholars point out that according to Article 58 of the Civil Procedure Law, the prosecuting authority's litigation sequence in public interest litigation is placed in a complementary and underpinning position, which means that the prosecuting authority has the right to intervene only when other authorities and organizations stipulated in the law do not file a lawsuit, and that this sequence should be followed in the case of personal information public interest litigation as well⁸. Some scholars hold a different view, arguing that the order of subject matter should be that the procuratorate should take precedence, followed by consumer organizations and other relevant organizations⁹. This controversy stems in part from the ambiguity that can arise when legal provisions seek to be concise. Therefore, in order to ensure consistency and effectiveness in the implementation of the law, it is necessary to further explain and clarify the potential conflict between these two legal provisions.

3.4 Lack of qualified subjects

The current system of public interest litigation faces the problem of insufficient qualified subjects. In accordance with the law, the main subjects qualified to initiate public interest litigation are mainly the people's procuratorates and a number of organizations with specific conditions. However, in judicial practice, the number of qualified social organizations is limited, mainly because these organizations need to meet high threshold conditions when participating in the litigation, such as having the qualification of litigation subject, the scope of business in line with the nature of the case, and having a record of continuous participation in social public welfare activities, etc.¹⁰. In addition, social organizations also lack sufficient intervention power and effective means in discovering case clues and collecting evidence. In order to cope with these problems, we can consider lowering the threshold of eligibility of social organizations for litigation, so that more eligible organizations will be entitled to participate in public interest litigation, enhancing the main body of public interest litigation and better protecting the information rights and interests of natural persons.

4 Improvement Path of Prosecutorial Public Interest Litigation in the Field of Personal Information Protection

4.1 Strengthening the investigative and evidence-gathering powers of the procuratorial authorities

Some scholars believe that, in the process of constructing the public interest litigation system initiated by the procuratorial organs, the investigation and collection of evidence is the core element of the configuration of powers. This is because the right to investigate and obtain evidence is not only an indispensable prerequisite and foundation for prosecutors to initiate public interest litigation, but also has a direct bearing on the effectiveness and quality of public interest litigation, and the effective implementation of public interest litigation system will be greatly constrained if the evidence collection is not sufficient¹¹. In view of the difficulty of retrieving and investigating the huge amount of data by the procuratorial authorities alone, it is particularly important to build a data reporting system on the network platform, which will significantly reduce the workload and difficulty of the procuratorial authorities in the investigation and collection of evidence¹². Although the law has given the procuratorial authorities the right to investigate and verify in public interest litigation cases, its effectiveness level is low and lacks external compulsion. Therefore, the procuratorial authorities need to innovate the methods of investigation and evidence collection.

Specifically, with regard to the differences in the direction of investigation and evidence collection between criminal liability and tort liability, the relevant departments should strengthen communication and collaboration. Both sides should clarify the differences between the two types of evidence, and guide the public security authorities to precisely fix the relevant evidence by means of early intervention and supplementary investigation by the criminal prosecution

8 Xue Tianhan, "Jurisprudential Expansion of the Public Interest Litigation System for the Protection of Personal Information," in *Law Application*, No. 8, 2021.

9 Zhang Chenguo, "Comparative Law Analysis and Interpretative Expansion of Personal Information Protection Remedy Mechanisms", in *Journal of Soochow University (Law Edition)*, Vol. 8, No. 4, 2021.

10 Zheng Yexian, "The Practice and Optimization of Procuratorial Public Interest Litigation in the Field of Citizens' Personal Information Protection—Taking Minors' Sensitive Information as an Example," in *Research on the Prevention of Juvenile Delinquency*, No. 2, 2024.

11 Wang Chunye: "On the Procuratorial Authority's Right to Investigate and Obtain Evidence in Public Interest Litigation", in *Zhejiang Social Science*, No. 3, 2020.

12 Liu Quan, "On the Data Reporting Obligations of Online Platforms," in *Contemporary Law*, Vol. 33, No. 5, 2019.

department. In particular, in cases involving sensitive information, comprehensive data searches should be strengthened, redundant information eliminated, and evidence closely related to tort liability should be rapidly fixed. In addition, the procuratorial authorities should also actively seek the assistance of experts and scholars in order to resolve the specialized difficulties encountered in the process of investigation and evidence collection. The expertise and experience of the experts and scholars will provide valuable support to the procuratorial authorities, ensuring the scientific and accurate nature of the investigation and evidence-gathering work.

4.2 Clarifying tortfeasor liability for damages

In judicial practice, the leakage of personal information is often the main form of illegal behavior, and most cases remain at the leakage stage without causing direct damage, which has led to inconsistencies in the stance of procuratorial authorities around the world on requiring infringers to assume responsibility for damages when handling cases. If the prosecutors limit themselves to requesting the infringer to delete the information and apologize, even if these requests are fully supported by the court, the lack of economic sanctions will not have a sufficient deterrent effect on the infringer. This not only weakens the punitive effect on infringement, but also makes it difficult to effectively achieve the ultimate goal of protecting the public interest in personal information. Therefore, it is necessary to clarify that in cases of personal information leakage, the infringer shall be liable to compensate for the loss. In cases where it is difficult to accurately calculate the infringer's illegal profits, the amount of compensation for losses can be reasonably determined based on the infringer's illegal gains; moreover, when calculating the illegal gains, the number of times personal information has been sold should be fully considered, and duplicate information and false information should be included in the calculation, so as to ensure that the amount of compensation can comprehensively reflect the seriousness of infringement behaviors and the actual threat to the safety and security of personal information.¹³ Such measures will help to create strong economic constraints on infringers, thereby better safeguarding the security of personal information and the public interest.

4.3 Enhance the priority status of procuratorial organs

The Law on the Protection of Personal Information and the Code of Civil Procedure present a relationship in the legal system between a special and a general law, a new law and an old law. When there is an intersection or conflict between the two in terms of content, the Personal Information Protection Law, which is a special law and a new law, shall be applied as a matter of priority. In the usual process of prosecutorial civil public interest litigation, the pre-litigation announcement stage and the prosecution stage are included. Theoretically, the procuratorate has the right to prosecute only when the organs and organizations specified in the law have not initiated proceedings. However, the Law on the Protection of Personal Information does not explicitly provide for a "public announcement" procedure, but rather directly stipulates that the people's procuratorate has the right to file a lawsuit with the people's court in accordance with the law. From the literal meaning of the legal text, the legislature seems to intend to break the prosecution and other subjects of the prosecution in order, each subject in the qualification to bring public interest litigation presents a juxtaposition relationship, rather than the traditional relationship between successive. This can be regarded as a kind of innovation and breakthrough in the relevant provisions of the Civil Procedure Law, which gives the procuratorial authorities in public interest litigation more direct and independent right to prosecute. For the subject of civil public interest litigation, the law does not simply set rigid litigation rights for specific organizations, but makes a reasonable allocation of litigation qualifications. Compared with other social organizations, procuratorial organs have significant advantages in terms of legal supervision capacity and legal status, so the prosecutorial organs should have at least the same prosecutorial standing¹⁴. This adjustment is in fact an elevation of the prosecuting authorities' procedural standing, aiming to change the past role of the prosecuting authorities in public interest litigation, so that they can participate in public interest litigation in a more active and proactive manner, and protect the public interest more effectively.

4.4 Encourage the participation of more qualified subjects

Public interest litigation in the field of personal information protection faces many limitations due to the insufficient participation of qualified subjects. In order to overcome these limitations, broaden the scope of eligible subjects, and stimulate all sectors of society to participate in civil public interest litigation in the field of personal information

¹³ Wu Xinghai, "Study on the Prosecutorial Civil Public Interest Litigation System in the Field of Personal Information Protection," in *Information Security Research*, Vol. 10, No. 4, 2024.

¹⁴ Shao Jun, "Study on the Path of Prosecutorial Public Interest Litigation Protection of Personal Information," in *Rule of Law Research*, No. 5, 2021.

protection, it is crucial to improve the system and provide policy guidance.

First, the eligible subjects for civil public interest litigation should be clearly defined at the legal level, and its scope should be further expanded on the existing basis. This includes allowing social organizations with a certain degree of social influence and professional capacity, as well as qualified individuals, to bring public interest litigation relating to the protection of personal information to court in accordance with the law.

Second, government departments should increase their support for the participation of non-governmental organizations in personal information protection activities. By providing policy facilities such as financial subsidies, tax incentives and administrative guidance, they can reduce the financial burden they may face in the course of litigation and create a more relaxed working environment for them. In addition, the pre-litigation mediation mechanism should be actively utilized in practice to promote the timely resolution of disputes and avoid the escalation of conflicts. Through mediation, the efficiency of dispute resolution can be improved and litigation costs can be saved while safeguarding the security of personal information.

At the same time, the judiciary also needs to strengthen its knowledge training in the area of personal information protection. This will not only help to enhance the professional competence of judges in adjudicating relevant cases, but will also ensure judicial fairness and enhance public trust in the judicial system. Through the combined application of these measures, we can effectively enhance the participation of all sectors of society in the protection of personal information and build a more comprehensive and efficient information protection network. This will greatly reduce the risk of information leakage and promote a clear and safe cyberspace.

5 Conclusion

In the era of digital economy, the value of personal information is increasing day by day, and it has become a core issue that all sectors of the society pay close attention to. The safety and rational use of personal information not only concerns the personal interests and legitimate rights and interests of each citizen, but also plays a pivotal role in the stability of the market order and even the maintenance of national security. However, with the rapid development of information technology, the technology iteration is changing day by day, the infringement means are more and more hidden and diverse, the damage results are difficult to estimate, which undoubtedly brings the protection of personal information unprecedented huge challenges. The traditional private remedy model and decentralized regulatory system are overstretched and inadequate in the face of such intricate and highly systematic risks. In their efforts to protect personal information, private subjects often struggle to achieve satisfactory protection due to a lack of sufficient resources and efficiency. Relying solely on the strength of individuals is far from being able to cope with the urgent needs faced by the current protection of personal information.

In order to cope with this serious situation, China has in recent years actively promoted the construction of a public interest litigation system led by the procuratorial authorities, aiming at more effective protection of personal information security through judicial channels. At the same time, the promulgation and implementation of the Personal Information Protection Law has provided more comprehensive and solid legal support and protection for personal information protection. Procuratorial authorities actively intervene in the field of personal information protection through public interest litigation, which not only effectively makes up for the shortcomings of private remedies in terms of effectiveness, but also redefines the judicial path for the protection of public interests in its unique capacity as a national legal supervisory authority, demonstrating the strong systemic advantages of procuratorial public interest litigation in the field of personal information protection. However, in judicial practice, prosecutorial public interest litigation in the field of personal information protection still faces many challenges that need to be solved, such as the difficulty of investigation and evidence collection, the lack of a clear mechanism for assuming responsibility, and the ambiguous definition of eligible subjects. Therefore, in-depth analysis of prosecutorial public interest litigation in the field of personal information protection of the practice status quo and system dilemmas, and further improve the personal information protection of civil prosecutorial public interest litigation system, has become an important issue that needs to be resolved, for the protection of citizens' personal information rights and interests, to safeguard the market order and national security has far-reaching significance. This paper analyzes the current practice of prosecutorial public interest litigation in the field of personal information protection and system dilemmas, and finds that there is a lack of rigidity in the investigation and collection of evidence, vague legal responsibility, unclear position of the procuratorate, and a lack of qualified subjects and other problems. Personal information protection is not only a technical game, but also an institutional innovation. Only through the active justice of the procuratorial authorities, the deep embedding of regulatory technology, and the extensive activation of social governance, can we build an equitable protection mechanism adapted to the digital era, and ultimately realize the symbiosis and co-prosperity between the protection of personal information rights and interests and the innovation of the digital economy.